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## Can Successful Lawyers Think in Different Languages?: Incorporating Critical Strategies that Support Learning Lawyering Skills for the Practice of Law in a Global Environment

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# CAN SUCCESSFUL LAWYERS THINK IN DIFFERENT LANGUAGES?: INCORPORATING CRITICAL STRATEGIES THAT SUPPORT LEARNING LAWYERING SKILLS FOR THE PRACTICE OF LAW IN A GLOBAL ENVIRONMENT

*Katerina P. Lewinbuk\**

“A different language is a different vision of life.”  
Federico Fellini (1920 - 1993), Italian film director

## INTRODUCTION

In response to the globalization of the practice of law, law schools in the United States and other countries that have traditionally been defined as belonging to the common law legal system have opened their doors to international students from different legal systems for whom English is a second language (“ESL students” or “international students”). Many of these programs have evolved without real assessment of the students’ needs and how to meet those needs. After a number of resulting challenges, it became clear that in order to make such programs a success, law professors need to use special methodologies and strategies for teaching ESL students; they cannot use the approaches that have been successful with students from common law countries.

The article focuses on two important discoveries relevant to this topic. First, it proposes teaching legal skills to ESL students while using “*storytelling*,” a method that provides important background for understanding the new legal system and culture. Second, it emphasizes the need for implementing “*complete immersion*,” a teach-

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ing methodology that will transform a student's analytical thinking into learning the law in a different language without any translation into his or her native language. The goal of both approaches is to assist the students with their learning and comprehension of the legal analytical skills that are critical to the practice of law in the common law legal system.

## PERCEPTION OF THE LEGAL PROFESSION IN VARIOUS PARTS OF THE WORLD

It certainly does not come as a surprise that a number of cultures have a different outlook on the role of lawyers in their societies as well as the importance, if any, of the legal profession as a whole. However, one seldom appreciates the tremendous range of status, opportunities, job descriptions, and prerequisites for becoming a lawyer and maintaining one's professional status in various parts of the world.

Different criteria are applied to allow a law graduate admission into the legal profession. For example, to become a practicing lawyer in Peru, one does not need to pass a bar examination as is required in the United States, or obtain licenses or permits that are instrumental to receiving a law license in the Russian Federation.<sup>1</sup> In fact, the "real control and authority to admit someone to the legal profession [in Peru] is exercised by the respective law school."<sup>2</sup> Similarly, to become a practicing attorney in Spain, one has to receive a law degree and then formally apply for admission to the profession.<sup>3</sup> No post-graduate examination or training course is required.<sup>4</sup> In contrast, to earn admission to the legal profession in Japan, candidates have to pass the bar examination and complete a one-year practical training course at the special Legal Training and Research Institute, which is currently administered by the Japanese Supreme Court.<sup>5</sup> In addition, they have to successfully pass a completion test that is prepared by the Legal Training and Research Institute.<sup>6</sup> In the past, bar passage rates in Japan have been shockingly low: approximately 2 to

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<sup>1</sup> Roberto MacLean, *The Structure of Legal Education in Peru: Notes for a Diagnostic*, AALS.ORG, CONFERENCE OF INTERNATIONAL LEGAL EDUCATORS (2000), <http://aals.org.cnhost.com/2000international/english/Peru.htm>.

<sup>2</sup> *Id.* Additionally, there are no full-time faculty members in Peruvian law schools as the professors' salaries are merely "symbolic." *Id.*

<sup>3</sup> Law Careers.Net, *Meet the Young Lawyers of Europe* (Mar. 14, 2006), <http://www.lawcareers.net/Information/Features/Detail.aspx?r=1261&xmltemplate=%2fTemplates%2fLCNPrintTemplate.xml>.

<sup>4</sup> *Id.*

<sup>5</sup> Japan Federation of Bar Associations, *Japanese Attorney System* (2002), <http://www.nichibenren.or.jp/en/about/system.html>.

<sup>6</sup> *Id.*

3% of the overall number of exam takers in the 1980s and 1990s.<sup>7</sup> Today, both the Japanese legal profession and education are undergoing substantial changes.<sup>8</sup> Specifically, the Justice System Reform Council determined that the “legal profession in Japan is too small,” and, as a result, proposed a new bar passage rate of approximately 70 to 80% and attempt to secure “3,000 successful candidates for the national bar examination annually.”<sup>9</sup> Despite these recommendations, the Ministry of Justice initially announced in 2005 that the bar passage rate ceiling would only be 30%.<sup>10</sup> However, after a number of law schools fought the decision, the Ministry decided to raise it to 40%.<sup>11</sup>

Social perceptions of lawyers also vary substantially in different parts of the world. For example, in Peru, a survey revealed that 75% of the people interviewed believe that the quality of Peruvian lawyers was “mediocre, bad or very bad.”<sup>12</sup> Despite the perceived nature of lawyers as “hyper-aggressive over-billers [which] is a spillover from the United States,” Canadians believe that the “world’s developing countries look with envy to Canada” and see its legal system as the “foundation of it all.”<sup>13</sup> Lawyers are “still well-respected in Germany” and it is not a part of the culture to make lawyer jokes like people frequently do in the United States.<sup>14</sup>

The Serbians perceive choosing to practice law as a “safe career,”<sup>15</sup> while the legal profession in Lithuania is regarded as “very competitive” and “high ranking.”<sup>16</sup> In the United States, “[a]ttorneys, who were once genuinely trusted and respected by the public, now find themselves struggling to preserve their professional image and regain their clients’ confidence in their ability to provide high-level legal ser-

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<sup>7</sup> Peter A. Joy, Shiegeo Miyagawa, Takao Suami & Charles D. Weisselberg, Building Clinical Legal Education Programs in a Country Without a Tradition of Graduate Professional Legal Education: Japan Educational Reform as a Case Study, 13 *CLINICAL L. REV.* 417, 426 (2006).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 427 (citation omitted).

<sup>10</sup> Alan Brender, *New American-Style Law Schools Face Obstacles in Japan and South Korea*, 51 *CHRON. OF HIGHER EDUC.*, Aug. 12, 2005, at A42.

<sup>11</sup> *Id.*

<sup>12</sup> MacLean, *supra* note 1.

<sup>13</sup> Ezra Levant, *Legal guild crumbles while law grows in importance*, *CANADIAN LAWYER MAGAZINE*, Feb. 2, 2007, [http://www.canadianlawyermag.com/index.php?option=com\\_content&task=view&id=80&Itemid=23](http://www.canadianlawyermag.com/index.php?option=com_content&task=view&id=80&Itemid=23).

<sup>14</sup> *Meet the Young Lawyers of Europe*, *LAW CAREERS.NET* (Mar. 14, 2006), <http://lawcareers.net/Information/Features/Detail.aspx?r=1261&xmltemplate=%2fTemplates%2fLCNPrintTemplate.xml>. A young German lawyer, however, stated that she would “put up with the insults the Americans suffer if only [she] had their income.” *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

vices.”<sup>17</sup> It is sometimes difficult for American lawyers to preserve their image since they are “frequently accused of breaking the professional oath and are commonly compared to used-car salesmen.”<sup>18</sup>

The above description of the status and image of lawyers in various countries, as well as a basic general knowledge of legal systems and cultures worldwide, demonstrates that lawyers go through different educational and training experiences to prepare them to join the ranks of legal professionals, where they will be expected to carry out their duties as attorneys. In addition, diverse legal systems show how different educational backgrounds and legal or “lawyering” skills are required.

### GLOBALIZATION OF THE LEGAL PROFESSION

“With the expansion of American businesses into overseas markets has come an increased need for law firms with global reach – and lawyers with language skills.”<sup>19</sup> Today, lawyers are often contacted and retained by clients who reside in different parts of the world and are looking for advice that incorporates knowledge and understanding of more than one legal system.<sup>20</sup> As a result, a number of law firms have opened offices in more than one country. For example, a recent survey showed that, out of the law firms operating in the city of Chicago alone, over twenty have offices outside of the United States.<sup>21</sup> Some scholars argue that it is time to be prepared for transnational legal practice that involves cooperation and joint effort in client representation by lawyers from different parts of the world.<sup>22</sup> Engaging in such practice is justified because lawyers are usually better equipped to handle legal matters in their home country as they are more familiar with the applicable laws and procedure.<sup>23</sup> As such, clients can receive better legal service when their cases are primarily handled by local attorneys.<sup>24</sup>

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<sup>17</sup> Katerina Lewinbuk, *Transformation of the Ethical Boundaries of the Attorney-Client Privilege in Response to the Growing Complexity of the Modern Business World*, 42 WILLAMETTE L. REV. 79, 83 (2006).

<sup>18</sup> *Id.*

<sup>19</sup> Nathaniel Hernandez, *Foreign Language Classes Putting Accent on Legal Terms*, CHICAGO LAWYER, Feb. 2003, at 10.

<sup>20</sup> See, e.g., Carole Silver, *The Case of the Foreign Lawyer: Internationalizing the U.S. Legal Profession*. 25 FORDHAM INT’L L.J. 1039-40 (2002) [hereinafter Silver, *The Case of the Foreign Lawyer*].

<sup>21</sup> See Hernandez, *supra* note 19.

<sup>22</sup> See, e.g., Roger Goebel, *Professional Qualification and Educational Requirements for Law Practice in a Foreign Country*, 63 TUL. L. REV. 443, 444 (1989) (outlining a five-part discussion on transnational legal practice).

<sup>23</sup> See *id.* at 444-45.

<sup>24</sup> See *id.*

Today, “[t]here is more mixing between national legal systems than ever before,” and the practice of law that in the past was rather local or national, is “being challenged through contact with foreign systems.”<sup>25</sup> Now, attorneys trained in different legal systems interact much more frequently.<sup>26</sup>

## LEGAL EDUCATION IS RESPONDING TO THE GLOBALIZATION OF THE LEGAL PROFESSION

Understandably, legal education attempts to fulfill the needs of the changing legal profession and “internationalization is no exception.”<sup>27</sup> For example, in 1999, at least sixty-eight law schools in the United States offered special graduate programs to foreign applicants, and more than 50% of the programs were created exclusively for foreign applicants.<sup>28</sup> Such programs continue to grow in size, as well as in number.<sup>29</sup> In fact, law schools that provided a new avenue for globalizing legal education in the last half of the decade have simultaneously provided an “additional site of interaction for lawyers trained in different national systems.”<sup>30</sup>

What has become obvious to legal educators as they were conducting legal training for lawyers and law students from all over the world is that “[l]aw could be said to operate inseparably from society, and therefore, from culture.”<sup>31</sup> Moreover, “[l]aw is local knowledge, a cultural institution comprising complex processes which vary from place to place and period to period. Law, therefore, may be characterized as a component of culture and the relationship between the law

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<sup>25</sup> Silver, *The Case of the Foreign Lawyer*, *supra* note 20, at 1039.

<sup>26</sup> *Id.*

<sup>27</sup> Carole Silver, *Adventures in Comparative Legal Studies: Studying Singapore*, 51 J. LEGAL EDUC. 75, 77 (2001) [hereinafter Silver, *Adventures in Comparative Legal Studies*].

<sup>28</sup> Silver, *The Case of the Foreign Lawyer*, *supra* note 20, at 1046.

<sup>29</sup> See *id.* at 1048-49. Professor Spanbauer's recent survey indicates that 110 of the 195 ABA-accredited law schools in the United States admit international students. Julie Spanbauer, *Translating the Transition in the Law School Classroom: Assessing Law School Programs for International Students*, INT'L J. LEGAL INFO. (forthcoming 2007) (manuscript at 2, n. 5, on file with the author). Her research further shows that in the United States, 110 law schools admitted foreign students to a total of 174 LL.M. programs in 2006. *Id.* (manuscript at 9, n.33) (citing Carole Silver, *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 CARDOZO J. INT'L & COMP. L. 143, 157-58 (2006)).

<sup>30</sup> Silver, *The Case of the Foreign Lawyer*, *supra* note 20, at 1040.

<sup>31</sup> Gloria Sanchez, *A Paradigm Shift in Legal Education: Preparing Law Students for the 21st Century: Teaching Foreign Law, Culture, and Legal Language of the Major U.S. American Trading Partners*, 34 SAN DIEGO L. REV. 635, 650 (1997).

and culture is dynamic and creative.”<sup>32</sup> As such, the legal study has “shallow meaning when abstracted from its cultural context.”<sup>33</sup> For instance, legal practitioners employ familiar cultural contexts in order to determine, give meaning to, and predict the effect of a legal principle.<sup>34</sup> Accordingly, understanding the cultural background and upbringing of law students is critical to effectively training those students to learn and comprehend legal studies in a given legal system.

When referring to cultural contexts and background, it is important to understand that the concept is two-fold when applied to lawyers. First, as discussed above, it incorporates one’s home country’s perception of the role of legal profession as a whole as well as an image of a lawyer (including the training and education that is necessary to join the ranks of legal practitioners). This aspect is critical to one’s ability to learn and comprehend because an individual’s view of his profession is usually reflected in the way she studies.

Second, it incorporates one’s general cultural perceptions unrelated to her choice of profession. For example:

In India, patting a child on the head is considered humiliating. In the Hmong tradition of “marriage by capture,” a girl must feign resistance when her groom carries her off to consummate their union. Turning up the sole of one’s foot is a grave insult in Thailand. Among Afghans, kissing a young boy’s genitals is a harmless mark of parental affection.<sup>35</sup>

It is the understanding of both components that is essential to legal education of international law students, and it is its absence that results in an unsuccessful learning experience. Accordingly, legal educators should be concerned with understanding their students’ backgrounds in order to accomplish their course objectives.

## CHALLENGES IN TEACHING LEGAL SKILLS TO ESL STUDENTS

Based on a significant and growing number of non-native speakers of English language studying law in American universities, teaching students for whom English is a second language (“ESL students” or “international students”) has become a major area of interest to legal educators and scholars in the United States. Having

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<sup>32</sup> *Id.* at 651.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 652.

<sup>35</sup> *Cross-Cultural Law 101*, USC Trojan Family Magazine, Spring 2000, [http://www.usc.edu/dept/pubrel/trojan\\_family/spring00/whatsnew/wn\\_law101.html](http://www.usc.edu/dept/pubrel/trojan_family/spring00/whatsnew/wn_law101.html).

originated from a number of strategies and suggestions that have been previously implemented in non-law related undergraduate and graduate programs,<sup>36</sup> a number of theories have been developed that are applicable to teaching lawyering skills under these circumstances.<sup>37</sup> The discussion below addresses the challenges involved in teaching legal skills to international students that came from different legal systems using an example of teaching such students in the United States. The relevant strategies and techniques will be likely equally applicable to teaching non-native speaking law students in other countries or legal systems because they are rather general and not culture or language-specific.

Experience has shown that a couple of major challenges evolve when ESL law students are being taught their lawyering skills, such as legal research, writing and analysis in American law schools. First, due to the fact that most ESL students come from various legal systems, they often face hardships in adopting the type of legal thinking that is appropriate in a common law legal system, which operates using *stare decisis* or the doctrine of precedents. To adopt this particular thinking pattern, the students are required to use a standard legal writing format that is rather rigid and does not allow for much of flexibility. In the U.S., a commonly accepted legal writing format is referred to as "IRAC." It requires lawyers to discuss the legal issue (I), rules of law and the specific relevant precedent (R), apply the above-discussed ruling to the facts of the case at bar (A) and then conclude (C) in that order. Many ESL students that are used to a freestyle writing find it very difficult to stick with the specific, and at times rigid, requirements of the format. Second, many ESL students that come to the United States to study law are hoping to accomplish the level of professionalism that would make their oral presentations and written work product indistinguishable from work product of attorneys who are native speakers of English, thus not arguably putting them in a disadvantage because they were raised and educated in another country. It appears that only a few of the ESL students that received a part of their legal education in the United States are able to accomplish this goal, while others express their legal analysis and ideas in a way that makes them stand out from that of a lawyer who is a native speaker of English. In response to this being a concern to a number of

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<sup>36</sup> See, e.g., Marcia Pally, *Skills Development in 'Sustained' Content-Based Curricula: Case Studies in Analytical/Critical Thinking and Academic Writing*, 15 LANGUAGE AND EDUCATION 279 (2001) (describing a pedagogical approach to teaching ESL students based on studies conducted in four-year institutions).

<sup>37</sup> See, e.g., Mark Wojtik & Dianne Penneys, *Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates*, 3 JOURNAL OF LEGAL WRITING INSTITUTE 127 (1997).



students, both challenges are addressed in the order they are described and possible solutions are proposed by the author.

### 1. *Everyone Can Understand a Compelling Story*

“Whoever tells the best story wins.”

John Quincy Adams

What can law professors do to assist their students in adopting the common law-type lawyerly thinking, writing, and analysis? Which techniques can be used in the classroom to allow the students to better relate to the common law system and the way it operates? This article proposes that legal skills be taught to ESL students using storytelling. “Legal Storytelling” is a new and developing area of legal education that involves the use of either fiction or nonfiction stories in the law classroom. The stories are aimed at deepening the students’ understanding and perceptions of the legal culture. The terms “narratives” and “storytelling” are used interchangeably by various scholars and nearly indistinguishable.<sup>38</sup> The only factor that distinguishes narratives from storytelling is the method of communication. Narratives are communicated through writing, while stories are communicated orally.<sup>39</sup> Both students and professors participate in storytelling.<sup>40</sup> The idea behind storytelling is to use pop culture, such as books and movies or music, to educate students on various aspects of the law. Specifically, it may include: providing background information for parties in decided cases; discussing the similarities and differences in factual situations addressed by various courts; telling stories about experiences in the legal world; and, mainly, discussing law-related movies, music, literature, etc., with the goal of receiving an additional

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<sup>38</sup> Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2413 (1988) (stating that stories and narratives are responsible for breaking down stereotypes); Stacy Caplow, *“Deport all the Students”: Lessons Learned in an X-Treme Clinic*, 13 CLINICAL L. REV. 633, 652 (2006) (stating that “narrative theory asserts that stories and storytelling make law more understandable by analyzing legal events as a narrative that gives a chronological and psychological account of events”).

<sup>39</sup> Panel Discussion of The Association of American Law Schools Section on Legal Writing, Reasoning and Research Section Annual Meeting Program, *Developing the 5th MacCrate Skill—the Art of Storytelling*, 26 PACE L. REV. 501, 522 (2006) (“Narrative is, of course, reading and it is putting you there in a different way than when you do hear it and, of course, the response activates, and I’m not sure of the theory about this, but they activate different parts of the brain when we use our imagination. In other words, reading something is different than when we hear it. Because, sometimes reading provides the script, the color, and the details, where sometimes storytelling leaves it up to the listener to provide these details.”).

<sup>40</sup> See Toni M. Massaro, *Legal Storytelling: Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?*, 87 MICH. L. REV. 2099 (1989).

insight into the life, structure and development of a certain society and legal culture.

The storytelling approach seeks to focus the students' attention on the narrative form of the law, prompt discussion on the language of storytelling (i.e., characters, conflict, theme, resolution, point of view, audience), emphasize the persuasive nature of the law, encourage dialogue and the sharing of experiences between the students, and emphasize critical thinking and problem solving skills.<sup>41</sup> Law professors should consider incorporating storytelling into their curriculum for a number of reasons. First, it is critical to acknowledge the presence of narrative in the legal world. For instance, lawyers listen to clients' stories and search for the legally relevant factors.<sup>42</sup> A professor can explain this process to the students by asking a variety of questions such as who the characters are, what the conflict is, and, how to resolve the conflict.<sup>43</sup> It is important to then relate to the students that lawyers filter those stories through legal language, choosing the applicable laws and terms to produce a persuasive narrative for the appropriate fact finder.<sup>44</sup>

Another critical reason for storytelling to be considered in teaching legal skills to ESL students is that *storytelling is something everyone can relate to*. The law, in contrast, is not. Having something to relate abstract concepts to forces students to internalize the concepts.<sup>45</sup> The universality of personal experience draws students into the topic. Another compelling reason to incorporate the storytelling method is that emotional involvement leads to a better classroom dialogue. As a result, storytelling provides a deeper understanding of the legal culture and thus helps ESL students learn both the law and culture.

Finally, it is vital to remember that the common law system consists of an endless number of stories (precedents) that require critical thinking and analysis (as opposed to the civil law system which focuses more on the search for the correct rule of law). As such, the ESL students' mentality is usually to search for the applicable bright-line rule, which creates a conflict with the well-accepted Socratic method used in teaching law in the United States. That conflict adds frustration to the learning process. In contrast, storytelling will help the students understand the role of the lawyer and the culture of the

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<sup>41</sup> See Sandra Craig McKenzie, *Storytelling: A Different Voice for Legal Education*, 41 KAN. L. REV. 251 (1992).

<sup>42</sup> See Marcia Canavan, *Using Literature to Teach Legal Writing*, 23 QUINNIPIAC L. REV. 1, 11 (2004).

<sup>43</sup> See *id.*, at 13.

<sup>44</sup> See *id.* at 13-14.

<sup>45</sup> See *id.* at 8.

legal world in the United States and they will be able to slowly transition into the different thinking pattern.<sup>46</sup> In addition, storytelling will assist in fine-tuning ESL students' writing skills.

In sum, storytelling promotes classroom discussion, which is essential to ESL students for whom the English language and the language of the law are foreign. Assigning homework that consists of viewing law-related films<sup>47</sup> and political cartoons,<sup>48</sup> as well as reading law-related literature will submerge the students in the language and the culture in way course textbooks cannot.

## 2. *Successful Lawyers Cannot Think in Different Languages*

“An idea does not pass from one language to another  
without change.”

Miguel de Unamuno (1864 - 1936),  
Spanish educator and philosopher.

ESL students studying law in a country other than their own often hope to accomplish the level of professionalism that would make their oral presentations and written work product comparable to that of attorneys who speak the native language. Obviously, not everyone will choose to pursue this objective but, assuming that one would, the question then becomes whether this goal is realistic and, if so, how it can be accomplished. All ESL students admitted to law-related programs have at least an acceptable, although non-native, command of the language of the country in which they are studying. Thus, their goal can be accomplished if the students and professors devote their time and energy to following two major steps. First, the students need to commit to converting their entire thinking process into the native

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<sup>46</sup> See Cassandra Sharp, *Symposium: The Power of Stories: Intersections of Law, Literature, And Culture: Case Study: The “Extreme Makeover” Effect of Law School: Students Being Transformed by Stories*, 12 TEX. WESLEYAN L. REV. 233 (2005).

<sup>47</sup> As an example, a professor may consider using the movie “Twelve Angry Men” (Dir. Sidney Lumet, United Artists (1957)) for a classroom discussion. This film could lead to a discussion of the process of jury deliberations as well as the cultural underpinnings of the story, such as how juries are more demographically diverse now and how that has affected jury deliberations. Another example would be using music from “The Bar and Grill Singers,” a group from Texas who takes lyrics from popular songs and changes them to satirize the legal profession. Listening to the music in class would be an entertaining way to stimulate discussion on various issues because the songs mix legal terms with American music.

<sup>48</sup> Many judges are parodied through political cartoons. During the class, a professor should point out that judges are targeted by cartoonists because their holdings have a direct impact to whether a law can go into effect. It would be a good way to discuss how court opinions can be reversed. This discussion will emphasize how the law can change from one day to the next as judges interpret one law in various ways.

language of the country in which they are studying. Second, the students need to commit to converting their law-related thinking and writing into one that is acceptable in the legal community in which they are studying. This includes the usage of proper local legal terminology. The law professor needs to provide specific direction to the students as to how to go about following each of these steps.<sup>49</sup>

To assist the students with converting their entire thinking process into the native language, the professor needs to restrict the students' usage of their native language dictionaries in the classroom. In the United States, for instance, students should be allowed to only work with recognized English dictionaries, such as *Webster's*, and recognized legal dictionaries, such as *Black's*. The students also should be discouraged from reading and communicating in their native language during the conversion period. The purpose is to avoid word-by-word translation, which is a natural thinking process for non-native speakers. The more ESL students use their native language dictionaries for translation, the more they follow the grammatical structure and word order that is specific to their native language when they speak a foreign language. As a result, their communication sounds awkward, although frequently understandable. Moreover, dictionary translation to another language does not always communicate various meanings that apply to specific terms and are sometimes comprehended in an almost intuitive fashion. Because lawyerly communications require a high level of sophistication in the use of language, it is critical that these subtle mistakes in the choice of professional terms, grammar, and word order be eliminated. Although one's thoughts and analysis can be understood despite these details, it is critical to eliminate inaccuracies in order to produce clear, precise, and concise oral and written presentations and work products. Since most ESL students already have a good language basis, they will only need to speak, read, write, and think in that language for some time before they will achieve an almost native command of the professional English or other language. Over time, their brains will transition into mainly formulating their sentences in the native language of the country in which they are studying instead of their native languages. Their vocabularies will grow and they will slowly be liberated from language-related limitation of expression. Successful lawyers cannot think in different languages; if they do, their lawyerly communication will not come out in a

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<sup>49</sup> It is likely that this approach will be considered controversial and some scholars may disagree with it. The author, however, has tested it in her ESL student classroom and believes it to be very effective. It is critical to remember, however, that the approach is focused on one's clear and proper communication (written or oral) that is expressed in a particular language. It does not touch upon the substance of communication, but instead focuses on the actual language/wording of the expression.

clear fashion. Instead, they need to think in the language in which they are practicing law. If they are able to do so, their professional communication will likely become indistinguishable from attorneys who are native speakers.<sup>50</sup>

In addition to converting their general thinking into English, ESL law students need to focus on converting their law-related thinking and writing into proper local legal terminology. The students will have to learn and memorize a brand new professional vocabulary that they will incorporate into their lawyerly communications and work products. The professor may assist the students in compiling long lists of new terms that are critical to their general knowledge of the law as well as their particular specialty. A good way to begin would be to recommend that the students read a minimum of two court decisions per day. As they read, students should make a long list of unfamiliar legal terms that need to be defined and then look them up in a recognized law dictionary. The students should compile and organize the terms in a logical order. These lists will be useful to the students when they work on their own legal writing. When writing, they should constantly incorporate such professional terms into their legal analysis. Eventually, the students will become familiar and comfortable with using the appropriate legal terms.

It is advisable to incorporate the described strategies into every aspect of a student's classroom experience and individual learning. Storytelling is an excellent method by which to accomplish this. It is worthwhile to ask the students to write down the words of the songs they listen to or to summarize dialogue in movies they are asked to watch. In addition to all the benefits previously described, this type of exercise will emphasize the importance of good listening skills and close attention to detail, which are critical to successful lawyering. Students can also research the history of the movie, song, or cartoon that they are asked to learn, focusing on the culture and background, which will contribute to an interesting and productive classroom discussion. In addition, the students should be asked to make a list of new legal terms and any other words that they have encountered and to propose situations where such terminology would be used. It is critical that successful lawyers think, analyze and communicate in the same professional language and using these steps will assist ESL students in achieving this goal as they study law in the United States or any other country.

It is critical to note that the proposed strategies apply merely to the form of communication and not its substance, which remains

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<sup>50</sup> Even non-native speakers with outstanding professional ability will most likely preserve their accents, which is arguably not an obstacle to one's professional success in a certain country.

unaffected by the language barrier. It is merely translated into a different language, although not word-by-word. ESL law students committed to the objective will be able to move beyond their starting point. Their commitment will permit the students to practice law in a foreign country, if they choose to do so, or simply to interact with local legal professionals at a new comfort level. These recent developments in legal education will aid in the globalization of the legal profession worldwide.

## CONCLUSION

Despite the fact that a number of cultures have a different outlook on the role of lawyers and the importance, if any, of the legal profession in their societies, the expansion of businesses and the world economy demand the globalization of the legal profession. Today, lawyers are often contacted and retained by clients who reside in different parts of the world and are looking for advice that incorporates knowledge and expertise in more than one legal system. As such, it is critical that attorneys all over the world are trained accordingly. To fulfill the needs of the changing legal profession, legal education responded by expanding law-related programs and developing new theories on educating foreign lawyers/ESL students. A number of American scholars have focused on developing special law-related programs and theories for educating international law students. In order to learn and comprehend legal skills that are critical to the practice of law in a global multinational environment, and to improve the form in which oral or written communication is expressed, the students need to think in the same language that they are practicing law.

To accomplish this goal, students must convert their general thinking into the foreign language and they also need to convert their law-related thinking, writing and analysis into those that are acceptable in a new legal community. Law professors should provide students with guidance and support during this process. The storytelling method is especially helpful in introducing students to the new legal system and culture. As a result, the students will experience a full emersion into the new legal environment and will be able to successfully transition into that professional culture if they choose to do so.

