

Integrating Clinical Client Issues into First Year Legal Writing and Doctrinal Classes
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Carl Jung had a stone house he called “The Tower.” Thoreau had Walden Pond. Bill Gates has “Think Weeks” where only reading and thinking are allowed. Author Cal Newport identifies this as *Deep Work*: professional activities performed in a state of distraction-free concentration that pushes your cognitive capabilities to their limit.¹

This session provides space and a platform for us to think about, discuss, and develop strategies to integrate real client clinic issues into first year legal writing/research and doctrinal courses.

The recent AALS conference featured a joint session sponsored by the legal writing and clinical sections during which Seattle University Colleagues Lisa Brodoff and Mary Bowman shared their tips to introduce and integrate social justice into non-clinical courses.²

Tip 1: Adopt a client-centered, rather than just a lawyer-centered focus for the 1L legal writing/research curriculum, using a real client experience in the 1L year.

Tip 1a: add in a client-centered approach to current assignments.

e.g. a client letter, a client interview to gather facts, or an explicit discussion of client goals underlying the topic for the legal writing memo or brief.

[Benefit: Teaches writing to different audiences.]

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1. See Cal Newport, *Deep Work: Rules for Focused Success in a Distracted World*, 2016.
 2. *Tips from the Trenches: Teaching Students to Help Social Justice Practitioners from First Year to Graduation*. Presentation at the AALA Annual Meeting, January 4, 2018, Professors Mary Bowman, Director of the Legal Writing Program, and Lisa Brodoff, Director of the Ronald A. Peterson Law Clinic, Seattle University School of Law.

Tip 1b: Provide a *real client* social justice experience in 1L legal writing/research to build upon students' beginning skills and to motivate them.

[Benefit: Inspires students to care about social justice as well as their product /grade.]

Tip 2: Focus on legal writing/clinical collaborations that incorporate teaching for transfer principles through the curriculum, so that our students can better take what they learn in 1L legal writing/research and apply it in the clinics/real client representation and after graduation.

Tip 2a: Collaborate on backwards planning about core skills and outcomes (creating an integrated skills curriculum).

Tip 2b: Legal writing/research faculty should "stretch forward" (focus on future application of skills) as well as task completion.

Tip 2c: Clinicians should "reach back" to what students have done in legal writing/research that creates a foundation for work that the students will do in clinic.

This session will identify the benefits of integrating real client issues into first year classes, as well as develop specific strategies for successful integration. We will:

1. Articulate the value for students.
2. Develop the rationale and steps to obtain faculty buy-in.
3. Identify a legal writing/research or doctrinal colleague with whom to collaborate.
4. Use the Seattle University Practice Tips to identify a clinic issue or research topic that fits into the legal/writing/research or doctrinal course core skills taught by your colleagues.

EXAMPLES:

1. Global Lawyering Skills (GLS): Course Assignments and Skills
2. *Just Mercy* assignment for 1L Legal Profession Course



Tips from the Trenches: Teaching Students to Help Social Justice Practitioners from First Year to Graduation

Presentation at the AALS Annual Meeting, January 4, 2018

Professors Mary Bowman, Director of the Legal Writing Program, and Lisa Brodoff, Director of the Ronald A. Peterson Law Clinic, Seattle University School of Law

Legal writing and clinical faculty at Seattle University School of Law have collaborated over the last several years in a variety of ways, including holding joint meetings and yearly retreats to build a shared vocabulary, get out of our teaching silos, create a more collegial faculty community, and work on improving students learning across the curriculum. Since 2009, we have also collaborated on "Real Client in the First Year" Projects, where 1L legal writing students work on live legal issues presented by a clinician (or an external legal non-profit). More recently, we began focusing on teaching for transfer of student learning, *i.e.* to help students take what they learn in legal writing and apply it more effectively to clinics, externships, and legal practice. As part of our efforts on teaching for transfer, Lisa audited Mary's 1L legal writing class for the entire 2016-17 academic year so that she could develop a deeper understanding of what and how we teach 1L legal writing. During the spring 2018 semester, Mary is going to join the clinic law firm to learn more about what and how clinicians and their students apply the foundation legal writing skills and to support them in facilitating transference of earlier learning.¹ Based on these collaborations, we have developed the following tips:

Our "Tips from the Trenches" for Teaching Students to Help Social Justice Practitioners

Tip 1: Adopt a client-centered, rather than just a lawyer-centered, focus for the 1L legal writing curriculum, especially using a real client experience in the 1L year.

Tip 1a. Add in a client-centered approach to your current assignments.

E.g. a client letter,

a client interview to gather facts, or

an explicit discussion of client goals underlying the topic for the legal writing memo or brief).

¹ For more information about these projects, see Mary Bowman et. al., *Adding Practice Experiences to Legal Research and Writing Courses*, in *THE NEW 1L: FIRST-YEAR LAWYERING WITH CLIENTS* (Capulong et. al., eds., 2015); Sara K. Rankin et. al., *We Have a Dream: Integrating Skills Courses and Public Interest Work in the First Year of Law School (And Beyond)*, 17 *Chap. L. Rev.* 89 (2013); Mary Nicol Bowman, *Engaging First-Year Law Students through Pro Bono Collaborations*, 62 *J. Legal Educ.* 586 (May 2013). We are working on an article about our lessons learned from our transference work, particularly Lisa's taking of 1L legal writing, which we plan to have posted to SSRN soon.

Tip 1b. Provide a *real client* social justice experience in 1L legal writing to build upon our students' beginning skills and to motivate them.

Since 2009, all faculty teaching 1L legal writing have partnered with either a clinician or an external legal nonprofit to create memo assignments based on live legal issues raised by our partners. These RCFY projects give our 1Ls the capstone legal writing experience of researching and writing about a live legal issue and to present that work to the collaborative partner so that it can be used in support of that partner's ongoing legal work. The projects have involved a variety of different topics and legal issues, from constitutional questions to local regulatory issues to broader policy questions. Common to all these projects, however, are the following key features:

- The projects use a real issue with a real partner (clinic or external legal nonprofit) who would like to use the legal work in some way.
- The clinician or nonprofit partner comes to legal writing class in some fashion to present the issue, why it matters, and how it fits into their broader work.
- Then 1Ls research and write about the issue. Legal writing faculty supports the students' research and writing but does not have "the answer."
- Legal writing faculty selects the best student work to provide to the partner.
- Partner often reports back in some fashion re. how the work has been used.²

Tip 1c. Look for opportunities to connect with clinicians.

Tip 2: Focus on legal writing/clinical collaborations that incorporate teaching for transfer principles through the curriculum, so that our students can better take what they learn in 1L legal writing and apply it in the clinics/real client representation and after graduation.

Transfer is "the ability to generalize from lessons and skills gathered in one place and circumstances and transfer such lessons and skills to a different set of circumstances."³ For an excellent introduction to teaching for transfer in the legal skills curriculum, see Shaun Archer et. al., *Reaching Backward and Stretching Forward: Teaching for Transfer in Law School Clinics*, 64 J. Legal Educ. 258, 258-59 (2014).

² For information about avoiding ethical pitfalls in these projects, including unauthorized practice of law concerns and confidentiality issues, see Nantiya Ruan, *Student, Esquire?: The Practice of Law in the Collaborative Classroom*, 20 Clinical L. Rev. 429 (2014).

³ Carolyn Grose, *Beyond Skills Training, Revisited: The Clinical Education Spiral*, 19 Clinical L. Rev. 489, 494 (2013).

Tip 2a. Collaborate on backwards planning about core skills and outcomes (creating an integrated skills curriculum).

Tip 2b. Legal writing faculty should stretch forward (focus on future applications) as well as task completion.

Tip 2c. Clinicians should "reach back" to what students have done in legal writing that creates a foundation for work that the students will do in clinic.

Excerpts of Course Description and Learning Outcomes from SU's 1L Legal Writing Course

Core Skills: Legal Research, Analysis, and Writing

Effective **writing** is key to a lawyer's success. Lawyers communicate in writing with their clients, with other lawyers, with judges, and with myriad other people within and outside the legal system. This course focuses on predictive writing; that is, it focuses on situations in which lawyers are asked to assess a legal question and make a prediction as to the outcome of that question based on the lawyer's legal research; the lawyer's ability to read, understand, analyze, and synthesize the law; and the lawyer's application of the law to the facts of the case. The course will also focus on the principles of effective legal writing including clarity, conciseness, and precision. Finally, the course emphasizes that writing is not only a tool for communicating, but also a tool for developing **analytical skills**.

By the completion of the LWSV course, students should be able to do the following:

1. Identify the primary components of the U.S. legal system, navigate sources of legal information, and find sources of law relevant to a specific legal problem;
2. Gather information through effective and efficient research strategies;
3. Critically evaluate research and other information;
4. Decipher and understand legal citations in context, use a legal citation manual, and form proper legal citations;
5. Read, analyze, and synthesize primary and secondary legal authorities;
6. Apply law to fact to reach a well-supported prediction;
7. Write predictive memoranda, client letters, and other legal documents with appropriate content, using the formats that lawyers would expect; and
8. Write precisely, concisely, and correctly.

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Introductory Skills: Client Interviewing and Counseling

Effective communication between a client and that client's lawyer is the foundation of the lawyer-client relationship. By engaging in effective **client interviewing**, the lawyer (1) builds confidence and understanding between the client and the lawyer and (2) helps the client solve problems. When engaging in effective **client counseling**, the lawyer (1) listens actively and empathetically, (2) communicates alternative solutions to meet the client's goals, and (3) helps the client make his or her own decisions.

By the completion of the LWSV course, students should be able to demonstrate their understanding of the following goals of client interviewing and counseling:

1. Building trust, confidence, and mutual understanding to facilitate a relationship that will allow open communication and that will enhance decision-making;
2. Obtaining information from the client;
3. Discerning the client's potentially changing goals, both legal and non-legal, to facilitate solving the client's problem;
4. Providing information to the client regarding the lawyer-client relationship, the legal process, and the progress of the client's case;
5. Creatively analyzing the law and the client's goals to generate potential solutions; and
6. Explaining to the client in plain language alternative solutions, including their respective advantages and disadvantages.

Example Legal Writing Reflection Prompt for Stretching Forward (See Tip 2b, although this prompt relates to next assignment rather than to clinical course)

Reflect on the feedback you received on your final Memo 1. How did that feedback affect your thinking about how to write a particular part of a legal memo, something you want to apply to Memo 2 (e.g. how to craft analogous case descriptions, how to connect the law and the facts in an argument paragraph, etc.)? And was the process that you used in writing/revising/editing/proofreading effective? If not, what change(s) could you make to your process to help you produce a better final product when the memo is due?

Example Clinical Reflection Prompt for Reaching Back to Legal Writing Class (See Tip 2c)

Dear EDP clinic colleagues:

An essential part of learning is reaching back to things that you learned previously and applying those to new and changed environments. This is called "transfer of learning". Lawyers do this every day – it's what makes the "practice" of law so endlessly interesting, engaging, and challenging.

In this course and in your future practice, you will be doing a significant amount of legal writing and research. You will write (and are writing now) memos to the file, reflections on your learning, planning documents, advice letters, legal research memos, emails, etc. I would like you to reach back to your learning in LW I to remind yourself of what you learned that you can now apply to your client representational tasks in the clinic course.

Please send me an email by Wednesday Oct. 4 class that includes the following:

1. Name three *specific* things you learned in LW I that you will apply or are currently applying to some aspect of your research and/or writing in the EDP clinic. Include/attach any handouts or other cites to materials that you received in LW I that are relevant to your answer. Let me know who your professor was for the course, too.
2. For each thing you name, describe how you think you will apply it to your work in the clinic.

I audited Professor Bowman's LW I course last year and now want to apply what I learned to my teaching in this course. We will discuss your answers and remind you of all that you learned in that excellent course that you will bring to bear in your client representation. I look forward to reading your emails! Lisa

If you would like any more information or materials on any of these topics, please feel free to contact us:

Mary Bowman: bowmanm1@seattleu.edu

Lisa Brodoff: lbrodoff@seattleu.edu

Global Lawyering Skills I • 2016-2017

GLS I List of Assignments and Skills

	Assignments	Skills Assessed
1	Secondary Source and Primary Legal Authority Research Exercises	Generating Search Terms, Developing Research Strategies, Legal Research Sources (Print & Online), U.S Treaty & Transnational Legal Research
2	Citation test	Knowledge of citation rules and effective use of citations in legal writing
3	Draft of Formal Objective Memo & Revised Draft	Effective drafting of a formal single issue, objective memorandum of law
4	Client Interviewing	Effectively communicating complex objective legal analysis to a non-lawyer client
5	Short Form Objective Memo	Effective drafting of a short form multiple-issue, objective memorandum of law
6	Client Advice Letter (based on Short Form Memo)	Techniques for effectively communicating legal advice to non-lawyer clients.
7	Mediation Brief (based on Short Form Memo)	Persuasive Writing, Strategies & Tone ADR Brief Writing
8	Mediation Opening Statement	Persuasive Oral Advocacy in Mediation
9	90-Minute Performance Test	Drafting legal work product using a factual record, legal authority and attorney assignment memo under timed conditions to simulate bar exam.
10	Professionalism	Time Management, Professional Demeanor, Civility Collaboration, Ethical considerations

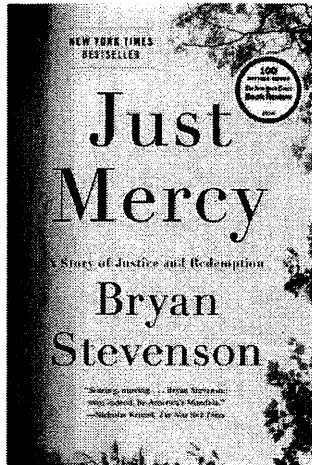
Social Justice Assignment: Legal Profession Course- 1L-McGeorge School of Law

This team assignment consists of two components: (1) a 25-minute team-led class discussion of one of the *Just Mercy* topics listed below and, to help facilitate that discussion, (2) a list of two to three learning outcomes and four to six discussion questions. The learning outcomes and discussion questions are due in the *Just Mercy* TWEN drop box by 5:00 p.m. on Friday, January 19. The in-class discussion will occur during Class 3, on January 24.

Team	Topic
1	<i>Motivation and Balance</i> : finding your passion, core values, extrinsic vs. intrinsic motivation, and work-life balance
2	<i>Empathy and Client-Centeredness</i> : addressing the role of empathy, accountability, and a nonjudgmental approach in the lawyer-client relationship
3	<i>Growth Mindset</i> : rooting out a fixed mindset and instead taking the long view as an attorney and learning through experience
4	<i>A Lawyer's Role in the Community</i> : being a role model and a leader, serving a greater good, and fostering social justice through the practice of law
5	<i>Persistent Advocacy</i> : digging in for your client through zealous advocacy and digging in to effect systemic change

To deal with the challenges of leading a meaningful large-group discussion, you must have an end-result in mind—i.e., what is it about your assigned topic that you want the class to learn or explore in your allotted 25 minutes? Once your team identifies desired learning outcomes, you will be able to create questions for your classmates' consideration that will lead to those outcomes.

In creating your learning outcomes and discussion questions, consider how Bryan Stevenson raised or developed your topic in *Just Mercy*. Was there a particular passage or quote that was meaningful to you? Was there a certain person who exemplified desirable or less desirable behavior? How? Each team member may have a different perspective, and there are no wrong answers as you develop your learning outcomes and ideas as a group. Rather, differences of opinion will lead to a more robust and thoughtful discussion, both among your team members and in class.



Mercy: A Story of Justice and Redemption

A powerful true story about the potential for mercy to redeem us, and a clarion call to fix our broken system of justice—from one of the most brilliant and influential lawyers of our time

Bryan Stevenson was a young lawyer when he founded the Equal Justice Initiative, a legal practice dedicated to defending those most desperate and in need: the poor, the wrongly condemned, and women and children trapped in the farthest reaches of our criminal justice system. One of his first cases was that of Walter McMillian, a young man who was sentenced to die for a notorious murder he insisted he didn't commit. The case drew Bryan into a tangle of conspiracy, political machination, and legal brinkmanship—and transformed his understanding of mercy and justice forever.

Just Mercy is at once an unforgettable account of an idealistic, gifted young lawyer's coming of age, a moving window into the lives of those he has defended, and an inspiring argument for compassion in the pursuit of true justice.

Legal Profession Course Description

104 - Legal Profession (1)

The Legal Profession will prepare students to enter into modern legal practice and assist them in developing a professional identity. Students will be introduced to the common ethical dilemmas they will confront as externs, clinical students and practicing lawyers, as well as the role of emerging technology in the provision of legal services. Students will survey the variety of legal practice areas to help them to identify a satisfying career path and learn successful job seeking strategies.