

AALS Panel - Global Legal Education - Maximizing the Internationalization of U.S. Students' Legal Education: Ideas for Making the Most of Your Resources

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A. Introduction

My colleagues on this panel address the need for more internationalization in U.S. law schools and describe some of the difficulties in internationalizing instruction at a law school in a new European Union member state. As they acknowledge, internationalizing legal education can be expensive, competing with other budgetary demands on U.S. law schools. My remarks today will suggest methods to maximize internationalization less expensively, by using existing programs or by setting up new ones more effectively.¹ Although composed for an audience of U.S. law school faculty members and administrators, these remarks, with some adaptation, may be useful for law faculty outside the United States.

B. Internationalizing the Curriculum and Classroom by Using the Teaching Potential of International Students and Visitors

Many U.S. law schools are currently considering or implementing curricular changes designed to add an international component to U.S. law students' education.² Some schools require students to take a course in international or compara-

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¹ I want to acknowledge the leadership and vision of Associate Dean Judith A. Horowitz, who has been administering the international programs at Duke Law for over twenty years, and who is to be credited for many of the ideas described in these remarks.

² Robert Charles Clark, Harvard Law School, Cambridge, Massachusetts, Remarks at the Association of American Law Schools Annual Meeting (3 Jan. 2003).

tive law;³ others require faculty members to add an international component to their classes.⁴ Requiring an international or comparative law course may mean hiring new faculty members to teach such a course. In addition, it may meet with student resistance, if students do not fully appreciate the reason for the requirement. Requiring an international or comparative component in existing courses may also be difficult because faculty members are already under pressure to cover the syllabus of U.S. materials in their classes. Further, faculty members may not necessarily have the expertise required to teach an international or comparative component in their courses. Starting with the assumption that international students or visiting scholars are present at most U.S. law schools, the following may be less expensive and less intrusive methods of internationalizing the curriculum and classroom.

I. Using International Students or Visitors to Teach International or Comparative Courses

International students or visitors may be qualified, based on their legal training and expertise in the legal systems of their countries, to teach international or comparative courses. These courses can be offered for a lower number of credit hours or for part of a semester, and can be offered on a credit-no credit basis. A successful method used at Duke Law is to offer language instruction that focuses on legal vocabulary, using materials that describe another country's legal system.⁵ Other possibilities are short comparative courses or lectures given by international students or visitors as part of regular courses. Financial arrangements for teaching may vary,⁶ but most students and visitors will welcome the opportunity to add teaching experience at a U.S. law school to their curriculum vitae.

II. Having International Students or Visitors Give Presentations

A less formal method of using the international expertise of students or visitors is to organize presentations on comparative topics. For example, a panel of students or visitors can address topics such as legal practice, access to justice, or the legal

³ For example, the University of Michigan Law School requires all students to complete a course entitled, Transnational Law. The University of Michigan Law School Course Descriptions, available at http://cgi2.www.law.umich.edu/_ClassSchedule/CourseList.asp

⁴ Clark, *supra* note 4.

⁵ Duke University School of Law offers courses under the title, "Language for Legal Studies." The courses are typically taught by visiting scholars or international S.J.D. or LL.M. students. Chinese, French, German, Japanese, Portuguese, Russian, and Spanish Language for Legal Studies courses are being offered in the 2003-04 academic year.

⁶ A partial tuition waiver may be attractive to students.

status of women in their countries. Again, Duke Law's experience is that students and visitors welcome the opportunity of speaking to a law school audience. Following such a presentation, international students and visitors often are more integrated into the law school community and are likely to continue discussions with U.S. students on the topics covered in the presentation.

III. Encouraging Comparative Interaction in the Classroom

The enrollment of international students in U.S. law courses can be used to internationalize the curriculum. International students can offer comparative critiques that both challenge U.S. methods of resolving legal issues and offer insights about the legal systems of other countries. Often, however, international students are reluctant to participate in classroom discussions because they are unfamiliar with Socratic teaching styles or unsure of their ability to speak English. Further, even when international and U.S. students are sitting side-by-side in the classroom, they may not interact outside the classroom. Faculty members who teach courses that enroll international students must find methods to encourage classroom participation by international students and out-of-class interaction between international and U.S. students.

At Duke Law, faculty members who teach commercial and business courses, which typically enroll a high percentage of international LL.M. students, have developed several methods of encouraging participation and interaction. One method is to ask LL.M. students in advance to prepare to talk about how an important topic would be treated in their countries' legal systems.⁷ According to a faculty member who uses this method, it is best to choose a topic with considerable divergence in treatment between U.S. and other country's legal systems. For example, in a Contracts course, international students can be asked to discuss whether the contract law of their country has a counterpart to the U.S. concept of "consideration."⁸ Another method for encouraging classroom participation is to select teaching materials that involve some international element, asking international students to discuss interesting and controversial cases from their countries.⁹

When international students are forewarned and given time to prepare, they are more comfortable talking in class. After having had a chance to speak in this somewhat more formal fashion, international students may become more comfort-

⁷ Interview with Professor John Weistart, Duke University School of Law, in Durham, North Carolina (23 December 2004)

⁸ *Id.*

⁹ *Id.*

able participating informally in classroom discussion, and U.S. students may become more attentive to international students and more likely to interact with them outside class. A method that assures more out-of-class interaction is to assign collaborative exercises that either require an international student to be on the team completing the work or strongly suggest that such a student would be a valuable team member.¹⁰ Informal memoranda assignments that emphasize analysis more than writing style bring the most successful interaction.¹¹

C. Maximizing Internationalization through Study Abroad

I. Making the Most of Summer Overseas Programs

With approval by the American Bar Association (ABA),¹² a large number of U.S. law schools now offer credit for study abroad in summer institutes conducted in other countries.¹³ At a minimum, these programs give U.S. students the experience of living in another country. Summer programs can boost internationalization by going beyond having U.S. faculty teaching U.S. courses to U.S. students in a more exotic setting than the home law school. Using local faculty members to teach, perhaps in collaboration with U.S. law faculty members, allows U.S. law schools to develop relationships that can lead to invitations for visiting faculty members. Collaborations with local faculty members during summer institutes can result in collaborative research and international and comparative law conferences.¹⁴

Maximizing the international experience for students in summer programs also requires attracting international students to the programs. One way to increase international student enrollment is to award scholarships to local students in exchange for organizing and leading social and tourist activities for the U.S. students. Further interaction naturally occurs during these activities. Successful summer programs' internationalization also requires getting the U.S. students out of the

¹⁰ Interview with Professor Jim Cox, Duke University School of Law, in Durham, North Carolina (3 March 2003). Professor Cox explains to his Securities Law class, when assigning short collaborative securities law memoranda, that LL.M. students at Duke are often experienced lawyers in their countries and thus are able to contribute valuable insights that might enhance the assignments' grade.

¹¹ *Id.*

¹² The ABA is the accrediting authority for U.S. law schools.

¹³ The ABA website lists over ninety summer study abroad programs offered by U.S. law schools, available at <http://www.abanet.org/legaled/studyabroad/foreign.html>

¹⁴ Interview with Professor Thomas Rowe, Duke University School of Law, Durham North Carolina (5 June 2001).

comfort zone of living and socializing with their fellow U.S. students. They can be encouraged to have international roommates, for example.

II. Making the Most of Study Abroad Semesters and Exchange Programs

Credit for studying abroad for a semester at a foreign institution is also permitted by ABA accreditation rules.¹⁵ The number of schools with semester abroad programs is more difficult to count than the number of overseas summer programs.¹⁶ If there are fewer semester abroad programs than summer programs, it may be because of language barriers and scheduling conflicts. U.S. foreign language education continues to lag behind other countries' language education. As a result, few U.S. students are prepared to study law in a language other than English. Semesters abroad and exchange partners that offer courses taught in English or offer intensive language courses prior to or concurrently with the exchange semester may overcome the language barrier. International exchange partners also need to offer flexible scheduling¹⁷ to allow U.S. students to coordinate studying abroad with U.S. law school academic calendars and to allow U.S. students time for summer internships. Opportunities for work experience in a foreign country before or after the semester abroad may attract more U.S. students to study at a foreign institution. Finally, asking the international students present at U.S. law schools to describe the attractions of their universities' law faculties, their cities and their countries and to help smooth the transition for U.S. students may overcome the U.S. students' lack of interest or fear of difficulty in a semester abroad.

D. Maximizing Internationalization through Interactions Among Students

The internationalization provided by social interaction between U.S. students and international students and visitors at U.S. law schools can be made more effective by institutional support. Law schools can offer student organization positions to international students, such as representation in student government or bar associations, on student-edited law journals and moot court teams, and on student-administration advisory committees. Law schools can also sponsor social gather-

¹⁵ ABA Section on Legal Education and Admissions to the Bar, *Criteria for Student Study at a Foreign Institution* (2003)

¹⁶ The ABA website lists nine approved semester-abroad "cooperative" programs offered by U.S. law schools, available at <http://www.abanet.org/legaled/studyabroad/semester.html>. This list does not include, however, informal semester exchange programs, for which students can receive credit if the program meets ABA criteria. Duke Law has nineteen semester-abroad exchange agreements with university law faculties outside the United States.

¹⁷ For example, law faculties may need to permit U.S. students to submit papers in lieu of examinations or to take examinations after they have returned to their U.S. law school.

ings such as “language lunch tables.”¹⁸ Interaction can also be encouraged by assigning U.S. students as partners or mentors for international students and visitors and by setting up social events where they can meet. International sports competitions, international film nights, and international food parties have been very successful at promoting interactions between international students and U.S. students at Duke Law.

¹⁸ At Duke Law, these have included Arabic, Chinese, French, German, Hebrew, Japanese, Portuguese, Russian, and Spanish language groups. The groups meet for lunch or other meals, or sample movies, dance performances and concerts together.