



ALBANY LAW SCHOOL

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Cover Memorandum

To: Jason Solomon
Dave Fagundes

From: Connie Mayer
Associate Dean for Academic Affairs/Acting Dean
Albany Law School

A handwritten signature in black ink, appearing to be 'CM', written over the printed name of Connie Mayer.

Re: Response to Best Practices Survey

Date: October 21, 2008

Attached to this cover memorandum are our responses to the Best Practices in Law Schools Survey. In order to answer Questions #2, #8, #9, and #12, I sent an on-line survey to our faculty to get their feedback. (See Attachment #1 - Survey for Best Practices Report). Sixty-Six faculty responded, representing 44 of 54 full-time faculty (81%), and 22 of 38 adjunct faculty members (57%). They reported separately for each course taught during the spring of 2008 and the fall of 2008. There were responses for 125 of the 189 courses offered during those two semesters (66%). Responses to several of the survey questions are therefore based on the response data received from faculty. If you have any questions about our responses, please contact me by e-mail or telephone as set out above. Thank you.

Survey Questions

(1) What efforts do you make to train and mentor new law teachers, and provide support for pedagogical improvement and innovation for experienced law teachers?

The Associate Dean of Academic Affairs is responsible for locating teaching conferences and workshops and communicating that information to new teachers. The law school regularly provides financial support for new law teachers to attend the AALS New Teachers Conference every year and any other conferences and workshops they are interested in attending to help them in their teaching.

Our tenure and promotion rules require that each newly hired untenured law professor be assigned a faculty mentor for teaching and scholarship. The Chair of the tenured faculty in consultation with the Associate Dean for Academic Affairs and the untenured faculty member, appoints a faculty mentor on the basis of ability to mentor rather on subject matter area of teaching. Each year prior to tenure, the untenured faculty member is appointed a new faculty mentor to assist in teaching and scholarship.

(2) Please describe any courses that use the Carnegie Foundation's recommendation of an integrated approach to doctrine, skills, and professional responsibility, or that frequently put students in the role of lawyers (besides clinics).

Of the 125 courses that faculty reported on, 100 courses integrate doctrine, skills, and professional responsibility or use role-plays to put students in the role of lawyers as part of the class activities. Attachment #2 provides a description of each course and some of the activities conducted in those courses.

(3) Briefly describe the mandatory legal writing program, including the number of credits and the qualifications of those who teach it. Please also list any advanced legal-writing and drafting courses, including the number of slots available to students in each course, and how many of those slots were filled the last time the course was offered.

A. First Year Lawyering (Fall – 2 credits; Spring – 3 credits):

Albany Law School's Lawyering Program begins students' experience in the integration of theory with practice. All first-year students participate in the year-long Introduction to Lawyering course where they are placed into firms and begin their representation of clients.

Through simulations, discussion, questions and answers, and hands-on practice, students are introduced to client interviewing, case planning, legal research, legal reasoning, client counseling, legal writing, alternative dispute resolution, and oral

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advocacy. Through classroom exercises and assignments, students learn to think like lawyers and are well prepared for summer associate positions after completing their first year of law school.

Each Lawyering professor provides students with a hypothetical situation wherein the student represents either a plaintiff or a defendant. Each hypothetical situation provides students with an opportunity to examine both a statutory issue and a common law issue by delving into the problem as a lawyer.

Students then:

- obtain background information on the law;
- investigate and elicit facts;
- learn to analyze the problem from a lawyer's perspective;
- are introduced to ways of assisting clients in decision-making; and
- learn the basics of advocating for their client.

Students receive extensive feedback throughout the year on all tasks. Feedback is both written and oral, and students are encouraged to attend both group and individual conferences, and to meet with their professor as needed. Students also have access to teaching assistants.

The Lawyering Program enables students to begin the transition from layperson to lawyer by learning to be an attorney through simulations. The Lawyering Program coordinates with the Albany Law Clinic & Justice Center to prepare students for the role of an attorney, with full responsibility for a client's case in one of the Law School's many Clinics.

B. Qualifications of Lawyering Professors (see Attachment #3)

C. Advanced Legal Writing/Drafting Courses:

Advanced Legal Writing (3 credits): 19 slots/11 students enrolled

Drafting (2 credits): 24 slots/22 students enrolled

(4) Please list any "skills" courses you offer (other than clinics, simulations, and writing/drafting courses), including the number of slots available to students in each course, and how many of those slots were filled the last time the course was offered.

Numbers in parenthesis represent "number of slots/number of students enrolled."

Alternative Dispute Resolution – 24/24

Appellate Practice – 35/27

Client Interviewing & Counseling -- 30/24

Estate Planning II – 30/24

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Fact Investigation – 24/22
Legal Issues in Medicine – 36/31
Labor Arbitration – 20/16
Mediation – 24/18
Negotiating for Lawyers – 50/44
Overview of Trial Advocacy – 68/48
Trial Practice I – Civil -- 48/35
Trial Practice I – Criminal – 32/20
Trial Practice II – Civil – 48/35
Trial Practice II – Criminal – 36/29

(5) Please list any transactional courses you offer, including the number of slots available to students in each course, and how many of those slots were filled the last time the course was offered.

Numbers in parenthesis represent “number of slots/number of students enrolled.”

Business Planning – 35/32
Accounting for Lawyers -- 30/30
Corporate Governance -- 20/12
Corporate Transactions -- 20/16
Drafting -- 24/22
Estate Planning II – 30/24
Financial Planning for the Elderly -- 22/14
Fundamental Analysis of Financial Instruments – 40/25
Government Contracting – 19/13
International Business Transactions – 68/54
International Finance – 20/8
Land Use Planning – 25/14
Mergers and Acquisitions – 30/30
Mortgages and Liens – 24/16
Real Estate Transactions – 60/51
Retirement Plans and Employee Benefits – 30/24
State and Local Government – 19/14
State and Local Government Finance—19/13

(6) What percentage of students have graduated in each of the past five years having had a clinical experience?

2007 – 57%
2006 – 70%
2005 – 68%
2004 – 67%
2003 – 64%

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(7) Do you have a required course that teaches students how to work with statutes and regulations?

We have implemented a curriculum change that requires all students to take an administrative law course as a graduation requirement. Students may select from a menu of courses that include:

Administrative Law
Antitrust in the Health Care Industry
Antitrust: Market Structure
Antitrust: Trade Practices
Environmental Law
Environmental Practice & Procedure
Environmental Regulation
Fraud and Abuse in the Health Care Industry
Privacy and Security in the Health Care Industry
Insurance Law
Labor Law
Labor Law in the Public Sector
New York Administrative Law and Policy
Public Health Law
Public Health Policy and Litigation
Regulatory Law and Policy

In addition, we offer an elective course specific to statutory interpretation:

Legislation & Statutory Interpretation

Introduces the creation, interpretation and implementation of statutory law. Topics will include legislative process (both federal and New York State), judicial interpretation of statutes, and agency implementation of statutes. Emphasizes the application of legislative and interpretive theory to legal practice.

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(8) Please describe any courses that provide feedback during the semester, and how the feedback is given to the students.

Of the 125 courses reported, 110 courses provide some sort of feedback during the semester. Below are the most common types of feedback provided (some courses reported more than one type of feedback):

Graded quizzes: 18 courses

Midterm exam: 8 courses

**Problems that are graded or commented on individually or orally to the class:
59 courses**

Drafts of papers or problems returned with comments: 39 courses

Practice exams with feedback: 25 courses

Performances critiqued/graded: 47 courses

Other:

- **Individual meetings with students several times during the semester to review work**
- **Review of recorded simulations and feedback via MediaNotes**
- **Students present their summary of cases upon which the professor comments**
- **Class participation is graded and feedback provided**
- **Weekly review questions are put on TWEN**
- **Students must do a journal entry for each class which are reviewed during the semester**
- **Review questions are presented at the beginning of every class using the CPS system and students answer using their clickers. Problems are then discussed in class, Professor reviews results after class and meets with students to give feedback**

(9) Please identify any courses that use multiple assessments for the purpose of determining students' grades, as opposed to the traditional "100% based on the final exam" method.

Of the 125 courses reported, 48 are based on a final exam/paper and 77 use multiple assessments. Those courses that use multiple assessments are listed in Attachment #4.

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(10) Describe any opportunities that students have to specialize in a particular area of law, and what exactly that entails.

Albany Law School provides an opportunity for students to concentrate in particular areas of law. Each of the concentrations requires that a student enroll in 24 credits from a menu of core and related courses in the particular concentration selected and students must write a substantial legal research paper in the area of concentration. A student who wishes to concentrate in a specialized area must complete a "concentration election" form and obtain the signature of a concentration advisor—a faculty member or other full time instructor who teaches at least one of the concentration courses. All concentrations require a 2.70 grade point average within concentration courses.

The faculty has approved the following 14 concentrations:

**Alternative Dispute Resolution
Business Law
Civil and Constitutional Rights
Civil Litigation
Criminal Law
Environmental Law
Estate Planning
Family and Elder Law
Governmental Administration and Regulation
Health Law
International Law
Intellectual Property
Labor and Employment Law
Tax Law**

(11) Have you participated in the Law School Survey on Student Engagement? If so, how have you used the data?

Yes, the VP for Enrollment Management and Student Affairs has used the data to develop a health and wellness initiative and to create a Professionalism Center that will provide opportunities to integrate professional skills, professional responsibility and ethics, and civic engagement.

(12) Please describe any efforts to encourage collaboration among students. Examples include the formation of study groups, the use of class wikis, and the use of collaborative work in courses.

See results of survey – Attachment #5

(13) Please describe any efforts to help fulfill law schools' obligations to the public and profession by encouraging students to do pro bono work during law school and beyond, through faculty and student research on public problems, and by any other mechanisms.

The law school promotes and encourages students to become engaged in pro bono work and lawyering for the public interest, and fulfills its own obligation to the public through the Albany Law Clinic and Justice Center, the Government Law Center, and the Pro Bono Society.

Albany Law Clinic & Justice Center

Providing Equal Access to Justice

Albany Law School's award-winning Clinic & Justice Center combines theory and practice through its in-house public interest law firm, providing free legal services to eligible clients in the Capital Region. In a typical academic year, the Clinic recruits more than 250 students for clinic projects, represents more than 600 clients, assists more than 1,500 individuals and organizations through technical assistance, and offers more than 40 community education activities. The Clinic's mission is to provide high quality legal representation and to teach students to be skilled professionals who practice law with compassion and sensitivity to individual client needs.

Student Opportunities

Established in 1981, the Clinic enables students to move from the classroom to the real world-earning academic credit, gaining outstanding experience and making a true difference.

Law interns represent real clients in actual cases under the close supervision of faculty members and attorneys in one of six in-house clinics.

Available Programs include:

- **Civil Rights & Disabilities Law Clinic**
- **Domestic Violence Prosecution Hybrid Clinic**
- **Family Violence Litigation Clinic**
- **Health Law Clinic**
- **Low Income Taxpayer Clinic**
- **Field Placement Clinic**
- **Securities Arbitration Clinic**
- **Introduction to Litigation Clinic**

The Government Law Center

The Government Law Center of Albany Law School was established in 1978 to promote interdisciplinary study and research in government and the problems facing government; to

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introduce law students to methods of policy analysis and to public service; and to serve as a resource to all levels of government in the resolution of specific problems.

The Center conducts research and studies, sponsors conferences and symposia, and offers a number of training programs. These activities may be at the request of governmental entities or on the Center's own initiative.

The GLC focuses on legal aspects of important public policy issues which assist governments in meeting new challenges. The Center's studies often report on recommendations for legal and policy reform based upon a national and international comparative research methodology. Through cooperative efforts with other academic institutions, the nonprofit sector, the private sector, and governmental entities, the Center has created both an environment for the open exchange of ideas and a laboratory for innovation.

Pro Bono Society

The Pro Bono Society is a student organization that receives administrative support from the Law school to operate as a channel for students to learn and participate in outside projects within the local legal community. Most member activity takes place off campus and via e-mail, allowing students to contribute to the legal community while maintaining an academic balance.

Existing opportunities include:

Albany County Family Court Help Desk: In conjunction with the Albany County Bar Association, students provide assistance to those conducting business with the Family Court. While no legal advice is given, students provide invaluable assistance in completing necessary paperwork. Students generally volunteer their time on a weekly basis, and while at the Family Court, are afforded the opportunity to observe court proceedings. It is an incredible opportunity for students to learn the inner workings of the Family Court System.

Free Private Attorney Student Support (Free PASS) Free Private Attorney Student Support (Free PASS) is a one-time opportunity for students to work with a private attorney by researching a specific area of law for a portion of the attorney's pro bono case. Students are afforded the opportunity to directly learn from an attorney working in private practice while making important connections in the legal community.

Prisoners Legal Services: All students will have the opportunity to work with the Prisoners Legal Services of New York to provide legal support for prisoners by writing legal articles and providing research. Upperclassmen will have a chance to conduct administrative appeals for prisoners who are challenging disciplinary hearings

Pro Se Divorce Clinic : Following a thorough training, students work one-on-one with low-income individuals who come to the clinic needing assistance in filling out the forms for a pro se simple divorce. Forms are numerous and confusing. Students' help is especially useful in determining the proper grounds for divorce, and writing a convincing explanation of why

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those grounds apply in the particular case. Difficult concepts such as custody/visitation, support and equitable distribution of marital assets may also be involved. This opportunity is open to all class years and is a great chance to work directly with clients.

Runaway Youth and Homelessness Project: Students will work with the Empire Coalition for Youth and Family Services to answer e-mail questions on a variety of legal topics which effect the runaway/homeless youth population, including emancipation and healthcare access. Additionally, the Pro Bono Society will be putting together a booklet of commonly-asked legal questions regarding homelsss/runaway youths in New York, as there is currently no such resource available.

Tax Law Day with the Tax Law Society: Each year the United Way and Key Bank hold a free tax preparation event to help low-income individuals receive the income tax credit they deserve. With the help and dedication of the Tax Law Society, students become certified tax preparers and assist people with filing their taxes.

Landlord Tenant Project: Students work with Northeastern Legal Aid Society in updating and maintaining an active and up-to-date defense database for landlord tenant disputes. Students also have an opportunity to observe court proceedings and may also be invited to observe the entire process from client interview to trial.

(14) Please provide any additional comments and information that you believe might be relevant to our survey, particularly about initiatives at your school that prepare students particularly well for law practice.

Attachment #1 -- Best Practices Survey

Course: _____ Faculty: _____

1. Does this course in any way integrate doctrine, skills, and professional responsibility or put students in the role of lawyers as a part of the class activities?

No

Yes:

If yes, briefly describe:

2. Do you provide feedback during the semester?

No

Yes

If yes, check all that apply:

Graded quizzes

Midterm exam

Problems that are graded or commented on individually or verbally to the class

Drafts of papers or problems returned with comments

Practice exams with feedback

Performances critiqued/graded

Other:

3. Do you use multiple assessments for the purpose of determining student grades in this course or is the grade based 100% on a final exam or paper?

Grade based 100% on final exam or paper

Multiple assessment: (describe)

4. In this course, do you encourage collaboration among students? Examples: formation of study groups or small group work/projects completed in class or out of class.

No

Yes: (describe)

Attachment #2

Best Practices Report: Integration of Doctrine, Skills, and Professionalism/Students Placed in the Role of Lawyers

Does this course in any way integrate doctrine, skills, and professional responsibility or put students in the role of lawyers as a part of the class activities?

No: 25

Yes: 100

If Yes, briefly describe here:

Client Interviewing and Counseling: The entire course is designed to teach students interviewing and counseling skills and then to have them practice this skills in preparation for practice. Ethical considerations are included in both the lectures and the exercises.

Introduction to Lawyering: One of the main purposes of this course is to put students in the role of lawyers. The course requires students to learn doctrine and then apply that doctrine in writing briefs, conducting interviews, negotiating, etc. The course also includes discussion of professional responsibilities with respect to each of these activities.

Bioethics Seminar: The class includes role play exercises in which students act as judges and attorneys in mock oral argument, as hospital attorneys consulting with physicians, and as lawyers on ethics committees and institutional review boards.

International Child's Rights: The students used international child rights doctrine to analyze the current NY State law on children and presented their findings at NYSBAR.

Trial Practice II -- Criminal: Lectures provide students with the doctrine and skill set necessary for each aspect of a criminal trial. Labs are utilized to give each student the opportunity to act as an attorney and practice each skill. Ethical concerns are incorporated into both the lecture and the simulations and students are encouraged to identify and discuss their professional responsibilities in each situation.

New York Practice I: My course is very practice based. I assign students to represent one party on a particular problem and to argue the case for that party. I also ask students to draft legal documents (complaints, answers, motion papers). I regularly discuss the ethical issues raised by particular legal problems.

International Organizations: Each student picks an organization of their choice, they are asked throughout the course at each doctrinal moment to compare the general doctrine with their individual organization. They also present this in class. When each student begins describing their individual organization it demonstrates very clearly the tensions between the different organizations and why there are tension points in the World.

Public Health Policy/Litigation: Students are required to use the doctrine they learn in class to create a statute that will cure some public health problem. We also discuss practical solutions to public health issues and the ethical issues involved.

Negotiating for Lawyers is a skills based class. Lectures are used to provide a doctrinal basis for the in-class and out of class exercises in which the students act as lawyers in simulated negotiations. Ethical concerns are addressed both in class and in the simulated exercises.

Administrative Law: NY/Federal: class simulation exercises: appellate argument & agency meetings

Appellate Practice: In class exercises simulating appellate advocacy and client advice.

New York Practice II: The class is designed to teach students how to practice law in the NY Courts. I frequently ask them to represent a particular side in an argument, to complete specific practical tasks (find and compile the necessary papers make a particular motion in a particular court); and to consider the ethical limitations on lawyer's behavior in litigation.

Regulatory Law and Policy: In-class simulations of agency meetings, settlement conferences, and legislative hearings

Securities Arbitration: In-class exercises simulating client advice, motion practice, appellate argument, judicial clerk drafting

Professional Responsibility Seminar: This is a course on professional responsibility. Problems in the text put students in the role as attorneys for class discussion.

Introduction to Civil Procedure: Students learn about the model rules pertaining to competence, diligence, and integrity. In that context, students also learn about the process of civil procedure, including Rule 11 and the sanctions aspects of discovery. They engage in simulated drafting of a complaint an answer designed to reflect their integrated knowledge of subject matter jurisdiction, personal jurisdiction, venue, Rule 11, the CPLR Rules pertaining to complaints, service & waiver. Additional simulations whereby students are asked either to advise or to advocate on civ pro issues. We also discuss how understanding the rules of civil procedure informs a lawyer both as counselor and as advocate. Some class discussions involve students advising a transactional client about risk management in light of civil procedure rules. Additionally, students are asked to put themselves in the roles of adversaries and consider how they would proceed as plaintiff's attorney and how they might proceed as defendant's attorney in response.

Introduction to Lawyering integrates skills and professional responsibility through student practice in handling a hypothetical case from client interviewing, through research, written analysis and communication to another attorney (and to the client), problem solving, counseling the client, drafting advocacy documents (complaint, answer, minimum discovery, memo to trial court, appellate brief), negotiations, and oral advocacy. The year-long hypothetical inevitably involves the legal doctrine that forms the law side of the problem.

Property II is a first year course that I taught as a one-time only experience. I did ask the students to role play from time to time.

Law and Psychoanalysis: This course is an examination of the Lochner Era and the Red Scare. The Lochner Era and the Red Scare are normally treated as if they happened in different worlds and at different times. This course breaks with that pattern in several different ways. First, participants are asked to think critically about what it means to link or to unlink the history of the 8-hour day from the history of, let's say, the IWW. Second, participants are asked to read, comment on, and cite to each others drafts. Third, participants are encouraged to write with an eye toward eventual publication. All of this is to place the participant in the position of knowledge producer, not passive recipient.

Evidence: We work through hypothetical problem sets everyday in class; I often try to simulate the practicalities involved in admitting evidence at trial.

Criminal Procedure: Survey: Participants are frequently asked to place themselves in the role of convict, defendant, on-the-street suspect, police officer, prosecutor, judge/justice. Participants are also asked to place themselves at various intersections of race/gender/economy in playing those roles.

Estate Planning II: We draft actual estate planning documents as a graded class project which allows the students to put themselves in the position of a attorney/counselor to a fictional family.

Trial Practice I - Criminal: Students were asked to take on the roles of prosecutors and defense attorneys in dealing with case situations, including ones raising ethical issues

Law/Politics of Capital Punishment: Students are presented with legal principles either by way of class presentation or by reading case law and are then asked to present positions based upon actual fact patterns thereby helping to develop their skills both in and out of the courtroom.

Trial Practice I - Civil: The students do a hypothetical case going through the entire legal system from client interview, legal research, analysis, trial memorandum, negotiation, and appeal (including an oral argument).

Electronic Discovery: This course integrates doctrinal law of electronic discovery together with practical skills used in daily litigation practice. This course also focuses on the professional responsibilities of attorneys with respect to discovery practice, particularly the legal and ethical obligations of attorneys in managing electronic discovery.

Management of Technology Transfer Organizations: This course is structured around various assignments (e.g., writing, research, interviewing and negotiating) that are designed to integrate doctrine, skills and professional responsibility and put students in the role of lawyers.

Bankruptcy: We discuss burdens of proof, arguments to be made as a debtor or creditor's attorney, and their responsibilities as attorneys under the Code as they relate to their PR.

Corporate Governance: During most sessions of this course, I try as much as possible to get students to come up with suggestions as to how they would advise a client (whether it's a CEO or the board of a corporation) as to the best approach to handling a difficult or potentially controversial matter, such as the compensation of senior management, or the engagement of/reliance upon outside consultants, or questions as to the independence of a board member. This is by no means a "skills" exercise, but it is intended, as is most of this seminar, to integrate traditional and developing legal doctrine with "real world" issues.

Alternative Dispute Resolution: Students regularly do simulated negotiations, mediation, and client interviewing and counseling.

U.S. Supreme Court Watch: Students role-play the U.S. Supreme Court Justices

Advanced Constitutional Law: Asks students to put themselves in the role of appellate advocates arguing in front of the U.S. Supreme Court

Securities Regulation: I put them in the role of SEC attorneys and private lawyers practicing in front of the SEC.

Introduction to US Law: I ask the students to act the role of Supreme Court advocates.

Contracts: 1. Professional responsibility issues are raised when they flow naturally from the assigned material. 2. When pedagogically appropriate students are asked to make the best argument they can for a given party in a particular case or hypothetical, and /or what advise they would give.

Patents and Trade Secrets: I have a few role playing exercises to explore doctrinal and policy issues two - three times per semester. Usually in the form of a mock appellate argument. In addition, the course workbook contains several problems involving client letters and client advising.

Introduction to Lawyering: substantively, the course covers doctrine, skills and prof. resp. Work output puts students in role of lawyer for research, writing, and client counseling.

Trial Practice - Civil is a full-year course organized around a hypothetical legal problem, which the students are required to handle from the initial client contact through an appeal. The course includes a client interview, legal research, an objective memorandum, a deposition exercise, a motion for summary judgment, negotiations, an appellate brief, and an oral argument.

Trademark Law: Wherever possible, I attempt to have the students approach the cases and problems from the perspective of a lawyer representing a client, as well as from a general analytic perspective, asking specific questions as to how the student, as a professional, would or should act.

Defamation and Privacy Law: We role play about attorney interaction with other attorneys, clients and the court and the issues that may arise.

Trial Practice II - Civil: Perform trial advocacy skills.

Public Access to Government Information: Students submit requests for records pursuant to the Freedom of Information Law; prepare mock decisions involving actual controversies currently occurring relating to public access to government information

Trusts & Estates: We use readings, lecture, simulations and exercises, to help students learn to "think like lawyers"

International Human Rights Law: Class consideration/discussion of hypotheticals and doctrine.

Jurisprudence: Class consideration/discussion of hypotheticals and doctrine.

Estate Planning I: Students are placed in the role of lawyers in small firms and asked to discuss and resolve various ethical problems that arise in real practice

Business Planning: Emphasis on role of lawyer and planning.

Health Law: Emphasis of lawyer's role in health transmission process.

New York Practice: Even in NY Practice, I constantly integrate professional responsibility issues. In all classes, the students are constantly placed in the role of lawyers for their clients.

Law and the Disadvantaged: Each student presents three problems, all - most all put them in the position of an advocate for one or the other side.

Introduction to Civil Procedure: 2-3 hours of professional responsibility in conjunction with FRCP 11 and discovery.

Torts: Professional responsibility issues highlighted and discussed during coverage of legal malpractice.

Insurance Law: Ethics and professional responsibility are a significant aspect of the course. The materials involving liability insurance result in discussion of the attorney's role when representing an insured, after having been hired and paid by an insurance company. These issues include discussion of confidentiality and the attorney-client privilege in such contexts, and how issues of conflict should be resolved. Because I am a practicing lawyer, the aspects of practice and practical litigation issues also are raised in the cases and they provide frequent opportunity for consideration and discussion of the role of attorneys in the practice of law.

Malpractice in Health Care: I teach what every day practicing lawyers do. I lecture on real cases, and incorporate ethics discussion as well.

Art and Entertainment Law: I'm not sure what this question is asking, but I do spend time talking about ethical issues in client representation in the art & entertainment field, strategies for negotiating certain entertainment contracts, and I discuss a comprehensive overview of the current state of intellectual property law and trends of change in the law and the forces pushing those trends.

Children and the Law: Study role of child's lawyer.

Family Law: Role playing as part of briefing cases in class.

Introduction to Taxation: Settlement negotiation exercise, which includes professional responsibility issues.

Sentencing and Corrections Law: Two sentencing hypothetical exercises during the semester - students submit and discuss and challenge each other on sentencing decisions - also, an optional prison visit.

Commercial Law Survey: Professional responsibility - we discuss ethics in hypos and problems. Skills - we discuss drafting and document preparation and problems caused by faulty drafting.

Labor Law in the Public Sector: Students are placed in the role of counselor to union/management for negotiations and advocacy. Unique aspects of being in-house counsel (ethics) are also addressed.

Environmental Practice/Procedure: Students asked to assume roles in solving practice problems in class.

Employment Regulation: Students routinely asked to assume advocacy roles.

Gender and Work: Students asked to assume roleplays in multiple settings.

Play role of lawyers.

Students are often asked to play role of plaintiff or defense attorney.

Land Use Planning: There are writing assignments - skills based, decision writing, ordinance interpretation, attendance at local planning/zoning board meetings. Students also post comments to a land use blog.

Domestic Violence Seminar: Students role-play as legislators for policy discussion and as lawyers in other in-class simulations.

U.S. Refugee and Asylum Law: Several role playing activities in which students act as asylum seeker and attorney.

Business Torts: Discussion of and use and actual pleadings and forms.

Advanced Evidence: Use of problems to put rules of evidence in context with trial work.

Expert Testimony: Discussions include preparing expert witness, locating expert, complying with discovery demands, reviewing actual disclosures.

Attachment #3

Lawyering Faculty

Pamela Armstrong, Lawyering Professor

B.A., Tufts University;
M.A., University at Albany;
J.D., Albany Law School (associate editor, *Albany Law Review*)

Joined Albany Law School in 1989. Was formerly staff attorney for the Civil Service Employees Association Inc. and co-counsel to the New York State Freshwater Wetlands Appeals Board. Serves as executive director of Albany Law School American Inn of Court, director of Lewis Swyer Academic Support Program, member of the Association of Legal Writing Directors, and former member of the ABA Communication Skills Committee.

Dorothy Hill, Assistant Lawyering Professor

B.A., Vassar College
J.D., University of Wisconsin Law School

Prof. Hill has coast-to-coast experience working in Attorney Generals' offices. She returns to New York after serving two years as Assistant Attorney General/Labor Counsel for the Commonwealth of the Northern Mariana Islands. Previously she was Assistant Solicitor General, Appeals and Opinions Bureau, New York State Attorney General's Office; and was an associate attorney at Cohen, Weiss and Simon LLP, New York, N.Y.

Deborah Mann, Lawyering Professor

B.A., University at Albany;
J.D., Albany Law School

Prof. Mann has more than 20 years of legal experience in diverse governmental positions, including assistant district attorney, Kings County District Attorney's Office; assistant attorney general, New York State Attorney General's Office; senior counsel, New York State Energy Research and Development Authority; director, Governor's Task Force on Rape, Sexual Assault, and Child Sexual Abuse; and deputy director, Governor's Office, New York State Division for Women. She was most recently financial counselor and seminar speaker, The Ayco Company, L.P.

Rosemary, Queenan, Assistant Lawyering Professor

B.A., University of Maryland
J.D., New York Law School (magna cum laude)

Professor Queenan was previously assistant general counsel for the Patrolmen's Benevolent Association of the City of New York, Inc. She also served as an adjunct faculty member at New York Law School, where she taught Legal Reasoning, Writing & Research, Written and Oral Advocacy and Drafting Contracts.

Jeneane Taranto, Lawyering Professor

B.A., Kenyon College
J.D., Case Western Reserve University School of Law

In private practice for more than 10 years, then consultant to law firms in Connecticut and New York, specializing in real estate issues. Extensively published in the area of real estate.

Evelyn Tenenbaum, Lawyering Professor

B.A., Northwestern University;
J.D., Cornell Law School

Professor Evelyn M. Tenenbaum is a graduate of Northwestern University and Cornell Law School. She served in the Attorney General's office as a Section Chief and Assistant Solicitor General and was also a consultant to the New York State Department of Health. She is currently a member of the core faculty at the Alden March Bioethics Institute.

Kathleen Whelan, Visiting Assistant Lawyering Professor

B.A., Hofstra University;
J.D. Brooklyn Law School

Previously a senior staff attorney with Nassau Suffolk Law Services Committee, Inc. where she specialized in core poverty law areas including the right to emergency shelter for the homeless, both locally and on a national level.

Prof. Whelan also served as a social justice fellow at Huntington, N.Y.-based Touro College's Jacob D. Fuchsberg Law Center where she supervised students and involved them in major litigation; worked with and coordinated efforts of attorneys from legal services, national back-up centers and major law firms to protect homeless children from foster care placement; and protected their rights under federal law to an uninterrupted public education.

Attachment #4

Best Practices Survey: Courses that Use Multiple Assessments

Client Interviewing/Counseling	Federal Taxation/Partnerships
Introduction to Lawyering (7 sections)	Federal Jurisdiction /Practice
Bioethics Seminar	Evidence (2 sections)
Trial Practice I: Civil	Immigration Law
Trial Practice II: Civil	Estate Planning II
Trial Practice I: Criminal	Law/Politics Capital Punishment
Trial Practice II: Criminal	Capital/Public Defenders Clinic
New York Practice I	State and Local Taxation
New York Practice II	Electronic Discovery
Public Health/Policy & Litigation	Management of Technology Transfer Org
Administrative Law: NY/Federal	Bankruptcy
Regulatory Law and Policy	Corporate Governance
Legal Profession (2 sections)	Negotiating for Lawyers
Securities Arbitration	Intro to Litigation Clinic
Non-profit Organizations	US Supreme Court Watch

Advanced Constitutional Law	Remedies
Constitutional Law I	Marketing High Tech Products
Constitutional Law II	Art and Entertainment Law
Health Law Clinic	Torts
Domestic Viol Pros-Hybrid Clinic	Sentencing & Corrections Law
Introduction to U.S. Law	Criminal Law
Antitrust: Trade Practices	Criminal Procedure: Adjudication
Patents and Trade Secrets	Commercial Law Survey
Internet Law	Labor Law in the Public Sector
Introduction to U.S. Law	Law and the Disadvantaged
International Business Transactions	Environmental Practice/Procedure
Copyrights Law	Gender and Work
Low Income Taxpayer Clinic	Land Use Planning
Judicial Placement Clinic	Children and the Law
Public Access to Gov't Information	Domestic Violence Seminar
Economic Development Through World Trade	Civil Rights & Disabilities Clinic
Jurisprudence	Family Violence Litigation Clinic
Criminal Law	U.S. Refugee & Asylum Law

Attachment #5

Best Practices Report: Collaboration

**In this course, do you encourage collaboration among students?
Examples: formation of study groups or small group work/projects
completed in class or out of class.**

No: 46

Yes: 78

If Yes, describe here:

Students work in teams for in-class and out of class graded exercises. Students prepare to act as clients for classmates who are prepare to take the attorney role in each exercise.

Students sometimes perform in-class exercises in groups such as negotiations, interviewing, and depositions.

In role plays, students work in groups to develop the position of the assigned "character." So, for example, a group of three students might have to work out and present the position of the attorney for a family member to a court or ethics committee.

Because I only grade the final product, they can feel free to help each other as much as they want during the semester, which they do. I want them to learn how to seek support and help from the other students as a preparation for the future, where there will not be a professor giving them the answers.

Students act as witnesses for one another in graded simulations. In addition, students are placed in teams for the final full trial.

Students are encouraged to work out answers to assigned problems in groups.

Each student identifies a research area, and submits readings around that area (2 articles), the other students are then to help figuring out the up-and-down-sides of the arguments and the questions, so that in the end the outcome becomes better.

Students are encouraged to discuss the ideas for their public health statutes with other students in the class and to collaborate with other students to get ideas for resolving some of the issues that the statute will create. We also discuss the problems with each statute in class and work together to make each as practical and workable a solution to a public health issue as possible.

Students work in teams for several of the graded negotiations. In all in-class exercises, students are encouraged to critique the performance of their classmates and to provide suggestions for improvement.

Required study groups & group preparation and performance of exercises.

Required study groups to prepare for class.

Students were assigned to work in groups on provisional remedies. Each group had to create a written and oral presentation, that included a problem for resolution by the rest of the class, on one provisional remedy. In addition, I encourage students to work together in class and out of class to solve assigned problems.

Mandatory study groups and teams for exercises.

Mandatory study groups for class preparation, group collaboration for in class exercises.

If a student asks a good question in class, I often ask the student and some friends in the class find out the answer to the question for next time. This to teach them that if they have questions they should try to find the answers not from me but from themselves. This is important to me because I want them to be confident in their own abilities and have that as their focus, instead of looking to the professor as the fact-finder. I offer help during office hours on how to find the answers but I want them to learn how to both ask and answer their own questions.

Students work in teams while representing clients.

Collaboration in preparing to present some cases in class; collaboration on responses to class hypotheticals; collaboration on mock advocacy in class.

Students begin by collaborating on research paths. Part way through the semester, students are placed into "law firms" which placement limits their choice of partners, but also enlarges their group. They continue to collaborate on research, problem solving, client counseling, negotiations, and are paired for trial court oral argument and appellate oral advocacy.

I strongly encouraged Property II students to form reading groups.

We work together as a group - both in and out of class.

I would often have the class divide into small groups to discuss a particular case or problem.

Yes, for the two graded simulation exercises, the students must collaborate in small groups before class, and during the simulations.

We work together in and out of class. I also encourage them to cite each others research. The idea is to write -- collaboratively -- with an eye on eventual publication.

Students are encouraged to read, comment on and cite to each others work. Students are also encouraged to write with publication as their aim.

Students are allowed to work in groups of up to three students for all project purposes

The class is broken down into small groups to work on simulated problems.

Group assignments on legal research out of class; group assignments in class on issue identification; development of rules; reading statutes and cases; draft sections of legal documents; mock client interviews and negotiation and oral argument.

Small group projects

Yes, through the use of small group in-class exercises.

At the end, we do a real problem and half the class is assigned the creditor hat, the other half the debtor's hat, and we have a panel of guests playing judge, Chapter 7 and Chapter 13 Trustee.

By definition, this is a seminar with only eight students and, therefore, the group is small enough to engage in meaningful discussion. From time to time, I ask students to express and defend opposing views on an issue, with varying degrees of success (since most students usually have similar views that differ only in degree but not in kind).

There were several group exercises where the students had to work together to figure out strategy and tactics before the negotiation.

I have paired students on cases and have assigned groups to prepare very short presentations in class.

Where more than one student is working on the same country

Partly depends on the number of students because we need to role play 9 justices

Urge them to study together and even to talk about the take home exam but not to write it together

I have suggested in the past that they use study groups.

I have suggested study groups in the past.

Teams for client representation/case review meetings; in class activities in small groups.

Students are encouraged to share experiences across different courts and offices to assist each other in better performances. Students provide some peer assessment.

study groups, group outlining, group meetings with Professor

When time permits students are occasionally broken into groups in class to answer a problem; will do a lot less this year than in the past because of reduced credit.

Breakout discussion during class and team assignments for problems described above.

Students encouraged to work collaboratively to prepare all work output (but not to write final product)

students assigned to co-present material throughout the semester

The students are assigned to clients in pairs.

Yes. The students are required to work together in small groups on one or more of the research paths, the fact assignments, the client interview, deposition exercise, negotiations and a number of in-class exercises.

For 2 of 3 Research exercises, students are assigned with other students to be part of a team

Problems and simulations.

Problems and study questions.

Small group work throughout the semester. Three to four students assigned to function as Law Firms to discuss, analyze and resolve ethical issues.

In both classes, I encourage study groups to work on problems and prepare materials.

Encourage study groups - sometimes assign problems to a four-student group.

I often break the class into plaintiff/defense counsel and see how they approach a medical malpractice case.

Small groups present and lead classroom discussion.

Small group discussions.

Small group brainstorming.

Several exercises are distributed. Students are encouraged to work in groups. I meet students to discuss their work. Sometimes students prepare pictorial outlines which I bring to class.

Settlement negotiation exercise pairs off students into 2 v. 2 teams - negotiation is done outside of class.

Encourage study groups to discuss review questions.

Group projects in and out of class.

Sponsor fellows provide weekly small group review sessions.

Formation of advocacy teams in roleplays.

Students encouraged to work together to prepare for roleplays in teams.

Sometimes teams of students are responsible for presenting materials. Each student presents their paper and receives feedback from other students.

Several small groups in class.

General/e-mail group projects in class.

Students work together on cases, twice per semester they collaborate with clinical students from other clinics for large class, and in class we often have pre-assigned groups.

Absolutely! Students work in teams on real cases, mock trial project outside of class, negotiation project in class, in-class trial preparation exercises and in-class petition drafts exercise.

Class exercises sometimes require collaboration (i.e. role playing described above).

Certainly encourage such activities, but no formal projects.
