

## Collaboration Between Clinical, Externship, Pro Bono and LRW Programs

Results of 2007 Survey by LWI Committee on  
Cooperation Among Clinical, Pro Bono, and Legal Writing Faculty

### 1. Which of the following ways do you invite clinical, externship, or pro bono law faculty or administrators or upper level students at your school to participate in your LRW classes?

Total responses (N): 54      Did not respond: 13

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Invite them to talk to/assist LRW classes to promote the clinic to 1Ls	16	29.63%
Invite them to talk about the types of lawyering skills used in the clinic/practice, e.g., "How Arbitration Works," or what clinicians do	6	11.11%
Invite them to lecture on public interest law to upper-level skills class	3	5.56%
Invite them to assist with video/role playing -- e.g., model client interviewing	8	14.81%
Invite them to provide expertise on area of law involved in LRW assignment	12	22.22%
Invite them to serve as judges for oral arguments	39	72.22%
Other	21	38.89%

**2. Do you present on LRW topics in clinic or externship classes or to pro bono programs?**

Total responses (N): 67      Did not respond: 0

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	9	13.43%
No	58	86.57%

**Please describe the general topic of any presentations you made on legal writing to clinic or externship classes or to pro bono programs in the last year**

- Teach legal writing in a multi-disciplinary environmental class
- Teach workshop for new clinical instructors on effective critiquing of student written work
- Case management, Bluebook
- Letter writing
- Taught a one-semester externship class and discussed legal writing as part of that class; had students peer edit each other's work
- Teach a 1 1/2 - 2 hour class on memos (research and status) and letters (client, demand, status & other) to new clinic students; cover the form, purpose, and consequences of these documents
- Importance of pro bono work in career development and importance of legal writing skills in pro bono work and career development
- Some LRW faculty teach externship courses. This lets us put an LRW "spin" to some of the classes. In one class "How to Write a Judicial Opinion," students look at several opinions to identify the features of well-written (and poorly written) opinions. After developing a set of standards for evaluating opinions, they critique opinions of their court and sometimes opinions they have written.
- I am the co-director of Rutgers Camden's largest pro bono project (the Domestic Violence Project), and I have been since 2001. In that capacity, I teach at least three or four sessions each year to approximately 100 law students. I also work with community groups on their trainings. I regularly teach legal writing topics in clinic courses. Generally on "Theory of the Case" and "Storytelling" but also brief writing. I co-teach in our advanced clinics every spring.

**3. Do you consult on writing or pedagogy with clinic or externship faculty or administrators of pro bono programs?**

Total responses (N): 67      Did not respond: 0

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	31	46.27%
No	36	53.73%

**Please describe the general subjects you cover during any of these consultations.**

- How to teach writing to upper level clinic students
- Our externship and pro bono directors teach in our required second-year Ethical Lawyering class. As part of that class, the students write a memo and/or a client letter. We consult on a regular basis about those assignments.
- Former LRW adjunct professor is writing coach for the clinics
- Research, citation, general writing tips
- Consult and supervise judicial externship placements; legal research and opinion writing
- Work with the clinical faculty to develop a second-year professional responsibility/legal writing/skills course for 2Ls (starting Fall 2008)
- Informally, the types of writing students do in these programs; offer insights as needed
- The Director of the Clinic is the administrator in charge of our CaseArc program which is a 5-semester program including the first-year legal analysis and writing courses (Core One and Two) and the second-year writing course (Core Three). The clinicians (until next year when they are transitioning out of the program) teach one of the five required courses in this program ("Problem Solving"), and they supervise the externship that is the culmination of this program -- the fifth semester (although we are still phasing in this fifth semester and it is not fully operational yet).
- Organization, development of thesis and persuasion, paths and obstacles to student learning
- Writing clearly and precisely; using good advocacy tone/format
- Writing deficiencies students bring to clinics; former LRW writing professor is full-time writing coach at the clinics
- Writing in practice, skills development
- My office is housed inside the clinic rather than on the legal writing corridor, first because I am involved with cases but also specifically so that I can serve as a resource to the clinical programs. I am their go-to person for writing pedagogy. This happens both formally and informally. Formally, I have presented to the clinical faculty at the monthly department meetings. We are also talking about a large-scale writing workshop as part of a clinic department retreat.

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At Rutgers we also have a separate scholarship colloquium of all LRW and all clinicians. I have helped put together teaching sessions for that group.

- LRW problem under Americans with Disabilities Act of 1990; CASA program
- How to improve writing; how to critique student work
- Legal analysis, research process
- Implementation of new appellate clinic
- Teaching and scholarship; status improvement for LRW and clinical faculty
- Members of the LRW faculty, internship faculty, PR faculty, and other faculty are working together to create a required two-semester second-year course. The course will cover the following topics: LRW, clinical skills, ADR, PR, prevention and problem solving, and career satisfaction.
- Use of simulations; how to promote experiential learning at our law school
- Consult with the externship supervisors on writing assignments students get in their placements
- General discussions about teaching and teaching writing; comparisons between first-year legal writing programs and clinical writing expectations; ways to transition from first-year writing to writing in the clinic - how to help students succeed.
- Pedagogy and writing; how to best teach various topics and problems they see in upper-level student writing, what we can do to try and minimize those problems, and how they can address them with clinic students
- Persuasive writing, appellate practice in Washington courts, sometimes moot arguments
- Citation form, quality of writing, information about students who apply to join the clinics
- Informal conversations about what the clinicians see as our students' strengths and weaknesses.
- I previously taught lawyering skills at a different law school. There I assisted in teaching a clinical (non-live) trial advocacy class. The trial advocacy professor has been an excellent mentor for me. Moreover, I have reviewed the book he is currently writing, once as an early draft and more recently as an almost final draft. The book is designed for first-year students, so I believe it was helpful for him to get a legal writing professor's opinions.
- I share text and materials (checklists, articles) on analysis, style, and organization
- Coordination of pro bono research and writing opportunities
- The clinic has transitioned from an ungraded class to a graded class. I have helped some clinic faculty with standards for grading and grading rubrics. When the clinic was drafting rules for 405(c) promotion, the legal writing policy was considered, and I spoke with the clinic director about our policy.
- Different topics as requested on an ad hoc basis

**4. In your LRW classes, do you help students learn law practice skills by participating in any activities outside the law school? Examples include: participating in field trips to courts and handling a live appeal with students as research assistants.**

Total responses (N): 66      Did not respond: 1

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	36	54.55%
No	30	45.45%

**Please briefly describe any of these outside activities that occurred during the last year.**

***Field Trips to Courts, Law Firms, Other Government Offices***

- Students are required to visit court proceedings. Our pro bono Domestic Violence Project volunteers take groups of 1L students to the courthouse to watch proceedings
- Some LRW sections visit courts
- Some LRW sections visit local courts and even the U.S. Supreme Court.
- Observing court
- Field trips to state and federal courts
- Observe arguments at the Seventh Circuit
- During the second semester legal writing course, students are required to attend hearings at the county superior court, the federal district court, and the state court of appeal. In my advanced legal writing course, students have a questionnaire to complete, which requires them to go to the county courthouse and the local courts' websites to find the answers.
- Trip to state and federal courthouses each semester
- Send or go with students to court
- Some professors take field trips to court (not every year)
- Field trip to court to watch oral arguments
- Field trips to the Court of Appeals for oral argument. Students speak with the judges/law clerks about their work after the oral argument has ended
- Students attend orientation sessions at the state court house where they meet with members of the Iowa Supreme Court. They also attend sessions at the Iowa Legislature.
- Second semester students visit the county superior court, the federal district court, and the state court of appeal. They then write a reflection paper about their experiences at the courts. Many students thank me for this assignment. For many, it's the first time they realize their work will impact real people, not just hypothetical cases.
- Required court visit

- Students observe oral arguments in the state supreme court and submit written observations
- Classes watch one live oral argument in the spring semester
- Trips to 11th Circuit Court of Appeals
- Attendance at appellate oral arguments
- Field trips to courts
- All students in 3d semester moot court competition are required to attend a 7th Circuit or Illinois Appellate Court argument
- I take small groups of first-year students to visit practicing lawyers in their offices and in other professional settings (e.g., bar association meetings), to learn about the culture(s) of law practice

***Attorneys/Judges Visit Law School/Classroom***

- Judges/lawyers on a pending case come into the classroom; we listen to their oral arguments as the lawyers comment
- Bring district appeals court to the school
- Local federal judge and state appeals court holds sessions at the law school
- State supreme court hears oral arguments at law school annually; all 1Ls attend
- State court of appeals hears oral arguments at law school occasionally; all 1Ls attend
- The Appellate Division comes to Albany Law School and holds a day of oral arguments at the law school
- An Appellate Division and a supreme court judge speak to the first-year class about their experiences with lawyers and about being judges
- Students are required to observe federal appellate court arguments held at the law school
- We don't take students on field trips to courts, but do have judges come to talk with students. This helps students see that their writing has a real audience and that the audience is an actual human with high standards as well as personal opinions and preferences. Themes usually are writing/research-related. What are judge's pet peeves when reading briefs? What does judge expect to see in a brief? How does judge use the brief to reach her decision? What depth of research does judge expect? What sources does judge find most helpful?

***Other Opportunities; Combinations***

- Students visit court for motion practice; the Supreme Court of Oregon holds oral arguments at the law school; we have a practitioner's panel, in which lawyers speak to students about different types of writing; students attend the county's monthly bar lunch.
- Students write bench memos in an actual case on appeal in the Maine Supreme Judicial Court. The attorneys involved come to class to talk about the case. Then the whole class attends the actual oral argument. In the spring, the students write briefs for actual United States Supreme Court cases. We are also developing a program for upper-class students to provide legal research and writing assistance

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to attorneys who have volunteered to take pro bono cases through Maine's Volunteer Lawyers Project.

- Practicing district court judge visited my classroom; field trip to Minnesota Supreme Court, Judicial Center, and state capital hosted by a Minnesota Supreme Court Justice
- We hold oral arguments at the courthouse
- Field trip to federal court, state appeals court sessions on campus, federal court motion session on campus, practice oral arguments with attorney/instructors
- I teach an upper-division elective course called Immigration Appellate Practice before the Ninth Circuit, in which the students and I are appointed by the United States Court of Appeals for the Ninth Circuit to represent pro se petitioners for review of removal decisions (and some respondents, where the government has requested review). We research and write a brief and any required response brief and present oral argument (guaranteed by the Ninth Circuit under its pro bono program). This past spring was the first time we have offered the course, and the students really liked it. It's a great opportunity to expand the legal research, analysis, and writing curriculum and to give students an additional opportunity to use their skills to benefit both the court and their client.
- Field trips to courts; using actual cases, and, two sections where students will focus on assignments relating to IP work that will be targeted toward future externships and/or assignments that involve an actual pro bono case. Students will be asked at the time of registration if they have an interest in either of these sections.
- If I have a court appearance, I invite students to attend (happens rarely, however, because of their schedules). I have had students help me with pro bono projects.
- The Tenth Circuit holds live appeals at Washburn every year. We also occasionally take the students to the Kansas Supreme Court
- Fact finding exercise requires observing events on local street

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**5. Which, if any, of the following examples of "informal collaboration" with faculty in clinical, externship, or pro bono programs do you participate in at your law school?**

Total responses (N): 66      Did not respond: 1

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Discuss/work with these faculty members to change status (may face similar issues and strategize together or clinicians empathize since they faced similar issues in the past)	30	45.45%
Sit on committees with these faculty members	55	83.33%
Try to stay "on the same page" with these faculty members (what does LRW teach? what do students need for clinic?; joint skills advising)	35	53.03%
Promote clinic, externships, and programs in legal writing classes	47	71.21%
Serve as informal in-house writing/skills experts for other faculty members	21	31.82%
Assist with moot court (run by LRW or clinic faculty; assist each other or other moot court advisors); judge; coach; student advising; writing consultant	41	62.12%
Participate in joint scholarship workshop (for all clinical faculty, including LRW)	15	22.73%
Hold brown bag workshops on teaching writing, practice skills	13	19.70%
Attend/present at conferences from "other" disciplines	15	22.73%
Advise clinics using expertise in subject area	9	13.64%
Discuss teaching with faculty members	36	54.55%
Other:	3	4.55%

**6. Do you base any legal research and writing assignments on "real world" problems from clinics, non-profits, or courts?**

Total responses (N): 66      Did not respond: 1

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	28	42.42%
No	38	57.58%

**Please describe briefly the nature and source of any of these assignments. Please specify whether non-profits, government agencies, or other organizations use research or writing produced by your students.**

- Cases from inside the clinic or from legal service organizations
- The domestic violence clinic uses the research and keeps files of the documents produced by 1L students (best versions) for research files and for distribution to our volunteer attorneys or community partners such as legal service organizations, advocacy groups, etc.
- Housing law
- Discrimination cases, hate crimes. Other topics in upper level courses. I have shared results of research from upper level students but never from first-year students.
- Our instructors (adjuncts), often base assignments on "real world" legal problems from their work.
- Issues from my criminal appellate practice. These were completed, not current, cases.
- We have three sections of legal writing that are subject-matter specialized to focus on public interest law, and most of the assignment in those sections come from the instructors' prior practice files. The assignments run the gamut. As the real-world projects are over by this point, no one else uses our students' research and writing.
- From current local political and legal issues.
- Nearly all of my assignments are based on pending cases, just not always emanating from any of our clinics.
- I use pending U.S. Supreme Court cases for some writing projects
- Recent Maryland cases.
- Real cases (e.g., the Ten Commandments cases) for our brief problem.
- Iowa criminal code as basis for statutory assignment
- Several of our legal writing professors have previously practiced at the Attorney General's office. They have used their own former cases. I used a case from England.
- "Real-world" assignments (they actually happened), but not "live" (they are over and no longer going through the litigation process). The nature of the assignments

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- is child abuse and neglect, and source is the LARC instructor herself, who worked on these cases when she was at the government agency involved.
- The presence of Liberty Counsel (First Amendment/civil liberties legal defense organization) on campus affords individual students the opportunity to participate in "real world" assignments, including research and writing that is used by the Counsel.
  - All problems are related to a real case or something that I did myself in practice
  - I often base problems on cases I handled as a criminal defense court-appointed appellate attorney
  - I base problems on cases I worked on as an appellate law clerk
  - Students work on assignments involving issues in a pending case. In addition, I often base persuasive writing assignments on cases that are pending on appeal, and then take the students to hear the argument. (It helps to have the Seventh Circuit across the street!)
  - Clinical cases provide facts, law and process for writing assignments. Usually use cases that have already been adjudicated in the clinic.
  - Problems that I encountered in government practice
  - Real-life court cases; offer to share students' briefs with both sides of the issue.
  - Real cases that are making their way through courts; students may be able to attend oral arguments or hear from the advocates in class.
  - Cases from my past experience (not currently live)
  - Real court cases I was involved in as a law clerk; published cases (with modification); cases described to me by our clinical faculty
  - Court cases. Students volunteer at legal services organizations and I am developing research and writing projects through the Student Hurricane Network and probono.net.
  - Use a housing discrimination problem for the last memo in the first semester writing course; sometimes based on a real case from the clinic
  - Real world practice
  - Plan to work with public interest student group to develop problem
  - For single issue memo for first semester 1-Ls, used a case from our clinic that centered on the definition of "pit bull" and whether a dog in the case met the definition.

**7. Do you teach -- other than as a guest lecturer or presenter -- in a clinical, externship, or pro bono program?**

Total responses (N): 66      Did not respond: 1

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	17	25.76%
No	49	74.24%

**Please describe briefly any cross-over teaching that you do.**

*Clinics*

- I started the Domestic Violence Clinic at Rutgers in 2002. I wrote the grants for the initial funding of that clinic. That clinic now has two clinicians --though of late the dean has decided to primarily staff the main one-semester DV Clinic with just one of us and to keep the other one (me) more involved with legal writing. Nevertheless, I still teach our Advanced Domestic Violence Clinic every spring semester, and I am the support clinician for the main DV Clinic. I am the legal guru and students regularly come to pick my brain. I help complete the cases when necessary. (Next week I will be second chair on a trial for our DV Clinic because the students handling the case graduated.) With the other DV clinician, I interface with other service providers and organizations around the state. The DV unit at our Administrative Office of the Court has our cell phone numbers. Appellate judges call me to talk about cases. I handle appeals for the clinic. Finally, I write a practitioner's treatise on domestic violence that is regularly used in court as a handbook. That book is a compilation not just of the statute and related case law, but also our court's procedures manuals, related statutes, news about legislative activity and the like.
- Supervise a housing law clinic staffed by first-year students for a local non-profit legal services organization
- Work in the clinic in the summer
- Co-teach advanced writing class with a clinician
- Will teach clinic in Child Advocacy (Spring 2008)
- Direct a program which places law students in agencies which represent individuals charged with or convicted of capital crimes; known as "clinic light" by my clinical colleagues.

*Externships/Internships*

- Judicial externship class
- Faculty supervisor for four judicial externships
- Teach Judicial Externship seminar
- Taught one-semester externship class
- Externship faculty supervisor

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- Teach weekly seminar for in-town interns; supervise out-of-town interns who are unable to attend the seminar. For both, visit placements and meet with supervising attorneys or judges.

***Other/Combinations***

- Pro Bono and Public Interest Coordinator
- Supervised two third-year students who represented two inmates in a civil suit in the state supreme court; taught an appellate clinic; supervise externships and have taught the externship seminar.
- Teach Immigration Appellate Practice and Refugee Law as an adjunct professor at other schools
- Will teach (In)Famous Trials seminar (Spring 2008)
- Teach Women and the Law; course requires a seminar paper, so I discuss writing with the students.
- Some LRW faculty have developed or participated in intra-session courses on public interest/social justice issues (human trafficking, the new bankruptcy legislation). Some LRW faculty have been involved with student pro bono projects.
- I have been an invited speaker in a colleague's Employment Discrimination Law class each spring semester in the 2 years I have been at my school. Employment law was my former practice area and the subject of my talks was the "life of a discrimination case from the defense perspective." Last summer and this summer, I also taught a full summer school course on employment law.
- Dean of Pro Bono Programs and legal writing faculty (me) started and co-direct Pro Bono Research Project, which pairs upper level students with non-profits & government agencies that need a discrete legal research assignment

**8. If you have taught clinical or externship courses or advised externships or pro bono programs, did you do that as part of your regular course load, as service, or as an overload?**

Total responses (N): 23

Did not respond: 44

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Part of regular course load	4	17.39%
As service	4	17.39%
As an overload	9	39.13%
Other:	6	26.09%

- Other: Both. It's hard to tell "load" from overload.
- Other: It was an overload the last time I taught it, and it is for most faculty who teach it. In the future, it could be part of the regular course load depending on enrollment.
- Other: regular load at previous job
- Other: Separately compensated half-time position

**9. Do you teach upper-division courses that involve law practice skills such as negotiation, counseling and interviewing, ADR, or taking depositions?**

Total responses (N): 67      Did not respond: 0

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	25	37.31%
No	42	62.69%

**Please describe briefly the upper-division skills courses that you teach or have taught.**

- Designed and taught a year-long summary judgment course, where students represented government defendants in pro se civil rights cases, developed a record sufficient for summary judgment, and then drafted and filed summary judgment briefs.
- Our required upper division Ethical Lawyering class has an interviewing and counseling component. All the LRW faculty, save one, teach in that course
- International Business Transactions
- Advanced Legal Writing, Advanced Appellate Advocacy, Interviewing, Counseling, and Negotiations, Upper Level Writing Component
- As part of the advanced writing seminar I teach with a clinician, we do a mock client interview and counseling session.
- "Lawyer as Investigator"
- Appellate Writing and Advocacy
- Legal Writing and Litigation
- Advanced Research; Advanced Legal Writing
- Advanced Writing and Editing Workshop (taught with clinician) includes interviewing and client counseling skills.
- Other legal writing faculty have taught interviewing, negotiations, and advanced legal writing.
- I was a clinical professor for eighteen years before moving to a new law school
- Interviewing and contract drafting are part of first-year LS required curriculum. Depositions, discovery, negotiations, and civil and criminal motions are part of second-year LS required curriculum. Trial practice is required third-year LS. Appellate advocacy is an elective.
- Ethical Lawyering (ethics; client interviewing & counseling)
- Professional Responsibility (we discuss law practice skills in the context of ethical obligations)
- Public interest law; we focus on lawyering skills and issues specific to being a public interest lawyer; upper level writing using Chapter 7 bankruptcy law as a base (simulation includes interviewing, filing, motions practice, litigation).

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- Law Practice Management (includes interviewing and negotiating skills used in running a practice)
- Next year, will work with negotiation and client counseling teams
- Writing for Litigation class briefly touches on skills other than writing, such as working with clients, arguing motions, and taking depositions
- Civil Pre-Trial Litigation (includes drafting, client interviewing, taking/defending depositions, motion practice)
- Co-teach with a psychologist a seminar on Psychological Expert Testimony and Children at the Intersection of Law and Psychology (focuses on appellate work)
- Corporate Practice Workshop (transactional law practice simulation course)
- I have participated in intensive trial advocacy and deposition programs. These classes were team taught and based on the NITA method. The trial class was an intensive 1-week long class culminating in a trial and the deposition classes were intensive 3-4 day classes.
- Trial Advocacy
- Advanced Legal Writing
- Teach interviewing and depositions as part of advanced legal writing class
- Litigation Drafting, including interviewing component
- Document Drafting
- Teach Alternative Dispute Resolution; serve with clinical faculty in the Center for Dispute Resolution at the law school

**10. Do you coordinate on curriculum, software issues, or selection of course materials with clinical or externship faculty or with administrators of pro bono programs at your law school?**

Total responses (N): 65      Did not respond: 2

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	6	9.23%
No	59	90.77%

**Please describe briefly the nature and extent of any of this coordinated planning.**

- Domestic Violence Clinic and other family law classes use my practitioner's treatise as their textbook.
- All clinicians at Rutgers have heard of Michael Smith's advanced writing textbook and know why it isn't just for writing courses.
- Clinicians have on their shelves at least two or three writing textbooks/handbooks.
- I have been speaking to clinicians about the Idea Bank and how something like that might be of use to them.
- Software and writing notes for a file
- Our CaseArc program is collaborative, and we have regular meetings with clinical and legal writing faculty to design the program.
- We have returned to teaching the Bluebook as a result of student and externship supervisor feedback - it is what the majority of supervisors use in practice.
- About half the legal writing sections are paired with a content course this fall; teachers work together to plan the course.
- Assignments use topics relevant to first semester courses

**11. Have curricular developments at your law school -- including program redesign or the addition of new courses -- facilitated collaboration between you and faculty in clinical, externship, or pro bono programs? For example, have you created a new course that involves collaboration between clinic, externship, pro bono, and legal writing, or that might fit more than one of these categories?**

Total responses (N): 65      Did not respond: 2

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	15	23.08%
No	50	76.92%

**Please elaborate on these curricular developments and how they have encouraged collaboration among clinical, externship, or pro bono programs and legal writing faculty.**

- We have a new "Director of Lawyering Programs" whose job it is to coordinate all of us. (Harriet Katz, Clinical Professor of Law).
- Two supervisory committees: the Legal Writing Committee and the Lawyering Committee work together on these issues.
- We are designing a course that involves collaboration between the legal writing faculty, clinical faculty, and doctrinal faculty, in particular the faculty members teaching professional responsibility.
- The CaseArc program (Case Western) has this type of collaboration
- We have subject-matter specialized legal writing sections; the result of our department's collaboration with the director of our school's public interest institute
- We have created a new course that integrates LRW and Torts, and it may provide some opportunity to use practice skills. That, in turn, will set up an opportunity to collaborate more closely with the clinics.
- Advanced writing workshop
- The public interest LARC sections encourage collaboration because the head of the certificate program and I have to work together, and with others, to identify the students who will be in these LARC sections, the teachers who will teach them, etc.
- Our Immigration Appellate Practice course fosters collaboration because we consult with other faculty on our cases, and other faculty have been very generous in serving as judges in our preparatory oral argument rounds.
- The Lawyering Skills program is a six-semester, required program that includes skills needed in the clinical programs. Also, clinical professors teach LS as part of their course load.
- We are working together, and with other members of the faculty, to develop a required second-year course. The course is scheduled to start in Fall 2008, and, if all goes well, to be offered to the entire second-year class in Fall 2009. The course

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- will be a simulated law office, and combine LRW, clinical skills, PR, prevention and problem solving, ADR, and career satisfaction.
- Addition of required externships and required capstone courses with a significant writing component along with standards defining a "rigorous writing experience," means that non-LRW faculty teaching the courses will likely consult with LRW faculty.
  - Implementation of STEPPS program which involves advanced legal skills and professional responsibility for upper level students.
  - Curricular change in grading in clinic course. Sat on committee that drafted policies for new mandatory externship program; consult with recently-hired externship coordinators to help them implement those policies.
  - Some clinical teachers teach the courses that are paired with legal writing sections.

**12. In general, how, if at all, has informal or formal collaboration among legal writing faculty and clinical, externship, and pro bono programs benefited faculty or students at your law school?**

*Benefits to Faculty/Programs*

- The clinical faculty and legal writing faculty work very closely together. The legal writing faculty encourages students to do internships, and the internship faculty supports our efforts to encourage good legal research and writing skills. In addition, the clinical faculty supports our efforts to improve our status at the school.
- The collaboration between clinician and LWR faculty has led to a five-semester program versus a two-semester program that existed prior to this collaboration. There are now mandated courses in drafting and problem solving. There will also be a mandated externship, as soon as we are able to find placements for all of our students. Now this expanded externship is available, but not to all students.
- A former LRW writing professor is now a writing coach at the clinics. We have also worked together on broader curricular matters to ensure that skills teaching is not given short shrift on resources, etc.
- In the past, a member of the Lawyering faculty gave a presentation each year to the clinical faculty. At this presentation, she explained the general techniques we use in Lawyering to teach writing skills and organization. The clinical faculty found this sharing of techniques and vocabulary very useful. It enabled them to remind their students of the skills they had already learned.
- Faculty benefit in terms of gaining more prestige within law school; faculty benefit with regard to scholarship topics
- Collaboration gives everyone new insights into their own work.
- The faculty has benefited because the LRW faculty has gained support from the internship faculty on "status" issues. We have benefited from the experiences of the internship faculty when it successfully sought tenure. We have also supported issues at faculty meetings.
- Our informal collaboration has made me a better legal writing teacher, and I hope it has helped the clinical faculty better address writing issues.
- Our cooperation on status issues has benefited the non-tenure-stream faculty by making us more visible and sending a more consistent message to the administration.
- We are all one happy lawyering faculty -- much more integrated with each other in the past several years. The vision for the "Lawyering Programs" as I understand it from the dean is to eventually become one big program that has people who "specialize" in areas such as legal writing, civil practice clinic, etc. but who can float in and out of the other sub-programs. That gives us all a chance to add variety and also provides flexibility for things like sabbatical coverage and the like.
- The school has excellent clinical programs, including a NAFTA program and an Innocence Project. The Legal Skills faculty have similar contract and voting status

to the clinical faculty, and we tend to work well with each other, especially in moot court and summer programs.

- Generally faculty gain respect for the LRW faculty when they work with them, although the helpfulness varies depending on individual experience.
- Discussion with non-tenured personnel in the clinic helps us both feel better about having someone to go to with concerns.
- Informal collaboration, sharing of teaching techniques and concerns about students and their needs has benefited faculty.

### ***Benefits to Students***

- While they are students, they learn real world practice skills for litigation, arbitration, mediation, and other forms of alternative dispute resolution. After they graduate, I hope the seeds of pro bono service will take root and be later used to benefit underserved populations.
- We try in 1L legal writing class to make students aware of opportunities available to them in clinics and externships. For many students, it's the first time they have heard of or considered these.
- Students in the subject-matter specialized legal writing sections seem to do better, overall, in their legal writing class, and we attribute this to several pedagogic forces, as well as to their generally higher level of happiness in working on assignments that interest them.
- Students have been introduced early on to the benefits and experiences of "real-world" experience.
- The clinics are heavily promoted in Legal Writing which likely increases involvement. Students, in turn, learn practical skills.
- The students in these sections seem to learn better and quicker than do their colleagues in non-specialized LARC sections because they have self-identified as wanting to go into this work, so they find the assignments more "real" and more relevant to their lives.
- Working with the externships has helped the students see the connection between the skills they learn in the first-year LRW classes and the skills they will need in practice. It also opens up a great avenue of dialogue when students observe practice skills that don't measure up to what they expect to see.
- To the extent that we discuss our common objectives and how to help students transition to clinical practice, students have great clarity understanding the similarities and differences between writing in different settings for different audiences.
- Since we are all working towards the same goal of preparing students to be excellent and ethical lawyers, communication between us about how we approach that goal is very helpful.
- The total coordination of all skills-related programs ensures that our students are better prepared for clinical and externship assignments than many students from other law schools in the area. Most of our faculty come from practice rather than academia, but the coordinated program also helps faculty to stay current with trends in practice.

Collaboration Between LRW Programs and Clinics  
2007 Survey Results

- The students have benefited from the practice experience of our LRW faculty when we teach the internship seminars or supervise out-of-town interns. The students also benefit because the LRW faculty promotes the internship program, and the internship faculty stresses the importance of good LRW skills. Finally, our future students will benefit from the new course we are developing.
- The collaboration between the clinic director and legal writing faculty has helped to bridge the gap between classroom and practice. We are trying to help the students see that the skills they have learning in LRW class are directly applicable in the clinical practice setting. In the past, the connection was not always apparent. Once the collaboration between the Law School and the Volunteer Lawyers Project is fully in place, both lawyers taking on pro bono cases and students who assist them will benefit immensely. The lawyers will have valuable assistance and the students will gain practical experience.
- We have a small faculty and we just naturally keep each other posted on what we do and help each other. For example, I helped a clinical professor revise an appellate brief, and then I used it as an example to pass around in the next semester's class. It helps make the theoretical stuff more real for the students.
- Students and faculty benefit in terms of sharing ideas about "real life" skills needed by students; emphasis upon counseling skills enhances student confidence.
- The fact that writing professors emphasize the importance of clinical education has encouraged many students to take these courses.
- Consulting with clinics has given me information about the clinics that I can share with LRW students. Supervising externships has given me information about practice in public interest settings that I can share with LWR students, especially as to the kinds of writing or timetables to expect.
- Students are exposed to a wider variety of opportunities and their sense of professionalism is enhanced.
- Whenever I use a housing problem in my LS 1 class, it encourages some of those students to participate in the clinic.

**13. If there is any other example of your cooperation with clinical, pro bono, or externship faculty or administrators at your law school that you'd like to describe, please describe it here.**

- 1) Carol Wallinger took over the Externship program this spring when Harriet Katz (Director of Lawyering Programs) went on sabbatical.
- 2) Meredith Schalick, one of our super-adjunct clinicians, is teaching an upper level writing course this summer.
- 3) One of our administrators, Anne Mullan Mallgrave, regularly fills in the Civil Practice Clinic and teaches practice-based courses on domestic violence (have I mentioned that Rutgers Camden has a large domestic violence program and series of course offerings?)
- 4) Eve Klothen, our dean of pro bono programs, teaches the Interviewing, Counseling, Negotiation (ICN) course.
- 5) Sarah Ricks of the LRW department co-directs a pro bono project that involves students doing legal writing projects for agencies and other public interest groups.
- 6) Debbie Shore, another one of our super-adjuncts, teaches both legal writing and ICN courses.
- 7) Patty Legge, another one of our super-adjuncts, teaches 1L legal writing and also teaches judicial extern students about judicial opinion writing and working for judges in general.
- 8) Linda Shashoua, another one of our super-adjuncts, teaches a section of 1L legal writing students each year and also supervises the prosecutor externship students.
- I serve as chair of our Faculty Committee on Career Development.
- We informally collaborate about status and teaching issues.
- I have a lot of experience as a housing lawyer, and I collaborate informally with the professor who directs our clinic.
- First-year legal writing students role-played clients for upper-level students in the ADR clinic. The 1-L's are now so excited about the ADR, they're forming an ADR-related student organization. We learned that it's important to harness 1L enthusiasm for such activities early in their time at law school.
- We have a public service administrator, who coordinates the pro bono opportunities we facilitate for our students. Any faculty member is welcome to bring him ideas. I've done so, but not in a way that relates to writing or my LWR courses.
- I recommend playing tennis together. That's where one clinical professor and I share lots of ideas!
- Our LARAW faculty participate extensively in moot court programs as both advisors and as judges for practice rounds.
- Clinicians also teach a first-year elective. We work with them in helping teach the transition to practice-based small state trial court brief writing from more elaborate federal appellate court brief drafting (what they do in the second semester of legal writing.)
- I reviewed a clinician's book, and I have used quite a bit of his material in the article I am currently writing and will forward the article to him for his review.

**14. Do you believe it would be useful for LRW teachers, clinicians, and externship and pro bono supervisors to share the same vocabulary for legal writing concepts?**

Total responses (N): 66      Did not respond: 1

<u>Answer</u>	<u>Frequency</u>	<u>Percentage</u>
Yes	57	86.36%
No	9	13.64%

**15. If you think that it would help law students if LRW faculty, clinicians, and externship and pro bono supervisors used the same vocabulary to describe or coach the writing process, why do you think that does not happen now? Can you identify any impediments to shared vocabulary for legal writing concepts?**

*Different Backgrounds/Faculty Autonomy*

- Each writing professor uses his or her own terms, and often we each use synonyms to try to reach each student, as some will understand a concept with one particular label and others will understand it better with a different label. We do try to share the terms we use most often (and their synonyms) with our clinical faculty so they can understand the terms that the students come in with.
- We are all attached to our own vocabularies, histories and practice settings.
- There are different terms used by all the different legal writing texts and programs. Because professors didn't learn at the same school, they may not know the terms used at the school they teach.
- Different institutions may use different terms, and one's background may determine the terms used.
- Some of the vocabulary LRW faculty use is not familiar outside our specialty. Until I began teaching LRW, I didn't know what "CREAC" or "umbrella sections" were, or what the difference was between revising and editing. I did those things but didn't have a name for them. I suspect our clinicians don't use those terms either.
- Various terms are used within the field of teaching legal writing, and thus it is natural that there would be variation with clinicians, too.
- Faculty autonomy
- We can't agree among ourselves on a common vocabulary--IRAC, CREAC, TREAT, etc.
- Much LWR teaching is too formulaic and full of jargon
- Many clinical faculty members and attorneys in practice or overseeing externships did not go through a formal LRW program when they were in school. They learned by the seat of their pants. Thus, they may not be familiar with concepts that are basic to LRW programs now (IRAAC, thesis sentences, etc.). They may have picked up some bad habits along the way, too, like not citing correctly or even using pinpoint cites. They may not even think it's important to cite correctly or they may have a Bluebook from the year they graduated from law school (e.g., 1986).

- Different vocabulary is attributable primarily to different educational and practice backgrounds

***Faculty Resistance***

- It happens to a certain degree, but there is some resistance to using LRW concepts like "IRAC" because clinical professors (like some other doctrinal professors) don't appreciate that it's a tool that can be used flexibly, not mechanically.
- There are just too many faculty who will not move beyond IRAC
- Our programs are divided into fiefdoms. The Clinic does not cooperate with the other skills program. I was on a committee that explored the opportunities for more cooperation between the programs. However, the director of the Clinic was recalcitrant.
- I'm not sure that there is much of a difference. However, some learned different names for the same things, and it is tough to change that after a time, much like the design of an issue statement.

***Physical and Practical Factors (e.g., time, proximity, administration)***

- I'm too busy.
- This is the reason we currently have a clinician "guest" teaching legal writing for two years. Except for this, we would have minimal contact between clinicians and writing faculty. The clinicians are located in a separate building, two blocks away from the law school
- Clinicians and legal writing professors tend to be overwhelmed with work and students, and coordination takes time.
- Lack of time/forum to coordinate could be impediment.
- Time pressures of trying to sit down and coordinate.
- There is no real contact between the LRW faculty and the clinical and externship faculty and administrators. We are all in different buildings, so we rarely see each other except on the occasional committee or at full-scale faculty meetings.
- The clinics at our school are in a different building, several blocks away, and coordination with adjunct LRW professors is difficult.
- We rarely see most of our clinicians, and exchange words only at faculty and committee meetings, and faculty lunches. They are in a different part of the building and often out of the building. It's hard to build a common vocabulary when you don't speak to each other much.
- I'm not sure why it doesn't happen. The clinicians seem to be in their own world; they have offices in another building away from the law school (which is not good!) We often do not hear about what they do.
- I have an adjunct legal writing program for first-year students and most of the advanced legal writing classes. It is very difficult to coordinate all the different adjuncts' schedules with full-time clinical faculty. We simply do not have the ability to teach cooperatively in ways that all-full-time-faculty programs do.
- Doesn't happen due to lack of time to spend on such a project. Impediments: our clinics involve almost exclusively trial work; in our LRW course, we do not spend any time on trial skills because we have only 2 credits; thus, the shared

vocabulary idea is great but what we and the clinicians teach our students are two different set of documents (and hence, different jargon to some extent). At our school students receive trial practice training at the END of their second year completely separate from any LRW course or clinic. The trial training class is adjunct taught. This makes it even harder to develop any shared vocabulary.

- I think the primary impediment is time. The clinical faculty are pretty overworked, and the LRW faculty are also over-extended. We really just do not have much time to meet on these issues. The other impediment was that our director (who has now left) did not get along with the clinical director and was not interested in collaborating. I am hoping that as the status of the clinicians gets better and the LRW program becomes more flexible (without a director), there will be more time to do this.
- Increased time required to explain underlying concepts. Uniformity between doctrinal and LRW/clinic programs.
- We are all busy and do not make time for these kinds of discussions. Sometimes there is a split between so-called "real world" law and classroom law teaching.
- Our pro bono program is brand new. There is currently little interaction between our LRW faculty and clinician/externship faculty in any formal sense.

#### ***Other Reasons***

- The two groups are missing some key concepts inherent to each discipline. I am a much better clinician because of my knowledge of writing process terms, and I am a much better legal writing professor because I am constantly reminded about how we need to teach students to be more client centered. Sarah Schrup (Northwestern) has written a fantastic article about exactly this issue.
- We have vocabulary differences between the faculty in the first-year writing program, and are not troubled by that. Further, as the students move from Core One and Two to Core Three and Problem Solving, we do not share all of the same vocabulary. We have discussed our vocabulary differences in our meetings. This year we had a series of meetings where each of us described how and what we taught so that we would be more aware of each others teaching preferences. The students learn that practitioners have different expectations, and that they must adapt their learning/styles to these different expectations.
- If these functions are not coordinated, it's almost impossible in the press of day-to-day activities to make shared vocabulary a priority. In addition, the farther removed LRW faculty are from their practice experience -- if any -- the less common ground they have with their clinical colleagues.
- From having many conversations about this with clinicians, I have noticed the following: 1. Legal writing teachers analyze writing and have terms to help them do so. This does not happen with the clinicians here - it is difficult for them to articulate what "is wrong" with student writing. 2. Understanding what does not work about writing takes time and energy. Writing teachers have to do this all the time. My experience is that clinicians (and other faculty and externship supervisors and lawyers in general) know good writing when they see it, and can identify writing as "ineffective" but have a difficult diagnosing what is not working about the writing - large scale structure, small scale structure, depth of

analysis, coherence, mechanics. 3. Misconceptions about writing from both sides. Clinicians have been heard to say that the writing done in the required first semester programs "has nothing to do with practice" and that clinic students should start over and forget everything they learned about legal writing in those courses. Writing professors have been heard to say that clinic writing is not effective and doesn't conform to readers' expectations. 4. Lack of time. Practitioners need to get material out very quickly and often don't have the time to spend diagnosing writing and figuring out the most effective way to compose documents. 5. Inflexibility among writing teachers. When writing teachers require students to use a strict "formula" such as IRAC, it inhibits them from hearing the alternative structures that may be more effective. This builds barriers. 6. Ego and fear. Clinicians and writing teachers are deeply committed to student learning. They have developed language and pedagogy that is sophisticated. In light of all that investment of time and energy, it is difficult to step back and say, "Maybe I was wrong. Maybe I need to rethink how I teach. Maybe someone else has a better idea and is teaching important material better than I am."

***No Impediments***

- It does happen now for our students.
- At my school we already speak the same language. As an example, one of our professors in the fair housing clinic was my student in legal writing when he started law school. Now he is a professor. When we talk about these concepts, we know exactly what we mean.
- It does happen now!

**16. If you have identified any impediments to shared vocabulary for legal writing concepts, please describe any suggestions you have about ways to remove them**

*Communicate/ Share Ideas and Materials*

- Dialogue and collaboration are the answers. More conversations at the national and local levels.
- Ask Richard Neumann. He's the best crossover person He has written both a legal writing textbook and a clinical textbook. He's your source.
- Brown bag lunches. Getting and keeping an open mind.
- The dialogue in meetings about this subject has helped.
- Communication among all faculty members.
- I think we need to keep the lines of communication open. We need to explain what we are teaching the students these days and why. Workshops and informal conversation are the best ways to do this.
- Create workshops, brown-bag lunches, or other working sessions to facilitate collaboration.
- Emphasis on practice experience in LRW faculty; more coordination between clinical and LRW faculty; joint activities/classes as part of LRW curriculum
- Ongoing conversations that are captured - by that I mean that clinicians and writing faculty take the time to sit down, articulate common goals and keep track of what they have agreed upon so that they don't have to keep reinventing the wheel each year.
- Developing common samples - having shared samples of effective writing -- ideally with annotations about why these samples are effective - helps students navigate the differences and see connections.
- Developing common outcomes, rubrics for writing. To the extent that there are common goals for student writing in any context, identify them to students. For example, "overall structure and organization" is important for all documents. Having common language and evaluative criteria builds coherence over students' years of legal education.
- Compose joint memos on writing. We did this last year, and it was very helpful. Showing students how their first-year writing course skills were directly transferrable to clinical settings helped them make the transition more successfully.
- Sponsor more joint workshops and conferences. These are most effective if they are conducted as active learning, hands-on workshops - such as critiquing workshops - where faculty work together to practice teaching writing skills.
- Getting together to talk about how we teach.
- As programs improve their numbers, this dialogue will become more possible. I think this is beginning to take place.
- Let professors know about multiple terms to describe the same concept, such as overall rule or umbrella rule, or sub-rule or test. Have legal writing professors share the terms they use with others who are interested.

*Other Ideas*

- The clinical/externship/pro bono faculty might respond to a gentle approach that did not come directly from the LRW faculty.
- As people work together, they come to know what others mean when they use different terms. Over time, groups tend to merge and use common terms. I think it's best to let the common terms develop naturally, rather than imposing rules.
- I don't teach a particular organizational paradigm, but just talk more generally about how one usually needs to discuss the legal standard before turning to how that standard needs to apply in our case. I don't use a textbook in the fall semester, and in the spring, I don't use the formula parts of the textbook. When I find it impossible to avoid jargon ("umbrella" and "roadmap" come to mind), I explain that these are just my shorthand terms for (insert explanation of the concept) and that students shouldn't expect to find practitioners using this jargon in practice.
- No matter what words we use, our goals are the same: clear, concise writing.
- Not every LW teacher uses the same vocabulary. Texts use different vocabulary. Judges and lawyers do, too. I think it is better to teach students that different vocabulary is part of what they need to learn.
- I'm not sure it makes sense to have a completely shared set of terms. In addition, some students seem to best understand a concept with a label a clinical faculty member provides, and I would hate for that opportunity to be lost by having them just use what we use (or vice versa).