Mapping Study Abroad in U.S. Law Schools

The Current Landscape and New Horizons

Adelaide Ferguson, JD

May 2010

NAFSA: Association of International Educators

THE CENTER FOR CAPACITY BUILDING IN
STUDY ABROAD

A joint project of NAFSA and A·P·L·U
ABOUT THE CENTER FOR CAPACITY BUILDING IN STUDY ABROAD

The Center is supported by NAFSA: Association of International Educators and the Association of Public and Land-grant Universities (A·P·L·U). It is designed to work with colleges, universities and study abroad providers to identify and address challenges in planning, financing, implementing, and evaluating international programs for postsecondary students. Dr. Margaret Heisel leads the Center’s work, with staff and volunteer support from A·P·L·U and NAFSA contributing to the Center’s efforts.

ABOUT NAFSA

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In 1948, NAFSA pioneered the concept of providing professional services for postsecondary exchange students. Early efforts to enhance living and learning environments for exchange students have blossomed into today’s active association of accomplished professionals whose numbers continue to grow worldwide.

ABOUT THE AUTHOR

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May 2010

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Introduction

No official source documents the dawn of study abroad in U.S. legal education, but strong evidence exists that U.S. law students have been studying abroad for more than 40 years. Notre Dame started a London law program in 1968; San Diego Law School describes its 1973 Paris program as the first on the continent, although Tulane also claims to have opened in Grenoble that year. A 1974 memo to Temple’s law dean documents the operation of Temple’s summer program in Rome in 1974 and describes plans for new summer programs in Greece, Ghana, and Israel for the following year.

Over the past 40 years, studying abroad has become an increasingly common part of the U.S. law student experience, and the number and variety of programs continues to grow rapidly. The vast majority of the 200 American Bar Association (ABA)-accredited U.S. law schools offer their students some sort of study abroad opportunity. Since the 1980s, the number of summer abroad programs has more than doubled every 10 years: in 1986 there were 40 ABA-approved summer programs, 115 in 1996; today there are more than 267. Admissions brochures are increasingly promoting study abroad programs to prospective students. More and more law students are studying abroad each year.

This article will trace the development of the study abroad experience in U.S. law schools, consider its place in legal education, and discuss the role of study abroad in the preparation of U.S. law graduates who will work and compete in today’s global environment.

For the purposes of this article, the term “study abroad” is defined broadly to capture the entire range of overseas opportunities available to law students. This definition includes the traditional summer or semester abroad program of classroom study in an overseas location taught by a U.S. law professor, exchange and dual-degree programs with foreign institutions, domestic law school courses, and law clinics with a short-term overseas element embedded into it, as well as the law school-sanctioned trip with content related to developing a richer understanding of other legal systems and/or cultures for which no credit is earned. It does not include a school-sanctioned excursion that has no educational aspirations. To eliminate any one of the foregoing would present an incomplete picture of the overseas experiences available to law students.

There is no doubt that study abroad in some form has been embraced by law schools. What is less clear is whether legal educators are contemplating how their students’ overseas experiences can most effectively be used to help them develop the knowledge, cross-cultural awareness, and skills necessary to thrive in the global workforce. By mapping the landscape of study abroad in U.S. legal education, this paper may serve as a useful starting point for a deeper examination of the pedagogical opportunities inherent in the overseas experiences that increasing numbers of U.S. law students are undertaking as part of their formal legal education.

Globalization and the Domestic Legal Practitioner

International legal practice has traditionally been considered to be limited to a select few lawyers who work for the U.S. government or international organizations, or lawyers practicing in an elite law firm’s overseas offices representing multinational corporate clients. This mindset presumes that the vast majority of JD graduates practicing in the United States are
working exclusively on domestic matters and that knowledge of international law and the laws of other jurisdictions is not directly relevant to their professional work. However, new research challenges the accuracy of this premise. Two recent surveys suggest that almost half of all U.S. lawyers are engaged in matters requiring knowledge of international and/or foreign law, as well as the ability to work with non-U.S. clients.

According to a 2009 study (Preparing for the Globalized Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum) of 10,740 active members of the Philadelphia Bar Association, 67.5 percent of the 1,050 lawyers responding reported working on a legal matter within the past year that required them to have some knowledge of foreign and/or international law (hereinafter “Philadelphia study”). The respondents, who practiced law for a median of 18 years, worked in both the private and public sectors and in a wide range of settings from solo to large firm practice. The significance of this survey is that it demonstrates that a majority of the lawyers traditionally thought of as practicing law domestically—and as referring only to U.S. legal sources—actually require some knowledge of international and/or foreign law to represent their clients.

A second study posing a slightly different but interrelated question, also confirms that many more lawyers than previously thought are engaged in legal practice with an international dimension. After the JD: First Results of a National Study of Legal Careers, a national longitudinal study of recent law school graduates has followed the careers of almost 5,000 members of the class of 2000. In two successive samples taken in 2002 and 2007 (After the JDII: Second Results of a National Study of Legal Careers), 47 percent and 45 percent of the sample, respectively, reported that they had done work involving a non-U.S. client or a cross-border matter in the past year.

What Percent of Your Work Over the Past Year Has Involved Non-U.S. Clients or Cross-Border Matters?

![Chart showing percentage of work involving non-U.S. clients or cross-border matters

What is striking about both studies is that a significant proportion of U.S. lawyers presumed to be working solely in domestic legal practice are engaged in legal practice requiring some knowledge of international and/or foreign law, or the ability to work with foreign nationals, whether as clients, opposing parties, or fellow professionals. Although the ease of international travel and telecommunications has dramatically increased opportunities to develop cross-border business and personal relationships with foreign nationals, resulting in legal transactions among them, these results might surprise many legal educators.

This evidence that U.S. legal practice is imbued with an international character has profound implications for legal education. Despite the greatly increased dialogue about the internationalization of the curriculum and dramatic growth of study abroad programs, law schools remain primarily focused on educating students for domestic practice. Yet, the evidence tells us that legal educators should be teaching students theories of international and foreign legal systems that their students will surely use in practice, as well as the skills they need to effectively work on matters involving non-U.S. actors and international and foreign law. One consideration is how study abroad might contribute to this process.
An Overview of Study Abroad in U.S. Law Schools

Study abroad programs in law have evolved in three phases/types of programs. In phase one, which began in the late 1960s and continues to evolve, U.S. law school faculty took their own students overseas to study international and comparative law in an atmosphere that, while taking advantage of the foreign location, also remains modeled on the U.S. classroom in faculty qualifications and teaching styles.

Phase two, which accelerated in the late 1980s and seems to be gaining in popularity, is characterized by JD students earning credit at foreign law schools toward a U.S. degree or as part of a dual-degree program. Some of these some programs require foreign language fluency; others do not.

Phase three, still in its early days, features short-term, one- to two-week overseas excursions that may be integrated into a traditional course offered at the home campus, or be part of an individual or group student research project over a semester or spring break. Short-term programs and international experiences embedded into domestic courses offer some interesting possibilities for incorporating international elements into a wider range of domestically focused law courses with the potential to significantly increase the numbers of law students and law faculty who go abroad.

Each type of program is discussed in more detail below.

The Chicken or the Egg? ABA Regulation of Study Abroad Programs

Law school study abroad programs are distinctive in that they evolved and are required to function within a tight framework of rules developed by the ABA’s Section on Legal Education and Admissions to the Bar, the accreditation agency for U.S. law schools. ABA-accredited law schools may grant credit toward the basic law degree, the Juris Doctor (JD), “for studies or activities in a foreign country only if those studies or activities are approved in accordance with the Rules of Procedure and Criteria adopted by the [American Bar Association’s] Council of the Section on Legal Education and Admissions to the Bar.” The ABA now permits JD students to earn up to one-third of the total credits required for the U.S. JD degree abroad.

The ABA currently has three sets of regulatory standards for study abroad. Criteria for Approval of Foreign Summer Programs8 and Criteria for Approval of Semester Abroad Programs,9 both issued in 1987, relate to the first phase of study abroad and seek to replicate the U.S. classroom experience abroad. The third set, Criteria for Student Study at a Foreign Institution, regulates the process by which JD students may earn credits at a foreign institution (described above as phase two) was issued in 1991.10
In 2005–2006 the ABA opened the door to more experimentation by allowing law schools to grant credit for brief visits or studies abroad, “provided they are developed by the faculty in the regular course of the law school curriculum.”¹¹ Short-term international experiences incorporated into domestic law courses as well as winter and spring break programs were previously not a significant part of the landscape in law school study abroad. These changes greatly expand the horizon for new forms of international experiences in legal education.

ABA regulatory schemes emerged to bring clarity to a phenomenon already taking place in legal education, and likely spurred the growth of study abroad by providing a transparent route to program approval. However, the detailed requirements channeled programs into prescribed formats, perhaps stifling variety. The ABA Criteria are surprisingly prescriptive regarding various programs details such as full-time faculty participation, the curriculum, and maximum class hours per day. A substantial set of required disclosures assures truth-in-advertising to protect the student/consumer. Compliance is monitored with on-site reviews in the first year and every fifth year thereafter, and annual reports must be filed with the ABA for each program. Even programs administered by foreign law schools are subjected to site visits. The rationale underlying the Criteria is to ensure a certain level of quality for programs sponsored by approved law schools.

How Many Study Abroad Programs for Law Students Exist?

In 2008–2009 there were 200 ABA-accredited law schools enrolling 142,922 JD students.¹² The vast majority of these law schools permit their students to study abroad and apply the credits earned to their law degrees. Of the 200 ABA-accredited law schools, 114 schools sponsor 267 summer, 11 semester, 49 cooperative, and 7 short-term intersession abroad programs—a total of 334 programs—for their own students and students from other schools.¹³ However, the actual number of study abroad programs and the number of schools offering them is much higher. The above figures do not include the large number of exchange programs and semester abroad programs hosted by foreign law schools, dual-degree programs, or courses and clinics offered at the home campus with embedded short-term foreign experiences, a type of study becoming increasingly common.

How Many U.S. Law Students Study Abroad?

The short answer is: we don’t know precisely how many U.S. law students study abroad. However, the available evidence suggests that the number is significant and growing. Data have been collected by the ABA, but unfortunately not tallied and published. ¹⁴ Open Doors, which publishes a comprehensive annual report on the number of U.S. students who study abroad each year, reports that 4,985 U.S. professional students studied abroad in 2007–2008. However, this number is not an accurate measure of law students who study abroad as law is commingled in the graduate professional category with other professional schools. It also is highly doubtful that all law schools report study abroad statistics to Open Doors.¹⁵ The National Association of Law Placement (NALP) surveyed 3,467 members of the class of 2003 from 101 law schools regarding their summer activities after completing the first year of law school and reported that 24.7 percent attended summer school abroad or in the United States.¹⁶ While these data are intriguing, the commingling of domestic and international summer study prevents us from determining the number who studied abroad.

Although estimating attendance by extrapolating from the estimated capacity is a risky methodology, it is undeniable that students are attending the 334-plus study abroad programs and that new programs are developed year after year—clearly, significant student demand exists.¹⁷

It is not unreasonable to speculate that as many as 10 percent of the students in the national cohort of first-year law students of approximately 49,000—or 4,900
law students—go abroad sometime during their law school career. We know that the percentage of students going abroad is much higher at some schools.

Hopefully the ABA will soon publish some of the valuable data it has collected on U.S. law students studying abroad, as it has with respect to other aspects of legal education. Awareness of the level of participation and types of programs in which law students are going abroad might encourage legal educators to think about study abroad as part of the entire curriculum, rather than as a special program of limited relevance.

**When Do Law Students Study Abroad?**

JD students typically attend law school for three full-time academic years, with no classes during the summer. Although we do not have the benefit of definitive statistics, it is likely that most U.S. law students who study abroad do so in the summer following the first year of study for many reasons.

First and foremost, summer study fits easily into the rhythm of the law school calendar for both students and faculty. During their second—and usually final, summer—most students hope to be working in a law-related job that will lead to full-time employment after graduation. In addition, ABA regulations prohibit law students from studying abroad before completing the first year of law school. Students who have just completed their first year have fewer opportunities for paid summer law firm clerkships, which are traditionally given to post-second-year students. Thus, there is no expectation that they will have a job after the first year, leaving them free to study abroad.

Many students do not want to be away during the fall semester of the second and third years, when most large law firms and judicial clerkship hiring interviews take place. Writing and editing for a law journal—a highly valued activity that sometimes engages a significant portion of the student body—often keeps students at home during the academic year. Students who are not involved in these activities are not as fettered, but it is most likely that the number going abroad during the academic year is smaller than the summer study abroad numbers.

The recent proliferation of academic year semester abroad and exchange programs, dual degrees, and international experiences embedded in home campus courses will increase the number of students going abroad during the academic year. The real growth in academic year study abroad could be in embedded short-term experiences or creative winter and spring break programs, with the atypical law student going abroad for a full semester or year. The tendency to study abroad for a shorter period of time mirrors the pattern of undergraduate students who study abroad, over half of whom study in short-term programs.
The Types of Study Abroad Programs in U.S. Law Schools

Phase One: Taking the American Classroom Abroad

More than 40 years ago U.S. law professors began taking their students abroad to study international and comparative law, usually for the summer, sometimes for a full semester. Recently, law schools have begun to operate shorter one- to two-week programs during winter and spring break. These faculty-led programs, especially those offered in the summer, are the most common type of study abroad program attended by law students.

Summer Programs

As of fall 2009, there were 267 ABA-approved summer programs listed on the ABA Web site, and more are created every year. The ABA’s complete list of summer programs can be found at www.abanet.org/legaled/foreign.htm.

Although summer abroad programs are available on every continent, most are located in Europe, especially in the United Kingdom, as is the case with undergraduate study abroad programs.

After the grueling first year of legal study, many students welcome a summer combining study and foreign travel. It adds an interesting law-related qualification to their resumes and gives them a chance to view from an international perspective the U.S. legal system they have spent the last nine months studying. Many students see studying abroad as an entrée to an international legal career. The new generation of law students is increasingly likely to have studied abroad during their undergraduate years—or may be determined not to miss what may be their last opportunity to study abroad before practicing law.

Summer study does not interfere with other law school activities that take place during the academic year, such as serving on law review or participating in the fall interviewing season. Also, because most law schools do not have domestic summer sessions, the faculty is available to teach abroad during the summer, where students enjoy getting to know their professors in a relaxed atmosphere. In some ways the popularity of summer study abroad is surprising because the extra time the students put in does not “speed up” their studies: ABA Criteria require law

2010 Law School Summer Programs by Location

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa: Ghana, Kenya, South Africa</td>
<td>6</td>
</tr>
<tr>
<td>Asia: China, Indonesia, Japan, Singapore, South Korea</td>
<td>32</td>
</tr>
<tr>
<td>Australia / New Zealand</td>
<td>8</td>
</tr>
<tr>
<td>Middle East: Egypt, Israel, Jordan</td>
<td>9</td>
</tr>
<tr>
<td>British Isles: England, Ireland, Scotland</td>
<td>56</td>
</tr>
<tr>
<td>Eastern Europe: Croatia, Czech Republic, Hungary, Poland, Russia</td>
<td>13</td>
</tr>
<tr>
<td>Northern Europe: Austria, Belgium, France, Germany, Netherlands, Norway, Sweden, Switzerland</td>
<td>70</td>
</tr>
<tr>
<td>Southern Europe: Greece, Italy, Malta, Portugal, Spain, Turkey</td>
<td>38</td>
</tr>
<tr>
<td>Central America: Barbados, Costa Rica, Guatemala, Puerto Rico</td>
<td>9</td>
</tr>
<tr>
<td>North America: Canada, Mexico</td>
<td>13</td>
</tr>
<tr>
<td>South America: Argentina, Brazil, Chile, Colombia, Chile, Netherlands, Antilles</td>
<td>13</td>
</tr>
</tbody>
</table>

Source: Compiled from www.abanet.org/legaled/studyabroad/foreign.html (visited 2/8/10)
schools that offer programs to explicitly state that it is generally not possible to accelerate graduation from the three-year JD program by attending summer school.20

Although the majority of summer programs offer traditional classroom study, supplemented by ABA-required visits to host-country legal institutions, an increasing number are going beyond the classroom to offer internships and other experiential educational classes. For example, Southwest University School of Law offers a five-week externship working in the Argentine Supreme Court each summer, preceded by a five-day course on Argentine Legal Institutions.21 The benefits of immersion in a foreign culture are frequently mentioned, but it is not clear whether sessions on cultural awareness or experiential learning exercises to develop cross-cultural skills are included either as part of the formal curriculum or informally as part of the orientation. Clearly, faculty members should take full advantage of the overseas locale to encourage thoughtful comparative analysis of U.S. and foreign law and legal cultures, and enhance the general cultural awareness of their students. Failure to take advantage of the foreign immersion inherent in a study abroad program to consciously embrace cross-cultural learning opportunities leaves students to absorb these valuable lessons by osmosis—or not at all.

The shorter duration of summer study provides fewer opportunities for cultural immersion and less time to assimilate and integrate into the local legal culture than a semester- or year-long program. This unavoidable fact does not mean that the programs are without value. Quite the contrary—coming just after the first year of law school, summer programs are an ideal time for students to begin developing a perspective on the place of the U.S. legal system in a global context, a lesson more easily absorbed abroad than at home.

The vast majority of summer programs are populated by U.S. law students, partially because ABA Criteria create a strong preference for students from ABA-accredited schools.22 Incorporating foreign law students into summer programs would provide a valuable opportunity for cross-cultural learning; however, foreign students who may want to join summer programs face complications. The timing often does not coordinate with the academic calendars of host country schools, and the short duration of the programs and intense classroom pace make it difficult for nonnative English speakers to join a class of American students who have already completed a full academic year of legal study. However, some programs do include a mix of foreign and U.S. students, such as Cornell Law School’s summer program in Paris, which typically draws a student body made up of U.S. and international students in equal numbers.23

Notably, disproportionately few summer programs are offered by the elite law schools. In the 2010 US News and World Report rankings of U.S. law schools (an indication of elite status for the purposes of this comparison), only three of the 113 U.S. law schools sponsoring summer programs are ranked in the top 10.24 It is unclear why summer study abroad has not been part of the elite school tradition. The elite schools tend not to permit their students to apply credit from other school’s summer programs toward the JD degree, especially those they consider not to be their academic peers, thus making it impossible for students to fund summer abroad study with student loans. Perhaps students at elite schools have greater access to paid work or summer stipends after their first year. It is also true that law school summer abroad programs are sometimes viewed as less rigorous than domestic law school courses during the academic year and suspected by some as being more an excuse for a vacation abroad than a serious academic enterprise. Summer programs at many schools evolved from a faculty member’s interest in taking students abroad, especially before the advent of specialized international programs offices at law schools, and faculty from elite schools may have preferred to spend their time on other endeavors. Given the increased interest at law schools in incorporating international experiences into the law school curriculum, summer study in various forms may begin to gain more acceptance among law schools at all levels.
The great variety in composition of tuition and fees makes it impossible to generalize about costs in a meaningful way except to say that an imperfect survey reveals the range to be less than $500 per credit to more than $1,500 per credit, which may or may not include housing, fees, and other expenses. Most law students are likely to use student loans or their own funds to finance study abroad. Law schools operating study abroad programs are often seeking to cover their faculty and program administration costs with tuition revenues. It is, in theory, possible that the ABA Accreditation Committee could object to a financially strapped law school subsidizing a financially draining study abroad program on the grounds that it diverts resources from the quality of the JD program.

Semester Abroad Programs

The term “semester abroad” in ABA parlance refers to a specific type of program operated by an ABA-accredited law school in accordance with the stringent standards of the ABA Criteria for Semester Abroad Programs, and this paper will use the term semester abroad in this context. An ABA-approved semester abroad program often transplants the U.S. faculty and teaching style overseas and, depending on the composition of the faculty and student body, may be more akin to a U.S. faculty-led summer program than an immersion semester at a foreign law school. Such programs are not to be confused with programs through which U.S. JD students spend a semester at a foreign law school, which are discussed in Phase Two: U.S. Law Students Studying at Overseas Law Schools.

There are only 11 ABA-approved semester abroad programs; eight of these are in London. Only two, Temple University’s Japan program and American University’s new Hong Kong program, are in non-English-speaking jurisdictions. The concentration of programs in London is not surprising; it is the most popular study abroad destination for U.S. students overall. The common language eases access to adjunct faculty, law libraries, internships, and field trips to legal institutions. Now that the United Kingdom legal system is part of the European Union, London programs have access to EU law-trained faculty, allowing them to teach to both the British common law legal system, which has much in common with the U.S. legal system, and EU law.

For both students and U.S. faculty, the benefits of spending a semester abroad are significant. In addition to taking a full semester’s coursework, students have more time to draw comparisons between the legal and political systems of the host country and their own, and to absorb the local legal culture and customs and to develop an understanding of how law and the legal system fits into the overall culture. Both students and faculty have more opportunity to establish professional connections that can benefit them throughout their careers. It is not uncommon for faculty members to credit time teaching abroad with giving them new insights on their domestic teaching or helping them develop new areas for scholarship.

Two important differences between a U.S.-operated semester abroad program and attending a foreign law school for a semester are the curriculum and the degree of contact with foreign nationals. Students studying in U.S.-operated programs can take comfort in studying under a familiar system with a curriculum developed and often taught by faculty from an ABA-accredited law school. Students are assured that their credits will be easily accepted by their home school because they are being earned at a program organized by an American institution.

However, if the student body is composed of American students exclusively, they have fewer opportunities to interact in the classroom, or even socialize, with foreign law students. To remedy this problem, some semester abroad programs bring foreign students and faculty into the classroom or make great efforts to introduce students to their foreign peers. For example, in 2009, Temple Law Japan combined 56 Japanese, non-U.S., and U.S. expatriate lawyers earning credit toward an LLM degree in classes with the 83 American JD students. Georgetown Law is the U.S. partner school leading an 11-school
consortium of law schools from around the world, all of which send faculty and students to its London campus, creating an international faculty and student body.

It is understandable that so few semester abroad programs are offered. Operating a full semester abroad program imposes a much larger burden on the U.S. law school than a summer program. Assigning at least one, and maybe two, full-time tenured faculty to live abroad for a semester while the home campus is in full swing, and marshalling the resources to mount a credible academic program worthy of a full semester's credit (with adequate course offerings, library resources, and student affairs support), is complicated and resource intensive. This is especially true if the number of students from the home campus is small. A serious semester abroad program also requires an expert administrative staff, both domestically and overseas.

Recruiting students from other schools, which may be necessary to meet the program expenses, can be a challenge. Some schools, such as Georgetown and Iowa, have met this challenge by forming consortia. For those mounting recruiting efforts, the pool of available students is large— theoretically all 100,000 second- and third-year U.S. law students—but many schools will not allow their students to attend a semester abroad program that they do not sponsor. Temple's Japan program counts students from 129 out of the 200 U.S. law schools among its alumni, but in the early years students often encountered difficulty in getting approval to study abroad for a semester. Some deans may be loath to lose a semester's tuition revenue. In addition, many law students are concerned about leaving for a full semester because of the crucial job search cycle that dominates the fall semester, needing to fulfill law review obligations, and/or the desire to take a broader range of courses than is available in a typical semester abroad program.

### Semester Abroad Programs Operated by U.S. Law Schools Abroad (2009–2010 Academic Year)

<table>
<thead>
<tr>
<th>Location</th>
<th>Sponsoring School(s)</th>
<th>Fall</th>
<th>Spring</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Hong Kong</td>
<td>American University</td>
<td>X</td>
<td>X</td>
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<tr>
<td>London</td>
<td>London Consortia *</td>
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<td>X</td>
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<tr>
<td>London</td>
<td>Boston College</td>
<td>_</td>
<td>X</td>
<td>Limited to Boston College students</td>
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<tr>
<td>London</td>
<td>Detroit Mercy</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>London</td>
<td>Georgetown**</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>London</td>
<td>Notre Dame</td>
<td>X</td>
<td>X</td>
<td>Limited to Notre Dame students</td>
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<tr>
<td>London</td>
<td>Pace</td>
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<td>X</td>
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<tr>
<td>London</td>
<td>Pepperdine</td>
<td>X</td>
<td>-</td>
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</tr>
<tr>
<td>Tokyo</td>
<td>Temple University</td>
<td>-</td>
<td>X</td>
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<td>Melbourne/Christchurch</td>
<td>Thomas Cooley</td>
<td>-</td>
<td>X</td>
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</tr>
<tr>
<td>London</td>
<td>University of Tulsa***</td>
<td>X</td>
<td>-</td>
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<td><strong>Total</strong></td>
<td></td>
<td>6</td>
<td>9</td>
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Source: [www.abanet.org/legaled/studyabroad/semester.html](http://www.abanet.org/legaled/studyabroad/semester.html) (last visited November 11, 2009)

*Chicago-Kent College of Law, Indiana University–Bloomington, University of Kansas, University of Missouri–Columbia, University of Utah, University of Iowa (Administrator).

**Georgetown University: the U.S. partner institution among 11 international partner schools.

***In partnership with Stetson University School of Law.
The 1990s saw an explosion in the numbers of exchange programs between U.S. and foreign law schools. During this period some foreign law schools developed English-language semester programs designed to appeal to U.S. law students. These programs are in direct competition for students who might otherwise attend a semester abroad program hosted by a U.S. law school.

As is the case with summer programs, semester abroad programs tend not to be offered by the elite schools. Of the 16 schools operating the 11 ABA-approved semester abroad programs, none are in the top ten in the US News and World Report 2010 listing of the Best Law School rankings. Only three—Georgetown, Notre Dame, and Indiana University–Bloomington—are in the top 25 law schools. It should be noted, however, that elite private universities, such as Harvard, have only recently begun to encourage study abroad participation among their undergraduates.

Established programs do provide significant benefits to both students and faculty and may continue to thrive for all the reasons described above. However, given the substantial barriers to sustaining semester abroad programs and the relative ease of sending students to foreign law schools for a semester, one wonders if more U.S. law schools will develop relationships with foreign law schools rather than establish new ABA-approved semester abroad programs. However, two new programs, the Georgetown consortium model—which offers an interesting hybrid option, with several international partners to share the faculty, recruiting, and administrative burdens of a semester abroad program—and American University’s Hong Kong program, indicate that perhaps ABA-accredited study abroad programs are still a viable format.

Phase Two: U.S. Law Students Studying at Overseas Law Schools

Studying at a Foreign Law School: Semester/Year Abroad, Exchange, and Cooperative Programs

It was once quite unusual for a U.S. law school to allow a student to spend a semester in a foreign law school and apply the credits toward the JD degree; that is no longer the case. Partnerships between U.S. and overseas law schools increased greatly during the last decade of the 20th century, and today virtually every law school has an agreement with a foreign institution. In contrast to other forms of study abroad programs, elite schools seem to be quite comfortable allowing their students to study at reputable overseas law schools. Thirty percent of foreign law school partnerships designed as Cooperative Programs by the ABA involve law schools ranked among the top 25 by US News and World Report. Harvard Law School has seven formal exchange programs, and Harvard students have attended 23 other overseas law schools on individually arranged semesters. American University School of Law offers its students 25 semester abroad programs, including programs in less common venues such as Finland, Turkey, and Chile. Columbia University Law students may choose from 14 semester abroad programs at foreign institutions with which formal programs have been established; students are encouraged to create their own study abroad programs at universities with which Columbia does not have a formal relationship. Fordham University Law students have the option of attending eight semester/year abroad programs, and the University of Pennsylvania offers its students six semester abroad choices.

While the number of relationships between U.S. and overseas law schools have dramatically increased, we don’t know exactly how many students avail themselves of these opportunities. Most likely, relatively few students from each U.S. school actually attend immersion semesters abroad. Again, the ABA collects these statistics annually, but does not compile or release them.

Another form of semester abroad program has recently emerged. Some foreign law schools have developed semester abroad programs specifically for law students from the United States and other countries. One example is the program at Bucerius Law School in Hamburg, Germany, which has agreements with 80 law schools to exchange students each fall semester. Bucerius advertises its program as meeting both the ABA accreditation standards and the Euro-
pean Credit Transfer System (ECTS) for European students. Yet another variation on the semester abroad theme is Tsinghua University’s master’s degree program in Chinese law, which permits U.S. JD students to join students from a variety of countries for the fall semester of their third year of their JD program, awarding them an LLM in Chinese Law if they return or stay to complete the spring semester after they earn a JD.

The obvious benefit of spending a semester in an overseas law school is the immersion in a foreign law school culture—taking courses taught by law professors educated outside the United States, perhaps studying law in a foreign language, and learning and socializing with peers educated in a different legal system. The students may find it easier to develop relationships with foreign law students when they are not part of a large cohort of Americans studying abroad. Immersion experiences offer greater opportunities to establish a network of international contacts and to develop a richer understanding of different legal cultures and cross-cultural communication skills that will benefit them throughout their professional careers. However, because most of these cultural lessons are likely earned through osmosis, it is unclear how well they are assimilated.

Blending two educational systems has great advantages, but also poses challenges. Students need to be flexible and accepting of the differences in teaching methods and administrative support systems between foreign and U.S. law schools. Studying in a foreign law school may require the student to assume more responsibility for his or her educational progress than might be the case at home, and there is always the very real possibility of failing, especially in some countries where grade inflation has not occurred or studying in a foreign language proves more of a challenge than anticipated. In some countries, student or faculty strikes are not uncommon, which could interfere with completing a semester. Falling behind in credits may have serious financial consequences for a law student if it delays graduation and entry to the bar.

Many U.S. law schools have relationships with overseas partners. While the ABA Web site lists only 49 Cooperative Programs, this almost certainly understates the number of these relationships. The number is artificially reduced owing to the ABA definition of a Cooperative Relationship and the requirements imposed on those establishing these relationships. One element of the definition is that it only applies to schools that send 13 or more students to a particular school over a three-year period. If 7-12 students go to a particular school over a three-year period, the ABA Criteria for Student Study at a Foreign Institution require a lower level of reporting, and a very minimal reporting obligation if less than 6 students go. Since the reporting requirements for meeting the cooperative program criteria are quite burdensome, including a site visit and a number of other administratively costly provisions, many schools simply limit the number of students, thereby avoiding the administrative cost of meeting the criteria. Thus, although the ABA Web site lists a total of 49 cooperative programs, there are surely many more that do not have the number of students required for a cooperative program, by design, to avoid the additional administrative burden. Because this level of heightened scrutiny, some U.S. schools choose to limit the number of students who may apply to such programs to 6 or fewer over the same period, which requires only that the U.S. law school report that number on the annual ABA questionnaire.

**Dual-Degree Programs**

Dual-degree programs are another variation on the theme of U.S. law students earning credits toward the JD at a foreign institution. In a typical dual-degree program, a U.S. law student earns the JD, the basic qualification for taking a bar examination in the United States, and a degree from a foreign law school, which may or may not qualify them to practice law depending on the particular jurisdiction. Although such programs are increasing in number every year, they remain relatively uncommon compared to other types of study aboard experiences. Graduates of dual-degree programs have intimate knowledge of at least two legal systems, exhibit sophisticated bicultural communication skills, and
are often bilingual, a winning combination of education and skills that should make them highly desirable in the global market for legal talent.

Cornell has a dual-degree program with the Sorbonne, which requires JD students to study for a total of four years—two in the United States and two in France—qualifying them to be licensed in both jurisdictions. During the Sorbonne segment of this program, the students join a cohort of approximately 180 law students drawn from Germany, England, and other countries, and take a combination of classes in immersion with the Sorbonne’s students, as well as others with their cohort. Classes are taken in French and English. After the U.S. students pass a U.S. bar examination, they are permitted to take a special version of the French bar, and qualify in both jurisdictions. American University School of Law has dual-degree programs in Spain, Canada, France, and Australia. Columbia, Fordham, and the University of Pennsylvania also have dual-degree programs with French law schools, and Harvard has a dual-degree program with Cambridge University.

Overall, relatively few American law students actually attend a dual-degree program. If foreign language proficiency is required, even fewer students have the ability to study law—a discipline in which nuance and precision in language is absolutely essential—in a foreign language. Only the unusual and intrepid law student will be willing to add an additional year of law study, commit to living abroad for up to two years, and incur the additional expense involved.

The small number of U.S. law students who earn a foreign degree stands in sharp contrast to the large numbers of foreign law students who flock to U.S. law schools every year to earn an LLM from a U.S. law school to supplement the legal credential they have already earned in their home country. Foreign-educated lawyers with a U.S. master of laws degree cite these factors as important in providing them with a significant boost in their career prospects: studying law in English, developing an understanding of the U.S. legal system and legal culture to enhance their ability to work effectively with U.S. clients and lawyers, and establishing a base of international professional contacts. These foreign lawyers are increasingly in demand for positions in the overseas law offices of major American law firms; they are competing directly with JD graduates from U.S. law schools for these plum positions (see Endnote 58.)

Phase Three: Embedding Short-Term Study Abroad Opportunities into the Domestic Curriculum

Short-term overseas experiences are a new addition to the legal education landscape—taking many different forms, and offering some intriguing possibilities to bring study abroad and the mainstream curriculum and faculty into closer alignment by incorporating international elements into a broader range of law school courses offered at the home campus.

Some short-term programs are simply shorter versions of faculty-led summer abroad programs, conducting U.S. style one- to two-week international and comparative law classes abroad during the winter or spring break. Seton Hall Law School’s two-week winter intersession program on Modern Day Slavery and Human Trafficking in Zanzibar, Tanzania, is one example of such a program. The benefits and limits of these programs are similar to those of faculty-led U.S. summer programs, with the additional advantage that the shorter duration makes these programs more accessible to a larger number of students, especially those with family and work obligations or financial restrictions who cannot get away for a month in the summer. Some faculty members may also find the shorter time period more attractive for their schedules.

A more experiential form of short-term study abroad experience has recently emerged in law schools. These study abroad experiences often involve a short-term overseas excursion that builds on and is an integral part of a class taught during the academic year at the home campus and sometimes requiring students to conduct interviews or other tasks abroad.
Harvard Law School’s War Crimes Prosecution Clinic, which includes a week-long spring break trip to the Hague to give the students first-hand training relating to the legal projects they are working on in their semester-long law clinic, is one example. Human Rights Law Clinics, which send students abroad for short-term overseas field investigations related to their clinic work and prepared with training on cross-cultural communication and interviewing skills, illustrate the potential for using study abroad programs to study theory while also developing professional skills essential for global legal practice.

Another innovative example of short-term overseas programming is Northwestern Law School’s popular semester-long intensive study of a foreign legal system combined with a student-developed international spring break trip to do field research on a related topic. Each year more than 125 Northwestern students participate during their two-week spring break.

Short-term international field visits have the potential to be included in virtually any domestic law school class. Perhaps this emerging program model will encourage law professors to think more expansively about how they might inject an international element into what has been taught as a primarily domestic course. Other schools use short-term study abroad to allow students to pursue group or individual research projects. In 2009, Harvard’s short-term winter projects program subsidized 62 students to do independent research abroad during the winter break in 26 countries. The University of Pennsylvania has recently established a program encouraging faculty to embed international experiences into a seminar and sent a group of students and a faculty member to Milan to conduct research over spring break.

While short-term embedded programs offer the distinct advantage of being incorporated into the academic year curriculum and perhaps encouraging greater numbers of students and faculty to go abroad, there are some obvious limitations with this format. One is the short duration of the trip abroad, which allows less time in the host country. Because the class presumably meets regularly before and after the international excursion, there are opportunities to incorporate pre- and post-trip sessions that can be used to prepare for and reflect on the experience abroad, further integrating the experiential element throughout the entire semester.

Another concern is the financing of short-term overseas excursions embedded within a domestic class. Although Harvard paid an average of $800 to send 62 students abroad, this surely did not cover the entire cost. Even wealthy institutions will blanch at the prospect of financing the cost of sending an entire class abroad. One obvious solution is to find some way to shift the cost to the students through an additional charge. Although students readily pick up the cost of studying abroad for the summer, adding a surcharge to a semester’s tuition for an overseas trip during the academic year may be more administratively and politically complex. It also raises questions of accessibility for students receiving scholarships and those who are financially strapped. As they develop financial models, law schools would do well to examine the ideas and experience accrued by undergraduate study abroad programs, which have been offering faculty-led embedded programs for years. One way to deal with this cost might be found in the creative use of distance technology to bring the world to the domestic law school classroom, either to complement or substitute for actually going abroad.
The Role of Study Abroad in the U.S. Law School Curriculum and Preparation of Lawyers

One of the current discussions in legal education is not whether, but how, law schools should globalize their curricula. Numerous articles have been written, proposing various ways to include international and comparative legal theories into a curriculum that was designed long ago to prepare lawyers for domestic practice.\(^{40}\)

An important parallel discussion that has been going on among law faculty and the legal profession is whether law schools are doing enough to prepare graduates for the professional practice of law. At its heart, the debate is over the proper balance between teaching traditional legal analysis and doctrinal law in the classroom and courses which teach applied theory and lawyering skills by placing the student in a professional role in a live-client clinical or a simulated professional setting.\(^{41}\) As Larry Backer mentions in *The Internationalization of Law and Legal Education*, this professional skills movement and the globalization discussions have generally proceeded separately, with little or no cross-pollination.

We know from the *After the JD* study and the Philadelphia study discussed earlier that half or more of the lawyers currently practicing in the United States require knowledge of foreign and international law to represent their clients on a regular, if not daily, basis. It logically follows that these lawyers also need to have the professional skills required to access that law and effectively communicate with and interact in a professional and culturally appropriate manner with foreign nationals they are encountering as clients, witnesses, coworkers, opposing counsel, and perhaps decisionmakers.

If law schools are to do a comprehensive job of globalizing the law curriculum, they must globalize both the traditional doctrinal courses and the lawyering skills courses. Both are essential to prepare lawyers for work today. For example, some of the knowledge and skills that are relevant to such a discussion are as follows:

<table>
<thead>
<tr>
<th>Substantive Knowledge</th>
<th>Skills and Abilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interpretation of international law and treaties</td>
<td>Effective professional communication with non-U.S. actors</td>
</tr>
<tr>
<td>Interpretation of foreign law and procedure</td>
<td>Locate and apply foreign law to facts</td>
</tr>
<tr>
<td>Integration of foreign and domestic law</td>
<td>Ability to understand and navigate foreign legal system and culture</td>
</tr>
</tbody>
</table>

Despite the frequent references in law school brochures to study abroad as at least one indicia of globalization, very little has been written about the role of study abroad in the law school curriculum. Articles on legal education often mention study abroad, briefly refer to the benefits of immersion in a foreign legal culture, but do not go into detail.\(^{42}\) The comprehensive *After the JD* study asked approximately 5,000 law graduates about the impact of virtually every credit-bearing law school activity on their legal careers, but did not even mention study abroad.

This may be because study abroad is often viewed as a special program affecting a small, self-selecting portion of the student body rather than as an integral part of the mainstream curriculum. It is also true that
the commonly cited benefits from the international immersion experience inherent in study abroad, which are generally assumed to be greater ability to navigate foreign legal cultures and relate to foreign nationals, are complex subjects in themselves.\textsuperscript{43} It is likely that nothing in the educational background of most law professors has prepared them to be experts in intercultural communication theories and incorporate them into their lesson plans.

Whatever the reason, we don’t know very much about the teaching and learning in law school study abroad programs. How does study abroad programming relate to the law school curriculum? Is there untapped pedagogical potential that could be drawn upon to strengthen the preparation of law students for global practice? To what extent is study abroad being used as an opportunity for professional skills development? Where are the success stories and models in study abroad for professional students? Is there a way to measure the presumed benefits of study abroad programs as they relate to preparation for legal practice? We should know the answers to these questions.

\textbf{Doctrinal Teaching of International, Comparative, and Foreign Law in U.S. Law Schools}

Law schools tend to be conservative and changes to the curriculum generally occur in increments, so it is fair to say that the globalization of most law school curricula is a work-in-progress. The result is that today a law student can easily graduate from most law schools without any exposure to international, comparative, or foreign law or professional skills training related to international practice.

To address the need to globalize legal education, law schools typically offer doctrinal classes on international, comparative, and foreign legal systems in the domestic law school curriculum. Over the last several years, there have been a number of proposals on various ways to accomplish this goal.

Some propose to globalize the curriculum by inserting a comparative element in some or all of the domestic doctrinal law courses that make up the all-important, mandatory first-year curriculum.\textsuperscript{44} Given the concern of faculty that they lack class time to cover essential domestic material, and the difficulties in getting agreement to modify the entire first-year curriculum, it is not likely this concept will be adopted at many law schools. Others have proposed integrating an international law element into a course taken by all students, such as legal writing\textsuperscript{45} or property law.\textsuperscript{46} Another recommendation, which has been adopted by a few schools, such as University of Michigan, is to add a required course that exposes all students to the study of international, foreign, and comparative legal systems.\textsuperscript{47}

The most common solution, implemented at all law schools, is to offer international and comparative law courses as upper level (or in some cases, first year) electives. Some schools offer an extensive array of such courses leading to a certificate in international law.\textsuperscript{48} While this approach does not guarantee universal exposure to the subject matter, it has the advantage of allowing students to select from a broader range of choices.

Study abroad programs are another way that law schools expand their international course offerings. ABA-approved summer and semester abroad programs are required to include international and comparative law content relevant to the host country in the curriculum. Supplemental visits to host country courts and other legal institutions are also mandated, and depending on the zeal with which this requirement is embraced, they ideally constitute more than a perfunctory exercise. Students studying abroad at a foreign law school as part of their JD program take courses in foreign law, perhaps in a foreign language. While study abroad does make a real contribution to the law school curriculum by expanding course offerings, it is also true that a majority of law students is unlikely to go abroad and will not have access to these courses. However, the recent addition of one- to two-week international trips as part of a domestically based class, discussed in more detail above, has the potential to significantly increase the
number of students going abroad. At Northwestern Law School almost half of each third-year class of approximately 316 students goes abroad during spring break to do field work as part of a semester-long course with an international focus.

**Study Abroad and Faculty Development**

A valuable, often unarticulated, benefit of operating a study abroad program lies in faculty development. According to a 1996 ABA survey on the internationalization of U.S. law schools, there is a direct correlation between a school’s summer study abroad programs and the number of faculty who have been abroad. Teaching in a summer or semester abroad program provides an enjoyable opportunity to enhance faculty awareness and expertise in international, foreign, and comparative law and legal systems. Posting a law professor abroad can have a direct impact on their domestic teaching and the globalization of the law school curriculum. Mark Rahdert, a professor of constitutional law at Temple University, credits the increased awareness of other legal systems to his summers living and teaching abroad in Temple's Rome summer program and his decision to add a comparative element to his own scholarship and domestic teaching. He now regularly teaches a comparative constitutional law course, produces scholarship with a comparative focus, uses comparative and foreign law examples in his domestic classes, and plans to update his U.S. torts textbook with comparative law illustrations. After teaching in Rome, Susan DeJarnatt, a legal writing professor at Temple, revamped her domestic legal writing course, requiring her students to research and analyze foreign legal sources in the context of a domestic legal writing problem. Hosting study abroad programs may even help recruit faculty. According to DeJarnatt, a former chair of Temple Law School's faculty recruitment committee, faculty candidates invariably view the opportunity to teach in one of Temple's study abroad program as an attractive perquisite of working at Temple Law School.

**Teaching Intercultural Skills**

As the survey results cited above illustrate, effective domestic lawyers need to know how to engage as a professional with the non-U.S. actors they will invariably encounter in their work. The following comment from a U.S. lawyer practicing abroad gives us some sense of the additional layers of complexity involved in global legal practice: “Business negotiations in a multicultural environment are quite challenging because what you see and hear does not always have the same significance that you may assume it does. You must be in a position to analyze your own cultural prejudices and set them aside… [and] be aware of what is occurring and not occurring so that you can explain the situation to your client and the other party without giving the impression you are taking sides…. You are, in essence, a cultural mediator at the same time you are an advocate for your client.”

To truly globalize their curriculum, law schools must go beyond adding courses on international and comparative doctrinal theories and analysis and must incorporate lessons on a range of intercultural competency skills. This is much easier said than done. Determining the elements of intercultural competency relevant to today's legal practice, identifying the essential skills required, and developing lesson plans to incorporate them into the law school curriculum is a complicated endeavor for which nothing in mainstream legal education has prepared most law professors. Experts outside law may provide useful guidance as law professors conceptualize the elements of intercultural competency within the context of the legal profession and search for teaching methodologies that can be adapted to the law school curriculum. However, there is some progress being made. DeJarnatt and Rahdert’s thoughtful and practical article on teaching students how to access and integrate foreign law into their legal writing assignments is a good example of the type of scholarship that will advance the globalization of courses that teach lawyering skills.
The one area in the law school curriculum where there is a consistent effort to teach cross-cultural awareness and communication skills is in immigration and human rights law clinics. In these clinics, under the supervision of their professors, students assume the role of lawyers and represent foreign nationals or work on matters requiring them to engage with overseas lawyers or clients on cross-border legal matters. Sarah Paoletti, director of the University of Pennsylvania’s Human Rights Clinic, includes lessons on oral and written intercultural communication skills throughout her course to prepare her students to interview and represent their foreign-born clients. She cites the article, “Five Habits: Building Cross-Cultural Competence in Lawyers,” as an accessible, useful resource in helping students identify cultural issues that have an impact on their assumptions and those of their clients. Although human rights clinics are increasing in number, the typically small clinic enrollments limit their benefits to very few students. However, clinical law courses stand out as a valuable model and resource for the doctrinal law school faculty as they consider how to include short experiential exercises with a global flavor into their courses at home and abroad. It is not known whether other common domestic lawyering skills courses, such as Trial Advocacy or Interviewing, Negotiating, and Counseling, incorporate lessons on communicating with foreign nationals as clients, witnesses, or opposing parties, all of whom appear with great regularity in U.S. courthouses and boardrooms.

Study abroad programs offer an ideal vehicle for incorporating intercultural awareness and communication skills into the law school curriculum. Students studying abroad are, by definition, immersed in a foreign culture, which provides many opportunities for engineering the proverbial ‘teachable moment.’ Doctrinal classes could include assignments that require students to get out of the classroom and engage with the culture and legal community beyond the traditional group field trips to the courthouse. Faculty and administrators might look to their clinical and experiential education faculty colleagues for guidance in developing a curriculum that incorporates lessons in cultural sensitivity and effective cross-cultural communication into their existing study abroad programs. Tapping the potential inherent in a study abroad program—whether a faculty-led summer program or a short-term international experience embedded in a domestically taught seminar—might be accomplished with relative ease. For example, students studying international commercial transactions in Rome could, after a short skills training session on interviewing foreign nationals, be assigned to interview an Italian business person and reflect on their experience in class. Even an unsuccessful interview will stimulate discussion and lead to greater awareness of the need for an approach to professional work that takes cultural assumptions into account. Intercultural communication training could also be incorporated into predeparture and postprogram sessions for students attending summer programs, or a semester at a foreign law school, to help them prepare for and reflect upon their experiences.

There are undoubtedly many very good models of effective ways to use the overseas location as a backdrop for experiential exercises. As law schools continue to develop their study abroad programs, it would be useful to see more scholarship evaluating program models, studying the teaching and learning that is occurring, and identifying best practices in study abroad for law schools.

Another frequently overlooked resource for globalization and developing intercultural competency skills are the international students studying for an LLM degree at many U.S. law schools and taking classes with American law students. Hailing from all over the world, often experienced practitioners, fluent in English, eager for contact with American law students, and studying in the United States to develop their own familiarity with our legal and social culture, these international students could
be enlisted to participate in classes or organized orientation sessions for all students on intercultural communication.58

Ample resources already exist within the law school upon which law faculty can draw to develop valuable lessons in intercultural communication for their students: study abroad programming, faculty colleagues’ expert in experiential and clinical legal education teaching in an intercultural context, and international law students already in the domestic classroom. Using distance technology to partner students with peers at foreign law schools for joint class projects is another underutilized globalization tool. Capturing these resources may require some creative rethinking of the curriculum and forging new collaborations, but the benefits could make it worthwhile.
The Administration of Law School Study Abroad Programs

It is increasingly common for law schools to have a designated international office that manages both study abroad and programs for international students. The office is generally headed by an assistant or associate dean, normally a lawyer, who may or may not have a faculty appointment, who is supported by an administrative staff that varies greatly in size and configuration depending on the need. The assistant dean often works closely with a faculty committee charged with setting policy and oversight of the law school’s international programs. The duties of the office typically involve advising students on study abroad opportunities, managing any study abroad programs operated by the law school, acting as a liaison to foreign law schools, conducting program reviews of existing and possible new programs, recruiting students, and maintaining compliance with ABA regulations. It is not uncommon to include LLM degree programs for international students in the same office.

Professional Cross-Fertilization: The Development of Best Practices for Law Study Abroad

For many years international law school programs evolved without the benefit of a national professional organization. It is only relatively recently that the Association of American Law Schools Section on International Legal Exchange emerged as the professional forum for sharing best practices among international education administrators at law schools. Recently, some of the senior law school international programs administrators have become more aware of expertise in the field of study abroad that resides in organizations such as NAFSA: Association of International Educators, the Association of International Education Administrators (AIEA), and the Association of Public and Land-grant Universities (APLU) Commission on International Programs, and have begun to attend those meetings. This is a positive development as there are many best practices and lessons learned that law schools and the broader international education community can share with one another.

Financial Matters Relating to Law School Study Abroad

In most cases, the cost of studying abroad is borne by the student, who pays tuition and sometimes an additional program fee, to attend a study abroad program. Students attending a semester or dual-degree program at a foreign law school typically pay the normal tuition charge to their home law school, which in turn pays the tuition to the foreign law school. At most private law schools, the tuition paid to the foreign school is far lower than the tuition paid by the student to the home school. Other schools charge an administrative fee that is designed to cover the home school’s administrative costs in arranging the student’s admission into the foreign institution, and allows the student to pay the tuition directly. One drawback of this method, which can result in substantial savings to the student, is that a student could make educational choices based only on saving money. Where a true exchange of students takes place, each stu-
dent pays his or her home school’s tuition. Some schools do sponsor scholarships to make a study abroad experience available for students with fewer financial resources, but many view study abroad as outside the core law school experience and do not offer scholarships.

A robust summer abroad program can provide some financial benefits for the sponsoring law school, which has the option of setting the tuition at a rate that exceeds the program expenses, perhaps using the excess to fund the staff expenses for the international programs office.
Conclusion and Future Directions

Since the first law school summer program was launched slightly more than 40 years ago, study abroad programming has evolved from a minor concern affecting relatively few law students to become an important element of the curriculum in the vast majority of U.S. law schools. Ever-increasing numbers of programs send thousands of law students abroad each year. Today, no American law school can afford to ignore the expectations of its students that they will be able to study abroad during their legal education.

Study abroad in all its forms has been, and will continue to be, an important factor in the globalization of U.S. legal education. It provides students with important overseas experiences that prepare them for the global legal practice; it broadens the law school curriculum with additional courses offerings; and overseas teaching assignments enrich and stimulate faculty teaching and scholarship.

At the same time, the full potential of study abroad as a site for developing intercultural skills is not being tapped. Given the nature of the legal professoriate, it is likely that most study abroad programs are focused on teaching traditional doctrinal courses in an international setting with relatively few intercultural elements consciously incorporated into the curriculum. A marriage between study abroad and intercultural professional skills education seems like a logical match. To encourage this match, we need to know more about successful study abroad programs with professional skills elements integrated into them. The value of study abroad experiences for law students would be greatly enhanced by the sharing of successful curricula and thoughtful, interdisciplinary scholarship on most effective ways to apply interdisciplinary communication theories in legal education. Legal educators can learn from other professional disciplines where students combine trips abroad with meaningful clinical experiences. Business schools have strongly encouraged their students to engage in overseas projects for many years, and medical students and residents do clinical rotations abroad.

Law students and law schools are the subject of inquiry by the Law School Admissions Council, the National Association of Law Placement, the American Bar Association, and the American Bar Foundation, not to mention legal scholars—all of which collect data and publish articles about various aspects of the law school experience. But virtually no studies exist on the impact of study abroad programs on the preparation of lawyers or their role in legal education. Although the ABA collects copious data every year on study abroad programs, these data, unlike the data on a wide variety of other aspects of U.S. legal education, have never been released.

If law schools are to produce graduates who are globally competitive and well prepared to function as professionals in a multicultural environment, a creative and thoughtful utilization of study abroad opportunities bears closer examination.
ENDNOTES


2. www.law.sandiego.edu/lawabroad/paris/; www.law.tulane.edu/tlsabroad. (sites last visited 2/25/10)

3. Memorandum from Professor Herman Stern to Dean Peter Liacouras. (Unpublished document, Temple University School of Law, Philadelphia, PA, August 20, 1974.)


5. Of those for whom knowledge of such law was necessary, 82.9 percent said the need arose 1–5 times in the past year. The same group estimated that the frequency with which matters requiring them to use foreign and/or international law has increased over time. See DeJarnatt, Susan and Rahdert, Mark, Preparing for the Global Law Practice: The Need to Include International and Comparative Law in the Legal Writing Curriculum, April 6, 2010. http://ssrn.com/abstract=1586005.


7. Standard 307, Participation in Studies or Activities in a Foreign Country, in the “Criteria for Student Study at a Foreign Institution” first appeared in the ABA Standards and Rules of Procedure for Approval of Law Schools sometime between 1979 and 1987, probably in response to a perceived need for more clarity regarding the ABA’s intention to regulate the growing number of study abroad programs. www.abanet.org/legaled/standards/2009-2010%20StandardsWebContent/Chapter3.pdf. (last visited April 22, 2010). Rule 35, the first explicit reference to regulating study abroad in the ABA Standards, promulgated between 1980 and 1985, provides that a “law school may not undertake a credit-granting foreign program without first notifying the consultant and obtaining committee acquiescence.” However, it is certain that the ABA was reviewing at least some foreign programs prior to the 1980s, and that specific regulations emerged to bring order to a process that was gaining momentum. The focus of the ABA accreditation for law schools is on the integrity of the basic JD degree. In addition to meeting strict standards for accreditation of the JD degree program, no ABA-accredited law school is permitted to offer a program that will drain resources from the JD program.
Thus, the ABA does not per se accredit study abroad programs—it determines whether a law school may offer such a program without compromising its JD program, and uses the term “acquiesce” rather than accredit in referring to the permission granted to a law school to offer a foreign study program or any degree program in addition to the basic first degree in law. For ease of reference we will use the term ‘approved’ to identify a study abroad program the ABA permits an ABA-accredited law school to operate.


10. All three sets of criteria are in one PDF document. Scroll through document for Foreign Law School criteria. www.abanet.org/legaled/standards/20072008StandardsWebContent/Criteria%20for%20Foreign%20Study.pdf. (last visited 2/25/10)

11. See Interpretation 307-1 to Standard 307. “In addition to studies or activities covered by Criteria adopted by the Council, a law school may grant credit for (a) studies or activities in a foreign country that meet the requirements of Standard 305 and (b) brief visits to a foreign country that are part of a law school course approved through the law school’s regular curriculum approval process.” www.abanet.org/legaled/standards/2009-2010%20StandardsWebContent/Chapter3.pdf. (last visited April 22, 2010)


13. These figures were tallied by the author from the programs listed on the ABA Web site. See Foreign Summer Programs at www.abanet.org/legaled/studyabroad/foreign.html; Semester Abroad Programs at www.abanet.org/legaled/studyabroad/semester.html; and Cooperative Programs at www.abanet.org/legaled/studyabroad/coop.html. (last visited April 22, 2010)

14. The author has encouraged the ABA to release an accurate number of U.S. JD students who study abroad in a given year. The ABA is unequivocally the most accurate source of information on the number of students who study abroad for some portion of their JD degree. Every dean of an ABA-accredited law school files a detailed annual report on every summer and semester abroad program they sponsor. The report lists the number of students who studied abroad from their school as well the number of students from other school attending their program. Information on the location and duration of time abroad, gender, race/ethnicity, and when students study abroad over the course of their law study would be useful to law schools as they consider the implications of this growing aspect of legal education. The only other way to get these data is to survey each law school that allows students to study abroad, a much more complicated task that is not as likely to produce as accurate a result as the ABA data.


16. Of these, 7.7 percent reported that they spent the summer studying abroad or in the United
States, and an additional 16.8 percent worked and studied domestically or abroad. See National Association for Law Placement “NALP First-Year Summer Activity Survey—Summary Findings, Class of 2003,” www.nalp.org/assets/51_onelsurv.pdf (last accessed 11/12/09). (The survey was never repeated.)

17. ABA regulations require that a program that does not operate for two years is no longer permitted to operate until it is reviewed by the ABA. Thus, the roster of approved programs maintained by the ABA, if maintained, should be accurate. See Foreign Summer Program Criteria, VIII, Procedures for Approval, F at www.abanet.org/legaled/standards/20072008StandardsWebContent/Criteria%20for%20Foreign%20Study.pdf. (last visited April 22, 2010)


19. Some law schools also offer four-year, part-time law degrees with classes in the evenings. Although part-time students do study abroad, especially on short-term programs, it is often harder for them to do so. Part-time students often hold full-time jobs and tend to be older with more family obligations than full-time day students. Some part-time students take summer classes to ease their heavy work/school burden during academic year, but study abroad does not reduce the three years one must attend law school to earn a JD.


21. See a description of Southwest University’s Argentine externship program at www.swlaw.edu/academics/international/summer/argentina/argjudextern. (last visited April 22, 2010)

22. ABA Criteria for Approval of Foreign Summer and Semester Abroad programs state that “[o]nly students who have completed one year of full- or part-time law study...in good standing at an ABA-approved law school” or from an unapproved law school whose admission is consistent with ABA standards, may enroll for credit in a program approved under the criteria. See Students, Section IV B. www.abanet.org/legaled/standards/20072008StandardsWebContent/Criteria%20for%20Foreign%20Study.pdf. (last visited April 22, 2010)

23. www.lawschool.cornell.edu/international/study_abroad/paris_summer/index.cfm


25. www.abanet.org/legaled/studyabroad/coop.html

26. www.law.harvard.edu/academics/degrees/special-programs/study-abroad/semester-abroad.html. (site last visited December 28, 2009)


30. www.law.upenn.edu/international/studyabroad.html. (last visited April 22, 2010)


33. www.law.upenn.edu/international/studyabroad.html. (last visited April 22, 2010).

36. www.law.harvard.edu/academics/degrees/special-programs/study-abroad/semester-abroad.html. (last visited April 22, 2010)

37. www.law.northwestern.edu/itp. (last visited December 29, 2009)


39. www.law.upenn.edu/international/globalseminar.html. (last visited April 22, 2010)


47. www.law.umich.edu/prospectivestudents/internationalism/Pages/default.aspx. (last visited April 20, 2010).


