

Local to Global: Incorporating Overseas Work and Study in the Law School Curriculum

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Abstract

There is a growing interest in the internationalization of university education, including through overseas work and study, to enable students across diverse disciplines to develop as global citizens. Legal education traditionally focuses on domestic law, but a major shift is underway to internationalize the law school curriculum with the aim of developing 21st century lawyers as global lawyers. This chapter covers three key topics. First, it identifies important contextual factors influencing Australian law schools to incorporate overseas work and study immersion courses into the curriculum. Second, it presents a case study of internationalization initiatives at the University of Newcastle Law School, New South Wales, focused on overseas work integrated learning and intensive study trips in the Asia-Pacific region. A research project evaluating the impacts of these initiatives for students and staff is summarised. Third, the chapter concludes with reflections on the opportunities and challenges from the perspective of legal educators who must develop their own intercultural competence and navigate new ways of working with overseas service providers and academic institutions. Themes relevant to disciplines other than law are highlighted.

Key words: Legal education; law students; internationalization; educator perspectives; intercultural competence; Australia; Asia-Pacific

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Introduction

Educating students for the 21st century and life in a globalized world is an increasingly challenging task, and the goal of fostering global citizenship is an ambitious one. Yet, the aims are important and worthwhile: global citizens broaden their ways of thinking, gain awareness and understanding of interests beyond their domestic communities, appreciate global interdependence, and learn to participate responsibly and with respect for others in a multicultural and interconnected world (Schattle, 2007).

In this chapter, we argue that overseas study and work courses offer students unique learning opportunities that enhance and extend the knowledge, skills, and values they develop during their university education. We focus particularly on internationalization in the Australian law school curriculum. We discuss the factors that are influencing law schools to provide students with overseas experiences, which parallel the motivations of other disciplines that seek to develop their graduates as global citizens. We detail the evolution and planned evaluation of overseas programmes at the University of Newcastle Law School in New South Wales, Australia, identifying some of the benefits and challenges for staff and students of developing and participating in these courses.

Internationalization: A Major Shift in Legal Education

In recent years there has been a marked shift towards the internationalization of Australian legal education, including through the incorporation of courses into the law school curriculum that involve periods of intensive overseas work and study. Several key factors have influenced, and will no doubt continue to encourage, law schools to implement such courses.

Globalization of legal services

Globalization has had a profound impact on the legal services sector; however, not only large

commercial or international law firms are affected. In contemporary society, the “global lawyer” must not only be capable of working across jurisdictions, but is also required to possess an understanding of the global processes impacting domestic law (Czarnota & Veitch, 1996, p. 159). As the Council of Australian Law Deans (CALD) reports, globalization impacts even the smallest of local law firms (Bentley & Squelch, 2012, p. 13). It is now vital to equip law students with the skills required to operate within an international framework.

Related to this point is the fact that the export of Australian legal services is largely dependent on the nature and quality of the legal education provided by Australian universities (Bentley & Squelch, 2012, p. 89; Coper, 2012, p. 16). It is for this reason that overseas work and study courses are desirable, particularly those that expose students to legal and cultural practices in Asia given the region’s status as the largest export market for Australian legal services (Law Council of Australia, 2014, p. 5).

Employer demands

The growing trend towards globalization has shifted the skills and attributes that employers seek. CALD reports that law graduates are now expected to be adaptable, “culturally literate,” and capable of thinking laterally and broadly to solve problems (Bentley & Squelch, 2012, pp. 54–61). Australian legal sector publications echo these findings: *Lawyers Weekly* (2012) has reported that employers increasingly regard emotional intelligence, cultural sensitivity, a “global mind-set,” and adaptability as key predictors of employee potential in the new global marketplace. When it comes to the role that overseas work and study courses can play in helping to meet these employer demands, Berman (2014, p. 173) has outlined how the “culturally disorienting experience” provided by international clinical legal exchange programmes can promote qualities such as self-reflection, cultural sensitivity, and critical thinking. Mitchell, Oswald, Voon, and Larcombe (2011, pp. 69, 81) have similarly outlined

how the experiential nature of international immersion courses can nurture a range of personal and professional skills in students—skills that simply cannot be gained by “[c]onventional, classroom-based” learning.

The competitive legal education market

To remain competitive in the legal education market, universities also need to adapt to changing student and employer priorities. As CALD states, law schools that continue to teach only parochial or domestic-focused “black-letter law” will end up playing a “limited role” in the “production of law and lawyers for the global marketplace” (Bentley & Squelch, 2012, pp. 14, 44). By offering overseas work and study courses, law schools can avoid this fate, with the ability of such courses to attract students and staff to particular law schools widely recognized (Akhtarkhavari, 2011, p. 123; Mitchell et al., 2011, pp. 94–95; Saul & Baghoomians, 2012, p. 277).

Diverse student objectives

To meet students’ needs, it is also important to recognize that the law degree has become “a passport to work in a wide range of fields, only one of which is private legal practice” (Office of the Legal Services Commissioner, 2012, p. 2). Diverse student objectives and a supply of law graduates that exceeds traditional law firm job openings require law schools to provide a holistic education that equips students with more than just the skills valued by private sector employers (O’Sullivan & McNamara, 2015, p. 55). Here the benefit of overseas work and study courses again becomes clear. By fostering a global perspective, such courses can help students develop knowledge and skills valued in a range of other fields. Evans and Hyams (2015, p. 167) highlight how domestic externships can “reduce the insular nature of some law school environments”—a benefit that can only be amplified by overseas immersive experiences.

Wider pedagogical motivations

Finally, whilst there is little doubt that market demands play a key role, pedagogical factors also influence law schools. As CALD reports, “there are deeper underlying drivers for, and justifications of internationalisation” (Bentley & Squelch, 2012, p. 13). An example of this is Saul and Baghoomians’ (2012, pp. 273, 276) conclusion that, as a result of taking “relatively privileged western law students outside their natural habitat and comfort zone,” overseas immersion courses can “influentially widen their understanding of the promise and limits of ‘law’.” There is thus a clear potential for such courses to contribute to wider pedagogical aims, such as upholding the rule of law and fostering “a more peaceful and harmonious world” (Bentley & Squelch, 2012, p. 13).

Overall, multiple factors have encouraged Australian law schools to incorporate overseas work and study courses into the curriculum. Benefits aside, such courses do pose a number of challenges, with resourcing issues particularly problematic (Berman, 2014, p. 193; Mitchell et al., 2011, p. 92; Saul & Baghoomians, 2012, p. 308). Nonetheless, many argue that the benefits to be gained from overseas immersion courses are so substantial that any challenges will simply need to be overcome (Bentley & Squelch, 2012, p. 89; Mitchell et al., 2011, pp. 94–95; O’Sullivan & McNamara, 2015, p. 57).

Case Study of Internationalization Initiatives at an Australian Law School

Internationalization in a regional Australia context

The University of Newcastle Law School (NLS) is engaged in a multipronged approach to internationalization that includes international and comparative law content in courses, overseas intensive study and work experiences, and recruitment of staff and students from abroad who bring knowledge and understanding of differing cultures and politico–legal systems.

The availability of federal government funding—through the AsiaBound Grants Program and the New Colombo Plan Mobility Program—prompted the development of courses that involve periods of intensive overseas immersion. These Commonwealth programmes aim “to lift knowledge of the Indo Pacific in Australia by supporting Australian undergraduates to study and undertake internships in the region” (<http://dfat.gov.au/people-to-people/new-colombo-plan/pages/new-colombo-plan.aspx>). As a law school in a regional area of Australia concerned with economic transition and capitalizing on trade and other relationships in Asia, it is particularly useful for NLS students to gain some understanding of law and culture in Indo-Pacific countries. It has been observed that “a region’s connections with Asia, its competitive advantage and the quality of local leadership and entrepreneurialism will determine the extent to which any region thrives” in the so-called Asian Century (Regional Australia Institute, 2013).

Indeed, 17% of NLS students are from regional and rural areas and 27% are from low socioeconomic backgrounds, well above the sector average of 16%. The University of Newcastle is also the largest provider of enabling programmes in Australia, offering about one third of the nation’s Commonwealth-supported places. This means a number of law students come to NLS via nontraditional pathways or are first in the family to study at university. For some of these students, an international work or study course is their first opportunity to leave Australia; however, students who overcome educational, financial, or personal obstacles are likely to develop skills and attributes that enable them to outperform those who have not faced disadvantage or similar challenges. Armed with a law degree that incorporates international experience, especially in the Indo-Pacific, they may well become the next generation of business and political leaders in regional communities with much-needed knowledge and attributes to enhance Asian relationships.

Incremental development of international work and study courses

NLS's international courses developed incrementally, starting in 2014 with a small group of six students undertaking an intensive work placement course in Thailand. In 2015, three international courses were offered, with 30 students doing intensive work or study in Indonesia, Japan, and Thailand. In 2016, the internationalization initiative expanded significantly with the award of \$215,000 in New Colombo Plan funding to support 65 students across five courses with immersion periods in Indonesia, Japan, Vietnam, Cambodia, and the Cook Islands. The content of the courses covers a diverse range of legal issues, including criminal law, domestic violence, child protection and juvenile justice, corruption, access to legal education and services, environmental law and natural resource management, and health law and bioethics.

Individual academics developed these courses and sought external funding based on their areas of research expertise. In some cases, academics built on existing overseas connections, but all the courses required the establishment of new relationships with institutions and people in the destination country. Students complete coursework in the relevant area of law, then travel overseas with accompanying university staff to undertake work placements and/or participate in lectures and training led by practitioners and scholars in the host country. All the trips involve visits to organizations such as the Australian Embassy and justice sector institutions (for example, courts/tribunals or jails), as well as cultural excursions, such as guided tours to sites of cultural and historical significance. The Commonwealth funding rules stipulate that students undertaking overseas experiences must be Australian citizens enrolled in an undergraduate programme of study, and 90% of participants must be under the age of 29.

Designing an Evaluation of Student and Staff Experiences

Research questions and methods

With the progressive expansion in the number of law students going overseas, NLS academics

designed a research project to evaluate the international work and study experiences, including perspectives of both students and staff. Our evaluation model was informed by literature on global citizenship and the factors influencing law schools to internationalize their curricula.

For students, the key research question is: How do international work and study experiences help law students develop the knowledge, skills, and attributes necessary to prepare them as global citizens? For staff, the research project is an opportunity to reflect on our own experiences: What lessons have we learned in designing and delivering a new suite of international work and study courses in the Indo-Pacific region? What factors contribute to the success of such courses? What are the pitfalls, and what can be done to avoid or deal with them? Our research uses qualitative methods including: thematic analysis of students' reflective journals; facilitated, structured focus groups with students; and facilitated debriefings with staff members. Voluntary informed consent is obtained for all activities and the external facilitator has expertise in teaching and learning evaluation.

The reflective approach

Our evaluation framework uses Schön's (1983) concept of reflective practice to emphasize reflection as an essential component of personal and professional development (Field, Duffy, & Huggins, 2014, p. 101; Maughan & Webb, 2005, p. 37). Reflective practice, especially whilst overseas, allows the student to make sense of confusion and uncertainty in a new environment.

All students are required to complete reflective journals, which are assessed on an ungraded pass basis. Academic staff developed a common set of questions to guide students in their reflections. Before their departure overseas, students complete a brief reflective exercise to record their thoughts on questions such as:

- What are your personal and educational expectations for the overseas experience?

- What are you most looking forward to in relation to this opportunity?
- Do you have any particular worries about going overseas?
- What personal characteristics or competencies do you have that will help you cope with the new experiences in a different cultural context?
- What personal characteristics or competencies do you hope to develop to help you cope when you are working in a different cultural context or with people from a different culture?

During the overseas experience and after their return home, students are asked to record reflections on questions such as:

- What does the notion of becoming a global citizen or a global lawyer mean to you?
- In what ways does this overseas experience contribute to your development as a global citizen or global lawyer? What knowledge (e.g., about law and culture in a different country), skills (e.g., problem-solving skills, communication skills), and attributes (e.g., ways of thinking) did you develop? How?
- Reflecting on your personal and professional development, what were the top one or two experiences or learnings you gained from this experience that you could not have gained other than by travelling overseas?
- What challenged, surprised, or confronted you the most?
- What factors hindered your learning experience whilst you were overseas? Consider both internal (personal) and external factors.

Students compare their predeparture knowledge, beliefs, and expectations with what they learn and encounter during the overseas work or study experience. This opportunity to compare, contrast, and reflect is a window to students' knowledge of themselves and their professional

practice, which allows them to engage more deeply with their own cultural and legal scholarship.

Opportunities and Challenges for Educators and Universities

Opportunities and challenges for legal educators fall into three categories and, in many respects, are similar to those experienced by educators in other disciplines.

Personal

Some, but not all, legal educators have a well-established relationship with, and knowledge of, the people and culture of the countries they visit. Legal educators whose knowledge of international legal issues is mostly theoretical may be confronted by the limits of their own practical knowledge and expertise when they take students overseas. This means legal educators will learn, at least initially, about these issues alongside their students. This learning may enable legal educators to transform the range of courses they teach, contributing to the overall internationalization of the law curriculum (Bentley & Squelch, 2012).

Whilst overseas, students may respond in a variety of ways to tensions created by “culturally disorienting experience[s],” and this is also the experience for many legal educators (Berman, 2014, p. 173). To help students respond effectively to cultural difference, legal educators need to be able to critically reflect on and integrate their own responses to such difference, and infuse this into the courses they develop. The benefits for educators of doing so are much the same as for students: an increased global mind-set and cultural sensitivity.

Professional

The relationship that legal educators develop with students is shaped and constrained by the university context, including contact in classes (lectures, seminars, tutorials) and regarding forms of graded assessment. Contact prior to the overseas travel is focused on developing

students' understanding, analysis, and application of substantive law and practice. Overseas work and immersion experiences take educators and students outside this insular environment (Evans & Hyams, 2015) and involve unique dynamics. Educators and students travel, eat, explore, learn, and adapt together, and face the emotional ups and downs that are part of these experiences.

Educators play a central role in helping students develop characteristics valued by employers in a range of law and nonlaw fields, but which cannot always be developed in the classroom: for instance, emotional intelligence, cultural sensitivity, and adaptability. (Lawyers Weekly, 2012; O'Sullivan & McNamara, 2015). Educators are concerned with setting and modelling these characteristics as part of professional standards. Indeed, they need to exercise responsible leadership to assist in educating globally competent lawyers to promote positive engagement and leadership. They recognize their role as mentors for law students who are, in effect, cultural ambassadors when they interact and work with people from other countries. Educators also carry responsibility for developing courses in ways that make a meaningful contribution to students' personal and professional development, encouraging attributes such as perseverance, sociability, and curiosity. This requires academics to reflect on their own skills and communicate clearly to students how they can most benefit from such experiences.

Institutional

University leadership is key to the development of overseas courses. Educators may be undermined or supported by universities, and by leadership at different levels, which have a role in providing expertise, systems support, and resources for the development of courses. This is likely to include not only resources that recognize the workload, time, and funds required for educators to develop a quality course, but will include access to expertise, central data, and networks associated with funding and with individual countries. Such resources are

not always forthcoming (Berman, 2014, p. 193; Mitchell et al., 2011, p. 92; Saul & Baghoomians, 2012, p. 308).

The university, like students, has a role as a “global citizen” to make a contribution, particularly in our own region of the world. There is concern that western students (including Australian students) may form part of a larger richer cohort of “edu-tourists” who enjoy an experience of travelling without engaging in deeper learning and without giving back to the countries they travel to and study in. Likewise, universities can play a one-sided role that involves entrenching courses in overseas countries with a focus on the needs of their own students, but with little reward for their international hosts. Bonilla (2013, p. 3) argues that overseas experiences that take law students from wealthier countries to poorer regions run the risk of reinforcing historical “dynamics of domination and subordination that hinder fulfilment of the purposes” these experiences are intended to achieve. One way to address such concerns is for universities to support reciprocal activities, like student and staff exchanges (Cole, 2011).

Conclusion

In a globalized world, law schools must aspire to do far more than teach a student domestic legal rules and processes: they must “aim to emphasize the importance of context in the operation and evolution of law and its practice, providing opportunities for critique, comparison, inclusion, cultural competency and a grounded global—yet local—outlook” (Galloway, 2016, p. 28). A statement from a law student who undertook an overseas clinical legal placement illustrates the potency of the experience in helping to develop cross-cultural awareness and competence:

Travelling to Thailand gave us the opportunity to participate in a cultural exchange, to make connections and to gain a deeper and more personal understanding of the impact of statelessness on the individual. The trip took the abstract concept of statelessness and

made it real and meaningful. I never expected this course to be purely about learning about human rights issues and Thai law, nor did I expect it to be merely a work placement. Working across international borders or on international issues requires more than the knowledge and the ability to work in a foreign organisation; it requires open-mindedness and flexibility, the ability to navigate language barriers and cultural differences and gain an understanding and appreciation of foreign cultures. It also requires the ability to form relationships and build respect and trust across cultural and language barriers.

Lawyers, like other professionals, can anticipate having clients and colleagues from different cultural backgrounds, as well as work that involves transnational elements: “Almost every lawyer must be prepared to face some transnational issues, regardless of that lawyer’s field of practice” (Bogdan, 2005, p. 484). Intercultural competence is critical: it can be defined as “the ability to communicate effectively and appropriately in intercultural situations based on one’s intercultural knowledge, skills and attitudes” (Deardorff, 2006, p. 247). This has been recognized by the Australian Government through its recent establishment of the Judicial Council on Cultural Diversity (French, 2015). In writing about the law and cultural diversity, the Honourable Chief Justice of the High Court of Australia, Robert French commented:

The lawyers who are acting for or against persons from culturally diverse backgrounds should have as part of their continuing legal education a developed awareness of the issues and professional standards which ensure that none are tempted to take unfair advantage of culturally based misunderstandings or misinterpretations of the legal process. (French, 2015, p. 206)

Universities have an obligation to educate the whole student, to enable them to gain a global perspective, a contextual and comparative understanding of different cultures and practices,

and to enhance their skills and competence to work in varied environments. Providing overseas opportunities for students to study and work, and to reflect on these experiences, are only one, but an important, means of achieving this aim for their students.

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