It is commonly accepted by legal educators that the nature of law is increasingly global, and therefore legal education must adapt to be increasingly global.¹

U.S. law schools, concerned with properly preparing their graduates, have begun to incorporate international, comparative and/or transnational coursework into their J.D. curricula.² The majority of schools have made internationally-oriented classes available on an elective basis, but some have taken the further step of making such classes mandatory, or have integrated international perspectives into already-required coursework. For example, in 2003 the University of Michigan began requiring all J.D. candidates to complete a transnational law class before graduation, at the urging of alumni convinced that an understanding of the global dimensions of law is essential to practice.³ In 2005, Georgetown University more ambitiously restructured the first-year curriculum to include a module requiring students to grapple with transnational problems.⁴

At the same time that American law students are being expected to expand their horizons, an ever-growing number of foreign students are enrolling in American law schools, contributing another facet to the globalization of legal education. Although enrollment by foreign students in J.D. programs is on the rise, the majority of foreign students instead matriculate one-year masters (LL.M) programs after completing a law

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² A note on terminology: For purposes of this paper, the term “transnational” will not refer to the discipline of transnational law, but rather to a teaching focus on problems involving the operation of law across national borders and the preparation of students for practice with multi-national dimensions.
degree in their home country. With the exception of a temporary dip in the immediate wake of September 11, 2001, international students’ enrollment in LL.M programs has demonstrated a steady upward trend since the 1990s.

LL.M programs attracting foreign students have become a key component of law schools’ course offerings, and many schools specifically design and aggressively market programs for foreign students. While LL.M programs can take a variety of forms, the dominant model remains the accelerated one-year program designed to introduce foreign lawyers to the American legal system and train them in U.S.-style legal analysis and writing. These programs also frequently provide opportunity for students to take additional coursework on specialized areas of law, especially those with a more international orientation, such as intellectual property, commerce or tax.

Despite the growing numbers and importance of foreign students attending LL.M programs in U.S. law schools, surprisingly little research has evaluated these programs or the post-program experiences of their graduates. The recent literature that does exist focuses almost exclusively on the development of better techniques for inculcating in foreign LL.M students the same competencies expected of American J.D. students: knowledge of the common law, mastery of the case method, and development of American-style legal research and writing skills. Few examine how effectively curricula designed around those competencies are preparing foreign LL.M students for the realities of the work they will do once they graduate, or consider how that preparation might be improved. None have looked at the positive contributions law librarians might make toward that end.

With a heated debate currently taking place regarding the effectiveness of J.D. programs in preparing American J.D. students for law practice, the time is equally right for a critical look at LL.M programs for

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7 A single scholar, Carole Silver, is responsible for the majority of research in this area. Accordingly, her work will be extensively cited in this paper. Professor Silver is currently conducting a long-range empirical study of the employment outcomes of foreign graduates of LL.M programs, the preliminary results of which were outlined in Silver, Globalization and the Business of Law, supra note 5. See also her earlier study of LL.M graduates in the New York area, reported in Carole Silver, The Case of the Foreign Lawyer: Internationalizing the U.S. Legal Profession, 25 FORDHAM INT’L L.J. 1039 (2002) [hereinafter Silver, The Case of the Foreign Lawyer]. One other scholar has conducted a survey of LL.M programs for purposes of evaluating mandatory legal research and writing coursework, and is cited herein. Julie M. Spanbauer, Lost in Translation in the Law School Classroom: Assessing Required Coursework in LL.M. Programs For International Students, 35 INT’L J. LEGAL INFO. 396 (2007).
foreign students. Fundamental questions should be asked about who the foreign students are, why they are coming, what they expect to receive while they are here, and where they intend to go with their education. Most importantly, law schools need to ask what skills these students and their employers will expect them to have once they return to law practice in their home countries, as the majority of them now do.

This paper will begin to explore how well LL.M programs in U.S. law schools address the needs of foreign students preparing for transnational law practice. Incorporating the experience of LL.M program coordinators at the University of Washington Law School, initial suggestions will be offered on how the effectiveness of that preparation might be improved. The potential contributions of law librarians toward better preparing foreign LL.Ms for transnational practice will be touched upon. Comments will be offered on the potential for tangential benefits to J.D. programs. Finally, future studies will be proposed.

**IMPACT OF FOREIGN STUDENT ENROLLMENT IN LL.M PROGRAMS**

The pressure on law schools to globalize is being felt equally by their home institutions. The drive to diversify student bodies, market educational “brands” internationally, and attract tuition dollars is industry-wide and has pushed universities to accelerate overseas recruitment for existing programs, develop an endless variety of additional certificate programs, summer institutes and specialized degrees, and even establish branch campuses abroad. As a result, foreign student enrollment at American universities reached an all-time high of 623,805 in 2007-08, representing a net contribution to the U.S. economy of over fifteen billion dollars.8

Foreign students are an important constituency for U.S. law schools for a number of reasons. Although Fulbright scholarships, Ford Foundation grants, and other forms of financial assistance are more available now than in the past, the vast majority of students are still self-funded or supported by their employers or home institutions.9 Foreign LL.M students therefore represent a significant source of potential revenue for law schools.10 In addition, the presence of mature students who have

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9 Goldhaber, supra note 6, at 92.

10 Silver, The Case of the Foreign Lawyer, supra note 7, at 1052 & n. 39 (one LL.M program’s administrators called the programs “cash cows”); Carole Silver, Internationalizing U.S. Legal Education: A Report on the Education of Transnational
already been fully trained in other legal systems and, in many cases, already engaged in internationally-oriented practice with exposes American J.D. and LL.M students to a broader range of perspectives and raises the level of discourse in the classroom.\(^\text{11}\) Foreign graduates of LL.M programs often also quickly achieve positions of influence after returning to their home countries, offering American law schools the potential to enhance their name recognition and reputation overseas.\(^\text{12}\) Raising the value of its stock abroad greatly expands a law school’s ability to recruit more students in the future, and successful foreign alumni can represent an important new opportunity for fundraising and development.

Thus, law schools want foreign students, and foreign students in turn are eager to come. 6,598 foreign students enrolled in legal studies programs in 2007-08, an increase of 3.6\% over 2005-2006 enrollment.\(^\text{13}\) Although these numbers are small relative to the total number of J.D.s who graduated from ABA-accredited schools in the same period,\(^\text{14}\) foreign LL.M recipients have the potential for influence disproportionate to their numbers once they complete their degrees. For the reasons noted above, law schools have a strong incentive to serve these students well. But do they?

**CURRENT STATE OF LL.M PROGRAMS ADMITTING FOREIGN STUDENTS**

There are fifty post-graduate programs at ABA-accredited law schools that are specifically designed to offer training in American legal studies to foreign students.\(^\text{15}\) In total, there are over one hundred accredited law schools which enroll foreign students in post-graduate programs, comprising both programs exclusively for foreign students and LL.M programs in specialized areas of law that are open to both American J.D. graduates and foreign students.\(^\text{16}\) The present volume is the result of

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\(^{12}\) Goldhaber, *supra* note 6, at 91-92.

\(^{13}\) OPEN DOORS REPORT, *supra* note 8, fig. 1B.


\(^{16}\) Silver, *Internationalizing U.S. Legal Education*, *supra* note 10, at 144-147 (estimating 102 schools offering programs open to foreign students as of 2006); Spanbauer, *supra* note 7, at 398 (counting 114 schools admitting foreign students to graduate programs as of 2007). As Silver notes, reliable current data on the total number
the explosion in the 1990s in both number and size of programs open to foreign students, such that foreign students now make up around half of the graduates of LL.M programs.  

It is difficult to generalize about the curricula of LL.M programs, either those specifically intended for foreign students or subject-specific programs open to both American and foreign students, because the American Bar Association does not regulate or even establish guidelines for these programs. As a result, there is neither standardization across the field nor an incentive for schools to report data about their programs. However, one-year accelerated programs are by far the most common, and those aimed specifically at foreign students heavily emphasize a compressed introduction to the common law system, the case method, and American legal research and writing style. This is both a result of historical factors and because these elements, drawing on existing resources developed for the J.D. curriculum, are easy for law schools to deliver.

Historically, LL.M programs admitting foreign students were developed under a specific set of assumptions. The LL.M degree was first created in the late nineteenth century in order to credential law professors. Initially, LL.M programs trained American students bound for faculty appointments at U.S law schools, but they later expanded to enroll foreign students preparing for academic careers abroad. Although LL.M programs have diversified and evolved since then, the legacies of this origin continue to affect their shape. For example, a significant minority of programs still require completion of a thesis or substantial research paper, on the assumption that the students must be prepared for the demands of further doctoral study and/or academic publication once they assume faculty positions back home. The vast majority of programs require foreign students, particularly those not trained in common law

18 An accredited school must obtain “acquiescence” to any degree programs other than the J.D., and any additional programs may not detract from the J.D. program. See ABA Section of Legal Educ. & Admissions to the Bar, 2008-2009 STANDARDS FOR APPROVAL OF LAW SCHOOLS, ch. 3, Standard 308 (2008), available at http://www.abanet.org/legaled/standards/20082009StandardsWebContent/Chapter%203.pdf (last visited May 14, 2009). However, this is a markedly lower degree of oversight than that exercised over J.D. programs, and gives schools wide latitude for experimentation. Silver, Internationalizing U.S. Legal Education, supra note 10 at 144; Spanbauer, supra note 7, 409-410 & n. 56.
19 Silver, The Case of the Foreign Lawyer, supra note 7, at 1039.
20 Spanbauer, supra note 7, at 406-408.
21 Silver, The Case of the Foreign Lawyer, supra note 7, at 1047-48; Silver, Internationalizing U.S. Legal Education, supra note 10, at 145 (programs were designed to fulfill prerequisite of U.S. study for academic careers and still emphasize production of a thesis for that reason).
jurisdictions, to complete coursework introducing the American legal system, not just to provide a context for their other courses in substantive law but also to provide a foundation for the academically-bound to research and teach courses on comparative law.\textsuperscript{22}

Because they are secondary to law schools’ dominant objective of turning out J.D. graduates, LL.M programs admitting foreign students are minimally staffed and as much as possible tap faculty and institutional resources already in place for educating J.D.s.\textsuperscript{23} Foreign LL.M students are often integrated into upper-division classes with J.D. students, which both reduces additional costs to the law school and ostensibly provides the J.D. students the benefit of a more global point of view.\textsuperscript{24} Besides surveys of the U.S. legal system, the other main exception to this multi-purposing of resources are the intensive classes in legal analysis and writing classes which three-quarters of programs require foreign students to complete.\textsuperscript{25} These courses are comparable to first-year basic legal skills courses in the J.D. curriculum, but are normally taught in special LL.M-only sections, frequently by instructors with at least some experience teaching to ESL students.\textsuperscript{26} These courses necessarily incorporate additional instruction on citation formats and plagiarism issues, and feature more in-class assignments and a slower pace of instruction to accommodate language and classroom culture differences.\textsuperscript{27}

Law schools have experimented with LL.M program design in the rapid proliferation of the past twenty years, but the programs specifically aimed at foreign students have stuck fast to this overall approach: an intensive introduction to the U.S. legal system, legal analysis and writing coursework (possibly including a thesis) and substantive law courses taken with American J.D. or LL.M students. Even LL.M programs that focus on legal specialization normally require the foreign students they enroll alongside American J.D. graduates to take supplemental legal system survey and legal writing courses. Accordingly, a wealth of material has been prepared to assist foreign students in mastering this model, and the literature on foreign LL.M students is almost exclusively concerned with how to teach foreign students under this model more effectively and with greater cultural sensitivity.\textsuperscript{28}

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\textsuperscript{22} Spanbauer, supra note 7, at 411 & n. 65-67. Instead of a semester or year-long course, some law schools provide this content in the form of pre-matriculation summer programs or abbreviated three- or four-week orientations at the beginning of their first term.

\textsuperscript{23} Silver, Internationalizing U.S. Legal Education, supra note 10, at 155 & n. 23 (on average, programs are run by just two administrators, who draw on law school admissions, career placement and faculty as necessary).

\textsuperscript{24} Id. at 155.

\textsuperscript{25} Id. at 155 & n. 68.

\textsuperscript{26} Spanbauer, supra note 7, at 436-443.

\textsuperscript{27} Id.

\textsuperscript{28} See e.g. Alison Craig, Failing My ESL Students: My Plagiarism Epiphany, 12 PERSPECTIVES: TEACHING LEG. RES. & WRITING 102 (Winter 2004); Matthew A. Edwards,
This model might, or might not, meet well the needs of foreign students who plan on an academic career, either in the U.S. or in their home country. However, the demographics of foreign students in LL.M programs have taken a dramatic change in the past two decades, and students oriented toward a career in teaching are now in the distinct minority. The majority of students currently entering graduate law programs now are practitioners, not scholars, and furthermore, they gravitate strongly toward transactional work over litigation. It is naive to assume that a model designed to produce academics can, without modification, train students to address the practical realities of transnational law practice when they return home.

Although a comprehensive examination of foreign students in LL.M programs is currently being conducted by Carole Silver, to date no published study has attempted to realistically assess their needs, and the current crop of LL.M programs were certainly not developed in the context of any such formal assessment. Indeed, the few existing partial surveys have strongly suggested that law schools are out of touch with what students and employers both desire and expect from a post-graduate degree experience, particularly in terms of development of practical legal analysis skills and familiarity with the professional culture of American lawyers, as distinct from an understanding of the American legal system.

What we do know about the growing number of foreign students enrolling in LL.M programs is that they come for four main reasons: to gain substantive knowledge necessary for practice in the competitive international legal services market; to improve their human capital and earning power overall; to increase their job opportunities in their home countries; and, in a minority of cases, to advance an academic career. Most foreign LL.M students would also strongly desire the chance to practice law in the U.S., but the reality is that American firms have


29 Silver, *Internationalizing U.S. Legal Education*, supra note 10, at 156; Spanbauer, supra note 7, at 425 & n. 123.

30 Spanbauer, supra note 7, at 399-400.

31 Id. at 434-35.

minimal interest in employing them, and by choice or by default, nearly all program graduates will return home.\textsuperscript{33}

In addition to substantive knowledge, foreign students seek to take home a number of material advantages from their studies in the U.S. Most importantly, an LL.M from an American law school confers credibility that makes them much more attractive to elite law firms, because foreign law firms are increasingly considering valuable, and even essential, US experience and training.\textsuperscript{34} Successful completion of an LL.M program builds fluency in U.S. legal terminology and culture that transnational attorneys need to participate in the international legal services market.\textsuperscript{35} American legal training and English can also serve as a lingua franca that helps graduates more effectively work with non-American peers who likewise attended LL.M programs.\textsuperscript{36} For that reason, legal English has a high perceived value with employers and clients abroad, a fact of which foreign students are fully aware.\textsuperscript{37} Obviously, foreign students can leverage the connections they build with each other, with American J.D. students, and with attorneys met via school-sponsored events and link into the expanding professional network of transnational lawyers.\textsuperscript{38} Last but not least, an additional value some students get is the ability to bypass restrictive conditions back home. Passing the New York bar after completing an LL.M degree allows Korean and Japanese attorneys to work around the extremely low bar pass rates in their home countries.\textsuperscript{39}

Although they cannot be unaware that the majority of their foreign students will go back abroad and therefore are obviously in need of preparation for transnational law practice, law schools are not demonstrating an effort to (re-)design LL.M programs around that reality.\textsuperscript{40} For now, even in the absence of programs consciously designed around a reliable needs assessment, students are deriving significant benefits that make U.S. LL.M programs attractive. However, if the mismatch continues to grow between what students and their employers expect of a post-graduate law degree and what U.S. law schools provide,

\begin{thebibliography}{1}
\bibitem{34} Silver, \textit{The Case of the Foreign Lawyer}, supra note 7, at 1040.
\bibitem{35} Silver, \textit{Internationalizing U.S. Legal Education}, supra note 10, at 144.
\bibitem{36} Silver, \textit{The Case of the Foreign Lawyer}, supra note 7, at 1040-41 (A Mexican lawyer claims he can't do business effectively with a Japanese lawyer unless they've both had U.S. legal education.).
\bibitem{37} Silver, \textit{Internationalizing U.S. Legal Education}, supra note 10, at 156-57.
\bibitem{38} \textit{Id.}
\bibitem{39} \textit{Id.} at 158.
\bibitem{40} Spanbauer, \textit{supra} note 7, at 425 (“To the extent that the law schools are aware of these students' needs, a third pragmatic, and perhaps even fatalistic, reason may explain why some law schools omit this fundamental coursework from LL.M. program requirements: these schools may assume that significant improvement requires more than the limited one-year these students spend in residence in the U.S.”)
\end{thebibliography}
there is a real danger that the upward trend will reverse itself and students will instead turn to the rapidly expanding market of competitors, particularly in Europe and Australia.\textsuperscript{41}

In order to ensure that these students really get what they pay for, that their expectations are met, and that students are satisfied enough with their educational experience to refer more students and serve as development resources in the future, law schools should do everything they can to maximize those benefits. Suggestions for possible improvements to accomplish that goal will be offered below.

FOREIGN LL.M STUDENTS AT THE UNIVERSITY OF WASHINGTON

A closer examination of two of the University of Washington Law School’s LL.M programs that admit foreign students bears out the observations concerning students’ motives in enrolling and their expectations of educational outcomes. These programs can serve as an interesting case study of what students preparing for transnational practice need and want.

The University of Washington Law School offers five LL.M programs, all to be completed in the standard one-year timeframe. Students can complete LL.Ms in Asian and Comparative Law, Intellectual Property Law and Policy, Law of Sustainable International Development, Taxation, or the just-developed LL.M in Health Law, which will admit its first class in fall 2009.\textsuperscript{42} Of these, the programs in Asian and Comparative Law and Intellectual Property Law and Policy currently draw the largest number of foreign students.\textsuperscript{43}

The Asian Law LL.M is the oldest post-graduate degree at the University of Washington Law School, established in 1968.\textsuperscript{44} Unusually for its time, the Asian LL.M primarily attracted foreign attorneys seeking to internationalize their practice.\textsuperscript{45} The current make-up of the program still attracts many more foreign than American students, but now mixes comparable numbers of foreign students headed towards academic careers

\textsuperscript{41} Silver, \textit{Internationalizing U.S. Legal Education}, supra note 10, at 172-75.
\textsuperscript{42} University of Washington School of Law, LL.M/Ph.D admissions, \url{http://www.law.washington.edu/admissions/Apply/Grad/} (last visited April 25, 2009).
\textsuperscript{43} Interview with Mie Murazumi, Graduate Program Coordinator, and Dana Raigrodski, Assistant Director, Asian Law Center, University of Washington School of Law, in Seattle, Wash. (Mar. 20, 2009) [hereinafter Interview with Murazumi and Raigrodski]; Interview with Signe Naeve, Assistant Director, Graduate Program in Intellectual Property Law and Policy, University of Washington School of Law, in Seattle, Wash. (April 8, 2009) [hereinafter Interview with Naeve].
\textsuperscript{44} 40\textsuperscript{th} Anniversary of First LL.M Graduating Class, UW LAW, Spring 2009, at 48.
\textsuperscript{45} Id.
versus practice.\textsuperscript{46} In contrast, the LL.M in Intellectual Property Law and Policy, established in 2002, has been heavily dominated by practitioners from the beginning, and foreign students make up three-quarters of its present enrollment.\textsuperscript{47}

Because it is an explicitly comparative program aimed at attracting foreign students, the Asian LL.M curriculum is structured around a seminar in which the students produce a substantial research paper comparing American and East Asian Law.\textsuperscript{48} Students choose 30 additional credits from a menu of courses concentrated around East Asian law, international law, corporations and trade; many of these courses are also open to J.D. students.\textsuperscript{49} As it is oriented toward practitioners, the IP LL.M is organized around a core course surveying the fundamentals of intellectual property law, theory and policy, which students later explore in depth in targeted coursework.\textsuperscript{50}

Both programs require foreign students to complete an intensive course on American-style legal analysis and writing.\textsuperscript{51} Foreign students matriculating in either program are also strongly encouraged to take one of the law school’s summer institutes in the month before the official start of their program.\textsuperscript{52} These institutes provide an introduction to the American legal system, plus what one coordinator described as a “softer landing” into the academic culture of American law schools, particularly the Socratic method and case-based instruction.\textsuperscript{53}

In keeping with Silver’s preliminary findings, the programs’ coordinators observe that foreign students seek out the LL.M to improve

\textsuperscript{46} Interview with Murazumi and Raigrodski, \textit{supra} note 43. The program enrolls an average of 25 students per year. \textit{See also} University of Washington School of Law, Asian & Comparative Law Student Planning Guide 2009-10, \url{http://www.law.washington.edu/Students/registration/ALCStudentPlanningGuide2009-10.pdf} (last visited April 26, 2009).

\textsuperscript{47} Interview with Naeve, \textit{supra} note 43; \textit{see also} Toshiko Takenaka, \textit{Law School Welcomes First Class of Intellectual Property and Technology Law LL.M. Students, CASRIP NEWSLETTER} (Center for Advanced Study & Res. on Intell. Prop., U. of Wash. Sch. of L., Seattle, Wash.), 2002, \url{http://www.law.washington.edu/CASRIP/Newsletter/Vol8/newsv8i3FirstClassOfIP.htm}. The program has accepted 30-40 candidates per year since its inception.

\textsuperscript{48} University of Washington School of Law, Asian and Comparative Law LL.M. Degree Requirements, \url{http://www.law.washington.edu/AsianLaw/LLM/Curriculum.aspx} (last visited April 26, 2009).

\textsuperscript{49} \textit{Id.}

\textsuperscript{50} University of Washington School of Law, Intellectual Property Law and Policy Graduate Program Curriculum, \url{http://www.law.washington.edu/IPLaw/Curriculum.html} (last visited April 26, 2009).

\textsuperscript{51} \textit{Id.;} Asian and Comparative Law LL.M. Degree Requirements, \textit{supra} note 48.

\textsuperscript{52} Asian and Comparative Law LL.M. Degree Requirements, \textit{supra} note 48; Intellectual Property Law and Policy Graduate Program Curriculum, \textit{supra} note 50; Interview with Murazumi and Raigrodski, \textit{supra} note 43; Interview with Naeve, \textit{supra} note 43.

\textsuperscript{53} Interview with Murazumi and Raigrodski, \textit{supra} note 43.
their career prospects (including academic career prospects, for about half the students in the Asian LL.M program), build network connections, and develop marketable skills. In the short term, the students want to develop the necessary skills to succeed in the program: mastery of substantive law, fluency in legal English, and critical thinking and reading skills. In the long term, however, the alumni report that the greatest benefits they obtained from their tenure at U.W. are the less obvious ones. As one coordinator put it, they will soon forget the specifics of the law they learn, but they will remember “how to look it up, how to think, and how to communicate.” Naturally, they build close ties with each other, and carry these relationships forward into their professional lives. Alumni equally value the opportunity they have during the program to network with practicing American attorneys during structured program activities, and J.D.s in training through shared classes. They also credit the confidence they build through success in their studies with promoting their later career success.

Perhaps most highly, graduates of U.W.’s LL.M programs value their new familiarity with how U.S. lawyers think. A grounding in American legal analysis and communication, and the interaction with both American LL.M and J.D. students, assist them in dealing with their American counterparts throughout their future careers. As law practice becomes increasingly international, the ability to be on the same level as American co-counsel, local counsel or opposing counsel becomes more and more valuable. Foreign law firms place a premium on this skill, and alumni translate it into greater earning potential and more rapid advancement.

Although they gain – and recognize that they gain – much, there are points on which U.W.’s foreign LL.M students are measurably disappointed. Most strongly desire opportunities to intern or find full-time work after they complete the program, and more than half the students in the IP program take the New York bar exam in anticipation of that possibility. However, despite some notable successes, placement remains difficult and is likely to become more so in the current economic climate. More unexpectedly, the practitioners have a strong interest in taking courses that theoretically have minimal application in international

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54 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43.
55 Interview with Murazumi and Raigrodski, supra note 43.
56 Id., see also Silver, Internationalizing U.S. Legal Education, supra note 10, at 169.
57 Interview with Murazumi and Raigrodski, supra note 43.
58 Silver, Globalization and the Business of Law, supra note 5, at 411. (Foreign firms consider LL.M recipients as having advanced from “good” to “outstanding”.)
59 Interview with Signe Naeve, supra note 43.
60 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43; Silver, The Case of the Foreign Lawyer, supra note 7, at 1058-59; Silver, Internationalizing U.S. Legal Education, supra note 10, at 170-72.
practice, i.e. standard One-L classes such as Torts, Civil Procedure, Property and Contracts. In part, they want to take these courses in anticipation of being examined in these areas on the bar exam, and in part to prepare for issues in practice that potentially implicate those areas, such as transnational product liability suits or contractual disputes. An equally strong motivator is the desire to interact more closely with J.D. students. Because space cannot be made for foreign LL.M students in One-L classes, both for logistic and pedagogical reasons, in the past attempts have been made to offer faculty-led tutorials in these subjects, but the practice was discontinued due to lack of faculty availability.

In response to comments from alumni and an awareness of the changing demographics of their student base, the faculty and staff of the programs at the University of Washington have begun to make changes in their program design. A major change is the development of summer institutes to launch the students’ initial immersion in the American legal system and educational culture even earlier. The students and faculty have rated these institutes favorably, crediting them with helping the students adjust more quickly to the learning demands placed on them in the fall. In addition, the legal skills course required of foreign students in the IP LL.M was completely re-designed in 2006 on the basis of complaints that the existing course was not linked to the rest of the curriculum and did not give them the skills needed for other classes quickly enough. In response, the two-quarter course was compressed into one quarter and the lessons rewritten to consistently tie in the IP cases being discussed in the students’ other courses. Cohorts admitted since the change have demonstrated much greater confidence in their classes and have provided very favorable feedback to the coordinators.

The willingness of the U.W. LL.M program faculty and staff to take seriously the feedback of their alumni, to regularly re-examine their curricula, and to make changes to better prepare their students for transnational practice offers a strong positive example. The following section will suggest other changes that law schools might consider after evaluating their programs and students.

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61 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43.
62 Interview with Murazumi and Raigrodski, supra note 43; Silver, Internationalizing U.S. Legal Education, supra note 10, at 168-70 (Some program directors are trying to address this by instituting “buddy” programs with J.D. students; others ask LL.M students who have practiced to offer guest lectures on the law of their home country).
63 Interview with Murazumi and Raigrodski, supra note 43.
64 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43.
65 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43.
66 Interview with Naeve, supra note 43.
67 Id.
POSSIBLE DIRECTIONS FOR CHANGE

There are a number of possible directions that could be taken to empower LL.M programs to better meet the needs of foreign students intending to practice transnationally. Until better and more comprehensive data is available concerning the needs of foreign LL.M students and identifying best practices in existing programs, it is impossible to be sure which directions might be most promising. Furthermore, no single set of program improvements will meet the needs of all students in all contexts. However, we can assume with some degree of confidence that there is a current and growing mismatch between what most programs currently offer and what students heading for transnational practice – now comprising the majority – need. Therefore, some or all of the suggestions below should be at least considered if there is serious intent to improve the preparation of lawyers heading for transnational practice.

Curriculum and Pedagogy

The most comprehensive changes that might be made would be an overhaul of LL.M curricula and pedagogy, and perhaps even standardization of program design across the industry. The current lack of ABA regulation of LL.M programs leaves law schools free to experiment, which in principle provides students with a wider degree of choice. However, lack of regulation also means there is no formal assessment process, no incentive for schools or scholars to conduct empirical studies of what students really need, and no reliable metric by which foreign students can judge the suitability of a program to meet those needs. Although regulation is never a popular prospect, it might be the most appropriate course in the end. Even if curricular change is not imposed from without, law schools would still be well advised to take stock of their programs, poll their alumni, and consider where changes might be appropriate.

Given the fact that the majority of students no longer come in preparation for academic careers but rather to prepare for the next stage of practice, one possibility to consider might be the bifurcation of LL.M programs into academic and non-academic tracks. In some cases, like the U.W. programs, the numbers might be so small as to make this solution impractical.68 However, where programs are much larger, separating students according to career ambition would permit tailoring their courses in ways that would better serve both groups. Students intending to move on to doctoral studies or to return home to teach could get a more research-intensive curriculum with greater emphasis on thoroughly

68 Interview with Murazumi and Raigrodski, supra note 43.
understanding the U.S. legal system in a comparative mode. Those intending to practice could pursue instead a curriculum designed to maximize learning of practical skills, increase interaction with future peers, and provide greater flexibility in course selection. LL.M students could be permitted to take more practice-oriented courses with J.D. students, especially internationally-focused courses. Students on a practitioner track could also be given more opportunities to truly master the analytical and communication skills their future employers will value most, while spending less time on legal research and writing, which employers value less. Of particular value would be additional practical training in drafting client letters and transactional documents, which students are eager to obtain.

Supplemental Learning Opportunities and Support

Foreign LL.M students’ needs could also be better met by offering supplemental learning opportunities and support. One increasingly common path law schools have taken is extending the orientation period through pre-matriculation programs introducing the U.S. legal system and enabling a gentler introduction to American-style legal instruction. As U.W.’s experience demonstrates, summer institutes have the potential to greatly improve both the students’ performance and their satisfaction with the LL.M experience. Expanding and marketing such programs, and perhaps making attendance mandatory, might be in the best interests of both the students and the schools. In addition, developing more compressed offerings like summer institutes could have the additional benefit of allowing law schools to capture additional tuition revenue, as summer programs also attract foreign practitioners who cannot afford to spend the time or money on a full LL.M program, but still want the benefit of some American legal education.

Supplemental instruction could also be added outside the formal curriculum during the course of the academic year. For example, law schools can offer extra language skills development to those students for whom English is a second language. Similarly, if it is not possible to integrate LL.M students in existing One-L courses on fundamental

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69 Spanbauer supra note 7, at 420-22 (suggesting that writing skills are de-valued in other legal cultures, since formal writing is reserved for only the most official proceedings); see also Marian Dent, Designing an LL.M. Curriculum for Non-Western-Trained Lawyers, 13 PERSPECTIVES: TEACHING LEG. RES. & WRITING 87 (Winter 2005) (law firms in Russia place a high value on mastery of American-style legal writing skills for the preparation of client letters; however, they also place little or no value on learning U.S. legal research).

70 Spanbauer, supra note 7, at 426-28; Interview with Naeve, supra note 43.

71 Spanbauer, supra note 7, at 435-36 (students should receive one-on-one additional coaching in writing and conversational English; ideally they should have access to writing specialists experienced in teaching writing to ESL students.)
subjects, foreign students could be given other opportunities to acquire knowledge of these subjects more informally, through voluntary workshops or guest lectures. Since most students will prepare for and take a bar exam on completion of their course of study, schools might consider formally adding bar preparation time to the tail end of their program schedules. Finally, to the extent possible, internships could be offered as a program component.

Ongoing Services

Given the investment they represent for law schools, foreign LL.M students expect and should receive ongoing support. At present, law schools tend to marginalize foreign students in terms of career counseling, and put low effort into alumni outreach to foreign students. Foreign students do present career offices and development personnel with many additional challenges, but the heightened potential foreign LL.M grads have for long-term success and influence means that the additional effort to improve post-graduation access to resources and to build stronger positive relationships could reap immediate and important dividends for their law school. For examples, successful LL.M alumni who have positive associations with their law school could be a valuable source of opportunities for J.D. graduates interested in practice abroad.

HOW LAW LIBRARIANS CAN HELP FILL THE GAPS

Should they be warranted by assessment data, major curricular changes will require huge institutional commitments of time, resources and effort. It is also possible that studies will show that less extreme measures will be sufficient to dramatically increase the degree to which LL.M programs meet students’ needs. In the meantime, law librarians are already positioned to address some of the identified shortcomings in terms of both content and student support, and thereby immediately improve the experience of foreign students in LL.M programs.

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72 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43; Silver, The Case of the Foreign Lawyer, supra note 7, at 1057-58 (students have a strong incentive to prepare for bar even if they don’t pass); Silver, Internationalizing U.S. Legal Education, supra note 10, at 165-67.

73 Spanbauer, supra note 7, at 431-32 (proposes using internships as a supplement to, not substitute for, coursework in order to provide additional introduction to U.S. legal culture and practical experience); Silver, Internationalizing U.S. Legal Education, supra note 10, at 159-60.

74 See Silver, Globalization and the Business of Law, supra note 5, at 410; Silver, The Case of the Foreign Lawyer, supra note 7, at 1058-62; Silver, Winners and Losers, supra note 33, at 908-910 (schools have conflicting loyalties in addition to the general difficulty of finding employment for foreign law graduates).
Supplemental Content and Skills Development Support

As they do for J.D. programs, law librarians can offer LL.M faculty valuable assistance by providing relevant materials for integration into legal analysis courses, or by preparing guest lectures or tailored research guides to help foreign students understand how to research particular areas of law. The LL.M programs at the University of Washington are already enhanced by the active participation of law librarians in this way.75

In addition, law librarians’ expertise in both substantive law and in practical teaching methods could be harnessed to add the extra content foreign LL.M students crave. Because of the short duration of LL.M programs and the inability of law schools to give foreign students in them class slots needed for J.D. students, it is normally not possible to formally add extra instruction in core subjects like torts, civil procedure, etc. At the University of Washington, the demand for additional instruction was addressed in the past through supplemental tutorials offered by willing faculty, but no faculty have been available to do so for many years. UW’s LL.M students therefore either get an introduction to these topics during bar preparation courses at the very end of their studies, or not at all.76 Librarians, already accustomed to providing practical instruction in a variety of subject areas, could present optional short workshops and lectures outside of class time.77 Thereby, foreign LL.Ms could receive training in subjects of particular interest to them, and much earlier in the course of the year, when the additional knowledge could enrich their understanding of their coursework and enhance their class discussions.

Similarly, law librarians could provide additional resources to assist foreign LL.M students in developing the skills they will need when they complete their studies and return to practice. Librarians could help at the transition points by offering end-of-program refresher courses and/or written materials to let foreign students "bridge the gap" into practice. Librarians have played a key role in bridge the gap programs to give J.D. graduates just-in-time polishing of the skills they will need as they head to clerkships or associate positions, and these programs have met with great success.78 Foreign LL.Ms returning home could benefit just as, if not more, significantly from bridge-the-gap instruction constructed around the specific skills they will need. Possible foci of instruction could include

75 Interview with Murazumi and Raigrodski, supra note 43; Interview with Naeve, supra note 43.
76 Interview with Murazumi and Raigrodski, supra note 43.
77 See e.g., Patrick Meyer, Training the Next Generation of Lawyers: Teaching Essential Research Skills, in THE LAW LIBRARIAN’S ROLE AS AN EDUCATOR, 99, 104-105 (Michaela Falls, ed., 2008) (15-30 minute “mini courses” are offered to J.D. students at Thomas Jefferson School of Law).
low-cost online research in transnational issues, since once abroad the graduates will not have access to even a fraction of the materials they rely on during their studies. As law librarians interact regularly with practicing attorneys, and many also have prior practice experience themselves, they could also offer helpful insights on effective communication with American counsel and clients.79

**Support for Student Learning and Socialization**

Law librarians can also offer additional student support via one-on-one counseling, not just in their traditional capacity of supporting research, but also by serving as partners for practicing the language skills and building the confidence that alumni find so valuable later. Law librarians have both expertise in individualized teaching methods, and, frequently, in foreign languages. These skills can be of tremendous help in making foreign students feel more comfortable in their new learning environment, and promote more efficient and effective learning.80

As a rule, LL.M students think of librarians as an important source of learning support about as frequently as J.D. students do, which is to say rarely, if ever. However, if alerted to the help librarians can provide, LL.M students are likely to be more receptive than “Net-Gen” J.D.s, since they have already made an elevated commitment to their education by enrolling in a program abroad, following a full course of legal training in their home countries.81 Foreign LL.Ms come to the program without the cultural baggage of American-born J.D.s, or at least with different baggage that can easily be corrected by explaining the role librarians can play in assisting their learning and development. Therefore, it should not matter whether the person who meets their needs is a professor in the context of a class or a librarian in the context of one-on-one counseling. Due to their greater maturity and practical orientation, foreign LL.M students will appreciate additional programs and resources if it’s clear that these efforts are being tailored to meet their post-graduation needs.

**Mutual Benefits of Law Librarian Involvement**

Using law librarians to help fill the gaps this way would be beneficial for all parties. Students’ needs could be met with little additional burden on program faculty, staff and budgets. In return,

81 Id; see also Kirk, supra note 78, at 97-98 (students can come to see librarians as important sources of educational support).
librarians would have the opportunity to use their expertise, practice their craft, and build relationships with students and faculty. The students will have better outcomes and increased satisfaction with their program, making them more likely to succeed and refer others in the future.82

Student learning and socialization support can be conducted as an extension of law librarians’ routine reference interactions, and only a more calculated joint effort to make foreign LL.M students see librarians as an important resource is needed. In contrast, more formal involvement of law librarians in the teaching of foreign LL.M students means a significant extra commitment of librarians’ time. Serious consideration should be given, therefore, to the equities of workloads and compensation, as it would be neither feasible nor fair to ask librarians to assume strenuous new duties without providing sufficient support.83 In certain cases, the number of LL.M students in a school’s programs and the tuition revenue they bring might make it possible to dedicate a librarian’s time exclusively to supporting LL.M programs.84 In other cases, librarians who volunteer to teach mini-courses or bridge-the-gap sessions could receive adjunct pay. The appropriate solution will vary according to each institution’s unique circumstances, but it is worth considering allowing librarians to assume a more active role in preparing foreign LL.M students for transnational practice. While teaching is indeed time-consuming and challenging, it elevates librarians to the status of colleagues in the eyes of faculty, and places them in a position of leadership with respect to the educational mission of their law school.85 By increasing their visibility and making important contributions to student achievement and goodwill, which can later translate into increased enrollment or alumni donations, librarians can further establish their value to their school, a consideration of particular weight in the current budget-conscious climate.86

POTENTIAL BENEFITS FOR J.D. PROGRAMS

Adapting LL.M programs to better prepare foreign graduates for transnational practice could have positive implications for J.D. programs as well.

82 Silver, The Case of the Foreign Lawyer, supra note 7, at 1057 (personal relationships with alumni play important role in decision to enroll).
83 Gallacher, supra note 79, at 173-174 (citing Robert C. Berring & Kathleen Vanden Heuvel, Legal Research: Should Students Learn It or Wing It?, 81 LAW LIBR. J. 431, 448 (1989)).
84 Kirk, supra note 78, at 93 (the international LL.M program at the author’s home institution at the University of Connecticut funds a half-time librarian).
85 Kirk, supra note 78, at 86-87; Joyce A. McCray Pearson, The Director and Law School Librarian’s Role as Educator, in THE LAW LIBRARIAN’S ROLE AS AN EDUCATOR, supra note 77, at 31, 37-38.
86 Pearson, supra note 85, at 45-46.
The increasingly transnational nature of practice, and how to prepare J.D. students for that future, is a very hot topic at present. The process of developing effective transnational practice training for foreign LL.Ms will create a knowledge base that can be used to enrich the J.D. curriculum in complementary ways. The lessons learned from better teaching of ESL students can also be used to help improve instruction for minority students in J.D. programs who are also non-native English speakers or feel culturally isolated from their peers.

A more engaged LL.M student body will also improve the learning environment for the J.D. students enrolled in the same upper division classes. At the same time, J.D. students will receive the same cross-cultural sensitivity training that LL.M students and their employers value so strongly. These skills will be of equal help to the J.D. graduates if they ever seek to work abroad, or even when they have to deal with overseas counsel.

RECOMMENDATIONS FOR FURTHER STUDY

In order to accurately evaluate current programs and determine which changes would be advisable, much more research is needed.

Carole Silver's national survey will certainly contribute to our understanding of LL.M alumni satisfaction levels, explore ongoing concerns, and offer suggestions. However, this study is only the first step, and more studies examining different facets of the problem should be undertaken. In particular, Silver's survey is not designed specifically to explore which LL.M programs are most successful in preparing foreign LL.Ms for transnational practice, and what elements contribute to that success. Such targeted research will be critical in order to provide a foundation for curricular and structural changes to LL.M programs. It would also be tremendously useful to have an international comparison of American LL.M programs with programs in other nations that are currently drawing large numbers of foreign lawyers, to determine whether the latter are more successful, and if so, why.

While the need for them is less pressing, it would be interesting to examine the results of studies of foreign visiting scholars at American law schools, to determine how their needs are similar or different, and how they could be better accommodated. Lessons learned from such studies could be of particular value in providing better research support to academically-inclined foreign students.

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88 Spanbauer, supra note 7, at 443.
89 Silver, Globalization and the Business of Law, supra note 5, at 412.
CONCLUSION

It is undeniable that LL.M program coordinators and faculty work incredibly hard and have a deep commitment to providing the highest quality education to their foreign students. Nonetheless, it is also true that LL.M programs historically developed in a largely ad hoc manner, with no encouragement toward standardization, and without benefit of comprehensive research or formal assessments to guide optimal design. Many programs also arose in a very different era, when students came with very different expectations. Relying on outdated assumptions and best guesses is no longer good enough for the students, for their eventual employers, or for the law schools that need these students’ tuition dollars, internationalizing perspective, and future influence.

While the US is still the major exporter of legal education and the rising numbers prove the continuing attractiveness of U.S. LL.M degrees for foreign law graduates, there is increased competition from foreign schools that can’t be ignored. One of U.W.’s LL.M program coordinators, fully aware of this possibility, volunteered that “[i]t is very important to keep students happy to keep them coming in the future.” If law schools care about continuing to attract foreign students and benefit from all they have to offer, they need to make a more organized effort to better understand and serve their needs.

Effectively serving needs of foreign students might ultimately require industry-wide curricular overhaul, with or without the structure of ABA guidance. Naturally, such drastic changes should only be considered on the basis of a solid understanding of the real needs of foreign students heading to transnational practice. Unfortunately, the necessary studies have yet to be published, or even begun. In the meantime, individual law schools can begin by surveying the alumni of their programs and implementing improvements based on their feedback, as the University of Washington recently has for its IP LL.M.

Improving the structures for educating lawyers for the age of global law – both foreign LL.Ms and American J.D.s – is a major undertaking that will require the participation and commitment of many constituencies, including law librarians, whose expertise and resources should not be left off the table. However, if reform is done the right way, it is possible that, although not everyone will get everything they want, students, schools and employers might all get what they need.

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90 Interview with Murazumi and Raigrodski, supra note 43.
91 Spanbauer supra note 7, at 425-26 (“It is important for legal educators to learn more about the wider social contexts in which students will function when they leave... so as to enable students to understand the discourse that they must somehow become conversant in and navigate.”)