

Expanding Clinical Pedagogy: Opportunities and Challenges

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Roadmap

- Content and Context of Trend toward Hybrids
- Report from Mini-Survey on Hybrids
- Presentation of Three Hybrid Models
- Exercise: Possible Partnership with a Community Organization
- General Lessons

Context

- Difficult post-graduate job market
- New ABA requirements
- State bar associations
- Law school budgets
- Low Cost v. Educationally Effective
- Others?

Survey Results

- 20 hybrid clinics—practicing lawyers as sole student supervisors and teachers
- 16 hybrid clinics—clinical faculty as teachers and secondary student supervisors
- 8 hybrid clinics—practicing lawyers and clinical faculty as co-supervisors and co-teachers

Survey Results

- Hybrid clinics span many fields
- Three respondents said their schools had no hybrids
- Respondents in schools with hybrids detailed multiple benefits and risks

Three Models

- In-House Out
- Half-In, Half-Out
- Outside In

Model 1: In-House Out

- Fulltime clinician and clinic students join high-quality outside civil rights practice
- Senior lawyer in that practice appointed as adjunct professor
- Fulltime and adjunct professors
 - co-teach clinic seminar
 - identify best cases for student practice
 - share direct supervision of student practice

Model 2: Half-In, Half-Out

- Students work at high-volume, under-resourced indigent defense practice under site supervisors
- Fulltime clinician also takes small caseload
 - to practice at defender office
 - to supervise students on those cases
 - to consult on students' other cases
- Fulltime clinician teaches seminar



Model 3: Outside In

- Two lawyers at high-quality national environmental nonprofit appointed as adjunct clinical faculty
- Adjunct faculty
 - identify appropriate case work for students
 - supervise students' work
 - teach clinic seminar
 - Attend biannual training with other adjuncts and fulltime faculty
- Fulltime clinical professor consults on clinical pedagogy and supervision

Exercise

The Law School is located in a small city a few hours from a major metropolitan area. The city and the surrounding region have a significant immigrant population.

The Law School has six in-house clinics, none of which handle immigration law cases. The Law School also has several externship courses, some in specific practice areas and some “generalist” externship courses that place students in governmental, judicial, and non-profit practices.

Recently, a major immigration law non-profit opened a branch office where the Law School is located. This office will handle a wide range of immigration issues affecting the immigrant community. The non-profit has worked with one of the in-house clinical faculty. The executive director of the non-profit spoke about the possibilities for collaboration with that faculty member and then with the Law School’s Dean.

The Dean has asked you to assess this collaboration. She says that the Law School could invest some resources in it, but not enough for a new in-house clinic. The Law School could simply offer the branch office as an externship placement. But the Dean asks you to consider the advantages / disadvantages of other models, given the interest of the clinical faculty member and the small pool of available resources.

Task

- 1) What else would you need to know or to consider to assure a high quality learning and practice experience for students?
- 2) What benefits and risks do you see in various approaches to this collaboration?

Debrief

- What else would you want to know or to consider?
- What benefits/risks do you see?
- What reactions do you have, positive or negative, to the models?

Factors

- Supervisors of student legal work are engaged in *thoughtful, high quality legal practice*
- Supervisors of student legal work consciously assume *role as educators*
- Supervisors of student legal work are *paid* and recognized by the law school

Factors

- Supervisors work (ideally in collaboration with clinical faculty member) to identify *excellent cases, projects, or legal experiences for students*
- Supervisors commit to *close regular supervision* of student work
- Supervisors learn to use *reflective clinical methods* of education in their supervision and teaching, ideally through engagement with the law school's clinical faculty
- *A clinical seminar integrates the classroom content with the student legal work* through use of clinical methods, including reflective critical assessment of legal institutions and law practices

Factors

- Clinical faculty member(s) involved in ongoing way in development, monitoring, review of hybrid

Lessons Learned

- These models offer many rewards, some of them unique
- These models have risks and thus benefit from careful design
- These models usually (but not always) depend on an existing relationship of trust with outside practices
- Involvement of clinical faculty is critical
- Your school will still need to invest resources to some degree.