

We Have a Dream: Integrating Skills Courses and Public Interest Work in the First Year of Law School (and Beyond)

Sara K. Rankin,* Lisa Brodoff,** Mary Nicol Bowman***

Real-world learning experiences are widely understood to result in higher student motivation, satisfaction, and performance.¹ However, first-year students rarely receive clinical learning opportunities.² Meanwhile, legal writing courses tend to focus students on carefully constructed legal problems rather than “real time, real life” legal problems.³ As a result, first-year law students are starved of valuable skills training opportunities. They are also denied the motivational sustenance of working on a project that has real meaning to a real client. By the end of the first year, many law students cannot recall the very passion for justice and change that brought them to law school.⁴

The clinical and legal writing faculty at Seattle University School of Law are trying to address these issues by experimenting with collaborative teaching projects that use real legal problems faced by clients of the clinical program. These

* Associate Professor of Lawyering Skills, Seattle University School of Law. JD, New York University School of Law; EdM, Harvard Graduate School of Education; BA, University of Oregon.

**Director of the Clinical Law Program and Associate Professor of Law, Seattle University School of Law. JD, Hofstra University School of Law; BA, University of Vermont.

***Associate Director of the Legal Writing Program and Associate Professor of Lawyering Skills, Seattle University School of Law. JD, Stanford Law School; BA, Seattle University.

¹ See generally Sara K. Rankin, *Tired of Talking: A Call for Clear Strategies for Legal Education Reform: Moving Beyond the Discussion of Good Ideas to the Real Transformation of Law Schools*, 10 SEATTLE J. SOC. JUST. 11, 22 (2011); JOHN DEWEY, *DEMOCRACY AND EDUCATION* (1916); JOHN DEWEY, *DEWEY ON EDUCATION* (Martin S. Dworkin ed. 1959); JOHN DEWEY, *EXPERIENCE AND EDUCATION* (1938); Alfie Kohn, *Progressive Education: Why It's Hard to Beat, But Also Hard to Find*, INDEP. SCH. (Spring 2008), <http://www.alfiekohn.org/teaching/progressive.htm>.

² Nantiya Ruan, *Experiential Learning in the First-Year Curriculum: The Public-Interest Partnership*, 8 J. A'SSN LEGAL WRITING DIRECTORS 191, 203 (2011).

³ *Id.* at 201.

⁴ See, e.g., Sara K. Rankin, *The Fully Formed Lawyer: Why Law Schools Should Require Public Service to Better Prepare Students for Private Practice*, 17 CHAP. L. REV. 17, 26–27 (2013); Mary Nicol Bowman, *Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing*, 62 J. LEGAL EDUC. 586 (2013); Deborah A. Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL EDUC. 51 (2001).

This continuum offers a conceptual framework for surveying some examples of discrete and simple projects that require a lower relative investment of resources at one end, compared to more involved and detailed projects at the other end of the scale. Our successes have been the rewards of a gradual process, starting with some fairly low resource investment efforts and culminating in much higher-investment partnerships. But we have also discovered that there is a direct correlation between increasing investment of time and resources and increasing levels of trust and effective partnership.

The next few sections elaborate and provide some applied examples of efforts at the low-, mid-, and high-end points on the continuum of potential collaboration. These explanations will help interested faculty in assessing viable projects based on their own unique needs and limitations, using the sliding scale as a visual framework.

A. Lower Resource Investment & Trust Building Efforts

The steps discussed in this section would not directly impact students, but they lay the groundwork for the more intensive collaborations discussed below that do provide benefits to first-year students. They are ideal for schools or faculty that are less accustomed to legal writing and clinical faculty working together on curricular projects.

- Reach out to a clinician/legal writing faculty member (at your own or another school) to start a conversation about the possibility of a collaborative project.
- Schedule a joint clinic/legal writing faculty meeting or retreat to discuss common issues (e.g., creating common writing terminology, discussing student writing and solutions, preparing students for clinic writing tasks, discussing common workplace/status issues, etc.).
- Hold a preliminary meeting of legal writing and clinical faculty to discuss potential joint projects (e.g., explore interest on both sides, whether there are recurring issues in the clinic that could use additional legal research, etc.).
- Create clinician/legal writing faculty coordinators to foster collaborations and create efficiencies.

B. Mid-Level Investment & Discrete Collaborations

The collaborations discussed in this section involve both students and faculty; they can also lay the groundwork for more

intensive collaborations. Seattle University's collaborative projects currently fall into this part of the continuum and have generated the benefits that are discussed in Part II of this article.

1. Co-supervise an independent study for a student writing an amicus brief

At Seattle University, clinical faculty are frequently asked to author amicus briefs for client groups or on behalf of the clinic itself in support of important and pressing public policy arguments. When one of the legal writing faculty's students wanted to further expand her brief writing skills, the legal writing faculty member and a clinician came together to jointly supervise her in researching and drafting an amicus brief to the state supreme court. Later, the two faculty members and the student co-authored a law review article on the same policy issue.⁷

2. Create an "idea bank" of research to support recurring legal problems the clinics encounter

If the clinic has recurring issues that require legal research, the legal writing classes can design useful projects that are "inspired by" clinical cases. For example, during the spring of 2012, a Seattle University legal writing faculty member worked on an issue that was identified by the clinician who teaches in Seattle University's Domestic Violence Clinic; the issue has been affecting pro se litigants rather than clinic clients. The legal writing students worked with a composite fact pattern that was inspired by the real cases, and the legal writing and clinic students will likely work together to figure out the best way to disseminate the results of the research.

3. Guest lecturing

For example, clinicians can teach discrete legal writing classes (e.g., a class on client interviewing). Legal writing faculty can teach discrete clinic classes (e.g., a class on research skills or amicus brief drafting in the clinic or a class on judicial opinion writing in a judicial externship seminar).

⁷ Lisa Brodoff, Susan McClellan & Elizabeth Anderson, *The ADA: One Avenue to Appointed Counsel Before a Full Civil Gideon*, 2 SEATTLE J. SOC. JUST. 609 (2004).

2013] *Integrating Skills Courses and Public Interest in Law School* 93

4. Legal writing students can work on a research project based on a current clinic client and case; students from the clinic and legal writing class can work together on the client issue

For example, students in Seattle University's Immigration Clinic served as client contacts to legal writing students, who provided factual and legal research in support of an asylum application for two women who were victims of human trafficking and female genital mutilation. Clinic students used that research in writing briefs, and the clients were granted asylum. As another example, legal writing students provided a short memo and brief to Domestic Violence Clinic students regarding whether a Washington court has the power to issue a protection order for more than one year. The materials were used in support of clinic cases. More recently, legal writing students provided research and an objective memo on the legality of a Medicaid regulation barring coverage of Gender Reassignment Surgery for a transgendered client of the Administrative Law Clinic. The research memos were used by the clinic students in briefing their client's case through the administrative hearing process and then in the state court appeal.

C. Full Partnerships

These more advanced forms of collaboration may involve structural or institutional changes.

1. Co-Teaching

A co-teaching model involves a full-time legal writing faculty and clinician co-teaching a clinical class with a writing overlay or a legal writing class with a clinical overlay.

2. Rotating Teaching Responsibilities

Under a rotating model, a legal writing faculty member teaches a clinical course and/or a clinician teaches a legal writing course.

3. Rotating Resident

By contrast to the former rotating teacher model, a rotating resident is a more sustained and integrated concept. A legal writing faculty member joins the clinic firm and serves as a writing consultant for students/faculty in all of the clinic courses. Similarly, a clinician could rotate into the legal writing program to help make "live client" issues more pervasively integrated throughout the legal writing curriculum. The faculty would partner in terms of teaching, supervision, etc.

4. Integration

Clinical and legal writing faculty become “skills faculty.” Such faculty work as a single department to address legal skills education throughout all three years of legal education, at the appropriate level for each student.

II. BENEFITS

We have found that the benefits that flow from these projects make them well worth the additional work involved as compared to traditional teaching methods. When we began these projects, we expected that they would generate a number of benefits, but our experience has been even more positive than we expected. We expect that the benefits we highlight below could also be achieved at other schools through similar collaborations that involve both first-year and clinical students.

A. Benefits to Legal Writing Students⁸

1. Anticipated Benefits

- Increased student motivation, engagement, and satisfaction;⁹
- Improved work product;
- Provided students with experience of “real world messiness” and complexity;
- Provided students with training in how to integrate and apply skills to “real world” experiences;
- Increased team-building and collaborative skills;
- Developed a sense of community within and outside of class, extending to larger community;

⁸ Professors Lisa Brodoff and Sara Rankin conducted surveys of 3Ls who participated in a legal writing/clinic collaborative project during their 1L year. The student surveys supported our observations that these projects result in many benefits to legal writing and clinical students, including improved skills acquisition, law school course planning, job marketability, and satisfaction with choice of a legal education and career. Clinic Collaborative Project Survey, Mar. 2013 (on file with the authors). *See also* Videotape: Legal Writing & Clinic Collaborative: Real Clients in the First Year (Seattle University School of Law), available at <http://law.seattleu.edu/x12101.xml> (last visited Aug. 25, 2013).

⁹ Just six months into the first year of law school, students' level of depression and anxiety are significantly elevated. *See* G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225, 240; Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357 (2009) (finding that law students who exercised their strengths and skills in their law school courses were less likely to report depression and more likely to report satisfaction).

2013] *Integrating Skills Courses and Public Interest in Law School* 95

- Engaged students in thinking about their roles in social justice and public service; and
- Encouraged students to reflect on moral and ethical aspects of lawyering.

2. Surprise Benefits

- Increased student confidence in their lawyering skills and choice of entering law school and the legal profession;
- Generated student interest in clinical programs;
- Generated student interest in particular areas for continued study or specialization;
- Improved student marketability for externships, summer jobs, and post-graduation legal positions; and
- Increased student readiness for participation in clinics.

B. Benefits to Clinic Students

- Empowered clinic students to become teachers/mentors/clients;
- Helped them realize how much they had learned since their first year;
- Exposed them to elements of supervisory and case management roles;
- Challenged them to identify, select, and integrate research from “parts” of a case into a “whole”;
- Built confidence as they entered difficult legal market; and
- Helped with transference of skills and knowledge from legal writing courses to client representation in the clinic.

C. Benefits to Faculty

- Broke down institutional siloes;
- Shared (and increased) ideas, creativity, and energy;
- Built professorial capacity (substantive and pedagogical);
- Enhanced faculty motivation, engagement, and satisfaction;
- Built an idea bank/resources for potential scholarship;

- Provided a group of trained research assistants; and
- Facilitated clinicians' interaction with 1Ls.

D. Benefits to the Institution

- The Institution experienced derivatives of student and faculty benefits, including the following:
- Increased student skills and student employment prospects;
- Energized and facilitated productivity of skills faculty.

III. PRACTICAL TIPS FOR GETTING STARTED

Collaborative projects are somewhat challenging to develop and teach, but the tips below may help to make the process smooth and effective.

A. Generating Good Projects

It takes a lot of "startup" legwork to generate good projects. Here are some tips to consider:

- Consider starting the conversation about potential collaborations with an ally, and then reach out to others who might be interested. Ultimately, try to involve multiple faculty members from both legal writing and the clinic—the more faculty members who are interested and the more potential projects that you generate, the more likely it will be for you to come up with good, workable projects.
- Designate a coordinator in each faculty group (legal writing and clinic) to help make the process more efficient.
- Hold regular in-person meetings between legal writing and clinical faculty to ensure everyone's needs are met. For example, the legal writing faculty can clarify their pedagogical goals and timing issues, and the clinicians can talk about how they might use the work or what their timing needs are likely to be. It is also helpful to discuss whether students will be able to come out on both sides of the issue and any concerns related to use of their work product as a writing sample. You can also use this meeting to brainstorm potential projects. It is often helpful to have this meeting as early in the school year as

possible, so that the clinicians can be on the lookout for potential projects all year.¹⁰

- Plan ahead so that you have time to evaluate potential projects and slot them into the curriculum. For example, at Seattle University, we generally assign the projects in February, and we try to get the list of potential projects in early November. But with advanced planning, you can slot a project into any appropriate part of your curriculum (e.g., a research exercise, a full memo, a brief, etc.). You can also see how the project relates to the rest of your curriculum and adjust accordingly (e.g., covering research topics in other places in the curriculum).
- Carve off a manageable “slice” for the legal writing students to work on if a project seems too large or difficult for the legal writing students to accomplish. For example, if a claim involves multiple elements, have the legal writing students focus on a single element, while having the clinic students look at the other elements. Or have different professors work on different aspects of the issue presented.

B. Teaching (and Managing) the Projects

These projects often involve more factual and legal complexity than “canned” problems, so it is important for students and legal writing faculty to be prepared to manage that complexity.

- Consider assigning non-legal background reading, particularly if the legal issue is novel or complex. For example, this approach was necessary in a recent project concerning Medicaid coverage for Gender Reassignment Surgery.
- Involve as many students as possible in the collaboration by inviting the clinical students to introduce the project to the legal writing class, or by scheduling opportunities for the legal writing students to present their research to the clinical students.
- Be prepared for students to make more “wrong turns” or otherwise struggle more than might be expected

¹⁰ It can also be helpful to create a document summarizing the discussion about what makes a good project. For a sample document that can be adapted, see Bowman, *supra* note 4, at 597.

from a canned problem. Let the students know that this struggle is part of the pedagogical benefit of the problem because live legal issues are often complex, and use the opportunity to model for the students how a lawyer works through a new issue. That takes confidence to carry off, but it can be a powerful opportunity for modeling professionalism. And be flexible!

- Stay in touch throughout the project, so legal writing faculty and clinicians can work through any unexpected challenges that arise.
- Use creative methods to help the students work through the complex information to produce reader-based rather than writer-based work product. For example, we often use “revising classes” to help the students deepen and clarify their thinking. We also encourage our students to work in groups and to practice presenting the results of their analysis to each other before presenting the final analysis to the client.
- Discuss preferences for delivery of work product. For example, it is unlikely that the clinician will want to review all of the legal writing student memos; instead, we generally select one or two of the top memos to deliver to the clinician as the final work product, although we provide more if warranted by the different approaches taken by various students.
- Always emphasize the utility and purposefulness of each student’s work product, even if only a few memos are ultimately delivered to the client. In addition to each student’s participation in the collaborative learning dynamic, each student can also participate on a team (broken up by issue or topic) that presents to the client.

Integrated skills projects like those we have undertaken at Seattle University may be challenging, but they can offer tremendous benefits to students, faculty, the institution, the broader community, and ultimately, the legal profession. We have witnessed how these projects—especially when they are implemented as early as the first year of law school—can increase student motivation, engagement, practice-readiness, and employment prospects. We have experienced first-hand how these projects can enhance faculty motivation and engagement, as well as challenge and improve our teaching skills. Our clients

2013] *Integrating Skills Courses and Public Interest in Law School* 99

and community partners desperately need such inspired public service from our students.

These days, there are not many win-win-wins to report in the legal academy. But with courage, passion, and vision, faculty can work together to make integrated skills projects a reality in the first year of law school. The challenges can be overcome, and the benefits can be extraordinary. We dare to dream.