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Adventures in Comparative Legal Studies: Studying Singapore

Carole Silver

Know your competition. This adage provides timely advice for the U.S. legal profession.

As globalization brings lawyers from various nations into more direct competition, the U.S. legal profession is increasingly sharing its outlook and expertise with foreign lawyers. U.S. law firms employ increasing numbers of foreign attorneys, passing expertise through experience. U.S. law schools educate increasing numbers of foreign lawyers in LL.M. programs. And the regular interaction between foreign and U.S. lawyers working on cross-border and international transactions allows each to learn about the law and legal practices of the other. As a result of these connections, the U.S. legal profession and U.S. law are becoming familiar territory to foreign lawyers.

U.S. lawyers, however, are not keeping pace with their foreign counterparts in learning about the competition. There is no analogous movement of U.S. lawyers to foreign law schools for study, nor to foreign law firms. U.S. law students even appear ambivalent toward learning about foreign lawyers and law through visiting foreign LL.M. students, an opportunity at the back door of U.S. law schools.¹ As the U.S. legal profession becomes known to its competition, with no corresponding understanding by U.S. lawyers of foreign legal systems and professions, U.S. lawyers may one day be at a disadvantage in the international market for legal services.

This essay examines an effort to address this imbalance through a new and innovative course. The International Team Project course, an experimental comparative law course developed at Northwestern University School of Law, focuses on a particular foreign country and its legal system, and it includes a

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1. To encourage interaction between foreign LL.M. students and J.D. students at Northwestern, and to facilitate the exchange of information about foreign legal systems and professions, I coordinate a series of country talks each year in which LL.M. students share information about their home-country legal professions. The entire law school community is invited to these talks, although in fact attendance is heavily weighted toward foreign students.

two-week stay in that country during which students observe and examine the law in action.² The ITP course is intended as a one-semester immersion experience, with much of the immersion occurring while the students are in the U.S. The goal of the course is to teach comparative law using a collaborative approach to learning and an empirical research focus.

In this essay I describe the ITP concept and my experience leading an ITP course focused on Singapore in the 2000 spring semester. The Singapore ITP class experience is used to develop a context for ITP courses in relationship to a law school's international and comparative law curriculum. ITP classes can provide focus to this curriculum by building on courses in international public and private law and comparative law, among others. I also consider several pedagogical issues raised by the ITP course that are peculiar to the law school environment, including the challenges of team projects and empirical research. Before discussing the ITP program, however, I consider the larger context of internationalization as a framework for examining the need for the program. I begin by considering the consequences of increased competition in the international market for legal services from the perspective of the U.S. legal profession.

Globalization, Competition, and U.S. Lawyers

Globalization is increasing the competition faced by lawyers in the U.S. and elsewhere.³ Domestically, it encourages law firms to reject their local origins in favor of new and international identities.⁴ Internationally, it causes firms to compete more directly across national borders. U.S. lawyers and law firms increasingly compete with foreign lawyers and law firms in the quest for clients

2. While my class spent only one full week in Singapore, the law school recently modified its calendar to provide two weeks for travel in the ITP classes.
3. Numerous definitions for globalization have been offered; two are relevant here. The first emphasizes the linkages brought about by globalization: "Globalization may be thought of initially as the widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life, from the cultural to the criminal, the financial to the spiritual." David Held et al., *Global Transformations: Politics, Economics and Culture* 2 (Stanford, 1999). The second describes integration as the "overarching feature." Globalization is a "system[.] . . . a dynamic ongoing process. . . . [I]t is the inexorable integration of markets, nation-states and technologies to a degree never witnessed before—in a way that is enabling individuals, corporations and nation-states to reach around the world farther, faster, deeper and cheaper than ever before, and in a way that is enabling the world to reach into individuals, corporations and nation-states farther, faster, deeper, cheaper than ever before." Thomas Friedman, *The Lexus and the Olive Tree* 9 (New York, 2000).
4. Law firms competing internationally must respond to the values of international, including foreign, clients, who seem to prefer a certain uniformity among national providers of legal services. Wall Street's position as a global financial center confers an advantage on Wall Street law firms, particularly in the eyes of foreign clients who may be unaware of the national scope of firms based outside of New York. Consequently, U.S. law firms hoping to compete internationally are remaking themselves to reflect the New York-centricism of the international market for legal services. The recent merger between Sidley & Austin, a Chicago-based law firm with foreign offices, and Brown & Wood, a Wall Street firm, is one example of this shift. See generally Carole Silver, *Globalization and the U.S. Market in Legal Services*, 31 *Law & Pol'y Int'l Bus.* 1093 (2000). Many U.S. law firms have offices in North America, Europe, and Asia. British firms also operate worldwide, and law firms based in other countries are following suit. See generally *Lawyers Go Global*, *Economist*, Feb. 26, 2000, at 79.

and lawyers, high status and high earnings. The threat of competition from nonlawyers, through multidisciplinary partnerships and otherwise, also is increased by globalization, as encroachments into the world of legal services affect client expectations and market forces.

U.S. lawyers and their law firms have established themselves as leaders in the international market for legal services, in part because of the international influence exerted by U.S. law. At the same time, law firms are diversifying their offerings, and international U.S.-based law firms increasingly offer expertise in foreign law as well as in U.S. law.⁵ The impact of internationalization on the practice of law is perhaps felt most acutely at the largest U.S. and foreign law firms,⁶ but as these firms respond to the forces of internationalization, they shift the rules of competition in the domestic market as well. Lawyers with wholly domestic practices feel the impact of internationalization indirectly through the changed terms of competition.

Law schools attempt to respond to changes experienced by the profession, and internationalization is no exception. In a survey of law school deans conducted in the early 1990s, internationalization of the curriculum was the second-most-common prediction of future changes in legal education.⁷ Moreover, this prediction came at a time when U.S. law schools already had increased their international and comparative course offerings. At the six Chicago-area law schools, for example, international course offerings increased by 200 to 1,100 percent over the twenty-year period from 1975 to 1995.⁸ On the national level, U.S. law schools also have experimented with integrating comparative and international elements into basic courses throughout the curriculum.⁹

Internationalization is affecting the identities of U.S. law schools, just as it has influenced the identities of U.S. law firms. New York University's identification of itself as the first "global" law school in 1994 is perhaps the most obvious example, but many U.S. law schools have highlighted their global and international programs during the 1990s, including Washington University's Institute for Global Legal Studies, Georgetown University's Global Law Scholars program, the University of San Francisco's Center for Law and Global Justice, and Duke University's Global Capital Markets Center. These marketing efforts parallel those of law firms, which use international activities to gain status in the national and international legal community. Another example of

5. See generally Carole Silver, *Lawyers on Foreign Ground*, in *Careers in International Law*, eds. Mark Janis and Salli Swartz, 1 (Chicago, 2001).

6. See generally John P. Heinz et al., *The Scale of Justice: Observations on the Transformation of Urban Law Practice*, in *Annual Review of Sociology* (forthcoming).

7. Robert A. Stein, *The Future of Legal Education*, 75 *Minn. L. Rev.* 945, 958-59 (1991).

8. Data compiled by Bradley R. Helfand for the Chicago Lawyers Project II (on file with author). For general information on international courses at U.S. law schools, see John A. Barrett, Jr., *International Legal Education in the United States: Being Educated for Domestic Practice While Living in a Global Society*, 12 *Am. U. J. Int'l L. & Pol'y* 975, 991-94 (1997).

9. See Adelle Blackett, *Globalization and Its Ambiguities: Implications for Law School Curricular Reform*, 37 *Colum. J. Transnat'l L.* 57, 69 (1998); Mathias Reimann, *The End of Comparative Law as an Autonomous Subject*, 11 *Tul. Eur. & Civ. L.F.* 49, 61 (1996).

the current emphasis on international law studies is the proliferation of international law reviews. In 1976 U.S. law schools sponsored only fifteen law reviews with a foreign, comparative, or international law focus;¹⁰ this number increased to sixty-four law reviews in 1996¹¹ and seventy-three in 2001¹²—a greater than 450 percent increase during the twenty-five year period ending in 2001.

In addition to these curricular changes and marketing strategies, U.S. law schools have become more international because of the growing presence of foreign students.¹³ In 1998, 40 percent of all students enrolled in postgraduate programs at U.S. law schools were foreign.¹⁴ There has been a significant increase since the early 1990s both in the number of LL.M. programs and in the number of foreign lawyers attending them.¹⁵ Most LL.M. programs place the foreign students in classes alongside J.D. students, with perhaps one additional course designed specifically to orient foreign lawyers to the U.S. legal system. These foreign students enrich our law school classrooms by bringing their home-country experiences with them, often adding a comparative dimension to the classes they take. Their social interactions with U.S. students also provide a meaningful avenue for information and cultural exchange.

But despite the attention to internationalization and the increased presence of international and comparative courses in the curriculum, there remains doubt that sufficient numbers of U.S. law students are enrolling in international and comparative law courses. One recent survey estimated that fewer than 37 percent of the students at a sampling of seventy U.S. law schools enrolled in even one international or comparative law course.¹⁶

Nor do U.S. law students flock to foreign study opportunities, either during or after law school. While various semester or summer study-abroad programs exist, they generally produce a much less foreign experience than the typical

10. Tatana Sahanek, ed., *Index to Legal Periodicals*, September 1973 to August 1976 at xiii–xxii, (New York, 1977). I counted only journals published by a U.S. law school. In addition to the 15 foreign, comparative, and international law reviews, one human rights law review was listed.
11. Joy London, ed., *Index to Legal Periodicals & Books*, September 1995 to August 1996 at XVII–XXXII (New York, 1996). Three human rights journals are listed in addition to the foreign, comparative, and international titles.
12. 94 *Index to Legal Periodicals & Books* (January 2001), at xi–xxvii. Four human rights law reviews are listed in addition to the foreign, comparative, and international titles.
13. On the increasing diversity of law students generally, see Rick L. Morgan, *Survey of Minority Group Students Enrolled in J.D. Programs in Approved Law Schools, 1971 to Present*, *m Official American Bar Association Guide to Approved Law Schools*, eds. Rick L. Morgan & Kurt Snyder, 455–58 (Foster City, 2001).
14. Data distributed by ABA Section on Legal Education and Admission to the Bar at Conference on Foreign Graduate Legal Education held at Duke University School of Law (March 1998) (on file with author).
15. The ABA Section on Legal Education and Admission to the Bar indicates that 93 U.S. law schools offer post-J.D. programs. See <<http://www.abanet.org/legaled/postjtdprograms/postjtd-school.html>> (last visited March 12, 2001). For statistics on LL.M. enrollment, see <<http://www.abanet.org/legaled/statistics/Degrees.html>> (last visited July 28, 2000).
16. Barrett, *supra* note 8, at 993 (1997).

foreign lawyer gets in a U.S. program. Courses typically are taught in English rather than the language of the country being studied. The faculty as well as the students are likely to be from U.S. law schools, so that the only foreign aspect of the experience is the setting. The program may offer the U.S. perspective of the foreign legal system, which may be quite divorced from the law and legal education system of the host country.¹⁷ The experience of the foreign lawyer in a U.S. LL.M. program—studying the law of the U.S. in English with U.S. teachers, surrounded by U.S. law students—stands in stark contrast.

The explanation for the avoidance of foreign legal study by U.S. lawyers and law students lies in a combination of factors, but primarily is based on the dominant role played by U.S. law on the international scene and the corresponding perception that national law, other than English and U.S. law, is of diminishing relevance.¹⁸ U.S. lawyers have found success in the international market for legal services precisely because they are U.S. lawyers, and their U.S. legal education is a crucial element in that identity. Foreign legal study simply has not been a necessary condition to success as an international lawyer.¹⁹ And the challenge of studying law in a foreign language is an additional roadblock for U.S. lawyers pursuing foreign legal study.

It is, of course, not a prerequisite to international practice opportunities for U.S. lawyers to have studied international or comparative law during law school, nor is prior foreign legal study required. But exposure to foreign legal systems and to the comparative method sensitizes lawyers to important differences between nations, including conceptual issues such as the role of law in the power structure and political system of particular countries, and more specific issues such as the ways in which local law might enable entrepreneurial enterprises.²⁰ And if U.S. law students and lawyers shy away from immersing themselves in foreign legal systems through educational programs analogous to the U.S. LL.M., then U.S. law schools must create opportunities within their curricula for studying foreign legal systems and international and comparative law.

17. The foundation of U.S. law school classes is established by the shared experience of the role of law in the U.S., and this cultural approach permeates classes on topics as diverse as torts, securities regulation, and human rights. This same approach travels with U.S. law teachers and students who participate in the sponsored foreign law programs; consequently programs in which U.S. law teachers instruct U.S. law students may be devoid of important lessons about the role of law in the foreign country.
18. See generally John Flood, *Megalawyer in the Global Order: The Cultural, Social and Economic Transformation of Global Legal Practice*, 3 *Int'l J. Legal Prof.* 169 (1996); Yves Dezalay, *Professional Competition and the Social Construction of Transnational Markets*, in *Professional Competition and Professional Power*, eds. Yves Dezalay & David Sugarman, 77 (London, 1995).
19. Nonetheless, many of the early U.S. pioneers in foreign practice settings had personal experiences in foreign study or travel, and often language ability as well, that distinguished them from their U.S.-based colleagues. See Bryant Garth & Yves Dezalay, *Dealing in Virtue*, 70–74 (Chicago, 1996).
20. See Ugo Mattei, *An Opportunity Not to Be Missed: The Future of Comparative Law in the United States*, 46 *Am. J. Comp. L.* 709 (1998); David J. Gerber, *System Dynamics: Toward a Language of Comparative Law?* 46 *Am. J. Comp. L.* 719 (1998).

The ITP Program

The search for innovative ways to teach students about foreign legal systems led the Northwestern law school to experiment with ITP courses. The idea for the course was borrowed from the business school curriculum, where travel-study courses have become popular.²¹ For example, Northwestern's Kellogg School of Business offers Global Initiatives in Management courses each year, which are organized entirely by students. The Kellogg students bid for space in classes traveling to particular countries, seek faculty leaders at the organizational stage, and take various roles in managing the travel and educational aspects of the course. Projects are undertaken by student teams. Research topics for the Kellogg courses reveal a great variety of subjects, all of which focus on a business or commercial issue related to the particular country being studied.

The law school's ITP program continues to evolve, taking parts of the business school model and adapting them to further the law school's goals.²² These goals include an emphasis on collaborative learning and student responsibility. In the ITP program, students are encouraged to participate in organizing the classes,²³ including generating interest in a particular country,²⁴ making travel arrangements,²⁵ and identifying faculty members with interest and/or experience in that country. The ITP classes also require students to work in teams, as do the business school courses. But the substantive focus of the law school's ITP course is substantially broader than the business school model. For law students, the goal is to examine the role of law, lawyers, and legal institutions in the foreign society. To accomplish this, students must gain a sufficient understanding of the foreign country's political and economic systems to consider the ways in which these systems privilege law as well as competing institutions. The students bring their understanding of the role of law in the U.S. to their study of the foreign system, making a comparative approach possible and perhaps compelling.

This broad vision of the goal of the ITP courses is supported by the expansive definition of law that is one of the important distinctions between U.S. lawyers and their foreign counterparts. This expansive attitude perme-

21. Popularity is crucial for the ITP courses to fulfill one part of their mission, that of exposing a greater proportion of U.S. law students to a comparative perspective.
22. The flexibility of the ITP concept has been important at Northwestern; instructors have adapted the course in a variety of ways, such as encouraging students to structure their projects to provide assistance to a government or an NGO operating in the state being studied, and limiting students' research topics to a broad theme relevant to the instructor's expertise. The model described in this essay reflects my interests in the comparative role of law and lawyers in various nations, and law and social science generally.
23. Students may enroll in an ITP class whether or not they are part of the organizing group, space permitting. Class size has been set at a minimum of 15 students and a maximum of 25. While preference is given to students who have not previously taken an ITP class, a number of students repeat the experience by traveling to different countries.
24. Students initiated an ITP class focused on Vietnam, offered during the spring semester 2001. The students originally proposed the class to a member of the faculty in the spring of 2000.
25. Students are responsible for the cost of traveling to the country studied; they may cover the cost by arranging for loans through Northwestern University.

ates the comments of lawyers involved in the international market. Benjamin Heineman, senior vice president, general counsel, and secretary of General Electric Company, captured the approach in his comments at a roundtable discussion about globalization and the legal market:

So much of practicing law these days outside of the United States is understanding the economic and political system, not just the legal system. I think we should not confine ourselves to a narrow view of the law. You simply can't practice law in a country unless you have people there who understand the history and the culture. If we look around the world, legal arrangements are fine, but most of the countries don't have legal systems that are very durable, that provide much certainty. That is probably one of the greatest challenges we face: How do we structure arrangements in countries where the legal system is, to a great extent, undeveloped? It is for that reason that you have to have people who are skilled in the culture and history of the society.²⁶

One goal of the ITP program is to expose students sufficiently to a foreign nation and its legal system to enable them to appreciate the boundaries of the law.

In the spring of 2000, when I taught an International Team Project course on Singapore, Singapore was the first non-African country to be the subject of an ITP course, and it was the first country studied that is not classified as a developing economy.²⁷ It also was my home during the mid-1980s.²⁸

Singapore provided a nearly perfect site and focus for this course. As a country focus, it offered a wide variety of research topics for students, from commercial and financial law to sociolegal issues.²⁹ The language of commerce in Singapore is English. Its common law legal system is familiar to U.S. law students. And its legal and social structure has been the subject of study by

26. Global Roundtable: Taking On the World, *Am. Law.*, Nov. 1998, at 97.

27. Northwestern's initial ITP course focused on Ghana, and a second course offered in 1999 studied Tanzania. These classes exposed students to the needs of justice systems in undeveloped and developing nations, and provided quite different challenges than the Singapore course. In spring 2001 ITP classes studied Vietnam, Australia and New Zealand, Tanzania, and Cuba. Because of calendar constraints, ITP classes currently are offered only in the spring term.

28. Northwestern's policy is that it is unnecessary for a faculty leader to have any particular level of familiarity with the country in order to successfully lead an ITP course. Nevertheless, there are advantages to such familiarity, including a general understanding of the way business is conducted (and not conducted) there, the ability to provide access to institutions and individuals in the foreign country, helping in the selection of background and group reading materials for the course, and guiding the selection of accommodations and travel arrangements. The first two advantages listed are perhaps the most important, because gaining access is crucial and distance makes pre-trip communication difficult. The instincts one develops about business and social etiquette from repeated experience are invaluable. Nevertheless, Northwestern faculty may lead ITP classes on countries which they have not visited or studied; the time commitment for preparation obviously increases as knowledge of the country decreases.

29. One important drawback to Singapore, however, is the government's stance toward human rights issues and its sensitivity to criticism. These characteristics, coupled with the course goal of using informants in Singapore as research sources, convinced me that students should avoid topics about which the government would likely be hypersensitive and uncooperative.

numerous academics.³⁰ The combination of these characteristics made it possible for students to develop general familiarity with the country, its history, social and legal structures, and contemporary issues during the semester.

Singapore also is an easy site for a brief in-country component. It is a small country, comparable to a large U.S. metropolitan area in territory and population. It is easy and safe to explore, welcoming to foreigners, and fully accessible in terms of internal transportation. The most difficult aspect of a trip to Singapore is its distance from the U.S. and the resulting jet lag.

The ITP Approach

An International Team Project class brings together three distinct approaches to learning: the comparative law approach, the empirical approach, and the collaborative approach. This combination distinguishes the ITP class from others typical of law school curricula; I am not aware of other attempts to meld these disparate ways of learning into one course. Nonetheless, each is crucial to accomplishing the goal of the ITP class: to examine a particular research topic, in a comparative context, relating to the role of law, lawyers, or legal institutions in a foreign society. In this section I examine the implications of these three approaches.

The Empirical Approach

Writing a paper about a foreign legal problem might be the goal of any number of international law school courses, and it is one goal of the ITP class as well, but the ITP class requires a far broader understanding of the foreign legal system than does a traditional international law class.³¹ This is because of the empirical in-country element of the ITP course. After defining topics and reading in depth, ITP students met with lawyers, policymakers, and others to gain additional information and perspective on their topics. Through informational interviews with these people, whose work was relevant to the team project topic, and visits to relevant organizations, students collected information beyond that normally available, and this information supplied a critical part of the research for students' projects.³²

The opportunity to engage in these conversations or interviews is one of the distinguishing characteristics of the ITP class.³³ The empirical approach to

30. While the country has attracted sufficient academic attention to provide useful background information for law students, the available literature about the country is not so abundant as to be overwhelming. This made the job of selecting readings for the initial weeks of the course, in which the aim was to provide background information and a general understanding of the country and its contemporary problems, relatively easy, since it was unnecessary to pore over volumes of possibly irrelevant material. The reading list for the course is available on request.

31. In this sense, the ITP course resembles courses on particular foreign legal systems, such as a course on Japanese law or the law in Latin America.

32. The kind of information gathered by students conducting research in Singapore, apart from their substantive topics, enabled them to consider the workings and significance of the legal system as a part of society. See generally Pierre Legrand, John Henry Merryman and Comparative Legal Studies: A Dialogue, 47 *Am. J. Comp. L.* 3, 6-7 (1999).

33. On the role of empirical and in-country research generally to comparative scholars, see John C. Reitz, How to Do Comparative Law, 46 *Am. J. Comp. L.* 617, 632 ("[I]n-country experience is crucial for learning about the actual practices and social conditions that may create

the research topics focuses students' attention on how the legal system works in their country of study, rather than on the rules produced by the system.³⁴ Simply setting up the interviews requires students to learn about the foreign legal and political system in a way that generally is unnecessary in U.S. law school courses. Indeed, a working understanding of the legal system—including the relationship between relevant actors and institutions, their accountability to one another and to the public, and their accessibility to the public—is something that we do not require of law students in most of their courses.

In order to use people as sources of information, students initially identified the persons, agencies, and organizations with responsibility for the particular topic in which they were interested. Each research team identified persons in and out of government for potential interviews. This allowed students to include as one issue in their investigation the balance of authority in Singapore between the private and public spheres of control.

In working on identification of possible informants, students learned whether Singapore makes it easy for its citizenry to identify those in responsible positions. The Singaporean government has put an enormous amount of information about itself on the Internet,³⁵ which allowed students to learn about the structure of various governmental agencies and departments, and also to identify persons and agencies that would be appropriate for meetings. As a result, students had identified most of the people with whom they intended to meet well before the trip.

Students contacted potential informants by fax or e-mail and requested a meeting, and gained some appreciation for the approachability of these people. Each research team explained its mission to potential informants and explained why, as U.S. law students, they were interested in speaking with the particular person. This required some consideration by the students of the role of law and lawyers in Singapore and its comparability to the role of law and lawyers in the U.S. Students also faced the issue of the willingness of private citizens to speak openly about issues affecting their lives. In addition, students learned about the extent of law and legality in the mindset of Singaporeans.

Using interviews as a source of information required planning and practice. Students prepared questions in advance of their interviews, and they were surprised at the amount of thought required to formulate useful questions. Most students felt awkward during their first few interviews, and then gained comfort in using this method of gathering information. It proved more challenging for students to use the information solicited during interviews for anything other than proving the truth of the statements made by their interviewees. That is, students were less successful in using the interviews to

gaps between the law on the books and law in action. . . . It would thus be desirable for foreign law scholars to supplement their linguistic skills with the field observation skills of an anthropologist.”)

34. See generally Bob Gordon et al., *Legal Education Then and Now: Changing Patterns in Legal Training and in the Relationship of Law Schools to the World Around Them*, 47 *Am. U. L. Rev.* 747 (1998).

35. See, e.g., <<http://www.sg/govt/organstate.htm>> (last visited July 28, 2000).

reveal the larger story of their research topics, by analyzing their informants' statements as revealing strategies. Students took most of the information gained from their informants at face value only. This may be partly because the research teams did not meet with sufficient numbers of people to reveal the larger story in which their informants were participants. In addition, the limited duration of the class discouraged students from spending sufficient time analyzing the information they had gathered to gain more than a straight-forward understanding of the information conveyed. But with so much energy devoted to the planning of the interviews, it is shortsighted to leave the analysis with insufficient time. Structuring similar courses to provide time for reflection and revision after the trip will support more sophisticated analysis.

Comparativism in Action

ITP classes are aimed not only at understanding a foreign legal system, but also at putting that understanding into comparative context. The choice of topics for the course implicated the comparative goal, because some students were interested in research topics about which they lacked knowledge of U.S. law and policy. For example, the students who wanted to study arbitration and mediation were not well informed about issues in the law of mediation and arbitration in the U.S., nor were they particularly knowledgeable about international commercial arbitration. And time constraints restricted students' efforts to learn about the corollary U.S. and international law and practice related to their topics, since the ITP class was a one-semester offering. Students could not rearrange their class schedules to enroll in a course on the U.S. law relevant to the topic they were researching in Singapore once they had identified their ITP research topic.

An additional and more fundamental problem with adopting the comparative approach in the ITP course is that the students had no background in comparative law; the comparative method was foreign to them at the beginning of the semester. It is, of course, overly ambitious to teach both comparative law and the legal system of Singapore in one course during one term.³⁶ As a result, students learned a bit of comparative law and methodology only as applied to their research.

As ITP courses become regular and anticipated parts of the curriculum, advance planning could convert these problems into issues of preparation. Students could be required to have studied comparative law in a separate course prior to or simultaneous with their ITP experience. In addition, as ITP courses become routine offerings and topics from past years emerge as recurrent themes, students will have some guidance on important subjects for study with regard to U.S. law as foundations for their ITP studies.³⁷

36. An alternative structure for an ITP class would be a two-semester sequence in which comparative law is taught in the first semester, along with guided reading on the region.

37. The Northwestern law curriculum includes several concentrations that might be useful to guide students toward particular topics and course preparation, including concentrations in business associations, law and social policy, civil litigation and dispute resolution, health law, and international and comparative law.

*The Team Experience*³⁸

ITP courses respond to the interest in creating collaborative learning experiences for law students as well as to the need for international legal studies.³⁹ Northwestern's law school has identified collaborative learning opportunities as an important goal. The school's 1998 strategic plan articulates the role of teamwork: "The modern world of legal practice and business is dominated by the use of multifunctional groups and teams. Our students must develop the ability to work effectively in groups with lawyers and nonlawyers alike." This team element of the course challenged students in several ways.

First, law students at Northwestern and most U.S. law schools are accustomed to working alone and competitively. They compete for grades, and their common perception is that grades determine employment opportunities. They are reluctant to share responsibility for their grades with other students for fear that they will suffer because of another student's lack of initiative or ability. Several students repeatedly reported to me on their individual contributions to their groups in order to ensure that their efforts would be appreciated individually, and that those efforts would be attributed to their grades. Consequently, the students' grade consciousness and competitiveness challenges the collaborative framework of the class, if not completely undermining it.

The grade consciousness of law students is compounded by the infrequency of team projects in the law school curriculum. Many students have limited experience negotiating their contribution to a group project, and group writing assignments are unusual. Moreover, it is the rare law school class that attempts to address the challenges of group projects; this may change at Northwestern as collaborative learning exercises are introduced into the first-year legal analysis curriculum. Working with classmates requires practice, patience, and creativity.

38. Collaboration at the faculty level is also important to the ITP experience. All faculty leading ITP classes during the spring 2000 term collaborated on various issues, ranging from ways to build cohesiveness among students to the establishment of class standards and procedures; this collaborative spirit has continued into the spring 2001 ITP courses. Three guest lecturers played crucial roles in my course. One of my colleagues on the Northwestern faculty, Lynn Cohn, led students in team-building exercises and addressed the challenges of working in teams. Students valued the insights gained from this session and repeatedly referred to them during the week in Singapore. Bryant Garth, director of the American Bar Foundation, spoke to students about using interviews in research and about interview strategies generally. A third session led by Northwestern's international law librarian, Irene Berkey, identified resources about Singapore and its legal system. In addition to these substantive sessions, we called upon nearly every Singaporean we could find in the Chicago area to speak to the class about Singapore. They were excellent sources of information and extraordinarily candid in their answers to practical and conceptual questions alike.
39. Much of the discussion about the importance of teamwork in legal practice and legal education has centered around clinical education. See, e.g., Catherine Gage O'Grady, *Preparing Students for the Profession: Clinical Education, Collaborative Pedagogy, and the Realities of Practice for the New Lawyer*, 4 *Clinical L. Rev.* 485 (1998). See also Clifford S. Zimmerman, "Thinking Beyond My Own Interpretation": Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum, 31 *Ariz. St. L.J.* 957 (1999) (discussing collaborative approaches in first-year legal writing program).

In contrast to law students, the students at Northwestern's Kellogg School of Business are immersed in team projects from the beginning of their program, until collaboration becomes second nature to them. They also seem less burdened by the influence of grades on the job market, so that the competition surrounding grades appears less intense. Law school still is very much an individual experience, while business school has evolved into a group-centered experience.

To respond to student concerns about grades, I encouraged the teams to function as a group, and also allowed students an outlet for evaluating their individual contributions to the team. I encouraged teamwork and group ideology by meeting with teams rather than individual team members for purposes of discussing progress of the team project, including strategies for identifying and approaching potential informants, refinement of the research agenda, preparation for interviews, and the conduct of the interviews. These meetings occurred before, during, and after the trip to Singapore. While it was more difficult to schedule a meeting time convenient for all team members, I believe that my approach to the team as opposed to the individual student was important in helping students develop a team identity. Second, I provided an outlet for students' concerns about their individual contribution to their team's project through an end-of-semester evaluation. I asked students to rank their contribution and that of the other team members with regard to a variety of factors, and this evaluation afforded students the ability to comment comparatively on the value of their participation to the team's product.⁴⁰

A third aspect of the challenge of team projects in the ITP course is the variety of interests the students bring to their projects. Students working on a team found various aspects of their topic interesting, and they tended to follow their particular interests separately. This resulted in a rich examination of topics, but at the same time undermined students' efforts to work together on a focused analysis. Instead, students tended to carve out more specific portions of the team project as their own, and this resulted in attempts to cover too much ground substantively and through interviews. The short term of the course contributed to this, since students were not interested in participating in an extended period of negotiation over the group topic. Consequently, topics were broadly defined to include individual interests of team members, and in certain cases teammates had relatively disparate interests related to a common theme.

Finally, students found that the dynamics of cooperation required by group interviews and preparation of oral and written analyses forced them to consider relinquishing individual control over some portion of the project and trusting in the efforts and abilities of their teammates. Students gained an appreciation for the importance of roles other than author; they assumed such roles as editor, synthesizer, and contact or relationship person. Those

40. I adapted the evaluation form from those used by Kellogg's Global Initiatives in Management course. This evaluation was separate and in addition to the law school's general course evaluation.

teams that integrated these nonauthor roles into their organization produced more successful papers and presentations than those that followed a more traditional organization with each student responsible for a particular portion of a paper or presentation.⁴¹ The willingness to adapt behavior to working as a group member required new perspective on the value of particular activities.

I tried to reinforce the team nature of the projects by asking for papers that were synthesized and integrated, rather than a series of individual papers strung together. As simple a gesture as imposing page limitations reinforced the need for integration. I held meetings with each team to discuss the particular challenges of their topics with regard to synthesis and coordination of efforts. Nevertheless, for most teams, more was required. The opportunity for teams to revise their papers during the course would have allowed for greater synthesis and integration.

Development of Research Topics

The selection of topics is challenging and revealing in all seminars, and perhaps even more so in an ITP course because of the in-country portion of the research. Students needed guidance in identifying topics suitable for empirical research. To give them every opportunity for success, I encouraged students to think about topics that were current and would be appealing to their potential informants. The guiding principle was that it is easier to get someone to talk about a topic they *want* to talk about rather than something they would prefer to hide. Certain topics that students found intriguing in our readings for the course would have been difficult subjects for most Singaporeans to discuss, either because of the political climate in Singapore for critics of the government or because our very short stay in the country restricted the ability to develop a trusting relationship with potential informants.⁴²

This topic selection approach successfully maximized the ease of arranging interviews; the five student teams, combined, met with a total of ninety-six people from fifty-six public and private organizations.⁴³ The topics selected illustrate the rich possibilities that a country like Singapore offers for study. They are worth a brief description.

Financial regulation was the topic chosen by students interested in securities law and in the international ramifications of securities regulation and

41. A useful analogy can be drawn between the focus on grades for law students and the focus on billable hours for practitioners. The importance of going beyond traditional roles is relevant to practice, as well, where lawyers struggle with management and other time-consuming activities that do not result in billable hours.

42. Political sensitivity and the resulting effect on research might cause certain countries to be rejected as possible ITP sites. During the spring semester 2001, one of the ITP courses is studying and traveling to Cuba, where topic selection has been significantly constrained, and much of the challenge of topic development described here is rendered irrelevant.

43. No doubt one reason for students' success in meeting with Singaporean leaders was the absence of other law students doing the same thing in Singapore. Especially in a small country, the demands of an ITP course result in substantial imposition, in terms of time and attention, on a relatively small number of institutions and individuals. It is conceivable that a large number of ITP courses going to a particular country would have a negative impact on their in-country component.

activity. Compared to others in the class, the students on this team had perhaps the deepest knowledge of comparable U.S. law. All had studied U.S. securities regulation, and two of the three were enrolled in an international securities regulation course during the same semester as the ITP course. The third member of the team was a foreign lawyer LL.M. student with a comparative understanding of his home country's capital markets system.

Singapore has tried to position itself as a regional financial center and, at the time of the ITP course, was revising its securities laws, in part, to support its claim to that leadership role. Consequently, government officials, lawyers, accountants, and others were anxious to talk about the reforms with future U.S. lawyers. And because the students were knowledgeable about U.S. securities law, they were able to engage in sophisticated conversations with their informants. Their paper, "Securities Regulation in Singapore: Spare the Rod, Spoil the Market," focused on Singapore's movement from a merit-based system of securities regulation to a regulatory system based upon full disclosure.

Another team investigated Singapore's activity in creating an entrepreneurial infrastructure to support developing enterprises in an Internet economy. This team was composed of two students in Northwestern's J.D./M.B.A. joint degree program and a third student whose personal background brought an international perspective to the group.

The Singapore government has invested substantial effort and funding to position the country to lead Asia's Internet economy. This team considered the technology strategy as it is being implemented across a range of activities, coordinated through Singapore's Technopreneurship 21 initiative. The components investigated by the students included the investment of one billion dollars (U.S.) in a Technopreneurship Investment Fund designed to spur the creation of a venture capital industry in Singapore, reform of bankruptcy and tax laws, liberalization of home office restrictions, and revision of immigration policies to support efforts to attract talented foreigners. Even education policy was implicated in this project, because of government efforts to teach responsible risk taking as a learning mechanism.

Three students studied dispute resolution. Their topic encompassed Singapore's recent court reform initiatives, alternatives to litigation, training in alternative dispute resolution, and attitudes within the legal profession toward ADR. The team also considered whether ADR in Singapore was influenced by the distinctive nature of Singapore's multiethnic population.

A fourth team focused on education and law. The students investigated the ways in which the government's social policies were reflected in its education policies and practices, and the role of law in the implementation of these policies. This team initially encountered more challenges in arranging meetings than the other groups, perhaps because the Singaporean conception of law is distinct from policy, and education policy in Singapore operates quite apart from the legal system. Explanatory efforts by the team members paid off handsomely, and the students were able to arrange interviews with people in a variety of roles in education. The team gained an appreciation for compara-

tive differences in the role of law in Singapore and the U.S. with regard to social and educational policies.

The fifth research team was intrigued by class readings about the organization and control of the physical Singapore. The small size of the country has shaped many policies, from immigration to housing. And the public housing system, so visible to any tourist in Singapore, stands in stark contrast to public housing in the U.S. This team wanted to understand the ways in which control over space was used to shape social policies, and the role of law in that process. The team was ambitious in the breadth of its topic, which also made the students ambitious in their plans for meetings in Singapore. Their investigation included public housing, which accommodates more than 80 percent of the population and allows the government to oversee ethnic integration; public parks and green spaces, the involvement of high government officials in parks policy, and the relation of parks policy to tourism; and regulation of public spaces with regard to commercial activity, including the activities of street performers and licensing of sidewalk cafes.

Thoughts for the Future

The idea for the ITP courses originated with the business school curriculum, where it has been successfully implemented with wide participation by students and faculty. Lawyers and law schools have much to learn from their business-focused colleagues, and this course with its investment in foreign study and travel provides an excellent example. But we should be mindful of the differences in our focus that require different approaches to study. The law is a social ordering system that adapts to the structure of each society, even as it brings nations together through harmonization and unification of practices and standards. Studying the law of a foreign country requires an understanding of the national political and economic systems. This sort of broad examination of the context in which a legal system operates may be irrelevant to the business student whose focus is on the development of marketing strategies for a particular industry, for example. Nevertheless, the local understanding is crucial for the student of law. This difference is captured by the comment of an observer of the distinction between accountants and lawyers operating in the international market for professional advising: "Numbers are numbers, discounted cash flow analysis is the same worldwide, but the law is different."⁴⁴ An ITP course that fails to appreciate the importance of studying law in its context risks offering a tourist experience to students.

In U.S. law courses, context often is ignored because of the common experiential background of most U.S. law students. But in studying a foreign legal system, context is crucial. Students who study a single issue in a particular country without a general understanding of other issues in the country and the country's relation to its geographic neighbors and economic partners risk seriously misreading their topics. The brevity of the Singapore course made

44. So You Want to Make a Deal, Corp. *Legal Times*, Sept. 1999, at 28, 29.

this sort of study nearly impossible, and certain aspects of several student projects suffered from a lack of perspective.

The concept of the course could be applied to domestic topics as well, and would deliver some of the same lessons to students without the expense and time commitment of leaving home. A team project course on the juvenile justice system, for example, could allow students to investigate their local community through interviews and investigations of the juvenile justice system's history, institutions, and divisions. Such a course would provide useful preparation for a foreign team project class in which a foreign juvenile justice system was the focus, and would surely allow greater appreciation of the comparative advantages of each country's system.

As law schools experiment with new forums for teaching students about international and foreign law, students undoubtedly will benefit from increased understanding of the U.S. legal system. Travelers often find new meaning at home after an intense period in a foreign land, and law students are no exception. Studying foreign countries and their legal systems helps us to see our own system more clearly, and to appreciate the central roles played by law and lawyers in the U.S. This deeper understanding of the U.S. legal system may represent the most potent lesson of the ITP course experience, lingering with students long after most details of law school have faded.