

PRACTICING IN THE FIELD OF INTERNATIONAL LAW

NATIONAL EXPANSION

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Among the most diverse and disparate legal practice areas is the practice of international law.

Although the notion of treaties and trade agreements between countries may first come to mind when one contemplates the field of international law, it is, in fact, much more varied than that. From cross-border intellectual property claims to maritime law, military jurisdictional issues, and child custody disputes, the field is wide open to practitioners possessing assorted backgrounds and areas of expertise. We will examine the opportunities that exist for international lawyer.

Between Nation-states

The first element in determining whether a matter falls within the rubric of international law is the diversity of geography between the parties. This is true whether the parties are nation-states involved in a dispute or even private citizens of different states who need to look to international law to resolve a conflict. The claim at issue may be one of banking, project finance, a trade issue, or an environmental dispute, but once the parties have diversity of nationhood or national citizenship, the claims will likely be litigated under international norms rather than domestic legal ones.

International Commercial Practices

International commercial matters are typically governed by conventions and treaties that have been entered into between two or more states. However, despite the enormous body of such signed Lex Mercatoria agreements, international practitioners also rely upon customs and usages—collectively, ‘Customary Law’—that have evolved over the centuries regarding global commercial transactions. In May 1969, those customs were codified in the Vienna Convention on the Law of Treaties by the International Law Commission of the United Nations, which went into effect on January 27, 1980.

Because such practice is international in scope, American lawyers who practice international commercial law might be posted to an overseas office of a multi-national corporation, the foreign offices of a U.S. law firm, or be assigned to the offices of an international organization overseeing trade, intellectual property, maritime, or import-export customs issues. They may also be assigned to a U.S. consulate or embassy.

Public Versus Private International Law

Aside from legal topics of dispute, the practice of international law is further broken down into two different categories: ‘public international law’ and ‘private international law’, the former involving nation-states as the parties and the latter involving private entities engaged in cross-border disputes. An example of an international public dispute would be a grievance involving economic law, diplomatic law, or human rights law, whereas an example of a private international dispute would be liability claims arising from the release of toxic substances, such as the Chernobyl nuclear plant meltdown or the gas leak in Bhopal, India.

Practice Before Tribunals

Perhaps one of the best-known international law tribunals is the International Court of Justice

Executive Summary

› The Issue

What areas of practice fall under the heading ‘International Law’?

› The Gravamen

A wide range of practice areas encompass international law, comprised of civil disputes, criminal matters, disputes between nation-states, and disputes between citizens of different geographical locations.

› The Path Forward

In order to determine whether an international law case exists, first examine the issue of the international diversity of the parties.

(ICJ), which is the judicial arm of the United Nations. UN member states have assigned jurisdiction to the ICJ to settle legal disputes between nations; however, the UN itself is yet another international body before which international law practitioners appear to argue their clients' claims during UN commission and committee sessions.

The International Criminal Court (ICC) investigates cases in which genocide, war crimes, and other 'crimes against humanity' have been alleged and, in some circumstances, conducts trials of the accused. It is considered complementary to, and not a replacement of, national courts. Not all UN member states bring cases to the ICC, and its jurisdiction is limited to those states that are signatories to the Rome Statute.

Interpol—the international criminal police organization—is yet another international body where international law practitioners might file requests for arrest warrants to be issued or to contest warrants that interfere with their client's freedom of movement. And the Court of International Trade, a U.S. tribunal, has jurisdiction over civil actions arising from federal laws governing import transactions.

International Environmental Law

In recent years, concern over protecting the environment and mitigating climate change have spurred both interest and participation in global environmental law forums and regulatory bodies. The Stockholm Declaration of 1972 resulted from the United Nations Conference on the Human Environment, and practitioners also monitor the progress of the United Nations Environment Program.

A key element of international environmental law is achieving cooperation between sovereign states and among the industrial players operating within their borders. Principle 21 of the declaration provides that a state must prevent activities in its territory that harm the environment of other states. A decade after the declaration was signed, the World Commission on Environment and Development introduced the concept of sustainable development, allowing states to meet their present needs without preventing future generations from being able to meet theirs. Achieving that delicate balance has also fallen under the purview of international law practitioners.

Action

1 Signatory Status:

A thorough examination should be made in order to discover whether a particular convention or treaty has been entered into that governs your international law issue.

2 Customary Law:

Even if a specific convention or treaty does not govern in your case, research whether or not customs and usages apply, and if so, whether they have been codified.

3 Applicable Tribunal:

A myriad of tribunals exist governing everything from trade to maritime law, the environment, and child custody; determine before which tribunal your dispute may be heard.

4 Private International Law:

International claims and not only among nation-states, and your private clients may also have claims for which knowledge of international law may become crucial.



Cross-border Family Law

Although domestic child custody disputes are addressed by state and federal law, when international child custody disputes arise, the applicable jurisdiction and law may be difficult to determine. Nevertheless, The Hague Convention—an international treaty—has sought to clarify and universalize which laws apply in such circumstances. The Hague Convention may be useful in returning a child who has been wrongfully removed to another country; however, as with the Rome Statute referred to above, the Hague Convention only applies to those countries which are signatories to it.

In sum, no one area of practice comes under the heading of “international law,” and lawyers looking to enter this field may very well find their experience and expertise in a wide variety of practice areas suitable in the international law arena.

“INTERNATIONAL LAW TRADITIONALLY FLOURISHES WITH LIBERAL HEGEMONY, SHARED INTERESTS, OR BALANCE-OF-POWERS PARITY. THE FIRST CONDITION IS VISIBLY WANING. THE SECOND AND THIRD CONDITIONS SUPPORT REGIONAL AND FUNCTIONAL ISLANDS OF MULTILATERALISM. WHILE THOSE ISLANDS MAY SOMETIMES BE SHAKY, THEY WILL CONTINUE TO PROVIDE WORK FOR INTERNATIONAL LAWYERS.”

- INGO VENZKE, RESEARCH FELLOW AND LECTURER, AMSTERDAM CENTER FOR INTERNATIONAL LAW, UNIVERSITY OF AMSTERDAM

Further Reading

1. <https://www.justia.com/international-law/>
2. https://www.law.cornell.edu/wex/international_law
3. <https://www.curtis.com/glossary/public-international-law>
4. <https://www.dfa.ie/our-role-policies/international-priorities/international-law/how-international-law-works/>
5. <https://libguides.law.ucla.edu/privateinternational>





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After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



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William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



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