

LAW WEEK

COLORADO

IAALS Calls For Experiential Learning For Law School Success

By **Tony Flesor**

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ACCORDING TO THE Institute for the Advancement of the American Legal System, the future of law school is in experiential education.

In the organization's newest report, "Ahead of the Curve: Turning Law Students Into Lawyers," released Thursday, IAALS examines the Daniel Webster Scholars Honors Program at the University of New Hampshire School of Law, a two-year program that focuses on putting students through their paces designed to teach students to practice law and culminates in an evaluation of their progress, in place of the bar exam, to admit them to the state bar.

The University of New Hampshire program is a response to the traditional law school model and the criticisms that go with that; it has become common to question whether law schools prepare students to actually be lawyers and the expense they undertake in order to receive a law degree. The program is one of many that seeks to break free from the traditional model and create practice-ready grads.

The Daniel Webster program puts its 24 scholars through two years of practice courses such as pretrial advocacy, which pits groups of students against each other in mock litigation, a course focused on negotiation skills and a course focused on the formation, financing, operations and selling of businesses.

At the conclusion of the program, New Hampshire bar examiners review the scholars' performance for admission.

"The legal profession is consistent in its call for new lawyers who can hit the ground running," said Alli Gerkman, director of Educating Tomorrow's Lawyers and co-author of the report. "Our findings show that this program delivers that. And we believe that the program's success is replicable at other law schools on both grand and small scales."

In IAALS and Educating Tomorrow's Lawyers' evaluation of the program, the organizations worked with an evaluation consulting firm to run focus groups and an evaluation of standardized client interview assessments of recent law graduates from inside and outside the Daniel Webster Scholars program.

Focus group participants said the scholars were a step ahead of other recent graduates and sometimes were on par with professionals who had already been practicing for two years, Gerkman said. The students themselves expressed an appreciation for having greater responsibility through the program than they otherwise would.



ALLI GERKMAN | LAW WEEK FILE PHOTO

"Along with the opportunity to get hands-on experience practicing law, the DWS program taught us to be good listeners and to value self-reflection," 2010 graduate James O'Shaughnessy said in a press release. "The program taught me to always ask: am I doing the best job that I can for my client? Even beyond the practice skills, this type of thinking has become a habit and has made me a better lawyer."

Additionally, the report points out that the program emphasizes collaboration between the scholars rather than competition.

According to the report, "Courses are designed to mirror the collaboration characteristic of real law firms. Participants reported that in these courses, DWS scholars do not compete with one another. ... The program facilitates a collaborative environment by having the same students working together over two years, in small courses, on projects that one could not complete alone."

The program itself is built out of collaboration between the school and the legal community.

"Collaboration was key. This is a state that has fully embraced the idea that legal educators and the legal profession must work together toward meaningful improvements in legal education," Gerkman said. "We hope

this report sparks interest in further collaboration between these groups to ensure a system of legal education that trains new lawyers to the highest standards of competence, professionalism and readiness for practice."

Although IAALS praises the program and recommends similar programs be adopted in other areas, the report includes challenges for replication: "To expand/replicate the key ingredients of the program, a law school would need participation of local judges (to participate in simulations) and bar examiners (to provide feedback), school administration commitment to small course sizes (to facilitate collaboration and individualized feedback) and faculty with practical experience (to support a practice-based curriculum). ... A related question raised by students and administrators is whether this degree of community participation is feasible in a community larger than New Hampshire, with fewer small law firms and more than one law school."

Though the program has not been replicated in Colorado, both of the state's law schools, the DU Sturm College of Law and the University of Colorado Law School have bought in on the concept of experiential learning and collaborate on a legal residency program that places recent graduates with

employers to gain professional skills beyond what is learned in law school. DU also offers an experiential learning program that has students participating in clinics and externships in lieu of traditional classes.

The report also provides lessons to be learned from the program that can be applied elsewhere. Gerkman said law schools or legal jurisdictions look at the program as a way to bypass the bar exam and assume they can't do the same, but there are other takeaways. Focus group participants who were involved with the program expressed how beneficial they thought the feedback loop was. Throughout the program, the scholars receive feedback from bar examiners, faculty members and members of the profession, and they are required to do self-reflection through written papers. Gerkman also said the collaboration between the school and the bench and bar were key components for the success.

"I'm heartened by the role collaboration plays in this program," Gerkman said. "There is so much energy in the profession right now to engage in this conversation. It's a great time for us to have some proof that collaborations among schools, the bench and bar can actually bring about successful programs that prepare lawyers." •

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