“Re-Vision Quest: A Law School Guide to Designing Experiential Courses Involving Real Lawyering”

Presented by:
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Tucson, AZ
Visual #1: Designing an Experiential Opportunity with Real Legal Work
The Process: Matching Goals, Design Options and Constraints
Part V-A, pp. 24-26
(find this on page 33 of the article)

Step 1: Inventory

Step 2: Options

Step 3: Weighing the Options

Step 4: Act
Appendix 1
Experiential Opportunities in Law School
Checklist for Identifying Structural Options

• **I. Why: The Goals (Articulate and Prioritize)**
  – A. Consider Goals for the Learning Experience (e.g.):
    • 1. Developing lawyering skills
    • 2. Advancing social justice
    • 3. Cultivating professional identity
    • 4. Fostering professional ethics
    • 5. Providing competent client representation
    • 6. Gaining insight into law and the legal system
    • 7. Promoting lifelong learning
    • 8. Learning to work collaboratively
  – B. Consider Goals from Different Perspectives
    • 1. Students
    • 2. Supervising Attorney
    • 3. Other Teacher, if any
    • 4. Institution
    • 5. Clients/Community
  – C. Consider Goals for:
    • 1. Experiential component
    • 2. Group learning component (e.g. classroom)
II. What: The Supervised Experiences and the Group Learning Component

A. Experiential Content

1. Role played by the student (e.g. primary or a subsidiary attorney, mediator, judicial clerk, teacher, trainer, observer).

2. Nature of the work— (e.g. judging, mediating, counseling, representing individuals or groups in adversarial proceedings, representing individuals or groups in non-adversarial contexts, representing individuals or groups in various kinds of transactions, or educating groups about the law and legal process)

3. Tasks or Responsibilities Tied to the Nature of the Work (e.g., for representation: Interviewing/Counseling, Fact Investigation, Legal Research, Case/Project Planning, Negotiating, Drafting, Mediating, Contested case advocacy, Trial, Court or Administrative Agency)

4. Source of the work (Cases for in-house clinic; placements for offsite work)

B. Group Learning Content and Structure

1. Substantive choices (may include a mix of items below)
   - a. Skill Building (e.g. with methodologies such as simulations)
   - b. Develop interdisciplinary perspectives
   - c. Expose students to critical perspectives
   - d. Develop their students’ cultural competence.
   - e. Focus on the foundational substantive and/or procedural law
   - f. Conduct case rounds.

2. Structural Questions
   - a. Pre- or co-requisite to the experiential component?
   - b. Length: brief or extensive?
   - c. Designed to bridge the gap between doctrine and practice?
   - d. Tutorial on specific issues implicated in the cases or problems of the experiential component?
   - e. Limited to those engaged in the experiential component? f. No group learning component at all?
III. Who: The Teachers and Learners

A. Teachers

1. Who Has Responsibility for the Experiential Component? (e.g. full time experiential faculty member at the law school, full time non-experiential faculty member at the law school, part time faculty member, faculty member from another department or discipline of the university, non-faculty member, such as a practicing attorney or another professional)

2. Who Has Responsibility for Group Learning Component? (similar list as #1, and may be the same person or involve team teaching)

3. Who Coordinates the Experiential and Group Learning Components?

4. What, if any, design questions involving other potential teachers (e.g. Clients, opposing counsel, judges, witnesses, clinic staff, fellow students, community members)

B. Learners (e.g.:

1. which students participate in the experiential component and which participate in the group learning component?

2. are the groups of students co-extensive? Is one group a subset?

3. all law students or also from other disciplines?
• **IV. Where:**
  – A. Experiential Component
    • 1. On Campus (e.g. on-site legal clinics)
    • 2. Off Campus (e.g. judicial and executive chambers, prosecutor and defender offices, governmental agencies, legislatures, non-profit legal services, other legal advocacy offices, private law firms)
    • 3. Far Away (e.g. cities and countries far distant from the law school)
  – B. Group Learning Component
    • 1. at the law school
    • 2. at an off campus location
    • 3. in cyberspace, through computerized distance learning technologies

• **V. When: Timing of Experiential Learning**
  – A. Experiential Component
    • 1. during the academic year while the student is enrolled in other classes
    • 2. during a term where the experiential component is the only course in which the student is enrolled
    • 3. during the summer
  – B. Group Learning Component
    • 1. In relation to Experiential Component: before, after, or at the same time
    • 2. Frequency and Intensity: weekly or periodic classes or meetings, intensive “boot camp,” mandatory orientation, periodic workshops
    • 3. Regularity: pre-set time block or with varied structure based on the experiences arising in the experiential component
VI. How: Source of Content and Institutional Recognition of Experiential Learning

A. How to generate the experiential learning content
   • 1. For cases handled within the law school—finding cases: (e.g., self-referral of clients, appointment by the court, and referrals from agencies)
   • 2. For external placements—matching students with placements: (e.g. placement lists, student initiative, requests for student workers from site supervisors)

B. How to provide recognition for student learning.
   • 1. Academic credit or Extra-Curricular?
      – a. For Academic—graded or ungraded?
      – b. For Extra-Curricular—any form of recognition?
   • 2. Voluntary or Mandatory?
      – a. The experience itself—clinic or pro bono
      – b. In satisfaction of broader requirement (e.g. skills)
   • 3. Law School Role in Paid work

<table>
<thead>
<tr>
<th>Decisions Specific to Experiential Component</th>
<th>General Design Decisions</th>
<th>Decisions Specific to Group Learning Component</th>
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</thead>
<tbody>
<tr>
<td>May differ from group learning component</td>
<td></td>
<td>May differ from experiential component</td>
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<tr>
<td>Why?</td>
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<tr>
<td><em>Focus of Teaching/Learning Goals</em></td>
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<td><em>Other Goals</em></td>
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<tr>
<td><em>Other Student Goals</em></td>
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<tr>
<td>What?</td>
<td></td>
<td>Extent of Component</td>
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<tr>
<td><em>←Type of work</em></td>
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<tr>
<td><em>←Substantive Law Focus</em></td>
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<td><em>←Student Roles</em></td>
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<td><em>←Student Task</em></td>
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<td><em>←Teaching Methods</em></td>
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<td><em>←Relationship to Curriculum</em></td>
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<tr>
<td>Who?</td>
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<tr>
<td><em>←Teachers/Supervisors</em></td>
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<tr>
<td><em>←Students</em></td>
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<tr>
<td>Where?</td>
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<tr>
<td><em>←At law school or off-site</em></td>
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<tr>
<td>When?</td>
<td></td>
<td>Timing re: experiential activity</td>
</tr>
<tr>
<td><em>Timing re: . . . school year</em></td>
<td></td>
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<tr>
<td><em>. . . stage in students’ learning</em></td>
<td></td>
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<tr>
<td>Source of experiential content</td>
<td></td>
<td></td>
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<tr>
<td>How?</td>
<td></td>
<td>In person v. remote learning</td>
</tr>
<tr>
<td><em>Immersion, Extended</em></td>
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The left and right-hand columns provide an opportunity to expand on the many “why, what, who, how, where, and when” decisions that will play out differently for the experiential, and any “group learning,” components.
## Appendix 2 (cont.)

### Chart 2B - Detail: Why, What, Who, Where and How Designing Experiential Opportunities in Law School

Explicit and Implicit Design Decisions for the Law School

<table>
<thead>
<tr>
<th>Decisions Specific to Experiential Component</th>
<th>General Design Decisions</th>
<th>Decisions Specific to Group Learning Component</th>
</tr>
</thead>
<tbody>
<tr>
<td>May differ from group learning component</td>
<td><strong>Why?</strong></td>
<td>May differ from experiential component</td>
</tr>
<tr>
<td></td>
<td><em>Focus of Learning Goals</em></td>
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<td></td>
<td>Substantive Law</td>
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<td></td>
<td>Interdisciplinary knowledge</td>
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<td>Professional formation</td>
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<td></td>
<td>Reflection</td>
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<td></td>
<td>Skills (including cultural competence and collaboration)</td>
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<td></td>
<td>Social justice</td>
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<td></td>
<td>Service to clients</td>
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<td></td>
<td>Law reform</td>
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<td></td>
<td><strong>Other Goals</strong></td>
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<tr>
<td></td>
<td>Attract students</td>
<td></td>
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<td></td>
<td>Compete in rankings</td>
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<td></td>
<td><strong>Other Student Goals</strong></td>
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<tr>
<td></td>
<td>Variety</td>
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<td></td>
<td>Networking/job contacts</td>
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<tr>
<td>Experiential Substantive Law Focus</td>
<td>Extent of Group Learning Component, If Any</td>
<td></td>
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<tr>
<td>-----------------------------------</td>
<td>-------------------------------------------</td>
<td></td>
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<tr>
<td>General Practice</td>
<td>Extensive to none</td>
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<tr>
<td>Mix (&gt;1, but not wide open)</td>
<td>Group Learning Component Substantive Law Focus, if any</td>
<td></td>
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<tr>
<td>Specialized</td>
<td>Note: may but need not correspond to experiential component</td>
<td></td>
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<tr>
<td>e.g. Criminal</td>
<td>Roles in Group Learning Component (co-extensive w/ teaching methods?)</td>
<td></td>
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<tr>
<td>Environmental, Tax</td>
<td>Listener</td>
<td></td>
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<td></td>
<td>Observer</td>
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<td></td>
<td>Role-player</td>
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<td></td>
<td>Critique-er</td>
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<td></td>
<td>Discussant</td>
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<td></td>
<td>Reflect-or</td>
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<table>
<thead>
<tr>
<th>Experiential Roles</th>
<th>Group Learning Tasks</th>
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<tbody>
<tr>
<td>Client representation</td>
<td>Read</td>
</tr>
<tr>
<td>Primary attorney</td>
<td>Listen</td>
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<tr>
<td>Secondary attorney</td>
<td>Analyze</td>
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<tr>
<td>Educator/trainer</td>
<td>Practice a skill</td>
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<tr>
<td>Mediator</td>
<td>Provide feedback</td>
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<tr>
<td>Observer</td>
<td>Perform a task, e.g. draw</td>
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<thead>
<tr>
<th>Experiential Tasks</th>
<th></th>
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<tbody>
<tr>
<td>Interviewing/Counseling</td>
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<tr>
<td>Fact Investigation</td>
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<td>Legal Research</td>
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<td>Case/Project Planning</td>
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<td>Negotiating</td>
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<td>Drafting</td>
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<tr>
<td>Mediating</td>
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<td>Contested case advocacy</td>
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<td>Trial</td>
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<td>Court or admin hearing</td>
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<td>Appellate</td>
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<td>Legislative advocacy</td>
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<td>Public education</td>
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</table>
| Experiential Teaching Methods – Note: this seems like “non-group” rather than “experiential” | Group Learning Teaching Methods  
Simulation/Roleplays  
Demonstrations  
Discussion  
Journals |
|---|---|
| Roleplays/Moots  
Student self-reflection (written or oral)  
Feedback on performances  
Discussion  
  - Student performances  
  - Systemic issues  
  - Social Justice  
  - Efficiency  

**Relationship of Experiential to Curriculum**  
Regularly offered for-credit “course”  
Regularly offered for-credit component of doctrinal or skills course  
Assist with law prof pro bono activity on ad hoc basis  
  - For credit  

As volunteer  
Student organization activity  
  - For- credit  
  - Not for credit  

**Relationship of Group Learning Component to Curriculum**  
Regularly offered experiential opp. course credits  
Regularly offered for credits separately awarded/graded from experiential opportunity  
Doctrinal or “skills” course with add’l enrollment beyond experiential students  
None  
Seminar  
None  
Prerequisite Workshop/Rounds |
| Who? | Teachers  
|      | Individual v. multiple teachers  
|      | Status  
|      | Full-time, tenure-track  
|      | Full-time non-tenured  
|      | Part-Time  
|      | No official status  
|      | Integration w/in  
|      | Full voting rts.  
|      | Partial voting rts  
|      | No voting rts.  
|      | Students  
| Where? | At law school  
|       | “in-house clinic”  
|       | Student volunteer org  
|       | With law professor  
|       | External law office/agency  
|       | Law school  
|       | Offsite law office/agency  
| When? | Timing re: . . .  
|       | school year  
|       | Academic year v. Summer  
|       | stage in students’ learning  
|       | 1, 2 or 3L’s, LL.M’s  
|       | Timing of group instruction component vis a vis experiential  
|       | Before  
|       | Concurrent  
| Source of experiential content | Self-referral by clients  
|       | Appointment by court  
|       | Referral from agencies  
|       | Placement lists  
|       | (external placements)  
|       | Student initiative  
|       | Site supervisor requests  
| How? | In person v. remote learning  
|       | Optional v. mandatory  

Appendix 3
Visual #2: Choosing Among Design Options
Resources
$$ Money $$
Part IV-B, pp. 20-21

Funding Sources
- Law school
  - State funds
  - Tuition
- Grants
  - Government
  - IOLTA
  - Foundations
- Other
  - Private
  - Attorney’s fees
  - Clients

Program Costs
- Supervisors
  - FT Faculty
  - PT Faculty
  - Non-faculty status
- Staff
  - Administrative
  - Clerical
  - Library & IT Support
- Space
  - Location
  - Adequacy
  - Accessibility
- Operations
  - Office support
  - Litigation costs
  - Malpractice insurance
Visual #3: Choosing Among Design Options
Resources
Non-Monetary
pp. 20-21 (p. 61)
Visual #4: Choosing Among Design Options
Ethical Considerations
Part IV-C, pp. 23-25

Confidentiality

Competence

Conflicts of Interest

Ethical Considerations

Design Options
(see Chart 1)
Visual #5: Choosing Among Design Options
Ethical Considerations
Confidentiality
Part. IV-C - p. 23

Responses to external pressure

University or law school seeking case information

Press or public seeking case information

Legislature Seeking Case information

Students
- Family
- Other students
- In public places

Faculty
- Family
- Discussing cases in other classes
- Creating hypotheticals

Confidentiality Requirements

Staff

Consultants (Other Faculty, Librarians)
Visual #7: Choosing Among Design Options
Ethical Considerations
Conflicts of Interest
Part IV-C pp. 24-25 (p. 65)

Students
- Conflicts within or between experiential programs
- Conflicts with external activities
  - Jobs (Summer, academic year, post-graduation)
  - Volunteer activities
- Role Conflicts
  - 1st v. 2nd chair
  - atty v. student
  - atty v. social worker

Faculty
- Conflicts within or between experiential programs
- Conflicts with external activities
  - Own practice
  - Consulting
  - Pro bono projects
- Role Conflicts
  - Atty v. teacher

Law School
- Conflicts from experiential work adverse to external constituencies
  - donors
  - alumni
  - trustees
    - legislature
- Mission conflicts
  - Tension between education and client service