Capitalizing on our global assets: developing the global competence of all law students

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Pathways to Global Competence
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What is global competence?

- Global or intercultural? Competence, competency, fluency, sensitivity?
- Knowledge, skills and attitudes
- “You can always learn technical details and applicable law but being able to work successfully with people from different countries, different cultures, with different world views, requires a skill set that is more people oriented than substantive oriented.” (David Susler, Associate General Counsel, National Material L.P.)
- “Ultimately, a global organization [involves] creat[ing] a global cadre of people who are comfortable operating anywhere in the world.” (William George, Professor of Management, Harvard Business School)
Do all lawyers need to be globally competent?

- 44% of all AJDII survey reported “doing at least some work that involved clients from outside the United States or cross-border matters.” - After the JD II

- More than 60% of lawyers practicing in the largest private law firms, in in-house positions, and as legal services and public defense lawyers reported that their work involves cross-border matters. - After the JD II

- More than 67% of respondents to a survey of Philadelphia Bar members indicated that knowledge of “foreign and/or international law” was necessary for some of their work. – DeJarnatt & Rahdert reporting on Philadelphia Bar Survey
Strategies for developing global competence

- Spending time outside of one’s home country whether as a student or worker is “a very productive ‘field learning’ for building important global competencies.” - Charles Vance, Professor of Management, Loyola Marymount University

- An alternative for those who cannot go ‘into the field’ is to engage in ‘meaningful interaction’ in a global community at home

- The same ‘meaningful interaction’ that is central to developing global competence also is crucial for international students

Enrolling international students does not guarantee ‘meaningful interaction’

- **Being on campus ≠ meaningful interaction:**
  - “[S]imply bringing [domestic] and international students together in class and on campus does not necessarily result in meaningful interaction between them or the development of valuable intercultural communication skills and international perspectives.” - Betty Leask, Executive Director of Learning and Teaching and Professor, Internationalisation of Higher Education, La Trobe University, Australia

- We “need to do a better job of integrating international students on American campuses in order to maximize the potential for global learning. The overarching message: student mobility alone won’t cut it.” – Redden reporting on Association of International Education Administrators annual conference
What does ‘meaningful interaction’ involve?

- Intergroup contact theory:
  - “(1) equal status of the groups in the situation,
  - (2) common goals,
  - (3) intergroup cooperation, and
  - (4) the support of authorities, law, or custom.”

- Gordon Allport; Pettigrew, Tropp, Wagner & Christ
How are law schools doing on generating meaningful interaction?

- Data sources and overall characteristics:
  - Law School Survey of Student Engagement
    - Administered in spring of 2011
      - Overall: total participation: 82 law schools, 33,000 student respondents, average institutional response rate was 52%
    - Responses from nearly 6,893 JD students to experimental questions on interaction with international graduate students
      - Respondents were enrolled at 21 US law schools that varied by
        - Location (urban, non-urban; region)
        - Private and public affiliation
        - Variation in size of international graduate programs
        - Selectivity regarding JD students
  - Additional background data:
    - interviews and survey of 1996, 1998 and 2000 graduates
    - interviews and survey of graduate program (LLM) directors
    - interviews with hiring partners of US and non-US law firms
% of Rs who never interacted with ILS (n=6762)
Interaction of ‘frequent-interacting JDs’ with ILS

- 66% Never interact with ILS in completing assignments outside of class
- 25% Sometimes interact
- 6% Often interact
- 3% Very often interact
% of Rs frequently* interacting with ILS in select settings  (*=very often+often)

- **In class**
  - Internationally-minded students (n=3860)
  - Non-internationally-minded students (n=2429)
- **Completing assignments outside of class**
- **Study groups**
- **Informal study activities**
- **School sponsored activities**
- **Formal networking program**
- **Social contexts**
% of Rs perceiving significant emphasis on interaction

(*=very much+quite a bit)
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- Completing assignments outside of class
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Internationally-minded students (n=3860)
Non-internationally-minded students (n=2429)
Students’ interaction and perception of school emphasis

Internationally-minded students (n=3860) School substantially emphasized

Non-internationally-minded students (n=2429) School substantially emphasized

Non-internationally-minded students (n=2429) Frequently interacted
Challenges to ‘meaningful interaction’ arising from the law school context?

Intergroup Contact Theory:
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- (2) common goals,
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- (4) the support of authorities, law, or custom.”
  - Gordon Allport; Pettigrew, Tropp, Wagner & Christ

Challenges inherent in the law school context:
- (1) differences in degree programs – but as more international students enroll in JD programs and other programs are created, will this blur?
- (2) goals: grades and other signals regarding jobs v. relationships, English skills and jobs – can deliberate discussion of these factors effect change?
- (3) mechanisms for facilitating cooperation between groups – developing coursework and clinical/practical experiences to facilitate interaction?
- (4) do law schools support equal status? does ABA (and other) regulation? influence of external factors (such as employer interview programs/preferences)? – can awareness help to overcome the effect of these differences while schools exert influence towards change?
Next steps?

Experimentation and Study:

- Borrowing from non-law context
- *Combine domestic and international students into working teams that must undertake an assignment implicating the home country of the international student(s)* – Figueiredo and Mauri

- *Could students work together on developing internship opportunities in their home countries for their opposites?*
Next steps?

**Experimentation and Study:**
- *Changing the culture of what matters:*
  - Internationalizing the curriculum in order to present ‘local learners with the problems currently faced by international learners.’ – Haigh
  - “Creating a sense of cohort among international and host students could facilitate intercultural interactions as a result of increased familiarity and acquaintance” – Rienties and Nolan
  - *Is there an opportunity to use curricular concentrations in this regard?*
  - Peer-programs-plus: it is necessary to *provide support and opportunities to reflect on the interactions and challenges of these relationships* (see Geelhoed, Abe and Talbot), and at the same time these programs tend not to reach a majority of the domestic student body (LSSSE data)
Next steps?

Experimentation and Study:
- Additional thoughts:
  - Consider *integration of ‘newcomers’ (international, transfer, students returning from overseas study) as an initial step*
  - Knowing your students is essential (not all international students are alike: home country and additional demographic differences):
    - Distance between home and host cultures and educational experiences relate to ease of adaptation (Hofstede, Hull)
  - Differences in ability - consider *assessing speaking/listening language ability in addition to reading/writing*

- **Developing methods and commitment for systematic study in the law school context**