

Effective Techniques for Teaching about Other Cultures and Legal Systems

Creating Partnerships

Stephen Yandle – Vice President for Global Law School Programs,
LexisNexis

The challenges to developing effective techniques for teaching about other cultures and legal systems include not only complicated issues of creating new pedagogy/ but also identifying new resources as it is inescapable that such a transformation of the curriculum will require more resources than traditional legal instruction. Such instruction not only expands the breadth of instruction, but compels more intensive student faculty interaction if it is to be meaningful.

A call for additional resources in a time in which legal education almost everywhere is engaged in increasingly intense competition for limited resources demands creative deployment of resources at hand and the expansion of the resource base. Three potential sources are suggested in this paper; two, which to some extent have been tested already, and a third, which may be a new and promising idea.

Though it may vary from university to university, law schools have generally not been well integrated with other departments and schools. To the extent that legal education has been somewhat narrowly doctrinal, drawing on special knowledge of legal rules and procedures, this is understandable. In the current expansive thinking about teaching law from a broader perspective, crossing cultures and legal systems, instruction becomes much more complex than imparting the knowledge of a commonly defined legal canon. In such a yeasty environment, one's faculty colleagues from the full spectrum of study in the university can be vital, invaluable assets. Drawing upon these assets enhances legal instruction, but also gives back to the new contributors returns that enrich their teaching and scholarship. Truly, the whole is greater than the sum of its parts, so the first source of resource is the broader university.

While it is easier in terms of physical proximity and commonality of university purpose to develop synergies within the same university, there are

no insurmountable obstacles to expanding collaborative initiatives across traditional university and geographic boundaries. With the extraordinary connectivity that exists in our remarkable new technologies, only our imaginations limit the potential to develop a global academic community sharing its knowledge and experience.

A second source of additional resource is the practicing bar. For many years practicing lawyers have played an important role in legal education. In some systems that serve as part time adjunct faculty, teaching primarily practice oriented courses to supplement full time academic faculty more aligned to legal scholarship than to the particulars of practice. In some countries practitioners are the primary instructors. What is new is the rapidly breadth and complexity of law. It is increasingly rare for someone to develop a narrow area of expertise to be exploited in a relatively static way over a long career in law. Successful practitioners have to be life long learners to remain at the top of their profession. There is no better way to learn than to teach. A grand way to refine and perfect one's knowledge in a dynamic field is to share what one knows with inquiring, challenging students. The time is ripe to create a vital partnership between the study of law and practice in which those leading practitioners share their special knowledge with those training for law practice and in so doing ensure that they refresh and hone the legal acumen that will keep them at the top of the profession.

The term practitioner is used loosely to include a broad array for individuals in the life of the law; not only those in traditional law firm or solo practice, but also government lawyers, judges, public interest and social justice advocates, business people and more. By including such a broad array the mission of teaching about other cultures and legal systems can be fully supported by a robust cadre of teacher practitioners.

The third source of new resource is perhaps an unlikely suggestion. It is the providers of the legal materials that students and faculty use in their work. Simply put it is the vendors of the books and on-line materials that law schools acquire for their students and faculty. These companies are in the business of selling their materials, typically for a profit (though some are public entities). They are in the business of developing in law students familiarity with and, they hope, preference for their materials so that when students graduate they will ask their employers to provide these material and when they become decision makers they will purchase them.

It is a simple and quite reasonable model, but as yet not fully exploited by the law schools to their potential advantage. These are highly profitable businesses with much future business depending on the image and reputation that they are able to create with student and faculty. The wise law school would recognize that fact and rather than shun the companies as interloping vendors, embrace them as educational partners in a common enterprise – the education of students. By engaging the companies in a real dialogue, they can understand that the companies' business interests and the law schools' educational interest are congruent, not antithetical. These companies have valuable products that are integral to the successful practice of law. The law student's education and career opportunities are enhanced if learning how to use these products is included in the educational experience. There is significant economic value to the companies in exposing future customers to their products so they should be open to providing them at substantially less cost than practitioners would pay.

Further, the companies are expert in the use of their products and have a strong interest in the instruction on the products so they should be receptive to providing instruction and support at their cost. Schools, of course, should control the pedagogy at their institutions and should set the parameters regarding what the companies do in the law school environment. In a true academic collaboration there can be a refinement tailored to the unique needs and perspective of each school. That which the school might be unable to purchase at full market rates could be provided to increased the educational needs of students with no compromise of academic values. Also, some of these companies are quite advanced technologically so bringing them and their products into the school may also bring with it technology infrastructure and bandwidth that can serve additional educational needs that might have been otherwise unaffordable.

Legal education has never been more exciting or more challenging. The successful law schools will be those that seek to meet rapidly changing needs through creative partnership with alliances drawn from both the known and the new.