



## ARTICLE

# Livening Up 1L Year: Moving Beyond Simulations to Engage 1L Students in Live-Client Work

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## I. Introduction

Few question that experiential education in law school is important: various reports have emphasized the need,<sup>1</sup> the American Bar Association requires it for law school accreditation,<sup>2</sup> and some states even mandate it for admission to the bar.<sup>3</sup> Yet, there are limited opportunities to engage in experiential learning during the first year of law school, and particularly opportunities that involve working with real clients who have genuine legal dilemmas.

The 1L legal writing course is often a home for experiential learning, since the core curriculum of researching the law and writing simulated memos and briefs mimics practice at a law office. Moreover, beyond teaching legal research and writing, many 1L legal writing professors incorporate multiple lawyering skills into

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<sup>1</sup> See, e.g., WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 195 (2007) (recommending in part that legal education expand to encompass more substantial practice experiences).

<sup>2</sup> STANDARDS FOR APPROVAL OF LAW SCHOOLS ch. 3, standards 303, 304 (AM. BAR ASS'N 2019), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2019-2020/2019-2020-aba-standards-chapter3.pdf).

<sup>3</sup> See, e.g., N.Y. STATE BD. OF L. EXAM'RS, NEW YORK STATE BAR EXAM INFORMATION GUIDE (2020), <https://www.nybarexam.org/TheBar/NYBarExamInformationGuide.pdf>.

their courses, including interviewing and counseling, email drafting, and oral reports to a supervisor.<sup>4</sup>

While simulations in these courses are not only valuable but also critical to developing our students' skills and judgment, they take place only in the controlled classroom environment. As such, students do not have an opportunity to feel the high stakes of working with a real client or supervisor, or to pivot and adjust to the dynamics of an actual legal scenario. Students also miss out on building community connections, since typical simulations involve only the students and professor.

Against this backdrop, I, like a few others across the country,<sup>5</sup> have developed a live-client experience for my students to bridge the gap between the skills they are learning through simulations in my 1L legal writing course, with practical application in a live setting to help real individuals. Specifically, over the past two years, my students have had an opportunity to participate in live-client work through a partnership I established with a local nonprofit, Lawyers Clearinghouse, which engages the private bar in pro bono direct-services representation of homeless and low-income individuals.<sup>6</sup>

Through Lawyers Clearinghouse, private law firm attorneys and local in-house counsel participate in a clinic at a homeless shelter, interviewing residents who have a potential legal claim involving, for example, a denial of benefits, criminal record sealing, immigration, or housing. If, based on the interviews, the clients' issues seem viable, the lawyers then take on the cases for representation.<sup>7</sup>

My students play a limited but important role in this program. First, they attend the clinic, working with lawyers to interview the clients. Next, at the end of the clinic, they orally present their clients' stories to the lawyers during a case

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<sup>4</sup> E.g., Joe Fore, *The Comparative Benefits of Standalone Email Assignments in the First-Year Legal Writing Curriculum*, 22 J. LEGAL WRITING INST. 151, 159–61 (2018) (email drafting); Nantiya Ruan, *Experiential Learning in the First-Year Curriculum: The Public-Interest Partnership*, 8 LEGAL COMM. & RHETORIC: JALWD 191, 206–08 (2011) (interviewing and counseling); Susan L. DeJarnatt, *Law Talk: Speaking, Writing, and Entering the Discourse of Law*, 40 DUQ. L. REV. 489, 509–10 (2002) (oral reports to a supervisor).

<sup>5</sup> See, e.g., *Ohio Governor's Expedited Pardon Project*, OHIO ST. UNIV., <https://www.ohioexpeditedpardon.org/> (last visited June 9, 2020) (allowing first-year students at The University of Akron School of Law to work with real clients and improve their persuasive writing skills by helping prisoners draft their pardon petitions); Kathleen Elliot Vinson & Samantha A. Moppett, *Digital Pro Bono: Leveraging Technology to Provide Access to Justice*, 92 ST. JOHN'S L. REV. 551, 561–63 (2018) (describing Research Blitz, a program that allows students in Suffolk Law School's Legal Practice Skills Program to work alongside alumni to answer civil legal questions posted online by low-income Massachusetts residents); Margaret Hannon & Sammy Mansour, 2018 LWI Biennial Conference Presentation: Developing a Professional Identity in the First Year of Law School (July 13, 2018) (presenting on the incorporation of different live-client work in the 1L Legal Practice Program at the University of Michigan Law School).

<sup>6</sup> LAWYERS CLEARINGHOUSE, <https://lawyersclearinghouse.org/> (last visited June 9, 2020).

<sup>7</sup> *Massachusetts Legal Clinic for the Homeless*, LAWYERS CLEARINGHOUSE, <https://lawyersclearinghouse.org/for-shelter-guests/massachusetts-legal-clinic-for-the-homeless/> (last visited June 9, 2020).

rounds discussion. Finally, the students write professional email interview summaries to the legal team that will then litigate the cases. My students' involvement typically ends there.

As explained below, this experience benefits in myriad ways my students, the participating attorneys, and Lawyers Clearinghouse, while also improving our community at large. The partnership helps develop my students' lawyering skills, reconnect them to their initial reasons for attending law school, build empathy, and grow both their professional networks and commitment to pro bono service. The bar benefits from free legal services and from making connections with 1L students who will soon be applying for summer jobs in their offices. And Lawyers Clearinghouse benefits by reaching and helping more clients, while also imprinting on students the importance of pro bono work as a core part of a lawyer's practice.

## 2. How the Experience Works: Connecting Pedagogy and Practice

The objective of the Lawyers Clearinghouse experience is to provide students an opportunity to use some of the skills they are learning in my Law Practice course within a live legal setting. Although this experience offers a finite opportunity to engage in live-client work, it helps build and strengthen several core lawyering skills accessible to 1Ls that do not require a law degree: client interviewing, oral presentations to a supervisor, legal email drafting, and professionalism. These are also skills I teach during the fall semester of my Law Practice course, which thus allows students to apply live what they've learned in the safety of a classroom setting. By teaching these skills and then offering students the opportunity to practice them in real life, students build connections between pedagogy and practice.

### 2.1. Fall Semester Skills Taught

During the fall semester, I teach a traditional legal writing course, where students learn legal research fundamentals and the basics of legal analysis and writing to engage in two predictive memorandum assignments. In addition to these two major assignments, I also teach and assess client interviewing and counseling, oral presentations of research to a supervisor, legal email writing, and professionalism. For each of these skills, my students receive instruction, practice through classroom simulations, and undergo formative assessments of their skill development. Then, those who volunteer to participate in the Lawyers Clearinghouse program (typically three-quarters of my students) also engage in these skills by working with live clients and practicing lawyers.

**Interviewing:** In early fall, I do a short unit on client interviewing connected to my students' second predictive memorandum. This involves: (1) a traditional

class teaching interviewing techniques; (2) an assignment where student groups create an interview outline for a mock client interview; (3) a fishbowl exercise where selected student groups interview the class's "client" to gather facts for the course's second predictive memo; and (4) a debrief of the fishbowl interview to discuss the students' performance, using recorded clips from the exchange.

**Oral Presentations to a Supervisor:** After students complete the first draft of this predictive memorandum, I teach oral presentations to a supervisor. For these classes, I first present on oral-presentation goals, organization, and delivery. We then critique a series of mock presentations against a rubric we create jointly. Next, students practice in class by orally presenting to a group of peers one section of a previous memo they wrote. Finally, I have students present to me on their research for one section of their memo that they have not yet drafted.

**Legal Emails:** Like many legal writing teachers,<sup>8</sup> I incorporate professional legal emails into my curriculum. For these classes, we discuss the core goals and components of a legal email and evaluate various legal email samples—some good and some not. Students then complete a legal research email assignment.

**Professionalism:** Lastly, woven throughout my course are lessons on professionalism, including timeliness for meetings and assignments, attention to detail, and growing a professional network.

## 2.2. Lawyers Clearinghouse Experience

Through the Lawyers Clearinghouse opportunity, my students engage in the above four core lawyering skills by working with practicing attorneys and real clients who are faced with legal dilemmas. The experience involves a training, the clinic interviews, a case-rounds discussion, and email summaries of the clients' stories.

Specifically, during the week of a scheduled clinic, which occurs every other Friday throughout the year, a group of four students attends a one-hour training by Lawyers Clearinghouse staff to learn what to expect from the clinic. The training typically occurs at the participating law firm with the lawyers who will also engage in that week's clinic.<sup>9</sup> This simple meeting requires key professionalism skills: students must dress in business casual clothing; make their way on time to the downtown law firm; and participate in the training, taking notes and asking questions.

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<sup>8</sup> E.g., Fore, *supra* note 4, at 158 ("[W]ith the clear trend in favor of incorporating email memo assignments into the curriculum in some fashion, the question is no longer 'Should we include email assignments in the first year,' but, rather, 'How can we do so in the most effective way?"); Kristen Konrad Robbins-Tiscione, *From Snail Mail to E-Mail: The Traditional Legal Memorandum in the Twenty-First Century*, 58 J. LEGAL EDUC. 32, 49 (2008) ("The shift from traditional to informal memoranda and e-mail should be recognized by legal educators who seek to prepare students for the practice of law.").

<sup>9</sup> I also schedule a meeting with the students the day before the training, explaining what they can expect—and what is expected of them—from the training and the clinic itself.

Then, that Friday, the students engage in the clinic, typically from 9 AM to 2 PM. They must arrange their transportation to the homeless shelter where the clinic will take place. There, they are split from their peers and grouped with one or two practicing lawyers from the participating firm or business to conduct a series of interviews with shelter residents. Students take interview notes during each of the interviews and ask questions as relevant. They also lead at least one client interview after first watching one of their partner attorneys in that role. This experience requires the students to use the interviewing skills they gained from my class in terms of, for example, welcoming the client, asking different types of questions (open, closed, broad, and narrow), employing active listening, and closing. It also requires the students' professionalism when working with both the practicing lawyers and the clients.

After the morning interviews, the students, lawyers, and Lawyers Clearinghouse staff gather in a conference room to conduct case rounds, discussing the different clients' stories and appropriate strategies to assist the clients moving forward. The students, as the note-takers, lead the case rounds by discussing each client their group interviewed. This requires them to use their oral presentation skills, as they must educate a group of lawyers about a client's story, parsing out the most material information and delivering it articulately and succinctly. It also requires the students to be able to respond with appropriate and direct answers to a supervisor's questions.

After the clinic ends, the students draft email interview summaries using a template and examples that I provide, which they send to the lawyers no later than Monday morning. This requires the students to apply the email-writing skills they learned in class, now writing to actual lawyers. The students must effectively organize the emails with headings, short paragraphs, and crisp prose. They must also put into writing a coherent story of the client's dilemma and the case-rounds response to it. Lastly, the students send individual thank-you emails to each lawyer, as a final touchpoint to help build their professional networks.

### 3. Benefits to Students, the Bar, and Lawyers Clearinghouse

Multiple benefits flow from the Lawyers Clearinghouse experience to all those involved. With respect to my students, their written reflections demonstrate many important lessons learned.<sup>10</sup> For example, most reflections describe deep appreciation for an opportunity to "practice substantive skills in a real setting,"<sup>11</sup> where the students owned the role as lawyer and could begin to develop their professional identities. Others commented that the experience also helped reconnect

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<sup>10</sup> Quotes are from actual student reflections on file with the author. Each student has been anonymized and assigned a number, and his or her quote is attributed to the student accordingly.

<sup>11</sup> Student 22; *see also, e.g.*, Students 5, 6, 10, 18, 19, 21, 25.

them to their reasons for coming to law school, finding the clinic “motivational”<sup>12</sup> during the insular experience of the 1L year. Others discussed the empathy they felt for the clients, explaining how the experience “was really eye-opening and a great reminder that the law is more than just the theory we read in casebooks—it has practical effects on real people.”<sup>13</sup>

Students also appreciated meeting and networking with other lawyers in an active setting, rather than simply a meet-and-greet. They commented that they received thoughtful advice about law school, job searches, and more, and many felt they made “good connection[s].”<sup>14</sup> Lastly, several students commented on the importance of access to justice, recognizing that even private attorneys have an obligation to help their communities. One student expressly commented that “[i]t is important that first year students see corporate lawyers from big firms demonstrate their commitment to public service and pro bono legal work because it sets a good example for 1Ls to follow.”<sup>15</sup>

Similarly, the private bar reaps benefits from the students’ involvement. Most directly, the lawyers received free substantive work from the students—the client interview summaries—which saved them billable hours. Additionally, they are able to build their office’s reputation by mentoring and connecting with law students outside of the forced confines of a routine networking event. Firms typically vie for 1L attention as the students gear up for the 2L summer job search. The Lawyers Clearinghouse clinics provide law offices with an opportunity to get to know students through a shared experience, where both parties can talk more naturally with one another about the work they’re engaging in together. Many students discussed how much they appreciated the lawyers whom they were paired with and planned to apply to their firms for future opportunities.<sup>16</sup>

Lastly, Lawyers Clearinghouse benefits by having additional volunteers to thus reach more clients, while also building a commitment to the nonprofit itself and pro bono work more generally. By engaging the law students in this experience, Lawyers Clearinghouse is able to interview more clients and take on more cases than it otherwise would, thereby serving more people and better supporting its mission. Additionally, by exposing law students to pro bono work and Lawyers Clearinghouse specifically, the organization leaves an imprint on students about the importance of this nonprofit and pro bono work in general as a part of a successful law practice.

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<sup>12</sup> Student 2; *see also, e.g.*, Students 1, 4, 5, 7, 9, 10, 17.

<sup>13</sup> Student 16; *see also, e.g.*, Students 6, 8, 17, 27.

<sup>14</sup> Student 19; *see also, e.g.*, Students 4, 6, 10, 14, 20, 27.

<sup>15</sup> Student 15.

<sup>16</sup> *See, e.g.*, 4, 6, 10, 19, 20.

## 4. Conclusion

Although 1L students have limited experience with respect to both substantive law and practical skills, small opportunities exist to expose them to meaningful live-client pro bono work. As demonstrated, professors can develop relationships with local nonprofits to provide limited, but impactful experiences with real clients and lawyers. By creating a discrete, manageable opportunity where students can practice skills that they are learning their 1L year, a cascade of benefits can follow, helping students, lawyers, the public interest sector, and the greater community.

**Postscript:** Although the Lawyers Clearinghouse legal clinics have been suspended due to the COVID-19 pandemic, once these re-open, whether in-person or remotely, I hope that students will again be able to participate.