

37th Annual Conference on Clinical Legal Education

BECOMING A BETTER CLINICIAN

April 27 – 30, 2014
Chicago, Illinois



Follow us on Twitter!
@TheAALS
#AALSClinical2014



Association of American Law Schools

WEBSITE: WWW.AALS.ORG/CLINICAL2014

37th ANNUAL CONFERENCE ON CLINICAL LEGAL EDUCATION

Becoming a Better Clinician

April 27 - 30, 2014
Palmer House Hilton Hotel
Chicago, Illinois

TABLE OF CONTENTS

	Page
Introduction	5
Program	7
Poster Presentations	41
Works-in-Progress and Bellow Scholars Program Report on Projects	43
Organizations Schedule of Events.....	63
Conference Planning Committee, 2014 Committee on Professional Development and AALS Executive Committee	65
Biographies of Plenary Session Speakers and Planning Committee	67
Exhibitors at the Conference	75
 Discussion Outlines and Materials	
Jane H. Aiken, Patience A. Crowder	79
Ann M. Cammett, Elliott S. Milstein	83
Susan Bryant, Elliott S. Milstein, Ann C. Shalleck	85
Nancy Levit, Calvin Pang, Joanne Woolman, Brenda V. Smith	87
Susanna Calkins, Ph.D., Nancy L. Cook	91
Carrie L. Hempel	93
Anthony J. Luppino.....	95
Ascanio Piomelli, Dana A. Thompson, Anita M. Weinberg, Jeffrey Selbin	101
Deborah J. Cantrell, Arnie Herz, Tamara Kuennen, Leonard L. Riskin	105
David Hall.....	111
 Other Information	
Hotel Floor Plan	113
Blank Pages for Notes	115

IMPORTANT

The Evaluation Form is not included in this booklet.
It will be emailed to you soon after the conclusion of the Conference.
Your comments will assist us in planning future conferences.

Introduction

Dear Colleagues:

Welcome to Chicago and the 2014 AALS 37th Conference on Clinical Legal Education. As you know, our theme for this conference is “Becoming a Better Clinician.” To aid our planning for this year’s conference, we read the previous conference evaluations and talked to many of you about how to make this conference valuable. What we heard – whether you were a new clinician, a seasoned veteran, or somewhere in the middle – was that you wanted to learn something new, maybe even from outside our own discipline, and you wanted to hear from a range of persons, both inside and outside our community. You wanted the conference to help you become a better clinician to serve our students, our clients, and our community.

Moreover, we heard that as a result of the changing legal market and renewed critique of traditional legal education, we were being called to explain, defend, demonstrate, and teach clinical legal education and our best practices, while also responding to the needs of our students, clients, and communities. To handle these continued calls effectively, we have had to recommit ourselves to examining clinical pedagogy, our role in the current legal education reform movement, and our professional values and identities in the rush to change. In short, we are at a moment of critical self-reflection as to who we are and what kind of clinician we want to become.

With your suggestions, we have created a conference that we hope addresses the many complexities of our work and will offer you new information, perspectives, and ideas to add to your already existing repertoire as a clinician. Beginning with our first plenary, you will identify goals for your short-term and long-term growth through any of three professional contexts– teaching, curriculum reform, and community engagement and mindfulness. Through the plenaries, mini-plenaries, concurrent sessions, posters, and working groups, we hope to provide additional tools to help refine your concrete plan for achieving your goals.

Our opening and closing plenaries will focus on why and how we engage in self-reflection and provide time for our own reflection, goal setting, and planning. Between these two bookend plenaries, we will explore paths to and ideas for self-improvement in three contexts: (1) learning theory and pedagogy; (2) law school curriculum reform; and (3) community engagement and mindfulness. Our various sessions explore materials from within and without the legal academy and different challenges and opportunities for improving our profession and own professional identities. Specifically, the first track, learning theory and pedagogy, explores topics such as what neuroscience and learning theory teach us about how our students learn and how we should be teaching them; improving our own evaluation of our teaching; and options for improving our teaching and how we evaluate its effectiveness. The second track, law school curriculum reform, explores topics such as maintaining the integrity of experiential pedagogy in curriculum reform; the meaning of “experiential learning” in terms of teaching and learning; the choices for undergoing curriculum reform and how we evaluate those choices; and examples of innovative reform and whether they should be replicated in other schools. The third track, community engagement and mindfulness, examines ideas such as the meaning of community engagement for a clinical law teacher; the finding of meaning in our community work; options for creating a mindful practice; and our evaluation of those options. In addition, we hope your working groups prove useful during your self-reflection at the conference.

We have other wonderful aspects of the conference. Our annual tradition of welcoming New Clinicians will be during the poster reception on Sunday, April 27 at 6:00 p.m. We have three engaging lunchtime activities, including the presentation of the AALS Section on Clinical Legal Education Shanara Gilbert award, a presentation by Mayer Brown pro bono partner and former clinician, Marc Kadish, and the AALS Section on Clinical Legal Education Town Hall meeting. We are very excited to offer for the first time a compassion practice mindfulness session each morning at 8:15 a.m. led by our own Deborah Cantrell and Tamara Kuennen. And we thank the John Marshall Law School for hosting us at an evening reception on Monday, April 28.

Of course, the conference would not be possible without you. We thank you for your generosity in providing the rich sessions we are about to enjoy by serving as presenters and workshop leaders. Moreover, you being here guarantees that one of the consistent conference highlights will continue this year – the opportunity to reconnect with old friends and colleagues and make new friends as well. We also thank the many staff members of the AALS who made this conference possible, including Mary Cullen, Erick Brown, Kathryn Fanlund, and Deborah Quick.

With all of the great sessions ahead, let's get started! Here's wishing we all have a fun and productive conference.

All the best,

The Planning Committee for the 2014 AALS Conference on Clinical Legal Education:

Tonya Brito, University of Wisconsin Law School

Carolyn Grose, William Mitchell College of Law

Margaret E. Johnson, University of Baltimore School of Law, **Chair**

Vivek Sankaran, University of Michigan Law School

Carwina Weng, Indiana University Maurer School of Law

37th Annual Conference on Clinical Legal Education

BECOMING A BETTER CLINICIAN

April 27 – 30, 2014
Palmer House Hilton, Chicago, Illinois

Sunday, April 27, 2014

AALS Workshop for New Law School Clinical Teachers

8:30 a.m. – 12:15 p.m.

8:30 – 8:50 a.m.

Coffee, Tea and Breakfast Pastry

Pre-Function Area
4th Floor

9:00 – 9:10 a.m.

Welcome

State Ballroom
4th Floor

Judith Areen, AALS Executive Director, Chief Executive Officer

Introduction

Margaret E. Johnson, Chair, Planning Committee for AALS Conference on Clinical Legal Education and University of Baltimore School of Law

9:10 – 10:00 a.m.

Goals of Clinical Legal Education: Why Do We Teach?

Jane H. Aiken, Georgetown University Law Center

Patience A. Crowder, University of Denver Sturm College of Law

Clinical legal education is a unique opportunity to help new lawyers transition into practice with a sense of their professional identity, insight into the moral choices they will be asked to make as a professional, awareness of the possibilities and limitations of the justice system, and with the essential skill of reflecting on experience and learning from it. With so many important goals available to a clinical teacher, choosing one or two to focus on can be daunting, yet that choice matters for setting priorities for which lawyering skills and values to focus on and which teaching methods to use. This session therefore will engage the audience in identifying and choosing among the various goals in their own clinics and introduce the participants to backwards design.

10:00 – 10:15 a.m.

Refreshment Break

Pre-Function Area
4th Floor

10:15 - 11:15 a.m.

State Ballroom
4th Floor

Skills and Values of Clinical Legal Education: What Do We Teach and How Do We Evaluate Our Students?

Ann M. Cammett, City University of New York, School of Law
Elliott S. Milstein, American University, Washington College of Law

Clinical legal education offers opportunities to learn not only from textbooks but also real life through lawyering for clients or gaining actual legal experience. Once we have chosen among the various goals that can be accomplished through the clinic, we can identify and choose specific learning outcomes that we would like to teach and identify evidence that a student has achieved the desired outcomes so that she can be assessed. This session will engage the audience in identifying learning outcomes such as the lawyering skills and values that should be learned to achieve the clinic's goals and will introduce the audience to the choices surrounding the various learning settings in clinic, including clinic design, case and project selection, seminar, case rounds and supervision. In addition, this session will explore evaluation of clinic students, including what and how to evaluate, the variances in student experiences, grading group work, and avoiding adversely affecting the learning process through the evaluation process.

11:15 a.m. - 12:15 p.m.

State Ballroom
4th Floor

Supervision: How Do We Teach?

Michele Estrin Gilman, University of Baltimore School of Law
Jayashri Srikantiah, Stanford Law School

Students in clinics are in a crucial formative stage of their professional development, transitioning between the skills and values used to fulfill their role as students to the skills and values used to fulfill their roles as lawyers. This stage makes clinical teaching an especially complex and multi-layered enterprise that has to employ pedagogical methods and learning activities designed to meet a breadth of learning outcomes. The supervisory relationship between clinical professor and clinical student is a key pedagogical site. This session will use a supervision simulation to demonstrate and reflect on the transmission of skills and values through clinical pedagogy in the specific setting of supervision. The simulation is designed to address pedagogical issues that arise in supervisory settings in both in-house clinics and externship programs and to interrogate the tensions underlying the clinical approach, including non-directive and directive instruction, reflective practice, and problem-solving methods.

37th Annual Conference on Clinical Legal Education Becoming a Better Clinician

1:45 - 2:00 p.m.

Welcome

Grand Ballroom
4th Floor

Daniel B. Rodriguez, AALS President and Northwestern University School of Law

Introduction

Margaret E. Johnson, Chair, Planning Committee for AALS Conference on Clinical Legal Education and University of Baltimore School of Law

2:00 - 3:30 p.m.

Opening Plenary Session – The Pursuit of Happiness

Keynote Address: Nancy Levit, University of Missouri-Kansas City School of Law

Calvin Pang, University of Hawaii, William S. Richardson School of Law

Joanna Woolman, William Mitchell College of Law

Facilitator: Brenda V. Smith, American University, Washington College of Law

With legal education under close scrutiny, calls for greater experiential learning increasing, and changes to tenure and security of position standards looming, the opportunity to engage in reflective and deliberate practice is harder to find. Yet these challenges are precisely why we should take the time to reflect, learn, and take care of ourselves. With reflection, we might become more certain of our place in and path through the challenges ahead and be reminded of the happiness and satisfaction our work can bring when we take charge of our professional development and pursue happiness and satisfaction intentionally.

This plenary will begin with a keynote speaker who will inspire us to pursue happiness, satisfaction, and improvement in our professional and personal lives. Three clinicians will then frame this pursuit in the context of professional development as a clinical legal educator. In a facilitated conversation, they will address two questions: who am I now and what kind of clinician do I want to become? Their conversation will model how we might integrate personal values, interests, skills, and priorities with our professional identities and situational factors. The facilitator will also introduce the conference tracks, which provide paths for professional development in three areas of interest to clinicians. Attendees will then be given structured time to reflect on their own short-term goals for professional development and to develop a plan for exploration and learning through the three tracks.

3:30 - 3:45 p.m.

Refreshment Break

Pre-function Area
4th Floor

3:45 - 5:15 p.m.

MINI-PLenary SESSIONS

Pedagogy - Engaging Law Students (and Ourselves) in Critical Thinking

Grand Ballroom
4th Floor

Susanna Calkins, Ph.D., Associate Director, Faculty Development,
Searle Center for Advancing Teaching and Learning,
Northwestern University, Evanston, IL
Nancy L. Cook, University of Minnesota Law School

How do people learn? What does it mean to learn? How can teachers best foster it? This session will explore adult learning theory and will explore how clinical law professors can get students to think more deeply about learning and critical thinking and how such learning can be sustained after the students leave the clinic.

Curricular Reform - Understanding the Goals and Process of Curricular Reform

Empire Room
Lobby Level

Carrie L. Hempel, University of California, Irvine School of Law
Anthony J. Luppino, University of Missouri-Kansas City School of Law
James E. Moliterno, Washington and Lee University School of Law
Moderator: Kele Stewart, University of Miami School of Law

Many U.S. law schools are either contemplating or implementing curricular reform in response to the critique that legal education does not adequately prepare students for the practice of law. Though the critique has been widespread and longstanding, legal education has proved very resistant to change. Even cautious alterations to the prevailing educational regime, such as adding a RegLeg course to the required first-year curriculum, might require hard-fought reform efforts. This mini-plenary takes up the question of curriculum reform with a close examination of game changers, some schools whose bold and significant curricular innovations invite a true rethinking of legal education. Panelists will share the process their schools underwent, from goal setting to implementation, and discuss the role of clinicians in the curricular reform process.

Community and Personal Engagement: Finding Meaning in Our Work

State Ballroom
4th Floor

Ascanio Piomelli, University of California, Hastings College of the Law
Dana A. Thompson, The University of Michigan Law School
Anita M. Weinberg, Loyola University Chicago School of Law
Moderator: Jeffrey Selbin, University of California, Berkeley School of Law

In an interactive session with the audience, this mini-plenary will explore the meaning of community engagement in our teaching, service and research. (Attendees are encouraged to bring a wifi-enabled device.) Panelists from different clinical settings will discuss the place of community engagement in their work, including its benefits and challenges and whether it is a necessary or desirable part of their work and clinics more generally. Participants will leave the session having considered if and how to incorporate community engagement in their own clinics. A partial bibliography of community engagement literature is provided in the conference materials.

6:00 – 7:30 p.m.

Red Lacquer
4th Floor

AALS RECEPTION WITH POSTERS

INTRODUCTIONS OF NEW CLINICIANS

See program booklet pages 39-40 for descriptions of each poster.

Engaging Outside Counsel: Objectives, Methods, and Best Practices for Clinical Collaboration

Alicia E. Plerhoples, Georgetown University Law Center

Amanda M. Spratley, University of Massachusetts School of Law - Dartmouth

Teaching Project Management in the Experiential Setting

Michael Bloom, The University of Michigan Law School

Talking About Poverty in Clinics—Why And How

Spencer Rand, Temple University, James E. Beasley School of Law

Crossing Borders

Sarah Jacobs, University of Detroit Mercy School of Law

Modeling Professionalism Using Ignatian Centering Exercises

David C. Koelsch, University of Detroit Mercy School of Law

Components of a Successful Practice-Based Intensive Supervised Live Lawyering Experience

Shelley Dunck, Loyola University Chicago School of Law

Mary Hanisch, Loyola University Chicago School of Law

Access to Justice Clinical Course Project

Jessica Bolack Frank, Chicago-Kent College of Law, Illinois Institute of Technology

Using Case Study and Video Demonstrations to Teach Clinical Skills: The Juvenile Defender Trial Skills Training Program

Samantha Buckingham, Loyola Law School

Monday, April 28, 2014

7:30 – 9:00 a.m.

AALS Section on Clinical Legal Education Committees

(See handout at AALS Registration Desk or notice posted on the conference bulletin board near AALS Registration)

8:15 – 8:45 a.m.

Compassion Practice Mindfulness Session

Burnham 1
7th Floor

9:00 – 10:30 a.m.

Working Group Discussions

(See the handout in your conference materials folder for your Working Group assignment and its location)

10:30 – 10:45 a.m.

Refreshment Break

Pre-Function Area
4th Floor

10:45 a.m. – 12:15 p.m.

CONCURRENT SESSIONS

Track One – *LEARNING THEORY AND PEDAGOGY*

Finding Voice and Overcoming Resistance: Teaching Cross-Cultural Lawyering in Transactional Law Clinics and Other Unobvious Settings

Salon 1
3rd Floor

Alina Ball, University of California, Hastings College of the Law
Patience A. Crowder, University of Denver Sturm College of Law
Gowri J. Krishna, Roger Williams University School of Law
Alicia E. Plerhoples, Georgetown University Law Center

Teaching cross-cultural lawyering can be a difficult endeavor in a society that teaches students to convey cultural neutrality. Cross-cultural lawyering is also difficult to teach (i) in a setting that students expect to be “race neutral,” like a transactional law clinic or (ii) for a subject that students expect to be “raceless,” like corporate law. Additionally, the receptiveness of students to cross-cultural lawyering may differ depending on the racial, gender, and other identity descriptors of the clinician teaching it. For example, students may perceive Caucasian clinicians to lack an authentic voice when discussing race, while students may perceive clinicians of color to lack legitimacy when discussing race.

This concurrent session will discuss (i) methods of overcoming student reluctance and resistance to implement cross-cultural lawyering; (ii) how the presenters—who are women clinicians of color—have each found our own voice to teach cross-cultural lawyering despite the perception that women clinician of color talking about race, class, and other identify descriptors presents an inherently biased picture of cross-cultural issues; and (iii) how clinicians might guard against projecting certain biases onto our students as we address these issues. Participants will also be asked to share the methods that they use to teach cross-cultural lawyering in transactional or other unobvious settings.

Learning Objectives:

- Participants will acquire pedagogical tools to teach cross-cultural lawyering in clinical settings where the effects of cross-cultural dynamics on the attorney-client relationship are not readily discernible to students.
- Participants will acquire pedagogical tools to teach cross-cultural lawyering to students who may be reluctant and resistant to understanding the effects of cross-cultural dynamics on the attorney-client relationship.
- Participants will acquire insight on how to deal with the impact of their own cultural identities on teaching cross-cultural lawyering and their students' receptiveness to learning about cross-cultural lawyering.

Legal Professionalism: Can It Be Defined, or Do You Just Know It When You See It?Salon 2
3rd Floor

Susan Shapcott, MA, Doctoral Student in Education, University of Bath, Bath, England
Carrie Sperling, University of Wisconsin Law School
Adam Stevenson, University of Wisconsin Law School

Now more than ever, law schools have been urged to focus on professionalism – to teach it, to model it, to assess it, and to instill it in our students. To date, we in legal education have mostly talked around the issue of professionalism, noting that it is hard to define and even harder to measure. We have settled for vague definitions – accepting that professionalism is difficult to define but, at the same time, claiming that we know how to teach it, model it, and assess it in the clinical setting. Meanwhile, other professions have invested significant resources into defining measurable behaviors that demonstrate professionalism. At the Frank J. Remington Center, we challenged ourselves to develop a valid process to define professionalism so that we can begin to improve the way we teach it and assess it. In our session, we provide clinical professors with the process we used to define professionalism based on responses generated by different stakeholders in the legal community; judges, practitioners, clinicians, and clients. We hope to engage those who attend the session in our process and to encourage legal educators to reflect upon what professionalism means to different stakeholders and the subsequent implications for attempting to teach legal professionalism to law students. The process will aid clinics in defining and assessing this slippery topic.

Exposing Schema and Using Interdisciplinary Translation to Aid Students in Learning Professional Decision MakingSalon 3
3rd Floor

Leah A. Hill, Fordham University School of Law
Kathy H. Ho, Fordham University School of Law

We will present a model of teaching about unearthing difference by applying critical race theory (CRT) and self-determination theory (SDT) to clinical teaching and student learning. We will explain how we apply these theories to the Family Advocacy Clinic (FAC) with concrete tools like free association exercises, process recordings, and the Implicit Association Test (IAT).

FAC, at the Fordham University School of Law, is an interdisciplinary clinic in which law and social work graduate students work together to advocate for children with disabilities seeking specialized educational services. This collaboration has enhanced the practice skills of the students, making them better professionals in their respective fields. There is active engagement in critical self-reflection to examine how assumptions and biases may be affecting cognition, analysis and ultimately, professional performance.

CRT is a postmodern paradigm that examines how society organizes itself along racial lines and hierarchies and calls attention to the fact that we are socialized to automatically make assumptions which impact the individual, institutional, and societal levels. Increasingly critical race theorists have turned to the groundbreaking research on implicit social cognition, which elucidates how automatic associations are connected to neural pathways that have been reinforced over time through the socialization process, and how learning occurs when new neural pathways are established and strengthened through repetition. The research has been especially useful in helping us structure and normalize conversations in the classroom about race and class.

SDT posits that intrinsically motivated learning enhances autonomy, relatedness, and competence, all of which are considered innate psychological needs that are universal across cultures, and essential to understanding the content and process of goal attainment. SDT has been extensively researched and applied in higher education and the workplace. We will demonstrate how we draw from CRT and SDT in structuring our interdisciplinary curriculum and how this has helped us to become more effective clinical teachers.

Track Two - LAW SCHOOL CURRICULUM AND REFORM

Identity, Expertise, and Evolution: Challenges and Rewards in Cross-Clinic Collaboration

Salon 6
3rd Floor

Caroline Bettinger-López, University of Miami School of Law

Kelleen Corrigan, University of Miami School of Law

Jasmine E. Harris, American University, Washington College of Law

Romy Lerner, University of Miami School of Law

Jennifer L. Mueller, American University, Washington College of Law

Natalie Nanasi, American University, Washington College of Law

Cross-clinic collaborations occur routinely in the life of clinicians. They can occur internally at a law school that houses several clinics, or externally between different law school clinics (within the same or across subject matter areas), or even between a law school and another professional school at the same university. Collaborations develop on an ad-hoc basis or are products of intentional curricular design. They can serve the needs of a particular client or tackle a larger project from either a policy advocacy or a research and education perspective.

Collaborations offer wonderful learning opportunities and challenges for both instructors and students irrespective of the specific design or origin. Students are provided with the opportunity to apply their skills in a novel context, learn new areas of law, and experience the benefits of holistic representation. Instructors face pedagogical opportunities and challenges as they consider professional and practical implications of the collaboration. What kind of institutional and practical impediments may hamper coordination? How do we ensure that we aren't just dividing labor or delegating expertise, but truly collaborating?

This concurrent session explains, analyzes, and draws pedagogical and advocacy lessons from collaborations across law school clinics. This session will encourage participants to consider cross-clinic collaborations within the context of their own teaching and learning goals. After an introduction that frames the issue, we will first develop a typology or taxonomy for kinds of collaborations that are already occurring, drawing both on the experiences of attendees and the results of a survey broadly circulated among clinicians. We will then ask participants to consider challenges and best practices in cross-clinic collaborations across a range of clinic settings: case selection and assignment, seminar, rounds, and supervision. The session will conclude with a networking opportunity for participants to meet and identify current opportunities for collaboration with other clinics.

Pop-up Clinics: Going Back to Our Roots to Enhance Our Clinical Teaching

Salon 7
3rd Floor

Stefan H. Krieger, Hofstra University School of Law
Theodor S. Liebmann, Hofstra University School of Law
Serge Martinez, Hofstra University School of Law

The origins of the clinical movement were experimental, student-centered, and innovative. Clinical courses would often simply “pop up” at law schools around the country, taking a wide variety of forms and structures. In their place, we now have a standard model of clinical structure: ongoing semester- or year-long clinics specializing in a pre-determined subject matter area, standardized numbers of credits, similar student-faculty ratios, etc.

Although several benefits flow from the development and spread of a stable, standard model, the stability and pervasiveness of this model has the potential to stifle the innovation that was the source of clinical education in the first place. In contrast to the experimental roots of clinical education, today there is limited tinkering with the core of the standard structural model.

Over the past few years, inspired by our students, we have been developing alternative models for structuring clinical education, including our own pop-up clinics—smaller and more agile clinical experiences that arise in response to the emergence of a new or ephemeral client need. In 2012, we created a clinical course connected to the Occupy Wall Street phenomenon. And in 2008 and again in 2012, we offered a one-day clinical program to represent would-be voters on Election Day. In each case, we have found that our pop-up clinics provide meaningful opportunities for pedagogical innovation, student learning and public interest work that are uncommon within the standard structure. In this session, we will explore the pedagogical basis for supplementing the traditional clinical model through pop-up clinics, as well as the benefits and limitations of this approach

Track Three – COMMUNITY ENGAGEMENT AND MINDFULNESS

Clinic as a Partner in the Administration of Justice: Case Study of an Immigration Clinic and a Public Defender

Salon 10
3rd Floor

Michael Kagan, University of Nevada, Las Vegas, William S. Boyd School of Law
Fatma Marouf, University of Nevada, Las Vegas, William S. Boyd School of Law
Angela Morrison, University of Nevada, Las Vegas, William S. Boyd School of Law

Traditional models of clinical education carry the danger of positioning a clinic solely as an outside critic of frontline institutions responsible for the administration of justice. This is because clinics typically focus on direct client representation in cases that highlight weaknesses in our system of law. This is a proven and successful model. But it can also cut off potential avenues to achieve change. As an alternative, it may sometimes be more effective for clinics to become partners in the administration of justice.

As an example of this approach, the Immigration Clinic at University of Nevada, Las Vegas, William S. Boyd School of Law (UNLV) initiated a project whereby the clinic acts as a consultant with the Clark County Public Defender on criminal cases with non-citizen defendants to implement the Supreme Court’s landmark decision in *Padilla v. Kentucky*. As an ineffective assistance of counsel case, *Padilla* invites a clinic to be a critic of a public defender’s office, waiting for cases where the defense failed, assigning students to document the ineffectiveness, and adding to the critique of the state of indigent criminal defense in the United States. But in this alternative model, the clinic is a partner on the frontlines rather than a critic after the fact.

This panel will reflect on the potential lessons for clinical education learned from the first year of this project. While law schools often focus on the challenge of turning students into practice-ready lawyers, a clinic can also be a laboratory where law students raise the standard of practice.

Defining the Agenda Together: Engaging Community Stakeholders in Clinic Intake and Docket Design

Salon 12
3rd Floor

Annie Lai, University of California, Irvine School of Law
Jason Parkin, Pace University School of Law
Jane K. Stoeber, University of California, Irvine School of Law

One of the most common ways law school clinics interact with outside agencies and community organizations is to rely on them as referral sources. This session will encourage participants to consider how clinics can deepen relationships with community stakeholders by giving them a greater role in shaping our clinic dockets—through collaboration in the intake process, selection of individual matters for referral, or by entering into formal partnerships on systemic advocacy projects. Participants will also consider benefits and potential costs of different forms of community engagement in agenda-setting. Community partnerships can generate efficiencies, surface unmet needs, build good will, empower community institutions, and expose students to different ways that lawyers can hold themselves accountable to the client communities they serve. By situating our clients as members of a local community and collaborating across disciplines, we can also serve our clients more holistically. Yet working across disciplines requires sensitivity to different sets of norms, ethical responsibilities, and in some cases, reporting requirements, and relying on community partners to identify cases may be in tension with certain pedagogical goals or fail to challenge us to be better clinicians. Each of the facilitators has recently designed or substantially expanded a docket of their own and they will draw on their own experiences and solicit examples from the audience to illustrate the diverse range of possibilities for incorporating community-identified priorities in the selection of matters across different clinic models and subject areas. Participants will also engage in a guided activity to reflect upon their own clinic's intake methodology and goals; identify additional stakeholders, allies, and community partners; and develop a plan to broaden community engagement in their own docket design.

Rounds as a Tool for Becoming A Better Clinician and Promoting Community

Chicago
5th Floor

Nermeen Arastu, City University of New York, School of Law
Degna P. Levister, City University of New York, School of Law
Cynthia Soohoo, City University of New York, School of Law

The Bryant & Milstein “*Rounds: A Signature Pedagogy for Clinical Education*” framework outlines the benefits of facilitated peer conversations between students as a means to teach important professional habits, reflect on experience, make ethical decisions and engage in contextualized thinking. Usually used amongst students, this tool is equally beneficial for academic faculty and has greatly advanced teaching and supervision in City University of New York, School of Law (CUNY) clinics.

CUNY clinicians meet for rounds every other week for about 90 minutes. Rounds provide a space to explore multiple aspects of clinical teaching, learning, and supervision helpful for new clinicians and veterans alike. Typical rounds discussions include identifying a student/ teacher topic of shared pedagogic interest, using a method to gain a fuller understanding of the student and circumstances, naming themes, and presenting our collective learning allowing clinicians to reflect on their role, consider factors impacting the work, and explore best practices for working with the student experience. Because these sessions are inclusive of clinical faculty across disciplines, rounds provide an opportunity for community building because all faculty benefit from various pedagogical and ideological viewpoints

and an understanding of contextualized student experiences in the greater law school. Further, these rounds conversations have been shared with non-clinical faculty and seem to reinforce the common goals and vision of the CUNY School of Law to promote “law in the service of human needs.”

In this workshop, CUNY clinical professors will demonstrate a mini-rounds session and reflect on specific opportunities and challenges of this tool. The presenters will also explore how the role of regular teaching rounds is promoting community among clinicians. By the end of this session, participants should be able to facilitate a regular rounds group for faculty at their school, and gain a deep understanding of the goals, structure and opportunities of rounds in improving clinical teaching and supervision.

Taking Charge of our Professional Growth While Adapting to Meet Community Needs

Burnham 1
7th Floor

Kimberly Ambrose, University of Washington School of Law
Jaime Dahlstedt, Arizona State University Sandra Day O'Connor College of Law
Davida Finger, Loyola University New Orleans College of Law

This session addresses the need for Clinical methods that enhance community embeddedness, while balancing the needs of our students and institutions. As our nation has felt the impact of the economic downturn, the availability of legal services for indigent populations has declined. In turn, this has increased community reliance on law school clinics to fill the gap. A main objective of our session is to identify and discuss barriers to community involvement, whether institutional or external, and to develop mindful approaches that allow us to engage in meaningful community work. We posit that student exposure to the issues of clients' communities first hand is essential to their understanding and appreciation of justice lawyering. We will draw upon the diverse experience of the presenters and the evolution of their clinic's community involvement as a way to provide concrete examples to reflect upon and learn from.

12:15 – 2:00 p.m.

Red Lacquer
4th Floor

AALS Luncheon – AALS Section on Clinical Legal Education Shanara Gilbert Award Presentation

Winner: Lisa R. Bliss, Georgia State University College of Law

2:15 – 3:45 p.m.

CONCURRENT SESSIONS

Track One – *LEARNING THEORY AND PEDAGOGY*

A Focus on Writing: Lessons Learned Through a New Appellate Clinic Co-Taught By A Clinician and Legal Writing Professor

Salon 1
3rd Floor

Timothy Pinto, The University of Michigan Law School
Vivek Sankaran, The University of Michigan Law School

Have you ever experienced frustration about the quality of your students' writing? Yet, have you ever felt ill-equipped on how to address writing challenges when other more time-sensitive needs arise in the clinic? These are some of the issues that led to the partnership between a legal writing professor and a clinical professor to create a new clinic

focused on strengthening the written advocacy skills of students. Students in the new clinic were charged with drafting an appellate brief. The course began with lessons on writing generally, and then as cases came in the focus turned to how to read a record, conduct research, and draft a persuasive brief.

The session will touch on some of the reasons for creating the course, some of the exercises used in the class, some of the strategies used (and refined) on providing comments and feedback to students, and plans for changes to the course when it is taught again next year.

More generally, the session will include a discussion of the advantages of co-teaching, and some thoughts about the different perspectives of clinicians and legal writing professors. Finally, the session will touch on the methods used to evaluate the new class, the new exercises, and the overall student experience.

Transforming Our Teaching By Engaging with the Global Community

Salon 2
3rd Floor

Lisa Bliss, Georgia State University College of Law
John J. Francis, Washburn University School of Law

Clinical teachers engage with law students and local communities in a variety of ways. This engagement helps students to develop legal skills that allow them to assist under-served, low-income client populations. Learning in clinics is always a two-way street: by working closely with students and the community, clinicians learn how to become better lawyers and teachers. This session draws on the presenters' experiences teaching students from different cultures and legal systems and explores how those experiences expanded their vision of clinical and social justice education. Panelists will share how designing active, student-centered lesson plans for use in new contexts and cultures and for students for whom English is spoken as a second language resulted in their rethinking lesson plans upon returning home. Their experiences abroad highlighted the importance and the value of focusing on student involvement in classroom learning through interactive methods. Although international clinical teaching is the context for this discussion, the lessons learned are fundamental to successful clinical and classroom teaching. These lessons will be useful to new and experienced clinicians, whether or not they plan to teach abroad, and regardless of their subject area.

Using Case Rounds to Teach Professional Identity

Salon 3
3rd Floor

Ty Alper, University of California, Berkeley School of Law
David Baluarte, Washington and Lee University School of Law
Michelle Lyon Drumbl, Washington and Lee University School of Law
John D. King, Washington and Lee University School of Law
Perry Moriearty, University of Minnesota Law School

Although the group of presenters teaches in diverse subject areas and offers a variety of clinical models, we share a desire to engage students in thinking about one of the hardest questions of all: what kind of lawyer do you want to be? This session will focus on a related question that strikes at the heart of the conference theme: How do we evaluate our own effectiveness at facilitating our students' reflection and learning with respect to the development of their professional identity? This session will explore the vehicle of "case rounds" as a method of surfacing these questions, showing students a path towards answering them, and evaluating our own teaching in the process. We aim to be concrete. Through a series of demonstrations and interactive role plays, we will engage our audience in a discussion about how to use "case rounds" to maximum effect. During this session, we will discuss possibilities for expanding

case rounds discussions, taking advantage of the diversity of our own practices. What are the advantages and disadvantages of cross-clinic case rounds? What can litigation clinics and transactional clinics learn from each other? On a deeper level, how can we all use case rounds to engage students in larger questions about their professional roles? We will suggest and model techniques for building time into traditional case rounds sessions that enable these discussions, and provide a template for students to use in practice when they become the lawyers we are training them to be.

Track Two – LAW SCHOOL CURRICULUM AND REFORM

Clinicians as Curricular Change Agents: Incorporating Experiential Learning Across the Curriculum in a Time of “Reform”

Salon 6
3rd Floor

Andrea Loretta McArdle, City University of New York, School of Law
Joseph A. Rosenberg, City University of New York, School of Law
Sarah Valentine, City University of New York, School of Law
Steve Zeidman, City University of New York, School of Law

As clinicians, law professors, and administrators, we are caught in the middle between urgent calls to expand experiential learning and clinical education and advocates for two year law schools. These conflicting calls for reform present opportunities to remake the law school curriculum to make it truly valuable for students seeking to prepare for practice, pass the bar, obtain employment and enjoy fulfilling careers. In New York, added to the mix is our Chief Judge’s “Pro Bono Scholars” proposal, which would allow third-year students to take the February bar exam, spend their final semester in full-time practice with a rigorous academic and supervisory component, and then be admitted to the bar on an expedited basis.

Using the CUNY experience as a starting point, this interactive workshop will help participants identify specific lawyering competencies and/or categories of experiential learning that could be catalysts at their law schools for useful curriculum development, and strategize how to collaborate with non-clinical teachers and law school administrators to implement an increased curricular focus on experiential learning, beginning from the clinic and extending back to the first year of law school.

Smells Like Team Spirit: How To Leverage Clinician, Librarian, Legal Writing, and Externship Resources Into A Comprehensive Skills Program - Seattle Style!

Salon 7
3rd Floor

Lisa E. Brodoff, Seattle University School of Law
Gillian Dutton, Seattle University School of Law
Elizabeth Ford, Seattle University School of Law
Stephanie Wilson, Seattle University School of Law

Seattle University School of Law has adopted a holistic and innovative approach to student skill development by creating teaching partnerships among its Clinical/Externship, Legal Writing and Library faculty. This session will focus on how we assess our students’ skills and then create individualized learning plans to help students acquire the skills, values, and competencies to be successful in practice and to view collaboration not merely as a skill but as a value. We have integrated our amazing law librarians into our teaching teams so that our students are learning advanced legal research skills in context in their externship placements and in their clinic client representation. We

will engage those who come to our session to develop ways at your institutions to move out of silos and discover how much we can do together to integrate experiential learning across the curriculum. We will demonstrate the benefits of this collaborative teaching approach to our students, focusing on how it can energize the classroom and demonstrate to our students the power of teamwork. Be prepared to have fun!

Track Three – COMMUNITY ENGAGEMENT AND MINDFULNESS

Bridging Community Divides: How to Choose and Engage in Fieldwork for Clinicians Working with Local Communities at Home or Abroad

Salon 10
3rd Floor

Lisa Davis, City University of New York, School of Law
Sital Kalantry, The University of Chicago, The Law School
Margaret L. Satterthwaite, New York University School of Law
Juliet S. Sorensen, Northwestern University School of Law

This panel aims to offer a critical examination of how to responsibly develop international human rights projects that build meaningful relationships with communities while also providing sound lawyering competencies for students. We hope to engage a diverse audience of clinicians engaged in social justice and community lawyering and international work in an interactive discussion through case studies, role plays, and small group discussions. The workshop will draw on the conference theme of Community Engagement and Mindfulness, exploring the question of what meaningful community engagement means for international human rights clinical teachers, and which principles of practice international clinics should keep in mind when working with diverse communities that are often geographically far away. Among the issues we plan to consider are: (1) choosing and developing appropriate field work for projects that meet the needs of communities while providing opportunities for students to develop lawyering competencies; (2) The role of human rights clinics in engaging local communities while avoiding “parachuting in” and out of communities; (3) clinical methodologies for building and maintaining authentic partnerships with partner organizations in local communities in different countries.

Motivating Self-Care: Moving from Good Ideas to Good Practices

Salon 12
3rd Floor

Margaret Drew, Northeastern University School of Law
Brittany Stringfellow Otey, Pepperdine University School of Law
Lynette Parker, Santa Clara University School of Law
Virgil O. Wiebe, University of St. Thomas School of Law

Within the legal profession, and certainly within public interest communities, there is the risk of unintended sacrifice: the significant cost to attorney mental and physical health. Too often, the tradeoff for meaningful, justice-oriented work includes burnout, vicarious trauma/compassion fatigue, blurred boundaries or general dissatisfaction.

Despite increasing awareness, research, and resources, there remains a disconnect between what we know about how to combat, preempt and heal these side effects and what we actually do in response. This concurrent session will explore methods, motivations, and professional obligations that might help us, our colleagues, our students and our profession to bridge that gap. The presenters are each committed to well-being in legal practice, both for themselves and for their students. Driven by personal and professional motivations, they each incorporate self-care practices into their law practice and clinical curriculum.

In this session, participants will:

- Understand the connections between their work and their well-being
- Explore self-care theories and practices derived from various disciplines
- Assess and identify personal and organizational motivations for self-care
- Identify strengths and deficiencies in current self-care practices
- Devise a self-care plan and identify individual red flags
- Participate in interactive exercises, both for personal reflection and for use in clinical teaching

Teaching the “I” in Community

Chicago
5th Floor

Elizabeth Keyes, University of Baltimore School of Law

Lisa Martin, The Catholic University of America, Columbus School of Law

Amy Myers, American University, Washington College of Law

Anita Sinha, American University, Washington College of Law

Community engagement is an exciting, frustrating, and meaningful component of the work of many clinical programs, including those that focus on individual representation. This workshop will lead participants through exercises and discussions to raise and explore critically the opportunities and challenges presented by integrating community engagement work into clinics that also - or even primarily - serve individual clients. The facilitators come from four clinics that have a range of approaches to community engagement, and will share their experiences, mistakes, successes, and learning, as well as specific teaching and supervision tools. At the end of the session, participants will have 1) considered which pedagogical approaches translate best from individual client representation to community engagement work; 2) developed a set of questions to guide our understanding of our role as teachers in this work; 3) evaluated whether and how supervision differs between individual representation and community engagement; and 4) received tools to foster student reflection and ownership of community engagement work.

Who Are The People in Your Neighborhood?: Balancing The Interests of Clients, Courts and Community Agencies

Burnham 1
7th Floor

Stephanie Boys, Ph.D., J.D., Associate Professor of Social Work,

Indiana University School of Social Work, Indianapolis, IN

Lauren R. Choate, Saint Louis University School of Law

Carrie Hagan, Indiana University Robert H. McKinney School of Law

Susan Woods McGraugh, Saint Louis University School of Law

As clinicians we expose our students to a variety of situations in which they can interact with and within our community. As we examine that basic principle, a few questions emerge – what is our community? How do we define community? What is our involvement? What are our limitations? The session presenters will explore these questions via presentation and small group discussions for self-reflection of when we determine who is in our community, how do we determine who is in our community and who is excluded. Other topics include: How do class, power, agency affiliation and court contact/interaction affect who makes up our community? What are the values that underlie the decisions we make to engage with others? How do we resolve conflicts with courts and partner agencies when differences arise? Do we set arbitrary guidelines as a matter of necessity, and if so, how do we determine how we will do that? What decision making goes into picking a reliable community partner? After reporting back on our overall individual impressions of circumstances and resulting action, ending the discussion will be a group discussion of how we provide feedback and criticism to our community partners/courts and issues with doing so.

3:45 – 4:00 p.m.
Refreshment Break

Pre-Function Area
4th Floor

4:00 – 5:15 p.m.

Working Group Discussions

(See the handout in your conference materials folder for your Working Group assignment and its location)

5:30 – 7:30 p.m.

Reception Sponsored and Held at The John Marshall Law School

We invite you to visit our 19 W. Jackson building, enjoy a taste of Chicago and celebrate the importance of the clinical experience as an integral part of the future of legal education.

Directions: The host hotel, the Palmer House is at the corner of Monroe & State streets. Exit the hotel on the State Street side and simply walk 2 blocks south on State Street (“that great street ...”). The John Marshall Law School will be on your right, on the southwest corner of State & Jackson.

Tuesday, April 29, 2014

AALS Section on Clinical Legal Education Committees

(See handout at AALS Registration Desk or notice posted on the conference bulletin board near AALS Registration)

8:15 – 8:45 a.m.

Compassion Practice Mindfulness Session

Burnham 1
7th Floor

9:00 – 10:30 a.m.

CONCURRENT SESSIONS

Track One – *LEARNING THEORY AND PEDAGOGY*

Just Do It? Whether to Incorporate Social Justice Theory in Every Clinical Experience and If So, How

Salon 1
3rd Floor

Donna H. Lee, City University of New York School of Law

Paul Radvany, Fordham University School of Law

David J. Reiss, Brooklyn Law School

Carol M. Suzuki, University of New Mexico School of Law

We will explore whether all types of clinics should explicitly teach the value of social justice, and if so, how we can do this and how we can assess our own performance in doing this. Social justice is implicit in the casework done by many clinics, but what does it mean to teach it in seminar, supervision or case rounds? Our goal is to systematically examine the elements of social justice that may arise in a clinical context and consider whether and to what extent it should be a part of every clinic’s curriculum.

Students come to clinics with differing levels of commitment to social justice. In light of the current proliferation of clinics that do not focus on poverty law or represent poor clients, such as some transactional clinics, securities litigation and arbitration clinics (a/k/a investor rights clinics), intellectual property clinics and tax clinics, we will present and explore pedagogical rationales for incorporating social justice in our clinics, and critically examine what techniques for doing so are effective.

Two other trends make this topic timely. The private sector is increasingly demanding that students graduate “practice ready,” and there has been a push to incorporate *pro bono* work in law schools to fulfill bar admission requirements. These trends may lead to an increasing number of clinical students who are not interested in pursuing a career in government or non-profits but are more focused on learning skills and fulfilling a *pro bono* requirement. Is requiring law students to do *pro bono* work an effective way of teaching social justice? Can social justice values be incorporated into all different types of experiential learning settings (in-house clinics, supervised externships, simulation courses)? Should we consider the students’ goals in determining whether to discuss the relevance of social justice in clinic cases and externship placements?

Teaching What We Don’t Know: Strategies for Mindful Learning While Teaching

Salon 2
3rd Floor

Annie Smith, University of Arkansas, Fayetteville Leflar Law Center

Shana Tabak, American University, Washington College of Law

Clinicians are responsible for teaching a wide array of skills while supervising advocacy in diverse and changing areas of practice. To address community and curricular needs, we may supervise cases and other student work outside of our expertise. Even within our areas of expertise, law and legal practice continue to evolve. As a result, many of us teach in areas that we may not have studied or practiced ourselves. To meet these demands, we must make time to learn while teaching – a challenge made even greater when our duties include scholarship, service, and non-clinical teaching. During this session, participants will have the opportunity to identify gaps in our knowledge and experience, explore the pedagogical opportunities and challenges presented by those gaps, and develop and share practical strategies for learning more about the topics we teach.

Track Two – LAW SCHOOL CURRICULUM AND REFORM

The In-House Clinic in the New Landscape of Experiential Education

Salon 3
3rd Floor

Robert D. Dinerstein, American University, Washington College of Law

Stephen J. Ellmann, New York Law School

Katherine R. Kruse, Hamline University School of Law

Jeffrey J. Pokorak, Suffolk University Law School

The explosion of experiential education opportunities in law schools owes much to the work of clinicians, who have exported skills-based frameworks and methodologies in ways that can be integrated into classroom learning in practicum courses, labs, and simulation-based teaching. In this new landscape of experiential education, the in-house clinic confronts a new burden of proof. It is no longer good enough simply to say that traditional law school classes teach students how to think like lawyers, and in-house clinics teach students how to practice law. Rather, the clinical community—a diverse group itself—must articulate the value that in-house clinics bring in the context of a variety

of different kinds of courses that also focus on readying students for law practice. This session will use role-plays and break-out discussions to explore the question of how and where clinics fit within various types of experiential courses (labs, semester-in-practice programs, simulations, etc.); the unique value that clinics provide; and how clinics are best located and sequenced within a continuum of experiential learning opportunities.

Infusing the 1L Curriculum with Experiential Learning and Clinical Pedagogy

Salon 6
3rd Floor

James J. Kelly, Jr., Notre Dame Law School
Tanya D. Marsh, Wake Forest University School of Law
Heather K. Way, The University of Texas School of Law
Lucille Wood, The University of Texas School of Law

This session will explore opportunities for infusing the first-year (“1L”) core curriculum with meaningful experiential learning and opportunities for clinicians to lead the way in developing these curricular reforms by drawing from their expertise, casework, and teaching experiences. The facilitators for this session, both doctrinal and clinical professors, will discuss their recent experiences in teaching first-year property law classes to explore what experiential learning really means in the context of the 1L curriculum. We will provide participants with copies of our favorite 1L property law lesson plans and in-class exercises, each of which incorporate experiential learning. Participants will then break out into four groups based on which core 1L class they elect to infuse, developing overarching teaching goals and methods for these 1L classes and teaching plans for at least one concrete experiential learning experience. Together we will then tackle the questions of (1) what kind of experiential learning clinicians can be built into the framework of a 1L core class, (2) how much experiential learning first-year students can handle and how to build upon traditional book-and-podium style teaching methods in a way that enhances learning without overwhelming students, and (3) how the infusion of our work and opportunities into the 1L curriculum can both enhance the educational methods and scholarship of tenured doctrinal faculty while also providing distinct benefits to clinicians as leaders in reform.

Track Three – COMMUNITY ENGAGEMENT AND MINDFULNESS

Clinicians Aging Wisely

Salon 7
3rd Floor

Beryl S. Blaustone, City University of New York, School of Law
Paula Galowitz, New York University School of Law
Catherine F. Klein, The Catholic University of America, Columbus School of Law
Laurie S. Kohn, The George Washington University Law School

If you have been teaching for many decades or a few years, this session will explore how clinicians can age wisely. Some of the session will be focused on clinicians who have been teaching for many years and want to discuss ways to continue to replenish themselves in their teaching or in other ways. We will explore a range of options including continuing to do the best jobs in the world (clinical teaching), formally stopping teaching (sometimes called “retirement” or emerita/us status), teaching part-time and bridging the gap. Other parts of the agenda will be geared to mid-career clinicians to help them reflect on professional growth throughout their clinical teaching careers and ways to stay energized (or get re-energized). This session will help facilitate group discussion of various ways of “aging wisely” as clinical faculty, at whatever stage of our development and years of teaching.

Engaging Field Placement Attorneys: Building a Community of Mindful Supervisors

Salon 10
3rd Floor

Inga Laurent, Gonzaga University School of Law
Rebecca Rosenfeld, Benjamin N. Cardozo School of Law
Susan B. Schechter, University of California, Berkeley School of Law
Cynthia Wilson, Northwestern University School of Law

This session will explore strategies for engaging with and encouraging our field supervisors to be thoughtful and reflective in their work with our students. It will address a range of practices field placement directors and faculty can adopt based on their particular needs and resources to create productive and meaningful supervisory relationships. The presenters represent a range of schools and programs and will describe our varying methods of working with supervisors. We will share the results of a LEXTERN survey on the range of practices in existence for working with supervisors. We will then explore how to nurture the development of “mindful supervisors” who believe it is in their interests and the interests of their organizations and clients to encourage feedback, evaluation, and reflection in the time and energy they spend training and mentoring students. The program will engage participants through varied learning modalities including small and large group discussion and interactive exercises. Attendees will leave with thoughtful pedagogical strategies and concrete practical tips to use in their work with supervising attorneys.

Mindfulness and the Law School Clinic

Salon 12
3rd Floor

Bernard P. Perlmutter, University of Miami School of Law
Scott Rogers, University of Miami School of Law
Becky Sharpless, University of Miami School of Law

Since 2010, the University of Miami School of Law’s Mindfulness Program has integrated mindfulness into the law school’s clinics and wider curriculum. Guided by Scott Rogers, a pioneer in mindfulness and the law, Miami Law clinicians are using mindfulness as a tool for the cultivation of focus, reflection, and empathy. In this session, you will learn what mindfulness is (“it is not what you think”) and a specific methodology for introducing students to mindfulness and embedding it within a clinical curriculum, including case rounds and supervision. You will be guided through mindfulness exercises developed specifically for law students and faculty and provided with class materials that integrate mindful reflection and practice into clinics. We look forward to sharing with you how mindfulness has shifted our clinics into a more focused and grounded environment and transformed stressful situations in all areas of our clinical practice. .

More than Mindful in the Face of a Constitutional Crisis: The Case Study of Juvenile Life Without Parole and Post-Miller Implementation Work

Chicago
5th Floor

D’lorah L. Hughes, University of Arkansas, Fayetteville
Emily Hughes, University of Iowa College of Law
Mae C. Quinn, Washington University in St. Louis School of Law
Mollie Stemper, Law Student, Washington University School of Law
Kimberly A. Thomas, The University of Michigan Law School

After the Supreme Court’s recent decision in *Miller v. Alabama*, striking down mandatory life without parole for juveniles, the need for attorneys, resources, and expertise to ensure implementation of the Court’s decision has been immediate and dire. The presenters have all been engaged in this work, to varying degrees and in varying ways, in both their own community service, as well as within their clinics. In this concurrent session, we aim to examine the

ways in which we have engaged the community on this topic and incorporated that work into our clinics. Our goal is to generate reactions from the clinic community and share lessons learned so that others can better bridge meaningful community engagement and teaching.

We see the work we have been doing on juvenile life without parole as a useful example of work on a “big moving messy legal issue” – work that many clinicians engage in in our community advocacy and service or research, but do not always incorporate into our teaching and student work. Bringing this work into our clinic presents challenges. We take inspiration from the *Community Engagement* track because we can imagine a world where we more deeply and authentically engage our students as partners in the community work that we are doing. We think tapping the energies and new insights of students can enhance potential for success within a community legal movement or “cause.” Meaningfully engaging students with complex and dynamic legal questions, and building students’ capacity for “heavy lifting” can work to inspire students and demonstrate their power as change agents.

With these aspirations in mind, this concurrent session will examine the work we have done, how students have been integrated (or not) into this work, the obstacles to effective and meaningful student participation, and distilled lessons we have learned.

9:00 – 10:30 a.m.

AALS Section on Clinical Legal Education Works in Progress

(see page 41 of this booklet for descriptions and room locations)

10:30 – 10:45 a.m.

Refreshment Break

Pre-Function Area
4th Floor

10:45 a.m. – 12:15 p.m.

MINI-PLenary Sessions

Pedagogy - Fostering Deep Learning in Clinical Law Students

Empire Room
Lobby Level

Conrad Johnson, Columbia University School of Law

Antoinette Sedillo Lopez, University of New Mexico School of Law

Mary A. Lynch, Albany Law School

Moderator: Linda H. Morton, California Western School of Law

Law students engaging in experiential education often have intense, meaningful experiences during the semester. But does the learning that takes place during the semester last once the students leave our class? What approaches can law professors take to instill deep learning principles in our students? What are the essential learning questions that our students should focus on to help this happen? What creative approaches can be taken? How do we evaluate whether students have grasped these lasting lessons?

Curricular Reform - Preserving the Integrity of Experiential Learning Curriculum Reform Track

Grand Ballroom
4th Floor

Roberto L. Corrada, University of Denver Sturm College of Law

Janet Thompson Jackson, Washburn University School of Law

Reena Elizabeth Parambath, Drexel University, Earle Mack School of Law

Moderator: Robert Edward Lancaster, Louisiana State University, Paul M. Hebert Law Center

The promotion of experiential learning by many involved in legal education is exciting and challenging. Exciting because clinicians already embrace the value of experiential learning for deep development of lawyering skills and professional identity and want to expand its use. Challenging because the push to innovate might lead to quick solutions, further constrained by limited resources, which could weaken the effectiveness of experiential learning.

This mini-plenary will consider the concept of experiential learning by exploring assumptions about the value of various educational models. We have circulated a survey to tap into the many perspectives about this topic. Join us as we discuss our survey results and examine some hard and at times uncomfortable questions like: How do we create salient and robust programs that have real meaning to students? Do we consider simulation and other non live-client experiences as less expensive alternatives to experiential education? Are those models threats to traditional in-house clinics? Is there a danger of making overreaching claims when promising 'practice ready' graduates? We hope to end by exploring some strategies for staying true to the pedagogy underlying clinical education during reform initiatives.

Equilibrium in Our Lives/Mindfulness/Self-Care

State Ballroom
4th Floor

Deborah J. Cantrell, University of Colorado School of Law

Arnie Herz, Attorney at Law and Legal Sanity Blog, Port Washington, NY

Tamara Kuennen, University of Denver Sturm College of Law

Leonard L. Riskin, University of Florida Fredric G. Levin College of Law

In this mini-plenary, we will give participants a taste of mindfulness. Our working definition of mindfulness is the practice of paying attention, on purpose, to the present moment, nonjudgmentally.¹ The presenters will lead participants in two mindfulness meditations. Interspersed amongst these practices we will provide an intellectual understanding of mindfulness and its benefits and an overview of its current and potential uses for the clinical teacher personally (e.g. stress reduction in daily life) and pedagogically (e.g. improved listening and empathy for students). Participants will leave the workshop having identified what, if anything, they want to do in connection with mindfulness and teaching, obstacles that might keep them from doing that, strategies for overcoming obstacles, and resources.

12:15 - 1:45 p.m.

AALS Luncheon

Red Lacquer
4th Floor

Relevance of Clinical Pedagogy to Law Firms

Marc R. Kadish, Director of Pro Bono Activities and Litigation, Mayer Brown, Chicago, IL

CLEA Per Diem Award Presentation

¹ Kabat Zinn's working definition, at 4.

2:00 – 3:30 p.m.

Working Group Discussions

(See the handout in your conference materials folder for your Working Group assignment and its location)

3:30 – 3:45 p.m.

Refreshment Break

Pre-Function Area
4th Floor

3:45 – 5:00 p.m.

CONCURRENT SESSIONS

Track One – *LEARNING THEORY AND PEDAGOGY*

Educating Money (and Other Motivators): Teaching Social Justice and Life Balance to Future For-Profit Attorneys

Salon 1
3rd Floor

Kendall L. Kerew, Georgia State University College of Law

Daniel M. Schaffzin, The University of Memphis Cecil C. Humphreys School of Law

Alexander W. Scherr, University of Georgia School of Law

A majority of law school graduates find work in for-profit practices. However, somewhat fewer students arrive with the sole goal of for-profit practice. Something motivates students to pursue these practices upon graduation, and not just the accrual of a substantial debt load. For many, this goal comes to dominate their career plans, to the exclusion of others, including the pursuit of social justice or a life of balanced commitments. This presentation explores the pedagogical challenges and opportunities that clinicians face when teaching students with motivations that conflict with the social justice mission of the clinic or externship course in which they are enrolled. We mean to prompt critical self-reflection and to explore different perspectives on how particular pedagogies strengthen student motivation to pursue social justice . . . or not. We will offer strategies to strengthen students' motivations for social justice and balance in life commitments, and will address the limits on those strategies. We will explore both institutional choices (including curriculum, clinic type, and enrollment issues) and pedagogical choices (including supervision, classroom topics and exercises, use of guided reflection, and informal discussion with students).

Learning Theory and Pedagogy: Designing Successful Clinic Seminar Classes

Salon 2
3rd Floor

Jane H. Aiken, Georgetown University Law Center

Deborah Epstein, Georgetown University Law Center

Wallace J. Mlyniec, Georgetown University Law Center

Few clinical law professors, whether new to the field or highly experienced, feel fully satisfied with the seminar component of their program. Even after decades of experience, most clinicians find that there is still more to learn. There are insights to be gained from learning theory, teaching exercises to be “borrowed” from colleagues, and new understandings to be obtained from reflection on one’s own practices.

The pedagogical concepts central to clinical supervision also apply to the process of designing and structuring a clinic seminar. There is no one right way to teach, and no foolproof approach that will ensure that students absorb a targeted lesson. In the classroom, clinical teachers are faced with a series of choices, each of which admits to multiple solutions and each of which, in turn, involves context-dependent pros and cons. We do our best teaching when we recognize those decision points, make intentional choices in response to them, and reflect on and learn from our successes and our mistakes.

But advice about how to design an effective clinical seminar can be hard to come by. Drawing on the concepts set out in our forthcoming book, *THE CLINIC SEMINAR*, we will engage participants in an active process of seminar class design. Participants will explore a targeted series of choices essential to this process, including: (1) identifying student learning goals; (2) identifying concrete, observable student behaviors that would indicate successful learning in relation to each goal; (3) identifying common misunderstandings students bring with them to a particular seminar topic; and, finally (4) planning an effective classroom learning activity. Participants will be exposed to a systematic approach to designing an effective seminar class and will come away with a detailed plan for one class session useful in any clinic, regardless of subject matter.

Shaken Baby Syndrome: A Model for Cross-Fertilization

Salon 3
3rd Floor

Valena Beety, West Virginia University College of Law
Keith A. Findley, University of Wisconsin Law School
Allison E. Korn, University of Mississippi School of Law
David A. Moran, The University of Michigan Law School

This session aims to illustrate how cross-curricular experiences encourage students to improve equity and justice for those adversely impacted by medical, social, and legal assumptions. By focusing on Shaken Baby Syndrome (SBS), this session seeks to raise awareness in the legal academy regarding the myriad issues that emerge from allegations and diagnoses. We hope to inspire clinical professors to provide opportunities for increased collaboration among criminal justice, child welfare, and medical systems, particularly when confronting cases with complex medical diagnoses, like SBS. The panel will address SBS as an “unsettled science” and the practical difficulties that arise—for those in the medical community as well as legal—when evolving scientific understanding (and testimony) undermines longstanding legal assumptions. From a Child Welfare perspective, we will discuss the challenges faced by dually-involved caregivers: those involved in the child welfare system as well as the criminal justice system due to allegations of SBS. These challenges present the opportunity for a collaborative approach toward navigating different standards of review, different systemic goals, and different means to achieve the clients’ desired outcomes.

Track Two – LAW SCHOOL CURRICULUM AND REFORM

The Conscious Curriculum: Deliberately Designed Collaborative Courses to Further Students’ Mastery of Core Lawyering Skills

Salon 6
3rd Floor

Erin F. Delaney, Northwestern University School of Law
Laura Nirider, Northwestern University School of Law
Sue Provenzano, Northwestern University School of Law
Sarah Schrup, Northwestern University School of Law

The law school curriculum’s relentless focus on subject matter mastery at the expense of lawyering mastery produces graduates with at least two underdeveloped core lawyering skills: written legal analysis and problem solving. Our antidote is the “conscious curriculum.” The conscious curriculum, as we conceive it, offers a coordinated educational

approach that pulls together doctrinal, clinical, and legal writing curricular strands in a collaborative and cost-effective three-year march towards lawyering mastery. Our presentation's first segment will define the hallmarks of the conscious curriculum and briefly introduce the relevant literature on disciplinary expertise and adult learning theory. In the second segment, we will lead an interactive discussion. That discussion will elicit participants' views on the most important lawyering traits our students should internalize by graduation, as well as how and why law school curricula fail to instill those traits. Moving into the heart of our presentation, the third segment will model a collaborative "day in the life" of a course in the conscious curriculum – one that pushes students from legal discourse novices to the sub-experts that legal employers need and want. During this segment, participants will be cast in the role of students. In the final segment, we will break role to reflect on the experience and brainstorm other ways to implement a conscious curriculum.

The Role of Clinicians and Clinical Insights In Law School Curriculum Reform and Experiential Education Initiatives

Salon 7
3rd Floor

David H. Gibbs, Chapman University Dale E. Fowler School of Law

Nancy M. Maurer, Albany Law School

Michael Scott Vastine, St. Thomas University School of Law

If you dream it, what would it look like and how would you get there?

This will be an interactive program where participants and the panel together apply and develop their experience, knowledge and values to initiatives for experiential education. The panel will provide an overview and examples of programs at three schools. After a simulation to set the stage, the participants in small groups will develop a proposal for presentation to a mock curriculum committee. The participants will then discuss the ideas generated by each small group to provide input, review strategies for implementation and develop lessons learned for application at their schools.

Questions for discussion include: What initiatives are law schools using and what are their goals? What are the challenges to the adoption and effective implementation? What are the core clinical principles that may be applicable? What is the vision for coordinating traditional clinics and other forms of experiential learning? What methods of evaluation and reflection should be used to insure that the objectives of the initiatives are accomplished?

The panel plans to have samples available and to encourage participants to share their own materials after the program.

If we build it, real reform will come.

Track Three – COMMUNITY ENGAGEMENT AND MINDFULNESS

Become a Better Clinician by Integrating Mindfulness Practices into Your Clinic Seminar

Salon 10
3rd Floor

Carol L. Izumi, University of California, Hastings College of the Law

Gail Silverstein, University of California, Hastings College of the Law

Tirien Steinbach, University of California, Berkeley School of Law

This interactive session addresses mindfulness as both a practice that clinicians can benefit from to become better teachers and supervisors to their students and as a source of exercises that clinicians can utilize in their seminar to achieve their teaching goals for their students. Participants will engage in several mindfulness meditation activities

that the presenters employ in their clinical seminars. Through these practices, clinician participants will have a chance to experience the techniques and debrief them as if they were clinical students. The presenters, who include mindfulness practitioners and a skeptic who teach distinct clinical courses at two law schools, will provide differing approaches to their integration of mindfulness in the classroom and into their professional lives. The presenters will explain their use of these techniques, the practices' relationship with their teaching goals, and how the activities are specifically incorporated into the classroom. Through collaborative dialogue and reflection on the comparative approaches, participants will have a chance to deeply engage with the advantages and concerns with bringing mindfulness into the classroom and explore their own ideas for incorporating mindfulness into their seminars and their professional lives.

Innovative Techniques to Stimulate Student Curiosity for Community Engagement in Domestic and International Settings

Salon 12
3rd Floor

Deirdre Bowen, Seattle University School of Law
Colin Crawford, Tulane University School of Law
Becky L. Jacobs, University of Tennessee College of Law

This panel aims to demonstrate pedagogical tools for initiating student curiosity in order to foster clinical engagement in communities. Session objectives are to discuss and articulate teaching approaches that not only inspire student curiosity but that also provide additional tools for clinicians to motivate and equip their students in this regard. The session will be divided in two parts. In the first part, three different pedagogical techniques for cultivating curiosity will be presented, taken from different substantive legal teaching contexts involving different types of communities. These brief (10 minute) presentations will focus on: (1) introducing students to specific techniques that engage and maintain curiosity while informing a deeper understanding of topics and matters, (2) compelling students to explore and adopt positions they might not select if given a choice, and (3) cultivating in students the habit of working with non-legal sources and research. In the second part, the panel will connect these three pedagogies as a single methodology, using a particular case study, showing how in any context the approaches could be joined in a uniform effort to strengthen student curiosity and, in turn, make students better lawyers. The second part will be highly interactive.

The Pedagogical Benefits and Practical Pitfalls of Involving Students in the Establishment of New Clinics and Initiatives

Chicago
5th Floor

Matthew N. Andres, University of Illinois College of Law
Elizabeth Campbell, The University of Michigan Law School
Nina W. Tarr, University of Illinois College of Law

Clinicians frequently take on legal work that falls outside of traditional client representation. Examples of this include legislative advocacy, development of an innovative legal program, community organizing, or establishing a new clinic. As clinicians, our instinct is to not only involve students in all forms of our legal work, but to make them "first chair." But involving students in this work is not always good for the project, the student or the clinician. Furthermore, in some instances it is the non-case work that drives the professional development or identity of the clinician and the clinician may not want to jeopardize that by involving students. The primary objectives of this session are to provide a safe space where clinicians can prioritize their own professional needs and to supply tools that make mindfulness of these questions an attainable reality for busy clinicians. The session will include quick writes, small group discussions and a road map for how to mindfully consider if and how to involve students in their non-case work.

3:45 – 5:00 p.m.

AALS Section on Clinical Legal Education Works in Progress and Bellow Scholars Program Report on Projects

(see page 41 of this booklet for descriptions and room locations)

Wednesday, April 30, 2014

7:30 – 9:00 a.m.

AALS Section on Clinical Legal Education Committees

(See handout at AALS Registration Desk or notice posted on the conference bulletin board near AALS Registration)

8:15 – 8:45 a.m.

Compassion Practice Mindfulness Session

Burnham 1
7th Floor

9:00 – 10:15 a.m.

Closing Plenary Session - From Resilience to Happiness

Grand Ballroom
4th Floor

Keynote Address: David Hall, President, University of the Virgin Islands, St. Croix,
U.S. Virgin Islands

Margaret Barry, Vermont Law School

Anjum Gupta, Rutgers School of Law – Newark

Josh Gupta-Kagan, University of South Carolina School of Law

The final plenary allows us to take stock of our conference experiences and to plan the next steps in our professional development. We will begin with a closing address that will examine the various dimensions of a “reflective legal practitioner.” Those who are uniquely responsible for exposing law students to the practice of law and providing live examples of the challenges and rewards of the profession, must also equip students with holistic tools for success. Those tools must include more than the techniques of writing briefs and delivering coherent legal arguments. They must include the art of self-care, sensitive and healing client interactions, and insightful approaches to conflict resolution. The spiritual foundations of legal practice will be explored and the evolution and acceptance of spirituality within the legal profession will be the focus of this comprehensive approach.

Three clinicians will then revisit the opening plenary’s discussion of resiliency and connect it to the broader pursuit of happiness. The panel will explore not only what we need to survive—or even thrive—in our jobs, but also what we need to be truly happy in our professional lives. The clinicians will discuss takeaways from the conference that will help them further their individual pursuits of happiness. The panel will also provide attendees structured time to reflect on ways to channel lessons learned from the conference into a plan of action to find happiness and satisfaction in their work and to use connections made at the conference to support their plans after the conference ends.

10:15 – 10:30 a.m.

Refreshment Break

Pre-Function Area
4th Floor

10:30 a.m. – 12:00 p.m.

Working Group Discussions

(See the handout in your conference materials folder for your Working Group assignment and its location)

12:00 – 1:45 p.m.

AALS Luncheon

AALS Section on Clinical Legal Education Town Hall

Red Lacquer
4th Floor

CLEA Outstanding Advocate for Clinical Teachers and Excellence in a Public Interest Case or Project Awards

2:00 – 3:30 p.m.

CONCURRENT SESSIONS

Track One – *LEARNING THEORY AND PEDAGOGY*

**How the Seminar Contributes to Learning in Clinical Courses:
Using Learning Theory and Lawyering Theory to Improve
Teaching the Seminar Component**

Salon 1
3rd Floor

Susan J. Bryant, City University of New York, School of Law
Elliott S. Milstein, American University, Washington College of Law
Ann C. Shalleck, American University, Washington College of Law

The session focuses on planning and teaching the seminar to introduce lawyering frameworks and opportunities for practice that assist students to transfer learning from the seminar to other contexts, i.e. adapting general principles to specific, unstructured problems in their clinical work and using these frameworks in the future. We will explore how students learn frameworks through three methods: a deductive process based in learning models, using directed instruction, guided practice, and independent practice phases; a constructive process where, under faculty guidance, students construct frameworks from their real and simulated experiences; and a reflective process that explores how learned frameworks can be adapted to new situations. The session will illustrate how, in all of the methods, teachers move back and forth between concepts and skills, teaching vocabulary and practices for enabling students to develop conceptual understanding and perform lawyering tasks.

The session will simulate parts of a “class” to explore how to structure the beginning, middle, and end of class. Through exercises that use deductive, constructive, and reflective processes, we will engage the class and then debrief the class to explore what works and why. Topics for exploration include: (1) when to use small and large group discussion, what qualities make a good experiential activity, and how to tailor activities to learning goals; (2) how to set seminar priorities in the syllabus and in the individual class; and (3) how to use supervision to test and build on seminar learning.

Justice Education in ClinicsSalon 2
3rd Floor

Amna Akbar, The Ohio State University, Michael E. Moritz College of Law
 Sameer M. Ashar, University of California, Irvine School of Law
 Llezlie Green Coleman, American University, Washington College of Law
 David Singleton, Northern Kentucky University Chase College of Law

The clinical movement remains largely committed to the social justice imperatives from which it took root. However, new pressures from administrators, students, and employers, combined with the near-term retirement of clinical leaders with strong justice commitments, raise pressing concerns for our teaching and our community. Now, more than ever, clinicians must be able to articulate the pedagogy and value of justice education in clinics and by extension within law schools. To do so, we have to take a hard look at what we are doing and why. Is it possible to cultivate an interest in social justice in our students? Are there particularly effective ways to prompt a “justice skill set”? What do we teach our students about law, lawyering, and social structures? What do we teach about the roles and responsibilities of lawyers to the marginalized and society at large? What tools do we use and with what efficacy? What other tools do we have at our disposal?

We come from general and social-justice-oriented clinics to engage these questions with our students’ voices at our sides. Through edited video, we will inform our discussion with the perspectives and ideas of students at our four institutions.

We aim to:

- Consider strategies for teaching justice concepts to diverse groups of students driven by a mix of motives and working toward a broad range of types of post-graduate work;
- Identify the types of decisions we make to teach our students justice concepts (pedagogical) and consider what we are actually teaching our students in the process (impact/efficacy);
- Develop insights and ideas on methods by which to advance justice education concepts in multiple sites of teaching in clinics;
- Stimulate thinking through backward design on structural issues, such as docket development, single vs. multi-semester clinics, and credits granted for clinical work.

Track Two – LAW SCHOOL CURRICULUM AND REFORM**Creating, Adapting and Assessing Clinical Experiences**Salon 6
3rd Floor

Leigh Goodmark, University of Baltimore School of Law
 Jaime Lee, University of Baltimore School of Law
 Kelly Browe Olson, University of Arkansas at Little Rock, William H. Bowen School of Law
 Kelly S. Terry, University of Arkansas at Little Rock, William H. Bowen School of Law

Bring us your creative ideas, your learning objectives, or your proposed and/or current syllabi. We want to help you to adapt your clinical courses and find new ways to assess your students’ work. Are you ready to try something new—to revamp an existing clinic or externship course, or to start a new one? Did you walk into an existing clinic and are now looking for ways to take what already exists and adapt it to meet your own teaching goals and interests? Such efforts require thinking not only about the substance of the course design, but also determining the new and different ways that student work might be assessed. This interactive, audience-centered session will help experienced clinical professors think about what changes they might make in their clinics or externship courses to keep themselves and

their students excited about their work, help new professors think about how to make an existing clinic their own, and offer the participants information on learning objectives and assessment methods they might use in these efforts. The four presenters have a variety of experience starting and adapting clinics and externships. We will discuss learning objectives and how to assess student work with objectives and grading rubrics. Participants also will try their hand at creating learning objectives and grading rubrics for various assignments in their courses. At the end of the session, participants will have concrete ideas and assessment tools to take back to their students, colleagues, and institutions.

Clinics in the “New Normal”: Risks and Opportunities

Salon 7
3rd Floor

Jeanne Charn, Harvard Law School

Ilene B. Seidman, Suffolk University Law School

Because the legal market is undergoing extraordinary disruption and the provision of legal services is changing under our feet, law schools are increasingly challenged to make curricular changes, both doctrinal and experiential, that reflect where the profession is going and not where it's been. The ability to make and manage change is a core competency in what many commentators call the “new normal.” We will all be challenged to re-examine long held assumptions about how to launch “practice ready” students who have the best of the old as well as new skills and capacities.

The workshop organizers have years of experience with and continue to be actively engaged in curricular reforms and in new approaches to delivery of legal services. Each will present a short, provocative picture of what the classroom and the law office of the future might look like as a way of stimulating discussion and brainstorming about new learning methods and objectives. Our goal is that we will all leave with some new understandings of what preparing students for practice means in the moment and in the future and that as a result, we will be better prepared to participate effectively in our schools' curriculum reform efforts and to find ways for our students to have meaningful careers that will contribute to filling the justice gap.

Track Three – COMMUNITY ENGAGEMENT AND MINDFULNESS

Can Empirical Research in our Clinics Help us Become Better Clinicians?

Salon 10
3rd Floor

Judith L. Fox, Notre Dame Law School

Michael J. Gregory, Harvard Law School

Mary B. Spector, Southern Methodist University, Dedman School of Law

Increasingly, clinicians in diverse settings engage in empirical research related to their clinical work. This research can have several functions in furthering the mission of a clinic. It can enhance the delivery of legal services and promote economic and social justice; demonstrate the need for proposed legal or policy reforms; test assumptions about the way courts work; and examine the way we approach our students, our profession and our development as clinical teachers. In an era when public policy is driven by data, familiarity with social science research methodology can become a critical lawyering tool. The presenters will discuss how incorporating this tool into our clinical practice can improve access to justice for our clients and help our law students become better advocates. The presenters will discuss how engaging in research can both support and strain the mission of a clinic. Their presentations will explore

a number of topics including 1) partnerships with social science experts for assistance with research design and data analysis; 2) considering the research project within a broader curriculum; 3) navigating institutional constraints like human subjects review boards (or IRBs); and 4) using the results of research to effect law or policy reforms and/or modify the work of clinics. The session will also begin to explore the different ethical orientations of law and social science (e.g., zealous advocacy vs. neutral objectivity) and implications for community engagement and cross-disciplinary partnerships.

Countering the Curmudgeon Effect: How to Sustain our Energy and Maintain our Teaching Effectiveness After Years in the Trenches

Burnham 1
7th Floor

Lynn Barenberg, Boston College Law School
Naomi Mann, Boston University Law School
Evangeline Sarda, Boston College Law School

Clinical teaching places enormous demands on both our intellectual and emotional energy. Relationships with students, relationships with colleagues, relationships with clients, and working in systems that are often chaotic and dysfunctional can challenge even the best of us. As clinicians, we pride ourselves on our ability to “hold” it all, with a positive attitude and an endless supply of wisdom and empathy. Then something shifts—our mood, our energy level, our connection to the work, and our effectiveness are somehow altered—the presenters refer to this process playfully as “the curmudgeon effect”, although we are well aware that it is in fact a real and significant process commonly referred to as burnout. To become better clinical teachers requires that we identify paths to restoring ourselves and re-engaging our teaching with renewed energy and a refreshed perspective.

We hope to build on the richness of the conference’s plenary sessions and concurrent sessions that come before us with a practical focus informed by research findings in the areas of positive psychology, happiness, and brain development. Through small group exercises and discussion, we will learn how to identify burnout in ourselves, our colleagues and our students; develop strategies for addressing and/or managing burnout; and consider how our understanding of burnout might inform our clinical work. Participants will be encouraged to identify work life changes that might best support professional growth and satisfaction, possible barriers/resistance to those changes, concrete strategies for change, and ways to incorporate these concepts into our teaching and supervision of students.

Mindfulness: Becoming a Better Clinician through Becoming a More Reflective Person, Practitioner and Professor

Clark 5
7th Floor

Wendi J. Adelson, Florida State University College of Law
Bridgette A. Carr, The University of Michigan Law School

As professors and practitioners situated within law schools, but engaging with the surrounding communities, we must constantly reevaluate ourselves and our work to be sure we are doing the best job we can. Often, this practice involves self-flagellation for not helping enough people in the community, or not providing sufficient learning opportunities for students. We want to take time this session to rebuild ourselves and our vision, in a mindful fashion, so that we as clinicians have the reserves to continue to do our work well into the uncertain future. This session will challenge the participants to answer the following questions:

- 1) How would you teach your courses and prepare your students for cases if you weren’t afraid to fail?
- 2) How does fear keep you from becoming the best clinician you can be?

3) What do you dream of doing in the next year in the following realms of life as a clinician?

- physical health
- emotional health
- creativity
- legacy
- intellectual pursuits
- adventure
- character

During the session we will brainstorm together other areas that we find important. They could be psychological, material, etc. We will then take some time to journal, and challenge the participants to write down three goals/dreams in each of the areas we define as a group, and to continue to review and revision those goals over the next academic year and beyond to make sure we are achieving our vision of what it means to be a successful clinician.

3:30 - 3:45 p.m.

Refreshment Break

Pre-Function Area
4th Floor

3:45 - 5:00 p.m.

CONCURRENT SESSIONS

Track One - LEARNING THEORY AND PEDAGOGY

Growin' Up: Human Development and Clinic Students

Salon 10
3rd Floor

Francis J. Catania, Jr., Widener University School of Law
Judith L. Ritter, Widener University School of Law

When students view themselves as kids who are not ready to perform in the adult arena, they frequently hold back from asserting themselves as adult professionals who should be listened to and who must frequently confront authority. Moreover, characteristics of adulthood such as pragmatism, the ability to be reflective and to perform higher levels of moral reasoning are important, if not essential characteristics for effective lawyering. We believe that clinical teachers will be more effective if they have an understanding of the developmental obstacles faced by students. Armed with this understanding, clinicians are in a good position to assist students in taking on the self-image necessary for effective lawyering. The aims of the session are threefold: (1) to offer a basic understanding of the developmental stages occupied by our students according to psychological, sociological and philosophical measures of human development; (2) to raise awareness that our students may be under-prepared to fulfill professional roles and need our assistance with this transition; and (3) to brainstorm ways that clinical law teachers can support or even facilitate their developmental process. After a short informational overview, participants will be invited to share their experience and insights with respect to sensitivity to student development: what works; what does not; what changes in law school experiential pedagogy these insights suggest; and whether and how student development can be facilitated.

Massive Open Online Clinic? Using Clinical Pedagogy to Expand the Clinic's Reach Outside the Law SchoolSalon 1
3rd FloorEsther Barron, Northwestern University School of Law
Stephen Reed, Northwestern University School of Law

With the rise of massive open online courses (“MOOCs”) and other forms of distance learning, our perception of education is starting to look very different. Online courses allow professors to reach thousands of students at a time with no geographical boundaries. Some professors, however, have begun to express worry about the quality and effectiveness of online learning. These concerns are particularly acute and understandable in law school legal clinics, whose pedagogy is often based on personalized, one-to-one interactions. This traditional model of a law school clinic has also been the source of frustration for some clinicians who feel constrained to teach a smaller number of students at a time in order to maintain the level of learning and supervision clinical education demands. In this concurrent session, we will explore how tapping into MOOCs and other forms of distance learning using clinical pedagogy may be an opportunity to expand a clinic’s educational reach to impact more students.

We recently taught a MOOC, Law and the Entrepreneur offered through Northwestern University and Coursera, which enrolled 35,000 students in its first session (Fall 2013). One of our goals was to provide a simulated version of a typical client scenario and then have our online students work through many of the projects clinic students work on for live clients. We learned many lessons from this experience that we will share with the group.

In this concurrent session, we would like to discuss whether there are responsible ways that a variety of clinics might be able to enrich their existing clinical offerings through distance learning as well as expand those offerings or altered versions to a massively larger student body. In keeping with the themes of the conference, the session will explore both pedagogy and community involvement.

Track Two - LAW SCHOOL CURRICULUM AND REFORM**Expanding Resources and Capacity for Experiential Learning: Using Grant Funding to Inject Practice Experience into the Non-Clinical Curriculum**Salon 2
3rd FloorWilliam Berman, Suffolk University Law School
Jamie Langowski, Suffolk University Law School

Law schools are clamoring to add experiential learning to the curriculum and to rein in costs. Is it possible to increase the capacity and recourses available for experiential learning in the current belt tightening climate? Clinicians are well placed to do just that, and to promote social justice in the process. This session will provide a forum for participants to discuss and develop their own ideas for courses that combine theoretical learning with practice experience. The presenters will discuss a grant funded seminar course entitled “Brainstorming Solutions to Housing Discrimination” in which students design and assist in running housing discrimination tests. The course allows students to focus on skills such as witness preparation, fact investigation and strategic thinking through actual investigations. The goal of this session is to explore how clinicians can use grant funding to move experiential learning beyond the clinics and into a larger, seminar style class.

Track Three – COMMUNITY ENGAGEMENT AND MINDFULNESS**Community Engagement, Mindfulness, and Cross-Racial Coalition Building**Salon 3
3rd Floor

Barbara Creel, University of New Mexico School of Law
Christine Zuni Cruz, University of New Mexico School of Law
Javier Martinez, Visiting Professor, University of New Mexico School of Law and
General Counsel and Policy Director, Partnership for Community Action,
Albuquerque, NM

This panel will consider innovative methods to engage the community through partnerships. The panelists will discuss a new partnership between an established clinical program serving the Native population of the state of New Mexico and a non-profit urban Latino/a community-based advocacy organization. The goals of the panel are (1) to consider meaningful clinical community engagement, (2) explore cross-cultural coalition building, and (3) suggest how partnerships encourage and focus clinical students on mindfulness regarding difference.

The panelists will introduce a mind-mapping tool in this session. Participants will use the tool to explore the potential for developing relationships with non-profit community-based legal organization in their own communities. The debrief exercise will reveal two learning objectives: benefits and challenges of partnerships and the art of collaboration and coalition-building.

In creating cross-racial partnerships there are several areas in which mindfulness – critical to effective community lawyering for both clinical students and clinical supervisors – is essential, including developing cultural and racial literacy skills and cross-cultural and cross-racial coalition building. Additionally, institution and informal community organization collaboration requires bridging differences across different political and social classes; teamwork; sharing unequal resources for mutual benefit; and respecting difference. The panelists will share the mind map they created to guide respectful community engagement and to discuss their mindfulness tools which they employ as clinicians and share with the students. These mindfulness tools include: Journaling; Upstreaming and Obliquity.

Finding Opportunities in Our Own Backyard: Creating Partnerships Between Lawyers and Community Organizations to Better Serve Our ClientsSalon 6
3rd Floor

Cheryl Bratt, Clinical Fellow, The University of Michigan Law School
Debra Chopp, The University of Michigan Law School
Sandra Iaderosa, Manager, Patient and Family Services, University of Michigan C.S. Mott
Children's Hospital, Ann Arbor, MI

Over the last several years, holistic lawyering has garnered significant attention as an approach to creating sustainable solutions and wellbeing for our clients and communities. Too often, our clients seek advice for a discrete legal problem that, once resolved, does little to address the myriad underlying social, medical, and other factors that contribute to and form the legal problem in the first instance, and that inevitably bring the client back to the clinic for subsequent help. Similarly, community organizations that offer non-legal assistance to individuals often face situations where an underlying legal problem undermines the assistance they provide. Law clinics can help address these disconnects by forming partnerships with local community organizations to create a multidisciplinary and preventative approach to lawyering. By initiating partnerships with local organizations, law clinics can better serve their clients, engage their communities, and create more stable and sustainable outcomes.

In our concurrent session, we will explore the benefits, challenges, and learned keys for success in creating a partnership between a law clinic and a community organization, using the Pediatric Advocacy Clinic at the University of Michigan Law School as a model. Attendees will then reflect on the non-legal needs facing their clients, identify potential community organizations that may help meet those needs, and create a plan to initiate a potential partnership. Finally, we will engage in a group discussion about our hopes, potential barriers, and realistic expectations for the potential partnership.

The Law School Clinician as Part of and a Partner with the Community

Salon 7
3rd Floor

Barbara Hines, University of Texas School of Law
Jennifer Koh, Western State University College of Law
Julie Marzouk, Chapman University Dale E. Fowler School of Law
Anna Welch, University of Maine School of Law

Being a clinician – and becoming a better clinician – almost always involves collaboration with local nongovernmental organizations and/or movements. Such collaborations give clinicians from a broad range of practice areas an opportunity to increase their own personal community engagement, and the role of their clinics in the community. Collaboration also presents clear opportunities to build the capacity of legal service organizations and strengthen the impact of grassroots advocacy campaigns. However, these types of cross-institutional collaborations raise potential tensions for law school clinicians, students, and community organizations alike. This panel will explore questions, benefits, and challenges that arise as clinicians engage in their communities or social movements. The goal of the session will be to provide participants with a deeper understanding of (1) the types of community engagement forged by clinicians across the country, (2) the advantages and strains experienced by clinicians, and (3) how other clinicians have navigated these collaborations, with their accompanying benefits and tensions. By developing a deeper understanding of what other clinicians are doing, participants should develop a greater awareness of how to resolve questions on an individual level.

Poster Descriptions

Posters are presented at the Reception on Sunday, April 27, 2014, 6:00 – 7:30 p.m.

Engaging Outside Counsel: Objectives, Methods, and Recommendations for Clinical Collaboration

Alicia E. Plerhoples, Georgetown University Law Center

Amanda M. Spratley, University of Massachusetts School of Law - Dartmouth

Deciding whether to collaborate with an outside attorney on a client representation or community project is a context-specific process informed by a myriad of objectives, methods, and concerns, including those related to recent demands to increase experiential opportunities for students. Our poster presents a decision tree that facilitates a systematic and thorough decision-making process that takes into account the specific context in which a clinician sits. The poster offers recommendations for mitigating challenges to collaboration, as discussed in greater detail in Alicia Plerhoples & Amanda Spratley, *Engaging Outside Counsel in Transactional Law Clinics*, 20 Clin. L. Rev. ____ (forthcoming 2014).

Teaching Project Management in the Experiential Setting

Michael Bloom, The University of Michigan Law School

As the practice of law for many lawyers is increasingly about collaboration and managing large-scale projects involving several lawyers and other professionals, law students likely would benefit from thinking about managing projects much the same as do business school students. In this poster session, the presenter will discuss the ways in which he uses the Harvard Business School Project Management Manual and other techniques to introduce his students to project management tools for scoping, planning, collaborating on, and streamlining their work within the Transactional Lab at Michigan Law.

Talking About Poverty in Clinics—Why And How

Spencer Rand, Temple University, James E. Beasley School of Law

Many clinics represent poor people. Many of our students have not interacted with the poor before and may have thought about poor people only in the abstract. Due to recent political discourse, many students may not see the poor favorably. Clinics provide the opportunity to help students learn about poverty, about working with people not like them (in many cases), about the legal and non-legal needs of the poor, and about how they might work with the poor when they become lawyers, either as poverty lawyers or in *pro bono* work. This poster describes ways that the author has approached poverty with his students and ways others in the clinical community have suggested doing so.

Crossing Borders

Sarah Jacobs, University of Detroit Mercy School of Law

This poster illustrates the expansion of the traditional Community Economic Development Clinic (CEDC) model to suit a law school program with an international, or cross-border, focus. While the poster draws on examples from Detroit, Michigan and Windsor, Ontario, Canada the two major features of the expanded CEDC model may be of interest to clinicians generally:

1. Expanding the CEDC's mandate to include dispute resolution assistance (e.g., zoning board and other administrative hearings), in addition to the transactional services a CEDC typically provides.
2. Expanding the CEDC's geographic service area to include communities in different cities, and perhaps different legal jurisdictions.

Modeling Professionalism Using Ignatian Centering Exercises

David C. Koelsch, University of Detroit Mercy School of Law

Are your students ever stressed out? Clinic students are prone to unhealthy forms of stress as they face situations for which they have little prior experience. Along with black letter law and essential lawyering skills, we all teach our students how to cope with the stress inherent in the practice of law. This poster describes a stress-reduction practice developed by the 15th century mystic and founder of the Jesuits, Ignatius of Loyola, to help focus the mind on both the task at hand and the bigger picture in which that task fits. It works and it's fun!

Components of a Successful Practice-Based Intensive Supervised Live Lawyering Experience

Shelley Dunck, Loyola University Chicago School of Law

Mary Hanisch, Loyola University Chicago School of Law

Our poster is intended to highlight the meaning of experiential learning. Using Loyola University Chicago School of Law's Business Law Clinic ("BLC") as a backdrop, the poster highlights specific teaching and learning components of the course. The true teaching and learning for clinicians takes place within the attorney client relationship that exists between the BLC student clinicians and our clients. This relationship allows student clinicians to apply substantive knowledge they have acquired through traditional doctrinal coursework to real life situations. By acting as counsel to live clients, student clinicians experience the nuanced differences between legal analysis and client counseling.

Access to Justice Clinical Course Project

Jessica Bolack Frank, Chicago-Kent College of Law, Illinois Institute of Technology

The CALI Access to Justice (A2J) Clinical Project was created to partner technologically savvy law students with legal aid organizations to create document assembly projects for pro-se litigants. We propose that law school clinicians are the best educators to address the new and emerging educational needs driven by technological and economic changes in law practice. These A2J Clinic courses allow students to build technology solutions to real problems facing low income people. Such courses include significant opportunities to observe and interact with clients. Students do thorough research on the law and heuristics driving these justice problems.

Using Case Study and Video Demonstrations to Teach Clinical Skills: The Juvenile Defender Trial Skills Training Program

Samantha Buckingham, Loyola Law School

The Juvenile Defender Trial Skills Training Program teaches clinical law students and new attorneys to master the skill set necessary to try a delinquency case before a judicial officer. With a specific set of case materials, including all police documents, photographs, diagrams, and supplemental statements, it can be used to simulate various transactions in a juvenile delinquency (or adult criminal) case, including client interviews, arraignment, detention hearings, negotiations, dispositions, and every transaction in a trial from opening statements, direct and cross-examination, and closing arguments. The poster presentation will feature the video demos of the trial skills, the website for the project, and the written training program manual. The presentation will explain how to develop, publish, and use a multimedia skills project in a clinical setting and to train lawyers in practice. This project is specific to juvenile court trial practice, though the lessons from the project are translatable to a variety of learning tools clinicians may want to develop.

Works in Progress Schedule & Program Descriptions

Tuesday, April 29, 2014 | 9:00 - 10:30 a.m.

Group One: CRIMINAL LAW

Salon 4
3rd Floor

Dangerous Diagnoses, Risky Assumptions, and the Failed Experiment of “Sexually Violent Predator” Commitment

Deirdre M. Smith, University of Maine School of Law

In the 1997 opinion, *Kansas v. Hendricks*, the Supreme Court upheld a new model of civil commitment enacted by a few states in response to highly-publicized violent sex crimes. The targets of these new laws were dubbed “Sexually Violent Predators,” a label intended to connote a sub-class of sex offenders who run a high risk of recidivism after their release due to the presence of a mental abnormality or personality disorder. The Court upheld this form of indefinite detention based upon the assumption that there is a medically-distinct class of individuals who are not typical recidivists but who have a mental condition that impairs their ability to refrain from violent sexual behavior and for whom this unusual and extraordinary deprivation of liberty is appropriate and legitimate. And, more specifically, the Court assumed the justice system can reliably identify the true “predators” with the aid of testimony from mental health professionals. I evaluate the extent to which those underlying assumptions were correct by examining them in two contexts: psychiatry’s own view of the relationship of mental pathology to sexual violence (and of the field’s ability to predict such violence); and how courts have used psychiatric expertise to decide whom to commit under SVP laws. These examinations reveal that the Court’s assumptions were flawed and that the laws represent a misplaced attempt to delegate legal determinations to psychiatry, as the concept of the “Sexually Violent Predator” is a political and moral, but not a medical, construct.

Staying Good, Seeking Justice: Structuring Prosecution Clinics so Good People Become and Stay Good Prosecutors

Diane S. Juliar, Suffolk University Law School

Many of our students, committed to public service, hope to join prosecutors’ offices upon graduation. Several articles have been written questioning whether “good people” *should* become, or even *can* become, good prosecutors. This article acknowledges that the challenges those articles raise are real but argues that the conclusions they reach are wrong. The article will describe ways in which prosecution clinical programs – through both structure and substance – can educate students so that they can be both “good people and good prosecutors,” helping them anticipate the challenges they will face, remain committed to resolving them properly, and develop approaches and strategies for doing so. The article first will summarize the arguments leading to the conclusion that “good people” shouldn’t become prosecutors (or are highly unlikely to stay “good” if they do). It will provide examples, including accounts drawn from students’ journals, showing that good people indeed can be good prosecutors. Finally, the main portion of the article will focus on the role that prosecution clinical programs can play in minimizing the potential that the dark vision others describe will become reality – that is, it will describe how we can structure prosecution clinical programs to instill in students the highest standards of professional responsibility for prosecutors and teach them how to make these standards workable given the realities of practice.

“Judicial Clemency”

Valena Beety, West Virginia University College of Law

The reality of hyper-incarceration and the disproportionate application of drug laws to people living in poverty, and primarily people of color, has directed the move away from containment policy in our criminal justice system. As a step toward reinstating judicial discretion, this Article proposes courts utilize their ability to dismiss cases *before* a trial or plea agreement. In thirteen states, courts have a bestowed or inherent power to dismiss cases of their own accord “in the furtherance of justice.” Eight of these state courts have authority via statute, five have this same capacity through their state Rules of Criminal Procedure. This Article proposes greater utilization of this power, truly in the interest of justice and reforming our criminal justice system. For state courts that do not have the capacity to dismiss cases in the furtherance of justice, this Article recommends the further promulgation of Rules of Criminal Procedure to recognize this power for courts, and reinstate judicial authority. Such judicial authority can target prosecutorial over-charging, as well as dismissal of cases with little evidence. While most courts may dismiss only misdemeanors under these statutes, misdemeanors are an important and often ignored step introducing individuals to the criminal system and often setting them up for failure with a felony next in line. Dismissing cases in the interest of justice thus can provide a check where few exist for overzealous prosecutions, and can demand more consistency and reliability in evidence and state prosecutions, whether on the misdemeanor or felony level.

Group Two: COMMUNITY DEVELOPMENT, LAWYERING,
AND ORGANIZING

Salon 5
3rd Floor

The Role Confusion of a Lawyer Revisited

Julie D. Lawton, DePaul University College of Law

I walk in the room and see them gazing at me. The slight surprise. The pride. The relief. I am an African-American attorney working in community development in predominantly African-American communities. I am here to be their attorney, but I am often perplexed trying to define that role. In community meetings, I see the faces of color before me. I hear the murmurs. I see in their eyes and hear from them the gratitude for the personification of their sacrifice - the long hours working the hardest jobs for the lowest pay; the years of suffering discrimination to give us, their children and their unborn grandchildren, the chance for a better life; the lost hope renewed when they see those of us who ‘made it.’

I see in their eyes my reflection, though I struggle with the question of what it is that I see. Is it a reflection of who they want me to be, who they need me to be, or who I think they expect me to be? I have the legal training to help protect them. I received this training, in part, because they fought for my right to obtain it. So, when I represent them, how do I repay this? What do I owe? What is my role as their lawyer when I feel an obligation for such a debt?

The goal of this Article is not to posit a solution to a conflict, but to examine the personal challenges emanating from the conflict.

**Notes from the Field: The Role of the Community Lawyer in
Grassroots Legislative Advocacy**

Hina Shah, Golden Gate University School of Law

In the past decade, domestic workers have built a national, grassroots, worker-led movement to address the systemic exclusion of domestic workers from basic wage and hour laws. They have been widely successful in the last three years with the passage of state domestic worker bill of rights in New York, Hawaii and California, the adoption

by the International Labour Organization of the Convention and Recommendation Concerning Decent Work for Domestic Workers, and federal policy changes by the Department of Labor which will extend minimum wage and overtime for the first time to millions of home care workers. Building visibility through worker leadership and broad-based coalitions, the domestic work campaigns have succeeded in gaining fairer treatment under the law. Behind the scenes, legal clinics have played an important role in the fight to expand legal rights for domestic workers. The Women's Employment Rights Clinic at Golden Gate University School of Law served as legal counsel to the California Domestic Worker Coalition, providing technical and legal advice on the campaign. This article is a reflection of the Clinic's work on the campaign, addressing the role of the legislative lawyer in grassroots advocacy, defining the client relationship and structuring client counseling in a broad coalition, how direct services can inform policy changes, and how to integrate students in a multi-year campaign.

From the Picket Line to the Courtroom: An Argument for a Labor Organizing Privilege to Protect Workers' Confidential Communications

Nicole Hallett, Yale Law School

The rights of workers to organize and collectively bargain are under attack and the statute designed to protect these rights, the National Labor Relations Act, has largely failed in its mission. This Article examines one way these fundamental rights are threatened – employers' use of abusive litigation tactics to chill protected concerted activity – and proposes a solution: a labor organizing privilege to protect workers' confidential communications. The decline of unions, the rise of "alt labor" organizations such as worker centers, the increase in employment litigation as an alternative to NLRB-supervised elections and of aggressive anti-organizing campaigns by employers have led to an explosion of abusive litigation tactics by employers. A labor organizing privilege would not solve the problem of abusive litigation tactics. But given the feebleness of other remedies available to workers, an evidentiary privilege would provide workers with a minimum level of protection to prevent the harms that most directly threaten the right to organize and collectively bargain. A labor organizing privilege meets the requirements of the traditional instrumentalist and humanistic tests for the recognition of evidentiary privileges. But this Article rests its primary argument on Section 7 of the National Labor Relations Act and the First and Thirteenth Amendments of the U.S. Constitution, which provide sound policy and constitutional arguments for the recognition of the privilege.

Group Three: PEDAGOGY

Salon 8
3rd Floor

Using Effective Communication Practices to Teach Relational Lawyering

Susan L. Brooks, Drexel University School of Law

Today's law schools and employers are aiming for graduates who are "practice-ready," meaning we need to place more emphasis on relational skills such empathy, self-knowledge, listening, and practical judgment. So now the question becomes, can we teach these and other relational skills? And if so, what does that look like in a law school classroom? Undoubtedly, approaches such as those focusing on emotional intelligence and mindfulness can be useful. My own approach, which is the focus of this paper, borrows ideas from these and other fields, and incorporates them under the umbrella of **communication**. Effective communication practices include: *creating safe spaces for genuine dialogue and learning; encouraging everyone to be present and to be their authentic selves; cultivating resilience by showing courage and compassion, and fostering connections; sharing our stories and listening generously to the stories of others; focusing on strengths; and making room for joy and gratitude, as well as reflection and stillness*. These practices all emphasize the importance of context, focus on strengths, and encourage suspending judgment, and adopting a posture of curiosity and kindness. They also recognize that everyone fundamentally wants to matter—to be seen and

heard. We can teach our students to be relational lawyers by using these communication practices both inside and outside of the classroom. By thoughtfully bringing effective communication practices into our work, we will not only help our students. Perhaps we will also find greater compassion for ourselves, and become better and more satisfied teachers in the process.

Good Grief: Loss, Grief, and Engaged Non-Attachment

Danielle Cover, University of Baltimore School of Law

The emotional response of feelings of loss or grief can manifest in an attorney's practice in many ways from actually losing a case to a conflict between the realities of legal practice and an attorney's ideals. While many commentators have offered proposals on how to address the symptoms of vicarious trauma that can result from practicing law in high conflict areas, few have addressed how the experience of loss in the practice of law can lead to the classic symptoms of both burnout and vicarious trauma. This paper explores the ways grief can manifest itself in the experience of the attorney and offers suggestions for training students how to identify and address their reactions to grief so that they may better understand how those reactions impact their ability to practice. Using an interdisciplinary approach, professors can use the law school teaching techniques coupled with teaching techniques used in social work programs to help students both to identify when they are experiencing grief and also to develop the skill of "engaged non-attachment," the ability to be compassionate and empathetic while simultaneously addressing the loss they may feel so that they remain emotionally protected in their practice.

Group Four: INTERNATIONAL HUMAN RIGHTS

Salon 9
3rd Floor

Headdresses and Human Rights: A Challenge to French Law?

Christine Bustany, Suffolk University Law School

This presentation will explore the cases brought by Shingara Singh against France challenging the government's prohibition on headdresses in state-issued ID photographs as a violation of his religious rights, among other things. Singh was unable to renew his French passport in 2005, after he refused to remove his turban—a fundamental tenet of his Sikh faith—for his passport photograph. Singh's claim lost in French courts and also lost before the European Court of Human Rights on similar human rights grounds (though involving a driver's license). The ECHR ruled in 2008 that his case was manifestly ill-founded with barely any examination of his claim and relying on the State's "margin of appreciation." Soon thereafter I became Singh's attorney in connection with his subsequent petition before the United Nations Human Rights Committee. In 2013, the HRC found that France was in violation of Singh's religious rights. Rarely do two international human rights bodies hear a case brought by the same petitioner based on largely the same claim. Consequently, the matter offers a unique case study by which to compare the differing approaches of the ECHR and the HRC. The matter is also significant because of the questions it poses in regards to French and European conceptions of human rights. My objective is to critically examine these questions and approaches, as well as to explore what impact these cases may have both with respect to the relief Singh is seeking, as well as the jurisprudence in this area.

Moving Forward: Judicial Access to Remedies and Corporate Accountability for Violations of International Human Rights Law in a New (Post-Kiobel) World

Gwynne L. Skinner, Willamette University College of Law

In April 2013, in the case of *Kiobel v. Royal Dutch Petroleum*, the Supreme Court significantly limited the application of the Alien Tort Statute (ATS) by finding that the presumption against extraterritoriality exists with regard to claims brought for violations of customary international law (CIL) occurring abroad, even where U.S. citizens, including corporations, might be liable. However, *Kiobel* notwithstanding, there are many other obstacles to holding corporations liable for their involvement in human rights abuses, especially those occurring in fragile states. Judicial systems everywhere are failing victims of human rights abuses. Many home countries, including the United States, are failing in their obligations under international law to provide remedies, including judicial remedies, to such victims. This article, after briefing outlining the history and growth of corporations, outlines the various barriers victims face in seeking access to judicial remedies for harms caused by corporations' involvement in violations of international human rights and tort law, particularly in the United States, Canada, and members of the European Union. The article then proposes ways forward, including specific policy recommendations. These recommendations include enacting legislation adopting "enterprise liability;" enacting legislation to ensure that transnational businesses with significant presence in the United States agree to the jurisdiction of U.S. courts over victims' claims; creating a presumption of liability on the part of a parent corporation where the parent has not engaged in human rights due diligence with regard to its subsidiary; and many others.

This article arose out of the author's work as the U.S. expert for Access to Judicial Remedies for the International Corporate Accountability Roundtable.

Healing the Wounds of Children Trafficked Internationally by Examining Strategies for Family Violence Survivors Domestically

Melissa L. Breger, Albany Law School

My research is focused upon children who are trafficked into the United States for sexual purposes. The article-in-progress examines how to rehabilitate those children who cannot or will not return to their home countries, and it explores how to enable these children and young adults to integrate or reintegrate into mainstream U.S. society. Specifically, the article investigates social and governmental systems currently in place in the U.S. and proposes how these systems can be expanded or adapted to assist survivors of sexual trafficking. There is a salient nexus between the inherent sexual violence of trafficking and the sexual violence prevalent in family violence and childhood sexual abuse situations. Hence, it may be wise to borrow from and learn from already-existing programs designed to rehabilitate children of family and/or sexual violence.

Group Five: IMMIGRATION PROCEEDINGS

Buckingham
5th Floor

Thawing Ice: The Challenge of Seeing Justice Done in Removal Proceedings

Jason Cade, New York University School of Law

This Article explores the complex dynamics and obligations of the Immigration and Customs Enforcement (ICE) attorneys who represent the government in immigration court. ICE trial attorneys shoulder significant – and frequently competing – responsibilities in implementing enforcement laws and policies. They are charged with “protecting the homeland by diligently litigating cases,” while simultaneously expected to “see justice done” by

avoiding unwarranted prosecutions, detentions, and removals. In fact, ICE attorneys exercise prosecutorial discretion in wildly inconsistent ways. Of particular concern, some of the agency's trial attorneys prosecute removal cases in ways that ignore their duty to see justice done. The Article locates plausible explanations for this problem in an enforcement stringent agency culture, intense workload pressures, and other organizational design features. The Article then argues that the work of ICE trial attorneys has familiar analogues in the field of criminal law, where prosecutors are duty-bound to be "ministers of justice," rather than zealots blindly pursuing every possible conviction. The parallels between the two regimes suggest that ICE might profitably deploy a number of procedural mechanisms and features already widely used in criminal systems to foster just results.

Policing the Immigrant's Identity

Eda (Katie) Katharine Tinto, Benjamin N. Cardozo School of Law

Today, the majority of immigration and federal courts recognize that evidence obtained in egregious violation of the Fourth Amendment may be excluded from immigration proceedings. As a result, judicial and scholarly attention has largely focused on the initial question of what constitutes an egregious violation. Little scrutiny, however, has been given to an arguably more important question—if there is indeed a constitutional violation, what evidence should then be suppressed? This Article focuses on the legal terms of "identity" and "alienage" as labels which provide a framework for determining where to draw the line between evidence that should be suppressed and that which remains admissible, despite a constitutional violation. Although several courts have conclusively stated that identity evidence is not suppressible and evidence of alienage is, there is no discussion of the line between these two categories nor how this line should be applied in future cases. Defining these terms provides guidance on any categorical exclusions from the suppression remedy and also sets boundaries to the application of any exceptions to the exclusionary rule, such as the independent source doctrine. My proposed definitions are grounded in immigration law and exclusionary rule jurisprudence in the criminal law context, and reflect the consideration of the practical implications of these definitions on police practices and immigration enforcement.

Group Six: CORPORATE & INTELLECTUAL PROPERTY

Price
5th Floor

Robocop in Mayberry: Corporate Profits and Militarized Police in America

Karena L. Rahall, Seattle University School of Law

As the wars in Afghanistan and Iraq begin to draw down, military defense contractors are shifting their focus to the domestic market. Currently, the federal government spends approximately \$19 billion annually to fund and equip domestic police departments with military hardware. This article will address the shifting landscape of policing from the preservation of peace and order, to the more common paramilitary force prevalent in communities across the country today. While some legal scholars have begun to address the Fourth Amendment implications of, and increased risk of violence in, drug raids, there has been no effort to determine the ways in which private corporations are responsible for this tactical shift and what can be done to reverse the trend. Corporations and their lobbyists have great influence in creating policy and drafting legislation that supports this trend eroding what was once a clear delineation between military and domestic force protection. This article will attempt to unearth the connection between corporate influence and police militarization that, it will argue, poses a danger to democratic institutions of self-governance.

The Impact of Intellectual Property Clinics on Trademark Bullying

Eve Brown, Suffolk University Law School

Trademark bullying is a practice by which nascent businesses are threatened by larger entities using litigation tactics to enforce trademark rights beyond the scope of those granted under the Lanham Act. In these cases, small business owners frequently concede and surrender their trademarks, even where the claim against them lacks merit. The high success rate and low risk of engaging in trademark bullying has resulted in a marked increase in the prevalence of these practices. The compound result is that entities that engage in trademark bullying are rewarded with substantially larger monopolies over words, phrases, and entire markets than trademark law is designed to allow. In response, Congress and the United States Patent and Trademark Office have undertaken recent studies to assess the extent to which small businesses are harmfully affected by such tactics because they lack the funds to hire counsel to defend against them. Among the recommendations for reform is the use of pro bono intellectual property clinics to help narrow the economic differential between parties in trademark enforcement actions. This article will provide a quantitative analysis of empirical trademark data recently released by the USPTO to examine the extent to which the increased involvement of law school clinics in trademark proceedings can reduce the number of meritless suits made against small businesses. The data is expected to suggest that, as the number of law clinics increase, the number of frivolous infringement claims will decrease because such tactics will no longer be economically rational. If this is true, then clinics can play a crucial role in promoting an impactful shift in the current dynamic between established and developing firms in the marketplace.

Group Seven: *FAMILY LAW*

Burnham 2
7th Floor

Presumption Law in Action: Why Physical Custody Presumptions Both Presume Too Much And Yet Say Nothing At All

Maritza Karmely, Suffolk University Law School

The language we use to understand relationships between children and their parents continue to develop over time. There is no question that custodial norms are changing. More often than not both parents work and as a result neither parent is a full-time caretaker. Empirical evidence indicates that women tend to be the primary caretaking parent when both parents work, which is not surprising given the cultural norms surrounding intact families. But what happens when parents separate – what is best for children then? The way in which separated parents figure out co-parenting is a particularly pressing issue in light of the increasing number of fractured and redefined families. The proposal by some lobbying efforts is to require that all parents share *physical custody* of their children at the time of a separation. While there has been a lot written in the legal academy about physical custody presumptions in theory, there is insufficient data on presumption statutes currently in place. In this paper, I am concerned about three issues: (1) deciphering and understanding whether there has been a “movement” for joint physical custody presumptions throughout the country as argued by some commentators; (2) analyzing the statutes and case law in the three jurisdictions (Idaho, Louisiana, District of Columbia) that have some type of physical custody presumption in place; and (3) focusing on parents and children living on the margins (victims of violence and low-income households) and the affect that custodial language has on income-based benefits such as TAFDC, food stamps and housing benefits.

The Promises and Perils of Linking Child Support Enforcement and Parenting Time

Stacy Brustin, The Catholic University of America, Columbus School of Law

Lisa Martin, The Catholic University of America, Columbus School of Law

In an effort to promote engaged fatherhood, the Obama Administration has proposed that state child support agencies be mandated to incorporate parenting time plans and visitation arrangements into child support orders. Given the demographics of IV-D agency caseloads, this proposal essentially requires that low income families be subject to court enforceable custody and visitation orders. A similar proposal requiring child support agencies to offer voluntary parenting time services is pending in Congress. This article explores the potential promise and pitfalls of expanding the scope of state child support enforcement programs to include establishment of visitation or parenting time plans. The article assesses the genesis and growth of access and visitation programs in the child support context, analyzes the benefits and harms of such programs for custodial and noncustodial parents and their children, proposes a framework for linkage of these issues, and identifies best practices for achieving a balance between providing support for children, encouraging parental engagement, and enabling families to determine how best to structure parenting arrangements.

Stories of Bias in American Foster Care

Tanya Cooper, The University of Alabama School of Law

As attorneys and students in the UDC Law Clinic, a clinic comprised largely of students and professors of color in a historically black university in the nation's capital, we witnessed firsthand the pernicious effects of bias on poor families of color and how they overcame adversity. We learned how best to help others through many hard lessons about the stark and often hidden realities of the American child welfare system: 1) institutional bias favors separating families of color; 2) bias affects foster care system players and proceedings to become fundamentally unfair for these historically disenfranchised families; 3) bias persists against parents of color with disabilities; 4) parents of color can regain power in the system biased against them; and 5) a biased system may retaliate against efforts to change an unjust status quo. One of the main mechanisms for our understanding of bias within child welfare was listening to our clients' stories. We allowed our clients to become our teachers, as they told us their stories and instructed us about the realities of the system, sometimes explicitly, and sometimes by example. By engaging in such critical listening, we participated in the shifting of traditional power dynamics, as the clients became just as valuable to the lawyers as the lawyers were to the clients. We believe that this shift in power is one step toward a more collective impact approach to solving the problems rampant in child welfare.

Group Eight: *EDUCATION & CIVIL RIGHTS*

Clark 5
7th Floor

Cyber Bullying, School Authority, and Privacy

Emily Suski, Georgia State University College of Law

Over at least the last decade, states have heeded the call to address cyber bullying among school-age children. All of the states' legislatures save one have bullying statutes and the vast majority of them include provisions regarding electronic or cyber bullying. In their efforts to address this very difficult and very significant problem state legislatures have sought to expand school authority to address the problem. Expanding school authority seems like an obvious way of addressing the problem if for no other reason than the bullying often happens between students who attend or have attended the same school. Yet the ramifications of the expansion of schools' authority have not been fully examined. Scholars have written about the need to address cyber bullying in school, the constitutional implications of efforts to address cyber bullying, and how to combat any constitutional challenges to cyber bullying laws. In

addition, a serious examination of the implications of the expansion of school authority and the resultant changing role of the school in the lives of children and families, including the privacy harms attendant to the new authority, is warranted. This paper makes that examination. Drawing on recent scholarship regarding the privacy harms resulting from increased state monitoring, it argues that cyber bullying laws represent a de facto and overly-broad expansion of the monitoring and disciplinary component of schools in *loco parentis* role that puts students at significant risk for state-imposed privacy harms.

Public School Closings and The Interest-Divergence Dilemma

Erika Wilson, University of North Carolina School of Law

Throughout the country urban schools districts in cities such as Detroit, Washington D.C. and Philadelphia are closing public schools as a means of dealing with financial distress and declining student enrollment. Notably, school districts which have chosen to utilize school closures as a means of addressing declining student enrollment and fiscal deficits are more often than not located in urban areas experiencing high levels of gentrification. Yet little attention is being paid to the intersection between urban public school closures and gentrification. This Article seeks to situate the recent urban public school closings in gentrifying areas within the framework of Professor Derek Bell's Interest Convergence theory. The Article uses the Interest Convergence theory as a baseline from which to engage in a post-hoc analysis of how the Supreme Court's decision in *Milliken v. Bradley* and its subsequent school desegregation jurisprudence created divergent interests between poor minority communities and middle and upper class white communities. It suggests that in line with Professor Bell's Interest Convergence Theory, African-American (and Latino) students have been denied racially just remedies by courts because of the divergent interests that were created and reified by *Milliken* and its progeny. It concludes that the current failure of courts to find that urban public school closures, which disproportionately impact Black and Latino students, constitutes unconstitutional racial discrimination, is directly linked to the existence of divergent interests between Black and Latino students and predominately white gentrifiers.

Making Remedy Matter: Community Engagement and Court Ordered Reform

Sunita Patel, University of Pennsylvania Law School

Court ordered remedial measures aimed to reform long-standing discrimination require formalized structures that involve the communities most impacted by the illegal practices. In recent years, Department of Justice consent decrees with large police departments around the country include "community engagement" as a necessary component to ensure successful reforms of police practices such as stop and frisk and excessive force. The district court in *Floyd v. City of New York*, a class action lawsuit successful in proving the New York Police Department engaged in discriminatory stop and frisk practices, ordered a "joint reform" process allowing stakeholders and grassroots organizations comprised of impacted community members to have a formal role in creating the remedies to the unconstitutional practices.

Using police reform litigation as a springboard, I explore the historic and contemporary development of community involvement as part of injunctive relief in law reform cases. Community advisory boards, collaborative processes and community task forces have been used in different contexts but without uniform success at lasting reform. I argue that despite growing federal court reluctance to issue broad injunctive orders, to create legitimate and lasting reform, litigators and courts must allow the stakeholders, for whom reforming unlawful practices matter most, to be formally involved in the court ordered relief. I address the challenges with this recommended approach and offer several solutions based on case examples and public policy research.

Group Nine: PEDAGOGYClark 7
7th Floor**Building on Best Practices: Legal Education in a Changing World**

Cynthia Batt, Stetson University College of Law

Lisa R. Bliss, Georgia State University College of Law

Carolyn Kaas, Quinnipiac University School of Law

Mary A. Lynch, Albany Law School

Deborah A. Maranville, University of Washington School of Law

Daniel M. Schaffzin, The University of Memphis, Cecil C. Humphreys School of Law

Antoinette Sedillo Lopez, University of New Mexico School of Law

BUILDING ON BEST PRACTICES: LEGAL EDUCATION IN A CHANGING WORLD is the successor book to BEST PRACTICES FOR LEGAL EDUCATION (Stuckey; 2007); it is in draft and due to be published (LexisNexis) in early 2015. It addresses the revolution in legal education that is underway, to reexamine legal education and make recommendations to today's academy for the essential features of sound legal training of tomorrow's lawyers. The work in progress will cover four sections:

EXPERIENTIAL EDUCATION: This section covers the issue of definitions, recommendations for a continuum of practice, the integration of experiential education into doctrinal courses, the role of experiential courses in a three-year law school curriculum, and making the case for the in-house clinic.

EXTERNSHIPS: This section is a subset of the larger Experiential Education chapter, and examines in detail the explosion in externship pedagogy in the last seven years. It will catalogue the unique contributions that well designed externship programs provide, and elaborate the features that are crucial for excellence.

INTEGRATION, SEQUENCING and TRANSFER: One of the core overarching themes of the book, this section approaches curricular design and execution that "breaks down walls/silos" and highlights the need for consciously teaching for transfer from topic to topic, and situation to situation.

INTERCULTURAL EDUCATION: "Using Intercultural Communication Skills, Knowledge and Values to Bring Down Walls" is the premise of the section that will deepen the treatment of the essential nature of law school education in intercultural skills, which is no longer considered an "optional" topic in today's legal education.

Tuesday, April 29, 2014 | 3:45 - 5:00 p.m.

Group One: CRIMINAL

Salon 4
3rd Floor

Rituals of Reintegration

Joy Radice, University of Tennessee College of Law

The United States criminal history database holds 65 million criminal records. These records represent the millions of individuals in this country who have not been restored to their pre-conviction legal status regardless of how minor their conviction is. One criminal conviction alone will trigger a web of civil collateral consequences that prevent a person's complete reintegration into society. At the same time, several states have amended their criminal justice statutes or enacted legislation declaring that reintegration or reentry are critical penal goals alongside the longstanding goals of rehabilitation, retribution, and deterrence. This article aims to create a framework for a more comprehensive approach to reintegration as a primary penal interest. Part I draws on theories of rehabilitation, retribution, and deterrence to explain how our current penal approach can include reintegrative objectives. Part II will argue that the research of criminologists who study desistance – the process by which people stop committing crime – supports a reintegrative state. Part III proposes a three-prong, sequential approach to a more reintegrative criminal justice process from arrest to post-conviction reentry. This article ultimately argues that the goal of a reintegrative state would be to establish rituals that counteract the stigma of a conviction. The state that punishes also has the power and obligation to reestablish a person's full legal status after a criminal sentence is complete.

Do Muddy Waters Shift Burdens?

Carrie Sperling, University of Wisconsin Law School

Rhetoricians, legal scholars, and cognitive psychologists agree – metaphors can be highly persuasive linguistic devices. However, the power of metaphors may extend beyond being persuasive; metaphors may impact our understanding and application of law. Our research attempts to demonstrate the impact of metaphor by tracing a metaphor – the “muddy the waters” metaphor – through a particular line of cases interpreting Texas's DNA-testing statute. Because the metaphor ultimately defined the burden of proof for DNA testing, we were able to show that the use of the metaphor shifted the burden, making the burden impossible for defendants to meet. Our article traces the theories of metaphor's persuasiveness, its use in a discreet line of cases, and its dramatic effect on the application of the legal standard, eventually prompting the legislature to amend the statute and reinstate a lesser burden. We conclude by urging lawyers to pay attention to metaphors. Because they often operate outside our conscious awareness, metaphors can be powerful tools that shift burdens and shape laws, often in unintended directions.

Group Two: ETHICS & PEDAGOGY

Salon 5
3rd Floor

You Did What?! Preserving Your Ethical Obligations and Protecting Your Law License While Supervising Students in a Clinical Setting.

Jessica Long, University of Idaho College of Law

One of the great benefits of clinical education is the opportunity to allow students to take all of the substantive knowledge they have learned over their first two years of law school and apply it to *real controversies* with *real clients*. Students take on the responsibility of representing clients for the first time – the great risk is what the students

might do with this responsibility. Because students act under the supervising attorney's law license, the *supervising attorney* owes ethical obligations to clients, opposing counsel, the court and the state bar. But these ethical obligations are complicated in the clinical setting. How can a supervising attorney satisfy these ethical obligations while still providing the rich learning experience that clinic offers? This article explores the ethical obligations of supervising attorneys in a clinical setting. Using hypothetical situations and the Model Rules of Professional Conduct, this article analyzes the potential implications for violating a Rule – Can the supervising attorney be disciplined for violating the Rule? Can the student be disciplined for violating the Rule? Does the supervising attorney have a duty to report the student to the state bar for violating the Rule? This article then offers guidelines and protocols to help avoid these situations in the first place.

Handling Risks and Relationships: Social Media and the Attorney Client Relationship and Relations

Martina E. Cartwright, Texas Southern University Thurgood Marshall School of Law

Today, it is inconceivable for lawyers—whether in their personal or professional lives—not to utilize social media. Tools such as Facebook, Twitter, and weblogs allow for greater connectivity to family, friends, and potential clients. However, the ease of these particular devices carries certain inherent risks: the most obvious are an inadvertent creation of client attorney relationship or potential conflicts of interests. The least obvious risk includes potential disclosures of confidential client information and the creation of expectations—whether reasonable or unreasonable—which fall outside the scope of the attorney-client relationship. It is incumbent upon attorneys to be aware of the risks involved in maintaining an on-line presence and the failure to provide safeguards to limit attorney client interactions. In resolving these issues, it may be necessary for attorneys to cull friends list, restrict “open” social media, or revise retainer agreements to limit the type and manner of communication with clients. A “dos” and “don’ts” should be included with any new retainer agreements and attorneys should be cautious in their online communications to reduce risk. The WIP in progress explores different scenarios, involving attorneys and clients or potential clients and proper tools and techniques to manage interactions and/or communications.

Group Three: IMMIGRATION, TRAFFICKING & WARTIME VIOLENCE

Salon 8
3rd Floor

Theorizing Violence Against Men as Gendered Violence

Valorie K. Vojdik, University of Tennessee College of Law

In my forthcoming paper, *Sexual Violence Against Men and Women in War: A Masculinities Approach*, __ NEV. L. J. __ (2014), I explore the invisibility of sexual violence against men during war, a phenomenon has occurred throughout history, yet remains both hidden and normalized under international law. While feminists have illuminated the gendered nature of violence against women, they have not focused equal attention on theorizing violence against men. Wartime sexual violence against men and women are not distinct phenomenon, but are inter-related and mutually constitutive. Both function as gendered tools to empower particular male groups within specific social spaces.

The forthcoming paper locates male-on-male sexual violence during war within a larger continuum of violence against men and boys within the military, schools, prisons, and other social institutions. Like rape of men during war, these forms of masculinized violence toward men have been largely hidden and normalized in our society and law. Masculinities theory, I argue, is a valuable lens that enables us to recognize the gendered nature of violence against

men, revealing the mutually reinforcing and multidimensional nature of violence against both men *and* women in society. Both are forms of gender violence that function to preserve masculinized domination within particular social institutions and societies, intersecting as well as with other forms of power (racial, ethnic, local and global).

Multidisciplinary Practice: Developing an Effective Model of Holistic Lawyering in Asylum Representation

Sabrineh Ardalan, Harvard Law School

In asylum cases, attorneys often work closely together with human rights, medical, and mental health professionals to effectively represent clients. Many asylum seekers are highly traumatized and as much in need of counseling and mental health services, shelter, food, and medical care, as legal assistance. Collaboration between social workers and lawyers may therefore be necessary to ensure that asylum seekers are equipped to navigate the often difficult transition to living in the United States. Attorneys may also call upon human rights experts to better understand the country conditions an asylum seeker fled. In addition, human rights, medical, and mental health professionals may provide invaluable expert testimony in immigration proceedings to help corroborate an applicant's claim. In this paper, I would like to explore how to train lawyers and law students to work more effectively with professionals from other disciplines to represent immigrant clients holistically and address both their legal and non-legal needs.

Locked Up, Then Locked In: Examining the Dispositive Effects of Early Government Decisions about Arriving Unaccompanied Immigrant Children

Lauren Aronson, Michigan State University College of Law

In the last several years, the number of unaccompanied immigrant children entering the United States has increased tremendously. Projections of arriving children in 2014 are settling in around 60,000. The federal government takes into custody almost every unaccompanied child it apprehends. While their basic needs are addressed, frequently these children lack legal representation or anyone to effectively advocate for their best interests. Every day, members of the government make custody decisions affecting immigrant children, even though these individuals may lack formal training in the areas of child welfare, law, and social services. These decisions are made outside of courtrooms, and without transparency or formal standards. Yet, these are truly the dispositive actions on which the children's ultimate fates depend. Later outcomes in immigration courts or before the USCIS are often predetermined by these initial decisions. The great number of children arriving to the United States has made imperative the need for the development of decision-making standards regarding the release of children from federal custody. Such standards must address the decision-makers' training and should require serious consideration of the consequences each placement decision has on a child's immigration outcome. The current situation highlights the need for reform in U.S. immigration law itself, which almost completely ignores child immigrants generally, and fails to consider the unique needs of this vulnerable population.

Group Four: IMMIGRATION PROCEEDINGS

Salon 9
3rd Floor

Raising the Bar: The Case for Zealous Advocacy as the Guiding Principle in Immigration Defense

Elizabeth Keyes, University of Baltimore School of Law

As the right to counsel in immigration proceedings expands, it is critical to examine what constitutes effective assistance of counsel, lest the immigration bar—already rife with complaints of ineffectiveness—simply mirror the duality that exists in the criminal defense world, with exceptionally skilled defender services at one end of the

spectrum, spectacularly inadequate court-appointed defenders at the other, and a grossly overworked middle of the spectrum, where good intentions are ill supported by resources, leading to a crisis of ineffectiveness. This article contributes to the task of defining effective assistance of counsel in the unusual immigration context, by justifying zealousness as a guiding value for immigration practitioners, one that is required to face the high stakes and host of structural challenges in the practice of immigration law. Zealousness is increasingly rare in a legal culture that generally privileges the “litigation fairness” model dominant in ethical scholarship, but this article shows (drawing on existing criminal defense ethical literature) why zealousness is justified in the immigration context. The article examines why such a guiding principle is useful, and shows how it would affect the decisions that are and could be made by immigration lawyers. The article also exposes the untenable dilemmas pitting duties of confidentiality against duties to the court, and frames the ways in which zealousness needs to guide decision-making when those dilemmas arise.

The Rise of Speed Deportation and the Role of Discretion

Shoba Sivaprasad Wadhia, Pennsylvania State University The Dickinson School of Law

In 2013, the majority of noncitizens deported never saw a court room or immigration judge, and instead were quickly removed by the Department of Homeland Security. The policy goals of speed deportation are economic because government resources like a trial attorney, immigration judge and a fundamentally fair hearing are saved. Higher deportation numbers may also benefit the image the government seeks to portray to the policymakers who support amplified immigration enforcement. On the other hand, the human consequences of speed deportation can result in a forced ejection of breadwinners, spouses and parents of United States citizen children. The government has “prosecutorial discretion” to provide more procedural justice for these individuals. While there are many types of prosecutorial discretion in immigration law, the exercise of such discretion to place a noncitizen who could be subject to speed deportation as a matter of law before an immigration judge instead is less understood and largely absent from immigration scholarship. Building on my body of work on immigration prosecutorial discretion, this Article will examine deportations resulting from the expedited removal, administrative removal and reinstatement of removal orders programs and argue that individuals who present equities identified by the government as such should be given a more complete court proceeding before an immigration judge. This Article will also explore the possibility that an agency’s decision to place a person in hurried deportation instead of a full court proceeding is “arbitrary and capricious” under administrative law.

Group Five: CORPORATE & INVESTOR RIGHTS

Buckingham
5th Floor

Revisiting Entity Rationalization

Eric Franklin, University of Nevada, Las Vegas, William S. Boyd School of Law

The entity rationalization movement, which sought to replace the slate of business entity options with a more flexible system, was the natural result of the rise of the limited liability company in the late 1990s. Once presented with an entity that enjoyed (i) the limited liability protections of corporations, and (ii) the governance flexibility and pass-through tax treatment of partnerships, entrepreneurs had little reason to choose anything other than limited liability companies. This spawned a movement that considered replacing the current regime (marked by largely arbitrary distinctions among entity forms) with a model that provided entity owners the option to select specific entity characteristics. Arguments on both sides of the discussion were compelling, but inertia ultimately prevailed and the entity rationalization movement lost momentum. Recent additions to the legal entity field – specifically, entities designed for social entrepreneurs, such as Certified B Corporations, Low-Profit Limited Liability Companies, and Benefit Corporations – further complicate the issue and provide greater urgency for a renewed entity rationalization

debate. This article, tentatively entitled *Revisiting Entity Rationalization*, will reexamine the arguments for and against entity rationalization, ultimately positing that the current regime is antiquated and ill-equipped to address the current needs of for-profit business owners, social entrepreneurs, and nonprofit organizations. The article will argue that the current slate of entity options reinforces arbitrary distinctions among entity forms, fails to meet the legal needs of many entities, and contributes to confusion of both consumers and entity owners.

The Shattered Class: Procedural Reforms Generating Gamesmanship & Waste

Benjamin Edwards, Michigan State University College of Law

Congress has repeatedly altered procedural rules to protect securities issuers from supposedly abusive class action litigation. These procedural changes have forced litigants to change tactics. In particular, I focus on unintended effects created by the State Law Uniform Standards Act (“SLUSA”). Novel legal tactics have emerged for evading SLUSA and the far-reaching tendrils of federal jurisdiction. Evidence indicates that these new tactics may be generating unnecessary inefficiency. I have dubbed these procedural tactics Clown Car, Jacks and Stalking Horse. Using these obfuscating tactics, plaintiffs’ counsel may limp along, secreting the dispersed remnants of formerly glorious securities class actions into state court backwaters outside the reach of the federal system. I ask whether our new system makes sense and whether it optimally deters fraud. Ultimately, I question whether Congress should revisit the issue to change the system again, reducing procedural barriers, to gather these shattered securities suits home into the federal system.

Chartered, Incorporated & E-raced?: Bridging the Divide Between Corporate and Community Lawyering

Alina Ball, University of California, Hastings College of the Law

In light of the continued growth of corporate practices in low-income communities, my work-in-progress discusses transactional lawyering in low-income communities of color and suggests methods for how these lawyers can effectively incorporate race-consciousness into their practice. This conversation is not only a significant departure from traditional corporate legal scholarship but also addresses a gap in our community lawyering scholarship, which predominately explores and defines community lawyering within the context of litigation-based practices. One contributing factor to our hesitation to discuss the role of race and race-consciousness in the context of corporate law is the doctrinal assertion that corporations are artificial persons that have, as Justice Black noted, “neither race nor color.” This paper builds on Richard Brooks’ exploration of corporate racial identity by arguing that the race-neutral concept of corporate personhood which dominates common law has impeded the integration of race-consciousness in transactional lawyering. The paper then introduces the characteristics of the “corporate-community lawyer,” as I define her, a corporate lawyer who incorporates community lawyering in her practice. The introduction of race-conscious scholarship that was an important intervention in the community lawyering paradigm has yet to be explored in the context of corporate lawyering. The paper seeks to explain how the corporate-community lawyer enhances traditional corporate law with her community lawyering training by, inter alia, integrating race-consciousness as a core competency of her legal practice in low-income communities.

Group Six: *DOMESTIC VIOLENCE*

Price
5th Floor

Ten Years Too Long – How Social Security’s Marriage Duration Requirement is Dangerous for Victims of Domestic Violence

Sarah R. Boonin, Suffolk University Law School

Under Title II of the Social Security Act, “divorced wives” (unmarried ex-wives) and “surviving divorced wives” (whose ex-husbands are deceased) may be eligible for retirement benefits based their former spouses’ earnings. These enhanced retirement benefits keep millions of older women out of poverty. To qualify, a “divorced wife” or “surviving divorced wife” must have been married to the wage earner for at least 10 years. The original purpose of these benefits was to provide financial stability to women who devoted their prime working years to childrearing and homemaking in lieu of paid work. Using the case of a former client, I argue that the “10-year rule” is dangerous and punitive as applied to victims of domestic violence. I first provide an overview of the case law construing the rule with draconian exactitude. Next, I examine the legislative history of the 10-year rule to expose the social and economic assumptions upon which it was based. Third, drawing on research concerning the long-term health and economic consequences of domestic violence, I demonstrate how the rule unfairly punishes victims, who already suffer long-term consequences from the abuse. Fourth, I argue that the 10-year rule undermines many other legislative efforts designed to provide economic security to this vulnerable population. I situate my argument within the larger feminist critique of marriage-based entitlements. Finally, I propose a domestic violence exception to the 10-year rule and consider arguments for and against my proposal.

Teenage Domestic Violence: A Study of the Problem in Central Pennsylvania and the Community and Legal Responses

Jill C. Engle, Pennsylvania State University The Dickinson School of Law

This article will examine the problem of teenage domestic violence in Central Pennsylvania, both in the context of dating, but also within the context of family and/or household members (e.g., teenage son against mother). I will examine and synthesize existing data to assess the extent of abusive behavior among Centre County teens, including police and court records, interviews with judges, social workers and attorneys. I will also survey guidance counselors at five high schools to identify: the frequency teens are victims of another teen’s violence, the frequency teens are perpetrators of violence, the context of the abuse, and the interventions counselors use.

Phase Two of this project will be assembling and disseminating recommendations for community and legal responses to the problem. The likely focus areas include:

- Community education focused on prevention of teen domestic violence, likely focused on the high schools (Penn State College of Education is a likely partner)
- Training police, judges and social workers to respond more appropriately
- Increasing the effectiveness of victim advocacy by allocating law school clinic resources to representing more teen victims and/or training local attorneys to represent teen victims pro bono (the Centre County Women’s Resource Center and the Pennsylvania Coalition Against Domestic Violence are likely partners).

Group Seven: ACCESS TO JUSTICE

Burnham 2
7th Floor

Rethinking Access to Justice: Self-help, Advocacy and the Poor People's Courts

Elizabeth L. MacDowell, University of Nevada, Las Vegas, William S. Boyd School of Law

This paper examines approaches to access to justice (A2J) in civil courts utilized primarily by the poor and unrepresented—what I refer to as the poor people's courts—and calls for a contextualized, systemic analysis that accounts for the operation of state power, even in cases where the state is not a party. The paper is part of a larger project that examines the role of self-help clinics assisting “self-represented litigants” with civil domestic violence restraining orders in providing access to justice for low-income applicants. Such clinics are promoted as a way to address the problems faced by courts from growing numbers of unrepresented litigants and to increase access to justice. Yet the model remains under-examined: the role of self-help clinics in implementing law and shaping legal consciousness is unexplored, along with the significance of shifting alliances between legal aid and other organizations that partner with courts to provide self-help services. The paper will draw on my research at domestic violence self-help clinics at several locations in two western states to show that self-help clinics are not neutral in their role as dispensaries of legal services. The paper proposes a new framework for analyzing A2J-related interventions that considers the level and character of three interrelated factors—fragmentation, advocacy, and expertise—in order to account for the potential for state coercion and subordination of low-income litigants, and assess the potential for proposed interventions to make a positive difference.

Representation Matters: A Study of Representation and Access to Justice

Anna E. Carpenter, The University of Tulsa College of Law
Colleen Shanahan, Georgetown University Law Center

Recently, leading scholars studying access to justice issues have pointed to the lack of theoretical development and empirical evidence regarding how to define effectiveness in legal representation and legal services delivery. We agree that theories of representation and empirical examination of those theories lag behind the realities of the modern American justice system. More specifically, we believe that scholars must engage the complex context of legal systems and representation to develop and test theory about the effectiveness of legal services. This article is the first part of a larger effort to engage in the complex questions of representation in context through empirical inquiry. In this article we offer and test the propositions that we cannot understand when, how and why representation matters without examining the balance of power and representation between the parties or without understanding the nature of a lawyer's strategic expertise.

The Secret Law of Disability

Jasmine Elwick Harris, American University, Washington College of Law

Procedural law scholars mourn the demise of the public dimensions of adjudication—public education, state accountability, democratic participation—with the shift to privatization of public dispute resolution through such mechanisms as closed proceedings, sealed settlement agreements, unpublished judicial opinions, and, increasingly common, contractual provisions requiring arbitration as the sole means of dispute resolution. This delegation of authority has never existed in the disability law context. From its onset, disability law has operated primarily in the administrative realm, shrouded from public view in the *parens patriae* tradition of the state as protector of presumptively incompetent, vulnerable persons from public stigma. The denial of public access to proceedings grounded in disability law perpetuates the treatment of persons with disabilities as differently treated and isolated from the norm of open access. The lives of persons with disabilities are highly regulated and supervised by the state,

yet transparency is minimal. From civil commitment to special education, closed proceedings presumptively deny public participation in the normative conversation and, thus, the opportunity to deconstruct stigmas and underlying cognitive attributions associated with disabilities.

I argue that open proceedings can be used as what I call an “anti-stigma agent” to transform social norms of disability and effectuate the unfulfilled promises of the Americans with Disabilities Act. I build upon the philosophical, political, and procedural functions of open proceedings espoused by legal scholars and integrate lessons from sociology and social psychology to elucidate the untapped potential of open proceedings in the disability rights context.

AALS Section on Clinical Legal Education Bellow Scholars Program Report on Projects

Tuesday, April 29, 2014

3:45 – 5:00 p.m.

Clark 5, 7th Floor

Increasingly, clinic faculty in diverse settings engage in empirical research related to their clinical work. This research can have several functions in furthering the mission of a clinic: enhancing the delivery of legal services or promoting economic and social justice; demonstrating the need for proposed legal or policy reforms; testing assumptions about the way courts works; examining the way we approach our students, our profession and the development of clinical teachers. The Bellow Scholars program recognizes and supports the work of clinicians who have embarked on such projects. The current Bellow Scholars will present updates on their work:

What is the Bellow Scholar program and Why Do You Want to be One?

Judith L. Fox, Notre Dame Law School, co-chair, Lawyering in the Public Interest Committee

Updates from the current Bellow Scholars:

From Victims to Litigants: Domestic Violence, Legal Aid Partnerships with the Courts, and the Politics of Self-Help

Elizabeth L. MacDowell, University of Nevada, Las Vegas, William S. Boyd School of Law

An Empirical Study of Immigration Appeals in the Federal Court

Michael Kagan, University of Nevada, Las Vegas, William S. Boyd School of Law

Fatma Marouf, University of Nevada, Las Vegas, William S. Boyd School of Law

Law School and Organization Events

Tuesday, April 29, 2014

5:00 – 7:00 p.m.

Clinical Law Review Board Meeting

Sandburg 2, Seventh Floor

5:15 – 7:15 p.m.

Clinical Legal Education Association (CLEA) Membership Meeting

Salon 3, Third Floor

5:30 – 7:30 p.m.

University of Baltimore School of Law Reception for Faculty, Alumni Fellows, and Friends

Rudy's Bar and Grille, 69 E. Madison Street

Planning Committee for 2014 AALS Conference on Clinical Legal Education

Tonya Brito, University of Wisconsin Law School
Carolyn Grose, William Mitchell College of Law
Margaret E. Johnson, University of Baltimore School of Law, **Chair**
Vivek Sankaran, University of Michigan Law School
Carwina Weng, Indiana University Maurer School of Law

2014 Committee on Professional Development

I. Bennett Capers, Brooklyn Law School
Susan D. Carle, American University, Washington College of Law, **Chair**
Sheila Foster, Fordham University School of Law
Shauna I. Marshall, University of California, Hastings College of the Law
Elizabeth E. Mertz, University of Wisconsin Law School
Carol A. Needham, Saint Louis University School of Law
Jason Palmer, Stetson University College of Law
Barbara Schatz, Columbia University School of Law
Michael Waterstone, Loyola Law School

AALS Executive Committee

Daniel B. Rodriguez, Northwestern University School of Law, **President**
Blake D. Morant, Wake Forest University School of Law, **President-Elect**
Leo P. Martinez, University of California, Hastings College of the Law, **Immediate Past President**

D. Benjamin Barros, Widener University School of Law
Devon Wayne Carbado, University of California, Los Angeles
Guy-Uriel E. Charles, Duke University School of Law
Vicki C. Jackson, Harvard Law School
Wendy C. Perdue, The University of Richmond School of Law
Kellye Y. Testy, University of Washington School of Law

Biographies of AALS President, AALS Executive Director, Plenary Session Speakers, and Planning Committee

Aiken, Jane H. Prof. & Director, Community Justice Project, Georgetown University Law Center. 🏠 JD, 1983, New York Univ.; BA, 1977, Hollins Coll.; MA, 1985, Georgetown. 🏢 Professor of Law, Georgetown University Law Center; William M. Van Cleve Professor of Law, Washington University School of Law (04-07); Prof., Wash. St. Louis (97-04); Prof., South Carolina (92-98); Prof., Ariz. State (85-91); Advoc. Fellow/Clin. Instr., Cntr. for Applied Legal Studies Georgetown (83-85) ☐ Clinical Teaching (15); Evidence (15); Family Law (10); Torts (10); AIDS & the Law (5) ☐ Gerry & Bob Virgil Ethic of Serv. Award ★ American Law Institute; American Bar Foundation Fellow; Carnegie Acad. for the Scholarship of Tchg. & Learning (Fellow, 2000).; Order of the Coif

Areen, Judith C. Paul Regis Dean Professor, Georgetown University Law Center; Executive Director, AALS 🏠 BA, 1966, Cornell; JD, 1969, Yale. 🏢 Dean Emer.; Interim Dean, Georgetown University Law Center (10-10); Exec. V.P. & Dean, Georgetown (89-04); Fellow, Woodrow Wilson Int'l Cntr. for Scholars DC (88-89); Assoc. Dean, Georgetown (84-87); Prof., Community & Fam. Med. Georgetown Med. Cntr. (82-89); Gen. Counsel & Domestic Reorg. Coord'r (79-80); Dir., Fed. Leg. Rep. Proj. Pres.'s Reorg. Proj. Off. Mgt. & Budget DC (77-79); Prof.; Vis. Assoc. Prof., Michigan (75-76); Assoc. Prof., Georgetown (72-76); Fellow & Dir., Educ. Voucher Study Cntr. for the Study of Public Policy Cambridge MA (70-72); Prog. Planner for Higher Educ., Budget Bur. Off. of the Mayor NYC (69-70) ☐ Family Law (35); Judgement & Decisionmaking (15); Higher Education Law (8) ☐ Cases and Materials on Family Law (with Spindelman and Tsoukala), 6th ed...; Higher Education and the Law; Cases and Materials on Law, Science and Medicine (with King, Goldberg, ... ★ ALI; ABF (Fellow).

Barry, Margaret Martin Professor, The Catholic University of America, Columbus School of Law. 🏠 JD, 1980, Minnesota. 🏢 Assoc. Prof.; Ass't Prof. (92-98); Clin. Instr., Cath. Univ. (87-92);

Ch. Legis. Counsel, U.S. House of Reps. DC (81-87) ★ CLEA (V.P., 1998, Pres., 1999, Bd. Mem., 2000-02); SALT (Mem. of Bd., since 2004, Co-President, 2008 and 2009).; AALS (Chair, Sect. on CLE, 1998)

Brito, Tonya L. Assoc. Prof., University of Wisconsin Law School. 🏠 JD, 1989, Harvard.; BA, 1986, Barnard Coll. 🏢 Assoc. Prof.; Ass't Prof., Wisconsin (97-01); Assoc. Prof., Ariz. State (95-97); Assoc., Wilmer Cutler & Pickering DC (91-95); Jud. Clerk, Hon. John Garrett Penn U.S.D.C. DC (89-91) ☐ Children Law & Society (10); Civil Procedure (10); Family Law (10)

Calkins, Ph.D., Susanna, Assoc. Dir., Faculty Development, Searle Center for Advancing Teaching and Learning, Northwestern Univ., Evanston, IL. B.A., LaSalle Univ., 1993; M.A., Purdue Univ., 1995; Ph.D., 2001; M.S., Educ. and Social Policy Higher Educ. Admin & Policy, Northwestern Univ., 2005. She leads many of the faculty development initiatives at the Center and collaborates with divisions across the university. Before joining the Searle Center in 2003, she was an asst. prof. of history at the Univ. of Louisville in Kentucky. Her recent projects and publications have focused on mentoring, conceptions of teaching and student learning. Her teaching interests include early modern history, world history, learning and teaching in higher education, and the history and philosophy of higher education.

Cammett, Ann M. Assoc. Prof., University of Nevada, Las Vegas, William S. Boyd School of Law.

Cantrell, Deborah J. Dir., Clin. Educ. & Assoc. Prof., University of Colorado School of Law. 🏠 BA, 1982, Smith College; MA, 1986, University of California, Los Angeles; JD, 1989, University of Southern California

Cook, Nancy L. Vaughan G. Papke Professor of Clinical Law and Director of the Lawyering Program, University of Minnesota Law School.

🏠 JD, 1977, Georgetown; MA, 1992, American Univ.; BA, 1972, Ohio St. Univ. 🏛️ Prof., Roger Williams; Sr. Lect., Cornell (94-04); Vis. Prof., New Mexico (90-94); Dir., Crim. & Appellate Clinics & Ass't Prof. (83-90); Clin. Instr., American (81-83); Assoc. Dir., Legal Writing Univ. of Va. (80-81); Staff Att'y, MD Public Defender Balt. (78-80); Clerk, Judge Thomas Hunter Lowe MD Ct. Spec. App. Annapolis (77-78) ☐ Clinical Teaching (15); Criminal Procedure (5); Jurisprudence (5); Juvenile Law (5); Law & Literature (5) ☐ Criminal Defense Checklists (with Hermann) ★ Phi Beta Kappa.

Corrada, Roberto L. Prof., University of Denver Sturm College of Law. 🏠 BA, 1982, Geo. Wash.; JD, 1985, The Catholic University of America 🏛️ Assoc. Dean, Acad. Affrs. (04-05); Prof.; Assoc. Prof. (96-03); Ass't Prof., Denver (90-96); Staff Att'y, Gen. Motors Corp. Legal Staff Detroit (88-90); Assoc., Akin Gump Strauss Hauer & Feld DC (85-88) ☐ Administrative Law (15); Contracts (15); Employment Discrimination (15); Labor Law (15); Critical Race Theory (10); ☐ Administrative Law: A Casebook (with Schwartz & Brown), 7th ed.; Employment Discrimination Law: Cases and Materials on Equality in the Workplace.; Labor Law in the Contemporary Workplace (with Dau-Schmidt, Malin, Cameron... ★ Sturm College of Law Chair in Modern Learning: (10); Robert B. Yegge Distinguished Teaching Award: (09); Lat. Crit. Ass'n Corgill Corrada (Treas., 2006-10, Sec'y, 2000-05); American Law Institute (since 2007)

Crowder, Patience A. Ass't Prof., University of Denver Sturm College of Law. 🏠 BA, 1995, Georgetown; JD, 1999, Rutgers, Newark. 🏛️ Ass't Clin. Prof., University of Tulsa College of Law (07-10); Clin. Fellow, University of Baltimore School of Law (04-07); Bus. Dev. Mgr., St. Hope Corp. Sacramento (02-03); Assoc., Shearman & Sterling San Fran. (99-01)

Gilman, Michele Estrin Professor of Law, University of Baltimore School of Law.

🏠 JD, 1993, Michigan.; BA, 1990, Duke 🏛️ Professor of Law, University of Baltimore School of Law; Assoc. Prof. (05-09); Ass't Prof. (01-05); Vis. Ass't Prof. (00-01); Clin. Fellow, Baltimore (98-00); Trial Att'y, Civil Rts. Div. Dep't of Just. DC (97-98); Assoc., Arnold & Porter DC (94-96); Clerk, Hon. Frank A. Kaufman U.S.D.C. Dist. of MD Balt. (93-94) ☐ Civil Clinic (15); Evidence (10); Welfare Law (10); Administrative Law (5) ☐ Becoming a Trial Lawyer (with Grossman and Lederer) ★ University System of Maryland Board of Regents' Award for Public Service: (10)

Grose, Carolyn B. Prof., William Mitchell College of Law. 🏠 JD, 1994, Brooklyn.; BA, 1988, Middlebury Coll. 🏛️ Assoc. Prof., Wm. Mitchell; Prac.-in-Res., American (04-06); Ass't Clin. Prof., Connecticut (99-04); Clin. Tchr., Western New England (97-99); Staff Att'y/Skadden Fellow, Western MA Legal Servs. Springfield (96-99); Clerk, Sr. Judge Whitman Knapp S.D. NY NYC (94-96) ☐ Clinical Teaching (15);

Gupta, Anjum Assistant Professor of Law, Rutgers School of Law-Newark. 🏠 JD, 3, Yale Law School; BA, 99, The University of Michigan -- Ann Arbor

Gupta-Kagan, Josh Ass't Prof., University of South Carolina School of Law

Hall, David, Pres., Univ. of the Virgin Islands, St. Croix, U.S. Virgin Islands. Dr. Hall holds a bachelor's degree from Kansas State Univ., where he was named an "All American" for his athletic and scholarly accomplishments. After graduating from Kansas State, he played professional basketball in Italy. J.D., Univ. of Oklahoma, where he also earned a master's degree in Human Relations; LL.M. e and SJD from Harvard Law School. Appointed dean of the Northeastern Univ. School of Law in 1993, making history by being the first African-American to hold the position. He served

as Provost and Sr. Vice Pres., Northeastern Univ., and was also the first African American to hold that position. Having taught law for more than 25 years in the law schools of the Univ. of Mississippi, the Univ. of Oklahoma and Northeastern Univ., Dr. Hall has enjoyed a dist. career as an educational administrator and preeminent scholar in the field of law. In May 2010, he was awarded the honorary degree of Doctor of Laws from the New England Sch. of Law. He has been honored by the Massachusetts Black Lawyers Assn. as a Trailblazer. He was appointed by Pres. George W. Bush to serve on the Legal Services Corp. Bd. of Dir. He began his tenure as the fifth Pres. of the Univ. of the Virgin Islands on August 1, 2009. At that same time he was also awarded a Dist. Professorship of Spirituality and Professionalism at UVI.

Hempel, Carrie L. Associate Dean for Clinical Education and Service Learning and Clinical Professor of Law, Irvine School of Law.

🏠 BA, 1981, Southern Cal.; JD, 1985, Yale.
 🏛️ Clin. Prof.; Clin. Assoc. Prof. (96-99); Clin. Ass't Prof., Southern Cal. (93-96); Att'y, Leonard Street & Deinard Mpls. (91-93); Att'y, Tuttle & Taylor L.A. (87-91); Fellow, Cntr. for Law in the Public Interest L.A. (86-87); Clerk, Hon. Richard A. Gadbois U.S.D.C. L.A. (85-86) ☐ Criminal Law (10); Post Conviction Justice Project (10); Gender, Crime, & Justice (5) ★ CLEA.; Nat'l Ass'n of Women Judges; SALT

Herz, Arnie, Atty. at Law and Legal Sanity Blog, Port Washington, NY. B.A. , Univ. of Michigan, 1984; J.D., Fordham, 1991. He is legal counsel and advisor to a wide range of clients both in the USA and internationally often serving as outside general counsel managing a full range of legal matters. He has an active intellectual property practice, with a portfolio of over 250 trademarks in dozens of countries. His popular blog, Legal Sanity, has been featured at Law.com since 2004. His work has been covered in a number of dist. publications, including the Harvard Negotiation Law Review and the New York Law Journal. His colleagues have given him the highest rating possible—A-V

Preeminent—for 11 consecutive years in the prestigious Martindale-Hubbell directory. The New York Enterprise Report gave him the Lifetime Achievement Award in 2012.

Johnson, Conrad Clin. Prof., Columbia Law School. 🏠 BA, 1975, Columbia; JD, 1978, Brooklyn. 🏛️ Dir., Lawyering in the Digital Age Clinic; Dir., Clin. Progs. (93-96); Clin. Prof.; Acting Dir., Clin. Prog. (92-93); Assoc. Clin. Prof. (90-92); Dir., Fair Housing Clinic (89-00); Vis. Assoc. Clin Prof., Columbia (89-90); Ass't Prof. (88-89); Vis. Ass't Prof., CUNY at Queens (87-88); Att'y-in-Charge, Harlem Neighborhood Off. (83-87); Staff Att'y, The Legal Aid Soc. Civil Div. NYC (78-83) ☐ Clinical Teaching (15); Civil Rights (5); Legal Profession (5); Technology & Practice (5) ★ CLEA (Bd. of Dirs., 1999-01); AALS (Com. on Curric. & Res., 2000-02); AALS/ABA/LSAC (Jt. Com. on Racial & Ethnic Diversity, since 2002).

Johnson, Margaret E. (F) Assoc. Prof., Baltimore. b.1966. 🏠 BA, 1987, Dartmouth; JD, 1993, Wisconsin. Arts. Ed., Wis. L. Rev. Admitted: MA, 1995; DC, 1997; MD, 2006. 🏛️ Jud'l Clerk, Hon. Hector M. Laffitte U.S.D.C. Dist. of PR San Juan, 1993-1995; Women's Law & Public Policy Fellow & Staff Att'y, Wash. Lawyer's Com. for Civil Rts. & Urban Affrs. DC, 1995-1996; Assoc., Terris Pravlik & Wagner DC, 1996-1997; Sr. Assoc./Assoc., Kalijarvi Chuzi & Newman P.C. DC, 1997-2002; Prac.-in-Res. & Dir., Domestic Violence Clinic Am., 2002-2006; Ass't. Prof., Baltimore, Since 2006. Subjects: Employment Discrimination; Family Law Clinic (S); Property ; Sex-Based Discrimination. Books & Awards: AALS Bellow Scholar Award, 2005. Member: Order of the Coif. Consultantships: Ed'l Com., Women in the Law in MD, since 2007.

Kadish, Marc R., Dir. of Pro Bono Activities and Litig., Mayer Brown, Chicago, IL. Dir. of Pro Bono Activities and Litig. Training, Mayer Brown, since 1999. He oversees the firm's global pro bono program, cultivating pro bono client relationships and opportunities that benefit society while providing the

firm's lawyers with training, prof. development and fulfillment. He manages the firm's contributions to legal orgs. serving the public interest. For more than 20 years before joining Mayer Brown, he was a clinical law prof., teaching evidence, criminal law and lawyering skills. During his career, he has conducted more than 60 jury trials and numerous bench trials before Chicago-area state and federal courts. In addition to identifying worthwhile pro bono projects, his responsibilities include supervising and training newer lawyers. His direct representational or supervisory work has included matters pertaining to the death penalty, murder and other felonies, prisoners' civil rights, political asylum, the firm's Seventh Circuit Project, the Settlement Assistance Prog. for the Northern Dist. of Illinois, Wills for Heroes and the Violence Against Women's Act Proj.

Kuennen, Tamara Assoc. Prof., University of Denver Sturm College of Law. 🏠 MA, 2004, Georgetown.; JD, 1996, Northeastern ☐ Civil Litigation Clinic (5)

Lancaster, Robert Edward (M) Dir., Clin. Legal Educ. & Singletary Prof. of Prac., LSU. b.1966. 🏠 Philosophy, 1989, Millsaps Coll.; JD, 1993, Tulane. Admitted: IN, 1993; CT, 1998; LA, 2009. 🏠 Dep. Public Defender, Public Defender of Indiana, Indianapolis, IN, 1993-1997; Robert M. Cover Tchg. Fel., Yale, New Haven, CT, 1997-2000; Prac.-in-Res., American, Washington, DC, 2000-2001; Clin. Prof., Ind. Indpls., 2001 - 2008. Subjects: Clinical Teaching; Family Law (S). Books & Awards: Dean's Fellow, 2004-, 5. Member: Phi Beta Kappa; SALT (Bd. of Gov'rs). Consultantships: Bd. Mem., Access to Justice Committee, LA Bar Assoc., since 2008; Bd. Mem., Baton Rouge Bar Pro Bono Committee, since 2008; Bd. Mem., Association of Family and Conciliation Courts, Louisiana Chptr, since 2011.

Levit, Nancy Curators' & Edward D. Ellison Prof., University of Missouri-Kansas City School of Law. 🏠 BA, 1980, Bates Coll.; JD, 1984, Kansas. 🏠 Prof.; Assoc. Prof. (93-98); Ass't Prof. (90-93); Vis. Ass't Prof., Mo.-Kan. City (88-90); Assoc., Stinson Mag & Fizzell Kan. City KS (87-88); Clerk, Hon. Frank G. Theis U.S.D.C. D. KS (84-87) ☐ Jurisprudence (15); Torts (15); Women &

the Law (15); Constitutional Law (10); Criminal Law (10); Defamation & Privacy (10); Employment Discrimination (10) ☐ MO Gov'r's Award for Excellence in Tchg.; The Happy Lawyer: Making a Good Life in the Law (with D. Linder); Feminist Legal Theory: A Primer (with R. Verchick) ★ UMKC Chancellor's Award for Excellence in Teaching: (11); Curators Professorship; Edward D. Ellison Professorship: (09); Phi Beta Kappa; Phi Kappa Phi.

Luppino, Anthony J. Prof. and Director, Tax Program, University of Missouri-Kansas City School of Law. 🏠 BA, 1979, Dartmouth Coll.; JD, 1982, Stanford; MA, 1986, Boston Univ. 🏠 Assoc. Prof., Mo.-Kan. City; Part./Mem., Lewis Rice & Fingersh L.C. Overland Park KS & Kansas City MO (89-01); Part./Mem. (88-89); Assoc., Brown Koralchik & Fingersh Overland Park KS (86-87); Assoc., Herrick & Smith Boston (82-86) ☐ Partnership Taxation (15); Business Planning (10); Entrepreneurial Legal Services Clinic (10); Entrepreneurial Lawyering: Solo & Small Firm Practice (5); Securities Regulation (5) ☐ Tch. of the Yr.; Pierson Award, Excellence in Tchg

Lynch, Mary Clinical Professor; Director, Center for Teaching Excellence; Director, Domestic Violence Prosecution Hybrid Clinic, Albany Law School. 🏠 BA, 1982, New York Univ.; JD, 1985, Harvard. 🏠 Clin. Prof.; Clin. Assoc. Prof. (93-96); Clin. Ass't Prof. (90-93); Clin. Instr., Albany (89-90); Ass't D.A., NY Cty. (85-89) ☐ Domestic Violence (5); Domestic Violence Prosecution Clinic (5); Trial Practice (5)

Milstein, Elliott S. Prof., American University Washington College of Law. 🏠 BA, 1966, Univ. of Hartford; OtherLaw, 1997, Univ. of Milliken Milstein Hartford; LLM, 1971, Yale; OtherLaw, 2001, Nova Southeastern.; JD, 1969, Connecticut 🏠 CT; DC AVis. Prof., New York L.S. (07-07); Dean (94-95); Interim Pres. (93-94); Dean (90-93); Interim Dean, American (88-90); Co-Dir., Nat'l Veterans Law Cntr. (78-84); Acting Assoc. Dean, Fac. Affrs. (77-78); Prof.; Assoc. Prof. (74-76); Dir., Clin. Progs. (72-88);

Ass't Prof., American (72-74); Sr. Staff Att'y, New Haven Legal Assist. Ass'n Inc. (71-72); Lect. & Co-Dir., Legal Clinic Connecticut (69-70) ☐ Clinical Teaching (41); Alternate Dispute Resolution (15); Office Practice (15); International Human Rights (10); Legal Profession (10); Criminal Law (5) ★ William Pincus Award for Outstanding Contributions to Clin. Ed.: (92); Lever Award for Contribution to Clinical Leg. Ed: (01); AALS (Chair, Sec. on Clin. Educ., 1982, Chair, Com. on Clin. Educ., 1993-94, Exec. Com., 1996-01, Pres., 2000); AALS (Parliamentarian, 2003-2010)

Morton, Linda H. Prof., California Western School of Law. 🏠 BA, 1977, Princeton; JD, 1981, Northeastern. 📍 California ; Massachusetts
• Director of Clinical Internship Program. (intermittent - 4 yrs. total), California Western School of Law (97-11); Prof.; Assoc. Prof., Cal. Western (89-96); Lect., Univ. of Florida (86-89); Assoc. Att'y, Barry P. Wilson Boston (83-86); Att'y, Self Boston (82-83) ☐ Externship (24); Advanced Mediation (15); Problem Solving & Prevention in Health Care (6) 📖 Teaching Interdisciplinary Collaboration: theory, Practice, and Assessment; Interdisciplinary Problem Solving Courses as a Context for Nurturing Intrinsic...; Stuck in a Rut: the Role of Creative thinking in Problem Solving and Legal... ★ AALS Father Robert Drinan Award : (11); AALS Clinical Section ; Clinical Legal Education Association

Moliterno, James E. Vincent L. Bradford Professor, Washington and Lee University School of Law. 🏠 JD, 1980, Akron.; BS, 1977, Youngstown St. Univ. 🏛️ Vincent Bradford Professor of Law, Washington & Lee University; Dir., Clin. Educ. (02-08); V. Dean (97-00); Dir., Cntr. for Tchg. of Legal Ethics (95-99); Prof. (93-09); Assoc. Prof. (91-93); Ass't Prof., Wm. & Mary (88-91); Dir., Legal Skills Prog. (88-09); Ass't Prof., Texas Tech. (87-88); Dir., Legal Writing (86-87); Lect., W. Va. Univ. (85-86); Instr. & Adj. Prof., Puget Sound (82-85); Staff Att'y & Prison Proj. Coord'r, WV Legal Servs. Plan Inc. Wheeling (80-82)
☐ Alternative Dispute Resolution (15); Clinical

Teaching (15); Evidence (15); Introduction to Law (15); Legal Profession (15); Trial & Appellate Advocacy (15); Civil Procedure (10) ☐ A Profession in Crisis, OUP; Cases and Materials on the Law Governing Lawyers, 4th ed.; Global Issues in Legal Ethics (with G. Harris) ★ ALI.; Judicial Education Consultant:Cheminics Int'l, Indonesia; Bar Association Consultant:EaSt West Mngmt, Rep. of Georgia; Teaching Methods consultant:Instituto Empresam Madrid

Pang, Calvin Assoc. Prof., William S. Richardson School of Law. 🏠 BS, 1976, Case Western Res.; JD, 1985, Hawaii.; MPH, 1981, University of Hawaii 🏛️ Assoc. Prof.; Ass't Prof. (94-00); Staff Att'y, Elder Law Proj. Hawaii (91-94); Staff Att'y, Legal Aid Soc. of HI (91-91); Legal Staff, Poverty Law Cntr. of Orange Cty. CA (90-91); Staff Att'y, Legal Aid Soc. of HI (85-89) ☐ Clinic (15); Family Law (15); Legal Methods (10)

Parambath, Reena Elizabeth Director of the Co-op Program and Associate Teaching Professor, Drexel University, Earle Mack School of Law. 🏠 BA, 1988, University of Pennsylvania; JD, 1991, Temple University 🏛️ Director of Co-op Program & Associate Teaching Professor, Drexel University, Earle Mack School of Law; Contract Attorney at Law and Professional Writer, Mosaic Partners, LLC (06-07); Adjunct Professor, Widener University School of Law (06-07); Partner, Rawle & Henderson LLP (02-06); Associate, Rawle & Henderson LLP (99-01); Assistant City Solicitor, City of Philadelphia Law Department (91-99)

Piomelli, Ascanio Prof., Hastings College of the Law. 🏠 AB, 1982, Stanford University; JD, 1985, Stanford. 🏛️ Professor of Law; Assoc. Clin. Prof. (04-07); Ass't Clin. Prof. (01-04); Clin. Att'y, UC Hastings (92-01); Exec. Dir. (90-91); Staff Att'y, East Palo Alto Community Law Proj. East Palo Alto CA (88-90); Staff Att'y, Fresno Merced Legal Servs. Fresno CA (85-87) ☐ Civil Justice Clinic (In-House) (20)

Riskin, Leonard L. Chesterfield Smith
Professor, University of Florida Levin College of Law. ☞ JD, 1967, New York Univ.; BS, 1964, Wisconsin; MA, 1974, Yale. Visiting Prof., Northwestern (10-10); Chesterfield Smith Prof., Univ. of Florida; Vis. Prof., Michigan (03-03); Prof. & Dir., Cntr for the Study of Dispute Resolu. Mo-Columbia (84-06); Vis. Prof., Tennessee (83-83); Prof. (79-84); Assoc. Prof. (76-79); Ass't Prof., Houston (74-76); Gen. Counsel, Nat'l Alliance of Businessmen Inc. DC (68-73); Att'y, U.S. Dep't of Just. DC (67-68) Mediation (15); Torts (15) Dispute Resolution & Lawyers (with Westbrook, Guthrie, Robbennolt, Reuben...; Achievement Award, Int'l Acad. of Mediators; Outstanding Practical Achievement Award, CPR Inst. for Dispute Resolu. ★ Outstanding Article on ADR, CPR Inst. for D.R.: (96); Association for Contemplation in Higher Education; Am. Coll. of Civil Trial Mediators (Hon. Mem.).

Rodriguez, Daniel B. (M) Dean, Harold
Washington Professor, Northwestern. ☞ b.1962. BA, 1984, Cal. St. Univ., Long Beach; JD, 1987, Harvard. Sup. Ct. Ed., Harv. L. Rev. Clerk, Hon. Alex Kozinski U.S.C.A. 9th Cir. Pasadena, 1987-1988; Acting Prof., Cal. Berkeley, 1988-1994; Vis. Fellow in Law & Econ., Univ. of Va., 1993; Vis. Scholar, Hoover Inst., 1993; Prof., Cal. Berkeley, 1994-1998; Dean & Prof., San Diego, 1998-2005; Warren Dist. Prof., 2005-2007; Minerva House Drysdale Regents Chair, Univ. of Texas, 2007 - 2011; Dean, Northwestern, 2012 - Pres. Subjects: Administrative Law; Legislation; Local Government Law; Property. Member: AALS (Exec. Com. 2009 - 2011; Pres.-elect, 2013; Pres., 2014.); ALI; ABE; ALEA. Consultantships: Coun., Sect. on Admin. Law & Regulatory Prac., ABA, 1999-01.

Sankaran, Vivek Clin. Ass't Prof., The
University of Michigan Law School. ☞ BA, 1998, Wm. & Mary; JD, 2001, Michigan. Ass't Prof., Michigan; Att'y, The Children's Law Cntr. (01-05) Clinical Teaching (5); Juvenile Law (5)

Sedillo Lopez, Antoinette Prof., University of New Mexico School of Law. ☞ JD, 1982, U.C.L.A.; BA, 1979, New Mexico Assoc. Dean, Clin. Affrs.; Prof.; Assoc. Prof. (89-92); Ass't Prof., New Mexico (85-89); Assoc., Modrall Sperling Roehl Harris & Sisk Albuq. (83-85); Ct. Clerk, DC Cir. (82-83) Clinical Teaching (15); Ethics (15); Family Law (15); Civil Procedure (5); Land Use Planning (5); Law & Reproductive Technology (5) Latinos in the United States: History, Law and Perspective ★ Law & Soc. Ass'n; ALI.

Selbin, Jeffrey Clin. Prof. & Fac. Dir., East Bay Community Law Cntr., University of California, Berkeley, School of Law. ☞ BA, 1983, Michigan; Non US Associate, 1986, L'Inst. D'Etudes Pol.; JD, 1989, Harvard Visiting Clinical Professor of Law, Yale Law School (10-11); Clin. Prof.; Fac. Dir.; Exec. Dir., EBCLC (02-06); Clin. Dir. (99-02); Lect., Cal. Berkeley (97-06); Dir., HIV/AIDS Law Proj. East Bay Community Law Cntr. (EBCLC) Berkeley CA (90-99) Clinical Teaching (22) Bellow Scholar, AALS Clin. Sect. Pub. Interest Comm.; Wasserstein Fellow, Harvard, 2003-★ Board of Directors: Clin. Legal Education Association; Chair: AALS Poverty Law Section; Chair: AALS Clinical Section Bellow Scholar Committee

Smith, Brenda V. Prof., American University
Washington College of Law. ☞ JD, 1984, Georgetown.; BA, 1980, Spelman Coll. Prof.; Assoc. Prof. (99-05); Prac.-in-Res., American (98-99); Sr. Counsel, Econ. Security/Dir. Women in Prison Proj. Nat'l Women's Law Cntr. DC (88-98); Staff Att'y, DC Public Defender Serv. DC (86-88); Clerk, Hon. Gladys Kessler DC Superior Ct. (84-86) Clinical Teaching (15); Professional Responsibility (5) An End to Silence: Prisoners Handbook on Identifying and Addressing Sexual...; An End to Silence: Women Prisoners Handbook on Identifying and Addressing...; A Vision Beyond Survival (with Dailard) ★ North Star Award: (10); Kellogg Leadership Development Fellow: (93); AALS, Committee on Clinical Legal Education; Editorial Board, Clinical Law Review

Srikantiah, Jayashri Prof. & Dir., Immigrants' Rts. Clinic., Stanford Law School. 🏠 JD, 1996, New York Univ.; BS, 1991, Cal., Berkeley 🏢 Assoc. Prof. & Dir., Immigrants' Rts. Clinic Stanford; Assoc., Howard Rice et al.; Assoc. Legal Dir., ACLU of No. CA; Staff Counsel, Immigrants' Rts. Proj. ACLU; Clerk, Hon. David R. Thompson ☐ Immigrants' Rights Clinic (5)

Stewart, Kele Associate Clinical Professor & Co-Director, Children & Youth Law Clinic, University of Miami School of Law. 🏠 JD, 1998, New York Univ.; BS, 1994, Cornell 🏢 Assoc. Counsel, Brennan Cntr. for Just. New York Univ. (03-04); Assoc., Simpson Thacher & Bartlett NYC (98-03) ☐ Family Law (5); Juvenile Law (5)

Thompson, Dana A. Clin. Ass't Prof., The University of Michigan Law School. 🏠 BA, 1994, Bryn Mawr; JD, 1999, Michigan. 🏢 Clin. Ass't Prof., University of Michigan Law School; Ass't Clin. Prof., Wayne State University Law School (06-09); Vis. Clin. Ass't Prof., Michigan (05-06); Regional Att'y, The Nature Conservancy San Fran. (04-05); Assoc. Att'y, Miller Starr & Regalia Walnut Creek CA (03-04); Assoc., Morrison & Foerster LLP San Fran. (99-03)

Thompson Jackson, Janet (F) Prof. and Co-Dir of Law Clinic, Washburn. b.1962. 🏠 BA, 1984, Wittenberg Univ.; JD, 1988, Howard. Admitted: PA, 1988; MD, 2003; KS, 2005. 🏢 Att'y, Buchanan Ingersoll P.C., Pittsburgh, PA, 1988-1991; Att'y, Cole Raywid & Braverman, Washington, DC, 1991-1994; Exec. Dir., Families Forward Inc., Washington, DC, 1994-2002; Adj. Prof., Univ. of the Dist. of Columbia, 1999-2002; Clin. Fel., Univ. of Balt., 2002-2004; Assoc. Prof., Washburn Univ., Since 2004. Subjects: Entrepreneurial Law (S); Property; Race & the Law (S); Small Business & Transactional Clinic.

Weinberg, Anita M. (F) Clin. Prof. & Dir., Child Law Policy Inst., Loyola, Chicago. b.1953. 🏠 BA, 1974, Michigan; MSSW, 1977, Columbia; JD, 1986, Loyola, Chgo. Admitted: IL, 1986. 🏢 Supv'g Att'y, Jewish Children & Fam. Servs. Chgo., 1986-1987; Att'y & Supv'g Att'y, Cook Cty. Off. of the Public Guardian Chgo., 1987-1990; Sr. Fel., Off. of the Gov'r Chgo., 1990-1991; Staff Att'y, Children's Rts. Proj. Legal Assist. Fdn. of Chgo., 1991-1994; Dir., Policy IL Dep't of Children & Fam. Serv. Off. of Inspector Gen. Chgo., 1994-1998; Clin. Prof. & Dir., Child Law Policy Inst. Loyola Chgo., Since 1998. Subjects: Child Law Legislation (S); ChildLaw Legislation Clinic (S); Comparative Domestic Violence Law (S); Domestic Violence (S); Interdisciplinary Child Law (S); Law & Social Work (S). Books & Awards: Establishing Parent Involvement in Foster Care Agencies (with Blumenthal), 1984. Consultantships: Chair, IL St. Bar Ass'n, 1997-98; Chair, IL Lead Safe Housing Task Force, since 1999; Co-Chair, IL Lead Safe Housing Adv'y Coun., since 2004; Chair, Cook County Juvenile Court Child-Parent Visiting Task Force, since 2005.

Weng, Carwina Clin. Prof., Indiana University Maurer School of Law -- Bloomington. 🏠 BA, 1986, Yale; JD, 1990, New York Univ. 🏢 Clin. Prof., Ind. Maurer (Bloomington); Ass't Clin. Prof., Boston Coll. (01-06); Sr. Att'y, Greater Boston Legal Servs. (99-01); Ass't Prof (98-99); Lect. (97-98); Adj. Prof., Fla. Coastal (96-97); Staff Att'y, Legal Aid Soc. of NY NYC (93-96); Jud. Clerk, Hon. Frank M. Coffin U.S.C.A. 1st Cir. Portland ME (92-93); Skadden Fellow, Legal Aid Soc. of NY NYC (90-92) Women and the Law (5) ★ Phi Beta Kappa; Order of the Coif.

Woolman, Joanna (F) Resident Adjunct Prof., William Mitchell College of Law

EXHIBITORS

Conference on Clinical Legal Education
April 27 – 30, 2014

CALI

229 19th Avenue South
Minneapolis, MN 55455
PHONE: (612) 264-0042
WEBSITE: www.cali.org

REPRESENTATIVE:

John Mayer

CALI, a non-profit consortium with over 200 law school members, is an innovative force pushing legal education toward change for the better through valuable member services and cutting edge projects. Our A2J Clinics Project brings 21st Century law practice tools and collaboration with Legal Aid organizations to Law School Clinics. This is NEW and HUGE! Stop by our table or find John Mayer at jmayer@cali.org or Twitter/[@johnpmayer](https://twitter.com/johnpmayer) to learn more.

CLIO

404-999 Canada Place
Vancouver, BC V6C 3E2
Canada
PHONE: (888) 858-2546
WEBSITE: www.clio.com

REPRESENTATIVES:

Shelby Hejjas
Carolyn Montano

Clio is a practice management solution that connects lawyers with their important data, their clients and the applications they use every day. It lives in the cloud so you can access your cases, documents, and important things like bills and invoices from just about anywhere. Clio also integrates with a lot of applications that lawyers use including your favorite email provider, Google Apps, Dropbox, Xero and Evernote - most of which live in the cloud too. At the end of day, Clio is a productivity solution. It helps lawyers save time by putting everything they need in one place.

IMMIGRANT LEGAL RESOURCE CENTER

1663 Mission Street, Suite 602
San Francisco, CA 94103
PHONE: (415) 255-9799, ext. 664
FAX: (415) 255-9792
WEBSITE: www.ilrc.org

REPRESENTATIVES:

Sally Kinoshita
Linda Mogannam

Founded in 1979 by Bill Hing, the Immigrant Legal Resource Center (ILRC) is a national, nonprofit resource center that provides legal training, educational resources, and advocacy to advance immigrant rights. For 35 years, the ILRC has provided expert legal assistance to new and experienced immigration law practitioners in the form of publications, trainings and seminars, and technical assistance.

“The ILRC manuals are invaluable to our Immigrants’ Rights Clinic. We refer to them frequently, as they provide a comprehensive overview of the major legal issues that we should consider in representing our clients. They offer practical, hands-on instruction, with plenty of great samples. Thank you, ILRC!” -- Jayashri Srikantiah, Professor of Law and Director, Immigrants’ Rights Clinic, Stanford Law School

WEST ACADEMIC

444 Cedar Street, Suite 700

St. Paul, MN 55101

PHONE: (651) 202-4815

WEBSITE: www.westacademic.com

REPRESENTATIVES:

Jim Cahoy

Paul Thompson

Headquartered in St. Paul, Minnesota, West Academic is the leading publisher of casebooks, treatises, study aids and other legal education materials in the U.S. Founded on the principle of making legal information more accessible, and rooted in a long history of legal expertise and innovation, we've been a leader in legal education publishing for more than 100 years. Our content is published under three brands, West Academic Publishing, Foundation Press® and Gilbert®.

Conference Materials

Conference speakers were invited to submit discussion outlines for those in attendance.
These outlines and other materials are presented in the sequence of the program.

Achieving YOUR Clinical Goals

JANE H. AIKEN

Georgetown University Law Center

PATIENCE A. CROWDER

University of Denver Sturm College of Law

I. Goals for Session: To identify the teaching goals that new clinical teachers may have and teach them a strategy for developing activities and interventions designed to move toward those goals. This session will be a mix of discussion and interactive activities. Specifically, we will (i) focus teachers on what they hope the students will learn, what insights they may gain and what habits of mind they want to instill through teaching their clinic; and (ii) identify concrete behaviors that are indicative of success in the teaching.

By the end of the session we hope that participants will understand that (i) there are myriad goals that could inform a clinic; (ii) that by identifying goals, clinical teachers can design their clinics to elicit student behaviors to meet that goal; and (iii) leave the session with concrete ideas about how to build their own goals into their clinical model.

II. Motivation Quick Write (5 minutes): Participants will be asked to write responses to the following questions (although with the time, they may want to pick the ones that are most interesting to them): What motivates you to teach your clinic? What insights do you hope students will leave your clinic having? What skills do you hope you train your students in? What do you know now that you wish you had known when you left law school that could have made doing this work better? What do you want the clients to say about their interactions with your students?

III. Large Group Discussion to Identify Teaching Goals (15 minutes): We will reconvene as a large group and ask volunteers to identify some of their motives for teaching their clinic. As someone writes these responses on the board, we will ask the volunteer the following questions:

- What does that look like to you?
- Do you think this will be something that the students can take away from your clinic?;
- If so, will it come from the experiential part or the seminar component?; and
- How do you expect students to learn this?

IV. Small Group Exercise and Report Back - Indicators of Student Learning: Once we have a goal, we need to identify concrete indicators of student learning. We will break into small groups to discuss indicators of student learning. Each small group will be assigned least one teaching goal and asked to think through two questions.

1. What concrete behaviors might a teacher observe during the clinic that would indicate that a student is successfully learning in relation to this goal?
 - Example: One of my goals is for students to appreciate that they need not know everything before they act. I want students to understand that, in fact, a good part of lawyering is looking like you know what you are doing even though you are still trying to figure it out, in other words mystique. ” Concrete behaviors that are indicators that they are making their way toward that goal are:
 - Successful Behavior: Maintains calm in the face of lots of change-ups, new information and appears to have confidence. Is capable of saying, “I do not know but I will get back to you on that.”

-
2. What concrete, observable behaviors would indicate that a student is NOT successfully learning in relation to this goal?

- Example of Unsuccessful Behavior: Flustered or the converse, offers opinions before there is sufficient information.

V. Barriers Quick Write (10 minutes): Participants will be asked to write responses to the following questions: Are there any barriers to students reaching your goals for them? Are there predictable misunderstandings that students have about how the legal world operates that contribute to not gaining some of the necessary insights that permit them to reach your goal? Focusing on some of those predictable misunderstandings, spend a few minutes answering the questions on the handout (to be distributed).

- Example of Predictable Misunderstanding regarding Previous Goal: That lawyers know everything and that is why they appear so confident; that if they do not know the answer, it is not okay to say, I will get back to you when I get more information...”, believing that to be a sign of weakness.

VI. Handout Questions

1. What are the common misperceptions held by students that might interfere with moving toward my goal?
2. How likely is it that students will mistakenly assume that this goal is not essential to the lawyering process? Why might they make this assumption?

Now you are ready to think about designing your clinic to meet your goals!

HANDOUT: Teaching to Our Goals Worksheet

- I. Goal: _____
- II. Assessment:
- A. What predictable misunderstandings or naïve conceptions might students bring to learning with respect to this goal?
- 1.
 - 2.
- B. What concrete student behaviors would demonstrate successful learning with respect to this goal? What actions/statements will you be looking for?
- 1.
 - 2.
- C. What concrete student behaviors would be indicators that successful learning has NOT occurred?
- 1.
 - 2.
- III. Clinic Design Moving From Your Goal:
- A. What learning activity could help students achieve this insight and allow you to observe and assess behavior changes that reflect successful learning?
- B. How will the learning activity be structured so that:
1. Students will learn and be able to name and transfer the learning; and
 2. You will be able to assess success and failure?

Preparation for Session on Goals of Clinical Education

ANN M. CAMMETT

City University of New York, School of Law

ELLIOTT S. MILSTEIN

American University, Washington College of Law

It is our tradition as clinicians to build our theories from experience. This means that we will count upon each of you to participate and share your insights with the group. To give us a common starting point, attached is a file memorandum written by two students after their first client interview in a clinical program that handles a range of civil cases.

Please read the memo below and think about the goals you would have for teaching these students, both immediately after the interview and also over the course of their year in the clinic. We will discuss those goals and relate them to the choices teachers make to teach their students in the clinical seminar, supervision, rounds, and in the overall design of the clinic.

To: Elliott Cammett, Clinic Supervisor, Civil Advocacy Clinic

From: Art and Alexandra, Student Attorneys

Supervision Memo for Sept 15

This week we interviewed our new client, Eduardo Gonzales. Mr. Gonzales does not speak English so we arranged for one of the clinic interpreters to interpret for us. That turned out to be unnecessary, however, because Mr. Gonzales brought a friend with him (Carlos) who was able to interpret. Since the clinic interpreter was only available for one hour, it turned out to be a good thing that his friend (who also drove him to the school) was there to interpret.

Eduardo came 45 minutes late to his interview so we had to cut it short to get because Art has a class at 4. We were upset that he kept us waiting for so long since it took us a long time to set up the interview, reserve the interview room, arrange an interpreter. But, we think we did a good job hiding our feelings from him.

Eduardo is a cook at Canale Seafood in Northeast DC. It is a take-out restaurant that sells fried fish and crab cake sandwiches and the like. He says that he works 70 or 80 hours each week and is paid in cash every two weeks. He says that Carlos told him that he wasn't being paid enough. Carlos says that Eduardo isn't paid the minimum wage and isn't paid time and a half for overtime. Carlos used to work there as well and so has a lot of knowledge of the facts.

Eduardo says his boss is very mean and yells at him and the other Salvadorans who work in the kitchen. She is nicer to the workers who serve as cashiers and they are all African-Americans. The client and (most or all) of the Salvadorans are undocumented.

He would like to get paid what he is owed. He has worked under these conditions for 23 months. He is worried that if he complains he will be fired and worse, deported. He sends more than half of his pay home to his family in El Salvador.

Eduardo has no pay stubs or time sheets. When he hurt his back two months ago and missed 3 days of work, his pay check was much smaller and his boss threatened to hire someone to replace him.

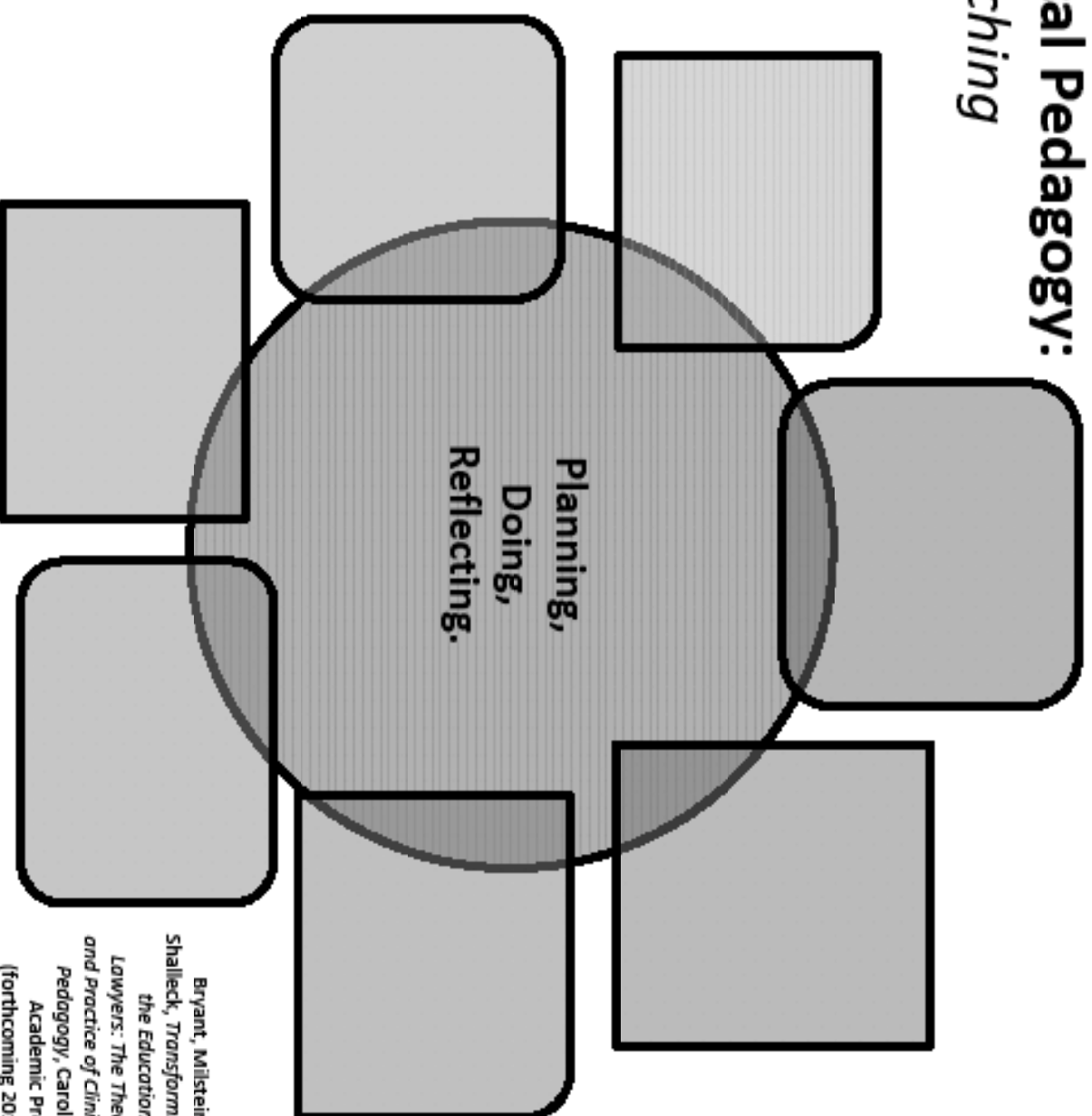
We tried to explain to him what it means to file a law suit but we are not sure that he understood us. We told him that the best thing would for us to write a letter to his employer that explained her obligations under the Wage and Hour Law and demand that she pay him what she owes. We think that we should do that before we file an action. Alexandra thinks that we can file an anonymous complaint with DC Labor Department and get him paid without revealing that he is the complainant. We want to discuss that with you.

He signed a retainer so we could represent him. We added a clause to the retainer agreement that he agrees to come to future appointments on time and to cooperate with us.

Goals of Clinical Pedagogy: *Intentional Teaching & Learning*

"Clinical teachers constantly ask students, 'What are your goals?' This focus on goals reinforces the importance of being intentional practitioners. We ask ourselves that same question to ensure that we are being intentional teachers.... Intentional teaching starts with broad overall learning goals for a clinical course. These in turn shape the particular goals for each supervision, seminar class, rounds conversation, or fieldwork choice."

In each of the boxes on your right identify one broad learning goal for your clinical course.



Bryant, Milstein &
Shalleck, *Transforming
the Education of
Lawyers: The Theory
and Practice of Clinical
Pedagogy*, Carolina
Academic Press
(forthcoming 2014)

Breakout Group Instructions

“Goals also help teachers reflect on and learn from the experience of teaching. With clear goals about what students should learn and be able to do, teachers are better able to assess what students learned from supervisions, classes, or the experience itself. When the students fail to meet the goals, teachers can assess whether the goals need refining or rejecting or whether a different approach could meet them. When students are learning and meeting the teacher’s goals, reflection on why and how will allow us to build on that learning. In short, goals keep teachers on track and help develop better teaching.”

- Form groups of approximately 4-5 people;
- Select a reporter for the breakout group;
- Take 10-15 minutes;
- Each participant in the group should identify a short term goal for supervision of the students (*based on the distributed memo*) and a related long term goal for students in the clinic.

Opening Plenary Session: *The Pursuit of Happiness*

Keynote Address

NANCY LEVIT

University of Missouri-Kansas City School of Law

Presenters

CALVIN PANG

University of Hawaii, William S. Richardson School of Law

JOANNA WOOLMAN

William Mitchell College of Law

Facilitator

BRENDA V. SMITH

American University, Washington College of Law

Presentation:

- I. Purpose of Plenary and Conference
- II. Introduction of the Plenary Panel
- III. Keynote
- IV. Metaphors, Resilience and Happiness
- V. Movie
- VI. Audience Feedback
- VII. Audience Exercise
- VIII. Wrap-up
- IX. Resources

Sample Discussion Questions

How do you define happiness?

What makes you happy?

How do you know it makes you happy? (Describe the feeling -- use metaphors or colors if you need to)

What makes you unhappy?

How do you know it makes you unhappy? (Describe the feeling -- use metaphors or colors if you need to)

Do you agree with this statement: "I generally function okay even when I'm unhappy, but I probably do far better work when I am happy and satisfied. I expect this to be true when I am a lawyer."

Do you think your job should make you happy? Why?

Is it appropriate to discuss happiness as part of professional development?

What experiences in law school have inspired you?

Why do think they have inspired you?

What law school experiences have diminished your sense of well-being?

What law school experiences have increased your sense of well-being?

What do you do when you are feeling uninspired (in school, in life, etc.)?

What have you done when your life, job, etc. is making you unhappy?

Have you found a way to make changes?

Do we all deserve to be happy?

Do you think there are skills that can be taught to improve happiness and satisfaction? If so, tell us about them.

The legal profession is full of potential stressors and losses that tend to diminish one's sense of well-being. Do you have a plan to maintain happiness and satisfaction in the face of these stressors?

Are you a resilient person?

How do you determine whether you or someone else is resilient?

Do you think you can become more resilient?

Can you teach skills that improve resilience? Should the law school teach them?

If so – what are those skills? Can you identify some that have worked for you?

What signs of resilience have you seen in your clients?

****There is some research to suggest that writing down three positive things that happened each day for two weeks builds resilience and balance. Is this something that you, your colleagues or your students would be willing to do?

A Brief Bibliography of Recent Happiness and Job Satisfaction Literature

Nancy Levit, Calvin Pang, Brenda V. Smith & Joanna Woolman

Books

- TAL BEN-SHAHAR, *THE QUESTION OF HAPPINESS: ON FINDING MEANING, PLEASURE, AND THE ULTIMATE CURRENCY* (2002).
- DANIEL GILBERT, *STUMBLING ON HAPPINESS* (2006).
- JONATHAN HAIDT, *THE HAPPINESS HYPOTHESIS* (2006).
- RICHARD LAYARD, *HAPPINESS: LESSONS FROM A NEW SCIENCE* (2005).
- SONJA LYUBOMIRSKY, *THE HOW OF HAPPINESS: A NEW APPROACH TO GETTING THE LIFE YOU WANT* (2007).
- MICHAEL F. MELCHER, *THE CREATIVE LAWYER: A PRACTICAL GUIDE TO AUTHENTIC PROFESSIONAL SATISFACTION* (2007).
- DANIEL NETTLE, *HAPPINESS: THE SCIENCE BEHIND YOUR SMILE* (2005).
- EDUARDO PUNSET, *THE HAPPINESS TRIP: A SCIENTIFIC JOURNEY* (2007).
- DEBORAH L. RHODE, *BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE* (2001).
- MARTIN E.P. SELIGMAN, *AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT* (2002).
- RICHARD H. THALER & CASS R. SUNSTEIN, *NUDGE: IMPROVING DECISIONS ABOUT HEALTH, WEALTH, AND HAPPINESS* (2009).
- ERIC WEINER, *THE GEOGRAPHY OF BLISS* (2008).

Articles

- Beryl Blaustone, *Improving Clinical Judgment in Lawyering With Multidisciplinary Knowledge: What Should Law Students Learn About Brain Function and Human Behavior for Effective Lawyering?*, 40 U. BALT. L. REV. 607 (2011).
- Anna E. Carpenter, *The Project Model of Clinical Education: Eight Principles to Maximize Student Learning and Social Justice Impact*, 20 CLINICAL L. REV. 39 (2013).
- Michael A. Cohn et al., *Happiness Unpacked: Positive Emotions Increase Life Satisfaction by Building Resilience*, 9 J. EMOTION 361 (2009).
- Susan Swaim Daicoff, *Expanding the Lawyer's Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 SANTA CLARA L. REV. 795 (2012).
- Susan Daicoff, *Lawyer, Be Thyself: An Empirical Investigation of the Relationship Between the Ethic of Care, the Feeling Decisionmaking Preference, and Lawyer Wellbeing*, 16 VA. J. SOC. POL'Y & L. 87 (2008).
- Ronit Dinovitzer & Bryant G. Garth, *Lawyer Satisfaction in the Process of Structuring Legal Careers*, 41 LAW & SOC'Y REV. 1 (2007).
- Stephen D. Easton, *My Last Lecture: Unsolicited Advice for Future and Current Lawyers*, 56 S.C. L. REV. 229 (2004).
- Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Firm Culture, and the Effects of Billable Hour Requirements*, 69 UMKC L. REV. 239 (2000).

-
- James H. Fowler & Nicholas A. Christakis, *Dynamic Spread of Happiness in a Large Social Network: Longitudinal Analysis Over 20 Years in the Framingham Heart Study*, 337 BRITISH MED. J. 2338 (Dec. 4, 2008).
- Marc Galanter & William Henderson, *The Elastic Tournament: A Second Transformation of the Big Law Firm*, 60 STAN. L. REV. 1867 (2008).
- Nisha C. Gottfredson et al., *Identifying Predictors of Law Student Life Satisfaction*, 58 J. LEGAL EDUC. 520 (2008).
- Peter H. Huang, *Authentic Happiness, Self-Knowledge and Legal Policy*, 9 MINN. J.L. SCI. & TECH. 755 (2008).
- Pater H. Huang & Rick Swedloff, *Authentic Happiness and Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2008).
- Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLINICAL L. REV. 425 (2005).
- John Monahan & Jeffrey Swanson, *Lawyers at Mid-Career: A 20-Year Longitudinal Study of Job and Life Satisfaction*, 5 J. EMPIRICAL LEGAL STUD. 1 (2009).
- John E. Montgomery, *Incorporating Emotional Intelligence Concepts into Legal Education: Strengthening the Professionalism of Law Students*, 39 U. TOL. L. REV. 323 (2008)
- Martha Neil, *Which Lawyers Love Their Jobs?*, A.B.A. J. LAW NEWS NOW, Jan. 22, 2008, http://www.abajournal.com/news/lawyers_who_love_the_law.
- Catherine Gage O'Grady, *Cognitive Optimism and Professional Pessimism in the Large-Firm Practice of Law: The Optimistic Associate*, 30 LAW & PSYCHOL. REV. 23, 37-38 (2006).
- Christopher Peterson & Martin E.P. Seligman, *Values in Action (VIA) Classification of Strengths*, Jan. 4, 2003, <http://www.ppc.sas.upenn.edu/viamanualintro.pdf>.
- Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn From the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357 (2009).
- Deborah Rhode, *Foreword: Personal Satisfaction in Professional Practice*, 58 SYRACUSE L. REV. 217 (2008).
- Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

Other

- Crixell Shell & Virgil Wiebe, *Fall 2013 Resiliency Lesson Plan*, sent via email clinical listserve, August 29, 2013.

Pedagogy: Engaging Students (and Ourselves) in Critical Thinking

SUSANNA CALKINS, PH.D.

Searle Center for Advancing Teaching and Learning,
Northwestern University, Evanston, IL

NANCY L. COOK

University of Minnesota Law School

This session introduces concepts of critical thinking and adult learning theory. We will address the audience teacher-to-teacher to help us all get oriented to our own critical thinking practices. We plan to demonstrate, through a series of short exercises, what the critical thinking process involves, how and why we sometimes fall short, and how we might improve our own critical thinking skills, as well as recognize and address the challenges our students face in developing these skills.

We plan to start with a story about teaching. Using a live role play, we will demonstrate the role that critical thinking plays in our daily interactions. Audience members will have the opportunity to apply critical thinking skills in small groups, and we will all engage in a discussion. A general theory of adult learning/critical thinking will be outlined, with a focus on aspects such as skepticism, the break-down of problems, the search for evidence, and the need to identify assumptions.

A second exercise will be used to demonstrate how and why people do not engage in a critical thinking process. Small groups will have the opportunity to analyze a situation and the presenters will explore with the audience various theories about the barriers or challenges to the practice of critical thinking. Our discussion will include a comparison of problems often encountered by faculty to problems more often encountered by students.

Our next goal will be to apply theories of critical thinking to the law school clinic context, with reference to interactions with clients, opposing counsel, extern supervisors, clinic partners, and others. Using a critical methods taxonomy, we'll ask audience participants to analyze their own teaching about such interactions in critical thinking terms. Audience participants will be asked to work with each other to develop methods and strategies in the context of their own work.

Finally, we will conduct a quick recap and invite participants to complete a short evaluative survey of the learning process.

Bibliography of Articles Discussing the Curriculum at the University of California, Irvine School of Law

CARRIE L. HEMPEL

University of California, Irvine School of Law

For an Overview:

Carrie Hempel and Carroll Seron, *An Innovative Approach to Legal Education and the Founding of the University of California, Irvine School of Law*, chapter in *The Paradox of Professionalism: Lawyers and the Possibility of Justice* (Scott L. Cummings ed., Cambridge University Press, 2011)

- Electronic copy available at: <http://ssrn.com/abstract=1851702>

Erwin Chemerinsky, *The Ideal School for the 21st Century*, UC Irvine Law Review, Volume 1, Number 1, 2011, 1

Experiential Learning Program:

Carrie Hempel, *Writing on a Blank Slate: Drafting a Blueprint for Experiential Learning at the University of California Irvine School of Law*, UC Irvine Law Review, Volume 1, Number 1, 2011, 147

International Legal Analysis Course:

Carrie Menkel-Meadow, *Why and How to Study Transnational Law*, UC Irvine Law Review, Volume 1, Number 1, 2011, 97

Legal Profession Course:

Ann Southworth and Catherine Fisk, *Our Institutional Commitment to Teach about the Legal Profession*, UC Irvine Law Review, Volume 1, Number 1, 2011, 73

Statutory Analysis Course:

Jennifer Chacon, *Statutory Analysis: Using Criminal law to Highlight Issues in Statutory Interpretation*, UC Irvine Law Review, Volume 1, Number 1, 2011, 131

The Solo & Small Law Firm Curriculum and Incubator at the University of Missouri-Kansas City School of Law

ANTHONY J. LUPPINO*

Email: luppinoa@umkc.edu

*Rubey M. Hulen Professor of Law/Urban Affairs, Director of Graduate Tax Program, Director of Entrepreneurship Initiatives, and Co-Faculty Advisor of Entrepreneurial Legal Services Clinic, University of Missouri-Kansas City (UMKC) School of Law; Teaching Fellow, UMKC Regnier Institute for Entrepreneurship & Innovation

I. Overview of Principal Components of UMKC's Solo/Small Law Firm Programs

While we make many other avenues for training related to conducting a solo/small law firm practice available to our students and graduates, the principal components of our solo/small firm curricular initiatives include:

- A 1-credit hour course ("Special Topics in Entrepreneurial Lawyering: Solo & Small Firm Workshops") taught by a team of approximately 8 Law School faculty members, along with other relevant members of the legal community.
- A 2-credit hour course ("Entrepreneurial Lawyering: Solo & Small Law Firm Practice") principally taught by the Dean of the Law School (who has experience teaching, among other courses, Professional Responsibility) and a professor with business, tax and entrepreneurship experience and curriculum focus, and integrated with the Missouri Bar's annual Solo & Small Firm Conference.
- A "Solo & Small Firm Incubator" available to graduates of the law school, which includes mentoring on both the business aspects of operating a law firm, and on various aspects of conducting specific types of law practice.

An article/essay discussing the development of those courses and the Incubator, and providing some references to other published articles and materials regarding law school incubator and residency programs is posted in the on-line version of The Ohio State Entrepreneurial Business Law Journal at <http://moritzlaw.osu.edu/students/groups/oseblj/files/2014/02/Luppino.pdf>.¹ This outline, and the related presentation, will highlight: why, when and how the UMKC solo/small firm ("SSF") initiatives came about; some of the challenges faced in getting these curricular measures in place, and how those challenges were met; the role of our SSF programs in interdisciplinary entrepreneurship across our university; and some observations on the relationship of the recent emergence of many new incubators/residency programs to opportunities to both provide our students with important post-graduate education and training for practice and to address access to justice problems for many members of society.

¹ Anthony J. Luppino, *Incubating Solo & Small Law Firm Entrepreneurs* (2013, posted 2014).

II. Why Have Structured Focus on Training for Solo/Small Firm Law Practice?

- For quite some time statistics compiled by the American Bar Foundation have indicated that approximately 70% of the lawyers in private practice in the United States practice in law firms comprised of ten or fewer attorneys, and approximately 50% of the lawyers in private practice in the U.S. are sole practitioners.² It simply makes sense to have significant curricula providing opportunities for students to learn about how to operate in what is, by far, the most prevalent format for private practice in the U.S.³
- The speed of practice (due in no small part to technological innovations) seems to leave less room for post-graduate on-the-job apprenticeship than may have been the case a few decades ago. Law schools may have more of a burden to help fill this gap.⁴
- This is not to say that the notion of offering law practice management courses is in itself particularly new or not widespread. In fact, law school websites across the U.S. show many listed courses of various types and names that relate to law office management, SSF practice, use of technology in practice, and related subjects.⁵ More can be done, however, to make such courses part of a curricular focus that combines the teaching capabilities and experiences of doctrinal and clinical law faculty, adjunct faculty, members of the private bar, and others (such as business school faculty) in a position to acquaint students with the realities of law practice as both a profession and a business.

III. When and How Did UMKC Implement Its SSF Courses?

As a result of strategic planning in 2003, the UMKC School of Law adopted a two-pronged “Entrepreneurial Lawyering” program, with focus on both (i) training students to become effective counselors to entrepreneurs, and (ii) preparing students to become entrepreneurial in the practice of law. The first step in pursuit of (ii) was to institute shortly thereafter the two above-referenced courses, discussed further below. It is important to note that these curricular reform efforts, launched a decade ago, were not the result of a tight job market. There is a proud tradition of solo/small law firm practice in the U.S. that evidences an entrepreneurial choice made for a variety of personal and professional reasons by lawyers who adopt that format—including, among others, to be self-employed, to minimize overhead costs, and to control the selection of the cases/matters they handle.⁶ Many of our graduates have successful SSF practices, and shared with Law School leadership lists of “things we learned in practice but wish somebody had told us about in law school.” Our two courses address those lists.

- The Special Topics in Entrepreneurial Lawyering: Solo/Small Firm Workshops course required the assembly of a large team of faculty and coordination of their efforts. There were some complexities with that, but all manageable, and aided by holding the sessions on Friday afternoons, in coordination with our CLE operation (the courses are also open to lawyers seeking CLE credit, which creates an interesting classroom environment).

² See the American Bar Association’s Lawyer Demographic report (2012) available at http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2012_revised.authcheckdam.pdf (citing the 1985, 1994, 2004 and 2012 editions of *The Lawyer Statistical Report*, American Bar Foundation). See also Luppino, *supra* note 1, at note 1 (citing various sources discussing these and related statistics).

³ Cf. Richard S. Granat & Stephanie Kimbro, *The Teaching of Law Practice Management and Technology in Law Schools: A New Paradigm*, 88 CHI.-KENT L. REV. 757, 782 (2013).

⁴ See Luppino, *supra* note 1, at note 7 and accompanying text, citing WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 95–100 (2007) (often referred to as “The Carnegie Report”), on the “metaphor of apprenticeship” and encouragement of law schools to take steps to give students “initiation into the wisdom of practice”.

⁵ See, e.g., listing of such courses with links to course descriptions on the Ewing Marion Kauffman Foundation’s website at <http://www.entrepreneurship.org/en/entrepreneurship-law/law-school-courses.aspx>.

⁶ See Luppino, *supra* note 1, at note 6 and accompanying text; Luz E. Herrera, *Training Lawyer Entrepreneurs*, 89 DENVER U. L. REV. 887, 906–07, 913, 936 (2012).

In this team-taught pass/fail course students must attend and complete assignments for 4 of 6 workshops offered during the fall/spring academic year. Workshop titles/topics include:

- Negotiating Law Firm Formation
 - Joining and Leaving: Ethical Hiring, Firing and Unwinding
 - Insurance, Malpractice, Systems/Trust Accounting
 - Finding, Saving, and Protecting Information That Is Crucial to Your Practice
 - Ethically Getting Business, Ethical Marketing
 - Your First Meeting with a Client: Interviewing and Counseling for Solo and Small Firm Lawyers
- The second solo small firm course, Entrepreneurial Lawyering: Solo & Small Law Firm Practice, a 2-credit hour graded course taught in the summer since 2004, focuses on the development of a business plan for a solo or small law firm. The course integrates substantive sessions offered at the annual Missouri Bar Solo & Small Firm Conference and instruction on marketing a services business from a professor of marketing in the Regnier Institute for Entrepreneurship & Innovation at the Henry W. Bloch School of Management (which is consistent with the Law School's involvement in interdisciplinary entrepreneurship initiatives).⁷ The course blends practical “doing business” considerations with doctrinal instruction on choice of entity and tax analysis and a variety of Rules of Professional Conduct (e.g., on fee setting and collection; referrals/fee sharing; handling of client funds; solicitation and advertising; and rules restricting the ownership of law firms). It is principally targeted at law students who will be third year UMKC law students in the fall, but has on occasion been taken by other Law School students, by law school graduates, and by visiting students from other law schools. Being able to take the students to the Missouri Bar SSF Conference was initially aided by a small grant from the central administration, and now for many years by scholarships provided by members of the Greater Kansas City SSF bar.

IV. When and How Did UMKC Implement Its SSF Incubator?

The idea of a UMKC Solo/Small Firm Incubator for graduates of the Law School was suggested by Associate Dean Jeffrey Thomas at a deans meeting in 2009, after considering incubators normally associated with business schools. It was quickly embraced by the other Law School deans, faculty and the Solo/Small Firm Committee of the Kansas City Metropolitan Bar Association (KCMBA). This led to the development of a written business plan covering:

- Space and systems planning.
- Setting up admissions criteria, an Admissions Committee, and an admission application.
- Staffing—including on-site support services and mentorship from local attorneys (principally through the KCMBA) both with respect to solo/small law firm business planning generally and on the practice of various types of law.
- Planning for specialized CLE and other training opportunities for tenants.
- Risk management and security issues in the context of law school “sponsorship” of the Incubator, office sharing arrangements and including ethical issues under MRPC 5.4.
- Development of a form lease and services agreement.

⁷ For example, the UMKC School of Law is involved in an interdisciplinary *Entrepreneurship & New Venture Creation* course (law, business and engineering students working in teams on business plans for startup venture); *Social Venture Creation* course (law students and faculty working with teams in a business school social venture business planning competition); and *Legal Context of Real Estate* course (law and graduate business students together in a course about entrepreneurship in commercial real estate development).

The planning process, which involved input from Law School deans, various Law School faculty members, the Law School Career Services Office, and an advisory committee comprised of several members of the local bar and a UMKC faculty member affiliated with business and engineering school programs and a business start-ups incubator, involved some relatively complex considerations and analysis, and took approximately 18 months. The Incubator opened in late 2010, with its first tenants moving in in early 2011.⁸ It is located in a building adjacent to a UMKC Innovation Center which houses various help organizations for start-up business ventures, a business-school affiliated incubator, and our *pro bono* Entrepreneurial Legal Services Clinic (assisting startup entrepreneurs of limited current financial means). Challenges faced and addressed included:

- Funding renovation of the university space in which the Incubator is located.
- Initially low volume of applications (a circumstance which improved, leading to reaching full occupancy in 2013, and staying substantially full since).
- Accessing adequate parking.
- Reaching a critical mass to justify an on-site mentoring arrangement (now achieved)

Incubator initiatives that have worked well and we plan to continue going forward include:

- Making business planning mentors from the local solo/small firm bar available to prospective applicants before they apply for admission (particularly attractive to grads who did not take the summer course and haven't developed such a plan before).
- Offering discipline/practice area-specific mentors.
- Conducting on-site workshops on such practical matters as putting systems in place and hiring accountants and other needed professionals.
- Offering incubator tenants a "technology audit" by one of our librarians well-versed in research and other systems technology.
- Continued discussion of ethical rules governing the practice of law.
- Providing prospective Incubator tenants with lists of suggested readings on various legal and ethical issues involved in law firm planning.

The Incubator has now "graduated" several of its tenants, and we are monitoring the success they are having with their law practices.

V. What Are the Potential Benefits of a Law School Incubator/Residency Program?

It is not surprising that many law school post-graduation incubators and residency programs, of various types, have now emerged.⁹ The benefits we have seen and others have been citing (see lists of suggested readings and website attached as **Appendix A** on next page) include:

- Providing valuable continuing education on practice skills and business skills for law graduates.
- Strengthening bonds with members of the SSF bar who we find anxious to help our grads join their ranks with less growing pains than they experienced.

⁸ We believe UMKC's was the second formal law school incubator in the U.S., with the Community Legal Resource Network's Incubator for Justice started by Fred Rooney at the C.U.N.Y. law school in 1998 being the first.

⁹ See e.g., the listing and descriptions of such programs on the ABA's website at http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main.html.

-
- Creating opportunities to encourage incubator/residency program participants to provide affordable legal services to segments of society who may not be able to access *pro bono* services from existing institutions or organizations, but cannot afford full market rates,¹⁰ and assisting budding entrepreneurial lawyers in delivering those services in an effective, successful manner (as discussed in detail by Deborah Ramirez of the Northeastern University School of Law, and Dean Ellen Suni of the UMKC School of Law at a session at the 2014 AALS Annual Meeting in New York City in January). For law schools today, this also has the potential for opening new markets to our graduates, improving their employment options and increasing schools' employment statistics.

Appendix A: Some Suggested Reading

Some recent articles/essays:

- David Barnhizer, *Redesigning the American Law School*, 2010 MICH. ST. L. REV. 249
- Richard S. Granat & Stephanie Kimbro, *The Teaching of Law Practice Management and Technology in Law Schools: A New Paradigm*, 88 CHI-KENT L. REV. 757 (2013)
- Ann Juergens, *Valuing Small Firm and Solo Law Practice: Models for Expanding Service to Middle Income Clients*, 39 WM. MITCHELL L. REV. 80 (2012)
- Luz E. Herrera, *Training Lawyer Entrepreneurs*, 89 DENVER U. L. REV. 887 (2012)
- Anthony J. Luppino, *Incubating Solo & Small Law Firm Entrepreneurs*, on-line version of THE OHIO ST. U. ENTREPRENEURIAL BUS. L. J. (2013, posted 2014) available at <http://moritzlaw.osu.edu/students/groups/oseblj/files/2014/02/Luppino.pdf>

Some websites with relevant information:

- The listing and descriptions of incubator and residency programs on the ABA's website at http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main.html.
- The links on the Ewing Marion Kauffman Foundation's Entrepreneurship Law website at <http://www.entrepreneurship.org/entrepreneurship-law/bar-association-resources-2.aspx> to various ABA and state bar association resources on conducting a law practice, including resources targeted at solo/small law firm practice in particular
- The links on the Ewing Marion Kauffman Foundation's Entrepreneurship Law website at <http://www.entrepreneurship.org/en/entrepreneurship-law/law-school-courses.aspx> to various types of practice management, solo/small firm practice, and law practice/technology courses offered by U.S. law schools

¹⁰ See, e.g., Ann Juergens, *Valuing Small Firm and Solo Law Practice: Models for Expanding Service to Middle Income Clients*, 39 WM. MITCHELL L. REV. 80 (2012).

**In It for Good: Individual and Institutional
Determinants of Public Interest Law Careers**

ASCANIO PIOMELLI

University of California, Hastings College of the Law

JEFFREY SELBIN

University of California, Berkeley School of Law

DANA A. THOMPSON

The University of Michigan Law School

ANITA M. WEINBERG

Loyola University Chicago School of Law

- Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. REV. 999 (2007).
- Anthony V. Alfieri, *The Antinomies of Poverty Law and a Theory of Dialogic Empowerment*, 16 N.Y.U. REV. L. & SOC. CHANGE 659 (1987–88).
- Anthony V. Alfieri, *Disabled Clients, Disabling Lawyers*, 43 HASTINGS L. J. 769 (1992).
- Anthony V. Alfieri, *Faith in Community: Representing “Colored Town,”* 95 CAL. L. REV. 1829 (2007).
- Anthony V. Alfieri, *Practicing Community*, 107 HARV. L. REV. 1747 (1994).
- Anthony V. Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L. J. 2107 (1991).
- Anthony V. Alfieri, *Speaking Out of Turn: The Story of Josephine V.*, 4 GEO. J. LEGAL ETHICS 619 (1991).
- Anthony V. Alfieri, *Stances*, 77 CORNELL L. REV. 1233 (1992).
- Anthony V. Alfieri, *(Un)covering Identity in Civil Rights and Poverty Law*, 121 HARV. L. REV. 805 (2008).
- Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLINICAL L. REV. 355 (2008).
- Sameer M. Ashar, *Public Interest Lawyers and Resistance Movements*, 95 CAL. L. REV. 1879 (2007).
- Margaret M. Barry, A. Rachel Camp, Margaret E. Johnson, Catherine F. Klein & Lisa V. Martin, *Teaching Social Justice Lawyering: Systematically Including Community Legal Education in Clinical Legal Education*, 18 CLINICAL L. REV. 401 (2012).
- Kelly A. Behre, *Motivations for Law Student Pro Bono: Lessons Learned from the Tuscaloosa Tornado*, 31 BUFF. PUB. INTEREST L. J. 1 (2012–13).
- Gary Bellow, *Steady Work: A Practitioner’s Reflections on Political Lawyering*, 31 HARV. C.R.-C.L. L. REV. 297 (1996).
- Gary Bellow, *Turning Solutions into Problems: Legal Aid Experience*, 34 NLADA BRIEFCASE 106 (1977).
- Susan D. Bennett, *Little Engines that Could: Community Clients, Their Lawyers, and Training in the Arts of Democracy*, 2002 WIS. L. REV. 469 (2002).
- Juliet M. Brodie, *Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics*, 15 CLINICAL L. REV. 333 (2009).

-
- Juliet M. Brodie, *Post-Welfare Lawyering: Clinical Legal Education and a New Poverty Law Agenda*, 20 WASH. U. J.L. & POL'Y 201 (2006).
- Jeanne Charn, *Service and Learning: Reflections on Three Decades of The Lawyering Process at Harvard Law School*, 10 CLINICAL L. REV. 75 (2003)
- Luke W. Cole, *Empowerment as the Key to Environmental Protection: The Need for Environmental Poverty Law*, 19 ECOLOGY L. Q. 619 (1992).
- Luke W. Cole, *Macho Law Brains, Public Citizens, and Grassroots Activists: Three Models of Environmental Advocacy*, 14 VA. ENVTL. L. J. 687 (1995).
- LUKE W. COLE & SHIELA R. FOSTER, *FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT* (2001).
- Michael Diamond, *Community Lawyering: Revisiting the Old Neighborhood*, 32 COLUM. HUM. RTS L. REV. 67, 82-90 (2000).
- Ingrid V. Eagley, *Community Education: Creating a New Vision of Legal Services Practice*, 4 CLINICAL L. REV. 433 (1998).
- Sheila R. Foster, *Justice from the Ground Up: Distributive Inequities, Grassroots Resistance, and the Transformative Politics of the Environmental Justice Movement*, 86 CAL. L. REV. 775 (1998).
- Sheila R. Foster & Brian Glick, *Integrative Lawyering: Navigating the Political Economy of Urban Redevelopment*, 95 CAL. L. REV. 1999 (2007).
- JENNIFER GORDON, *SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS* (2005).
- Jennifer Gordon, *The Lawyer is Not the Protagonist: Community Campaigns, Law, and Social Change*, 95 CAL. L. REV. 2133 (2007).
- Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, the Workplace Project, and the Struggle for Social Change*, 30 HARV. C.R.-C.L. L. REV. 407 (1995).
- Angela Harris, Margaretta Lin & Jeff Selbin, *From "The Art of War" to "Being Peace": Mindfulness and Community Lawyering in a Neoliberal Age*, 95 CAL. L. REV. 2073 (2007).
- Bill Ong Hing, *Coolies, James Yen, and Rebellious Advocacy*, 14 ASIAN AM. L.J. 1 (2007).
- Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 CLINICAL L. REV. 195 (2002).
- ARTHUR KINOY, *RIGHTS ON TRIAL: ODYSSEY OF A PEOPLE'S LAWYER* (1983).
- GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992).
- Gerald P. López, *An Aversion to Clients: Loving Humanity and Hating Human Beings*, 31 HARV. C.R.-C.L. L. REV. 315 (1996).
- Gerald P. López, *A Declaration of War by Other Means*, 98 HARV. L. REV. 1667 (1985). (reviewing RICHARD E. MORGAN, *DISABLING AMERICA: THE "RIGHTS INDUSTRY" IN OUR TIME* (1984).).
- Gerald P. López, *Economic Development in the "Murder Capital of the Nation,"* 60 TENN L. REV. 685 (1993).
- Gerald P. López, *Living and Lawyering Rebelliously*, 73 FORDHAM L. REV. 2041 (2005).
- Gerald P. López, *Reconceiving Civil Rights Practice: Seven Weeks in the Life of a Re[b]ellious Colla[b]oration*, 77 GEO. L. J. 1603 (1989).
-

-
- Gerald P. López, *Shaping Community Problem Solving Around Community Knowledge*, 79 N.Y.U. L. REV. 59 (2004).
- Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305 (1989).
- Shauna I. Marshall, *Class Actions as Instruments of Change: Reflections on Davis v. City and County of San Francisco*, 29 U.S.F. L. REV. 911 (1995).
- Shauna I. Marshall, *Mission Impossible?: Ethical Community Lawyering*, 7 CLINICAL L. REV. 147 (2000).
- Richard D. Marsico, *Working for Social Change and Preserving Client Autonomy: Is There a Role for “Facilitative” Lawyering?*, 1 CLINICAL L. REV. 639, 654 (1995).
- Ascanio Piomelli, *Appreciating Collaborative Lawyering*, 6 CLINICAL L. REV. 427 (2000).
- Ascanio Piomelli, *The Challenge of Democratic Lawyering*, 77 FORDHAM L. REV. 1383 (2009).
- Ascanio Piomelli, *The Democratic Roots of Collaborative Lawyering*, 12 CLINICAL L. REV. 541 (2006).
- Ascanio Piomelli, *Foucault’s Approach to Power: Its Allure and Limits for Collaborative Lawyering*, 2004 UTAH L. REV. 395 (2004).
- Ascanio Piomelli, *Sensibilities for Social Justice Lawyers*, 10 HASTINGS RACE & POV. L.J. 177 (2013).
- William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOCIAL JUSTICE 7 (2007).
- William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Organizations*, 21 OHIO N.U.L. REV. 455 (1995).
- Dean Hill Rivkin, *Lawyering, Power, and Reform: The Legal Campaign to Abolish the Broad Form Mineral Deed*, 66 TENN. L. REV. 467 (1999).
- Laura L. Rovner, *Disability, Equality, and Identity*, 55 ALA. L. REV. 1043 (2004).
- Rebecca A. Sharpless, *More Than One Lane Wide: Against Hierarchies of Helping in Progressive Legal Advocacy*, 19 CLINICAL L. REV. 347 (2012).
- Jayashri Srikantiah & Jennifer Lee Koh, *Teaching Individual Representation Alongside Institutional Advocacy: Pedagogical Implications of a Combined Advocacy Clinic*, 16 CLINICAL L. REV. 451 (2010).
- Julie A. Su, *Making the Invisible Visible: The Garment Industry’s Dirty Laundry*, 1 J. GENDER RACE & JUST. 405 (1998).
- Karen Tokarz, Nancy L. Cook, Susan Brooks & Brenda Bratton Blom, *Conversations on “Community Lawyering”: The Newest (Oldest). Wave in Clinical Legal Education*, 28 WASH. U.J.L. & POL’Y 359 (2008).
- Rose Cuison Villazor, *Community Lawyering: An Approach to Addressing Inequalities in Access to Health Care for Poor, of Color and Immigrant Communities*, 8 N.Y.U. J. LEGIS. & PUB. POL’Y 35 (2004).
- Lucie E. White, *Collaborative Lawyering in the Field? On Mapping Paths from Rhetoric to Practice*, 1 CLINICAL L. REV. 157 (1994).
- Lucie E. White, *“Democracy” in Development Practice: Essays on a Fugitive Theme*, 64 TENN. L. REV. 1073 (1997).
- Lucie E. White, *Facing South: Lawyering for Poor Communities in the Twenty-First Century*, 25 FORDHAM URB. L.J. 813, 822–29 (1998).
- Lucie E. White, *Goldberg v. Kelly on the Paradox of Lawyering for the Poor*, 56 BROOK L. REV. 861 (1990).
- Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L & SOC. CHANGE 535 (1988).
-

-
- Lucie E. White, *Paradox, Piece-Work, and Patience*, 43 HASTINGS L.J. 853 (1992).
- Lucie E. White, *The Power Beyond Borders*, 70 MISS. L.J. 865, 874–76 (2001).
- Lucie E. White, *Representing “The Real Deal,”* 45 U. MIAMI L. REV. 271 (1990–91).
- Lucie E. White, *Seeking “. . . The Faces of Otherness . . .”: A Response to Professors Sarat, Felstiner, and Cahn*, 77 CORNELL L. REV. 1499 (1992).
- Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF L. REV. 1 (1990).
- Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L. REV. 699 (1988).
- Christine Zuni Cruz, *[On The] Road Back In: Community Lawyering in Indigenous Communities*, 5 CLINICAL L. REV. 557 (1999).

There is also a considerable literature about university-community engagement more generally that is not reproduced here.

Mindfulness in Law Bibliography & Resources (Selected)^Σ

CHARLES ROBERT HALPERN

University of California, Berkeley School of Law

LEONARD L. RISKIN

University of Florida Levin College of Law & Northwestern University School of Law

AALS Deans Only Program January 4, 2014

“Tools of Awareness for Dealing with the New Reality”

Austin, J. H. (2012). *Meditating Selflessly: Practical Neural Zen* (MIT).

Berkeley Initiative for Mindfulness in Law, <http://www.law.berkeley.edu/14864.htm>.

Bishop, S.R., et al. (2004) Mindfulness: A Proposed Operational Definition, *Clinical Psychology: Science & Practice* 11, 230, 232.

Calloway, D. 2012. *Becoming a Joyful Lawyer: Contemplative Training in Non-Distraction, Empathy, and Emotional Wisdom*. Hartford, Connecticut: Deborah Calloway.

CUNY Contemplative Law Program. <http://mindfulnessandthelaw101.blogspot.com/p/cuny-contemplative-law-program.html>

Goleman, Daniel, *Emotional Intelligence* (1995).

Goleman, Daniel, *Focus: The Hidden Driver of Excellence* (2013)

Gunaratana, H. (1991). *Mindfulness in Plain English* (Wisdom).

Halpern, C. (2008) *Making Waves and Riding the Currents: Activism and the Practice of Wisdom*. (San Francisco: Berrett-Koehler)

Harris, A. (2012) Toward Lawyering as Peacemaking: A Seminar on Mindfulness, Morality and Professional Identity, *Journal of Legal Education* 61 (4) pp. 647-653.

James, C. (2011). Law Student Well-Being: Benefits of Promoting Psychological Literacy and Self-Awareness Using Mindfulness, Strengths Theory and Emotional Intelligence, *Legal Education Review* (21), 217-221.

Kabat-Zinn, J. (1994) *Wherever You Go, There You Are: Mindfulness Meditation in Everyday Life* (New York: Hyperion).

Kabat-Zinn, J. (2005) *Coming to Our Senses* (New York: Hyperion).

Kornfield, J. (2009) *The Wise Heart* (New York: Bantam).

Kornfield, J. (2000). *After the Ecstasy, The Laundry: How the Heart Grows Wise on the Spiritual Path* (New York: Bantam)

Kruse, K. (2010) Lawyers in Character and Lawyers in Role, *Nevada Law Journal* 10 (4), 393-432.

Larkin-Wong, K. (2012), A Newbie's Impression: One Student's Mindfulness Lessons, *Journal of Legal Education* 61 (4) pp. 665-673.

Langer, E.A., (2014), Mindfulness, Forward and Back, in *The Wiley-Blackwell Handbook of Mindfulness* Le, A. & Ngoumen, C., and Langer, E.A., eds.. (Wiley-Blackwell, Forthcoming 2015).

^Σ Copyright (c) 2014 Leonard L. Riskin & Charles Halpern

-
- Langer, E. A. 1989. *Mindfulness*. (Reading, MA: Addison-Wesley).
- Langer, E. A. (2009) *Counterclockwise: Mindful Health and the Power of Possibility* (Ballantine Books)
- Magee, R. (2011). Educating Lawyers to Meditate? *University of Missouri-Kansas City Law Review* 79. 535-593.
- Mindfulness in Law Program, University of Miami School of Law Website, <http://www.miamimindfulness.org> (last visited June 18, 2013)
- Mindful Lawyer Conference Website, <http://www.mindfullawyerconference.org/> (Last visited June 18, 2013).
- Mindfulness in Law and ADR Symposium (2002), *Harvard Negotiation Law Review* (7), 1-141.
- Mindfulness, Emotions, and Ethics in Law and Dispute Resolution Symposium (2008) (10) *Nevada Law Journal*. 289-534.
- Mrazek, M., Franklin, M.S., Phillips, D. T., Baird & Schooler, J.W. (2013). Mindfulness Training Improves Working Memory Capacity and GRE Performance While Reducing Mind Wandering, *Psychological Science* (published on 28 Mar 2013).
- Riskin, L. L.
- (2012). Awareness and the Legal Profession: An Introduction to The Mindful Lawyer Symposium, *Journal of Legal Education* 61 (4), 634-40.
 - (2010). Annual Saltman Lecture: Further Beyond Reason: Mindfulness, Emotions, and the Core Concerns in Negotiation, *Nevada Law Journal* (10),. 289-337.
 - (2006) Knowing Yourself: Mindfulness. In *The Negotiator's Fieldbook* 239-50 (Honeyman, C. & Schneider, A.K., eds.) (American Bar Association).
 - (2002) Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients, *Harvard Negotiation Law Review* (7), 1-66 (2002)
 - (2014). Two (or More) Concepts of Mindfulness in Law and Conflict Resolution *The Wiley-Blackwell Handbook of Mindfulness* I.e, A., Ngoumen, C. Langer, E.A., eds. (Wiley-Blackwell. Forthcoming 2014).
- Reuben, R.C. (2011) Bringing Mindfulness Into the Classroom, *Journal of Legal Education* (61), 674-682 (2012).
- Rogers, S. L.
- (2014) Mindfulness in Law. In (2014) *The Wiley-Blackwell Handbook of Mindfulness* I.e, A., Ngoumen, C. Langer, E.A., eds. (Wiley-Blackwell. Forthcoming 2014).
 - The Mindful Law School: An Integrative Approach to Transforming Legal Education (2012) *Touro Law Review* 28, pp. 1189-1205.
 - (2009a) *Mindfulness for Law Students: Using the Power of Mindful Awareness to Achieve Balance and Success in Law School* (Mindful Living Press).
 - (2009b) *The Six-Minute Solution: A Mindfulness Primer for Lawyers* (Miami: Mindful Living Press).
- Rogers, S.L. & Jacobowitz, J., (2012) *Mindfulness and Professional Responsibility*. (Miami: Mindful Living Press).
- Shapiro, S.L., Brown, K. W. & Astin, J. (2011) Toward the Integration of Meditation into Higher Education: A Review of Research Evidence, *Teacher's College Record* 113 (3), 493-528.
- Siegel, D.J. (2007) *The Mindful Brain: Reflection and Attunement in the Cultivation of Well-Being* (W.W. Norton)
- Segal, Z. V., Williams, J.M.G, & Teasdale, J.D. (2002) *Mindfulness-Based Cognitive Therapy for Depression: A New Approach to Preventing Relapse* (Guilford).
- Tan, C. (2012). *Search Inside Yourself: The Unexpected Path to Achieving Success, Happiness (and World Peace)* (New York: HarperOne). [About the mindfulness-based emotional intelligence program at Google.]
-

Williams, M. & Kabat-Zinn, J., Eds, (2012), *Mindfulness: Diverse Perspectives on its Meaning, Origins and Applications* ([Cannot tell city] Routledge 2012).

Audio and Video Resources

You will find two sets of audio instructions that I have recorded at this site: http://www.law.ufl.edu/_media/faculty/riskin. Click on “Meditation Instructions,” then click on “Sitting.” The “Sitting Meditation” recording covers Basic & Extended Meditation on the Breath, Body Awareness, and (Almost) Bare Attention.

The “Body Scan Meditation” focuses on...the Body Scan!

Symposium Mindfulness in the Law and ADR, webcast of a live symposium sponsored by the Program on Negotiation at Harvard Law School in Mar. 2002. On Blackboard, under Documents, “Harvard Mindfulness Symposium 2002”.)

Website of the *Mindful Lawyer Conference*, held at the University of California-Berkeley School of Law in Oct. 2010, www.mindfullawyer.com.

Charles Halpern, *Meditation and the Practice of Law*, a lecture at SUNY Buffalo School of Law (2009): http://www.youtube.com/watch?v=CFJp_CNTD5M. This is an excellent overview of the value of meditation for lawyers. About 1 hour and 49 minutes.

Daniel J. Siegel, M.D., *Mindsight: The New Science of Personal Transformation*, <http://www.youtube.com/watch?v=Gr4Od7kqDT8> This is an excellent explanation—at Google University—of how the brain works and how mindfulness can help improve the mind by changing the brain). About 70 minutes.

Website of the Workshop on Mindfulness in Legal Education at the University of California-Berkeley School of Law, June 2013, <http://www.law.berkeley.edu/15552.htm5>.

More Information on Contemplative Practices

Contemplative Practices for Lawyer and Law Students

- Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Benefits of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 HARV. NEGOT. L. REV. 1 (2002).
- Leonard L. Riskin, *Awareness in Lawyering: A Primer on Paying Attention*, in *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* (Marjorie Silver, ed., Carolina Academic Press, 2007).
- Steven Keeva, *Transforming Practices: Finding Joy and Satisfaction in the Legal Life* (Contemporary Books 1999) (covers several kinds of practices, including meditation).
- Deborah J. Cantrell, *Can Compassionate Practice Also Be Good Legal Practice?: Answers From the Lives of Buddhist Lawyers*, 12 RUTGERS J. LAW & RELIGION 1-75 (2011).
- Angela Harris, Margaretta Lin & Jeff Selbin, *From “The Art of War” to “Being Peace”: Mindfulness and Community Lawyering in a Neoliberal Age*, 95 CALIF. L. REV. 2073 (2007).
- Scott Rogers, *Mindfulness for Law Students: Using the Power of Mindfulness to Achieve Balance and Success in Law School* (Mindful Living Press, 2009).
- Jan Jacobowitz & Scott Rogers, *Mindful Ethics--A Pedagogical and Practical Approach to Teaching Legal Ethics, Developing Professional Identity, and Encouraging Civility*, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2374120.
- Several law schools recently co-hosted a conference called “The Mindful Lawyer.” The conference website has a “resources” tab under which you can find various meditation practices, articles on law and meditation, and links to related websites. The conference link is <http://www.law.buffalo.edu/baldycenter/mindfullaw/>.

Neuroplasticity and Other Cognitive Benefits

- Sharon Begley, *Train Your Mind, Change Your Brain: How a New Science Reveals Our Extraordinary Potential To Transform Ourselves* (Ballantine Books, 2007).
- Antoine Lutz, Heleen A Slagter, John D. Dunne & Richard J. Davidson, *Attention Regulation and Monitoring in Meditation*, 12 Trends in Cognitive Sciences 163 (2008).
- J.A. Brefczynski-Lewis, A. Lutz, H.S. Schaefer, D.B. Levinson & R.J. Davidson, *Neural Correlates of Attentional Expertise in Long-Term Meditation Practitioners*, 104 Proceedings of the National Academy of Sciences 11483 (2007).
- Dr. Richard Davidson at the University of Wisconsin-Madison heads one of the neuroscience labs most actively involved in studying neuroplasticity. Current research is available at the lab’s website, <http://psyphz.psych.wisc.edu/>.
- AA. Jha, E. Stanley, Kiyonaga, L. Wong & L. Gelfand, *Examining the Protective Effects of Mindfulness Training on Working Memory Capacity and Affective Experience*, 10 Emotion 54 (2010).
- E. Stanley & A. Jha, *Mind Fitness: Improving Operational Effectiveness and Building Warrior Resilience*, 55 Joint Force Quarterly 144 (2009).
- A. Jha, J. Krompinger & M. Baime, *Mindfulness Training Modifies Subsystems of Attention*, June 2007 Cognitive, Affective and Behavioral Neuroscience 109 (2007).
- The Mindfulness Research Guide website posts a monthly update of empirical work on mindfulness meditation, available at <http://www.mindfulexperience.org/>.

Contemplative Practices and Well-Being

- Jon Kabat-Zinn, *Full Catastrophe Living: Using the Wisdom of Your Body and Mind to Face Stress, Pain and Illness* (Delacourt Press, 1990).
- Jon Kabat-Zinn, *The Mindful Way Through Depression: Freeing Yourself From Chronic Depression* (Guilford Press, 2007).
- Kirk Warren Brown & Richard M. Ryan, *The Benefits of Being Present: Mindfulness and Its Role in Psychological Well-Being*, 84 J. of Personality & Social Psychology 822 (2003).

Academic Articles Integrating Mindfulness into Substantive Areas of Law

- Deborah J. Cantrell, *With Lovingkindness and Compassion: One Buddhist Woman's Response to Feminist Domestic Violence Advocacy*, in FEMINISM, LAW, AND RELIGION (Ashgate Publishing, 2013), pp. 219-36.
- Deborah J. Cantrell, *The Role of Equipoise in Family Law*, 14 J. OF LAW & FAMILY STUDIES 63-96 (2012).
- Ran Kuttner, *From Adversity to Relationality: A Buddhist-Oriented Relational View of Integrative Negotiation and Mediation*, 25 OHIO ST. J. ON DISPUTE RESOLUTION 931 (2010).
- Len Riskin, *Further Beyond Reason: Emotions, The Core Concerns, and Mindfulness in Negotiation*, 10 NEV L. J. 289 (2010).

Related Websites

- The Center for Contemplative Mind in Society, <http://www.contemplativemind.org/>.
- The Mindful law Student, <http://www.themindfullawstudent.com/Home.html>.
- Idealawg, <http://westallen.typepad.com/idealawg/>.
- Initiative on Mindfulness in Law & Dispute Resolution, <http://www.law.ufl.edu/imldr/index.shtml>.
- <http://arnieherz.com/legal-sanity-blog/>
- For a fuller list of websites, visit <http://www.law.buffalo.edu/baldycenter/mindfullaw/resources.htm>.

The Reflective Practitioner

DAVID HALL, SJD

President of the University of the Virgin Islands

This closing plenary address will examine the various dimensions of a “reflective legal practitioner.” Those who are uniquely responsible for exposing law students to the practice of law and providing live examples of the challenges and rewards of the profession, must also equip students with holistic tools for success. Those tools must include more than the techniques of writing briefs and delivering coherent legal arguments. They must include the art of self-care, sensitive and healing client interactions, and insightful approaches to conflict resolution. The spiritual foundations of legal practice will be explored and the evolution and acceptance of spirituality within the legal profession will be the focus of this comprehensive approach.

The following topics will be examined through the course of this presentation.

1. The challenges that new lawyers face in finding their voice in voice-filled rooms. Entering the legal profession is like speaking in a room where everyone is talking in a loud voice. Your voice is drowned out by the chorus of louder voices. After trying to yell over the voices of those who have been speaking for years, you decide that in order to be heard you must say the same things that others are already saying. This approach does not allow for the uniqueness of your voice to emerge, but it allows your voice to at least be part of what is being said and eventually heard. The reflective practitioner understands the grave danger of giving up one's voice in order to be heard. The reflective practitioner understands that getting your voice heard is a product of the depth of your voice and not its volume. “Still waters run deep” is as true for the legal practitioner as it is for the ocean. It is the still waters of our character, consistency and humanity that will have the greatest impact on the profession and on the lives of the practitioner.

2. The ideal of the “reflective legal practitioner” must be integrated into our model of legal education. Legal education must be able to nurture the “mind of the attorney and the soul of the lawyer.” The curriculum and pedagogy of law schools must be reformed if we are to produce future lawyers who can contribute to the healthy growth of the profession and maintain balance and meaningful lives. The core values of the reflective practitioner must be integrated into the fundamental mission of legal education.

3. The attributes and benefits of being a reflective legal practitioner. A reflective practitioner is more thoughtful, insightful, creative and able to maintain a balance between work, family and the profession. These core values and ideals are nurtured and developed through structured practices, rituals and systematic effort. This inner development does not occur automatically and is the product of a purposeful re-education and spiritual growth.

4. A spiritual understanding of time. Many legal practitioners resist the concept of a “reflective practitioner” because they believe it will add more time to their day without any corresponding increase in compensation. They argue that the being reflective is a luxury they can't afford.

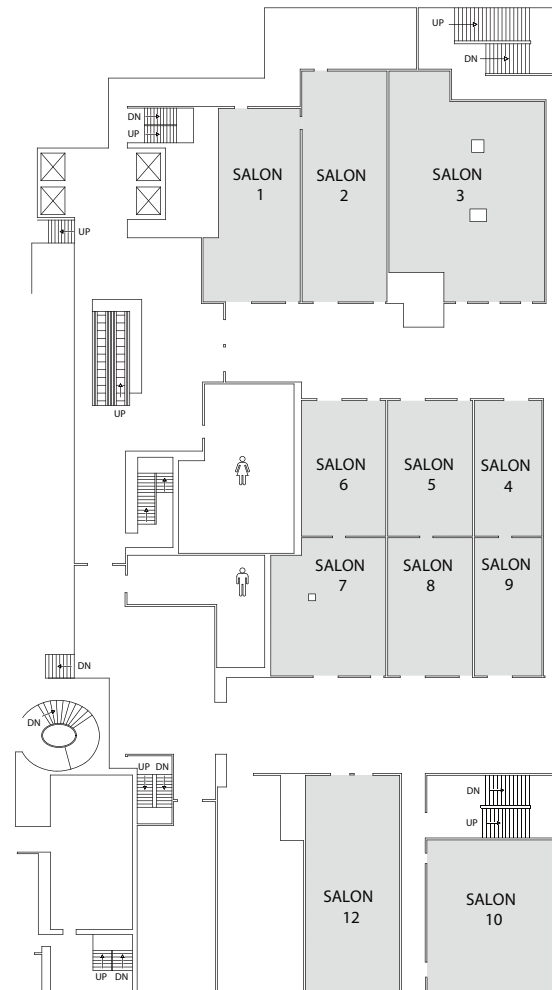
They are describing and understanding time based on quantifiable units of measures and not based on having a connection to time. They run through time, but time does not reside with them. From a spiritual perspective, time is our aid not our enemy. The reflective practitioner embraces time as a moment within which balance and healing occurs. Healing time and work time are not at opposite ends of the spectrums of life. They are interwoven into every breath we take and every act within which we engage.

5. Clinical education is still the Trojan horse for the transformation of legal education. Legal education has benefited greatly by the development of clinical legal education. Approaches to training and developing lawyers that were discarded or shun have now become acceptable at all law schools and has assumed its rightful place in the pantheon of legal education. Yet the true mission and purpose of clinical legal education has not been fulfilled. Law students must understand in a very practical way what it means to be a “reflective legal practitioner.” This is not the type of idea that can be fully embraced by theoretical discussions in the classroom. Only in live and simulated settings can students understand how to integrate values of thoughtfulness, balance and creativity into their approach to the practice of law. Clinical legal educators have always been in the vanguard of continuing the transformative enterprise of legal education. By fully embracing the concept of the “reflective legal practitioner,” clinical legal education will have torn down another barrier and erected something more nobler in its place.

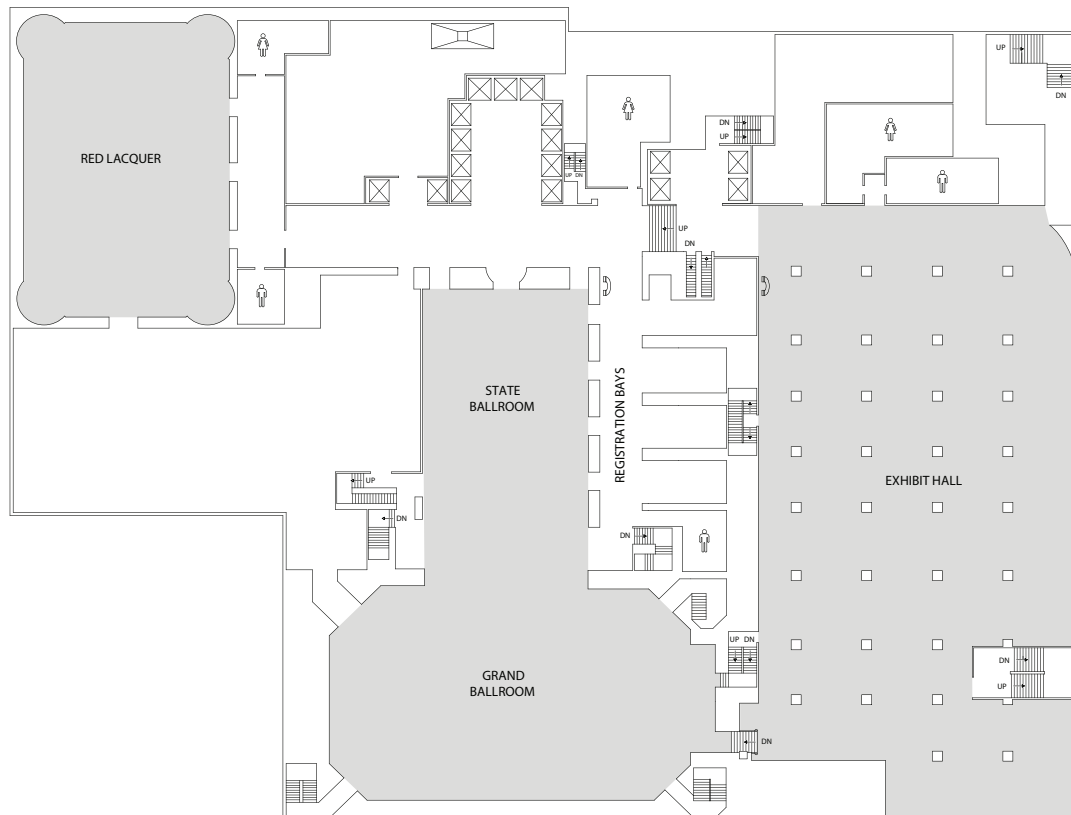
Hotel Floor Plans

Palmer House
Chicago, IL

Third Floor



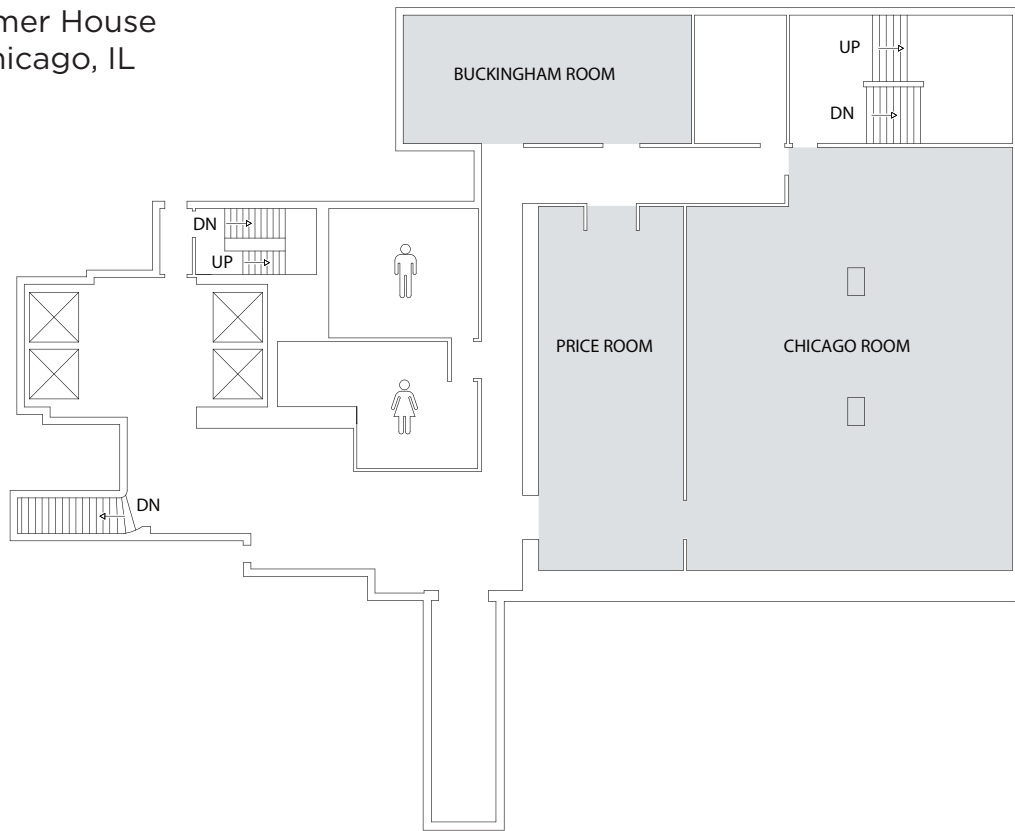
Fourth Floor



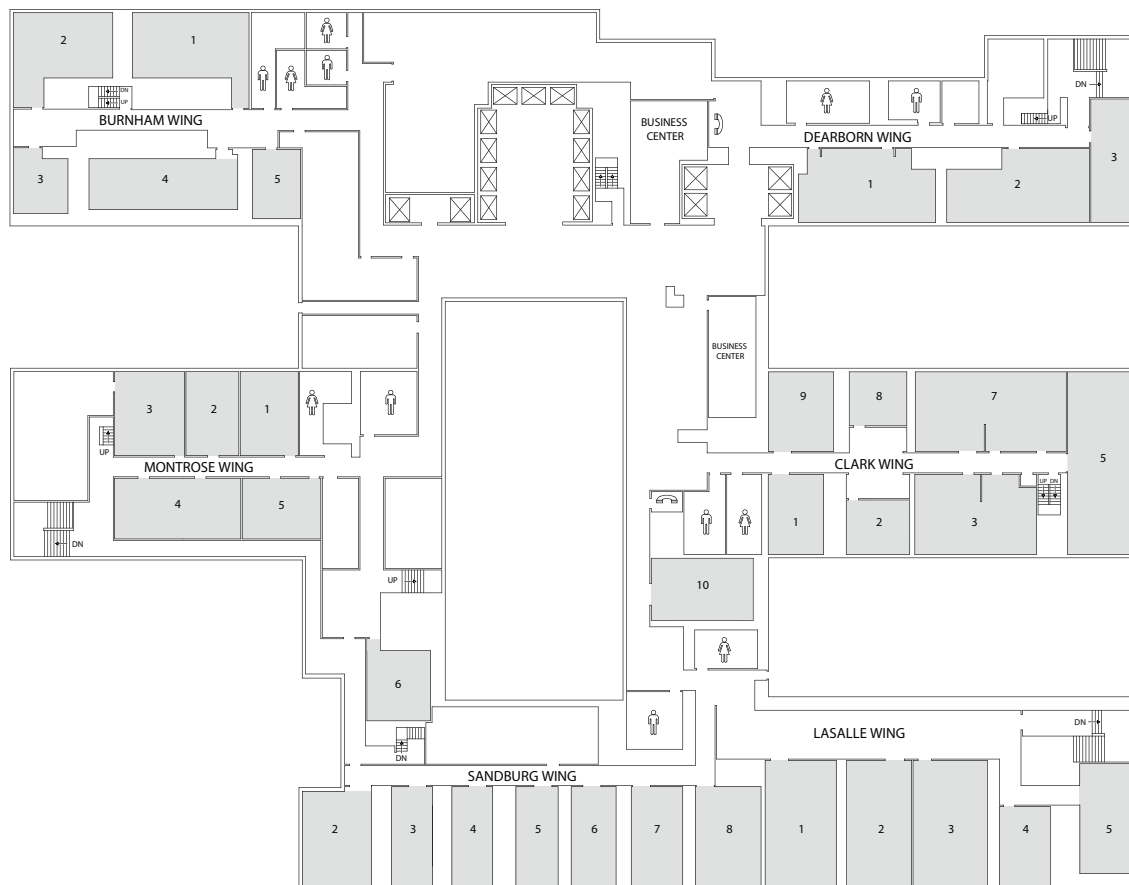
Hotel Floor Plans

Palmer House
Chicago, IL

Fifth Floor



Seventh Floor



NOTES

