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INNOCENTS ABROAD: REFLECTIONS ON SUMMER ABROAD LAW PROGRAMS¹

Louise Harmon and Eileen Kaufman*

INTRODUCTION

Every summer, approximately 4,000 United States law students get ready to participate in summer abroad law programs located in all parts of the planet: Central and South America, Western and Central Europe, South and East Asia, Russia, Africa, and the Middle East. Almost every corner of the world can lay claim to hosting its own American summer law program.² The mad crush of final exams is over. Students and faculty alike are packing suitcases full of clothes, hiking boots, medicine, protein bars, peanut butter, laptops, and law books. From late May through the middle of August, the legal academy is on the move.³

1. The title refers to one of the most popular travel books of the nineteenth century, Mark Twain's chronicle of his Grand Tour, sailing the Mediterranean and visiting historic sites, *The Innocents Abroad; or, The Pilgrim's Progress*, published in 1867. Christopher K. Brown, *ENCYCLOPEDIA OF TRAVEL LITERATURE* 215 (2000).

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2. *Foreign Study Programs*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, [hereinafter *A.B.A. List*], <http://www.abanet.org/legaled/studyabroad/foreign.html> (last visited Feb. 9, 2008). In 2008, there are approximately 237 programs, sponsored by 115 different law schools in 49 different countries. *Id.*

3. Although this article is about summer abroad programs, much of what we have to say is relevant to semester abroad programs, which are subject to a separate set of ABA accreditation standards. *Semester Abroad Programs-Revised Criteria*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR

We are a part of this mass migration. When we return from India every year, and sometimes from China,⁴ having completed another successful summer abroad, one of us invariably remarks while sitting on an airport runway: “We really ought to write an article about this experience—about why it is so ambitious, so difficult, sometimes even frightening—and yet, so incredibly worthwhile.” Then we travel for twenty-four hours, returning home exhausted and exhilarated to our families, our cats and dogs, our bills, our cars in need of repair, our voicemails with thirty-nine messages, and to the peace of our own overgrown backyards, now verdant tangles of weeds and vines. No one has cut the grass for over a month, and the urge to write an article about the summer abroad program experience fades. We unpack our suitcases, turn in the summer school grades, file away our notes under “INDIA,” put the passports in the dresser drawer, and fall back into the groove of our daily existence. After a month of intense collaboration and cohabitation, we do not see each other for months after our bleary-eyed farewell at the baggage claim of JFK. The time to collaborate and cohabitate has passed. We have survived another summer abroad law program.⁵

(2003), *available at* <http://www.abanet.org/legaled/accreditation/foreignprogramtf/semesterabroadprogramcriteria.doc>. There are currently ten semester abroad programs: eight in London, England; one in Tokyo, Japan; and one in Melbourne, Australia and Christchurch, New Zealand. *Semester Study Abroad*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, <http://www.abanet.org/legaled/studyabroad/semester.html> (last visited Jan. 9, 2008).

4. Given China's history in the middle of the twentieth century, it is nothing short of a miracle that American law schools are sending their students there to study in the summer. During the Cultural Revolution (1966-1976), law schools were shut down in China and some law teachers were branded “reactionary academic authorities” or counter-revolutionaries. Law teachers were looked upon as targets of the dictatorship, resulting in unlawful detention and relentless persecution. They were imprisoned as “class enemies, . . . transferred to do manual labor in May 7 cadre schools, or sent to settle in the countryside as peasants.” Han Depei & Stephen Kanter, *Legal Education in China*, 32 AM. J. COMP. L. 543, 553-54 (1984). As of 1984, following the demise of the Gang of Four, twenty-three universities had law departments and international exchanges had increased, receiving jurists and legal workers from the United States, Canada, Japan, the United Kingdom, West Germany, France, Australia, the Netherlands, Singapore, and other countries. *Id.* at 557, 559. Now, twenty-four years later, there are twenty-one summer programs in China. *A.B.A. List supra* note 2.

5. Most summer law programs are offered annually, although at times, host

This year we vowed to write down what we have to say. It has dawned on us that a time may come when we no longer have the energy to take three-dozen law students to study in northern India. We are already looking for someone younger to accompany us next summer to learn the ropes. We are not ready to relinquish those ropes yet, but in the past few years, the skin on our hands has broken from time to time. What used to be tough calluses now hold the potential for blisters. Is it age? Or experience? The young hurdle into things at great speed, with great energy and enthusiasm. We were young once too in this endeavor, at least a lot younger.

What we now lack in speed and energy, we make up for in knowledge: knowledge about how to run one of these programs, memories about what has happened in the past, and reliable predictions about what might happen in the future. What we have not lost is our enthusiasm. We remain committed to the idea of taking three dozen law students to study on the other side of the world. It is a great idea.

Who are the expected readers of this Article? While we begin by describing the benefits of studying law in a summer abroad program, our aim is not to recruit others to commit this fabulous form of academic folly. We are not seeking a choir to preach to. Even though we may not know them personally, we already know who our readers are. They are our partners in crime: directors, faculty, and administrators from other American law schools who are committed to the challenging endeavor of taking their students abroad during the summer to

institutions make the decision to only offer the programs every other year, particularly if the program is very ambitious and requires a great deal of planning. The same is true of undergraduate schools that offer challenging programs. For example, Colgate offers an India Study Group, a semester long program in Chennai in which students study Indian music, dance, languages, yoga, and philosophy. Shailaja Neelakantan, *Slackers Need Not Apply: An Intensive Study-Abroad Program Immerses Americans in South Indian Culture*, CHRON. OF HIGHER EDUC., Feb. 10, 2006, at A36, available at <http://chronicle.com/weekly/v52/i23/23a03601.htm>. The founder of the program, William Skelton, a professor emeritus of Asian studies and music, is anxious that his program does not become “a little island of America or a semester-long vacation in the guise of cultural immersion.” *Id.* Because each program is different, it takes a year of planning; hence groups in the Colgate program go only every other year. *Id.*

study, to experience a new legal system, to learn about international relations, and to see the world.⁶

This Article is organized in the following fashion. Part I describes the benefits of studying law in a summer abroad program.⁷ Part II seeks to characterize the kind of travel that a

6. We do not mean to leave out the deans of American law schools. Deans have an interest in seeing that their summer abroad law programs are well-designed and executed. Deans should see these programs as opportunities to: "(1) attract able students to the regular program; (2) augment the school's repute for concern with educational technique and substance; (3) provide entry to the institution in a direct, personal way into the world's legal, economic, and political scene." E. Blythe Stason, Jr., *Summer Programs Abroad: Then, Now, and the Future*, in LEGAL EDUCATION FOR THE 21ST CENTURY 343, 351 (Donald B. King, ed., Fred B. Rothman Publ'ns 1999). Being a director of a summer abroad program also helps relations between faculty and administration within the law school. Frankly put, the director (who is usually a faculty member) has to play administrator for a while, and performing administrative tasks on occasion engenders a sense of compassion for those who do them all the time. Being a program director is like "being the dean and sole administrator of a tiny law school. Duties cover the waterfront, from faculty liaison, to academic advisor, to facilities manager. The director ensures the educational integrity of the program, as well as making sure that chalk, erasers, and bluebooks are available." Nancy Carol Carter, *Law School Abroad: Ghiberti to Guinness*, 18 LEGAL REFERENCE SERVICES Q. 15, 16 (2000).

7. We will use the terms "international study" and "study abroad" synonymously, although the latter implies crossing an ocean. Studying in Mexico, for example, does not technically qualify as being "abroad," but the student's exposure to a different language, culture, society, etc., would be as varied as any voyage across the sea. Similarly, some international law programs do not take place during the summer. For example, the University of Baltimore and Hofstra University, in collaboration with Erasmus University Rotterdam, have an International & Comparative Law Winter Intersession Study Abroad Program offered in 2008 from December 21 to January 12. University of Baltimore School of Law, Curacao Winter Abroad Program, <http://law.ubalt.edu/curacao/index.htm> (last visited Jan. 11, 2008). Similarly, Hamline University School of Law has a winter session in Jerusalem that focuses on conflict resolution from different religious traditions. Hamline University School of Law, Hamline-Hebrew University Program on Conflict Resolution from Religious Traditions, http://web.hamline.edu/law/israel/program_details_-israel.html (last visited Jan. 11, 2008) [hereinafter Hamline Jerusalem Program]. It lasts for two weeks in January and students can earn 2-3 credits. *Id.* The program is open to students who have completed their first year of law school, lawyers taking continuing legal education, members of the clergy, and divinity students. *Id.* Initially, the Hamline Program was a summer program, but from 2001-2003 the programs were canceled because of the onset of the Intifada; hence the organizers pursued this intersession variation of the original program. *Id.* Some law schools have student exchange programs that last for a semester. Southwestern Law School, for example, has two such student exchange programs where the students earn transferable credits, one

law student, studying abroad, engages in—is he or she⁸ a tourist, a pilgrim, or a student on a modern day version of the Grand Tour? We put the summer abroad law program into historical context and explore a few of the myriad ways in which people—and in particular students—travel. Part III describes the American Bar Association's (ABA) Criteria that dictate the minimal standards every summer abroad law program must achieve in order to receive accreditation. Part IV presents the results of a survey we conducted of directors of summer abroad law programs. Part V is the aspirational part of the Article, and is conceptually linked to Part II in which we struggled to characterize this unique genre of educational travel.

A word of warning: In the midst of this linear progression, do not miss the footnotes that appear at the bottom of every page. The ten-point font may require the reader to pull out his or her reading glasses, but reaping the benefit of the collective wisdom of many directors of many summer abroad law programs makes the squinting worthwhile. Below the line, the reader will find another universe altogether, one full of concrete suggestions about admissions policies, teaching, scheduling, course materials, housing, insurance, accessibility, breaking the law and living with the consequences, attendance requirements, computer use, optional excursions, incorporating law students from the host country, caring for sick students, dietary restrictions, and a whole plethora of issues directors might never have given much thought to, but should have. As is so often the case with academic writing, what lurks below the line may have more value than what resides comfortably in bolder print above. Perhaps we should read law review articles upside down.

A second word of warning: We originally planned on a Part VI that would function as a vessel for personal narratives that did not fit comfortably into any other unit of thought. They turned out to be too important for footnotes, and eventually too idiosyncratic to squeeze into a Roman numeral, even a concluding Roman numeral of their own. So from time to time,

with the Universidad Torcuata di Tella in Buenos Aires (in Spanish) and the other at the University of Western Ontario. Southwestern School of Law, Semester Abroad, <http://www.swlaw.edu/academics/international/semester> (last visited Jan. 11, 2008).

8. The authors will use “he” throughout the rest of this Article when referring to the study abroad law student for ease of reading.

we rolled down the car window and tossed those rebellious seeds out, along the side of the road. The Chicory and the Queen Anne's Lace, the Black-Eyed Susans and the Sorrell are scattered randomly throughout the text, with equally random efforts to categorize them. These *wildflowers* are in *italics* to tip off our readers that they could not be contained in a formal garden.

I. THE OBVIOUS AND NOT SO OBVIOUS BENEFITS OF SUMMER ABROAD LAW PROGRAMS

The most obvious benefit of summer abroad law programs is that the student learns about a different legal system, and in the process learns about his own.⁹ This insight is similar to what happens when we study a foreign language. It can be mystifying to the English speaker when he first tackles a language like French or German and discovers that the pencil or pen in those languages is either masculine or feminine. He asks himself, "Why do we not imbue our nouns with the quality of gender?" The first time a student of Hindi learns there is a different word for my brother's wife and my husband's sister, he must wonder why in English there is no such fine-tuning. Why are we content to let a rough blanket term like "sister-in-law" cover such different relationships? How is it possible that the word *kal* in

9. Writing about the place of comparative law in the curriculum, Roscoe Pound wrote in 1934,

Hence I suggest that the law teacher of the future should ground himself in comparative law and should bring out continually other modes of treatment of the questions he takes up from the standpoint of our law, as shown by the civil law and the modern codes, just as he canvasses the modes of treatment in different English-speaking jurisdictions. I suggest that he continually seek to lead the student by concrete examples to appreciate that there is no one doctrine or rule or institution or conception for every case in every land in every time.

Roscoe Pound, *The Place of Comparative Law in the American Law School Curriculum*, 8 TUL. L. REV. 161, 168 (1934). Summer abroad law programs seek to combat this same provincialism that Pound found prevalent in the 1930s. There are other types of programs that might promote the study of comparative law, such as programs that allow students to study at a foreign university long enough to actually obtain a foreign law degree. James Gordley, *Comparative Law and Legal Education*, 75 TUL. L. REV. 1003, 1003 (2001). Cambridge, Fribourg, Cornell, and Columbia all have programs in which students obtain a French law degree. *Id.* "Another program, which is still in the planning stage, proposes a 'Hanse Law School' where students will study in Groningen and Bremen, receiving a Dutch and a German law degree." *Id.*

Hindi can mean both “yesterday” and “tomorrow”? The same inevitable process of comparison happens when a law student sits in a Chinese courtroom and observes a judge actively questioning a defendant about what happened on the night in question. Why doesn’t that happen in the United States? Or when the named plaintiff in all of the public interest cases on the docket in a High Court in northern India turns out to be a well-known local lawyer—why are our rules of standing so stringent in the United States? Why aren’t there many personal injury cases on the docket in India? Suddenly the law student begins to question certain aspects of his own familiar legal system. This is educational.¹⁰

Similarly, watching lawyers negotiate their way through a foreign legal system makes a student curious about the legal practices in his own country. Why do all the younger associates in the Chinese law firm stand deferentially when the senior partner enters the conference room? Why do Indian lawyers always bow and address the judge as “My Lord”? Why do Indian lawyers sometimes stop in the middle of an appellate argument and hand the *Indian Reporter* to the judge to read?¹¹ And why do Indian lawyers look like giant crows, moving through the courtroom in their long, flowing black robes?

10. To quote Arthur T. Vanderbilt, the Dean of New York University School of Law in the 1940s, “There is no type of legal study that will strengthen the muscles of the mind like the comparative study of two great legal systems.” Arthur T. Vanderbilt, *Law School Study After the War*, 20 N.Y.U. L. REV. 146, 160 (1944-1945). American summer abroad law programs have increased the free flow of students between law schools in various countries and have “made the most generalized effort towards internationalization of American legal education.” Antonia Garcia Padilla, *Perspectives on the Internationalization of Legal Education*, 51 J. LEGAL EDUC. 350, 351 n.7 (2001).

11. These are differences in legal culture. As one legal educator indicated, international legal education exchanges promote knowledge about our own legal culture, as well as that of others.

By legal culture, I mean the generally accepted mode of conduct among lawyers in society. This could include the culture of timeliness, professional courtesy, competition, appropriate distance from judicial decision-makers—such as not asking a judge about a pending case at a dinner party. Indeed, how is the work environment different for the lawyer in America from that of a lawyer in other cultures? What are the constraints facing our work, and how do they compare with lawyers’ constraints in other cultures?

Margaret Y. K. Woo, *Reflections on International Legal Education and Exchanges*, 51 J. LEGAL EDUC. 449, 449, 451 (2001).

Again, by being confronted with foreign legal practices that may strike him as odd, the student is forced to question the practices of his own legal system. He sees them at a distance and from the unaccustomed position of the outsider.¹² Invariably this puts him into a position of wondering. This is educational.

Study abroad is also one of the key ways to acquire “cultural intelligence.”¹³ Globalization has resulted in opportunities for international trade and business,¹⁴ creating complex legal environments requiring interactions and relationships with people who are culturally different.¹⁵

12. As one Chinese student who came to study in the United States during the late 1970s put it,

Maybe it is good for a person to leave one's country. It is like someone living in the same house all the time. He may not realize how tall the house is and what it looks like from the outside. But once he walks out of it, turns around, and takes a look, then he will realize what kind of house he has been living in. Leaving my country allowed me this opportunity for retrospection. I came to know, not only something about the world outside, but also something about my homeland.

John T. Ma, *From Studying Abroad to Staying Abroad, in CHINESE AMERICA: HISTORY AND PERSPECTIVES* 28 (2004).

13. DAVID C. THOMAS & KERR INKSON, *CULTURAL INTELLIGENCE: PEOPLE SKILLS FOR GLOBAL BUSINESS* 71, 176 (Berrett-Koehler Publishers 2004). The most important means of increasing cultural intelligence involves spending time overseas. *Id.* at 71. Besides study abroad, other strategies include working for an international company, international tourism and internships, teaching English abroad, foreign government or humanitarian service, or foreign military service. *Id.* Thomas and Inkson point out that “culture is something that a group has in common that is not normally available to people outside the group. It is mental programming held in common that enables insiders to interact with each other with a special intimacy denied outsiders.” *Id.* at 24.

14. Globalization means an “increase in the permeability of traditional boundaries, including those around countries, economics, industries, and organizations.” *Id.* at 6. Globalization has been accelerated by a host of factors in the international business environment, including new international trade agreements, the growth of international trade and of multinational corporations, and the ability of information and communication technology to transcend time and distance. *Id.* at 7. “Even very small firms now have the capacity to be global. With a computer, a modem, and a telephone connection it is possible to be a global business almost instantaneously.” *Id.*

15. The structure of legal practice is changing with the growth of transnational law firms and with the elimination of educational requirements as a condition of transborder mobility within the European Union. For example, an English common law lawyer may now work in France, and a French avocat in England, without supplementary education. See H. Patrick Glenn, *Comparative Law and Legal Practice: On Removing Borders*, 75 TUL. L. REV.

“Cultural intelligence means being skilled and flexible about understanding a culture, learning more about it from your on-going interactions with it, and gradually reshaping your thinking to be more sympathetic to the culture and your behavior to be more skilled and appropriate when interacting with others from the culture.”¹⁶ Failures in intercultural situations are almost all due to ignorance: being unaware of the features of our own culture and not recognizing how they influence our behavior; feeling threatened when interacting with people who are culturally different; being unable to understand culturally different behavior; “being unable to transfer knowledge about one culture to another culture;” and “being unable to adjust to living and working in another culture.”¹⁷ As proponents of an

977, 981 (2001). For an argument in favor of harmonizing different legal education and certification requirements for lawyers of NAFTA members, see Julie Barker, *The North American Free Trade Agreement and the Complete Integration of the Legal Profession: Dismantling the Barriers to Providing Crossborder Legal Services*, 18 HOUS. J. INT’L. L. 95 (1996). Roger J. Goebel argues that LL.M. programs focusing on international business, trade, and public international law, as well as summer abroad law programs, help prepare a student for transnational practice. Roger J. Goebel, *The Internationalization of Law and Legal Practice: Professional Qualification and Educational Requirements for Law Practice in a Foreign Country: Bridging the Cultural Gap*, 63 TUL. L. REV. 443, 455-56 (1989). “A considerable number of these programs require concentrated classroom time and substantial homework, as well as afford opportunities for guest lectures by foreign professors, visitations of foreign courts, and the opportunity to study a foreign language.” *Id.* at 456. But, Goebel warns, “Unfortunately there are others where the program is merely a pretext for a law school to earn tuition while affording students an agreeable summer holiday.” *Id.* at n.27.

16. THOMAS & INKSON, *supra* note 13, at 14-15. According to Thomas and Inkson, cultural intelligence has three parts. *Id.* at 15. “First, the culturally intelligent manager requires *knowledge* of culture and of the fundamental principles of cross-cultural interactions. . . . Second, . . . *mindfulness*, the ability to pay attention in a reflective and creative way to cues in the cross-cultural situations encountered. . . . Third . . . *behavioral skills* and . . . competen[ce] across a wide range of situations.” *Id.*

17. *Id.* at 10-11. For an argument that globalization requires law schools to do more to emphasize the cultural context of the law, see Stephen Zamora, *The Cultural Context of International Legal Cooperation*, <http://www.aals.org/2000international/english/cultural.htm> (last visited Feb. 8, 2008). This recent interest in international and comparative law is reflected in changes in the curricula of American law schools. A study of eighty-three law schools conducted by the AALS Committee on Curriculum and Research in 1996 found that the top area of curricular innovation was international and comparative law. Judith Welch Wegner, *The Curriculum: Patterns and Possibilities*, 51 J. LEGAL EDUC. 431, 433 (2001). “One of every six new courses was international or comparative in scope, and 84 percent of the [law] schools

international legal profession put it:

On an international scale, the lawyer must be able to bring to his/her client a kind of legal perspective which transcends the national and cultural perspective of the client and seeks solutions based in part on a real appreciation of the national and cultural perspective of other parties, and ultimately on global values and considerations.¹⁸

Study abroad helps the law student acquire cultural intelligence, because he learns how to be mindful of the limitations of his own culture as well as respectful of the culture of others.¹⁹ This is educational.

responding had added at least one new international or comparative course. The largest number of courses added fell into the area of international trade, business, and banking.” *Id.* “International human rights, international litigation, and immigration or refugee law” were also areas where courses were added. *Id.* The study did not focus on other programmatic innovations, including “the significant growth in the number of LL.M. programs, summer-abroad programs, and semester-abroad programs . . .” *Id.* More recently, the American Bar Association published a comprehensive survey of trends in legal education between 1992 and 2002. *A Survey of Law School Curricula 1992-2002*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2004). The Report noted marked increases in International Law offerings. Seventy-four schools (56% of ABA approved law schools) increased their curricular offerings in the area of International/Comparative Law, which along with Intellectual Property Law and Alternative Dispute Resolution, showed the most marked growth in the ten-year period. *Id.* at 33. Thirty-three schools offered certificates in International Law, more than any other subject area. *Id.* at 32.

18. Peter L. Murray & Jens Drolshammer, *The Education and Training of a New International Lawyer*, 4 EUR. J. L. REFORM 505, 517 (2000).

19. Thomas and Inkson reject the approach that those who lack cultural intelligence often employ: the game of “*Be Like Me*. Do it *my* way. Follow *my* rules.” THOMAS & INKSON, *supra* note 13, at 10. The problems with the *Be Like Me* policy is that it “robs us of the great gift of diversity and the novelty it brings in the form of new ways of thinking and working.” *Id.* at 12. Furthermore, those who play the *Be Like Me* game are “behaving insensitively and will be perceived as insensitive by others. Under these circumstances, any business opportunity will soon disappear.” *Id.* at 12-13. John Engle warns that it may be difficult to loosen the “iron grip of American culture” upon our students. John Engle, *Culture’s Unacknowledged Iron Grip*, CHRON. OF HIGHER EDUC., Feb. 2, 2000, at B16. The power of this grip “remains resolutely unacknowledged.” *Id.* Engle finds that American students are uncomfortable with the very idea of culture; faced with cultural differences,

their tendency is to oscillate between a flaccid we-are-the-world universalism—“people are people everywhere”—and its unexpected corollary, the certitude that any generalization constitutes stereotyping. What is missing is the middle ground of cultural space where individual particularity and human universality find their daily

To the law student who might not appreciate these more substantive benefits, participation in a summer abroad law program has a practical benefit: enhancing his resume.²⁰ So many alumni of our summer programs report the one item on their resume that stimulates conversation with a prospective employer is their participation in a summer abroad law program.²¹ There is always the possibility that the prospective employer has clients who are engaged in international transactions, because “[t]oday lawyers in Tulsa or Enid or even Antlers, Oklahoma represent clients who are doing business throughout the world.”²² Not only might the law student’s

context and most of their real meaning.

Id. There is an intimate connection between law, legal order, and culture. “[L]aw and legal ideologies . . . help construct and deconstruct culture. . . . [I]n order to comprehend the causes, meanings and consequences of legal and societal change fully, [scholars] must analyze” law, culture, and society together. Nora V. Demleitner, *Combating Legal Ethnocentrism: Comparative Law Sets Boundaries*, 31 ARIZ. ST. L.J. 737, 739-40 (1999) (citations omitted). See also Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33 (2001).

20. Sometimes the placement assistance is more direct. The University of San Diego School of Law co-sponsors the Institute on International and Comparative Law in Paris in cooperation with the Centre d’Etudes Juridiques, Politiques et Economiques of the Institut Catholique de Paris, the Faculte de Droit de l’Universite de Paris I Pantheon Sorbonne, the Faculty of Law of University College Dublin, Trinity College, Dublin, and the Ecole Superieure des Sciences Economiques et Commerciales. University of San Diego School of Law, <http://www.sandiego.edu/lawabroad/information/index.php> (last visited Feb. 9, 2008). The Institute has a Mentor Program that “introduces interested students to Institute alumni, who aid their transition from academe to the working world.” *Id.* at <http://www.sandiego.edu/lawabroad/information/admissions.php> (last visited Feb. 9, 2008). The institute boasts “more than 6,000 former participants, many of whom now have hiring responsibilities, [who] can be useful in seeking international law jobs.” *Id.*

21. In advising first year law students to combine a summer law program with six weeks of legal experience, one Career Planning pundit advised, [e]ven if you have no interest in working in the country you plan to visit, summers abroad have other pluses. One is that employers are always happy—nay, grateful—to see interesting things on your resume, because they’re frequently as stumped as you are for things to talk about in interviews. . . . Travel is simply very easy to talk about, and so it gives you interview fodder.

KIMM ALAYNE WALTON, *THE BEST OF THE JOB GODDESS* 10 (1999).

22. James P. White, *Rethinking the Program of Legal Education: A New Program for the New Millennium*, 36 TULSA L.J. 397, 409 (2000-2001). White, the Consultant on Legal Education to the ABA from 1974 to 2000, credited the foreign summer programs, as well as other study abroad programs, with preparing lawyers for the effects of globalization.

experience prove useful to the employer, the employer invariably becomes curious about the summer study abroad, wanting to know what the applicant studied, where he traveled, how he got there, what he saw, what he heard, what he ate, and why he went. When the student invariably has interesting answers to these questions, it makes him seem like an interesting person.

Beneath that seeming, there is this reality: Travel and study abroad *do* make someone a more interesting person. Travel and study abroad promote personal and intellectual growth. Evaluation seminars held by study abroad program directors

suggest that a student's development of confidence in his abilities to cope with new experiences leads to a broadened basis of self-esteem and a stabilized sense of worth A student's coping behavior in the new educational environment may have generalized learning consequences in attitude change involving, for example, a general goal of university higher learning—the reduction of dogmatism, authoritarianism and ethnocentrism.²³

These newly acquired attributes bear the hallmark of an education.

[In p]rivate and public international law, an understanding of different legal systems through the world is necessary to prepare one to effectively practice law in this millennium. American law schools' increasing foreign summer programs (some 150 in summer 2000), semester abroad programs, cooperative programs of foreign study and individual study abroad are but the beginning of American law schools full integration into the world legal education community.

Id. Even in the 1960s, there was recognition that some exposure to international legal studies might be of benefit to law students located in the heartland of the United States. Walker Miller, *The Place of International Legal Studies in a Kansas Law School*, 17 U. KAN. L. REV. 731, 733 (1968-1969).

[T]he growth of industry is such that transnational business has almost become commonplace for all areas of this country, not just the eastern seaboard and other coastal areas. Kansas is certainly no exception, as exemplified by the growth of specialized industry in Wichita. Continued growth of international business should bring with it a concomitant need for informed counsel.

Id. at 734.

23. George V. Coelho, *Personal Growth and Educational Development Through Working and Studying Abroad*, 18 J. SOC. ISSUES. 55, 62 (1962).

And perhaps we should mention a word in favor of adventure: A summer abroad program *is* an adventure.²⁴ Once into our professional lives, with job responsibilities, families to support, and sedentary bodies, adventures happen to us a lot less often. It is not so much that we become dull, but that the demands of our professional and personal lives create fewer opportunities for sharpening our wits. For many law students, a summer abroad program may well be one of the last opportunities to have an adventure: the last opportunity to cross an ocean, to share a room with someone new, to view a foreign vista from your bedroom window, to live out of a suitcase, to try new foods, to speak another language badly and enthusiastically,²⁵ to discover new crafts and buy too many of

24. This can be particularly true in parts of the world where western tourists are disinclined to travel on their own. One of the most ambitious programs is Indiana University School of Law, Indianapolis's Latin American Summer Program which takes students to three different Latin American universities. It is a veritable traveling road show, starting at the Faculty of Juridical and Social Sciences at the National University of La Plata in Argentina, then taking a ferry across the Rio Plata to study at the Law Faculty at the University of Montevideo in Uruguay, and then the final ten days are spent in the Getulio Vargas Foundation in Sao Paulo and Rio de Janeiro, Brazil. Indiana University School of Law, Indylaw, Latin American Summer Program, <http://indylaw.indiana.edu/programs/latinamericanlaw/> (last visited Feb. 9, 2008). Another traveling road show is California Western School of Law's Fair Trade Academy that includes study in San Diego, California and Tijuana, Mexico. California Western School of Law, <http://www.cwsl.edu> (follow "International Legal Studies Program" then follow "Study Abroad" hyperlink) (last visited Feb. 9, 2008). In 2006, the website indicated sessions would be held "on locations around the region (factories, migrant labor camps, government offices, law enforcement facilities, and courtrooms)." California Western School of Law, <http://nafta.cwsl.edu/hintro.html> (last visited Oct. 16, 2006) (on file with authors). The second session, held in Toronto, included a side trip to Montreal. *Id.*

25. For an argument that law schools should have as a corollary goal to studying foreign legal cultures the goal of improving and increasing the foreign language studies of law students, see Vivian Grosswalk Curran, *Dealing in Difference: Comparative Law's Potential for Broadening Legal Perspectives*, 46 AM. J. COMP. L. 657, 661 (1998). Grosswalk argues "[e]ven short-term language studies may plant seeds of understanding different styles of thinking of the different legal culture, and students may retain their sense of having begun to penetrate a new legal culture long after they have forgotten the foreign vocabulary they studied." *Id.* at 662. The University of Puerto Rico School of Law has a unique summer abroad program at the University of Barcelona that takes advantage of the fact that the language of instruction in Puerto Rico is Spanish; thus the professors in the program all speak Spanish, and the classes are in Spanish. James P. White, *En Homenaje Al Decano*

them, to purchase a bigger suitcase, to go trekking in the Himalayas on the weekend or on an African Safari, to climb the Great Wall of China or to see the pyramids at dawn, to take a train trip to another city, to get lost in that city even with a map, to get drenched in a rain forest, to have your sandals grow mushrooms. If you are in India, you will have a flat tire by the side of the road in a place you could never have imagined. And in that place, someone will be kind to you, and you will taste the glories of *dhaba* food, and drink boiling hot *chai* in small chunky glasses served on a round tin tray. If the monsoon has come, it will rain a wall of water. A monkey will visit. Or several monkeys, a family perhaps, with a baby clinging to her mother's tummy, peering out at you from her fur in fascination. Primate to primate. This may not be educational, but that does not matter. Adventure turns the human soul inside out and shakes it in the wind.

***** WILDFLOWER #1*****

*A RARELY ARTICULATED HIDDEN BENEFIT OF
SUMMER ABROAD LAW PROGRAMS: TEACHER
SATISFACTION—A HAPPY TEACHER IS A BETTER
TEACHER*

In the summer, I really get to teach. For me, it's the primary benefit of participating in a summer abroad law

Antontio Garcia Padilla: Dean Antonio Garcia-Padilla: A Leader in the Globalization of Legal Education, 70 REV. JUR. U.P.R. 1025, 1027 (2001). John Sexton has suggested that law schools offer courses that require bilingualism. John Sexton, *Structuring Global Law Schools*, 18 DICK. J. INT'L L. 451, 455-56 (2000). At New York University School of Law, Frank Upham taught a course that required bilingualism in English and Japanese. *Id.* at 455. Teams of students were given a complex document in one language or the other and then asked to translate the document from language A to language B, coming in with "wildly different translations." *Id.* at 456. This leads to discussion "not so much about language, because it is not a translation course, but about what is different in these languages and legal systems. . . . Do not view them as courses in translation but as courses that challenge the epistemology of the various legal systems." *Id.* The University of Minnesota Law School, in conjunction with the China University of Political Science and Law in Beijing, offered a two-credit course in Beginning or Intermediate Chinese for its participants, integrating the instruction in a foreign language directly into its curriculum. University of Minnesota Law School, China University of Political Science and Law Summer Study Abroad Program in Beijing, China, <http://www.law.umn.edu/llm/china/summer.html> (last visited Feb. 9, 2008).

program. What I do during the year does not feel like teaching. When there are 80 students in the room, and the subject matter is the Rule Against Perpetuities or the vagaries of the Hearsay Rule, something takes place, but it isn't teaching. The material in Property or Evidence provides so few corners of shade, so few secret, safe places to seek refuge—places to wonder and worry about something that matters. Not only that, the way the academy is set up, it puts me in the wrong position for the task at hand. I stand at one end of the room, at the bottom of a well, and transmit information. Sometimes I engage in an artificial dialogue with one hapless member of the class, a person whose name I've learned off a seating chart. But there are so many of them in that vast sea of faces, all looking at me with expectation, as if I were the asker and answerer of all relevant questions.

It's true. I've never heard the people we call students complain they aren't getting their money's worth. And the fact is, most of them do achieve technical mastery of the law. But the real reason they don't complain is that they don't know any better. They've been sold a bill of goods into thinking that what takes place during the academic year constitutes an education. The real problem is: I don't know them, and I need to know them in order to help them find their own relevant questions. The answers are their own. It should be a personal relationship between teacher and student. It has to be in order to get any real work done because the teacher must know the student before he knows what needs to be taught. That process can take place on a summer abroad program when the teacher and the student live side by side, when they eat their meals together, travel on long journeys together, and sometimes have to wake each other up in the middle of the night.

When I live side by side with students in a summer abroad program, there are opportunities to observe them under so many different circumstances: how they interact with one another, how they approach an unfamiliar situation, how they endure adversity, how they discipline themselves for study, how they regulate the rhythms of their lives, how they feed and clothe themselves, how they seek out rest, how they ask for help, how a smile creeps onto their faces, or doesn't. Week in and week out, it is impossible not to learn a lot about your students on a summer abroad program. Their histories come out in long road

trip conversations that appear to go nowhere, except straight to the human heart.

You learn that they love and miss their parents; you learn that they just broke up with their girlfriends or boyfriends; you learn that they are afraid of their debt and of painting themselves into unpleasant corners in order to discharge that debt; you learn that law school has taken its toll on their spirits; you learn about what makes them cry, as well as what makes them sing. You learn that they can sing, and they in turn learn that you know a song or two as well. Trust develops on the part of the student—trust that the teacher both understands and accepts him, that the teacher has his best interests at heart. Only with trust can a teacher do his job. And it's a difficult job, a risky job. It entails walking around the land mines of another human being's life, pointing out where things might explode, or where the ground is sound. It must be done with great delicacy, and only after acquiring knowledge of the terrain.

Whatever it is that I do during the academic year to earn my keep—it may fall under the rubric of education, but I know better, even if most of my students do not. I would have given up teaching years ago were it not for my participation in the summer abroad program. I need to know that my life's work has meaning, and I find that meaning every June, rattling around in the back seat of a jeep on a dusty road in north India, talking to some law student about what's on his mind. I'm usually uncomfortable, hungry, dirty, and hot; so is he. It puts me in the right position for the task at hand. If I'm patient and hold my breath, I might find myself in a state of grace. I might find myself teaching.

LH

II. THE HISTORY OF STUDY AND TRAVEL

To understand the history of the modern study abroad system, one must look to the historical travelers that bear similarities to the modern study abroad student. Additionally, one must consider young noblemen who first embarked on educational travel, and the pioneer study abroad programs developed by educational institutes across the globe. For each

of these systems helped to shape and bring understanding and life to the modern study abroad law program.

A. Characterizing the Law Student Who Studies Abroad

Many labels attach to people who move great distances over the face of the earth: nomads, immigrants, deportees, exiles, refugees, explorers, settlers, pilgrims, visitors, servants, soldiers, ambassadors, journalists, spies, sailors, missionaries, migrant workers, tourists.²⁶ The list goes on and on. What label should we attach to the student who attends a summer abroad law program? On the face of it, the law student seems to be a tourist, although defining tourism is problematic. A standard definition of tourism is “stays of more than four nights and less than one year.”²⁷ Certainly, a tourist must have enough leisure time and affluence to make such a voluntary journey. He is by definition “someone who has the security and privilege to move about in relatively unconstrained ways.”²⁸ A more holistic approach defines the study of tourism as “the study of man (the tourist) away from his usual habitat, of the touristic apparatus and networks responding to his various needs, and of the ordinary (where the tourist is coming from) and non-ordinary (where the tourist goes to) worlds and their dialectic relationships.”²⁹ Certainly, the law student who studies abroad qualifies. He travels from his usual habitat to a non-ordinary world and stays more than four nights.

The cultural practice known as tourism usually has a predetermined time-frame and a settled geographical location.

26. James Clifford points out that many of these forms of mobility are coerced, and therefore do not comport with the “travel myth.” For example, migrant workers are “poor, usually nonwhite, people who *must* leave home in order to survive. The traveler, by definition, is someone who has the security and privilege to move about in relatively unconstrained ways.” JAMES CLIFFORD, *ROUTES: TRAVEL AND TRANSLATION IN THE LATE TWENTIETH CENTURY* 34 (Harvard Univ. Press 1997); *see also* GLOBAL WOMAN: NANNIES, MAIDS, AND SEX WORKERS IN THE NEW ECONOMY (Barbara Ehrenreich & Arlie Russell Hochschild eds., Metropolitan Books 2003) (discussing globalization’s effect on female migration).

27. Chris Rojek and John Urry, *Transformations of Travel and Theory, in* TOURING CULTURES: TRANSFORMATIONS OF TRAVEL AND THEORY 2 (Chris Rojek and John Urry, eds., Routledge 1997).

28. CLIFFORD, *supra* note 26, at 34.

29. *ENCYCLOPEDIA OF TOURISM* 585 (Jafar Jafari ed., Routledge 2000).

When we are tourists, our dates of departure and return are usually set in advance. Not only do we know when we are going, but we usually know where we are going, often with a high degree of specificity, even down to the hotel room where we will lay our heads.³⁰ We also carry cameras when we are tourists.³¹ Visual images give meaning to our visits to tourist sites in a variety of ways. Photographs stimulate interest in visiting certain sites. They “provide evidence—that you have been away, that the mountains were that high, that the weather was so good.”³² Later at home, “visual images are interwoven with verbal commentary to remember the experience and to tell others about it.”³³ In short, “tourism involves going away from the normal environment and coming back again, with suntans, souvenirs, snapshots.”³⁴ Most of this applies to the law student abroad as well. At least his travel entails a predetermined time frame, a settled geographical location, and reliance on visual images to give the experience meaning. The law student in a summer abroad program does go away from his normal environment and returns, with souvenirs and snapshots, and not infrequently with a tan, depending on his destination. Among those who move across great distances, perhaps the law student who studies abroad is most like a tourist.

But the analogy of law student who studies abroad as tourist does not quite work. A law student who studies abroad travels

30. Some travel theorists argue that tourists increasingly demand vacations that are highly predictable, efficient, calculable, and controlled. George Ritzer & Allan Liska, *McDisneyization and 'Post-Tourism': Complementary Perspectives on Contemporary Tourism*, in *TOURING CULTURES*, *supra* note 27, at 99-100. Familiarity is deemed desirable, resulting in what Ritzer and Liska call the “McDonaldized lifeworld.” *Id.* at 99. The “McDonaldization thesis leads to the view that people increasingly travel to other locales in order to experience much of what they experience in their day-to-day lives. That is, they want their tourist experiences to be about as McDonaldized as their day-to-day lives.” *Id.*

31. Photography is important because it “mediates the experience.” *ENCYCLOPEDIA OF TOURISM*, *supra* note 29, at 437. “Photographic visualization is a key sensory mode for the apprehension of the object of the tourist gaze.” *Id.* Particularly for the “Third World Tourist,” the “camera lens stands between the tourist and the object, creating a space or distance that protects him or her from the unfamiliar and the strange.” *Id.*

32. Carol Crawshaw and John Urry, *Tourism and the Photographic Eye*, in *TOURING CULTURES*, *supra* note 27, at 179.

33. *Id.*

34. *Id.*

with a purpose. Maybe he is more like a pilgrim? A pilgrim travels to a sacred place, such as a shrine or other religious center. The motivation is primarily devotional, although it may also entail a quest for a cure or fulfillment of a religious obligation.³⁵ Followers of Islam are obliged to make a pilgrimage to Mecca once during their lives.³⁶ Devout Hindus travel to the banks of the sacred Ganges in Varanasi.³⁷ In the Christian tradition, there has been a long history of pilgrimage. Since the fourth century, the faithful have traveled to the holy places of Jerusalem, Bethlehem, Nazareth,³⁸ and Rome.³⁹

35. ENCYCLOPEDIA OF TOURISM, *supra* note 29, at 438.

36. *Id.* at 270. This journey, known as the *hajj*, is obligatory for every Muslim at least once in a lifetime, if he or she can afford it. The *hajj* brings millions of pilgrims each year to Saudi Arabia. Pilgrims on the *hajj* and other pilgrimages “form the major part of foreign visitors to this country, which is only now slowly opening its doors to other types of tourists.” *Id.*

37. See THE NEW COLUMBIA ENCYCLOPEDIA, 2148 (William H. Harris & Judith S. Levey, eds., Columbia Univ. Press 1975) (1935).

38. The three major shrines were the Holy Sepulchre in Jerusalem, the shrines of St. Peter and other martyrs in Rome, and the tomb of St. James of Compostella in northern Spain. In England, the primary pilgrimage was to St. Thomas's tomb in the Canterbury Cathedral. Pilgrims were not only compelled to visit these shrines, but also to stop at “the many holy places which lay on their route. For there were thousands of local shrines in Christendom, . . . each with . . . its own particular images and badges. To these shrines, medieval people of every class journeyed, sometimes singly, but more often in the company of other pilgrims.” MARJORIE ROWLING, EVERYDAY LIFE OF MEDIEVAL TRAVELERS 139-40 (1971). Monasteries provided hospitality for pilgrims, and sometimes the monastery was considered a shrine itself. For example, in the twelfth century, the monastery at Cluny “acquired a fragment of the Cross, a finger of St. Stephen, and a tooth of John the Baptist.” JEFFREY L. SINGMAN, DAILY LIFE IN MEDIEVAL EUROPE 167-68 (Greenwood Press 1999). Pilgrims would stay overnight and receive bread, wine, and a penny. *Id.* Pilgrimages often entailed sea voyages. “From the thirteenth to the fifteenth century the stream of pilgrims to the Holy Land steadily increased;” Venice was the chief port from which sailings were made. ROWLING *supra*, at 142. On the boat, pilgrims were packed in tightly and forced “to witness one another in the most intimate postures.” GEORGES DUBY & PHILIPPE BRAUNSTEIN, *The Emergence of the Individual, in A HISTORY OF PRIVATE LIFE* 587 (Philippe Aries & Georges Duby eds., The Belknap Press of Harvard Univ. Press 1988) (1985). For a further graphic description of the sanitation issues attendant long voyages at sea on pilgrimages, see *id.* at 587-88.

39. THE NEW COLUMBIA ENCYCLOPEDIA, *supra* note 37, at 2148-49.

The mobility of men in the middle ages was extreme . . . Individual or collective peasant emigration was one of the great phenomena of medieval society and population. On the road, the knights and peasants encountered clerics on journeys authorized by their superiors or on the run from their community (wandering monks or *gyrovagi*,

Pilgrimages in the medieval period “played a role not unlike that of tourism today. It was an expression of curiosity and wanderlust, an attempt at self-improvement, an expression of a person’s evaluation of their own social status. Pilgrims even bought souvenirs of the shrines they visited.”⁴⁰ Similar to students on summer abroad law programs, medieval pilgrims traveled mostly in groups,⁴¹ encouraging a “state of *communitas*, devoid of normal social divisions and restraints” and leading to “much closeness and camaraderie.”⁴² Regular package tours left from Venice for the Holy Land and catered to thousands of Europeans, with fares that included “passage, meals, inns, donkey rides, and bribes for the infidel.”⁴³ Pilgrims had “at their disposal guidebooks, accommodation bureaux, travel agencies, a range of inexpensive souvenirs and nearly all the accoutrements of present-day tourism.”⁴⁴ In one such guidebook in 1604, Henri

against whom the councils and synods of the church legislated in vain), students on their way to the schools or the famous universities (did not the twelfth-century poem say that exile or *terra aliena* was the obligatory lot of the scholar?), pilgrims, and vagabonds of all sorts.

JACQUES LE GOFF, *MEDIEVAL CIVILIZATION 400-1500*, 134 (Julia Barrow trans., Basil Blackwell 1988) (1964).

40. SINGMAN, *supra* note 38, at 218. From Canterbury, pilgrims brought holy water mixed with a fragment of the saint’s blood. Other pilgrims brought back badges of tin bearing symbols of the shrine, a cockleshell for Santiago de Compostella, a palm leaf for Jerusalem, and keys for Rome. *Id.*

41. “Though solitary pilgrimage was deemed most virtuous—maximum difficulty and minimum worldly distraction—hardly anyone was brave enough to face the dangers alone. Even if their group wasn’t formally packaged, pilgrims tended to stay together, though not always with the same companions.” MAXINE FEIFER, *TOURISM IN HISTORY: FROM IMPERIAL ROME TO THE PRESENT* 33 (Stein & Day 1985).

42. *ENCYCLOPEDIA OF TOURISM*, *supra* note 29, at 438. This claim of communal spirit, however, has been contested by some researchers. *Id.* In the middle ages, the fine network of Roman roads had disappeared, ruined by invasions. LE GOFF, *supra* note 39, at 136. However, the Roman roads would have been ill-suited for the medieval traveler who carried his freight on the backs of animals, or in carts, and who “traveled along paths and lanes, through a network of diverse routes which rambled about between certain fixed points: towns where fairs were held, places of pilgrimage, bridges, fords, and mountain passes.” *Id.* Le Goff attributes the extreme mobility of the peasantry to the fact that property concepts did not yet exist; peasants only had rights of usufruct and they were revocable by the lord, on the condition that he give the serf or vassal an “equivalent holding, which might sometimes be far away from the first.” *Id.* at 134.

43. FEIFER, *supra* note 41, at 31.

44. *Id.*

de Castela from Toulouse warned that “the pilgrim should always travel in the protection of guides, should never leave the pilgrim company, never address locals, never be caught writing *in situ*, for fear of ‘being caressed as spies are caressed.’”⁴⁵ De Castela’s guidebook was a “last-gasp effort of pilgrimage to lay exclusive rights to the territory of travel.”⁴⁶ Young noblemen from the north were being trained in new “ways of seeing and being on the road which bore no stated relationship to pilgrimage.”⁴⁷

Neither does the analogy of law student who studies abroad as pilgrim quite work. While many of the characteristics of a pilgrimage are there—the organized, communal group-travel with a predetermined itinerary and dependence on the leadership of a guide—the law student lacks devotional intent. A law student on a summer abroad program is also encouraged to venture out from the *communitas* of the program, or in Montaigne’s words, to venture out and “to rub and polish” his brain “by contact with those of others.”⁴⁸ Insulation from those who inhabit the foreign territory is hardly desirable on a summer abroad law program. On the contrary, the idea is to reach out.

B. Origins of Study Abroad

So while not entirely a tourist, not entirely a pilgrim, the law student’s travel in a summer abroad law program may come closest to the travel engaged in by those young noblemen from the north who were trained in new ways of seeing and being on the road. Influenced by the humanism of the fifteenth and sixteenth century, their travel was motivated by an ideology of

45. Wes Williams, ‘*Rubbing Up Against Others*’: Montaigne on Pilgrimage, in VOYAGES AND VISIONS: TOWARDS A CULTURAL HISTORY OF TRAVEL 101, 107-08 (Jas Elsner & Joan-Pau Rubies eds., Reaktion Books Ltd. 1999).

46. *Id.* at 108.

47. *Id.* These new forms of travel were being taught by Zwinger, Turler, Pyrckmaier, and Lipsius. *Id.*

48. *Id.* at 114. The full quote is:

[m]ixing with men is wonderfully useful . . . not merely to bring back, in the manner of our French noblemen, knowledge of the measurements of the Santa Rotunda, or the richness of Signora Livia’s drawers, or how much longer or wider is Nero’s face on some old ruin there than on some similar medallion . . . but to rub and polish our brains by contact with those of others.

Id.

travel as “education within a system of lay, secular learning.”⁴⁹ Empirical travelers who made accurate and systematic observation of other cultures, such as Marco Polo and Columbus, came to be regarded as “men with mythical significance.”⁵⁰ It was not long before the notion of the Grand Tour came into being.⁵¹

The Grand Tour was a circuit of Europe for wealthy, elite, young men, primarily from Britain, France, Germany, and Russia.⁵² While the notion of the Grand Tour developed in the sixteenth century, it reached its zenith in the eighteenth century, and lasted well into the nineteenth century in modified forms.⁵³

49. Jas Elsner & Joan-Pau Rubies, *Introduction*, in VOYAGES AND VISIONS, *supra* note 45, at 46.

50. *Id.* The first systematic empiricism in travel literature came from political reportage. *Id.* Spies and ambassadors “were always responsible for accurate observation,” particularly of the Venetian Republic. *Id.* So, “it was in Venice where many of the accounts of the history and customs of the Turks were published in the fifteenth and sixteenth centuries.” *Id.*

51. The students of The Grand Tour were certainly not the first traveling students. In the Roman empire, students of law and government in particular were peripatetic, traveling to centers of learning where the more sophisticated Roman law could be learned.

From the remotest spots in Europe, even from England and Scotland, students flocked by the thousands to Ravenna, Padua and Bologna to study Roman law not merely as a system of law but as a system of government. They aimed to become judges and counsellors of kings, princes, great ecclesiastics and cities in the work of supplementing the traditional and local law of the times by the more advanced civilization of the Roman law.

Arthur T. Vanderbilt, *Foreword to A Symposium in Legal Education After the War*, 30 IOWA L. REV. 325, 329 (1944-1945).

52. ENCYCLOPEDIA OF TOURISM, *supra* note 29, at 259-60. By the early eighteenth century, it became well established that young British women, always with a chaperone, could make a journey to the Continent. ENCYCLOPEDIA OF TRAVEL LITERATURE, *supra* note 1, at 98. Later, the organized tours of Thomas Cook and the like made it possible for “well-bred ladies’ to travel.” Jennifer Craik, *Culture of Tourism*, in TOURING CULTURES, *supra* note 27, at 113, 119. By the 1870s, Thomas Cook’s tours offered trips all around the world and opened up the Grand Tour to the middle classes. History of the Grand Tour, <http://www.grand-tour.org/history.htm> (last visited Jan. 9, 2008).

53. ENCYCLOPEDIA OF TOURISM, *supra* note 29, at 259-60. A Grand Tour could absorb anywhere between two to eight years of a young man’s life. Initially, the Grand Tour was only for the wealthy male children of the landed classes, but in the early nineteenth century, the middle classes became Grand Tourists themselves, sometimes bringing their entire families. These later Grand Tours were much shorter, often lasting only a few months. *Id.* at 260.

The curriculum of The Grand Tour suggests that it was based on the notion that travel was a means of learning about others and their way of life.⁵⁴ The curriculum of the educated elite of Britain, France, and Germany centered around a study of classical antiquity and the Renaissance, and this stimulated an interest in traveling to the great capitals of Europe and, in particular, to Italy.⁵⁵ There the student, usually accompanied by his tutor and an entourage of servants, would visit the sites of antiquity and of the Renaissance that he had read about in Latin and Greek texts.⁵⁶ Souvenir hunting became a mania, as the “ever-competitive wealthy sought to outdo their peers with exotic or exquisite purchases from afar.”⁵⁷ Letters and journals were written to record the student’s observations and insights.⁵⁸ The journey became a means of learning more about the world and of expanding the student’s knowledge beyond the narrow confines of the traditional curriculum.⁵⁹ In eighteenth-century England, where university education had fallen into disrepute,

54. See *id.* at 125, 260. Wealthy Romans used to visit the glories of Greece and Egypt. *Id.* at 260. Herodotus of Halicarnassus traveled to the Pyramids 2,700 years ago as a cultural tourist. *Id.* at 125. “His comments regarding the graffiti on the monuments and the bevy of guides available for hire indicates that he was far from the first tourist to visit these monuments and try to gain some understanding about the people who built them.” *Id.*

55. *Id.* One popular route ran through France via Paris, to the Rhone Valley, then across the Alps to Turin or by sea from Marseilles to Italy. *Id.* Then within Italy, the student would travel through Florence, Rome, Naples and Venice, visiting the antiquities and the Renaissance heritage. *Id.* North of the Alps, there was a route through Germany, and in the later eighteenth century, more travelers sought out scenery through Switzerland and the medieval towns of central Italy. *Id.* For British travelers, the route began in London where the student would be outfitted and armed with guidebooks and supplies. *Id.* He would then travel to Dover to take the ferry to Calais, and from there it was mandatory to head for Paris, Versailles, and Fontainebleau. *Id.* In addition, it was common to take French lessons. *ENCYCLOPEDIA OF TRAVEL LITERATURE*, *supra* note 1, at 98.

56. See *ENCYCLOPEDIA OF TOURISM*, *supra* note 29, at 260.

57. *ENCYCLOPEDIA OF TRAVEL LITERATURE*, *supra* note 1, at 98.

58. Writing letters on the Grand Tour was considered a daily duty. “Vast quantities of letters were written to friends and family at home, both to communicate and to share the glories of the tour. Additionally, it was standard practice to keep a detailed diary or journal of events.” *Id.*

59. The Grand Tour was also designed to prepare young men for diplomatic careers by acquainting them with Europe’s people and its sites. Craik, *supra* note 52, at 119.

taking a Grand Tour with a private tutor became an alternative way to complete a young gentleman's education.⁶⁰

The popularity of the Grand Tour crossed the Atlantic Ocean, and by the nineteenth century it had become "an essentially American phenomenon. . . . During the Gilded Age, America's upper classes and merchant classes traveled the world visiting the great European cities and the ancient sites of the Mediterranean, as part of a Grand Tour, collecting and honoring their western cultural heritage."⁶¹ The Grand Tour possessed many of the features of what came to be called "cultural tourism."⁶² Some scholars have argued "tourism has come full circle, revitalising [sic] the educative and enlightenment role of early tourism as training—or finishing school—for travelers."⁶³

While the Grand Tour may have found favor among Americans, formal matriculation of American students in European universities met with strong resistance in the early years of United States history.⁶⁴ Writing in 1785, Thomas Jefferson claimed "it would require a volume" to catalog the disadvantages of sending a young man to Europe for his

60. Judging from accounts of Oxford and Cambridge in the early 1700s, "professors had long since ceased to attend to their academic duties on a regular basis." CHRISTOPHER J. LUCAS, *AMERICAN HIGHER EDUCATION: A HISTORY* 96 (St. Martin's Press 1994). The result was a laxness in academic standards. Professors did not offer regular lectures or challenging exams, so undergraduates put forth minimal effort. *Id.* "Furthermore, even as judged by the standards of the day, drinking, gambling, and sloth among the student body had reportedly attained epidemic proportions." *Id.* at 96-97.

61. History of the Grand Tour, <http://www.grand-tour.org/history.htm> (last visited Jan. 9, 2008).

62. Craik, *supra* note 52, at 118 (defining "cultural tourism"). Cultural tourism includes

'experiential tourism based on being involved in and stimulated by the performing arts, visual arts and festivals'; and heritage tourism which includes 'visiting preferred landscapes, historic sites, buildings or monuments' and seeking 'an encounter with nature or feeling part of the history of a place.' The latter concept can include a multitude of special interest tourist preferences: 'anthropology, antiques, archeology, art, architecture, biblical history, castles, cave art, crafts, festivals, gardens, historic houses, history, literature, military events, museums, music, dance, opera, painting, pilgrimages, pottery, mythology, religion, spirituality, and textile arts.'

Id. (citations omitted).

63. *Id.*

64. Henry Schwaneger, *The Junior Year Abroad: Then, Now, and ?*, 3 *DIE UNTERRICHTSPRAXIS, FOR THE TEACHING OF GERMAN* 154 (1970).

education.⁶⁵ Some of the deterrents on the list included the following:

A young man acquires a fondness for European luxury and dissipation and a contempt for the simplicity of his own country; he becomes fascinated with the privileges of the European aristocrats and sees with abhorrence the lovely equality which the poor enjoy with the rich in his own country. He forms foreign friendships which will never be useful to him. He learns to consider fidelity to the marriage bed as an ungentlemanly practice inconsistent with happiness. He returns to his own country a foreigner “unacquainted with the domestic economy necessary to preserve him from ruin.”⁶⁶

Jefferson concluded that “an American coming to Europe for an education loses in his knowledge, in his morals, in his habits, and in his happiness.”⁶⁷ Even though many educators well into the nineteenth century shared Jefferson’s negative attitude towards study abroad, the practice of sending college-age students to Europe to obtain an education eventually became more common.⁶⁸ American students, both men and women,⁶⁹ began to

65. *Id.*

66. *Id.* at 154.

67. *Id.* at 155.

68. In Connecticut, Reverend Birdssey Grant Northrop, Secretary of the Connecticut State Board of Education, crusaded against the “spreading evil” of sending young men to Europe to study, and garnered the support of university presidents such as Eliot of Harvard, Porter of Yale, McCosh of Princeton, Angell of Michigan, Barnard of Columbia, Folwell of Minnesota, Stearns of Amherst, and Mark Hopkins of Williams. *Id.* at 155. The arguments against the practice were as follows:

1. There was nothing to be gained by sending a boy abroad for an education since American schools were almost as good academically as the European, and incomparably better for other purposes.
2. Sending American boys abroad would give them false and pernicious notions about government, class, and society, and thus make them unfit for practical success in America.
3. To send American boys abroad was to expose them to moral temptations which they would escape if they stayed at home.
4. American education was cheaper.

Id.

69. The second half of the nineteenth century provided a little-known graduate study abroad opportunity for American women in German-speaking universities. At the same time American tourists were traveling all over Europe on their Grand Tours, some American women, who were barred from most of the prestigious American graduate schools until the early 1890s, crossed the Atlantic and attended universities. They studied in cities such as Berlin, Freiberg, Gottingen, Heidelberg, Leipzig, and Munich, to pursue advanced degrees in such fields as medicine, math and science, the humanities,

travel to Germany to obtain doctoral degrees, bringing home with them a conviction about “the importance of research as an integral part of the university.”⁷⁰ This early-nineteenth-century study abroad, in which American students pulled up roots and pursued a formal course of study in a European university, had a tremendous influence on the American universities to which they returned.⁷¹ Not only did the combination of study and travel expose the American college student to European art, music, history, and culture, it also transformed the basic structure of the American university.⁷²

social sciences, and fine arts. SANDRA L. SINGER, *ADVENTURES ABROAD: NORTH AMERICAN WOMEN AT GERMAN-SPEAKING UNIVERSITIES, 1868-1915*, 4-7 (Praeger 2003). The appeal of studying medicine in Zurich, Berlin, or Vienna, for example, was the ability to work in the research laboratories of leading researchers and work with “professors who were experts in their fields [who] allowed women to study with them and supported their efforts to earn doctoral degrees.” *Id.* at 6-7.

70. Philip G. Altbach, *The American Academic Model in Comparative Perspective*, in *IN DEFENSE OF AMERICAN HIGHER EDUCATION* 11, 14 (Philip G. Altbach, Patricia J. Gumport & D. Bruce Johnstone eds., 2001). George Ticknor, an 1807 graduate of Dartmouth, was the first American to attend a German university for the purpose of doing advanced scholarly work. FREDERICK RUDOLPH, *THE AMERICAN COLLEGE AND UNIVERSITY: A HISTORY* 118 (Alfred A. Knopf 1968) (1962). “Ticknor could not wait to see Harvard pattern itself on the German model, so impressed was he by the standards of German scholarship, the freedom of the teacher-scholar, and the consuming interest in learning which characterized the reviving German universities.” *Id.*

71. Another connection between study and travel was made in the early nineteenth century by students in denominational colleges who decided to “dedicate their lives to winning the heathen for Christ.” RUDOLPH, *supra* note 70, at 72. The earliest inspiration for the foreign missionary movement came from undergraduates at Williams College, and later the Andover Theological Seminary. *Id.* A Williams graduate, Luther Rice, was converted to the Baptist church while en route to India on a mission of conversion for the Congregationalists, and upon his return in 1813, he stimulated enough missionary zeal while traveling through the south that five colleges “grew up in the wake of his travels, one of them the present-day George Washington University in Washington.” *Id.* Interest in foreign missions was sustained primarily by student organizations. *Id.* at 72-73. “By mid-century, especially in the Presbyterian, Congregational, and Baptist colleges, approximately one hundred student missionary societies were in operation, imparting new strength to the religious life of the American college.” *Id.* at 73.

72. Through this cross-pollination, American institutions of higher learning began to adopt the German model of the university. Altbach, *supra* note 70, at 12-17. The basic university model goes back to the medieval universities of Paris and Bologna. *Id.* at 13. While older colleges, such as Harvard and Yale, were modeled after the English colleges of Oxford and Cambridge, in the latter part of the nineteenth century the American academy began to emulate

At the end of the nineteenth century, American universities generated more study abroad, although this time the traveling students were formally sponsored by their home universities. In the 1870s, universities such as Princeton, Columbia, and Harvard adopted the custom of subsidizing foreign study for “especially promising graduates of their own colleges.”⁷³ Johns Hopkins took the idea one step further, inviting promising foreign students to study here, systematizing the practice of subsidizing promising foreign students.⁷⁴ As American universities developed research agendas and facilities, the United States replaced Germany after World War I as the preferred site for higher education for talented students from less developed parts of the world such as Latin America and Asia.⁷⁵

C. Pioneers in Study Abroad

Prior to World War I, most Americans who studied abroad were graduate students seeking training that was not available in the United States.⁷⁶ World War I stimulated new efforts at

Germany, “importing the German concept of academic research and expanding upon the German ideal of academic freedom.” *Id.* at 13-14. The distinction between a college and a university began to emerge. LUCAS, *supra* note 60, at 170. This distinction began to appear in the last third of the nineteenth century. *Id.* Frequently, an independent graduate institution based on the German model was created and superimposed upon an existing English-type undergraduate college. *Id.* at 172. Johns Hopkins University in Baltimore took the lead in setting up chairs in thirteen different academic departments dedicated to advanced research and scholarship. *Id.* at 173. It also attracted the country’s most distinguished scholars to teach specialized professional courses. *Id.* A college had a smaller enrollment and offered only an undergraduate degree, whereas a university was much larger, more professional in its orientation with more specialized courses of study, and above all, focused more on disinterested scholarship and research than on teaching. *Id.* at 170-71.

73. RUDOLPH, *supra* note 70, at 337.

74. *Id.* The \$500 fellowships offered by Johns Hopkins revealed the determination of the board of trustees “to provide the Hopkins faculty with students capable of keeping the faculty ‘constantly stimulated.’” *Id.*

75. Whitney Walton, *Internationalism and the Junior Year Abroad: American Students in France in the 1920s and 1930s*, 29 *DIPLOMATIC HISTORY* 255, 259 (2005). The United States is still a desirable destination for foreign students. In 2005, there were 564,766 foreign students enrolled at American institutions. Burton Bollag, *Enrollment of Foreign Students Holds Steady*, *CHRON. OF HIGHER EDUC.*, Nov. 17, 2006, at A44, available at <http://chronicle.com/weekly/v53/i13/13a04401.htm>.

76. Walton, *supra* note 75, at 259.

global cooperation and peaceful coexistence that included an expansion of study abroad programs.⁷⁷ Many of these programs were designed for American undergraduates to spend one year of college at a foreign university, usually in Western Europe.⁷⁸

On July 7, 1923, eight young men and one professor from the University of Delaware set sail on the *Rochambeau* from New York to France for a year of study at French universities under the close supervision of their American professor.⁷⁹ The Delaware Foreign Study Program was the brainchild of Raymond W. Kirkbride, a professor of Modern Languages who envisioned a University of Delaware School of Foreign Service that “would require the year of living and studying abroad of all its students.”⁸⁰

77. *Id.*

78. *Id.* World War I also had a more direct impact on the beacon of American legal education, Harvard Law School, in its cordiality of faculty relations between Harvard Law School and the Law School of Cambridge University. In 1921, Professor Beale traveled to Cambridge to lecture on “Principles of Legal Liability” and, in 1922, Professor Pound lectured there as well. A. L. Goodhart, *The Cambridge and Harvard Law Schools*, 1 CAMBRIDGE L.J. 323, 323-24 (1921-1923). The Choate Fellowship was established in 1919 whereby a Cambridge graduate was sent to Harvard Law School each year. *Id.* at 324. In addition, Dr. Stephen P. Duggan and two assistants officially opened the office of the Institute of International Education in New York in 1919, financed by a grant from the Carnegie Endowment for International Peace. Schwaneger, *supra* note 64, at 155. Its purpose was to stimulate exchanges of intellectuals among nations. *Id.* In 1919, three professors from Italy, France, and England were invited to tour the United States, while summer tours of Europe for American students were organized and, in 1922, five European students were invited to the United States. *Id.* In 1923, a summer study in France was initiated for American students. *Id.*

79. Walton, *supra* note 75, at 255.

80. *Id.* at 260. Kirkbride had been one of several thousand American soldiers in France after the armistice in November 1918 and before the peace treaty in June 1919. *Id.* He took classes in French language and culture at French universities “as part of a joint American-French effort to keep them busy during this long waiting period.” *Id.* “Franco-American University” led the University of Paris to create the *Cours de civilization française*, a series of courses for foreigners that became a permanent offering in 1919. Other French universities followed suit. “Thus at the end of World War I, French universities had programs for foreigners in place, they were eager to welcome American students, and they relished the opportunity to combat several decades of German intellectual influence in the United States.” *Id.* Kirkbride had been very influenced by his stint at the University of Grenoble, and “there grew up in his mind a conviction that if every American college boy could spend a year in a foreign university, and if every foreigner of college caliber

The Delaware program grew from the original eight students to ninety-one in the 1931-1932 academic year.⁸¹ Kirkbride's approach became the model for later study abroad programs.⁸² Students arrived in France in the summer for intensive language training and lived with French families.⁸³ In November, they went to Paris for a regular French academic year at the University of Paris (Sorbonne), and sometimes at other institutions of higher learning, living with new host families.⁸⁴ American faculty regularly worked with students individually and translated French grades on written and oral examinations to American equivalents, ensuring that students would earn a full year of academic credit. The close supervision by American faculty was "essential to the credibility of the program, ensuring that the college credit earned was merited. The cost, including travel, excursions, and cultural events, amounted to \$1,000, not much more than a regular year at the University of Delaware."⁸⁵

The other pioneer in the development of the junior year abroad was Smith College. In 1925, two years after the young men from the University of Delaware set sail, thirty-two female students and a professor from Smith College made a similar journey to France.⁸⁶ The Smith College Junior Year in France differed from the Delaware Foreign Study Program in a number of ways. Smith's academic program was aimed at the education

could spend a year under American tuition, there would be no more war." Schwaneger, *supra* note 64, at 155. Kirkbride was lucky to not only have found acceptance for his idea from the faculty and administration at the University of Delaware, but also to have found funding from the Dupont family "to enable the young professor to spend a year in France making preliminary arrangements." *Id.*

81. Walton, *supra* note 75, at 262.

82. *Id.*

83. *Id.* Usually, the summer program was held at a provincial university. *Id.*

84. *Id.* At the Sorbonne, the student usually took the *Cours de civilisation française*. *Id.* Another institution students attended was the Free School of Political Science. *Id.* There were, however, many different forms of study abroad, including courses in art, music, and technical institutes. *Id.* at n.23. A conservative estimate of American students studying in France in 1922 was between 600 and 700. *Id.* In 1923-1924, there were over 3,000 American students enrolled in French universities; in 1927-1928, over 4,000. *Id.*

85. *Id.* at 262-63.

86. *Id.* at 255.

of French majors and future teachers of French language, literature, and culture, while the Delaware Plan always had a business and foreign-service orientation.⁸⁷ Unlike the Delaware Plan, which admitted and recruited students (including women) from other colleges and universities after its first year, the Smith College program only accepted Smith students.⁸⁸ The size of the Smith College program was also more manageable, with the number of students each year ranging from eighteen to forty-seven before World War II.⁸⁹

The Delaware Foreign Study Program and the Smith College Junior Year in France both struggled to discourage the more “frivolous connotations” of their projects.⁹⁰ Helene Cattanes, the organizer and first director of the Smith program, had to overcome faculty resistance to the notion of sending young American women to study in France: “Of all places—to send nice young girls to wicked Paris.”⁹¹ Kirkbride advised the president of his university to give wide publicity to this statement: “The popular expression ‘Gay Paree’ so often heard in the United States is an utter and absolute misconception.”⁹² Referring implicitly to brothels, and perhaps to the cabarets of Montmartre, Kirkbride asserted that these institutions catered almost exclusively to American tourists, stating, “The average Frenchman doesn’t even know where these ‘awful places’ are. He leaves that to the self-righteous American scandalmonger.”⁹³

87. *Id.* at 263.

88. *Id.* at 262-63.

89. *Id.* at 262.

90. *Id.* at 263.

91. *Id.* at 265. One student who studied in France in 1931-1932 remembered, “My mother had ideas of France as a kind of sinful city of the Western World.” *Id.*

92. *Id.*

93. *Id.* Several students were disconcerted about the public displays of affection in France. W. Emerson Wilson asserted that “at home we never saw a girl and a boy kissing on the street.” *Id.* at 265-66. Most students eventually got over their surprise, and accepted the more open French ways. As one student wrote, “What I found [at first] almost indecent and disgusting in the manners and conversation of the French, now seems to me to be a natural and charming honesty.” *Id.* at 266. The possible exception to this acceptance was race relations. A few students were disturbed seeing mixed-race couples and social interaction between black and white women and men in France. For example, one student wrote in 1929, “The Negroes here seem to think that they are just the same as the whites. I see a couple—one white and the other colored, rather often.” *Id.* at n.42.

Overcoming stereotypes was a “significant component of cultural exchange for American students in France.”⁹⁴

While other colleges and universities approved of their students participating in the Delaware and Smith programs, no other institution of higher learning launched its own program.⁹⁵ The University of Delaware program in France continued to expand, and in 1931 the school planned for a junior year abroad in Germany.⁹⁶ The plan was carried out from 1932 to 1935 in Munich, but was discontinued because of “political disturbances.”⁹⁷ The threat of war brought to an abrupt end any academic and cultural exchanges between the United States and Germany, and eventually, with the advent of World War II, American students were forced to stay home or to go abroad with the armed services.

After World War II, attitudes changed towards study abroad as evidenced by an “unparalleled expansion of overseas undergraduate study programs.”⁹⁸ No longer were there any residual prejudices against study abroad. Indeed, Congress enacted the Education Exchange (Smith-Mundt), the Fulbright, and other programs that provided financial support for Americans to study in Europe.⁹⁹ This new interest in international education resounded in the legal academy as well; law faculties took a strong stance on the need for law schools to

94. *Id.* at 268. The stereotype of uncontrolled sexual impulses and marital infidelity, for example, broke down through contact with the French people. One 1928 student wrote, “I will never say to my friends in America that all French people are immoral, wanton and without delicacy. I am happy to affirm that there are faithful husbands in France and that all married women are not slaves.” *Id.* at 266. The American students also were confronted with French stereotypes about Americans: Americans were rich; American men were only interested in business, uncouth, and arrogant; the United States was a land of cowboys and Indians and gangsters. *Id.* at 266-67.

95. Schwaneger, *supra* note 64, at 156.

96. *Id.*

97. *Id.*

98. *Id.* In 1950, there were only a half dozen junior-year-abroad programs. *Id.* In 1956, there were twenty-two, and by 1966, there were 208 such programs. *Id.*

99. *Id.* Public funds allowed to support American students abroad in 1950 amounted to \$2,515,000. *Id.* In the same year, 494 German students were placed in American institutions under the Office of Military Government in Germany, rekindling interest in studying German among American students. *Id.*

look beyond the borders of the United States. As one law review author noted,

It is hardly necessary to dwell at length on the fact that this country has emerged from the Second World War as the most powerful nation in the world and as irrevocably committed to take a share, and a leading share, in international affairs from political and economic to cultural international relations. This country is pledged to the creation and maintenance of peace. Peace must be based primarily on law and justice. In consequence expert knowledge of international law by lawyers is essential.¹⁰⁰

Interest in international exchange within the American legal academy was revived in the post-war era, although some of the earlier programs deviated from the earlier models of pre-war exchanges of students and scholars and shipped faculty out instead.¹⁰¹ For example, a cooperative arrangement was entered

100. Joseph L. Kunz, *A Plea for More Study of International Law in American Law Schools*, 40 AM. J. INT'L L. 624, 626 (1946). Similar pleas occurred after September 11th: "The effects of globalization and, in particular, the events of September 11 have led to redoubled efforts by U.S. law schools to expand and deepen the study of international law." Jeffery Atik & Anton Soubbot, *International Legal Education*, 36 INT'L LAW. 715, 715 (2002). Atik and Soubbot report on two recent innovations within the academy designed to improve competence in international law. One is the University of Michigan's required course in Transnational Law that "combines elements found in traditional courses in International Law, Conflict of Law, Comparative Law, International Litigation, and International Business Transactions." *Id.* at 717. A second is the formation in 1999 of the North American Consortium on Legal Education, formed by nine law schools from Canada, Mexico, and the United States with the aim to "promote cross-border legal exchanges among [NAFTA] members." *Id.* at 718. The nine NACLE participants are: Dalhousie University, McGill University, University of Ottawa, University of Arizona, George Washington University, University of Houston, Universidad Panamericana, Instituto Tecnológico y Estudios Superiores de Monterrey, and Instituto de Investigaciones Jurídicas. *Id.* at n.25. The NACLE provided for the exchange of law students in a neighboring NAFTA country. *Id.* at 719. According to the NACLE members, the chief benefits of the exchanges were the insights "into how foreign lawyers analyze legal issues," and the "firsthand experience of living in a foreign culture." *Id.*

101. See R.W. Rabinowitz, *The Cooperative Program with Japanese Law Faculties*, NEWS BULL. OF THE INST. OF INT'L EDUC., June 1955, at 8, 10-11; see also Arthur T. Von Mehren, *An Academic Year in Japan*, HARV. L. SCH. BULL. Dec. 1957, at 8. Von Mehren described the year in Japan as "an enriching and suggestive experience." *Id.* He gained an understanding of how many forms of dispute resolution, besides law, could be effective in Japan's more homogenous society. *Id.* In 1956, Harvard law school had expanded its curriculum on international legal studies, had increased the student body of

into between Harvard, Michigan, and Stanford Law Schools and several law schools from Japan in which Japanese and American law faculty traded places.¹⁰² However, by the 1950s the trend reversed and young legal scholars began to return to European universities.¹⁰³

Even with this renewed interest in international exchange within the legal academy, summer abroad programs were still not on the agenda. It simply took too long to travel abroad by boat to make a summer's worth of study worthwhile. All of this

foreign lawyers pursuing graduate degrees, and had two international programs involving faculty. See Milton Katz, *International Legal Studies: A New Vista for the Legal Profession*, HARV. L. SCH. BULL. Feb. 1956, at 8, 8-18 (1956). One was the Japanese exchange and the other involved special training of lawyers from a number of countries, including those in the Middle East and Latin American, in taxation and fiscal administration. *Id.* However, there was no mention whatsoever of any study abroad programs for American law students. *Id.*

102. *Id.* at 17. "It was felt that most effective use of relatively scarce intellectual and financial resources would be achieved by establishing institutional relations among schools in each country rather than engaging in a more traditional program of student and scholar exchange." Rabinowitz *supra* note 101, at 9-10. The Japanese participating institutions were the law faculties of Chuo, Keio, Kyoto, Tohoku, Tokyo, and Waseda Universities, and the Judicial Research and Training Institute in Japan. *Id.* at 10. In 1955, an Australian law teacher, R.W. Baker, came to visit seven American law schools, to "get to know what goes on in American Law Schools, to make what I could of the 'case book' method of teaching (of which we had heard in Australia, and, indeed, over which we had for a few years waged a not altogether unheated controversy)" R.W. Baker, *Australian University Law Teaching Visits Some American Law Schools*, THE STUDENT LAW. J., Jan. 1956, at 5, 8. Sometimes the exchanges were between American law faculty and foreign lawyers, such as the Saltzberg Seminar held annually right after World War II, between Harvard law faculty and lawyers from all over Western Europe. See Kingman Brewster, Jr., *Harvard Law in Salzburg*, HARV. L. SCH. BULL., Oct. 1953, at 9.

103. Two such scholars were a married couple who met at Harvard Law School and went to study together at the Faculty of Law in the University of Paris in the fall of 1958. Gustave and Rita Hauser, *The Study of Law in France: A Student's View*, HARV. L. SCH. BULL. Feb. 1959, at 3. The French law degree was an undergraduate degree, although the program of legal studies included both undergraduate and graduate courses. *Id.* at 4. The fall enrollment in all programs in 1958 was over 11,000 students, although previous enrollments had been close to 17,000. *Id.* at 4. There were only seventy professors, twenty of whom taught economics and not law; the building they taught in was designed to hold a number equal to one quarter the student body. *Id.* "That the situation remains workable is due primarily to the fact that most students do not attend classes regularly. Indeed, we witnessed a very strange form of student protest strike order last year, a call for all students to *attend* classes on a given day." *Id.*

changed when passenger air travel experienced a boom after World War II. Aeronautics had “developed rapidly, producing aircraft that were successively bigger, faster and more fuel-efficient.”¹⁰⁴ In the early 1960s, airline fare wars were intensified due to the introduction of the marketing concept of the chartered flight, in which a bulk of tickets was sold at a reduced rate to a group of travelers.¹⁰⁵ From 1960 until 1974, international tourism experienced steady growth of over ten per cent per year; thereafter its growth was less steady, but has continued.¹⁰⁶ In the 1950s and 1960s, the “far-ranging international tourist was especially American.”¹⁰⁷ Safe, efficient, and uniform international jet service began in earnest around 1957.¹⁰⁸ A wide range of people traveled, “from the super-rich to the working classes, from the octogenarian to the infant, from the conservative to the bohemian.”¹⁰⁹ The 1960s saw “the creation of the ‘hippie trail’ over the Middle East, through Afghanistan, across India to Southeast Asia: the class of tourists comprised nearly everyone in modern Western urban society.”¹¹⁰

104. FEIFER, *supra* note 41, at 222.

105. *Id.*

106. *Id.* at 223.

107. *Id.* The ready access to airplane travel also stimulated interest within the legal academy to study issues having to do with trade and investment in places like Latin America, as well as to provide a means of exchanging ideas with our “backyard” neighbors. Henry P. de Vries, *Inter-American Legal Studies*, 8 J. LEGAL EDUC. 483, 483, 485 (1955-1956). For a description of Stanford’s Chile Law Program, funded by the Ford Foundation and started in 1966, see John Henry Merryman, *Law and Development Memoirs I: The Chile Law Program*, 48 AM. J. COMP. L. 481 (2000). Merryman describes the three years in which both Stanford and the Instituto de Docencia y Investigaciones Jurídicas in Santiago offered cooperative seminars with faculty from both countries; there seems to have been no student involvement, however. *Id.*

108. PAUL FUSSELL, *ABROAD: BRITISH LITERARY TRAVELING BETWEEN THE WARS* 45 (Oxford Univ. Press 1980).

109. FEIFER, *supra* note 41, at 223. Paul Fussell points out that 1957 was an interesting moment in the history of human passivity. It’s the approximate moment when radio narrative and drama, requiring the audience to do some of the work by supplying the missing visual dimension by its own imagination, were replaced by television, which now does it all for the “viewer”—or stationary tourist, if you will. Supplying the missing dimension is exactly what real travel used to require, and it used to assume a large body of people willing to travail to earn illumination.

FUSSELL, *supra* note 108, at 45.

110. FEIFER, *supra* note 41, at 223. Passports became required in Europe during World War I. FUSSELL, *supra* note 108, at 24. Before 1915, no

Finally, it had become possible to travel abroad for short periods of time. American universities began planning programs to study abroad in the summer for their undergraduate and graduate students, among them, those who were studying the law.¹¹¹ At the end of the spring semester, law faculty began the ritual of standing in line at airports with their students, passports in hand—a ritual that has continued to this day.

D. Study Abroad Goes to Law School

The first summer abroad law program was started in 1967 by the College of William & Mary Marshall-Wythe School of Law at Exeter University in Devon, England.¹¹² Three faculty took thirty-eight law students on the Exeter Program.¹¹³ This program, which has at times reached enrollments of 200 law students, has operated “consistently in the black since its foundation.”¹¹⁴

The next study abroad law program was started in London the following year: the Notre Dame year-round program.¹¹⁵ Notre Dame’s summer law program began two years later.¹¹⁶ In 1975, there were five ABA approved summer abroad law programs.¹¹⁷ In the last quarter of the twentieth century,

European states required passports for admittance to their country “except two notoriously backward and neurotic countries of Russia and the Ottoman Empire.” *Id.*

111. As discussed in Part III, *infra*, the explosion of American law students participating in credit-bearing study abroad summer programs did not occur until the 1990s. *See* Complaint ¶32, *United States v. Am. Bar Ass’n*, 934 F. Supp. 435 (D. D.C. 1996) (No. 05-1211), *available at* <http://www.usdoj.gov/atr/cases/f0200/0254.htm>.

112. Stason, *supra* note 6, at 349.

113. *Id.*

114. *Id.* at 349.

115. *Id.*

116. *Id.*

117. James P. White, *The Evolution of Foreign Study Programs by ABA Approved Law Schools 1* (2005) (unpublished paper, on file with authors). These five programs were not reviewed by the Council of the Section on Legal Education or by the Accreditation Committee. *Id.* Several new programs were planned for the following year, including one to be conducted on a cruise ship which “caught the attention of the Accreditation Committee.” *Id.* Although the program was offered by an ABA approved school, “the faculty was from an unapproved law school, excessive credit was given for the period of the program, and there were no library or study facilities available to the students. The Accreditation Committee did not approve the program.” *Id.*

summer abroad law programs sprung up like mushrooms throughout the legal academy. By 1995, “103 programs were offered by fifty schools in forty countries.”¹¹⁸ And, in 2008, a staggering 237 programs are being offered by 115 different schools in forty-nine countries.¹¹⁹

And so we see that the law student who studies abroad in the summer belongs to a long tradition of international study, one that began with the Grand Tour, followed by study in European universities and the junior year abroad, and culminated in the proliferation of summer study abroad programs in the second half of the twentieth century made possible by speedy passenger air travel. For directors of summer abroad law programs, it is comforting to know that generations of academics before us have seen the value of taking young people across the ocean to study and travel. It seems to imply that generations after us will do the same. A shared joy with the past often secures its continuation in the future.

But knowing this history does not answer the question of how to characterize what kind of traveler the American law student on a summer abroad program might be. Is he a tourist, a pilgrim, or a student on a modern day version of the Grand

According to Stason, in 1976, there were twenty-one summer programs offered by fifteen United States law schools in eleven countries. Stason, *supra* note 6, at 344. Concerned about the substance of such study abroad programs, the Council requested the Accreditation Committee to investigate these programs. White, *supra* note 117, at 1. A special committee was appointed in 1977 to study off-campus foreign programs and in 1978 the Council determined that the following factors must be considered in evaluating foreign programs: “justification for the physical setting; the adequacy of the library’s collection for the courses offered; co-curricular activity offerings; the quality of the faculty; the number of class hours; and the code of truth in advertising.” *Id.* In 1979, the Council amended Rule V and established that foreign credit-granting programs required prior approval of the Accreditation Committee. *Id.* at 2. In July 1981, after hearings and discussions, the Council adopted Guidelines for Approval of Summer Foreign Study. *Id.* In 1985, the ABA began conducting on-site visits as part of a three-year study undertaken on behalf of the Accreditation Committee. *Id.* at 4. In 1984, interim criteria for review of the programs were adopted as well as a detailed questionnaire that sponsoring schools had to complete. *Id.* In 1987, final criteria were adopted along with site visits every five years and annual monitoring through the questionnaire. *Id.* These criteria were subsequently amended in 2003 and 2006. *See infra* note 124 *et seq.*

118. Stason, *supra* note 6, at 344.

119. *A.B.A. List*, *supra* note 2.

Tour? In Part V, we will return to this question as we explore the aspirations of a good summer abroad law program.

***** WILDFLOWER #2*****

*THE FLIPSIDE OF ADVENTURE: PHYSICAL DANGER
AND THE BURDEN OF TAKING CARE OF OTHER
PEOPLE'S CHILDREN*

It all started with a mango fest. James was in his late twenties, a tall, wiry man who came to India with us on our first summer abroad program. James was inclined towards excess. He had never before experienced the joys—some would say the ecstasies—of eating mangoes in June in Himachal Pradesh. These mangoes were a bright golden hue, smooth and oblong, and inside slippery and wet, with just a hint of sour, enough to give them a little bite. People in India travel miles up into the foothills of the Himalayas to eat the mangoes of Shimla in June, and James was one of them. He ate mangoes in the morning, bought mangoes off the street and cut them up on the terrace of the Oberoi Clarkes Hotel, ordered mangoes from the kitchen late at night—James could not stop eating the mangoes of Shimla. He was on a mango roll, and then he got very sick.

Very sick. Vomiting and diarrhea that lasted for hours. When his roommate called us to “come down and check on James,” we found him out cold on the bathroom floor, his face the pallor of the grey-green marble upon which it was plastered. We carried him up to the bed and called the hotel doctor. The doctor took his pulse, checked his eyes, pulled up the skin on the back of his hand that stayed up in an ominous, persistent, wrinkled ridge (a sure sign of dehydration) and declared, “He should go to the hospital.” But we were loath to take him. We had been in the hospital in Shimla once before when a colleague had fallen ill with pneumonia. The sheets were blood-stained, the toilets were dirty, the clinical practices around the injection of needles into human skin were casual, and there were flies. In his current state we were not eager to test James’s immune system, and he was too out of it to consult with. “He could die,” the doctor warned, “if you can’t get fluids in him.” But every time we tried to give him electrolyte laden water he promptly threw it back up. “Use this eye-dropper every ten minutes,” the doctor said. “Just keep methodically putting small amounts of

fluid into his system, and if he keeps it down, he'll be all right. If he doesn't, take him to the hospital immediately."

And so the faculty took turns all through the night, in two-hour shifts, forcing fluids through first an eye-dropper and then a straw, forcing fluids on James who remained the color of the grey-green marble bathroom floor until the early morning. Then he turned pink, regained consciousness and lost the consistency of a stalk of celery that had been left in the back of the refrigerator for a month. He came back to life, and we were immensely relieved.

A lot of people get sick when they go to India. It's not invariable, it's not inevitable, but it's very, very common. We travel with a stockpile of Imodium, Cipro, and rehydrating fluids, and the sickness usually stops. Sometimes it doesn't, and we have to call the doctor. Sometimes we have to test the student for amoebic dysentery or giardia or some other parasite, and sometimes the student turns out to be a host. Sometimes, but usually not. Usually the episode passes, but it must always be taken seriously. The fear is always dehydration. In the middle of a non-serious medical condition—no hum vomiting and diarrhea—is the nucleus of a serious risk. These are other people's children and we are far away from home, in a virtual sea of microorganisms unfamiliar to our vulnerable bodies, and we're responsible for their pinkness, their tight skin, and their consciousness.¹²⁰ It can be nerve-wracking, worry making, sleep depriving, and for the sick student, temporarily life-threatening. Usually it's not. Usually a day of Cipro, Imodium, lots of fluids and rest will take care of the problem.

120. The worst nightmare for any travel abroad program unfolded in 1997 when seven people on the University of Pittsburg's Semester at Sea, including four college students, died in a bus accident in India. Whitney Gruenloh & Leah Nylan, *Pitt Dropped Semester at Sea Due to Safety Concerns*, THE CAVALIER DAILY, Feb. 21, 2006, <http://www.cavalierdaily.com/CVArticle.asp?ID=26023&pid=1403>. Lawsuits from that incident are still pending. *Id.* There were other concerns besides the bus accident, including damage to the ship in a storm, and docking in Kenya despite a State Department warning. *Id.* Directors of Summer Abroad Law Programs should also be made aware of a rich resource available to all those involved in international programs, NAFSA: Association of International Educators, <http://www.nafsa.org> (last visited Feb. 9, 2008). The NAFSA Principles for U.S. Study Abroad is one of a wide range of helpful documents and excellent practical advice on study abroad programs that ought to be consulted as an augmentation of the American Bar Association Standards.

Unless there has been a mango fest.

LH

III. THE ROLE OF THE ABA: UNDERSTANDING AND COMPLYING WITH ACCREDITATION STANDARDS

All summer abroad law programs must comply with requirements set by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (The Section), recognized by the United States Department of Education as the accrediting agency for law schools.¹²¹ The Section was created in 1893 and promulgated the first set of standards governing law schools in 1921.¹²² The current Standards for Approval of Law Schools (The Standards) were adopted in 1973 and have been revised and recodified in 1996 and thereafter. Graduates from law schools accredited by the ABA are eligible to sit for the bar examination of any United States jurisdiction.¹²³

The Standards also authorize law schools to award credit for participation in summer abroad law school programs. Standard 307 governs summer abroad law programs, and states that “[a] law school may grant credit for student participation in studies or activities in a foreign country only if the studies or activities are approved in accordance with the Rules of Procedure and Criteria as adopted by the Council.”¹²⁴ Pursuant to Standard

121. The United States Department of Education has recognized the Council as the national accrediting agency since 1952. *Preface to A.B.A. 2007-2008 Standards for Approval of Law Schools*, <http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Preface.pdf>.

122. *Id.* The 1921 standards were quite general and merely required two years of college as a prerequisite for law school admission; a law school curriculum of three years for full-time study and longer for part-time study; an adequate library; and a sufficient number of full-time teachers. James P. White, *History of the Administration of the American Law School Accreditation Process*, <http://www.aals.org/2000international/english/history/ofadmin.htm> (last visited Feb 9, 2008).

123. *Preamble to A.B.A. 2007-2008 Standards for Approval of Law Schools*, <http://www.abanet.org/legaled/standards/standards.html> [hereinafter *Preamble*].

124. *Standards for Approval of Law Schools*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2004), Interpretation 307-1.

307, the Council has developed a detailed set of rules governing summer abroad law programs designed to ensure that the programs deliver a “sound educational experience.”¹²⁵ The *Criteria for Approval of Foreign Summer Programs* (ABA Criteria) include specific requirements concerning the academic content and structure of the educational program, qualifications of faculty and staff, eligibility of students, and adequacy of the physical facilities.¹²⁶ The ABA Criteria also mandate disclosure requirements and cancellation policies.¹²⁷

A. Program Content

Part I of the ABA Criteria is labeled “The Program” and contains general requirements for approval of summer abroad law programs. Part I makes clear that the dean and the faculty of the sponsoring law school are responsible for formulating and

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 school’s regular curriculum approval process.

Id. The Council’s accreditation function is carried out by an Accreditation Committee consisting of members of the judiciary, the practicing bar, academics, and non-lawyers. White, *supra* note 122.

125. *Criteria for Approval of Foreign Summer Programs*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2007-2008) [hereinafter *Foreign Summer Programs Criteria*]. The Preamble explains the importance of the ABA’s oversight of foreign study. *Preamble*, *supra* note 123. The Criteria provide assurance of a sound legal educational experience at a foreign institution that has not yet been reviewed for compliance with the Standards for the Approval of Law, is distant from the student’s home school, and operates in a legal culture quite different from our own. They also provide assurance of a sound educational experience in study abroad sponsored by approved law schools. This is significant because most law schools allow their students to enroll for credit toward the J.D. degree in a foreign summer or semester abroad program sponsored by other approved schools relying on the ABA review and approval process to assure the soundness of those programs.

Id. See White, *supra* note 117 for the history of the development of these Criteria.

126. *Foreign Summer Programs Criteria*, *supra* note 125. The ABA Standards, as well as the governing Interpretations, Council and Accreditation Committee Policies, and Rules of Procedures, apply to foreign summer programs, except as modified by the Criteria. *Id.* at Part I.F.

127. *Id.* at Part VI-VII.

administering the summer abroad program.¹²⁸ This Part also specifies that the academic content of the program must meet the standards and procedures utilized at the home campus of the sponsoring law school.¹²⁹ Thus, if approval by the Curriculum Committee and faculty is required to add a course to the curriculum of the sponsoring law school, the same procedures must be used to add a course to the summer abroad program. Similarly, student and faculty performance must be evaluated in a manner consistent with the on-campus program of the sponsoring law school.¹³⁰

Among the most basic of the requirements in the ABA Criteria is the directive that the content of the summer abroad law program relates to the socio-legal environment where the program is conducted or has an international or comparative focus.¹³¹ Consistent with this requirement, at least one member of the full-time faculty or on-site staff must be fluent in the language of the host country and be familiar with the country in which the program is offered.¹³² The ABA Criteria also mandate visits to legal institutions in the host country.¹³³

128. *Id.* at Part I.A.

129. *Id.* at Part I.C.

130. *Id.* at Part I.C, Part II.B.4.

131. *Id.* at Part I.D.

132. *Id.* at Part II.C.

133. *Id.* at Part III.G. Many summer study abroad programs also offer internships in the host country. The University of Florida's Summer Law Program in Cape Town, South Africa, for example, offers internships as a complement to a two-credit course entitled, *Introduction to South African Law*, provided through the Cape Town Bar Association where "students can apply the knowledge learned in the classrooms about policies and laws of South Africa." University of Florida Levin College of Law Study Abroad, http://www.law.ufl.edu/students/abroad/summer_africa.shtml (last visited Feb. 9, 2008). Language issues can arise regarding internships. For example, in Santa Clara University School of Law's Hong Kong SAR/China summer abroad program, students are permitted to work full-time in a legal office, government agencies, human rights NGOs, and international corporations. "Students may be placed in Hong Kong, Shanghai, or Beijing. Because all firms in Hong Kong operate in English, knowledge of Chinese is not generally required for Hong Kong placements. However, fluency in Mandarin may be necessary for placements in Shanghai or Beijing." Santa Clara University, <http://www.scu.edu/law/international/hong-kong-sar-china.cfm#internship> (follow "Internship Component" hyperlink) (last visited Feb. 9, 2008).

B. Faculty and Staff Qualifications

Part II of the ABA Criteria contains detailed requirements regarding the faculty and staff. Each summer abroad law school program must have a director, approved by the sponsoring law school, present on-site for the duration of the program.¹³⁴ The director may not concurrently participate in another summer abroad program.¹³⁵ Either the director or a full-time faculty member must hold an academic appointment at the sponsoring law school.¹³⁶ Either the director or other responsible member of the program faculty or staff must have experience with a summer abroad law program or possess a background that substitutes for such direct experience.¹³⁷

Although the ABA Criteria specify that the summer abroad program must have at least one tenured or tenure-track member of the sponsoring law school's faculty for the entire duration of the program (who may be the same person as the director), this requirement can be obviated in one of two ways.¹³⁸ First, the school may appoint a person "well qualified by experience with the sponsoring school[,] . . . the program, and the country where the program is located to provide leadership of the program and appropriate faculty oversight of the program for the sponsoring school."¹³⁹ Second, the school may have "different tenured/tenure track faculty members from the sponsoring school participat[e] in the program at different times as long as one such faculty member is on site at all times and as long as there is adequate provision for continuity of administration and

134. *Foreign Summer Programs Criteria*, *supra* note 125, at Part II.A.

135. *Id.* at Part II.A.3.

136. *Id.* at Part II.A.2.

137. *Id.* at Part II.A.4. Directors of summer abroad programs are frequently involved in other international aspects of legal education. Michael P. Scharf, for example, holds the title of Professor of Law and Director of the Center for International Law and Policy at New England School of Law. Michael P. Scharf, *Internationalizing the Study of Law*, 20 PENN. ST. INT'L L. REV. 29, 29 (2001). Hired from the Office of the Legal Advisor of the U.S. Department of State, he not only teaches a smorgasbord of international law courses and serves as Director of the Center, but he is also the Director of the Summer Abroad Program in Galway, Ireland, advises the International Law Journal and the International Law Society, and coaches the Jessup International Law Moot Court Team. *Id.* at 31.

138. *Foreign Summer Programs Criteria*, *supra* note 125, Part II.B.1.

139. *Foreign Summer Programs Criteria*, *supra* note 125, at Part II.B.1.

oversight.”¹⁴⁰ The sponsoring law school may hire faculty from other schools so long as their academic credentials are equivalent to those of the faculty at the sponsoring law school; such faculty must be approved by the faculty at the sponsoring law school.¹⁴¹

C. Earning Credit

Particularly close attention must be paid to the ABA Criteria when planning the number of courses, allocating credits for each course, and scheduling classes. Part III of the ABA Criteria specifies the number of minutes of instruction for each credit hour (700),¹⁴² as well as the maximum number of minutes of class per day (220)¹⁴³ and the maximum number of credits per week (1.5).¹⁴⁴

Part III also permits credit for extracurricular activities so long as they are academic in nature and relate to course content.¹⁴⁵ These detailed requirements are intended to ensure that the summer abroad programs “provide adequate time for class preparation, reflection and intellectual maturation similar to that provided in the regular semester.”¹⁴⁶

In reality, all summer programs are necessarily intense, no matter the venue, compressing subject matter normally delivered over a fourteen week period into a mere four weeks. Add to this the intensity of the cultural experience and the wide range of extracurricular activities, and students typically operate on overload during the summer abroad program, not fully processing the experience until long after the luggage has been unpacked, the laundry done, and the souvenirs displayed.

The limits that the ABA Criteria place on the number of minutes of instruction each day affect the ability to front or backload courses. Often, the most qualified law faculty are

140. *Id.* at Part II.B.1.b.

141. *Id.* at Part II.B.2.

142. *Id.* at Part III.B. One credit hour requires 700 minutes of class instruction. *Id.*

143. No student is permitted to attend more than 220 class minutes per day. *Id.* at III.A.3.

144. No student may receive more than 1.5 credits per week of instruction. *Id.* at III.A.2.

145. *Id.* at Part III.D.1.

146. *Id.* at III.A.1.

unwilling or unable to commit to a full month of a summer abroad program, offering instead to teach a course over ten days or two weeks. Attempting to comply with the ABA Criteria regarding how many minutes of instruction is required for each credit hour, while remaining in compliance with the requirement that students may not exceed 220 minutes per day, can become a Herculean task. The result is often a schedule with class times that vary each week, if not each day, leaving students (and faculty) in a perpetual state of confusion.¹⁴⁷

Part IV of the ABA Criteria provides the admissions standards for students. In order to be eligible to participate in a summer abroad program, the law student must have completed at least one year of full or part-time law study at an ABA-approved or state accredited law school and be in good academic standing.¹⁴⁸ The ABA Criteria make clear that law schools may set their own additional admission standards.¹⁴⁹

D. Physical Facilities

Part V of the ABA Criteria concerns the physical facilities of the summer abroad law program and requires space that can function as an administrative office, work space for law faculty,

147. Attendance requirements should be set forth at the beginning of the program, and because classes are condensed in a summer school program, the student must be apprised up front how many absences will be tolerated under American Bar Association Rules. Louisiana State University's summer program in Lyon addresses the attendance issue in its brochure and requires "punctual attendance" for credit. Louisiana State University Law Center Summer in Lyon Program, <http://host.law.lsu.edu/lyonprogram/enrollment.htm> (last visited Feb. 8, 2008). The 2006 brochure stated that it was an Honor Code violation to falsify information on an attendance sheet, such as "back signing;" signing for a student who is not present; procuring another student to sign for a student not present; signing a roll sheet indicating that the student was present in the classroom or when the student was so late that this student missed a substantial portion of the class." Louisiana State University Law Center Summer in Lyon Program, 2006 Academic Regulations (on file with authors). The Lyons program had over seventy students in 2004 and 2005. *Id.* Attendance issues must be acute when the student population is high. In the India program, where classes contain between fifteen and twenty-seven students, it is much easier to take attendance and to monitor who is showing up for class and who is not. Anyone interested in crafting a detailed and incredibly helpful brochure ought to consult the brochure crafted by the directors of the Summer in Lyon Program; it is a model of clarity and thoroughness.

148. *Foreign Summer Programs Criteria*, *supra* note 125, at Part IV.B.

149. *Id.* at Part IV.B.

and study space for students.¹⁵⁰ Adequate classrooms, equipment, and library facilities are also required.¹⁵¹

In our experience, the ABA site evaluators have demonstrated great flexibility on the subject of workspace, for students and faculty alike, and of classroom adequacy. In India, for example, it is impossible to compare our workspace with any equivalent in the U.S. In Shimla, the entire program operates out of the Oberoi Clarke's Hotel, a nineteenth century British simulation of an alpine village, tottering on an unstable ridge in the foothills of the Himalayas. Our administrative office is adjacent to our sleeping quarters, a rickety wrap-around enclosed porch with ancient overstuffed armchairs set at a pitch that suggests some imminent movement down the mountain. There, we are surrounded by multi-paned windows looking out on a spectacular view of Shimla. In Dharamsala, the seat of the Tibetan government-in-exile, the only chairs in our administrative office are legless, beautifully crafted wood chairs sporting fierce protective dragons at their base. There, we are surrounded by murals hand-painted by Tibetan artists, culminating at the end of the room in an imposing, eight-foot tall, brilliant red and orange lacquered Buddhist shrine.

Our classrooms do not resemble American classrooms. There are no smart podiums or sliding blackboards or even conventional desks. In Shimla, we sit around a dozen tables linked together with white linen tablecloths, tables that we rearrange daily for our afternoon yoga session. In our Dharamsala classroom, most students shun chairs in favor of the plush Tibetan carpet, substituting stuffed pillows for traditional writing surfaces. In none of these facilities is there air-conditioning, wireless Internet, or even any guarantee of power 24 hours a day. Instead, in both Shimla and Dharamsala, we have screen windows which must be kept securely fastened to prevent uninvited monkeys from dropping by, and through which wet, wispy monsoon clouds come creeping into our classrooms. In the background, we might hear the drone of monks chanting in the monastery, the call to prayer from the mosque, devotional songs from the Sikh temple, the raucous clatter of a wedding celebration, or the ubiquitous sounds of car

150. *Id.* at Part V.A-B, F.

151. *Id.* at Part V.C-E.

horns blaring and dogs barking. But things work well just the same, even if the workspace does not come close to U.S. standards, even if things are not all that quiet. At least in our experience, the ABA site evaluators have demonstrated an open mind when it comes to physical facilities.

The tolerance of the ABA site evaluators has extended to their assessment of the housing for students on a summer abroad program as well. The emphasis in the ABA Criteria is on full disclosure. If housing is provided, the ABA Criteria require that the sponsoring law school inform the prospective students if the housing is “significantly lower in quality, soundproofing, sanitation, or safety than housing normally used by law students in the United States” and provide information regarding the cost of better quality housing in the area.¹⁵²

E. Cancellation, Termination, and Disclosure

Part VI of the ABA Criteria contains the requirements for cancellation and termination of summer abroad law school programs and for mandatory disclosures. Students must be informed of the circumstances under which cancellation will occur and must receive refunds when a program is cancelled.¹⁵³

152. *Id.* at Part V.G. In some programs, particularly those in Europe where tourism is well-established and there is ample temporary housing, students are instructed to find housing for themselves, although there is almost always an offer of assistance from the sponsoring law school. For example, the University of Florida’s Summer Law Program in Paris and Montpellier, France, shifts the responsibility of housing onto the student if the student chooses not to stay in one of the two suggested hotels. University of Florida Levin College of Law Study Abroad, http://www.law.ufl.edu/students/abroad/summer_montpellier.html (follow “Summer Paris/Montpellier Housing Application” hyperlink) (last visited Feb. 9, 2008). Then the student is free to make his or her own housing arrangements. *Id.* Also, “meals are not included in program costs and must be arranged by students.” *Id.* George Washington University Law School’s Munich IP Summer Program also holds students responsible for finding their own accommodations and in its brochure lists four hotels with full descriptions of prices and facilities, and seven short-term rental agencies and their respective websites to assist students in their housing search. The George Washington University School of Law, <http://www.law.gwu.edu/Academics/Academic+Focus+Areas/IP+and+Technology+Law/Munich+IP+Summer+Program/Housing+and+Travel.htm> (last visited Feb. 9, 2008).

153. *Foreign Summer Programs Criteria*, *supra* note 125, at Part VI.A. “If a program is subject to cancellation for insufficient enrollment or any other reason, the circumstances under which cancellation will occur must be disclosed in the application materials sent to prospective students.” *Id.* When a cancellation occurs after a deposit has been paid, “the program director must

U.S. State Department Travel Warnings and Consular Information Sheets must also be distributed to students.¹⁵⁴

Part VII contains a long and detailed list of information that must be disclosed to all prospective applicants, including: the anticipated enrollment and number of students from the sponsoring law school and from any foreign countries; a description of courses and credits and participating faculty; a schedule of classes; and requirements for student performance and grading.¹⁵⁵ Directors must pay particular attention to the timing of these disclosures. Although the disclosures can be made on the website, in the brochure, or in letters sent to prospective registrants, they must be made prior to the date when the student's deposit becomes non-refundable.¹⁵⁶

F. Approval and Evaluation of the Program

Finally, Part VIII of the ABA Criteria contains the procedures for approval of summer abroad law school programs. These procedures have been revised twice. On both occasions, the revisions were motivated by a recognition that effective oversight could be maintained with less costly and burdensome requirements which were acting as a disincentive to the creation of study abroad programs.¹⁵⁷ In 2001, the Section created a Task

use his or her best efforts to make arrangements for each student enrolled to attend a similar program, if the student so desires." *Id.* at Part VI.B.a. If the program is canceled, "all money advanced by the student shall be refunded within twenty (20) days after the date of cancellation." *Id.* at Part VI.B.2.

154. *Id.* at Part VI.C.

155. *Id.* at Part VII.

156. *Id.* at Part VII.A.

157. See, e.g., Joseph L. Daly & Jason A. Hoida, *An Open Letter on the American Bar Association's Policy on Foreign Studies: A Barrier to the Development of Legal Education*, 18 HAMLINE L. REV. 1 (1994). Daly and Hoida had a number of complaints about the ABA process of accrediting foreign studies programs, including the high costs of the inspection which present "a virtually insurmountable barrier. In many cases, law school administrators have difficulty justifying the costs of ABA approval." *Id.* at 5. There was also a complaint about how awkward, even insulting, it was to ask an established university to subject itself to an American accreditation process to see if the program is "good enough" for American law students. *Id.* The authors recommended less intrusive and expensive monitoring procedures including more faculty participation in the student's proposed course of study and submission of reports and documentation about the host institution. *Id.* at 6. Additionally, the authors suggested that the academic experience was only one of the benefits of foreign study and that even if the foreign school's

Force of Foreign Programs (TFFP), whose recommendations led to the reduction of the frequency of site evaluations, effective August 1, 2003.¹⁵⁸ In 2006, the ABA Criteria were again revised to, among other things, eliminate the need for site evaluations (with its attendant fee for a re-inspection) when the location of an already approved program is changed.¹⁵⁹ The current ABA Criteria require site evaluations of approved programs every seven years.¹⁶⁰ New programs must submit a detailed application describing not only the proposed program in great detail, but also the anticipated impact of the program on the sponsoring law school.¹⁶¹ If the ABA Accreditation Committee approves the application, the summer abroad program is evaluated with a site visit during its first year of operation.¹⁶² If approval is granted after the ABA site visit, it is effective for five years.¹⁶³

Summer abroad law programs are monitored each year through review of an annual questionnaire.¹⁶⁴ Where the

academics were not up to ABA standards, the intellectual value of study abroad justifies ABA encouragement. *Id.*

158. *Final Report, A.B.A. Task Force on Foreign Programs*, A.B.A. SEC. ON LEGAL EDUC. AND ADMISSIONS TO THE BAR (July 2002), available at <http://www.abanet.org/legaled/accreditation/foreignprogramtf/finalreport.doc>.

159. *See Criteria for Approval of Semester Abroad Programs*, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2005-2006) (indicating that in 2005-2006, a change in location of the program might trigger a site visit); *see also Foreign Summer Program Criteria*, *supra* note 125 (showing that the 2007-2008 standards continue to incorporate the changes enacted in 2006, not requiring a site visit upon change of program location).

160. *Foreign Summer Program Criteria*, *supra* note 125, at Part VIII.A.

161. *Id.* at Part VIII.B.1.

162. *Id.* at Part VIII.B.3.

163. *Id.* at Part VIII.B.3 & C. Sometimes law schools use glowing ABA site evaluations in their brochures to attract future students. *See, e.g.*, Howard University School of Law, Comparative and International Law Program in South Africa, <http://www.law.howard.edu/49> (last visited Feb. 9, 2008). *See also* Indiana University School of Law at Indianapolis's brochure for its Central and Eastern European Law Program in Dubrovnik, Croatia, <http://indylaw.indiana.edu/programs/easteurope> (last visited Feb. 9, 2008). This program is offered in collaboration with the University of Zagreb School of Law and has an ambitious curriculum consisting of four one-credit courses and one two-credit course, all narrowly focused on the practice of law in Central and Eastern Europe: Transformation of Legal Systems in Central and Eastern Europe; Legal Aspects of Doing Business in Central and Eastern Europe; From Application to Membership in the EU; Real Estate Acquisition and Ownership in Central and Eastern Europe; Human Rights Issues from Central and Eastern Europe Before the European Court of Human Rights. *Id.*

164. *Foreign Programs Criteria*, *supra* note 125, at Part VIII.D.2.

questionnaire raises questions of compliance, the ABA Accreditation Committee may require further information or direct a site visit.¹⁶⁵ This review may be triggered by: failing to timely or completely file the annual questionnaire; changes in the location of the program; changes in the curriculum that reduce the comparative or international focus of the program; continuing turnover in administration; significant changes in enrollment; adding or expanding an externship program; or a persistent pattern of complaints from students.¹⁶⁶ If a summer abroad law program is not offered in two consecutive years, approval is withdrawn and the sponsoring law school must reapply for approval, unless the ABA Accreditation Committee waives the requirement for good cause shown.¹⁶⁷

Any prospective directors considering the establishment of a summer abroad law program must begin with a thorough understanding of the ABA Criteria, as they are the nuts and bolts of the operation. Most directors have at one time or another torn their hair out over the interpretation of and compliance with the ABA Criteria, but the standards should be regarded as helpful rather than oppressive. The ABA Criteria merely represent the proverbial hoop through which every director of a summer abroad law program must jump. At a minimum the ABA Criteria articulate to directors what is expected. More importantly, the standards are designed to protect our students. Quality control of summer abroad law programs is in their best interest. We are lawyers, after all, and ought not to be deterred from a noble endeavor by the challenges of a regulatory agency, by the shiny brass ring held up by the ABA. Read the ABA Criteria with great care, comply with them to the best of your ability, and pass through the hoop. If this compliance process causes great directorial distress—and it may—just remember: The law students on your summer abroad program will be the beneficiaries of your angst.

165. *Id.* at Part VIII.D.3.

166. *Id.* at Part VIII.D.3.

167. *Id.* at Part VIII.F.

IV. EMPIRICAL STUDY OF SUMMER ABROAD LAW PROGRAMS

A great deal of information about summer abroad law programs can be gleaned from the ABA website and from the ABA reports. However, we were interested in more than the location of the program, the enrollment numbers, the revenue and expenditure data, and the course offerings. We wanted to learn about the intangibles of the summer abroad law program: what type of relationship does the program foster between the faculty and the students; what is most special about the program; to what extent do extracurricular activities enhance the students' appreciation for the history and culture of the host country; what are the dynamics among law students from different law schools and different countries? We also wanted to learn about some all too tangible dimensions not encompassed in the ABA questionnaire: to what extent have physical or mental illnesses, alcohol or drug abuse, or cultural misconduct or insensitivity been a problem; to what extent has staffing the summer program been difficult; and what is the compensation for the director, faculty, and staff?

In order to answer these questions, we distributed a questionnaire to the director of every program that asked for information relating to the summer of 2005.¹⁶⁸ As is often the case, the response was slow and disappointing. We collected questionnaires covering approximately 30% of the 127 summer programs conducted in 2005. But between the responses to our questionnaire and the information available in program brochures on the sponsoring schools' websites and from the ABA, we can report useful information about an impressive variety of summer abroad law programs and about the more intangible aspects of bringing a group of law students to study in remote parts of the globe.

A. Destinations

The overwhelming majority of summer abroad law programs have been based in Europe, with England being the most common destination as host of forty-one programs.¹⁶⁹ Until

168. The questionnaire is attached as Appendix A.

169. A full list of ABA approved summer programs in 2008 is attached as

2007, Italy and France had been the two next most common destinations, but now China has overtaken Italy. China has twenty-one summer programs and France has twenty,¹⁷⁰ followed by Italy with eighteen,¹⁷¹ Ireland with twelve,¹⁷² the Netherlands with fifteen, and Spain with eleven.¹⁷³ All together there are 166 programs (or parts of programs) in Europe,¹⁷⁴ 38 programs in Asia,¹⁷⁵ 24 in Latin America,¹⁷⁶ 5 in Canada,¹⁷⁷ 8 in Australia,¹⁷⁸ 6

Appendix B. *A.B.A. List*, *supra* note 2 (providing the source of this list). It is interesting to note that some of the trends in the demography of summer abroad law programs are also mirrored in undergraduate programs abroad. Overall, the number of American college students studying abroad rose eight percent in 2004, according to the Institute of International Education. Beth McMurtrie, *Number of U.S. Students Abroad Rose 8% in 2004, Report Says*, CHRON. OF HIGHER EDUC., Nov. 17, 2006, at A46, available at <http://chronicle.com/weekly/v53/i13/13a04601.htm>. The European market has continued to shrink, with China continuing “its rapid climb up the list of most-popular destinations . . . with the number of student visitors rising 35 percent to 6,389. India, Argentina, and Brazil also saw growth in interest, placing them in the top 20 destinations for the first time.” *Id.*

170. Ten of the twenty-one ABA approved programs (or parts of programs) in China are in Beijing; the others are in Hangzhou (one), Hong Kong (four), Shanghai (three), Suzhou (two), Tianjin (one), Xiamen (one), and Zhuhai (one). *Id.* Eight of the twenty ABA approved programs (or parts of programs) in France are in Paris; the others are in Agen (one), Arachon (one), Clermont-Ferrand (one), Lyon (one), Nanterre (one), Nantes (one), Nice (one), Strasbourg (five), and Toulouse (one). *A.B.A. List*, *supra* note 2.

171. Eight of the eighteen ABA approved programs (or parts of programs) in Italy are in Rome; the others are in Bologna (one), Florence (three), Siena (one), Parma (one), Rapallo (one), Sorrento (one), and Venice (four). *Id.* In the Seton Hall program, the students travel between Milan, Parma, and Rapallo. *Id.*

172. Eight of the twelve ABA approved programs (or parts of programs) in Ireland are in Dublin; the others are in Belfast (one), Cork (one), Dingle (one), Galway (three), and Limerick (one). *Id.*

173. Two of the five ABA approved programs (or parts of programs) in Canada are in Toronto; the others are in British Columbia (one), Montreal (one), Ottawa (one), and Vancouver (one). *Id.* Three of the eleven ABA approved programs (or parts of programs) in Spain are in Barcelona; the others are in Fuengirola (one), Granada (one), Madrid (four), San Lorenzo (one), Santander (one), and Seville (two). *Id.*

174. In 2008, there are ABA approved programs in Austria (seven), Belgium (five), Croatia (one), the Czech Republic (two), Denmark (one), England (forty-one), France (twenty), Germany (eight), Greece (two), Hungary (six), Ireland (twelve), Italy (eighteen), Luxembourg (one), Malta (one), the Netherlands (fifteen), New Zealand (two), Norway (two), Poland (one), Portugal (one), Scotland (three), Slovakia (one), Spain (eleven), Sweden (two), Switzerland (eight), and Turkey (three). *Id.*

175. In 2008, there are ABA approved programs in Cambodia (one), China (twenty-one), India (one), Indonesia (one), Japan (two), Korea (three), Pacific

in the Middle East,¹⁷⁹ 4 in Africa,¹⁸⁰ 4 in Russia,¹⁸¹ and 2 in the Caribbean.¹⁸²

B. Enrollment

The summer abroad law programs enrolled an average of 35 law students per program, with the highest enrollment having 109 students and the lowest with only 8 students.¹⁸³ The overwhelming majority of programs enrolled students from a variety of law schools, with one school drawing from fifty-six different law schools.¹⁸⁴ Only nine law schools enrolled students solely from their own institution.¹⁸⁵ A substantial number of summer abroad law programs enrolled law students from the host country and offered full or partial scholarships to cover

Rim (one), Russia (four), Singapore (one), Thailand (two), and Vietnam (one). *Id.*

176. In 2008, there are ABA approved programs in Argentina (eight), Brazil (three), Chile (three), Costa Rica (four), Mexico (five), and Puerto Rico (one). *Id.*

177. *Id.*

178. Four of the Australian programs are located in Sydney; the others are in Brisbane, Canberra, Melbourne, and Queensland. *Id.*

179. In 2008, there are ABA approved programs in Israel (five) and Egypt (one). *Id.*

180. In 2008, there are ABA approved programs in South Africa (three) and Tanzania (one). *Id.*

181. *Id.*

182. In 2008, there are two ABA approved programs in Curacao. *Id.*

183. These numbers are based on ABA statistics covering 2005. William and Mary's program in Madrid, Spain had the largest enrolment with 109 students. The University of San Diego's program in Mexico had the lowest enrollment in 2005, with eight students. *Foreign Summer Programs*, Table 01-0506, A.B.A. COUNCIL OF THE SEC. OF LEGAL EDUC. AND ADMISSIONS TO THE BAR (on file with authors).

184. *Id.* New Mexico's program in Guanajuato, Mexico, enrolled sixty-three students from fifty-three different ABA approved law schools and three other schools. *Id.* Hofstra's program in Nice, France enrolled sixty-seven students, from forty-four ABA approved law schools and seven other schools. *Id.* Duquesne's program in Beijing had a total of fifty-five students from forty-five ABA approved law schools and six other schools. *Id.* Notre Dame's program in London, England enrolled seventy-seven students from thirty-five ABA approved law schools and fourteen other schools. *Id.*

185. They are: Alabama's program in Canberra, Australia; Alabama's Program in Fribourg, Switzerland; Puerto Rico's program in London, England; Puerto Rico's program in Venice, Italy; Iowa's program in Arcachon, France; Roger Williams's program in Lisbon, Portugal; South Carolina's program in London, England; Valparaiso's program in Cambridge, England; and Wake Forest's program in London, England. *Id.*

their tuition.¹⁸⁶ Having a diverse student body obviously enhances the program for all participants.¹⁸⁷

C. Program Activities

The majority of summer abroad law programs focused on international and comparative law. Virtually all programs included mandatory lectures about the history, culture, and legal system of the host country, either as a part of an orientation program or as part of the course syllabi. Most summer abroad programs were affiliated with an academic institution in the host country, but the nature of the affiliation and the program's ability to utilize the institution's faculty, classrooms, library, dormitories, and computer laboratories varied widely.¹⁸⁸

186. Examples of programs that accept students from the host country and offer free tuition include: Baltimore's program in Curacao; DePaul's program in Costa Rica; Florida International's program in Seville, Spain; Kansas's program in Istanbul, Turkey which accepts twenty Turkish students each year; Northern Illinois's program in Guanajuato, Mexico; McGeorge's program in Salzburg, Austria; San Diego's program in Italy and Russia; Suffolk's program in Lund, Sweden; Touro's program in India; Wake Forest's program in Venice, Italy; and Washburn's program in Utrecht, The Netherlands. Data derived from questionnaires on file with authors.

187. One faculty member who taught at the Howard South Africa Program recommends attempting to ensure that the student body of the summer abroad program is diverse. Adrien K. Wing, *The Role of Culture, Race, Gender and Language in Working Together: Developing Cooperation in International Legal Education*, 20 PENN ST. INT'L L. REV. 35, 39-40 (2001). Wing also suggests taking students on research missions around the world. "These are transformative experiences, whether these young lawyers practice tort law in Dubuque, Iowa for the rest of their lives or they practice global international law in London." *Id.* at 39. Wing has also used a French-speaking research assistant to tutor her in preparation to direct a summer abroad program in Arcachon, France and intends to use the research assistant on the program to teach French to the American students. *Id.* at 41. Seton Hall Law School's Summer Program in Cairo makes clear that it is also committed to having a diverse student body to participate in its program; when evaluating a student application, "we will look at the student essay, transcript, and general suitability for foreign travel and study. We will seek a diverse group of enrollees for the summer's program." Seton Hall Law Cairo Summer Program, http://law.shu.edu/administration/study_abroad/cairo/selection.html (last visited Jan. 10, 2008).

188. One example of a truly joint program with a foreign law school was the International and Comparative Law Program developed by Marquette University Law School in cooperation with the TC Beirne School of Law of the University of Queensland in Australia. The program alternated venues between Brisbane, Australia, and Milwaukee, Wisconsin with students from Australia studying in Milwaukee and students from the U.S. studying in

Virtually all programs offered a range of law-related extracurricular activities, including courtroom outings, visits with governmental officials, meetings with the local bar, and interactions with non-governmental-organizations.¹⁸⁹ Most

Brisbane. Information contained in questionnaire on file with authors. The relationship was terminated in 2006 due to declining enrollment. Correspondence on file with authors. Another example is Washburn's program in The Netherlands, where the University of Utrecht functions as a true partner. The two schools have co-teachers and students have access to the University of Utrecht's facilities and university housing. Washburn University School of Law, Summer Study Abroad Program, Washburn-Utrecht Summer Law Program in the Netherlands, <http://www.washburnlaw.edu/studyabroad/index.php> (last visited Jan. 10, 2008).

189. For example, in Golden Gate's brochure for its Paris Summer Program, visits to the three French Supreme Courts (the Cour de Cassation, the Conseil d'Etat, and the Conseil Constitutionnel) were planned, as well as meetings with judges and lawyers from these courts. Golden Gate University School of Law, http://www.ggu.edu/school_of_law/academic_law_programs/summer_programs/paris_summer_program (last visited Feb. 18, 2008). In addition, the program visited CRFPA at Versailles, a training school for French lawyers, and took a day-long field trip to Brussels, the EU capital, with "meetings with commissioners and staff on enlargement, the status of the new EU constitution, EU standards, free circulation of goods, and/or tax harmonization." *Id.* California Western's NAFTA summer program takes students to environmental disaster sites, shantytowns, and border factories. Information contained in questionnaire on file with authors. During the summer of 2005, the program was videotaping a pilot for a reality television show. *Id.* Students were given the opportunity to visit the sites of the disputes that they were studying in class. *Id.* The students met with law enforcement officials and others involved in the border area. *Id.* DePaul's International Human Rights Law Institute in Costa Rica included site visits to the Inter-American Institute of Human Rights, the Inter-American Court of Human Rights, the Center for Justice and International Law, and the University of Peace. *Id.* The program also offered guest lectures by a number of prominent human rights activists and scholars. *Id.* St. Thomas' program in El Escorial, Spain offers outings to Madrid, including visits to trial courts, the Spanish Supreme Court, and Spanish law firms. Villanova's program in Montreal, Canada offers a trip to the Quebec Court of Appeal (including a tour and a private visit with a judge and observation of oral arguments), a visit to a major Montreal law firm, and speakers on aviation law from the International Air Transport Association and on the relationship between criminal and immigration law from Canadian federal and provincial prosecutors' offices. *Id.* Depending on the availability of host country employers, Touro's India and China programs have been able to assist students in finding internships with law firms, nongovernmental organizations, human rights groups, or other public and private sector employers. Information contained in questionnaire on file with authors. Duquesne's program in Beijing, China offers internships after the program. Duquesne University School of Law, <http://www.chinalaw.duq.edu> (last visited Jan. 10, 2008). In one article spinning out the future of two hypothetical American law students in 2010, both students not only took summer law programs abroad, but each worked in summer internships with

programs also offered a host of cultural extra-curricular activities including visits to major tourist spots and optional excursions.¹⁹⁰ Some of the more exotic excursions included wine tours through French and Italian vineyards,¹⁹¹ a cruise down the Nile,¹⁹² surfing outside of Tijuana¹⁹³ or Sydney,¹⁹⁴ a ski trip in the Andes,¹⁹⁵ and a

employers in the host country. See Joseph D. Harbaugh, *Legal Education in 2010*, FLA. BAR J., May 1997, at 57, 61, available at <http://www.floridabar.org/tfb/flabarwe.nsf> (follow "Publications" hyperlink, then follow "Florida Bar Journal" hyperlink, then follow "Issues Archive" hyperlink).

190. Duquesne's program in Beijing, China includes visits to the Great Wall, the Ming Tombs, the Forbidden City, Tiananmen Square, the Great Hall of the People, and Xian. Duquesne Beijing Program, *supra* note 189. On Thomas M. Cooley Law School's Toronto Summer Study Program in 2004, "the group went to The Stratford Festival, watched a Blue Jays baseball game, rode the coasters at Canada's Wonderland, and were guests at an opening barbeque and a closing formal dinner at St. Michael's." The Thomas M. Cooley Law School, <http://www.cooley.edu/foreignstudy/torontoprogram/details.htm> (last visited Jan. 10, 2008). Many of the programs in Europe schedule classes in such a way that students have three-day weekends to travel. For example, the Summer Program on International and Comparative Human Rights Law, sponsored by New England School of Law, along with California Western School of Law, South Texas College of Law, and William Mitchell College of Law, does not schedule classes on Fridays "[t]o give participants extra time to explore Ireland and Europe." New England School of Law Summer Program in Galway, Ireland, <http://www.nesl.edu/summer/dates/Tuition.cfm> (last visited Jan. 10, 2008). The Washburn Utrecht Program in the Netherlands has this unusual class schedule to accommodate the desire of its students to travel on the weekends:

As a general rule, classes will meet at 9:00 a.m. and end at 1:00 p.m., except starting the second Monday, July 14th, when Monday classes will meet from 1:00 p.m. to 5:00 p.m. In addition, no classes are scheduled on Fridays. This schedule allows students the opportunity for extended weekend travel throughout Europe.

Washburn Utrecht Program, *supra* note 188.

191. Drake Law School's program in Nantes, France includes a trip to Clisson and a vineyard tour, where students learn about grape growing. Iowa Law School's program in Arcachon, France also offers winery tours. Gonzaga Law School's program in Florence, Italy includes trips to Chianti wine country and Fiesole with dinner and entertainment. Information contained in questionnaire on file with authors.

192. Seton Hall Law School's Cairo Summer Program has to have some of the most exciting optional tours available for its students, including trips to the Sphinx and Pyramids, Mt. Sinai, The Red Sea, Alexandria, Memphis, Luxor, Aswan, magnificent mosques and museums, and Nile River Cruises at the end of the program. Seton Hall Law, http://law.shu.edu/administration/study_abroad/cairo/index.html (last visited Feb. 15, 2008).

193. In California Western School of Law's program in San Diego/Tijuana/Toronto, the brochure promises surfing on both sides of the border, and

rafting trip in the Himalayas.¹⁹⁶ Some summer abroad programs offered optional classes in language,¹⁹⁷ music and dance,¹⁹⁸ astrology, and yoga.¹⁹⁹

the fish tacos are fresh. Tijuana is readying for the bull fighting season and a *luche libre* wrestling match can usually be found on a weekend night only a half hour drive from downtown San Diego. . . . The Gaslamp Quarter of downtown San Diego hosts a most vibrant nightlife, and by crossing the border you can always find a party in Tijuana.

NAFTA Summer Program, <http://nafta.cwsl.edu/hxcurract.html> (last visited Feb 8, 2008). (The authors would never advise advertising that partying and the nightlife might be enticing, even if it were true, on the theory that it might appear to be an endorsement of alcoholic behavior. This is not meant to criticize California Western, which because of its geographical location has the luxury of having students feel as if they were abroad, but still be living in a hotel in San Diego, at least for the first portion of its program.)

194. Students in the University of North Carolina at Chapel Hill School of Law, in cooperation with Hofstra School of Law's Summer Program in Sydney, Australia are housed in the Bondi Beachouse located a short walking distance from Bondi Beach. "[L]aw students attending the program can (and do) take surfing lessons at Bondi Beach." The University of North Carolina at Chapel Hill School of Law Summer Law Program in Sydney, Australia, <http://www.law.unc.edu/documents/international/sydneybrochure2007.pdf> (last visited Feb. 12, 2008). Other activities include, "kayaking in Sydney Harbor, and group outings to Australian Rules Football games." *Id.*

195. American University's program in Chile and Argentina included site visits to the Supreme Court, Government House, Congress, and a former detention center. American University Summer Law Program Brochure, <http://www.wcl.american.edu/chile/documents/FinalBrochure.pdf?rd=1>. Other activities included optional lectures about current affairs in Bolivia, optional visits to court hearings, a weekly Chilean movie night, a ski trip to the Andes, and receptions with Chilean and Argentine lawyers. *Id.*

196. Touro's India program offers optional excursions into the Himalayas, including a rafting trip. Touro Law, http://www.tourolaw.edu/academic_programs/summer_programs/international_summer_programs/india/Excursion.s.asp (last visited Feb. 12, 2008).

197. American University's program in Chile and Argentina provides contacts with language centers and Spanish tutors. Drake Law School's program in France occasionally offers French classes but typically students lack the time for language instruction. That has been our experience in India when we have attempted to offer Hindi classes. Florida International's summer program in Seville, Spain offers a weekend class in the U.S. on "Spanish survival." Gonzaga Law School's program in Florence, Italy offers an "Italian for travelers" course in Spokane prior to departure. Iowa's program in Arcachon, France offers lessons in French. Northern Illinois University's program in Guanajuato, Mexico offers Spanish classes. The University of San Diego's programs in Barcelona, Florence, Mexico, Paris, and Russia offer non-credit "survival courses for persons with no background in the language" and "intermediate conversation courses for those with one year of college language." Seton Hall's program in Cairo, Egypt offers an Arabic tutor twice a

*****WILDFLOWER #3*****

Planning excursions for students is de rigueur for any summer abroad program. Participating in excursions with students is equally essential. Accompanying students on strenuous treks in the Himalayas is something else again.

Each summer when we arrive in Dharamsala, the residence of the Dalai Lama and the seat of the Tibetan government-in-exile, we encourage the students to participate in a range of extracurricular activities, including a trek to the peak of Mt. Triund. The trek takes a full day, and trekkers must depart by 7:00 AM because the brightest blue skies are known to turn to treacherous storm clouds by mid-afternoon. Several years ago, an Israeli backpacker had ventured up to Mt. Triund, not only by himself but starting far too late in the day. He became disoriented and got lost in the heavy rain clouds. He must have slipped and fallen down a steep scree of loose rocks, becoming incapacitated. Sometime during the night he was devoured by a bear. Our students witnessed the Indian police carrying him out of the mountains on a stretcher, his face and body covered by a rough brown Army blanket. The trek is dangerous and you have to start on time.

Most summers, the weather does not cooperate. But one bright Saturday morning, the alarm clocks went off and students started gathering in the hotel lobby, hiking boots laced and backpacks filled with water bottles, raingear and snacks. How could I not go?

There is no better way to break down barriers than to accompany students half your age up a mountaintop at an altitude of 10,000 feet. Roles change as student becomes patient teacher and teacher becomes vulnerable student. Inhibitions

week. Williamette University's program in Shanghai, China offers lessons in Mandarin. Information contained in questionnaire on file with authors. See also a description of DePaul's program, *infra* note 202.

198. Touro's India program offers private instruction in classical Indian dance as well as classes focusing on the *tabla* and the sitar.

199. Touro's India program offered classes in astrology one summer. More regularly, the program offers yoga classes. Touro Law, http://www.tourolaw.edu/academic_programs/summer_programs/international_summer_programs/india/ (follow "View PDF Brochure" hyperlink) (last visited Feb. 12, 2008). Typically, the majority of students attend the first and second class. By the end of the program, only a half dozen yoga enthusiasts remain.

fade as endorphins kick in. Mile after mile encourages stories that would not otherwise be shared: stories of career anxieties, of parental expectations, of drug addiction, of lost love. No amount of time in the classroom would ever have resulted in the intimacy achieved on that dusty path or in the trust that flows from shedding our formal identities.

Each one of us reached the summit, albeit at different times, and was greeted with giddy high-fives. After cups of hot masala chai and pictures amid the snow fields, we each became quiet, gazing out at the occasional Himalayan peak that would emerge between shifting cloud patterns.

The trek down was different, requiring more concentration but less effort. As a prospective new grandparent, I spent most of the four hours descending Mt. Triund testing out potential baby names with David, one of my students. He recommended Jack if the baby was a boy. Five months later, Benjamin Jack was born. Whenever I pass David in the halls, he asks how "Jack" is. The question brings us both back to a peak light-years away from our law school world.

EK

D. Living Arrangements

Most, but not all, summer abroad law programs provided housing for students, in dormitories,²⁰⁰ hotels,²⁰¹ or apartments.²⁰²

200. Dormitories offer by far the cheapest way to house students. In the 2007 University of Georgia School of Law's program in Beijing and Shanghai, a room in an on-campus hotel at Tsinghua University was \$50 a day or \$25 a day based on double occupancy. Georgia Law Summer Program in Beijing and Shanghai, <http://www.uga.edu/ruskcenter/china/tuition.html> (last visited Feb. 12, 2008).

201. In the beginning of both the China and India programs, our students arrive from diverse parts of the United States and meet in either Hong Kong or Delhi at a large, fancy hotel. These mammoth concrete air-conditioned multi-leveled boxes have all the comforts of home. For some, it insulates them from the country they sit in. Shampoo is provided, along with room service, a pool and a sauna. The student could be anywhere in the world. Not only that, their first encounter with the people who live in the country is experienced from a position of privilege. They are the ones sleeping in the beds being made by the "locals." The encounters are uncomfortable, and reflect a gap based on class, race, gender, and national location. (The choice of the hotel in both programs was dictated by our relationship with travel agents who have established

It would appear that in roughly half of the programs, faculty and students have not been housed together, something to be avoided if at all possible in our judgment. Although most directors reported an informal, relaxed and friendly relationship between faculty and students, living under the same roof necessarily increases opportunities for informal interactions. We

relationships with these behemoths.) Both programs now utilize far more modest accommodations.

202. The University of Florida's Joint Environmental Law Program with Universidad de Costa Rica in San Jose, Costa Rica provides a wonderful housing opportunity for its participants. Students may choose to participate in the Home Stay program, which is inexpensive and offers the students an opportunity for intensive study of Spanish through total immersion. University of Florida College of Law Costa Rica Program Brochure, <http://www.law.ufl.edu/conservation/costarica/curriculum/> (last visited Feb. 17, 2008). DePaul University College of Law also offers a summer program in Costa Rica on Human Rights Law in the Americas where all students can live with Costa Rican families, near the university. International Human Rights Law Institute, http://www.law.depaul.edu/centers_institutes/iharli/educational_opportunities/costa_rica.asp (last visited Feb. 8, 2008). "Participating families are experienced at hosting foreign students and are carefully chosen based on prior experiences with similar exchange programs. Host families receive students when they first arrive and provide participants with their own room, three meals per day, and basic services such as laundry." *Id.* Southwestern Law School's summer program in Buenos Aires can also make arrangements for students to stay with an Argentine family, with a "private room and weekday continental breakfast and dinners." Southwestern School of Law, <http://www.swlaw.edu/academics/international/summer/argentina> (last visited Feb. 12, 2008). Sometimes students who participate in summer programs bring their spouses, children, or other guests. Most schools have a policy about that, although it is not always reflected in the brochure. Northern Illinois University College of Law Summer Program in Agen, France is an exception:

In the event a law student wishes to be accompanied by a spouse or children or other guests, all arrangements for housing, transportation, food, insurance, child care, leisure activities, and the like for extra people are the responsibility of the student alone. **IN ANY EVENT, THE COST OF THE PROGRAM REMAINS THE SAME, WHETHER OR NOT A STUDENT STAYS IN PROGRAM HOUSING.** Non-law students are not allowed to enroll in academic courses for credit. Accompanied students may be able to arrange for their guests to join in the field trips and other program social activities, but only with **sufficient advance notice and agreement to pay a surcharge for the guests.** All law students are expected to participate in all program academic activities.

Northern Illinois University, <http://www3.niu.edu/niuabroad/Agen.06.htm> (last visited Feb 12, 2008). In the India program, we have allowed students to bring spouses, friends, parents, and older children, assuming there is space available in the program housing for them or suitable housing elsewhere. If the student lives elsewhere with his or her guest, we do not charge the student for program housing.

recognize, however, that a large student body, plus constraints within the host country, may make it impossible to house all of the summer abroad program participants together. If that is the case, arrangements ought to be made by program directors to keep at least clusters of law students together in order to avoid issues of isolation and psychological withdrawal from the program.²⁰³ Ideally, a faculty member should be in close proximity.

E. Compensation

We found little consistency in the compensation paid to program directors or faculty.²⁰⁴ The average compensation for faculty was slightly over \$3,000.00 per credit unit, plus travel expenses and housing. Some programs, but far from all, also reimbursed for meals. The lowest per credit reimbursement reported was \$2,000.00 per credit unit, and the highest was \$5,500.00 per credit unit. One school reported paying 2/3 of 10% of the faculty member's annual salary or \$6,000.00, whichever was higher. The compensation paid to program directors varied more markedly. The average stipend was \$6,377.00, but that reflects a low of \$1,000.00 and a high of \$10,000.00.²⁰⁵

F. Physical and Mental Health

A surprisingly small number of directors of summer abroad law programs reported serious problems with physical or mental

203. Many programs have to spread their students out, but it is possible to consolidate groups of students in close proximity to a main central location. For example, Brooklyn Law School and Loyola Law School in Los Angeles have a summer program in Italy at the University of Bologna. Brooklyn Law School, <http://www.brooklaw.edu/academic/abroad> (last visited Feb. 12, 2008). The program designated the Touring Hotel as the main hotel for the program, but also reserved rooms at another hotel, as well as some furnished apartments. *Id.* (follow "2008 brochure and application" hyperlink). Priority for the furnished apartments is given to students who sign up for the entire program and is determined "by the date the application is received." *Id.* The larger the program, the more unlikely it is that all participants can live under one roof. The directors should make a concerted effort to keep students together and close to the program's center.

204. Many program directors were reluctant to furnish information about compensation. We are purposefully not identifying schools in this paragraph in order to ensure confidentiality to those schools who did report.

205. The school that reported paying the director \$10,000.00 pays additional compensation if the director teaches a course.

illness or alcohol or drug abuse. In response to a question about physical illness (e.g., broken bones, hospitalizations, etc.), many program directors reported no experience while others reported a multitude of minor illnesses. Other directors responded “luckily not this year,” and others admitted that students have been taken to doctors and to hospitals on many occasions.²⁰⁶ The minor illnesses and ailments reported included bug and spider bites, colds, the flu, chronic respiratory illnesses, stomach ailments necessitating frequent visits to doctors and pharmacies, a strep infection, and a puncture wound from a bicycling accident requiring emergency room treatment. More serious ailments included appendicitis requiring hospitalization and surgery,²⁰⁷ heat exhaustion resulting in hospitalization,

206. Oddly enough, very few summer law programs ask questions of their students about preexisting medical conditions. Wake Forest University School of Law’s Venice Summer Program is an exception to that rule, requiring all students to fill out a health questionnaire for participation in its summer abroad program. Wake Forest University School of Law, <http://law.wfu.edu/x4886.xml> (last visited Feb. 12, 2008). Wake Forest’s program also requires its summer abroad program participants to sign an Assumption of Risk and Release Form. *Id.* The University of Tulsa’s summer program in Dublin even requires students to fill out and return a “Physician’s Information Form,” as well as a “Liability Release Form.” The University of Tulsa College of Law Comparative and International Law Center, <http://www.law.utulsa.edu/cilc/abroad/ireland/program> (last visited Feb. 12, 2008).

207. Almost all programs require students to purchase proof of insurance for emergency medical evacuation. Some also require proof of health insurance that applies overseas. Here is sample language from the University of Missouri Kansas City Summer Law School in China at the University of Peking’s brochure:

All registrants are advised to review their health, accident and other insurance for applicability overseas and particularly for provisions for medical evacuation and repatriation. The University requires all program participants to provide proof of insurance for emergency medical evacuation and expatriation of remains. . . . Most standard medical insurance plans do not include these two required benefits, and many do not provide overseas medical coverage. A group policy is available for all program registrants through HTH Worldwide. Enrollments may be completed on-line at: <http://www.hthstudents.com>. The access code you’ll need to enroll in the UMKC group policy is After on-line enrollment in the HTH plan, please forward the emailed confirmation/acknowledgment from HTH to . . . no later than April 30.

UMKC School of Law, <http://www1.law.umkc.edu/academic/china/cost.htm> (last visited Feb. 14, 2008). Frequently, brochures seek to limit liability as well as to require students to get health insurance. Samford University Cumberland School of Law, http://cumberland.samford.edu/images/PDFs/foreign_programs/Cambridge_2008.pdf, 14 (last visited Feb. 14, 2008). In 2006, participants in

gastroenteritis causing serious dehydration, monkey bites requiring rabies injections, and broken bones requiring casting.

Very few summer abroad directors who responded to our survey reported encountering law students with mental illness, although when there was a problem, it tended to reverberate throughout the group and interfere with group cohesion.²⁰⁸

Capital University Law School's summer study abroad program on Skopelos Island had to sign a general waiver of liability form in order to participate in the program. Capital University Law School, Costs and Program Notes, <http://www.law.capital.edu/International/CostNotes.asp> (last visited Oct. 16, 2006) (on file with authors). They also had to agree "not to use, rent or ride on a motorbike, motor scooter, or motorcycle while on that island." *Id.* One has to wonder what past nightmare lurks beneath that waiver. For a sample of an extensive and incredibly detailed agreement between the student of the 2006 Summer Law Program in Turkey and American University Washington College of Law, see American University Turkey Summer Program, http://www.wcl.american.edu/turkey/08turkey_brochure.pdf?rd=1 (last visited Feb. 14, 2008). This agreement does more than relieve the university of liability; it also makes clear that the release includes optional program excursions, spells out health insurance obligations, grants permission to secure emergency medical treatment, articulates the right of the Director to dismiss the student for violation of any program rules, and outlines the terms regarding voluntary withdrawal from the program, among other items addressed. *Id.* Another, less detailed Consent and Release agreement can be found in American University Washington College of Law's Comparative Law Program in London, Paris & Geneva, http://www.wcl.american.edu/parisgeneva/consent_and_release_form.pdf?rd=1, 15-16 (last visited Feb. 14, 2008). The virtue of these Consent and Release Agreements is that they force the student to read all that is required of them before signing up for the program. In addition, they provide a basis for dismissing or asking a student to withdraw should problems arise in the future. The downside of a Consent and Release Agreement like the one used by American University is that they are very legalistic and may discourage prospective students. Not all law schools require students to show proof of insurance, but merely recommend it and provide information. University of the Pacific McGeorge School of Law, <http://www.mcgeorge.edu/x771.xml> (last visited Feb. 14, 2008). When Touro purchases airline tickets for its faculty teaching abroad, we routinely purchase flight insurance. During the summer of 2006 when our program administrator fell unexpectedly ill, we were able to fly her home on a flight that would have cost the program over \$2000.00, but was covered by insurance. Touro also pays for medical evacuation insurance for its faculty and all participants on summer abroad programs. Some schools, such as Whittier Law School, shift the responsibility for obtaining medical insurance and its costs onto students. Whittier Law School, <http://www.law.whittier.edu/centers/summerabroad.asp#general> (last visited Feb. 14, 2008).

208. Almost across the board, summer programs are open to any law student who can rustle up the money, who has completed a year of law school, and is in good academic standing. Students are not always certain they are in fact in good academic standing, and sometimes put off making an inquiry into their G.P.A. until the very last minute, perhaps subconsciously believing that this delay will boost their statistics. Pepperdine University School of Law's

There were occasional reports of a student being advised to drop out of the program due to emotional distress.²⁰⁹ A few directors

London program requires that, at least for Pepperdine applicants, they must be “in good academic standing with clear disciplinary records.” Pepperdine University School of Law London Program, <http://law.pepperdine.edu/london/policies.html> (last visited Feb. 14, 2008). *See also infra* note 226. In 2006, the directors of Loyola Law School, Los Angeles and Brooklyn Law School’s Summer Program in Beijing warned students “[a]cceptance letters are sent on a rolling basis. Please know that an acceptance letter into the program is conditional until confirmation of good standing is received. DO NOT make airline reservations until your good standing is confirmed!” Loyola School of Law, Loyola Law School and Brooklyn Law School Summer Program in Beijing, <http://lls.edu/academics/beijing/index.html> (last visited Oct. 16, 2006) (on file with authors). On occasion, a study abroad program will have limited space and a specific focus that makes its selection process more selective. For example, Michigan State University College of Law, in cooperation with the University of Ottawa Faculty of Law and with the assistance of the Department of Foreign Affairs and International Trade of Canada, offers a Canadian Summer Externship Program in which law students work under the supervision of Members of Parliament or public lawyers. MSU Law: Canadian Summer Externship Program, http://studyabroad.law.msu.edu/canada_content.html (last visited Feb. 14, 2008). Since only twenty students can be placed in responsible positions in government offices, “only those students with the highest credentials and whose application materials indicate that they have the maturity and responsibility to work successfully in the placements” will be chosen. *Id.* Resumes and writing samples are sent directly to the Canadian sponsor, and students are selected by the sponsor and the Program Director. *Id.* Some programs leave the admission up to the discretion of the director alone. Southwestern Law School’s summer law program in Buenos Aires, for example, provides, “[a]dmission to the program will be at the Program Director’s discretion based on the timeliness/completeness of the application and academic qualifications. A telephone interview may be required at the director’s discretion.” Buenos Aires, Argentina–Southwestern Law School, <http://www.swlaw.edu/academics/international/summer/argentina> (last visited Feb. 14, 2008). Many programs must limit enrollment. Touro’s India program, for example, cannot comfortably accommodate more than twenty-eight law students because of housing and transportation constraints. Because students are admitted on a first come, first served basis we have resorted to a waiting list. In 2006, Vanderbilt University Law School’s Summer Program in Venice formalized its waiting list procedure. Vanderbilt University Law School: Summer in Venice Program, <http://law.vanderbilt.edu/academics/Venice/overview.html> (last visited Oct. 23, 2006) (on file with authors). In 2006, the program stopped accepting applications after it received over forty. *Id.* All further applications were put on a wait list and students were notified if spaces opened. *Id.*

209. One year on Touro’s Moscow program, a student had to withdraw from the program and go home because he was experiencing psychotic episodes, possibly brought on (his psychiatrist opined) by being in a totally unfamiliar environment. Another year in the India program, we had a student who was bipolar who decided she wanted to have a truly spiritual experience, unimpeded by chemicals. She took herself off all of her medicine, cold turkey.

expressed concern over students exhibiting cultural insensitivity, prompting reprimands and threats of dismissal in a few cases. Several program directors reported that cultural competence materials were provided to students in advance of the program and that cultural sensitivity was emphasized throughout the summer.²¹⁰

The responses to our questions about the problems of alcohol and drug abuse among the law student population abroad seemed oddly equivocal.²¹¹ Many program directors

She did not sleep for four days, and then when she crashed, she stayed in bed, weeping, for another four days. Once she confessed what she had done, we had to tell her, "You must take your medicine, or you will have to withdraw from the program. We cannot take responsibility." She decided to go back to her medicine and enjoyed the rest of the program.

210. In its manual, to prepare students in the University of Iowa College of Law's summer program in Comparative and International Law in Arcachon, France, several concrete suggestions are made to students regarding cultural sensitivity. For example, students are advised to

always respect local habits and customs. For example, in France and elsewhere in Europe they eat later than in Iowa City. Many restaurants may not open till 7 pm or later. They also take two hours or more for dinner, viewing dinner as an opportunity for socializing during which food will come out at various intervals. It can be impossible to turn around a meal in an hour or less. I have found if I am in a "hurry," it is better to eat in my apartment. When visiting museums, churches and other attractions, keep your voice down. (Americans stand out because they are loud!) and refrain from touching anything. Always be sure to look presentable (no shorts, tank tops, etc) Be careful about getting into political discussions. You may encounter anti-American sentiments or anti-American government sentiment, particularly about the Iraq War or other Middle East issues. Be wary about the combination of alcohol, politics, innocent discussions with the local members of the opposite sex, etc. Bar fights can occur in the US as well as France. Remember rude or unhelpful people can occur in any culture.

Detailed Arcachon Brochure, <http://www.law.uiowa.edu/documents/Arcachon%20Brochure.pdf>, 18 (last visited Feb. 15, 2008).

211. Despite the silence about alcohol abuse in the questionnaires the authors still believe that alcohol underlies many of the behavioral issues that arise on summer programs. Over-indulgence in alcohol is particularly problematic in countries where alcohol consumption is not an approved part of the culture, such as China and India. Duquesne University School of Law and its co-sponsor China University of Political Science and Law have clearly thought about the problem and published a fairly lengthy "Drug and Alcohol Policy." Summer Study of Law in Beijing, http://www.chinalaw.duq.edu/forms/information_bulletin_2007.pdf (last visited Feb. 15, 2008). Drug use is obviously proscribed and moderation in alcohol consumption is mandated. *Id.* The school reserves the right to dismiss students from the program for

reported no encounters with alcohol or drug abuse, but the same number commented on the prevalence of alcohol abuse and the need to limit school-sponsored occasions where alcohol was available.²¹²

The results of our survey of program directors were frankly disappointing. We did not learn as much from them as we had wanted to. However, we did discover an unexpected wealth of information from reviewing the program brochures for all the

intoxication, at the school's sole discretion, without refunds, and without awarding credit for classes. *Id.* One summer in the India program, we had a truly wonderful student who became very drunk one night and began dancing in a provocative fashion in a club in Shimla. (It was a form of pseudo-intercourse, vertical, public, and clothed, of course, but the Indians in the crowd did not understand the metaphor.) Her performance aroused some similarly very drunk Indian young men. Matters rapidly escalated, creating a volatile and potentially dangerous circumstance, with our American young male students—perhaps also very drunk—rushing to the rescue of their inebriated colleague. Thankfully, two faculty members had accompanied the group and were able to evacuate all the program participants from the club. When the directors sat down and informed the young woman she would be asked to withdraw from the program if the situation repeated itself, she was genuinely shocked. If we had articulated our policy up front, she would have been on notice. Language very similar to that used by Duquesne will soon be appearing in our informational letter to the newly enrolled attendees of next summer's program.

212. Over the years, Touro has only once asked a student with serious mental health and drug and alcohol issues to withdraw from a program, but we ended up needing the assistance of the United States Embassy to find him and escort him home. We discovered from telephone conversations with his law school student services office that the student had been institutionalized during his first year for myriad mental health and substance abuse problems, but his Dean of Student Services opined, "We thought he was a lot better, and saw no reason why he shouldn't participate in your program." The result was an unmitigated disaster, and it would have been helpful if the directors could have screened this student beforehand as too risky for the program. After we had severed ties between this particular student and the program, we learned that he was continuing to engage in not only aberrant, but dangerous, behavior. There were many phone calls back and forth between the directors and the Dean of the Law School over whether we had any legal or moral responsibility to ensure his safety. Eventually, we contacted the U.S. Embassy, and he was escorted home by someone from the State Department. In trying to help him, we ran into an unanticipated problem. Because he was an adult, the U.S. Embassy was constrained by privacy laws that did not allow any contact with his parents and they also could not directly discuss his case with us. Since this experience, we require all our students to register with the State Department at <https://travelregistration.state.gov/ibrs> and sign a waiver that if they become ill, the State Department may contact the individuals designated as emergency contacts. *See supra* note 211 regarding Duquesne University School of Law's approach to put students on notice about the ramifications of alcohol abuse.

ABA-approved summer abroad programs offered by U.S. law schools. Two things became immediately apparent from this review. First, no matter where the summer abroad law program was located, all directors share substantially the same set of problems. Second, many experienced directors of summer abroad law school programs have come up with a wide range of creative solutions. In our footnotes we have done our best to pack in as much detailed information about specific programs as possible. From learning how other directors have tackled shared problems in the past, we can forge better summer abroad programs in the future. The treasure trove of information found in the stacks of literature on summer abroad law programs convinced us of one thing: We all have a lot to learn from each other.

*****WILDFLOWER #4*****

Young men who drink too much are almost always trouble. Two incidents come to mind. One was in Shimla. Robert²¹³ and four of his friends, two men and two women, went to a local hotel to have some drinks, to listen to some Punjabi music, to hang out, and have some fun. Eve-teasing²¹⁴ can be a problem in India, but there are ways for women to avoid it: dress modestly, do not display too much skin, and do not exude too much sexuality. Keeping a low profile in demeanor helps as well. The directors and faculty had warned their young women students about how to dress and behave in India to minimize the risk of Eve-teasing, but the advice had gone unheeded. (No doubt the advice had been perceived as paternalistic, or worse yet, maternalistic. These were young adults, after all, way beyond the stage in life where they had to heed their mothers.) The two women who accompanied Robert and his friends were dressed as if they were out on the town on a summer night in their college towns. They wore long flowing skirts and tank tops—typical Friday night attire for a bar night in the U.S., but not in

213. Fictitious names are used throughout.

214. Eve-teasing is the term used for sexual harassment and sexual molestation in India. See, e.g., Shoma Chatterji, *Fighting Eve-teasing: Rights and Remedies*, INDIA TOGETHER, Nov. 26, 2007, <http://indiattogether.com/2007/sep/wom-evetease.htm>.

India. Indeed, young women in Shimla do not go out to bars at night at all.

The quintet drank a lot, Robert in particular. It was his predisposition. When the bill came shortly after midnight, it was astronomical, even by U.S. standards—over \$200. (Mixed drinks are very expensive in India. It's not a drinking culture, and there's a heavy tax on imported fun.) An altercation about the bill ensued. Harsh words were spoken between our students and the hotel employees. By all accounts, it was not a pleasant scene.

Outside the hotel, a second altercation broke out, this time between the hotel bartenders who had just gotten off work and the young American women on our program. Kisses had been roughly stolen and breasts fondled across a chasm of cultural misunderstandings. Later, virtually every Indian we spoke to—even our most ardent feminist friends—opined that the Indian bartenders had regarded their presence in the bar, their drunkenness, and their attire as an implicit invitation for sex. For the young women who were assaulted, however, that opinion may have explained, but it did not justify.

Robert, who was now as drunk as a Himachali skunk, rose to the defense of American womankind, and a fistfight broke out between the Indians and the American law students. The police arrived and, upon seeing the offended young women at 2:00 in the morning, drunk, and by Indian standards inappropriately dressed, made derogatory remarks about how “the girls were asking for it.” Robert swung at a police officer, wrestled his wooden stick from him, and knocked him to the ground.

The faculty were roused from our beds and escorted out into the empty street in front of the Oberoi Clarke's Hotel. Somehow the chief of police had appeared out of nowhere. (Presumably, he, too, had been roused from his bed.) He was succinct: “Some Indian boys have assaulted your female students. Do you want to press charges? And oh, yes, by the way, madam, one of your boys has assaulted a police officer. We're trying to decide whether to press charges.” A suggestion was made that we put all of the young people involved to bed and talk about it in the morning. In the morning, we called our program coordinator in Shimla who also practices criminal law.

He reported that the assault of a police officer is a non-bailable offense.²¹⁵ He recommended slinking out of town. Boys will be boys, he said. The police will look the other way from our male American law student's assault of an Indian police officer, if we will look the other way from the Indian hotel employees' assaults of our young women students. It was a lose-lose situation, but at least we weren't calling Robert's parents from the office of an Indian prison to inform them that we could not post bail for their son. We slunk out of town.

The second incident took place in Xiamen, China on the last night of our summer law program. As is the custom, we had a rather formal farewell dinner in a revolving dining room on the top of a fancy hotel. After dinner, the group divided, with the more staid going for foot massages and the more rowdy heading out to a popular club. The club crew had a high contingent of our young men who drink too much, and they ended up playing pool with some Chinese young men of the same persuasion. In an alcoholic haze, a shove between them was misinterpreted. Another shove was returned, and before long a punch was delivered to the face of one of our law students. The punch was returned, and somehow a knife was opened. Two of our law students were slashed on their backs, and a faculty member, ostensibly accompanying the group in a supervisory capacity,

215. Getting in trouble with the law in a foreign country can be a very dicey business. Some program directors give advice up front, even in their brochures, about how to deal with a possible arrest. The brochure for Louisiana State University's Summer in Lyons Program states,

If you are being arrested, do not panic. Cooperate with the police fully. Do not resist arrest. Once the police learn that you are an American, they will contact the American Embassy. If they give you the opportunity to give information as to where you are staying and with whom you are staying, give the information in the clearest way possible. Write it down if you have to. Be prepared to spend a night in jail. There are no midnight bail bondsmen. You will be given an opportunity to contact someone to help you. Please call the Law School office or the Director's cell phone (number available at orientation). Every effort will be made to assist you.

Summer in Lyon Program, <http://host.law.lsu.edu/lyonprogram/PDFs/LSU%20LC%20BRO%20Lyon%20Program%2007%20R2.pdf>, 8 (last visited Feb. 15, 2008). Other programs are less tolerant of students who break the law. In 2006, the Loyola Beijing Program's brochure stated: "Students will lose their eligibility to continue in the program if they fail to comply with any domestic, foreign, or international law during their participation in the program." Loyola Beijing Program, *supra* note 208.

leapt protectively into the fray and was stabbed in the forearm. The wound was deep, about two inches in. They escaped in cabs before the police arrived. Again, we slunk out of town.

The faculty member was unable to travel home because the wound was still bleeding, and that would not bode well in a pressurized cabin. He ended up having to stay in China for an extra week, needing a regime of antibiotics to stave off infection. The other slashes made it home just fine, and great stories were told on decks in Long Island about the amazing brawl in a Chinese club. The two directors of the China Program were immensely relieved that everyone got home safe and sound, and that we did not have to learn first-hand about the Chinese criminal justice system. We wondered how to avoid these incidents in the future. Is there any way to tell beforehand whether we're traveling with young men who drink too much? They're almost always trouble.

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V. SUGGESTIONS FOR SUCCESSFUL SUMMER ABROAD LAW PROGRAMS

In this last part of the Article, we offer our suggestions for successful summer abroad law programs. These suggestions are based on the premise that none of the pre-existing categories of traveling people is a perfect fit for the law student on a summer abroad program: tourist, pilgrim, or a student on a modern day version of the Grand Tour, engaging in “a highly developed and purposeful act of educational travel by an elite social group organized around the quest for knowledge, culture and cross-cultural intermingling.”²¹⁶ None is a perfect fit because a good summer abroad law program should be an amalgam of all three.

The law student on a summer abroad program is a tourist; i.e., he has left his usual habitat for a finite period to go to a nonordinary world. He wants to see the sights of the host country, the Taj Mahal, the Great Wall of China, the Serengeti or the Red Square. He wants to take pictures of those sights.

216. Craik, *supra* note 52, at 119.

He wants to buy souvenirs to take home. He might even want a tan.

The law student on a summer abroad program is also a pilgrim, although a secular one. He is traveling on a packaged tour with a group of people who share the same purpose in making the journey. He is led along a circumscribed path by faculty who serve as mentors and guides. He is a member of a community.

And without a doubt, every study abroad program owes a hefty intellectual debt to the institution of the Grand Tour, and its successor, the semester abroad. The law student who travels and studies abroad is indeed on a modern day version of the Grand Tour. He travels to acquire more knowledge, about the history, the culture, the people, and the legal system of a foreign country, and by doing so, enriches his understanding about his own usual habitat, legal and otherwise. Therefore, in recognition of the multiple ways to characterize the kind of travel the law student who studies abroad engages in, we make the following suggestions. We intend for our suggestions to address each mode of travel. Our hope is that they make the traveling law student's summer abroad experience more educational, meaningful, safe, and fun.

A. Suggestion Number One: Provide and Test Course Content on the Host Country

The first three suggestions address the student's academic needs, as traveling international scholars and learners of the law. First, a well-conducted summer abroad law program must provide some course content on the history, society, politics, culture, and legal system of the host country and ensure that the student's knowledge is assessed. This suggestion can be achieved by devoting at least six hours to introductory lectures about the host country's history, geography, political and social conditions, legal system, and the cultural lay of the land. These lectures are more rewarding if the students have also been assigned some background material to read, preferably before they arrive in the host country.²¹⁷ A good portion of travel's

217. As for materials to augment the introductory lectures, the United States State Department publishes an excellent "Country Study" series designed for individuals from the government or private sector who are going

pleasure is in its anticipation. Before departure, students are almost universally excited about the trip. Mired in the drudgery of final exam preparation, they are thrilled to receive a distracting package of materials about their impending adventure.²¹⁸ Similarly, the first week of a summer abroad program has its own unique energy. Students can be almost giddy with the novelty of their foreign situation.

During both time periods, before and in the early stages of the program, students are in a heightened state of receptivity. Their minds are like thirsty sponges. The faculty do not have to jeopardize pedagogical integrity by exploiting this state of heightened receptivity; pedagogical integrity demands it. Grab their attention while they are still fresh and interested. The general rule of thumb: Pack as much educational and academic material into the front one-third of the program as possible.

to work, live, study, or travel abroad in foreign country. The Country Studies start from the premise that the reader is profoundly ignorant and seek to decode various aspects of the country's political, social, and cultural landscape for the uninitiated. All Country Studies begin with a succinct history that can be copied with copyright impunity and included in course supplemental materials in preparation for the student's introduction to the host country. For example, *India: A Country Study* covers the following subjects: history; geography and demographics; religion; language, ethnicity, and regionalism; society; the economy; government and politics; and foreign relations. *India: A Country Study*, (James Heitzman & Robert L. Worden, eds. Washington: GPO for the Library of Congress) (1995), <http://countrystudies.us/india> (last visited Feb. 15, 2008). There are 110 Country Studies available at <http://countrystudies.us> (last visited Feb. 15, 2008). It is also advisable to send the students a reading list of suggested materials they might want to purchase and consume to better prepare them for the trip.

218. It is not uncommon in the India program for a student to arrive in India having already read a substantial number of the assigned books, a luxury available to students who participate in programs where books are purchased before leaving the country and then transported abroad by the individual student. Catholic University's program in Cracow, however, ships the students' books to Poland in early April. Cracow FAQ Sheet, <http://law.cua.edu/clinics/cracow/Revised%20FAQs%202-12-07.pdf>, 4 (last visited Feb. 15, 2008). The University of Oxford-Ohio State University Summer Law Program also provides its students with books and reading materials as part of the total tuition price. Moritz College of Law, Oxford Summer Program, <http://moritzlaw.osu.edu/programs/oxford/summer/costs.php> (last visited Feb. 15, 2008). In the Touro programs, the books are purchased by the students before traveling abroad, a practice many of them complain vocally about. Almost an entire suitcase must be devoted to transporting heavy law books. Many of them end up either leaving the books in the host country when the program is over or shipping the books home, often to make room in their baggage for other more interesting cargo.

As the program progresses, their energy will be siphoned off into other more compelling endeavors than the process of formally learning anything. Students will no longer be on the threshold of their foreign study and travel—they will be in the midst of it. They will also be in the midst of an intense social situation. Meeting people, making friends, eating and drinking together, having fun or not, falling in and out of love, absorbing a new culture, and yes, even studying. The dizzying combinations of academic pressures, extra-curricular activities and new associations on a summer program can and do make the head of even the most serious student spin.

The last week of a summer program is not the time to instruct anyone on the structure of a foreign judiciary or its theory of precedent. The thirsty sponge of the early stages of the program has become totally saturated. You may even have to bribe someone to learn something; the situation is that wet.²¹⁹

These introductory lectures work best if they can be incorporated into the framework of one or two of the courses and presented over a period of three or four days, the only constraint being the ABA Criteria that prohibit students from sitting in a classroom during a summer program for more than 220 minutes a day.²²⁰ In our programs, we usually combine two classes for the first three or four days of the first week, and various faculty members share the job of covering the lectures, to avoid burnout on either side of the lectern. The result ends up being something akin to a relay race. First, one lecturer picks up the baton for the political situation, and then passes it on to

219. During the first few years of the India program, we scheduled a tour of the Indian Parliament at the end of the month when the program returned from the state of Himachal Pradesh to Delhi. The tour was almost universally a disaster. No one—students and faculty alike—wanted to get dressed up and be lectured on the balance of powers between the two houses of Parliament and the executive branch. No one had the patience for sharing a formal cup of tea with legislative staff members, no matter how interesting the ensuing conversations. We were all too tired, distracted, and ready to go home to appreciate any opportunity to learn. If Mahatma Gandhi himself had returned from the dead and appeared in the Lok Sabha to tell us about his theory of civil disobedience, he would have encountered a soggy crew of cranky, disinterested people. Tinkering with the timing of the tour, however, met with resounding success. We planned it for the first week when everyone was fresh, the sponges were still thirsty, and the tour of Parliament was dubbed a highlight of the Program instead of an annoying whimper at the end.

220. *Foreign Summer Programs Criteria*, *supra* note 125, at Part III.A.3.

another for the legal system and to yet another for the history, depending upon their proclivities and expertise. By now, after a decade or more of summer abroad law programs, we have a full set of lecture notes available for new faculty members to use. These introductory lectures also give the students and teachers some time to acclimate to each other and to the pedagogical environment: to find a white board and a juicy pen, to test the outlets for their laptops, and to get the requisite lobbying for breaks out of the way.

Because all the courses in a successful study abroad law program are designed to draw upon the host country's history and social, political, and economic conditions to illuminate the study of its law and legal system, the background materials are equally relevant in all of the courses. One of the courses, however, ought to test the students on the background material, either during or at the end of the program and preferably in the context of some other form of assessment. Without sounding too jaded, testing the students on the background material is the best way to ensure that they will actually learn it. Testing also sends the message that the faculty expects a level of understanding that is deeper than just rote memory of the foreign law and its legal system. When a teacher demands that his students learn something he is saying, "This matters." There is no escaping it: Teachers transmit educational values through their choice of material and what they choose to assess.

B. Suggestion Number Two: Tailor Course to the Law and Conditions of the Host Country

This is actually a cluster of related suggestions: tailor the courses offered so that each examines in some significant way how the law and legal system have dealt with the host country's unique set of social, geographical, political, economic, and cultural conditions. Most summer abroad law programs that we surveyed have already made an effort to follow this suggestion. None of them offered or are offering courses dealing solely with U.S. domestic law.²²¹ No one seems to ascribe to the belief that

221. The ABA Criteria mandate that the content of the summer abroad law program relate to the socio-legal environment where the program is conducted or have an international or comparative focus. *Foreign Summer Programs Criteria*, *supra* note 125. In Temple Law School's Semester in Tokyo, Japan,

it makes much sense for students to travel to some other part of the globe to bury their collective noses in the Federal Rules of Evidence or the law of trusts and estates. On the other hand, it also seems to be a common maneuver to offer a basic course in international law without making much discernable effort to focus the students' attention on the host country's unique set of social, political, and economic conditions or its legal system, at least from what can be gleaned from course descriptions in the program brochures. The theory must go something like this: "Ok, we're living outside of our nation for a summer, so the experience is international. Therefore, we should offer international law." Some effort ought to be made to spend at least some class time considering the host country's international situation.

A course in comparative law is also often offered by summer abroad law programs, providing a perfect vehicle by which students can examine the laws and legal system of the host country, at least by example, and compare that system of law to United States' law.²²² Many summer abroad programs have developed a narrower focus to their curriculum, offering courses that are comparative in nature, but that focus on a particular legal arena such as intellectual property, taxation, environmental law, or family law, to mention just a few.²²³

some courses from the regular academic curriculum are offered, presumably to ensure that the student would not be penalized by his home institution for taking too many credits in more esoteric courses that might not transfer. In the Spring 2008 semester, for example, a student may take courses such as Current Issues in Japanese Law or Introduction to Japanese Law; he or she might also take Entertainment Law, Trusts & Estates, or Cyberspace. Temple Law School, <http://www.law.temple.edu> (follow "Graduate & International Programs" hyperlink, then "Spring Semester in Tokyo, Japan" hyperlink) (last visited Feb. 15, 2008).

222. A creative example of a comparative law approach that applies to all aspects of the curriculum and focuses on the host country can be found in The University of Oxford-Ohio State University Summer Law Program: Comparative Legal Professions (an examination of the legal professions of England and the United States); Comparative Criminal Procedure (comparing criminal procedure in the U.S. and England); International Legal Process (exploring "the interplay between domestic and international law when issues of law involve both systems"); and Comparative Sentencing and Punishment (exploring the administration of criminal justice in England and the United States). Moritz College of Law, Oxford Summer Program, <http://moritzlaw.osu.edu/programs/oxford/summer/program.php> (last visited Feb. 15, 2008).

223. Some summer programs have an intensely focused curriculum based on

As part and parcel of the courses themselves, directors of summer abroad law programs need to budget sufficient funds to take students on law-related field trips. Money should be set aside for transportation to the courts, to the legislature, to other governmental offices, to the offices of foreign law firms, or to any other kind of environment the faculty member discovers that will enhance the students' understanding of the host country's legal system.²²⁴ Faculty and directors must carefully

subject matter. One example is Penn State, the Dickinson School of Law's Montreal Summer Study Program in Arbitration located at McGill University. Penn State Dickinson School of Law, Montreal Summer Study Program in Arbitration, <http://www.dsl.psu.edu/programs/montreal.cfm> (last visited Feb. 15, 2008). The Montreal program offers International Litigation and Arbitration, Investment Arbitration, Dispute Resolution in WTO, ICC Arbitration, ICSID Arbitration, and Consumer Arbitration. *Id.* In 2007, Northwestern University offered a London summer program on International Taxation, offering courses in European Community Tax Law, General Principles of International Tax Law, General Principles of U.S. International Taxation, U.S. Taxation of Individuals, and U.S. Taxation of Corporations and Partnerships. Northwestern School of Law, Tax Programs, London Summer Program, Curriculum, <http://www.law.northwestern.edu/tax/london/> (follow "curriculum hyperlink") (last visited Oct. 31, 2007) (on file with authors). The program anticipated having two weeks of classes, then an ambitious third week of outings to the Organization for Economic Cooperation and Development in Banks, the International Bureau of Fiscal Documentation in Amsterdam, and the European Court of Justice in Brussels; the students then returned for two more weeks of class. *Id.* (follow "Schedule" hyperlink). Pepperdine University School of Law offers a unique ten-day program, five days in Hong Kong and five days in Beijing, focusing on dispute resolution in Asia. Pepperdine University School of Law, Asian Study Tour, http://law.pepperdine.edu/strauss/international_study/china/ (last visited Feb. 15, 2008). The Asian Dispute Resolution Study Tour promises participants, graduate students and professionals, "a unique, intensive experience for lawyers and business people who are interested in representing clients doing business in China and Hong Kong or in understanding the rapidly changing landscape of dispute resolution in Asia." *Id.* Whittier Law School offers a summer abroad program in Amsterdam on Sexual Orientation Law, co-sponsored by the Williams Project on Sexual Orientation at UCLA Law School, offering courses on the legal issues of LGBT youth, AIDS and international law, international human rights and discrimination against the LGBT community. Whittier Law School, Summer Abroad Programs, <http://www.law.whittier.edu/centers/sa-netherlands.asp> (last visited Feb. 15, 2008). Hamline's program at Hebrew University in Jerusalem, Israel focuses on conflict resolution in religious traditions. Hamline Jerusalem Program, *supra* note 6.

224. This is where affiliation with a foreign university can come in handy. Many foreign universities have Foreign Affairs Officers, or the like, whose job it is to make foreign scholars at the institution happy. Happiness may well include a bus chartered by the university (or rented by the program at a cheap rate) to transport students on law-related field trips. If that is not possible,

choose which of these field trips are optional and which are mandatory, and must clearly communicate this to students. Those outings given priority should be billed as “required,” and may indeed count towards class attendance. Those that allow for student discretion must be clearly billed as “optional.”²²⁵

It is written somewhere that every summer abroad law program will have a core of intellectually curious, dogged, and dedicated students who will attend each and every opportunity to learn something new. Similarly, every summer abroad law program will have a core of students who could not care less.²²⁶

make a connection with a good, local travel agent and arrange transportation through that agent. Almost invariably it will be financially advantageous to make those travel arrangements with a local travel agent, rather than one who operates from the United States.

225. There is always a student who wants to know the sanction for not attending a “mandatory” function. The University of Missouri, Kansas City School of Law is clear in its brochure about how its program in Ireland intends to treat outings. “Cultural and historic tours are included in the package price, but tour attendance is not required for academic credit.” Ireland Summer Curriculum, <http://www1.law.umkc.edu/academic/IRELAND/Curriculum%20desc1.htm> (last visited Feb. 15, 2008).

226. In Touro’s summer abroad programs, we tried an experiment to weed out those students who “couldn’t care less,” and also to avoid taking students who were not equipped to study abroad in terms of flexibility, cultural sensitivity, intellectual curiosity, and ability to be part of a group. Having even one student with negative energy can radically alter the dynamics of a group. In an attempt to smoke out those students, we prepared a faculty recommendation form that asked for an evaluation of the student’s ability to: interact appropriately with lawyers, judges, and law students from other countries; act responsibly; tolerate travel that is often rigorous and demanding; adapt to a different culture; and be patient. We explained that we were looking for students who not only could do the work academically, but who were also capable of living respectfully in a diverse community. Flexibility, tolerance, and sobriety were all required; a sense of humor would be appreciated. After two years of requiring the letter of recommendation from a member of the applicant’s law faculty, we have given up. The sad fact is that most law faculty do not have sufficient time or opportunity to make a genuinely useful assessment of the qualities we were looking for. The letter of recommendation also held up the application process; it was shameful how slow some of our colleagues were to provide information necessary for one of their students to have a terrific educational experience. Just for the sheer torture of it, we returned to our file of “Faculty Recommendations” and read them out loud to each other. Our two problematic students in the preceding summer (one a consummate whiner and the other in the grips of a serious personality disorder way beyond the skills of the directors and toxic to group dynamics) were both touted as “terrific travelers, ready for the vicissitudes of life, funny, a joy to have around.” Nothing could have been further from the truth. See *supra* note 91 for other methods to screen out problematic students.

The faculty must be prepared to answer in a clear fashion “Do we have to go?” about every outing.²²⁷ The core of latter students will ask it often; the core of former students will never ask it; and those in between, when they are tired or not interested in the outing, will ask it sometimes.

The faculty member must be careful not to take these questions about whether the outing is mandatory personally. After going to considerable trouble to set up the field trip, make the phone calls and arrange for the bus, the food, and all the various minutiae involved in moving any group of forty people anywhere, the inevitable “do we have to go” question can cause eyebrow raising, twitching, or a number of other undesirable, involuntary actions designed to repress disappointment, if not rage. The faculty member’s job is to create the opportunity, to be enthusiastic and engaged about the opportunity, and on occasion to require attendance. However, if the outing is optional, and the student does not want to go, the faculty member should neither register nor feel pain. If this advice is not heeded, the faculty member may require either therapy upon reentry into the United States or a stiff drink at night, or both.

C. Corollary to Suggestion Number Two: Find Faculty with Knowledge or Potential for Knowledge

Only hire faculty members who either have acquired or are willing to acquire knowledge about the law and legal system and practices of the host country and who have made or will make an effort to incorporate that knowledge into his or her course. Staffing a summer abroad law program is a lot more difficult than it sounds. If the program has both ambition and integrity, finding willing, able, and competent faculty to teach can become a chronic problem, particularly as the program continues over

227. The same problems arise with lecturers who are invited to address the students on some aspect of the host country’s legal system. In our experience, it works better, if at all possible, to integrate guest lecturers into the course curriculum and already scheduled class time. Guest lecturers provide a wonderful opportunity for students to confront the lawyers in the host country who are actually engaged in the country’s institutions that the students are studying. For example, the Howard South Africa Program has invited South Africa’s Minister of Finance, Minister of Justice, Minister of Provincial Affairs and Constitutional Development, Constitutional and Supreme Court Judges and Members of Parliament to address their students. Howard South Africa Program, *supra* note 163.

the years. First of all, on any given law faculty there will only be a hard-core group who will be enthusiastic about participating in a summer abroad program.²²⁸ Not everyone likes to travel, and even for those who do, the summer is often our only time to write, take vacations, spend time with our families, and recharge our teaching batteries. Only a few will even consider participating, and of those even fewer will want or be able to put in the hours to develop a course geared to the host country. Preparing such a course can often take the entire academic year. Often, the course can only be repeated in a subsequent summer law program in that country. The level of faculty commitment can be daunting.

Here is how we initiate our process of finding faculty. As we put together our roster for China, India, Moscow, and Germany each September, the directors begin by “putting out the call” to the faculty at Touro asking who would like to participate in next summer’s programs. In the memorandum inviting applications, we ask for a description of the course that the faculty member intends to teach and how the course will integrate the law and legal system of the host country. This second requirement filters out the fainthearted.

228. Sometimes a law school is fortunate enough to have a faculty member join the Supreme Court and then attend its summer program as a distinguished member of the faculty. Justice Anthony Kennedy has co-taught *Fundamental Rights in Europe and the United States* in McGeorge’s Summer Abroad Program in Salzburg, Austria for the past eighteen years and intends to teach in 2008. International Programs–Summer Abroad in Salzburg, <http://www.mcgeorge.edu/x780.xml> (last visited Feb. 15, 2008). The judge need not be American. The faculty of St. Mary’s University School of Law’s summer program in Innsbruck, Austria, has included the Hon. Gabrielle Kirk McDonald, then-President of the United Nations International Criminal Tribunal for the former Yugoslavia, and Richard Goldstone, retired justice of the South Africa Constitutional Court and Chief Prosecutor of the United Nations International Criminal Tribunal for the former Yugoslavia and Rwanda. School of Law at St. Mary’s University, <http://www.stmarytx.edu/law/?go=innsb> (last visited Feb. 15, 2008). Over its twenty-two years, the St. Mary’s program has had five United States Supreme Court Justices participate as faculty—Justices Rehnquist, Scalia, Ginsburg, O’Connor, and Stevens. *Id.* Chief Justice Roberts will teach there for the first time in 2008. *Id.* In Touro’s 2006 India program, Ron Merkel, Justice of the Federal Court of Australia, taught International Criminal Law. Regent University School of Law’s program in Strasbourg, France has former Attorney General Ashcroft as a member of its faculty. Law Blog–WSJ.com: A Conversation with Regent Law Dean Jeffrey Brauch, <http://blogs.wsj.com/law/2007/05/25/a-conversation-with-regent-law-dean-jeffrey-brauch/> (last visited Feb. 15, 2008).

After a few weeks when all the applications are in, the directors (with the approval of the dean) choose the Touro faculty who will participate.²²⁹ Our selection of faculty is often dependent upon the selection of a program administrator. In the absence of such a person, we may need to ask faculty to co-administrate as well as teach. When we first started our program in India, the two faculty co-directors shouldered the burden of directing and administering the program and teaching. This resulted in uncomfortable situations where the students had to approach their teachers with awkward requests about roommate changes, dwindling finances, and sometimes even the need to make necessary accommodations under the Americans with Disabilities Act.²³⁰ It also became virtually impossible to maintain anonymity of grading. Furthermore, the two faculty members were stretched to the maximum by having to simultaneously prepare to teach several hours a day and administer the fairly difficult task of housing and moving several dozen law students across northern India.

The need for a good administrator can be obviated by having adequate support staff at the host university, such as the employment of a competent bilingual foreign affairs officer or the like.²³¹ We have also given a light teaching load and a

229. Power struggles can occur over the selection process, and on occasion, there have been some tensions between faculty directors and the dean over the selection of participants in any given summer law program. Sometimes the dean wanted to reward a faculty member by allowing him or her to participate when in fact the faculty member had not made a commitment to creating a course geared towards the host country.

230. The ABA requires that students be informed as to the accessibility of the country, city, and facilities where the program is conducted. *Foreign Summer Programs Criteria*, *supra* note 125, at Part VII.A.15. See Arlene S. Kanter, *The Presumption Against Extraterritoriality as Applied to Disability Discrimination Laws: Where Does it Leave Students with Disabilities Studying Abroad?*, 14 STAN. L. & POL'Y REV. 291 (2003) (arguing that the ADA should apply to study abroad programs).

231. Sometimes, when a program is new, it is impossible to predict whether the host university's Foreign Affairs Officer will have the time or the staff to truly be helpful vis-a-vis administration. Similarly, the sudden resignation or promotion of a formerly invaluable Foreign Affairs Officer from the host university can wreak havoc upon a summer law program that is not prepared to compensate for the loss. Financial arrangements can sometimes be worked out with the host university for the use of the Foreign Affairs Officer's services. Directors should be aware, however, that funds paid for such services might not trickle down to the Foreign Affairs Officer. To compensate for that distinct possibility in our China program, for example, we usually took program

financial bonus to faculty who are willing to take on the role of administrator, which includes such tasks as assigning rooms, writing memos, planning and supervising field trips, taking students to the doctor, and arranging for special dietary and other needs of students on the program. Assent to such madness is almost always procured by finding junior faculty who would say "yes" to anything in order to be included in the program. The most preferable candidate for the position of program administrator is a top-notch administrator in the law school who would like to change the locus of his job for the duration of the program and who is not combining administrative responsibilities with teaching.²³²

We have had excellent success recruiting from within the law school administration.²³³ This has also had the added side-effect of creating a sense of camaraderie within the law school community. By living with one another for a month, and sharing sometimes trying travel and work conditions, friendships have flowered between faculty and administrators that would never have had a chance to bloom in the aridity of day-to-day law school life.

Once we have hired our program administrator, and if enough faculty members from Touro have applied to teach enough courses that meet our academic criteria for students to earn their six credits, then the search for faculty to staff the

funds to purchase an expensive item for the Foreign Affairs Officer's personal use, on the thought that the new television and DVD player might be enjoyed by the person who had actually worked for it. Gifts such as these must not be given with any pomp and circumstance and are best delivered in the dark of the night.

232. Customarily, the administrator will receive his or her usual salary, as well as room and board and transportation.

233. It is a nice touch to introduce your program administrators and support staff in the brochure itself, as well as to delineate their duties. Having the program administrator involved in the selection process, in answering students' questions, making phone calls, answering emails and other duties not only takes some of the administrative burden off the directors, but it can also create a nice personal connection between that administrator and program participants even before anyone leaves the country. The Loyola Beijing Program 2006 brochure dedicated quite a bit of space introducing Ms. Vlasta Lebo who can assist students with the application process at Loyola and Ms. Lorraine McDonald who is her counterpart at Brooklyn. Loyola Beijing Program, *supra* note 208.

program ends. Usually this is not the case, and we have to search elsewhere.

In the India and China summer abroad programs, we have made a concerted effort to try to find either a law professor of South Asian or Asian descent to participate.²³⁴ Having a faculty member who both understands and is accepted by the culture of the host country is an invaluable asset to any program abroad. Not only can that faculty member help translate both the language and the culture for the students and his or her colleagues, but the faculty member also lends credibility to the program in the host country. This is particularly true if the academic program has its courses tailored to the host country's unique set of social, geographical, political, economic, and cultural conditions. In the India program, for example, the presence of a distinguished scholar from the United States legal academy of South Asian descent helps to answer the inevitable questions about whether faculty from the West are knowledgeable enough to teach anyone about their rich and complex culture.²³⁵

Before hiring a faculty member who is new to a summer abroad law program, the director should fully and frankly

234. In the India Program, we have been fortunate to have Dinesh Khosla from CUNY School of Law at Queens College participate on a number of occasions, as well as the late Surya Prakash Sinha from Pace Law School; Ved Nanda, Vice Provost for Internationalization at the University of Denver Sturm College of Law; Anita Krishnakumar from St. John's Law School; and Barnali Choudhury from Charleston School of Law. Mary Szto, who has taught at both Regent Law School and Touro Law School, and who now holds a position at Xiamen University in China, has been tremendously helpful to the China Program.

235. There is some chauvinism here to address. One of the authors remembers a dinner party given at Renmin University in Beijing for the faculty of Touro's summer program in which one of our faculty members of Chinese descent was drilled repeatedly about various aspects of Chinese philosophy—about which she knew nothing. The scholar to her right at the dinner table, a western woman with a background in not only western but Asian philosophy, was much more than competent to answer the questions, but no one ever dreamed of asking her. It didn't matter. The Asian law professor from the United States answered their questions, albeit unsuccessfully, in fluent Mandarin, and she understood the culture far better than the more substantively knowledgeable professor from the west. She was able to cue us to stand up when the dean of Renmin walked into the room, a custom that no sane law professor in the United States would have ever anticipated or approved of.

explain his or her expectations. If there are administrative duties included, those duties should be spelled out, preferably in the contract.²³⁶ The duration of the faculty member's participation also needs to be worked out and coordinated with other faculty schedules. In our experience, it is preferable for faculty members to stay for the entire period of the summer abroad program. Although, given the length of most programs, it may not be possible to find faculty who can or will make such a time commitment. Compromises must be made.²³⁷ The faculty member also needs to know the physical rigors of the trip.²³⁸

236. The contract we use for the administrator explicitly lists the administrative duties:

assignment of students in rooms in all hotels; responsibility for all roommate changes; responsibility for all memoranda regarding Summer Law Program information and activities; administration of all extra-curricular activities, such as yoga, and Hindi classes; setting up and administering all Program outings; keeping all students informed of any Program plans/changes; negotiating and implementing all arrangements with hotels for conference rooms, specials meals, etc; keeping accounts of all program expenses; completing the hotel bills and ensuring payment is made to hotels; maintaining contact with travel agents re travel plans for Program; assistance with any student needs, such as medical assistance; and any other unforeseen administrative matters that arise during the Program. The Administrator shall consult with the Program's Director on any issue involving significant expenditure of Program funds.

237. Sometimes the faculty member can only come for two weeks of a month-long program. In that instance, it may be possible for that individual to offer a one-credit course or have the course team-taught with a second faculty member available to take over the second half of the program. Our China program has come up with a creative solution to deal with the difficulty of staffing faculty for a six-week program. There are three two-week sessions, and students and faculty can sign on for two, four, or six weeks, depending on their schedules. Sometimes faculty who stay for longer than two weeks repeat a one-credit course for each session; sometimes they teach one-credit units of related material in successive weeks. Figuring out who is teaching what to whom and when is enough to drive a director to distraction. In the India program, we prefer to accommodate faculty schedules by front-loading some courses and back-loading others. This is hard on the students, however, and the most desirable solution is to have all faculty participate for the entire length of the program.

238. Sometimes the physical rigors of a trip abroad can be problematic. Out-of-shape faculty have a tendency, particularly in India where the roads and pathways are not always smooth, to trip and fall and sprain ankles or break limbs. We have also had to cope with monkey bites and attendant rabies shots, dysentery, heat stroke, and altitude sickness. It is almost impossible to judge in advance who will succumb and always prudent to paint the most dire scenarios possible in an effort to dissuade the fainthearted and physically impaired or, at

Similarly, the faculty member needs to understand that he will be living next to, traveling with, eating and drinking with, and doing almost everything imaginable with his law students throughout the entire program. The experience is both intense and rewarding, but not for a faculty member who is unduly private or student-phobic. That does not mean that it is impossible for a faculty member to carve out islands of solitude and recuperation, but faculty solitude and recuperation are not what summer abroad law programs are all about.

D. Suggestion Number Three: Incorporate Local Law Students

This idea has come to fruition in our India summer abroad program only within the last four years. We now annually incorporate four law students from the National University of Juridical Sciences (NUJS) in Kolkata, and their participation has dramatically improved the quality of our program. In the first seven years of the program, we often bemoaned that the local Indian law school was not in session during our stay in Himachal Pradesh. While many of our students were of South Asian descent, most had been raised in the suburbs of American cities and none had attended law school in India. We were more or less committed to the month of June, however, because of the academic calendar of U.S. law schools²³⁹ and the monsoon calendar of India. Four years ago, while on sabbatical, one of the authors taught a comparative women and the law course at NUJS in Kolkata and ended up inviting four Indian law students to join us on the Touro India law program the following summer. The invitation was of necessity contingent on our raising enough scholarship money to pay at least the room and board for the Indian students. We held several fund-raising events throughout the academic year and were eventually able to offer full scholarships to the Indian law students.

The India program has continued the practice every year since, and it has been a resounding success.²⁴⁰ The Indian

the least, to encourage them to use the months leading up to the program to improve their fitness.

239. A few programs are offered during the winter break. Baltimore Curacao Program and Hamline Jerusalem Program, *supra* note 7.

240. A number of other summer programs have also incorporated program participants from the host country into their programs. For example, the University of Missouri School of Law's Summer In Cape Town, South Africa

students compete at NUJS for the Touro scholarships. The competition results in the very top law students' participation. The NUJS students, while often only in their early twenties,²⁴¹ are highly articulate, intelligent, eager, well-informed, ambitious, disciplined, and almost always lots of fun. Their presence has undeniably raised the level of intellectual discourse in the classroom and has introduced a competing point of view that allows our students to experience India from the inside out. We are no longer an insulated group of American law students peering out the window at India. India has entered the program's classroom and has ceased to be an abstraction. Our students make new friends and come face-to-face with their peers and counterparts in a distinctly similar, yet foreign culture—that of the law school. India has become associated with names, distinct personalities, and smiling faces. Our students have universally embraced the Indian law students, and the two groups interact on all levels—intellectual, cultural, and social. Both inside and outside the classroom, the Indian law students have added depth to our understanding of India and its

opens its programs to “22 American law students and 10 South African law students.” University of Missouri School of Law: Summer in Cape Town, South Africa, <http://law.missouri.edu/jd/study-abroad/africa/application.html> (last visited Feb. 15, 2008). Classes are kept purposefully small in order to “ensure the interactive nature of each course.” *Id.* The Oklahoma City University School of Law's 2006 summer study abroad at Nankai University School of Law in Tianjin, China invited ten to fifteen law students from China as active participants in its program. OCU Law, Tianjin, China, <http://www.okcu.edu/law/academics/international/Chinapolicies.php> (last visited Oct. 23, 2006) (on file with authors). The Washburn Utrecht Program includes students from the University of Utrecht and one student from France. Washburn Utrecht Program, *supra* note 188. Not all of the students are Dutch; some are foreign exchange students from e.g. Japan, China, and Romania. Washburn reports that “the interactions between the students challenge their assumptions and reference points, making the program extremely rich and thought-provoking.” Information contained in questionnaire on file with authors. For a list of other schools accepting students from the host country, *see supra* notes 186 and 188.

241. There are two types of law schools in India—the three-year programs completed after the student has finished the equivalent of a bachelors degree in some other subject and the more prestigious five-year undergraduate national law schools. The first national law school was in Bangalore, but others have been started in Bhopal (<http://www.nliu.com>), Chattisgarh (<http://www.hnlu.ac.in>), Chennai (<http://www.imsc.res.in/~tandalau/>), Gujarat (<http://www.gnlu.ac.in>), Hyderabad (<http://www.nalsar.ac.in>), Jodhpur (<http://www.nlujodhpur.ac.in>), Kochi (<http://www.nuals.ac.in>), and Kolkata (<http://lawentrance.com/nujs.htm>) (all last visited Feb. 15, 2008).

laws and culture, and have brought to our discussions their own unique, internal perspectives. It is now impossible for us to imagine the India summer law program without the NUJS students.

*****WILDFLOWER #5*****

Each year in my comparative constitutional law class, when I contrast affirmative action in the United States to “protective discrimination” in India, I worry which voices will be heard. If I’m lucky, the American students will be a diverse group and will represent the range of views and perspectives that exist in the United States. But all too often, the Indian perspective is dominated by those who object to the “brain drain” and the sacrifice of merit when seats are set aside for the “scheduled castes,” the “scheduled tribes,” and most especially the “backward classes.” How can I ensure that the promise of the Indian Constitution—the idea that equality cannot be achieved unless societal inequalities are acknowledged and addressed—will be effectively explored?

Ranjan,²⁴² one of the students from NUJS, made all the difference. After permitting other Indian students to describe their belief in the purity of the “merit” system, Ranjan, whose family was a “scheduled caste” (the constitutional designation for Untouchable) provided a contrary view of reality, a reality that left out the vast majority of India’s population. Having American students hear two versions of equality articulated, from the privileged classes of India and the outcastes of Indian society, made more of an impression than countless pages of assigned text or lecture could have provided. I vowed never to bring a group of U.S. law students to India again without the opportunity to interact on a daily and meaningful basis with Indian law students.

I had the same experience when comparing issues of gender justice in the United States and India. U.S. students are quick to pre-judge the system of arranged marriage in India and the whole concept of the extended family. Having Indian students reveal the complexity of the issue left many American students

242. Fictitious names are used throughout.

questioning their automatic response and looking more deeply into how their social circles are formed.

When I teach Sex Discrimination in the United States, I often borrow an exercise developed by Charles Lawrence.²⁴³ I ask each student to describe his or her maternal grandmother and what her reactions would be to her grandchild attending law school. The responses are always breathtakingly poignant. A few describe aristocratic grandmothers. Many students describe pioneer grandmothers. Most describe grandmothers responsible for keeping the extended family together. Too many describe grandmothers without options enduring a lifetime of abuse.

In India, I worry whether I can sacrifice a whole class to the exercise. It's so hard to cover everything in a course compressed into four weeks. Eventually, I resolve the competing parts of my brain in favor of inviting the grandmothers into the room. For some reason, perhaps because we were sitting on cushions surrounded by magical Tibetan murals in a room overlooking the Dalai Lama's monastery and not on straight-backed chairs in a windowless classroom, the students responded with extraordinary emotions. Tears flowed freely and students were often too overcome to continue their story. (Many students chose to write an optional essay on the final exam about how their life choices varied from the choices available to their grandmothers. I was shocked that virtually every student wrote an extensive essay, welcoming the opportunity to continue to reflect on their lives through the lens of their grandmother.)

The American students described a roomful of culturally and ethnically diverse grandmothers, reflecting our nation's immigrant heritage. The Indian students described grandmothers from a world wholly foreign to the American students. Some of their grandmothers had never ventured outside their village or even the family home.

Although the portraits of the Indian grandmothers looked different and evoked unfamiliar societal customs, unmistakable

243. Charles Lawrence is a law professor at Georgetown Law School. Professor Lawrence described the exercise during a 1990 Robert Cover Workshop, an annual event sponsored by the Society of American Law Teachers during the annual meeting of the American Association of Law Schools. The exercise has been replicated by law professors all around the country.

similarities emerged relating to core values of family, courage and strength. Grandmothers from all over the world were severely limited by their society's ideas of what women could do. And I was worried about sacrificing two hours of "coverage." I may not have been teaching, but everyone was learning.

EK

Offering scholarships that include full room and board and travel expenses to law students within the host country may be prohibitively expensive for some programs.²⁴⁴ There are other ways, however, to incorporate students or other members of the academy from the host country into a summer abroad law program. In our Germany program, for example, program students sit side by side with their German counterparts in classrooms provided by the German law school as part of a cooperative effort to offer courses for which both Germans and Americans receive credit.²⁴⁵ In the absence of such formal arrangements, if a law school in the vicinity is in session during the program, an invitation can be extended to selected law students to attend classes and participate in class discussions.

Similarly, faculty members from the host law school could be invited to give guest lectures, and other distinguished members of the bench and bar in the local community might also be able to provide an internal perspective.²⁴⁶ In our China

244. Sometimes it is impossible to formally integrate foreign law students into a summer program because our academic calendars in the United States do not necessarily coincide with those in the rest of the world. For example, in Brooklyn and Loyola of Los Angeles law schools' program in Bologna, Italy, "Italian students are eligible to enroll in some of the courses but few participate because classes are held during their examinations." Brooklyn Law School, Study Abroad Programs, <http://www.brooklaw.edu/academic/abroad/bologna2008.pdf>, 9 (last visited Feb. 15, 2008).

245. With the Duke-Geneva Institute in Transnational Law program, only one-quarter of the sixty-five participants are from the United States, with the majority coming from Europe and other countries, including representatives from Australia, Austria, Brazil, the Czech Republic, Denmark, France, Germany, Hungary, Italy, Japan, the Philippines, Poland, Qatar, Russia, Spain, Switzerland, Taiwan, and the United Kingdom. Duke Geneva Institute in Transnational Law, <http://www.law.duke.edu/internat/europe/participants.html> (last visited Feb. 15, 2008).

246. Northern Illinois University College of Law's summer program in Agen, France, with the cooperation of the law faculty of the University of Bordeaux-Montesquieu IV, makes "extensive use of French law faculty and

program, through a cooperative effort by the foreign affairs officer at the host university and the English Department, our law students were able to regularly attend the “English Corner” and interact directly with Chinese students practicing their English. We have also had some success in both the China and Indian programs in inviting students from the host country to play intramural sports such as basketball and cricket or to accompany the students in the program on extracurricular outings.²⁴⁷

However it is accomplished, this suggestion of incorporating foreign students into the summer law program is based upon the very basic assumption that young people want to hang out with other young people. American law students will learn more from their foreign law student counterparts, both inside and outside the classroom, than they ever will from their well-intentioned faculty, and they will have considerably more fun in the process.

E. Suggestion Number Four: Tell Students What They are Getting

Thoroughly inform students about what to expect on the summer abroad law program and how best to prepare for the journey abroad. This fourth suggestion addresses the law student's needs as a member of a traveling community on a secular pilgrimage. It focuses on the journeying aspect of the summer abroad program and embraces the basic fact that for approximately a month, the law student will leave his private, stationary existence behind and join a closely knit, peripatetic band of fellow travelers in quest of knowledge and adventure. This journey means that many logistical details must be taken care of, by directors and students alike. For directors, housing and transportation and the nitty gritty needs of teaching and

practitioners. Students are exposed to the study of law in the European fashion where the lecture/discussion mode predominates over the American case presentation method.” Summer Programs: NIU Law, Summer Programs, <http://law.niu.edu/go.cfm?do=Page.View&ID=97> (last visited Feb 15, 2008).

247. Northern Illinois University College of Law's summer program in Agen, France, plans leisure trips to the mountains and Atlantic beaches, and as “part of the total experience of immersion into the study of law abroad, bilingual French law students may also accompany American law students on many field trips and social outings.” *Id.*

learning must be attended to. For students, airplane reservations must be made, passports and visas obtained, insurance and books purchased and bags packed. Because the journey is like a pilgrimage, with a designated leader, a shared purpose and an intimate, temporary community, there must be clarity about expectations. The more clarity about expectations, the smoother the program.

At least a month before departure, the director of a summer abroad program should thoroughly inform his students about what to expect on the program and how to prepare for the physical realities of life in the host country.²⁴⁸ Much information is required to be disclosed by the ABA criteria,²⁴⁹ but much more should be provided. Students have a right to know about all of the following things: housing (how many students in a room and how roommates will be selected), what the weather will be like, what clothes are appropriate for the full range of program activities,²⁵⁰ how much money to bring and in what form, the availability of ATMs, how to communicate with their friends and family via the Internet and telephone, what over-the-counter and prescription drugs to bring (e.g., in India, Cipro and motion sickness medicine), what kind of special travel supplies they might need (e.g., batteries, hiking boots, tampons, rain gear, or flashlights in the event of power outages), the need or desirability of bringing laptops,²⁵¹ the security situation and what

248. For example, one student wrote that in a program in Havana, there were frequent blackouts, no hot water, and no air conditioning. Tom Stabile, *The Savvy Student's Guide to Studying Abroad*, NAT. JURIST Jan. 1999, at 6, 40. This kind of information ought to be communicated to students before they formally matriculate. The same student complained that she had not been informed beforehand about a number of logistical details, such as "setting up an email account, registering for classes, or using her calling cards." *Id.* It was the program's first year, so the directors are to be forgiven. *Id.*

249. *Foreign Summer Programs Criteria*, *supra* note 125, at Part VII.

250. In Santa Clara University School of Law's Munich Intellectual & Comparative Intellectual Property Program, for example, the brochure provides that class dress is casual, but business attire is required for visits to many institutions, including courts, parliaments, and international organizations. Policies, Standards, and Expectations Santa Clara University, School of Law Summer Abroad Programs, <http://www.scu.edu/law/international/File/2008-policies.summer-070927.pdf>, 7 (last visited Feb. 15, 2008). Business attire is also required for internships. *Id.*

251. For example, the brochure for the University of San Francisco's program in Dublin, Prague, and Budapest explains that bringing laptops is not recommended and that they cannot be used for exams (unless required for an

precautions to take, what the food will be like and what accommodations can be made for those with special dietary requirements,²⁵² what the language barriers will be, and at least a glimpse of some of the cultural expectations of Americans traveling in a foreign land.²⁵³

ADA accommodation). University of San Francisco (USF) General Program Information, <http://www.usfca.edu/law/home/shared-content/SummerAbroad/GeneralProgramInformation.html> (last visited Feb. 15, 2008). Computer labs are available at all three sites. *Id.* In the Touro India program, we have to educate our faculty about some of the logistical problems with using Internet materials. Students have almost no ability to print out materials from the Internet and even printing out word-processed papers is difficult. Warnings about those kinds of technological hurdles are helpful to students. For example, the brochure for Tulane Law School's summer international business program in London provides that because of airport security limitations on carry-on baggage, electronic distribution has stopped. Tulane University Law School, Study Abroad, <http://www.law.tulane.edu/tlsabroad/index.aspx?id=4434> (last visited Feb. 15, 2008). Instead, printed materials are available in London. *Id.*

252. The most common nutrition problem confronting directors is a student who is a vegetarian. This only becomes a problem when the program lives under one roof and eats meals together—hence the director is directly responsible for nutrition. In the vast majority of summer programs in Europe, this situation does not arise since the students are on their own for housing and food. In India, we have no problems accommodating a vegetarian, although in the summer of 2006 we had a strict vegan student who suffered from hunger and eventually became ill. He ended up cooking for himself in the hotel kitchen with the permission of the chef. Vegetarians have a very tough time on our China program and are advised to bring protein supplements with them. The University of San Diego School of Law is very up front about the difficulties summer abroad students with dietary and other special needs might face: "Housing and other facilities in some foreign locations are below U.S. standards for handicap access, noise insulation, fire safety, lighting, comfort, or cleanliness, as they were constructed in prior eras and to more Spartan standards. Special diets, such as vegetarian, may be difficult to accommodate." USD Study Abroad, <http://www.sandiego.edu/lawabroad/information/admissions.php> (last visited Feb. 15, 2008).

253. The directors of the India Program, for example, describe appropriate clothing for young women in India. We also recommend books for the students to read before traveling to India, such as GITANJAL KOLANAD, *CULTURE SHOCK! INDIA: A SURVIVAL GUIDE TO CUSTOMS AND ETIQUETTE* (Marshall Cavendish Editions 2005) (1994) and LARRY COLLINS & DOMINIQUE LAPIERRE, *FREEDOM AT MIDNIGHT* (Simon and Schuster 1975). We also recommend students consult their physicians and the Center for Disease Control website about appropriate inoculations before traveling to India. Here is an example of another program's medical advice from the Summer Law Institute in Guanajuato, Mexico, sponsored by a consortium of law schools, the Universidad of Guanajuato, University of New Mexico, Southwestern University and Texas Tech University: "No inoculations are required to enter Mexico; a tetanus booster is advised and Hepatitis A and B are recommended.

Some law students may be anxious about the trip, and providing them with concrete information about what to expect goes a long way in alleviating that anxiety.²⁵⁴ Here is a general principle that applies during the pre-program period: A director can *never* give the students too much information about how the summer abroad law program will unfold and how best to prepare for the journey.

Sometimes, particularly for summer abroad law programs located in the developing world, in an effort to ensure adequate enrollment, directors might be tempted to be less than forthcoming about some of the tougher aspects of traveling and living in the host country (e.g., lack of hot water and air-conditioning, risk of dehydration and heat stroke, small, packed dorm rooms, the ubiquity of insects or rodents, frequent blackouts, fourteen-hour bus trips over winding mountain roads with no guardrails, the possibility of “Eve-Teasing,” or having your pocket picked in a crowded railroad station.)²⁵⁵

You may wish to consult with your doctor concerning other recommended health measures, and take a sufficient quantity of prescription medications with you for the 4 to 6 week period.” Guanajuato Summer Law Institute, Health and Housing, <http://mexicanlawclasses.unm.edu/program-info/health-housing.php> (last visited Feb. 15, 2008). Stetson University College of Law includes a link to the Center for Disease Control’s site on Avian Flu. Stetson University College of Law, Summer Programs, <http://www.law.stetson.edu/international/summer/> (last visited Jan. 10, 2008).

254. For example, it is not uncommon for a brochure to allay the fears of the students, and probably their parents, that a faculty member will be available to field problems at any time. For example, in the Cambridge program, co-sponsored by Chapman University School of Law, Cumberland School of Law, Samford University, and South Texas College of Law, students are advised that, “The co-directors will maintain an office in a designated room within the dormitory area of Sidney Sussex College and be available for student consultations each class day. The directors will also maintain a cell phone for emergency student contact every day, including weekends.” Program Description, http://cumberland.samford.edu/images/PDFs/foreign_programs/BROCHURE%20for%20Cambridge%202006.pdf, 10-11 (last visited Feb. 15, 2008).

255. For the definition of “eve-teasing,” see *supra* note 214. In some parts of the world, political instability, anti-American sentiment, and the risk of terrorism make running a summer abroad program a particularly daunting task. The brochure for Widener University School of Law’s Nairobi Summer International Law Institute puts the students on notice about those risks and how they might minimize them:

Avoid congregating at American hangouts, such as bars, restaurants, clubs, stores, etc., that might be targets for terrorists. Note in Kenya there are virtually none. There is a Hardrock Café in Mombasa, but

Here is the thinking behind directorial silence about the potential pitfalls of travel: If you tell prospective students about the potential pitfalls of travel, then who would want to sign up for the program? The problem is that in most instances, those pitfalls are not really potential. They are more than likely; in fact, they are inevitable.²⁵⁶

few Americans are normally found there. While Americans are generally liked in Kenya, given the war, it is wise not to speak loudly about the USA, particularly about the war. It is wise not to dress in ways that identify you as Americans (e.g., baseball caps on backwards, American College sweat shirts). Exercise care on how much information that you give to strangers about yourself and our program (activities, excursions) and its locations. Be discreet and avoid any personal opinions on political or religious issues. Inform Professor Kelly of any travel plans outside of Nairobi. When you are going, means of transportation, where you can be reached (address, phone number), when you will return. In the event of a crisis, contact Professor Kelly. Keep abreast of local news through TV, radio, and newspapers. Stay in touch with your families so that they know that you are safe and where to reach you in case of an emergency.

Widener School of Law, <http://law.widener.edu/Academics/SpecialPrograms andInitiatives/StudyAbroadOpportunities/NairobiKenya/SafetyandRiskManagementPlan.aspx> (last visited Feb. 15, 2008). In the India program, students often take off on their own to travel on weekends, but unlike European travel where such a practice is accommodated, encouraged, safe and easy to do, we must be much more wary about students leaving the program. This is a function of a variety of factors: how difficult it is for westerners without language skills to travel alone in remote areas of India, the lack of safe roads, dependence on jeep drivers whose skill is unascertained, the risk of becoming ill from food, etc. Like the Nairobi program, we require contact information such as telephone numbers of their hotels and their estimated arrival times. We also require that students carry a cell phone and carry detailed information about how to contact program directors if there is an accident. We also exact a promise they will telephone us at least once a day to report in. The sleeplessness directors who run programs in the developing world experience when their students foray out on their own is akin to the sleep deprivation one experiences when the first-born daughter acquires a sixteen-year old boyfriend with the use of his father's car. Unfortunately, the disasters conjured up in the midst of that sleeplessness—both kinds—do sometimes occur. Hence, the lack of sleep.

256. For example, the brochure for William and Mary School of Law's Summer Study Abroad in Spain makes quite clear that while each student will get a single room in the dormitory, there are shared bathroom facilities down the hall, and it "is quite hot (but not humid) in Madrid in the summer, and air conditioning is not available in the residence hall." William and Mary School of Law Web Page, <http://www.wm.edu/law/academicprograms/studyabroad/facilities.shtml> (last visited Feb. 15, 2008). In all of Stetson University College of Law's summer program brochures (Freiburg, Germany and The Hague, Netherlands; Tianjin, China; Granada, Spain; and Buenos Aires, Argentina) students are warned about smoking. Stetson University, Granada Spain,

There is great virtue in a director's full disclosure about the inevitability of physical discomfort on a summer abroad law program.²⁵⁷ First, these warnings serve to screen out those delicate hothouse flowers who may be unaware of how difficult travel in the developing world can be.²⁵⁸ Taking a prince or princess along on a peasant's ride can take years off a director's life, and their vocal complaints and incessant whining often set up an unpleasant group dynamic. These individuals are usually not satisfied with mere personal malaise. They have a

Summer Institute in International and Comparative Law, <http://www.law.stetson.edu/international/summer/spain> (last visited Feb. 15, 2008). The brochures explain that there are few restrictions on smoking in the host countries and that Stetson cannot restrict smoking in the facilities. *Id.* The University of San Diego School of Law gives this warning about the housing in Barcelona: "You should be aware that student-level apartments in Barcelona are often not up to southern California standards. Part of the charm of living abroad lies in coping with the differences." USD Study Abroad, Barcelona Housing Information, <http://www.sandiego.edu/lawabroad/barcelona/housing.php> (last visited Feb. 15, 2008). The University of San Diego has dispensed with having a brochure altogether; all of its information is available only online. *Id.*

257. It is also advisable to warn students about the costs of going to a doctor. The brochure for Suffolk University Law School's Summer Study in Lund, Sweden, after advising students they are required to carry health insurance, warns "Please note there is still a fee for doctor's visits, usually a co-payment of approximately US \$120. Visits must be paid upfront and then a reimbursement claim can be filed with your insurance company in the United States." Suffolk University Law School: Academic Programs: Sweden, <http://www.law.suffolk.edu/academic/sweden/medicalInsurance.cfm> (last visited Feb. 15, 2008). In India, when a student is ill, the doctor makes a house call to the hotel and then apologizes profusely for charging the equivalent of US \$14.

258. Here is a good example of some well-written, clear, pre-reality adjustment, found in the brochure for Capital University's 2006 Greece Program (which was unfortunately cancelled), under Students with Disabilities or Special Health or Diet Needs:

Capital University will not be able to arrange for extra-wide doors, ramps, handrails, elevators or structural modifications to buildings or facilities used or rented in Greece. Often, doors are narrow and an individual using crutches or in a wheelchair may experience difficulties in entry and exit or movement within limited size halls, stairways and rooms. Individual health matters and dietary needs are the responsibility of the individual student, and not Capital University. Individuals with special health needs are advised to consult their physician prior to enrolling in the program. Foreign travel is emotionally and physically strenuous. Students have to carry their own luggage, and elevators are not usually found in buildings with less than six stories.

Capital Univ. Greece Program, *supra* note 207.

missionary zeal about their misery and will not rest easy until everyone else in the program has shared in their discontent, and now feels lousy too. Better to disinvite them in the first place.

Second, these warnings give students (and their parents) confidence in the ability of the directors to take care of the students while abroad. Directors will also lose credibility with program participants when the unwarned students arrive in the host country and discover that there is no air-conditioning, no hot water, no email, and no ATMs. Third, the better prepared the students are for the vicissitudes of travel, the fewer problems the directors of the program will have once everyone is settled into the foreign situation.²⁵⁹

Even with the warnings, directors of summer abroad programs should be aware that some law students will not heed—or even read—their advice or information. Every year

259. The University of Iowa College of Law's "Preparation Manual" for its Summer Program in Comparative and International Law in Arcachon, France ought to win a prize for the most detailed and helpful roadmap for students. It includes advice on such topics as passports, International Student Identity Card, safety tips, ATM fraud, telephone calls, electrical appliances, clothing, weekend travel, medical matters, internet access, sports, and even a sample packing list! Detailed Arcachon Brochure, *supra* note 210. One problem that is rarely mentioned in brochures, but has occurred on at least four occasions on Touro programs, is when a law student learns that he or she has been academically dismissed from his or her law school while in the midst of summer study. In three of the four instances, with the consent of the director, the students remained with the program and finished the course work, and none of the other law students in the program were informed of the dismissal. Two of those four were eventually readmitted to law school but did not get credit for those courses; one was readmitted to her law school and did receive credit for the summer abroad course work. One student in the China program packed his bags and disappeared in the middle of the night, never to be heard from again. It is a heartbreaking and distressing situation, for the student and faculty alike. The University of San Diego School of Law has addressed the issue in the brochure for its many summer programs; it would be a good idea for other programs to articulate their policy in advance. "If you are academically disqualified from returning to law school and you withdraw from your selected program(s), then only the Tuition amount paid will be refunded." USD Study Abroad, *supra* note 252. The brochure for Gonzaga School of Law's Florence Summer Law program provides that if students register for study abroad before their grades are finalized, they do so at their own risk. Gonzaga University School of Law Florence Summer Law Program, Credit & Standards, <http://www.law.gonzaga.edu/Academic-Program/Florence-Summer-Law/Credit-and-Standards.asp> (last visited Feb. 15, 2008). Gonzaga will not allow a student to continue in the program if they are academically dismissed. *Id.*

we inform students about the unavailability (or lack of reliability) of ATMs in the mountainous regions of India. And every year we have at least one student who is reduced to tears, flat broke with absolutely no cash and a useless piece of plastic in his hand. Similarly, we warn students over and over again to NEVER give food or play with the admittedly charming monkeys of India, and every year someone ignores this advice, gets bitten, and must begin the aggravating regime of rabies shots taken over a period of many weeks. But these unheeding, non-reading students are the exceptions to the rule. In our experience we have found the higher the degree of student preparation, the more successful the program.

F. Suggestion Number Five: Create a Community

Create and maintain a cohesive and supportive community among all the law students, faculty, and administrators of the program. Once again, this suggestion is related to the law student's role as a member of a traveling community. As mentioned before, summer abroad law programs share many of the characteristics of a pilgrimage. The travel is purposeful. The group is led by trained guides and mentors who have set the itinerary and course of study. And a community is formed based upon shared goals and interests and the forced intimacy of group travel. It is the job of the director and the faculty to create and maintain a cohesive and supportive community among the students, faculty and administrators.

Implementing this suggestion is primarily a function of leadership. In those programs where all students are housed under the same roof, it is much easier to create and sustain this sense of community.²⁶⁰ If it is impossible for students to be housed in a central location under the same roof with their faculty, then whenever possible they should all break bread together on a regular basis.

During any summer program abroad, regardless of the housing situation, faculty members should spend a lot of time with the students. The job description of a faculty member

260. In our programs at Touro, we endeavor to achieve parity among the rooms assigned to faculty and students. If there is an inferior room, we generally give it to a faculty member. This cuts down on envy by students about the greener grass of someone else's room.

should never read, "Teach your class and run." In the Touro India program, for example, we make clear in our hiring interviews that the job description of a faculty member reads something like, "Teach your class, sit down and have lunch with the students, and then organize a hike up to the Monkey Temple with the students, or take the students out to the Viceroy's Lodge, or attend a yoga or Hindi class with the students, or walk down to the High Court with the students and watch an oral argument, or have *masala chai* with the students out on the terrace, or maybe a drink before dinner in the evening." It is almost never, "Teach your class and run." Some faculty members liken the experience to a version of camp counseling. The analogy is not far off, but the rewards are manifold. It is through sharing time and experiences with each other over an extended period of time that the boundaries between student and teacher efface. Both begin the process of learning from the other. Both begin to care for each other. The bonds that are created have an impact not only between student and teacher, but within the group itself.

Invitations to participate in extracurricular outings must be made in a group setting, preferably at the beginning of a class attended by all the students. Each and every student who wants to come should be invited, and the administrator, faculty member, or director in charge must be certain all students know about the outing and set a certain time and public place to gather. The notion of the open invitation to any program excursion cuts down on the pernicious influence of cliques. Every summer abroad program will have its contingent of students who might not be deemed by the cruel standards of youth as "cool." It is imperative that the message be sent that everyone is cool, and everyone is invited. By operating on this premise a miraculous thing happens. Students get to know each other, to like each other, and to toss away labels that judge and exclude. By rendering coolness universal, coolness ceases to exist. Just as on a pilgrimage, the study abroad constituents begin to work as a community. But it takes leadership to make that happen.

This sense of community can be fostered even before the program begins. Using the Internet, our technology department created a mailing address for each program in April so that directors could begin communicating with the students, and later

the students with each other, months before we met face-to-face in Delhi. Each of the participating faculty members and administrators crawled into the program chat room and introduced himself, giving some background about his interest in the host country, and a preview of what the courses were going to be like. The students took the cue, and each in turn did the same: what law school they attended, what year in law school they were completing, and what their expectations and worries were for the month abroad. Some students made tentative plans to travel together after the program ended. Even before students met each other on the first day of the program, friendships had formed along the cyber-spider web of the Internet.

This hardly needs to be said, but we will say it anyhow. It is imperative that law faculty and program administrators be respectful of one another and be ready to socialize, not only with the students, but with each other. Students will take the lead from their faculty members. If there is a spirit of camaraderie and good fun among the faculty and program administrators, it tends to be contagious. There is evidence that dissension among faculty or administrators can have an adverse impact on the cohesiveness of a study abroad group.²⁶¹ In a study of two junior year abroad programs in France sponsored by the University of Connecticut, two sociologists set out to discover what factors would cause one group to be highly cohesive and close-knit and which would cause a subsequent group the following year to demonstrate a low degree of cohesiveness. The second group sounded like the group from hell:

They never developed the “unity and harmony” that the Director sought in vain to establish. They had problems relating to each other. One student said that he said “Hello” to everybody when he arrived at the “Fac” in the morning, but he rarely heard any responses. A teacher with considerable experience with overseas groups said that for the first time she was conscious of “internal tension” in her classes. The Director constantly worried about the failure of students to develop a group spirit, and both he and the Assistant complained about the extraordinary and often petty demands made by the students on them. The Director and

261. Dennison Nash & Rhonda Tarr, *The Stranger Group in an Overseas Study Program*, 49 FRENCH REV. 366, 367, 369, 372 (1976).

Assistant Director had difficulty working with each other (not so in the previous year), and the Assistant (again in contrast with the previous year) had significant problems with the students in the group. Warring cliques emerged and several scapegoats were created. Though hostilities sometimes ran high, they tended to be covert. These students were extremely careful about expressing their feelings. Perhaps as a consequence of this, the atmosphere in the group took on a surface dullness. Only after some probing or at a group party where drinking took place could one appreciate the unfulfilled social needs and the fund of resentment that existed among these students.²⁶²

The sociologists were able to discover several factors to explain the differences in the two groups, one of them being a lack of homogeneity in the second group and another being a difference in leadership patterns in them. True, they both had the same Director, but in the earlier group he and his Assistant worked in a smooth and consistent manner. There were only minor disputes between them. In the second group the Director and his Assistant often were at odds. In addition, some of the actions of the Assistant Director tended to alienate students and promote the interests of one student faction at what often appeared to be the expense of others. Such divisiveness in and by the leadership may have contributed to the low degree of cohesiveness in the second group.²⁶³

It seems to make a difference to the entire group dynamic when those at the top make an effort to get along—or don't.

The importance of the directors, faculty, and program administrators maintaining their equanimity and sense of humor in the face of adversity cannot be over-emphasized. If there is a program problem, a potential disaster, a snafu, a power outage or no hot water, the students will look to their leaders to set the tone. Laughter at adversity by those who are in charge goes a long way in inspiring confidence, as does flexibility and a willingness to change direction if the situation calls for it.

Directors, faculty, and program administrators also need to draw upon an infinite reservoir of patience, tact, and compassion

262. *Id.* at 367.

263. *Id.* at 369.

when a student is feeling aggrieved or feels the world has done him wrong. Sometimes students who participate on summer abroad programs experience periods of insecurity or loneliness and just need someone sympathetic to talk to. Often, the confessed problem cannot be solved, but is made more bearable by giving expression to it and by having it acknowledged by another human being.²⁶⁴ Sometimes, even small, symbolic efforts to solve the problem are greatly appreciated. The message is sent. Someone listened. Someone cared.

Profound friendships can, and often are, forged on summer abroad law programs, between and among the students, faculty, and administrators. It is up to the leadership of the directors, faculty, and administrators to create and sustain a sense of community: an environment where both learning and friendships can thrive and grow.

G. Suggestion Number Six: Create an Opportunity For Students to Engage In a Public Service Project

If a summer abroad law program has worked, students feel an immense gratitude toward the host country and look for ways to “give back.” It makes sense for program directors to anticipate this reaction and cooperate with students in developing a public service project. Such a project is necessarily unique to the host country or, more accurately, to the particular environs where the program is located.

Some programs build in a public service component.²⁶⁵ Others attempt to create an opportunity for students to develop their own projects. Each year in India, our students spend a day at a girls’ *ashram*, located in a remote destination in the foothills

264. This can be more of a challenge than one might imagine. I still remember a female law student who was in a veritable knot because the hotel in Beijing had promised a hair dryer on its website and none was there. I wanted to laugh hysterically at her plight, but having adolescents at home I knew that a young woman who lives in a hair-centered universe might find this situation tragic. The program administrator found her a local pharmacy that sold cheap hair dryers, and she was happy. It was difficult to stifle, however, my internal dialogue that had a line in it something like this: You are going to the Great Wall of China today, and you’re worried about your hair? Then again, it has been several decades since I worried about my hair at all.

265. See, e.g., Gonzaga’s program in Italy which offers a volunteer service weekend in Rome working with the homeless. Information on file with authors.

of the Himalayas. Although referred to as an orphanage, many of the girls have parents whom they see once or twice a year. They are at the *ashram* because it represents their only chance to secure an education or vocational skills. The girls all wear a simple cotton blue dress and colorful ribbons in their hair. But the ribbons are the only non-necessity. The *ashram* provides the bare essentials: one pair of flip-flops, one change of clothing, one writing tablet, one pen, and three nutritious, hot meals a day.

Our students visit the *ashram* and undertake a project they have chosen. One year, we arrived with buckets of paint and painted every stucco and brick surface a deep terracotta orange with dark green trim for the windows and doorways. Other years, students brought handicrafts materials for the girls and taught them how to braid “friendship bracelets,” or delivered sets of drawing paper and colored markers or sports equipment, or brought flip-flops for all the girls. Invariably, our students bring music: guitars, harmonicas, and trained voices. The girls do not need to know English to appreciate and participate in “I’m a Little Teapot” or the “Itsy Bitsy Spider.” One of our best days at the *ashram* was the day that Carole Shapiro, one of our faculty who taught Law & Literature and was a gifted photographer, brought her camera and took a portrait of each girl. She delivered the film to our favorite camera store in Shimla, Bindra Camera Shop, (the owners’ family photographed Gandhi during the historic “Shimla Peace Conferences” of the 1940’s) and then delivered a portrait to each girl in the *ashram*.

In the last few years, many of our students have spent their last day in India at the Mother Teresa Missionary of Charity in Delhi.²⁶⁶ This facility houses profoundly developmentally disabled children, ranging from babies with hydrocephalus to teenagers with multiple sclerosis. For these children, our students bring soap, shampoo, and a willingness to devote a few hours to making the children smile, which takes only a touch on the cheek.

It is impossible to “give back” as much as students have derived from spending a month in the host country. But the instinct to do something should be anticipated and facilitated. In

266. This opportunity was made possible by our association with Renu Singh, a social worker and Ph.D. in the field of vocational education for handicapped children.

addition to whatever public service project is developed during the students' stay, more meaningful and long-lasting projects often result. Sometimes students decide to stay on and work for a human rights project, or publish an article about human rights abuses they encountered, or completely change their career goals and work for a non-governmental organization dedicated to improving the lives of people in their host country.

H. Suggestion Number Seven: Encourage and Develop Tourists

Recognize the importance of students exploring their new environs, seeing the sights, experiencing the sights, sounds, smells, tastes, and feelings of the host country, and traveling on their own. This last suggestion obviously speaks to the tourist in each and every student (and faculty member or administrator for that matter) who travels on a summer abroad law program. It goes without saying that the directors should incorporate into the cost of the program organized outings to major tourist destinations. If the students are studying in China, they must see the Great Wall and the Forbidden City and the Terra Cotta Soldiers of Xian. If the students are studying in India, they must see the Taj Mahal. If the students are studying in Egypt, they must see the Pyramids. Not only should major tourist expeditions be planned for the program, but the directors should facilitate the student's urge to explore. That facilitation could manifest itself in a liberal schedule that allows for weekend travel or assistance in finding a reputable travel agent to help students see the sights on their own. For those students who do not want to venture out alone, our program administrator in India orchestrates a weekend outing for anyone in the group who is interested in having a program-supervised adventure.

On our first weekend in Shimla, we usually organize a camping trip in the mountains and the braver among us go white-water rafting down the Sutlej River. On the second weekend, we have organized caravans of jeeps to go either to the ski resorts of Kulu/Manali or to the Bimakali Temple in Sarahan. In Dharamsala, our planned excursions are not on any beaten tourist track. We take the students to the Tibetan Children's Village, to help teach English at the Tibetan Transit School, to have an audience with the Karmapa Lama, to listen to a teaching in the Nyamgal Monastery by the Dalai Lama, to go trekking up to Triund, or to hike out to the waterfall in Baghsu

where the Tibetan monks are swimming in pools of glacial waters, drying their saffron and maroon robes on rocks the size of cars that look and feel like hot baked potatoes. The idea is to find creative ways to get your students out and about in their new world. They should experience new sights, sounds, and smells, feel the vibrations, the exhilaration, the sheer panic of roaring down a mountain in an auto rickshaw. A study abroad law program is not only about study.²⁶⁷ It should be about learning how to explore and having an adventure. There ought to be something to write home about, and if the program is run well, there will be.

CONCLUSION

The desiderata of a well-designed and well-executed summer abroad law program are easy to articulate and difficult to achieve. In a well-designed and well-executed program, the director will ensure that each and every law student in his or her charge will experience all modes of travel. He will be a tourist. He will be a pilgrim. And he will be a student on a modern day version of the Grand Tour. As the director plans the program, he or she will anticipate and cater to the needs of each mode of travel. The academic component of the summer abroad program will add depth to the student's understanding of the host country and its legal system, and in the process he will come to understand the intellectual and cultural framework of his own world. An education will take place. Furthermore, the law student will be taken to see the sights of the host country. He will take pictures, write postcards, buy souvenirs, and perhaps even acquire a tan. An adventure will be had. And both the law

267. Striking the balance between ensuring that the program is academically rigorous while maintaining time for cultural exploration can be tricky. Each faculty member must do the calculation on his own: how many pages of reading per night is reasonable given the number of credits the student is handling and the opportunities for adventure and learning independent of the classroom experience? Program directors should confront this issue explicitly with the faculty before classes begin. Invariably, complaints arise that the coursework is so demanding that students are precluded from participating in extracurricular activities. One year in the India program, a student decided not to attend a private audience with the Dalai Lama because he had too much work to do. More commonly, students have passed up opportunities to have tea at the Governor's mansion, attend a reception at the High Court, or visit the local criminal court.

student's education and adventure will take place within the confines of a close, supportive community of traveling scholars and friends. He will learn. He will see amazing sights. He will make new friends and have a good time. He will come home safe.

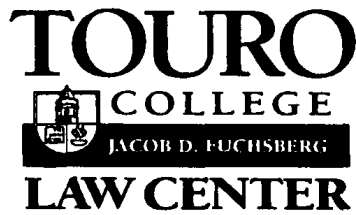
We are grateful to all the directors of summer abroad law programs who have had the courage, imagination, and fortitude to create these educational experiences for our students. We feel sad about the lack of opportunity for directors to share their wealth of knowledge about summer abroad law programs.²⁶⁸ Perhaps we do not talk to one another because of competition over law students, but that seems unlikely. Or if likely, so what? Our summer abroad programs seem to thrive even when there are multiple law schools offering programs in the same foreign location. The more plausible explanation is that we are all too busy with our own summer abroad programs to exchange concerns and information with other directors. Each director is so intent within the walls of his own law school, writing brochures, emailing foreign universities, answering student queries, hiring faculty, ordering books, working with travel agents—all the minutiae entailed in getting a summer abroad law program off the ground—that no one has the time or the energy to look out the window to see what his neighbor is up to.

But the simple fact is that all summer abroad law programs share the same problems, and those problems repeat themselves over and over again regardless of location. It makes sense to look out the window and see what our neighbors are up to, but we are all so preoccupied we do not lift our heads up from our desks. We may be so obsessed with inventing the wheel we might not notice our neighbor has been rolling around for some time, and with great success, right beneath our window. That is more than sad. It is a waste of the same time and energy that causes us not to look up from our desk. Ironically, during the academic year, directors of summer abroad programs expend all their time and energy setting up an educational endeavor that

268. One opportunity for sharing experiences is the American Association of Law Schools (AALS) Section on International Legal Exchange. The Section often holds panel discussions during the annual meeting of the AALS. Most recently, the section co-sponsored, with the Section on Graduate Programs for Foreign Lawyers, a panel discussion at the 2007 AALS annual meeting entitled, "The Best Practices in International Programs."

forces law students to not only look out the window, but to go through it. Looking out the window—indeed, going through it—to see how others are dealing with the same set of problems is the very product we are selling. More of us should buy.

One final word. In our introduction, we promised that our aim was not to recruit others to commit this fabulous form of academic folly or to seek a choir to preach to. We lied. We *are* interested in enticing other directors, faculty and administrators from American law schools who want to take law students abroad during the summer, to study, to learn about a new legal system or international relations, to experience a new culture, and to see the wonders of the world. We are always looking for more partners in crime.



APPENDIX A

SUMMER ABROAD PROGRAM QUESTIONNAIRE

Professors Louise Harmon and Eileen Kaufman of Touro Law Center are conducting research on summer abroad programs run by American law schools. We would appreciate your taking a few moments to complete this questionnaire. Most of the questions can be answered very quickly, with room for comments if you are able to amplify your answer. Please respond based on the year 2005. We are simultaneously sending this questionnaire via email. Please feel free to respond electronically. We would be happy to share our results with you if you are interested.

1. What is the name and location of your program?
2. What is the theme or focus of your program?
3. How many students enrolled in the program?
4. What percentage of the students were from the sponsoring school? How many other schools were represented?
5. How many faculty participated? How many were from the sponsoring school?
6. Please name and briefly describe the courses that you offered.
7. Is there a set of lectures about the history, culture, and legal system of the host country? Is it mandatory or optional? Is it taught by a member of the faculty or someone else? When do you offer it? Do students receive credit for it? Is that material tested?

8. Does the program have an affiliation with an academic institution in the host country? If so, please describe the nature of the relationship (faculty, library, dormitory, classrooms).
9. Is there any participation by students in the host country? If so, please describe the extent to which those students are integrated in the program, whether they pay full tuition, and whether they receive credit from their academic institution.
10. Does the program maintain a library with the course materials available, as well as general reference books about the history, culture, and legal system of the host country?
11. Where are classes held?
12. Is there a quiet area always available for students to study?
13. Where were the students housed? (dormitory____; hotel ____; housing not provided____; other ____ (please describe))
14. Was the faculty housed with students? If not, please describe where faculty were housed.
15. Please describe the extracurricular activities that you organized. To what extent did these activities enhance the students' knowledge of and appreciation for the history and culture of the host country?
16. Please describe the law-related outings that you offered (courtroom proceedings, governmental institutions, political organizations, NGOs, law firms, practicing lawyers).
17. Does the program encourage students to explore the host country on their own? Does the program assist students in planning their own excursions (suggesting destinations, places to stay, navigating transportation systems)?
18. Does the program provide an opportunity for students to learn the host country language? If so, please describe.

19. How would you describe the faculty/student relations? Did students and faculty frequently outside of class?
20. Did your program make a profit? Do you encounter difficulties with your dean or faculty when the program does not make a profit?
21. Please describe your staffing. Did you bring a program administrator with you? Did you utilize staff from the host country?
22. Have you experienced difficulty locating faculty or an administrator for your program?
23. Please describe the compensation that you paid the faculty and staff:

Compensation for faculty: \$___ per credit; Room & board provided____; Room only____; Neither ____

Salary for director: \$____; Room & board provided____; Room only____; Neither ____

Compensation for program administrator: \$____; Room & board provided____; Room only____; Neither ____
24. Did you have any experience with physical illness (broken bones, hospitalizations, other)? Please describe the nature of the problem and how you handled it.
25. Did you have any experience with emotional or mental illness? Please describe the nature of the problem and how you handled it.
26. Did you have any experience with drug or alcohol abuse? Please describe the nature of the problem and how you handled it.
27. Did you have any experience with cultural misconduct or insensitivity? Please describe the nature of the problem and how you handled it.
28. Does your school purchase special liability or trip cancellation insurance for participants in the program?

29. Does the program require that students register with the U.S. Embassy?
30. Is there a code of conduct that applies to the program? If so, do you mail it to students prior to the beginning of the program?
31. Do you require students to provide emergency contacts and do you ask students to sign a waiver of their privacy rights under the federal statute in case of emergency?
32. What do you believe to be most special about your program?
33. Do you maintain an alumni registry or a shared on-line photo album for past participants?

Your Name:

Law School Name and Address:

Email:

I would like to receive the results of this questionnaire.
___yes ___no

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APPENDIX B

ABA-APPROVED SUMMER ABROAD PROGRAMS 2008

<u>Country</u>	<u>Number of Programs (or parts of programs)</u>
Argentina	8
Australia	8
Austria	7
Belgium	5
Brazil	3
Cambodia	1
Canada	5
Chile	3
China	21
Costa Rica	4
Croatia	1
Curacao	2
Czech Republic	2
Denmark	1
Egypt	1
England	41
France	20
Germany	8
Greece	2
Hungary	6
India	1
Indonesia	1
Ireland	12
Israel	5
Italy	18
Japan	2
Korea	3
Luxembourg	1
Malta	1
Mexico	5
Netherlands	15
New Zealand	2
Norway	2

<u>Country</u>	<u>Number of Programs (or parts of programs)</u>
Pacific Rim	1
Poland	1
Portugal	1
Puerto Rico	1
Russia	4
Scotland	3
Singapore	1
Slovakia	1
South Africa	3
Spain	11
Sweden	2
Switzerland	8
Tanzania	1
Thailand	2
Turkey	3
Vietnam	1