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Opening our Classrooms Effectively to Foreign Graduate Students

Lauren K. Robel*

On the day after the Bush v. Gore election, I walked into my civil procedure classroom not knowing who held our presidency and decided that it was futile to continue the discussion on Rule 11 given the circumstances. Instead, the class talked about what we believed would happen next, and what legal arguments might be available to the Democrats. My students expressed the usual range of opinions. I had a number of foreign graduate students in my civil procedure class for that semester, but two in particular stood out. One was a refugee from Burma, where he had been a freedom fighter who eventually made his way to Thailand and finally to the United States as a student. Another was a student from West Africa, also a refugee from the chaos in that region. As my students continued to discuss the role of the legal system, my Burmese student raised his hand and said, “By this time, the tanks would have been in the streets in my country.” And my West African student chimed in, “And you know, Al Gore got to sleep in his own bed last night. That wouldn’t have happened in my country.” The two of them went on to explain why it was a miracle that we all expected the Bush v. Gore contested election to end with a decision from our legal system, and that it was equally miraculous that whatever the outcome, we would all accept it.

I had many “aha” moments after the Bush v. Gore election, but this one has stayed with me in a profound way. I want to talk to you about how these perspectives from our foreign graduate students might be incorporated more regularly into our classrooms. [A prior speaker] mentioned that our foreign graduate students often are like ghosts in our classrooms. If we get to know them at all, it is through their written work and not through their participation in class. But given the fact that

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there has been an explosion in enrollment in LLM and SJD programs around the country, we should be asking what these foreign lawyers who regularly attend our classes have to offer. In a given semester at my law school, we will have a number of intellectual property judges from the People's Republic of China. We will have an officer from the Korean Finance Ministry, a lawyer-journalist from Egypt, a criminal law judge from Malawi, and (everyone's favorite at my law school) the general counsel of Kirin Beer. What do these foreign lawyers bring to our classrooms, if we know how to get at it?

First, most foreign graduate students come to our classrooms with prior legal experience. Most of them who come to get LLM degrees in the United States are not newly-minted graduates, but often have a fair amount of experience in their own legal systems and other legal systems in which they have been practicing. One recurrent problem in "globalizing" the curriculum at our schools is our lack of substantive knowledge about other legal systems. But we have foreign lawyers sitting in our classes with deep substantive knowledge of other systems. They can be asked to present on relevant class topics from the perspective of their own legal systems. These students are often much more comfortable as presenters than in the give-and-take of classroom discussion.

Foreign students also bring cultural and business knowledge to the classroom. A great many of my students come from corporations in Asia or have been business lawyers in Asia or the European Union. They bring a great deal of practical knowledge about international transactions that is invaluable to our JD students who will be practicing in a global market. Finally, the very fact that they are studying law in the United States suggests that they have particular interest in transnational legal issues and hold an understanding that many of our own students have not yet developed regarding the pervasiveness of these issues.

Most of us who have foreign LLM or SDJ students in our classes have faced the question (or perhaps the frustration) of how best to elicit this knowledge and make it accessible in our classes. There are real barriers to foreign students' participation, not just in the classroom, but in the general life of the school. How might law schools effectively bring these students and their knowledge into the center of academic discourse?

If you seriously desire to integrate graduate students into the life of your institution, then you must employ faculty and staff to make that a priority. Most of us, I think, start an LLM program with a passionate faculty member. There is a faculty member on nearly every faculty with a cohort of graduate students who really cares about those students and wants to be involved with them. The problem with having just that

faculty member involved is that member is usually not at the forefront of decisions concerning activities that involve the student body. There needs to be an advocate for foreign graduate students to consistently assure that those students are included in activities involving JD students.

It is essential that from the very first day of classes—from orientation—the JD students are introduced to the LLM students. It is also important that the JD students are given an incentive right from the start to get to know the foreign lawyers in their midst. So, I make it a tradition at my orientation speech every year to talk about the backgrounds of the foreign lawyers who come to us and to give an overview of who is there. I include the fact that we have people from seventeen countries in our class and give some examples of what they have done.

Many faculty members hesitate to call on students because they do not have a clue how to pronounce their names. We began producing a DVD each year on which we have all our students, including our foreign graduate students, introduce themselves by name and say something about themselves. Now for the JD students, this often amounts to something like a dating video: “Hi, my name is John Smith. I am from California and I like sunsets and long walks.” For the LLM students, on the other hand, it gives us an opportunity to hear their names pronounced and have them tell us what they did before coming to our school. We share this not just with faculty members but also with the other students, so that the other students can hear that the person who is sitting next to them in class is in fact a judge in Thailand.

It is also important that we work hard to provide opportunities for our graduate and JD students to mix, socialize, and get to know each other in situations where graduate students can demonstrate some skill. Otherwise, our JD and LLM students are missing an opportunity to develop a global legal network, which both sets of students ought to get from their time with us. At Indiana, one of our favorite traditions is “Socctoberfest” where the JD and LLM students challenge each other to a series of soccer games. We celebrate all the new years—Chinese, Thai, and Korean—with a party that allows our graduate students to share their cultures. In this way, the JD students and the foreign students will naturally build networks with each other.

It is also important to have a dedicated group of faculty members to think about the special issues of pedagogy for foreign graduate students. There are a number of obstacles to foreign graduate student participation in class that some people on campus have already confronted such as what cultural barriers are there to class participation, how can they be overcome, and how to deal with language difficulties and effectively get students to participate. Find the people on campus who can solve these

problems and have them make presentations for the entire faculty.

Finally, how can you best use these graduate students once they are acclimated and have familiarized themselves with JD students? You have gotten to know them, so you know something about their backgrounds, and you have some sense of where they have expertise. How can you best use them in class? How can you assure that the JD students will actually pay attention to them? Well, on the latter question, you know the answer: you have to test what they do. But on the first question, for many of the foreign LLM students, it is a much more comfortable situation to be asked to present as opposed to participate in Socratic dialogue. Ask students to present something discrete in class that is comparative or confronts a particular transnational dispute. If institutions make it a priority to assure each first year class provides an opportunity for foreign graduate students to present on a relevant issue, these students will provide amazing contributions to class. Such presentations bring a transnational perspective to class, permit JD students to get to know their foreign colleagues better, and develop a greater respect in JD students for the skills, the experience, and the knowledge that LLM students bring.

Our foreign graduate students are a major resource sitting in our classrooms. That resource can become accessible with a little bit of work. It would be a real shame to let these students come and go like ghosts in our classrooms and not bring out what they have to offer. Thank you.