

Reflecting on Recent Expansions and Experimentations in Experiential Learning

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Agenda

- Emerging models of experiential courses
- Goals and methodologies of in-house clinics, externships, and simulations
- Institutional questions raised by the emerging models
- Assessing the emerging models
- Small-group exercise
- Small-group feedback
- Conclusion

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2018 Survey: Emerging Models of Experiential Courses

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- Survey Goals and Methodology
 - Initial Findings
 - Surfacing Common Themes

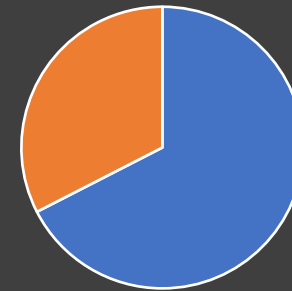
Survey Goals and Methodology

- Experiential Coursework Requirement
- CSALE
- Our Survey

Initial Findings: Curricular Changes

- Upper Level Curriculum Changes:
 - More than 2/3 of respondent schools changed their upper-level curriculum in some way to respond to the experiential coursework requirement.

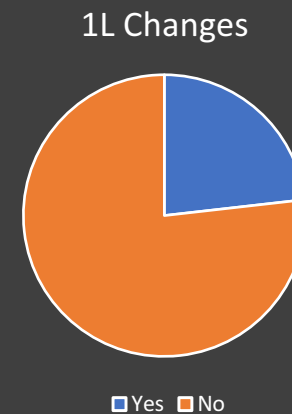
Curricular Changes



■ Yes ■ No

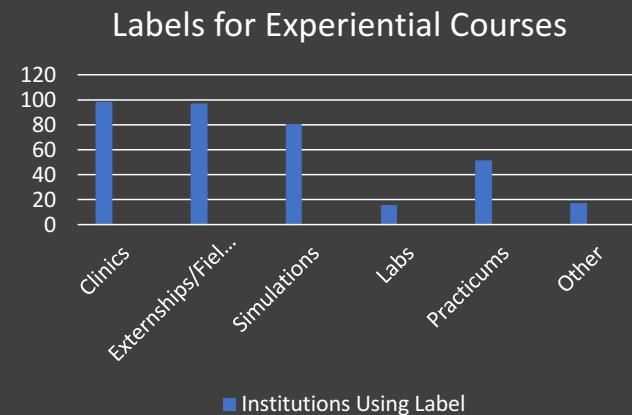
Initial Findings: Curricular Changes

- **1L Curriculum Changes:**
 - 77% of respondent schools have not changed their 1L curriculum as a result of the experiential coursework requirement.
 - About 23% of respondent schools offer experiential courses for 1L students. This statistic does not include LRW courses.



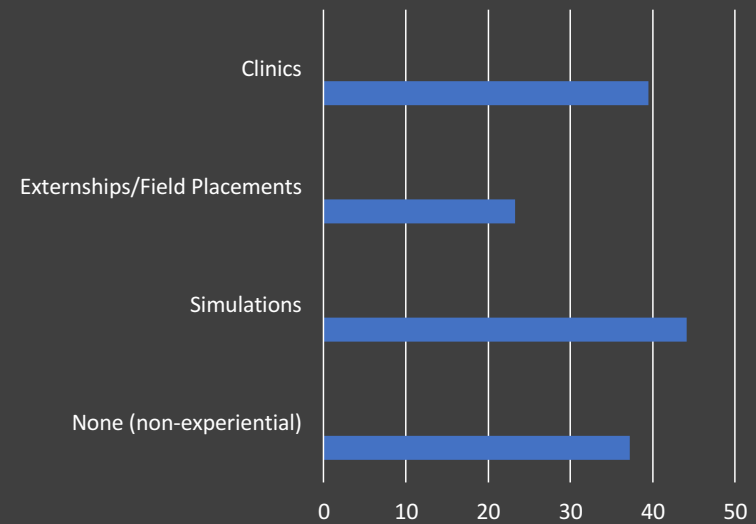
Initial Findings: Labels

- Respondent schools use a variety of labels for experiential courses in addition to *clinics*, *simulations*, and *field placements*.



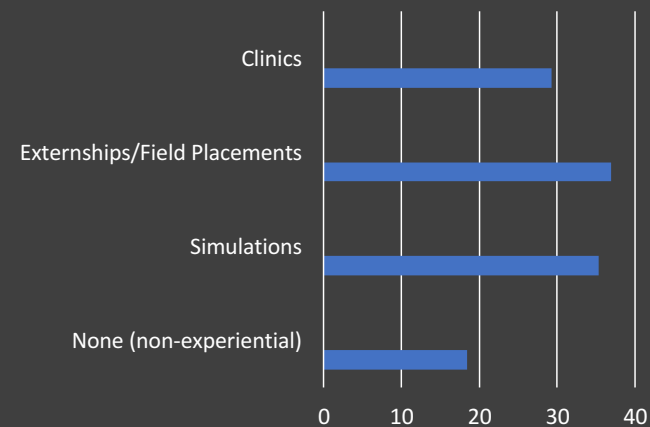
Initial Findings: Labs

- More than 1/3 of respondent schools offer *labs*.
 - Defined as...
 - Subject Areas
 - Freestanding vs. Attached
 - Enrollment
 - Credits
 - Grading
 - Instructors
 - Student-Faculty Ratio



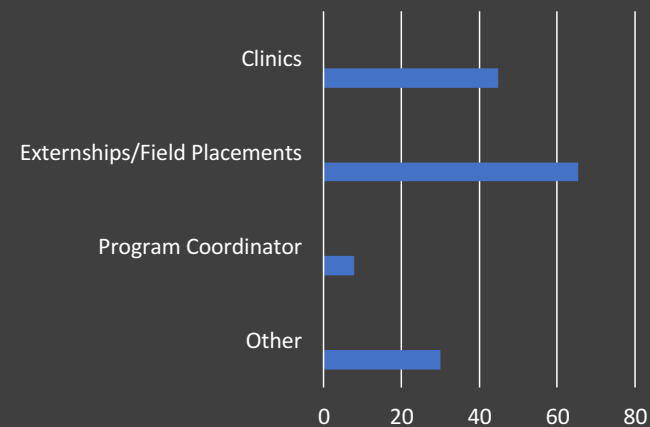
Initial Findings: Practicums

- Nearly 60% of respondent schools offer *practicums*.
 - Defined as...
 - Subject Areas
 - Freestanding vs. Attached
 - Enrollment
 - Credits
 - Grading
 - Instructors
 - Student-Faculty Ratio



Initial Findings: Experiential Education Administration

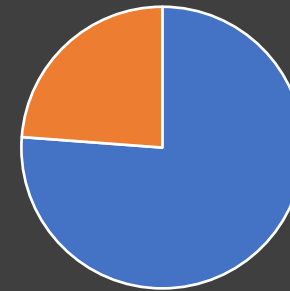
- The majority of Experiential Education Administrators at our institutions are "Directors."
 - Other roles include Deans (Vice, Associate, Assistant) and Program Coordinators.
 - Oversight duties may also fall to other institutional administrators: Deans for Academic Affairs, Career Services.
 - Some respondent schools report oversight by committee.



Initial Findings: Experiential Course Approval Process

- More than 75% of respondent schools report that their course approval process is the same for experiential and non-experiential courses.
- Of the $\frac{1}{4}$ report differences, the processes vary.

Approval Process



Same Different

Surfacing Common Themes

- *How* are institutions introducing changes due to the experiential coursework requirement?
- *Where* are the opportunities in the 1L curriculum to introduce experiential coursework?
- *How* can approval and evaluation processes for new and existing experiential courses inspire innovation and ensure excellence?

Another Typology for Experiential Offerings

Course with Short, Bounded Legal Work
(Pop-Up; Intersession; Summer Term)

Experiential Add-on to a Podium or
Seminar Course

External Adjunct Practicums
(External Case Work & Seminar)

Shared Goals of Clinics and Externships

- Developing a Professional Identity
- Developing a Contextual Understanding of Client's Legal Problems
- Developing a Critical Understanding of Legal Process
- Developing Capacity to *Think* as a Lawyer
- Developing Capacity to *Act* as a Lawyer
- Developing Capacity to *Learn* as a Lawyer

Characteristics & Methodology of Clinics

- Student experience *doing* real legal work
 - Professor/clinic supervisor controls site and scope of legal intern's role
- Student experience *learning* from doing real legal work
 - Integrated learning centered in the law school
- Faculty role in teaching:
 - Learning goals
 - Seminar (number of credits)
 - Supervision (unitary)
 - Rounds
- Faculty role in clinic design:
 - Case/project selection
 - Course structure

Characteristics & Methodology of Externships

- Student experience *doing* real legal work
 - Off-site; placement supervisor controls scope of Legal Intern's role
- Student experience *learning* from doing real legal work
 - Dual sites; learning in the field / law school
- Faculty role in teaching:
 - Learning goals and office work goals
 - Seminar (number of credits)
 - Supervision (dual - in the field / law school)
 - Rounds (on supervision v. on substance)
- Faculty role in clinic design
 - Placement office selection by professor; case/project selection by on-site supervisor
 - Course structure

Simulation Goals and Characteristics

- Students experience *doing simulated* legal work with significant period to perform (cf. hypothetical); **simple, complex, extended** (Ferber, *Adult Learning Theory*, 9 Clin. L. Rev. at 418)
- Variable student **role**: lawyer, client, judge, mediator, etc.
- **Abstracted reality**—focus on phase(s) of lawyering/representation
- Role of **drama**—fiction as nonfiction (e.g., educational theater—actor as teacher)
- **Faculty role/control**: author, director, expert, supervisor
- **Novice, ‘first-level errors’**
- As **preparation** for actual/live-client work
- Context/varying levels of **uncertainty**—facts, law, application of law to facts

“The novice should not be asked to exercise judgment or interpret a situation as a whole. Instead, the novice must learn to recognize certain well-defined elements of the situation and apply precise and formal rules to these elements, regardless of what else is happening. Following the rules allow for a gradual accumulation of experience. But in order to progress, the student has to attend to the features of the context, events that occur even outside the rules.”

Sullivan, et al.,
Educating Lawyers at 137

Institutional Questions

Role of various institutional actors (directors, deans, coordinators) in coordination, assessment, monitoring

Experiential (sub)committee?

Effect of new labs, practica, hybrids, etc., on existing offerings

Coverage/faculty workload

Increased offerings and the curriculum writ large: learning outcomes, 1L, “marble” v. “layer” cake models

Assessment Process 1:

Identify Learning Goals

What goals are
achievable &
unachievable?

Professional
Identity

Contextual
Understanding

Critical
Understanding

Capacity to
Think, Act &
Learn

Assessment Process 2:

Identify Methodology Questions

Supervision of Legal Work

- Who supervises
- Method (indirect or direct)
- Structure (where and when)

Classroom

- Incorporate goal setting and reflection; theory and practice
- Connect seminar with legal work
- Method (rounds, present, discuss)

Course Structure

- Timing and type of lawyering experience
- Student role and supervisor role
- Frequency and content of seminar

Assessment Process 3:

Identify Status & Resource Challenges

- Law School Supervisor/Field Supervisor
 - Job security; compensation; governance rights
 - Tenure track; contract; fellow; visitor; adjunct
 - Doctrinal teaching; clinical teaching; both
- Experiential Program
 - Base budgeted (hard money)
 - Need to fundraise (soft money)

Small Group Work

Form

Form groups of 4 (~1 min)

Have

Have each group member share a 1-minute description of a curricular innovation at their school, and then pick one to focus on (~5 min)

Using

Using the assessment process, discuss learning goals, methodology, and challenges of the new experiential course (~10 min)

Consider

Consider the institutional questions presented by the new experiential course (~4 min)

Assessment Considerations

GOALS

- Professional Identity
- Contextual Understanding
- Critical Understanding
- Capacity to Think, Act & Learn

CHALLENGES

- Professor/Field Supervisor (status)
- Experiential Program (funding)

METHODOLOGY

- Supervision of Legal Work
- Classroom
 - Goal setting and reflection
 - Connect seminar with legal work
 - Methods (rounds, presentations)
- Structure
 - Timing/Type of Lawyering
 - Student role & supervisor role
 - Frequency & content of seminar

Institutional Challenges

Role of various institutional actors in assessment/monitoring

Directors, deans, coordinators

Experiential committee/subcommittee

Relationship to learning outcomes

Small Group
Feedback /
Concluding
Thoughts

What was the curricular innovation you discussed? (1 min)

What was your assessment of the innovation? (1 min)

What challenges & opportunities did the innovation present? (1 min)