

If I Were Goldilocks

By Xiaolu Fan, J.D. candidate 2013



“Sorry professor, may I do the direct examination a few minutes later?”

My voice was trembling with anxiety. It was my first trial advocacy class, and the professor had instructed students to conduct a direct examination based on the story “Goldilocks and the Three Bears.” I whispered to the classmate sitting next to me: “GOLDY what? Is that a case we are supposed to read?” Before I entered total panic mode, my classmate kindly showed me the story on Google. When the professor stated it was my turn to do the exercise, I was still working hard at figuring out the issue between the little girl and the bear family. Upon my request, the thoughtful professor granted me several more minutes to prepare...and I got the unparalleled experience of learning a children’s story in law school class.

As an international student who grew up and lived in China for more than 20 years, scanning a children’s story in class is obviously not the only difficulty for me. What challenged me first in American law school is the interactive teaching method. According to my three years of experience learning the law in China, the definition of “good student” includes the following: listening attentively to the professor, taking down the notes precisely, and applying rules to reach a “yes” or “no” answer correctly. For this reason, I dropped my pen to the floor and jumped up like a spring when a professor here at Washburn asked me to state my opinion in class about the rule of a case. After I stuttered all the answers to a series of “what if” hypos, the professor smiled, nodded, and commented, “Thank you. And I actually want to show the class that there is no yes or no conclusion for this issue.” I was shocked.

Besides the brand new experience in class, the most significant challenge I have confronted comes from legal research and writing because of the huge difference

between the legal systems of the United States and China. The legal system of China is more akin to the civil law—under which there is no such thing as binding precedent. My previous legal education applauded for me: “Congratulations! You have done the research job by finding the applied statutes and the corresponding interpretation.” My American education cautions me: “Keep digging the cases! Westlaw is not created for fun.” In addition, since cases are not binding authority in China, law students there are saved from learning the complicated case citation form. However, my experience in American law school has shown me that a hot debate may arise not only with respect to the application of law, but also from deciding the appropriate abbreviation form of a case name.

Looking back on my two years of law school life in America, all the challenges I have met provide me fantastic opportunities in conquering the language barrier and learning a legal culture totally different from the one I am familiar with. I enjoy the process of legal research; the excitement at the moment of finding an applicable case is comparable to the feeling of a gold prospector who finally succeeded in filtering the gold sand out from gravel. I enjoy employing analogy in legal writing; this unique common-law reasoning method inspires me to push the intellectual envelope to explore a creative and reasonable explanation of the rule for a specific case. I enjoy participating in the open discussion in class; my classmates’ original thoughts and opinions expand my horizons and encourage me to conquer my own shyness of stating opinions in public. Compared to the law schools in China, which focus more on instructing the substantive rules, American law schools also emphasize practical skills in legal procedure. Thus, I have most enjoyed the clinical experiences in law school,



such as the examination exercise in trial advocacy and the oral argument in legal writing. I learn from these courses that the law is more than rules or cases printed in textbook. It exists in real life. It receives its value from the legal professional's conduct. It is rooted in a distinctive, fascinating legal culture which deserves my respect.

At this moment, I feel I am like the girl Goldilocks, wandering through the forest of American law. The law school is the house appearing in the midst of puzzling forest, which provides me an opportunity to obtain enough soul food and refreshment before I set out to find my own path

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in the forest. Similar to Goldilocks, who took some time before getting the “just right” porridge and chair, I also experienced the tough process of figuring out the right way to survive through the law school. However, if I were Goldilocks, I would never run away screaming when confronted with the three bears. Rather, I would take the practice and the techniques I have learned in trial advocacy and my other law school courses to persuade the bear family—the American legal culture—that I am not just a girl, but one of their long lost family members finally come home. *This is just right.*

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ABOUT THE AUTHOR



Xiaolu Fan grew up in Tiantong City, located in the southeastern section of the Jiangsu Province in China. Fan was admitted into People's Liberation Army Foreign Language University for her undergraduate education, where she received a bachelor's degree in English literature. After graduation, Fan left the army to pursue a career in law. In 2006, she was admitted to Peking University Law School, where she earned the degree of juris master. Fan has passed the national bar in China. She was admitted to Washburn University School of Law in 2010 and expects to graduate in 2013.

COURT OF APPEALS VISITS WASHBURN UNIVERSITY SCHOOL OF LAW



Washburn University School of Law and the Center for Excellence in Advocacy hosted the Kansas Court of Appeals on Tuesday, March 13, 2012, in the Robinson Courtroom and Bianchino Technology Center.

From left: Judges Steve Leben, Richard D. Green, and Melissa Standridge of the Kansas Court of Appeals.