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AALS Section on Global Engagement

A.I. and International Law Students: The Promise and the Pitfalls

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Prof. John B. Thornton

Overview

- The use of generative A.I., with its promise and its pitfalls, is a major issue for the legal world, both for law firms and legal employers in general, and for law schools.

- Very little written or spoken yet about how gen. A.I. applies to law students who speak English as a second language (ESL) in U.S. law schools
  - In international LL.M. programs
  - In J.D. programs (collectively, "ESL law students")

Challenges our ESL law students face

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Linguistic and legal:

- Understanding law school lectures in English

- Reading large amounts of difficult legal text in second language (L2), often at ½ the speed of native speakers

- Adapting to the common-law system, as most are from civil-law or hybrid systems

- Speaking in class and outside of it in English

- Writing in the form U.S. legal audiences expect, in English, using common-law rhetorical style and organization, i.e., IRAC/CRAC or TREAC/CREAC

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Turning to A.I. for "Help"

- Given these problems, not surprising that ESL law students might turn to A.I. for help, even if it is against a law school's Honor Code in some cases and will delay or even prevent them from fully developing the skills they so badly need

- "Help" with understanding lectures: Using Google Translate on their smartphones (if they read the scrolling real-time translation, are they even listening to the professor?)

- "Help" with reading: using A.I. to write summaries of their reading materials, including cases (the "Cliff's Notes" version of law school)

- "Help" with legal writing: Using A.I. to aid in drafting their office memos, contracts, etc.

Prof. John B. Thornton

Does A.I. actually help ESL law students?

Too difficult to answer with a simple yes or no, but here are some "pitfalls," i.e., problems:

- If they rely on Google's translations of the lectures, they will miss much of the content, and even receive inaccurate content;
- If they rely on case summaries, they will not gain practice in the close reading skills that they desperately need, and *will not find all of the legal rules they need or find the facts that the opinion applied the rules to*; and
- If they rely on A.I. for writing, they will not gain the analytical skills they need, and A.I.'s bad form violates and even contradicts the CRAC and CREAC structures that they need to use (not to mention a lack of citations, or possible hallucinated ones).
- Result: If they use A.I. programs for these issues instead of working themselves in English, they will not improve their English processing speed and skills enough to do well in law school.

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One example, from my fall memo problem:

Open and Notorious Possession: The client's use of the cabins, including renting them to birdwatchers, is sufficiently open and notorious to put a reasonable owner on notice of her claim. The visibility of these activities makes it likely that the true owner knew or should have known of her possession.

Hostile Possession: In Rhode Island, "hostile" possession does not require ill will. It simply means possession without the owner's permission. [Citation Needed]. The facts suggest the client's possession was without the owner's permission, satisfying this element.

- This is Co-Counsel's answer to almost half of the Discussion section of my memo problem about adverse possession. (I told it not to analyze hostile possession, but it did so anyway, as did one of my students.)
- These look like part of a Short Answer, not two memo sections; they'll prevent the students from doing the reasoning on their own; and will make some think the full structure isn't necessary.

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Can plagiarism software detect student A.I. use?

- No, not reliably.
- Turnitin claims to be accurate in detecting A.I.- written work, but studies have shown that it is not, esp. with L2 law students.
- According to a 2023 study, Turnitin gives **a 60% higher rate of "false positives" with L2 students** than with L1 students (native speakers). And it's not very reliable for the L1 students to begin with!
- If students start with A.I. produced work and then revise it, adding material, it cannot be detected.

Will adminstrations care?

Let's be blunt:

- With our current "demographic cliff," many law schools need more tuition-paying students, and adding int'l. LL.M. students is ideal (fewer or no scholarships, no effect on selectivity ratings for the law school rankings);

- A law school's admin. may say, "What's the harm? They'll go back home to practice anyway."

- But some L2 J.D.s and int'l. LL.M.s may be able to stay in the U.S., pass the N.Y. bar (or another jurisdiction that lets LL.M.s sit for the bar), and practice here.

Conclusion

- Students need to learn the hard work of legal reading, reasoning and writing on their own, or they won't be able to critique whether A.I.'s work product is good or not when in law practice.

- Thus, I don't want them to use A.I. for the actual legal writing.

- Can we completely avoid teaching A.I.? No, legal employers will expect graduates to be familiar with it.

- My colleagues will discus the ways they teach students to use A.I. and to work with it, as well as their concerns regarding its pitfalls.

- Thank you!

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Adjusting the LRW class for int'l LLM students

- Legal writing classes for NS J.D. students already have methodology similar to ESL classes (more student-centered, with less teacher talk and extensive pair-work, group work, etc.). Start with that.
- Emphasize and encourage student input, *especially as it's rare in law schools throughout the world.*
- Remind that that we expect students to contribute to ALL law school classes and the LRW class is a friendly place to practice.

Teaching tips*

Although their English is excellent, remember that they are ESL students and <u>use ESL classroom techniques</u>:

- Review basics of the common law system in the first few classes and have students begin to write ASAP*.
- Get group and pair work going from the beginning.
- Do **<u>not</u>** "dumb down" materials, but adjust vocabulary as needed.
- Speak clearly and slightly slower; pause more frequently.
- Scan faces to check for comprehension; paraphrase if students don't understand; use body language and non-verbal cues.

*Thanks to Professors Grace Dodier, John Haberstroh, Kathleen Dillon Narko, Elizabeth Inglehart, and my other colleagues for their input in developing these suggestions.

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Teaching tips

- Always be easily audible.

- Usually avoid slang and idioms, but teach them when useful.

- Speak in the same "plain English" that we encourage in legal writing. Do not use "lawyerese" or academic vocabulary to impress students!

- Encourage questions in and out of class, including ones about legal (or other) vocabulary. This will likely be new for students from certain cultures.

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Teaching tips

- Teach several new legal terms in each session.
- Use a whiteboard to write the new terms, draw diagrams, etc.
- Be organized and follow "the rule of threes": "Here's what I will teach you; here's what I'm teaching you; here's what I just taught you."
- Be available and eager to help: be willing to stay after class, to meet students in your office, and to answer e-mail. Be persistent – *they take awhile to come to the office!*
- *Make professionalism -- class participation, writing effort, and on-time attendance -- factor into the final grade.* I make it 10%.

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Teaching tips

- Provide material in multiple formats: oral, readings, handouts, PowerPoint, emails, etc.

- Put all handouts and PowerPoints on Blackboard or a similar online system.

- Make PowerPoint slides information-rich (as I did here): a few "cryptic phrases" per slide are not helpful.

2. NORTHWESTERN UNIVERSITY SCHOOL OF LAW ESL PROGRAM

[AND QATAR UNIVERSITY COLLEGE OF LAW]

John Haberstroh
Lecturer & Legal English Program Director
Qatar University College of Law

2005-2011:
Clinical Assistant Professor & ESL Coordinator
Northwestern University School of Law

TESOL Convention, March

2005 Goals

Mid-2005: First JD/MA TESOL English as a Second Language Coordinator at Northwestern University School of Law.

Goals:

Dean and profs: improve (East Asian) international students' contributions to classroom **discussions**; improve **writing** (seminar and other papers for doctrinal classes).

Students: improve our **speaking** (discussion), **pronunciation**, **listening**, and **writing/grammar** skills.

I noticed **vocabulary** skills were weak in surprising ways.

Response

1. Kick start **discussion skills** before school year begins. Established LEAF, a **four-week summer pre-LLM program**. Primary feature is small group discussion.

2. **Assess** students at start of the school year, through formal assessment of writing, grammar, and vocabulary skills, and individualized assessment of listening and pronunciation skills.

3. Expand and refine existing **writing tutor** and **discussion group** programs. Work one-on-two with students on their **listening and pronunciation** difficulties. Begin monthly writing/grammar seminars, the **Essay Grammar Workshops**.

Response

4. BTW: Voluntary, relies on students' high achiever spirit (& sometimes free pizza).

5. **'Sales' strategy**: Start by saying "You are great!"Appeal to pride of high achievers. A major aspect of LLM year and ESL program is to improve one's English as much as possible. (Don't even think of saying "not remedial.")

6. "5" characterization begins emphatically during ESL Program overview presented at same time as the DWA.

Northwestern Law ESL Services

1. Summer pre-LLM program

2. Initial Assessment

3. Discussion Groups

4. Writing Coaches

5. Listening-Pronunciation Pairs

6. Essay Grammar Workshops

1. LEAF: A Pre-LLM Program

1. Four-week summer pre-LLM program, **LEAF (Legal English and Foundations)**, began in 2006.

2. Classes meet 19 hours a week. 2/3 of class time:'**reading and discussion**' classes. Instructors – legal professionals and professors – review basic 1st year doctrine and cases, then elicit large and small group discussions on legal ambiguities, policy issues, and U.S./home comparisons.

3. Other: close reading, vocabulary, city of Chicago cultural and orientation excursions, and 'pre-LLM' persuasive writing (1/3 of class time).

2. Initial Assessment

1. During Orientation Week, new international 'ESL' students do the 25-minute **Diagnostic Writing Assessment** (DWA).

2. **Purposes**: give students picture of their English language skills relative to other students and demands of law school (reassurance or early warning); identify weaker students needing extra help.

3. **DWA** is like TOEFL TWE, but writing prompts (to elicit advanced vocabulary and grammar) involve professional and/or academic 'working with others' accomplishments.

4. Scoring: 1 to 6 TWE scoring scale but not holistic. Instead, 1 to 6 scores in five discrete skill categories: **fluency**, **organization**, **grammar level**, **grammatical accuracy**, and **vocabulary** (level and accuracy). More informative for students.

3. Discussion Groups

1. Discussion groups aid acculturation into Chicago and American everyday life, and offer multiple low-stakes speaking opportunities.

2. Outgoing semi-retired or retired lawyers are natural hosts. JD students are relatively hit and miss. A challenge is to avoid 'lecture-types' (professors?) and the self-involved.
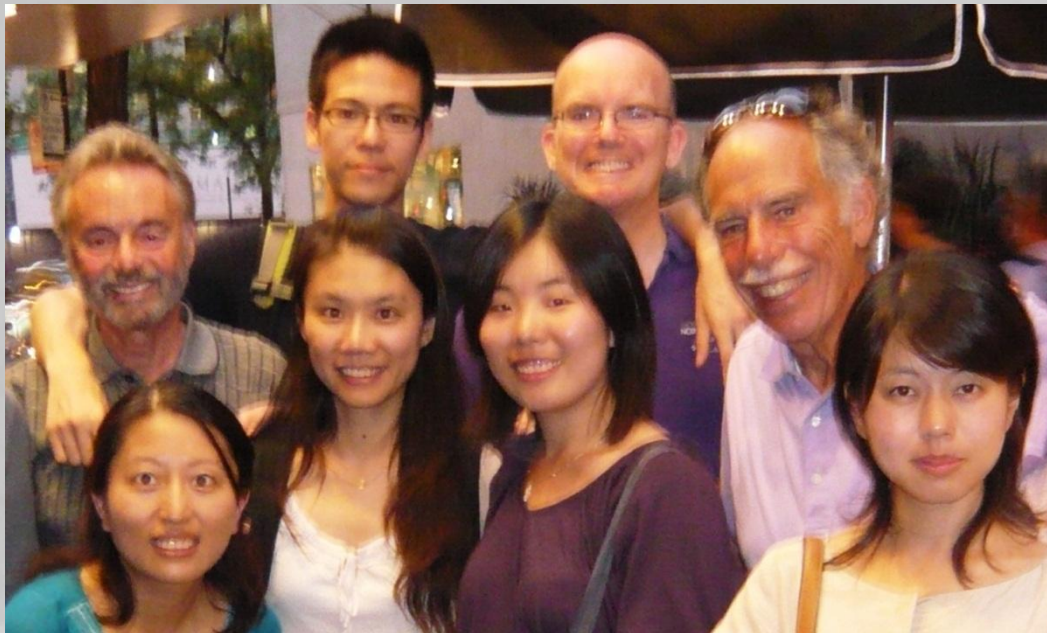
4. Writing Coaches

1. I expanded and modified the existing writing tutor program. Tutors, renamed Writing Coaches, needed to be teachers not proofreaders. Training and resources provided.

2. Coach procedure: edit beginning of assignment, stopping after 500 to 800 words (no more than a third of paper); determine the main types of mistakes; with preceding, help student learn grammar and editing skills for self-editing remainder of document.

3. The process and its limitations on copy-editing are made clear to students in 'Student Agreement'.

4. Writing Coaches

ESL Writing Coach Program

Student Agreement

During the 2009-2010 academic year, I will receive tutoring from the Communications and Legal Reasoning (CLR) "Writing Coach" program, which is offered to English as a Second Language (ESL) writers. In order to receive such tutoring, I agree to the following conditions:

1. I will submit an assignment draft for review by my coach <u>at least 30 hours</u> before the assignment is due, or earlier if requested to do so by the writing coach, in order to allow my coach sufficient time to review the draft and discuss it with me, and to allow myself time to do the additional editing and proofreading prompted by the session with my writing coach.

2. I will always meet with my writing coach <u>24 hours or more</u> before an assignment is due, in order to allow myself time to do the additional proofreading and editing prompted by the writing coach session and needed to create a final draft.

3. I will receive ESL writing coach assistance only for classes whose professors have provided permission to the ESL Coordinator. When such permission is received (or denied) my coach and I will be notified promptly by the ESL Coordinator. (CLR professors have given blanket permission for writing coach assistance to be provided, but other professors have not done so.)

    • • •

5. Listening–Pronunciation Pairs

1. Many students expressed interest in improving their pronunciation.

2. Improving listening skills seemed a higher priority, but l-p skill development is wedded.

3. Listening-Pronunciation Pairs, weekly 20-25 minute '1 on 2' sessions focusing on four listening and pronunciation skills: vowel sounds, reduction/ellipsis, linking, and non-released consonants.

4. Survey: Most appreciated, in particular by East Asian students.

5. Listening-Pronunciation Pairs

6. Essay Grammar Workshops

1. Monthly Essay Grammar Workshops (EGWs) provide regular opportunities for low-stakes writing production and rapid correction.

2. Students are asked to write – without spending more than 45 minutes doing so – a 400-word or less persuasive essay. The instructor edits the essay immediately and returns it to the student. EGW is held 24 hours after the essay is due.

3. EGW is a hands-on exercise teaching a grammar area students struggle with or avoid, combined with review of common/important grammar/usage/vocabulary student essay problems. Pride frame: Choices and nuances in addition to errors.

6. Essay Grammar Workshops

VERBS & VERBALS WORKSHEE

Workshop 5

1-2: Choose from the words and phrases and put the letters of the best answe

1. I will have to write _F/E_ and explain _B_ .
   A. him the problem
   B. the problem to him
   C. to Warathorn an e-mail
   D. to him the problem
   E. Warathorn an e-mail
   F. an e-mail to Warathorn

2. After I explained _A /C?_ , she asked _E_ to finish the contract.
   A. the poorly worded provision to the client
   B. to take me another day
   C. to the client the poorly worded provision
   D. the client about the poorly worded provision
   E. me to take another day
   F. for me to take another day

3-8: Modify the verb (to a past or present participle), use the noun (or infinitive), and place the resulting participle phrase into the blank.

3. **Verb**: break. **Noun**: emotion
   Her voice _breaking with emotion_ , Naomi spoke about the last days of her marriage.

6. **Verb**: move. **Noun**: countryside
   Marilyn, after _____ , f
   _____ entire life slow to a comfortabl

7. **Verb**: be. **Noun**: overthrow
   Since _____ military coup, the form
   been under house ar

the Andes.   , the plant

6. Essay Grammar Workshops

authority. I think this historical event has *significantly* influenced the attitude of Japanese people regarding belief in absolute authority or Gods. That is, they want to avoid the anticipated disappointment when the purpose of their belief is not accomplished. On the contrary, Americans are quite opportunistic in believing in the power of absolute authority, God, even if their purpose or hope will not always or often be accomplished. I think this kind of opportunistic attitude is necessary for religious belief because religion itself is only a part of people's lives. *Superstition leads people, society to unhealthy condition.*

I conclude that to believe in a higher authority, God, is preferable for a people, a society, but with an opportunistic attitude, not with superstition. The people of Japan need to be more opportunistic toward religion.

Comment [o2]: In this context, 'significantly' might be what you mean.

Deleted: more or less

Deleted: toward the

Deleted: s

Deleted: of

Deleted: , t

Deleted: in which

Deleted: their

Deleted: will

Deleted: be

Deleted: to

Deleted: believe

Deleted: though

Comment [o3]: You're writing about religious belief in general, so here you should use the non-count noun.

Deleted: beliefs

That is what I/we did.

The program fulfills needs it set out to satisfy. In particular:

1. The fall after the first LEAF session, students participated much more in class than in previous years; the dean and professors noticed and appreciated this.

2. Rather than complain without recourse about poor quality writing, professors happy to have, happy to direct students to, 'Writing Coach' program.

3. Student survey: satisfied with the structured and informal opportunities to improve advanced English language skills.

And yet …

Realism

1. U.S. law school English language and rhetorical demands would overwhelm the vast majority of <u>native</u> English speakers. Even with ESL academic support, it seems unreasonable to ask for native-speaker-like achievement of law schools' quality norms.

2. There are **limits** to the English language skill improvement possible during the **nine-month** (LLM) school year. Doctrinal classes demand the vast majority of student time.

3. Usual case: Non-native speaker writing will not approach **quality standards** of legal academic journals and most U.S. law firms.

Realism to Understandings

1. Schools: Honest about '**3**' but still maximize improvement of students' English language writing skills. **Reasonable goals**: Substance of international student writing conforms to U.S. legal academic/practice expectations/norms; unambiguously understandable.

2. Non-native speakers should be expected to make a major contribution to classroom debate and discussion, and to be strong contributors to the law school community outside of class.

3. Many students need to begin LLM programs with better English language skills. Should 'LLM experience' last longer than 9 months? Yes. *See* Georgetown's one-year 'Pre-LLM' course.

Qatar University College of Law

Qatar University College of Law

1. Undergraduates, non-elite students. More fun.

2. **Very different goals**. Not graduate school. Low-advanced English, legal English, introduction to critical and analytical thinking. High school?

3. International legal professional market-ready skills: realistic only for a (small?) minority of students.

4. A work-in-progress.

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