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SAINT LOUIS UNIVERSITY SCHOOL OF LAW
Legal Studies Research Paper Series

No. 2013-36

Reflection, Reality, and a Real Audience: Ideas from the Clinic

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The Law Teacher, Spring 2013, at 15-16

Reflection, Reality, and a Real Audience: Ideas from the Clinic

For a variety of reasons too numerous and complex to recount here, law teachers are increasingly expected to provide law students with more feedback and assessment. This is especially true for those who teach “doctrinal” courses. As a clinician, frequent feedback and assessment are common and essential parts of my teacher-student relationships. I believe the clinical model provides at least three simple—but important—lessons that can inform all law teaching.

First, law teachers should provide students ample opportunities to practice reflective self-assessment. Clinical legal education—like many other disciplines—places a high value on reflective self-assessment. At their core, lawyers are problem-solvers. In my view, effective and creative problem-solvers are those who admit to, and learn from, mistakes (rather than being held captive by the fear of making them). My goal is to help students learn to self-assess so that they can grow from each experience and continue to improve their skills in practice. I want self-reflection to become a habit for my students because I believe it will make them more competent problem-solvers and better professionals (whether they practice law or pursue some other work).

Self-assessment is a useful tool that law teachers can employ for a variety of purposes, including (1) empowering students to take an active role in their own learning, (2) motivating students to more fully engage with the course, and (3) helping students develop into more competent professionals able to both tackle a variety of client problems and manage the consequences of their own (inevitable) mistakes. Reflective self-assessment is a skill that should be taught not only in the clinical setting, but throughout the entire curriculum.

Here are three ideas for helping students develop this skill:

- In a course where written assignments (of any kind) are used, ask students to answer simple reflection questions as part of the assignment. For example: What do I like most about this work product? What am I most concerned about with respect to this work product? How much time did I spend on this assignment?
- Ask students to answer simple reflection questions when you hand back any graded assignments. For example: What is one thing I did well on this assignment? What is one mistake I made that I will correct in future work product?
- Ask students to reflect on their experience with the course. For example: What should I start doing that I am not already doing? What should I stop doing that I am currently doing, but which is not working very well? What should I continue doing because it is working well?

Second, law teachers should bring reality into the classroom whenever possible. In the clinic, I generally enjoy motivated students. Students are motivated—at least in part—because they are working on real matters with real clients and have real ethical responsibilities to those clients. In addition, they are interacting with real lawyers, making professionalism and networking concrete realities. The “real-ness” factor also motivates me. I am motivated to give students frequent and concrete feedback, not only because it is my professional duty to do so, but because they are practicing under my license.

Here are two ideas for bringing more reality into the classroom:

- Collaborate with a clinician to generate a real world problem, and associated real world documents, to use in the classroom (taking appropriate measures to preserve confidentiality). Ask students to come to class prepared to discuss their proposed strategy for addressing the problem, or do a simulation in class. Invite the clinician and the clinic

students who worked on the problem to offer feedback as to the students' proposed approaches to the problem.

- Talk with a clinician or practicing lawyer about policy issues he or she sees affecting clients. Invite that person to class to present the issue to the class and have the class work on strategies for addressing the issue.

Third, law teachers should help students internalize the concept of "audience." In the clinic, I provide students with frequent individual feedback on written work. In addition, I help them prepare for client meetings by using role play and other techniques that allow them room to practice the upcoming client interaction. I have noticed that one aspect of this feedback process is particularly effective: helping students understand and internalize that there is a real reader or listener on the other side of the communication.

By asking questions that help students think about alternative choices (e.g., other ways to interpret the statute, manage an identified risk, describe a problem, or build trust with the client) and understand where I am confused, offended, doubtful, or surprised, students gain an awareness of audience and develop a greater sense of how to effectively speak to that audience. The goal here is not to point out misspellings, grammar errors, or the overuse of "um" (though there certainly is a time for that). Instead, the goal is to help the student see the bigger picture. What is the communication trying to accomplish?

Here are three ideas for helping students internalize the concept of audience:

- Ask students to prepare a short writing assignment related to the subject matter of the course (e.g., draft a contract provision, write a client letter, or write a memo to the file). Choose a few to read anonymously in class, and give your impressions as the reader as you read them.
- Invite some practicing lawyers to visit your class, and explain to them your goal of helping students internalize audience. Assign students a short writing assignment to be completed prior to that class. Break the students into small groups, with one guest assigned to each group. Ask the guests to read the written product and offer brief "reader" impressions.
- Invite some practicing lawyers or a clinical faculty member and her students to visit your class, again explaining the goal of helping students internalize audience. Break students into small groups, with one guest assigned to each group. Provide a hypothetical scenario (based on the assigned course reading or on real problems the guests have seen in practice), and guide the groups through a role play of the scenario. At the end, ask each guest to share reactions he or she had during the role play to the communication coming from the students.

Incorporating these kinds of learning strategies does not have to take an inordinate amount of time. By providing students with more opportunities to practice reflective self-assessment, apply doctrine to real-world problems, and communicate with an audience, law teachers can facilitate a more motivating and productive classroom experience for both student and teacher.

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