

FORGING CROSS-BORDER CONNECTIONS THROUGH SCHOLARLY WRITING

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I. INTRODUCTION

Spring 2020 brought a new “normal” for students and faculty worldwide.¹ The global coronavirus pandemic caused many educational institutions to abruptly shut their doors; consequently, they were forced to critically think about how to continue delivering quality instructions to their students.² The uncertainty of when the coronavirus pandemic would end loomed like a dark cloud.³ Some schools took an extended break to

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1. See Trevor Mutton, *Teacher Education and Covid-19: Responses and Opportunities for New Pedagogical Initiatives*, 46 J. EDUC. FOR TEACHING 439, 439 (2020).

2. See Emma Dill et al., *As Coronavirus Spreads, the Decision to Move Classes Online Is the First Step. What Comes Next?*, THE CHRON. OF HIGHER EDUC.: NEWS, <http://www.chronicle.com/article/as-coronavirus-spreads-the-decision-to-move-classes-online-is-the-first-step-what-comes-next/> (May 7, 2020, 8:11 AM).

3. See *id.*

strategize how to best deliver instruction, while others immediately moved to online teaching using various online platforms.⁴

In April 2017, three years prior to the start of the pandemic, Howard University and The University of the West Indies signed a Memorandum of Understanding (“MOU”), memorializing the framework for collaboration between both institutions.⁵ Howard University (“Howard”), a historically black college and university (“HBCU”), is located in Washington, D.C. and The University of the West Indies (“The UWI”) is a regional, Caribbean-based university which serves seventeen countries and territories within the English-speaking Caribbean region.⁶ The UWI has five physical campuses: the Mona Campus located in Jamaica, the Cave Hill Campus located in Barbados, the St. Augustine Campus located in Trinidad and Tobago, the Five Islands Campus located in Antigua and Barbuda, and a virtual campus—the Open Campus.⁷ The primary goal of the MOU between Howard and The UWI is to “develop the academic research links/collaboration and cultural interchange” between the institutions.⁸ As such, each institution agrees to assist the other with “teaching, research, exchange of faculty and students, cultural exchange and staff development, as deemed beneficial by the two institutions.”⁹

It is no surprise that both institutions chose to collaborate.* Howard is the premier HBCU in the United States, it ranks in the top 100 national institutions¹⁰ and has educated several Caribbean luminaires and leaders, some of whom are also UWI graduates.* The UWI is the premier university

4. *See id.*

5. Memorandum of Understanding between Howard Univ. and Univ. W. Indies (Apr. 2017) (on file with author). The MOU was signed by President Wayne A.I. Frederick, President of Howard University and Sir Hilary Beckles, Vice Chancellor of the University of the West Indies.

6. The Caribbean countries and territories served by The UWI are: Anguilla, Antigua and Barbuda, The Bahamas, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Dominica, Grenada, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and Turks and Caicos Islands. *See Territories: Anguilla*, UNIV. OF THE W. INDIES, <http://www.uwi.edu/anguilla.asp> (last visited May 12, 2021).

7. *About the UWI*, THE UNIV. OF THE W. INDIES: HISTORY & MISSION, <http://www.uwi.edu/history.asp> (last visited May 12, 2021).

8. Memorandum of Understanding, *supra* note 5.

9. *Id.*

10. Howard University ranks 80th among national universities. *See Howard University Rankings*, BEST COLLEGES, U.S. NEWS AND WORLD REPORT., <http://www.usnews.com/best-colleges/howard-university-1448/overall-rankings> (last visited May 12, 2021).

in the Caribbean.¹¹ It ranks in the top 100 Golden Age Universities Rankings (2020), eighteenth in Latin American Rankings (2020),¹² and first in the Caribbean.¹³ The UWI is "[o]ne of only two regional universities in the world."¹⁴ With nine global centers across North America, Latin America, Europe, Africa, and Asia, The UWI is also "one of the world's most globalized universities."¹⁵

The various schools and colleges within these two institutions worked on ways to collaborate.¹⁶ Howard University School of Law ("Howard Law") and The UWI Faculty of Law at Mona Campus (Jamaica), also referred to as "MonaLaw", formed teams to establish and execute a collaboration plan.¹⁷ As a matter of priority, Howard Law and MonaLaw would focus on: (a) faculty exchange programs to include research activities and/or guest lecturing; (b) joint online course development and teaching at both undergraduate and graduate levels; (c) joint supervision of research students; (d) student exchange programs or study abroad activities; (e) collaboration in distance education; and (f) organization of joint seminars, conferences, workshops, training initiatives, and academic meetings.¹⁸ The faculty exchange started in earnest when Dean Danielle Holley-Walker and

11. TIMES HIGHER EDUCATION (THE) WORLD UNIV. RANKINGS, *The University of the West Indies*, <http://www.timeshighereducation.com/world-university-rankings/university-west-indies> (last visited May 12, 2021).

12. *Id.*

13. *See id.*; *Latin America Rankings 2020*, TIMES HIGHER EDUCATION (THE) WORLD UNIV. RANKINGS, http://www.timeshighereducation.com/world-university-rankings/2020/latin-america-university-rankings#/page/0/length/25/sort_by/rank/sort_order/asc/cols/undefined (last visited May 12, 2021).

14. *The University of the West Indies*, THE WORLD UNIV. RANKINGS, <http://www.timeshighereducation.com/world-university-rankings/university-west-indies> (last visited May 12, 2021).

15. *The University of the West Indies*, *supra* note 14. At present, The UWI has nine global centers, namely in Nigeria, South Africa, China, Colombia, Cuba, Canada, USA, and two centers in the UK, making it one of the most globalized universities in the world. *Id.*; *see also Best 'Golden Age' Universities*, THE STUDENT (June 24, 2020), <http://www.timeshighereducation.com/student/best-universities/best-golden-age-universities>.

16. *See* Memorandum of Understanding, *supra* note 5.

17. In the late spring of 2018, a team from The UWI, former Dean of MonaLaw, Dr. Leighton Jackson and Ms. Marjorie Henry visited Howard Law. The team from Howard Law included Dean Danielle Holley-Walker, Associate Dean Reginald McGahee, and Director of Legal Writing Program, Sha-Shana Crichton. During this visit, the teams explored possibilities of collaboration between the two institutions in the context of the Howard-UWI MOU.

18. Letter of Intent between Howard Univ. Sch. L. and Univ. W. Indies Faculty of L. at Mona Campus (on file with author).

her team from Howard Law visited MonaLaw in February 2019.¹⁹ A series of events were organized by MonaLaw to introduce the Howard Law team to the MonaLaw faculty members and students.²⁰ Dean Holley-Walker delivered a public lecture entitled “The Barriers and the Promise of Women Ascending to Leadership in the Legal Profession” which reached not only students and faculty members of MonaLaw and the Mona Campus, but also members of the Jamaican legal profession and the general public.²¹ Associate Dean Reginald McGahee spoke to the students about cross-border studies and Sha-Shana Crichton did two presentations: one to the MonaLaw students on Scholarly Writing and another to the faculty on Incorporating Cultural Competence in Instruction.* She was scheduled to do a series of Scholarly Writing Workshops at MonaLaw in the context of the third-year course Supervised Independent Research Paper coordinated by Dr. Ramona Biholar when those plans were derailed because of the pandemic.*

Both universities’ commitment to continuing instruction with minimal disruption to students fostered a quick transition to online instruction and learning.* As a result, we were able to reschedule and deliver the Workshop online within the semester.* Encouraged by the success of the online Workshop and honoring the charge under the MOU for cross-institution collaboration, we met online several times over the summer to discuss collaborating on joint seminars, conferences, workshops, and research projects.²² We each teach scholarly writing and supervise student scholarly writing projects, and in 2019 we had discussed creating a Scholarly Works-in-Progress Workshop where the students could present their works-in-progress and get feedback.* One of the most critical hurdles anticipated while planning the Workshop was funding to cover the travel and accommodation costs for students and faculty.* We agreed that until funding was available, the Scholarly Works-in-Progress Workshop would remain on our wish list.*

Based on the student-feedback regarding the Scholarly Writing Workshop, another was scheduled for the early fall of 2020.* Again, it was all conducted online.* Clearly impressed by the students’ level of preparation, interesting topics, and thoughtful questions, we discussed

19. The team from Howard Law included Dean Danielle Holley-Walker, Associate Dean Reginald McGahee, and Director of Legal Writing Program, Sha-Shana Crichton.

20. The MonaLaw team included Dean, Dr. Shazeeda Ali, Associate Dean, Dr. Ramona Biholar and her Outreach and Continuing Legal Education Team.

21. *MonaLaw Public Lecture — The Barriers and Promise of Women Ascending to Leadership in the Legal Profession*, THE UNIV. OF THE W. INDIES AT MONA, JAM., <http://www.mona.uwi.edu/marcom/ecalendar/events/7308> (last visited May 12, 2021).

22. We used various modes to connect including, Zoom, WhatsApp, and email. See Memorandum of Understanding, *supra* note 5; Letter of Intent, *supra* note 18.

avenues to get the students published during one of our debriefing meetings.* To note, the students had expressed great interest in getting their work published during the Scholarly Writing Workshops.* Thinking of how to create an environment where the students can practice showcasing their work, we decided to organize a virtual Scholarly Works-in-Progress Workshop.* After all, we had a few months of practice teaching online, so we were confident that we could make this work, and our students being digital natives, were adept at using the online learning platforms.* Most notably, now we would not be hampered by the lack of funding for travel and accommodation.* During one of the most unlikely times, a global pandemic, we launched the first Howard Law-Mona Law Scholarly Works-in-Progress Workshop with the help and enthusiasm of our students.²³

In Part II of this Article, we explore the reasons educational institutions participate in student and faculty exchanges and, in particular international exchanges.²⁴ Part III examines the pedagogical value of teaching scholarly writing.²⁵ Part IV details how we prepared for and executed the Howard Law Scholarly Works-in-Progress Workshop during the global pandemic and addresses the benefits and challenges we encountered.²⁶ Finally, Part V concludes by encouraging law schools to think about creating similar exchanges because of the immense learning opportunities.²⁷

II. INTERNATIONAL STUDENT AND FACULTY EXCHANGES

The benefits of international student and faculty collaborations and exchanges are widely acknowledged.²⁸ In fact, universities began “as truly international institutions.”²⁹ The original universities founded in the thirteenth century trained local and international students and recruited faculty internationally.³⁰ This international focus from the onset became increasingly more valuable as the world moved toward a global marketplace and community.³¹ An increase in international communication, business and

23. See Letter of Intent, *supra* note 18; Memorandum of Understanding, *supra* note 5. Student Aysha Thompson created the flyers announcing the Scholarly Works-in-Progress Workshop.

24. See discussion *infra* Part II.

25. See discussion *infra* Part III.

26. See discussion *infra* Part IV.

27. See discussion *infra* Part V.

28. See Philip G. Altbach & Ulrich Teichler, *Internationalization and Exchanges in a Globalized University*, 5 J. STUD. INT’L EDUC. 6, 15 (2001).

29. *Id.* at 6.

30. *Id.*

31. See *id.*

travel, migration, and the advent of the Internet made it clear that internationalization was inevitable.³² Institutions of higher learning were shepherded toward internationalizing their curriculum to meet the inevitable demand for skilled personnel who understand diversity and could transact business and otherwise operate in a global marketplace.³³

Law schools are expected to train their students to become competent lawyers.³⁴ In the assured new normal of globalization, competence required that law students learn an awareness of different legal cultures and ethical standards,³⁵ understand how different legal systems operate,³⁶ and importantly, develop cross-cultural competence.³⁷

For the most part, American law schools, had yet to embrace globalization lagging behind law firms and other business institutions.³⁸ As a result, in the 1990s, American law schools were encouraged “to internationalize the curriculum and to create global American law schools.”³⁹ Since then, law schools within the United States have sought to create and expand on international experiences for their students and faculty.⁴⁰ This pursuit includes incorporating international law and cross-cultural competency in the curriculum; intentionally seeking to enroll foreign students;⁴¹ creating or increasing opportunities for student and faculty exchanges and cross-border collaboration including international

32. *Id.* at 5.

33. Altbach & Teichler, *supra* note 28, at 6.

34. See Jon Mills & Timothy McLendon, *Law Schools as Agents of Change and Justice Reform in the Americas*, 20 FLA. J. INT’L L. (SPECIAL EDITION) 5, 16 (2008) (commenting that “[l]aw schools have a direct and explicit responsibility to prepare students and legal professionals to be part of the legal community. Inherent to that duty is the need to enrich the cultural and professional knowledge and experience of those who study there. This means not only addressing the specific educational and professional needs in an area of expertise, but helping to develop professionals with a solid understanding of the different transnational and comparative law interactions.”); AM. BAR ASS’N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2019–2020 15 (2019) (requiring American law schools to train law students to become competent lawyers).

35. Rosa Kim, *Globalizing the Law Curriculum for Twenty-First-Century Lawyering*, 67 J. LEGAL EDUC. 905, 910 (2018).

36. See Peggy Maisel, *The Role of U.S. Law Faculty in Developing Countries: Striving for Effective Cross-Cultural Collaboration*, 14 CLINICAL L. REV. 465, 504 (2008).

37. See Bonny L. Tavares, *Changing the Construct: Promoting Cross-Cultural Conversations in the Law School Classroom*, 67 J. LEGAL EDUC. 211, 211 (2017); Abdullah Atalar, *Student Exchange: The First Step Toward International Collaboration*, in SUCCESSFUL GLOBAL COLLABORATIONS IN HIGHER EDUCATION INSTITUTIONS, 63, 63 (Abdulahman Al-Youbi et al. eds., 2020).

38. Kim, *supra* note 35, at 918.

39. *Id.*

40. See *id.* at 921.

41. See Mills & McLendon, *supra* note 34, at 22.

conferences, joint programs, joint research projects and scholarship and so on; and creating or expanding international study abroad programs.⁴²

In contrast, legal education and training in the Caribbean, particularly in the English-speaking Caribbean, have always had a global influence.⁴³ This interrelationship was initially out of necessity because many of the countries were island colonies of Britain.⁴⁴ As a result, lawyers from English-speaking Caribbean nations were trained in the United Kingdom or taught based on a British-influenced curriculum.⁴⁵ Starting in the 1970s, soon after some of the islands were decolonized, legal education moved to the English-speaking region and centered primarily in the region's university and law schools.⁴⁶ Importantly, both the Bachelor of Laws ("LL.B") level and Legal Education Certificate ("LEC") level⁴⁷ have a regional focus as they were designed to provide training for persons wishing to practice law in the English-speaking Caribbean region.⁴⁸ Put simply, legal education in the English-speaking Caribbean embraced a cross-national focus from the onset, as training, and movement of students, transcended national borders.⁴⁹ This regional approach facilitated the development of cross-cultural experiences and competence in the law students, many of whom are of different nationalities.⁵⁰

42. Kim, *supra* note 35, at 919, 928.

43. See Jane E. Cross, *Caribbean Law*, in 1 OXFORD INT'L ENCYC. LEGAL HIST. 368, 368–69 (Stanley N. Katz ed., 2009) (providing an overview of the history of Caribbean Law). See also the regional character of The UWI explained at *supra* note 6 and *supra* note 15.

44. *Id.*

45. *See id.*

46. See *Council of Legal Education*, CARICOM, <http://caricom.org/institutions/council-of-legal-education-cle/> (last visited May 12, 2021); *About the UWI*, *supra* note 7; Jane E. Cross, *Hassle-Free Travel: Myrie v. Barbados and Freedom of Movement in Caricom*, 8 PENN. ST. J.L. & INT'L AFF. 536, 538–39 (2020) (providing a history of Caribbean regional integration).

47. See *Council of Legal Education*, *supra* note 46. In the Caribbean, the Bachelor of Laws ("LL.B") degree, a prerequisite to professional legal training for lawyers in the English-speaking Caribbean, is offered by law faculties, while the Legal Education Certificate ("LEC") that qualifies for practice in the abovementioned region is offered by law schools. *Id.*

48. *Id.*

49. See *Welcome to Mona Law*, THE UNIV. OF THE W. INDIES, AT MONA, <http://www.mona.uwi.edu/law/node/53> (last visited May 12, 2021); *Council of Legal Education*, *supra* note 46.

50. See *Welcome to Mona Law*, *supra* note 49; *Council of Legal Education*, *supra* note 46. The Faculty of Law at the UWI has been the premier legal education institution in the English-speaking Caribbean since 1970. *Council of Legal Education*, *supra* note 46. Other institutions joined in offering legal education, namely University of The Bahamas, which started offering a Bachelor of Laws in conjunction with the UWI since 2000.

Scholars posited that it is almost impossible for any twenty-first-century lawyer to successfully practice law during his or her career without addressing an international legal issue or drawing on his or her knowledge of cross-cultural competence.⁵¹ This notion holds true in private domestic and international practice, and also when a lawyer or law student does public interest work or works with the government or the judiciary.⁵² Assistant Dean for International Affairs at the University of Michigan Law School, Dean Theresa Kaiser-Jarvis, noted that “[s]tudents focused on public interest work . . . [should] be prepared for global legal practice” in part because the world’s humanitarian issues are projected to increase—therefore, requiring cooperation and collaboration among “international, governmental, and non-governmental organizations” world-wide.⁵³ Furthermore, students and lawyers doing public interest work are more likely to work with persons from a culturally, racially, or ethnically diverse background which begets the need for cross-cultural competence.⁵⁴ Similarly, students who are intending to clerk or work for the judiciary also need to address global legal issues.⁵⁵ Not surprisingly, because of globalization, judges increasingly hear cases that involve international issues or have an international impact.⁵⁶

Additionally, a key benefit of student exchanges is the enhanced opportunities for students to build relationships and expand their personal and professional networks.⁵⁷ By participating in a student exchange, students have an opportunity to forge relationships with their peers, faculty and staff

From College to University of the Bahamas: A Noble Legacy, UNIV. OF THE BAH., <http://www.ub.edu.bs/about-us/history/> (last visited May 12, 2021). University of Technology, Jamaica (“Utech”) which launched its LLB program in 2008. *Welcome*, UNIV. OF TECH., JAM., <http://www.utech.edu.jm/academics/colleges-faculties/fol> (last visited May 12, 2021). The University of the Commonwealth Caribbean (“UCC”), a privately held institution formed in 2004, which, as an affiliate of the University of London, offers an LL.B program in Jamaica. *Department of Law: Welcome Message*, UNIV. OF THE COMMONWEALTH CARIBBEAN (UCC), <http://www.ucc.edu.jm/school-of-humanities-law/department-of-law> (last visited May 12, 2021); *Our History*, UNIV. OF THE COMMONWEALTH CARIBBEAN (UCC), <http://www.ucc.edu.jm/about-us/our-history> (last visited May 12, 2021).

51. Jorge A. Ramirez, *International Law Impacts Texas and the Texas Tech School of Law Responds*, 35 TEX. TECH. L. REV. 265, 265 (2004).

52. Theresa Kaiser-Jarvis, *Preparing Students for Global Practice: Developing Competencies and Providing Guidance*, 67 J. LEGAL EDUC. 949, 952, 954 (2018).

53. *Id.* at 954.

54. *See id.*

55. *Id.*

56. *Id.* (explaining that “U.S. Supreme Court Justice Stephen G. Breyer estimates that fifteen to twenty percent of cases require judges to consult facts, laws, or decisions from abroad”).

57. Kaiser-Jarvis, *supra* note 52, at 958.

members, and other persons in the host country.⁵⁸ Relationships, especially positive ones, enhance learning.⁵⁹ Positive relationships engender trust which is the cornerstone of an environment conducive to effective learning.⁶⁰ Also, forging a relationship with persons from another learning environment exposes students to other learning styles, which typically enhance their learning.⁶¹ Another important benefit to students in building cross-border relationships and networks is the ability to share information and collaborate.⁶² In the short term, this is typically helpful to the students while in law school, especially if they are working on projects or topics that involve research or information from the other's country or region.⁶³ Equally important, the relationships and networks can also bring several long-term benefits including good friendships and business opportunities.⁶⁴ Most law students graduate and enter the workforce.⁶⁵ The cross-border relationships and networks that they form during a student exchange will likely become invaluable to their success in a global marketplace.⁶⁶ For example, these relationships and networks can provide opportunities for them to win new business;⁶⁷ collaborate on cases or projects; or simply provide a trusted local contact.⁶⁸

In addition to the students, faculty, and institutions also benefit immensely from student and faculty international collaboration and exchange programs.⁶⁹ First, faculty members often increase their cross-cultural competence by interacting with international students, faculty and persons in the international community.⁷⁰ Second, faculty members teaching courses

58. Alexander H.E. Morawa & Xiaolu Zhang, *Transnationalization of Legal Education: A Swiss (and Comparative) Perspective*, 26 PENN ST. INT'L L. REV. 811, 829 (2008).

59. See Judy Willis, *The Current Impact of Neuroscience on Teaching and Learning*, in MIND, BRAIN, & EDUCATION: NEUROSCIENCE IMPLICATIONS FOR THE CLASSROOM 45, 54 (David A. Sousa ed., 2010) (noting that positive peer interactions and well-planned collaborative groups increase dopamine levels which in turn enhances learning).

60. See Tavares, *supra* note 37, at 220, 221.

61. See Willis, *supra* note 59, at 63.

62. See *id.*

63. See Tavares, *supra* note 37, at 213; Richard Goldman, *Networking: How Successful Lawyers Do It and Why You Should, too*, A.B.A. J. (Jan. 10, 2019, 6:30 AM), http://www.abajournal.com/voice/article/networking_how_successful_lawyers_do_it_and_why_you_should_too.

64. See Goldman, *supra* note 63; Kaiser-Jarvis, *supra* note 52, at 958.

65. See Goldman, *supra* note 63; Tavares, *supra* note 37, at 214.

66. See Goldman, *supra* note 63; Kaiser-Jarvis, *supra* note 52, at 958.

67. Goldman, *supra* note 63 (noting that “[r]elationships are the bedrock of winning and keeping business”).

68. See Kaiser-Jarvis, *supra* note 52, at 958.

69. Kim, *supra* note 35, at 943–44.

70. *Id.* at 944.

based on international legal issues must study those issues, which then enhances their global perspective and makes them better teachers in the international and domestic settings.⁷¹ As with students, faculty can also create and increase personal and professional networks by participating in student and faculty international collaboration and exchange programs.⁷² One of the many benefits of this increased networking is the opportunity to work on joint research collaborations.⁷³ This opportunity not only facilitates the faculty member's professional growth, but it also "bring[s] the two partner universities even closer."⁷⁴

Professor Rosa Kim proposes that law schools encourage and support student and faculty exchange programs and collaboration because of the direct and indirect benefits to law schools.⁷⁵ To start, one of the most visible benefits is the opportunity for law schools to market their brand internationally.⁷⁶ Through student and faculty exchanges, law schools can increase their visibility and influence in the host institution, community, and country and showcase their academic and other programs.⁷⁷ To a large extent, international recognition of the programs law schools offer "is necessary to demonstrate standing as a world-class institution," increases the law school's ability to attract international students, and demonstrates the law school's reputation for preparing "globally competent graduates."⁷⁸

Law schools typically argue that a lack of funding poses the greatest restriction to pursuing student and faculty international exchange programs and collaborations.⁷⁹ International travel, accommodation, and meals can be costly and outside of the schools' budget.⁸⁰ There are also administrative limits including visa restrictions.⁸¹ However, the Internet and the advancements in technology have enhanced the ability to "deliver education across borders"⁸² while keeping costs to a minimum.⁸³

71. *Id.* at 943–44 n.174.

72. *Id.*

73. *See* Atalar, *supra* note 37, at 69.

74. *Id.*

75. *See* Kim, *supra* note 35, at 944.

76. *Id.*

77. Sara Kurtz Allaei, *Building and Maintaining a Global Brand: Higher Education and International Enrollments*, THE EVOLLUTION (June 24, 2016), http://evollution.com/revenue-streams/global_learning/building-and-maintaining-a-global-brand-higher-education-and-international-enrollments/.

78. *Id.*

79. *See* Mills & McLendon, *supra* note 34, at 11–12.

80. *See id.*; Atalar, *supra* note 37, at 64.

81. *See* Atalar, *supra* note 37, at 65.

82. Altbach & Teichler, *supra* note 28, at 19.

83. *See* Margaret Y. K. Woo, *Reflections on International Legal Education and Exchanges*, 51 J. LEGAL EDUC. 449, 455 (2001) (explaining that online learning "may be

III. THE VALUE OF SCHOLARLY LEGAL WRITING

The ability to conduct rigorous legal analysis, build persuasive arguments, and produce critical writing cannot be contested.⁸⁴ It goes without saying that scholarly legal writing is indispensable to students' meaningful study of the law.⁸⁵ Not only does it build skills that law students need to be successful in their law studies and future practice, such as reasoning, research and oral communication, but it also offers them a wholesome learning experience of the law, thus improving learner outcomes.⁸⁶

Typical scholarly legal writing curricula provide students substantial instruction in legal research and analysis, argument building and structure, problem solving, written expression and using authorities, as well as writing with integrity and avoiding plagiarism.⁸⁷ Importantly, facilitating students' engagement in their own research through deeper reflection and active engagement with the material ensures meaningful understanding of the subject matter and the retention of the material.⁸⁸ The personal immersion in research, self-criticism, self-editing, and teachers' critique make scholarly writing an experiential learning exercise which goes beyond examination writing, to which law students are commonly exposed and which only operates well if certain factors are in place: good memory and working well under extreme pressure with little time for self-critique.⁸⁹ After all, students taking scholarly legal writing classes are expected to write extensive research papers over a period of time in which they are expected to: identify a legal

the least costly and most creative way of continuing legal exchanges"); *but see* Raymond J. Friel, *Special Methods for Educating the Transnational Lawyer*, 55 J. LEGAL EDUC. 507, 509 (2005) (noting that "technology cannot replace real-time faculty exchanges").

84. *See* AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF LAW SCHOOLS 143 (1979), <http://thepractice.law.harvard.edu/assets/Lawyer-Competency-The-Role-of-the-Law-Schools.pdf>; Jessica Wherry Clark & Kristen E. Murray, *The Theoretical and Practical Underpinnings of Teaching Scholarly Legal Writing*, 1 TEX. A&M L. REV. 523, 527–28 (2014).

85. Clark & Murray, *supra* note 84, at 526–28; *see also* Stanley B. Baker et al., *Of What Value Is a Scholarly Writing Course for Doctoral Students?*, VISTAS ONLINE 1, 2, 8 (2014), http://www.counseling.org/docs/default-source/vistas/article_25.pdf?sfvrsn=50a07c2c_10.

86. *See* AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, *supra* note 84, at 1, 34; Clark & Murray, *supra* note 84, at 535; Baker et al., *supra* note 85, at 2.

87. *See* Baker et al., *supra* note 85, at 2.

88. *See* Clark & Murray, *supra* note 84, at 527, 537; AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, *supra* note 84, at 14.

89. Clark & Murray, *supra* note 84, at 528; AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, *supra* note 84, at 11.

research topic relevant for further exploration; explain and analyze the technical problems entailed by the research topic; construct solid arguments structured in a logical fashion; identify, employ and explain clearly the methodology (legal or interdisciplinary) that is feasible for their research topic; demonstrate accurate knowledge of the field of law in which the research problem is situated; and ensure clarity of language and expression as well as adequate referencing and quality of research.⁹⁰ Needless to say, students are required to engage in a rigorous process of research, analysis and writing.*

As law studies are generally perceived as practice-oriented studies, training “students to be professionals rather than scholars,” questioning the value of teaching scholarly writing to law students may arise.⁹¹ Its requirements may seem disconnected from the hands-on writing that is necessary in practice.⁹² However, scholarly writing “is not without practical value.”⁹³ Clark and Murray argued that the dichotomy between “practical, client-based writing” and “non-practical, scholarly writing” such as research papers is false.⁹⁴ In fact, the writing demands students must meet for successfully completing a legal research paper, such as systematic research reflected in an in-depth understanding of the research topic, accurately presented content, and structured argument, facilitate the developing and refining of skills necessary for any writing responsibility.⁹⁵ Like oratory, writing is an intrinsic part of the legal profession.⁹⁶

Given that scholarly writing creates an environment of learning by doing, it offers students “active learning experiences: experiences that allow students to solve problems, complete projects, and discover knowledge and

90. UNIV. OF THE W. INDIES, FACULTY OF LAW UNDERGRADUATE STUDENT HANDBOOK ACADEMIC YEAR 2020–2021 71 (2020), http://www.mona.uwi.edu/law/sites/default/files/law/uploads/FOL%20Faculty%20Handbook_Version8Sept2020.pdf [hereinafter HANDBOOK].

91. Ruthann Robson, *Law Students as Legal Scholars: An Essay/Review of Scholarly Writing for Law Students and Academic Legal Writing*, 7 N.Y. CITY L. REV. 195, 195–96 (2004).

92. *Id.* at 210 n.94.

93. Clark & Murray, *supra* note 84, at 535.

94. *Id.* at 535–36.

95. *Id.* at 536.

96. *Id.* at 528, 536–37; *see also* Louis J. Sirico Jr., *Advanced Legal Writing Courses: Comparing Approaches*, 5 PERSPS.: TEACHING LEGAL RSCH. & WRITING 63, 63 (1997); Michael R. Smith, *Alternative Substantive Approaches to Advanced Legal Writing Courses*, 54 J. LEGAL EDUC. 119, 119 (2004); AM. BAR ASS’N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT — AN EDUCATIONAL CONTINUUM 139 (1992).

conclusions for themselves.”⁹⁷ In other words, students are intimately connected with the learning process, making scholarly legal writing experiential in its nature (experiential learning).⁹⁸ Furthermore, scholarly writing is an exercise in student-centered learning: “it supports student autonomy,” facilitates closer interaction between students and teachers, and requires clear directions and prompt, targeted feedback.⁹⁹ “In this way, a research paper has the potential to bridge the gap between experiential learning and doctrinal learning.”¹⁰⁰

By its nature of requiring students to research complex authorities and source materials, unearth information that is critically analyzed and reflected in structured and balanced research papers—scholarly writing plunges students into a form of critical legal thinking “that is unlike the types of analysis required for other forms of legal writing.”¹⁰¹ For that reason, developing *competent lawyering skills* requires law teaching curricula to include training students in legal analysis and reasoning, research, and writing—scholarly legal writing.¹⁰² Also because, as Gopen puts it bluntly, “[b]ad writing actually costs money.”¹⁰³

“[S]cholarly writing offers students the opportunity to develop a . . . [superior command] of an area of law,” which sharpens their awareness of those issues that require further research in that area, strengthens their methods of approaching those issues, and refines their legal analysis, all of which contribute to the strengthening of fundamental cognitive processes and “students’ overall learning and transition to practice.”¹⁰⁴

Considering the rather rigid nature of doctrinal studies, writing scholarly legal papers offers the opportunity for law students to push the limits of their study of the law.¹⁰⁵ Altogether, they learn to inquire, challenge, and ultimately think outside of the proverbial box as regards to the

97. Roberta K. Thyfault & Kathryn Fehrman, *Interactive Group Learning in the Legal Writing Classroom: An International Primer on Student Collaboration and Cooperation in Large Classrooms*, 3 J. MARSHALL L.J. 135, 136 (2009); see also LINDA B. NILSON, *TEACHING AT ITS BEST: A RESEARCH-BASED RESOURCE FOR COLLEGE INSTRUCTORS* 167 (3d ed. 2003); WILBERT J. McKEACHIE ET AL., *TEACHING TIPS: STRATEGIES, RESEARCH AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS*, 120–21 (9th ed. 1994).

98. Thyfault & Fehrman, *supra* note 97, at 136.

99. Clark & Murray, *supra* note 84, at 536–37; see also Baker et al., *supra* note 85, at 8–9.

100. Clark & Murray, *supra* note 84, at 537.

101. *Id.* at 531.

102. *Id.* at 528; see also AM. BAR ASS’N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, *supra* note 96, at 139–44.

103. George D. Gopen, *The State of Legal Writing: Res Ipsa Loquitur*, 86 MICH. L. REV. 333, 362 (1987).

104. Clark & Murray, *supra* note 84, at 537.

105. *Id.*

law, even if this exercise may be difficult for students to imagine at the beginning of the writing journey.¹⁰⁶ Since scholarly legal writing offers in-depth learning of a specific area of law, most of the time of their own choice, students have the opportunity to reflect on their own research interests, search for and determine research topics in various areas of law or interdisciplinary areas that are not necessarily addressed in the curriculum, engage with theories and express their own point of view in ways *unparalleled* in the law curriculum;¹⁰⁷ thus, delving into deeper learning processes.¹⁰⁸

Finally, but maybe most important, students engage in a journey of personal awareness and growth through scholarly writing.¹⁰⁹ Although writing may be generally perceived by many students as an intimidating, lonely, tedious, and overwhelming exercise,¹¹⁰ scholarly writing facilitates introspection and a true discovery of personal talents, skills, and interests, often beyond what is already known to the student.* It can be a reimagining of self and personal capacities for the students—a process “unlike any other in law school, where the student is free to develop her/[his] own ideas, untethered by client expectations or limitations in the law.”¹¹¹

IV. TEACHING SCHOLARLY WRITING ONLINE

“It’s a new dawn, it’s a new day, it’s a new life”¹¹²

There has been some reluctance to online education within the academy,¹¹³ but COVID-19 made this mode of teaching a necessity.¹¹⁴ In fact, the pandemic made online teaching and learning a “hot topic.”¹¹⁵ March 2020 marked a memorable standstill of the traditional, face-to-face, mode of operation of universities and schools across the world.¹¹⁶ Riddled with challenges, the daunting “new normal” imposed by the pandemic also

106. *See id.* at 524–27, 531.

107. Robson, *supra* note 91, at 196.

108. *Id.*; Clark & Murray, *supra* note 84, at 535.

109. *See* Baker et al., *supra* note 85, at 8.

110. Robson, *supra* note 91, at 196.

111. Clark & Murray, *supra* note 84, at 557.

112. NINA SIMONE, *Feeling Good*, Album I PUT A SPELL ON YOU (Philips Records 1965).

113. *See* David I.C. Thomson, *Effective Methods for Teaching Legal Writing Online* 1 (Univ. Denver Sturm Coll. of L., Working Paper No. 08-17, 2008), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1159467.

114. *See id.* at 3; Mutton, *supra* note 1, at 439.

115. *See* Thomson, *supra* note 113, at 1, 5.

116. Mutton, *supra* note 1, at 439.

gave way to a re-thinking of pedagogy, the re-creation of the academic space and sense of community, and opportunities to develop academic connections that otherwise would be difficult outside the online environment.¹¹⁷ Life and work as we knew them were interrupted, leading to a time for reflection for all.¹¹⁸ Educators around the world reflected on their established ways of teaching and reimagined strategies for moving forward.¹¹⁹

Taking a retrospective look at the development of education, the benefits provided by the advancement of technology are significant.¹²⁰ Internet tools such as Zoom, Skype, and so on, have become empowering instruments that have, more than ever before, brought our various localities closer and have made our world more interwoven and interconnected.¹²¹ Paradoxically, in a time of “social distancing,” geographic distance is erased by the online environment.*

Online education is not new.¹²² An older lexicon is “distance education” or “correspondence [education].”¹²³ As Thomson explains, correspondence education was established more than a century ago,

in an effort to provide learning opportunities to those who had no access to the traditional classroom. As an example, during the Second World War, British prisoners of war were allowed to receive textbooks and educational material sent from England. The University of London, through the Red Cross, delivered exams to 17,600 POWs, and between 1940 and 1945, 11,000 exams were taken at [eighty-eight] different camps.¹²⁴

The situation is different today.* Not free of challenges, the internet technology facilitates “distance” education that has increased the adaptability, accessibility, and availability of education in this time of deep disruption.* The Howard Law-MonaLaw student scholarly exchange project, MonaLaw Scholarly Works-in-Progress Workshop, which is the focus of this Article, seized this connectivity potential of online education and it represents an adaptability strategy to make accessible an opportunity that

117. *Id.* at 440.

118. *See id.* at 439–40.

119. *Id.* at 439–41.

120. *See* Thomson, *supra* note 113, at 4–5, 9.

121. *See id.*

122. Thomson, *supra* note 113, at 3; *see also* Nour Mheidly et al., *Coping with Stress and Burnout Associated with Telecommunication and Online Learning*, FRONTIERS PUB. HEALTH 2 (Nov. 11, 2020), <http://www.frontiersin.org/articles/10.3389/fpubh.2020.574969/full>; Dill et al., *supra* note 2; Thomson, *supra* note 113, at 3.

123. Thomson, *supra* note 113, at 3–4.

124. *Id.*

otherwise would have been difficult to execute.* Bringing faculty and students from tertiary institutions located in different countries together may happen on an exceptional basis, namely in the format of conferences, symposia, or seminars.¹²⁵ These require time and financial resources that may not be readily available, such as:

1. Scheduling a trip abroad for both faculty members and students: this means faculty taking time off from other course teaching duties as well as from their own scholarly and administrative tasks, and students taking time off from other courses as well as their other activities.¹²⁶

2. Ensuring the necessary funds for such a trip, namely airfare for faculty and students, accommodations, meals, and potential travel documents costs.¹²⁷

All in all, it is a costly affair.¹²⁸ The travel restrictions imposed by the pandemic required us to reimagine ways to create academic connections and rebuild the academic space, which led to the development of an online scholarly exchange for students.¹²⁹ The opportunity of the online exchange erased all above-mentioned concerns.¹³⁰

In one day, for two hours, the Workshop brought together students from different campuses situated in different countries: Howard University Law School in the U.S. and the University of the West Indies, Faculty of Law in Jamaica, equalizing in this was the possibility of participating in scholarly exchange and neutralizing material factors that may have limited students' and faculty's potential to participate in the exchange.*

However, the glass is only half full.* Whether in Jamaica or the U.S., internet connectivity is not a given and should not be taken for granted.* Safeguards against a new challenge to teaching and learning—including “Zoom-bombing”¹³¹—must be considered carefully from the onset.¹³² Furthermore, weather conditions, geographic and physical location, as well as socioeconomic status, impact accessibility to and availability of the online teaching platform.¹³³ Any online class scheduled during the fall

125. See *id.*; Kim, *supra* note 35, at 919; Atalar, *supra* note 37, at 69.

126. See Clark & Murray, *supra* note 84, at 549.

127. See Atalar, *supra* note 37, at 70.

128. See *id.*

129. See Dill et al., *supra* note 2.

130. See Thomson, *supra* note 113, at 5; Atalar, *supra* note 37, at 69.

131. Kate O'Flaherty, *Beware Zoom Users: Here's How People Can 'Zoom-Bomb' Your Chat*, FORBES (Mar. 27, 2020, 11:19 AM), <http://www.forbes.com/sites/kateoflahertyuk/2020/03/27/beware-zoom-users-heres-how-people-can-zoom-bomb-your-chat/?sh=5eb10fd7618e>.

132. *Id.*

133. Benjamin Herold, *The Disparities in Remote Learning Under Coronavirus (in Charts)*, EDUCATIONWEEK (Apr. 10, 2020), <http://www.edweek.org/technology/the->

semester is susceptible to interruptions caused by the hurricane season affecting Jamaica and some parts of the U.S.¹³⁴ Power outages due to severe weather conditions indiscriminately affect access to classes across the board.¹³⁵

Of immense concern are the socioeconomic inequalities that are exacerbated by the pandemic, and this is also reproduced by the dependence on internet tools for accessing education.¹³⁶ Unreliable internet connectivity and unavailability of technological devices hinder access to online classes, especially for those from lower socioeconomic backgrounds.¹³⁷ Given that accessible education is broadened now to include requisites such as securing home internet connection,¹³⁸ as well as owning or accessing an electronic device, which is not yet in the immediacy of everyone, reflects and creates asymmetric access to and experiences of teaching and learning due to socioeconomic disparities.¹³⁹

In the U.S., as in the Caribbean, a number of law students are working students, whether it is in a paid job, or an unpaid externship or internship.¹⁴⁰ In a face-to-face teaching environment, most working students would make arrangements with their employers to ensure their attendance in class.¹⁴¹ There is typically a clear separation of tasks.¹⁴² They focus on work

disparities-in-remote-learning-under-coronavirus-in-charts/2020/04; Heather L. Schwartz et al., *Opportunities and Challenges in Using Online Learning to Maintain Continuity of Instruction in K-12 Schools in Emergencies*, 4, 10 (RAND Educ. & Lab., Working Paper No. WR-A235-1, 2020), http://www.rand.org/content/dam/rand/pubs/working_papers/WRA200/WRA235-1/RAND_WRA235-1.pdf.

134. Schwartz et al., *supra* note 133, at 9–10.

135. *See id.* at 15.

136. *See* Herold, *supra* note 133.

137. *Only One-Third of Jamaica's Students Accessing Online Classes Based on Sample*, CARIBBEANNATIONALWEEKLY.COM (Oct. 13, 2020) <https://www.caribbeannationalweekly.com/caribbean-breaking-news-featured/only-one-third-of-jamaicas-students-accessing-online-classes-based-on-sample/>; Herold, *supra* note 133.

138. Herold, *supra* note 133; *see also* *Only One-Third of Jamaica's Students Accessing Online Classes Based on Sample*, *supra* note 137. For example, some students, lacking reliable internet at home, may need to visit relatives, friends or neighbors to access the online tools to join classes, conduct research, access examinations or upload and submit their assignments and exams.

139. *See* Herold, *supra* note 133; Courtenay Harris et al., *A Socioeconomic Related 'Digital Divide' Exists in How, not if, Young People Use Computers*, PLOS ONE 1–2 (Mar. 31, 2017), <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC5376329/pdf/pone.0175011.pdf>.

140. AM. BAR ASS'N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, *supra* note 96, at 268.

141. *See id.*

142. *See id.* at 319; *c.f.* Mheidly et al., *supra* note 122, at 2–3.

at work and schoolwork at school.¹⁴³ This sometimes does not hold true in an online learning space.¹⁴⁴ The online learning model creates difficulties for some students to shift the focus from work and focus only on learning, especially when they remain in their work environment.¹⁴⁵ Students' educational experience is thus amalgamated into a work-learning process that impoverishes their learning process.¹⁴⁶

Having been forced to re-think traditional pedagogical modes and reach out to meet the learning needs of students through virtual education, questions about the necessity of "physical proximity" in the teaching and learning process, as well as about the mental health of students, are pertinent.¹⁴⁷ Online teaching, while beneficial, cannot replace the dynamics of a university campus.¹⁴⁸ "Learner isolation" and "frustration, anxiety, and confusion" become the challenges of this mode of education, especially when it is applied across the board.¹⁴⁹ Much has been written about the significant burden that the pandemic, coupled with the shift to online learning, has imposed on the students' physical and psychological well-being.¹⁵⁰ For one, the increased on-screen time can cause damage to the eyes¹⁵¹ and posture.¹⁵² Equally important and an increasing area of concern for educators are the reports of increased levels of anxiety, stress, and burnout¹⁵³—in part attributed to exhaustion from focusing on a screen for

143. See AM. BAR ASS'N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, *supra* note 96, at 268.

144. See Mheidly et al., *supra* note 122, at 1–2.

145. See *id.* at 2.

146. See RONALD A. COHEN, *THE NEUROPSYCHOLOGY OF ATTENTION* 212 (2d ed. 2014) (noting that "[b]oth attention and associative formation are fundamental components of learning."); Ray Schroeder, *Wellness and Mental Health in 2020 Online Learning*, INSIDE HIGHER ED (Oct. 1, 2020, 3:00 AM), <http://www.insidehighered.com/digital-learning/blogs/online-trending-now/wellness-and-mental-health-2020-online-learning>.

147. Thomson, *supra* note 113, at 8.

148. *Id.* at 11–12.

149. *Id.* at 8 (quoting Noriko Hara & Rob Kling, *Student Distress in a Web-Based Distance Education Course*, 3 INFO., COMM'N & SOC'Y 557, 559 (2000)); see also Kevin M. Brown, *The Role of Internal and External Factors in the Discontinuation of Off-Campus Students*, 17 DISTANCE EDUC. 44 (1996); but see John J. Ketterer & George E. Marsh II, *Re-Conceptualizing Intimacy and Distance in Instructional Models*, 9 ONLINE J. DISTANCE LEARNING ADMIN. 1, 3 (2006), <http://www.westga.edu/~distance/ojdla/spring91/ketterer91.pdf>.

150. See, e.g., Mheidly et al., *supra* note 122, at 1–2.

151. Schroeder, *supra* note 146.

152. Mheidly et al., *supra* note 122, at 3.

153. *Id.* at 1, 3; see also Schroeder, *supra* note 146 (addressing burnout in faculty members).

long periods—and isolation resulting from quarantines.¹⁵⁴ Anxiety, stress, and burnout diminish focus and undermine effective learning.¹⁵⁵

The pandemic confirmed what literature has already pointed out, that students need the physical space of the classroom, the interaction with their peers, “and some feel a loss of connection with the teacher in an online class as well.”¹⁵⁶ This is not surprising especially for scholarly writing classes since they facilitate students’ interaction with faculty, which generally increases their experience of studying the law.¹⁵⁷

Equally relevant and disruptive to successful learning are the constant reports and visuals of violence against persons of color in the United States, particularly those sparked by the violent deaths of George Floyd and many others, as well as the overwhelming divisive rhetoric.¹⁵⁸ While we were first tempted to say that the disruption to learning would be most relevant to the students in the United States, and in particular students of color, ample studies by psychologists lead us to conclude that these incidents can also cause severe distress to students in the Caribbean and worldwide.¹⁵⁹ These studies suggest that merely witnessing or hearing about a person’s suffering can evoke feelings of personal distress.¹⁶⁰

154. Mheidly et al., *supra* note 122, at 2–3.

155. Dorainne J. Levy et al., *Psychological and Biological Responses to Race-Based Social Stress as Pathways to Disparities in Educational Outcomes*, 71 AM. PSYCH. 455, 457 (2016) (noting that stress negatively impacts “cognitive processes such as attention, memory, and executive functioning”); *see also* Sha-Shana Crichton, *Incorporating Social Justice into the 1L Legal Writing Course: A Tool for Empowering Students of Color and of Historically Marginalized Groups and Improving Learning*, 24 MICH. J. RACE & L. 251, 275, 279, 281–82 (2019) (discussing the impact of anxiety and stress on law students’ ability to learn successfully, and particularly, law students of color).

156. Thomson, *supra* note 113, at 8–9.

157. Clark & Murray, *supra* note 84, at 537–38.

158. *See* Levy et al., *supra* note 155, at 455; *What Students are Saying About the George Floyd Protests*, N.Y. TIMES (June 4, 2020), <http://www.nytimes.com/2020/06/04/learning/what-students-are-saying-about-the-george-floyd-protests.html>.

159. *See* Josephine Ross, *Warning: Stop-and-Frisk May Be Hazardous to Your Health*, 25 WM. & MARY BILL RTS. J. 689, 729 (2016) (referencing Daphne Blunt Bugental et al., *Influences of Witnessed Affect on Information Processing in Children*, 63 CHILD DEV. 774, 774 (1992)) (noting that “[p]sychologists have found that adults and children can become alarmed and disturbed simply by seeing another person in distress”); C. Daniel Batson et al., *Distress and Empathy: Two Qualitatively Distinct Vicarious Emotions with Different Motivational Consequences*, 55 J. PERSONALITY 19, 19 (1987); Levy et al., *supra* note 155, at 455.

160. Batson et al., *supra* note 159, at 20, 21; Joshua D. Wondra & Phoebe C. Ellsworth, *An Appraisal Theory of Empathy and Other Vicarious Emotional Experiences*, 122 PSYCH. REV. 411, 421–22 (2015); Ruud Hortensius et al., *Personal Distress and the Influence of Bystanders on Responding to an Emergency*, 16 COGNITIVE, AFFECTIVE & BEHAV. NEUROSCIENCE 672, 673 (2016).

Paradoxically, the very tools that students need for online learning, such as computers and smartphones, are the ones that also deliver these disturbing occurrences worldwide.¹⁶¹ Fortunately however, studies also show that positivity and positive interactions can minimize the disruption to learning caused by stress, including chronic stress and distress.¹⁶² For these reasons also, students need positivity and more positive interactions with their teachers and peers.¹⁶³ This is particularly true for students engaging in scholarly writing, which requires intense focus.¹⁶⁴

V. PREPARING FOR AND EXECUTING THE SCHOLARLY EXCHANGE WORKSHOP

After deciding to hold the Howard Law-MonaLaw Scholarly Works-in-Progress Workshop, we then turned our focus to the execution.¹⁶⁵ The UWI MonaLaw students who participated in the Howard Law-MonaLaw Scholarly Works-in-Progress Workshop were students pursuing the advanced writing course, Supervised Independent Research Paper, in which they undertake extensive independent study in the area of law of the student's own interest.¹⁶⁶ Under the supervision of one or more faculty members, students' completed work usually leads to a substantial research paper of 8,000 to 10,000 words.¹⁶⁷

The course instructions are two-fold: on the one hand, students are closely supervised on an individual basis by a faculty member with expertise in the area of the student's research interest; on the other hand, students pursue a number of research and writing workshops conducted by the course coordinator.¹⁶⁸ These workshops introduce students to strategies that are useful for crafting a feasible research question, structuring the paper and building a solid argument as well as methodologies that can be used in conducting research in the field of law, and the mechanics of research writing.¹⁶⁹ Furthermore, the workshops equip students with the essential

161. See Sha-Shana Crichton, *Teaching in the Time of Disruption: A Case for Empathy and Honoring Diversity*, 25 J. LEGAL WRITING INST. (forthcoming 2021).

162. See Willis, *supra* note 59, at 54, 57–58.

163. See *id.*

164. See Clark & Murray, *supra* note 84, at 537.

165. See Letter of Intent, *supra* note 18.

166. UNIV. OF THE W. INDIES, FACULTY OF LAW UNDERGRADUATE STUDENT HANDBOOK ACADEMIC YEAR 2020–2021 71 (2020), http://www.mona.uwi.edu/law/sites/default/files/law/uploads/FOL%20Faculty%20Handbook_Version8Sept2020.pdf [hereinafter HANDBOOK].

167. See *id.*

168. *Id.*

169. *Id.*

knowledge about legal research, resources for conducting research—including library catalogs, databases, electronic journals, and print resources—and place particular emphasis on discussing referencing protocols and plagiarism.¹⁷⁰ Outside of the taught classes and the individual supervision meetings with their respective supervisors, students are in direct contact with the course coordinator for research technical advice.¹⁷¹

The students at Howard Law who participated in the Howard Law-MonaLaw Scholarly Works-in-Progress Workshop were members and staff editors¹⁷² of the Howard Human and Civil Rights Law Review (“HCR”).¹⁷³ HCR “is a student-managed, faculty-supervised law review published by the Howard University School of Law.”¹⁷⁴ It is one of the two student-managed, faculty-supervised legal publications at Howard Law.¹⁷⁵ The HCR publishes articles concerning human and civil rights and international law.¹⁷⁶ The students take a weekly class¹⁷⁷ in which they address topics such as how to do a substantive edit, grammar, and footnoting.¹⁷⁸ They edit and perform citation checks on incoming articles.¹⁷⁹ Ultimately, they are expected to write a Note of publishable quality to receive credit for the class.¹⁸⁰ For purposes of the HCR, a Note of publishable quality is 25 or more pages and properly footnoted.¹⁸¹ The students work closely with their Note’s supervisor, who typically is a faculty member with expertise in the area of the student’s Note and research interest.¹⁸² This particular cohort of student-participants have the same supervisor for their Note and participate in a biweekly uncredited Notes and Comments Group.¹⁸³

170. *Id.*

171. HANDBOOK, *supra* note 166, at 71.

172. Including one senior staff editor, Aysha Thompson. *Howard Human & Civil Rights Law Review*, HOW. UNIV. SCH. OF L., <http://law.howard.edu/content/howard-human-civil-rights-law-review> (last visited May 12, 2021).

173. *See id.*

174. *Id.*

175. *See id.* The other is the Howard University Law Journal.

176. *Howard Human & Civil Rights Law Review*, *supra* note 172.

177. *See id.*; HOW. UNIV. SCH. OF L., STUDENT HANDBOOK 16 (2017), http://www2.law.howard.edu/sites/default/files/STUDENT%20HANDBOOK%20as%20of%2008.18.17_0.pdf [hereinafter STUDENT HANDBOOK]. Led primarily by the Editor-In-Chief and Managing Editor of the Law Review. *Howard Human & Civil Rights Law Review*, *supra* note 18.

178. STUDENT HANDBOOK, *supra* note 177, at 16.

179. *See id.*

180. *See id.*

181. *See id.*

182. *See id.*

183. *See* STUDENT HANDBOOK, *supra* note 177, at 16. This Notes and Comments Group, supervised by Sha-Shana Crichton, has five student participants. They meet weekly/biweekly to share writing tips, ideas, writing strategy, and check-in on the Note.

The students from both universities were invited to participate in the Howard Law-MonaLaw Scholarly Works-in-Progress Workshop based on their participation in the Supervised Independent Research Paper course, and the Notes and Comments Group.¹⁸⁴ They were free to accept or reject the invitation; a total of five students from both institutions accepted the invitation to participate.¹⁸⁵ We then selected a date convenient to all of the students.¹⁸⁶ After we confirmed the date, one of the students volunteered to create the flyer, which we circulated to faculty and staff at our respective institutions.¹⁸⁷

We also asked the students to submit abstracts of their papers, which we compiled in a document and shared with the entire group.* After consulting with the students, we created an agenda for a two-hour workshop that outlined the times they would present their work-in-progress and receive feedback.* To avoid any violations of both institutions' Honor Codes, students were not required to, and did not submit their written papers.¹⁸⁸ Although we read the draft papers of the students we respectively supervised, no student read another's written work.*

We chose Zoom as the platform for the Howard Law-MonaLaw Scholarly Works-in-Progress Workshop because it was the most commonly used platform among us.* Next—approximately one week in advance of the Workshop—we sent out the Zoom credentials to all participants.* On the day of the Workshop, the students were prepared and excited to meet each other and present their work.* They used various modes to present their talking points, including PowerPoint presentations.* We had discussed that immediate feedback might be more useful to the students and in creating the schedule allotted time after two students presented to give feedback.* We both gave initial feedback and invited the other students to join in the feedback.* They gave comments, asked questions, and suggested relevant literature—leading to an engaging and collaborative experience.* Strikingly,

184. See Memorandum of Understanding, *supra* note 5; HANDBOOK, *supra* note 166, at 71. Three of the five students in the group participated in the Workshop/Session.

185. Memorandum of Understanding, *supra* note 5. Those students include Alison Samuda, Aysha Thompson, Elorm Sallah, Malik Thompson, and Maya Lowe.

186. Some students either had to work or had other classes.

187. Our most sincere gratitude goes to Aysha Thompson who did a stellar job creating the flyer.

188. See *Policies and Procedures*, HOWARD UNIV. SCH. OF L. (Nov. 7, 2002), <http://law.howard.edu/content/policies-and-procedures-0>; THE UNIV. OF THE W. INDIES, STATEMENT OF ETHICAL PRINCIPLES AND CODE OF CONDUCT 9, 15 (2018–2019), <http://www.mona.uwi.edu/sites/default/files/uwi/Statement%20of%20Ethical%20Principles%20and%20Code%20of%20Conduct.pdf> [hereinafter STATEMENT OF ETHICAL PRINCIPLES AND CODE OF CONDUCT]. Honor Codes typically prevent students from reading or taking the possession of another student's written work. *Id.* at 9, 15.

the students displayed a keen interest in each other's work.* The students at Howard Law expressed deep interest in learning about the issues and laws discussed by their MonaLaw colleagues, and the same was true of the MonaLaw students for the issues and laws addressed by their Howard Law peers.*

In our view, the Workshop facilitated vertical and horizontal learning.* The students received feedback and learned not only from us teachers but also from their peers.* The students paid attention to and learned about and from the differences in their topics, techniques, and approaches to research, and they also learned about the similarities of their experiences in the writing process.* There was a vibrancy in the interactions between students that showed genuine comradery and an empowering sense of community that the scholarly exchange workshop enabled.* To illustrate, during a dynamic presentation, one of the MonaLaw students mentioned difficulty locating a particular source.* One of the students at Howard Law had access to the source and promised to share it.*

We collected all the email addresses of the students and created a document to share to further enable networking, collaboration, and building community not only in, but also out of the classroom.¹⁸⁹ As Kouzes and Posner explained, “[c]ollaboration is *the* critical competency for achieving and sustaining high performance—especially in the internet age. It won't be the ability to fiercely compete, but the ability to lovingly cooperate that will determine success.”¹⁹⁰

The Scholarly Works-in-Progress Workshop offered learning experiences, not only for students but also for us as teachers.* Overall, the feedback process showed students' appreciation for the opportunity to have a platform to present their work in progress and hear from other similarly situated students as well.* Students' questions were targeted and engaging, which required more feedback time than the ten minutes we initially allocated.* Learning from this experience, in a future workshop, we would dedicate more time for feedback.*

Overall, we were encouraged by the students' preparation for and participation in the Workshop and its outcome.* And, we were warmed by their expressed appreciation for the interaction.* One student commented:

I really enjoyed yesterday's session. I enjoyed hearing about everyone's research areas and would love to know how they turn

189. See Thyfault & Fehrman, *supra* note 97, at 148.

190. *Id.* at 164 (quoting JAMES M. KOUZES & BARRY Z. POSNER, *THE LEADERSHIP CHALLENGE* 242 (3d ed. 2002)) (alteration in original).

out. It was a very informative session, and I appreciate the feedback and assistance I got on my research.¹⁹¹

Similarly, another student underscored the invaluable benefit of receiving feedback during the Workshop, noting that:

[h]aving outside observers, particularly my contemporaries, examine my work allowed me to learn new tactics they use for their work and recommendations of improving my writing and presentation tactics. I valued the substantive feedback from the professors, and I was pleased after the session. The session's takeaways direct my work now.¹⁹²

In addition to their expressed gratitude for the feedback, the students also mentioned the beneficial impact hearing different perspectives had on their work.* One student noted,

[t]he writing workshop that was hosted by Professor Crichton and Dr. Biholar was extremely productive and beneficial to the development of my Note for Law Review. During the session, I was able to get a fresh perspective on the direction my research should take, how I should focus my paper, and general feedback on what I had already completed. Further, hearing my peers discuss their work and how they planned to structure their paper provided additional guidance The workshop re-energized me and helped me make progress on my Note.¹⁹³

Additionally, the students noted that hearing about current and legal issues in another country influenced their scholarly writing strategies.* For example, one student commented that,

[b]eing able to present my Note outside of my peers on Law Review was very helpful and exciting for me. Not only was I able to receive feedback from people with a different perspective on the law, but I was also able to practice my presentation skills. Additionally, being able to hear about current issues that need to be addressed or changed in the law of countries outside of America was something I never got to experience before. I highly

191. Interview with Anonymous Student, Attendee, Howard Law-MonaLaw Scholarly Works-in-Progress Workshop (2020).

192. *Id.*

193. *Id.*

recommend this scholarly writing exchange to everyone researching a novel issue.¹⁹⁴

The Workshop met its goal of offering students the opportunity to engage in a cross-cultural exercise and start collaborating and building community with students from different backgrounds, as such experiences help in the development of “critical thinking, reasoning, and problem solving” as well as “listening [and] expression,” and prepares students for a diverse working place.¹⁹⁵ The Workshop was a clear illustration that scholarly writing is not only an academic exercise, but it has wide-world utility.¹⁹⁶

VI. CONCLUSION

We were happy we seized the moment to make the Howard Law-MonaLaw Scholarly Works-in-Progress Workshop a reality.* It was a cost-effective way of creating student exchange where we engaged in positive interactions, talked about scholarship, and learned from each other.* We were encouraged by the students’ reaction to this initiative, which sparked a collaboration we had not envisioned—this Article.*

194. *Id.*

195. *See* GERALD F. HESS & STEVEN FRIEDLAND, *TECHNIQUES FOR TEACHING LAW* 132 (1999); Thyfault & Fehrman, *supra* note 97 at 148.

196. *See* HESS & FRIEDLAND, *supra* note 195, at 132; Thyfault & Fehrman, *supra* note 97, at 148–49.