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# ACHIEVING BETTER OUTCOMES FOR CHINESE LAW STUDENTS STUDYING OVERSEAS

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The internationalization of tertiary education has resulted in an influx of Chinese students studying in Australia. This movement brings invaluable advantages to Chinese law students studying overseas as well as challenges to host universities and their teaching staff. Much of these relate to social, cultural and educational differences, which have not been adequately acknowledged by the current teaching methodologies of host university law schools.

This article discusses the main difficulties experienced by Chinese law students and the main efforts that have been made to help them overcome their difficulties. Although efforts to improve the situation have been made by host and home institutions through support programs and adjustments in teaching methodologies, the challenges experienced by Chinese law students persist. This article therefore recommends new approaches that may help Chinese students achieve better learning outcomes overseas.

## **Background**

In the last decades, China has emerged as one of the greatest trading nations in the world. International trade involves transactions, contracts and financial dealings in different jurisdictions. China's involvement in the commercial market has brought a huge demand for lawyers, especially Chinese lawyers who are familiar with global laws and capable of working transnationally and internationally.

To meet this demand, Chinese law students are urged to pursue legal education in foreign systems of law and become familiar with the main legal systems in the world, such as the common law systems of the US, UK, Canada and Australia and the civil law systems of China, Germany, France and Japan. The urgent demand for lawyers who are capable of dealing with international commercial transaction issues has led many Chinese students to study JD or LLM programs in Australian law schools. Further, from the perspective of Chinese students, such overseas legal education provides a window to practice law in transnational firms.

Tertiary institutions are facing the challenge of offering adequate services to the large number of international students from China that are traveling overseas to study law in Australia. When Chinese students are pursuing their studies overseas, they are confronted with challenges that may considerably affect their academic outcomes. Although various suggestions have been made to reduce the academic and cultural stressors experienced by Chinese law students, more efforts can be made to integrate Chinese students into their academic study and to the host country's environment, to allow them to achieve better learning outcomes in their law studies in Australia.

This article first discusses, by means of a literature review, the main difficulties experienced by Chinese law students and the efforts made to help them overcome such difficulties. Then some recommended approaches are suggested for host and home university law schools and their teaching staff, to help Chinese international law students deal with the difficulties and challenges so that they can achieve better outcomes in their academic studies overseas. Furthermore, to better prepare prospective Chinese international students for their future academic studies overseas.

### **The main difficulties experienced by Chinese law students in Australia and what is being done to deal with them**

The literature reveals the main difficulties experienced by international students include language incompetence, cultural barriers and academic pressures.<sup>1</sup> Chinese law students are experiencing the same difficulties as other international students, but most of the difficulties are likely to exist in the first year or semester of their program. With their better understanding of the teaching materials and through adaptation to the environment and academic contexts, initial difficulties may be reduced by a considerable extent.

According to a study by Tammy and Kwan Tang on NESB students studying in Australia (including Chinese students), first-semester NESB students in Australia experienced academic and social difficulties. These included lack of knowledge about the local education system and difficulties in following lectures due to inadequate language proficiency, use of surface learning strategies in their studies, cross-cultural barriers to communication, feelings of isolation and an inability to participate in tutorials.

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<sup>1</sup> Tammy Kwan and Tommy Tang, 'Learning Experiences of Overseas Non-English Speaking Background Students: A case study of an Australian university' (1998) <<http://www.ln.edu.hk/osl/newhorizon/abstract/v39/12.pdf>>.

Wang, Andre and Greenwood concluded that international students experience a range of challenges in their assimilation into the host country, including language incompetence, cultural barriers, social problems, different learning styles, challenging academic demands, perceived racism, homesickness and financial problems.<sup>2</sup>

These findings coincide with what the Chinese law students studying in Australia said at an informal meeting conducted by the author. The students reported that when they started their program in law school, they didn't know how to prepare for a class or a tutorial because of the difference in the teaching methods and foundational principles of the legal system. The students did not know how to respond in class to their professor's questions because of their uncertainties and their poor language proficiency. This results in a reluctance to participate and a failure to speak in front of their professor and peers. When it came to research papers, postgraduate Chinese students did not know where to start, due to their lack of necessary skills in the search for materials and academic writing. This is compounded by the fact that the professors expected that these students would have learned the skills of research methodology during their undergraduate degrees.

The main difficulties experienced by Chinese law students studying in Australia, which are discussed below, include: language barriers; academic stresses; and legal cultural barriers.

### ***Language barriers***

When teaching Chinese law students in English, language is the main obstacle for Australian and Chinese teaching staff. With their lack of English competence, many Chinese students have great difficulty in reading textbooks, cases and other learning materials. They first translate key passages of their textbooks into Chinese, which leads to longer reading time and interrupted understanding of texts.<sup>3</sup> The longer time spent preparing for class, coupled with difficulty reading and understanding in class PowerPoint's and other presentations, leads to a failure to respond promptly to their professor's questions or a failure to participate in class discussions.<sup>4</sup>

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<sup>2</sup> CC Wang, K Andre and KM Greenwood, 'Chinese Students Studying at Australian universities with specific reference to nursing students: A narrative literature review' (2015) 35 *Nurse Education Today* 609-619, 610.

<sup>3</sup> Wei Huang, 'Do You Really Need a Degree From Overseas?' (2008) 45 *Legal Education of People's Republic of China RC* 54 (Chinese language, translated by Grace Li) cited Sophie Riley & Grace Li, 'Bringing the Language Divide: An Innovative Teaching Project to Help International Students from China in Learning Business Law Subjects' (2010) 15 *International Journal of Law & Education* 1, 109-124, 119.

<sup>4</sup> Colin B Picker et al, 'Comparative Perspectives on Teaching Foreign Students in Law: Pedagogical, Substantive, Logistical and Conceptual Challenges' (2015) *Social Science Research Network* 10 <<http://ssrn.com/abstract=2571059>>.

Another problem is the Chinese students' lack of listening comprehension and writing competence in legal English. Legal writing and comprehension play a vital role in a student's academic success.<sup>5</sup> Learning outcomes will heavily depend on these two skills. The general method through which English is taught in Chinese universities does not encourage the development of such skills. At a tertiary level, English proficiency is graded by two tests called CET-4 and CET-6. These tests examine listening, reading and writing skills. Writing skills are only examined with a short composition on a given topic; and listening skills are only tested through comprehension of short conversations or paragraphs, which have little to do with legal academic contexts.

The English curriculum applied in Chinese tertiary education requires skill-development. While this may be so, nationwide standardized exams and any educational innovations are unlikely to be accepted by Chinese tertiary institutions without robust evidence suggesting they are effective in promoting the exam results achieved by students.<sup>6</sup> The pressures created by the examination system leads to the product-oriented approach, which focuses on grammatical structures and memorisation of specific terms. This approach neglects the development of macro-skills such as scanning and skimming in reading, the understanding of connotations and context appropriateness, collocation and communicative competence.<sup>7</sup> In other words, English teaching in Chinese tertiary institutions is mainly aimed at helping as many students as possible to pass the required examinations with a decent mark rather than actually improving the students' language proficiency and competence in English. All this is far removed from providing Chinese students with the necessary skills to deal with legal studies overseas.

After an exploration of Chinese education and the role of foreign English teachers working in China, Stanley concluded that what Chinese students want 'are borne of a complex mixture of constructions of "the West" and a culture of learning that values product over process',<sup>8</sup> and has brought forward some invaluable implications for teachers and directors in Australia and elsewhere who are trying to better support Chinese students studying overseas. For

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<sup>5</sup> Huang Jinyan, 'Challenges of Academic Listening in English: Reports by Chinese Students'(2005) *College Student Journal*, 01463934, Sep.2005, Vol 39, Issue 3 553-569 at 554 <<http://search.proquest.com/docview/236594110/fulltextPDF/B50E969D76EF4001PQ/17?accountid=26503>>.

<sup>6</sup> Jianlan Wang and Gayle Buck, 'The Relationship Between Chinese Students Subject Matter Knowledge and Argumentation Pedagogy' (2015) 37 *International Journal of Science Education* 2, 340-366.

<sup>7</sup> Stanley P, 'Lessons from China: Understanding what Chinese students want' (2013) 28 *English Australia Journal* 2, 38-52, 44

<sup>8</sup> Ibid 49.

example, teachers must be aware of the aim of their own lessons and make them explicitly known to the students by: writing them out clearly and specifically; making students aware of their progress in their macro-skills development; creating all kinds of learning tasks; being aware of the cultural diversity; and bringing aspects of culture into classroom teaching.<sup>9</sup>

### *Academic stresses*

Academic pressures on the Chinese law students mainly stem from the different pedagogical approaches and their unique patterns or styles of learning.

To fully participate in law school classes, students must learn how to read law reports and extract the necessary information from them, prepare for and address the questions professors will pose in class, organize large quantities of information and take notes and follow the interchange between students and professors and between students themselves.<sup>10</sup> This creates great challenges for first-year law students, especially for Chinese students from a civil law background. Consider how Chinese students move from large lecture-style classes in Chinese law schools to seminar-style or tutorial-style classes at Australian law schools. Most Chinese students experience quite a shock if they are not familiar with such a situation before they commence their studies in Australia.<sup>11</sup> Further, the different teaching methods used by their Australian teachers and the expectations of their Australian teachers of student participation in classroom discussion may make it difficult for Chinese law students to adapt. This will lead to their failure to be well prepared for classes and an inability to fulfil their assignments of presentation or research papers at an acceptable level. Moreover, the different methods of assessment pose particular difficulties for Chinese law students. In China, students can pass an examination easily if they regurgitate the course materials and follow the direction of their lecturers. As a result, Chinese students are not comfortable or expected to give their own academic analysis and critiques of legal issues.<sup>12</sup>

Besides pedagogical approaches, Chinese students' learning styles may add to their academic stresses. Chinese cultural values and roles like face, harmony, humbleness and respect for authority have resulted in most Chinese students' different learning styles, which include being: quiet in class; reluctant to answer questions and participate in discussion; afraid to be

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<sup>9</sup> Ibid 47-8.

<sup>10</sup> Teresa Brostoff, Ann Sinsheimer and Megan Ford, 'English for Lawyers: A Preparatory Course for International Lawyers' (2001) 7 *The Journal of the Legal Writing Institute* 137-152, 142.

<sup>11</sup> Picker et al, above n 5, 14.

<sup>12</sup> Picker et al, above n 4, 14-5.

questioned by lecturer.<sup>13</sup> In spite of the reforms carried out in teaching methods in China tertiary institutions encouraging students to learn independently and critically, rote learning, memorization and repetition are still the norm.<sup>14</sup> Chinese students are less likely to exhibit deep or strategic approaches to studying when put in the student-centred, meaning-focused and competence-orientated tutorials, workshops or seminars at the beginning of their academic studies.<sup>15</sup> This is confirmed by the findings of Indra Abeysekera, who found that more third-year international business students (including Chinese students) prefer interactive lectures and group-based learning than domestic students (36% vs 27%).<sup>16</sup> This shows that senior Chinese students can adapt well to the interactive learning and pedagogical approaches and make the best use of them.

Teaching and learning are intimately related. Good teaching involves a continuous process of learning about student understanding and the way it is affected by teaching.<sup>17</sup> Indra Abeysekera's findings suggest the law schools in Australia should recognize the Chinese law students' concerns and needs and try to guide the students to the new pedagogical approaches as early as possible.

### ***Social and cultural stresses***

Chinese law students have difficulty in adapting to the social and cultural context in their host country because of the differences in cultures and social and legal systems between China and Australia. When Chinese students coming from a quite different cultural background enter Australian law schools, they would be unable to understand, control or predict what other people would do and are confused with their own roles, expectations and values.<sup>18</sup> Anecdotal evidence suggests Chinese law students find it very difficult to make friends with Australian students or students from other cultures because of their different preferences and cultures. They tend to interact mostly with co-nationals who better understand their social and

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<sup>13</sup> Xiaoyan Guan and Glyndwr Jones, 'Unlearning and relearning: Chinese students in a New Zealand first year undergraduate class' (2011) 8 *New Zealand Journal of Teachers' Work* 2, 208–219.

<sup>14</sup> Z M Charlesworth, 'Learning styles across cultures: suggestions for educators' (2008) 50 *Education and Training* 2, 115–127.

<sup>15</sup> Jie Zhou, 'Bridging the gap between two different teaching and learning cultures' (2008) 6 *US-China Foreign Language* 5, 1–4 <<http://connection.ebscohost.com/c/articles/33131356/bridging-gap-between-two-different-teaching-learning-cultures6>>; Haoda Sun and John T E Richardson, 'Perceptions of quality and approaches to studying in higher education: a comparative study of Chinese and British postgraduate students at six British business schools' (2012) 63 *Higher Education Academy* 299–316.

<sup>16</sup> Indra Abeysekera, 'Preferred learning methods: a comparison between international and domestic accounting students' (2008) *University of Wollongong Research Online* <<http://ro.uow.edu.au/commpapers/540>>.

<sup>17</sup> Richard Johnstone, *Printed Teaching Materials: A New Approach for Law Teachers* (1996) Cavendish Publishing Limited 8.

<sup>18</sup> Yan Kun and David C Berliner, 'Chinese International Students' Personal and Sociocultural Stressors in the United States' (2013). 54 *Journal of College Student Development* 1.

emotional needs. Their tendency to withdraw from social activities and confine their interaction to their own co-national community increases their isolation from the local cultures, inhibits their cultural adjustment and delays their English language proficiency.<sup>19</sup>

The differences in the legal cultures between China and Australia complicate Chinese students' study of law in Australia. China has a civil law, statute-based culture; Australia has a common law, case-based culture. This difference is reflected in the classroom, specifically in the evaluation and communication that occurs between Chinese students, English speaking students and their instructors.<sup>20</sup> Moreover, this difference permeates legal understanding and comprehension at even the most basic level. When Chinese students coming from a civil law background study the common law system in an Australian law school, skills that are taken for granted in Australian students, such as analytical reading of cases, comprehension of complex legal theories and an understanding of the value of judicial precedence<sup>21</sup> are not evident.

One Chinese student undertaking the J.D. program in an Australian law school claimed this problem may be most acute for postgraduate Chinese students who have previously received civil law training in China. In such circumstances, critical reading and analysis of cases is not emphasized. At the beginning of the first semester, the student did not realize that she had to read cases to prepare for class. And no one had taught her how one should prepare for classes where case application to legal problems is crucial to success. This disconnect may result from common law lecturers that assume a student with a bachelor degree in law would know how to read a case, distinguish its facts from previous cases, and how to understand a case's significance in the development of the law.<sup>22</sup> This fundamental difference in approach takes time to absorb and apply. Preliminary instruction on the differences between common law and civil law methodologies would be very advantageous.

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<sup>19</sup> As known from my own experience and that of Chinese students studying in an Australian university law school, most Chinese students share accommodation with students from China and speak Chinese regularly, for the reason that they have much in common and can get along much better than with students from other countries.

<sup>20</sup> Picker et al, above n 4, 6.

<sup>21</sup> Ibid 7.

<sup>22</sup> Ibid.

## **Recommended efforts to help Chinese law students with difficulties in overseas education**

To raise the standard of English taught overseas, it has been suggested that Australian tertiary institutions set up special language and orientation programs containing information on specific disciplines for Chinese students before they travel to Australia.<sup>23</sup> Such programs should immerse students in English language and culture and provide glossaries, notes, PowerPoint's in English that are comprehensive and easy to understand.<sup>24</sup> Chinese international students rely heavily on written texts and spend much time translating words and phrases; in effect the teaching staff in the University of Technology Sydney improved bi-lingual learning resources by translating their notes and glossaries into Chinese, which proved to be helpful to most students.<sup>25</sup>

Field and Kift suggested using intentional assessment design strategies in the first year of legal education to: reduce psychological stress; alleviate foreseeable student anxiety caused by uncertainty about assessment; and assist students to successfully transition into studying law at university.<sup>26</sup> The assessment strategies should be clear about what is expected of students in order to help them to understand academic languages, conventions and assessment standards. The purpose of integrating assessment within the curriculum is to engage students in their own process of learning and to encourage students to become independent learners by offering motivating and authentic assessment tasks as well as by providing students with opportunities to take control of their own learning.<sup>27</sup> Regular feedback on students' progress and achievements should be provided in a timely manner across their program of study.<sup>28</sup>

A study on Chinese student satisfaction with the 'Curtin Student Academic Programme' reveals that preparation for study abroad is essential to promoting the success of mainland Chinese students in Australia.<sup>29</sup> The study displayed that when students felt better prepared

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<sup>23</sup> Sophie Riley and Grace Li, 'Bringing the Language Divide: An Innovative Teaching Project to Help International Students from China in Learning Business Law Subjects' (2010) 15 *International Journal of Law and Education* 1, 109–124, 119.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid 120.

<sup>26</sup> R Field and S Kift, 'Addressing the high levels of psychological distress in law students through intentional assessment and feedback design in the first year law curriculum' (2010) 1 *The International Journal of the First Year in Higher Education* 1, 65-76, 68.

<sup>27</sup> Ibid 68-71.

<sup>28</sup> Ibid 72-73.

<sup>29</sup> Qinggang Wang, Ross Taplin and Alistair M Brown, 'Chinese students' satisfaction of the study abroad experience' (2011) 25 *International Journal of Educational Management* 3, 265-277, 273  
<http://dx.doi.org/10.1108/09513541111120105>.

they displayed a higher level of satisfaction in their study in Australia.<sup>30</sup> The findings imply that Chinese universities can take measures to enable their students to be well prepared for a range of circumstances and situations before they begin their overseas program.<sup>31</sup>

### **Recommended approaches to helping Chinese law students achieve better outcomes**

Although much effort has been made to help Chinese international students to cope with their challenges and difficulties in their academic studies and cultural adaptation, relatively little effort has been made in Australia to help Chinese law students achieve better outcomes in their academic studies overseas.

### **Recommendations for host university law schools**

Host university law schools can provide some learning support programs to help Chinese law students achieve better outcomes of learning in Australia through: preparatory programs; supporting programs; monitory support/peer mentoring scheme; special moots for Chinese law students; and Toast Masters clubs.

#### ***Preparatory programs***

Preparatory programs can be given at the beginning of the first semester in the form of workshops, seminars or “boot camps” by host law schools. If seminars are offered, they should provide Chinese law students with advice on how to adapt to their life and study. During the seminars, the graduate attributes for law students should be made clear to them, so that they know what is expected of them and what they may hope to accomplish.<sup>32</sup> In order to know what successes Chinese law students can achieve in their program, they should be provided with the criteria of assessment for each subject. Former students who have successfully completed those assessments could provide workshops and tutorials to guide current students.

Further, preparatory programs may be introduced in similar ways as the ‘LLM preparatory course for international law students’<sup>33</sup> presented at the University of Pittsburgh School of Law. In such seminars, the Australian legal system and structure of government can be used as teaching materials. While teaching, help the students to understand the ways a law class is

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid 273-74.

<sup>32</sup> A comprehensive discussion about the embedding of graduate attributes in legal education can be found in Sally Kift, Michelle Sanson, Jill Cowley and Penelope Watson, *Excellence and Innovation in Legal Education* 2001 (LexisNexis Butterworths).

<sup>33</sup> For a better understanding of the course, see Brostoff, Sinsheimer and Ford (2001), above n 11.

to be given. They should learn how to follow the teachers' lectures in class and how to finish their assignments after class; how to acquire the basic skills necessary for their study and research. They would benefit from clear guidance on how to improve their language proficiency, to develop their ability to make good presentations, communicate with their classmates and teachers, and comment on other classmates' work. It should also be noted that Chinese students often have trouble with their listening skills. Providing students with written documents in English (or even translated into Mandarin and the most common language that students speak) would be beneficial.

Preparatory programs can also be developed and presented in Chinese Universities by Australian host law schools. This will be more effective in preparing prospective international students for Australian society and culture before they arrive in Australia. Subjects like *Introduction to Common Law System* or *Legal English* may be offered to the law students in Chinese universities by host law schools and taught by foreign teachers or qualified native teachers. This is not only helpful for the prospective students, who can learn about the western legal system and its teaching methods as well as to develop the skills necessary for their future academic learning abroad. It is also beneficial for the teaching staff of the host law school to be aware of the needs and learning styles of Chinese students in order to appropriately adjust their teaching methodologies.

### ***Supporting programs***

After Chinese students commence their studies in law, law schools can offer various supporting programs to enable students to adapt quicker and learn better. I will go into recommended programs that may be beneficial below.

### ***Monitory support/peer mentoring scheme***

Chinese students who study law in an Australian university suggest that law schools should arrange or allocate some senior students from China to help the junior students adapt to their academic studies. Senior Chinese law students will be familiar with the host law school's pedagogical styles and its academic contexts. They can communicate their experiences in dealing with various difficulties experienced by them at the beginning of their programs to the juniors in their native language and in a more acceptable manner.

Monitory support can be used to strengthen Chinese students' language proficiency, develop their academic writing and help them adapt to the new social-cultural environment. Persons of similar background can be employed as support monitors. Support monitors can advise

junior students to take active part in any relevant workshops and encourage them to engage in peer support to reduce stress in academic studies.<sup>34</sup>

Monitory support can also be provided in the form of peer-assisted study sessions (PASS) by dividing students into small groups, led by one or two monitors who are recruited and trained in their role as leaders. The purpose of the PASS scheme is to help first year law students to adapt to university life, develop study skills and gain confidence in law.<sup>35</sup> The PASS scheme implemented by the University of Ulster in the UK proved to foster positive contributions in student transition and engagement.<sup>36</sup> Specifically, the scheme provided first year students with the opportunity to learn from each other by allowing them to become independent learners and more confident in their subject while having fun.<sup>37</sup>

Schemes like PASS can be modified to: improve students' language proficiency; develop their learning skills; and build their confidence while undertaking studies in Australia. Two well-trained monitors, one Chinese and one Australian, may be arranged for each group of six or eight students, half of whom are Chinese and half local. The monitors can organize the sessions and facilitate discussions or studies done in the form of pair work (again one Chinese and one local) or group work, guide them in the use of proper techniques or strategies of learning and communication. The integration of Chinese students into the local community not only force Chinese students to use discipline-specific English, but also enables them to communicate with local students and learn about Australian culture.

### ***Special moots for Chinese law students***

Special mooting competitions can be offered to Chinese law students to address the difficulties they face in their use of language, application of critical and logical thinking and presentation of oral argumentation and analysis. Mooting competitions can be initiated in the second semester. In competitions, Chinese law students can be classified into small groups of three, each group representing one party in litigation. Senior Chinese law students can be arranged as group monitors in order to guide junior members through the preparation of arguments and by acting as judges in the competition. The greatest advantage of mooting is that Chinese students will feel more confident when they face an audience who has similar advantages and disadvantages, as they will be competing against fellow Chinese students. It

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<sup>34</sup> Kwan and Tang (1998), above n 2.

<sup>35</sup> Amanda Zacharopoulou and Catherine Turner, 'Peer assisted learning and the creation of a "learning community" for first year law students' (2013) 47 *The Law Teacher*, 2, 192-214, 200-201.

<sup>36</sup> *Ibid* 212.

<sup>37</sup> *Ibid* 214.

is recommended that as soon as Chinese students have developed the basic necessary mooting skills, they should participate in other domestic or international moots with the entire university community.

### ***Toast Masters clubs***

Toast Masters clubs can be opened as a platform for Chinese international students to overcome their shyness and improve their ability in English public speaking on a topic of choice. They can get adequate opportunities to practice their oral English and present their ideas in a concise and organized way. This will allow Chinese law students to feel more confident in public speaking, which will encourage them to speak before their classmates and professors. Overall, the goal is to encourage Chinese students to take every chance available to practice spoken English by discussing problems with their classmates and lecturers. They might also present stories and news reports, exchange their own experiences, summarize cases, go out of the classroom to communicate with people, and join in different activities. It can be very rewarding for them to make friends with domestic Australian students and students from other cultures.

## **Recommendations for the Teaching staff at Host Law Schools**

### **Guiding students with their reading of law**

#### ***Reading introductory law books***

To aid Chinese law students begin their programs on the right foot, it would be helpful and worthwhile for the teaching staff to prescribe introductory law books, which are well written, clearly-presented and easily accessible for international students. Introductory books like *Learning the Law* by Glanville Williams, *Starting Law* by JF Corkery, *Mastering Law Studies and Law Exam Techniques* by Richard Krever, *How to Study Law* by Sally Anne Frazer, could lead students to absorb general information about the applicable legal system and learn the basic techniques for studying law and preparing for examinations.

Glanville Williams briefly introduces methods and techniques that can be used to study casebooks, technical terms and statutes, and further provides valuable and practical advice on how to work out problems, answer book-work and examination questions and conduct legal research and general reading.<sup>38</sup> After a brief introduction of the development of common law, the Australian legal system, legal profession, precedents and statutory interpretation, JF

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<sup>38</sup> Glanville Williams, *Learning the Law* (Stevens and Sons, 14<sup>th</sup> ed, 2010).

Corkery suggests some techniques for legal writing and some skills in the practice of law such as the skills of interviewing clients, dispute resolution and advocacy.<sup>39</sup> Sally Anne Frazer illustrates ways to deal with cases and statutes by giving some practical exercises on cases and statutory interpretation and offering the solutions to such exercises.<sup>40</sup> Richard Krever recommends some specific and detailed rules, techniques and tips for reading and summarizing cases, answering different kinds of exam questions and outlined the basic techniques used in a moot court.<sup>41</sup>

### ***Reading cases***

In Australia, reading cases is a very important task in learning law. The ability of a student to read cases will determine the level of success that student will achieve in their learning outcomes. Reading and understanding cases can act not only as a method to learn law, but also as a mechanism to develop skills of reading, speaking, writing, analysing and problem solving. In the exercise of reading cases, students learn to grasp the key information of a case, brief a case, analyse the opinions of the judges and offer their own opinions. Such skills enable students to practice reading comprehension, writing academic essays or research papers, analysing problems and legal issues, and presenting personal opinions. Before reading cases, however, students should be given the opportunity to learn about the basic techniques for dealing with cases. Such techniques can be learnt from the introductory law books mentioned above.

### ***Reading journal articles and research papers***

Reading short, well-written journal articles enables students to understand a particular issue in detail, widen their view about legal issues, improve their logical and critical thinking and arouse their interest in legal research. Such practice can begin when students have got some experiences with critical thinking and the basic techniques for critical reading. Reading something critically means reading it to assess the merits of a particular argument by being aware of its weaknesses as well as its strengths.<sup>42</sup> Bradney et al have illustrated this with an exercise in critical reading in their book.<sup>43</sup>

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<sup>39</sup> JF Corkery, *Starting Law* (Scribblers Publishing, 2<sup>nd</sup> ed, 2002).

<sup>40</sup> Sally Anne Frazer, *How to Study Law* (The Law Book Company Limited, 1993).

<sup>41</sup> Richard Krever, *Mastering Law Studies and Law Exam Techniques* (LexisNexis Butterworths, 7th ed, 2011).

<sup>42</sup> Anthony Bradney, Fiona Cownie, Judith Masson, Alan C Neal and David Newell. *How to Study Law* (6th edition, Sweet & Maxwell, 2010) 115.

<sup>43</sup> *Ibid* 115-44.

### ***Adjusting teaching practice to match the needs of Chinese law students***

Differences in student-teacher expectation, inter-student cultural factors and learning-teaching styles may provide challenges in the teaching/learning situation.<sup>44</sup> Therefore, if the teaching staff in host universities are willing to adjust their teaching practice to accommodate such differences in the international teaching/learning situation, it would make the teacher's job much more enjoyable and create a better situation in which the students can achieve better learning outcomes.<sup>45</sup>

The teachers must adjust their teaching approaches to accommodate the students, to ease challenges of academic stress and language barriers. If such efforts are taken, Chinese law students can adapt to the new teaching/learning situations as soon as possible and make greater achievements in their academic studies.

### ***Present a mixed use of teaching methods***

Mihail Danov suggested that a mixed use of lecture method, case method and problem method be applied to teaching a postgraduate student cohort with different learning styles, cultural backgrounds and language proficiency.<sup>46</sup> Lecture methods can be administered at the beginning of a student's law program in mini lectures to introduce students to the main legal issues. In the seminar discussions, case method and problem method can be used to gradually involve students in class discussions. Lecturers should begin with easier questions to help Chinese students grasp the reasoning enforced in court judgments, and next with problem-style questions inviting students to identify legal issues, and last with the task of advising a (fictitious) client on the application of law to given facts.<sup>47</sup>

The mixed use of teaching methods is a good practice to help Chinese law students adapt to their new learning environment. By beginning with the lecture method which Chinese students are very familiar with, Chinese law students can gather the knowledge they need to participate in seminar discussions and hold a clearer picture of the legal issues and principles of the common law. Further, the use of case method can help Chinese students develop their

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<sup>44</sup> Reshmi Prasad, Mariska Mannes, Jamila Ahmed, Ravinder Kaur And Carol Griffiths, 'Adjusting Teaching Style and Practice to Accommodate the Needs of International Students' School of Foundation Studies AIS St Helens, Auckland, New Zealand Working Paper No 8 October 2004. Retrieved 12 Sept 2015. [http://www.crie.org.nz/research-papers/Adjusting\\_R.Prasad.pdf](http://www.crie.org.nz/research-papers/Adjusting_R.Prasad.pdf).at 2.

<sup>45</sup> Ibid 3.

<sup>46</sup> Mihail Danov. Teaching international commercial arbitration at postgraduate level – techniques for enhancing students' learning, *The Law Teacher*,45:1, 101-113, DOI: 10.1080/03069400.2011.546968.

<sup>47</sup> Ibid 111-12.

skills of critical thinking and logical reasoning and various other skills that will be required in their learning of the common law. Moreover, problem-based method can help Chinese students acquire skills for their future legal careers through practical analysis. It must be noted, however, that the teaching methods should be applied according to the progression of a Chinese law student's degree when they are necessary and beneficial.

### ***Make lectures more accessible to Chinese students***

The literature reveals that a number of things affect Chinese students' lecture understanding, including: lecture organization; the use of textbooks, blackboard writing, lecture summaries; the amount of student participation; opportunities for group work; and the participants' expectation of their teachers' performance<sup>48</sup> As a result, law teachers should tailor their lectures to be more accessible to Chinese students. For instance, it is recommended that the lecture PowerPoint's are released a week ahead of time to allow Chinese law students to prepare notes before class or ask for clarification.

Further, lecturers can write the key points on the board or PowerPoint while lecturing and provide study-guides with clear and comprehensive language. Moreover, visual aids and classroom activities would allow Chinese law students to better engage with concepts. These efforts would allow Chinese law students to learn the correct concepts from the start, rather than misunderstand key notions and misapply them in assessments or exams.

### **Suggestions for Chinese teachers that teach law in English**

To help graduates become candidates in global legal practice, most Chinese tertiary institutions have modified their curriculums to include legal English and certain bilingual subjects, such as international business law and international trade law. Although the teaching and learning materials are provided in English, Chinese teachers that teach the courses have not made great changes in their lecturing approach and manner of assessment. This leads to student incompetence in both language proficiency and skills development.

A well-presented Legal English course would introduce concepts of the common law to Chinese law students to introduce law students to legal terms needed for courses such as contract law and commercial law. A Legal English course could incorporate oral presentations and even basic mooted exercises to allow Chinese law students to become accustomed to contributing to tutorial discussions and analyzing legal problems. In practice,

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<sup>48</sup>Jinyan Huang, 'Challenges of Academic Listening in English: Reports by Chinese Students' (2005) 39 *College Student Journal* 3, 553-569  
<<http://search.proquest.com/docview/236594110/fulltextPDF/B50E969D76EF4001PQ/17?accountid=26503>>.

Legal English courses are usually presented by lectures to large classes. In effect, teachers talk much more than the students. Students therefore receive very little opportunity to exercise their oral skills, let alone practice skills such as mooting. The effect of which is that Chinese law students are not able to develop critical thinking skills that are necessary to the analysis of legal problems.

Therefore, Chinese teachers of bilingual education and Legal English should adopt pedagogies used in common law schools for their teaching. By innovating the methods in which Chinese teachers deliver courses, they are able to shape the learning outcomes of Chinese students in a manner, which prepares them for international study. The goal should be for Chinese teachers to facilitate good teaching practice to help students become active and independent learners and acquire the skills and competence necessary for overseas study.

### ***Emphasising the importance of learning the relevant subjects***

A longitudinal case-study of Chinese learners in an Australian tertiary institution revealed that Chinese learners' motivations can affect their learning styles and the achievement-motivated Chinese learners are more likely to move towards independent, student-centred learning through a discipline specific pedagogical intervention.<sup>49</sup> To arouse their interest in learning these subjects and encourage them to develop the skills and language proficiency necessary for their future studies and work, we should emphasize the importance of learning the common law and international law in English and the necessity to use them in our era of globalization. In this way, we can motivate those wanting to work globally to study hard and effectively.

### ***Familiarising students with necessary knowledge from the very beginning***

In a teaching project implemented by Sophie Riley and Grace Li, almost half the students surveyed found bilingual dictionaries inadequate for them to understand common law legal terminology.<sup>50</sup> Therefore, as well as introducing Chinese students to the common law systems, the courses could guide the students to learn about the history and structure of the system, the logical and critical ways of thinking and analysing used by lawyers and the importance of statutes and case precedents. Besides, Chinese teachers can also familiarize students in their early years with basic English legal terms for different law subjects they may study in the future.

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<sup>49</sup> See Kala Saravanamuthu and Christine Yap, 'Pedagogy to empower Chinese Learners to adapt to western learning circumstances: a longitudinal case-study' (2014) 44 *Cambridge Journal of Education* 3, 361-384.

<sup>50</sup> See Sophie Riley & Grace Li (2010), above n 25, 121.

### ***Helping students become independent learners through teaching strategies in China***

The key strategies of student learning emphasize the importance of providing students with properly structured opportunities to work with the subject matter, take their own meaning from the material, and to reflect on what they know, and get feedback so that they can monitor their own learning.<sup>51</sup> Chinese teachers need to encourage student activities that will result in high quality learning and create a learning environment in which students can engage in all of the interrelated aspects of learning, in a manner which integrates goals, conceptual structures, activities and feedback.<sup>52</sup>

The traditional teacher-centered or lecture-styled methods will not achieve these goals. Innovations in educational methods are called for; more interaction, problem solving and tutorial-style discussions are required. Student inquiries and analysis of the subject matter should be encouraged.

### ***Replacing problem method with problem-based method***

The problem method gives students hypothetical problems to solve and discusses their solutions in class and enables students to learn the very process of solving a problem.<sup>53</sup>

The problem method is frequently used in China to help students understand better the principles of law or statutes. In spite of this, when encountering practical problems, they are usually at a loss as to how to deal with them. To encourage independent learning, after the students have acquired the knowledge and skills necessary for the analysis of legal issues, law teachers can generate problem-based learning activities and provide opportunities to engage the students with the subject matter, requiring them to use their knowledge and skills to solve problems in the real world.

### ***Making good use of out-of-class group-work***

The findings of a study made of Chinese students from two Australian tertiary institutions suggest that Chinese students perceive out-of-class group-work in an Australian context as a positive learning experience.<sup>54</sup> This can result in enhanced understanding of academic content, application of legal knowledge and a chance to socialize with other Chinese students.<sup>55</sup>

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<sup>51</sup> Johnstone (1996), above n 19, 27.

<sup>52</sup> D Laurillard, 'Rethinking University Teaching: A Framework for the Effective Uses of Educational Technology' (1993, Routledge London) cited by Johnstone (1996), above n 19, 27-29.

<sup>53</sup> Johnstone (1996), above n 19, 22.

<sup>54</sup> Li Dongmei, Louisa Remedios and David Clarke, 'Chinese students' groupwork practices and experiences in China' (2014) *Higher Education Academy* 227-241.

<sup>55</sup> *Ibid.*

With the development of joint programs and institutions between Chinese and foreign universities, some well-established western educational practices such as out-of-class and in-class teacher-initiated group-work has been introduced into Chinese contexts.<sup>56</sup> Influenced by these changes, student-initiated and teacher-initiated group-work has made its way into Chinese university teaching and learning.<sup>57</sup>

However, due to the large size of classes, different levels in students' English proficiency and their reluctance to participate in class discussion, teacher-initiated out-of-class group-work is far from effective.

Chinese teachers should initiate various kinds of out-of-class group work for different purposes to develop Chinese law students' ability to participate in class discussion and group-work so as to adapt quicker to the pedagogical contexts in Australia. Teachers can require students to negotiate a simple contract in groups, encouraging them to practise English to improve their language proficiency. They may also engage students to participate in activities which can enhance their understanding of course materials or develop better communication skills with their peers. It is necessary to make sure that the teacher-initiated group work is properly designed and assessed so that every student takes an active part in it.

### ***Innovating methods of assessment***

A current examination of most law subjects in China mainly focuses on the knowledge and rules that are learned from lectures and textbooks or other guided learning materials, rather than focusing on the skills necessary for the practice of law. Considering that the rules are readily accessible in statutes, books and case-reports by the Supreme Court, it would be beneficial to alter the ways of assessing students' learning outcomes by providing more emphasis on the skills of reasoning, argumentation and capability for critical thinking and problem-solving. Instead of requiring students to answer easily answered questions, students should be provided with more comprehensive assignments like presentation of news reports, case briefing, peer teaching or writing of research papers. In the final examination, teachers can use more problem-style and essay-style questions and less of the true-false multiple choice questions style.

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<sup>56</sup> See R Chen and B Hird, 'Group work in the EFL classroom in China: A closer look' (2006) 37 *RELC Journal* 1, 91–103 <<http://rel.sagepub.com/content/37/1/91.short>>; see also H Guan and Y Tan, 'A study of the effects of group-collaboration learning in college oral English teaching' (2011) *Science and Technology Information* 27, 232.

<sup>57</sup> Dongmei et al (2014), above n 56, 232-235.

## **Conclusion**

The main difficulties for Chinese law students when studying law in Australia have been discussed and some solutions have been suggested by researchers and academics. While efforts have been made by host universities and the teaching staff in law schools with supporting programs and adjustments in teaching methodologies, better directed efforts would help Chinese law students achieve better learning outcomes overseas.

Host universities and law schools could provide preparatory programs and various forms of supporting programs, such as monetary support, learning-aid facilities, debates and special mootings to enable students to adapt to the new living and studying environment. The teaching staff in host law schools, once aware of the Chinese students' culture and learning styles, should adjust their teaching approaches. Teachers should teach Chinese students how to become independent learners and active participants in classes and encourage them to develop core academic skills.

Chinese home universities and teaching staff in law schools need to create innovative solutions in their traditional methods of teaching and assessment. They can learn from the methods of legal education in the common law countries. They should adopt effective teaching practices and approaches to improve Chinese students' language proficiency and familiarize them with general knowledge about the host countries and the basic legal writing and oral skills to be used in their future program study.

China inevitably has had to adopt and adapt legal education for reasons of numbers as well as cultural reasons. Anglo-American systems have emphasized individualism, although not always practicing it. Bond Law School, a pioneer in personalized small group education, and the Melbourne experiment with a return to smaller classes in their Juris Doctor program, express an approach which cares more for the needs of the individual student.