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## **SITTING BY THE WELL: THE CASE FOR INTERCULTURAL COMPETENCY TRAINING IN INTERNATIONAL EXPERIENTIAL LEARNING**

**By Jeffrey Blumberg\***

### **I. INTRODUCTION**

“Sit by the well.” This was the guiding principle by which a friend and fellow returned Peace Corps<sup>1</sup> volunteer, who served in Africa in the 1960s, conducted her volunteer service.<sup>2</sup> She explained that volunteers were instructed to listen, learn, adapt and integrate culturally, and understand their cultural settings. Volunteers were given permission to not immediately “accomplish” but first understand the context of their volunteer assignments and the nuances of local players’ inter-relationships, cultural norms, and community needs. It was only after having this period of reflection that volunteers would be considered ready to roll up their sleeves and go about undertaking their assignments. This concept of sitting by

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1. The Peace Corps was founded in 1961 when President Kennedy envisioned a world where students had the opportunity to serve developing countries in building better lives for all individuals. Peace Corps volunteers work on “international development and citizen diplomacy,” while addressing challenges such as “climate change, pandemic disease, food security, and gender equality and empowerment.” PEACE CORPS, <http://www.peacecorps.gov/today/> (last visited May 13, 2014).
2. Interview with Sally Collier, Country Director & Volunteer, Peace Corps, in Wash., D.C. (Sept. 23, 2013). Ms. Collier was a Peace Corps volunteer in Ethiopia from 1962–1964. In 1962, during her initial training, the first regional director for Latin America told his community development volunteers, “Go sit by the well for your first year of service.” He advised them that only then, would they be prepared to do their community development projects during their second year of service. Ms. Collier also went on to serve as the Peace Corps Country Director in Swaziland and Zimbabwe from 1995–2000 where she used this story as she worked with the first environmental volunteers in Zimbabwe.

the well is tantamount to obtaining intercultural competency before setting out to conduct community development work.<sup>3</sup>

This paper will address a pressing issue: how do we re-create this time of sitting by the well before sending law students out on their international experiential learning journey? How do we teach them to continue to “sit by the well” once they begin their work assignments? And, in the end, how do we ensure that they will be prepared to be effective international advocates who contribute to the cause of social justice during their international experiential learning?

The globalization of the practice of law is growing exponentially and law students are clamoring for international work experience.<sup>4</sup> Law schools have responded by increasing the opportunities for international experiential learning.<sup>5</sup> These expanded opportunities include a number of options that range from single country

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3. Others refer to this as cultural competency. I will utilize the term “intercultural” as it more aptly describes this issue, but many others continue to use the term cultural competency and it will be thus referenced in this fashion when considering other scholarly literature. As will be discussed in more detail in Part IV, cultural competency has been defined as:

The integration of knowledge, attitudes and skills that enhance cross-cultural communication and appropriate or effective interactions with others. It may also be seen as the integration and transformation of knowledge about individuals and groups into specific standards, policies, practices and attitudes used in appropriate cultural settings to increase the quality of services and produce better outcomes. Cultural competence involves awareness of one's own culture, including its norms and values.

David Hunt, *Cultural Competence in Education*, XV LEGAL NOTES FOR EDUC., July 2002, at 1, 10.

4. See Kathleen M. Burch, *Going Global: Managing Liability in International Externship Programs – A Case Study*, 36 J.C. & U.L. 455, 456–57 (2010) (discussing the growth of globalization and how law schools need to respond to provide law students with real life, in context, international opportunities). “Addressing this global rule of law deficit is not only the most important calling of the world’s legal community; it must also become an urgent priority for world leaders, international institutions and citizens committed to making this a just, peaceful and prosperous world.” *Rule of Law Initiative, Our Origins & Principles*, AM. BAR ASS’N, [http://www.americanbar.org/advocacy/rule\\_of\\_law/about/origin\\_principles.html](http://www.americanbar.org/advocacy/rule_of_law/about/origin_principles.html) (last visited May 13, 2014). The majority of law schools now offer international law classes, recruit foreign students and faculty members, encourage studying abroad, and have created graduate programs for foreign-trained lawyers. See N. William Hines, Ten Major Changes in Legal Education Over the Past 25 Years, ASS’N OF AM. L. SCH. (Nov. 2005), [http://www.aals.org/services\\_newsletter\\_presNov05.php](http://www.aals.org/services_newsletter_presNov05.php) (“Law schools find themselves racing to keep up with the rapid pace of the changes wrought by advancing globalization.”).

5. See *Human Rights Survey*, AALS INT’L HUM. RTS. SEC., <http://vls.law.villanova.edu/clinics/aals/humanrightssurvey.htm> (listing numerous international experiential programs throughout the country) (last visited May 13, 2014).

placements for multiple students, often with in-country faculty, to multi-country models that send many students to different countries with primary supervision by a local attorney or counterpart, along with a remote faculty.<sup>6</sup>

The purpose of this article is to describe some of the lessons I have learned while teaching a multi-country international externship class at Washington College of Law. I will propose my model for intercultural competency training based on Peace Corps/development-based training ideas that I utilized during my seminar. In Part II, this article will briefly discuss the growing world of international experiential learning and the reason for this growth. Part III will discuss the differing models of international experiential learning with a focus on the distinction between the single country and multi-country models. Part IV will define intercultural competency training and analyze the use of intercultural competency training to prepare students for the Stanford Law School's human rights fieldwork clinic in South Africa. In Part V, building on the work of the Stanford program and others, I will present my proposed framework for utilizing development-based intercultural competency training in a multiple country or local supervision model. Part VI will conclude with a discussion of how these culture general principles can be applied to other experiential learning models.

## II. THE GROWTH OF INTERNATIONAL EXPERIENTIAL LEARNING

International experiential learning is on the rise. Currently, almost every law school in the country offers some type of international program, many with an experiential component.<sup>7</sup> What accounts for

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6. As will be discussed in Part III, many models have proliferated and often are differentiated by the term, externship, clinic or hybrid model. For the purpose of this article, the important distinction is single versus multiple countries as it relates to the intercultural competency component of the course.
7. Elizabeth Chambliss, *Organizational Alliances by U.S. Law Schools*, 80 FORDHAM L. REV. 2615, 2621 (2012) (discussing the longstanding and well-developed international programs of many U.S. law schools); Andrew Moore et al., *The Globalization of Legal Education*, 92 MICH. B. J. 40, 41 (2013); Caroline Silver, *Getting Real About Globalization and Legal Education: Potential and Perspectives for the U.S.*, 24 STAN. L. & POL'Y REV. 457, 471 (2013); Christopher J. Gearon, *Law Schools Go Global*, U.S. NEWS & WORLD REP. (Mar. 29, 2011), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2011/03/29/law-schools-go-global> (providing that, as of 2009, at least 112 United States law schools collectively offered more than 225 international programs).

this dramatic rise in international experiential learning? The answer lies in the increasing globalization of our society and the traditional reasons for the growth in experiential learning.

We are living in an increasingly globalized world, as evidenced by the private sector where law firms are increasingly doing a more international practice,<sup>8</sup> the government's increased focus on nation building,<sup>9</sup> and the growing world of non-governmental organizations (NGOs) doing international work.<sup>10</sup> This globalization has also led to the expansion of international experiential learning and dramatically opened up new opportunities in the international realm for law students.<sup>11</sup> As Dean Claudio Grossman of Washington College of Law noted in 2002, “[t]oday we are witnessing dramatic global transformations that call into question both the content and methodology of legal education.”<sup>12</sup>

This questioning of the content and methodology of legal education in the international realm has led to the growth of international experiential learning.<sup>13</sup> Dean Grossman continued that:

Inasmuch as individual states can no longer isolate themselves from the international community, legal training should no longer be enveloped within the four walls of a law school. Instead, law schools must connect themselves with the outside world and reconstruct their academic agendas to work with actors in the international community, such as

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8. See Moore et al., *supra* note 7, at 40.
9. See Robert Kagan, *Nation-Building, Our National Pastime*, N.Y. TIMES (Oct. 14, 2011), [http://www.nytimes.com/2011/10/16/books/review/libertys-surest-guardian-by-jeremi-suri-book-review.html?\\_r=0](http://www.nytimes.com/2011/10/16/books/review/libertys-surest-guardian-by-jeremi-suri-book-review.html?_r=0); Jennifer Rubin, *About that ‘Nation Building’*, WASH. POST (Oct. 9, 2013), <http://www.washingtonpost.com/blogs/right-turn/wp/2013/10/09/about-that-nation-building/>.
10. Claudio Grossman, *Building the World Community: Challenges to Legal Education and the WCL Experience*, 17 AM. U. INT'L L. REV. 815, 816 (2002).
11. Moore et al., *supra* note 7, at 41 (“[A]s the forces of globalization create more connections between people in different countries, [international] programs that qualify students to engage in genuine transnational practice should be promoted.”); Silver, *supra* note 7, at 457–58, 461, 469; Gearon, *supra* note 7 (“As the world moves increasingly toward globalization, America’s law schools are offering students more opportunities to immerse themselves in foreign legal systems and international law.”).
12. Grossman, *supra* note 10, at 816.
13. See Rachel Moran, *When Intercultural Competency Comes to Class: Navigating Difference in the Modern American Law School*, 26 PAC. MCGEOGE GLOBAL BUS. & DEV. L.J. 109, 111–14 (2013) (“Some globalists have embraced a vision of cosmopolitanism in which we transcend our attachment to the nation-state. As Martha Nussbaum put it, ‘[we must aspire to be] a citizen of the world.’”) (alteration in original).

NGOs, multinational corporations, governments, and legal systems of other countries . . .<sup>14</sup>

Many of these connections to the outside world are through international experiential learning programs. Dean Grossman stated, “[t]oday’s law school graduates must acquire the skills to function as facilitators and problem solvers in international transactions. They must also be able to act as liaisons for communications between and among formally organized legal systems with differing national histories, customs, and experiences.”<sup>15</sup> Dean Grossman concluded that “[p]ut simply, the philosophical foundation of Langdell’s case theory is insufficient to prepare law students for the world they will encounter.”<sup>16</sup>

Thus, due to the globalization of our community and the increased push for international experiential learning, law schools are responding with a vast array of international experiential learning

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14. Grossman, *supra* note 10, at 827.
15. *Id.* (“In addition, while the study of case law continues to provide an indispensable vehicle for legal training, we now know the importance of expanding legal training beyond this one-dimensional approach. Today, new skills are required in legal education as exemplified by the development of practical and experiential training methodologies. Clinical programs, moot court competitions, study-abroad courses, debate clubs, and an increased reliance on non-legal disciplines—economics, psychology, political science, anthropology, and sociology—all make the study of law based exclusively on case analysis obsolete.”).
16. *Id.*; see Robert MacCrate et al., *Legal Education and Professional Development—An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, 1992 A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR 234–35 (encouraging schools to recognize the value of live-client clinical experiences and to explore ways to expand the availability of courses that offer such experiences). Certainly, the push for experiential learning in the domestic context has also contributed to the international experiential learning growth. See James H. Backman & Jana B. Eliason, *The Student-Friendly Model: Creating Cost-Effective Externship Programs*, 28 TOURO L. REV. 1339, 1342 (2012) (“A complete law school education includes theoretical thinking as well as practical training.”); see also ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS., Rule 302(b) (2014) (“A law school shall offer substantial opportunities for: (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence.”); see generally ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S* 51–65 (1983) (providing a historical overview of the style of legal education used at Harvard Law School).

opportunities.<sup>17</sup> As will be discussed in Part V, these learning opportunities are greatly enhanced when students learn to sit by the well through a culture general, development-based intercultural competency training.

### III. THE INTERNATIONAL EXPERIENTIAL LEARNING MODELS

A number of international experiential learning models have arisen over the last 30 years. They are best distinguished by the distinction of single country versus multiple country field placements. The “single country model” comes in a variety of forms. In one form, there are a limited number of students who will be working in one country in a dedicated placement.<sup>18</sup> Often times, a law professor will teach a classroom component in the United States to prepare the students for their overseas work experience.<sup>19</sup> The students will then travel to the country and work under the supervision of a professor.<sup>20</sup> This work might involve actual client representation, human rights fieldwork, or more general policy work.<sup>21</sup> In this model, students may be associated with a local university and conduct their work through the local law school program, or with the assistance of local faculty.<sup>22</sup> In other single country models, students may volunteer for several different organizations within one country.<sup>23</sup> In either of these single country models, faculty will be able to focus on country-specific substantive issues to prepare the students for their work.

The next model will be referred to as the “multi-country model.” In this model, students select their own placements in different

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17. See David S. Clark, *American Law Schools in the Age of Globalization: A Comparative Perspective*, 61 RUTGERS L. REV. 1037, 1049, 1054, 1063 (2009) (increasing globalization is causing law schools to expand their comparative and international programs); John E. Sexton, *Curricular Responses to Globalization*, 20 PENN. ST. INT'L L. REV. 15, 15–16 (2001); Silver, *supra* note 7, at 457–59, 462, 470–71; see also Mary M. Dwyer, *More Is Better: The Impact of Study Abroad Program Duration*, 10 FRONTIERS: INTERDISC. J. STUDY ABROAD 151, 151, 161 (2004), available at [http://www.frontiersjournal.com/issues/vol10/vol10-09\\_Dwyer.pdf](http://www.frontiersjournal.com/issues/vol10/vol10-09_Dwyer.pdf).
18. See Kathleen Kelly Janus & Dee Smythe, *Navigating Culture in the Field: Cultural Competency Training Lessons from the International Human Rights Clinic*, 56 N.Y.L. SCH. L. REV. 445, 446–47, 450–51.
19. See *id.* at 470–71.
20. The professor may be a local professor, the American law professor, or a combination of both. This may be referred to as a hybrid model. See *id.* at 454–55 (describing a hybrid model for an international human rights clinic in South Africa).
21. See *id.* at 460–61.
22. See *id.* at 459.
23. See *id.* at 451.

organizations in a multitude of countries.<sup>24</sup> Thus, they may be working for NGOs, law firms, or government agencies. Typically, an in-country manager supervises the students on a daily basis while law faculty supervises periodically on a remote basis.<sup>25</sup> In this model, there may often be a higher student to faculty ratio.<sup>26</sup> This model may also often be offered only during the summer.<sup>27</sup>

The multi-country country model of international experiential learning offered at the Washington College of Law, and the subject of this article, will now be discussed in more detail.<sup>28</sup> In the course entitled *International Long Distance Externship Seminar* students attend a three-day intensive seminar to prepare them to navigate their assignments.<sup>29</sup> It is an opportunity for the students to meet as a class, create a community for learning, and address the issues pertinent to their placements. During the semester, once overseas, the students are supervised on a daily basis by their in-country supervisor.<sup>30</sup> As for faculty supervision, while the students are in-country, the students write reflective journals about their experience with feedback from the assigned faculty.<sup>31</sup> The students use electronic forums to discuss issues that may arise during the externship with the expectation of fostering a group discussion on how to resolve these issues. This sort of interaction promotes the goal of creating a “virtual classroom.”<sup>32</sup> Upon their return, students again engage in an intensive three-day seminar with faculty to discuss their experiences and reflect on the

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24. See WASH. COLL. OF L., AM. UNIV., INTERNATIONAL EXTERNSHIP PROGRAM: A WEALTH OF OPPORTUNITIES 1, 3, [http://www.wcl.american.edu/externship/brochures/fall06\\_externship\\_brochure.pdf](http://www.wcl.american.edu/externship/brochures/fall06_externship_brochure.pdf) (last visited May 13, 2014) [hereinafter INTERNATIONAL EXTERNSHIP PROGRAM].
25. James Backman, *Externships and New Lawyer Mentoring: The Practicing Lawyer's Role in Educating New Lawyers*, 24 BYU J. Pub. L. 65, 88–89 (2009).
26. See *id.* at 73–74 (discussing how the accreditation standard for externship programs permits more expansive student involvement with higher student-to-faculty ratios).
27. *Id.* at 88 (discussing the benefits of the summer externship model to include the elimination of geographic limitations).
28. See INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 1.
29. See *Supervised Externship Seminars: International Externship*, AM. UNIV., WASH. COLL. OF L., <http://www.wcl.american.edu/externship/international.cfm> (last visited May 13, 2014) (“Students can earn academic credit while performing fieldwork outside of the United States in NGOs, government agencies, tribunals, and law firms engaged in *pro bono* work.”).
30. See INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 4.
31. *Id.* at 5.
32. *Id.*

process. At the same time, students also look forward to next career steps and reflect on how the experience overseas may have changed their perspective on their future legal careers.<sup>33</sup>

In sum, there are many important differences between the single country and multiple-country international experiential learning models. In the multi-country model, the student benefits from the ability to choose from a multitude of countries and positions that might suit their specific interests. They have the opportunity to experience a new culture, a new language, a new legal system, and the ability to gain the enhanced resume that may lead to a burgeoning international career.<sup>34</sup> However, many things present in the single country model are missing in the multi-country model including, direct law professor supervision, the ability to focus exclusively on country-specific cultural issues in pre-trainings, the support of a local educational institution, the institutional knowledge of prior students, and the ability to do case-rounds. Most significantly, the student is dependent on a local supervisor who may have differing levels of proficiency in terms of supervisory ability or assisting the student in navigating the complexities of an inter-cultural placement. This may lead to too little responsibility or too much responsibility. It may lead to an experience where a student without the proper intercultural competency coping skills will be doomed to failure.

This article proposes a framework where students learn to sit by the well and prepare for a multi-country experiential learning journey through a development-based intercultural competency training. It will do so by incorporating the techniques of numerous scholars who have written about intercultural competency training, along with building on the international model utilized by Professor Janus in the Stanford Clinic. When this intercultural competency model is utilized, students will become more effective and culturally competent advocates in pursuit of social justice.

#### IV. INTERCULTURAL COMPETENCY IN THE EXPERIENTIAL LEARNING MODEL

Why is culture an important concept for aspiring lawyers and advocates to address? As has been discussed extensively by scholars, teaching the skills of cross-cultural lawyering is increasingly important as our society continues to diversify.<sup>35</sup> However, few have

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33. *Id.* at 6.

34. See Backman & Eliason, *supra* note 16, at 1346.

35. Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 39–40 (2001) (“By teaching students how to recognize the

written about how students engaging in international experiential learning can achieve the necessary intercultural competency skills to navigate their experience while immersed in another culture.

This article will now turn to how intercultural competence training is being utilized in the international experiential learning model. First, the definition of intercultural competency generally and then more specifically in the legal context will be addressed. Next the article will describe ongoing efforts to incorporate this training into the international experiential learning model; specifically, in the single country model.

Culture is “the shared set of assumptions, values, and beliefs of a group of people by which they organize their common life.”<sup>36</sup> Intercultural competency has been defined as a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals and enable the system, agency, or those professionals to work effectively in cross-cultural situations.<sup>37</sup> Specifically, the word culture is used because it implies the integrated pattern of human behavior that includes thoughts, communications,

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influence of culture in their work and to understand, if not accept, the viewpoint of others, we provide students with skills that are necessary to communicate and work positively with future clients and colleagues.”); *see Andrew King-Ries, Just What the Doctor Ordered: The Need for Cross-Cultural Education in Law Schools*, 5 TENN. J.L. & POL’Y 27, 28–29, 33–34 (2008) (advocating for a diverse legal education because of our evolving multicultural society); Nelson P. Miller et al., *Equality as Talisman: Getting Beyond Bias to Cultural Competence as a Professional Skill*, 25 T.M. COOLEY L. REV. 99, 101–02, 112–13 (2008) (stating that the legal profession is lacking in cultural competence education and should incorporate it more frequently into the three-year curriculum); *see also* Ascanio Piomelli, *Cross-Cultural Lawyering by the Book: The Latest Clinical Texts and a Sketch of a Future Agenda*, 4 HASTINGS RACE & POVERTY L.J. 131, 133–34, 150, 154, 167, 169 (2006). (“Given the central role our society assigns lawyers . . . it is imperative that lawyers be able to work effectively with all clients . . .”).

36. PEACE CORPS, CULTURE MATTERS: THE PEACE CORPS CROSS-CULTURAL WORKBOOK 8 (1997) [hereinafter CULTURE MATTERS] (quoting Gary Wedersphan); *see also* Clyde Kluckhohn, *The Study of Culture, in THE POLICY SCIENCES: RECENT DEVELOPMENTS IN SCOPE AND METHOD* 86, 86 n.5 (Daniel Lerner & Harold D. Lasswell eds., 1951) (“Culture consists in patterned ways of thinking, feeling, and reacting . . . ; the essential core of culture consists of traditional . . . ideas and especially their attached values.”).
37. Scharlette Holdman & Christopher Seeds, *Cultural Competency In Capital Mitigation*, 36 HOFSTRA L. REV. 883, 892 (2008); *see* Bryant, *supra* note 35, at 40; Piomelli, *supra* note 35, at 135 (“[C]ulture denotes those ways of approaching, understanding, and acting in the world that are widely (but not necessarily universally) shared by members of a social group—and are often hotly contested by some group members.”) (internal quotation marks omitted).

actions, customs, beliefs, values, and institutions of a racial, ethnic, religious, or social group.<sup>38</sup> The word competence is used because it implies having the capacity to function effectively.<sup>39</sup>

Many have addressed how to define intercultural competency in the context of the legal profession.<sup>40</sup> In 2011, Pacific McGeorge University gathered the leaders in the intercultural field and conducted a workshop on promoting intercultural legal competence.<sup>41</sup> As they defined it:

A simple definition of intercultural legal competence, particularly from the standpoint of those operating with a utilitarian professional school frame, is the ability of a lawyer to perform successfully the various functions that attorneys perform in society when dealing with persons from different nations and cultures and with transactions and disputes involving different legal systems.<sup>42</sup>

Many others have written about cross-cultural frameworks to teach intercultural competency in the domestic setting so that students will become more effective lawyers in a multicultural world.<sup>43</sup> For

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38. Holdman & Seeds, *supra* note 37, at 891.

39. *Id.* at 891–92.

40. See, e.g., Moran, *supra* note 13, at 114 (“As this brief account makes clear, efforts to bring intercultural competency into American law school classrooms are just beginning.”).

41. Franklin A. Gevurtz, *Report Regarding the 2011 Pacific McGeorge Workshop on Promoting Intercultural Legal Competence (the “Tahoe II” Conference)*, 26 PAC. MCGEOGE GLOBAL BUS. & DEV. L.J. 63, 63 (2013).

42. *Id.* at 75; see *id.* at 71 (“[T]he instrumentalist objective for intercultural legal competence seeks to address the poorer outcomes in terms of access to justice and social justice for persons from underserved or less dominant cultures and nations created by cultural and national differences between attorneys and other parties with whom the attorneys deal.”).

43. See, e.g., Bryant, *supra* note 35, at 52 n.66, 106–07 (describing the importance of teaching about empathy in class to students in the Battered Women’s Clinic at City University of New York); Antoinette Sedillo López, *Making and Breaking Habits: Teaching (and Learning) Cultural Context, Self-Awareness, and Intercultural Communication Through Case Supervision in a Client-Service Legal Clinic*, 28 WASH. U. J.L. & POL’Y 37, 37–38 (2008) (discussing the opportunities to teach intercultural communication and cultural self-awareness at the University of New Mexico Clinical Law Program, which serves Native Americans of many tribes and Latinos of many backgrounds); Cynthia M. Ward & Nelson P. Miller, *The Role of Law Schools in Shaping Culturally Competent Lawyers*, MICH. B. J., Jan. 2010, at 16, 18 (explaining that the Cooley Law School clinic offered focus groups where students learned about the importance of cultural competence to the attorney-client relationship).

example, in the capital defense function, the importance of cultural competency for mitigation specialists has been noted in an effort to discover and reveal the humanity of the accused.<sup>44</sup> Other professions, notably in the medical and social work fields, have been far reaching in their efforts to define and train individuals to be inter-culturally competent.<sup>45</sup> Overall, there has been an increased recognition of the importance of intercultural competency training in the law school setting to improve advocacy and client communication in an increasingly multicultural world. Some have even written about the need to expand the lens of intercultural competence training beyond values to reaching a place where it is considered a “professional skill.”<sup>46</sup> That is, it should become an “institutional responsibility” to teach intercultural competence to aspiring lawyers.<sup>47</sup>

The next question is, as a practical matter, how does one impart these intercultural competency skills and values to law students? How does one connect inter-cultural skills to a vision of effective lawyering? The seminal work addressing this issue is Sue Bryant’s, *The Five Habits: Building Cross—Cultural Competence in Lawyers*.<sup>48</sup> In it, she proposed an approach and teaching framework for developing “habits” to help all students be “better cross-cultural lawyers.”<sup>49</sup> The first three habits include: (1) recognizing how

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44. Holdman & Seeds, *supra* note 37, at 921–22 (discussing how the Supplementary Guidelines for the Mitigation Function of Capital Defense Teams exemplify a standard of cultural competency whereby “jurors must witness a presentation that empathetically portrays [the client’s] individual humanity within the crucial context of culture”).
45. *Id.* at 892–93, 893 & n.48 (noting that cultural competency is an ongoing process for social workers as they continually encounter diverse clients and new situations in their practice). The American Medical Student Association refers to cultural competency as “a set of academic and personal skills that allow us to increase our understanding and appreciation of cultural differences between groups.” *Cultural Competency in Medicine*, AM. MED. STUDENT ASS’N, [http://www.amsa.org/AMSA/Libraries/Committee\\_Docs/cultural.sflb.ashx](http://www.amsa.org/AMSA/Libraries/Committee_Docs/cultural.sflb.ashx) (last visited May 13, 2014). At the National Medical Association cultural competency is defined as the “application of cultural knowledge, behaviors, and interpersonal and clinical skills that enhances a provider’s effectiveness in managing patient care.” *Definitions of Cultural Competence*, NAT’L CTR. FOR CULTURAL COMPETENCE, <http://www.nccccurricula.info/culturalcompetence.html> (last visited May 13, 2014).
46. Miller et al., *supra* note 35, at 114–16.
47. *See id.* at 110 (“Law professors and educators in other professions continue to help students understand the skill and value of cultural competence—the ability to effectively represent a diverse clientele. Doing so is an institutional responsibility.”).
48. Bryant, *supra* note 35, at 33–35.
49. *Id.* at 57.

similarities and differences between lawyers and clients may influence lawyer-client interactions; (2) understanding the effects of similarity and difference among lawyers, clients, and decision-makers; and (3) exploring alternative explanations for clients' behaviors that may not be immediately apparent.<sup>50</sup> These first three habits focus on helping students to "think like a lawyer [by] incorporating cross-cultural knowledge into analyzing how we think about cases, our clients and the usefulness of the legal system."<sup>51</sup>

Habit Four focuses on effective cross-cultural communication and encourages culturally sensitive exchanges of communication with clients.<sup>52</sup> Finally, Habit Five is what Bryant calls the "Camel's Back."<sup>53</sup> In this habit, the focus is on recognizing and effectively resolving the elements of bias and stereotype that may negatively influence an attorney-client relationship.<sup>54</sup> Many others have continued this work of how to best prepare law students to become inter-culturally competent lawyers with a focus on effective representation.<sup>55</sup> Thus, the vast majority of the literature in this field focuses on the importance of attaining intercultural competency to be a more effective advocate in the domestic setting.

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50. *Id.* at 64, 68, 70–71.

51. *Id.* at 72.

52. *Id.* (explaining that Habit Four asks students to engage in attentive listening to the client's story and orients the conversation to the client's world, the client's understandings, the client's priorities, and the client's narrative). Habit Four can be seen in the context of sitting by the well and learning to listen to what is being said in a culturally sensitive way.

53. *Id.* at 76.

54. *Id.* at 76–77 (asking the student to acknowledge his every thought, including the ugly ones, and find a way to investigate and control for those factors that influence lawyering in unacceptable ways).

55. See Moran, *supra* note 13, at 112 ("At a minimum, then, lawyers must grasp the varied legal rules and processes that apply in different countries, but to be truly competent as an intercultural matter, attorneys must acquire a set of skills that allow them to navigate difference. The question is how best to impart these skills."); see also Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 CLINICAL L. REV. 369, 403 (2005) ("The focus here is on the first step of that journey—the development of a culturally self-aware lawyer who is conscious of her own biases and values without favoring them over another's; aware of how his own values and biases affect clients from a different cultural group; comfortable with cultural difference; sensitive to circumstances that make it appropriate for a client to change lawyers; and aware of her attitudes, beliefs, and behaviors that may be oppressive. From this base, the lawyer can actively develop an understanding of her client's culture and skills that will enable her to lawyer with multicultural competence.").

Several good examples exist which illustrate how practitioners have attempted to utilize the work of Bryant and others to impart the values of intercultural competence in the international experiential single country model.<sup>56</sup> Kathleen Kelly Janus and Dee Smythe recently wrote about the cultural competency lessons learned from conducting their Stanford Law School's human rights fieldwork clinic in South Africa, a single-country model.<sup>57</sup> A review of their work with intercultural competency training is helpful as a comparison and contrast to my culture general approach in the Washington College of Law educational model.<sup>58</sup>

Janus and Smythe used the Stanford International Human Rights Clinic in Cape Town as a case study to discuss how culture became important during their clinical fieldwork and how they built upon the framework of Sue Bryant to help students navigate cultural issues as they arose.<sup>59</sup> In the Stanford single country model, students attended a pre-departure class with Stanford faculty in preparation for their experience abroad.<sup>60</sup> Once in South Africa, students worked with the Law, Race, and Gender Research Unit at the University of Cape Town (LRG), along with a faculty field supervisor at the University of Cape Town (UCT) and a remote faculty supervisor from Stanford for substantive preparation, goal setting, and reflection.<sup>61</sup>

During the pre-departure class, faculty addressed the issue of and the importance of inter-cultural competence training.<sup>62</sup> Stanford

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56. There is limited scholarship addressing the use of intercultural competency in the single country model and none addressing this issue in the multi-country model. *See* Janus & Smythe, *supra* note 18, at 446 ("And yet, with the steep rise of student involvement in international clinical fieldwork, little has been written about how traditional theories of cross cultural competency training might apply to working with students in the field.").
57. *Id.* at 446–47.
58. *Id.* at 446 (noting that few have addressed the issue of how to utilize pedagogical techniques to integrate cross-cultural competency training into the international human rights fieldwork clinical setting).
59. *See id.* at 454.
60. *Id.* at 456–57.
61. *Id.* at 455. This model is different from the boot camp multi-country model as it was country specific and the in-country academic supervisor was a former Stanford Professor. *Id.* at 454–55. Thus, in addition to being country specific, the level of supervision was significantly different than one with multiple countries and local supervisors with no law school connection.
62. *See id.* at 458 ("[A] highly sophisticated understanding of [substantive issues] is necessary for the students to adequately navigate the cultural issues they face in their projects . . .").

faculty found that one of the most important tools students would need to face the critiques and biases they might encounter in South Africa was substantive training on the historical, political, and legal issues related to their specific projects.<sup>63</sup> They determined that this was the most important part of cultural training, as the students did not have a shared history with their South African clients.<sup>64</sup> The substantive training encompassed lectures on the historical and political context of the future projects, as well as presentations from prior students describing the work they did in the previous year.<sup>65</sup>

As the program progressed, there was an increased emphasis during the pre-travel classes on substantive training over skills training.<sup>66</sup> Thus, the program found success in integrating substantive country-

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63. *Id.* at 470. As will be discussed in Part V, this is a much more challenging area when faced with multi-country multi placement scenarios. *See infra* note 147 and accompanying text.

64. Janus & Smythe, *supra* note 18, at 470. Janus asked:

[H]ow can students begin to understand the similarities and differences that they may experience with their clients and others, or alternative explanations of their behavior, if they do not understand how apartheid governed every aspect of people's lives: where they lived, where they worked, who they married? How can students understand how the culture of the legal system and legal actors may influence a case if they do not have basic knowledge of South African law, which is a mixed common law-continental system?

*Id.* Janus determined that “[b]y providing students with a landscape of the substantive issues, they are able to draw on this knowledge in order to provide cultural context for their work.” *Id.*

65. *Id.* The substantive lectures focused on the history and politics of apartheid, the pluralist legal system as well as on the challenges of South Africa's subsequent transition to democracy, an in-depth analysis of tradition and law in South Africa in present day and colonial times, custom and land, and culture and rights, and the role of race in South Africa. *Id.* Janus noted that:

Bringing prior students into the preparation process also allowed students to ask questions about the history of apartheid and race relations in today's society in a safe environment, so that when they arrived in South Africa they had already started thinking about how the country's peculiar history and continuities might impact on their work.

*Id.*

66. *Id.* at 458. From the faculty's perspective, the increase in substantive training was enormously beneficial mainly because students were able to feel engaged in their work much sooner and avoid some of the cultural misunderstandings that may have occurred with previous students. *Id.* at 471.

specific training to enhance students' ability to recognize similarities and differences in their intercultural interactions.<sup>67</sup>

In the pre-trip course, the faculty also engaged in exercises to engage the students in the intersection of human rights and culture.<sup>68</sup> In addition, they conducted exercises to help students think more generally about working with local partners on the ground.<sup>69</sup>

Once in-country, students were immersed in ongoing projects at UCT and worked with local students under the direction of faculty and along with direct project supervision by LRG senior researchers.<sup>70</sup> Thus, unlike in the multi-country model, students maintained the benefit of the comfort, security, and institutional knowledge of the law school environment.<sup>71</sup> The students were also supervised remotely by Stanford faculty with a focus on reflection "on their ability to learn from experience, receive critical professional feedback on performance, and use the experience to gain greater proficiency in some skill or competency that they wished to develop."<sup>72</sup> This remote reflection also included regular telephone conversations with faculty in the United States.<sup>73</sup>

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67. *See id.* at 472–74. The authors discussed how a past student indicated that it can be "easy to draw parallels between" racial issues in South Africa and the United States, but that "it is both easy and dangerous" to misinterpret these parallels as an understanding of racial issues in South Africa. *Id.* at 473. The student indicated that this creates a need to be aware of your cultural bias and to become educated about other cultures to gain a true understanding. *Id.*
68. *See id.* at 457–58. This included introducing students to the concepts of universality of rights and cultural relativism. *Id.* These concepts were introduced by discussing the issue of whether human rights can ever be universal in a culturally diverse world and as a basis for group discussion so students could better understand how locals might perceive them as they begin their fieldwork. *Id.*
69. *Id.* (drawing from specific examples from previous student interactions with local counterparts in order to generate discussions that prepared the student to step into the cultural roles they would soon be facing and help them with the language and tools to handle these potentially challenging situations).
70. *Id.* at 458. Unlike in the multi-country model where students are supervised by local counterparts with differing backgrounds, students in this program had the benefit of the supervision of Dee Smythe, a South African and a graduate of both UCT and SLS. *Id.* at 454, 459.
71. *Id.* at 459 (discussing how students were "adopted" by UCT law school postgraduate students ensuring their participation in social and cultural events).
72. *Id.* at 462.
73. *Id.* Faculty also utilized "case rounds," during which a presenting team of students would lead a discussion about issues they faced in one of their cases and then engage with the rest of the group to brainstorm and explore solutions for any issues that had arisen. *Id.* at 462–63.

Most importantly, the remote reflection included student journals to reinforce the cultural competency training. In writing their reflections, students were asked to compare their goals to those of their partner as a way to acknowledge differences and how they might be addressed.<sup>74</sup> Students were asked to consider when it would be appropriate for the students to raise concerns about the substance of their projects with their supervisors and how their critiques might be perceived.<sup>75</sup> Thus, the Stanford model incorporated intercultural competency training to help students better understand their role in the social justice movement and help them to be more effective advocates by helping them to navigate the issues that arose during their fieldwork training.<sup>76</sup> They used this training as a way to help set expectations and dispel myths about the lawyer's role in the social justice movement.<sup>77</sup> In addition, as Janus and Smythe state:

By using cross-cultural training models that help students step outside of the traditional paradigm to identify goals that are consistent with the goals of the partner organization, we will not only create more realistic expectations for students who want to do social justice work; we will also help them to navigate the cross-cultural aspects of representing individuals and organizations working in poor communities, thereby allowing them to be more effective in their work.<sup>78</sup>

In the end, the Stanford faculty found their focus on cultural competency training to be very effective. It was instrumental in dealing with issues such as managing expectations about promoting student goals over those of the partner.<sup>79</sup> It was also useful to force

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74. *Id.* at 469.

75. *Id.* (asking how a law student, who is coming to South Africa for just a few weeks, can engage with the strategy of South African human rights organizations that have been working in communities for decades).

76. *Id.* at 468–69 (discussing that some of the important issues were determining when it is appropriate to question the legal strategies and communication techniques of partner organizations so as to be mindful of how the partner might perceive such intervention).

77. *Id.* at 478.

78. *Id.* at 478–79.

79. *Id.* at 478 (“By consciously engaging in the conversation some students become more critically aware of the gamut of opportunities to contribute to human rights advocacy, and sensitive to the idea that we should be working for our partners on the ground and not the other way around.”).

students to confront issues of difference and privilege.<sup>80</sup> As Janus noted, the challenge lies in helping students strike a balance between the often destabilizing recognition of cultural diversity and the belief that what they do can have an impact in improving people's lives.<sup>81</sup> Janus refers to this as helping students eliminating the focus on the "other."<sup>82</sup>

However, Janus also recognized the limitations of the university based clinical program being separate from the served communities and remaining within the "privileged confines of the law school environment."<sup>83</sup> Thus, as Janus noted,

the more in-house clinics can also begin to imagine ways to create meaningful interactions for students with the populations that they serve, such as taking students into low income communities or developing peer-to-peer relationships with people from vulnerable communities, the more that students will be able to identify commonalities in their relationships with their clients, and the less likely they will be to essentialize.<sup>84</sup>

This is precisely the benefit of the multi-country model where students are increasingly in a position to have "meaningful interactions" with the populations they have traveled to serve. The question that remains, and that I will attempt to answer in Part V, is

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80. *Id.* at 479–80 (discussing how, in order to confront these issues of difference and privilege, students participated in township tours, rural workshops, and home stays in villages, thereby allowing for meaningful interaction and learning about the community development projects from an individual perspective).
81. *Id.* at 479.
82. *Id.* at 480. Rather than viewing the persons from rural communities as the "exotic other," the trip sought to integrate meaningful experiences to enable students to acknowledge the individuality of the people. *Id.* Janus also discusses the "Exotic Other Female" which widens the cultural gap for students. *Id.* at 449, 458 n.41; *see also*, Karen Engle, *Female Subjects of Public International Law: Human Rights and the Exotic Other Female*, 26 NEW ENG. L. REV. 1509, 1512 (1992) ("Exotic Other Female . . . signif[ies] collectively those women within a culture that practices clitoridectomy, who through their action (or inaction) condone the practice. Implicit in this label is the assumption that the Exotic Other Female, or at least her needs and desires, are not totally accessible to someone outside her culture.").
83. Janus & Smythe, *supra* note 18, at 482.
84. *Id.* (describing "essentializing" as how one person can view another in a highly critical, one-dimensional point of view that fails to accurately represent the will or the need of that person).

how to prepare students to sit by the well during their overseas experiential journey and ensure their interactions with the populations they serve will be meaningful.

Professor Janus realized the challenges of preparing these students from an intercultural competency perspective.

As our clinics become more global, we have been forced to confront cross-cultural pedagogy in ways that are not new to clinical teaching, but are certainly much more pronounced when spending as much as twelve weeks in South Africa with American law students eager to put their skills to work. It is through this new way experiencing cross-cultural competency training that we as clinicians can learn more broadly how to implement existing training models in more meaningful ways. These lessons may also help us to think critically about how we might formulate our projects going forward in ways that allow precisely these types of teaching moments to arise in our clinics so that we can strengthen our students' capacities as cross-cultural lawyers in the twenty-first century.<sup>85</sup>

In Section V, the new framework for the multi-country model is proposed, building upon the work of Professor Janus for "strengthen[ing] our students' capacities as cross-cultural lawyers in the twenty-first century."<sup>86</sup> The new framework is a culture general development-based model for intercultural competency training.

## V. A CULTURE GENERAL DEVELOPMENT-BASED MODEL FOR INTERCULTURAL COMPETENCY TRAINING

Many have written about the necessity of intercultural competency training in the context of client advocacy in the domestic setting. Further, Professor Janus has discussed these client-based intercultural competency training ideas in the single country model.<sup>87</sup> I propose that the multi-country model necessitates a new look at these cultural competency models. Specifically, I suggest building on works such as the Five Habits and expanding the skills training with a focus on living and working abroad.<sup>88</sup> This expanded skills training, in

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85. *Id.*

86. *Id.*

87. *Id.*

88. See generally Bryant, *supra* note 35 (explaining "the Habits" as they can be applied to teaching cross-cultural awareness in the clinical context).

conjunction with the Bryant based advocacy training and Stanford model country specific substantive training, is the best method to create culturally competent students that will be much more effective advocates and proponents for social justice in the developing world.

There are many unique aspects of the multi-country model that necessitate enhanced skills-based intercultural competency training under a culture general theory.<sup>89</sup> As discussed previously, in the single country model, there is only one country and typically, only one program.<sup>90</sup> Thus, the professor is able to focus exclusively on to the substantive issues for that specific culture, country, and organization.<sup>91</sup> There is an increased ability to meet as a group and to rely on the structure and support network of the university.<sup>92</sup> Professors have the opportunity to conduct case-round discussions, as all students are working in the same environment for the same organization.<sup>93</sup> In addition, the comfort and support structure of the university system enables a student to return to comfortable confines for advice and the support of fellow law students, whether local or as

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89. For example, the work presented in HARRY C. TRIANDIS, THE ANALYSIS OF SUBJECTIVE CULTURE 10 (1972), required researchers to find cross-cultural concepts to better analyze “all cultures and show variations across cultures.” *See also* Patricia Guerra & Sarah Nelson, *Cultural Proficiency: Begin by Developing Awareness and Assessing Readiness*, 29 J. OF STAFF DEV. 67, 67 (2008) (“[A] culture-general approach . . . uses a framework for understanding how cultures vary rather than giving specific information about individual cultures.” (citation omitted)); Paul Kalfadellis, *A Multidisciplinary Approach to Teaching Cross-Cultural Communication* 4 (Monash Univ., Working Paper No. 1327-5216, 2005), available at <http://www.buseco.monash.edu.au/mgt/research/working-papers/2005/wp34-05.pdf> (citing RICHARD BRISLIN & TOMOKO YOSHIDA, *INTERCULTURAL COMMUNICATION TRAINING: AN INTRODUCTION* (1994)) (“The culture-general approach to knowledge incorporates theories and common themes based on seminal research that highlights the similarities and differences among cultures. This approach enables students to understand issues that underpin cultural values without necessarily understanding the specifics about certain cultures.”).
90. *See supra* notes 18–23 and accompanying text.
91. *See* Janus & Smythe, *supra* note 18, at 469–70 (discussing the country-specific substantive training given to Stanford Law students as a way to prepare them to encounter South African culture during their human rights clinic experience in Cape Town).
92. *See id.* at 458–59 (explaining how the Stanford Law School’s Human Rights Clinic benefited from its exclusive work in South Africa allowing incoming students to learn from the experience of prior student participants).
93. *See id.* at 462–63 (discussing the Stanford Cape Town Clinic’s use of case rounds to facilitate reflection by students about their cases).

part of their clinic group.<sup>94</sup> Finally, there are multiple levels of supervision with professors, possibly in-country and remotely, as well as student peer advisors.<sup>95</sup>

In contrast with the single country model, the multi-country model involves students working in many different countries in a variety of environments.<sup>96</sup> They are supervised by a local counterpart who may have limited knowledge of the American legal education system and limited awareness of the intercultural challenges a student may face.<sup>97</sup> The opportunity to have group discussions with their classmates is extremely limited and their only contact with faculty is remote and potentially sporadic.<sup>98</sup> As I faced these challenges of preparing students for their overseas experience, I decided to focus on a development-based/Peace Corps model of intercultural competency training.<sup>99</sup>

#### *A. The Washington College of Law International Externship Program*

During the 2012 summer session, I taught the International Externship Seminar at Washington College of Law.<sup>100</sup> The class was taught under the “boot camp model” with a three-day intensive pre-trip seminar.<sup>101</sup> During the twelve weeks spent in-country, students were supervised on a daily basis by local supervisors and remotely by me through email, journal submissions, and discussion board

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94. *See id.* at 459, 463 (discussing the ability of Stanford’s Cape Town Clinic students to interact and consult with local students as well as those students in their clinic program).
95. *See id.* at 462–63 (recounting the Stanford Cape Town Clinic’s use of such a support network).
96. For example, the Washington College of Law International Externship Program disperses its students to placements in multiple countries where they “have monitored and reported on human rights violations, researched international trade disputes, worked with indigenous cultures, investigated war crimes, and clerked with U.S. District Court judges located in U.S. territories.” INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 4.
97. *Id.* at 4–5.
98. *See id.* at 5.
99. As in the multi-country model, the Peace Corps sends many individuals to many different countries and thus focuses on a culture general approach to intercultural competency training. CULTURE MATTERS, *supra* note 36, at 2.
100. Students worked in a variety of NGOs and governmental agencies in Asia, Africa, and the Middle East. Just prior to the initial three day seminar, due to scheduling difficulties, several students working in remote domestic externships also joined the class. Although the focus of the class remained international, these students also benefitted from the training.
101. *Supervised Externship Seminars: International Externship*, *supra* note 29.

conversations.<sup>102</sup> The class concluded with a post-trip three-day seminar to reflect on their experiences.<sup>103</sup>

When approaching the pre-travel seminar with students in such diverse assignments, I immediately addressed the issue of intercultural competency; how best to prepare these students to sit by the well in order to be successful in their international experience with limited faculty supervision.<sup>104</sup> In addition to focusing on the previously mentioned works discussing intercultural competency in the context of effective client representation, I drew on the works of Geert Hofstede, Milton J. Bennett, and the Peace Corps training model.<sup>105</sup> I attempted to create a skills-based, culture general model of training that would be equally applicable to each student, regardless of the country to which they would be traveling. That being said, I also needed to focus on the substantive issues, the specific cultural issues as they related to each student and their destination country. Overall, during the three-day seminar, I generally separated the class into three components: how to live abroad, how to work abroad, and how to work in your specific organization and country.<sup>106</sup> Not knowing the background of the

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102. INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 5.

103. *Supervised Externship Seminars: International Externship*, *supra* note 29.

104. Obviously, there are a host of methods to teach intercultural competency. As Dean Rachel Moran noted, “[i]n thinking about formal commitments, it is important to note that clinical educators already deploy a range of techniques to inculcate lawyering skills, and there is likely not to be any one right way to teach intercultural competency.” Moran, *supra* note 13, at 112.

105. See Gevurtz, *supra* note 41, at 78 (“As put by one participant, the idea is to train students to sensitivity rather than to any specific country or culture. In other words, as with much of legal education, the goal is for students to know the questions to ask, rather than to have all the answers.”); see also Bryant, *supra* note 35, at 50 (“In setting knowledge goals, the teacher should identify culture-general and culture-specific information that is important to the students’ clinical work and future learning. Culture-general knowledge helps the lawyer understand differences and similarities by means of concepts and experiences that are likely to occur in any culture. These concepts will also help students gather specific information on the individual cultures about which they are learning.”).

106. I conducted other traditional externship exercises addressing such issues as goals, work-life balance, career planning, etc. A discussion of this is beyond the scope of this article and is already extensively covered in other externship resources. See, e.g., J.P. OGILVY ET AL., LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS (Thomson/West, 2d ed. 2007) (discussing ways to approach and gain the most out of a legal externship).

students, I approached this class as if there would be students with no or very limited international experience.<sup>107</sup>

### *B. How to Live Abroad*

How does one prepare a student for a successful legal experiential learning experience with limited faculty supervision? I believe you have to start by teaching the student to be interculturally competent—by teaching the student first how to sit by the well and live successfully in another culture, so that they can then be successful in their work experience.<sup>108</sup> I wanted to impart the intercultural competence skills that would enable students to have an interculturally competent living experience so that they then could have an interculturally competent work experience. To do so, I focused on a culture general approach similar to the training provided by Peace Corps to new volunteers.<sup>109</sup> As a starting point to the discussion of culture, we watched a speech by Nigerian novelist, Chimamanda Adichie.<sup>110</sup> In the speech, Adichie tells the story of how she found her authentic cultural voice—warning that if we hear only a single story about another person or country, we risk a critical misunderstanding from a cultural perspective of how our lives and cultures are composed of many overlapping stories.<sup>111</sup> It was a powerful start for a discussion about the importance of context and the power of stories, particularly in light of stereotyping and generalizations about the cultural other.<sup>112</sup> We then delved into the

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107. Although the class had students with a wide range of international experience, including one student with years of international development work experience, the materials were still relevant for all and would have been appropriate for any level.
108. There is some discussion about whether all of the law school components of an externship program are necessary. *See* Backman & Eliason, *supra* note 16, at 1362–63. In my view, the pre- and post-trip classroom components for the multi-country model are essential to create interculturally competent students who will be successful in their overseas experience.
109. I found the Peace Corps model, which sends many people to many countries with local counterparts and supervision, to be an appropriate model on which to base my training. I relied heavily on the resource CULTURE MATTERS, *supra* note 36.
110. *Chimamanda Ngozi Adichie: The Danger of a Single Story*, TED.COM (Jul. 2009), [http://www.ted.com/talks/chimamanda\\_adichie\\_the\\_danger\\_of\\_a\\_single\\_story.html](http://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story.html).
111. *Id.*
112. It was also an opportunity to raise the similarities of the Peace Corps experience to the multi-country model and the danger of a single story. I related the following story to my students. During my time as a Peace Corps volunteer in Belize from 2004–2006, I started a mock court program in a local village high school. I had a vision of many students working hard after school to prepare for the mock court competition. I had a grandiose vision of a country-wide program similar to the U.S. model. Falling into

idea of culture using the analogy of an iceberg. This image is often used to describe culture where only the tip of the iceberg, which represents things “primarily in awareness,” is visible and observable while the majority of the iceberg is “primarily out of awareness.”<sup>113</sup> Examples of the observable included fine arts, literature, drama, music, cooking and food, dress, and facial expressions.<sup>114</sup> When one starts to consider the larger part of the iceberg that is under the water that cannot be observed, the list grows exponentially. These include things such as patterns of superior subordinate relationship, concepts of justice and fairness, nature of friendship, religious beliefs, and conceptions of self.<sup>115</sup>

The important learning point was to understand that surface behaviors are influenced by beneath-the-surface values and assumptions.<sup>116</sup> Continuing on our discussion of how to live abroad, we split into groups and looked at individual scenarios. Half the group looked at the situation from an “American” perspective while others justified the behavior from a country cultural perspective. For

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the trap of a single story, I neglected to realize in rural Belize, most students have to work after school and help their parents in small businesses, farms, and shops. Having the students work for hours after school was not a realistic expectation. I had to eventually drastically modify my idea, but in the end, achieved a mock court program, on a much smaller scale and more in line with the cultural phenomena that I was experiencing. Ms. Collier tells another very illustrative story. She related that in 1962, she was assigned in Ethiopia to be a music teacher at a blind school for boys. When she arrived, she had visions of musically gifted students performing on tour throughout Ethiopia and even Europe. By the end of her two years, she was thrilled that her students could sing “she’ll be coming around the mountain when she comes” in harmony. *See Interview with Sally Collier, supra* note 2. These stories will help students to modify their American expectations of “success” during their international experience and better enable them to understand their environment and have a successful and productive experience. It also was a good starting point to discuss the principle of sitting by the well.

113. *See CULTURE MATTERS, supra* note 36, at 10; HELMUT FENNES & KAREN HAPGOOD, *INTERCULTURAL LEARNING IN THE CLASSROOM: CROSSING BORDERS* 14 (1997).
114. *CULTURE MATTERS, supra* note 36, at 11.
115. There are innumerable others such as notions of modesty, conceptions of beauty, tempo of work, religious beliefs, importance of time, values, child-raising beliefs, concept of leadership, gestures, holiday customs, nature of friendship, notions of modesty, understanding of the natural world, concept of self, work ethic, concept of beauty, general world view, concept of personal space, and rules of social etiquette.
116. We also discussed the idea of the golden rule, do unto others as you would have done unto you (Judeo-Christian Proverb) as contrasted with Milton Bennett’s “platinum” rule of “[d]o unto others as they would have done unto them.” Milton J. Bennett, *Overcoming the Golden Rule: Sympathy and Empathy, in BASIC CONCEPTS OF INTERCULTURAL COMMUNICATION: SELECTED READINGS* 212–13 (1998).

example, a person comes to a meeting a half hour late. The American interpretation is the person is late and should at least apologize or give an explanation. The alternative view is that in this culture, a meeting never starts until an hour later than the scheduled time.<sup>117</sup> Overall, the important point was that when we look at behavior, we interpret what is happening through the filter of what our culture tells us is happening.<sup>118</sup> This is a crucial point for students going overseas to understand; and it is an important reminder for even the seasoned international traveler.

Overall, on day one, we conducted exercises to help the students think about their own cultural lens as Americans. What is American culture and how would this affect the students' view of what they experience in the developing world? Understanding how your own culture is both similar and different from another culture is the essence of intercultural competency.<sup>119</sup> This is often referred to as

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117. Other examples we discussed included kicking a dog. While the American view might be that this is a cruel act, other societies may not view it as so, since dogs are considered to be wild, vicious, or carriers of dangerous diseases. Students were asked to interpret the scenario where a student copies from another student during an exam. Viewed through the American lens, this is unethical and wrong; but in a culture where it is considered shameful to not assist a friend, there may be a different interpretation. These exercises proved useful in having students consider the lens through which they might view others behavior, and how with another cultural lens, the scenario might be viewed differently. *See CULTURE MATTERS, supra* note 36, at 9.

118. Bryant, *supra* note 35, at 40 (noting that to become good cross-cultural lawyers, students must first become aware of the significance culture has on themselves).

Culture is like the air we breathe—it is largely invisible and yet we are dependent on it for our very being. Culture is the logic by which we give order to the world. Culture gives us our values, attitudes and norms of behavior. We are constantly attaching culturally-based meaning to what we see and hear, often without being aware that we are doing so. Through our invisible cultural lens, we judge people to be truthful, rude, intelligent or superstitious based on the attributions we make about the meaning of their behavior.

*Id.* (footnote omitted) (citing RAYMONDE CARROLL, CULTURAL MISUNDERSTANDINGS: THE FRENCH-AMERICAN EXPERIENCE 2 (Carol Volk trans., Univ. of Chi. Press 1988) (1987)).

119. López, *supra* note 43, at 39–40. Understanding the cultural differences of a client's background and carefully listening to the client's concerns will enable the advocate to better understand his or her client to achieve a more desirable result and enhance the attorney-client relationship. *See id.* 45–46; Moran, *supra* note 13, at 111–12 (arguing that the attorney should remain open to different client expectations and carefully listen to the client's needs).

“cultural mapping and identity markers.”<sup>120</sup> It helps people realize their identity is unique and a product of their culture—only when you understand your worldview can you see others as valid. Thus, on the first day of the pre-trip seminar, we focused on culture general topics and the importance of being aware of the filter through which we view the actions and behaviors of others.

### *C. Working in Another Culture*

The next phase was separated into learning to work in another culture. To assist with this portion of the training, I brought in a Peace Corps trainer and expert from the field.<sup>121</sup> Ms. Cohen gave a general presentation on intercultural competency utilizing culture general principles. She also conducted an extremely helpful presentation and exercise based on the work of Geert Hofstede.<sup>122</sup> Building on the work of Edward Hall, Hofstede looked at and identified cultural dimensions in many countries.<sup>123</sup> Ms. Cohen

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120. See WILLIAM B. GUDYKUNST, BRIDGING DIFFERENCES: EFFECTIVE INTERGROUP COMMUNICATION 65 (Mark L. Knapp & John A. Daly eds., 3d ed. 1998); *What is Cultural Mapping?*, CULTURAL MAPPING, <http://www.culturalmapping.com/about-cultural-mapping/what-is-cultural-mapping.html> (last visited May 13, 2014); see, e.g., KATERINA TEAIWA & COLIN MERCER, PACIFIC CULTURAL MAPPING, PLANNING AND POLICY TOOLKIT 9-10 (2011).

121. The trainer was Ms. Lisa Cohen, the Chief of Training in the Office of Overseas Programming and Training Support.

122. See, e.g., John Barkai, *Cultural Dimension Interests, the Dance of Negotiation and Weather Forecasting: A Perspective on Cross-Cultural Negotiation and Dispute Resolution*, 8 PEPP. DISP. RESOL. L.J. 403, 410 (2008); John Barkai, *What's a Cross-Cultural Mediator to Do? A Low-Context Solution for a High-Context Problem*, 10 CARDOZO J. CONFLICT RESOL. 43, 62–63 (2008); Amir N. Licht, *The Mother of All Path Dependencies Toward a Cross-Cultural Theory of Corporate Governance Systems*, 26 DEL. J. CORP. L. 147, 170–74 (2001); Claudia R. Williamson & Carrie B. Kerekes, *Securing Private Property: Formal Versus Informal Institutions*, 54 J.L. & ECON. 537, 562–63 (2011); Geert Hofstede, *Dimensionalizing Cultures: The Hofstede Model in Context*, ONLINE READINGS IN PSYCHOL. & CULTURE, 2, 4–8 (Dec. 1, 2011), <http://scholarworks.gvsu.edu/cgi/viewcontent.cgi?article=1014&context=orpc>.

123. See GEERT HOFSTEDE, CULTURE’S CONSEQUENCES: INTERNATIONAL DIFFERENCES IN WORK-RELATED VALUES 11 (Walter J. Lonner & John W. Berry eds., 1984); *Dimensions*, THE HOFSTEDE CTR., <http://geert-hofstede.com/dimensions.html> (last visited May 13, 2014); see, e.g., *Culture Compass*, THE HOFSTEDE CTR., <http://geert-hofstede.com/cultural-survey.html> (last visited May 13, 2014); see generally Laura M. Milner et al., *Hofstede's Research on Cross-Cultural Work-Related Values: Implications for Consumer Behavior*, 1 E-EUROPEAN ADVANCES IN CONSUMER RESEARCH 70, 70–76 (1993) (explaining the value of Hofstede’s cultural dimensions on gaining insight on an individual’s behavior).

utilized two of the dimensions that were easy to grasp and were prevalent in the workplace: collectivism versus individualism and power distance.<sup>124</sup> The students filled out a questionnaire that asked them where they were more comfortable on a scale of one to one hundred for these two dimensions.<sup>125</sup> Once students calculated their scores, they then stood on a long line of tape with their corresponding value.<sup>126</sup> For example, in regard to individualism, the United States scores ninety-one since it is a highly individualistic culture.<sup>127</sup> In regard to power distance, the United States scores much lower (forty), attributing to the general focus on “equal rights” within American society.<sup>128</sup> This then led to a discussion of different countries and where they stood on the spectrum.<sup>129</sup> The students

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124. The fundamental issue addressed by the individualism dimension is the degree of interdependence a society maintains among its members. In individualist societies, people look after themselves and their direct families versus collectivist societies where individuals belong to “groups” that take care of them in exchange for loyalty. “Power distance” is the dimension that deals with the attitude of a culture towards inequities in society. It is defined as “the extent to which the less powerful members of institutions and organisations within a country expect and accept that power is distributed unequally.” *What about the USA?*, THE HOFSTEDE CTR., <http://geert-hofstede.com/united-states.html> (last visited May 13, 2014).
125. In the questionnaire, students were asked to quantify whether they felt more comfortable in a country that was more individualistic or more collectivist, or a country with a high or low power structure.
126. Hofstede gave values on five dimensions in 76 countries. The five dimensions are power distance, individualism, uncertainty avoidance, masculinity, long-term avoidance, and indulgence versus restraint. *What about the USA?*, *supra* note 124.
127. *See id.* This translates into a “loosely-knit [society] in which the expectation is that people look after themselves and their immediate families[.]” *Id.* “There is also a high degree of geographical mobility in the United States” and most “Americans are accustomed to doing business or interacting with people” and seeking counterparts in order to obtain information. *Id.* In the business world, employees are expected to be self-reliant and display initiative. “Also, within the exchange-based world of work we see that hiring, promotions, and decisions are based on merit or evidence of what one has done or can do.” *Id.*
128. “Within American organisations, hierarchy is established for convenience, superiors are always accessible and managers rely on individual employees and teams for their expertise. Both managers and employees expect to be consulted and information is shared frequently. At the same time, communication is informal, direct and participative[.]” *Id.*
129. *See* Bryant, *supra* note 35, at 34, 40–42 (discussing how the legal culture of the United States reflects commitment to individualism to include ethical rules of confidentiality and conflicts of interests that often require a lawyer to communicate with an individual client in private and may prohibit the lawyer from representing the group or taking group concerns into account). In addition, students need to be alert to potential conflicts that may arise between a client’s culture and the legal strategy designed for an adversarial, individualistic system. Students who understand this are

discussed how they ended up with their particular score and where they stood on these dimensions in relation to other countries including the one to which they would soon travel.

The student journals during the summer abroad provided some anecdotal evidence of the significant benefit of this exercise. A student working for an NGO in Africa wrote about collectivism and power distance in her office and how she perceived her work environment to be much more “collective” than the US with an emphasis on working together as a team.<sup>130</sup>

The student was more effectively able to integrate into the work environment through awareness of the Hofstede dimensions and also noted how other interns struggled with a work environment that differed from the one they were familiar with in the United States. Giving the students awareness of intercultural competency issues and the skills to navigate them led to a much more effective work experience. This same student also noted the difference in power structure in her work environment and how she was able to adapt to these differences more easily than her counterparts when she reflected back on the Hofstede dimension training.<sup>131</sup>

Her journal entry reflected the importance of this exercise and the on-the-ground benefit of this culture general training.<sup>132</sup> Without this training, she may have allowed her cultural lens to lead her to frustration with another cultural view and as with some other

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better able to address the problems it creates for those clients who come from or embrace a more collective culture. *Id.*

130. Student Journal Entry, International Externship Program, Washington College of Law, American University (2013) (on file with author). This African country, with a score of sixty-five is still considered an Individualistic society, although much lower than the United States with a score of ninety-one. *See What about the USA?*, *supra* note 124.
131. *See What about the USA?*, *supra* note 124. (“[This] dimension deals with the fact that all individuals in society are not equal, and it expresses the attitude of the culture toward these power inequalities amongst us.”). The student concluded her journal by saying, “[w]ithout the Hofstede evaluation I do not think I would be getting as much from this internship experience.” Student Journal Entry, International Externship Program, Washington College of Law, American University (2013) (on file with author).
132. Student Journal Entry, International Externship Program, Washington College of Law, American University (2013) (on file with author). In my next post-trip seminar, I will conduct another Hofstede exercise on whether students score on the power distance and individualism dimensions changed during their overseas experience. I will also explore whether their experience with these dimensions was consistent with the Hofstede analysis.

American interns, the corresponding lack of reflection and productivity that might go along with this. Instead, she was able to acknowledge her perception of cultural differences, understand them and work effectively and productively in this different culture. This was the goal of the pre-trip training; to allow students to understand these intercultural encounters in a culturally competent fashion.<sup>133</sup>

During the workplace presentation, we also discussed the concept of communication, another important culture general topic. We discussed the general principle that “[e]very country has its own way of saying things. The important point is that which lies behind people’s words.”<sup>134</sup> There is always a cultural content in every message and one “cannot receive a message without it being filtered through his” own cultural conditioning.<sup>135</sup> These principles are extremely important whether they be pertinent to daily living, office interaction, or client advocacy.

Specifically, students were instructed on what to notice in different communication styles.<sup>136</sup> These included such questions such as, how are business meetings initiated, how long does one speak, how long does one person speak before allowing the other to speak, how do people want to end the conversation, how do people show disagreement, how do people show displeasure with what they are hearing, is communication affected by hierarchy? These may seem like basic concepts but in different cultural settings, there can be significantly different outcomes. For example, if a student does not pick up on cultural clues that a superior is disagreeing with their point, they may not know how to effectively diffuse a situation. These are skills that could make the difference between a disappointing and an exceptional experiential learning summer. In the multi-country model, without the opportunity for a faculty staff to intervene in person, relying on these basic intercultural competency

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133. See INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 5–6 (describing pre-trip training). In future seminars, I plan to assign in-country assignments to reinforce these points and values. During their first week, students will be assigned to interview co-workers, shop-keepers, and students. We will think through the potential questions for these interviews during the three-day pre-trip seminar.

134. See CULTURE MATTERS, *supra* note 36, at 75 (quoting FREYA STARK, THE JOURNEY’S ECHO 26 (1963)); see, e.g., Barkai, *What’s a Cross-Cultural Mediator to Do?*, *supra* note 122, at 62–63; Barkai, *Cultural Dimension Interests, the Dance of Negotiation and Weather Forecasting*, *supra* note 122, at 410, 424; Williamson & Kerekes, *supra* note 122, at 562; Hofstede, *supra* note 122, at 39–48.

135. See CULTURE MATTERS, *supra* note 36, at 9.

136. See *id.* at 78.

skills might be the student's only lifeline during these challenging office situations.<sup>137</sup>

Another important culture general topic covered during the second day of the pre-trip seminar was the concept of time. We discussed how many cultures differ in how people conceive of and handle time and how their concept of time affects their interaction with each other.<sup>138</sup> An equally important issue that was discussed included the concept of status. In some cultures, the source of status is achieved where in others it may be ascribed. In cultures where status is achieved, these are often referred to as "doing" cultures where people are respected because of personal and professional accomplishments.<sup>139</sup> An ascribed status culture is often referred to as a "being" culture. In these cultures, status is often automatic and difficult to lose. Individuals are admired because of their family, social class, and membership in groups.<sup>140</sup>

Students also discussed some specific things to observe in the workplace, continuing on the theme of preparing to sit by the well. How do people dress? How do they greet each other in the morning? What is the protocol for going in someone's office and requesting a meeting?<sup>141</sup> Finally, we discussed other workplace norms that may be affected by cultural differences. When people interact, do they get to the task immediately or talk more generally? Do people work more closely together or more independently? Are women treated differently than men? What kind behavior at work is rewarded? Overall we discussed many other culture general topics that would help students navigate their daily living situations and their work place.<sup>142</sup> We also reinforced the importance of finding a "cultural

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137. See INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 5–6 (discussing the online communication with professors during the program). Of course the student can engage the remote faculty by email or Skype, but with time differences, not having someone on the ground to assist will make the situation that much more challenging.

138. See CULTURE MATTERS, *supra* note 36, at 103–04.

139. *Id.* at 123. In these cultures, status is earned and not a function of birth age or seniority. Titles are not as important and individuals are hired based on their record and not their family background.

140. *Id.* Other characteristics of an ascribed culture include the importance of education, age, seniority, and titles as factors that ascribe status.

141. *Id.* at 131.

142. *Id.* at 132. We conducted exercises on differing cultural attitudes towards uncertainty and the unknown. In some cultures, people may be anxious about life uncertainty, which leads to more laws and regulation to control. There is a strong tendency towards conformity and comfort in structure, systems, and expertise. This is opposed to a culture with low uncertainty avoidance. In such cultures, individuals may not be

informant" to help identify and explain important parts of the country culture.<sup>143</sup> In the end, the goal of the second day was to help the students understand that as you must sit by the well to acclimate and acculturate to your living environment, it is equally important to sit by the well to understand your work environment in an interculturally competent fashion to ensure a successful experiential learning experience abroad.

#### *D. How to Work in Your Specific Organization and Country*

The final day of the pre-trip seminar was devoted to substantive student presentations on their future host country.<sup>144</sup> These presentations dealt with the country-specific factors. After the two days of culture general training, students were more able to intelligently speak to the country-specific cultural issues. These exercises also forced the students to research their host country's legal system.<sup>145</sup> Finally, students presented on their specific organization.<sup>146</sup> Similar to the Stanford Clinic model, the goal on the third day was to have the students familiarize themselves with

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as anxious about uncertainty and instead, may be more curious than frightened by the unknown. Finally, we also conducted exercises to think about how the student would be perceived as an American coming to another country. An exercise called *You Americans* was effective in getting students to start thinking about pre-conceived notions and biases they may face in the foreign culture. The goal was to help students anticipate these cultural biases and think about how to react to them. *Id.* at 134–36.

143. *Id.* at 220. The cultural informant could be a co-worker for work related and social/cultural issues. The questions would include facts about the country's culture, ways to behave in various situations, and reasons for host countries behaviors and reactions. In future seminars, I will conduct an exercise in class where we will identify potential sources of cultural informants and develop the questions to be asked. During the return seminar, students will present on these interviews and describe how they were effective from an intercultural perspective.
144. The presentations included: the basic political/legal/economic systems, ethnic and religious make-up of country, cultural norms, taboos, and status of women in society. During the third day, I tried to move from culture-general skills training to country-specific substantive principles. Due to the multiple countries and limited amount of time, we were only able to cover these issues through the student presentations.
145. For example, students presented on the legal systems of their host countries. They were asked to present on the role of lawyers, the regulation of the bar, ethical rules, differences from the model rules, the status of lawyers and the legal profession, the legal culture, the independence of lawyers and judges, and whether they are a political force.
146. See INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 5. These presentations included descriptions of the organization, publicly known concerns, and any security concerns in the host country. We finished the presentation day with discussions about coping strategies for those that might struggle with immersion into a new culture.

country-specific substantive cultural and legal issues to help them navigate the particular cultural issues for their country where they would be working.<sup>147</sup>

All of these culture general topics are on a continuum. This is where the Hofstede exercise was particularly important. The goal of the three-day seminar was to move the students in the direction of intercultural competence and ethno relativism.<sup>148</sup> These concepts can take a lifetime of practice but much can be accomplished in a short period of time.<sup>149</sup> Thus, the pre-trip seminar was primarily devoted to

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147. In the Stanford model, as it progressed, more time was devoted to these substantive issues. *See* Janus & Smythe, *supra* note 18, at 471. In my experience, it is not possible to devote more time in the multi-country model. However, I found this to be the appropriate amount of resources to devote to substantive issues considering the limited time frame of the boot camp model and the amount of time necessary for all students to present on their specific substantive issues. However, in future seminars, I will consider following the Stanford model by assigning pre-class readings on individual country substantive issues. The Stanford model stresses that having a deep understanding of the historical and political reality of South Africa is essential to the students' ability to navigate culture throughout the course of their fieldwork, and it cannot be understood in a single lecture but rather requires an entire course of preparation.

This substantive focus during the students' preparation course allowed us to dive more deeply into the discussions that Sue Bryant outlines as Habits One and Two—namely to analyze the similarities and differences between their own culture and the South African culture—and to ask students to identify the differences and similarities between themselves and the people that they would serve through their projects with their historical place within the South African legal system.

*Id.*

148. *See* Milton J. Bennett, *Towards Ethnorelativism: A Developmental Model of Intercultural Sensitivity*, in *EDUCATION FOR THE INTERCULTURAL EXPERIENCE* 21, 46 (R.M. Paige ed., 1993) ("Fundamental to ethnorelativism is the assumption that cultures can only be understood relative to one another and that particular behavior can only be understood within a cultural context.").

149. So, for example, in a perfect world one might have a goal that students interested in transnational practice should be immediately capable of successfully interacting with clients, parties, attorneys and officials from any other nation or culture, as well as handling disputes and transactions involving any other legal system. Yet, such an expectation would be no more realistic than an expectation that law students, immediately upon graduation, should be capable of successfully performing as lead counsel in a highly complex trial or in carrying out a multi-billion dollar corporate acquisition. Gevurtz, *supra* note 41, at 77.

culture general training principles and skills training along with the third day focusing on country-specific substantive instruction.<sup>150</sup>

After the conclusion of this pre-trip seminar, students departed to their assignments under the supervision of their local counterpart.<sup>151</sup> On a weekly basis, students wrote journals reflecting on their experiences. I engaged the students by email and also required each student to post on a discussion board an issue they were facing to generate a group discussion.<sup>152</sup> The journals raised many interesting issues that led to email and group discussion, but also were important topics for the post-trip seminar.

One student reflected on a pre-trip seminar reading about collectivism and how this work was a useful frame of reference as she thought about her country's culture.<sup>153</sup> The student concluded her journal by saying "I will always be an American and have an American perspective but that does not mean that I cannot break the mold and expand my horizons and views by learning from others around the world."<sup>154</sup>

Other journals raised interesting issues that led to illuminating post-trip class discussions. One student, working in an African country, discussed a conversation with a country official about embezzlement.<sup>155</sup>

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150. See Bryant, *supra* note 35, at 63 (noting that a one-class session may raise awareness of cultural differences, but that true cultural sensitivity can only take place with practice, reflection over time, and honing throughout the students' clinical work and professional life after law school).
151. The students worked full-time for seven to ten weeks at their respective organizations. INTERNATIONAL EXTERNSHIP PROGRAM, *supra* note 24, at 5.
152. Due to the differing time zones, group Skype sessions were virtually impossible. The group discussion board that was intended to create a "virtual classroom" was of limited value. I will explore more effective group collaboration strategies during the summer in future classes.
153. Student Journal Entry, International Externship Program, Washington College of Law, American University (2013) (on file with author). The reading was a portion of the Peace Corps memoir THE PONDS OF KALAMBAYI that we read during the pre-trip seminar. In the memoir, a volunteer works diligently to develop a fish farm in a small village in Zaire with a vision of raising the standard of living, and using the profits to start new fish farms. He is dismayed when, after the first bountiful harvest, the culture of sharing within the village takes over and all of the fish are shared with the community, leaving very little profit for the man who made the fish farm. MIKE TIDWELL, THE PONDS OF KALAMBAYI (1990).
154. See Student Journal Entry, International Externship Program, Washington College of Law, American University (2013) (on file with author).
155. *Id.* Specific countries have been omitted to preserve the privacy of the student and to not damage the relationship for potential future externs at this organization.

While in his office, he started to complain about a training program . . . organized to teach . . . officials how to investigate financial crimes. His main complaint was that because [his] culture is different, the approach for investigating financial crimes has to be different. I then asked him if he had come up with a . . . [country] method to investigate financial crimes but he could not respond. I proceeded to challenge him arguing that the [country] culture he is basing this conclusion on is one that is usually used by officials in public office to cover up embezzlement.<sup>156</sup>

Overall, the reflective journals were very effective in the discussion of cultural issues. Although the remote nature of the discussion was challenging, students were able to expand on these journal issues during the post-trip seminar.

#### *E. Post-trip Seminar*

Students were required to present to the class on their experiences upon their return during the final three-day post-trip seminar. These presentations highlighted many interesting opportunities to continue to explore the intercultural competence issues that were raised during the pre-trip seminar and during the summer work experience. These presentations are also anecdotal evidence of the benefit of the initial development-based intercultural general competency training model. For example, during his presentation, a student working for a governmental agency in Asia related several interesting intercultural experiences.<sup>157</sup> This student had concerns about not receiving enough substantive legal work during his externship. He was consistently masqueraded around to show off the American working for this organization. In his opinion, the organization felt that, “having

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156. *Id.* This journal entry reflects the importance of the culture general approach. Although I could engage with the student remotely on the incident and the cultural issues that were raised in this encounter, I was not able to give the immediate faculty support that could be provided under the single country model. While we did discuss this issue as a class during the post-trip seminar, the student needed to rely on her initial culture general training to help navigate this encounter.

157. This student was not comfortable being candid in his journals due to concerns of censorship of email traffic and, thus, he reflected on these intercultural experiences during his class presentation.

foreign people makes you more legitimate.” He asked himself the question, “Why am I here”?<sup>158</sup>

He also was faced with issue of saving face.<sup>159</sup> We discussed this issue during our initial seminar in terms of how the American perspective on this issue may differ from other parts of the world.<sup>160</sup> He was invited to a meeting by his supervisor but apparently, the supervisor had not gone through the proper “channels” to have this authorized. This brought up two issues. Initially, the supervisor came over and said, “we did not go through the proper channels” and was quiet. Through the initial intercultural general training, this student was cognizant of the indirect method of communication in this culture.<sup>161</sup> After an awkward silence, he realized that he needed to leave the room. As he sat in a non-air conditioned hot hallway, he reflected on the idea of “saving face” as it related to this culture.<sup>162</sup> Rather than “making a scene” or acting un-professionally, he was able to utilize the initial training, process the situation in an interculturally competent fashion and later get feedback about the meeting from his supervisor in a culturally appropriate way. A student without this cultural sensitivity could have reacted inappropriately or insisted on attending this meeting, all of which would have damaged relationships and the student’s ability to be effective in the next externship project. Overall, this student was constantly using his intercultural competency training to effectively navigate many challenging cultural scenarios and was able to have a positive work experience and make important contributions to the organization.<sup>163</sup>

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- 158. This student was the first Western volunteer at this particular organization.
- 159. See CULTURE MATTERS, *supra* note 36, at 99. (“[I]ndirect communication owes much to the importance many cultures place on preserving harmony and saving face.”).
- 160. *Id.* at 44–50. We discussed how in individualist cultures, “no premium is put on saving face because people can take care of themselves. What other people think is not so crucial to survival or success. We can say what we think without worrying about hurting people’s feelings, and we likewise appreciate directness.” *Id.* at 47.
- 161. *Id.* at 81–83. This country ranks very high on the power distance continuum whereby power is distributed unequally. THE HOFSTEDE CTR., <http://geert-hofstede.com/china.html> (last visited May 13, 2014).
- 162. See *supra* note 159 and accompanying text.
- 163. This student approached his externship in an interculturally competent fashion. During his twelve-week externship, the student faced many intercultural challenges and, therefore, did not have the best substantive experience. Yet the organization is still willing to have American externs in the future, which is a testament to the student’s ability to navigate the intercultural challenges of living and working in this Asian country. A student without these intercultural skills may have led to a far different result where the organization was not willing to employ future externs.

A student without this initial intercultural competency training may have had a very different experience.

Another student in Africa also raised interesting intercultural competency issues through her journals and post-trip presentation. This student was given a high intensity project, which culminated in a presentation to Parliament.<sup>164</sup> She described how she was given a project with little or no guidance or instruction. She repeatedly contacted her supervisors and was advised that “I am sure what you are doing is fine.”<sup>165</sup> This student reflected on this statement and realized that she was viewed as a “US law student who is very experienced and certainly knows what she is doing.”<sup>166</sup> In effect, American law students were viewed to be the equivalent of lawyers in this society. This student was able to reflect on this by sitting by the well and considering the guidance in the initial seminar where we discussed not only how Americans may view others through our cultural lens but also how others may view Americans through their cultural lens.<sup>167</sup> The student was then able to approach her supervisor understanding the cultural lens through which she was being viewed and ask for guidance in a culturally appropriate way.<sup>168</sup>

As part of the post-trip seminar, we also conducted “mock” interviews of potential future externs at the student’s placement. In these mock interviews, many other intercultural competence issues arose. Students posed such questions as, “What would you do if you disagreed with a Jordanian lawyer?” Taking the principles of Hofstede into account, the cultural style of communication and, of course, personality and relationship issues, the answer will differ. However, giving students a strong foundation in these development-based intercultural competency issues generally is vital to arm the

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164. Student Journal Entry, International Externship Program, Washington College of Law, American University (2013) (on file with author).

165. *Id.*

166. *Id.*

167. See CULTURE MATTERS, *supra* note 36, at 134. We conducted an exercise entitled *You Americans* where students discussed some questions they might be faced with in their assignments such as: “Why are you Americans always in such a hurry to get things done?”, “Why do you Americans insist on treating everyone the same?”, and “Why do you Americans always want to change things?” *Id.* The resulting discussion about these questions and how the students might be perceived led to a deeper understanding of our cultural filter.

168. Several students were working in the countries of their birth although they attended university and law school in the United States. This raised interesting issues about being identified as an American law student but also being considered a local in other ways.

student to make the best, well thought out, inter-culturally sensitive answers to these situations.

Other fascinating issues arose related to these issues. A student who worked a summer in a legal system with rampant corruption posed a question about what a student should do when a client is offered the chance to pay a bribe to a Judge to expedite his legal case. This led to an interesting discussion about working in a different system where the rule of law may be weaker, the existing ethical obligations in the international context, and the interculturally competent way to handle this scenario.<sup>169</sup>

Finally, we conducted a role-playing exercise where students played themselves as the cultural informants for the next extern coming to work at their placement. This exercise proved particularly relevant as the students explored the particular cultural issues that had arisen during their externship. By thinking about what advice they would give to the next extern, the students brought us back to our original discussion about the importance of sitting by the well and why culture matters. In the end, the pre- and post-trip classes proved invaluable to beginning to prepare the students for a lifetime of intercultural competence.

Thus, I am proposing a framework to prepare students for a multi-country international experiential learning program. The pre-departure seminar includes: (1) substantive lectures on culture general issues, and intercultural competency from a development-based perspective utilizing Peace Corps resources; (2) practical intercultural competency skills based training and role playing, with an emphasis on the Hofstede Dimensions, to supplement and reinforce the substantive lectures; and (3) substantive student presentations on country and organization specific issues. The goal of the pre-departure seminar is to introduce students to the concept of sitting by the well, which begins the process of attaining the basic intercultural competency skills that will enable them to effectively live and work in another culture.

During the overseas portion of the experiential learning, the proposed framework includes: (1) student journals reflecting on their experiences with an emphasis on intercultural competency issues; (2) remote faculty feedback on journal entries; and (3) remote group discussion on common issues faced by the students. Finally, the post-travel seminar includes: (1) student presentations on their experiential learning experience; and (2) exercises and role-playing to

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169. *International Code of Ethics*, INT'L BAR ASS'N (1988). Although not binding, the International Code of Ethics provided a useful framework for this discussion.

highlight lessons learned and the intercultural competency issues faced by the students.

#### VI. EXPANDING DEVELOPMENT-BASED INTERCULTURAL COMPETENCY TRAINING TO GENERAL CLINICAL PEDAGOGY

Bryant and others have focused on creating a framework for the teaching of intercultural competency in the context of domestic litigation and client advocacy.<sup>170</sup> Janus expanded on these works to incorporate intercultural competency training into the single country international experiential learning model.<sup>171</sup> In this article, I have proposed a framework for the multi-country international experiential learning model. This model builds on the Janus single country training and incorporates an essential element for law students working abroad; a skills based intercultural competency training tracking a Peace Corps development-based model that prepares students to live and work in the developing world. The remaining question is whether this expanded view of intercultural competency training can be relevant in the broader experiential learning context?

Certainly, this expanded intercultural competency training is relevant in a single country model. Although with more support and guidance in-country than in a multi-country model, students are living and working abroad, immersed in a foreign culture. The skill set they would obtain from the development-based model would be particularly relevant and useful. The larger question is whether and how this expanded intercultural competency training may be relevant in the broader experiential learning context. Although a detailed discussion of this issue is beyond the scope of this article, I would suggest that there are many areas where these development-based skills would be important in the domestic context.

In the domestic clinical setting, one can envision many areas where students are immersed in another culture where this concept of sitting by the well and other culture general skills based training would be particularly useful. For example, a student that is working in a clinic involving the homeless might be spending significant time in a homeless shelter. This shelter might have a culture of its own to include a certain power structure, a unique style of communication and hierarchy. A student with a culture general skills based training

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170. See *supra* text accompanying notes 48–55.

171. See *supra* text accompanying notes 56–63.

would know the importance of sitting by the well and learning about the shelter. This student would be well served by finding a cultural informant to help navigate the complexities and intricacies of the shelter life. A culture general skills based training would help the student with the basic cultural sensitivities to navigate what could potentially be a challenging workplace environment.

These same issues might apply to a student that is working on a Native American reservation through an experiential learning program. Teaching students about the danger of a single story and how they often view things through their own cultural lens would be particularly useful; particularly as students venture out from the bubble of the law school environment to encounter situations that are as foreign to them as situations for students living and working abroad. A culture general skills based training would be relevant in any domestic clinical setting where students would find themselves in a new work environment that bears no resemblance to the office environment they may have envisioned.<sup>172</sup> This article focuses on the relevance of the development-based skills training in the international experiential learning model; however, there is much room to explore how this will be applicable in the domestic experiential learning setting and the traditional law school curriculum.

## VII. CONCLUSION

As the world of international experiential learning continues to grow, there should be an increased emphasis on helping law students develop the skills of intercultural competency. Obviously, this is a lifelong task, but instilling students with these important foundational skills is vital. As we move forward with this training, we should expand the analysis beyond the client advocacy context and continue to explore the benefits of development-based training for living and working overseas. In the end, if we can teach students to sit by the well, even if for a limited time, where they can listen, learn and acculturate, their chance of effecting significant change increases dramatically.

A supervisor's evaluation of a student after her overseas experience sums up the qualities that inter-culturally competent student can

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172. There were several last minute domestic students placed in the seminar. These students also found the culture general, intercultural competency training particularly helpful in their assignments. *See supra* note 100 and accompanying text. In particular, one student working for an immigration advocacy group on the Texas border found the training to be particularly helpful while navigating her work experience.

attain and what they can then achieve. The evaluation describes a student who started her time sitting by the well in the pre-trip seminar and learning about the danger of a “single story.” The supervisors describe a student who continued to sit by the well during her summer experience and learn about her community and office culture noting that:

A maintains an unassuming and open approach to others. She accepts constructive criticism well as she is always keen to further enhance her skills. She is also wise in dealing with others, including those very senior to her. A is very observant and possesses strong judgment skills. These traits are incredibly valuable to practicing law. A has exceeded all expectations. Our senior legal officer commented early on in A’s internship, ‘with A at our side, I feel that we can conquer the world.’<sup>173</sup>

As we increasingly focus on development-based culture general intercultural competency training, we will continue to send out students that will sit by the well and understand their complex intercultural worlds. We will then help to create a generation of future students that will sit by the well and continue to “conquer the world” in their pursuit of social justice.

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173. Student Evaluation, International Externship Program, Washington College of Law, American University (2013) (on file with author).