

15. A College of International Lawyers in a Networked Society? The Need for Conceptualization of the «New International Lawyer» from a Global Perspective¹

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I. Introduction

In coping with the challenges in a networked society an active stance on the part of the community of lawyers working in the international practice of law is of paramount importance. Their professional situationality confers to those professionals the most credible legitimation to moreover transform this self-reflection into a conceptualized view of what «the new international lawyer» is or should be. This leads to a dynamic and open process of inquiry and formulation of an understanding adapted to the complexities of the ongoing changes in a globalized world. In this essay we propose to open a new chapter on this voyage: to pave the way for the next steps of a generalized and conceptualized view of what the situationality of this international lawyer is. This, despite the fact, that – paradoxically – these topics usually do not qualify in the academic world as truly academic and in the practitioners world as worthy of consideration, because of lack of time due to the discharge of daily operational work.

¹ Erstmals veröffentlicht in: Reflections on the International Practice of Law, Liber Amicorum for the 35th Anniversary of Bär & Karrer, 2004, Helbing & Lichtenhahn, Basel, Genf, München, S. 69–92.

When determining the intellectual goals, language itself in the service of contemporary reorientation should be addressed. We propose that expressions such as «international lawyer», «international practice of law», «international legal profession» and «international legal process» be reserved as *termini technici in spe and in nuce* with a guiding function and that these expressions should be continuously extended and adapted during the reform activity focused on coping with the accelerated changes and also subsequently on a ongoing basis so as to always reflect the status of current knowledge and be imbued with internationally compatible and interoperable content. This is a complex multilevel and multidimensional process. These terms, as we shall see, will be defined in a context of competing opinions, taking account of various national or supranational legal, training and professional cultures. The underlying basic issue for lawyers and law firms in practice is: how can, in view of the dramatic changes in the networked society the international lawyers safeguard or exercise a minimum freedom of action to still actively confront and even influence their own professional fate?

We argue that already the formation of language from the international perspective at which we are aiming would of course need to take account of the cognitive, emotional and cultural differences of national or supranational origin and the different pragmatic content that is might implied. We are not talking here of a Faustian construction of a technocratic homunculus, but an open process of forming definitions and institutions for the purpose of the ongoing incorporation of the growing internationalism and multiculturalism of these new phenomena. In postulating the vision of a «new international lawyer» we do not mean to replace what already exists, but supplementing what exists with something new.

Internationalized thinking about this new lawyer also means an attitude of willingness to engage with these new realities, even if, in the process of change some areas – also linguistic or conceptual – are still unclear. It further implies a willingness to change the existing realities in so far as this is justified intellectually, emotionally and culturally on the bases of state-of-the-art knowledge and opinion.

We propose to embark on an inductive and modular generalization in this multilevel and multidimensional task leading to knowledge and opinions on a metalevel corresponding to the state of internationalization. We shall propose to do this based upon a new approach focusing on the individual lawyer and the law firm, contrary to traditional approaches which are focused on legal systems. This elevates as an option of analysis the individual persons and organizations as pivotal actors shaping this new reality, leaving open the necessary complimentary contribution of an approach focused on systems. Thereby we would like to take the former thinking on step further.

We start looking back to address in chapter II what are the key drivers of the changes in the international practice of law. In chapter III we ask what key abilities should an international lawyer working in the international practice of law be educated and trained in, and in chapter IV what key knowledge and capabilities should an international lawyer working in the international practice of law have. We then attempt to

give an answer to the questions if there is need to conceptualize the situationality of the professional role of «international lawyers» working in the international practice of law in chapter V and in chapter VI about how to strive for a «college of lawyers» in a networked society.

The inviting law firm is to be commended to offer a second time² a general platform for professional self-reflections by a virtual community of brotherly friends beyond the usual predominant drive for power, purse and prestige in the profession. This essay is based upon former publications in the area of effects of globalization on legal systems, lawyers and law firms and legal educations³.

² VOGT, *The International Practice of Law*, Liber Amicorum for Thomas Bär and Robert Karrer, Basle (etc.), 1997.

³ DROLSHAMMER, *Internationalisierung der Rechtsausbildung und Forschung – eine Agenda für die interdisziplinär ausgerichtete Ausbildung zum in Wirtschaft und Management tätigen International Lawyer*, Basel (etc.), Helbing & Lichtenhahn, 2000; DROLSHAMMER, «Amerika gibt es nicht»: Tendenzen einer Amerikanisierung der Rechtsordnung, Rechtsberufe und Rechtsausbildungen in der Schweiz: Eine Agenda für eine Umgangsstrategie, in: MEIER-SCHATZ/SCHWEIZER (eds.), *Recht und Internationalisierung*, Zürich: Schulthess, 2000, pp. 367–396 (also printed in *DAJV Newsletter* 3/2002, pp. 69–78); DROLSHAMMER, *Die Situationalität des vernetzten Anwalts – zu Wandel und Wandeltauglichkeit in der International Practice of Law*, in *Symposien zum schweizerischen Recht*, in: AMSTUTZ (ed.), *Die vernetzte Wirtschaft – Netzwerke als Rechtsproblem*, Zürich, Basel (etc.), 2004; DROLSHAMMER, *The Effects of Globalization on Legal Education: An Agenda from a European Perspective for the Interdisciplinary Training of a New International Commerical Lawyer*, Zürich, 2002; DROLSHAMMER, *The Future Legal Structure of International Law Firms: Is the Experience of the Big Five in Structuring Auditing and Consulting Organizations Relevant?*, in: DROLSHAMMER/PFEIFER (eds.), *The Future of the Legal Profession*, *European Journal of Law Reform* 2, 2000, pp. 713 (also printed in: DROLSHAMMER/PFEIFER, *The Internationalization of the Practice of Law*, The Hague); DROLSHAMMER, *Verlangt die Globalisierung eine Neuausrichtung der Forschung? Beispiele von Forschungsfeldern im Bereich Recht und Management aus der Sicht eines International Lawyers*, in: *Meilensteine des Managements*, Basel (etc.), Helbing & Lichtenhahn, 2003; DROLSHAMMER/MÜLLER-STEWENS/KRIEGMEIER, *Branchenmerkmale und Gestaltungsfelder des Managements*, in: MÜLLER-STEWENS et al. (eds.), *Professional Service Firms*, Frankfurt a.M., 1999, pp. 11–153; DROLSHAMMER/MURRAY, *The Education and Training of a New International Lawyer*, in: DROLSHAMMER/PFEIFER (eds.), *The Future of the Legal Profession*, *European Journal of Law Reform* 2, 2000, pp. 505; DROLSHAMMER/PFEIFER (eds.), *The Internationalization of the Practice of Law*, The Hague, 2001; DROLSHAMMER/PFEIFER, *Der Beitritt zur Europäischen Union als Herausforderung für die schweizerische «International Practice of Law»? Lagebeurteilung und Thesen*, in: COTTIER et al. (eds.), *Der Beitritt der Schweiz zur Europäischen Union: Brennpunkte und Auswirkungen*, Zürich: Schulthess, 1998, pp. 887; DROLSHAMMER/VOGT, *English as the Language of Law? An Essay on the Legal Lingua Franca of a Shrinking World*, Zürich, 2003; DROLSHAMMER, *Der Rechtsanwalt als Hochschullehrer?*, in: FELLMANN et al. (eds.), *Schweizerisches Anwaltsrecht: Festschrift zum 100. Geburtstag des Schweizerischen Anwaltsverbandes*, Bern, 1998, pp. 531; DROLSHAMMER, *Ein didaktisches Experiment an der Universität St. Gallen und ein Plädoyer für eine transaktionale Lehrmethode im modernen Wirtschaftsrecht*, in: *Solothurnischer Juristenverein* (ed.), *Solothurner Festgabe zum Schweizerischen Juristentag 1998*, pp. 391–411;

II. What are the Key Drivers of the Changes in the International Practice of Law?

The need for conceptualization follows from dramatic changes in the *internationalization of the practice of law*.

These changes that have been described in the international practice of law⁴ are summarized below in headline form. The developments this branch of the law and lawyers has undergone can be characterized by the following elements, set out here in no particular order.

1) *Globalization*

By this we mean the increasing interdependence of the global economy, which is exemplified in a corresponding globalization of international commercial law and in the respective activities carried out by legal practitioners engaged in the international practice of law. The effects of this are unclear and little study of them has been undertaken. To the same extent that globalization brings about an internationalization of economic, political, social and cultural relations, which in turn are determined by economic, political, technological and associated cultural trends, this change affects the international practice of law and the training for it. What is happening calls for an internationalization of national legal systems, the legal professions and legal education from a global point of view. Given the lack of certainty because of the speed of change, it would seem sensible to try to understand the legal dimension of globalization, not by using the theoretical model of international commercial law, but with the help of a systematic conceptual breakdown of the activities carried out by international lawyers and international law firms as «players» in the international legal process. This development is structured by multilayered and multidimensional networks making the ability to think and operate in networks a key ability of the lawyers concerned.

2) *Legalization*

These developments have also changed the role of law and the legal professions quite substantially, because there is a growing legalization, a growing expansion of law, in the most diverse areas. The applicability of different national legal systems, based on the territorial principle, moreover has increased the significance of the creation and planning of legal enforceable relations in a neoliberal context.

3) *The spread of information*

The field of application of the international practice of law is characterized by an increasing tendency for goods – from an economic perspective – and chattels – from a legal prospective – to be essentially replaced or complemented by infor-

⁴ DROLSHAMMER, *The Effects of Globalisation on Legal Education*, Zürich (etc.), 2003, pp. 24; *The Internationalization of the Practice of Law*, The Hague, 2001.

mation. Any approach to the international practice of law which seeks to take account of this situation will require an integrated approach to communication, which in turn is inherently tied up with information as well as with modern concepts of knowledge management.

4) *Growing interdisciplinary approach*

Increasing complexity, specialization and division of labor has brought about a new interdependence of separate disciplines, which must be integrated both in the practice of and training for the international practice of law. The ability to understand and integrate this new inter- and transdisciplinary is of great importance.

5) *Professionalization*

The changes in the international practice of law are characterized by professionalization in several respects.

6) *Market orientation and commercialization*

The international practice of law is characterized by a fundamental change of perspective as far as the provision of legal services is concerned. There is a new change of focus towards the market and competition. International lawyers now regard themselves as «legal entrepreneurs» and are driven by this change of perspective.

7) *Specialization*

The huge growth in certain areas of law and the increasing number of legal issues is leading to a corresponding specialization in the international practice of law, which is having a fundamental effect on professional roles, career prospects, the organization of law firms, the provision of services and, also, on legal education. The trend towards specialization in the international practice of law does have certain technocratic elements, which sit uncomfortably with the simultaneous demand for judgment-based legal advice.

8) *Diversification of content, techniques and style in legal services*

The need for a conceptual framework remains when we look at the changes in the provision of legal services as such. The change in respect of content, techniques and style in legal services in the international practice of law is marked. The following elements and aspects are simply characteristics of this change and are not intended as generalizations within any theoretical foundation. The changes include: a relative change of emphasis from an activity based around court and administrative decisions to one focused around planning and structuring; the shift of perspective from «content to process», from legal advice to the solution of legal problems and the treatment of issues in a wider context, a substantially increased significance of the communicative dimension in dealings with law, the increased need to work together with other service providers in an integrated and interdisciplinary form and the development of strategic legal advice as a conse-

quence of new management methods and new legal developments. There is also a growing use of information technology. New skills and tools are being developed in the methodology for the solution of legal problems. There is a growing significance of emotional intelligence in the provision of legal advice, as well as a growing importance of attitudinal elements, such as legal ethics. Overall, there is a continuation of the trend to move from legal consulting to legal management and from legal management to business consulting. The main challenges posed for a possible conceptual framework are also influenced by the problem of realistically perceiving the legal services and the legal advisers acting in the various areas affected by this change.

9) *Institutionalization and organization*

The growth in numbers, geographical reach and specialization of international lawyers and the international practice of law, together with the abovementioned professionalization and commercialization, effectively mean that the professional life of an individual is more and more carried out within the organizational context of a company. The trend for international law firms to become professional service firms means that organizational principles such as «one firm», «one-stop-shopping» and «top-down management» are threatening the effective survival of the «partnership principle» and bring about a marked shift in focus from the «person» to the «organizations»

10) *The international emancipation of education and professional roles*

Education and training in the international practice of law is being adapted «from a global perspective». This is essentially leading to the internationalization of education and training. University training is being supplemented by life-long learning; new networks are springing up of those involved in legal education and further professional training in the international practice of law. Cognitive intelligence is being supplemented by emotional and cultural intelligence. Knowledge skills are being contrasted with activity skills; intellectual, commercial and cultural skills and being contrasted with ethics and attitudinal skills. New technologies, for example bio-technology, material and information technologies, call for general and interdisciplinary knowledge of aspects of life either already subject to, or about to be subjected to, legal regulation. This trend makes for new professional roles such as the international lawyer as facilitator, as enabler, as process and information engineer, etc.

11) *«Tendency for Americanization»*

The international practice of law is now essentially characterized by a tendency for Americanization and beyond that Anglo-Saxonisation.

The *sedes materiae* of the most recent spread of American legal culture makes for growing dominance by the United States in a world subject to globalization. Apart from influencing various aspects of foreign and security policy, the economy and the information society, this growing US dominance is having a strong

influence on the law, legal education and the legal professions. This trend is increased by the spread of the English language as the dominant language in international relations and international trade as well as by the spread of American management methods in both the management of organizations and in management consultancy. There is a growing consensus that these developments require a European response.

The specific conclusions from these changes will have to enter a modular and inductive conceptualization of a new international lawyer on an international metalevel, that is from a global perspective.

III. What Key Abilities should an International Lawyer working in the International Practice of Law be Educated and Trained in?

It is nowadays essential to the education and the operation of the international lawyer that the educational goals should as argued before⁵ cover the abilities of «knowledge» and «skills» in the areas of *cognitive, emotional and cultural intelligence* reconstructed from a global perspective. As a result of globalization, there is an added need for a business and law-related ability to internationalize, which above all includes inter-functional and interdisciplinary interaction between law as an advisory function and management as a decision-making function. The following areas of competence complement one another, sometimes overlap, and may be broken down in different ways depending on the approach taken to the issue. They only partially accord with the traditional guiding principles of law faculties.

1) Legal knowledge and comprehension – from knowledge to comprehension

All legal training assumes – by way of basis and prior condition of training in further and more specific skills of the international lawyer, and on the basis of cognitive intelligence – the communication of basic knowledge of legal terminology, legal institutions and legal systems. These are the foundations of general legal training, which are central and at the forefront in traditional legal training and which are also fundamental in terms of achieving professional training goals in the realms of information, knowledge and comprehension.

2) Practical and communication skills – from ability to action

The international lawyer's task – in typically direct Anglo-Saxon terms – is «to understand the legal process as part of the law in action». This encompasses *abilities* such as «to spot the issues», «to find the law», «to assess risks and opportunities», «to prepare decisions and decide», «to frame answers and solutions»

⁵ DROLSHAMMER, *The Effects of Globalisation on Legal Education*, Zürich (etc.), 2003, pp. 123.

and «to prepare the relevant communications». As for the *activities*, the international lawyer needs a specific manner of speaking, writing, informing himself and others, communicating, negotiating, researching, planning and structuring, assessing and deciding, executing procedures and projects and of being able to assert himself in the context of his respective primary function, whether as «navigator», «project and process engineer», «information engineer», «steward for the legality» and «steward for the future of law and the future of the legal profession». What is required is not just a basic insight into meaning, and a basic ability to perform this activity. Today the international lawyer must have practiced these activities and be «capable» of delivering them. They are viewed together with the other skills, recognized as being of equal value, and assumed to have been learnt, in so far as they are learnable. This area too is being increasingly professionalized in terms of subject matter and training. It is moreover constantly changing within the framework of the information society, and always requiring new, sometimes unexpectedly, practical skills and attitudes. With regard to training goals in this area, it is necessary to determine to what extent – or indeed whether at all – the law school and the law firms bears responsibility for their promotion. The increasing professionalization and integrative nature of education and training would suggest that they should. This leaves the question open as to what training should cover and what opportunities for practical experience should be provided, and what other players in the network are also involved in these training issues.

3) *Judgment, finality and attitudes*

In the area of planning and structuring legal transactions and conducting legal processes, the international lawyer and the law firm are today key players in the construction of «legal order» arising from globalization. In his advisory function, the international lawyer is always working with reference to «law» as a system of order and values, and he has to apply this system in a whole manner of ways. In this sense, he is both «advocate» and «steward» of the law in the area of conflict linking law and management. In the context of carrying on his professional functions and roles, he generally works in an effect-oriented and goal-oriented way so as to influence and change social reality on the basis of the law.

Judgment

It takes a certain judgment to be able to determine what legal information decision-makers need and what opportunities and risks an action is exposed to, based on the legal circumstances. Judgment is an essential feature of this legal activity, and teaching and training it is today considered part of the educational mission of a university and the law firms. Due to the changed relevance of legal dimensions for the corporate decision-makers, who are often in the upper echelons of management, this skill has become particularly important. Even if learning this skill is partially dependent on experience, it may be acquired by teaching and practicing. Besides the science of lawyering, this skill also relates to the art of lawyering.

Finality

This is the will and the ability to influence and structure reality, which is central to the activity of the international lawyer, and which should take into account the legal dimension. The will and the ability to have a binding effect on social reality, at the same time taking account of law as a system of order and values in all its diverse manifestations, is also a specific skill of the international lawyer. *This finality complements the analytical, judgment, planning, creative and decision-making skills which go to make up the core skills of the legal advisor.* Aspects of emotional and cultural intelligence, imaginative approaches to problem-solving, basic conviction in legal and professional matters, a basic ethical stance and interdisciplinary social skills all play an important role here in various forms.

Attitudes

Recently, «attitudes» have also acquired considerable significance for the international lawyer. This means basic convictions in legal and professional matters, and essentially also professional ethics. Today, this is a basic characteristic of a fully-formed lawyer. For the shaping of character can, and indeed should, be a subject and element of the educational remit of a university and law firms. Personal conduct is now teachable and learnable by practice, even though it is partially dependent on experience. Further, inclusion of this skill in key areas of training makes it one of the university's and even the law firm's core skills.

4) *Internationality in legal and economic terms*

In the international practice of law, practical and communication skills are used in an international context which requires particular additional skills. These involve dealing with the international nature of case facts and of economic systems, the interaction of various national, supranational and international legal systems, the interplay of various professional roles and professional cultures in the processing of international facts and transactions, dealing with various languages against the background of various legal systems, linking various legal cultures and styles and also various management cultures, linking various different interdisciplinary approaches, dealing with the new phenomenon of the technocratization and internationalization of certain legal services against the background of the logic of certain legislative structures and, very generally, the change in international professional firms and international professional services. These skill dimensions also require embedding in contemporary history, the history of ideas and the global political environment, they require particular knowledge in new technological developments such as information technology, biotechnology and material sciences, and above all sound knowledge of international finance.

The concept of training for the international lawyer from a global perspective must be based on the assumption that this area, too, can and should be taught and practiced in a university and a law firm context. Abroad, it is recognized that internationalization of training to create «interoperable» and «compatible» international lawyers can only be achieved with the simultaneous creation of training

and research institutions which themselves are also internationally «interoperable» and «compatible» and which are able to make a network-compatible and pertinent contribution to the collaboration between training and research institutions.

These are all elements of a modular and inductive conceptualization of a new international lawyer reconstructed from a global perspective.

IV. What Key Knowledge and Capabilities should an International Lawyer entering in the International Practice of Law have?

Generally it is both difficult and risky to attempt to set down in writing the elements of training for any particular career. Successful international lawyers may come from a whole variety of educational backgrounds, and indeed this is where the boundary between formal legal training and «on the job» training is unclear. One of the biggest and most controversial questions under discussion is that of what must be learnt and practiced «at school», and what must be learnt and practiced «on the job»⁶.

Irrespective of whether skills need to be acquired at university, during formal postgraduate training, on the job or with the aid of modern distance learning facilities or in the law firm, we set out below a checklist of the intellectual, social and cultural areas of which the international lawyer should preferably have some experience already at an early stage. These are further elements of a modular and inductive conceptualization of a new international lawyer from a global perspective, which go beyond a traditional concept of knowledge and capabilities of a lawyer.

- *Training and practice in national substantive law*, above all with a view to professional activity in the international practice of law. An international lawyer should have a sound knowledge of the law of his own country. In many instances, he will be giving advice not only on the application of national law, but he will also have to explain to foreign colleagues the impact and meaning of national law. An international lawyer should know his own law in sufficient depth, since only then will he be able to interpret and apply it in unusual international contexts, compare and assess possible solutions to legal problems, and also evaluate and implement these solutions on the basis of the national law or, alternatively, on the basis of other legal systems.
- *Training and practice in other legal systems*. The formal training of legal practitioners from common-law countries should include extensive knowledge of the

⁶ This text is a modified passage of the text by DROLSHAMMER/MURRAY, *The Education and Training of a New International Lawyer*, in: DROLSHAMMER/PFEIFER (eds.), *The Internationalization of the Practice of Law*, The Hague (etc.), 2001, pp. 203–226.

principles of civil law and its principal institutions; for practitioners from civil-law countries, the reverse applies. International lawyers who deal with specific foreign jurisdictions in particular should have in-depth knowledge of their legal structures and legal institutions. An international lawyer should develop the ability to apply basic methods to the study of foreign law. Lack of knowledge of the foreign law, as well as comparative-law techniques, often leads to parochial preference being given to a lawyer's own legal system, indeed sometimes to the detriment of the international client.

- *The ability to conduct legal research on foreign law.* Training in legal research should be extended to foreign and international sources of law for the international lawyer. Indeed, the Internet has made this task considerably easier for international lawyers and students of law the world over. The international lawyer should know how the relevant sources of law may be found for all jurisdictions, where these sources are of significance to a particular international transaction or international legal dispute. This also includes the ability to read these sources and to understand them in the corresponding cultural context.
- *An understanding of international legal professions.* International lawyers must be familiar with the international and foreign legal professions and their roles in legal transactions or court proceedings in the various national and international legal regimes and systems. They must also be aware of legal principles and regulatory structures which determine these international professional fields.
- *Knowledge of the relevant foreign languages.* For continental-European and Asian international lawyers, the ability to speak, read and write English is essential. For English and American international lawyers, it is desirable to know one major European or Asian language for professional purposes and to be able to speak, read and write the languages of the legal regimes with which they have the most important and frequent contact. An international lawyer looking after a complex multinational transaction as lead counsel should have language skills in the national languages of the principal parties to the transaction. Excessive reliance on translations or on the language abilities of other parties involved in the transaction may significantly disadvantage the international lawyer. The linguistic knowledge in question must always be relevant to the profession, i.e. the international lawyer's language skills must include knowledge of technical and legal terminology.
- *Interdisciplinary background knowledge.* Nowadays, most international lawyers have a certain degree of interdisciplinary knowledge of economics, management, political science, etc. This knowledge is of great importance in the international practice of law, since international lawyers often have to devise solutions outside conventional legal structures. Very generally, economic and business knowledge can be acquired at university or vocational colleges and then used and expanded in practice through reading and further study.
- *General education.* A sound and all-round general education in international history, politics and economics, as well as knowledge of social, cultural and state institutions help the international lawyer to acquire the global perspective which is

necessary to successful representation of a party's interests in international transactions and litigation.

- *Experience in international transactions.* This latter part of an international lawyer's training, the most difficult to acquire, requires genuine experience of a range of international transactions, institutions and types of litigation that are characteristic of the international practice of law. Together with sound knowledge of substantive law, this experience is one of the indispensable preconditions of solving complex legal issues. It is not easy to acquire and increase this type of experience; experimental teaching methods do not generally form part of the teaching curriculum at training institutions or in professional continuing education, either nationally or internationally. Traditionally, such abilities are acquired «on the job» during the first few years of professional practice or within the framework of particular specialized courses, especially continuing professional education.

It is self evident that these knowledge and capabilities required in the international practise of law transcend traditional categories of professional education and training and itself require a new view and synthesis from a global perspective of the essence of the situationality of international lawyers on a meta-level going way beyond a phenomenological description of these new realities.

V. Is there a Need for Conceptualizing the Situationality of the «New International Lawyer from a Global Perspective»?

We posit and postulate, that today there is a need for commensurate conceptualization.

There have been many reasons not to address this issue so far. Many lawyers have argued that the international practice of law is a playground for just a few; others argued, that in times of dynamic changes it is unfit and impossible to conceptualize. Others argued, that the multilegal, multicultural, and multilinguistic dimensions are plainly too demanding and too far reaching. Others said, that globalization in economic matters is not here to stay. Yet others were discouraged by the growing role of the United States and the Anglo-Saxon world and in particular of the spread of English as the language of law as a new lingua franca in professional matters⁷. With the exceptions of some Anglo-American universities, the topic was not considered to be of academic interest. The practicing international lawyers, haunted by timesheets and the discharge of day to day operational tasks, did not find the time or did not see the strategic relevance of dealing with these issues out of self interest. The process of critique accompanying the process of law lacked a critical and public dialogue of

⁷ DROLSHAMMER/VOGT, *English as the Language of Law? An Essay on the Lingua Franca of a Shrinking World*, Zurich (etc.), 2003.

those issues. The contributions of modern management thinking in the area of professional service firms were received defensively even by larger law firms which constantly stressed how different the lawyer work and the lawyer organizations are. The major setback of cohesion and of the multidisciplinary practice dimensions of the now big four firms were taken as pretext to the de-prioritize respective questions of conceptualization in the field of international practice of law by independent lawyers and law firms. In legal science it has to be noted, that the implications of globalization for legal actors were first analyzed for judges and legislators and not for lawyers and law firms. The degree of self reflection of the persons and organizations immediately affected was slow to grow in lawyers and law firms as well as in respective professional associations. A general widespread delay existed because of a lack of clear «ownership of the issues» and corresponding lack of a clear analysis of self interests in the issues.

Peter Murray and myself in 2001 at the end of our article on «The Education and Training of a New International Lawyer»⁸ in a chapter about conceptualizing the «new international lawyer», were (although the seeds were already planted) hesitatingly timid in our agenda-setting and methodology driven remarks:

«The present state of constantly changing «internationality» does yet not lend itself to coherent theory-building. For the time being, this text uses the terms «new international lawyer» and «international practice of law» without attributing to them defined and definitive meanings. For now may it suffice to reserve those terms to permit a more gradual definition and specification.

The concept is of a transnational legal order which attributes a pivotal function to the «international lawyer» and «international law firms». This conceptualization is likely to lead to an evolution of the international lawyer of the present to the international lawyer of the future, with competencies as information engineer, as facilitator, as interpreter and in particular as enabler of alliances and transactions. Conceptualization of the role and function of the new international lawyer can be analyzed in a three steps or stages.

As a first step one can argue why it may make sense to give the «international lawyer» a pivotal role in the construction of the transnational legal order. The argument would be that the «international lawyer» in his functions of planning and structuring transactions, of steering complex processes on the time axis, of adjudicating complex international matters in commercial arbitration and in his function of advising top management in legal matters of strategic importance is on the forefront as regards timing as well as the substance of the «international legal process».

A second step of the analysis could deal with the issue, «Why should there be a special theoretical framework for international law practice»? The analysis could argue that the novelty of the perspective chosen, the novelty of the role of the «international lawyer», the key role of this function in the internationalization of business, and in particu-

⁸ DROLSHAMMER/MURRAY, The Education and Training of a New International Lawyer, in: DROLSHAMMER/PFEIFER (eds.), The Internationalization of the Practice of Law, The Hague (etc.), 2001, pp. 224–225.

lar the inadequacy of presently existing concepts to describe the international practice of law, merit revisiting this question.

A third step could treat the issue, «What would be the purpose of such a new theoretical framework?» The analysis could argue that this framework could reinstate the «lawyer» as actor in the «international legal process» and start from his specific role as «creator» in the «legal process» of the «Rechtsverwirklichung» (realization of law). Presently neither the traditional «legal profession» nor traditional «legal education» is adequately focused on that reality. This repositioning of the role of the lawyer could provide for the potential inclusion of various dimensions of that activity, encompassing the «art of law» as well as the «science of law». Moreover, it could provide for the potential inclusion of cultural, racial, religious, psychological, sociological, economical and other elements necessary to adequately describe the role and approach of the «new international lawyer».

Careful attention should be given to the fact that the «international practice of law» nowadays is almost exclusively performed by «international lawyers» organized in «international law firms». This fact could well require an extension of the theoretical framework from the «person» of the «international lawyer» performing the legal services to the concept of the «organization» of an «international law firm» acting as an enterprise of and for those persons performing the «legal services». The analysis could also address how the «international lawyer» as pivotal actor relates to the actors of the clusters of «legal systems» and «legal educations», leading to a conceptual framework for a multi-actor-network necessary for the «international legal practice». Adding an international dimension to the ongoing discussions of the transformation of the American academic culture would, and extending this discussion to law as social science could be an encouraging development.»

Since the time that text was written – in my opinion – the tide has turned.

This is evidenced *inter alia* by the following examples:

In the Anglo-Saxon universities, the extended subject «legal professions» has become more and more established. This led to the fact that certain representatives of academia started to regularly write in this area, again predominantly in the Anglo-Saxon world. As the group of authors of this publication itself shows, a new generation of international lawyers has discovered the strategic need for self-reflection and self-generation of knowledge of this new international lawyer and the new international law firms. The growing professional media on the legal professions and on law firms gradually increased the level of transparency and awareness of those issues in a networked society. Other academic disciplines such as economics, philosophy, psychology etc. have made successful inroads in breaking down barriers of disciplines offering complementary contributions to the role of lawyers and law firms. The recent academic publications on the role of law and law firms – still predominantly focused on a specific national legal order or a legal culture – are more widely distributed, recognized and read. The most prominent international professional associations recently put the topics on their agenda and formed subcommittees such as the IBA and the ABA. The reconfiguration of networks of stakeholders dealing with legal training and education are actively participating in the restructuring of the law school curricula bringing a person-centered-approach to abilities and skills into the universities.

The emergence of the phenomena of networks

Two major developments helped the crossing of the rubicon, *the first one being the emergence and acceptance of the phenomena of networks* and its relevance for lawyering and law firms, which has incontestably established itself as controlling reality in the discourse. The ability to grasp internationalization as an the «ability to network» («Netzwerkkompetenz») has established itself on a meta-level as a basic prerequisite that the lawyer in the international practice of law can exercise his professional role in timely and competitive manner⁹. This «ability to network» requires and brings about the often postulated «access-ability» («Andock» – or «Anschlussfähigkeit») of the lawyer in the network. This basic ability on a meta-level has also established itself as an important precondition, that in and through networks «comparability» and «compatibility» of professional contents can be brought about; it also has become a precondition for establishing «interoperability» of international lawyers operating in networks of the international practice of law. This development has also proven to be a precondition for the «ability to compete» in networks as well, be there internal networks within law firms or external networks between law firms.

In that context in the past years the process of internationalization and globalization, which leads to interdependence and interconnectedness, had a far reaching effect on the situationality of the professional role of the lawyer and the law firm, which have been by and large brought about by scientific, technological and economic innovations and advantages of the information society. The concept of networks at times even changes the form of enterprise and the form of organization of the cooperation among lawyers as alternative form of organization. The development further directly affects the business model of the law firms and the range of services offered by them. The independence of time and place in networks has accelerated the expectation of the cooperation partners and clients. The available information-technological tools have constantly changed the daily life of attorneys. The phenomenon of networks places the issue on the other side of the rubicon, since it reconfigures and reformulates the issue on a meta-level regardless of the national, cultural and professional environments of the actors in the network.

The emergence of the phenomena of integration

The *second* more recent development which moves the issue on the other side of the rubicon creating a need for conceptualization is the obvious *necessity on a meta-level of the integration of multidimensional aspects of professionalism*, brought to the table by various disciplines such as law, economics, psychologies, sociology, political science, communication science, history, cultural studies, etc. This is the case even if one focuses on the professional role of the actors in the international practice of law in the narrow sense. This partly has to do with a more integrated view brought about by the personalized approach to the situationality of the international lawyer and law

⁹ DROLSHAMMER, Die Situationalität des vernetzten Anwalts – zu Wandel und Wandeltauglichkeit in der International Practice of Law, in: AMSTUTZ (ed.), Die vernetzte Wirtschaft – Netzwerke als Rechtsproblem, Zurich (etc.), 2003, pp. 215.

firms itself. It more over is due the progresses in various other disciplines infusing expert knowledge in the topic. Further it has to do with specific market pressures in the discharging of the legal services itself. Last but not least it is due to the fact, that lawyers and law firms have realized, that they are stakeholders in this development and that they also have a clear personal and business interest to integrate as part of their professional life not only the discharge of professional services or the organization and operation of professional service firms but also to reflect and particulate strategies on the role of lawyer and law firms as part of running their organizations as enterprises. Just as the development brought about by the influence of networks, these developments by the influence of interdisciplinary integration bring about a change of level – we are moving to a meta-level from a global perspective – in situating the *sedes materiae* of dealing with the topics of conceptualization of the new international lawyer. The «ability to integrate» is the substantive complement of the formal «ability to network».

VI. How to Strive for a «College of Lawyers» in a Networked Society?

For coping with the challenges in a networked society by the theoretical redefinition and the reconfiguration of the professional situation of the international lawyer and the international law firm there is no standard blueprint. It is obvious, that the need to conceptualize contrary to expectation increases in times of rapid change. It is obvious as well, that the task of reconfiguration in the area of «international lawyer», «international law firm» and «international legal process» is a complex multilevel and multidimensional task which goes beyond using a descriptive and an inductive method of modularization in conceptualizing the descriptive observations in the areas of the key drivers of the changes in the international practice of law, key abilities and key knowledge and capabilities of a new international lawyer.

No intellectual endeavor without its proper method

The suggested strife for a «college of international lawyers» will have to start with a definition of the *design of the exercise of conceptualization as such*. This is a *precondition for conceptualization*, which is usually not dealt with. In that design we propose to specifically focus and elaborate on the following key pivotal elements of. We propose to first embark upon an exercise of *change of mindset* as a necessary precondition. This is an underestimated and daunting task, since we have the habit to deal with the presence and future with concepts of the past. The task is demanding, since we are dealing with the establishing of the construct of a new international lawyer from a global perspective on a meta-level, which will be aggregated from modular elements from various legal, political and societal cultures and which will require the brake down of accepted categories and thinking require and a new openness for sub-

stantive integration of contributions from various disciplines which in the formal networks turn are constantly changing in view of the present internationalization.

Besides the change of mindset, we also propose to *constitute a network of affected and interested actors* and install a parallelized and not centrally planned focused joint venture of analysis. Among those actors one would have to be universities, law firms, lawyers, professional associations, professional media etc.

As advocated before we further propose as pivotal element to chose in this design an *issue focused and issue driven approach*, which makes the lawyer and the law firms as actors the pivots of these conceptualizations.

In order to move this drive for a «college of international lawyers» we additionally advocate an institutionalized process orientation, leading to a dynamic and open process of inquiry and formulation of this reconfiguration. As said above we propose that expressions such as «international lawyer», «international practice of law», «international legal profession» and «international legal process» be reserved as *termini technici in spe and in nuce* with a guiding function and that these expressions should be continuously extended and adapted during the reformulation activity so as to always reflect the state of current knowledge and internationally compatible and interoperable content. This complex multilevel, multidimensional and multidisciplinary process be defined in a context of competing opinions, taking account of various national or supranational legal, training and professional cultures.

As a last pivotal element we then propose the institutionalization of *a new field of inquiry, study and communication under the heading of «legal professions»*. This should become a complementary wing of the architecture of the science and art of law, fully accepted and integrated in the information and communication activities in the «international legal process». It is in our opinion one of the limitations of traditional concepts of analysis of changing social realities that the legal sciences have been too late and too hesitant to broaden its scopes of intellectual and emotional dealings with new realities by having the courage to include *a substantive and integrated dealing* with the process of generation, application and enforcement of law («Rechtsbetrieb der Rechtsverwirklichung»), in particular by including the individual or organizational actors as responsible stewards for the cause of law. This would necessitate an increased transparency as regards these issues with a respective integral communication. It would be among others an appealing analogy to establish a lively forum such as Lingua Franca¹⁰, «The Chronical of Higher Education» as «Review of Academic Life» in sciences in America at the far end of conceptualization and communication about the «New international Lawyer».

No intellectual endeavor without its proper sources

Major efforts of conceptualization will have to draw on and combine the various contributions of various disciplines presently wrestling with the phenomena of analy-

¹⁰ Quick Studies, The Best of Lingua Franca, edited and introduced by STAR, New York, 2003.

zing the effects of globalization. They will be important starting points of this voyage of conceptualization, waiting in libraries to be used in this exercise of conceptualization.

Books on lawyers and law firms

As regards to the lawyer and the law firm in a narrower sense books cited below¹¹ might serve as such sources and starting points. Their titles –predominantly Anglo-Saxon – are in itself indicative: *The Warrior Lawyer*; *The Lawyers Myth, Reviving Ideals in the Legal Profession*; *Lawyers and Fundamental Moral Responsibility*; *La restructuration de l'ordre juridique international par les multinationales du droit*; *Professional Competition and Professional Power*, *Lawyers, Accountants and the social Construction of Markets*, *Legal Culture and the Legal Profession*, *Tournament of Lawyers*, *The Transformation of the Big Law Firm*, *A Nation Under Lawyer*; *Chicago Lawyers*, *The Social Structure of the Bar*; *The Social Responsibility of Lawyers*, *The Lost Lawyer*, *Failing Ideals of the Legal Profession*; *The Betrayed Profession*, *Managing the Professional Service Firm*, *True Professionalism*, *The Loneliness of the Comparative Lawyer*, *The Rule of the Lawyers*, *Ethics in Practice: Lawyers» Roles, Responsibilities and Regulation*, *In the Interests of Justice: Reforming the Legal Profession*, *Cause Lawyering and the State in Global Era*, *Power of Attorney*, *The Rise of*

¹¹ ABEL, *Lawyers: A Critical Reader*, New York, 1997; BARNHIZER, *The Warrior Lawyer*, *Powerful Strategies for Winning Legal Battles*, Irvington on Hudson (etc.), 1997; BENNET, «The Lawyers Myth, Reviving Ideals in the Legal Profession», Chicago (etc.), 2001; COQUILLETTE, *Lawyers and Fundamental Moral Responsibility*, Cincinnati, 1995; DEZALAY, *Marchands de droit. La restructuration de l'ordre juridique international par les multinationales du droit*, Paris, 1992; DEZALAY/GARTH, *Dealing in Virtue*, *International Commercial Arbitration and the Construction of a Transnational Legal Order*, with a foreword by BOURDIEU, Chicago, 1996; DEZALAY/SUGARMAN (eds.), *Professional Competition and Professional Power*, *Lawyers, Accountants and the social Construction of Markets*, foreword BOURDIEU, London, 1995; DROLSHAMMER/PFEIFER (eds.), *The Internationalization of the Practice of Law*, The Hague (etc.), 2001; FRANCK, *The Empowered Self*, *Law and Society in the Age of Individualism*, Oxford (etc.), 1999; FRIEDMAN/SCHIEBER, *Legal Culture and the Legal Profession*, Boulder (Colorado), 1996; GALANTER/PALAY, *Tournament of Lawyers*, *The Transformation of the Big Law Firm*, Chicago, 1991; GLENDON, *A Nation Under Lawyers*, *How the Crisis in the Legal Profession is Transforming American Society*, Cambridge (Massachusetts), 1994; HEINZ/LAUMANN, *Chicago Lawyers*, *The Social Structure of the Bar*, Revised Edition, Evanston (Illinois), 1982; HEYMANN/LIEBMAN, *The Social Responsibility of Lawyers*, New York, 1988; KORHOJNEN, *International Law Situated*, *An Analysis of the Lawyers Stance Towards Culture, History and Community*, The Hague (etc.), 2000; KRONMANN, *The Lost Lawyer*, *Failing Ideals of the Legal Profession*, Cambridge (Massachusetts), 1993; LINOWITZ, *The Betrayed Profession*, *Lawyers at the End of the Twentieth Century*, New York, 1994; MAISTER, *Managing the Professional Service Firm*, New York, 1993; MAISTER, *True Professionalism*, New York, 1997; MAYSON, *Making Sense of Law Firms*, *Strategy, Structure and Ownership*, London, 1997; MERRYMAN, *The Loneliness of the Comparative Lawyer and other Essays in Foreign and Comparative Law*, The Hague (etc.), 1999; OLSON, *The Rule of the Lawyers*, New York, 2003; RHODE (ed.), *Ethics in Practice: Lawyers Roles, Responsibilities and Regulation*, Oxford (etc.), 2000; RHODE, *In the Interests of Justice: Reforming the Legal Profession*, Oxford (etc.), 2000; SARAT/SCHIEINGOLD (eds.), *Cause Lawyering and the State in Global Era*, Oxford (etc.), 2001; STEVENS, *Power of Attorney*, *The Rise of the Giant Law Firms*, New York (etc.), 1987; VOGT et al. (eds.), *The International Practice of Law*, *Liber Amicorum for Thomas Bär and Robert Karrer*, Basel (etc.), 1997.

the Giant Law Firms, and: The International Practice of Law or The Internationalization of the Practice of Law.

Books on dimensions to be integrated

More complex and daunting will be the task to integrate existing and potential contributions from other disciplines into the construction of a «new international lawyer» and a «new international law firm». We just would like to mention a few possible «points de rattachement» for such an integrative exercise. The books cited maybe on the way to become «Great Books»; the list is not systematic and incomplete¹².

If one would want to focus on the necessary change of mindset as a precondition for the design for conceptualization one might turn to *Howard Gardner's Changing Minds, the Art and Science of changing our ones and other people's minds*, Boston, 2004. The sociological dimensions of globalization are drawn up for example by *Ulrich Beck in What is Globalisation?*, 2000. In that context one might further turn to *Anthony Giddens's, Runaway World: How Globalisation is Reshaping Our Lives*, 1999 and the seminal *The Consequences of Modernity*. From a sociological perspective on the actors in forces *Richard Sennet's The Corrosion of Character, The Personal Consequences of Work in the New Capitalism*, 1998 might also be of interest. *Rüdiger Safranski's Wieviel Globalisierung verträgt der Mensch?* (How much globalization can man bear?), 2003, might give indications of a philosopher as to the limits and of

¹² BECK, *Macht und Gegenmacht im globalen Zeitalter: Neue weltpolitische Oekonomie*, Frankfurt a.M., 2002; BECK, *What is Globalisation?*, Cambridge (UK), 2000; BELL, *The Coming of Post-Industrial Society and Venture in Social Forecasting*, 1973, with a new foreword, *The Axial Age of Technology*, 1999; CASTELLS, *The Power of Identity*, Vol. II, *The Information Age: Economy, Society and Culture*, Oxford (etc.), 1997; ERIKSON, *Dimensions of a New Identity*, New York, 1974; FEYERABEND, *Conquest of Abundance, A tale of Abstraction versus the Richness of Being*, Chicago, 1999; FREIDSON, *Professionalism, The Third Logic, On the Practice of Knowledge*, Chicago, 2001; GARDNER, *Changing Minds, The Art and Science of Changing Our Own and Other People's Minds*, Boston, 2004; GIDDENS, *Runaway World: How Globalisation is Reshaping Our Lives*, London, 1999; GIDDENS, *The Consequences of Modernity*, Stanford (California), 1990; GILOVICH/GRIFFIN/KAHNEMANN, *Heuristics and Biases, The Psychology of Intuitive Judgment*, Cambridge (UK) (etc.), 2002; HARRISON/HUNTINGTON (eds.), *Culture Matters: How Values Shape Human Progress*, New York, 2000; HUNTINGTON, *The Challenges to America's National Identity*, New York (etc.), 2004; KENNEDY, *Two Globalizations of Law and Legal Thought: 1850–1968*, pp. 631–679, *Suffolk University Law Review*, Volume XXXVI, 2003; KÜNG, *Global Responsibility in Search of a New World Ethic*, New York, 1996; KOSKENNIEMI, *The Gentle Civilizer of Nations: The Rise and the Fall of International Law 1870–1960*, Cambridge, (UK), 2001; LESSING, *Code and Other Laws of Cyberspace*, New York, 1999; MILLER, *The Mystery of Courage*, Cambridge (Massachusetts) (etc.), 2000; SAFRANSKI, *Wieviel Globalisierung verträgt der Mensch?* Hanser, 2003; POSNER, *Frontiers of Legal Theory*, Cambridge (Massachusetts), 2001; SAID, *Reflections on Exile and Other Essays*, Cambridge (Massachusetts), 2000; BAYOUMI/ROBIN (eds.), *The Edward Said Reader*, New York, 2000; SAID, *The World, the Text and the Critic*, Cambridge (Massachusetts), 1982; SARAT/GARTH/KAGAN, *Looking Back at Law's Century*, Ithaca (New York), 2002; SENNET, *The Corrosion of Character, The Personal Consequences of Work in the New Capitalism*, New York (etc.), 1998; SLAUGHTER, *A New World Order*, Princeton (etc.), 2004; SUNSTEIN(ed.), *Behavioural Law and Economics*, Cambridge (UK), 2000; VON KROGH/ICHIJO/IKUJIRO, *Enabling Knowledge Creation, How to unlock the Mystery of Tacit Knowledge and Release the Power of Innovation*, Oxford (etc.), 2000; WATTS, *Six Degrees, The Science of Connected Age*, New York, 2003.

the potential of this new international lawyer, if applied to this category of persons. Cass Sunstein's (ed.), *Behavioral Law and Economics*, 2000 might be of help to fructify. Thomas Gilovich's/Dale Griffin's/Daniel Kahneman's *Heuristics and Biases, The Psychology of Intuitive Judgment*, 2002 for the construction of a new international lawyer. ; Lawrence Harrison's/Samuel Huntington's (ed.), *Culture Matters: How Values Shape Human Progress*, 2000 might put the need for values in perspective from the point of view of political sciences, just as Hans Küng's *Global Responsibility in Search of a New World Ethic*, 1996 might be of value to introduce the ethical dimension in the construction of a new international lawyer form a theologians perspective. A fruitful contribution could come from Eliot Freidson's, *Professionalism, The Third Logic, on the Practice of Knowledge*, 2001 helping to construct, beyond the focus of a new lawyer and a new law firm, a new profession. The changed realities in a networked society are adequately described in Manuel Castell's, *The Power of Identity, Vol. II, The Information Age: Economy, Society and Culture*, 1997. There probably is no way around Lawrence Lessing's, *Code and other Laws of Cyberspace*, 1999 if one would want to draw the necessary conclusions on the fate of law, lawyers and law firms in times of cyberspace. In the context of the new relevance of knowledge management Georg von Krogh/Kuzuo Ichijo/Nonaka Kujiro, *Enabling Knowledge Creation, How to unlock the Mystery of Tacit Knowledge and Release the Power of Innovation*, 2000 might give clues from a perspective of management science. Conceptualization efforts will necessarily have to deal with networks. In that context one should consult the important book by Duncan Watt's – a physicist and sociologist –, *Six Degrees, The Science of Connected Age*, 2003. If one were to dwell upon the question of identity of a new international lawyer, it could be interesting to come back to Erik Erikson's, *Dimensions of a New Identity*, 1974 from a psychoanalytical perspective and to that attempt to fructify literary criticism theorizing about identity such as Edward Said's, *Reflections on Exile and other Essays*, 2000 and *The World, the Text and the Critic*, 1982. The broader view of the pasts» centuries» developments in law as regards to the topic may be found in Austin Sarat's/Bryant Garth's/Robert Kagan's, *Looking Back at Law's Century*, 2002. How deep the fountains of the internationalization of the lawyers professional situation today are might be found in Duncan Kennedy, *Two Globalisations of Law & Legal Thought: 1850–1968* and hopefully further publications in the making from a perspective of jurisprudence. The effects of the legalization of the world of network of the legal actors such as legislators and judges have recently been described in Anne-Marie Slaughter's (a lawyer and political scientist) *A New World Order*, 2004. Should one want to identify the incidence of legal theory on this issue, one might consult Richard Posner, *Frontiers of Legal Theory*, 2001. With a keener eye on personalized concepts of legal science from an international legal perspective books as Thomas Franck's, *The Empowered Self, Law and Society in the Age of Individualism*, 1999 and Martti Koskenniemi's, *The Gentle Civilizer of Nations: The Rise and the Fall of International Law 1870–1960*, 2001 might be indicative. Should one want to further develop Carl Jasper's and Gadamer's approach of «situationality analysis» to underpin the focus of the conceptualization on the individual lawyer as actor from a philosophical perspective Outi Korhonen's, *Inter-*

national Law Situated, An Analysis of the Lawyers» Stance Towards Culture, History and Community, 2000 is innovative and informative. A jewel of modern interdisciplinary analysis relevant to the role of professional individuals is *William Ian Miller's, The Mystery of Courage*, 2000. If one wanted to introduce some imaginative and irreverent frivolities into the discourse one might turn to *Paul Feyerabend's* – the author of *Anything Goes*, the legendary book on the philosophy of science – *Conquest of Abundance, A tale of Abstraction versus the Richness of Being*, 1999.

This set of special contributions of various relevant disciplines can and should be cast into the mosaic of construction, if one nowadays wants to seriously think about conceptualization of a new international lawyer and a new international law firm from an integrative perspective.

VII. Closing Remarks

«No intellectual endeavor without its proper vision»

Why not strive for a new «College of International Lawyers» in a networked society, by going back in the tradition of international public law and analyzing and developing it further for those lawyers who are active in the international practice of economic and business law? In the spring of 2001 the American Society of International Law Annual Meeting sailed under the theme «The Visible College of International Law», mirroring the title of a seminal article of Oscar Schachter of 1977 «The Invisible College of International Lawyers». Oscar Schachter was writing of an exclusive and noble college of a at the time small group of mostly Anglo-Saxon male, generally internationalists of an academic posture, who partially were active in university and partially in practice or in government. Just as in the field of international public law, the fast changes of the past years, the increased numbers of lawyers, the growing discrepancy between international law and the realities of international relations, the advent of new specialties and subgroups, the occupation of important posts in business world and in governance in the international realm by persons without formal education in international public law, lead to a reconsideration of Oscar Schachter's view of 1977 in 2001, a similar process could be institutionalized in the world of the international practice of law by breaking down the conceptual barriers between the culture of «international lawyers» operating in a sphere of international public law and those operating in a sphere of international economic and business law. We are not advocating a «retro-romantic» and nostalgic professionalism. We are advocating a forward looking reconstruction of individuals and organizations as actors from a personal and organization oriented as well as a global perspective. It certainly would help such exercise if one were to conceptualize a new «virtual community of lawyers» engaged in their international practice of law, creating a professional culture which would deserve the name of a «College of International Lawyers», which would, however, not be as «invisible» as Oscar Schachter's College was in 1977. Certainly

judges, in-house counsels, legal officials and university professors should be included in this network. Such conceptualization of a new international lawyer could lead to a family of lawyers engaged in the international practice of law forming a community worth being called a *professional*.