Globalisation and the English Judiciary

Avrom Sherr, PhD, Solicitor
Woolf Professor of Legal Education, Institute of Advanced Legal Studies, University of London

Globalisation tends to be studied descriptively or analysed pejoratively.[1] Most studies suggest that there are winners and losers. Braithwaite and Drahos,[2] suggest that "there are paradoxes of sovereignty in the growth of global regulation when national sovereignty and the sovereignty of elected Parliaments are eroded, the sovereignty of ordinary citizens is sometimes enhanced".[3] Their analysis takes the viewpoint of a campaigning individual or organisation who wishes to react to the effects of globalisation. In so doing, they analyse the mechanisms of globalisation and show how, through webs of influence, countries and companies have exerted power to create global institutions. In thirteen areas of economic endeavour context is seen to be supremely important but themes of process and influence emerge. Three distinct kinds of globalisation are suggested as being important – globalisation of firms, of markets and of regulation. Each form of globalisation appears to be possible without the other and each may be a useful approach to globalisation if the others are not available or too difficult. Globalisation of regulation is therefore seen as one alternative, but not the only approach. Braithwaite and Drahos promote a perspective on regulation which "reframes individuals as subjects as well as objects of regulation and states as subjects and objects of regulation". "Understanding modernity … demands the study of plural webs of many kinds of actors which regulate while being regulated themselves".

The impact of globalisation on law itself merits rather different study. Lechner writes "by analogy with normative order within societies we can say that international law provided for many centuries and even before the official "start" of the Wallersteinian world system, the pre-conflictual elements in international conflict and the pre-contractual elements in trans-societal contracts".[4] He notes more than 20,000 treaties and conventions by 1991 and that

---

[1] See e.g. Micklethwait, J. and Woolridge, A. *A Future Perfect: The Challenge and Hidden Promise of Globalization* (Crown Business, N.Y. 2000) for a more positively eulogising text.
[2] Braithwaite J. and Drahos, P., *Global Business Regulation*, Cambridge University Press, Cambridge 2000.
[3] *Ibid*, p 31.
[4] Lechner, F.J. (1991), *Religion, Law and Global Order* in Robertson, R. and Garret, W.R. (Eds.), *Religion and Global Order*, New York: Paragon House, p 268.

commercial law has become "an intricate, autonomous legal order on a transnational scale, developed over many centuries by participants in a truly international community".

In companion with others Braithwaite and Drahos note that it is largely the United States who lead the globalisation trail, "the US State has been by far the most influential actor in accomplishing the globalisation of regulation. Today the European Commission is beginning to approach US influence. When the US and EC can agree on which direction global regulatory change should take, that is usually the direction it does take."[5] Carlos Rivera-Lugo[6] provides a view from South America, "in Latin America and the Caribbean, we are today facing a new form of legal acculturation as a consequence of the new legal colonisation our legal systems and economies are experiencing in the hands of the neoliberal global order." It is possible, therefore, to see globalisation as simply a new form of colonisation in which American companies, American systems and American law begins to take over states, cultures and indigenous systems of law and regulation.

The scale of the expansion and influence of a few organisations is startling. According to Norena Hertz[7] "Fifty-one of the one hundred biggest economies in the world are corporations, compared with only forty-nine nation states. The sales of General Motors are greater than the GTP of the whole of sub-Saharan Africa. Wal-Mart, the USA supermarket retailer, has higher revenues than most central and eastern European states. Governments are reduced to playing the role of servile lackey to corporations, desperate to attract foreign capital to their shores."

These grand analyses of globalisation are rather different from effects as perceived within one jurisdiction and by one set of actors within the legal system inside that jurisdiction. To some extent, the United Kingdom, or at least England and Wales has benefited from this effect. As a major trading and financial centre with a good reputation for dispute resolution, and a common law base which is not inimical to US law principles, London has been able to maintain some of its status both for adjudication and arbitration.

[5] *Ibid*, p 27
[6] In an abstract to be presented at the W.G. Hart Conference in June 2001
[7] HTTP:\\www.channel4.co.uk\+\web\election2001\norena.htm

Globalisation is, though, both an opportunity and a threat as far as the United Kingdom is concerned. Some smaller commercial enterprises will see themselves as being swallowed up by much larger, international concerns. Other businesses will see themselves as becoming part of a much more important, major actor on the world stage as a result of joining a global conglomerate. Similarly, smaller nation states find it useful to ally with one or another larger state or groups. The UK is somewhat torn between the United States as its natural co-linguist, with a common law background and a conjoined history. However, geography has placed it closer to a political union which provides a rival opportunity and threat. So far as regulation is concerned, it was recognised by the senior judiciary some years ago that European Community legislation was like "a tide" which would enter all our rivers and engulf us and our own regulatory system.

> "But when we come to matters with a European element, the treaty is like an incoming tide. It flows into the estuaries and up the rivers. It cannot be held back. Parliament has decreed that the treaty is henceforward to be part of our law. It is equal in force to any statute. … The statute [Section 2.1 of the European Communities Act 1972] is expressed in forthright terms which are absolute and all embracing. Any rights or obligations created by the treaty are to be given legal effect in England without more ado. Any remedies or procedures provided by the treaty are to be made available here without being open to question. In future, in transactions which cross the frontiers, we must no longer speak or think of English law as something on its own. We must speak and think of Community law, of Community rights and obligations, and we must give effect to them. This means a great effort for the lawyers. We have to learn a new system. The treaty, with the regulations and directives, covers many volumes. The case law is contained in hundreds of reported cases both in the European Court of Justice and in the national courts of the nine. Many must be studied before the right results can be reached. We must get down to it." [8]

This has certainly proved to be true. European legislation now affects almost all areas of life and therefore almost all areas of legislation. For the English lawyer and the English judiciary it is now essential to understand how the European court system works and also how to read and understand both civil law type legislation and judicial decision making. If there is international pressure on the English judiciary, it is certainly from this source rather than the usual purveyor of globalisation, the United States. Citation of authorities both from Europe and the United States has become commonplace in the English courtroom. Judges who are trained to understand the effects of the Human Rights legislation, for example, have also to understand how the European Convention on Human Rights, from which this has been taken has been construed within Europe. The polity which helped in producing and exporting the

[8] Lord Denning in *H.P Bulmer -v- J. Bollinger* (1974) 2 All ER 1226@1230.

convention to the emerging nations of the old Commonwealth, is now forced to take its own medicine, now subject to other jurisdictional interpretation and analysis.[9]

At the same time legal systems have moved away from a Kelsenian hierarchy of norms within a self-contained, national legal order. A legal system is better conceptualised as a network of norms with no clearly fixed priorities (see Ost and Van de Kerchove, 2000). Norms exercise different degrees of influence, rather than being all or nothing standards. They come from a variety of sources, national, sub-national and supra-national. The task of the lawyer, or the judge, is not just to find the will of a national legislator.[10]

Legal Education and Training for a Global Jurisdiction

If economies, polities, companies and regulation systems are all going global, then how should legal educators proceed in order to prepare student lawyers, student judges and society for a global jurisdiction? Two very different sets of approaches are beginning to emerge. Papers given at the American Bar Association – University of London Conference at Senate House, University of London last year defined the division quite well.[11] John E Sexton, Dean of New York University Law School spoke on NYU's international law degree programmes, aiming directly to achieve the production of the international lawyers of the future. The mix of public international law, private international law, issues of proper law, of forum conveniens, brushed with a mixture of comparitivism, did not expose a particularly new approach to teaching issues of international law in a global environment, but took such issues to new heights of attainment.

The "boxer" in the opposite corner of the ring was Professor William Twining, a legal philosopher and legal educationalist from University College London. He decried much of the "global" talk, showing that the globalisation effects seemed to be majorly significant in only some countries, but not all.[12] Pretensions of handling the entire globe were far from realised. Whole issues of culture, such as those of Muslim law were largely untouched by these "global processes". Elements of good old fashioned "colonialism" seemed as much part of this vauntedly new process as any positive attributes. And the real possibilities of

[9] See Sherr, *Freedom of Protest, Public Order and the Law*, Basil Blackwell, Oxford, 1989, Chap. 9.
[10] See *Legal Education in a Post National World*, John Bell's paper at the W.G. Hart Workshop in London, June 2001.
[11] Proceedings of the Conference *Legal Education in the United Kingdom and the United States in the New Millennium* are currently in press.
[12] Twining, W. *Globalisation and Legal Theory*, Oxford 2000.

understanding, working in, and analysing very different law cultures and systems were as difficult as they had ever been. Comparative law was not a simple, overview type optional analysis but needed a depth of understanding of society and social context in situ before a new internationalisation of regulation could actually be effective. A multi-national conglomerate might trade in a new area, might even pressurise the local government to take upon itself Western, or US legal principles and systems, but the local reality might equally impose its opposite effect into the operation of a contract or project.[13] Success in this area meant utilising and understanding local norms and not transplanting alien systems even together with the rejection suppressing drugs of financial inducement.

If Twining is correct, then legal education for the new global lawyer would be less superficial, less tied to a specific hierarchical view and more open to a careful listening and understanding of what will work in each locality, rather than what has worked elsewhere and is within the knowledge of the imposing legal entity.

This "anthropological" view of legal education may be aiming for a perfection we cannot afford. But the analysis shows a far deeper level of understanding of the real problems faced. Examples of systems which have not been able to adjust include Fiji where an alien constitution was shrugged off within a year of its inception, leaving numbers of foreign companies, advisers and experts in uncertainty, loss and sometimes danger.

As can be seen from the paper of His Honour Judge David Pearl yesterday, the English judiciary are not separately trained, as in other countries. Achieving a judicial position is the summit of a legal career, mainly for barristers but now increasing for some solicitors as well. Although there is specific training for judges from the Judicial Training Board, much of the training relied on is the training carried out by solicitors and barristers prior to qualification and their subsequent experience of at least fifteen years in practice in, and before, the courts. Therefore, in the United Kingdom if we are to attempt to train our judges for the effects of globalisation, we need to be thinking about such training for all solicitors and barristers. Any additional training for judges themselves would have to be considered as a set of short term courses lasting no more than (say) one to three days, the norm for such judicial training.

[13] Hence his title *Cosmopolitan Legal Studies*.

Legal education and training has undergone massive changes in the last twelve years at the vocational levels. The barristers began with a new Bar Vocational Course in 1987 and solicitors followed with a new Legal Practice Course in 1990. Post experience education, sometimes called Compulsory or Continuing Professional Development is now mandatory both for Solicitors and for the Bar.[14]

The major distinction between the new vocational legal education and previous versions is the move from detailed, specific and rigorous knowledge of elements of "black letter" law and procedure over to a more conceptual approach to the areas of law which are necessary and the training of legal skills. This conceptual approach together with the education in legal skills is intended to produce lawyers who can adapt to major changes in regulation, regulatory systems, forms of practice and the global jurisdiction into which they will qualify.

The approach taken at the vocational level has washed backwards also into the undergraduate degree programme. A major report by the Lord Chancellor's Advisory Committee on Legal Education and training in 1996[15] queried the way in which the system of legal education and training was progressing and considered all elements of the system. They recommended a more complex system of entry and exit points. They also recommended a more close liaison between practice and the academy and separate periods of vocational training followed by experience followed by further vocational training. In particular they noted the needs for more international knowledge and skills[16] and they also saw a major ethical challenge in the way in which both legal education and practice was developing. Much of the suggestions made by the Committee have been set aside, but its analysis is well cited and useful. Together with more recent reaction from some of the large city firms unhappy with the new system of vocational training, major questions about the nature of legal skills training have been asked.

The entire curriculum from undergraduate legal education through postgraduate legal education, including vocational legal education and post experience legal education is therefore now under discussion. Forces bearing down on the undergraduate degree include

[14] See, for example, Sherr, A., *Professional Legal Training* in *Tomorrow's Lawyers*, Special Issue of the Journal of Law and Society, Vol. 19, No. 1, Spring 1992, pages 163-174.
[15] *First Report on Legal Education and Training*, ACLEC, 1996.
[16] See, for example, Wilson, G. Chapter 15 in *Frontiers of Legal Scholorship*, Wilson, G., Ed, London 1995; Markesinis, B.S., Chapter 1 in *The Gradual Convergence*, Markesinis, Ed., Oxford 1994.

the supervisory role which the Bar Council and the Law Society (solicitors) exercise on law degrees which they will recognise as leading towards a professional qualification. A quasi-governmental authority, the Quality Assurance Agency for Higher Education, is involved in setting standards for all academic disciplines, including law (which has been one of the three first subject disciplines) through "benchmarking" of what needs to be studied in a law degree and what competence achievements are necessary. All of these discussions focus around the increasing abundance and complexity of regulation and the need to produce practicing lawyers, regulators and judges who will all be able to operate in an increasingly global environment.

The crux of the skills issue, the question of whether this form of education is as rigorous as learning sets of law off by heart and what the essential ingredients of legal competence might be are current issues of focus in considerable debate between government, profession and academy. A recent suggestion dropped by a minister in the Lord Chancellor's Department that every law degree should involve some practice element was greeted with immediate derision from some quarters[17] and embraced in a major way by legal educators involved in the more mass system of legal education in post 1992 universities. For the latter, obtaining entry into professional jobs is still a great difficulty for their graduates. Any assistance in producing graduates who would be more job worthy is a clear advantage.

Generic skills[18] and generic concepts of law are all clearly part of a rationalising approach which allows for movement and contextual change such as that to be experienced in globalisation. But local reactionary forces see these changes either as not being beneficial for their own practice, or as not being taught in the most effective way to produce the desired result. A return to a more rigorous, focussed, detailed and acontextual knowledge base seems an unlikely outcome of this contest. But it remains the desired alternative for a considerable and influential group within the profession – specifically those who themselves are involved in global law.

[17] See *Society of Public Teachers of Law* Editorial, Summer 2000.
[18] See e.g. Sherr, A. *Client Care for Lawyers*, Sweet & Maxwell, 2000, Chapters 8, 9.

The Global Law Firm

The most evident area of the study of globalisation effect on law in the UK has been the growth of the large law firms which are indigenous to the UK, and the movement of large American law firms into London offices. Flood[19] notes how the largest five or six law firms in the UK have managed to differentiate themselves from the next group of law firms down the list through "globalisation". He likens this differentiation to the position attained by the largest accountancy firms who have similarly used English or American roots from which to expand their practices internationally.

Some of the power of the large law firms stems simply from their size and therefore their economic strength. Some of their power derives from their archipelago of foreign offices. Sometimes these are mere satellite offices passing work back to the main, central office in London, New York or Los Angeles. By being on site, aware of the social and cultural conditions, and available to local business, they can be an effective front office for sales of the English or American product to local, foreign business. But the learning suggests that such offices can be an expensive drain on resources.

A rather different model seems to have emerged in the last decade. The largest firms have real offices in the major capitals and areas of business throughout the world. Either by buying up local firms, or merging with them, or creating alliances close to partnership, a strong and real network of international law firms grows. Similarly, the large law firms may hire local lawyers and set up original branch offices. All of these would carry out elements of local law in situ, as well as feeding work back to the head office and having work sent on for head office clients who wish to trade in these other countries.

Global capital needs global law, it is argued, and the economies of size, knowledge of the business and knowledge of people (between the lawyers and their clients) would suggest this was correct.

The senior partner of Clifford Chance reported a year ago that he did not feel bound so much by the ethics or rules of conduct of the Law Society of England and Wales, but by international codes which more clearly affected their transnational and international business.

[19] Flood, J. *Megalawyering in the Global Order: the Cultural, Social and Economic Transformation of Legal Practice*, 1996, International Journal of the Legal Profession, pages 169-215

If a set of conduct rules or a set of professional ethics were to be inculcated into all Clifford Chance trainee lawyers and lawyers one might imagine that it might contain both local rules and international. However, it is clear which way the firm looks to decide its allegiance and practice.

Firms of this nature and lawyers practicing in this way could pose serious problems to the legal system in which they operate. Judges must have allegiance to local rules and regulations, but will wish to have an eye on how decisions are made elsewhere so that litigation will not disappear from their shores.

Forum Shopping

When Lord Donaldson was Master of the Rolls (the most senior civil- non-criminal work-judge) he was very clear about the importance of effective litigation in London as a means of supporting the City of London as a financial centre and also London as a business and commercial centre. Contracts made in the English language and under English law were more likely to be disputed in the courts in London and it was essential that a Rolls Royce version of court and litigation was available for such disputes. The courts and the system of litigation were seen as an adjunct to the financial and commercial world. One would complement and support the other.[20]

A large proportion of international commercial agreements are still written in English and a very large number of these express their proper law as being that of England and Wales. For example, some eighty percent of cargo charter contracts internationally are written in English and to be decided under English law. Every shipload will engender hundreds of such agreements relating to elements of its cargo and every shipload will cause numbers of small disputes, a proportion of which end up in litigation.

Although there is tremendous force still in the use of the English language, there is concern among the judiciary in England that some disputes are going to Frankfurt rather than to London because of the enormous cost of litigating in London. Arbitrations in large

[20] Interestingly, this mirrored the departmental management of the large English commercial law firm. Inside the largest commercial law firms litigation is often seen as an adjunct department which does not provide its own work but acts as a support to work done in other departments of the firm. This is a very different approach to the litigation departments of large US firms which hold their own clients and have a more important position and income stream within law firm finances and management.

commercial issues are taken to Paris as well a London. Patents for Europe can be litigated in London or Munich. Trademarks can be litigated in Alicante or London.

The Rolls Royce system has a Rolls Royce price tag. In order to obtain the best silk (Queens Council) in the commercial bar for a large piece of litigation a company will pretty much have to put down a million pounds in advance. Some companies will be prepared to do this and this in itself may depend upon how large or how global they are, what their own cultural jurisdictional background is and what advantages they would see in the likely judgments to be obtained in an English court. But, many will clearly feel that the system is too costly and too lengthy and will go elsewhere.[21] Arbitration either in England, or in Paris is a real option and one which does not provide the same level of publicity as litigation. Similarly mediation is becoming a much more important alternative especially for disputes between parties who have the possibility of longer term relationships.

The "Island" Mentality

Internationalisation and globalisation both set up a dichotomy of choice for smaller states, individual legal jurisdictions and any economy which is tied principally to others. Joining into a larger grouping or joining with the forces of a larger state or economy could provide easier entry to economic success or stability but there may be sacrifices which come with these advantages. Individuality, culture, system and detail of regulation may to some extent be sacrificed. But the pressures to join are enormous. It is not possible to stand still whilst the world around moves on, and still maintain political and economic strength and knowledge.

A small island such as England, balanced on the edge of the large European continent, though warmed by a gulf stream flowing directly from the United States, feels highly pressured to join both the European polity and the European jurisdiction. Not only do these pressures relate to particular changes in law agreed centrally in Brussels, but the manner of implementation is assumed to be that of a completely different jurisdictional legal family, the civil law approach. English judges know that their judgments in almost all areas of economic and social existence may go beyond our House of Lords (highest court of appeal) and

[21] One wonders if the Bank of Credit and Commerce International would have started litigation, had they known how long it would take. And the litigation is still running!

onwards to the European Court of Justice, or to the European Court of Human Rights. Our judges therefore have to take careful note of both the rulings and the system of those courts and of mainland Europe. In some senses, it is felt by some, that England is being colonised by Europe, European law and civil law. There is no doubt that we are moving economically and politically closer and closer to Europe and may share the same monetary system before long.

However, the United Kingdom has also maintained its special relationship with the United States, through NATO and through personal contacts which seem to transcend different complexions of government. This author believes that the UK is not so much pulled towards the United States, judicially, as supported by the difference which the United States may have from Europe. Since globalisation effects tend to mean the strength of American led companies, American led law and American led legal system, this often acts as a general support or alternative guidance to the European continental shift, to which we are otherwise subject.

Recession

A time of impending recession is a good moment to take stock of what a nation's economy relies on. It is clear that we in England and Wales have more commercial dealings with Europe than with the United States of America. Yet, a recession in the United States of America could affect the whole of Europe and therefore it could affect England and Wales as well. Globalisation plus recession means that global companies which use England and Wales, for example, for industrial production may be making staff redundant and closing down factories because of a slowdown in business in a completely different part of the world. This causes unemployment in England and Wales which then causes a downturn in purchases, investment and savings and thus results in the same effects of recession as elsewhere.

Judicial Control

In the European Court of Justice case of *AM & S Europe Ltd -v- Commission*[22] Legal Privilege in EU Competition Law was said to be rather less for in-house lawyers than that in the normal lawyer- client relationship. Communications between an in-house lawyer and governments or an in-house lawyer and companies were less privileged. Since then the

[22] 1982 in [ECR 1575]

position of governments' in-house lawyers was considered in Carlsen.[23] Recognition was given to the legal privilege of the Council of Europe and the European Commission's in-house legal services. The same ethical right and conditions were not given to in-house lawyers of companies. This opens up to judicial inquiry the advice and operations of the in-house lawyers of companies operating within Europe, and potentially could include some large, multinationals.

Globalisation Effects Disguised

In 1998 – 1999 the English judiciary had to prepare for and operate an entirely new set of rules of civil procedure. Known as the Woolf Reforms, after the (then) Master of the Rolls who devised them, these rules of procedure were aimed at organising the articulation of disputes at an earlier stage so that a smaller number of disputes needed to be litigated in court.. This has indeed occurred with a reported eighty percent drop in the numbers of cases initiated in the court system since the reforms were introduced. The reforms also involved a complete change in the detail, style, approach and outcomes of the system of civil procedure which were intended to engender more alternative dispute resolution and more mediation even for cases which were brought to the court system. New rules as to costs were especially stringent and placed a new and immediate responsibility on all judges to exact retribution against those who wasted the time of the court or used the litigation process in order to prolong disputes.

Some have argued that the intentions of the Woolf Reforms were partly to move towards a more European approach to litigation and therefore designed to be both closer to the systems of Europe and also more attractive to those who were used to litigating in those systems. It is not clear that the author of those reforms shares the view that they were so intended. However, it is clear that some judges and some legal practitioners see this as a clear effect of the changes to the system. Judge David Pearl in his paper yesterday has mentioned briefly the impact of these reforms and the training for them. A large amount of time was taken up by the judiciary in learning, understanding and then putting into practice these reforms in order to make them happen in the manner intended.

The other aspect of "Europeanisation" if not globalisation which has already been mentioned is the European Convention on Human Rights which was brought into English legislation

[23] Case T-610/97 *Carlsen -v- Council of the European Union*, judgment of 3rd March 1998.

with the Human Rights Act of 1998, taking effect in the year 2000. Without the constitutional background which almost every other state has both for rights, democracy, and ethical code, the UK has stood out as the only jurisdiction without a written constitution.[24] The enactment of the Human Rights Act brings the UK in line with other jurisdictions to a large extent in putting in place what a constitution would otherwise have provided. Learning the effects of this completely different approach to wide areas of the law in the style which had been adopted in other jurisdictions, has also been a major time investment for the English judiciary.

These two items taken together over the last four years have been a major pressure in terms of time and thought and implementation. Asking members of the English judiciary now whether they believe they can see the effects of globalisation receives fairly blank expressions. It could be said, though, that globalisation has come to the English judiciary through means such as the Woolf Reforms, the Human Rights Act, the continuing effect of membership in the European Union and a myriad of smaller items which may not be perceived together as having an impetus in a single direction. The views of most are clear, though. We are involved in a globalisation movement which has not yet reached its highest point.

[24] Israel until recently also appeared not to have a written constitution but the set of fundamental rights which has been put in place there probably serves this purpose.

BIBLIOGRAPHY

ACLEC, 1996.*First Report on Legal Education and Training*.

Bell, J., *Legal Education in a Post National World*, John Bell's forthcoming paper at the W.G. Hart Workshop in London, June 2001.

Braithwaite J. and Drahos P. *Global Business Regulation*, Cambridge University Press, Cambridge 2000.

Carlsen -v- Council of the European Union, Case T-610/97, judgment of 3rd March 1998.

ECR 1575, 1982.

Flood, J. *Megalawyering in the Global Order: the Cultural, Social and Economic Transformation of Legal Practice*, 1996, International Journal of the Legal Profession, pages 169-215.

Wilson G., *Frontiers of Legal Scholorship*, Wilson, G., Ed, London 1995.

Lechner, F.J. (1991), *Religion, Law and Global Order* in Robertson, R. and Garret, W.R. (Eds.), *Religion and Global Order*, New York: Paragon House, p 268.

Legal Education in the United Kingdom and the United States in the New Millennium, proceedings of the American Bar Association – University of London Conference at Senate House, University of London, 2000 (in press).

Lord Denning in *H.P Bulmer -v- J. Bollinger* (1974) 2 All ER 1226 @ 1230.

Markesinis, B.S., Chapter 1 in *The Gradual Convergence*, Markesinis, Ed., Oxford 1994.

Micklethwait, J. and Woolridge, A. *A Future Perfect: The Challenge and Hidden Promise of Globalization* (Crown Business, N.Y. 2000)

Sherr, A. *Client Care for Lawyers*, Sweet & Maxwell, 2000, Chapters 8, 9.

Sherr, A., *Professional Legal Training* in *Tomorrow's Lawyers*, Special Issue of the Journal of Law and Society, Vol. 19, No. 1, Spring 1992, pages 163-174.

Sherr, *Freedom of Protest, Public Order and the Law*, Basil Blackwell, Oxford, 1989, Chap. 9.

Society of Public Teachers of Law Editorial, Summer 2000.

Twining, W. *Globalisation and Legal Theory*, Oxford 2000.