Chapter 8

International Internships: Preparing Students for Rights and Justice in Action

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Abstract

This chapter explores intercultural competency as a critical skill for law students, using Birmingham City University's *American Legal Practice* module as a case study. Part I outlines the *American Legal Practice* model for context. Part II links culture and intercultural competence with legal education. Part III introduces strategies to foster students' intercultural competency, categorised as student-led, module design, and institutional approaches. Infused with examples and reflections from *American Legal Practice*, the chapter offers educators practical insights for applying this field of research.

8.1 Introduction

Birmingham City University (BCU) has offered an American legal studies provision since the 1990s, which has now advanced into a thriving portfolio. In 2012, the *Centre for American Legal Studies* was launched.[2] The centre scaffolds a team of local and international students, scholars, and practitioners, working in the areas of criminal justice, judicial process, intergovernmental relations, and human rights in the Americas.[3] BCU is also home to *Controversies in American Constitutional Law*[4] and the *British Journal of American Legal Studies* (*BJALS*), a peer review law journal that operates through the hands of faculty and law student editors, following typical law review practices in the United States (US).[5] In 2019, the *Judge Joseph A. Greenaway Jr Lecture Series on Law and Justice* was established to honour Judge Greenaway, a former judge of the US Third Circuit Court of Appeals and Chair of the *BJALS* Editorial Board. The lecture series has created connections with Birmingham Law Society, the US London Embassy, and high schools and colleges nationwide.[6] Stitching together the entire portfolio is BCU's LL.B with American Legal Studies, which allows students to complement their English legal studies with US-centric modules,[7] including *American Legal Practice*, BCU's US internship programme, which I have delivered for nearly fifteen years.

American Legal Practice[8] is a level six module open to law undergraduates for credit, and postgraduates to audit or use for other course credits. The module harnesses the expertise and partners of the *Centre for American Legal Studies* to prepare students for internships in the US, or with UK-based organisations focused on US legal matters. Hosts include private law firms, law libraries, innocence projects, public defenders, solo capital defence practitioners, law professors, and charities, who offer a range of experiences from prison and courtroom visits to coordinating social media campaigns and organising events. Most internships

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[2] Birmingham City University, 'Centre of Excellence for study of US law officially launched' (*bcu.ac.uk*, 12th April 2012) https://www.bcu.ac.uk/news-events/news/centre-of-excellence-for-study-of-us-law-officially-launched> accessed 5th March 2004; Birmingham City University, 'Centre for American Legal Studies - School of Law' *(bcu.ac.uk)* https://www.bcu.ac.uk/law/research/centre-for-american-studies>accessed 5th March 2004.

[3] Birmingham City University, 'Research streams – School of Law' *(bcu.ac.uk)* https://www.bcu.ac.uk/law/research/centre-for-american-studies/research-clusters> accessed 5th March 2004

[4] Routledge & CRC Press, 'Controversies in American Constitutional Law: Controversies in American Constitutional Law - Book Series' (routledge.com) https://www.routledge.com/Controversies-in-American-Constitutional-Law/book-series/CONTROVERSIES> accessed 5th March 2004.

[5] Birmingham City University, 'British Journal of American Legal Studies - School of Law' *(bcu.ac.uk)* https://www.bcu.ac.uk/law/research/centre-for-american-studies/british-journal-american-legal-studies>accessed 5th March 2004.

[6] Harvard Law School, 'Joseph Greenaway'(*his.harvard.edu*)https://hls.harvard.edu/faculty/joseph-greenaway/>accessed 5th March 2004; Hon. Joseph A. Greenaway, Jr., 'Joseph A. Greenaway Jr Lecture Series on Law and Justice: Speak at Your Own Peril'[2020] 9 Brit. J. Am. Legal Stud. 1.

[7] Birmingham City University, 'Law with American Legal Studies – LLB (Hons) – 2024/25 Entry'*(bcu.ac.uk)* https://www.bcu.ac.uk/courses/law-with-american-legal-studies-llb-2024-25>accessed 5th March 2004.

[8] All relevant module materials are on file with the author.

focus on criminal justice, span six-to-ten weeks, and are largely self-funded, although some students can benefit from bursaries through initiatives like the UK government's Turing Scheme.[9]

The module tends to welcome 10-20 students each academic year, but not all will go on to undertake internships. Some will end up not satisfying the module's academic requirements. Others will withdraw due to other responsibilities, like caring or employment, or because they do not have sufficient funds. Sometimes a surprise summer holiday or family celebration can get in the way. Some students will simply conclude an internship isn't for them. They might not feel ready to spend time away from family or travel alone, or realise they desire a different career path entirely. For those that do intern, though, it is my overwhelming experience that they have 'profound educational experiences'[10] that foster their 'empathy and sense of interconnectedness with people from other countries and cultures.'[11] As interns, students are exposed to 'real life situations'[12] – rights and justice in action – and they learn 'by doing.'[13] These experiences can be 'disorienting'[14] for students and challenging to prepare for.

Each year, I deliberate over how to adjust the module to better prepare students. Beyond responding to feedback from students and hosts, the module must also be sensitive to political, economic, socio-cultural, and technological trends at home and abroad. In the last five years alone, the module has needed to respond to various happenings. The COVID-19 pandemic halted all in-person internships, and resulted in the US implementing, for a period, COVID-19 vaccination requirements for entry,[15] and, more long-term, many hosts shifting to hybrid and/or remote working patterns. Then there were the events of January 6, 2021, at the US Capitol, the so-called *Big Lie*,[16] and subsequent *January 6th Committee* proceedings and report.[17] In 2022, the US Supreme Court handed down its decision in *Dobbs* v. *Jackson Women's Health Organisation*.[18] The decision overturned *Roe v. Wade*[19] and triggered a wave of concern that other privacy-based rights, like access to contraception and marriage equality, might be under threat nationwide.[20] Later that year, ChatGPT was launched world-wide,[21] prompting discourse about how AI will impact higher education,[22] legal services,[23] and international relations.[24] Closer to home, the UK has encountered particularly high inflation

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[9] Turing Scheme, 'Turing Scheme'(*turing-scheme.org.uk*)<https://www.turing-scheme.org.uk>accessed 5th March 2004.
[10] Tim Connor *et. al.*,'Becoming Global Citizens and Global Lawyers: Incorporating International Work and Study Experiences into the Australian Law School Curriculum' (2018) 25 Clinical L. Rev. 63, 93.
[11] ibid 82.
[12] William L. Berman, 'Why Not an International Clinical Legal Exchange Program? It Is Worth the Schlep' (2014) 21 Clinical L. Rev. 171, 172.
[13] ibid.
[14] ibid 177.
[15] United States Government, 'COVID-19 International Travel Advisories' (*usa.gov*)https://www.usa.gov/covid-international-travel#;>accessed 5th March 2004.
[16] Edward D. Cavanagh, 'Countering the Big Lie: The Role of the Courts in the Post-Truth World' (2022) 107 Cornell L. Rev. Online 64 <https://live-cornell-law-review.pantheonsite.io/wp-content/uploads/2022/06/Cavanagh-online-essay-final-version-1.pdf>accessed 5th March 2004.
[17] U.S. Government Publishing Office, 'Select January 6th Committee Final Report and Supporting Materials Collection' (*govinfo.gov*) https://www.govinfo.gov/collection/january-6th-committee-final-report?path=/GPO/January%206th%20Committee%20Final%20Report%20and%20Supporting%20Materials%20Collection> accessed 5th March 2004.
[18] *Dobbs v. Jackson Women's Health Org.*, (2022) 597 U.S. 215.
[19] *Roe v. Wade*, (1973) 410 U.S. 113.
[20] Amanda Hainsworth, 'Dobbs and the Post-Roe Landscape' [2022] Boston B.J. 9.
[21] Samuel D. Hodge, Jr., 'Revolutionizing Justice: Unleashing the Power of Artificial Intelligence' (2023) 26 SMU Sci. & Tech. L. Rev. 217, 223.
[22] Inside Higher Education, 'Benefits, Challenges, and Sample Use Cases of Artificial Intelligence in Higher Education' (2023)<https://www.insidehighered.com/sites/default/files/2023-10/Benefits%2C%20Challenges%2C%20and%20Sample%20Use%20Cases%20of%20AI%20in%20Higher%20Education.pdf>accessed 6th February.
[23] Solicitors Regulation Authority, 'Risk Outlook report: The use of artificial intelligence in the legal market'(*sra.org.uk*) <https://www.sra.org.uk/sra/how-we-work/reports/risk-outlook/report-use-artificial-intelligence-legal-market.page>accessed 5th March 2004.
[24] UK Parliament, 'The governance of artificial intelligence: interim report' (*publications.parliament.uk*) https://committees.parliament.uk/publications/16471/governance-of-ai-interim-report> accessed 5th March 2004.

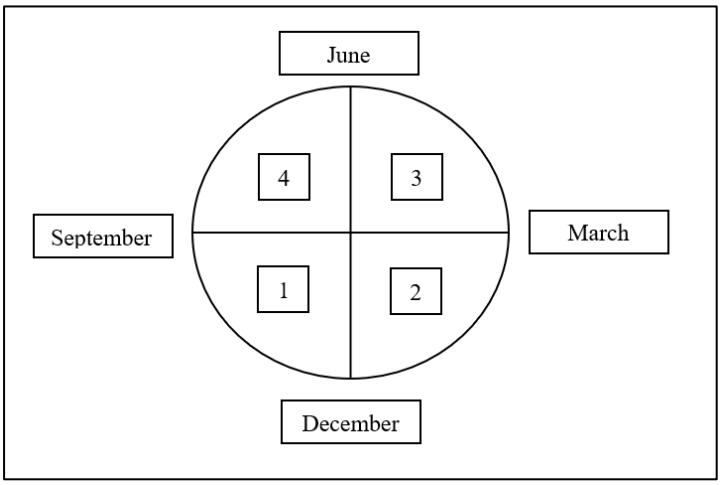
rates, energy, and food prices, which have merged into a 'cost of living crisis,'[25] felt keenly by many, including university students.[26] *American Legal Practice* must recognise all this.

One way to effectively navigate this quagmire is to create an environment, in the preparatory phase of the module i.e., before internships take place, which fosters students' intercultural competency, namely their ability to 'relate to others comfortably, respectfully, and productively.'[27] In other words, their ability to empathise.[28] Equipping students with a strong sense of relatability in this way readies them for whatever might come their way on an internship, be that attending death row or a baseball game, witnessing a heated exchange about politics in the office or grocery store, or losing a laptop or passport.

Agreeing that intercultural competency is 'an increasingly critical skill set for law students,'[29] this chapter considers *American Legal Practice* in the context of existing research on development strategies. Part I summarises the *American Legal Practice* model, connecting the concepts of culture and intercultural competency with legal education in Part II. Part III then presents strategies for developing students' intercultural competency, organised into three categories, namely student-led, module design, and institutional strategies. Reflections on *American Legal Practice* are shared throughout with a view to sharing ideas for how this research might be applied in context. The chapter concludes that educators should feel empowered to explore this research base to co-create innovative approaches with students, colleagues, and partners.

8.2. Part I. The American Legal Practice Model

American Legal Practice is best described as a circle sliced into 12-week quarters that trace the traditional academic year, as per *Figure 1*. Quarter 1 introduces students to foundational knowledge, namely US legal and political infrastructures and skills transferable to all internships, specifically critical reflection (using the Situation-Task-Action-Result (STAR) method), fact investigation, legal research, and Bluebook citation. Quarter 2 supports students to apply their knowledge and skills in a series of simulations commonly encountered by interns, namely a social mixer, recruitment interview, client conference, and jury selection. Quarter 3 focuses on finalising internship applications and logistics. Internships take place in Quarter 4.



[25]House of Commons Library, 'Cost of living and inflation' (*commonslibrary.parliament.uk*) https://commonslibrary.parliament.uk/cost-of-living-and-inflation/#:~:text=Further%20reading-,Overview,was%204.0%25%20in%20December%202023>accessed 6th February

[26] Office for National Statistics, 'Student voices: experiences of the rising cost of living' (*ons.gov.uk*)<https://www.ons.gov.uk/peoplepopulationandcommunity/educationandchildcare/articles/studentvoicesexperiencesoftherisingcostofliving/2023-09-06>accessed 5th March 2004.

[27] Ritu Bhasin, 'Cultural Competence: An Essential Skill for Success in an Increasingly Diverse World' [2014] LAWPRO MAG. 9, 10.

[28] Neil Hamilton, Jeff Maleska, 'Helping Students Develop Affirmative Evidence of Cross-Cultural Competency' (2017) 19 Scholar: St. Mary's L. Rev. & Soc. Just. 187, 190. ('[E]mpathy is at the heart of developing cross-cultural competency for students and lawyers.').

[29] Shahrokh Falati, Ph.D., J.D., 'The Makings of A Culturally Savvy Lawyer: Novel Approaches for Teaching and Assessing Cross-Cultural Skills in Law School' (2020) 49 J.L. & Educ. 627, 628.

Figure 1: American Legal Practice Model

8.2.1 Programme of Teaching and Learning and Monitoring

During Quarters 1 and 2, the Programme of Learning and Teaching is organised into six, two-week themes. Centred around a topic (e.g., Client Contact) each theme generally comprises two in-person workshops, a series of asynchronous recorded lectures and corresponding quizzes, and a 'TEAMsTALK.' This final activity involves the class meeting on Microsoft Teams to engage with guest speakers. For each theme, students must complete the quizzes and workshop worksheet (one per theme) by a set deadline.

During this period, *American Legal Practice* also operates its own monitoring system. To generate a more detailed picture of a student's preparedness for an internship, this system tracks students' attendance, timeliness, quiz and class performance, and adherence to deadlines and instructions. A traffic light system is then applied, as demonstrated in *Table A*. Consistent rules are applied for each traffic light colour. In terms of attendance at workshops and TEAMsTALKs, and the submission of the worksheets, green is applied if the student attends/submits on time; amber if they attend/submit late, and red if the student did not attend/submit. Apologies are also noted. For quizzes, colours reflect certain score brackets, namely 0-50 (red), 51-60 (amber), 61-100 (green). Students receive updates on their record.

Semester 1, Theme 1: Becoming/Being an Intern							
Student	Attendance Workshop 1	Attendance Workshop 2	Quiz 1	Quiz 2	Quiz 3	TEAMsTALK	Workshop Worksheet
X	(late, apologies)		60%	22%	80%	Non-attendance, no apologies.	(late, no apologies)

Table A: The American Legal Practice Monitoring System

The thematic Programme of Teaching and Learning and enhanced monitoring concludes at the end of Quarter 2. Quarters 3 and 4 focus on, respectively, individual support for internship applications and logistics, and progress check-ins. Targeted assessment support is also provided.

8.2.3 Assessment

Given most students on *American Legal Practice* are undergraduates, this section focuses on that group's assessment diet. All students join the module as 'interning track' students i.e., aiming for an internship. Their position on this track is reviewed as part of the module's first summative assessment, which takes place at the end of Quarter 1. This assessment takes the form of a twenty-minute online interview, split into two parts. Part One simulates a meeting between a host (academic) and intern (student), where the intern has been requested to present their research regarding a client's case. Part Two requires the student to discuss and reflect on their preparedness for an internship, based on the information they provide in their *Internship Preparation Report*. This form requires students to reflect on their monitoring record; what type of internship they would like to undertake, where, and why; who, if anyone, they would like to travel with; what accommodation preferences they have; and any travel requirements they must consider, like visas and vaccinations. They must also provide an indicative budget.

Beyond a number grade, there are three outcomes from this assessment. One, a student can progress on the interning track with no concerns. Two, they can progress on the interning track with conditions (e.g., that their monitoring record improves). Three, they are transferred to the non-interning track. These outcomes are not necessarily dictated by grade, although a score of less than 60% does automatically transfer a student to the non-interning track. For example, a student can still score in the first-class bracket (70%+) and proceed on the interning track with conditions or shift to the non-interning track (e.g., because they do not desire an internship anymore). Indeed, some of the best assessment performances can come from students whose reflection has led them to reason the interning track is not for them.

As such, when students return for Quarter 2, *American Legal Practice* shifts to supporting two tracks: interning and non-interning, each with distinct assessment diets. Non-interning track students go on to complete the module through a coursework assessment that simulates an intern task, and interning-track students proceed to submit a Host Report and Reflective Diary post-internship. The Host Report requires hosts to comment on the student's overall performance, and the Reflective Diary requires students to record and critically reflect on notable achievements and disappointments, and to situate their experiences within relevant literature, for example on intercultural competency.

8.3 Part II. Intercultural Competency and Legal Education

The 'matter of culture'[30] is the subject of reams of writing. A 'deeply contested'[31] concept, it has been said 'culture' is used to explain 'everything and nothing.'[32] This can be a source of frustration for students and educators navigating intercultural issues,[33] including those in legal education. As Aldana says, 'law itself and lawyering are linked in complex and varied ways to culture.'[34] That said, Moran's advice that we should not 'become so mired in the theoretical debates over culture that the relevance of intercultural competency to resolving real-world dilemmas is lost,'[35] speaks strongly to this edited collection. As such, this chapter sets aside these debates.

8.3.1 Culture and Intercultural Competency

Research has adopted a broad definition of 'culture,' recognising that 'no two people have had the exact same experiences and thus, no two people will interpret or predict [culture] in precisely the same way.'[36] The dictionary describes culture as referring to the 'customary beliefs, social norms, and material traits of a racial, religious, or social group.'[37] This can extend to a 'person's age, gender, race, ethnicity, sexual orientation, physical ability, nationality, religion, or socio-economic group,'[38] as well as countries and organisations.[39] Applying this, everyone will likely belong to several cultures that can shape their 'understanding of the world.'[40] As Falati describes, we learn 'values and traditions'[41] from our 'families, friends, environment, communities and [in-person and online] social networks.'[42]

Learners taking an intercultural stance, though, not only look critically at their own culture, but that of the culture that is the focus of study.[43] For *American Legal Practice*, the culture in focus might broadly be considered American culture, or, specifically in the context of an internship with the Public Defender, let's say, how a defendant's race or socio-economic background might shape their experience of criminal justice in America. An intern's ability to navigate both types of cultural experiences, is 'premised upon the extent to which [they] understand [their] own and other peoples' cultures'[44] i.e., their intercultural competency. Taking one of my favourite practical examples to illustrate: dates. Let's say an intern needs to type March 1, 2024, in a numerical format. In the US, that date would generally be presented as 01/03/2024, whereas in the UK it would be 03/01/2024. If an intern gets this confused (i.e., thinks March 1, 2024, is January 3,

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[30] Dean Rachel Moran, 'When Intercultural Competency Comes to Class: Navigating Difference in the Modern American Law School', (2013) 26 Pac. McGeorge Global Bus. & Dev. L.J. 109.
[31] ibid.
[32] ibid.
[33] ibid.
[34] Raquel Aldana, 'Intercultural Legal Sensibility As Transformation' (2016) 25 S. Cal. Interdisc. L.J. 1, 8.
[35] Moran (n 30) 110.
[36] Neil Hamilton, Jeff Maleska, 'Helping Students Develop Affirmative Evidence of Cross-Cultural Competency'(2017) 19 Scholar: St. Mary's L. Rev. & Soc. Just. 187, 189.
[37] MERRIAM-WEBSTER DICTIONARY, 'Culture' (*merriamwebster.com*) <https://www.merriam-webster.com/dictionary/culture> accessed 5th March 2004.
[38] Hamilton and Maleska (n 28) 188-9.
[39] ibid 189.
[40] Falati (n 29) 628.
[41] ibid 629.
[42] ibid.
[43] Claire Kramsch, *Context and Culture in Language Teaching* (1st edn, Oxford University Press 1993) pg.223.
[44] Falati (n 29) 629.

2024) while compiling a case chronology or arranging a meeting, it can reap havoc. Intercultural competency can help avoid this.

8.3.2 Legal Education

It is considered that law students, especially those that intend to practice law, will generally benefit from intercultural competency. As Ward and Miller describe, 'With an increasingly diverse potential client base, lawyers cannot ignore cultural competence…'[45] Lawyers need 'knowledge, skills, and values'[46] that will enable them to effectively represent and communicate with people from a range of cultures. For lawyers, being able to take account of cultural differences between themselves and other key stakeholders can help them to build trust and relationships, communicate clearly, and problem-solve, particularly in terms of interpreting and applying the law 'in the context of applicable cultural norms,'[47] which may be 'very different from [a lawyer's] own.'[48] By contrast, intercultural *incompetence* can result in lawyers failing to signal they understand the needs and goals of their clients (and beyond), and therefore struggling to build trust. It can also mean they miss important information, and poorly execute key tasks like interviews, investigations, counselling, negotiations, litigation, and resolving conflict.[49] Effective legal representation is underpinned by intercultural competence, as Hamilton and Maleska say:

> For a lawyer to truly provide competent representation to his or her clients, the lawyer must not only understand the law, but also understand the culture of… the client, the groups with whom the lawyer works to advance the client's interests and… the adversaries and decisionmakers whom the lawyer seeks to influence.[50]

The contributions of guest speakers on *American Legal Practice* underscore the above. In terms of understanding clients, one guest, for example, shared feelings of limitation when describing their ability to represent a client who is deaf. In a particularly compelling example of the need to understand adversaries, Professor Gershman, a fellow author in this collection, shared his experiences of being a law student volunteer during Freedom Summer,[51] describing tactics used by the KKK to thwart the registration of African American voters.

Globalisation, an umbrella term used to 'encompass drastic changes in economic, political, and cultural phenomena'[52] has increased the need for law students to develop intercultural competency too. In the context of legal practice, globalisation is 'most often understood as a system that creates a smaller and increasingly interdependent world in which legal issues and transactions transcend national boundaries.'[53] This has transformed the law, legal problems, and lawyering, giving rise to new actors and organisations, legal challenges, and ideas about sovereignty.[54] Now, students who go on to practice law are more likely to encounter 'global clients and issues'[55] that necessitate them to perform 'multicultural lawyering'[56] and to engage with 'foreign, international or global actors, laws, or legal systems.'[57]

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[45] Cynthia M. Ward & Nelson P. Miller, 'The Role of Law Schools in Shaping Culturally Competent Lawyers' [2010] Mich. B.J. 16.
[46] Hamilton and Maleska (n 28) 187- 88 (citing Mary A. Lynch *et al.,* 'Intercultural Effectiveness', in Deborah Maranville *et al, Building on Best Practices: Transforming Legal Education in a Changing World* (eds., 2015) 338-39.)
[47] ibid 191 (citing E-mail from Laura Witte, Gen. Counsel, Corp. Sec'y, Corp. Vice President, Cargill, to Neil W. Hamilton, Professor of Law, Univ. of St. Thomas Sch. of Law (Sep. 29, 2015, 4:33 PM) (on file with authors)).
[48] ibid.
[49] ibid 192-94.
[50] ibid 189.
[51] King Institute, 'Freedom Summer'(*kinginstitute.stanford.edu*) <https://kinginstitute.stanford.edu/freedom-summer>accessed on 6th February 2024.
[52] Farida Ali, 'Globalizing the U.S. Law School Curriculum: How Should Legal Educators Respond?' (2013) 41 Int'l J. Legal Info. 249, 250.
[53] ibid.
[54] Aldana (n 34) 8.
[55] ibid.
[56] ibid.
[57] ibid.

American Legal Practice can be a student's first step into this space. The Programme of Teaching and Learning creates opportunities for students to recognise both points of cohesion and contrast, between the US and the UK, in the global marketplace. For instance, workshops involve legal research and citation tasks that bring the international legal regime into focus, like the influence of international human rights law in the US Supreme Court. These sorts of tasks can prompt students to appreciate that whilst the UK and US are both members of international organisations, like the United Nations,[58] they can take different approaches in context. For example, the UK has ratified the Convention of the Rights of the Child, whereas the US has not. [59] Another example is when we are joined by guests who have both US and UK legal qualifications. These sessions often result in students gaining fresh perspectives on how their legal education *is* transferrable to other legal systems, but also that the options to practice law in the US are more limited for people only holding an undergraduate law degree from a UK university.[60] A final example is the discovery that takes place when we organise spaces for *American Legal Practice* students to engage with US law students. Here, students can realise they share some experiences with their US counterparts, for example feelings of low confidence and the impact of student debt. Equally, they can be humbled, for instance, when they learn about the scale of US law school tuition fees, when compared to the UK.[61]

Given the intellectual and practical richness intercultural competency offers, it is unsurprising that employers 'recognize the importance of building cross-cultural skills'[62] and there is rising 'demand for inter-culturally effective professionals.'[63] That being so, it is also unsurprising that law students have been described as 'clamouring for international work experience.'[64] Considering that 'everyone has the capacity to become more proficient at cross-cultural interaction and communication skills,'[65] intercultural competency development strategies are key. Noting this, Part III outlines strategies for fostering the development of 'the law student as a multicultural being.'[66]

8.4 Part III. Development Strategies

Writing about a comparable model to *American Legal Practice* in the US, Blumberg references advice he received whilst volunteering in the Peace Corps, namely to 'sit by the well.'[67] This was an instruction to volunteers to listen, adapt, and embed culturally.[68] As an educator, Blumberg goes on to ask, in effect, how can we recreate this act, for students, before, during, and after international internships?[69] This resonates with me because, at the start of each *American Legal Practice* cycle, I will say something along the lines of, '*our job is to get you from here (the classroom) to there (the internship) and back again (being 'better' than when you left).*' To that end, this section offers strategies to help answer Blumberg's questions.

8.4.1 Developmental Models

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[58] United Nations, 'United Nations: Peace, Dignity and Equality on a healthy planet'(*un.org*)<accessed 5th March 2004.
[59] United Nations, 'Treaty Series – View Details'(*treaties.un.org*)<https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en>accessed> 6th February 2024.
[60] American Bar Association, 'Bar Admissions' (*americanbar.org*)https://www.americanbar.org/groups/legal_education/resources/bar_admissions/>accessed 5th March 2004.
[61] To get a sense of fee structures in the US see, American Bar Association, 'Schedule of Law fees'(*americanbar.org*)<https://www.americanbar.org/groups/legal_education/accreditation/schedule-of-law-school-fees/>accessed 6th February and for the UK see Law Careers. Net, 'Law course fees: a guide for students'(*lawcareers.net* 5th December 2023)<https://www.lawcareers.net/Explore/Features/05122023-Law-course-fees-a-guide-for-students#:~:text=You%27re%20likely%20to%20be,14%2C300%2C%20depending%20on%20the%20provider.accessed>accessed 6th February 2024.
[62] Susan Bryant, 'The Five Habits: Building Cross-Cultural Competence in Lawyers' (2001) 8 Clinical L. Rev. 33, 38.
[63] Falati (n 29) 650-1.
[64] Jeffrey Blumberg, 'Sitting by the Well: The Case for Intercultural Competency Training in International Experiential Learning' (2014) 43 U. Balt. L. Rev. 395, 396.
[65] Bryant (n 62) 38.
[66] Aldana (n 34) 6.
[67] Blumberg (n 64) 395.
[68] ibid 395-6.
[69] ibid 396.

There are various models for developing intercultural competency. In 1982, for instance, Howell offered a four-stage model,[70] which sees a person progress from a state of *unconscious incompetence* where they fail to recognise difference, to a state of *unconscious competence*, where they unconsciously incorporate intercultural skills and perspectives in their interactions.[71] In 1986, Bennett created the first iteration of the Developmental Model of Intercultural Sensitivity.[72] Built on observations from academic and corporate settings, this framework is presented as an 'experience of difference' continuum, which extends 'from *ethnocentrisim* (the experience of one's own culture as 'central to reality') to *ethnorelativism*, the experience of one's own and other cultures as 'relative to context."[73] The model intends to explain 'how people experience and engage cultural difference,'[74] and assumes that, as a person's perception of culture becomes more complex, their experience of culture becomes more sophisticated, and consequently their potential to exercise 'competence in intercultural relations'[75] increases. The American Board of Internal Medicine's Milestone Project includes relevant developmental stages for residents, for example in how they respond to the unique characteristics of each patient.[76] The tool scaffolds several progression points, including *not assessable* (no relevant learning experience), *critical deficiencies* (incompetent performance), and *aspirational* (expert and role model behaviours).[77]

Hamilton and Maleska adapted the medical model to the legal field, describing *critical deficiencies*, for example, as instances where a student/lawyer is insensitive to cultural differences and unwilling to modify their representation to take account of a client's unique characteristics and needs. *Aspirational* behaviours, they suggest, include role modelling interactions to negotiate difference based on a client's uniqueness and being consistently respectful.[78] They also synthesized their own model, which defines four stages of intercultural competency, namely (1) *lack of awareness* (a person is entirely unaware of their insensitivity to culture), (2) *recognition* (they recognise they lack cultural competence but are unsure how to develop), (3) *conscious implementation* (they take affirmative steps to develop their competence), and (4) *proficiency* (they regularly take affirmative steps and seek out diverse experiences).[79] Their model also offers insights for how 'a law student or practitioner could demonstrate affirmative evidence of the competency.'[80] To illustrate, positions associated with the *recognition* and *proficiency* stages, respectively, are 'I wish I could speak another language'[81] and 'It's important to look at the situation from someone else's shoes.'[82]

8.4.2 Development Strategies

These models demonstrate intercultural competency is a phased and 'career-long endeavour.'[83] A synthesis of related literature reveals several strategies for supporting students to graduate through relevant phases, which are presented below.

8.4.2.1 Student-led Strategies

Some strategies require students to engage explicitly with intercultural competency. A foundational strategy is for students to self-assess in a broad sense. This involves students identifying the various cultures to which they belong so that they can, one, understand which cultures are different from their own,[84] and,

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[70] Neil Hamilton and Jeff Maleska (n 28) 197-8.
[71] ibid 198.
[72] See IDRInstitute, 'The Developmental Model of Intercultural Sensitivity'(*idrinstitute.org*)<https://www.idrinstitute.org/dmis/> accessed 6th February.
[73] ibid.
[74] ibid.
[75] ibid.
[76] American Board of Internal Medicine's, 'The Internal Medicine Milestone Project'[2014] p. 18 <https://www.abim.org/Media/qeuhualp/internal-medicine-milestones-project.pdf >accessed 5th March 2004.
[77] ibid.
[78] Neil Hamilton and Jeff Maleska (n 28) 198.
[79] ibid 200-202.
[80] ibid 201.
[81] ibid.
[82] ibid.
[83] ibid 215.
[84] ibid 188.

two, assess their own cultural background to consider what 'impact that [background] could have.'[85] Students can also explore their biases, as the 'reality is that all people have biases…'[86] This type of self-assessment is 'an ongoing life-long journey'[87] for lawyers, but, as Falati says, only when they take this 'first step'[88] to become aware of their own cultural background can they progress towards providing effective legal representation. There are various assessment tools available.[89]

American Legal Practice does not engage students in an explicit intercultural self-assessment task, but there are learning activities to prompt students to think along those lines. One example is our use of STAR discussions, which are held at the start of most workshops. We incorporate STAR discussions to provide formative spaces for interviews, where such questions are commonplace, and develop deeper insight into *who* our students are so we might better advise them. These discussions involve students (and academics) sharing answers to a behavioural question, for example '*Tell me about a time when you had to resolve conflict or collaborate with someone you find challenging.'* Everyone is encouraged to shape their responses according to the STAR framework, and it is my experience answers often intersect with culture, with stories about having an accent, being from a marginalised group, dealing with inappropriate workplace behaviour, and resolving family disputes springing to mind as examples.

Scholars recommend more targeted assessments too. For instance, Hamilton and Maleska propose that students (and lawyers) 'choose a cross-cultural area'[90] – for example, physical ability, gender, or race – and complete a developmental self-assessment centred on that area, using one or more of the developmental models available. Students should be encouraged to select an area that would benefit them.[91] Applying this idea to *American Legal Practice*, students could target cultures that would make them a stronger applicant for a desired internship. For example, a student wanting to intern in a southern border town might want to learn more about Hispanic cultures, whereas a student wanting to intern with a non-profit organisation might wish to find out more about organisational cultures common to that sector. After completing their self-assessment, Hamilton and Maleska advise students to request peer assessment from people who have experience of them operating in a cross-cultural setting.[92] Considering *American Legal Practice* students, this could be someone at their part-time job, house-share, place of worship or volunteering. This combination of self and peer assessment should give students an insight into how others perceive their intercultural competency, help calibrate their own perceptions, and guide self-reflection.[93] It can also inform a development plan, which is recommended to avoid the pitfalls of having a 'mere general intention to improve.'[94] Beyond fostering other professional skills, written development plans allow students to:

> [I]dentify specific experiences, set dates to achieve the desired competency, seek feedback from others on the plan and its implementation, reflect on the student's experiences and the feedback, and periodically revise the plan going forward.[95]

Development plans bring another strategy into focus, namely stretch experiences. These are experiences that challenge a student's 'present level of knowledge and skill with novel, complex, and ambiguous experiences, which in turn generate awareness of cross-cultural competency deficiencies and thus drive the student to improve their competency.'[96] Stretch experiences sit outside of a student's comfort zone and help develop a feeling of comfort with discomfort whilst in a supportive environment.[97] Again, these experiences can target specific areas of culture, and feature in development plans.

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[85] Falati (n 29) 644.
[86] ibid 646.
[87] ibid 644.
[88] ibid.
[89] University of Michigan, 'Assessing Intercultural Competence'(*umich.edu*)< https://crlt.umich.edu/interculturalcompetence> accessed 5th March 2004.
[90] Neil Hamilton and Jeff Maleska (n 28) 195.
[91] ibid 203-4.
[92] ibid 204.
[93] ibid 195.
[94] ibid 206.
[95] ibid.
[96] ibid 207.
[97] ibid.

The internship element of *American Legal Practice* would widely be considered a stretch experience.[98] Yet, the stretch concept is embedded within the preparatory stage too. Student feedback, for example, often characterises the traffic light monitoring system in stretch-like terms, particularly in terms of it being novel and motivating. Further, the online learning portal houses a *CV Building Opportunities* tile, where we signpost, albeit without the label, stretch experiences, for example student editor roles with *BJALS*. Another example is the interview assessment, which requires students to describe a time (using STAR) when they have had to learn about another culture to resolve a problem. This task, in effect, requires students to consider a previous stretch experience.

8.4.2.2 Module Design Strategies

Module convenors can promote intercultural competence through module design. To start, we can dedicate a learning outcome to intercultural competency, a practice implemented in several US law schools and manifested through various activities, from simulations to coaching.[99] Scholars caution these approaches can encounter student resistance, but through making sure relevant learning objective(s) drive a learning programme that speaks to 'students' self-interest in meaningful employment'[100] educators can neutralise concerns.

The learning programme must also scaffold safe spaces for students to learn about culture, and to confront bias and stereotypes. With 'careful course design'[101] educators can 'infuse cultural competency'[102] through, for example, embedding cultural issues and biases within problem questions and reading lists.[103] *American Legal Practice* incorporates both techniques. With regards to the former, several themes within Quarter 2 revolve around a simulation exercise, including a client conference. In this exercise, student 'meet' a client (played by a staff member) to determine the nature of their legal issues so they can carry out legal research and produce a legal memo of advice. The scenario centres on a client who is complaining about their prison cell conditions. To fully advise, however, students must go beyond facts about temperature and hygiene, they must recognise cues relating to culture, like the client's medical history and social ties. We have taken several steps to make this a safe learning experience for students. One, a dedicated preparatory workshop where students can prepare together with academic support. Two, scheduling simulations to take place 1-to-1 online so that students feel less exposed as they tread new ground and can have the exercise recorded for future review. Three, we schedule simulations to build in time for feedback.

In terms of an example of targeted reading, each year we aim to co-host an online session — *Legal Education and Imposter Syndrome* — with Georgetown University Law School's Federal Habeas Practicum Class. The session connects *American Legal Practice* students with US law students who are also enrolled in a class focused on preparing students for legal practice. The session emerged from discussions about ways to support law students to overcome Imposter Syndrome — 'a feeling of phoniness in people who believe that they are not intelligent, capable or creative despite evidence of high achievement'[104] — noting intersectional disparities are linked with how students might experience such feelings.[105] In preparation, students are required to read *The Phantom Menace to Professional Identity Formation and Law Success: Imposter Syndrome*[106] and prepare to answers to the following questions, which we use to structure class discussion:

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[98] ibid ('[M]ost research focuses on the benefit of stretch experiences in the context of foreign study or work…')
[99] Neil Hamilton and Jeff Maleska (n 28) 209-214.
[100] ibid 215.
[101] Falati (n 29) at 659.
[102] ibid.
[103] ibid 656-8.
[104] David A. Grenardo, 'The Phantom Menace to Professional Identity Formation and Law Success: Imposter Syndrome', (2022) 47 U. Dayton L. Rev. 369, 371. (American Bar Association,'Imposter Syndrome? 8 tactics to combat the anxiety',(*americanbar.org*)<https://www.americanbar.org/news/abanews/publications/youraba/2018/october-2018/tell-yourself-_yet--and-other-tips-for-overcoming-impostor-syndr/>accessed 5th March 2004.
[105] Helen Hewertson & Faith Tissa, 'Intersectional Imposter Syndrome: How Imposterism Affects Marginalised Groups'[2022]. 10.1007/978-3-030-86570-2.<https://www.researchgate.net/publication/361969300_Intersectional_Imposter_Syndrome_How_Imposterism_Affects_Marginalised_Groups> accessed 5th March 2004.
[106] Grenardo (n 104).

1. Do you recognise some of the feelings/experiences associated with Imposter Syndrome? If so, in what context and how did they impact you?

2. Have you used any of the strategies recommended in the article? If so, which ones, in what context, and what was the result?

In our experience, the class stirs a rich conversation, especially about how our perception of failure can be shaped by other factors, like gender, class, and social groups.

A final strategy is to regularly update the learning programme. This is an important 'mindset for educators and institutions'[107] wanting to become culturally proficient. Of course, as educators we update our materials as a matter of routine and good practice, but it's fair to say the demands of higher education might conspire to limit the time we have to do this. To that end, I have devised ways to streamline certain updating exercises for *American Legal Practice*. For example, it's critical that students are presented with contemporary information about internships, including what hosts expect and students experience. To do this, at the end of Quarter 4, I bring all interning students together online to record a discussion about their experiences, including budgets, accommodation, daily routines, challenges and highlights, and what advice they would give to future interns. I then embed the recording as lecture content and schedule a TEAMsTALK to give new students the opportunity to meet previous interns.

8.4.2.3 Institutional Strategies

Institutions, or perhaps more practically organisational units (like schools or colleges), must also commit to supporting intercultural competency.[108] Falati suggests there are five elements to an institution being 'culturally competent.'[109] These are that the institution values diversity, can periodically self-assess, remains 'curious and conscious'[110] to intercultural dynamics, has institutionalised cultural knowledge and know-how, and adapts to diversity.[111] Ideas for 'facilitating and promoting'[112] an institutional environment that fosters culturally competent students include providing opportunities for students to learn additional languages, experience international foods, attend cultural cabarets, engage in multi-faith talks, and travel internationally.[113] Obviously, the final idea speaks directly to *American Legal Practice*, with internships providing an 'immersion experience.'[114]

Moran notes that students express considerable satisfaction with immersion experiences,[115] which aligns with my experience of feedback tending to be overwhelmingly positive, and, rightly, celebrated by all stakeholders. There is, however, in my view, an important space to explore here, in amongst the feel-good vibes, and that is what institutions can do to, one, maximise the number of students who can take up immersion experiences, and two, offer meaningful consolation experiences for those who, despite everything, cannot.

I propose interrogating these spaces because if I was asked to name – in a single word - the most common challenge students encounter, it would be the *resource* they need to make an internship a reality. For some this does, indeed, relate to funding. For others it's about another type of resource they need – family support, ICT equipment, cover at a part-time job, well-being, and disability support. Moreover, identifying these needs works both ways – sometimes students flag them to us, and sometimes we flag them to students. As such, it is critical that an institution's commitment to intercultural competency in the context of maximising international travel opportunities runs the full gamut of students' resource needs, be that offering travel bursaries, ensuring access to institutional well-being services abroad, and/or offering flexible

[107] Falati (n 29) 641.
[108] ibid 667.
[109] ibid.
[110] ibid.
[111] ibid.
[112] ibid.
[113] ibid 667-676.
[114] Aldana (n 34) 3 ('My focus here is principally on summer abroad programs and on service-learning opportunities that include student immersion in rich cross-cultural exchanges.')
[115] Moran (n 35) 113.

part-time working opportunities and ICT equipment loans. These are just some initial ideas, inspired by existing institutional practices, like study abroad schemes,[116] and support for well-being,[117] ICT,[118] and employment.[119]

Following on from the above, though, institutions must also find ways to bring the international experience *to* those students that cannot – for whatever reason – amass the resources they need to travel abroad. One way we have sought to bridge our BCU classrooms with the US is through harnessing the institutional Academic Visitor Scheme,[120] which has allowed us to welcome several US students, scholars and practitioners to join our community.[121] This has given students the chance to build US contacts, and experience what US law students do in terms of teaching styles. On *American Legal Practice*, we have also harnessed their presence to creatively introduce aspects of daily American culture. This can be as light touch as engaging our guests in light banter about sports and music, or to frame an entire learning activity. For instance, we have organised pop quizzes as games of hit US TV show *Jeopardy!* and framed the public speaking simulation in Quarter 2 as *Show and Tell*, a popular school activity in the US where class members bring in an object (e.g., a photograph or a trophy) and talk to their peers about it. Described as 'central to assertive American culture,'[122] we have scheduled *Show and Tell* to co-inside with the arrival of our Visiting Academics, thereby merging the benefits of the simulation exercise with a culturally familiar way for our guests to build rapport with students.

8.5 Conclusion

This chapter reveals educators have a rich foundation from which to build better environments for supporting students to develop intercultural competency. Modules like *American Legal Practice* offer a dynamic space to trial innovations, refine good practices, and emphasise the need to cultivate inclusive institutions. As educators, we can maximize our students' potential to thrive as 'multicultural beings,'[123] ensuring they are well-prepared for the complexities of rights and justice in action on a global stage. For me, researching and writing this chapter has offered the opportunity to critically reflect on how I can enhance my own practice in service to all *American Legal Practice* stakeholders, especially students and hosts. For now, though, I have set myself three goals. First is to explicitly label intercultural competency aspects within the module, and the second is to embed a self-assessment exercise so students can evaluate and chart progress. Third, I want to explore the views of students and hosts. What does intercultural competency mean to them? What strategies, if any, speak to them? In short, I have been inspired to contribute further to this space through creating a new research inquiry. What this might look like is beyond the scope of this chapter. For now, though, I'm more excited than ever for class.

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[116] Birmingham City University, 'Go abroad' (*bcu.ac.uk*)<https://www.bcu.ac.uk/student-info/why-study-at-bcu/go-abroad>accessed 5th March 2004.
[117] Birmingham City University, 'Mental health and wellbeing' (*bcu.ac.uk*)<https://www.bcu.ac.uk/student-info/student-support/mental-health-and-wellbeing>accessed 5th March 2004.
[118] Birmingham City University, 'IT, computer networks and printing' (*bcu.ac.uk*) <https://www.bcu.ac.uk/student-info/learning-support/it-computer-networks-and-printing>accessed 5th March 2004.
[119]Birmingham City University, 'Employability' (*bcu.ac.uk*) <https://www.bcu.ac.uk/student-info/why-study-at-bcu/employability> accessed 5th March 2004.
[120] Birmingham City University, 'Academic visitors' (*bcu.ac.uk*) <https://www.bcu.ac.uk/international/academic-visitors>accessed 5th March 2004.
[121] British Association for American Studies, 'Masterclass: American Democracy in the Spotlight - British Association for American Studies' (*baas.ac.uk*) <https://baas.ac.uk/news-and-events/2023/03/masterclass-american-democracy-in-the-spotlight/>accessed 5th March 2004.
[122] Judit Szitó, " SHOW AND TELL ' The significance of a children's genre in culture and education'[2017] Freeside Journal < https://www.freesideeurope.com/articles/-show-and-tell-the-significance-of-a-children-s-genre-in-culture-and-education-72> accessed 5th March 2004.
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