A GLOBAL LABYRINTH OF AMELIORATING INITIATIVES (PART-II): PEDAGOGIC THREADS BETWEEN SKILLS-BASED EDUCATION AND *THINKING LIKE A LAWYER*

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ABSTRACT

This paper is the second of two holistic, diachronic, integrative reviews on the ameliorating initiatives for legal education. Part I described the general motivation for the study rooted in the globalization of higher education that has led to the transformation of legal education across international borders and especially in Asia. Part I focused on the period between the 1960s through 1990s during which clinical legal education, pedagogic principles, and law school academic support programs proliferated. Continuing with the holistic methodology and integrative review method, Part II is dedicated to the period beginning in the 1990s. The purpose of Part II is to integrate five of the most influential qualitative and quantitative reports on the development of skills-based legal pedagogy. In doing so, the analysis arrives at the complex and compound skill called thinking like a lawyer that subsumes the lawyering skills of skills-based pedagogy. The integrative review established that the creative and considered use of a comprehensive collection of ameliorating initiatives is most desirable to overcome the unidirectional internationalization of legal education. The findings are in agreement with the holistic methodology that seeks understanding based on a complex, social-systemic ontology. Parts I and II of this integrative review culminate in a pedagogic thread through the labyrinth of ameliorating initiatives for universities that reform their legal education in pursuit of internationalized curricula.

Keywords: globalization of higher education, skills-based pedagogy, legal and lawyering skills, thinking like a lawyer

INTRODUCTION

Because of globalization, law schools around the world attempt to internationalize their curricula. The effects of globalization on international legal education manifest in at least five interconnected areas that include the following: demographic diversity; curricular and pedagogic homogeneity; the power of (American) substantive law; joint degree programs; and legal English (see Part I). Similar to Part I, the overarching motivation and purpose of Part II emanates from the integration of the globalization narrative with a holistic and diachronic perspective on the ameliorating initiatives for legal education. As Edley (2012: 313) fittingly points out, legal education moved from a careerist focus on case analysis to an academic focus on theory and method. Legal practice shifted attention from an interior perspective on advocacy to an exterior perspective on "other forms of lawyering." These shifts compel legal education and practice to realign their goals and find appropriate pedagogies.

More specifically, the motivation for skills-based pedagogy grew out of increased discontent with traditional pedagogies and the ill preparation of students for legal practice. With dwindling enrolment numbers amidst the financial downturn since 2008, American law schools are facing dismal times (Cassidy 2012: 1515-1517; Cassidy 2015: 428-429; Martin

2014: 38; Newton 2012: 55). Despite the implementation of best practices over the past four decades and the decree of *Standard 302* in 2005 by the American Bar Association (ABA) that calls for a skills-based pedagogy for law school, by two major studies reported that law schools were still not meeting the requirements to teach skills for the "competent and ethical practice of law" (Valentine 2010: 173). Both the *Carnegie Report* (Sullivan, Colby, Wegner, Bond, & Shulman 2007) and the *Best Practice for Legal Education Report* (Stuckey et al. 2007) call for greater focus on the professional identity and purpose of lawyers. [xii] Both reports cite an over-reliance on the Socratic teaching style as reason for the failure to integrate cognitive and practical elements of the preparation for legal practice (Katz 2008: 910-911). These tenacious challenges that seem to evade ameliorating initiatives since the 1960s provide sufficient impetus for the integration of ameliorating initiatives.

Part II sets out to accomplish the following three objectives that are sequenced according to the structure of the paper: Following the introduction, Section 2 diachronically integrates five of the most influential qualitative and quantitative reports on the development of skills-based legal pedagogy to obtain a holistic perspective of the skills needed in law school and legal practice. Section 3, the discussion, delivers the main contributions of Part II in the following sequence:

i. It weaves a pedagogic thread by integrating skills-based pedagogy (lawyering skills) with the fundamental skill of *thinking like a lawyer*.
ii. Then it integrates the four ameliorating initiatives discussed in Parts I and II as a network of threads that can be used to address the effects of globalization on international legal education.

Section 4 concludes this two-part holistic, diachronic, integrative review with summative notes and pivotal future research directions.

SKILLS-BASED PEDAGOGY

Since the dawn of CLE in the 1960s, a skills-based pedagogy sporadically entered mainstream scholarship because of the skills required by legal practice (Star & Hammer 2008: 248). However, since the 1990s, skills-based pedagogy became extremely influential with the publication of the following prominent studies:

i. The renowned *MacCrate Report* was commissioned by the ABA and published in 1992. [xiii]
ii. In 1993, Garth and Martin published an extensive empirical study on skills needed across academia and legal practice.
iii. Sonsteng and Camarotto followed in 2000 with another empirical study to determine the applicably of law school training to legal practice.
iv. In 2001, Munneke reevaluated the significance of a skills-based law school curriculum.

[xii] The *Carnegie Report* is formally known as *Educating Lawyers: Preparing for the Profession of Law*. Although the *Best Practices for Legal Education: A Vision and a Road Map* (Stuckey et al. 2007) report was published during the same year as the *Carnegie Report*, first mentioned was discussed in Part I of the integrative review because its methodology supports a principle-based pedagogy.

[xiii] The *MacCrate Report* is formally known as *Legal Education and Professional Development – An Educational Continuum (Report of the Task Force on Law Schools and the Profession: Narrowing the Gap)* (ABA 1992).

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v. In 2007 the *Carnegie Report* appeared, and it expounds the most influential skill called *thinking like a lawyer* (Sullivan et al. 2007).

Scholarship of this period signals the balancing of legal education as a cognitive venture with the acquisition of skills (Preston, Stewart, & Moulding 2014: 1055), and perhaps a functional orientation.

MacCrate Report

The *MacCrate Report* (ABA 1992) heralds an era in legal education and legal scholarship that endorses the agenda of the clinical legal education (CLE) movement; that is, law schools should teach the skills that legal practice requires.[xiv] The *MacCrate Report* serves as a major impetus for the skills movement. Although the *MacCrate Report* could be credited for inspiring the development of clinical skills curricula, it echoes a "bipartisan effort to address a real need to reform the Langdellian curriculum" (Munneke 2001: 130).

The main tenets of the *MacCrate Report* include arguments for the following: (1) a legal educational continuum; (2) the significance of a set of fundamental skills; and (3) values and the necessity of a structure for continuing legal education (Munneke 2001: 131). Traditionally, some skills, such as writing and legal analysis, were included in the "core" curriculum, while negotiation and management were relegated to elective clinical courses. The *MacCrate Report* argues that the core curriculum should include all the skills and values listed in Table 1.

Table 1. *Summary of MacCrate Report (ABA 1992) lawyering skills and values of the profession*

Fundamental lawyering skills	Fundamental values of the profession
• problem solving • legal analysis and reasoning • legal research • factual investigation • communication • counseling • negotiating • litigation • alternative dispute resolution procedures • organization and management of legal work • recognizing and resolving ethical dilemmas	• providing competent representation • striving to promote justice, fairness, and morality • promoting the profession • improving professional self-development

Menkel-Meadow (1994) provides stern critique of the *MacCrate Report* arguing that it creates a false dualism between theory of law as science and the skills of law. Menkel-Meadow further argues that the *MacCrate Report* pays insufficient attention to the human aspects of lawyering, such as the "empathic, affective, feeling, altruistic, and service aspects of lawyering" (Menkel-Meadow 1994: 595-596) However, one could argue that the fundamental values of "striving to promote justice, fairness, and morality" refer to the human dimensions of practice. The human dimensions of law manifest in the language of the law,

[xiv] Munneke (2001: 130) argues that the *MacCrate Report* serves as impetus for the clinical movement. However, the origin of the clinical movement predates the recommendations of the *MacCrate Report* by approximately 30 years. The *MacCrate Report*, one could argue, reinvigorated interest in CLE. Despite its publication almost two decades prior to the *Carnegie Report* (Sullivan et al. 2007), the *MacCrate Report* still figures prominently in contemporary legal scholarship.

and the language of the law co-constructs legal epistemology, which is the underpinning of justice, fairness, and morality.

Garth & Martin study

A year after the publication of the *MacCrate Report*, Garth and Martin conducted an unparalleled empirical study among senior partners and junior practitioners to determine three objectives: (1) the evolution of skills from the 1970s through the 1990s; (2) update the list of skills formulated in the *MacCrate Report*; and (3) test the validity of the lawyering skill "ability to obtain and keep clients" (Garth & Martin 1993: 469-509).

The surveys and analyses conducted by Garth and Martin (1993) are invaluable because they identify which lawyering skills are learned in law school and which are acquired in practice. Moreover, they indicate which skills are considered important by junior practitioners, hiring partners, and for promotional purposes. Table 2 accounts for the ranking of skills during a legal career.

Table 2. *Ranking of skills at different stages of legal practice (adapted from Garth & Martin 1993: 469-492)*

	1. Ranking of skills by junior practitioners		2. Ranking of skills by hiring partners		3. Ranking of skills by hiring partners for promotion
1	Oral communication	1	Library legal research	1	Ability to obtain and keep clients
2	Written communication	2	Oral communication	2	Ability to diagnose and plan solutions for legal problems
3	Instilling others' confidence in you	3	Written communication	3	Ability in legal analysis and reasoning
4	Ability in legal analysis and legal reasoning	4	Computer legal research	4	Organization and management of legal work
5	Drafting legal documents	5	Ability in legal analysis and legal reasoning	5	Instilling others' confidence in you
6	Ability to diagnose and plan solutions for legal problems	6	Sensitivity to professional ethical concerns	6	Written communication
7	Knowledge of substantive law	7	Instilling others' confidence in you	7	Oral communication
8	Organization and management of legal work	8	Fact gathering	8	Understanding and conducting litigation
9	Negotiation	9	Ability to diagnose and plan solutions for legal problems	9	Knowledge of substantive law
10	Fact gathering	10	Organization and management of legal work	10	Sensitivity to professional ethical concerns
11	Sensitivity to professional ethical concerns	11	Knowledge of substantive law	11	Drafting legal documents
12	Knowledge of procedural law	12	Knowledge of procedural law	12	Negotiation
13	Counseling	13	Drafting legal documents	13	Fact gathering
14	Understanding and conducting litigation	14	Counseling	14	Counseling
15	Library legal research	15	Ability to obtain and keep clients	15	Knowledge of procedural law
16	Ability to obtain and keep clients	16	Understanding and conducting litigation	16	Library legal research
17	Computer legal research	17	Negotiation	17	Computer legal research

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The first column of Table 2 ranks the skills considered important by junior practitioners. Because of their recent graduation from law school and transition into legal practice, junior practitioners provide invaluable insight into the required lawyering skills needed soon after graduation. Oral and written communication skills are vital. This is followed by analytical thinking skills in the fourth and sixth positions. Legal drafting, considered a clinical writing skill, is listed as number five.

Column two (Table 2) ranks the skills considered important by hiring partners. It contradicts the junior practitioners' perception that library research skills are insignificant. However, it confirms that oral and written communication skills are essential. Hiring partners expect junior practitioners to join firms competent in the first eight skills. Yet, they expect junior practitioners to develop, in reverse order, skills 17 through eight while in practice (Garth & Martin 1993: 490). This means that curricula that focus excessively on negotiation, litigation, counseling, drafting, and knowledge of substantive and procedural law are not necessarily training students for the first year of legal practice.

The third column (Table 2) glances into the future of prospective associates and partners and illustrates how generating income for the firm becomes a priority. This is followed and supported by indicating that the ability to diagnose and plan solutions for legal problems and legal analysis and legal reasoning are the second and third most important skills for promotional purposes.

Sonsteng & Camarotto Study

From 1997 through 2000, Sonsteng and Camarotto undertook a monumental study to determine whether law schools in Minnesota taught students the lawyering skills identified by the *MacCrate Report* (Sonsteng & Camarotto 2000: 329).

Table 3. *Preparedness and importance of lawyering skills (adapted from Sonsteng & Camarotto 2000: 340)*

	Most important lawyering skills		Least important lawyering skills	
Well-prepared	1	Ability in legal analysis and legal reasoning	14	Library legal research
	2	Written communication		Knowledge of substantive law
	3	Sensitivity to professional and ethical concerns	15	
	4	Oral communication		
Not well-prepared	5	Ability to diagnose and plan solutions for legal problems	16	Understanding and conducing litigation
	6	Instilling others' confidence in you	17	Computer legal research
	7	Negotiation		
	8	Fact finding		
	9	Drafting legal documents		
	10	Counseling		
	11	Ability to obtain and keep clients		
	12	Knowledge of procedural law		
	13	Organization and management of legal work		

The results of their research indicate that law schools do not fail their students completely. The skills that law schools intend to address (legal analysis and reasoning, written communication, and library legal research) were valued positively by respondents. However, the other lawyering and management skills were neglected. Table 3 compares the most important lawyering skills with the least important lawyering skills and their preparation in law school.

A comparison between Table 2 (column two) and Table 3 reveals a significant connection between the ranking of skills considered important by hiring partners and the ability of law schools to impart these skills. Seven years after the Garth and Martin study (1993), the Sonsteng and Camarotto study (2000) seems to indicate a stronger connection between what law schools provide and what hiring partners require of lawyers. For example, with the exception of computer legal research that lawyers deem unimportant, all the "not well-prepared" skills in Table 3 were ranked between seven through 17 on the hiring partners' list of important skills (Table 3 column two). While hiring partners consider library legal research the most important skill, lawyers in 2000 agree with lawyers in 1993 that library legal skills are less important. The perception that legal research skills were unimportant may have been valid in 1993 and 2000; however, Armond and Nevers (2011: 575) argue for closer collaboration between legal practitioners and law librarians to improve legal research instruction in law school that will prepare "students for the legal research assignments awaiting them in legal practice." The importance of legal research skills is emphasized by Ribstein (2010: 1663) who asserts that contemporary practitioners participate in the "legal-information market."

Communication skills seem to exhibit universal importance regardless of temporal change or respondents by remaining within the top four important skills. However, lawyers feel that the law school curriculum is more successful at imparting written communication skills than oral skills.

Table 4. *Comparison of rankings of most important lawyering skills in 1993 and 2000*

	1993 ranking of skills considered important by junior practitioners (Garth & Martin 1993: 469).		2000 ranking of skills considered important by lawyers (Sonsteng & Camarotto 2000: 337).
1	Oral communication	1	Ability to diagnose and plan solutions for legal problems
2	Written communication	2	Ability in legal analysis and legal reasoning
3	Instilling others' confidence in you	3	Written communication
4	Ability in legal analysis and legal reasoning	4	Oral communication
5	Drafting legal documents	5	Instilling others' with confidence in you
6	Ability to diagnose and plan solutions for legal problems	6	Negotiation
7	Knowledge of substantive law	7	Sensitivity to professional and ethical concerns
8	Organization and management of legal work	8	Fact gathering
9	Negotiation	9	Drafting legal documents
10	Fact gathering	10	Organization and management of legal work
11	Sensitivity to professional and ethical concerns	11	Counseling
12	Knowledge of procedural law	12	Ability to obtain and keep clients
13	Counseling	13	Knowledge of procedural law
14	Understanding and conducting litigation	14	Knowledge of substantive law
15	Library legal research	15	Computer legal research
16	Ability to obtain and keep clients	16	Library legal research
17	Computer legal research	17	Understanding and conducting litigation

Table 4 provides a comparison of the importance that lawyers attribute to the 17 skills originally identified by the *MacCrate Report* (ABA 1992). From 1993 through 2000, communication skills lost their prominence to the thinking skills, *viz*. the ability to diagnose

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and plan solutions for legal problems and ability in legal analysis and legal reasoning. However, it should be conceded that these thinking skills are obsolete without being able to communicate them effectively.

Another important inference from the data in Table 4 is the relative unimportance of procedural and substantive law in relation to other skills. This trend is confirmed by the *MacCrate Report* data in Table 1. Opinions of lawyers, hiring partners, and partners who consider promotion in 1993 correspond with opinions of lawyers in 2000 who rank knowledge of procedural and substantive law 13th and 14th respectively. Does this imply that legal content is subordinate to legal language acquisition? Conversely, it may be asked whether content is merely the vehicle or the contextualizing agent for legal language instruction.

Following the *MacCrate Report* (ABA, 1992) and the studies by Garth and Martin (1993) and Sonsteng and Camarotto (2000), Munneke reevaluated the significance of a skills-based law school curriculum. A decade after the publication of the *MacCrate Report* (ABA 1992), Munneke (2001) revised the list of skills to include six categories:

i. *Dispute resolution skills* refer to both representational capacity and non-advocacy, for example transactional practice.

ii. *System analysis* articulates the skills involved in the legal delivery system. Because law functions within a self-maintained system and society, these include skills such as the sequencing of tasks and communicating responsibilities (Munneke 2001: 148).

iii. *Organization and management skills* include a host of skills not sufficiently detailed by the *MacCrate Report* (ABA 1992). Munneke (2001: 139-145) extends this category of skills to include such organizational and management skills as time management, file keeping, project management, entrepreneurial and marketing skills, and technology and information management. In response to Mendel-Meadow's (1994) critique that the *MacCrate Report* (ABA 1992) neglects the human aspects of lawyering, Munneke (2001: 146-147) adds human relations as a category within organizational and management skills. Human relations include as essential skills team building and collaboration, delegation and supervision, and sensitivity to diverse cultures. These skills reflect and reiterate the interactions of the global legal discourse community.

iv. In conjunction with sensitivity toward diverse cultures, *economic modeling and forecasting* reflect the participation of lawyers on the global economic stage. For financial reasons, lawyers cannot afford to limit their business foci to microeconomic and domestic markets only (Munneke 2001: 148).

v. *Adaptability and innovation* build on cultural sensitivity and economic modeling. To be adaptable and innovative means to negotiate cultural and economic diversity and to solve problems through innovation (Munneke 2001: 149).

vi. *Career development as a skill* parallels the *MacCrate Report* (ABA 1992) paradigm of a continuum of professional development. This evolution of lawyering skills is confirmed by the Garth and Martin study (1993) that indicates which skills are considered most valuable by junior practitioners, hiring partners, and for promotional purposes (see Table 3).

According to Munneke (2001: 153), "[l]aw schools may need to develop multiple curricula for litigation, transactional and multidisciplinary practice" because graduating generalists

may become an obsolete practice. Law schools should not only impart lawyering skills, they should use these skills in their own conduct to find adaptable and innovative ways to reformulate and (re)create curricula that answer to domestic and global academia and professional needs. Similarly, law schools should take ethical, intellectual, and strategic initiative to meet the future of legal education: "It will not be enough to sit in the ivory tower and hurl criticism of lawyers, judges and the legal system from the intellectual parapets" (Munneke 2001: 153).

The fundamental skill of thinking like a lawyer

In 2005, skills-based pedagogy for law school received substantial endorsement by the ABA. The ABA mandated comprehensive skills training through *Standard 302* with an acute focus on productive, communicative skills that reinvigorated the discussion and development of *thinking like a lawyer* (Katz 2008: 913).[xv]

According to Garth and Martin (1993: 110), lawyers from different law schools who practice law in either rural or metropolitan areas of the United States agree that the ability to *think like a lawyer* is the most important *skill* acquired in law school.[xvi] *Thinking like a lawyer* can be described from at least two perspectives: a skills perspective and in terms of a holistic perspective of the legal discourse community.

In the context of skills, to think like a lawyer can be described as the gathering of facts, the ability to arrange facts to apply to concepts, and the legal hermeneutic ability to interpret and understand the meanings of legal texts accurately (Garth & Martin 1993: 110). Therefore, *thinking like a lawyer* is a skill associated with excellent analytical thinking (Douglas 2015: 59; Mertz 2007: 3). Yet, such a one-dimensional view limits the scope of *thinking like a lawyer* to the cognitive analytical skill also referred to as legal reasoning.

Miller and Charles (2009) deconstruct the thinking dimension by identifying the subsidiary thinking skills needed for the IRAC-framework of analysis. Table 5 outlines the subsidiary skills needed to apply the IRAC-framework successfully.

[xv] The House of Delegates of the ABA concurred on the revisions of Standard 302 in February 2005. *Standard 302* applies to accredited law schools graduating students from 2009 onward (see Katz 2008: 912; Edelman 2010: 113). *Standard 302* (ABA 2007) is entitled "Curriculum" and stipulates:

(a) A law school shall require that each student receive substantial instruction in:
  (1) the substantive law generally regarded as necessary to effective and responsible participation in the legal profession;
  (2) legal analysis and reasoning, legal research, problem solving, and oral communication;
  (3) writing in a legal context, including at least one rigorous writing experience in the first year and at least one additional rigorous writing experience after the first year;
  (4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and
  (5) the history, goals, structure, values, rules and responsibilities of the legal profession and its members.

(b) A law school shall offer substantial opportunities for:
  (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence;
  (2) student participation in pro bono activities; and
  (3) small group work through seminars, directed research, small classes, or collaborative work.

[xvi] Because of the diversity of modern legal practice, Aaronson (2002: 6-7) argues that it is more apt for lawyers to think like "foxes." The narrow perspective instilled by traditional legal education does not nourish the variety of intelligences that lawyers need in practice.

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Table 5. *Subsidiary skills of the IRAC-framework (Miller & Charles 2009)*

Conceptual skills	Legal skills	Evaluating skills
• Conceptualizing • Reasoning • Generalizing • Specifying • Hypothesizing	• Deducing • Inducing • Abducing	• Evaluating • Contrasting • Scaling • Satisfying • Weighing • Quantifying

One of the original authors of the *Carnegie Report*, Wegner, provides a more holistic description of *thinking like a lawyer* that accounts for its multidimensionality. Wegner (2009: 892-893) characterizes *thinking like a lawyer* as "[…] a predicate to knowledge about the law, as well as a new way of knowing. It reflects a new theory of knowledge (epistemology), with daunting challenges for students who typically do not even realize that they have a theory of knowledge." Wegner's (2009: 892) holistic description of *thinking like a lawyer* accounts for the following dimensions:

i. a distinct kind of *thinking* or reasoning that is positioned in legal contexts that expose the needs and purposes of lawyers;
ii. *content* and dynamics, such as legal precedents, an evolving society, and mediations within the legal system; and
iii. specific *players* with related parts, obligations, and norms.

Holistically viewed, *thinking like a lawyer* manifests the legal epistemology that consists of multiple skills (perhaps multiliteracies) and intelligences. The *Carnegie Report* (Sullivan et al. 2007) synthesized data collected though interviews with first-year law students and law teachers to apprehend the five fundamental themes associated with this compound and complex skill. These themes include (1) learning about reasoning and routine; (2) reconstructing knowledge; (3) developing legal linguistic skills; (4) inhibiting legal territory; and (5) learning about lawyers.

Learning about Reasoning and Routine

Legal reasoning is fundamental to the skill of *thinking like a lawyer*. Legal reasoning depends on the ability to question, to internalize the questioning process, and to make appropriate decisions or judgments (Cassidy 2012: 1523; Jennison 2013: 670). This questioning process is reiterated in legal pedagogy, legal practice, and legal research. Through the Socratic and Langdellian methods, students are introduced to the dialogic questioning process. In legal practice, cross-examination and direct examination illustrate the application of routinized questioning techniques. In addition to repeatedly constructing questions, legal reasoning also depends on developing a routine. Routinized questioning turns are illustrated by courtroom practices but manifest in legal education as well. The IRAC-method of case analysis illustrates such routine (Wegner 2009: 897).

However, learning about reasoning and routine is not sufficient as metacognitive mindfulness creates "awareness and regulation of thinking, reasoning, and learning" (Preston, Stewart, & Moulding 2014: 1059). Traditional pedagogies cannot impart metacognitive skills, as they require learning techniques such as storytelling or journal writing to reflect on *how* reasoning and learning occurred as opposed to traditional techniques that assess *what* students learned (Preston et al. 2014: 1059). Douglas (2015: 57) argues that a traditional conception of

thinking like a lawyer contributes to the psychological distress of law students because traditional legal education emphasizes rational, analytic thinking and adversarial problem solving. Therefore, in addition to metacognitive mindfulness, emotional intelligence is drawn into the equation of *thinking like a lawyer* (Douglas 2015: 56; Martin 2014: 3-4).

Reconstructing Knowledge

Reconstructing knowledge hinges on the first professional apprenticeship proposed by the *Carnegie Report* to teach legal doctrine and analysis as this initiates a developmental journey of reconstructing knowledge (Sullivan et al. 2007. Reconstructing (legal) knowledge in ways that are different from what students are used to instill epistemological incongruence. Contrary to the notion that law students receive knowledge in a top-down transfer, legal knowledge is dialectically and dialogically constructed because law is inherently "gray" (Wegner 2009: 903), since it is negotiated. It is for this reason that Jennison (2013: 670) argues that law students only need basic knowledge of the field because legal knowledge is shaped through a process of evidence and argumentation.

> *The developmental trend that is thus apparent [...] suggests that such epistemological phase shifts may be closely related to development of capacities for abstract forms for reasoning, dissatisfaction with existing beliefs, and identification of intelligible and useful alternatives that can be linked to earlier conceptions, motivation and context"* (Wegner 2009: 903).

The reconstruction of knowledge is also the reconfiguration of legal epistemology, and legal epistemology is inseparable from legal language.

Developing Legal Linguistic Skills

Legal language is ontological and epistemological as it creates and determines multiple realities, truths, and forms of knowledge. Law is profoundly linguistic and its language extraordinarily powerful. Mellinkoff illustrates the power of legal language by stating: "What better way of preserving a professional monopoly than by locking up your trade secrets in the safe of an unknown tongue" (in Tiersma 2013: n.p.). Gibbons (1999: 156) eloquently describes the omnipotence of legal language:

> *Laws are coded in language, and the processes of the law are mediated through language. The legal system puts into action a society's beliefs and values, and it permeates many areas of life, from a teacher's responsibilities to a credit card agreement. The language of the law is therefore of genuine importance* […]."

Mertz (2007) articulates the legal linguistic epistemology of *thinking like a lawyer* cogently in *The language of law school: Learning to think like a lawyer*. The title denotes the connection between language used in law schools and how legal language influences students' reasoning. Mertz (2007: 3) argues that the distinctive "legal ways of approaching knowledge" (legal epistemology) affect the ways in which legal discourse communities use language, and the use of language in turn affects "law's democratic aspirations." Therefore, moral, linguistic, and/or intellectual challenges postured by legal knowledge, legal language, and/or legal content are inseparable.

Bhatia and Candlin (2008: 127-143) illustrate this inseparability in terms of how the major developments in sociolinguistics and law and society have permeated the understanding of legal language and indeterminacy. Because legal writing is exceedingly intertextual and because hermeneutics could be described as an interdiscursive activity, the comprehension of legal texts requires reference to the socio-political intentions of the text. Therefore, "legal interpretation based on purely syntactic information can be misleading, and […]

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interpretation often relies on a consideration of socio-pragmatic factors lying outside specific linguistic textualisations" (Bhatia & Candlin 2008: 138). The "trade secrets" of law are not just locked up in its lexis, syntax, and semantics; this "unknown tongue" is intertextual and interdisciplinary par excellence, hence the notion that it is initially a foreign language to all.

Legal language instruction gained increasing traction in law schools around the world, through endeavors such as the Plain Legal Language movement (Williams, 2004: 116) and English for Academic Legal Purposes (Prinsloo 2015). English linguistic skills in particular are important because they mediate and provide access not just to the legal discourse community but also to the "standardized global curriculum" (Spring 2008: 351). Prinsloo (2015: 4) found that legal English textbooks evolved with the ameliorating initiatives. During the 1980s through early 2000s when law school academic support programs responded to the language needs of (foreign) students, legal English textbooks focused predominantly on writing skills and grammar. With the dawn of skills-based pedagogy in the 2000s, legal English textbooks responded with multi-skills instruction that includes communication, thinking, research, and pedagogic skills (Prinsloo 2015: 12).

Command of legal linguistic skills is the *condicio sine qua non* to gain access to the legal community (Hyland 2004: ix). The *Carnegie Report* (Sullivan et al. 2007) quotes an anonymous law professor as relating *thinking like a lawyer* to legal linguistic skills:

> *If you want to be successful in persuading judges, or you want to create a document that would be enforced by judges, there is this community of lawyers and that community has a kind of discourse. You have to be part of that discourse to be effective as lawyers. Hence, on the one hand, it's a kind of analytical ability and, on the other hand, it's socializing students to the way in which law is done, the way lawyers engage in discourse* (in Wegner 2009: 908).

Inhabiting Legal Territory

Thinking like a lawyer means to inhabit a world that is grounded in specificities of facts, problems, players, principles, questions, and routine. In the *Carnegie Report*, a law professor used the following analogy to explain the relation between legal skills and functioning within the legal world: "[law is] like figure skating […] unless you have the skill, you cannot do freestyle. Unless you understand how the system [legal community] works, you cannot deal with the real issues" (in Wegner 2009: 905).

Legal territory comprises at least content knowledge that is acquired through reasoning and the reconstruction of knowledge and membership to the physical and digital legal discourse community. [xvii] According to Swales, a discourse community exhibits the following characteristics:

i. a set of agreed-upon common public goals;
ii. mechanisms for communication among members;[xviii]

[xvii] Digital legal territory manifests, for example, in legal education through online courses (Colbran & Gilding 2014) and the provision of legal services (Rostain, Skalbeck, & Mulcahy 2013). Although the use of technology in law school classrooms is embraced by some (Kozma 2003), it is not accepted *prima facie* by others (Broussard 2008; Caron & Gely 2004). Broussard (2008) provides a brief overview of the pedagogic shift from traditional methods to technology-infused methods, and Caron and Gely (2004: 558) seem to maintain the middle ground since they suggest a combination of traditional teaching methods and new technologies.

[xviii] Morgan (2004: 3) describes these mechanisms as a mutually intelligible symbolic and ideological communicative system.

iii. participatory mechanisms that provide information and feedback through mutual exchange;
iv. use and ownership of at least one genre to further the community aims;
v. interactions that are based on a specialized lexis (e.g. legal terminology); and
vi. a threshold number of community members with a fitting degree of relevant content and discoursal expertise (Swales 2007: 25-27).

Ramanathan and Kaplan (2000: 176) point out that Swales' set of criteria conceptualizes the discourse community as a sub-culture that is guided by "implicit rules and social practices." These rules and practices support the relative stability of the discourse community. Conceptualizing legal education in terms of a discourse community or community of practice increases student professionalism, health, and well being of the profession (Baron & Corbin 2012: 117).[xix] The discourse community requires collaboration with members (e.g. other lawyers and paralegals) and non-members (e.g. social workers and scientists) to solve legal problems (Cassidy 2012: 1518; Jennison 2013: 670).

While relatively stable, the discourse community is malleable because the ideology, genres, membership, and language that provide community coherence are subject to constant change (Morgan 2004: 5). With globalization, the legal discourse community and territory have moved from local jurisdictions to global environments; therefore, "[t]he social, political, economic, and legal consequences of globalization must be better understood and addressed in legal education" (Cassidy 2012: 1522).

Learning about lawyers

Learning about lawyers is the last element identified by the *Carnegie Report* (Sullivan et al. 2007) to constitute *thinking like a lawyer* and is graphically conceptualized in Figure 1.

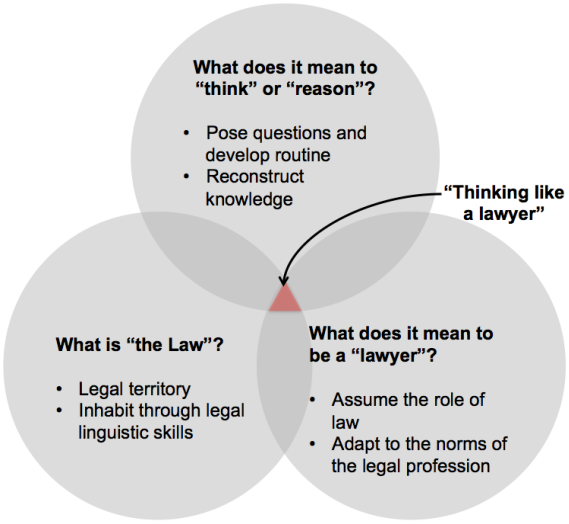

Figure 1. Summary of fundamental themes of *thinking like a lawyer* (adapted from Wegner 2009: 922).

As students are socialized into the legal discourse community through the acquisition of legal linguistic skills, they need to assume different roles and professional identities as lawyers (Martin 2014: 23-28). This entails thinking contextually because law is social. The lawyer

[xix] "[T]he community of practice model presumes the existence of diversity in any group and admits the possibility of dynamic, shifting patterns of participation in multiple (often overlapping) communities" (Garrett & Baquedano-Lopez 2002: 348; also see Baron & Corbin 2012: 109).

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plays the role of the detail-oriented, well-prepared, all-envisioning character, who solves the legal and personal problems of others. Taking on the lawyer-role also involves adopting sociological, psychological, and vocational dimensions of being a legal practitioner (Aaronson 2002: 13). A lawyer has to be able to think on her/his feet, be impatient to get things done, and accept that "there are no clear answers" (Wegner 2009: 916); therefore, intellectual maneuvering comes with the territory and identity.

Such intellectual maneuvering (negotiation, arbitration, and manipulation of truths and realities) is accompanied by inadequate instruction on the norms and principles that should ensure the ethical and moral application of *thinking like a lawyer* (Jennison 2013: 670), and it corresponds with the second and third professional apprenticeships proposed by the *Carnegie Report* (Sullivan et al. 2007). Such principles should be laid down in the legal epistemology. As a first step toward such legal epistemology, students should be instructed on the craft of legal reasoning. In ideal circumstances, "[r]easoning requires and promotes courage, humility, curiosity, independence, stability, order, faith, fair-mindedness, and other attributes of a responsible and wise citizenry" (Miller & Charles 2009: 219). The elements of *thinking like a lawyer* should not be reserved for special courses lest "we marginalize its importance as part of the overall education and socialization of lawyers" across the law school curriculum (Aaronson 2002: 13).

The description of *thinking like a lawyer* clearly illustrates that it extends beyond mere analytical skills (Cassidy 2012: 1516). It is a compound, multidimensional skill that could perhaps more aptly be called multiliteracies. In applied linguistics, *multiliteracies* is a term that was introduced at the first meeting of the New London Group in 1994 to express their approach to literacies pedagogy as influenced by rapid globalization, technological improvements, and increased social and cultural diversity (New London Group 1996: 63). Gee (2009: 196) describes *literacies* as "embedded in multiple socially and culturally constructed practices, not seen as a uniform set of mental abilities or processes." These social and cultural processes are complex as they involve values, behaviors, and interaction with various technologies, objects, spaces, and temporal relations (Gee 2009: 197).

DISCUSSION

As early as 1972, Peden identified three factors that should be considered when the all-encompassing law school curriculum is advocated. Peden (1972: 383-384) argues: (1) law school cannot gratify all the needs for all the potential roles that students will perform; (2) students embark on diverse, unknown career paths; and (3) students in the USA cross state (jurisdictional) borders for education and employment (also see Cassidy 2012: 1526). Preston et al. (2014: 1053) echo a similar though in terms of the unlikelihood of teaching "students all the mental skills they need […]." Today, law graduates perform more roles than ever before, they face increasing career path diversity and uncertainty, and they traverse international jurisdictional borders. Despite the proliferation of the functions and roles of lawyers and the increased turmoil and migration caused by globalization, Peden (1972) does not argue that the status quo should endure but that the limitations of legal education should be recognized. The current limitations (and the possibilities) are signaled by the ameliorating initiatives and what law schools can accomplish with the creative integration of these enterprises.

Parts I and II of this study propose that law schools need to integrate the ameliorating initiatives once their pedagogic challenges have been identified. This discussion section initiates the first steps toward such holistic integration. Firstly, it integrates all the skills identified through skills-based pedagogy within a framework of the fundamental skill of

thinking like a lawyer. Secondly, it integrates the four primary ameliorating initiatives reviewed in Parts I and II and contextualizes them in the globalization narrative.

A skills-based pedagogic thread to *think like a lawyer*

The five tenets of *thinking like a lawyer* can be used as a conceptual framework. As such, one could qualitatively sort the skills identified through skills-based pedagogy (the *MacCrate Report*, Garth & Martin study, Sonsteng & Camarotto study, and Munneke study) into the five main tenets of *thinking like a lawyer* (*Carnegie Report*) to establish overlap and neglect. Because the individual skills described through skills-based pedagogy can perform multiple functions, four of the five main tenets were merged into two categories (see Table 6). For example, the four studies of skills-based pedagogy all identify negotiation and dispute resolution as important skills, but are these skills more concerned with learning about reasoning than reconstructing knowledge? Similarly, the organization and management of legal work is equally concerned with inhabiting legal territory and learning about lawyers. Therefore, because of this conceptual overlap, learning about reasoning and reconstructing knowledge can be paired as category two, and inhabiting legal territory and learning about lawyers can be paired as category three. The merging of categories illustrates the cohesiveness of the skills identified through skills-based pedagogy. This suggests that skills-based pedagogy functions well as a set and could be scaffolded logically across the law school curriculum.

Table 6 illustrates that categories one through three follow relatively scaffolded or sequentially. Without sufficient legal linguistic skills (category one), substantive knowledge may not be easily obtained, analyzed, negotiated, or reconstructed (category two). Similarly, inculcating legal reasoning and knowledge (category two) provides access to the broader scope of legal territory and lawyers in category three. Therefore, legal linguistic skills (category one) perform a crucial, foundational function that provides access to category two and three. Curriculum designers should consider scaffolding the categories of skills across the curriculum. For example, during the first year of law school, legal linguistic skills (category one) should be emphasized and categories two and three during the second and third years respectively. Naturally, this framework should remain malleable according to student needs, curricular requirements, and professional demands.

Proponents of skills-based pedagogy in academia and practice have been criticized for their "pre-occupation with employability" at the cost of educating socially critical citizens (Star & Hammer 2008: 237).

Table 6. *Integration of skills-based pedagogy into thinking like a lawyer*

Skills-based pedagogy	Thinking like a lawyer (Carnegie Report)				
	Category 1	Category 2		Category 3	
	Developing legal linguistic skills	Learning about reasoning	Reconstructing knowledge	Inhabiting legal territory	Learning about lawyers
MacCrate Report					
Fundamental lawyering skills	• Communication	• Legal analysis and reasoning • Problem solving • Negotiation and alternative dispute resolution		• Organization and management of legal work • Recognizing and resolving ethical dilemmas	

Fundamental values of the profession		procedures • Legal research & factual investigation • Counseling and litigation	
		• Providing competent representation	• Striving to promote justice, fairness, and morality • Promoting the profession • Improving professional self-development
Garth & Martin study			
	• Oral communication • Written communication • Drafting legal documents	• Ability in legal analysis and legal reasoning • Negotiation • Counseling and litigation • Legal research skills & fact gathering • Ability to diagnose and plan solutions for legal problems • Knowledge of substantive law and procedural law • Computer legal research	• Organization and management of legal work • Sensitivity to professional ethical concerns • Ability to obtain and keep clients • Instilling others' confidence in you
Sonsteng & Camarotto study			
Well-prepared	• Written communication • Oral communication	• Ability in legal analysis and legal reasoning	• Sensitivity to professional ethical concerns
Not well-prepared	• Drafting legal documents	• Negotiation • Fact finding • Counseling • Ability to diagnose and plan solutions for legal problems • Knowledge of procedural law	• Ability to obtain and keep clients • Organization and management of legal work • Instilling others' confidence in you
Munneke study			
		• Dispute resolution skills • System analysis • Economic modeling and forecasting	• Organization and management skills • Adaptability and innovation • Career development

Table 6 indicates that *thinking like a lawyer* is a hypernym that subsumes skills-based pedagogy; it also illustrates that *thinking like a lawyer* extends beyond skills as it provides the underpinnings of a legal ontology and epistemology. Learning about lawyers and inhabiting legal territory engenders the moral and ethical compasses of the legal discourse community as these skills tend to address large curricular issues, such as the emphasis on abstract theory, conformity as legal epistemology, and disputed assessment methods (see Figure 2).

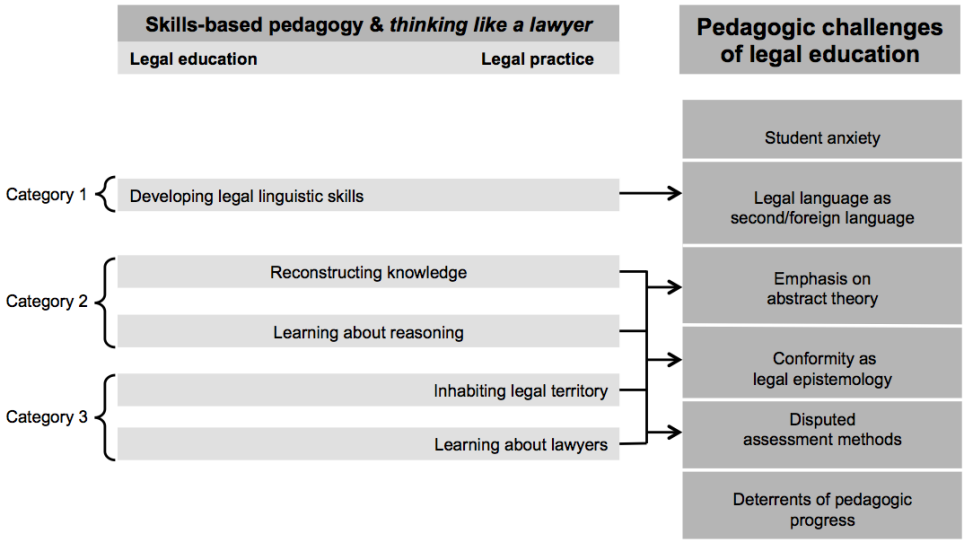

Figure 2: An evaluation of thinking like a lawyer

Because thinking like a lawyer is intimately concerned with bridging the gap between academia and practice, the three categories of five tenets can also be scaled on a continuum with legal education and legal practice at opposite ends. Figure 2 illustrates that category one is mostly concerned with legal education as legal language initially provides access to legal education and eventually to the legal discourse community and legal practice. Category two initiates the transition from academia to practice as knowledge and reasoning skills become increasingly applied. Category three is mostly concerned with issues related to legal practice as students begin to inhabit legal territory and assume the lawyer identity as their personal and professional ontologies and epistemologies mature.

Legal ontology and epistemology emanates from legal language (Mertz 2007), hence the skills-based emphasis on linguistic intelligence in law school. However, as Douglas (2015: 56) and Martin (2014: 3-4) point out, other forms of intelligence need to be utilized to restrain the pedagogic challenges of law school, such as psychological distress and disputed assessment methods that can benefit from the use of multiple intelligences. It is, therefore, imperative that *thinking like a lawyer* integrates with the other ameliorating initiatives so as to weave a comprehensive, holistic network of ameliorating initiatives.

A Network of Ameliorating Threads for Global Legal Education

The holistic integration of the ameliorating initiatives merges Parts I and II of the integrative review. Figure 3 positions the ameliorating initiatives relative to their diachronic origin and their continued development. Collectively, the ameliorating initiatives address all the identified pedagogic challenges of legal education, with the exception of the deterrents of pedagogic progress. Curriculum designs that encounter challenges in law schools can coordinate their solutions by drawing on the strengths of the individual ameliorating initiatives to achieve an integrated solution. For example, while skills-based pedagogy may be favored for its functional approach, it would behoove curriculum designers to consider

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input from all the ameliorating initiatives to resolve issues related to student anxiety, such as stress induced by traditional teaching methods. The stress associated with the dialogic nature of the Socratic method could be resolved through a combination of least four perspectives:

i. CLE would suggest a more experiential approach as it embraces pedagogic pluralism outside a classroom.

ii. Pedagogic principles could be used to increase student-faculty contact, which in turn could defuse the stress related to the competitive classroom environment and questioning strategy.

iii. The metacognitive processes cultivated through LSASP could strengthen linguistic skills that would make the response to questions less stressful.

iv. Skills-based pedagogy inculcates analytic thinking strategies that could be used to formulate coherent answers that could enhance student confidence.

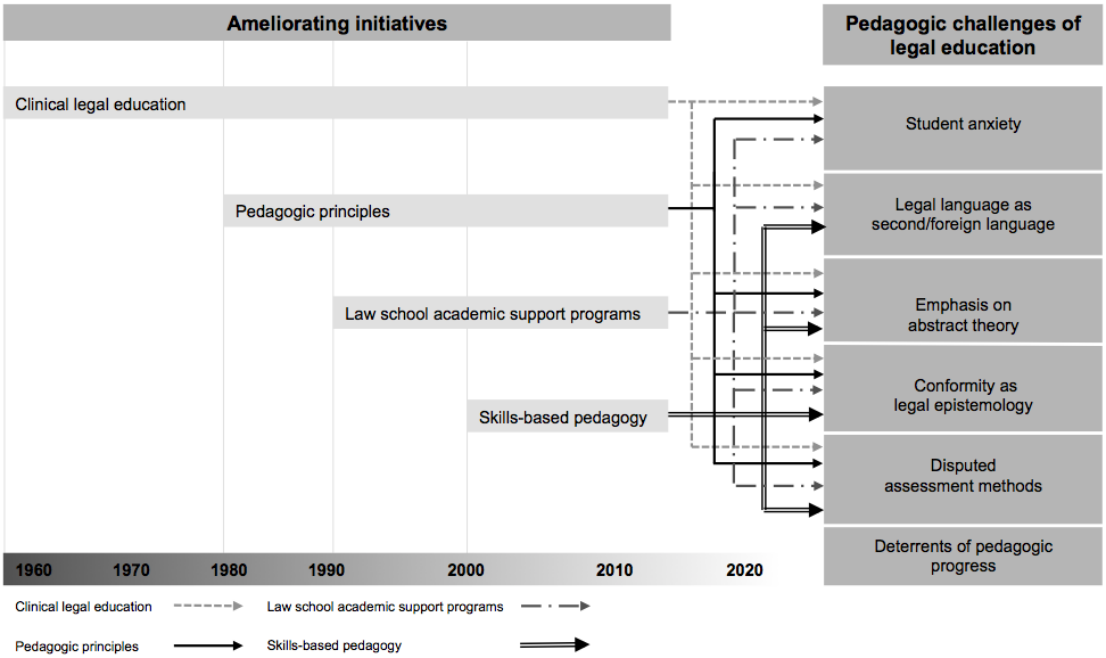

Figure 3: Holistic integration of ameliorating initiatives for legal education

This holistic perspective illustrates that curricular challenges could be approached from multiple ameliorating perspectives to create more invigorating and nourishing learning instances and environments. As globalization diversifies law schools and legal education, these multiple ameliorating perspectives become increasingly useful and important. As such, the globalization of international legal education and the use of ameliorating initiatives need to be considered thoughtfully.

As the integrative review inductively continued to assume a more holistic perspective, the three major thematic threads of Parts I and II can be tied together. Figure 4 juxtaposes the diachronically reviewed ameliorating initiatives and the effects of globalization on legal education in relation to the pedagogic challenges identified in Part I. As demonstrated throughout this study, the collection of ameliorating initiatives addresses, to varying degrees, all the pedagogic challenges of legal education with the exception of the deterrents of pedagogic progress. Because the ameliorating initiatives are formulated and implemented with an explicit aim to improve legal education, a predominantly unidirectional pedagogic strategy occurs (represented by the unidirectional, solid lines in Figure 4). Reciprocity could

occur through institutional or student feedback, for instance.

On the other hand, a multidirectional relationship facilitates the dynamics between the pedagogic challenges of legal education and globalization (represented by the multidirectional, solid lines in Figure 4). For example, student anxiety could either be exacerbated or mitigated by demographic diversity. A diverse student population does not necessarily mean that students gain cross-cultural competence. Local students need to engage with international students, and such interaction could to be facilitated through educational initiatives (Silver 2013: 495-496).

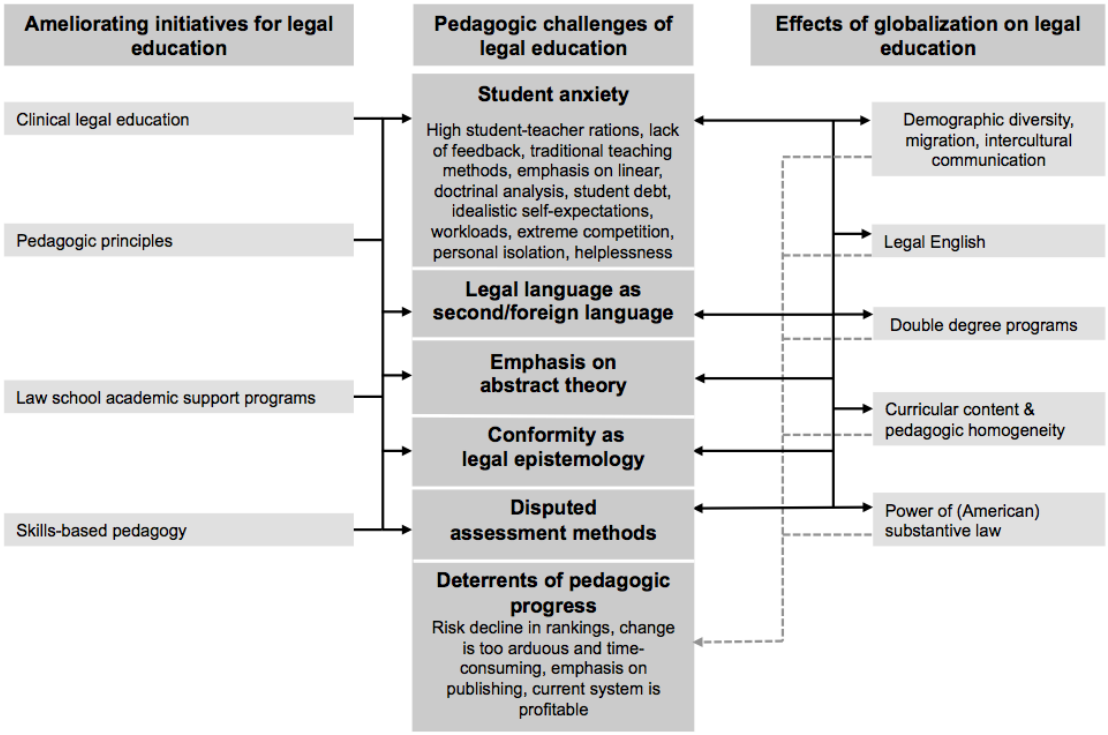

Figure 4: Network of ameliorating threads in the context of global legal education

These multidirectional relations between pedagogic challenges and globalization are facilitated through the process approach in international education. The process approach in international education can assume two strategies: (1) organizational strategies that refer to administration and education policy, and (2) program strategies denote academic undertakings and services (Leask 2001: 101). Drawing on the process to internationalize the University of South Australia, Leask highlights that internationalization of the curriculum involves the "learning process and the development of skills and attitudes within students (including the development of international and cross-cultural understanding and empathy) as much as on curriculum content and the development of knowledge in students" (Leask 2001: 102). Although this understanding comprehensively includes diversity and the learning process, "knowledge *in* students" suggests a cognitive approach to learning. In the context of internationalization, a social approach to learning may be more appropriate because it is community-centered and community-driven. A sense of community is central to all four ameliorating initiatives.

Another example of the relationship between the pedagogic challenges and globalization is the power of (American) substantive law that could contribute to conformity as legal epistemology through the proliferation of American intellectual property law, for instance (see Figure 4). However, individual law schools could offer comparative law courses with legal pluralist or mixed jurisdictional teaching philosophies. Although individual jurisdictions

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determine local law school curricula, Chesterman (2009: 887) argues that "the push for standardization in the global market for legal talent will encourage more states to move in the direction of an American-style J.D. graduate law degree." Similarly, Edley's understanding of "standardization" assumes a unidirectional power dimension when he contends: "I believe the exporting of American legality should be a priority in the decades immediately ahead […]" (Edley 2012: 329).[xx] Within the Australian context, Leask (2001: 104-105) considers "internationally accepted professional credentials" as a criterion for internationalized curricula. However, if standardization is based on a unidirectional model, then the assumed diversity included in "internationally accepted professional credentials" should be questioned?

As noted in Part I, internationalization of this nature is accompanied and proliferated by inherent inequalities that determine the relationship among countries and institutions; for example, the governing universal scientific system, the English language, and new technologies used and directed by Western economies present distinct challenges to emerging nations (Altbach 2015; Spring 2008).

The uni- and multidirectionality of globalization can be understood in terms of three schools of thought that consider the implications of globalization on legal education. The first perspective can be called the diffusion and convergence paradigm that propagates American interests, industries, and values in foreign locations (also known as Americanization) (Silver, Phelan, & Rabinowitz 2009: 1432). For law school it means that global changes are unimportant because lawyers deal mostly with "domestic" concerns. "Proponents of this viewpoint further allege that the modification of legal education is unnecessary, because the global questions are 'merely a matter of translation'" (Grossman 2008: 21). The second perspective deems translation as an inadequate means to negotiate the relationship between lawyer and client. Professional relationships depend on knowledge of the client's cultural principles. This group believes that legal education needs to be modified by increasing global exposure, achieved by adding courses, hiring more international faculty, sponsoring more international academic programs, opening research centers with global connections, and augmenting the number of formal international linkages (Grossman 2008: 21; Attanasio 1996: 311). "But adding new courses taught in traditional ways does not significantly alter legal education" (Chemerinsky 2008: 595). The third perspective proposes a deeper qualitative change in legal education that concerns the goals, objectives, and methods of teaching. In particular, it proposes a more profound focus on skills. The second and third perspectives promote multidirectional influences and could be considered as glocalization or global hybridization (Silver et al. 2009: 1436).

While Edley's unidirectional model for the internationalization of legal education contradicts

[xx] Edley's unidirectional perspective is confirmed through the following citation:

> The general public and U.S. policymakers readily understand that Ph.D. and postdoctoral training in America is prized throughout the world, and is also a major part of America's contribution to the advancement of knowledge and the condition of humankind. We have created communities in the sciences and technology for which the bold lines on political maps are all but visible. What is true in those domains can also be true, in major respects, in a global community of the law. That is the story of pubic interest law and the fall of apartheid in South Africa, and of American lawyers involved in drafting national constitutions when the Soviet Union dissolved. It is the story of growing awareness in China of the importance of intellectual property protections, and of the introduction of a jury system in Japan. It is the story of protests for freedom of speech and against government corruption (Edley 2012: 328-329).

the objectives of the second and third schools of thought on education and globalization, his suggestions for American law schools are equally beneficial to law schools across the globe. Edley (2012: 313) suggests that the American law school of the next century should "(1) embrace a curriculum that prepares law students for careers outside the law; (2) train cross-disciplinary societal problem solvers; and (3) contribute to a new global legal culture that will help bring nations closer together." In a similar vein, Silver (2013: 495) contends that the American law school curriculum should "prepare students to work in global environments." These suggestions are first steps toward curbing the aggravating effects of a diffusion and convergence globalization paradigm on the elusive deterrents of pedagogic progress (represented by the unidirectional, gray, perforated lines in Figure 4).

Internationalizing university curricula is not just about *whom*, *how*, and *what* we teach as Leask (2001: 114) suggests. By not asking *why* we educate, the ontological and epistemological underpinnings of pedagogy are neglected. By not asking *where* we educate, Pennycook's (1989: 613) advice that educators should "strive to validate other, local forms of knowledge about language and teaching" is subverted. Neglect of the local narratives stimulates the (oxymoronic) unidirectional internationalization of legal education. A contemporary notion of the globalization of legal education cannot revert to a Cartesian understanding of intersubjectivity based on the proposition "I think, therefore I am" (Audi 2002: 20). As alternatives, legal education should draw on the sense of glocal, plural communities advocated by the ameliorating initiatives. As illustrated by the following examples, the sense of intersubjective, glocal communities is socio-culturally and disciplinary neutral and thus perhaps intrinsic to the human condition: The phenomenological philosophy of Merleau-Ponty recognizes intersubjectivity as "the presence of others in myself [and/] or of myself in others" (Cunliffe 2008: 129). The African philosophical concept *ubuntu* postulates that I am because of you (Nafukho 2006: 408). Atticus Finch's sagacity in *To Kill a Mockingbird* ponders: "[…] you never really know a [wo]man until you stand in [her] his shoes and walk around in them" (Lee 1993: 279).

CONCLUSION

This two-part holistic, diachronic, integrative review navigated an ornate period in the history of ameliorating initiatives for legal education from approximately 1960 through 2016. The intention was not to eradicate all legal educational challenges, for such an endeavor margins on the impossible, but rather to create a holistic understanding of how these challenges can be met through CLE, pedagogic principles, LSASP, and skills-based pedagogy.

The review has revealed that CLE promotes both legal education and legal practice through heuristic and experiential learning modalities. While CLE addresses the full spectrum of pedagogic challenges identified for this study, it seems to neglect legal language instruction and the deterrents of pedagogic progress. It was found that pedagogic principles explicitly emphasized "good practices" for legal education that could eventually lead to professionalism. Pedagogic principles assume a student-centered pedagogy that suggests practical measures to improve the law school experience, yet it occurs without an explicit focus on legal language and deterrents of pedagogic progress. The analysis of LSASP indicated a keen pedagogic focus on legal education with particular emphasis on legal language. This focus on legal language, in particular, English, accompanies student and law school needs because of increased demographic diversity as a result of globalization. Similar to LSASP, skills-based pedagogy (*thinking like a lawyer*) addresses legal language skills but neglects the deterrents of pedagogic progress (see Figure 4).

An integration of the ameliorating initiatives with the effects of globalization on legal

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education has exposed the unidirectional, reactionary nature of ameliorating initiatives to pedagogic challenges and the multidirectional, reciprocal relation between globalization and pedagogic challenges. This suggests a predominantly retroactive methodology for ameliorating initiatives that validates the necessity of this study as a proactive, holistic perspective. While a diffusion and convergence paradigm of globalization could exacerbate the deterrents of pedagogic progress, a glocalized, intersubjective, community-oriented form of globalization is proposed for the internationalization of legal education. This overarching objective is in agreement with the research design that supports a complex, social-systemic ontology.

Ironically, this complex, social-systemic ontology poses as possible limitation. Although it seeks to unravel, unpack, and (re)integrate the whole, the whole is much too encompassing and evolutionary to apprehend. Therefore, the review of the six major pedagogic challenges, the four ameliorating initiatives and their propositions and tenets, and the five primary effects of globalization on legal education present a temporary or cross-sectional reification of "a global labyrinth of ameliorating initiatives".

In spite of inviting labyrinthine pedagogic, legal, and global influences, the complex, social-systemic ontology serves as the impetus for additional research. For example, the complexity of *thinking like a lawyer* as a set of multiple skills urges a pedagogic investigation of its intersection with multiliteracies and multiple intelligences pedagogy. Such investigation could assume data collection through interviews with law school faculty to gain emic pedagogic insights. This could contribute to a robust pedagogic underpinning for *thinking like a lawyer*. Additionally, the deterrents of pedagogic progress are not endemic to legal education and law schools; they are symptomatic of higher education in general. While scholarship debates these deterrents, scholarship has not made significant headway from the perspective of the ameliorating initiatives. Such research would simultaneously contribute to the global corpus of legal pedagogic scholarship and enlarge the sprawling labyrinth of ameliorating initiatives.

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