

CHAPTER 1

INTENSIVE ORIENTATION

Why Conduct an Intensive Orientation Prior to Commencing Classes in a Clinic Seminar?

The clinic experience can be greatly enhanced through an intensive orientation prior to the official start of the semester. There are several pedagogical reasons for conducting an orientation. First, clinic students are likely to find themselves immersed in a learning environment that is significantly different from any they have experienced before. In the typical law school curriculum, students occupy a familiar learning role, absorbing information provided by the professor and the readings with a goal of performing well on a final exam or paper. In clinic, however, students are expected to take on a very different learning role. They must operate as active learners rather than as passive recipients of information. They are expected to take on a large degree of responsibility for their own learning, reflect on that learning, share the resulting insights, and use what they learn to benefit their clients. This can be quite a culture shock, especially if undertaken too quickly or when the press of other school activities intrudes on the clinic process.

Second, few clinic students have prior experience with translating academic learning into the practical realities of client needs and services. Teachers in non-clinical courses seldom introduce students to the relationship between theory and practice; but clinicians expect students to

develop this competence rapidly in order to maximize their learning experience and to offer high-quality representation to actual clients. Orientation creates an opportunity for teachers to help students understand the integration of theory and practice, and for students to practice this kind of learning in a variety of class segments.

Third, students need to have at least a basic understanding of a lawyer's role in the development of the law, the nature of the lawyer-client relationship, and the resolution of legal matters before they begin to represent their clinic clients. Although students may have worked as summer associates in a law office, they have never been asked to assume responsibility for a client's liberty, property, or commercial interests. The recognition of this responsibility can be daunting to a student. An orientation program can provide a coherent and integrated foundation for learning the roles a lawyer plays and the responsibilities they assume.

Finally, an intensive orientation program serves to develop and strengthen bonds among the clinic students. Students will have to master new and difficult professional and educational roles, meet new challenges, and develop a new professional and educational vocabulary. They will have to deal with new emotional reactions as they accept responsibility for a client's well-being. These academic and professional activities will result in disorienting moments that can be difficult to acknowledge and internalize. Friends, students not enrolled in the clinic, and mentors will have limited ability to help them navigate these new experiences because attorney-client confidentiality precludes students from sharing details about their experiences with people outside the clinic. As clinic students struggle together to master the methods, materials, and roles, they are likely to forge a spirit of collaboration and begin to see themselves as part of a team. These bonds of professionalism and friendship will serve them well as they strive to achieve their clinics' and their own personal academic goals and to meet the service needs of their clients.

A pre-clinic orientation can provide students with the frame of reference they need to understand the goals and methods of a clinical course and the responsibilities that come with assuming the role of a lawyer. It can create a strong team ethic based on trust, collaboration, and shared experience that will help the students grow personally and professionally, and that will prepare them to face similar challenges when they begin to practice on their own.

Although many clinicians conduct an intensive orientation, their character varies substantially. Some clinics hold orientation over one or two days. Others put on a full week of class sessions. Some orientation sessions run all day; others for a few hours. Regardless of the form, they typically are held before the official start of the semester. Thus, they pro-

vide an atmosphere where clinic work is at the center of the students' attention, without the competing demands of other classes, job searches, and co-curricular student activities. They also prepare students to begin client representation early in the semester

Factors to Consider in Planning an Intensive Orientation

Learning Goals

The possible learning goals for an orientation will necessarily vary depending on the type of clinic one teaches and the scope of the orientation. Nonetheless, some of the basic goals for any clinic orientation may include the following:

- Helping students understand the role of a lawyer in the clinic.
To assess learning in relation to this goal, look for student behaviors such as:
 - Discussions focused on the client and the student's fiduciary relationship to the client
 - Advocacy rather than abstract expositions of the law
 - Articulation of specific *Rules of Professional Conduct* to resolve the ambiguity of a potential ethical encounter
 - Identification of Court Practice Rules and Clinic Supervision Rules and an understanding of the reasons for and importance of these rules
- Helping students understand the substantive and procedural laws and rules that will guide their client representation work.

Look for:

- Familiarity with the substantive laws that will guide their work
- Reflections on the law in terms of the relevant procedural rules applicable to the clinic's work
- Concrete connections made between the law and rules and concrete client situations
- Precise references to relevant law and procedure in discussions

- Helping students learn and understand the goals and methods of clinical pedagogy.

Look for:

- Shift away from expectations that faculty will routinely solve dilemmas or answer questions
 - Focus on peer collaboration and reliance on colleagues for responses to questions
 - Reflection on reasons underlying choices and decisions regarding issues posed in the class
 - Non-defensive responses to feedback
 - Provision of constructive and productive feedback to fellow students
- Helping students build community and establish a collective sense of trust

Look for:

- Creative, risk-embracing behavior
- Positive and enthusiastic responses to risk-taking by self and colleagues
- Enthusiastic participation in problem solving
- Celebrations of others' successes

Common Student Misunderstandings

Students often come to clinic with no frame of reference for understanding the amount of work and time they will need to invest in learning and lawyering. More often than not, new clinic students have little understanding of the clinic's goals, a lawyer's role and obligations to a client, the relationship between theory and practice, the purpose of self-directed learning and reflection, or the time needed to accomplish even simple lawyering tasks. Some see the clinic as just another law school class—perhaps one in which they can earn a substantial amount of credit, or one that will be more fun and less work than a traditional lecture course. Others believe that clinicians give higher grades than faculty in an examination- or paper-based class or believe that hard work alone will automatically result in an A grade.

Because the traditional law school curriculum focuses so heavily on the analysis of Supreme Court and other appellate cases, students seldom understand that most lawyers rely far more on statutes and local court

opinions. Students also typically believe that the law is always relatively clear, regardless of the context or factual scenario to which it is applied. They have had little or no opportunity to study the nuances of seemingly similar cases, and thus do not understand the crucial importance of such nuances in achieving a client's goals. In addition, students often mistakenly believe that the resolution of most cases revolves around pursuit of legal clarity, rather than conversations and negotiations with clients and opposing counsel about the facts of the case rather than the controlling law.

In addition, because they have spent most of law school working alone and in a competitive environment, students assume that they should approach their clinic work in a similar manner. Finally, students often assume that all learning comes from the teacher, and that their role is to be a passive recipient of knowledge. They expect to achieve client satisfaction and a good grade in clinic if they can just manage to do what their professor tells them to.

A well-planned orientation program can address all of these challenges, dispelling false notions about the practice of law, and can start students on a successful path toward adaptive and integrated learning and strong client representation.

Logistics

Logistics are seldom an issue when planning regular clinic classes because class hours during the normal academic calendar are set by the law school. But a pre-semester intensive orientation is different. It requires additional planning by the teacher, the students, and school administrators. Although these additional tasks may appear burdensome at first, they quickly become routine and the benefits far outweigh the small inconveniences they entail.

Because class times are generally set once the semester begins, and because most students have other class and work commitments, orientation is best conducted during the week before the regular school year begins. As a result, both the students and the faculty need to return to the academy early. For teachers, that means a little less time for research, writing, or vacation. For students, it means foregoing time either for the experience and remuneration that can flow from a summer position or for vacation. For the administration, it means scheduling classes during a period when some administrators are taking their last week of vacation or gearing up for the orientation sessions that will be conducted for new first year students.

Because an intensive orientation may occur over the course of several days, students need to prepare for the classes during the summer. The amount of work will depend on how many days the orientation lasts and how many class sessions are conducted each day. Materials should be prepared in the month of May so that students can have them before they leave for the summer. If that cannot be done, plans should be made to send the materials during the summer.

The teacher needs to decide how many days the orientation will last. There is no magic number. This decision depends on the scope of the learning goals the clinician seeks to address, how much material the students will be expected to master during the orientation, and how much information the students can realistically absorb. In thinking this through, it is important to remember that lessons learned during orientation may not constitute the last word on any of the topics addressed. Many of the classes will be repeated in different teaching formats as the students' knowledge spirals, as they become more comfortable with their professional role, and as they become more accepting of clinical pedagogy.

Planning the Orientation

Reading Assignments, Teaching Methods, and Learning Prompts

Reading assignments, teaching methods, and learning prompts will flow from the particular teaching segments the teacher conducts during the orientation. Once the teacher determines which sessions will best address the goals he seeks to achieve, he may consult other chapters of this book to determine the appropriate reading assignments, teaching methods, and learning prompts.

But there may also be more general materials a clinical teacher might want to assign for summer reading. Some ideas are listed below:

- Materials describing the history of the clinic and the reasons the faculty assign students to work with the particular client population they will serve.
- Articles about the clinical pedagogical method or about experiences students are likely to have for the first time in the clinic.
- Statutes, rules, and judicial opinions governing the procedures of the forum in which clinic students practice.
- Journal articles or book chapters from law or other relevant disciplines addressing significant new challenges students will con-

front in the clinic, such as the role of the attorney, cultural competence, economic hardships facing the clinic's client population, the role played by physical condition, age, or other factors that affect the clinic's client population, etc.

- Vignettes illustrating situations that arise in typical clinic cases.
- Specific assignments for all or part of the clinic orientation.

As discussed above, the scope, content, and structure of a clinic orientation will vary based on the clinician's learning goals and administrative constraints. For that reason, we have developed a series of orientation class segments from which an individual clinician can pick and choose, instead of setting out a formal program. The segments are grouped by the primary goals they are designed to serve, including:

- Introducing ourselves to each other
- Introduction to clinical pedagogy
- Introduction to the local legal community and systems
- Introduction to client representation
- Introduction to lawyering skills
- Games designed to build trust and community

In addition, we have suggested a variety of orientation program syllabi, designed for programs that are one, two, three, or four days in length. The class segments included in these syllabi are drawn primarily from exercises set out in this chapter. A few segments, however—those focused on client representation and lawyering skills—are set out in other chapters in this book. These class segments can easily be pulled from those chapters and assigned in orientation.

Suggested Orientation Syllabi

Clinic classes during the school year range from one hour to three hours depending upon the administrative rules set by the school. One-day or multiple-day orientations give the teacher more flexibility when scheduling the length of each session or the length of a particular portion of the class. We do not set down specific times for each exercise. Nonetheless, teachers should always be cognizant of the time that a particular

lecture, discussion, or exercise take in order to achieve all of the goals set for a particular class activity.

One-Day Orientation Program

Introductions Exercise

Introduction to Clinical Pedagogy Exercise

Client-Centeredness: Variations in Values and the Rich Aunt Hypothetical (see Chapter 2, Client Counseling)

Lunch

Introduction to Substantive and Procedural Law (we have not created a model for this segment because it will vary so widely across clinics)

Community Building Game

Legal Community Scavenger Hunt

Two-Day Orientation Program

Day One:

Introductions Exercise

Introduction to Clinical Pedagogy Exercise

Lunch

Client-Centeredness: Variations in Values and the Rich Aunt Hypothetical (see Chapter 2, Client Counseling)

Introduction to Substantive and Procedural Law

Community Building Game

Storytelling I: The Creative Process and “Birds of a Feather” (see Chapter 7, Storytelling)

Day Two:

Legal Community Scavenger Hunt

Lunch

Community Building Game

Client Counseling: The Client Counseling Process and “The Good Mother” (see Chapter 2, Client Counseling)

Introduction to Theory of the Case or Project Exercise (see Chapter 8, Theory of the Case or Lawyering Project)

Three-Day Orientation Program

Day One:

Introductions Exercise

Introduction to Clinical Pedagogy Exercise

Lunch

Introduction to Substantive and Procedural Law

Community Building Game
Storytelling I: The Creative Process and “Birds of a Feather” (see Chapter 7, Storytelling)
Client-Centeredness: Variations in Values and the Rich Aunt Hypothetical (see Chapter 2, Client Counseling)

Day Two:

Legal Community Scavenger Hunt
Lunch
Community Building Game
Client Counseling: The Client Counseling Process and “The Good Mother” (see Chapter 2, Client Counseling)
Introduction to Theory of the Case or Project (see Chapter 8, Theory of the Case or Lawyering Project)

Day Three:

Court, Legislature, or Other Agency Observation
Lunch
Substantive and Procedural Law II
Informal Fact Investigation I: The Why, How, What, Which, and Where of Fact Investigation (see Chapter 6, Informal Fact Investigation)

Four-Day Orientation Program

Day One:

Introductions Exercise
Introduction to Clinical Pedagogy Exercise
Lunch
Introduction to Substantive and Procedural Law
Community Building Game
Storytelling I: The Creative Process and “Birds of a Feather” (see Chapter 7, Storytelling)
Client-Centeredness: Variations in Values and the Rich Aunt Hypothetical (see Chapter 2, Client Counseling)

Day Two:

Legal Community Scavenger Hunt
Lunch
Community Building Game
Client Counseling: The Client Counseling Process and “The Good Mother”¹ (see Chapter 2, Client Counseling)

¹ Our suggestion to teach Client Counseling before teaching Interviewing may seem counter-intuitive to some clinicians. After all, in representing a client the initial interview would necessarily precede any substantial counseling session. But the two skills are deeply intertwined in

Introduction to Theory of the Case or Project (see Chapter 8, Theory of the Case or Lawyering Project)

Day Three:

Court, Legislature, or Other Agency Observation

Lunch

Substantive and Procedural Law II

Informal Fact Investigation I: The Why, How, What, Which, and Where of Fact Investigation (see Chapter 6, Informal Fact Investigation)

Day Four:

Court, Legislature, or Other Agency Observation

Lunch

Interviewing Clients (see Chapter 4, Interviewing, and Chapter 5, Interviewing Transactional and Project Clients)

Intensive Orientation Segments: Introducing Ourselves to Each Other

Overview

The first orientation session can set the tone for the entire clinical semester. Students come to clinic with fears, expectations, and assumptions that loom large, regardless of how accurate they are, and these need to be unpacked to create space for effective learning. Students may not know either the clinical faculty member or the other students in the clinic. Students must develop strong relationships quickly because collaboration and trust are essential to a successful clinic experience. The first exercise in an effective orientation program should help students get to know each other and each other's strengths and should help them begin to learn about how their clinic experience will unfold.

Learning Goals

The possible goals for a class introducing students and faculty to one another may include the following:

practice, and lawyers often find it necessary, or strategically sound, to shift into a counseling mode during an initial interview. The concept of client centered counseling will be new to many students. Once they understand it, the quality of their interviews may improve as they shift from a lawyer-centered to a client-centered model.

- Helping students build community and establish a collective sense of trust.
- Helping students gain insight into the experience of interviewing and being interviewed.
- Helping students understand the responsibility one bears when presenting another person's story to an audience.
- Helping students understand the complex experience of hearing another person present your personal story to an audience.
- Helping students learn about each other and about the faculty.

Set Up

Arrange the students into pairs ask them to spend fifteen minutes interviewing each other with the intention of introducing their partner to the rest of the class. One student should be paired with the teacher for the interview exercise. Tell the students they can ask about anything they wish to, but every student must ask their partner the following question:

- What is one of your unrealized dreams?

Assignment

Ask each pair of students to introduce each other. Allow all of the student introductions to occur without faculty comment or discussion; hold off the debriefing discussion until the entire group is finished. During this process the teacher should note moments when one student corrects the other or can't remember something they were told or expresses discomfort about any part of the process.

Learning Prompts

These prompts are designed to facilitate discussion after all students in the clinic have been introduced to the group.

Learning Goal: Gain insight into the experience of interviewing and being interviewed.

Prompts**Being an interviewer**

- How did it feel to conduct an interview in this context?
- What surprised you?
- What made it enjoyable or difficult?
- Why did you ask the questions you asked?
- Were there any questions you wanted to ask but did not?
 - Why not?
- Were there any questions you asked but now wish you had not?
 - Why?

Being an interviewee

- How did it feel to be interviewed?
- What surprised you?
- What was difficult or challenging about being interviewed?
- What concrete things made you feel comfortable with the interview?
- Was there anything you wanted to be asked but were not?
- Was there anything you were asked that you would have preferred not to have been asked about?
- Do you feel you were able to tell your interviewer what you wanted us to know about you? Why or why not?

Learning Goal: Understand the responsibility one bears when presenting another person's story to an audience.

Learning Goal: Understand the complex experience of hearing another person present your personal story to an audience.

Prompts**Presenting a colleague**

- How did it feel to introduce another person to the group?
- Were there facts you obtained during the interview that you chose not to present to the group?

- Why?
- Did anyone shape their presentation based on the presentations that others did, before their turn came?
 - Why might that happen?
 - What part of this experience was unexpected or surprising?

Being presented to the group

- How did it feel to hear another person describe you to the group?
- What part of this experience was unexpected or surprising?
- Did anyone worry that a fact they shared might be presented, when they would have preferred that it be kept private?
- Why might you “overshare” in the interview and then feel uncomfortable about a more public presentation?
- Did anyone wish that a particular fact would be shared with the group, but it was left out?
- Did anyone’s interviewer get something wrong or not use something in the presentation that you thought was important?
 - What was it?
 - How did you feel when that happened?
 - How might a client feel under those circumstances?
- What concrete things made you feel comfortable with the presentation?
- What was difficult about the presentation?
- How did you feel about disclosing your unrealized dream?

In general

- How do you think your experience here will relate to your experiences interviewing clients, as all of you will do in the next couple of weeks?
- How might your experiences being interviewed by your clinic colleagues be either similar to or different from your clients’ likely experiences of being interviewed in clinic?
- How might you take some of the insights we gained here and apply them to the client interviewing context?

- What similarities did you notice in the manner in which people made their presentations?
 - What do you think might account for those similarities?
- What differences did you notice?
 - What do you think might account for those similarities?

Wrap Up

This exercise had several goals. One goal was for us to begin to get to know each other better. A second, and more fundamental goal was to give you a sense of what it feels like to have another person tell your story to an audience and to be the person responsible for telling that story. These roles in which you found yourselves today parallel those in which you and your clients will find yourselves this semester. We talked about some of these connections today. As you begin to work with your clinic clients, try to remember our discussion and how you felt today while you experienced the role of interviewer, interviewee, and presenter of another person's story.

A third goal was to give you a glimpse into the clinical method of learning. After each performance, we spent time reflecting on the lessons that we can learn from them so that we can apply the lessons in the future. As we reflected, we also tried to explore how the lessons we learned can be transferred to different contexts. Our discussion today explored how the lessons we learned from interviews with colleagues could be applied to interviews with clients.

A final goal was to discover some the strengths your colleagues bring to the clinic and to begin to think how you will be able to help each other in the coming months. Collectively you bring a vast array of experience to the clinic, all of which may be useful as you engage in client representation. From here on out, you should begin to view the other students in this room as your colleagues and as sources of information and skills who can help you in your lawyering work.

Intensive Orientation Segments: Introduction to Clinical Pedagogy

DEVELOPING LEARNING GOALS

Learning Goals

The possible goals for a class on theory of the case or project may include the following:

- Helping students begin to develop personal learning goals for their clinic experience.
- Helping students learn about each other's goals.
- Helping students learn how the students' goals relate to the lawyering process.
- Helping students see connections and tensions between personal learning goals and client representation.
- Helping students understand the importance of goals to clinical pedagogy.

Set Up

Ask the students to take 3–5 minutes to think about their personal learning goals for their clinic experience and to write those goals on a sheet of paper. Ask the students to try to get past generalities such as, “I want to be a better lawyer,” and to focus in on a list of 2–5 more concrete goals.

Assignment

Small Groups

Break the students into small groups of 4 or 5 and ask them to spend 15 minutes discussing their learning goals and the potential impact of these goals on client representation. Each student should state his or her goals with the group. Next, ask them to discuss how their learning goals relate to the lawyering process. Finally, they should discuss how they think their personal learning goals might be congruent or in tension with the goals of their clinic clients during the course of representation.

Full Group Report Back

Ask one person from each small group to share (1) a list of the student learning goals from their group, and (2) one or two interesting aspects of their conversation about how these goals might relate to lawyering and to the interests clients might have when they request legal assistance. As the reports are given, the teacher should list those goals on the board and then facilitate a conversation about them based on the learning prompts below.

Learning Prompts

These prompts are designed to facilitate discussion after all learning goals have been listed on the board.

Learning Goal: Begin to develop personal learning goals for their clinic experience. Learn about each other's goals and about the faculty's goals for the clinic.

Learning Goal: See connections and tensions between personal learning goals and client representation.

Prompts

- What similarities do you see across these identified goals?
- What differences do you see?
- What might account for the degree of similarity among these goals?
- How do you think your personal learning goals relate to the goals of your clinic clients?
 - How might they be in sync?
 - How might they be in tension?
 - How might you resolve potential tensions when they arise?
- What challenges or opportunities do your goals create for achieving or inhibiting your clients' interests?

Wrap Up

One goal of this exercise was explore the various learning goals student can have for the clinic. You will have noticed that many of you have

similar goals, but others of you introduced goals that differed from those of your colleagues. That is natural because each of you is unique. You each bring to the clinic experience different interests, abilities, and questions about your role as a lawyer. One of the goals of clinical education is to help students identify their own strengths and weaknesses so they can work together with the teacher to learn and to achieve their goals. Now that you have heard the learning goals of your colleagues, you may wish to reconsider your own goals and perhaps expand them for this class.

Another goal was to help you begin to see the ways a lawyer's personal goals can intersect or be in conflict with those of a client. It is sometimes difficult to see how our commitment to our own personal goals can undermine our ability to best serve our clients. Beginning to identify the ways in which lawyers' and clients' different goals relate to each other is the first step toward ensuring that we pay attention to our own goals and use them to maximize learning in clinic, and that we keep in mind that our clients' needs come first when and if our learning goals are inconsistent with our clients' interests.

INTRODUCTION TO THE PEDAGOGY OF CLINICAL SUPERVISION

Overview

Students come to a clinic with very little understanding of clinical pedagogy. Most of their previous educational experiences involved faculty-directed learning, materials based on theory and relatively immutable facts, and assessments based on tests or papers. Clinical education is substantially different. It requires students to engage in a great deal of self-directed learning, self-reflection, and the application of theory to practice where facts are fluid and disputable. It is driven by real-life situations rather than readings, simulations, or problem sets. It requires a consideration of how the various possible answers to a problem can be translated into actions that relate not just to theory but to the application of that theory to a client's interests. Finally, it offers an assessment of the student's application of theory to practice, strategic thinking, and performance, rather than just an analysis of a particular set of laws.

Although this book focuses on classroom teaching, the primary forum for student learning in clinic is the supervision session. Because most clinical teachers are steeped in the pedagogy, we often forget that the typical student has no frame of reference against which to understand and learn from our particularized form of supervision. Even those students who have been supervised by others in a professional context have rarely

experienced something similar to a typical clinical supervision. We cannot assume that our students will understand their responsibilities in a supervision session unless we familiarize them with the learning process we hope to create.

Learning Goals

The possible goals for a session on clinical pedagogy may include the following:

- Helping students understand the clinical teaching model.
- Helping students recognize the differences between the clinical model and a typical law office supervisor–supervisee relationship.
- Helping students recognize how that difference is connected to student learning goals.
- Helping students understand the importance of goals to the clinical pedagogy methods.
- Helping students understand their ownership, role, and responsibility for their own learning.
- Helping students understand how supervision and client needs relate to student learning goals.

Reading Assignment

1. David Chavkin, Chapter 2, *Clinical Methodology*, CLINICAL LEGAL EDUCATION (2001).

Assignment in Preparation for Class

Based on the reading assignments, ask students to reflect on the following:

- What do you think your clinic supervisors will expect from you in a supervision session?
- What kinds of lessons do you expect to learn in a clinic supervision session?
- How might those lessons relate to your learning goals for your clinic experience?

Introductory Lecture

Clinical pedagogy is different from the teaching methods used in more traditional law school curriculum, because it is goal-driven, based on intentional actions, and dependent on student initiative and regular reflection. The responsibilities placed on students are high. They are expected to engage in a high degree of self-learning rather than be passive recipients of information. They are required to accept primary responsibility for a client's case or project at every stage in the representation process. They are asked to constantly challenge their own strategic choices and to hone their ability to provide the best possible representation. They are asked to reflect upon every strategic choice and action to determine what lessons they can learn and how those lessons can translate into action in their current and future cases.

Of course, students are not left to their own devices. Clinic supervisors are there to assist them as well as to challenge them, but supervisors are not there to do the thinking and the analysis and assign the students to merely carry out the tasks. These exercises will demonstrate the basics of this methodology and illuminate the expectations placed on both students and supervisors in an effort to both maximize student learning and advance client interests.

EXERCISE: CLINICAL SUPERVISION

This classroom exercise is based upon two videos. One shows a student supervision session modeled on a busy law office, where the faculty member provides a series of answers to a student's questions, giving the student clear and specific directions regarding everything the student needs to think about and do.

(Intensive Orientation: "Direct Supervision" <https://georgetown.box.com/s/5oyn7vibchc1nwkzewqt>)

The other shows a student supervision session based on the traditional clinical pedagogical model, where the faculty member probes for goals, focuses on the student's analysis of the problem, and helps the student clarify her goals and the actions she needs to take.

(Intensive Orientation: "Non-Directive Supervision" <https://georgetown.box.com/s/5oyn7vibchc1nwkzewqt>)

As the students watch the two videos, they will be asked to contemplate the difference between the two approaches, both in terms of what the student learns, and what learning opportunities are lost.

Set Up

This is a two-part exercise. First, students are asked to observe two different supervision videos and to analyze the different learning that occurs in each. Second, students are asked to draw connections between the clinical teaching methods discussed and the student learning goals that were the subject of the previous exercise, and to consider how clinical pedagogy may help them achieve their learning goals.

Assignment

We are going to watch video clips showing two different student supervision sessions in a hypothetical clinic. The student has arrived at a scheduled meeting with the supervisor and wants to discuss a potential issue in the case involving the relevant statute of limitations in his client's case. You do not need a full understanding of the particular facts and law at issue here; instead, you should focus on the student's interaction with the supervisor, and think about the following questions:

- What were the supervisor's goals in this discussion?
- How did the supervisor's approach enhance the student's learning?
- How did the supervisor's approach limit the student's learning opportunities?

Learning Prompts

This set of learning prompts is designed to be posed to the students twice to facilitate discussion after each of the two videos is played.

Learning Goal: Understand the clinical teaching model.

Learning Goal: Recognize the differences between the clinical model and a typical law office supervisor-supervisee relationship.

Learning goal: Recognize how that difference is connected to student learning goals.

Prompts

- What were the roles of the student and the supervisor in the simulated session?
- What did the student learn?

- Who bore the responsibility for the student learning?
- What learning opportunities were missed using this method?
- What did the student learn that might help him in other cases or different contexts?

Next, tell the students to take a moment to remember the learning goals they brainstormed for the previous exercise. If they are still on the board you may wish to review them briefly. Then facilitate a discussion with the full group, designed to demonstrate the connections between learning goals and the clinical method, using the learning prompts below.

Learning goal: Understand how supervision and client needs relate to learning goals.

Learning goal: Understand the importance of goals to the clinical pedagogy methods.

Learning goal: Understand student ownership, role, and responsibility for their own learning.

Prompts

- How might this method that you watched during the second video promote your learning goals?
- How might it enhance your ability to serve your client?
- Knowing what you now know about the clinical method, how might you approach a strategic decision relating to client representation, before talking to your supervisor?
- How might you think about preparing for a supervision meeting?

Wrap Up

The main goal of this session was to help you understand how clinical methodology differs from the dominant method of legal education and how the roles of supervisor and student differ from the roles of senior and junior lawyers in a law firm. We use this methodology in the clinic because we believe it is the best method to teach you not only the “how” of lawyering skill, but the “why” as well. Unless students learn the legal theory that supports an action and the strategic considerations that go into making the choice to take a particular action, the learning becomes ephemeral. If the theory and strategy behind the action is learned, the

learning becomes ingrained, will be more useful when the same or similar questions arise later, and is potentially transferable to other contexts. It also provides a system for resolving issues and making choices later in your legal career.

As you watched the video, you saw that we expect students to take full responsibility for client representation and be full partners in their learning process. The information conveyed during a supervision session does not flow from teacher to student. It begins with an agenda set by the student and proceeds with a discussion facilitated by the student so that the supervisor can act as a guide to help the student understand the choices that need to be made and the actions that need to be taken.

Another goal was to introduce you to the centrality of goals to the clinic pedagogy. Every act we perform this year will be based on intentionally set goals. Once those goals are set and our actions are taken, we will reflect upon those actions in terms of those goals, seeking to understand not just if our actions achieved those goals, but why they succeeded or failed. You are a full partner in this learning process as well.

Intensive Orientation Segments: Introduction to the Legal Community and Systems

Overview

Students joining a clinic also enter the world of other stakeholders who will play some part in the unfolding case or project. These stakeholders will not be at the law school but will work in courts, legislatures, or other law offices. The people they meet will be both professionals and lay people. Clients and witnesses and their families will live in different neighborhoods from the students. Most law students will not be familiar with their clients' neighborhoods, may not know the locations of critical government or professional offices, and may have had little or no contact with the people who will have some effect on their ability to achieve their clients' goals. This exercise helps familiarize them with these locales in which they will operate and with the people they may encounter. It also provides another exercise to strengthen the bonds of clinic members.

Learning Goals

The possible goals for an orientation session that introduces students to the legal community and systems may include the following:

- Helping students build a community and establish a collective sense of trust.
- Helping students begin to familiarize themselves with the relevant legal community and systems they will encounter in their client representation work.

EXERCISE: SCAVENGER HUNT

Set Up

Assign the students to spend approximately two hours on a scavenger hunt that will introduce them to many of the individuals, places, and organizations that will be relevant to their clinic client representation work. Divide the class into two teams, and assign each team the same set of problems, but in the reverse order (that way, each team will be working on different assignments at different times, rather than both teams traveling as one large pack).

Assignment

Memorandum to Students Regarding Assignment in Preparation for Class

Each team should compile the following items in the sequence listed in that team's handout and without using the internet. Your team should begin the hunt at ____ a.m./p.m., and return to the law school by _____ a.m./p.m. with as many of the listed items as you have been able to find, for a debriefing discussion about your experiences.

Scavenger Hunt Items

The items appropriate to a scavenger hunt will vary depending on the type of clinic and the location of the law school. The items below are models designed to trigger an individual clinician's own ideas. For items that involve individual people, let them know in advance when and what to expect, and make sure they are willing participants. Once you have come up with the list, create two handouts, with the items listed in opposite order, and distribute them to the teams.

- Introduce yourself to *[name of court employee]* in office *[room number]* at *[address]*. Find out what s/he considers to be the *[stickiest negotiation point, craziest security problem, most famous prisoner, or most embarrassing moment for a lawyer]* s/he has ever encountered.
- Take a photo of the outside entrance to the *[relevant court or other government building, or non-profit agency]*.
- Discover the meaning of the term *[acronym for a government record the students are likely to encounter during clinic. This could be an acronym used by the local police, court, prison, or any other government bureaucratic system]*. For transactional clinics it could be a finance term; for a policy clinic it could be a policy or organizing term like “capacity building.” If a former clinic client, opposing party, or witness is generally called by an acronym, obtain it from the files of the relevant court, legislative branch, or agency.
- Find a brochure that states at least three benefits available to *[client group]* through the *[name of program]* at *[address]*.
- Find two forms of assistance available to *pro se* litigants at the *[name of courthouse self-help center]*. For project-based clinics: Identify what legal services might be available to your client to do the work that you anticipate doing.
- Find the names of two *[judges or other administrators]* currently assigned to the *[court or administrative agency relevant to clinic practice]* and the number of the *[courtroom in which each one usually sits, or office where each one can be found]*. For project-based clinics: Identify the names of *[the city council members, community financing organizations, other non-profits focused on similar work as the clinic]* within your community.
- Find two restrictions on a *[litigant or other person’s]* ability to place a child in the *[court or other relevant agency or office’s]* child-care center while *[attending a hearing or engaging in official business]*.
- Find the room number of the office at *[address]* from which *[911 recordings or other relevant official records]* can be subpoenaed. For project-based clinics: Find the address of one of the people or organizations likely to be knowledgeable about clinic project work.
- Obtain a copy of the *[proof of service or other official document]* form in *[case number of an actual clinic case or other identifying information relevant to an actual clinic matter]*. For project-based clinics: Find *[a financial form in one of the former clinic projects or*

identify one strategic initiative suggested] in a former clinic project file.

Debriefing Discussion

Walk the students through each item and ask them to report back on what they found, based on the prompts below. Give them space to share stories about obstacles, amusing encounters, or anything else that will contribute to the group's sense of connection and bonding. Make sure that all students understand the correct answers for each item.

Learning Goal: Build a community and establish a collective sense of trust.

Learning Goal: Begin to familiarize themselves with the relevant legal community and systems they will encounter in their client representation work.

Prompts

- How will the information you gathered be important to you?
- How would the experience be different for someone who was not legally trained?
- Why did different teams come up with different answers a particular question?
- What lesson might we draw from this experience for future clinic investigative work?

EXERCISE: COURT, LEGISLATURE, OR OTHER AGENCY OBSERVATION

Learning Goals

The possible goals for a class on court, legislature, and agency observation may include the following:

- Helping students become familiar with typical operations of the forum in which the clinic works.

- Helping students begin to familiarize themselves with the relevant legal community and systems they will encounter in their client representation work.
- Helping students witness how clients are treated in these fora.

Assignment

Assign students to go to the court, legislature, administrative agency, or other site of activity where they will engage in client representation during the semester. The students should spend time observing how other lawyers practice and how other stakeholders do their jobs and return to class prepared to discuss their questions and observations.

Learning Goal: Become familiar with typical operations of the forum in which the clinic works.

Learning Goal: Begin to familiarize themselves with the relevant legal community and systems they will encounter in their client representation work.

Learning goal: Witness how clients are treated in these fora.

Prompts

Based on your observations:

- What questions do you have about what you saw?
- What surprised you?
- Who seems to control the pace of operations in the forum?
- Did you find the process under control or chaotic?
- Who seemed to be effective in carrying out his role? Who did not?
- What lessons can we draw from your observations about client representation?

Introduction to Client Representation

The class segments below are all designed to help students focus on the essentials of client representation as they begin their clinic experience. The exercises referred to are set out in detail in other chapters in this book. Each of these chapters include a reading assignment, a step-by-

step guide to each exercise, and a full set of questions to guide class discussion; most also include an assignment to be completed prior to the class session. These exercises can easily be incorporated into an intensive orientation program.

Orientation segments focused on introducing students to the essentials of client representation might include:

- **Storytelling I:** The Creative Process and “Birds of A Feather” (see Chapter 7, Storytelling)
- **Client-Centeredness:** Variations in Values and The Rich Aunt Hypothetical (see Chapter 2, Client Counseling)
- **Client Counseling:** The Client Counseling Process and “The Good Mother” (see Chapter 2, Client Counseling)
- **Introduction to Theory of the Case or Project** (see Chapter 8, Theory of the Case or Lawyering Project)
- **Informal Fact Investigation I:** The Why, How, What, Which, and Where of Fact Investigation (see Chapter 6, Informal Fact Investigation)
- **Interviewing Clients** (see Chapter 4, Interviewing and Chapter 5, Interviewing Transactional and Project Clients)

Intensive Orientation Segments: Games Designed to Build Trust and Community

Overview

The more students know about each other the more likely they will trust each other. The more they trust each other, the more likely they will come to rely on each other for assistance. An incredible array of games and icebreaker activities has been developed to help acquaint group members with each other and help develop a sense of trust and team spirit. A few tried and true examples are set out below.

The Chair Game

Arrange chairs in a circle, with one chair fewer than there are clinic students and faculty. The person without a chair stands in the middle of the circle and puts a question to the group. The question must relate to a fact that is true about the speaker. For example:

- Who has traveled to more than three countries?
- Who is the oldest sibling?
- Who has two cats?
- Who has spent a summer waitressing?
- Who grew up locally?
- Etc.

When the question is asked, all students for whom the answer is “yes” must get up and move to another chair. The new chair cannot be either of those immediately next to his/her current chair. The person posing the question also must find a chair to sit on. The student who ends up without a chair stands in the middle of the circle and poses the next question to the group.

This game gets the students moving around, re-energizing everyone. It allows the group to learn about each other and find connections about facts that otherwise it might take a good deal of time to uncover, and it is typically a great deal of fun.

Two Truths and a Lie

Ask each student (and faculty member) to think of three facts about him or herself. Two of the facts should be true, and one should be a lie. Once everyone is ready, ask each student, one at a time, to state their “facts.” The rest of the group will each have to guess which fact is the lie. The goal is for the speaker to fool the group. For example, a student might say:

- When I was in high school, my hair was so long it went past my waist.
- I once bumped into Lady Gaga at the airport.
- My hobby is directing home zombie movies.

Ask the students to vote on the truth or falsity of each statement. Once the falsehood is identified, give the speaker a few minutes to say more about the true facts, or for others to ask questions about them. This game typically reveals interesting and unusual information about clinic group members, and can be the source of much laughter and community building.

The Fear Hat Game

Hand out index cards to the students and ask them to write down one concern they have about being in the clinic this semester. They should not identify themselves on the card. Collect the cards and put them in a container. Then pass the container around the room, asking each student to pick one of the cards. If they pick their own card, they should return it and pick another.

Next, go around the room and ask each student to do the following:

- Read aloud the concern written on the card you picked.
- Explain to the group what, in your own view, the concern is based on, providing additional context to what you have read.

The concerns submitted tend to be quite similar, and this will become evident as the conversation moves around the room. Students are likely to express a sense of relief at not being the only one who feared harming the client or not being able to perform the tasks required in the clinic. As a result, the game builds community among the students. Like the introductions exercise, the game also helps the students see how something that is personal to them can be interpreted or misinterpreted by another. Although students often “get” the meaning of the written concern, they sometimes read things into it or fail to appreciate the true meaning. When this occurs, the group can reflect on the complexity of speaking on another’s behalf. The conversation can be particularly robust, because no one knows whose fear is being described. At the end of the exercise, students may be asked to talk generally about how they felt about being misinterpreted or how their own lack of clarity may have resulted in a misinterpretation.

Connecting Back to Client Representation

End-of-Week Learning Prompts

By now, students should realize that clinic is unlike any class they have taken in law school. Nonetheless, the lessons learned each day should be reviewed in the last class to show how the classroom work will affect the students’ client representation or project process. Pose the following prompts to encourage discussion:

- How did various classroom exercises and discussions relate to the work you expect to do for your clients and projects?
- How does clinical methodology enhance the practice of law?

- What is the role relationship between student and supervisor?
- Why is theory important to practice?
- How will you use reflection to improve your daily lawyering activities?
- How will the lessons learned during orientation help you understand a case or project from the client's perspective?
- How do your personal learning goals relate to your clients' interests?

Post-Orientation Reflection Memo

Ask the students to write a reflection memo after the orientation that addresses the learning prompts listed above. Ask them to make the reflection applicable to themselves rather than to the class as a whole. Consider a follow-up conversation with those students who seem to have missed critical points of the orientation or post them for the entire class to learn about and from each other.

Wrap Up

This orientation session was designed to introduce you to your colleagues and faculty, to demonstrate the talents that you and your colleagues bring to our work, and to introduce you the work and the pedagogical methods of the clinic. We have set forth our goals for each session and shown how the actions we took were in furtherance of those goals. You have worked hard and learned a great deal. You have gathered an amazing amount of information and dramatically increased your knowledge about clients, the practice of law, and the work of the clinic. Nonetheless, the orientation constitutes your entry into, rather than the end of, what will likely be a thrilling exploration of legal and professional knowledge, skills, and values, and of personal challenge and growth. As we enter the next phase of the clinic, we will explore more deeply many of the topics we addressed in the orientation, and begin the process of achieving your learning goals. We will also begin to meet our clients and engage with them to address their needs and seek their interests. You should do so confidently. You are prepared to provide superb representation to our clients as you continue to hone your skills. Congratulations on a job well done.

Now, to continue strengthening the bonds among us, and to reward you for your hard work and accomplishments, we have prepared a little celebration to follow this class.

Teaching Methods

Most of the exercises used in the early sessions of the orientation require students to work in groups and to share information among themselves before the information is discussed with the teacher and the larger group. This structure is used to further the important goal of creating a team within the clinic that will work together and trust each other as they provide representation to their clients. It also demonstrates that not all learning emanates from the teacher, an important facet of clinical methodology. By bringing to bear the knowledge they possess on a particular issue and discussing it among themselves before they share it with the teacher, the students demonstrate that they are capable of bringing important information to the resolution of a problem before they test it with the teacher. Such activities foster self-learning and begin to create a sense of accomplishment among the students that will help them when they begin to participate in supervision sessions.

Opportunities for Transfer of Learning

Seminar

It is likely that no matter what subjects the teacher chooses for the individual orientation classes, the lessons learned in them will transfer over to other topics in the classes that follow throughout the seminar. Each classroom session in a well-constructed seminar builds upon the lessons of those classes that come before it. As the spiral of knowledge continues, the teacher should name those lessons and refer back to the prior classes so that the students begin to understand that the entire structure of the clinical course is integrated and designed to build knowledge that is transferrable to other practice contexts.

Supervision

Students will have the opportunity to apply the lessons learned in the orientation in many contexts as they work on their cases and projects. To reinforce the nature of the learning spiral and to demonstrate the transfer of knowledge, the supervisor may pose some of the following questions during supervision sessions:

- Have you encountered this issue before?
- How did you handle it then?

- What lessons from our classroom sessions in orientation or in our later seminar classes can we draw on to help us resolve your current issue?
- Have you taken actions or made choices in other contexts that can help you resolve this problem?
- How are those actions or choices related to the decisions you must make here?
- Is this a problem that can be more easily resolved by bringing in other colleagues to share their experiences and knowledge?
- How do the prior lessons and your use of them in the current situation help you understand the role of a lawyer and relationship between lawyers and clients?