

**CLINICAL LEGAL EDUCATION
ASSOCIATION**



**HANDBOOK
FOR NEW CLINICAL TEACHERS
MAY 2019**

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We want to take a moment and thank all of the committee members this year who volunteered in ways beyond all expectations. As the year evolved, many ideas came to fruition through the hard work and dedication of volunteers. From the new programming at the regional conferences to the next edition of the handbook. The incredible contributions from Susan Bryant, Elliott Milstein, and Ann Shalleck for the next generation of clinicians is truly a gift. We hope all of these efforts provide a starting point for new clinical professors to understand their role as teacher and to showcase the deeply rooted philosophy to serve community, including our own clinical community. As co-chairs we are inspired by the passion, work, energy and force of the committee and supporting community. Thank you!

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WELCOME TO THE 2019 NEW CLINICIANS CONFERENCE

Dear New Clinicians,

On behalf of the Clinical Legal Education Association (“CLEA”) and the Section on Clinical Legal Education of the Association of American Law Schools (“AALS”), we congratulate and welcome you to an exciting, rewarding career as a clinical legal educator. Although CLEA and the Section on Clinical Legal Education are separate entities, we share many of the same goals and interests. We hope that you utilize the resources of and participate in both CLEA and the Section throughout your career.

CLEA is an all-volunteer advocacy group and serves as an independent voice for clinicians on critical issues, including those concerning the accreditation of law schools and the participation of clinicians in the academy. CLEA also serves as a sponsoring organization for a number of initiatives: for example, its Best Practices in Pedagogy Committee has inspired publication of both *Best Practices for Legal Education* and *Building On Best Practices: Transforming Legal Education in a Changing World*, and currently offers the *Teaching Justice Webinar Series*; CLEA’s Diversity in Clinical Legal Education Committee is conducting an empirical study of clinical faculty demographics; CLEA’s Externships Committee researched and published a study on the incorporation of paid externships into the law school curriculum, and CLEA’s Social Justice Issues Committee recently launched a series of blog posts highlighting the amazing work of clinical and faculty around the country in advancing social justice. CLEA also sponsors community-building activities, regional conferences, and annual awards to clinic students across the country, for Outstanding Advocate for Clinical Teachers and for Excellence in a Public Interest Case or Project. CLEA works largely through an extensive Committee structure.

The Section on Clinical Legal Education is one of several sections of the AALS, an educational association of more than 170 law schools representing more than 10,000 law faculty. The Section serves a critical “insider” function within the AALS to ensure clinical perspectives and experiences inform all aspects of the of the Association’s work. To that end, the Section supports the collection and dissemination of important data about clinical legal education and advocates for strong AALS responses to issues of concern to clinicians. The Section also provides support for professional development as teachers and scholars via the annual Conference on Clinical Legal Education, webinars and online supervision rounds, the Bellows Scholar Program, annual Works-in-Progress sessions, its sponsorship of regional conferences and programs at annual conferences, a mentoring program, and the Clinicians’ Desk Reference. The Section also bestows two awards annually: the M. Shanara Gilbert Award, given to an emerging clinician, and the William Pincus Award, which recognizes career-long commitment and service to clinical legal education. Like CLEA, much of the

Section's work is carried out via its numerous committees.

CLEA and the Clinical Section jointly publish the *Clinical Law Review* and sponsor the annual Clinical Writers Workshop at New York University each fall. Historically, CLEA and the AALS have alternated each year in hosting training meetings for new clinical teachers. In odd years, CLEA has hosted the New Clinicians Conference before the start of the AALS Conference on Clinical Legal Education. In even years, the AALS has offered a New Clinical Teachers Workshop in conjunction with its annual New Teachers Conference.

If you have not done so already, we hope that you will become a member of both CLEA and the AALS Section on Clinical Legal Education. Both offer important opportunities to connect with others in the clinical community and to access resources to advance your career as a clinical legal educator. And both organizations will benefit from the new ideas and vision that you, our newest members, bring to the clinical community.

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CLEA MISSION STATEMENT

CLEA exists to advocate for clinical legal education as fundamental to the education of lawyers. CLEA and its members seek to:

- Foster excellent teaching and scholarship by clinical educators;
- Integrate clinical teaching and extend its methods into the legal education program of every law school;
- Reform legal education so as to prepare law students for excellent and reflective law practice;
- Advance regulation of legal education that insures the continued vitality of clinical education in law schools; and
- Pursue and promote justice and diversity as core values of the legal profession.



THE AMERICAN BAR ASSOCIATION'S ROLE AS THE ACCREDITING BODY FOR LAW SCHOOLS

ABA Accreditation and its Standards for Approval of Law Schools

The Council of the American Bar Association's Section of Legal Education and Admissions to the Bar is the recognized accrediting agency for J.D. programs in the United States. In its role as accrediting authority, the Council has adopted Standards and Rules of Procedure for Approval of Law Schools that establish the minimum requirements for all ABA-approved schools.

When seeking initial approval by the Council, a law school must demonstrate its compliance with the Standards. After a law school has been fully approved, the ABA arranges site visits every seven years, to monitor the school's continued compliance. As part of this process, your law school will engage in an extended institutional self-study, involving every aspect of the school's curriculum and administration.

The Standards Review Committee (SRC) is charged by with reviewing proposed modifications to the Standards and making recommendations to the Council. After a multi-year comprehensive review by the Standards Review Committee, in August 2014, the ABA's House of Delegates approved a package of comprehensive revisions to the Standards and Rules of Procedure for Approval of Law Schools. The 2016-2017 Standards may be accessed at: http://www.americanbar.org/groups/legal_education/resources/standards.html

Set forth below are portions of just a few of the newly-revised Standards that are particularly relevant to clinical and experiential programs.

Standard 303. CURRICULUM

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

- 1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;
- 2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and
- 3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304.

(b) A law school shall provide substantial opportunities to students for:

- 1) law clinics or field placement(s); and
- 2) student participation in pro bono legal services, including law-related public service activities.

Interpretation 303-1

A law school may not permit a student to use a course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper class writing requirement [see 303(a)(2)] or as a simulation course [see 304(a) and 304(b)] provided the course meets all of the requirements of both types of courses and the law school permits a student to use the course to satisfy only one requirement under this Standard.

Interpretation 303-2

Factors to be considered in evaluating the rigor of a writing experience include the number and nature of writing projects assigned to students, the form and extent of individualized assessment of a student's written products, and the number of drafts that a student must produce for any writing experience.

Interpretation 303-3

Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to organizations that serve such persons. In addition, lawyers are encouraged to provide pro bono law-related public service. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Interpretation 303-4

Law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.

Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND FIELD PLACEMENTS

- (a) Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field placements that must be primarily experiential in nature and must:
- 1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
 - 2) develop the concepts underlying the professional skills being taught;
 - 3) provide multiple opportunities for performance;
 - 4) provide opportunities for student performance, self-evaluation, and feedback from a faculty member, or, for a field placement, a site supervisor;
 - 5) a classroom instructional component; or, for a field placement, a classroom

instructional component, regularly scheduled tutorials, or other means of ongoing, contemporaneous, faculty-guided reflection; and

- 6) provide direct supervision of the student's performance by the faculty member; or, for a field placement, provide direct supervision of the student's performance by a faculty member or a site supervisor.
- (b) A simulation course provides substantial experience not involving an actual client, that is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member.
- (c) A law clinic provides substantial lawyering experience that involves advising or representing one or more actual clients or serving as a third-party neutral.
- (d) A field placement course provides substantial lawyering experience that (1) is reasonably similar to the experience of a lawyer advising or representing a client or engaging in other ABA Standards and Rules of Procedure for Approval of Law Schools 2018-2019 18 lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an individual otherwise qualified to supervise, and (2) includes the following:
- (i) a written understanding among the student, faculty member, and a person in authority at the field placement that describes both (A) the substantial lawyering experience and opportunities for performance, feedback and self-evaluation; and (B) the respective roles of faculty and any site supervisor in supervising the student and in assuring the educational quality of the experience for the student, including a clearly articulated method of evaluating the student's academic performance;
 - (ii) a method for selecting, training, evaluating and communicating with site supervisors, including regular contact between the faculty and site supervisors through in-person visits or other methods of communication that will assure the quality of the student educational experience. When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program;
 - (iii) evaluation of each student's educational achievement by a faculty member; and
 - (iv) sufficient control of the student experience to ensure that the requirements of the Standard are met. The law school must maintain records to document the steps taken to ensure compliance with the Standard, which shall include, but is not necessarily limited to, the written understandings described in Standard 304(d)(i).
- (e) Credit granted for such a simulation, law clinic, or field placement course shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.
- (f) Each student in such a simulation, law clinic, or field placement course shall have successfully completed sufficient prerequisites or shall receive sufficient contemporaneous training to assure the quality of the student educational experience.

Interpretation 304-1

When appropriate, a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

Some things to think about:

Standards 303 and 304 are significant in that clinical courses are securely grounded within the law school curriculum. Standard 303(a)(3) mandates a six-credit experiential graduation requirement for all law students. While adding additional elements to the requirement, the threshold is that a course qualify as a simulation, clinic, or field placement course by meeting the definitions and criteria of Standard 304. While individual law schools may take different approaches, the Standards do not require that every course which meets the requirements of Standard 304 must also meet the requirements of Standard 303(a)(3).

As you study these Standards, you will note that certain responsibilities are charged directly to faculty. For example, these include all or shared direct supervision of students, the provision of feedback, student self-evaluation, and a classroom component or, for field placement courses, other means of faculty-guided reflection. As of this writing, “faculty” is not defined, and may include tenured or non-tenured, full-time, part-time or adjunct faculty.

The most recent iteration of the Standards lifted the ABA’s prohibition against the award of credit for compensated work, often referred to as “paid externships.” The decision as to whether to allow students to receive credit for compensated work is a matter left to individual law schools.

Finally, there are other Standards relevant to your work as clinical teachers. Standard 302 discusses Learning Outcomes. Many schools require that every course have identified learning outcomes. Similarly, Standard 314 and 315 requires that law schools utilize formative and summative assessment methods in its curriculum to evaluate student learning and provide feedback. As clinicians, you will want to determine the learning outcomes most appropriate to your courses, and design assessment tools to achieve those outcomes.

As always, if you have questions, do not hesitate to ask!



CLINICAL COURSE DESIGN

One of the best, and sometimes worst, parts of clinical teaching is designing your course(s). There exists an enormous diversity in clinical courses around the country and the world. This section is intended to serve merely as a starting point for understanding and thinking about structuring any type of clinical course. Below is a list of some of the many factors and considerations and suggestions about how to get started.

THE CLINICAL SEMINAR: CHOOSING THE CONTENT AND METHODS FOR TEACHING IT

By Susan Bryant and Elliott Milstein

Seminar, Rounds, and Supervision are the pedagogies that clinicians utilize to teach and support students who are engaged in the fieldwork of the clinical course. Ideally, each of the pedagogies works in tandem to achieve the learning goals of the clinical program. Each of these, along with ideas about program design, are discussed in depth in the book, Bryant, Milstein and Shalleck, *Transforming the Education of Lawyers: The Theory and Practice of Clinical Pedagogy* (Carolina Academic Press 2014).[1]

Clinicians face a broad array of choices about what to cover in the clinic seminar. We identify three factors we use to shape seminar content choices: (1) the importance of grounding the teaching in the students' case work, (2) teaching lawyering at a conceptual level to enable the students to transfer their learning to later practice and (3) identifying critical perspectives needed for practice. Focusing the course on the lawyering process provides structure for our syllabus decisions that respond to local social justice issues and develop additional knowledge and skills needed for casework.

We make choices about how to teach the seminar that are informed by questions about how students learn to become competent professionals. We want seminar learning to enhance and interact with the other learning opportunities in the clinic to build lawyering competence.[2]

In formulating the syllabus, teachers confront an almost endless list of possible topics that students might engage with on their path to being excellent lawyers. Each teacher will make different choices based on a needs assessment and priority setting process. To engage in needs assessment, teachers ask what lawyering theory, knowledge, skills and professional values do the students have and what will they need for clinical and future work? Who are the students? What life experiences and previous coursework will they bring to the clinic? What choices will assist them to become lifelong learners open to new ideas that challenge their reactions and test their assumptions?

In our own priority setting, among the long list of what students need to know, we consider these

questions: what lessons the students are unlikely to learn in practice, what promotes an understanding of the lawyering process, what topics will inform and be informed by the field experience, and what students will be most motivated to learn? Finally, our priorities are also influenced by what professional values and insights about the justice system will best inspire them to embrace the idea that being a lawyer involves becoming a public citizen committed to clients and responsible for social justice.

These questions lead us to three organizing principles that inform our choices for what to include in the clinical syllabus: first, we ground the seminar in the students' practice and make choices that enable students to be competent practitioners in the clinic as well as to learn from the experience. Second, we teach lawyering theory and practice in the framework of the lawyering process. By teaching both theory and practice, we promote greater transfer of learning from the students' clinic work to their future practice. Third, we use the seminar to explore critical perspectives on practice.

I. The Content of the Seminar Component

A. Grounding the Seminar in the Students' Practice

To select seminar topics and develop simulated activities to engage the students' learning, we use the students' practice as a starting point. While narrowly grounding the clinic seminar in the clinic's cases can create a tension with our transfer goals for future practice settings, adult learning theory identifies several reasons for locating learning in the students' experience.

First, this learning theory and our own experience tells us that adults approach learning with a "problem-centered" frame of mind and are more inclined to learn when an obvious immediate benefit results. Thus, student motivation increases when teachers build the seminar from the students' actual legal work, ensuring that their motive to learn what they think they need to know is not frustrated. In representing clients, students discover quickly what they need to know and haven't learned elsewhere and their motivation to learn is high. The more students perceive the seminar readings and classes as relevant to their quest to develop the aptitudes, attitudes, and abilities that they need to be competent, the more likely they are to devote time and commitment to it.

We design problems, role plays, and simulations that engage students in simulated activities similar to ones they do in their cases and projects. Thus, while the topic of forming and sustaining lawyer-client relationships is likely to be a part of every clinical seminar, the particular teaching focus can vary depending upon the work the clinic does. For example, in teaching interviewing in an asylum clinic, we build simulations that not only introduce general client interviewing concepts, but also help students to apply those concepts to the special needs of asylum applicants (traumatized clients from an unfamiliar culture, often without English language proficiency). By grounding concepts and vocabulary of lawyering theory in their casework, we assist them in a life-long project of learning to be better learners from experience by helping them interpret their immersion into lawyer's role. The students' initial, often confused, understanding of their experiences needs structure and meaning for them to learn a process of extracting general understanding from particular decisions, actions or

events. By using real or simulated case examples, we demonstrate the utility of the theories in actual practice. Using these same concepts while supervising them on cases, illuminates choices that might otherwise have been invisible or to explain something that has occurred.

By grounding the seminar in the students' experiences and assisting them to learn from those experiences, teachers also provide vocabulary and frameworks for thinking through difficult conversation topics. For example, when students learn in seminar a conceptual understanding of the collaborative process as well as the skills needed to collaborate with each other and their clients, their reflections about their collaborative experiences are more sophisticated. They have a vocabulary to describe the successes and difficulties occurring in the collaboration and to talk with one another and their supervisors about their experiences. Finally, efficiency is often promoted when we ground the seminar in the students' practice experience. The seminar's inherent efficiency in comparison to supervision or rounds means that anything that can be, ought to be taught in the seminar. Seminar teaching, typically involving the highest faculty-student ratio with lessons taught to the entire group, avoids teaching the same lessons multiple times in supervision. Thus, we look for recurring themes and skills that cut across everything we anticipate that the students will encounter in clinic. And, by teaching to the whole group, we teach at a level of generality that makes sense across a broader spectrum of experience and creates opportunities for transfer.

B. Selecting Topics that Teach Lawyering as a Process with Conceptual, Skills and Ethical Dimensions

A second organizing principle for selecting seminar priorities is to teach students the whole of the lawyering process, even as we examine some parts in depth. The term "lawyering process," first used by Bellow and Moulton in their book, *THE LAWYERING PROCESS*, describes the work that dominates the life of a practicing lawyer and articulates the collection of theories, skills, and values that lawyers employ. Though teachers may make different decisions about what aspects of the lawyering process to focus on, the lawyering process itself continues to form the core subject matter for the clinical seminar. Through learning lawyering as a process, students see the connection between the various lawyering tasks, understanding not only the individual parts better but also how context of the whole shapes their work. Thus, a lawyering process focus helps students learn that lawyers with the best judgment see the interrelationships among a series of decisions so that each action taken or withheld is understood and undertaken in symmetry to ultimate goals. With this conceptual vision of lawyering, students are better able to transfer seminar and casework learning to their actual later practice, especially when teachers create symmetry between fieldwork and seminar to provide opportunities for students to apply and test the theories they are being taught.

Bridging theory and practice creates both near and far transfer of knowledge and skill. Theory enables students to use knowledge and skills learned in one setting and apply them in another. Near transfer occurs when students apply what they have learned in seminar to the work they will do in the clinic. Because we focus seminar learning using their cases or simulations built on similar cases, students are usually able to transfer the learning to their cases. At the same time, our transcendent objective is further transfer to ensure that what is taught is transferable to the students' later work as

lawyers. The theories cannot be too abstract or so complex that students don't understand them as explanatory models that guide their actions or decisions in the clinic. At the same time, we do not want our grounding the clinic seminar in the clinic's cases to be so narrow as to interfere with our goal of teaching that enables transfer to future practice settings. While unable to define the perfect balance point between them, we try to engage both the particular and the general in our teaching when we are selecting syllabus topics.

C. Teaching Invisible Lawyering Tasks and Critical Perspectives

A final organizing principle influencing priorities involves selecting topics that will not easily be learned or systematically taught after law school. We want to teach aspects of the lawyering process that are likely to be invisible to them, or at least difficult to observe in practice. Client interviews, legal counseling, strategic decision making, theory development, case planning, and the like take place behind closed doors and even associates in law firms practicing as part of teams are not necessarily given access to this part of lawyers' work. Young lawyers find role models by watching trials, but they do not always have access to the decisions or, more importantly, the decision processes of the lawyers they watch.

In addition, clinicians have sought to improve the practice of law and have thus developed lawyering theories that are sometimes different than what would be learned by observing or emulating practitioners. An obvious example is client-centered lawyering, developed by and advocated by clinicians to change the practice of many lawyers who reflexively imposed decisions on their clients.

Finally, much about the way law operates in trial courts and in the lives of clients, invisible in the rest of law school, can best be understood when made visible in practice. Exposing students to critical perspectives on the activities of lawyers and the legal system helps them to question and challenge practices that entrench injustice. Things that might appear natural to a lawyer socialized into the existing order, such as mal-distribution of legal services, the shoddiness of practice in “poor people courts,” and the ways that race, gender, sexuality, disability, and other similar factors affect outcomes, can be analyzed so that our students can see roles for themselves in promoting reform.

II. Creating and Using the Students' Experiences for Learning – How We Teach

Clinical seminar classes employ multiple experiential approaches and therefore tend to appeal to auditory, visual, and kinesthetic learners. By varying the approach in each class and from class to class to appeal to a broad range of learners, teachers promote energetic classroom engagement.

In addition to providing multiple opportunities for students to learn by doing, our approach to seminar learning includes these additional features: a conceptual approach to teaching lawyering; an approach to teaching skills that involves a developmental process; connection of simulated and real practice; and using student experience to teach lessons about substantive and procedural justice and professional role.

A. Teaching Lawyering Theory

We have a strong commitment to teaching a conceptual approach to the practice of law through teaching lawyering theory. We use a variety of synonyms for “lawyering theory” including frameworks, concepts, insights, generalizations, or explanations. The theory we teach students has a number of component parts. First, lawyering theory gives a conceptual framework for the various lawyering tasks providing students structural and conceptual models for application and testing. For example, students learn interviewing concepts like active listening, narrative storytelling, and case theory development. They learn suggested structures for the first client meeting. Through lawyering theory, students also learn essential, recurring questions embodied in lawyering process and lawyering tasks such as, how client-centered lawyering shapes the lawyering process and lawyering tasks.

In planning to teach almost anything including lawyering theory, teachers ask what should I tell or show students and what do I want students to discover? In our own teaching, we adopt different approaches of teaching lawyering theory depending on how we answer this question. If we decide that showing the student will work best, we use an interactive presentational approach, taking the lead to provide the structure and examples for students. Through clear frameworks and multiple applications and examples, students can see the theory in action.

If we want students to discover, we provide opportunities for students to engage in their own theory development. This approach, known in pedagogical theory as constructionism, allows students to construct knowledge. Most often, we use some combination of the two approaches in our classes depending on how difficult the concepts are to learn, whether discovery and experience is needed for true understanding and how much time we have to devote to the learning.

B. Skill Development through Practice

In addition to learning conceptual lessons about lawyering, students need instruction in and practice in skills to put the theory into practice and accomplish the aims of the theory. While the theory informs how to deploy the skills to maximum effectiveness, the acquisition of skills shows the student how to behave and enables the student to carry out their goals. We do not separate the instruction of lawyering theory and skills. Instead, we move back and forth between concepts and skills, teaching vocabulary and practices for each that are needed to perform a variety of lawyering tasks. Practice is an essential part of the learning process of skill development and the seminar is a place to begin that practice. By teaching lawyering tasks at both conceptual and skill levels, we enable students to see a range of “right” choices in a lawyering task. With this theory and practice approach, each student performs in role with her own unique approach.

C. Assuming Professional Role, Adopting Professional Values

Another important aspect of integrating theory and practice involves engaging students in developing a normative vision of professional role and connecting this vision to their practice. As students examine what it means to be a lawyer by being a lawyer and learning from that experience, the clinical

teacher is in a unique position to help shape this normative vision and to enable students' acquisition of skills needed to realize this vision. While supervision provides the best opportunity to engage the individual student about the role and ethical implications involved in client representation, the seminar often engages questions of professional role and values both explicitly and implicitly as teachers teach lawyering skills and theory.

In the clinical seminar and practice, we teach three different kinds of values: (1) those associated with belonging to a self and peer-policing professional community, including integrity, respect, competence, taking responsibility for our actions, and commitment to unbiased behavior; (2) those associated with undertaking responsibility for another, including hard work, loyalty, commitment, empathy, connection, and zealous advocacy; and (3) those associated with responsibility for a just legal system including ensuring access to legal information and the legal process through pro bono work and support of legal service providers, and seeing oneself as a public citizen responsible for substantive and procedural justice, including counseling clients to take into account others and the public. In the seminar, teachers prepare students for the assumption of the responsibility for another and the ethical and moral issues imbedded in that assumption. In teaching lawyering theory and skills, teachers articulate a normative vision both through assigned materials and through the choices about what to teach in the seminar. In simulations, teachers begin to teach sensitivity to ethical and role issues that will be useful to the students as they begin to make consequential decisions in the real world. This facilitated assumption of role is designed to allow students the opportunity to see professional norms in action and begin to answer questions for themselves about how they will behave as a lawyer and why.

III. A Clinical Syllabus

After engaging in needs assessment and identifying priorities, the clinical teacher designs the syllabus, identifying clusters of classes on particular topics to form key units. Because we want to teach students relevant lawyering theory and give them practice opportunities, we typically organize classes in units involving one or two sessions built around readings, short lectures, small group and large group discussions, and role plays that introduce goals, concepts, methods, and values questions.[3] When possible, a simulation or other out-of-class activity follows this introduction with faculty providing individual feedback. A final class in the unit is built upon examples from the students' simulation experience, permitting a more informed and deeper discussion.

Because, we are focused on teaching the lawyering process as well as teaching individual lawyering tasks, we often use one simulated case-file for the whole semester or for a series of classes and sequence the units, allowing students to see how to develop a case and the inter-related aspects of their work.

While the Lawyering Process forms the backbone of the clinical course, the units often look different depending on the particular clinic's work. Syllabus topics also emerge from the type of clinic, the nature of the careers that students are likely to have, or problems or justice issues that arise during the semester.[4]

Finally, in designing the syllabus, the teacher should pay careful attention to sessions at the beginning and end of the semester. The beginning seminar session is often an introduction to the whole clinical experience as well as the classroom seminar and careful attention should be paid to how we use that session to identify our expectations and engage the group using approaches that model the engaged participation that we expect. Sessions at the end of the semester and the end of year-long clinics are opportunities for synthesis and closure. We use the opportunity to say goodbye. We also use these sessions to recall and name significant learning, to identify how the experience and their classmates have aided each student's learning, and to ask students to gather their thoughts about the kind of lawyer they want to be.

Endnotes for "*The Clinical Seminar: Choosing The Content and Methods for Teaching It*":

[1] This essay condenses Chapter Three of that book, "Choosing the Content and Methods for Teaching in the Seminar."

[2] Chapter Four of the book, "Planning and Teaching the Seminar Class," treats in depth the question of how to teach the seminar and has many concrete examples of choices that are available.

[3] In Chapter 4, we identify a number of pedagogical methods that can be used in seminar and the strengths and weaknesses of each of these.

[4] See Chapter Three at 48 for a sample syllabus for a clinical course.

ROUNDS: CONSTRUCTING LEARNING FROM THE EXPERIENCE OF PEERS

By Susan Bryant and Elliott Milstein

Rounds, one of four methodologies employed in a clinical course, involves facilitated conversations in which students discuss their cases and projects and learn from the experiences of the group.[1] Rounds conversations allow students to develop a broader understanding of lawyers' work, to see commonality in their legal work, and to gain support from a group of colleagues. Because rounds involve the experiences of many, students are better able to move from particular experiences to more general understanding, including previously hidden patterns of injustice. As students learn from and assist each other, rounds help develop a professional community of practitioners with a developing sense of professional identity.

For example, in a rounds focused on initial interviews, students hear some of the dilemmas encountered by their colleagues and share their own. Together the students learn that they engaged in common struggles and that collectively they have strategies for overcoming them. They may also see connection between the clients' stories and begin to see some of the social justice issues in their practice.

In rounds conversations, students hear about their colleagues' cases, and their colleagues' relationships with clients and others; they come to have a detailed understanding of their classmates' legal work. Although supervision uses the same case experience for conversation as does rounds, supervision is focused more narrowly on the individual learning of the students handling a case and upon the concrete needs of the case. In contrast, rounds conversations can be more fluid and located

in the experience of the entire group. Students broaden the knowledge base from which they can assess and draw meaning from their own legal work. Critical perspectives emerge from the patterns they see in their own as well as their colleagues' cases or projects.

Several pedagogical theories support the learning that occurs in rounds:

- Adult learners benefit from “in-time” learning that is focused on authentic current work.
- Collaborative learning teaches the value of multiple perspectives in problem-solving, as well as the limitations of functioning from a single narrow perspective.
- Reflection with peers promotes learning about oneself and from the experience.

In rounds, students develop several important analytical capacities that assist students' ability to think like a lawyer, including these capacities:[2]

1. **To move from the particular to the general and back.** Teaching in rounds, like all clinical teaching, involves judgments about how to get from the practical questions and descriptions that students bring to identifying, naming, and developing theories that will inform not only particular questions but practice itself. Sometimes students are using theories learned in seminar to identify issues and propose solutions. Often, starting with a report from a team on an occurrence, such as a trial, a negotiation, or a counseling session, the group, looking back at what has happened, moves from a description of a particular event to an analysis of the relationship between that event and a decision or action by the team. By doing so, students develop tentative hypotheses about lawyering that other students test through the prism of similar experiences and insights. They can see the validity and limits of their hypotheses.

2. **To engage in contextualized thinking,** Generalizations may be useful or problematic depending upon the particulars that define a problem. In rounds, students learn that the answer “it depends” is not an evasion but a call to the critical inquiry of analyzing what factors make a difference. By saying that contexts matter, we teach students to identify what variables matter in applying or revising a theory. Multiple experiences help students develop sophisticated thinking about categories of facts that alter a generalization.

3. **To view the perspective of others with parallel universe thinking**[3]. Parallel Universe Thinking involves identifying multiple explanations for the same behavior, a core cross-cultural habit in recognition of culture's role in the interpretations people give to behavior. In rounds students have the opportunity to identify alternative explanations for behavior, especially when they feel judgmental or negative about client behavior. Students help each other see alternative explanations based on their experiences.

While a teacher can choose many different roles in Rounds,[4] most often we choose a facilitative role to encourage students to take leadership roles. There are many other practical choices that promote good rounds conversations including deciding who selects topics, identifying which topics are better for the rounds setting, and setting ground rules for the conversations.[5]

Five Stages of a Rounds Conversation

We developed a method for staging the conversation that we teach our students that we have found especially useful for problem-solving and reflection rounds. The stages include five categories: (1) description, (2) problem identification and clarification, (3) goals, (4) strategies, and (5) lessons learned. While the stages are artificial in the sense that the conversation often circles back to prior stages, each stage is seeking different kinds of information and thinking. We have found that without conscious attention to each stage, the information intentionally developed in that stage is missing and the conversation is not as productive as it might be.

The stages also teach students a useful problem-solving approach that avoids premature decision making. We find thinking about the conversation in these stages especially helpful to students and beginning rounds facilitators because it causes the group to focus on different aspects of the discussion and engenders a more deliberate conversation. The first stage asks the presenting students to give a description of an event that is causing a problem or is the source of reflection.

A. Stage One: Description of Event(s)

Stage One asks the presenter to focus on description and avoid analysis to the extent possible. Similarly, other group participants are asked to develop the description through questions about the facts. The presenter's narrative and her peers' questions inevitably use an interpretive lens, i.e., they selectively describe and question according to their interpretation of the scenario and their assumptions about it. Still, by explicitly limiting this stage to description, presenters are less conclusory and by including more voices in the fact gathering process, we encourage a multi-lens and, thus, broader factual development. At this stage, we are looking for information about what happened, to whom by whom, what was said or not said, what was the result, intended result, etc.

In one rounds, Maria describes a difficulty she has in getting the client to call her back. She has called the client's cell phone on many occasions and left a message asking her to call back but the client has not called. With an approaching trial date, she is worried about how she will prepare. She says that she met with the client at an initial interview and had one other phone call but that she has not heard from her in the last two weeks. She describes the client as being forthcoming at the interview and she expresses a belief that they established a good relationship. She asks her colleagues what she should do. The teacher asks, "What else do we want to know before we can answer Maria's question?" Students pepper Maria with questions: Has she ever reached the client at that number? What did she communicate about follow-up to her? What else is going on in her life besides this case? What facts led her to believe they established rapport during the first interview? What is the exact message being left? What will happen at the meeting she is trying to schedule? Does she have a home address or an email address or texting, etc.?

If several cases/ projects with similar issues are the focus for the rounds conversations, we might have other students describe their cases. Here, for example, the teacher might have asked other students to describe similar situations and developed additional facts through questions. Alternatively, the teacher may want to stay focused on the single student-client interaction and make

a connection by asking if the presented facts are similar to those handled by others, without fully developing the other cases. Throughout this stage and others, we are trying to link common experiences as a source of group connection and learning.

We are specifically not looking for ideas about “why” something happened. That comes in the next stage. Of course, because fact analysis is theory driven, those asking for descriptions will often have a “why” in mind as they develop facts to test a hypothesis. But, because a question can reveal an unexplained assumption about the scenario or because a question can be unclear, we sometimes ask a participant why she asked it. Still, if we keep the conversation focused on what, where, and whom and not why, we will develop more facts and not move to the “why something happened” conversation prematurely without gathering all of the relevant facts.

In addition to limiting the “why” inquiry during this stage, another key challenge is to develop enough facts for the group to meaningfully engage the issue without having the presenter laden the group with unnecessary facts or have the group spend excessive time fact gathering to the detriment of the other necessary stages. This is a practiced art that students improve on as the semester progresses, especially if the “lessons learned” discussion in Stage Five is devoted early on to lessons learned about case presentation.

B. Stage Two: Problem Identification or Clarification

This stage identifies and clarifies the issues or problems. Included as important questions during this stage: What is the problem? Why is this occurring? What is causing the lawyering issue? What explains the problem? Or, why did something work? Why were we successful? We use a brainstorming approach to identify a variety of explanations to these questions. We are engaged in Parallel Universe Thinking about the meaning of someone’s behavior. This stage lets us explore and articulate multiple explanations or problem definitions before moving to a discussion of “solutions.”

For example at this stage in Maria’s case, students and Maria begin to identify many explanations for why Maria has not called: maybe she did not get the message; or she does not understand its importance; or she has other more important things going on in her life; or she doesn’t have the money or time to come to a meeting, so she doesn’t call her back; maybe someone else is using her cell phone or screening calls; maybe she does not want to pursue the case; maybe she is afraid to continue; maybe she does not think Maria is going to be a good lawyer for her case, etc. If the conversation moves too quickly to solutions or answers to an inquiry, assumptions about causes that are imbedded in those solutions or answers are not explored. In Maria’s example, we could imagine that students might have quickly moved to such solutions as sending the client a letter or going to her house, but depending on why the behavior is occurring these may or may not be good solutions.

If students postpone proposing solutions and instead focus on generating multiple potential problems or issues and their causes, they engage in more sophisticated and focused problem definition. By generating multiple and sometimes contradictory problems or issues explanations, participants develop a broader range of solutions. Because they are brainstorming and hypothesizing

possibilities, the list can include some that are critical of the student. In fact, if the list only focuses on the client, a teacher should ask students to add a few ideas about what the student did or did not do that may have caused the problem. Often teachers who have a broader range of explanatory theories might add some as well.

Without the staged rounds conversation, participants usually jump over the problem identification stage and the next — goal identification stage — and move quickly to suggestions for solutions immediately after (if not during) the description stage.

Because the urge to identify solutions is so strong, the facilitator is challenged at this stage to keep the group focused on problem clarification. When that urge cannot be silenced, the facilitator can place the suggested solution on a different page/ part of board and ask the student “what is the cause of the problem that makes you think this might be a good solution?” Once the group is comfortably in this stage, another challenge develops— the need to balance high quality problem definition with enough time for goal setting and solution generation.

C. Stage Three: Goals

The presenting students should identify their goals in solving or exploring the issue. What are they trying to accomplish? Maria may articulate her goal as wanting the client to meet with her to prepare for the upcoming court hearing. Other participants can be invited to add additional goals. What would they want in similar circumstances? We invite others to expand the goals because rounds conversations are not just for the presenting students’ learning. Often other students identify goals that presenting students actually have or agree with. For example, here, others may add they want the client to understand what the hearing will be like and what preparation means; they may want to have better and more systematic communication, etc.

D. Stage Four: Lawyering Strategies

This stage focuses on identifying and developing strategies for the defined lawyering problems. The earlier stages have typically produced an expansive list of hypotheses about the nature of the problem including how and why it exists. At this stage, the group should quickly identify a few problem definitions from which to begin to develop ideas about how to proceed. By focusing on a particular hypothesis about what is causing the problem, the group can refine solutions to a common problem. Hopefully, time permits the group to address a few problems so that students begin to see the link between problem definition and strategies. In evaluating strategies, the students can be asked which strategies might meet multiple definitions of the problem. Maria’s conversation with colleagues at this stage can be directed to address many different problems. For example, if the lack of access to the cell phone is chosen as a likely explanation, the group may propose multiple other ways to contact her and evaluate which are likely to work. If the group also chooses that she has lost interest in her case, the group might come up with a different message to leave on the cell phone. Students might also be asked to role- play their ideas for a new message. For example, here a student may role- play leaving a different message or imagine talking with the client.

Or, the presenting student can play the client while other students try out their suggestions. This very concrete illustration of suggestions is often helpful to presenting students and allows all students to see multiple examples of lawyering.

Challenges for the facilitator during this stage include keeping the group focused on making connections between problem definition and solutions. Helping the group see connections between the suggestions for this case and the suggestions in other students' cases encourages them to engage in both contextual thinking and general lessons. This moves naturally to the final stage.

E. Stage Five: Lawyering Lessons

To meet the rounds goals of increasing students' capacity to move from the specific to the general, we end rounds asking that they generalize from the conversation. We expect rounds to produce co-constructed knowledge through a dialogue where ideas are shared and built upon. But, we do not want to end rounds without an attempt to have students and ourselves explicitly name that knowledge. Because our goal in rounds is to teach broader lessons from the particular students' experience, we want to encourage the students to think about and name those lessons.

Thus, this stage can be focused broadly with questions such as: What have we learned from this conversation about lawyering? What would we do that is the same or different in this case and in others as a result of the conversation? Or, the lesson can be more narrowly focused on the lawyering issued studied: what have we learned about how to respond when clients do not return phone calls?

Here, for example, the students might have traced one of the problems to a failure by the presenting student to ask for alternative ways to contact a client and to explain what future contact to expect. Perhaps a lesson learned is to allow sufficient time for closing the initial interview to make sure there is a plan for the future communication.

Another focus for this stage, especially at the beginning of the semester is to provide feedback on the rounds itself. Was the presentation or case description a clear and efficient articulation of facts? How does a chronological explanation compare with a thematic one and how do you choose the facts to present? Was there enough law given for all to participate? Was it a shared conversation? How can we improve the learning from this conversation? These kinds of questions help students begin to prepare for their rounds conversations and learn from each other how best to gather and give peer input.

This stage often results in a range of observations that surprise us and sometimes ones with which we disagree, but the practice of asking about lessons learned summons us and the students to be intentional and explicit about our learning.

Endnotes for "Rounds: Constructing Learning From the Experience of Peers":

[1] This essay outlines some of the highlights of 3 chapters on Rounds pedagogy from Bryant, Milstein & Shalleck, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* book. In these Chapters, we provide multiple examples and tell rounds stories to illustrate the points made in the essay as well explore

some of the challenges.

[2] Through detailed descriptions of rounds dialogues focused on cases and projects, Chapter Six from pedagogy book illustrates how students repeatedly practice these habits of mind and develop skills while shaping their professional identity and accompanying values.

[3] Sue Bryant and Jean Koh Peters describe a process of “Parallel Universe Thinking,” an essential Habit to building cultural competence in practice.

[4] These can include facilitator, coach, expert, co-participant/collaborator, or observer. These roles are described in Chapter 6.

[5] Chapter Seven, addresses these issues and gives some examples of generative topics and ground rules.

SUPERVISION: THE BASIC CONCEPTUAL FRAMEWORK ^[1]

By Ann Shalleck

Clinical education would not exist without supervision. This statement reflects history, clinical theory, and student motivation. Modern clinical education began with the conviction that students working as lawyers representing clients under the supervision of law school faculty could transform legal education, if not the delivery of justice itself. While clinical education has developed other essential components to foster student learning based in their work as lawyers, faculty supervision of students working in role remains its defining characteristic. Whatever the fieldwork or practice setting, faculty supervision is critical to shaping students’ learning from their experience in role.

Students come to know lawyering best by doing it under intentional, reflective faculty supervision. Without the guidance and structure of supervision, student learning from the assumption of responsibility for the legal matters of clients is chaotic and diffuse. Within the supervisory structure, students and teachers build respectful, challenging, and supportive relationships through which students learn about themselves as lawyers and as learners. In this educational endeavor, students attribute meaning to their experience in constructing their understanding of law and lawyering. Students form client relationships, take on lawyering tasks, and exercise judgment. They have opportunities to appreciate how law works in action and to critique the institutional structures that affect clients and communities. Through continuing reflection, they cultivate the capacity to learn from each experience.

Supervision makes it possible for students to have responsibility for representing clients. With responsibility, students have a stake in the representation that affects their motivation and commitment to learn. They learn so they can do a good job for clients and become comfortable in their new identities as student attorneys. Responsibility deepens reflection on their actions as they identify, evaluate, and incorporate into their self-understanding the consequences of their choices and actions for their clients and for others. Having responsibility for clients also contributes to taking responsibility for learning. Students come to understand that effective lawyering requires continuous learning.

Supervision could not realize its potential without the other components of clinical education. Students need shared frameworks and concepts to guide them and a common vocabulary for talking

about ideas. Their ability to grasp concepts and act skillfully improves when, as in clinic seminar, they have many chances to practice without consequences. They need collective settings, as in rounds, for learning with and from their peers and opportunities to develop perspectives for situating themselves within the profession. The clinic seminar and rounds provide pedagogical sites to accomplish these aspects of learning in structured ways, where the immediate pressures of real matters can be put to the side for a while. While treated as individuals most clearly in supervision, students in seminar and rounds are plainly part of the collective project of clinical education. In these other components of the clinic, students are building conceptual frameworks and scaffolding for deploying needed skills. They are acquiring critical understanding of how structural, institutional, and cultural forces affect their own and their clients' situations. They are practicing in simulated settings. They are learning habits of ongoing reflection, individually and with others. They are creating a shared understanding of the dynamics and pressures of their practice areas and exploring with others a sense of themselves as lawyers. Teachers draw on these settings as they shape supervision to foster the lawyering and learning of each particular student.

With the lives of clients and well-being of communities at stake, student decisions and actions have immediate consequences. Supervisors confront daily the intellectual and emotional complexity of guiding each student to be a lawyer with real-life responsibility, and must tailor learning to the individual needs of each student representing each client in a case or project. They teach critical concepts, habits of thought and action, and discrete skills in particular circumstances and sometimes in idiosyncratic ways. They feel the constant presence of time: time as it works in a case or project; time for students to learn; and time allocated to supervision, which is limited and precious.

Clinical teachers use insights from supervision to hone the other parts of the clinical curriculum. In supervision, teachers learn how students use the concepts and skills developed in the seminar in actual, unstructured situations and then reconsider and adapt the seminar curriculum by adding new material or creating classroom exercises. They bring to the collective setting of rounds questions generated in supervision that trouble or confuse students, spark their thinking, or could benefit from shared discussion. In students' cases and projects, supervisors discover opportunities for teaching the whole group about a recurring aspect of injustice that students encounter in representing their clients.

Within this overall clinical structure that generates shared understanding, teachers guide students through the challenges of providing excellent representation to clients to promote learning in light of the capacities, needs, passions, interests, and aspirations of each student. Supervisory dialogue proceeds differently for each student. It evolves within the intimacy of the relationship between supervisor and student. Because the process of supervision is complex and each encounter is distinct, a conceptual framework can situate supervisors as they guide the development of each student. It helps teachers understand the overall process and make intentional decisions about where to focus and how to engage with each student – whether planning carefully or making flexible, in-the-moment decisions. Without a conceptual framework, the demands of a case or project, the plight of a client, or the many and varied aspirations for learning can overwhelm a supervisor.^[2]

Our theory of supervision has three parts. First, the educational project of teaching students to be lawyers as they represent clients involves connected developmental processes. Through supervision, teachers shape both the students' representation of clients and their learning from that activity, as each process affects the other. We call these developmental processes "arcs." Second, teachers need a structured method for viewing developments in client representation and in learning. This structure affords perspectives on supervision and helps teachers see possibilities for guiding student development in both representation of clients and in learning. We call these structures "frames." Third, teachers must choose among the possibilities to tailor supervision to guide each student's development. We introduce structured inquires for deciding what to teach each student, which we call "guideposts." With the arcs, we capture the developmental character of the educational endeavor. With the frames, we devise a method to view and shape supervision from within the activity itself. With the guideposts, we offer a structure for deciding how to supervise each student.

The educational enterprise of supervision generates the need for arcs, frames, and guideposts. Students' responsibility for representing clients and learning from being lawyers propels their development. In supervision, teachers have responsibility for both dimensions of the educational enterprise: they oversee a student's exercise of responsibility for the client and a student's learning. Often the same student actions fall within both dimensions – students act as lawyers for their clients and they learn. Each dimension, however, has a different dynamic and trajectory. The educational activity of representing clients under faculty supervision generates both dimensions of lawyering and learning. To make one reinforce the other, the teacher needs to recognize that students develop in both, often with different trajectories.

The Arcs of Client Representation and Student Learning

We express the connected developmental processes in the dual arcs of supervision. Supervisors think concurrently about how students are representing their clients – the **arc of student representation of clients**– and how students are learning – the **arc of student learning**. Supervisors assess progress in how students represent clients and construct knowledge from their experience. Recognizing these two connected processes provides the foundation for supervision in a clinic. With this dual consciousness, supervisors guide students through the arc of representing clients as legal matters change over time and students grow in their capacities. Simultaneously, supervisors guide those students through the arc of learning about being lawyers as they take on responsibility for their clients, whatever the dynamic of the learning process for each student.

We use the metaphor of arcs for three reasons. First, the twin arcs of representation of clients and of learning are basic to the underlying structure of the educational activity of supervision. As with the arc of a story, these arcs reveal the structural underpinning of student activity in supervision – representation of clients and learning constitute the activity. Second, the twin arcs reflect the developmental character of both student representation and student learning. Both change over time in the interaction of student experiences representing clients, student learning, and the actions of the teacher to shape student experience and student learning. Third, the arcs span the entire experience of supervising a student.

We can examine the arcs of student development from different vantage points. We can look on the supervisory process as we start on the enterprise, engage in it, conclude it, or look back on it from a distance. As students begin representing clients in a clinic, teachers anticipate a developmental process. They structure supervision to set the groundwork for excellent client representation and productive learning and to plan for the unfolding of the process. During client representation, teachers stand back repeatedly to examine the progression in both arcs; they consider how effective they have been in shaping the interactive dynamic between lawyering and learning and adapt their supervision. At the end of the students' experience, supervisors see how their students have progressed along both arcs and look forward to their continuing the developmental process started in the clinic. Years later, teachers hear from students about how they have continued evolving in both arcs in their lives as lawyers.

Using Three Frames: The Matter, the Macro, and the Meeting

Teachers need a method for clearly identifying the possibilities for supervising a student and for planning supervision. The frames create a method for viewing developments in client representation and in learning. At each moment, teachers could go in many directions. To decide which to choose, the supervisor must disaggregate the opportunities for lawyering and learning and assess each one. Framing supervision in three ways provides complementary perspectives for seeing and understanding the potential of each choice to enhance lawyering and learning. Each frame also helps the teacher attend to the development of the arcs of representation of clients and learning. Using all three frames creates the basis for exercising good judgment in shaping and conducting supervision.

The three frames are constructs that reflect our experience supervising student lawyering and learning. First, we organize supervision around students' representation of clients in distinct cases or projects – the matter.^[3] Second, while students experience being lawyers within each matter, they also become familiar with lawyering through their experiences across all the cases or projects they handle – the macro.^[4] Third, through regular, ongoing dialogue with their supervisor, students manage immediate tasks for each active case or project, learn skills directly needed for those activities, and realize the broader objectives of lawyering and learning– the meeting.^[5] Each of these three frames -- **the matter, the macro, and the meeting** --embodies a different perspective on supervision. Each highlights different aspects of lawyering and learning.

Recognizing the dual developmental processes expressed in the arcs and using the three frames together help the supervisor shape supervision. The two arcs keep teachers aware of the dual developmental character of the students' work and the three frames help teachers identify the many possibilities for shaping student development over the life of a case or project, throughout the clinic experience, and at each moment. Together, the arcs and frames help us realize the aspirations of clinical teaching. With both arcs in mind, teachers frame and re-frame supervision to enhance both arcs. Teachers have the foundation for planning wisely and adapting in the moment.

Guideposts: Deciding What to Teach

Based on that foundation, we present guideposts for deciding what to teach each student in supervision. These build upon the awareness of possibilities developed by using arcs and frames. To decide on the content of supervision, we craft three fundamental inquiries that serve as **guideposts** for shaping supervision of each student. They provide direction in 1) how to make judgments about the capacities of each student to act on behalf of clients and to learn, 2) how to use our goals in supervision, and 3) how to account for time.

The supervisor designs learning directed at each individual student by focusing on distinct aspects of representation and creating situations that foster learning tailored to that student. The supervisor decides what skills and ways of thinking are most important to address with each particular student, in the representation of each particular client, at each particular moment while remaining aware of the overall goals for the clinic and the student.^[6] Working with students on their decisions and actions in fulfilling their responsibilities to their clients, supervisors engage deeply with students. They see how students' thinking, emotions, values, and sense of themselves affect dynamics of representation and learning. They build relationships of trust. Through this process, supervisors have an enormous impact on how students construct meaning from their experiences, meaning that they take to their future work as lawyers.

Aligning the Arcs

Learning grounded in exercising responsibility for client representation and fashioned around the individuality of each student entails teaching that reflects the dual orientation of supervision as an educational method. To help teachers think about the related dynamics of student representation of a client and student learning, we separate them in our framework to show each more clearly and illuminate the relationship between them. Supervisors analyze how students are developing in their commitment to serving their clients well now and in the future (**the arc of student representation of clients**) and what students can learn in the clinic and in the future (**the arc of student learning**). By paying attention to growth in a student's representation of clients and in a student's learning, the teacher is better situated to shape supervision to generate arcs aligned with each other, bending in tandem.

Maintaining this alignment requires careful attention and constant adaptation to changing circumstances. Supervisors know about student representation of clients in the kinds of cases or projects in the clinic and how students are providing representation in each matter. Based on their knowledge and experience, teachers can anticipate how a matter might develop, a client might be vulnerable, or a student might encounter difficulties. They know to expect the unexpected. Cases and projects veer in unforeseen directions, clients face crises, and students stumble on unanticipated obstacles. Therefore, teachers watch the progression of both arcs as they plan and conduct supervision. In regular meetings with students, they address immediate tasks, harnessing student skills and reinforcing relationships with clients while supporting immediate learning. At the same time, each meeting is only a moment in the supervision in a case or project or throughout the clinic experience.

Teachers can situate themselves and orient their decisions. They can plan carefully and move adeptly within a complex and dynamic situation attentive to immediate demands, while maintaining focus on the goals of each student’s learning. In combination, the arcs, the frames, and the guideposts give supervisors a framework for supervising students. As change occurs, as it always does in representing clients in real matters, the teacher has a well-developed foundation for adapting teaching to evolving circumstances. Teachers can approach the uncertainties inherent in supervision with a sense of confidence and calm deliberation. Supervision has the potential to promote the development of students as lawyers who serve clients well, seek justice, and give meaning to their lives as lawyers and who approach their work as a learning process, with new aspects of lawyering to explore.

Endnotes for “*Supervision: The Basic Conceptual Framework*”:

^[1]This is a condensation of Chapter Nine of Bryant, Milstein and Shalleck, *Transforming the Education of Lawyers, The Theory and Practice of Clinical Pedagogy*, (Carolina Academic Press 2014). It is one of three chapters on the theory and practice of supervision.

^[2]Chapter Nine, “Supervision: A Conceptual Framework,” and Chapter Ten, “The Practice of Supervision,” provide a detailed conceptual framework for the content and process of supervision and a practical approach to making supervisory decisions. These chapters were co-written by Jane H. Aiken and Ann Shalleck. Chapter 11 provides essays that illustrate in particular settings the theory and practice from chapters Nine and Ten.

^[3]As developed in Chapter Nine, supervision with the matter in mind highlights developing ways of thinking, not just lawyering skills; seeing lawyering as a process, not just discrete activities; understanding clients’ immediate problems in the context of their overall experiences and relationships; seeing how clients’ problems shift over time; appreciating the role of context and culture; developing professional identity, as well as effectiveness as a lawyer; uniting theoretical and practical understanding; and confronting the impact of race, gender, and inequality.

^[4]As developed in Chapter Nine, supervision with the macro in mind highlights seeing patterns while appreciating context; exploring fundamental values and ways of thinking; approaching the formation of professional identity as a process; using critical perspectives; and emphasizing transfer of learning.

^[5]As developed in Chapter Nine, supervision with an individual meeting in mind highlights ways to keep the immediate tasks from overwhelming attention to the broader issues of representation in the case or project and student learning.

^[6]Supervisors take account of critical factors: what students already understand and have done or can do; how they understand their clients; how their anxieties, fears, and emotions are operating; what they still need to master to make the decisions and take the actions that confront them; how they can stretch themselves to think in new ways and do new things in unknown territory; and how each action in each matter relates to the student’s learning from the overall experience in the clinic. Supervisors make these decision while moving each case or project forward within the constraints of the real world.

REFLECTION

It is essential to provide opportunities for students to reflect upon their lawyering experiences in order to maximize student learning. A structured process of reflecting on lawyering practice permits students to generate meaningful lessons by recognizing how their concrete experiences connect to broader themes. Reflective practice also increases the likelihood that students will be able to transfer learnings from their experiential legal education to other practice settings. ABA Standard 304(a)(4) requires that opportunities for meaningful reflection be provided to students.

Effective reflection engages with the three dimensions of student learning: cognitive, affective, and psychomotor. The cognitive dimension is the one most commonly emphasized in legal education, and encompasses the student's knowledge and comprehension of relevant legal doctrine and theory, the ability to apply this knowledge to the immediate legal matter through analysis and synthesis, and to evaluate the outcome against given metrics. The affective dimension encompasses how students recognize and respond to stimuli in their legal practice, connect their work to their values, and integrate their values into their practice. The psychomotor dimension encompasses the concrete skills that students perform, from observations of practice, through guided performance, through skilled adaptation to changing circumstances, to the creation of new practices. Reflection offers students opportunities to become conscious of all of the elements of their learning, and to recognize the interconnections among these three dimensions.

In order to meaningfully reflect on experience, students must first develop their skills of observation—to be able to identify what specific actions they and others perform, the assumptions and beliefs that guide that action, and the results of those actions, drawing on data from the cognitive, affective, and psychomotor dimensions concurrently. Once students can generate robust observational data about their experiences, they can develop reflective skills: identifying the connections (and the gaps) between their plans and their actions, identifying the choice points in their actions and the specific choices they made, and recognizing how those choices connect to their thinking and the broader social and institutional contexts in which they practice. On the basis of this reflection, students can abstract from specific incidents to broader learnings, make and test hypotheses, and recognize their role within larger systems. This structured process of reflection informs how students will plan their next steps, how they will act upon their plan, and how they will identify data and assess the effectiveness of their actions. That assessment in turn provides material for further reflection, which in turn shapes future behaviors, in a continuing process.

Instructors can encourage reflection through several different activities and pedagogical tools. Supervisory meetings can provide opportunities for reflection, as the instructor guides the student through dialogue. Journaling can also be a useful exercise for students to give deeper, sustained reflection to their work. Thoughtful and probing comments on journals from instructors can guide students to surface and question their unstated beliefs, and to better contextualize their work. Peer feedback can also helpfully provide students with different perspectives that can encourage reflection.

Opportunities for reflection can occur throughout the semester. Encouraging deep reflection at the beginning, midpoint, and end of the semester, at a minimum, can helpfully situate a student's concrete experiences within broader educational goals. There is no one right way to teach students to reflect or to incorporate it into your course.

PRACTICE

Each type of experiential course will present different opportunities and limits on student practice. Simulation courses, for example, are limited to hypothetical problems, but can be controlled

better than rather than real-world experience. Externship courses allow students to be immersed in a legal work environment but the faculty member shares supervision with the on-site supervising attorney so that control and presence are limited. In the law clinic, faculty engage in a complicated balance of obligations to the client and students, but students engage in practice that allows them to explore the nuances of relationship, action and impact in the legal system. However, in all of these course types, students expect to develop their professional skills and begin to transition from student to practitioner. Student fieldwork or casework should inform the classroom content and vice versa. These will in turn determine the nature and methods of reflection and supervision.

Although the practice component is the heart of experiential education, it is important to insure that there is sufficient balance for students to engage in reflection to identify their personal and professional challenges for life-long career satisfaction.

SETTING LEARNING OUTCOMES AND OBJECTIVES

In order to be intentional about what we want students to learn in a course, we must set learning outcomes and objectives at the outset of our planning. It may be helpful to distinguish between objectives and outcomes. Objectives usually are determined by what you want to teach or achieve while outcomes generally are focused on what you expect students to have learned by the end of the course. Examples of outcomes include:

- Students will be competent to conduct an initial interview.
- Students will be able to identify professionalism challenges and develop coping strategies.
- Students will demonstrate competence in preparing and conducting a misdemeanor trial.

Outcomes vary greatly based on the type of course, location of your school/community, the skills and passions that you bring to your teaching as well as many other factors. The focus here is just to emphasize the importance of setting learning outcomes and your own teaching and practice objectives as the foundation for shaping most, if not all, of the decisions you will make for your course.

No matter what goals you set for your course, they should be communicated clearly to students. This not only aids in the student learning but also will enhance your ability to assess whether these objectives are being met. Transparency also helps manage student expectations and build stronger relationships with your students.

Note that ABA Standard 302 discusses learning outcomes for law schools. It will probably be helpful to think about those outcomes and the extent to which your course furthers student competency in those areas.

ASSESSMENT

Assessment is important for many reasons: it will help you clarify how your course is furthering your school's mission. You can learn which of your learning outcomes were achieved, and you will have a better understanding of what your students learned. Most important, it will help you become a better teacher and improve your course. Assessment can be incorporated into other elements of your course. If one of your learning outcomes involved students developing a greater sensitivity to social justice issues, you can devise reflective writing assignments that address that issue and will also serve as a measure of how your students are changing over the course of the semester. Mid-semester and final semester performance evaluation tools can provide for a wider range of assessment including performance, professionalism, and overall professional growth. Grades, whether they are the law school version of S+,S, S-, and U, or actual letter grades, are also a form of assessment, but will provide feedback only if there are rubrics to support the award of each grade or discussion before they are awarded.

STRUCTURAL CONCERNS

In addition to the substantive planning for your course, you must consider structural and curricular concerns. These may be specific to or limited by the law school or program where you teach. It is a good idea to consult with other experiential colleagues or your associate deans about any limits or requirements. Consider what pre- or co- requisites are necessary for students in your course. Do students need a foundational knowledge in a particular area or can that information be obtained contemporaneously? How many credit hours will be given for your course? Will this include both the fieldwork and class time or is credit given separately for each portion? What is the ratio of fieldwork to classroom time? How will the student work be assessed and will the course be letter-graded, pass/fail, or some other option?

Many of these questions may have answers pre-determined by the academic regulations at your institution. It may be possible to make changes for your course but often that requires committee and/or faculty approval. Again consultation with your experiential colleagues or a mentor is recommended.

OVERCOMING OBSTACLES AND BARRIERS

Unfortunately, no matter how much planning you put into course design there will be barriers and obstacles to overcome to meet the goals you set for your students and your course. Consider the following places to begin

- Ask questions! We give this advice to our students and must remember to follow it ourselves. Post questions to one of the listservs, contact a CLEA mentor, or send an email to a colleague at another school.

- Review the ABA Standards for guidance. The Standards on Legal Education (primarily Chapter 3) can be an excellent source for guidance. Remember to read the Interpretations below each standard for additional information and to look at past years' standards for a view of how the standard has changed over time. Additionally, the ABA publishes guidance memos on various topics.

- Review the relevant scholarship. New articles are published on a regular basis and clinical education has an established foundation of pedagogical and substantive scholarship covering almost every topic. Use the selected bibliography in this handbook as a place to start. Even among clinics of a similar type, differences in design may create wide differences in teaching and service provision. This section offers a non-exclusive list of some frequently-encountered design choices



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Please keep in mind these are some resources selected as suggested introductory material on a range of topics that may be of interest to a new clinician. This list not intended to be exhaustive. There are many fine articles published each year that offer important insights into experiential teaching and learning. Articles on clinical education may be found on SSRN, Lexis-Nexis, Westlaw, Hein Online and other online legal research sources.

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Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas, and Antoinette Sedillo Lopez,

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Philip N. Meyer, *STORYTELLING FOR LAWYERS* (New York: Oxford University Press 2014)

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Roy Stuckey and Others, *BEST PRACTICES FOR LEGAL EDUCATION* (CLEA, 2007).

William Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, and Lee Shulman, *EDUCATING LAWYERS* (Carnegie Foundation, 2007).

THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (Frank S. Bloch, Ed. Oxford University Press 2011).

Clinical Textbooks

Alicia Alvarez and Paul Tremblay, *INTRODUCTION TO TRANSACTIONAL LAWYERING PRACTICE* (West 2013).

Gary Bellow and Bea Moulton, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY*, (Foundation Press 1978).

David F. Chavkin, *CLINICAL LEGAL EDUCATION: A TEXTBOOK FOR LAW SCHOOL CLINICAL PROGRAMS* (2002).

Rebecca A. Cochran, *JUDICIAL EXTERNSHIPS: THE CLINIC INSIDE THE COURTHOUSE*, 4th ed. (Anderson Publishing Co. 2016).

Stephen Ellman, Robert D. Dinerstein, Isabelle R. Gunning, Katherine R. Cruse & Ann C. Shalleck, *LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING* (West 2009).

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G. Nicholas Herman, Jean Cary, A PRACTICAL APPROACH TO CLIENT INTERVIEWING, COUNSELING AND DECISION-MAKING: FOR CLINICAL PROGRAMS AND PRACTICAL COURSES (Carolina Academic Press 2009).

Alex J. Hurder, Frank S. Block, Susan L. Brooks & Susan L. Kay, eds., CLINICAL ANTHOLOGY: READINGS FOR LIVE-CLIENT CLIENTS (2nd. ed. 2011).

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Martha R. Mahoney, John O. Calmore & Stephanie M. Wildman, SOCIAL JUSTICE, PROFESSIONALS, COMMUNITIES & LAW: CASES AND MATERIALS (2003).

Leah Wortham, Alexander Scherr, Nancy Maurer & Susan L. Brooks, eds., LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION, 3rd. ed. (West 2016)

WEB-BASED RESOURCES

Websites and Blogs

American Association of Law Schools (AALS)	http://www.aals.org/
American Association of Law Schools (AALS)/Clinical Legal Education Section	https://memberaccess.aals.org/eWeb/dynamicpage.aspx?webcode=ChpDetail&chp_cst_key=2546c8e7-1cda-46eb-b9f3-174fc509169b
American Bar Association Section of Legal Education and Admission to the Bar	http://www.abanet.org/legaled/home.html
Best Practices For Legal Education	http://bestpracticeslegaled.albanylawblogs.org/
Center for the Study of Applied Legal Education (CSALE) Center for the Study of Applied Legal Education (CSALE)	http://www.csale.org/index.html
Clinical Law Prof Blog:	http://lawprofessors.typepad.com/clinic_prof/
Clinical Law Review	http://www.law.nyu.edu/journals/clinicallawreview

Clinical Legal Education Association (CLEA)	http://www.cleaweb.org/
Global Alliance for Justice Education (GAJE)	http://www.gaje.org/
Guerrilla Guides to Law School Teaching	https://guerrillaguides.wordpress.com/
International Network on Therapeutic Jurisprudence	http://www.therapeuticjurisprudence.org/
Institute for Law School Teaching	http://www.law.gonzaga.edu/About-Gonzaga-Law/Institute-for-Law-School-Teaching/default.asp
The Law and Society Association	http://www.lawandsociety.org/
LexternWeb	http://Lexternweb.org
National Legal Aid & Defender Association	http://www.nlada.org/
National Professionalism Web Site	http://professionalism.law.sc.edu/
Society of American Law Teachers (SALT)	http://www.saltlaw.org

Listservs

AALS Minority	Email Professor Lee at jlee@ubalt.edu to join.
ABA Commission on Domestic & Sexual Violence Listservs	Information on how to subscribe may be found at https://www.americanbar.org/groups/domestic_violence/Initiatives/listservs/
CAPALF is a national organization that provides Asian Pacific American law faculty with scholarship support and various networking and professional development opportunities	To join the CAPALF listserv, please email Anupam Chander at achander@ucdavis.edu
Clinicians of Color	email Professor Lee at jlee@ubalt.edu to join.

CyberProf	More information on how to subscribe may be found at https://mailman.stanford.edu/mailman/listinfo/cyberprof
Dispute Resolution Listserv	Information on how to subscribe may be found at http://law.missouri.edu/drle/dispute-resolution-listserv/
Environmental Law Clinics Listserv	To sign up, email Kim Connolly (kimconno@buffalo.edu) .
Environmental Law Professors Listserv	To sign up, use the following instructions: Send an email with the following: Field Contents To envlawprofessors-request@lists.uoregon.edu From [your email address here] Subject subscribe Body (leave this empty)
Eshiplaw (Transactional)	Information on how to subscribe may be found at https://www.eshiplaw.org/join
Food Law Issues for Law Professors	Current contact is Professor Schneider, sschneid@uark.edu
Freedom of Information Coalition	More information on how to subscribe may be found at https://www.nfoic.org/about/programs-services/foi-listserv
GAJE	email majordomo@list.vanderbilt.edu with the following command in the body of your email message: subscribe gaje
Humanizing Legal Education	to subscribe, send an empty email to: legaled-subscribe@mail.law.fsu.edu
Immigration Clinics	In order to ensure the confidentiality and integrity of the list serve, we ask any persons seeking to join iclinic to send me an email at veronica.thronson@law.msu.edu affirming the following: 1) I am not a U.S. government employee. 2) I will not post confidential client information on the listserv. 3) I will not copy, forward or excerpt information from this listserv that is not already explicitly identified in the public domain.

	4) If I am interested in collecting case examples for advocacy purposes, I will not use material from this listserv without the express permission of the person who posted the information.
Immigration Law Professors:	Send a message to Margaret Taylor (taylormh@wfu.edu) or Hiroshi Motomura (motomura@law.ucla.edu) if you need any other help with your immprof subscription, or have any questions about list operation.
Intellectual Property Clinics:	IPCLINICS@ROSTER.WCL.AMERICAN.EDU
Latino Law Professors	Listserv for latinx law professors. Administered by Pedro Malavet at U Florida, malavet@law.ufl.edu
Law Clinics	To subscribe or unsubscribe via the World Wide Web, visit http://lists.washlaw.edu/mailman/listinfo/lawclinic
LAWPROF	to subscribe, email listproc@chicagokent.kentlaw.edu with the following request in the body of the message: subscribe LAWPROF
LEGALETHICS	to subscribe, email listserv@lawlib.wuacc.edu with the following request in the body of the message: subscribe legelethics-l [your first name] [your last name] lawprofessor
LEXTERN (externships)	To subscribe to the LEXTERN listserv (csl-lextern@cua.edu) send an e-mail to Professor Sandy Ogilvy at ogilvy@law.cua.edu requesting access. In the subject line of your message write <subscribe csl-lextern>. In the body, indicate the email address you wish to use for the subscription.
Poverty Law	There is a poverty listserv that is loosely associated with the AALS Poverty Section. If you are not getting emails from the listserv and would like to get them, or if you are getting them and would like not to get them, please email the administrator at crosser@wcl.american.edu
Privacy Law Profs	For privacy law scholars. Administered by Dennis Hirsch of Capital Law School at dhirsch@law.capital.edu
Professionalism	PROF-ISM: a professionalism listserv, to subscribe email listserv@vm.sc.edu with the following request in the body of the message: SUB PROF-ISM [your first

	name] [your last name]
Tax	Tax Connect: Information on how to subscribe may be found at https://www.americanbar.org/groups/taxation/committees_task_forces/probono_taxclinics/
Tech Clinics	Interested folks should reach out to Professor Christopher T. Bavitz at cbavitz@law.harvard.edu
Veterans Clinics	Listserv for clinics and non-profits working on behalf of veterans. Join by emailing veteransclinics-request@lists.wm.edu
Veterans Clinics and Pro Bono Service to Veterans	This list will be utilized for law schools and law firms already engaged in pro bono veteran clinic efforts or interested in starting such an initiative at their institution. It will be limited to pro bono service for veterans, and is designed to share best practices, encourage collaboration and provide assistance to list members in their representation work or their program development. It will also be used to share announcements of general interest to the group, including regulation changes and interpretations by the VA, DOD and the courts, and to explore issues of public policy and opportunities for systemic change in our nation's responsibilities to veterans. There are currently more than 450 clinicians, legal service providers and pro bono attorneys representing veterans on this very active listserv. Requests for addition should be sent to veterans@wm.edu



CLEA'S GOALS AND ACCOMPLISHMENTS

The Clinical Legal Education Association was incorporated in 1992 after several years of discussion among clinical teachers, with the goals of promoting the expansion and improvement of clinical legal education, encouraging and supporting clinical legal research and scholarship, and advancing the interests of clinical teachers. Membership is not limited to clinicians but is open to anyone engaged in legal education. CLEA presently has more than 1,300 members.

CLEA has 17 standing committees to carry out its work, and they cover a wide range of topics, including externships, diversity in clinical legal education, research, membership, social justice issues, and of course, new clinicians. One of the most influential committees has been the advocacy committee. For 25 years, CLEA has vigorously supported its members on a multitude of issues related to clinical teachers, clinical legal education, and legal education generally, including many that grew out of the comprehensive review of the ABA accreditation standards for law schools and, more recently, bar admission requirements. These issues include, among others, security of position for clinical teachers, curriculum requirements for experiential education, learning outcomes, paid externships, and bar passage standards.

CLEA welcomes as members not only full-time clinical teachers at law schools belonging to the Association of American Law Schools, but also field supervisors, adjunct teachers, faculty at schools outside the U.S., and other people who are involved in clinical education or are interested in its continued development.

CLEA was instrumental in founding the CLINICAL LAW REVIEW, a peer-review journal that it now sponsors jointly with the Association of American Law Schools (AALS) and New York University School of Law. The CLINICAL LAW REVIEW includes useful and readable articles about improving the teaching of law and the quality of legal practice. Membership in CLEA includes a subscription to the CLINICAL LAW REVIEW.

CLEA also organized the first national conferences on externships and Alternative Dispute Resolution clinical programs, and it sponsors the national conference for new clinicians every other year, as well as new clinicians programming at regional clinical conferences. In addition, CLEA offers webinars and trainings for experienced clinical teachers.



CLEA'S 2016 STRATEGIC PLAN

In 2016, CLEA undertook the process of developing a new Strategic Plan. With the assistance of a pro bono consultant, and input from CLEA's past presidents, committee chairs, board of directors, as well as its members, a comprehensive and forward-looking plan was approved in November 2016.

The complete Strategic Plan may be found on the CLEA website, <http://cleaweb.org>. Here are its five stated goals and some of the highlights:

Goal One: CLEA will enhance its advocacy for clinical legal education and the CLEA community, including its responsiveness to ongoing changes in the legal profession and in legal education.

This goal prompted the creation of two additional committees to conduct research and advocacy trainings, monitor changes in the legal profession and to survey our membership regularly about advocacy needs.

Goal Two: CLEA will enhance its communications with its members and other bodies and organizations regarding its work.

CLEA's presence in the community will be enhanced through improvements to its website and other social media platforms, development of a public relations strategy, and the creation of communication protocols.

Goal Three: CLEA will serve as a primary resource on best practices for clinical and experiential legal education.

This goal involves an expansion of the focus of CLEA's best practices committee.

Goal Four: CLEA will pursue and promote justice and diversity as core values of the legal profession.

In January 2017, CLEA created the new "Social Justice Issues Committee," charged with identifying new ways to support social justice issues believed to be of particular importance to the clinical community.

Goal Five: CLEA will implement best practices in board governance and financial management in support of its mission.

CLEA will accomplish this final goal through increased board member engagement in governance, reviewing and evaluating existing by-laws, policies and procedures, and strengthening our training of newly elected CLEA board members.



PROFESSIONAL ORGANIZATIONS FOR CLINICAL TEACHERS

The Association of American Law Schools (“AALS”) Section on Clinical Legal Education and the Clinical Legal Education Association (“CLEA”) are the two main professional organizations for clinical teachers. This roadmap aims to describe the two organizations and their activities.

The Section on Clinical Legal Education is the official voice of clinicians within the AALS. The Clinical Section presents programs such as the Annual Clinical Conference or Workshop, supports regional conferences, and publishes a newsletter. Because the Section is part of the AALS, it cannot take an independent public position or an active role on public issues without the permission of the AALS Executive Committee. The Section may ask the AALS to take a position, but it cannot take a position on its own. Annual membership dues for the Clinical Section are \$15 (payable to AALS).

The Clinical Legal Education Association advocates on behalf of clinicians and clinical education in a variety of public forums. CLEA co-publishes the Clinical Law Review, sponsors and supports workshops and conferences, publishes a newsletter, and maintains a website with a database of available positions in clinical legal education. CLEA also sponsors the *Per Diem* project each year, to financially support social justice work in the community hosting the AALS Clinical Conference. CLEA’s membership dues for individuals are \$40 per year; group rates are also available. Membership includes a subscription to the Clinical Law Review.

Together, CLEA and the AALS collaborate closely and their memberships greatly overlap. Both organizations sponsor workshops and conferences, and often the two organizations offer them in a collaborative fashion. For example, the New Clinicians Conference, held every other year, is sponsored by CLEA, but is scheduled immediately before the AALS Clinical Conference.

Both CLEA and the Clinical Section maintain committees to address various issues affecting clinical teachers, such as the ABA accreditation standards, the status of clinicians, and political interference. CLEA also maintains a comprehensive history of advocacy materials on its website, including formal comments, letters, and *amicus* briefs.

Both organizations sponsor and support the CLINICAL LAW REVIEW, a semi-annual, peer- edited journal devoted to issues of lawyering theory and clinical legal education. The Clinical Law Review is also co-sponsored by NYU Law School. The Review welcomes unsolicited articles, as well as essays, comments, and other short pieces on lawyering, clinical teaching, legal practice, or related subjects.

Both CLEA and the Clinical Section support the Center for the Study of Applied Legal Education (CSALE), a non-profit corporation dedicated to the empirical study of applied legal education and the promotion of related scholarship. CSALE's website, with survey data on developments in applied legal education (including program design, capacity, and administrative support), can be found at www.csale.org.

With many similarities, you may be wondering: Why do we need two organizations and what are the differences between them? One major difference is the ability of each organization to take an independent public position or an active role on public issues. The Clinical Section, as part of the AALS, is limited by the fact that it is part of a larger organization, and it must therefore seek approval for any public actions and statements. As a freestanding entity, CLEA may take action on an issue, including stating its positions publicly, as long as the action or public statement has been approved by its member-elected Board of Directors.

Another difference between the two organizations is the ability of clinicians to become members. Membership in the AALS Clinical Section is limited to faculty at schools that are members of fee-paid associates of the AALS. CLEA membership is not restricted in this way. Those who teach in foreign countries and at non-AALS member schools are eligible to join, as well as adjunct professors and supervisors in field placement programs who are not full-time employees of a law school.