Some Ideas for Preparing Law Students for Real-World Practice

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Today’s Conversation

- I plan a conversation between colleagues rather than a lecture
- Focus on two topics
  - LEAPS ideas for teaching more about “practical problem-solving”
  - Using simulations more often
Premises for Today’s Conversation

- There is a need to increase practical skill training
- This is a HUGE topic we can’t fully cover today
- This is a sensitive topic touching feelings and identity of most faculty
Working Together and Appreciating Each Other

- Important to appreciate colleagues focusing on producing scholarship and teaching doctrine
  - Their work is – and will continue to be – important
- Important to appreciate colleagues focusing on teaching skills and librarians
  - They often feel under-valued, vulnerable, and/or invisible
- Reform process involves very difficult conversations
  - Use techniques in “Difficult Conversations” book
The “Curse of Coverage”
(The Elephant in the Room)

- Phrase from Barbara Glesner Fines
- **Dilemma for most faculty trying to provide most possible instruction with limited time**
- “Mile wide, inch deep” instruction
- Challenge grows as doctrine mushrooms
- How much do students learn and retain?
- Hidden messages about what is important or not
LEAPS

- Legal Education, ADR, and Problem-Solving Project of ABA Section of Dispute Resolution (leaps.uoregon.edu)
- Incorporate more “practical problem solving” (PPS)
  - Interpersonal skills
  - General lawyering skills (eg, interviewing, factual and legal research, writing, analyzing options)
- Dispute resolution
- Professionalism
Barriers to Teaching More PPS

- “Not role of law school or doctrinal courses”
- “I don’t have the practical experience”
- “I don’t have the time”
- “This won’t help students pass the bar”
- “I can’t assess students’ learning of PPS”
- “Students will resist”
- “It’s too difficult logistically”
Some LEAPS Suggestions
(which you may already do)

- Shift some hypos from appellate argument to client counseling or negotiation
- Focus on problems instead of only cases & doctrine
- Use some simulations inside or outside class
- Videos / guest speakers
- Informally collaborate with colleagues
- Get advice from LEAPS consultants - civ pro, clinics, contracts, criminal, family, labor and employment, prof. responsibility, property, torts
Overcoming Barriers

- If you are interested but think, “Yeah, but …”

- ... see detailed suggestions on LEAPS website
Simulations

- Taking step beyond thinking and talking about law
- Students act in lawyer’s role (or related roles)
- Assumes outcomes not based solely on law & facts
- ... also affected by moves of independent actors, eg
  - Clients
  - Counterpart lawyers
  - Mediators
  - Judges
Simulations in Law School
(not necessarily long or complex)

- Litigation activities, eg,
  - Interviewing and counseling clients
  - Conducting depositions
  - Trying cases
  - Making appellate arguments
- “Alternative” dispute resolution
  - Negotiation
  - Mediation
  - Arbitration
What Simulations Do You Use?

- What works well with your simulations?
- What are the challenges with them?
Simulations in Doctrinal Courses

- Consider teaching goals and mix of teaching methods
- Can be in class or outside class
- Can be short
- Can integrate learning at end of unit or course
- Need not be graded
- Can use 1-page assessment sheets
- Ask about “aha” moments
- May reduce some coverage ... consider your priorities
Multi-Stage Simulations

- Obviously more ambitious
- Example: possible stages in negotiation
  - Conduct initial client interview
  - Develop relationship with counterpart lawyer
  - Plan negotiation process
  - Conduct factual investigation / legal research
  - Prepare client for negotiation
  - Conduct final negotiation
  - Draft settlement agreement
Potential Benefits

- Greater identification with legal roles
- More realistic interactions
- Sharper focus on discrete elements in process
- Deal with more complex issues
- See connections between stages

**Increased and deeper learning**
  - Consider what students will retain