Globalization and its multiple cross-border exchanges in virtually every area of human life has led, in the legal arena, to a growing demand for global lawyers, that is to say, for legal professionals capable of proficiently thinking and practicing Law from a global, rather than local, perspective (FLOOD and Sosa, 2008).

The demand for such professionals is the result of specific tension that has surfaced between the organizational mesh of legal systems, which are founded on the national State and sovereignty within defined geographical borders, and the transnational (borderless) vocation that characterizes the social, political and economic dynamics of globalization (Silver, 2009).

If the economy and trade, over a long period, have already incorporated the international context as an intrinsic element into its thought-process and its practice, the same cannot be said for Law, which continues to operate on the territorial-national basis which characterizes the institutions that materialized during the rise of the Modern State.

Law’s predominantly local approach struggles to meet the demands of a world that some label a ‘post-State’ (Horsman and Marshall, 1994). As it undeniably remains, nonetheless, a vital instrument to design and drive the economic means that characterize a globalized world, Law has come under significant pressure to change its workings, institutions and dynamics.

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2 Bachelor of Laws, Universidade de Sao Paulo (1985). Master of Laws in English Linguistics and Literature, Universidade de Sao Paulo (1995) and Doctor of Laws in English Linguistics and Literature, Universidade de Sao Paulo (1998). Visiting researcher at the Wayne State University (Detroit-MI, USA) with a scholarship granted by CNPq. Conducted postdoctoral research at the State University of Campinas (UNICAMP) from August 2003 to July 2004. Full-time professor at Getulio Vargas Foundation Sao Paulo School of Law (FGV DIREITO SP).
Such change must take into account the pressure from several actors – markets, governments, groups with specific interests, non-governmental organizations – whose interests pull together and represent a powerful homogenizing force. A political, social and business environment that operates through multiple borders requires, in order to function, a certain degree of uniformity in the legal instruments for such a structure.

It is this new framework that brings about the need for global lawyers, that is to say, legal professionals who are capable of understanding their role and working efficiently within a multi-jurisdictional framework. For this reason, challenges implied in trying to design adequate spaces and mechanisms to educate these new global lawyers in each country, as well as the difficulties that this task implies, have dominated a large part of the more recent literature on legal education (LOCKWOOD, 2003).

This need for global lawyers – and for the educational institutions to form them – is particularly urgent in Brazil, whose fast economic growth is inextricably linked to its more complex involvement in the global market (and its equally complex international regulation). In fact, as has already been noted (FALCÃO, 2009), one of the major hurdles the country has to overcome on its path to sustainable development is precisely that of the lack of skilled legal professionals. Brazil needs – and lacks - lawyers who are apt not only at understanding the complexities of Law in this new international scenario, but also at designing novel ways to adjust them both to meet the country’s international interests and its local peculiarities. Such professionals are key in the country’s project to establish sustainable, inclusive development.

This paper presents an overview of the current state of legal education in Brazil. The first section presents a brief account of the main socio-economic changes over the past two decades since they are key to understanding the new context and challenges for legal education in the country. The second discusses the way in which such changes have helped shape a new scenario for educating lawyers in Brazil, the difficulties this poses for substantial reform, and the strategies adopted by several actors in the legal profession to attempt to meet the challenge of providing the country with the global lawyers it needs.

The background assumption informing the data and ideas discussed here is that Brazil’s need for a new type of lawyer, including the regional specificities, changing
emphases and the educational solutions it prompted, is deeply linked to the development model the country has chosen to adopt since its return to democratic rule in the late 1980’s. This link between the characteristics of the legal profession and the broader political and economic landscape, though arguably true in every country, becomes much more central for emerging countries due to the sharper institutional reshaping they had to undergo to adequately respond to the needs of globalization.

In Brazil, such reshaping has translated in a profound transformation in the way the State and market operate in the economy as well as in a intense demand for better governance and more effective accountability of both these actors. This has led to enactment of socially far-reaching, conceptually innovative legislation and practices which demanded, for their design, implementation and adjudication, a body of legal professionals the country obviously did not have in sufficient numbers.

This shortage of legal professionals ready to aptly respond to the new challenges grew more and more evident as the country rose as a regional power and a relevant player in the global scenario. New policies demanded changes in the traditional legal framework, the kinds of legal education associated with it, and the type of lawyers it had produced. Decisions by successive Brazilian administrations both to open markets and privatize major State-owned companies (mostly in the 1990s) and to have the State play a key role as a development engine (mostly since the 2000s) have demanded sophisticated legislation to create the new institutional apparatus required. (SHAPIRO and TRUBEK, 2012). To bring about these changes, new laws, new legal education, new style lawyers were needed.

The changes in Brazilian legal education that this paper tracks must therefore be seen as a broader chapter in the story of the country’s effort to adapt its political, legal, economic and social institutions to the inescapable, often threatening, new dynamics. It is the belief of the authors that no sensible analysis of the way the country has perceived and acted to response to the need for formation of new legal professionals can be decoupled from this deeper understanding of its broader socio-political context or from the varying development models it has embraced over time. In what regards more specifically the educational dimension, analyses of legal education must necessarily take into account that a key promise of all the post-military rule administrations has been to enhance access to universities, mainly to that vast majority of the population to which it had been historically denied. They need also to factor in that this new policy
for universities was linked to the promise of its providing the new, ascending groups with a professional expertise that would allow them to thrive in a booming and increasingly competitive market.

It should thus come as no surprise, given the pent-up demand for university education, that the market for legal education in the country has become one of the largest in the world, if not the largest, nor that it is mainly carried out by private, for-profit institutions created on the wake of the market-opening policies of the 1990s and boosted by the cash-transfers and tax-breaks policies of the 2000s.

Catering for an enormous public, which was hungry for social ascension via university degree and had the financial backing of the government to pursue it, private Law schools made an option for mass education, usually coupling low fees, low wages for teachers, little or no concern for academic research and uncertain overall educational quality. They also adopted the traditional lecture as their default methodology (which allows for very low costs as a single teacher can easily teach for over 100 students at a time), the traditional manuals as their teaching material (which these institutions can sell in great number to students), and the traditional curricula as their course content (once the traditional syllabus which characterizes most élite Law schools is part of what the emerging social groups believe will guarantee their acceptance in the market).

These new Law Schools are not primarily concerned with forming new legal professionals, let alone corporate or global lawyers. They are aware that a sizeable portion of their public is looking for a university degree rather than specifically for on in law degree because the sheer fact that one has attended university importantly enhances one’s chance of finding a job in a country still plagued by precarious education. Most their alumni have dismal results at the Bar exam but this does not prevent these law courses from continuing to be attractive for those in search of certification rather than professional training. They are certainly not the place to look for when one wants to understand the response of Brazilian education to the need of global lawyers.

Such response has in fact been given, however, by a number of different institutions adopting different strategies. Mainly in São Paulo and Rio de Janeiro, new Law schools have been created, with new curricula, materials and methodology have been created by prestigious educational institutions sensitive to the new role of Law in the development of the country.³ Law offices have started offering in-house courses and

³ FGV DIREITO SP and FGV DIREITO RIO; University of São Paulo – Campus at Ribeirão Preto and IBMEC.
there has been a boom in enrollment for LLMs and continuing education both in the country and abroad (mainly in the U.S.).

**Contextual background**

The restoration of democracy and the ensuing economic stability set the stage that for Brazil to become one of the main emerging powers in the beginning of the 21st century. Returning to a democratic lifestyle re-opened the channels for the general public to participate in public life, for authorities to resume inspection of academic programs, and for operation of mechanisms that ensure accountability of government agents. The need to render accounts to society and to compete for votes in general elections, which characterizes working democracies, brought with them important improvements in the functioning and design of institutions across the board and deeply affected public governance (GHIRARDI, 2014).4

In the economic field, the Real Plan (1994) came to grips with Brazil’s disastrous hyperinflation. The currency’s recovery, together with adjustments to taxes and exchange rates, among other efforts, provided room for successive governments to recuperate the capacity to invest and for the country to become more attractive to direct foreign investments (FDIs). The benefits from this structural adjustment were boosted by an international economic scenario that was favorable to Brazil, which, between 2002 and 2012, went from being the 13th main economy in the world to the 7th.

The presence of Brazilian companies abroad and foreign companies in Brazil, an important element for such economic advance, increased in intensity and complexity. Throughout this period, arrangements based on mixed capital (foreign/national; public/private) grew and became more sophisticated, as did business strategies bringing both Brazilians and foreigners together. The qualitative shift in the economic approach was only made possible due to changes in the ways Law in Brazil was conceived and implemented.

The redesigning of State governance methods throughout the 1990s is one of the most significant of all changes made within and through Law. Not only redefining the State’s role by means of privatization in several areas, but also creating regulatory

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4 A version of this argument was developed in GHIRARDI (2014).
agencies and new legal models (such as the legal concept of consumers) required innovative transformation of legal institutions and mechanisms. (Sa e Silva and Trubek, this volume)

In a similar fashion, governmental entities have created a growing demand for legal professionals that are capable of putting together the instruments needed to make a broad range of new socio-economic policies work. The lack of skilled professionals to do so, and the limits that such a shortage instills on implementing policies and supervising markets, soon become glaringly evident.

Besides this transformation of the State, the private sector also underwent a change to become or remain competitive in the new globalized scenario. Creating new markets and new governance rules based on international standards was just one of the many innovations that helped redefine the dynamics of the Brazilian market over the last two decades.

Insofar law offices are concerned, market changes became perceptible by the mid-1990s. The market for legal services became more competitive as a new type of law office started to become hegemonic. Professionally managed law offices, with career plans and employee-lawyers not on retainers started to overshadow the family-owned, family-managed law offices which had traditionally controlled the market. (CUNHA et al., 2007; NELKEN and FEEST, 2001).

The increasing number of mergers and acquisitions involving Brazilian and foreign companies, coupled with the soaring presence of Brazilian firms in foreign markets, as well as other changes, worked together to shape a novel and rather complex scenario which required some local adjustments to a global reality. Here, also, the country suffered from the dismal number of legal professionals capable of skillfully taking on the multiple challenges stemming from this new business framework.

Challenges and opportunities for educating global lawyers in Brazil

5 For a detailed discussion of the Corporate Law Firms and General (In-House), see Gabbay, Ramos and Sica; Oliveira and Ramos in this volume.
All the changes resulting from this new context only heightened the problem of preparing legal professionals apt to meet the challenges of corporate-led globalization and to handle its multiple local implications. Space for such education in Brazil has changed as different actors attempted to design ways to meet the new demands. Different responses to what must be done to adequately train legal professionals to act in such a scenario have generated tensions between new models and traditional institutions. The current story of Brazil’s legal education today is largely the story of such tensions.

For this reason, any debate on legal education in Brazil is obliged to take into consideration, as a starting point, the set-up and the importance that traditional colleges have taken on as formal educational spaces. As the main locus for legal education they play a key role in the landscape of legal education in the country. Their focus on traditional curricula, their low regard for methodology and their exclusive focus on preparing students for success in the Brazilian Bar Association (OAB) exam, rather than on developing professional abilities, has often led them to oppose changes in the way Law is taught in the country. With this, they are the canvas on which a colorful clash takes place to develop other spaces and other logics for legal education.

It is important to recall that Law courses in Brazil are five-year undergraduate courses. The curricula are regulated by the Ministry of Education, which by means of the Education Guidelines Act (Act Nº. 9,394/96) defined the pre-requisites for private and public schools across the entire Brazilian territory, regardless of the region.

Students in the fifth year of a Law course or those with a Bachelor of Law degree from a Brazilian school, or the equivalent thereof, recognized by the Ministry of Education, may sit the Brazilian Bar Exam, which is mandatory for those who want to work as an attorney. According to some critics, this approach, in which the law schools see themselves primarily as issuers of the certificate required to sit the Bar exam, has put training for the exercise of the profession in second place. More and more, critics show that most colleges prioritize training students for the exam rather than educating them for legal work.

This exam (which, one must recall, is also a requisite for most other high-level government positions, such as a judge or a prosecutor) is held nationwide three times a
year, and has two phases. The first phase is eliminatory and focuses on professional knowledge on Law in all areas. The second tests professional skills in a specific area of Law, which the candidate selects upon registration. The areas available in the second phase include: administrative, civil, constitutional, corporate, criminal, labor and tax law.

The format of this exam, which requires memorization of legislation (1st phase) and the production of legal documents (2nd phase), demands very little in terms of skills such as context analysis and legal creativity that are essential to global lawyers. As approval is key to surviving in an especially competitive educational market (in 2012, there were 1,149 Law courses in the country)⁶, institutions are understandably reluctant to changes that do not rely on the Bar exam as a basis to organize curricula and methodologies.

According to a census conducted by the Ministry of Education, some 87% of the courses are offered by private schools and 65% in cities in the interior of the country. The Southeast Region presents the largest number of courses (43%), more than double the number in the South and Northeast Regions, tied in second place with 20% of the courses each. The overwhelming number of courses offered by the private sector highlights the importance of the business aspect in Brazil’s current legal education.

This is also evident in the relative concentration of the courses. The Central-west Region, which covers the federal capital and has a higher income per capita, even though it is the least populated of all regions and offers 11% of the Law courses in the country, has the highest number of Law courses per million inhabitants (8.53). At the same time, the Northeast Region, with low income per capita, the second most populated and offering 20% of the legal courses, has the lowest number of courses per million inhabitants (4.15).

The National Institute for Educational Studies and Research "Anísio Teixeira", a special research agency linked to the Ministry of Education – INEP⁷, responsible for overseeing undergraduate courses in Brazil shows that between 2009-2012 the yearly average number of Law graduates in the country to be 93,000. Since 2009, when the

⁶ 880 different Law Schools have offered these courses. Dates from E-mec. Available at http://emec.mec.gov.br/. Last access on June, 2015
Bar exam became uniform throughout the country, the national approval rate varies from 14% to 16%. In spite of such dismal percentage of successful candidates, OAB counts today 833,000 members.

The gap between Law graduates and registered lawyers suggests that in spite of – or because of – the exponential rise in the number of Law Schools, the quality of legal education remains quite poor. Reservations about the dynamics of the Bar exam notwithstanding – e.g. it is virtually oblivious to questions on Business and Corporate Law as these are seen as areas of expertise not belonging to a basic training in Law - it is certainly valuable as an index of the overall (dire) scenario of legal education in Brazil.

The high number of courses and their geographical concentration has influenced the federal government to become the centralizing figure behind regulation, often dialoging with the OAB. To help students choose between so many courses, OAB has designed a quality certificate it awards to those course believed to meet minimum standards. Of the almost 1,200 courses in the country only 84 (around 7% of the total) were deemed worthy of receiving the OAB Recomenda certificate. The body representing lawyers clearly distrusts most of the Law Schools which should be preparing them.

Apart from the Bar (OAB) Exam approval rate, Law schools are also assessed by three other rankings that monitor the quality of university courses in general: those by the above-mentioned INEP, by the São Paulo-based newspaper Folha de São Paulo and by the Guia do Estudante, a prestigious annual magazine devoted to offering candidates in-depth information about the major universities in the country.

INEP assessment of Law schools is structured around three major axes: a) student performance; b) infrastructure (e.g. facilities, resources); c) faculty academic profile (e.g. degree held, teaching/research load). Student performance is measured by their average score on the National Exam for the Assessment of Student Performance (ENADE) weighted with data from data gathered when students enter the course and their expected performance. ENADE is a triennial exam mandatory for senior students on the year of their graduation.
The *Folha de São Paulo* ranking (RUF) takes is based on the assessment of i) market perception of the course (based on the performance of the institution on a survey carried by the newspaper with 1970 HR professionals responsible for hiring lawyers; ii) quality of legal education offered (which is measured by weighing ENADE grades, MAs and/or PhDs programs offered by the institution, faculty career plans, faculty serving as consultants to the Ministry of Education); iii) faculty educational background and degrees; iv) Datafolha survey on the quality of courses with Ministry of Education consultants.\(^8\)

The *Guia do Estudante* ranking of undergraduate courses takes into consideration criteria such as faculty educational background and degrees, number of academic articles published, and course facilities.\(^9\)

Taken together, these rankings function as the benchmark for students to decide on which Law School to apply for and for employers to assess the quality of the academic background of candidates. The growing importance of these rankings notwithstanding, family ties and attendance at prestigious traditional Law schools (regardless of the teaching actually being offered there) still function as a decisive element in the competition for jobs in the legal services Market.

Efforts to change this situation often translate into efforts by the federal government to design and enforce mandatory (supposedly) quality-enhancing strategies. The minimum required curriculum in Law courses is thus directly regulated by the National Education Council, an organ of the Ministry of Education. The most recent regulations were published in 2004. Although they refrain from defining the minutia of curricula or actually listing the subjects that should be offered in Law courses, they offer strong guidelines concerning minimum content requirements and the skills that should be developed within these courses.

Governmental efforts to regulate Law schools have not, unfortunately, translated into high-quality education. On the contrary, traditional legal education practices in

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\(^8\) Datafolha is a poll institute with headquarters in São Paulo and is associated to one of Brazil’s largest and most prestigious newspapers (Folha de São Paulo).


Brazil have been so devastatingly ineffective that many now deem them a hurdle to furnishing the country with the professionals the new global scenario requires.

The vast majority of Law schools in Brazil still rely on outdated methodological practices and curriculum designs. Insofar as teaching methodology is concerned, the preferred teaching method at most Brazilian Law schools is still the century-old lecturing style with its glossing of statutes and critique of judicial decisions. (FALCÃO, LACERDA and RANGEL, 2012)

Curricula, unsurprisingly, bespeak the same logic of replicating the design that has prevailed for the past decades: most courses are still structured around the minute analysis of virtually every article of the most important Laws (v.g. Civil, Criminal, Commercial and Procedural Codes), as well as the debate on doctrinal and judicial discrepancies when interpreting them – often with little theoretical and practical significance.

Combining traditional practices and outdated curricula has translated into an appalling number of poorly-prepared undergraduates, as made evident by the remarkably low pass-rate in the Bar exam (which oscillates between 10% and 25%). It has also caused the acute shortage of legal professionals displaying the skills that are elemental to facing the everyday needs of a socially complex country and a heavily international economy. \(^{11}\) It has become almost a truism to say that legal education in Brazil has a choice between changing profoundly and becoming irrelevant for everything but the certification required to sit the Bar exam.

In response to this challenge posed by the inertia and inefficiency of traditional legal education, some meaningful efforts have been made to initiate this change. New undergraduate, graduate and continuous education courses have appeared over the past decade\(^{12}\), and some of the top traditional Law schools have taken preliminary steps to update the way they teach Law.

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\(^{11}\) Unsurprisingly, the arrival of lawyers and law firms and/or partnerships with firms from abroad has experienced a surge in the recent years causing the Bar to pay closer attention to their activities; See Almeida and Nasser, this volume.

\(^{12}\) FGV DIREITO’s pioneering experience both in São Paulo and Rio are cases in point, as is the creation of IBMEC and the new curriculum at USP-Ribeirão Preto.
Insofar as universities are concerned, Fundação Getulio Vargas has championed radical transformation. The courses it opened in São Paulo and Rio de Janeiro represent a radical breakaway from the traditional organization of Law schools. Adopting student-centered, case-based methodology, rather than lecturing and glossing, they have become a benchmark in discussions on the future of legal education in the country. The impressive social prestige of the Foundation (which is responsible, among other things, for producing a number of key economic indicators for the country, including inflation and unemployment indexes), and its deep understanding of national and international markets (foreign companies investing in Brazil consider it a key reference) has helped amplify its impact on legal education much beyond what might be expected from its (intentionally) limited number of students.

The very positive response FGV has received from the market and the remarkable success of its alumni is an index of the urgent need for new, global lawyers in Brazil. FGV’s alumni census shows that over 90% of FGV graduates get hired even before finishing university. Indicative of the broad skills offered by the new curriculum and the efficiency of its multidisciplinary approach is the fact that students are sought for by corporations as well as Law firms. About half the alumni of FGV Direito SP work for Law firms - 95% of which by the most prestigious Law firms in São Paulo: Pinheiro Neto, Demarest Almeida, Machado Meyer, Mattos Filho. Another 30% renders legal services to major corporations, especially in the banking and financial sectors.

This has led other institutions to experiment with new formats. The prestigious Universidade de São Paulo, apart from implementing changes at its headquarters in São Paulo, has opened a course in the city of Ribeirão Preto, which departs significantly from the more traditional design of its mother institution. UFMG, in the state of Minas Gerais, is currently discussing the possibilities of instilling a deep change to its curriculum.

At the heart of all these efforts to break away from traditional forms of legal education and to foster a renewal in legal teaching, thinking and practice – and in their remarkable success with markets and students alike - there is a radical transformation of the curricula and the assumptions on Law that informs them.
Common to these successful proposals to change legal education is the drive to overcome the traditional rendering of Law as a self-contained system, impervious to the realities of everyday life. The Latin adage *quod non est in actis non est in mundo* (what is not in the lawsuit documents does not exist) has been much abused in traditional legal education to justify the still prevalent view that we must first understand every tiny detail in the statutes, laws and decisions before we can go out into the world and act as a legal professional. Traditional legal education thus works to present Law as an insulated social institution, untouched by the uncertainties and perplexities of everyday realities.

Changes to curriculum in Brazil have been marked by the complete reversal of this perspective. They espouse the belief that Law cannot be understood in isolation, i.e. that *the Law in the books* is incomprehensible – even in its most abstract renderings – without reference to *Law in practice*.

This change in the way Law is perceived has led to radical curricular transformation. As a direct result of this, there has been a surge in transdisciplinary subjects (the “*and*” subjects – v.g. Law and Economy; Crime and Society; Law and the Arts; Law and Development) which aim at driving students to think about Law in its relation to other areas of knowledge and from the perspective of its concrete impact on society. Extensive, exhaustive presentation of statutes has supposedly lost ground in these new curricula to the discussion of concrete situations and a critical assessment of the role Law could – and should – play in them.

Methodologically, this has translated into new teaching methods (v.g. problem-based learning; role-playing; case method) which ask students to think about Law as it works in and affects real situations, about the choices that legal designs and solutions imply, about their relative effectiveness and ethical implications.

Of growing importance within these methodological shifts is the growing role that moot courts and international competitions have been playing in the menu of extra-curricular activities of top Law schools. In 2000, the country hosts a round of the Phillip C. Jessup International Law Moot Court Competition. In 2001 and 2002 competitions take place at the Universidade Federal de Santa Catarina but it is only in 2003 that a team of Brazilian students reaches the final round. Brazilian students have also took part in the Willem Vis International Commercial Arbitration Moot. In 2013, the event brought together a total of 290 Law schools from around the world, 14 of them from Brazil (5 public; 9 private; students from São Paulo, Minas Gerais, Rio Grande do Sul, Paraná e Rio de Janeiro).
Law offices have responded favorably to this innovation and have often sponsored teams of students. The international experience provided by such competitions coupled with the integration of skills they require are seen as quite valuable by employers, though, of course, not enough, by themselves, to guarantee the solid legal training they expect from their lawyers.

Perhaps even more telling of the urgency to create new layers than the attempts to change Law schools is the phenomenon of the exponential multiplication of Continuing Legal Education Programs (from now on CLE, known as *lato sensu* graduate certificate courses). Outside the reach of MEC’s strict regulations (at least for the time being; attempts have been made to bring them to the fold), such courses attract large crowds of undergraduates who are clearly aware of the inadequacies in their legal knowledge, certificate and Bar membership notwithstanding.

The CLE courses have become a prime *locus* for the formation of corporate lawyers in Brazil. Unlike Law schools, which remain for the most part faithful to their traditional syllabi, the curricula of the CLE courses clearly display their concern with the impact of globalization on the practice of law in the country. From the 1990s onwards, when for-profit educational institutes were authorized to offer such courses, the number of CLE offerings has expanded dramatically. Lack of official regulation makes it hard to have precise numbers but some estimates indicate that they are probably 5 times more numerous than regular Law schools. They typically offer a wide choice of courses, quite often related to Business and Corporate matters, and attract large number of recent graduates who are eager to learn more about areas which, though critical for the advancement of their careers, were not part of their regular Law school classes.

Meaningfully, these courses usually offer classes on topics that hold immediately relevance in the practice of Law in Brazil’s new socio-economic setting, rather than dwelling on the traditional subjects taught in most universities. IT, Environmental and Intellectual Property Law are common subjects, as are classes on Mediation, Law and Economics and Financial Law. Teachers are quite often professionals with hands-on knowledge in the relevant market, who often times lack academic degrees. Owing to the new menu of subjects (usually presented in very traditional *lecturing-for-professionals* style) and the large number of students taking
such courses, Continuing Education has become one of the new frontiers in the debate on legal education in Brazil.

The CLE courses cater to those lawyers aspiring to greater professional possibilities in the global-oriented, rapidly expanding Corporate Law and International Law markets in Brazil. According to various national and international surveys, there were in 2013 around 8,000 Law offices devoted primarily or exclusively to these areas. This has created a demand for legal professionals apt to effectively work in an international, highly-competitive environment and learned in a number of areas such as economics and management.

Thus, mainly in São Paulo, the country’s financial center but also, to a lesser degree in other cities such as Rio de Janeiro, Belo Horizonte and Porto Alegre, there has been a rise in the offer of interdisciplinary CLE courses (the so called Law-and subjects: Law and accounting; Law and economics, Law and banking, etc., all absent in the almost totality of regular Law schools curricula. It is thus possible to suggest that the most relevant impact of globalization in legal education Brazil is to be observed outside the Law schools. The task of forming the global lawyers the country needs is being carried on elsewhere. CLE courses are, by far, the most visible locus for this training but not certainly the only one.

Much smaller in its size but much more revealing in its design is the phenomenon of in-house training, which has become trendy among the top law firms in the country. Disappointed by the legal training that most Law schools offer, aware of the limits of the topics offered and methods used by Continuous Education institutions, which more often than not do not include lawyering skill-building, some of the most prestigious Law firms in Brazil have started programs to train their own personnel.

These corporate courses have become much more common in the large Law firms in São Paulo and Rio de Janeiro, and it is believed there are around 300 such in house programs throughout the country. They aim not only at explaining the office routine and policies to new employees but also to improve what Law offices see as the defective legal training of their personnel. Although initially focusing only on their internal public, such “in-house universities” have been approached by corporations which want to have them training their own employees. These courses are also outside
the scope of official regulation, being equated to CLE courses (CASTRO and EBOLI, 2013).

The case of Pinheiro Neto Advogados, arguably the top Law firm in the country, illustrates both the movement and the reasons for its rising importance. In 2012, it started an in-house program which aimed at improving the skills of 280 of its lawyers. If the activities of all the participants in the course are factored in, they total an impressive 18,000 hours/year investment in training\(^\text{13}\). Other major Law firms are developing similar programs.

Such in-house training strategies must be understood alongside the new requirements for hiring staff, once the training programs efficacy depends heavily on new lawyers possessing a set of non-legal skills. Data gathered by the GLEE interviews with partners of major Law firms in São Paulo and Rio de Janeiro shows that proficiency in English (written and oral) is a \textit{sine qua non} condition for prospective candidates, as well as advanced knowledge of the most used computer programs and internet research tools\(^\text{14}\).

Displaying such mandatory sets of skills, though essential for one to get a job at a major Law firm in Brazil, is certainly not enough for one keeping it. In order to become a permanent member of the legal staff, junior lawyers must possess a certificate from an internationally renowned institution and, even more importantly, be able to prove some professional experience in Law firms abroad..

An international certificate is also a requirement for hiring lawyers to corporate legal departments of the largest national and multinational companies in Brazil. In fact, over the past two decades, corporate legal departments have become an increasingly attractive option for young lawyers with either a degree or an LLM from a foreign institution\(^\text{15}\).

As for the professional experience abroad, the highly competitive market for legal services in Brazil coupled with the global nature of the services rendered, demands that it be translated in more than a first-hand knowledge of the functioning of a foreign

\(^{13}\) See http://www.pinheironeto.com.br/imprensa/73.
\(^{14}\) See Gabbay, Ramos and Sica in this volume.
\(^{15}\) See Oliveira and Ramos in this volume.
legal system. Lawyers must also display a sophisticated understanding of the economic, cultural and political dimensions of the countries their clients are conducting business in. This need for broad and in-depth expertise on the reality of a foreign country has led some of the law firms studied by the GLEE Project to create teams which specialize in a single specific region or country. A good example of such trend is Felsberg e Associados, which created in 2001 a China Desk to work exclusively on Brazil – China commercial deals.  

Another locus for the formation of young lawyers which emerged within the context of globalization is the Training Program for Young Attorneys in the Brazilian Mission in Geneva. Better known as the Geneva Program, it was created in 2003 to train new lawyers by offering them an internship at the Brazilian Mission at the World Trade Organization (WTO). This program, a partnership between the Ministry of Foreign Affairs, the Brazilian Institute for Studies on Competition, Consumerism and International Trade (IBRAC) and the Center for Studies on Law Firms (CESA), aims at training lawyers to work according WTO parameters for arbitration, negotiation and multilateral commerce rules (SHAFER, SANCHEZ BADIN; ROSENBERG, 2012).  

These new loci for training, their goals and strategies, unmistakably reveal the impact globalization has had on legal education in the country. Not unlike other areas in the market in Brazil, the context for legal education has been shaped by two complementary trends. On the one hand, the fast-paced multiplication of low-budget Law schools, catering mostly to a new host of consumers and focused mainly on the Bar exam and local practice; on the other, the equally speedy emergence of a few niche high-quality institutions, catering mostly for elite students and focused primarily on developing the skills necessary for successful lawyering in a global context. The Brazilian scenario in this area suggests a profound, complex, multi-layered interplay between corporate-led globalization, national models for development and national-global models for legal education.  

The model of development adopted by recent administrations has been one that has attempted to put together, with mixed results, strategic State intervention, market-friendly environment (with at least lip service being paid to fiscal responsibility, control of inflation and reduction of government debt) and social inclusion (mainly via cash-
transfer programs) (SCHAPIRO and TRUBEK, 2012). The upshot of this broad policy insofar as legal education is concerned has been a dual movement: on the one hand, *niche* institutions and programs have been created to train the global lawyers indispensable for the strengthening of Brazil as an emerging power. On the other, due to a large extent to direct and indirect federal financing, hundreds of low-budget, questionable quality Law schools have been created, catering for a public with very little prospect of being engaged in lawyering in general and especially lawyering in a global context.

Both phenomena, as suggested, arguably spring from the same decisions on broader development policies at work in Brazil today. Recognizing this connection only adds to the importance of understanding the *loci* and dynamics of the formation of *global lawyers* in Brazil and the role they have been playing in the context of corporate-led globalization, which is the question at the core of the GLEE project.

The challenge is to find strategies and develop institutions capable of forming new lawyers possessing a set of skills indispensable for efficiently responding to the complex demands brought about by globalization. Brazilian lawyers need to be able to respond to the complexity of global corporate issues by adopting an interdisciplinary approach to Law. They must also necessarily understand the multi-layered reality of corporate dynamics and to couple their legal expertise with a solid knowledge of accounting, management and corporate governance techniques. They must be able to grasp the specific nature of their contribution to the designing and achieving of the core corporate goals. This paper claims that the vast majority of legal education institutions in Brazil have so far proved utterly incapable of meeting such challenge.

**The formation of global lawyers**

As pointed out above, the social, political and economic transformations which deeply reshaped Brazil since the return to democratic rule in the late 1980s have translated into an urge for a radically new legal professional. Mainly in what concerns the corporate sector, the need has become acutely evident for a professional capable of proficiently responding to a new globalized, intensely competitive marketplace which requires both solid knowledge of the new legal technology, an interdisciplinary perspective, and sensitivity to the new dynamics of the actual function of Law. The questions posed by this scenario and adopted as a starting point for this paper have thus
been: how have these new professionals be formed in Brazil? If so, what is their profile and where have they been formed?

According to the data gathered by the GLEE project such lawyers have been and keep on being formed. Legal professionals working in the corporate area are formed by the Law offices themselves, who recruit promising candidates from regular Law schools, sometimes even sophomores, to train and educate them directly.\textsuperscript{17} For these offices, which work and compete for clients on a global scale, such in-house formation programs for young talented interns, which offers a prestigious educational locus outside the traditional Law schools, can function also as a marketing strategy in the fierce competition for legal services.

Results verify the hypothesis that almost all Brazilian law Schools fail to form professionals and rely on law offices to complement, via mandatory internship programs, the education of their students.\textsuperscript{18} They also confirm the overall strong resistance Brazilian legal education institutions show towards changes in traditional curricula, materials and methodology. The traditional model serves the needs and social expectations of both the new mass-oriented, low-cost Law schools and those of the old, family-structured Law offices which have have done well using the older approach to recruitment.

Saying that Law schools do not form professionals is far from saying that they are irrelevant to one’s professional prospects. GLEE research data has shown that the which university a student attended is a key factor in job recruiting and that HR professionals responsible for hiring new lawyers are aware of the new and innovative Law schools and the set of skills they are furnishing their alumni with (\textit{v. g.} foreign languages, deeper knowledge of economics and accounting, mediation and arbitration techniques). When one is applying for a job, the repute of one’s Law school is still of great weight.

Once hired, however, the chance of a young lawyer moving up in their career depends on their continuing education and updating knowledge and skills, mainly in prestigious foreign institutions (notably in the U.S.), on their ability to attract and keep clients, on their displaying of an interdisciplinary approach to Law which allows them to better understand broad corporate interests and hurdles, on their being knowledgeable

\textsuperscript{17} Interview by a partner in a major, full service Law firm.
\textsuperscript{18} Article 10 of the Ministry of Education Ordinance n. 1886/1994 makes internship mandatory for Law students.
of accounting, management and corporate governance techniques. The mere listing of this set of abilities, indispensable for any successful corporate lawyer in Brazil is enough to bring forth the stark gap between the country’s needs in legal education and the reality of its current educational scenario.

**Bibliographic references**


