

MAXIMIZING LEGAL EDUCATION: THE INTERNATIONAL COMPONENT*

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I. INTRODUCTION

The invitation to present my ideas in this forum on how to maximize the law school experience has given me an opportunity to revisit my own experience into the rigorous study of law as manifested in two different legal systems, the Anglo-American common-law system and Continental or civil-law system.¹ The joys and profound revelations gained from my legal studies, as well as the sting of frustrations and perplexity, still remain with me, now magnified by

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1. The civil law system in Colombia where I was first trained in the law is closely modeled on European legal systems and is considered a part of the Continental law tradition.

my perspective as a legal educator. I can empathize with the confusion I see on the faces of foreign attorneys who are studying American law. At the same time, I can see how the adversarial nature of the Anglo-American system changes the personalities and pragmatism of law students over the course of their education.

Today, the influence of one society over another is no longer propagated solely by way of physical invasion across geographical borders. There is a constant invasion of ideas acquired through easier mobility and high-speed communication. The world is shrinking, and contrary to what some American lawyers and legal scholars might think,² American legal education has not yet attained primacy over legal education in other countries and other legal systems. Nor should it, because the majority of countries comprising Western civilization are based on two thousand years of legal traditions handed down from the Roman Empire. "[T]he civil law tradition is older, more widely distributed, and more influential than the common law tradition."³ It is the civil-law traditions that have most widely influenced international law, international organizations, and indeed, the common-law system in which "[t]he ghost [Roman law] walks and sometimes talks."⁴

Furthermore, write Professors Merryman and Clark, "The civil law was the legal tradition familiar to the Western European scholar-politicians who were the fathers of international law. The basic charters and the continuing legal development and operation of the European Communities are the work of people trained in the civil law tradition."⁵ So too, the system of legal education in America stands to gain enormously from foreign models of legal education. There is in this golden age of information exchange a golden opportunity to transform the American law school into a United Nations of sorts. A place where peoples from different legal systems, different cultures, and different languages come together to work for the well-being of the world, where a meaningful interchange and cross-fertilization of international ideas, philosophies, and practice pat-

2. See generally JOHN HENRY MERRYMAN & DAVID S. CLARK, *COMPARATIVE LAW: WESTERN EUROPEAN AND LATIN AMERICAN LEGAL SYSTEMS* 77 (1978) (discussing the development of the civil law).

3. *Id.* at 4.

4. Barbara D. Barth, Comment, *American Legal Education: Some Advice from Abroad*, 23 *BUFF. L. REV.* 681, 690 (1974).

5. MERRYMAN & CLARK, *supra* note 2, at 3.

terns of the law can be examined, better understood, and in some cases, embraced.

My goal for this Article is twofold. The first is to call attention to some aspects of how a lawyer in the civil law is trained and how such methods and the curriculum taught might benefit American legal education and its charges. Because I am most familiar with legal training in Latin America, much of my observations will be based on a general Latin American model as being representative of the Continental legal system. The second goal is to advocate my belief that the whole law school community can benefit from and be enriched by the presence of foreign lawyer-students and foreign lawyers pursuing legal studies.⁶ The prevailing belief is that the education of a foreign lawyer in an American law school is a one-way street in which that lawyer learns the American law. I believe very strongly that the experience can and should be a two-way street in which the foreign lawyer-student gives back to and enriches the law school in both abstract and substantive ways.

II. *THE LAW SCHOOL CURRICULUM: WHAT CAN BE LEARNED FROM CONTINENTAL LAW TRAINING*

The modern civil law is the product of three great legal systems: the law developed by the juriconsults of Rome from the foundation of the city (traditionally given as 753 B.C.) until the codification by the Emperor Justinian in A.D. 533; the folk laws of Germanic origin, many of which were written down from the fifth century A.D.; and the canon law, the law of the Church, which was in many respects based on the Roman law, but which nevertheless constituted a distinct system.⁷

As a lawyer and law professor trained first in the Continental or civil-law tradition in Colombia, and then in the Anglo-American or common-law system, I have been most fortunate to experience two different methods of training lawyers in the two great legal traditions of Western Civilization. My transition from one system to the other, however, was often perplexing. I joined a long procession of

6. The notion of doctoral or post-doctoral study is somewhat misleading in law, for the fact that a Masters in Law or an academic doctorate in law follows the bestowing of the Juris Doctor, or in some cases, the Bachelor of Laws degree.

7. MERRYMAN & CLARK, *supra* note 2, at 77.

“Continental”⁸ struggling through an internal battle of judging one system over the other and trying to always pick the “winner” of both. My time would have been better served had I simply accepted the “apples and oranges” analogy that each system is unique within its historical, cultural, and social context. Not only are the two systems of law different, but the method and goals of training a Continental lawyer are also remarkably distinct. The Continental system requires that lawyers receive a solid legal education via a “panoramic view”⁹ — a thorough grounding in the legal tradition that forms the foundation upon which the local or domestic law is constructed. Much to my surprise at the time, I discovered that American law training is not disposed toward such a thorough grounding in the law. It took a while to sink in, but I finally figured out that the intent of American legal education is not to train lawyers in the “panoramic view,” but rather to instill in law students the argumentative pattern of legal reasoning necessary for an American lawyer to survive in the common-law milieu. Professor Mirjan Damaska best expressed the contrast in legal training when he wrote:

There is a significant lack of the argumentative approach towards the law [in Continental legal training] which permeates the atmosphere of law schools in this country. The moving spirit of analysis is not the desire to find the best argument for a proposition, but rather the quest for the “right” answer to the problem at hand. Conspicuous by its absence is the intertwining of legal and nonlegal arguments so common here.¹⁰

8. The term “Continental” has been borrowed from Professor Mirjan Damaska's use of the term in his excellent and illuminating article, *A Continental Lawyer in an American Law School: Trials and Tribulations of Adjustment*, 116 U. PA. L. REV. 1363 (1968).

9. *Id.* at 1364. According to Damaska, the essential ingredients of the Continental law school experience “involve[] exposure to . . . the grammar of law [the term borrowed from T. Holland's *The Elements of Jurisprudence* 7 (5th ed., 1895)], a panoramic view of the most important fields of law, and some initiation into the patterns of legal reasoning.” *Id.* at 1364 & 1365 n.1. Expanding on this observation, Damaska notes that [t]his comprehensive view of the whole is considered to be of utmost importance. It is feared that if the young lawyer fails to perceive the great contours of private and public law in school, he will seldom acquire an overview later in practice. Entangled in the jungle of practical problems, he will be deprived of the guidance that comes from an awareness of the totality of law in his particular field.

Id. at 1367.

10. *Id.* at 1369.

In the Western world, those countries basing their legal systems on the common-law tradition are a distinct minority. The common-law tradition is also a younger manifestation of the rule of law in the history of civilization.¹¹ The massive corpus of legal philosophy, tradition, and methodology for training, forms the basis for education in the civil law. Added to the weight of the organic law are notions of humanism and conservatism, along with offerings in related disciplines.¹² As the Napoleonic influence transformed the civil law, the role of the university in training lawyers was similarly altered.

The basis of this model is that the University is fundamentally designed to prepare professionals; this concept arose with the violent dissolution wrought on the traditional University by the French Revolution. As Luis Schers Garcia says — “As a mark of anti-intellectualism, teaching is put into the hands of practical, functionary or professional men.”¹³

Gradually over the last century, education in the civil-law system has settled on a pattern of government controlled and mandated curriculums for training lawyers.¹⁴ Such control imposes on the law

11. The origins of the civil law date back to the Ancient world. See MERRYMAN & CLARK, *supra* note 2, at 3. Many tenants of Roman law persist in the organic law of civil-law countries, particularly in matters of property, contracts, and family law.

12. See Edward A. Laing, *Revolution in Latin American Legal Education: The Colombian Experience*, 6 LAW AMERICAS 370, 373 (1974).

Traditionally, . . . conservatism has been a feature of the law and society. In law and legal education the tendency has been to stress historicism and positivism as cardinal features of law, the teaching of which was designed to produce “jurists” cast in the traditionally exegetical mold by a system which eschewed intellectualism (unless traditionally endowed) and creativity, and which extolled professionalism.

Id. at 372–73; see also Thomas E. Carbonneau, *The French Legal Studies Curriculum: Its History and Relevance as a Model for Reform*, 25 MCGILL L.J. 445 (1980). Carbonneau observed that French law students derived benefits from an interdisciplinary perspective in their legal training. See *id.* at 445–46.

13. Laing, *supra* note 12, at 373 (quoting from Fernando Fueyo Laneri, *Conferencias de Facultades de Derecho Latinoamericanas* [Conference of Latin American Law Schools] 85, 138 (1965), in 33 *Revista de Derecho y Ciencias Sociales (Concepción)* [Law and Social Science Review] 85, 138 (1965)).

14. In Colombia, Decree 1569 and Decree 1391 established that the law curriculum must include a proscribed number of courses taken from a set of subject categories. See *id.* at 374, 394–95. Similar mandates exist in Brazil where law degrees must be recognized and signed by the president’s minister of education. See Joaquim Falcao, *Lawyers in Brazil*, in 2 LAWYERS IN SOCIETY: THE CIVIL LAW WORLD 400, 404 (Richard L. Abel &

schools of each country a uniformity in the curriculum, although there is room for variety by way of electives and clinical programs.¹⁵ Curriculums are similar from country to country because the civil law tradition developed from the same origins of Western civilization.¹⁶ Also, law programs are typically independent departments attached to a larger school (*facultad*) within the university. Such examples would include the School of Law and Political Science (*facultad de derecho y ciencias politicas*) or the School of Law and Economics (*facultad de derecho y economicas*).¹⁷

Most foreign-trained lawyers will tell their American counterparts that the three-year ordeal of law school in the United States is nothing like the five-year or more programs in their native country.¹⁸ The typical law school education in Latin America's Continental law system is five years in length.¹⁹ Credit hours are established by the government and reflect the number of hours the course will be taught over the semester. The school year is split into two semesters, normally with a month vacation in June, and about a six-week vacation over the Christmas holidays.

Because the element of professionalism pervades university teaching, classes typically start at 6 a.m., end around noon, and resume in the evening. This accommodates the law professors who, as practicing lawyers and judges, must attend to their clients and court responsibilities during the day.²⁰ Saturday morning classes are

Philip S.C. Lewis eds., 1988).

15. For a discussion on government control of legal education in Germany, see David S. Clark, *The Selection and Accountability of Judges in West Germany: Implementation of a Rechtsstaat*, 61 S. CAL. L. REV. 1795 (1988).

16. See MERRYMAN & CLARK, *supra* note 2, at 73.

[T]he principle states of Western Europe adopted civil codes. . . . The subject matter of these civil codes was almost identical with the subject matter of the first three books of the *Institutes* of Justinian and the *jus commune* of medieval Europe. . . . A European or Latin American civil code of today clearly demonstrates the influence of Roman law and its medieval revival.

Id.

17. See Laing, *supra* note 12, at 371.

18. In fairness, I can attest that any foreign lawyer who has not experienced the stress and hard work of getting an American J.D. cannot fully appreciate what an American law student goes through in three short years.

19. There are some exceptions, such as in Peru, which has a six-year curriculum. See *supra* note 12, at 396, where Laing provides great detail on curriculums and programs in various Latin American countries.

20. In Colombia, "[t]eaching personnel are overwhelmingly *catedráticos* (adjuncts), who teach one or more courses while maintaining an active law practice to augment law

also required. Attendance at all classes is mandatory. Most classes are done as lectures.²¹ There is little discussion or interaction during class between the students and the professor.²²

The Socratic method²³ of legal training is largely unknown given there is no doctrine of *stare decisis*.²⁴ Unlike American legal education in which inductive reasoning is paramount, the Continental law education methodology emphasizes deductive reasoning through the study of logic.²⁵ This emphasis is by virtue of the statutory codification used in the Continental system, wherein statutes are written in general terms so as to be applicable to specific facts. Because there is little case law to brief and debate in the course of their training in the Continental law system, law students spend countless hours memorizing the code law word for word, pretty much by rote. While attending law school courses in Colombia, Attorney Edward Laing observed a lack of teaching materials used in class specifically prepared for the students.²⁶ "Casebooks or materials books have been unknown, with students relying on their codes and other legislative instruments and on lecture notes . . . written by themselves, other students or the lecturer, and sold in mimeographed form."²⁷ The writings of legal philosophers are published in student editions;

school salaries." Richard J. Wilson, *The New Legal Education in North and South America*, 25 STAN. J. INT'L L. 375, 382. Likewise, in Chile, law professors teach only part-time, come to school to deliver their lectures, and return to their daily practice. See generally STEVEN LOWENSTEIN, *LAWYERS, LEGAL EDUCATION, AND DEVELOPMENT: AN EXAMINATION OF THE PROCESS OF REFORM IN CHILE* 109 (1970).

21. See Damaska, *supra* note 8, at 1368. Damaska suggests that the American law student "would be positively annoyed by the method of instruction that still prevails in Continental law schools, with formal and not infrequently somewhat soporific lectures." *Id.*

22. See Laing, *supra* note 12, at 375 (observing that legal education in Colombia is done by part-time professors who prefer doctrinal positivism in their teaching methods). "[S]ome of its more dubious side effects have often been: the development of dogmatism and unquestionability on the part of the teacher, the student learning to subdue his natural inquisitiveness and to become examination-oriented, and, generally, the exaggeration of the theoretical and doctrinal at the expense of the more practical aspects of the law." *Id.*

23. Understandably, the Socratic method of teaching is a real eye-opener for foreign lawyers when they come to an American law school for graduate study.

24. See Luz Estella Nagle, *Evolution of the Colombian Judiciary and the Constitutional Court*, 6 IND. INT'L & COMP. L. REV. 59, 70-71 (1995).

25. See Richard C. Maxwell & Marvin G. Goldman, *Mexican Legal Education*, 16 J. LEGAL EDUC. 155, 162 (1963).

26. See Laing, *supra* note 12, at 375.

27. *Id.*

however, both students and professors quote such writings from memory during class. Damaska notes:

Since in the Continental scheme of things theoretical preparation and a grasp of the whole must precede exposure to the complexities of practice, precedence is given to rendering instruction in the grammar of law and in the grand contours of most important fields of law.²⁸

Furthermore, the first two years of legal study focus on the theoretical and philosophical foundations of law, while the last three years concentrate on the domestic law, international law, and on intensive clinical training.²⁹ Using as an example my own curriculum in Colombia in the table on page 1100, one can see this year-to-year progression within the constraints of the panoramic view of legal education from historical and theoretical study of the civil law tradition to a gradual transition into the organic law of Colombia.

Examinations are almost always in the form of oral inquisitions³⁰ in which each student, one by one, goes meekly before a panel of professors and responds to a barrage of questions from the learned panel for up to three hours at a time.³¹ Make-up exams are rarely given. The examination typically covers practical problems. In Germany, for instance, “[f]inal oral examinations have been described as a ‘conformity test’ to see whether the candidate’s thought processes fit the appropriate pattern of ‘perceiving, thinking and judging.’”³²

While a student may complete law school in five years, he or she

28. Damaska, *supra* note 8, at 1369–70.

29. See Carbonneau, *supra* note 12, at 468–70 (presenting a table listing all the law and allied courses offered at the Sorbonne in Paris). For representative courses in Italian law schools, see Vittorio Olgiati & Valerio Pocar, *The Italian Legal Profession: An Institutional Dilemma*, in 2 *LAWYERS IN SOCIETY: THE CIVIL LAW WORLD* 336, 345 (Richard L. Abel & Philip S.C. Lewis eds., 1988).

30. According to Dean and Professor of Law Richard Maxwell, oral examination follows a pattern that is almost universal in Latin America. See Maxwell & Goldman, *supra* note 25, at 167.

31. Having experienced both oral and written law examinations, I can say with confidence that I would much prefer a three-hour closed-book written examination to the mental and physical punishment one endures while standing alone before a tribunal of professor-inquisitors.

32. Erhard Blankenburg & Ulrike Schultz, *German Advocates: A Highly Regulated Profession*, in 2 *LAWYERS IN SOCIETY: THE CIVIL LAW WORLD* 124, 131–32 (Richard L. Abel & Philip S.C. Lewis eds., 1988).

does not receive a diploma until a dissertation has been written and defended before a tribunal of law professors who will pass the student or remand him or her to further study.

Letter grades are not given; the numbering system for grades being zero to five, with quarter fractions thereof; five is a perfect grade. This grueling schedule, the pedagogy employed, and the fact that law school lasts at least five long years accounts in large part for student attrition rates as high as seventy-six percent.³³ I believe that the high drop-out rate, however, is not all bad, because not only are there fewer attorneys entering practice each year, but those who do survive the law school ordeal tend to be far better prepared, possess greater strength of character, purpose, and dedication, and more broadly competent than many of their American counterparts.

33. This was the attrition rate for my law school class at the Universidad Pontificia Bolivariana in Medellín, Colombia. Such a high drop-out rate is confirmed in other countries. In Germany, the drop-out rate for the first part of legal education is about 50% and in the second part of the education about 25%. *See supra* note 32, at 124. In Spain, only about 10% of the students succeed in graduating within 5 years, another 7% take 6 years, and a further 7% requires 7 years. *See* Carlos Viladas Jene, *The Legal Profession in Spain: An Understudied but Booming Occupation*, in 2 *LAWYERS IN SOCIETY: THE CIVIL LAW WORLD* 369, 371 (Richard L. Abel & Philip S.C. Lewis eds., 1988); *see also* ELENA MERINO-BLANCO, *THE SPANISH LEGAL SYSTEM* 106 (1996).

As can be seen from the above table, the first two years are intended to form a solid grounding in the nature of law — the panoramic view. For instance, the study of Roman law and natural law include intensive analysis of the writings of Justinian³⁴ and St. Augustine.³⁵ Likewise, the writings of the great European legal philosophers are studied in great detail, including the Italians — Beccaria, del Vecchio,³⁶ and Lombroso;³⁷ the Germans — Schmidt,³⁸

34. Justinian I (482–565) was Emperor of Rome and most noted for his codification and organization of the Roman law into the *Corpus Juris Civilis*. See MERRYMAN & CLARK, *supra* note 2, at 70. The *Corpus* was rediscovered in the twelfth century and became a building block upon which European legal systems grew. Justinian was motivated to codify the Roman law to

eliminate that which was wrong, obscure, or repetitive, to resolve conflicts and doubts, and to organize what was worth retaining into some systematic form. In particular, Justinian was concerned about the great number, length, and variety of commentaries and treatises written by legal scholars (called *juris consults*). He sought both to abolish the authority of all but the greatest of the *jurisconsults* of the classical period, and to make it unnecessary for any more commentaries or treatises to be written.

Id.

35. St. Augustine (354–430) “was one of the key figures in the transition from classical antiquity to the Middle Ages.” 1 THE ENCYCLOPEDIA OF PHILOSOPHY 198 (Paul Edwards ed., 1972). He believed that “human law” dealt with only a part of human conduct, and that “eternal law” by contrast, leaves no aspect of life out of its purview. See *id.* at 203.

36. George del Vecchio (1878–1970) was an Italian professor of law and philosophy. See *id.* at 336. While he espoused facism, he also insisted upon the “validity of natural law and . . . individual freedom.” *Id.* at 337.

37. Cesare Lombroso (1835–1909) was an Italian criminologist and professor of psychiatry who believed that one's pre-disposition to criminal behavior could be determined by facial characteristics and the shape and size of one's head. See 16 THE NEW ENCYCLOPEDIA BRITANNICA 803 (15th ed. 1994). While his ideas were later discredited, his work advanced the development of scientific methodology in the field of criminology. See

Welzel, Radbruch,³⁹ Weber,⁴⁰ Stammler,⁴¹ and Kelsen,⁴² and the Spanish — Legaz y Lacambra,⁴³ and Recaséns Siches.⁴⁴

Once the law student gains a thorough knowledge of the theory and philosophy of law, the training in the substantive law of his or her country begins. The third year of study is one of transition from theory to practice and to seeing how what has been learned in the first two years is applied to the laws of one's country. The fourth and fifth years are spent in the detailed study of domestic and international law, and in gaining practical experience through clinical work with indigent clients (*consultorios juridicos*) under the supervision of faculty/practitioners and with the aid of student assistants.⁴⁵ The

id.

38. Erich Schmidt (1853–1913) was a professor of German criminal law and criminal procedure. *See* 21 MEYERS ENZYKLOPÄDISCHES LEXIKON 166. His work in reforming the German criminal code became a model for reforms to criminal codes in other Continental law systems. *See id.*

39. Gustave Radbruch (1878–1949) was a German jurist and legal philosopher. *See* 9 THE NEW ENCYCLOPAEDIA BRITANNICA 883 (15th ed. 1994). Originally a legal relativist, “[h]e abandoned relativism and turned toward a philosophy of natural law that recognized certain absolute, innate properties of law and justice.” *Id.*

40. Max Weber (1864–1920) was a German sociologist and political economist who “profoundly influenced sociological theory” by studying “human action in terms of motivation.” 12 THE NEW ENCYCLOPAEDIA BRITANNICA 545 (15th ed. 1994).

41. Rudolf Stammler (1856–1938) was a German professor of law noted for “distinguishing the concept of law, which is a purely formal definition, from the ideal of law, which is the realization of justice.” 11 THE NEW ENCYCLOPAEDIA BRITANNICA 206 (15th ed. 1994).

42. Hans Kelsen (1881–1973) was a professor of law in Austria and the United States. *See* 6 THE NEW ENCYCLOPAEDIA BRITANNICA 791 (15th ed. 1994). He authored the Austrian Constitution (1920) and served as the judge of the Austrian Supreme Constitutional Court. *See id.* He is noted for developing a “pure theory” of law — one that is logically self-supporting and independent of extralegal values. *See id.* at 792.

43. Luis Legaz y Lacambra (1906–) is regarded as “Spain’s most eminent jurist and professor of the philosophy of law.” Luis Legaz y Lacambra, *The Juridical Notion of the Human Person and the Rights of Man*, in SPANISH PHILOSOPHY: AN ANTHOLOGY 92 (A. Robert Caponigri trans., University of Notre Dame Press 1967). Among his chief works are *Dercho y libertad* (1952) and *Filosofia del derecho* (1961). *See id.*

44. Luis Recaséns Siches (1903–) is an internationally recognized legal philosopher whose works include treatises on sociology and the law, social justice, and international protection of human rights. *See* 3 LUIS RECASÉNS SICHE ET AL., 20TH CENTURY LEGAL PHILOSOPHY SERIES: LATIN-AMERICAN LEGAL PHILOSOPHY xxv–xxviii (1948).

45. I was Student Director of the Consultoria Juridico Pius X during my last two years of law school. The directorship was bestowed on the student who had the highest grade in criminal law courses. I can say from personal experience that the legal aid clinic brought many students of very wealthy backgrounds face-to-face with indigents, drug addicts, and illiterate peasants for the first time in their lives. The impact of these encounters on such students was in some cases quite profound, particularly during a

clinics give an opportunity for students to “participate in penal proceedings at the pretrial level (*instrucción*) or fully in minor trials before municipal courts, in single-instance labor proceedings and in administrative labor conciliation procedures, and in minor civil cases before single-instance municipal courts.”⁴⁶

In addition to the magisterial training and clinical experience, the Continental law student can work toward a specialization in the law, such as penal law, international law, corporate law, or taxation. Many Continental law schools also offer post-graduate masters in laws program in specific areas of the law.⁴⁷

The title earned upon graduation from law school may vary from country to country and even from school to school within a country.⁴⁸ This discrepancy seems to confuse American academics and may also partly explain why they consider foreign law degrees to be undergraduate degrees. Another point of confusion is that the law curriculum in Latin America may be but one independent department attached to a larger school (*facultad*) within the university.⁴⁹ This may further account for some of the perplexity law professors in the United States have over legal training in the Continental system.

Proposals for Enrichment

Having presented this background on the Continental law and the education of a Continental lawyer, below are some proposals for how the Continental legal education experience could enhance American legal training. As the German legal scholar Eric Schweinburg wrote,

[N]othing would be more unfortunate than to assume that countries which have had several centuries of experience in grappling

time when the liberation theology movement was in its most influential period in Latin American universities (the movement, by the way, began in Medellín). The clinical programs in Colombia were an innovation resulting from Decree No. 196 of 1971. See Laing, *supra* note 12, at 390. The programs had to be approved by the judiciary. See *id.*

46. *Id.*

47. Carbonneau presents a table of various degrees and subjects of post-graduate studies. See Carbonneau, *supra* note 12, at 468–70.

48. Examples of degree titles: Abogado, Doctor de Derecho, or Licenciado. For more on this discussion, see MERINO-BLANCO, *supra* note 33, at 105–22.

49. See *id.*

with a philosophy and methodology of legal education have nothing constructive to contribute in helping America to make its law school a more effective social instrumentality than it is today. Anyone who has been reared to consider comparative studies an indispensable basic tool for the building of a social structure or an educational institution is convinced that such studies almost always yield important results, if only in pointing to pitfalls that should be avoided.⁵⁰

To begin, the American law school curriculum should include greater time spent on legal theory and philosophy, if for no other reason than that the law student stands to gain an intellectual attachment and sublime sense of responsibility to the profound tradition of the rule of law in Western civilization. On a more practical level, the practice of American law is no longer insulated from the rest of the world, and it is incumbent upon American lawyers to educate themselves about the Continental law system.⁵¹ Noting that United States law schools “focus almost exclusively on interstate conflicts,” Professor Beverly Carl criticizes such “parochialism . . . in the face of an ever increasing number of contacts across national frontiers.”⁵² The implementation of the North American Free Trade Agreement and other transnational agreements render it necessary even for lawyers practicing municipal law in small town America to understand how international trade agreements and international conventions impact local government in the United States. The international element cannot be excluded from the law school curriculum and environment because international events daily effect every corner of our territory.⁵³

A mandatory panoramic view of law, placed along side the parochial view of American legal education, would result in better trained lawyers who are more ethically and morally responsible to themselves, their clients, and their profession, and, as international borders continue to blur, to the international arena.

American law students would be required to write and to defend

50. ERIC F. SCHWEINBURG, *LAW TRAINING IN CONTINENTAL EUROPE: ITS PRINCIPLES AND PUBLIC FUNCTION* 6 (1945).

51. Paraphrased from a talk by Judge Elizabeth Kovachevich (Chief Judge, U.S. District Court, Middle District, Florida) to foreign LL.M. students, on August 13, 1999.

52. Beverly May Carl, *Conflicts of Law: An Appeal for Revival of Its Multinational Character*, 26 J. LEGAL EDUC. 495, 495 (1974).

53. *See id.* at 496.

a dissertation and graduate from law school with a certification of specialization in a specific area of law.⁵⁴ When a student has to defend a dissertation, including the research and methodology, it becomes a meaningful device to teach the student valuable research skills and how to defend one's conclusions. Furthermore, the law degree would assume greater academic respectability, particularly if one considers that lawyers were traditionally men of letters "learned in the law" long before law schools ever came into being.⁵⁵

As for a certification in a specialized area of the law, such training would coincide well with clinical practicums. A specialization element of the law school education would allow students to graduate better prepared to pursue a specific practice, and employers would be hiring new lawyers who are already well along on the learning curve. A specialization, along with the dissertation process, would provide opportunities for law students to have greater one-on-one interaction with faculty who are experts in a specialized area of the law. Some law schools already offer something along this line, such as Vermont Law School, which is noted for training lawyers to practice environmental law, the City University of New York Law School, noted for training lawyers in public law, and George Mason, with its heavy emphasis on law and economics.

Real-life clinical training with heavy faculty supervision rather than simulated legal skills courses would be mandatory and not just available as an elective or to those who qualify based on academic standing (as occurs in too many American law schools). Continental law educators have come to realize the "necessity of developing this area, stressing the 'intimate relationship' between theory and practice."⁵⁶ The experience gained, for instance, in a legal aid clinic is thrilling. Drafting legal documents, appearing in court, interviewing clients and witnesses, arbitrating labor disputes, and working under real deadlines that affect the lives of real people is an experience no simulated practicum can replicate. The opportunity to test what a law student has learned in the course of his or her legal education

54. Having to do so might actually dissuade quite a few individuals from applying to law school and create a brake on the number of new lawyers flooding into the profession each year.

55. Laing points out that the traditional product of the university has tended to be society's elite, whose cultural and educational status accord them the right be called gentlemen. See Laing, *supra* note 12, at 372.

56. *Id.* at 380.

prior to actually entering the legal profession can leave a life altering impression on the student.

Oral exams would be given in some courses if for no other reason than to better train the individual to think on his or her feet and to discuss the subject before an inquisitorial tribunal of "professors" in the traditional sense. After all, this is what occurs during appellate arguments, is it not? Even though this would be an imposition on the professors' time, the experience would prove enlightening for both sides.

As occurs in Continental law training, fewer law students would graduate from American law schools because fewer law students would survive the ordeal of increased rigorous academic and practical training. If fewer law students were to graduate, one might assume that those who do would be more competent lawyers, and as a corollary, the profession would gain greater respectability in the eyes of the society they are sworn to serve.

Law school would take four years to complete to allow the students to gain a thorough understanding of the philosophical and substantive law, and thorough training in the method of legal reasoning.⁵⁷ Adding this regimen to the curriculum would help law students gain badly needed problem solving skills. Professor Stephen Gottlieb argues that "[s]o much of the business of the lawyer depends on delving into the unknown that the attitude of exploration and the methods of investigation ought to be as much a part of the law school curriculum as the method of deductive logic."⁵⁸ The fourth year would serve mainly as a year of clinical practice, like an apprenticeship as occurs in much of the United Kingdom and in most Continental law countries.

Such drastic reforms in law school training would be difficult to achieve because so much of what is taught in law school is predicated on the American Bar Association (ABA) accreditation and standards process.⁵⁹ Granted, the law schools have to maintain some continuity in teaching, but until there is a sea change in the over-

57. See Stephen E. Gottlieb, *Postgraduate Legal Education and Law Schools*, 29 J. LEGAL EDUC. 206, 207 (1978).

58. *Id.* at 213.

59. Attempts have been made over the years to supplant the Story-Langdell system developed at Harvard in the 1870s. See, for example, the evidence presented by Joseph W. Dellapenna, *Perfecting the Third Year of Legal Education: Training Humanistic Plumbers*, 1976 DET. C.L. REV. 1, 2.

sight apparatus of the ABA and the Association of American Law Schools, law schools in the United States (and to some extent in Canada) will continue to plod along under standardized methodologies and constraints. In this respect, American law schools are as constrained, if not more constrained than Continental law schools, when it comes to determining the curriculum.

Another way in which American law schools could be enhanced by Continental models would be to allow professors to practice more actively in their areas of expertise, thereby bringing more practical and current knowledge to bear in the classroom.⁶⁰ “Because the practice of law contributes to good teaching and writing, it appears to be pedagogically sound so long as it is not done so extensively as to become counter-productive rather than productive for the academic enterprise.”⁶¹

III. TOWARD AN INTERNATIONAL STANDARD FOR TRAINING FUTURE LAWYERS TO HAVE AN INTERNATIONAL PERSPECTIVE OF THE LAW

In the next century, law schools will need to prepare attorneys to practice not only in the American legal system, but to have enough knowledge of the Continental law system to handle international issues.

[I]ncreased mobility among the peoples of the world and the “position that the United States has suddenly come to occupy in world

60. See Lawrence R. Velvel, *Suggested Improvements in Legal Education*, 29 J. LEGAL EDUC. 194, 195 (1978). Velvel asserts that

[i]t is somewhat heretical to openly assert that a full-time professor should practice law. However, such practice is in fact done to a greater extent than is recognized or admitted and gives rise to several advantages. A professor who currently practices in his fields of expertise will bring far more knowledge to the classroom than one whose teaching depends on information obtained solely from books or from a practice which ended years ago.

Id.

61. *Id.* at 195. Professor Velvel goes on to suggest that many lawyers who are willing to work hard

may ultimately shy away from teaching in favor of far more lucrative full-time practice This would leave law schools in the grip of professors who are not enamoured of hard work — perhaps in the grip of those who think a professor's only jobs are to teach and to talk to students. This is hardly a prescription for truly competent law schools.

Id. at 196.

affairs” have created a greater need for us to understand the legal structure of other nations and the legal mentality of those people who represent these nations on the diplomatic scene.⁶²

In every sector of the law, there is a definite need for lawyers to understand the procedural dynamics of working on legal problems outside the borders of the United States. Immigration lawyers will have to be familiar with civil procedure in other countries when dealing with asylum requests. Law clerks in federal courts will work on cases involving foreign jurisdictions and will work with foreign counsel and officials. Intellectual property lawyers concerned with widespread piracy and licensing infringement overseas will have to know how to prosecute violators in foreign courts. Tax lawyers will have to understand the foreign laws governing offshore banks and finance houses. Law students should assume that their practice may likely cross borders. They should, therefore, take steps to educate themselves accordingly.

The law school curriculum needs to expand by offering more courses in international and comparative law. Such a curriculum may include introductory courses in Roman law,⁶³ civil law, criminal law, contracts, and business law in the Continental system, and courses on how to represent American companies abroad. American legal scholars have noted that much of the ancient law handed down through civil law traditions pervades the common law tradition as well.

[T]here is more of Roman law [in American common law] than the ordinary American lawyer realizes, for most of the basic principles in our law of admiralty, wills, successions, obligations, easements, liens, mortgages, adverse possession, corporations, judgments, and evidence come from either the survival or the revival of Roman law in English law.⁶⁴

62. Barth, *supra* note 4, at 687.

63. As recently as 1992, only seven American law schools offer a course in Roman law: Boalt Hall, University of California, Berkeley; the University of Chicago; Harvard; the University of Michigan; Syracuse; Tulane; and the University of Virginia. See John J. Hogerty, II, Comment, *Reflections at the Close of Three Years of Law School: A Student's Perspective on the Value and Importance of Teaching Roman Law in Modern American Law Schools*, 66 TUL. L. REV. 1889, 1891 n.9 (1992).

64. P.R. Coleman-Norton, *Why Study Roman Law?*, 2 J. LEGAL EDUC. 473, 476 (1950).

I, therefore, strongly advocate that more law schools teach Roman law as a required course. There would be much to be gained in addition to bringing American law schools more in line with the international standard for legal education.

Roman law's greatest benefit to the student is its intellectual vigor. From Roman times to the present, the study of Roman law has attracted some of the world's greatest minds. The reasons for this eminence seem to stem from the Roman juristic method and the Roman method of legal expression.⁶⁵

From the study of Roman law one acquires a sense of empowerment, a feeling that one is more "learned" in the law after having been exposed to the legal principles espoused by the ancients. Roman law gives the modern lawyer a sense of connection to more than two thousand years of legal reasoning and logic. Furthermore, Roman legal principles are time-tested and of acute historic significance.

[T]he Roman jurists' adeptness at defining the proper level of abstraction for legal rules, balancing the general and the specific, has given Roman law its longevity. The benefits students gain from learning the Roman juristic method, therefore, are twofold. First, it teaches them to spot and phrase issues with the proper level of abstraction. This technique may be one of the most difficult for a beginning law student to learn, and Roman-law study is an excellent way to get the lesson across. Second, studying the Roman juristic method will give students a sense of reassurance: "[I]t will often flash upon the student that the problems of today are not, as they seemed, new problems which must be tackled solely on the basis of *a priori* reasoning. They have happened before and we know what the Romans managed to make of them."⁶⁶

The oratorical and argumentative style of Roman jurists provides models of significant value to today's future litigators. As one early twentieth century legal scholar noted with unvarnished admiration, "The style of the Roman jurists is simple, clear, brief, terse, nervous and precise[,] . . . far superior to the Anglo-American, and is

65. Hogerty, *supra* note 63, at 1892.

66. *Id.* at 1892-93 (quoting F.H. Newark, *The Future of Roman Law in Legal Education in the United Kingdom*, 33 TUL. L. REV. 647, 658 (1958)).

worthy of imitation. . . .”⁶⁷

The American law school curriculum should pay closer attention to the cultural influences exerting pressure on the society in general and on the boundaries of law and legal study in particular. Concepts of law are not easily translated from one language to another. American lawyers find themselves discomfited when they discover that their idea, for instance, of administrative law is really quite different from what a Spanish-speaking lawyer thinks of when he sees the term “derecho administrativo” (in English, literally “administrative law”). The terms translate the same, but mean something very different within the legal system in which either term resides.

There is also a certain degree of xenophobia built into American legal education — an assumption that because English is the international language of trade and commerce, then those wishing to conduct business with the English-speaking world must make the effort to understand the nuances and terms of legal English. “Americans all too often chauvinistically assume that it is up to the foreign businessman or lawyer to speak English and to deal with English language instruments.”⁶⁸ The “failure to recognize linguistic differences in negotiation and drafting” can have disastrous consequences.⁶⁹ American law schools should offer courses in legal languages, perhaps choosing a language representing the part of the world by which many of the law schools students will be affected in their future practice. Recognizing the importance of Latin America to the South Florida business and legal community, the University of Miami School of Law offers a course in Legal Spanish.⁷⁰ Law schools in the West, such as the University of California, Los Angeles, or Stanford would perhaps look to China and Japan and offer courses in Legal Chinese or Japanese. In concert with offering such training to American law students, emphasis must be placed on the cultural and sociological aspects of the law in other countries.⁷¹

67. Charles P. Sherman, *The Value of Roman Law to the American Lawyer of Today*, 60 U. PA. L. REV. 194, 198 (1911).

68. Roger J. Goebel, *Professional Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap*, 63 TUL. L. REV. 443, 451 (1989).

69. *Id.* at 450.

70. See *Miami's Legal Spanish Course Unusual for U.S. Law Schools* (visited Jan. 5, 2000) <<http://vega.law.miami.edu/news/25.html>>.

71. In the 1980s, the Los Angeles office of the international law firm Jones, Day, Reavis & Pogue hired a Japanese-American paralegal trained in the ritual of geisha to

By expanding outside the parochialism of American legal education, future lawyers may gain a stronger desire to learn about the law as it exists in modern civilization. As Professor Roger Goebel writes, "A legal mindset based totally on rigid adherence to one country's legal system and practices is a serious but seldom acknowledged obstacle to the successful conduct of international business."⁷² Having accomplished that, the transnational lawyer will be "bridging the cultural gap."⁷³

There are other ways in which the international element can contribute to a greater law school educational experience. Forums and conferences dealing with global issues should become a more significant element of the law school agenda and greater emphasis should be placed on student attendance at such events. Student chapters in public and private international law associations should be supported by the law school community.

The incorporation of various social science courses into the American law curriculum, as occurs in many Continental law curriculums, has been advocated for more than fifty years. Political science, sociology, economics, accounting, and even forensic medicine are required courses in many foreign law schools. Given the structure of higher education in the United States in which the student is (possibly) exposed to social studies and social sciences at the undergraduate level, there is also the possibility that the law student who majored in English, or music, or engineering may have had less than a passing glance at social science subjects. A number of scholars have noted that a lawyer arguing legal precedent affecting the society is working in a vacuum if he or she has no understanding of the social and cultural ramifications of the arguments. "One can hardly escape from the conclusion that a lawyer who has not studied economics and sociology is very apt to become a public enemy. . . ."⁷⁴

train the firm's attorneys on how to comport themselves with the firm's Japanese clients during business negotiations as well as during social gatherings.

For a more general discussion on preparing professionals to do business abroad, see Sandra Torry, *Sending the Correct Multi-Cultured Message*, WASH. POST, Oct. 19, 1992, at F5.

72. Goebel, *supra* note 68, at 449.

73. *Id.* at 447. "By the cultural gap, I mean the tremendously important, yet sometimes hidden, barriers to international business and trade that are created by differing cultural, social, political, and economic systems." *Id.*

74. Barth, *supra* note 4, at 693 (quoting ESTHER LUCILE BROWN, LAWYERS, LAW SCHOOLS, AND THE PUBLIC SERVICE 110 (1948)).

While many law students will apply their legal education to the practice of law as advocates and litigators, some, however, will become businessmen, legislators, politicians, and economic advisors whose counsel or professional decisions could have adverse effects on the society because they never received the tools of education to help them make informed decisions about the issues over which they toil.

In these capacities, it is absolutely necessary that future lawyers receive not only a sound legal background, but also possess knowledge of both the theories and techniques of the social sciences. Examples of specific areas to which such knowledge is directly applicable are criminal law — the psychological effect of punishment on human attitudes and behavior, and taxation — the sociological and economic impact of no-fault insurance on our society. “Without some appreciation of the interplay of law and the social sciences, we are adjudicating, legislating and administrating mindlessly.”⁷⁵

Because American law schools attempt to construct an entering class that represents the cultural, educational, and professional diversity of our amazing society, it stands to reason that many students will not be on the same level of basic understanding of subjects in law. The student who studied accounting or business will have an easier time with courses in tax law than the student who came to law school from a liberal arts background. Likewise, the law student who was a paralegal in a real estate firm will have advantages over the former actor/Rhodes Scholar in first-year property law. In the Continental system, law schools, by including essential relevant social studies courses in the early stages of legal education, lay the foundation for law students to approach their legal studies on a level playing field. Yes, it is admirable and desirable that the law schools train lawyers who bring broad experience and education to the profession, but there must be some method, or a model based on international standards, to provide an allied course in the social sciences to law students at some point in their law school education.

Perhaps a few such courses could be offered in some of the many summer abroad programs that have become such a significant source of revenue for many law schools. There is so much to be gained from exposure to the law in the surroundings of a foreign country. But I suggest that the condensed semester of summer study

75. *Id.* at 694.

is too little time to fully appreciate and be exposed to what the study and practice of law is like in the Continental law countries. I would like to see the duration of such study abroad programs expanded to include up to a year-long exchange for students to study in a foreign system, interact with foreign counterparts, conduct internships in foreign law firms, and learn more about the culture. Again, a standardized form of exchange and exposure to foreign legal training and practical lawyering would greatly enhance the preparation of the American lawyer in an international world.

Finally, advances in telecommunications, electronic mail, and especially distance learning technology hold the promise for many new avenues to be available to law students to increase their world knowledge of the law. Foreign law discussion lists on the Internet tend to take place in English and many law students are logging in to the lists to learn, participate, and even provide assistance whenever possible. Distance learning programs are also being launched by law schools, government training organizations (particularly the Federal Judicial Center and the National Center for State Courts), and non-government organizations (such as the Organization for American States) attempting to educate the professional and legal community on a global basis. Not only are such programs potentially lucrative to law schools, but the opportunity to expand the educational reach of law school teaching along a globally standardized methodology cannot be under-appreciated.

IV. THE PRESENCE OF FOREIGN LAWYER-STUDENTS IN AMERICAN LAW SCHOOLS: HOW AMERICAN LAW STUDENTS AND LAW PROFESSORS BENEFIT

The presence of foreign lawyer-students in American law schools offers everyone in the law school community the chance to learn and expand the boundaries of their own lives. Foreign lawyer-students bring a significant amount of courage, knowledge of another culture, subject expertise, and practice experience to the undertaking of studying a new legal system in a foreign country, and usually in a language other than their mother tongue. The law school community can benefit from witnessing the courage it takes to study a different legal system and to re-train oneself after being thoroughly indoctrinated in the civil law system. This re-education is no

easy task.⁷⁶

Through the eyes of foreign lawyer-students, American law students can become aware of the degree to which American culture is embedded in the law and how confusing that is to the outsider. American students come to law school already knowing about the law — desegregation, a woman's right to choose, and freedom of religion. Not knowing anything about these historical legal events places foreign lawyer-students at a disadvantage; getting up to speed implies quickly learning American history. Even the use of something as innocuous as American football analogies in lectures is nearly incomprehensible for most foreign lawyer-students who have absolutely no idea what the professor is talking about.

While a foreign lawyer-student may be fluent in English, the context in how English words are used can be mind-boggling. I still cringe at the memory of studying a torts case in which a pit bull attacked a person, and I couldn't figure out how a bull got out of the pit — or what a bull was doing down in a pit to begin with. Foreign lawyer-students come to a screeching stop when they run across such pitfalls (and pit bulls) in their road to learning. Assistant deans of student affairs should be made aware of the unique cultural challenges foreign lawyer-students confront. If, in turn, the deans and their staff can make American students aware of the perplexity the foreign lawyer-students have about American culture, perhaps the American students will be less inclined to take so much for granted about their American idiosyncrasies, and their inherent understanding of their rights under American law.

The foreign lawyer-students also bring to the law school community a different perspective of what it is like to live in a free society. In the first year of my J.D. program at The College of William and Mary, I had a professor state that the United States is not a real democracy. I felt my face turn red with anger, and I told him that he did not know what he was talking about, that he needed to go overseas and compare what he had here with what he experienced of democracy in a developing country. When many foreign lawyer-students are coming from countries where exercising the right to vote means taking their life in their hands, where there are no propositions to vote on, where grass roots organizations have no

76. See Damaska, *supra* note 8, at 1372.

political voice, then, the impact that this knowledge could have on American law students, could be profound.

When not struggling to orient oneself to the new legal terrain, a foreign lawyer-student must also attend to responsibilities outside of school — responsibilities that for their American classmates are “no big deal.” Tasks such as renting an apartment, getting a driver’s license and insurance, or even knowing which kind of meat to buy at the market are as confusing as studying for classes.

Mutual Benefits

So when thinking about how the law school experience can be maximized for the benefit of the foreign lawyer-student, what I am really wondering is: How can the law school experience be enriched in such a way as to benefit both American law students and professors as well as their foreign colleagues?

Perhaps the most important point of interchange between the American law students and their foreign lawyer-student counterparts is the opportunity to have classmates who are *already* lawyers and often are accomplished professionals in their own legal systems. This particular point should not be ignored.

I would advocate that every law school having foreign lawyer-students should have a mentoring program to help them navigate the various obstacles they will confront in the first few weeks or months of school. As long ago as 1968, when there were far fewer foreign lawyer-students, Damaska wrote, “In his first steps the Continental lawyer must be under the wing of people with real understanding of his adjustment difficulties.”⁷⁷ For Damaska, “orientation programs are not sufficiently geared to Continental cognitive needs and often seem to be designed more to establish beachheads than to build bridges.”⁷⁸ Many law schools offer a special orientation program for incoming foreign lawyer-students.⁷⁹ But I believe the law school community needs to do more. The mentoring program I

77. *Id.* at 1375.

78. *Id.*

79. Orientation programs for foreign lawyer-students vary in length and comprehensiveness. Georgetown Law Center offers a summer orientation program exclusively for their incoming foreign lawyer-students. The American Law Institute offers a comprehensive summer program for foreign lawyer-students and lawyers who are coming to the United States to either study or work. Many law schools have short courses, law weeks, or law camp prior to the beginning of the school year.

envison would perhaps work in the following manner.

American law students in the third year, interested professors, and alumni would be invited to become mentors, assigned on a one-to-one basis to a foreign lawyer-student.⁸⁰ They would make contact with the foreign lawyer-student prior to the student arriving in the country and their association with the student would last throughout the year. The law school would establish a committee made up of students, professors, and staff to create guidelines, checklists, and identify community resources necessary to assist foreign lawyer-students in settling into their new environment.

Each law school department would assign a staff liaison to work with the foreign lawyer-students and serve as a point person to handle questions and concerns from foreign lawyer-students. For instance, computing services would assign a point person to help foreign lawyer-students sort out any problems with getting their computers compatible and formatted properly *prior* to the beginning of the school term. The library would have a reference librarian to assist in the orientation process and be available throughout the year to respond to foreign lawyer-students' questions about American research methods.⁸¹

The mentoring guidelines would recommend how mentors should work with foreign lawyer-students and which campus offices would be responsible for solving which particular problem. The checklist would go to both the mentor and the foreign lawyer-student and include such items as a public transportation guide, how to get a driver's license, how to go about buying a car, where to call for car insurance, where to get health coverage, and which doctors and dentists would be recommended.⁸² The checklist would also include

80. See Damaska, *supra* note 8, at 1376–77. Damaska made a strong point including other Continental trained lawyers in the mentoring process since “those who can speak with the authority of failure have a lesson to teach. On the other hand, the most illustrious members of the American legal profession will not be of much help if they lack the insight that comes from experience.” *Id.* at 1375–76.

81. Given that foreign LL.M. students are in law school for no more than a year and a summer and must become adept at legal research under considerably more pressure than a J.D. student, a law librarian could make a considerable and well-appreciated impact on the foreign lawyer-student's experience by reducing the anxiety level of learning to work with unfamiliar resources under a time constraint.

82. Given the extensive network among alumni, the law school should be able to enlist the services of doctors, lawyers, and dentists who, as a service to the law school, would be willing to assist the foreign lawyer-students at reduced rates. Of course, this would not be a problem for foreign lawyer-students attending law schools at large uni-

useful information about places to shop, and which long distance carriers and online services are better to use. The law school could come up with a guide to good dining, where to buy ethnic foods, explain what garage sales and flea markets are all about, and where to go for relaxation.

On an academic level, the mentors would share their knowledge and experience about surviving and prospering in law school, provide insight into the various subjects the foreign lawyer-student is to study, provide some advice on which study aids might be useful, and give them advice about professorial teaching styles and expectations. The mentors would be willing to be available to help foreign lawyer-students in case of an emergency.

A couple of times throughout the year, the law school would host a mixer for foreign lawyer-students to meet and socialize with their American counterparts, and an effort would be made to make sure that foreign lawyer-students know about extra-curricular activities, intramural sports, and social events (perhaps through e-mail messaging). In addition, the deans should make professors aware of the presence of a foreign lawyer-student in their class and encourage the professors to engage the lawyer-student in informal conversation over coffee.

More important, the foreign lawyer-students would be required to give a brown-bag presentation to the law school community discussing aspects of their own legal system, some background about themselves, and what practicing law is like in their country. American law students would be required to attend at least one such presentation a year, thereby ensuring that students would show up for the presentation. If there is a law school newspaper, foreign lawyer-students should be invited to submit opinion articles or be the subjects for interviews. There should be some accommodation, if possible, for foreign lawyer-students to participate in clinical programs as observers.

The foreign lawyer-students also need to know about each other and how things are going with each other throughout the year. The law school should have a mandatory LL.M. colloquium meeting once a week.⁸³ The class should provide a formal setting for students to

versities because a major research university having professional schools will be able to draw upon a large and diverse alumni community.

83. UCLA Professor Emeritus Henry A. McGee, Jr. had the vision to organize such

discuss topics of American law, hear presentations by faculty and students, by visiting academics and VIPs, and hear presentations by American and foreign practitioners working in the areas of public and private international law, foreign policy, foreign affairs, and foreign trade. The colloquium should also provide a formal, moderated opportunity to resolve conflicts or discuss concerns about the program or about the law school community.

The foreign lawyer-students should have some academic exposure to the elements of American and common law that make it unique, such as perhaps a survey course in United States constitutional law, torts, or media and the law. They should also be given some exposure to legal ethics and standards of professional conduct in the American legal system. The mentoring process and mandatory participation in certain academic activities will provide opportunities for productive exchanges of culture and information.

Many foreign lawyers come to American law schools to study, and within a few days feel incompetent and unsure of themselves. They are overwhelmed by so much that is new, and aware that some American law students have a tendency to look down upon them because they speak with an accent. The assumption is that they are less well-educated and less intelligent. The law school as an institution *must* be aggressive at breaking down stereotypes for here is where the law school has its best opportunity to become its own United Nations, a place where no matter what a student's background, language, or culture, they all work together to resist the tendency of parochial attitudes. Any negative or immature behavior on the part of law students, faculty, and staff toward the foreign lawyer-students must not be tolerated.

Finally, the opportunity for cultural and intellectual interchange may help the law school experience seem less harsh, less hostile, less numbing, and not so much like the teaching methods are stripping the individual of their own personality and sense of justice.

V. CONCLUSION

meetings for the LL.M. program when I was a student at UCLA. The benefit of the interchange was invaluable because the meeting made the students feel like their concerns and insights were respected and considered at an institutional level.

In conclusion, American law schools should provide fertile ground for the exchange of diverse and wide-ranging ideas. To maximize such an exchange, the American legal academy must re-examine the attitude of superiority it intentionally or unintentionally projects on the rest of the legal world. Law school should and will always be a rigorous and challenging academic and emotional experience. But such an experience can be greatly enriched if we strive to integrate so much of what is positive and what is historically and philosophically pertinent to the goal of training lawyers who are ethically, academically, and culturally empowered to participate in and contribute to the advancement of the law in modern civilization.

The need for maximizing the international component in legal education is growing in proportion to the pace at which the world is becoming more interdependent through international trade and advances in global technology and communications. As people move more freely across international borders to expand their cultural, professional, and business affairs, law schools will be increasingly obliged to prepare lawyers to work in a genuinely international community.