

INTERNATIONAL STUDENTS AND U.S. LEGAL EDUCATION: DOING DIVERSITY

Carole Silver

Northwestern Pritzker
School of Law

Swethaa Ballakrishnen

Division of Social Sciences
NYU Abu Dhabi

Situating International Students in the American Law School Context

Growth of international JD population

Non-resident aliens as percentage
of all students, 2011 and 2016

	2011	2016
All ABA-approved law schools	1.66%	3.17%
Top-20 ranked law schools	2.87%	6.25%

% of all ABA law schools in which NRAs are a larger proportion of student body than Blacks, Asians or Latinos, 2011 and 2015

	2011	2016
% NRAs > Black students	7%	13%
% NRAs > Asian students	3%	14%
% NRAs > Latino students	5%	8%
No NRAs	19%	19%

Our Research

- 55 JD student interviewees
 - 59% women
 - 19 earned their undergraduate degree in US, 14 earned an undergraduate law degree in their home country
 - From 14 home countries (42% from China, 22% from Korea, 11% from Canada)
 - 16 law schools
 - 11 were enrolled in JD programs that required fewer than 3 years to complete
 - 5 transferred after 1L year
 - 3 JD-MBAs and 2 also pursuing post JD LLM in a specialty substantive field

**Being International in the American
Law School | Being, Being Seen As
and Feeling International**

Personhood | Being International

- “I think in law school there are basically two things that struggle me. ... One is the language problem And I have to pay more attention to ... the class. And sometimes I ... have to sit in the front row. ... And I can listen clearly. And ... I’m trying to be more involved in class ‘cause I noticed that some other American people, they answer the question frequently and carefully, but most of Chinese people won’t answer the questions, even though they know the answer, they don’t want to hands up and answer that. . . . And the second ... thing is about the ... way you think. ... Just like what I talk about, about the legal system, and the different teaching method that you should get used to that. ... I think this semester is getting better. ... Last semester it just ... even though I read, I finished my reading, I did not understand it. ... So I cannot do great job during class and answer the question.” (#011, p.41-2)

Personhood | Being International

- “So for the Civil Pro class – I had never taken any law class before, because we don’t have a law degree in the U.S. And I never had any legal background. ... And then I find out that I had a problem understanding what the professor is talking about in Civil Pro. And I felt so awkward to ask questions, because I feel everybody else around me knows what is going on, except myself. And I still remember one day one of my classmates asked me a question. I have no idea what she’s talking about. And she gave me a really dirty look. . . . it just feels so hard.” (#056d, p.7)

Interactions | Being Seen as International

- “[I]n the beginning, . . . I was feared of talking out loud and this weird accent. But then you get used to it and just what really matters is your confidence. So I think even those LLMs from Spain, they talk really even weirder accent, just my personal opinion. And they’re confident They are expressing their opinions, their thoughts, and that’s good for the community. They bring different aspects, they bring their knowledge from Spain. So that’s good and I could do the same. . . . And I think I get more time to prepare for each class, I felt more, I think more about class for each subject so I talk more in class. And that feel good.” (#010)

Interactions | Being Seen as International

- “Sometimes I need to speak out. Like, I need to tell my other US classmate that my . . . thought. Like they maybe . . . don’t consider what I’m thinking, because they cannot understand what your position, what your difficulties, when you study. So I hope my classmates will understand me and just give me a chance to express my opinions. Because sometimes . . . some classmates, they are very talkative.” (#012)

Interactions | Being Seen as International

- “Me, personally, I try to speak up in class because . . . I found myself really stammering when I speak in front of a huge group, which I never did before, honestly. Even though I spoke in English back [at home], speaking here in US in the law school class was a different experience. That my ears would go red, honestly, because . . . even when you’re not cold called, and you just are talking in class, if you’re . . . raising a question or you’re just contributing your own point of view . . . all those emotions just come rushing in. So I really used to stammer, but again, since I was very specific that I wanted to practice here in US, I want to practice talking to a huge group of people. So even though I’m not putting it in a very, you know, concise, eloquent manner, I still sometimes contribute my point of view.”

(#030)

Interactions | Being Seen as International

- “And I’m, you know, frankly speaking, I’m . . . I’m always afraid to make mistakes in front of American students who are in class. Then I’ll get really embarrassed. So I try not to speak when I know that it’s . . . when I’m not too confident with grammar. I only speak in class when I’m confident enough that I won’t make any grammar mistakes. So even though my English . . . even though I can communicate and I’m capable of conveying my thoughts in . . . in English, I’m always self-conscious about the fact that my English . . . isn’t perfect.” (#018)

Institutional Pressures | Feeling International

- “So I had one professor who cold called everybody by their first names, but I don't blame him at all, I think it's natural, but he referred to me and this other Korean JD MBA by our last names because it was easier. I wasn't offended by it, but it just feels more distant. That's one. And I'm not sure if this ... If professors also think about this consciously, but I never get cold called in the beginning of the semester. And I like to think that it's because my name is not ... When you're looking at the seating chart it's not the first thing that pops up. It's not the easiest I think for professors to say, that's my guess.” (#033, p.21)

Institutional Pressures | Feeling International

- “I actually asked my professor once that I want to record his class, because . . . because English is not my first language. He, and he actually refused, saying if, if you’re a JD student, and if you’re here, I don’t think you will have any problem. And so he was very respectful in, in his refusing my request. But that was his . . . response. . . . I accepted it, and I, you know, sink or swim.” (#018)

Double Bind | Opting out of catching up

- “I think Asian students, or at least Korean students, have a general sense of, they generally want to avoid classes that involve a more fundamental, like abstract understanding of the US court system and the government system. So for example, classes like Constitutional Law, Federal Jurisdiction and Administrative Law, I think those classes are ones that we tend to avoid because, especially because if you are . . . in a curved situation [regarding grading], your, my thought is that – I had this thought when I was taking [the first year legal analysis/writing course] too, . . . I was really worried that I would be . . . having to play a catch-up game with other students who were, you know, born and raised in an environment where they were constantly getting news updates, they would read the papers and they would just have a more, like, a fundamentally solid knowledge of the system to begin with. . . . I generally want to avoid playing that catch-up game. I don’t want to start at a point where I have to do, go out of my way to, you know, just be at the same level, same starting point as where, as where a lot of the native-born people here are. So I that that kind of ties into . . . class selection. . . . I might have incredibly enjoyed Federal Jurisdiction or . . . Criminal Procedure, those classes. . . . But I think that being an international student kind of affects that judgment in that way, because you know for a fact, at least for yourself, that you’re not at a . . . equal level of understanding as . . . most of the other peers who have really first-hand experience with the system here. . . . But I can get a job just fine by not really, like, sinking my teeth deep into the system here. And like, so that's, I think, something I wanted to mention.” ” (#020)

Double Bind | Attempts At Assimilation

- “I don't know if it has anything to do with my personality, but I felt like my first year at [law school in the US], my experience has been a little bit isolated because well, first of all, I did not go to undergrad in U.S. I did not know the culture in a school, and how things work like between your classmates, and between professors. And so - and I knew that the first year grades are very important, so I spent most of my time just studying. . . . I did participate in some of the events, in some of the groups. So that's where I got to know most of my classmates. But I feel like my obstacle was like how to know people, how to interact with them. Because, obviously, I have very different hobbies with most of Americans and it's a little bit difficult for me to get to know people in my first year.” (#005)

Double Bind | Attempts At Assimilation

- “So when I first came to law school I wanted to hang out with as diverse group of people, friends as possible. So I tried that for a little bit, but then just naturally it happened such that the remaining friends that are close to me are Asian-Americans. And that seems to be a two-way street too. It's interesting.” (#024)

Double Bind | Attempts At Assimilation

- R: “I've painted a picture of very sort of assimilated, very under the radar, I guess the one early negative experience was . . . I actually did have an accent when I got here. And the people . . . made fun of me for it, thinking it was just like a funny joke, and it actually made me uncomfortable and I like forcibly shifted my accent as a result.

Q: “How did you do that?”

R: “Just noticed the specific speech patterns that people giggled about and avoided making them. Tried to sort of figure out what the standard mid-west American English version would be. . . . I felt that for the most part people thought it was in good fun, subconsciously they might not have thought that it was in good fun. But I don't think anyone would openly say, ‘I wanted to make [you] uncomfortable.’ But sometimes it did make me uncomfortable. And I would say things like, ‘but I mean my accent is a lot less different than say someone from Texas versus someone from New York.’ And people would be like, ‘Yeah, but you're different.’ I'm like, yeah, yeah. . . . Because, like, the Ontario accent is really not that different from a Midwest accent except for, like, certain things, as compared to a lot of the variation within the US is much more extreme. . . . But people would still like notice it and draw attention to it.” (#040, p.12-13)

Outliers | Those That *do* Blend In

- “... But there are ... a lot of other times where I feel like it's a hassle because of being an international student. For example, in the summer I worked for the City of Chicago last year and this year I'm working for a firm and it's just almost more of a problem because we had to do CPT [Curricular Practical Training, usually added on to a student or research visa during the course of the program] and we can't just go off and work we have to worry about doing the CPT, we have to worry about writing our research paper for the CPT. And I mean it's one credit, but I don't think it's worth the credit, the amount of work I had to do for it was not worth it to me.” (#039, p.12-13)

Outliers | International Advantage

- “I guess, the dual nature, it helps sometimes with how the faculty perceives me. Sometimes the professor might be willing to offer a little bit extra help in certain areas if you ask, relative to someone who... like, if I was to portray myself as just someone who doesn't have an international background, they might not be willing to explain certain things as thoroughly as, perhaps, they might otherwise be willing to, because they think that, perhaps, you don't understand this concept because of your background and not necessarily because you didn't work hard enough for it or read hard enough for it. I have found that, in some classes, it's beneficial to play that international card maybe a little bit more. Also, there's the reverse of that. Sometimes it's not beneficial, and so you kinda have to see, but I think, overall, it's really helped in a lot of areas, just to be able to change, depending on which one is more... I guess, fits the situation better.” (#028, p.12)

Thank you!

Please contact us with comments and questions:

c-silver@law.northwestern.edu

swethaa@nyu.edu