

1997

Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates

Diane Edelman

Mark Wojcik

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/faculty>



Part of the [International Law Commons](#), and the [Legal Writing and Research Commons](#)

Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates¹

Mark E. Wojcik²
Diane Penneys Edelman³

In the past few years, American law schools have seen an increase in the number of international students.⁴ There has been an increase in the recruitment of undergraduate law students from other countries, and many schools have developed special master's programs for foreign lawyers. International students in undergraduate and graduate law programs enrich the cultural diversity of the campus and provide special educational opportunities and challenges. Yet, as schools increase the enrollment of these international students in J.D. and LL.M. programs, problems emerge in addressing their special educational

¹ This article developed from a panel presentation at the 1996 Legal Writing Institute Summer Conference at Seattle University School of Law. Also on the panel were Darcy Kirk, Law Librarian at the University of Connecticut School of Law, and Craig Hoffman and Kristen Konrad Robbins, Instructors in Legal Research and Writing at Georgetown University Law Center. The authors thank Professor Jessie Grearson for sharing the results of her research with the authors, and Professors Mary Beth Beazley and Nancy Soonpaa for their helpful editorial suggestions. In addition, the authors thank Dr. Myra Goldschmidt, Lecturer in the English Department and Director of the ESL Program at Villanova University, and Debra Parker and Jeff Gore at The John Marshall Law School, who reviewed this article and provided valuable insights into the ESL needs of graduate level students. The authors also thank the Deans of their respective schools, who provided grants for the authors' attendance at this conference and research support.

² Assistant Professor of Law, The John Marshall Law School, Chicago. B.A., *cum laude*, Bradley University; J.D., *with distinction*, The John Marshall Law School; LL.M., New York University School of Law.

³ Visiting Instructor of Legal Writing, Villanova University School of Law. A.B., Princeton University; J.D., Brooklyn Law School.

⁴ Since the 1970s, there has been debate as to whether "foreign students" or "international students" is a better term to describe students from other nations. Rather than resolve the debate here, we will only note its existence. See, e.g., "Foreign" vs. "International": Can "International Man" Be Stopped? in GARY ALTHEN, THE HANDBOOK FOR FOREIGN STUDENT ADVISING 140 (Intercultural Press, Inc. 1983). In this article, we have chosen to use the terms "international students" and "international lawyers," recognizing that there may be some confusion with the study or practice of international law.

needs, such as the need to develop oral and written communication skills. American law students are now regularly exposed to multiple semesters of classes in legal writing, but for some reason the needs of students from other countries have often been overlooked. Additionally, although there are some materials available to introduce American law and jurisprudence to international students,⁵ most materials ignore the needs of foreign audiences,⁶ and there are few courses and scant materials available to teach legal research, analysis, and writing to international students of law.

Where courses in legal research and writing for international students have been available, there has been great interest from the students in improving their research and communication skills as they increase their knowledge of the law. To be successful, law students whose first language is not English must become competent in reading, listening, speaking, and note-taking in English and must be familiar with American legal terms and legal research. These students need intensive support for their studies, and teachers of legal research and

⁵ There are books available to teach introductory courses in American law and jurisprudence, but these usually omit materials that would help students improve their writing skills. These books are also often designed for multiple audiences, so that there will not always be a focus on the language difficulties faced by students whose first language is not English. See, e.g., WILLIAM BURNHAM, *INTRODUCTION TO THE LAW AND LEGAL SYSTEM OF THE UNITED STATES* v (1995) (identifying three primary groups for an introductory book on the law and legal system of the United States as (1) "law students, lawyers and legal scholars from foreign countries," (2) "U.S. graduate and undergraduate college students," and (3) "members of the general reading public in the United States"); ANTHONY D'AMATO, *INTRODUCTION TO LAW AND LEGAL THINKING* vii (1996) (predicting that "[a] foreign student coming to this country to spend a year or more in law school wants to have a preview of the underlying philosophy of American law"). See also DENNIS CAMPBELL AND WINIFRED HEPPERLE, *THE U.S. LEGAL SYSTEM: A PRACTICE HANDBOOK* (1983); DAVID S. CLARK AND TUGRUL ANSAY, *INTRODUCTION TO THE LAW OF THE UNITED STATES* (1992); PETER HAY, *AN INTRODUCTION TO U.S. LAW* (2d ed. 1992).

⁶ See, e.g., HOWARD ABADINSKY, *LAW AND JUSTICE: AN INTRODUCTION TO THE AMERICAN LEGAL SYSTEM* ix (3d ed. 1995) (identifying itself as an interdisciplinary text rather than one for an international audience); JAMES V. CALVI AND SUSAN COLEMAN, *AMERICAN LAW AND LEGAL SYSTEMS* xi (2d ed. 1989) (complaining that law books written by lawyers were "too legalistic in their approach"); LAWRENCE M. FRIEDMAN, *AMERICAN LAW* xi (1984) (characterizing itself as a book for laymen rather than for an international audience); SAMUEL MERMIN, *LAW AND THE LEGAL SYSTEM: AN INTRODUCTION* xvii (2d ed. 1982) (decrying books that are "so simplified as to have substantial utility only for those (e.g., foreigners) quite unfamiliar with our legal institutions"); MARTIN WEINSTEIN, *SUMMARY OF AMERICAN LAW* v (1989) (describing its intended audience as "lawyers, legal assistants, and students"); ART WOLFE ET AL., *UNDERSTANDING THE LAW: PRINCIPLES, PROBLEMS, AND POTENTIALS OF THE AMERICAN LEGAL SYSTEM* xxiii (1995) (describing itself as a textbook "for the nonprofessional study of law").

writing must adjust their teaching to serve these needs.⁷ Part of that support must include attention to and explication of American legal conventions. Without such a context, American legal texts will make little sense to international students. In fact, as Jessie Grearson, Professor of Writing and Director of the Writing Resource Center at The John Marshall Law School in Chicago, has pointed out:

It's easy to forget that even values such as clarity, directness, and reader-friendly prose are not universal writing truths but very Western, perhaps even particularly American, writing values.

* * *

International students can remind us to explain not just what our conventions are, but why we have these conventions, and how they fit within the context of our American legal system.⁸

Although these students must take the Test of English as a Foreign Language (TOEFL) exam as a condition of admission to various programs in a law school, a high score on that exam does not necessarily guarantee that the student will have sufficient practice in listening, speaking, and writing English to succeed in law school classes.

Moreover, although some schools are starting to develop programs that teach not only research but also attempt to improve student writing, most schools that teach skills to international students seem to focus more on teaching research. This focus may be due to the (usually) accurate perception that it is easier to teach research skills than to improve the writing of non-native English speakers.⁹ Still other schools have avoided research and writing programs such as these, perhaps out of a sense of frustration in dealing with the labor-intensive aspects of teaching writing to students whose first language is not English.

⁷ Law school reading falls into the category of "technical" reading, a type of reading where students must learn how to develop reading skills to understand complex and difficult material rather than general reading material. See LEE GUNDERSON, *ESL LITERACY INSTRUCTION: A GUIDEBOOK TO THEORY AND PRACTICE* 30 (1991).

⁸ Jessie Grearson, *Cultural Influences on Learning: Insights from International Students*, THE SECOND DRAFT (Legal Writing Inst., c/o Boston College Law School, Newton, MA) 1996, no. 1 at 8.

⁹ This perception may be amplified in teachers who have no training in teaching English as a Second Language (ESL).

To meet these special needs, American law schools must identify and understand the needs of their international students. Only then can they design special research and writing courses for international lawyers or adapt existing programs to accommodate the needs of those students.

IDENTIFYING THE NEEDS OF INTERNATIONAL STUDENTS

Toward the end of understanding how legal writing professors can best address the needs of international students, Professor Grearson conducted an informal survey of various Chicago-area programs that teach English as a Second Language (ESL) to non-law students. The ESL experts with whom she spoke suggested that the bottom line for any successful program for international law students includes 1) consistent, systematic, individual attention and 2) instruction specifically tailored to the special purposes of legal writing.¹⁰

With these pedagogic goals in mind, and given the increasing number of international students and lawyers enrolling in U.S. law schools each year, there is no question that American law schools should create special legal research and writing courses for international students or enhance existing courses to meet the needs of these students. The reasons presented here are not the only ones that would justify the creation of a special course for international students, nor are the proposed solutions the only possible ones. The following reasons are not ranked in any way, nor can they be. There are too many variables in the needs of individual students because of the students' different countries of origin, the students' previous experiences in other cultures, the students' experiences in the academic culture of institutions in other nations, the students' prior training in law and exposure to the English language, and other factors individual to each student.

The reasons presented here also overlap, and many considerations behind one reason will support other reasons as well. Nevertheless, these reasons highlight the need for increased recognition of and response to the needs of international students by American law schools. The considerations made here about

¹⁰ ESL specialists may not have experience in the particular context of legal writing. The John Marshall Law School has recently hired as writing advisors one ESL expert and another writing instructor with ESL experience. Their experience working with law students reveals that the general principles of teaching ESL also apply to the particular context of teaching ESL to law students.

special courses for international students apply to schools that have a sufficient number of non-native English speaking students in an undergraduate or graduate law course.¹¹

1. *Acknowledgement of Special Needs.* American law schools in general, and legal writing professors in particular, must recognize the special needs of international students that arise as these students develop their writing skills.¹² International students attending a "normal" or "traditional" course in writing often feel that they are at a tremendous disadvantage because their classmates are native speakers of the language. Professors must encourage these students to be involved in class discussions rather than to sit silently and pretend to understand things, or worse, to abandon any hope of understanding. In courses where papers are required, professors' comments on student written work must provide appropriate feedback for their needs at each stage of the writing process,¹³ with special attention to avoiding the shorthand that professors typically use when commenting on the written work of native speakers. In graded courses (rather than those taken as "pass/fail"), professors should make appropriate adjustments to grading standards that are typically calibrated to native speakers.¹⁴ Recognizing an

¹¹ At The John Marshall Law School, for example, there are international students in the J.D. program and in the LL.M. program in International and Comparative Legal Studies. At other law schools, such as Villanova University School of Law, there is neither an LL.M. program in comparative or American law nor any other program enrolling a significant number of law students or lawyers from other countries. However, like many other schools, Villanova has a small but steady stream of international law graduates and students who have special learning needs when it comes to legal research and writing. With an entering class of approximately 220 to 240 students, Villanova has only about six to ten students each year who fall into this group.

¹² Whether a law school has a large or small number of international students, it can identify the needs of those students by using diagnostic tests, questionnaires, and individual conferences. A sample questionnaire appears in Appendix 1. Information should also be culled from the admissions documents, if those are not regularly seen by the particular instructor. In a large-scale program, international students may also be encouraged to share information about their backgrounds in class with less self-consciousness than they might have in a small-scale program where they represent a minority of the class.

¹³ For further consideration of this point in a non-ESL setting, see Elizabeth Fajans and Mary R. Falk, *Comments Worth Making: Supervising Scholarly Writing in Law School*, 46 J. LEGAL EDUC. 342, 345 (1996)(citing Nancy Sommers, *Responding to Student Writing*, 33 C. COMPOSITION & COMM. 148, 155 (1982)).

¹⁴ Professors (and, in some cases, other students) may have differing opinions about the "fairness" of making such adjustments. For example, some professors may consider the effort and progress made by an international student in mastering terminology and writing style as well as content, although the same consideration need not be made for native English speaking students. Other professors believe that such adjustment may

international student's special needs may also involve recognizing that the student will be in the United States for only a limited time. It is certainly impossible to master everything, so students must develop the ability to work quickly and efficiently in a new culture and in a new language.

2. *Academic Culture Shock.* International students may also have problems in communication that arise not only from questions of proficiency in English, but from an unfamiliarity with American academic culture generally and with law school culture specifically.¹⁵ Many of these students are very serious about their studies; they are eager to feel comfortable in the American law school setting and to perform at the same level as their American classmates.¹⁶ In fact, they have a seriousness that other students should emulate. They also have had experiences that can greatly enrich our experiences as faculty as well as those of their classmates. However, these students can also be extremely self-conscious about participating in class, and about sharing information about themselves. International students may have a different sense of privacy and concern about their abilities to communicate in English.

These problems may manifest themselves in unusual ways. On an examination or final term paper, for example, a professor who observes that a student "needs work in grammar" may be observing a variation of "academic culture shock" as opposed to basic technical grammar deficiencies.¹⁷ Similarly, a student may not speak in class simply because the student's previous academic training was entirely by lecture, as is the case in many civil law countries, or else the system may have taught the student not to question authority. From the experiences of one of the authors teaching in Asia and the Pacific, for example, it became evident that the academic culture strongly discourages the asking of questions in class because such a practice might suggest a challenge to the authority of the professor. The students would, however, ask many questions outside the formal setting

be appropriate for international students who intend to practice law in their home countries, but that no such adjustment should be made for international students who plan to practice law in the United States.

¹⁵ See, e.g., Joy M. Reid, *English as a Second Language in Higher Education: The Expectations of the Academic Audience* in RICHNESS IN WRITING: EMPOWERING ESL [ENGLISH AS A SECOND LANGUAGE] STUDENTS 220, 221-22 (Donna M. Johnson & Duane H. Roen eds. 1989).

¹⁶ See GUNDERSON, *supra* note 7, at 30.

¹⁷ See Reid, *supra* note 15, at 221-22.

of the classroom, or they might ask questions of fellow students or teaching assistants to avoid asking the professor directly.

To ease the students' transition to American law school, professors in large-scale programs can include some writing component in an "Introduction to U.S. Law" course. The professor can also devote class time to topics as specific as grammar, legal terminology, and court structure, and as broad as law school life. Professors in small programs (and those in large programs but with more limited class time) can address the same topics by means of periodic extracurricular meetings. Students may be best helped by scheduling extra individual conferences to make sure that they understand their assignments and are on track. The professor also benefits from the extra opportunities to get to know these interesting students on a deeper level. More important, if it is the *professor* who requires the international student to meet for more frequent conferences, this alleviates the students' often culturally-based reluctance to seek needed additional help or instruction.

3. *Skills Training — Following Class Conversations.* International students need training in listening to spoken English.¹⁸ Professors usually will not slow down their rate of speech if most of the audience is comprised of native speakers. Additionally, many students who can otherwise understand a single native speaker may become frustrated when they try to follow the conversations of two or more native speakers. The ideas discussed in many classrooms are complex even for native English speakers. International students are frustrated not only by these difficult ideas, but by unfamiliar legal words, terms of art, clichés, in-jokes, unfamiliar cultural or geographic references, and variations in American speech that likely differ from familiar or expected pronunciation.¹⁹ Students may eventually over-

¹⁸ While there are no current texts designed to help international students develop listening skills specifically for law school classes, students may benefit from general ESL texts on this subject. See, e.g. PATRICIA DUNKEL AND FRANK PIALORSI, *ADVANCED LISTENING COMPREHENSION: DEVELOPING LISTENING AND NOTE-TAKING SKILLS* (1982) (book and cassettes).

¹⁹ International students generally exhibit a variety of difficulties in their legal writing classes, including problems with use of definite and indefinite articles, spelling, and general and legal vocabulary. A favorite anecdote of one of the authors involves a lawyer from another country who had practiced corporate and criminal law in her home country and had even helped to draft her country's new constitution. This was a student from whom the students and faculty could learn much, but who was quite intimidated by being a first-year student in an American law school. In her contracts class, for example, the students read a case involving a bridge game. The student spent hours trying to fig-

come these difficulties in listening, but without training, it may take the entire year (the length of a typical LL.M. program) and will necessarily compromise the students' assimilation of the difficult substantive material.

To address these concerns, professors in either large- or small-scale programs should make efforts to ensure that the international students understand their assignments, feel capable of doing their work, and do not get lost in the crowd. They can do this by meeting with these students at a greater frequency throughout the year, either individually or in small groups. International students may also wish to meet frequently with student mentors and with specialists in a writing center, if available.

4. *Skills Training — Preparing for Class.* Graduate law students from civil law countries must develop new skills in reading American judicial decisions (which are unlike most international decisions) and in reading American casebooks. Their prior civil law training is unlikely to prepare them adequately for the dramatic shift in the nature of cases and other materials used in American law schools.²⁰ Students need training in how to read cases from casebooks and how to brief cases adequately in class and use cases later, in practice. Law schools should offer training or counselling in technical reading to facilitate this skill development.²¹

5. *Skills Training — Taking Notes in Class.* International students need training in taking notes for their law school clas-

ure out the meaning of the case because she had never heard of any "bridge" other than the structure.

In her legal writing class, this student also wrestled with the language barrier when she was assigned a short persuasive writing exercise dealing with the prosecution of someone who sold a copy of "The Club[®]," the device used to deter auto theft. The problem referred to this device only as "The Club[®]," without further description. The student was stymied, and had to ask someone what this "thing" was to be able to work on the assignment. These are but a few of the many examples illustrating the wide range of possible problems that a non-native English student may have when the student is reluctant to ask questions about the assignment.

²⁰ Additionally, international students whose first language is not English share a common need to develop specific skills not only for their academic success, but also for later practice in the United States, the students' home countries, or third countries. In practice, international lawyers may be called upon to work with American attorneys who will likely be unable to communicate in the international language. The burden, unfortunately and unfairly, will fall upon the international lawyer to communicate in English.

²¹ See GUNDERSON, *supra* note 7, at 143-69. ESL students need to learn how to skim and scan American legal texts, skills which come much more easily to native English speakers. See *id.* at 147-48. They would also benefit from instruction on post-reading analytical skills, such as use of graphs and predictive analysis. See *id.* at 162-65.

ses. Although students may take notes effectively in their first language, many legal terms and concepts are incapable of easy translation. Students may miss the main points of a lecture or classroom discussion as they struggle to take notes. Their struggle with these issues may also lead to frustration which, in turn, may reduce the quantity and quality of participation in the class.

6. *Legal Context.* International graduate students are generally unfamiliar with common American legal documents. This unfamiliarity may compromise the students' understanding of cases and other course materials. Not only must these students learn new legal terms in English, they must also learn about various legal documents and the legal system that uses those documents. This learning encompasses not only knowledge of the complex federal and state court systems, but a full working appreciation of the judicial, legislative, and executive branches of the federal government and their state counterparts. Training would also be helpful in the particular uses of certain legal documents in alternative dispute resolution.

7. *Research Skills — Domestic Sources.* International lawyers are familiar with the sources of law in their home countries, but they presently receive no formal training in the primary or secondary legal research sources available in English. The students are in a bind when they research and write papers for their substantive courses. It is as if they are being taught to swim by being thrown into the deep end of the swimming pool without a lifeguard. It is a challenge to teach students to use the wide variety of primary and secondary sources, especially when the legal research sources available in the students' home countries may be vastly different. The pedagogical problem is exacerbated by the proliferation of new media for legal research, and the considerations that must be given to which sources students can access outside the United States and which accessible sources will be useful.²² Consequently, while we could teach graduate students simply to use WESTLAW© and LEXIS© for their research, these tools may not be available to students when they return to their home countries. There is a proliferation of legal databases on the Internet, but with these as well,

²² For example, some "secondary" sources such as the Restatements of Law developed by the American Law Institute have been incorporated as the primary law of at least one country.

students must still learn whether the sources they find electronically are still "good law."

8. *Research Skills — International and Foreign Law.* Learning the effective use of American legal materials is especially important for international lawyers who come to this country for study. While international lawyers will generally be familiar with the sources of international law available in their home countries, international students who are earning their first law degree here may not. The effective use of international legal materials is usually omitted from other lawyering skills courses. These materials, however, are often useful, if not critical, to practicing lawyers in other countries. The materials would include general sources of international law, common American sources of international law, and easily available international legal sources. In addition to some of the standard research texts already familiar to many teachers,²³ an increasing number of guides are available on the topic of international legal research.²⁴ When students return to work in their home countries, whether in the public sector, the private sector, or in academia, their work will usually involve these types of materials. The students must learn where to find these materials and know how to use them.

MEETING STUDENT NEEDS

Having identified several reasons to create support programs and specialized courses for international lawyers, we encourage American law schools to ensure that those courses are effective and useful. Adjustments must be made not only in the

²³ See, e.g., J. MYRON JACOBSTEIN ET AL., *FUNDAMENTALS OF LEGAL RESEARCH* 461-527 (6th ed. 1994) (chapters on international law and English legal research).

²⁴ See, e.g., Steven C. Perkins, *Guide to Searching International Human Rights Law*, 24 CASE W. RES. J. INT'L L. 379 (1992); GEORGE WASHINGTON JOURNAL OF INTERNATIONAL LAW AND ECONOMICS, *GUIDE TO INTERNATIONAL LEGAL RESEARCH* (Butterworth Legal Publishers (1990)); see also Mark E. Wojcik, *Essential Legal Skills: Legal Research*, 27 J. MARSHALL L. REV. 949 (1994) (book review of English legal research guide). Additionally, some legal texts carry extensive bibliography sections which can be extremely useful sources for those researching international law. See, e.g., FRANK NEWMAN AND DAVID WEISSBRODT, *SELECTED INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND BIBLIOGRAPHY FOR RESEARCH ON INTERNATIONAL HUMAN RIGHTS LAW* 207 (2d ed. 1996) (supplement to the casebook *INTERNATIONAL HUMAN RIGHTS: LAW, POLICY, AND PROCESS*). Guides are also available for electronic sources of international legal materials. See, e.g., Paul Zarins, *WHAT'S ON LINE IN INTERNATIONAL LAW*, in AMERICAN SOCIETY OF INTERNATIONAL LAW NEWSLETTER; AMERICAN SOCIETY OF INTERNATIONAL LAW, *BASIC DOCUMENTS OF INTERNATIONAL ECONOMIC LAW ONLINE* (1993); WEST PUBLISHING COMPANY, *INTERNATIONAL LAW AND BUSINESS DATABASES ON WESTLAW* (1993).

teaching style and academic support available to students, but in the materials used and in the nature of assignments. For example, international students may benefit from having more frequent assignments of shorter length rather than the traditional memoranda assignments given as closed²⁵ or open²⁶ universe problems. Assignments may be as simple as, for example, writing a client retainer letter.²⁷

We believe that international students should also receive assignments and training that encourage them to write while recognizing their specific rhetorical problems.²⁸ Assignments may be better geared for communication with native English-speaking American lawyers, for example, rather than creation of a court pleading or client memorandum.²⁹ Research assignments

²⁵ In a "closed universe" memorandum, a student will typically receive a large packet of materials containing a writing problem, controlling statutes, cases that may be used as sources of rules and as examples that will support arguments to be made by both sides of a dispute, and some background reading (such as an excerpt from a legal encyclopedia), when appropriate. Because students are usually discouraged from doing any additional research when everything they need has already been given to them, the students' energies should presumably focus on assimilating the material and developing strong writing skills.

²⁶ In an "open memorandum" problem, the students must conduct most, if not all, of the research for a particular problem. Students may delay the writing process to devote more time to research. As a result, some students write their papers shortly before they are due because they have spent "too much" time searching (and researching) for elusive cases that may squarely resolve the legal issue. Wise students will begin the writing process earlier and conduct it concurrently with any additional research that needs to be done. It is also noteworthy that many successful ESL students attribute their success to their work with writing advisors. If students wait until the "night before" to begin writing, they will be unable to consult their writing advisors for assistance.

²⁷ Such an exercise may be helpful to American law students as well. See, e.g., THOMAS E. KANE AND TAMMY A. LINN, *LETTERS FOR LAWYERS: ESSENTIAL COMMUNICATIONS FOR CLIENTS, PROSPECTS, AND OTHERS* (1996).

²⁸ See, e.g., Duane H. Roen, *Developing Effective Assignments for Second Language Writers in RICHNESS IN WRITING*, *supra* note 15, at 193.

²⁹ One assignment, for example, asked students to draft a client advice letter on the proper tariff classification of Matrushka dolls based on previous interpretations of the word "doll" under the Tariff Schedules of the United States. If the articles were imported as "dolls," the articles would not be subject to duty under the new Harmonized Tariff Schedules of the United States. If the articles were imported as "art, executed entirely by hand," the articles might also be imported without payment of customs duties. If the articles were imported as "statuettes and other ornaments of wood," however, the importers would have to pay duties at the rate of 4.3 percent *ad valorem*. See *Hasbro Indus., Inc. v. United States*, 703 F. Supp. 941, 945-46 (Ct. Int'l Trade 1988) (finding that a "G.I. Joe Action Figure" is a doll under the tariff schedules), *aff'd*, 879 F.2d 838 (Fed. Cir. 1989); see also U.S. Customs Serv., Letter DD887319 (June 21, 1993) (letter ruling on the tariff classification of nesting dolls from China); WILLIAM LUTZ, *THE NEW DOUBLESPEAK: WHY NO ONE KNOWS WHAT ANYONE'S SAYING ANYMORE* 7 (1996) (describing the G.I. Joe litigation as an example of the distinction between law and reality, but stating incorrectly that the G.I. Joe dolls "are now subject to the import tariffs on dolls").

can also be tailored, for example, by having students find legal information on their own countries or regions as a starting exercise.³⁰

When a law school is part of a university with an appreciable number of international students, the international law students may be invited to participate in university-wide international student and multi-cultural events. Still, law students are generally too busy to take advantage of these programs, and these programs do not address the intellectual skills that the students must master in law school. There is also a danger that students who interact exclusively with students from their home countries will have more difficulties in mastering English. To deal with the ever-increasing globalization of the American law school,³¹ our law schools should expend the effort to integrate international students intellectually as well as socially. Legal Writing and Legal Research courses offer excellent fora for doing so.

CONCLUSION

We believe that law schools should begin to create special courses for international law students. Where there is an insufficient number of international students to make an additional course feasible, existing courses should be adapted or supplemented for foreign students to meet their special educational needs. Law teachers of international students should document

This assignment, initially given to a students from Russia, Lithuania, Norway, and Croatia, allowed the students: (1) to develop skills in using a court decision as authority for an argument, rather than merely interpreting the text of a tariff statute; (2) to construe the current statute found in the Harmonized Tariff Schedules of the United States (HTS), which replaced the United States Tariff Schedules (TSUS); (3) to learn about the procedure of requesting a tariff classification ruling from the U.S. Customs Service, and thus learn some practical skills of dealing with an administrative agency that may be useful in later practice; (4) to develop factual information about production of the product; (5) to consider the types of supporting documentation that may be submitted in conjunction with a customs ruling letter, and thus consider the types of evidence that may be marshalled in proving a case; (6) to make predictions for a importer or exporter as to the likely tariff classification of an imported article; and (7) for the students from Eastern Europe and the former Soviet Union, to connect with the familiar culture of their home regions.

³⁰ A common issue, for example, might involve a description of business structures available in the student's home country. Research assignments can focus on specific needs and interests of the students. For example, students who will return to their home countries at the conclusion of their studies will have vastly different needs than students who will remain in the United States.

³¹ See, e.g., John B. Attanazio, *The Globalization of the American Law School*, 46 *J. LEGAL EDUC.* 311 (1996).

and evaluate³² their experiences in teaching foreign students, share materials that they develop for international students, and advance the scholarship of legal writing by contributing to this new field of legal education.³³ In addition, Legal Writing and Legal Research professors should coordinate efforts with international students' programs, writing centers, writing or academic support specialists, and other legal writing professionals who teach international students.³⁴

To permit international students and lawyers to pass through our legal education system without adequate attention to their special needs deprives these talented individuals of the full benefit of an American legal education — and deprives our law school communities of the enrichment that these students can share with us. By taking steps to innovate and to adapt our curricula, American law schools in general, and professors of Legal Writing and Legal Research in particular, will confirm that there is much to gain — by students, faculty, the law school community and the legal community — from providing adequate academic and extracurricular support for international law students and law graduates.

³² A sample survey appears in Appendix 2.

³³ Networking is an excellent way to stay current in this fast-growing area of legal education. Consider, for example, Professor Jill R. Ramsfield's thorough bibliography of materials for teaching ESL law students, in *Is "Logic" Culturally Based? A Contrastive, International Approach to the American Law Classroom* (forthcoming), which was distributed at the presentation of this panel.

³⁴ Following this panel's presentation, in fact, Professor Jan Levine of Temple University School of Law facilitated this effort by setting up an electronic "listserv" for the exchange of ideas and techniques for teaching law students whose first language is not English. To subscribe to this list, ESL-LAW, one should send a message "subscribe ESL-LAW" to listserv@vm.temple.edu. To date, this list has more than sixty subscribers.

APPENDIX 1

INTERNATIONAL LAW STUDENT AND LAW GRADUATE SURVEY

Each year, [name of law school] admits students like you who have come from other countries or obtained a law degree abroad. To enhance your experience, the legal writing instructors would like you to complete the following survey. Your completion of the survey will help your instructors get to know you better and learn how best to familiarize you with American legal research and writing styles. This survey also gives you the opportunity to tell us about any issues or concerns you may have regarding the English language and the American legal system. Completion of this survey is optional. Your cooperation is greatly appreciated.

I. Educational Background³⁵

A. Please list all the colleges, universities and graduate programs that you attended.

B. Please list any courses you have had about the American legal system or other comparative law classes.

II. Legal Experience Background

A. Please list any law firms or offices for which you have worked.

B. What kind of work did you do in this office?

C. Did your responsibilities include writing in English?

III. Language Skills

A. For how many years have you studied English?

B. How fluent are you in English? Please circle the appropriate category.

Reading

Fluent

Conversational

Some difficulty

Writing

Fluent

Conversational

Some difficulty

Speaking

Fluent

Conversational

Some difficulty

C. Do you have a substantial understanding of American colloquialisms and grammar?

D. What other languages do you speak or read?

³⁵ Where information on a student's educational background is available in the student's admission file, this question may be modified or eliminated.

IV. Goals and career plans

What are your career plans or goals? For example, after completing law school, do you plan to work here in the United States or in another country?

V. Other questions

A. Please describe any concerns or curiosities you have about coming to the United States and studying law in the United States.

B. If it were offered, would you be interested in attending an additional class to become more familiar with American legal terminology, grammar, etc.?

APPENDIX 2

SAMPLE QUESTIONNAIRE FOR INTERNATIONAL LAW
STUDENTS

Name Year J.D. Awarded/Anticipated

Please answer the following questions on a separate sheet.

1. How many years have you studied English?
2. Have you studied law outside the United States? What degree(s) did you earn?
3. Did you take courses on U.S. law? If so, what courses did you take?
4. Did you take courses on the law of other common law countries?
5. Do you have any particular concerns about studying Legal Writing or Legal Research?
6. What do you find difficult about writing? Why?
7. What do you find easy about writing? Why?
8. What do you find difficult about legal research? Why?
9. What do you most enjoy about legal research? Why?
10. Please describe any special language training you have had in this country, such as English as a second language.
11. Do you have any suggestions to improve the teaching of legal writing or legal research for students whose first language is not English (e.g., additional class time, additional conferences with professor, special orientation programs)?
12. Are there any anecdotes or stories about your experiences with legal writing or legal research that you would like to share?