

HOW DO WE PLAN FOR THE TRANSITION BACK TO WHATEVER “NORMAL” IS GOING TO BE?

AALS CLINICAL, EXTERNSHIP, AND EXPERIENTIAL LAW PROGRAM
DIRECTORS WORKSHOP, JUNE 10, 2021

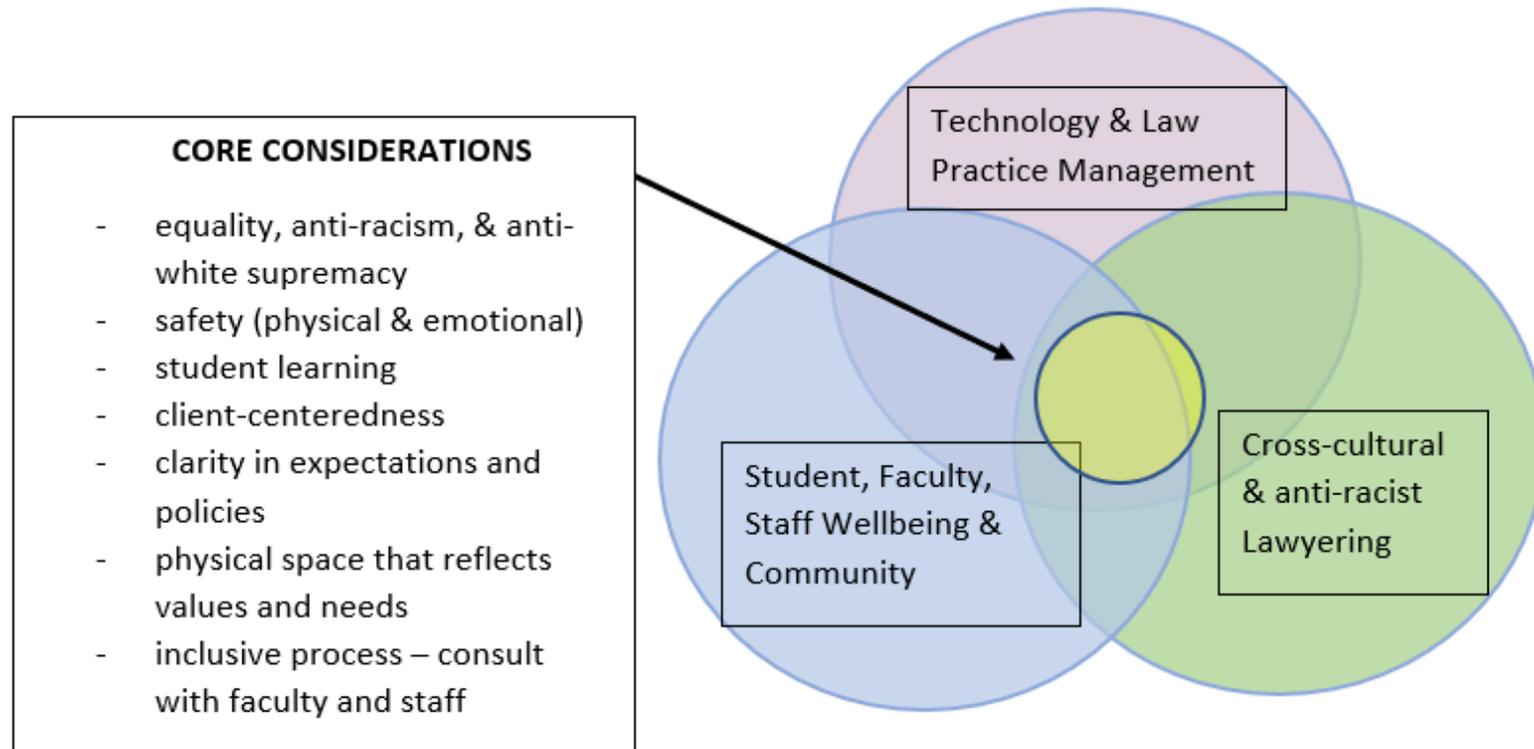
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Objectives

1. Explore 3 core domains in transition back to the new “normal”
2. Propose a framework & suggestions for Deans/Directors to approach transition in each domain
3. Brainstorm/share ideas, considerations, and approaches to return to “new normal” in each domain
4. Identify areas for future thought/consideration as we transition to what’s next

Domains & Core Considerations



Domain #1: Law Practice Management & The Technology of Lawyering

- Where we are and what we're returning to
- Law Practice Technology – what does this include?
 - Case management programs (e.g. Clio, TimeMatters, RocketMatter, etc.)
 - Remote access (e.g., virtual desktops, VDI, Pulse Secure, VMWare Horizon, etc.)
 - Remote communication – synchronous and asynchronous (e.g., email, text, messaging, calling)
 - Video conferencing (e.g., Zoom, WebEx, Go-To-Meeting, etc.)
 - Collaborative tools (e.g., Microsoft Teams, Slack, etc.)
 - Document-sharing (e.g., GoogleDrive, DropBox, network drives, etc.)
 - Remote mail, signatures, printing (e.g., CaseMail, DocuSign, etc.)
- Pedagogy around hybrid practice
 - Lawyer-client relationship
 - Lawyering skills – e.g. Interviewing and counseling, oral advocacy
 - Professionalism – e.g., communication, work hours, etc.

Infrastructure to Support Clinic Tech

- Computing access on & off campus (hardware, software, internet)
- Account structures (University v. clinic-specific v. personal accounts)
- Free technologies, social media, and apps (vetting, adoption, and/or prohibition)
- Integration of technology
- Data security policies (state and federal law, ethical rules)
- Training – for students, faculty and staff
- IT Support
- Customization, flexibility, & frequent updating

Role of Deans & Directors

- Establishing a Clinic Tech Plan
- Marshalling resources
 - Institutional
 - Faculty and staff
 - Expert, where needed
- Balancing risk/exposure
 - Recognizing University interests as distinct from program interests
 - Identifying action & reaction
- Establishing clear parameters and policies
 - Workable for diverse programs
 - Flexible
- Ensuring faculty/staff/students have necessary training & support
- Ensuring accessibility & equality
- Collaborative processes and buy-in

Domain #2

Wellbeing & Community: Among Students

Potential obstacles to wellbeing & community among students:

- Re-adjustment to in-person learning, in-person socializing, etc.
- Reluctance to realize when they need professional help and/or to seek out professional help
- Continued processing of the impact of COVID in terms of their own health, loss of loved ones, caregiving, etc.
- Continued processing of racism, white supremacy, and the elevation of those issues in the national discourse in the wake of the killings of George Floyd, Breonna Taylor, and others

Domain #2

Wellbeing & Community Among Students: Clinic Director Responses

- Ensure clinicians are aware and responsive
 - Grading (“compassionate”)
 - Class participation

- ABA Standard 508 (student support services)

A law school shall provide all its students, regardless of enrollment or scheduling option, with basic student services, including maintenance of accurate student records, academic advising and counseling, financial aid and debt counseling, and career counseling to assist students in making sound career choices and obtaining employment. If a law school does not provide these student services directly, it shall demonstrate that its students have reasonable access to such services from the university of which it is a part or from other sources.

- Create clear policies around what choice, if any, faculty, staff, and students have in terms of remote work.

Domain #2

Wellbeing & Community: Among Clinicians and Staff

Potential obstacles to wellbeing and community among clinicians & staff

- Many clinical programs face a reconstituted faculty and staff – with retirements, new hires, and even losses among our colleges during the year and a half we've been virtual
- Clinical faculty and staff, like students, have experienced pain and trauma in connection with the pandemic and been activated around issues of racism and white supremacy

Domain #2

Wellbeing & Community Among Clinicians and Staff: Clinic Director Responses

What is role of the clinic director/dean?

- Bring in professionals to help our faculty/staff understand some of what they will be seeing and how to deal with it
- Involve the student health center and re-familiarize faculty/staff with those resources
- Model clear policies and compassionate expectations (with input and flexibility)

Domain #3: Cross-Cultural Competency & Anti-Racist Lawyering

- Definitions: What it is and what it is not
 - Cross-cultural competency ≠ anti-racist lawyering
 - Representing BIPOC communities ≠ cross cultural competency or anti-racist lawyering
 - Representing clients different from one's self ≠ cross cultural competency or anti-racist lawyering
- Practicing ≠ *teaching* cross-cultural competency & anti-racist lawyering
- Returning to a different environment:
 - Heightened chasm between students and clients; heightened inequalities
 - New/different assumptions around health, COVID, vaccines, race, political polarization, etc.
 - New/different conversations around police killings of Black people and over-policing of BIPOC communities
- Proposed Revisions to Standard 303(c) – training and education on bias, cross-cultural competency, and racism, including before/concurrent with clinic or field placement

Role of Deans & Directors

- Creating spaces for clinicians to explore these issues
- Gauging student and faculty needs, perspectives, and experiences – surveys, conversations and other measures
- Creating clinic/externship-specific DEI plans
 - Hiring
 - Curriculum
 - Clinic spaces
 - Speakers
 - Integration rather than separation of issues of race
 - Involvement of faculty and staff
 - Messaging and communications
 - Liaising with non-clinical faculty and staff – elevating issues institutionally

Breakout Conversations

It's November 2021. You have successfully transitioned your program back to fully inperson learning/practice on campus. Consider these three questions:

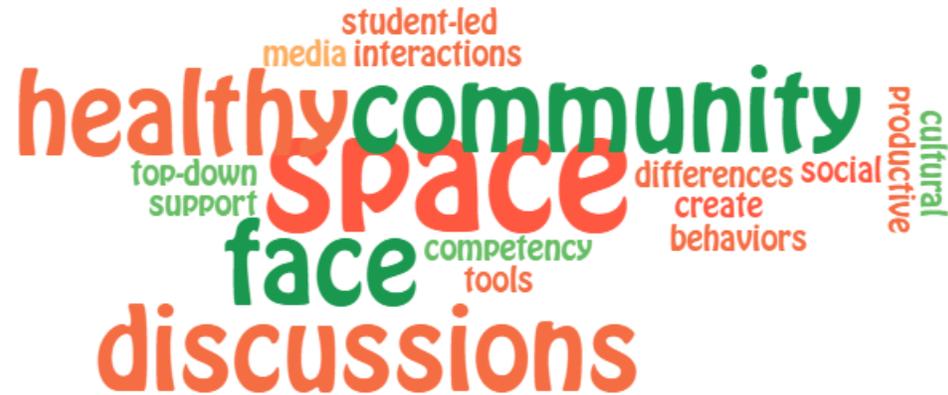
1. What does this look like? Consider the domains of clinic technology, cultural competency & anti-racism, and wellness & community.
2. How will you measure success in each domain?
3. What questions do you have for the group?

** Please take notes!! The person with the closest birthday that hasn't yet passed has the right of first refusal on note-taking ;)

Clinic Technology Wordle



Cultural Competency & Anti-Racist Lawyering Wordle



Wellness & Community Wordle



Resources

- Bob Ambrogi – [7 Ways the Pandemic will Forever Change Law Practice](#)
- Bob Ambrogi’s [LawSites Blog](#) that tracks legal tech
- [DisabilityIn](#) – resources on digital accessibility for remote work
- Ibram Kendi’s [Book](#) – How to Be an Antiracist
- Ibram Kendi’s [TED Talk](#) - The Difference Between Being “Not Racist” and “Antiracist”
- [Notice and Comment page](#) for ABA’s proposed changes to Standards 205, 206, 303, 507 and 508 impacting diversity and inclusion