

Charles H. Koch, Jr.

*Introduction: Globalization of Administrative and Regulatory Practice*

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Abstract by Carl Tugberk

In this introduction, Charles H. Koch, Jr. identifies the main issues discussed at the Spring 2001 Global Administrative Law Symposium, sponsored by the American Bar Association Section on Administrative Law and Regulatory Practice, and highlights the articles published by panel members of that symposium, including himself. Koch's overall theme is that the rapid economic globalization, resulting from the free trade movement, requires a concurrent legal globalization. Consequently, Koch suggests that not only trade lawyers, but all lawyers need to be aware of and actively participate in this worldwide change. Specifically, American lawyers need to take interest in foreign legal cultures in order to effectively participate in the imminent "blending" of law and policy that globalization will require. Koch maintains that administrative and regulatory practitioners and commentators should lead this movement because of the broad scope of constitutional and governmental principles traditionally examined in U.S. administrative law.

Koch briefly touches upon the issues raised by several panel members and other commentators of the symposium: Eleanor D. Kinney, Sidney A. Shapiro, Malcolm Russell-Einhorn, Jeffrey Lubbers, Vedat Milor, and himself. Koch describes how Kinney's piece examines the formation of "transgovernmental networks," and the corresponding development of an international administrative body of law. Kinney explains how these "transgovernmental networks" are international organizations, struggling with the problems of transparency, accountability, and participation, and she provides an agenda to develop solutions to these problems through administrative law principles and experience. Shapiro's article further discusses these principles and how they will be undermined in U.S. administrative law by the economic and legal globalization. In a joint effort, Russell-Einhorn, Lubbers, and Milor analyze the adaptability of American administrative law principles to transitional democracies, using Latvia as the case study. Lastly, Koch addresses his own paper in which he discusses the concept of "Global Federalism." Specifically, he argues that economic and legal globalization will inevitably create a global community in which a new body of international law may supercede national law and/or filter into our national law. In closing, Koch reiterates the importance of understanding alternative, foreign legal cultures, and how the comprehensive nature of administrative law will be of great use in achieving that end.