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# Collaborating with the Real World: Opportunities for Developing Skills and Values in Law Teaching

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# COLLABORATING WITH THE REAL WORLD: OPPORTUNITIES FOR DEVELOPING SKILLS AND VALUES IN LAW TEACHING

Charity Scott\*

I.	CHALLENGES IN LAW TEACHING .....	412
II.	OPPORTUNITIES TO EXTEND AND IMPROVE LEARNING IN THE REAL WORLD .....	414
III.	WHICH SKILLS AND VALUES? .....	415
IV.	CLINICAL COLLABORATIONS .....	421
V.	EXTERNSHIP COLLABORATIONS.....	425
VI.	WORKING WITH GOVERNMENT .....	427
	<i>A. Working with Federal Government</i> .....	427
	<i>B. Working with State Government</i> .....	429
	<i>C. Working with Local Government</i> .....	430
VII.	ACADEMIC INTERDISCIPLINARY PARTNERSHIPS.....	432
VIII.	PARTNERSHIPS WITH OTHER INTERDISCIPLINARY STAKEHOLDERS.....	433
	<i>A. Hospitals</i> .....	433
	<i>B. Public Health Professionals</i> .....	435
IX.	REAL-WORLD RESEARCH COLLABORATIONS WITH STUDENTS.....	436
X.	FIELD TRIPS .....	440
XI.	BRINGING THE REAL-WORLD INSIDE THE CLASSROOM: GUEST SPEAKERS AND SKILLS PROJECTS .....	441
XII.	EXTRACURRICULAR ACTIVITIES .....	443
	<i>A. Activities Outside of a Particular Class</i> .....	444
	<i>B. Moot Court and Mock Trial</i> .....	445
	<i>C. Pro Bono Activities</i> .....	447
XIII.	COLLABORATING WITH NATIONAL BAR AND PROFESSIONAL ASSOCIATIONS .....	448

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\* Charity Scott, JD, MSCM, Catherine C. Henson Professor of Law and Director, Center for Law, Health & Society, Georgia State University College of Law. I am deeply indebted to all of the law faculty mentioned in this article for their willingness to be teaching innovators and for the opportunity to collect and share their experiences. On the Georgia State Law faculty, sincerest thanks goes to Professors Roberta Berry, Lisa Bliss, Sylvia Caley, Yaniv Heled, Jessica Gabel, Randall Hughes, Paul Lombardo, Emily Suski, Jonathan Todres, and Leslie Wolf for sharing with me their real-world collaborations and the skills, values, and attributes that they hoped law students would develop from them. To all of the faculty across the country who have contributed essays for a column on health law teaching that I edit for the *Journal of Law, Medicine & Ethics*, I am very grateful for the opportunity to learn about your teaching innovations and am inspired by your work—many of your real-world collaborations are discussed in this article. Sincerest thanks also goes to Pamela Brannon, faculty services librarian at Georgia State Law, for all her incredible research assistance on this and so many other projects, and to our Dean, Steven Kaminshine, for his continuous support of our faculty in exploring innovations in teaching at the law school. Any errors are my own.

XIV. PARTNERSHIPS WITH THE LOCAL PRACTICING BAR .....	449
A. <i>One-Time Opportunities for Students</i> .....	449
B. <i>Setting up Recurring Opportunities</i> .....	451
C. <i>Mentoring Programs</i> .....	451
XV. CONCLUSION.....	452

## I. CHALLENGES IN LAW TEACHING

Law professors know and teach the law. Law students, however, need to learn more than just the law. To be successful lawyers, they need to learn how to keep learning the law for the rest of their professional careers, which is a self-reflective skill that law professors generally do not teach in their classrooms. Law students also need to learn a broad range of practical interpersonal and behavioral skills that are essential for good counseling and representation of clients. In addition, they need to internalize habits, values, and attitudes about professional work that will sustain both the quality of their work and their satisfaction with their professional lives in the future.

Many law professors who teach doctrinal law classes assume that their students will get an introduction to these skills and attributes of good professional practice through a clinic or externship experience in law school, or else that their students will just figure it out as they go along in their careers, as perhaps the law professors themselves did after graduation. Traditionally, classroom law professors<sup>1</sup> have focused on improving students' knowledge of the law, their cognitive skills in analyzing its application to new contexts, their ability to think quickly and argue orally in the Socratic classroom, and to a lesser extent, their skills in writing. Despite decades of calls for legal education reform,<sup>2</sup> classroom law professors have not thought

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1. Professors who teach doctrinal courses—as opposed to clinic-based courses—have been variously called “doctrinal,” “traditional,” “classroom,” “podium,” “classic,” or “non-clinical” professors. I am using the phrase “classroom professor” in this article to refer to professors who predominantly teach doctrinal law courses and whose pedagogical focus is largely on developing knowledge and analytical skills in standard law school domains (e.g., traditional first-year courses, subjects covered in bar exams, and upper-level electives in mainstay legal subjects).

2. Twenty years ago, the American Bar Association issued an in-depth report that described a vision of the lawyering skills and professional values that new lawyers should seek to acquire and called on law schools to help develop them. AM. BAR ASS'N, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CURRICULUM; REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MACCRATE REPORT after the Chairperson of the Task Force, Robert MacCrate]. A more recent yet similar report was issued by the Carnegie Foundation for the Advancement of Teaching under its Preparation for the Professions Series. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007), available at [http://www.carnegiefoundation.org/sites/default/files/elibrary/EducatingLawyers\\_summary](http://www.carnegiefoundation.org/sites/default/files/elibrary/EducatingLawyers_summary).

it their responsibility to offer opportunities for their students to learn the wide set of skills, values, and attributes that good lawyers exemplify.

As a result, law students have mostly learned how to be and think like law students. They have not learned how to be, think, and act like lawyers.<sup>3</sup>

Even if this state of affairs in legal education worked satisfactorily for law school graduates in the past, it is not working well now in times of economic downturn, and it will not work well for the future given the changing global environment of law practice. Increasingly, clients are refusing to pay for young associates to learn these skills and values on the job, and employers are deciding to hire only lateral attorneys who have managed to learn them at someone else's billable expense.<sup>4</sup>

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pdf [hereinafter CARNEGIE REPORT]. A project of the Clinical Legal Education Association came to similar conclusions and provides a comprehensive set of recommendations for improving legal education. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007) [hereinafter BEST PRACTICES REPORT]. See also Erwin Chemerinsky, *Why Not Clinical Education?*, 16 CLINICAL L. REV. 35, 37 (2009) (citing previous calls for legal education reform dating back to 1921 and observing that the "Carnegie Commission report, for all the attention that it has received, is just the latest in a series that makes the same basic points about the need for more training in practical skills and more experiential learning"); John Lande & Jean R. Sternlight, *The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering*, 25 OHIO ST. J. ON DISP. RESOL. 247, 256–59 (2010) (discussing curricular reform proposals to enhance the teaching of lawyering skills dating back to 1914); Amy Deen Westbrook, *Learning from Wall Street: A Venture in Transactional Legal Education*, 27 QUINNIPIAC L. REV. 227, 244–62 (2009) (discussing calls for reform dating back to the time of Christopher Columbus Langdell, Dean of Harvard Law School in the late 1880s and the founder of the now-traditional Socratic, appellate case-method approach of legal education).

3. The *Carnegie Report* identified two major limitations in legal education: (1) Most law schools give only casual attention to teaching students how to use legal thinking in the complexity of actual law practice. "Unlike other professional education, most notably medical school, legal education typically pays relatively little attention to direct training in professional practice. The result is to prolong and reinforce the habits of thinking like a student rather than an apprentice practitioner, thus conveying the impression that lawyers are more like competitive scholars than attorneys engaged with the problems of clients"; and (2) "law schools fail[] to complement the focus on skill in legal analysis with effective support for developing ethical and social dimensions of the profession. Students need opportunities to learn about, reflect on, and practice the responsibilities of legal professionals. Despite progress in making legal ethics a part of the curriculum, law schools rarely pay consistent attention to the social and cultural contexts of legal institutions and the varied forms of legal practice." CARNEGIE REPORT, *supra* note 2, at 188. See also David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 11, 2011, at A1 (first-year associate taking four-month intensive training on corporate law at law firm observed: "What they taught us at this law firm is how to be a lawyer . . . . What they taught us at law school is how to graduate from law school.").

4. See, e.g., Jeanne Graham, *New Associate Hires Drop 13 Percent*, TEX. LAW., Oct. 31, 2011, at 1; Annie Johnson, *Nashville Firms Hiring More Experienced Lawyers Over Recent Grads*, NASHVILLE BUS. J., May 20, 2011, available at <http://www.bizjournals.com/nashville/print-edition/2011/05/20/lawyers-needed-for-nashville-firms.html?page=all>; Ashby Jones & Joseph Palazzolo, *What's a First-Year Lawyer Worth?*, WALL ST. J., Oct. 17, 2011, at B1 (answering title question in subtitle, "Not Much, Say a Growing Number of Corporate Clients Who Refuse to Pay"); Steven Lichtman, *Pro/Con: To Go to Law School or Not?: The Rise of "Dr. No"*, 34 PA. LAW. 18 (Jan./Feb. 2012); Joe Palazzolo, *First-Year Associates: Are They Worth It?*, WALL ST. J. L. BLOG (Oct. 17, 2011, 9:59 AM), <http://blogs.wsj.com/law/2011/10/17/first-year-associates-are-they-worth-it/>. A 2010 survey

## II. OPPORTUNITIES TO EXTEND AND IMPROVE LEARNING IN THE REAL WORLD

The good news is that classroom law professors can help their students learn the skills, values, and attributes of good professional practice by supplementing what they already are teaching well with opportunities to learn the law in real-world contexts. Classroom professors do not need to become clinical professors or start teaching lawyering skills courses. Instead, they can collaborate with clinical professors, practicing lawyers, and other professionals outside their classrooms in settings that relate to their doctrinal fields. Such collaborations can effectively draw on others' expertise and skills to extend and deepen their students' learning and thereby better prepare them for real-world practice.

"Learning in context" is the most effective way to engender long-lasting learning and genuine understanding.<sup>5</sup> The collaborations discussed in this article offer real-world contexts that promote this deeper engagement in learning. In addition, they allow the integration of the three domains (or "apprenticeships") of professional competency and identity that the *Carnegie Report* advocated be integrated in legal education: (1) knowledge (including cognitive and analytical skills); (2) interactive behavioral skills (including problem-solving, client-oriented, and communication skills); and (3) professional values and ethics.<sup>6</sup> These three domains reflect what competent lawyers should *know* and how they *think*, what they should be able to *do*, and how they should *act* as professionals. Real-world collaborations help to integrate the three *Carnegie* apprenticeships in one course, rather

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by The American Lawyer reported that 47% of law-firm respondents said that clients had refused to pay for work by first- or second-year associates. *AmLaw's Law Firm Leaders Survey Finds Recession-Prompted Internal Changes Are Here to Stay and May Be the Reason for BigLaw Optimism*, LAW LIBRARIAN BLOG (Dec. 7, 2010), [http://lawprofessors.typepad.com/law\\_librarian\\_blog/2010/12/amlaws-law-firm-leaders-survey-finds-recession-prompted-changes.html](http://lawprofessors.typepad.com/law_librarian_blog/2010/12/amlaws-law-firm-leaders-survey-finds-recession-prompted-changes.html). See generally Robert J. Rhee, *On Legal Education and Reform: One View Formed From Diverse Perspectives*, 70 MD. L. REV. 310 (2011) (describing the dynamically changing landscape of the legal profession and the disconnection between law practice and legal education).

5. The *Best Practices Report* emphasizes the importance of context-based education: "Context helps students understand what they are learning, provides anchor points so they can recall what they learn, and shows them how to transfer what they learn in the classroom to lawyers' tasks in practice. Adult learning theory suggests that our students will learn best if they have context for what they are learning." BEST PRACTICES REPORT, *supra* note 2, at 141–42 (quoting Deborah Maranville, *Infusing Passion and Context Into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL EDUC. 51 (2001) (citations and internal quotation marks omitted)). See generally *id.* at 141–57.

6. CARNEGIE REPORT, *supra* note 2, at 27–28, 145–47. The *Carnegie Report* identified three "apprenticeships" in legal education: (1) "The first apprenticeship, which we call intellectual or cognitive, focuses the student on the knowledge and way of thinking of the profession." (2) "The students' second apprenticeship is to the forms of expert practice shared by competent practitioners." (3) "The third apprenticeship, which we call the apprenticeship of identity and purpose, introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible." *Id.* at 28.

than keep them siloed in different courses.<sup>7</sup>

This article describes a broad range of teaching innovations and opportunities that classroom law professors can take advantage of in their own backyards. They are examples of real-world engagement by faculty across the country. While they are drawn largely from health law settings—which is my doctrinal area of expertise<sup>8</sup> and is relevant to this article’s placement in a symposium on health law teaching—these examples are nonetheless readily translatable to any other field of law. All it takes is a bit of creative thinking as to what opportunities might exist in your own doctrinal field and in your own locale.

If you are used to teaching in a predominately doctrinal classroom, adopting one or more of these innovations may take some extra time and effort on your part to establish those collaborative connections, though the amount of time depends on how much you want to undertake. These teaching innovations vary in the intensity of faculty engagement, and they can take anywhere from an hour to a day to a week or even a year or more to implement. By exploring a broad range of innovative options, this article is intended to serve as inspiration to consider experimenting in your own classes in large or small ways, depending on your interests, time, and resources as well as on the skills and values that you want your students to develop.

### III. WHICH SKILLS AND VALUES?

The skills, values, and attributes of professional practice that this article explores through real-world collaborations with law professors are those that the *MacCrate*, *Carnegie*, and *Best Practices* reports<sup>9</sup> and other calls for reform have discussed as being under-developed in law school. While there is general consensus that law schools do a good job educating law students in legal knowledge and cognitive analytical skills, these reports and others have called on law schools to increase education in the other lawyering

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7. The *Carnegie Report* called for an integrative, rather than additive, strategy for developing competency in the three apprenticeships. The traditional approach to legal education reform has been additive—reforming the curriculum by adding new courses and leaving the existing ones unchanged. By contrast, “[t]he core insight behind the integrative strategy is that effective educational efforts must be understood in holistic rather than atomistic terms. For law schools, this means that, far from remaining uncontaminated by each other, each aspect of the legal apprenticeship—the cognitive, the practical, and the ethical-social—takes on part of its character from the kind of relationship it has with the others.” *Id.* at 191.

8. I began teaching health law courses at Georgia State Law in 1987. My experience as Director of our Center for Law, Health & Society since 2004 gives me one perch from which to view the teaching innovations across our Georgia State Law faculty, many of which are described here. My experience as editor of a column on teaching health law since 2007 for the *Journal of Law, Medicine & Ethics* is a second perch from which I have learned about teaching innovations in health law throughout the country, many of which are also described here.

9. See *supra* note 2.

skills and professional values and attributes. While not all-inclusive, the lawyering skills and professional values that are generally agreed-upon as important for lawyer competency and effectiveness are listed in Figure 1.<sup>10</sup>

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10. The traits in column 1 and 2 of Figure 1 are taken from the *MacCrate Report*, and they continue to be considered important lawyering skills and professional values in the *Carnegie* and *Best Practices* reports. Column 3 identifies underlying skills and characteristics that support or are needed for developing the skills and values in the first two columns. They are attributes for success in any employment setting, and they reflect personality traits and qualities that many employers, including legal employers, are increasingly looking and even testing for in new employees. See *infra* note 16 and accompanying text. Recent scholarship has attempted to identify and measure key skills and values for effective lawyering practice. See Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admissions Decisions*, 36 LAW & SOC. INQUIRY 620 (2011) (identifying twenty-six factors important to lawyer effectiveness and seven personality traits predictive of work performance). The twenty-six factors are, by category: (1) intellectual and cognitive—analysis and reasoning; creativity/innovation; problem solving; practical judgment; (2) research and information gathering—researching the law; fact finding; questioning and interviewing; (3) communications—influencing and advocating; writing; speaking; listening; (4) planning and organizing—strategic planning, organizing and managing one's own work; organizing and managing others; conflict resolution—negotiation skills; ability to see world through the eyes of others; (5) client and business development—networking and business development; advising clients; (6) working with others—developing relationships within the legal profession; evaluation, development, and mentoring; and (7) character—passion and engagement; diligence; integrity/honesty; stress management; community involvement and service; self-development. *Id.* at 630 (table 1) and 651–53 (table 8). The seven personality traits (based on the Hogan Personality Inventory and correlated with the “Big Five” personality factors) have been used to predict work performance. The seven traits are: adjustment, ambition (leadership, achievement-oriented), sociability, interpersonal sensitivity, prudence, inquisitiveness, and enjoyment of education for own its own sake. *Id.* at 634 (table 2). For information on the Hogan Personality Inventory in the context of the lawyer personality, see JEFF FOSTER ET AL., UNDERSTANDING LAWYERS: WHY WE DO THE THINGS WE DO (2010), available at [http://www.hoganassessments.com/sites/default/files/Lawyer\\_Personality\\_12.1\\_1.pdf](http://www.hoganassessments.com/sites/default/files/Lawyer_Personality_12.1_1.pdf). For information about the “Big Five” personality factors (openness, conscientiousness, extraversion, agreeableness, and emotional stability) and testing, see THE BIG FIVE PERSONALITY TEST, <http://www.outofservice.com/bigfive/info/> (last visited June 6, 2012). See also BEST PRACTICES REPORT, *supra* note 2, at 65–91 (identifying the attributes of effective, responsible lawyers as (1) self-reflection and life-long learning skills; (2) intellectual and analytical skills, including practical judgment and self-efficacy; (3) core knowledge of the law; (4) core understanding of the law; (5) professional skills, including communication, ability to resolve ethical dilemmas, client relationship management, advocacy, self-awareness, workload management, and ability to work in team; and (6) professionalism, including integrity, commitment to justice, respect for rule of law, honor, integrity, fair play, truthfulness, candor, ability to deal effectively and sensitively with diverse people, and ability to nurture quality of life); Stephen Gerst & Gerald Hess, *Professional Skills and Values in Legal Education*, 43 VAL. U. L. REV. 513, 520–30 (2009) (discussing surveys of lawyers to identify essential lawyering skills and the authors' choice of thirteen specific professional skills to concentrate on in a new course on general practice skills, and emphasizing professional values in the new course, including integrity and honesty, reliability, competence, treating people with respect, creativity and innovation, tolerance, patience, and empathy); Janet Weinstein & Linda Morton, *Interdisciplinary Problem Solving Courses as a Context for Nurturing Intrinsic Values*, 13 CLINICAL L. REV. 839, 843 (2007) (discussing the skills, values, and attitudes that the authors have designed their interdisciplinary educational collaborations to promote, which are, by category: (1) expanding approaches to problem solving—broad vision, considerations of justice, systems thinking, and creative thinking; (2) working with others—consensus

*Figure 1. Lawyering skills, professional values, and other attributes that can be developed through real-world collaborations and that are desired by organizations, agencies, and firms that employ lawyers.*

<b>Practical lawyering skills<sup>11</sup></b>	<b>Values, ethics, and other professional qualities and traits<sup>12</sup></b>	<b>Interpersonal and behavioral skills, habits, attitudes, and frames of mind needed for or supporting the practical lawyering skills and professional values in the other two columns<sup>13</sup></b>
<ul style="list-style-type: none"> <li>• Problem solving</li> <li>• Legal analysis and reasoning</li> <li>• Legal research</li> <li>• Factual investigation</li> <li>• Communication (oral and written)</li> <li>• Counseling</li> <li>• Negotiation</li> <li>• Ability to engage in litigation processes</li> <li>• Ability to engage in alternative dispute resolution pro-</li> </ul>	<ul style="list-style-type: none"> <li>• Providing competent representation</li> <li>• Striving to promote justice, fairness, and morality</li> <li>• Striving to improve the profession</li> <li>• Professional self-development</li> </ul>	<ul style="list-style-type: none"> <li>• Creativity</li> <li>• Practical judgment</li> <li>• Listening and observing</li> <li>• Questioning (asking the right questions; appreciative inquiry)</li> <li>• Strategic thinking/planning</li> <li>• Empathy (ability to see world through others' eyes)</li> <li>• Building trust and relationships</li> <li>• Networking</li> <li>• Mentoring and development of others</li> <li>• Self-awareness and self-</li> </ul>

building, teamwork, respect for others, respect for differences, and communication skills; (3) focusing on community—compassion, serving others, and unselfishness; (4) developing sense of self—building self-esteem and self-confidence, self-governance and autonomy); Lande & Sternlight, *supra* note 2, at 262–63 (discussing how integrating ADR across the legal curriculum could help law students develop the skills and values need to be effective in important lawyer roles, including the roles of interviewer, counselor, process selection advisor, negotiator, advocate, and transactional problem-solver). See also the problem-solving skills, attitudes, values, and methods discussed by Morton, *infra* notes 60–63.

11. This list of practical lawyering skills is adapted from the ten “fundamental lawyering skills” identified in the *MacCrate Report*, *supra* note 2, at 141–207.

12. This list of values is adapted from the four “fundamental values of the profession” identified in the *MacCrate Report*, *supra* note 2, at 207–21.

13. Many of the attributes in this column are drawn from Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 LAW & SOC. INQUIRY 620, 624–25 (2011) (discussing twenty-six factors identified as important to lawyering effectiveness and seven personality and behavioral factors predictive of workplace performance effectiveness). A number of these lawyering effectiveness factors identified by Shultz and Zedeck are also covered in the other two columns. See *supra* note 10 and accompanying text for other sources and references regarding the underlying skills, habits, and attitudes listed in this column.



cesses <ul style="list-style-type: none"> <li>• Organization and management of legal work</li> <li>• Recognizing and resolving ethical dilemmas</li> </ul>		reflection <ul style="list-style-type: none"> <li>• Self-motivation and self-development</li> <li>• Stress management and ability to take care of self</li> <li>• Emotional stability</li> <li>• Resiliency</li> <li>• Passion and engagement</li> <li>• Diligence, conscientiousness</li> <li>• Integrity and honesty</li> <li>• Flexibility and adaptability</li> <li>• Collaboration and teamwork</li> <li>• Open-mindedness</li> <li>• Curiosity</li> <li>• Avoidance of premature judgments</li> <li>• Independence</li> <li>• Tolerance/respect for differences</li> <li>• Ability to cope with conflict</li> <li>• Self-confidence</li> <li>• Initiative, leadership</li> </ul>
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For each example of real-world collaboration discussed in this article, I attempt to identify some of the key skills, values, and attributes that can be promoted by adopting it.

When our health law faculty at Georgia State convened a group of highly respected health law attorneys in Atlanta in the fall of 2011 to advise us as we considered revisions to our health law curriculum, the attorneys uniformly and repeatedly encouraged us to offer more skills opportunities. They echoed in concrete terms what the *Carnegie Report* and other reform proposals have been advocating. For example, with respect to developing communication skills, they said: “We want to hire attorneys who can talk effectively to different kinds of people. This includes our staff, our clients, other attorneys, board members, hospital administrators, various kinds of clinical practitioners such as doctors, nurses, and emergency room technicians, and anyone else who works with the organizations we represent.” They also wanted attorneys who understand how to communicate in different forums—who can facilitate meetings, be as effective in informal conversations as in formal PowerPoint presentations, negotiate comfortably, as well as conduct the formal oral advocacy that law schools have traditionally

focused on. Above all, they wanted attorneys who can solve real-world problems, who can manage their time and their projects, and who have the interpersonal skills to collaborate, work in teams, and cope with conflict.

These attorneys also emphasized that in their hiring decisions, they are looking for other attributes, values, and traits of effective lawyers. For example, do the candidates have a strong work ethic? Do they have both initiative and follow-through (“can they take a project from start to finish”)? Do they have independence and maturity (“or do they need their hands held”)? Do they understand the professional environment (“do they know how to dress and behave”)? As one attorney commented, “People are hired for their technical traits. They are fired for their personal traits.” Law professors should realize that they are helping better prepare their students for employment and practice when they do not limit their students’ educational exposure to technical (doctrinal) knowledge and analytical skills, and give them in addition broader opportunities to develop other essential attributes of being a good professional.

Moreover, for these attorneys, knowledge about the industry regulated by laws was as important for students to gain as doctrinal knowledge of the laws themselves. In this article I call this kind of knowledge “domain knowledge” (as opposed to doctrinal knowledge) or “cultural literacy”: it is familiarity with the range of key players and stakeholders in a field or industry; a sense of the practical business, financial, social, political, and ethical challenges they face; and an understanding of the professional cultures they operate in—in short, knowing “how the system works” in the field or industry. For example, Professor Randall Hughes, a Faculty Fellow at Georgia State Law and a distinguished Atlanta attorney from private practice who has taught our health care business regulation course for a number of years, has long felt strongly that without such knowledge about the health care industry itself, students could never really appreciate what the health care laws and regulations were concerned with or how they applied to different transactions.<sup>14</sup> The real-world collaborations described in this

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14. Randall H. Hughes has been an Adjunct Professor and is currently a Faculty Fellow with our health law program. He believed that it is so important for students to have this kind of domain knowledge (understanding of the health care industry, how it is financed, and how health care is delivered) that he encouraged the creation of our joint-degree programs with the Institute of Health Administration at Georgia State’s J. Mack Robinson College of Business. We now offer opportunities for joint JD-MSHA (master of science in health administration) and JD-MBA-MHA (master of business administration/master of health administration) degrees. As the well-respected former head of a health law practice group at Powell Goldstein (now Of Counsel with Bryan Cave, LLP), Hughes provides real-world context for the many of the topics in his regulation course through his own extensive experience, guest speakers, and technological innovations. See *Hughes Creates a Virtual Law Office Setting for Health Law Students*, GA. ST. UNIV. COLL. LAW (Feb. 22, 2011), <http://law.gsu.edu/clhs/6586.html>. Hughes also is an extraordinary role model for our students in pro bono service to the community. See *Hughes Drafted as 2011 Atlanta Falcons Community Quarterback*, GA. ST. UNIV. COLL. LAW (Dec. 5, 2011), <http://law.gsu.edu/>

article provide direct opportunities for students to gain such domain knowledge and a “big picture” understanding of how the health care industry works, who the players and stakeholders are, how they are organized and interact, and how their professional cultures influence behavior. Such cultural literacy is essential for effective client counseling and representation.<sup>15</sup>

What our focus group of attorneys said about what they were looking for in hiring reflects national trends. Increasingly, law firms are going beyond reviewing a transcript, resume, and writing samples and are using personality testing and other behavioral interviewing techniques before deciding whom to hire.<sup>16</sup> In recruiting, law firms across the country are looking for such attributes as intellectual curiosity, initiative, resiliency, ability to work in a team, communication and interpersonal skills, leadership, and maturity.<sup>17</sup>

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clhs/7456.html; *Hughes Receives H. Sol Clark Award*, GA. ST. UNIV. COLL. LAW (Feb. 11, 2011), <http://law.gsu.edu/clhs/6598.html>; *Lifetime Commitment to Legal Services Award Honors Hughes*, GA. ST. UNIV. COLL. LAW (Jan. 27, 2011), <http://law.gsu.edu/clhs/6622.html>. Hughes has also written about teaching as an adjunct faculty member. See Paul Frisch, Randall L. Hughes, & Joan B. Killgore, *The Perspectives of Three Adjunct Professors*, 36 J.L. MED. & ETHICS 179 (2008). Fully exploring how to develop real-world collaborations with professional practitioners like Hughes through hiring adjunct faculty, faculty fellows, professors of the practice, and resident practitioners is unfortunately beyond the scope of this article.

15. See Stephen J. Friedman, *Why Can't Law Students Be More Like Lawyers?*, 37 U. TOL. L. REV. 81, 91 (2005) (“A lawyer cannot be successful or of real use to clients if his or her understanding extends only to basic concepts, even if it is those concepts that are at stake in a case on which he or she is working. It is only when a young lawyer has a broad understanding of the way the individual or corporate tax system works, or of the regulation of the issuance of securities, or of international trade, that he or she really begins to think like a lawyer.”).

16. See, e.g., Vivia Chen, *McKenna Long's Recruiting Couch*, CAREERIST (Jan. 25, 2011, 6:44 AM) (discussing law firm's use of psychological test as part of job callbacks), <http://thecareerist.typepad.com/thecareerist/2011/01/should-firms-use-psyche-test-in-hiring.html>; Katy Hopkins, *Law Firms Dig Deeper in New Interviews*, U.S. NEWS & WORLD REPORT (May 17, 2011), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2011/05/17/law-firms-dig-deeper-in-new-interviews> (discussing interactive, probing interviews that give a law firm “a chance to evaluate a student's analytical and communication skills . . . as well as their abilities to listen and work as part of a team”); Gina Passarella, *In Recruiting, Behavioral Interviewing Gains Momentum*, 242 LEGAL INTELLIGENCER 1, Aug. 23, 2010 (discussing increasing use of behavioral interviewing techniques to assess character traits such as resiliency, ability to cope with adversity, and flexibility to deal with new situations); Larry Richard, *Herding Cats: The Lawyer Personality Revealed*, REPORT TO LEGAL MANAGEMENT, Aug. 2002, available at <http://www.managingpartnerforum.org/tasks/sites/mpf/assets/image/MPF%20-%20WEBSITE%20-%20ARTICLE%20-%20Herding%20Cats%20-%20Richards1.pdf> (discussing the use in law firms and corporate law departments of the Caliper Profile for making hiring decisions as well as for coaching, development, and leadership training; test measures such traits as skepticism, urgency, sociability, resilience, and autonomy).

17. Vivia Chen, *Paul, Weiss Wants Fun Intellectuals*, CAREERIST (Sept. 26, 2011, 1:41 PM), <http://thecareerist.typepad.com/thecareerist/2011/09/paul-weiss-hiring-partner.html> (“We look for someone who's smart, personable, and interesting—someone who has intellectual curiosity that goes beyond the mundane. [W]e also look for nonlegal achievement—what their greater interests are, leadership roles they've had.”); Vivia Chen, *Kramer Levin's*

This article progresses from the most time- and resource-intensive real-world collaborations to those that would not take much more than a phone call and a few hours of your time. For each teaching innovation, the article highlights and discusses some of the core skills, values, and qualities that can be cultivated by it, as well as how relevant domain knowledge is conveyed by it. Whenever adopting a new teaching strategy, we professors should be clear about which core competencies we are hoping to foster. Being as transparent as possible with our students about what we hope they learn helps them to learn it.

#### IV. CLINICAL COLLABORATIONS

Our law school is relatively young, and we have only two clinics: in tax law and health law.<sup>18</sup> With resources going to other educational endeavors in our law school's early years, it fell to the classroom faculty in these two doctrinal fields to initiate these clinics. Setting up a clinic is the most time- and resource-intensive undertaking discussed in this article for creating opportunities to develop students' skills and professional values.

Starting in the early 1990s, I worked with our then-alumna, now-Professor Sylvia Caley to find community partners who might be willing to collaborate in providing legal services to low-income patients at a hospital that would allow lawyers set up an office on its premises. The idea that hospitals and lawyers might work together to improve the health of low-income communities was a novelty at the time. It met with considerable resistance from health care providers who suspected we would instead be trolling for potential malpractice plaintiffs.

By 2004, after a series of unsuccessful attempts and proposals, Caley

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*Litmus Test—Are You Presentable to Clients?*, CAREERIST (July 15, 2011, 2:23 PM), <http://thecareerist.typepad.com/thecareerist/2011/07/kramer-levin-hp.html> (observing that the firm's practice "requires someone who's flexible. You need to be self-directed here and take control of your career at an early stage, . . . [we're looking for] [i]nterest that goes beyond oneself—like doing tutoring, something that involves the community. Something that shows that the person is thoughtful and well-rounded."); Vivia Chen, *Baker Botts Hunts for I-Ls*, CAREERIST (Jan. 18, 2011, 6:20 AM), <http://thecareerist.typepad.com/thecareerist/2011/01/qa-baker-botts-hp.html> ("The interview is tied to our associate attributes model. We expect people to be well-spoken, tactful, and able to communicate with different audiences."); Vivia Chen, *Vinson & Elkins Hiring Partner Spills the Beans*, CAREERIST (June 3, 2010, 1:31 PM), <http://thecareerist.typepad.com/thecareerist/2010/06/vinson-elkins-hiring-partner-spills-the-beans.html> ("The folks who do best are self-starters, they tend to be a bit entrepreneurial."); Passarella, *supra* note 16 ("Morgan Lewis is looking for team orientation, client service potential and communication and interpersonal skills . . . . [W]e've taken to heart the comments that we've received from clients that they want a certain level of maturity and experience from people that are doing their work.").

18. Both are poverty law clinics representing low-income clients in their respective fields. For information about the HeLP Legal Services Clinic discussed here, see *HeLP Legal Services Clinic*, GA. ST. UNIV. COLL. LAW, <http://law.gsu.edu/helpclinic/index.html> (last visited May 4, 2012). For information about the Low-Income Taxpayer Clinic, see *Low-Income Taxpayer Clinic*, GA. ST. UNIV. COLL. LAW, <http://law.gsu.edu/taxclinic/index.html> (last visited May 4, 2012).

and I finally found a hospital whose legal counsel was willing to adopt this project on a pilot basis. The result was the Health Law Partnership (HeLP), which is a community collaboration among our law school, the Atlanta Legal Aid Society, and Children's Healthcare of Atlanta.<sup>19</sup> While it was a significant accomplishment after so many years of effort,<sup>20</sup> setting up HeLP offices with legal aid attorneys at Children's hospitals was just the first step in reaching our long-term educational goals. HeLP would be the platform from which we would be able to offer interdisciplinary education in real-world settings for law students. Still to be worked out was creating the HeLP Legal Services Clinic at the law school.

Next steps included gaining law school administration and faculty approval for a new educational Clinic, securing the initial funding for it, overseeing the hiring of its clinical faculty and other foundational matters, and negotiating its long-term funding at the University. The first law students enrolled in the HeLP Legal Services Clinic in 2007. Since then, our exceptionally talented and dedicated HeLP Clinic faculty<sup>21</sup> have significantly expanded interdisciplinary educational opportunities for our law students.

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19. The Health Law Partnership (HeLP) seeks to reduce health inequities in the Atlanta community by addressing some of the toughest underlying root causes of health disparities—the social, economic, and environmental determinants of health. By working in teams with health professionals, HeLP attorneys and students can address a wide variety challenges—such as substandard housing conditions, employment problems, lack of access to insurance or appropriate educational resources, and family instability—that can adversely impact the health and well-being of low-income children. Only families at 200% of the federal poverty level and under are eligible to receive HeLP's services. See *HELP HEALTH LAW PARTNERSHIP*, <http://www.healthlawpartnership.org/> (last visited May 4, 2012).

20. Dale Hetzler, JD, MSCM, was the innovative and invaluable General Counsel and Vice President for Legal Affairs at Children's Healthcare who was responsible for persuading Children's Healthcare to create the project at the hospitals in the first place. Steve Gottlieb, JD, Executive Director of the Atlanta Legal Aid Society (ALAS), had the foresight and vision to appreciate how establishing legal aid offices on hospital premises could improve access to legal services for the low-income communities ALAS serves. Robert Pettignano, MD, FAAP, FCCM, MBA, is HeLP's "medical champion" and has worked tirelessly and effectively to maintain HeLP's presence at Children's Healthcare. Dr. Pettignano is Director of Medical Affairs, Children's Healthcare of Atlanta at Hughes Spalding, and Associate Professor of Pediatrics at Emory University School of Medicine.

21. The HeLP Clinic faculty now includes Lisa Bliss, Associate Clinical Professor and co-Director of the HeLP Legal Services Clinic; Sylvia Caley, HeLP Director, Associate Clinical Professor, and co-Director of the HeLP Legal Services Clinic; and Emily Suski, Clinical Supervising Attorney. While I served as the initial HeLP Clinic Director for five years for continuity and accreditation purposes, I never intended to teach in the Clinic myself; I had my teaching hands full with more traditional classroom courses. I also knew we could find much more talented faculty who understood clinical education and wanted to engage with it full time. Instead, my role was limited to establishing a foundation for launching the Clinic through fund-raising and organization; hiring the initial faculty; overseeing its first years; and ultimately engaging in research and scholarship about the project. My overall involvement has always been aimed at facilitating this opportunity for our students to learn the kinds of lawyering skills and values that come with clinical education, and to do so in a fully interdisciplinary setting that provided them with opportunities to collaborate closely with health professionals.

The Clinic classes and representation of clients now incorporate graduate students in social work<sup>22</sup> and public health<sup>23</sup> from Georgia State University, medical students from Morehouse School of Medicine,<sup>24</sup> and medical residents from Emory School of Medicine.<sup>25</sup>

Fortunately today, law faculty who may be interested in setting up this kind of real-world collaboration do not have to start from scratch. Interdisciplinary law and health-related partnerships are gaining momentum across the country.<sup>26</sup> More than forty law schools have set up interdisciplinary clinics, courses, and externships that engage legal and health professionals in educational and service collaborations.<sup>27</sup> There are now plenty of models and resources to enable any law school to undertake this kind of innovation.

But why go to all this effort in the first place? What do students get from learning to solve clients' problems in this interdisciplinary context? Certainly they are gaining doctrinal knowledge (poverty law) and domain knowledge (about the health care system and low-income communities), as well as acquiring practical lawyering skills (such as interviewing, counseling, negotiation, and advocacy). They are also given the opportunity to develop the skills of self-reflection, self-critique, and self-awareness through reflective journaling and mentoring by the clinical faculty.

Equally important, the students are learning the values of respect for other professional perspectives and differences, the benefits of collaborative lawyering and building rapport and trust with clients, and the need to col-

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22. *HeLP Clinic Adds Social Work Student to Interdisciplinary Collaboration*, GA. ST. UNIV. COLL. LAW (Sept. 26, 2011), <http://law.gsu.edu/clhs/7652.html>.

23. *New MPH Student in HeLP Clinic Focuses on Health Disparities*, GA. ST. UNIV. COLL. LAW (Oct. 6, 2011), <http://law.gsu.edu/clhs/7430.html?id=570>.

24. *See, e.g., Paul Mello, Medicine Meets Law: A Medical Student's Reflections*, GA. ST. UNIV. COLL. LAW (Mar. 22, 2011), <http://law.gsu.edu/clhs/6566.html?id=543>; *A Medical Student's Reflections on Working with Law Students*, GA. ST. UNIV. COLL. LAW (Dec. 1, 2009) <http://law.gsu.edu/clhs/6675.html?id=452>.

25. A deep commitment to working collaboratively across the legal and health professions is a hallmark of all of HeLP's partners. *See, e.g., HeLP Holds Annual Retreat*, GA. ST. UNIV. COLL. LAW (Mar. 30, 2011), <http://law.gsu.edu/clhs/6551.html?id=550>.

26. Since 1993, Boston Medical Center has provided leadership to promote the creation of medical-legal partnerships (MLPs) across the country, establishing in 2009 a National Center for Medical-Legal Partnership. *See History*, NAT'L CTR. FOR MEDICAL-LEGAL P'SHIP, <http://www.medical-legalpartnership.org/about-us/history> (last visited May 13, 2012). In September 2011, a Senate bill was introduced to provide funding for model MLP projects. *See MLP for Health Act*, NAT'L CTR. FOR MEDICAL-LEGAL P'SHIP, <http://www.medical-legalpartnership.org/national-center/health-act> (last visited May 13, 2012). An annual national conference of MLPs as well as abundant resources on the National Center's Web site offer tools, advice, and information for getting a project developed in a new community. *See Build a Partnership*, NAT'L CTR. FOR MEDICAL-LEGAL P'SHIP, <http://www.medical-legalpartnership.org/start-a-partnership/build-a-partnership> (last visited May 13, 2012). *See also* ELIZABETH TOBIN TYLER ET AL., *POVERTY, HEALTH AND LAW: READINGS AND CASES FOR MEDICAL-LEGAL PARTNERSHIP* (2011).

27. *See Law Schools*, NAT'L CTR. FOR MEDICAL-LEGAL P'SHIP, [http://www.medical-legalpartnership.org/mlp-network/law-schools#Law\\_Schools\\_and\\_MLP](http://www.medical-legalpartnership.org/mlp-network/law-schools#Law_Schools_and_MLP) (last visited May 13, 2012).

laborate with other professionals to better advance client interests.<sup>28</sup> Successful representation of clients through interdisciplinary teamwork with other graduate and professional students develops our law students' self-confidence and independence as well as their professional judgment and instincts. Working outside the law school with the clients and HeLP's community partners (health care providers and legal aid attorneys) also gives students a sense of their broader community, which can foster their appreciation of the role of law and lawyers in promoting justice generally and health equity in particular. This exposure can be key to promoting a professional commitment to providing pro bono services and strengthening their communities after graduation, even while their careers may diverge in very different directions.

"Working with the HeLP Legal Services Clinic has been the most profound experience that I have had in law school," wrote a recent law student. "I came into the Clinic with a highly theoretical idea of how to practice law, and I am now a better legal researcher, writer, and advocate."<sup>29</sup> Beyond improving these lawyering skills, the student also appreciated the opportunity to engage directly with core professional values. "Making a concrete difference in the lives of two medically fragile children reminded me of why I came to law school in the first place: to address social problems such as poverty and health disparities by using the law to help underserved and marginalized individuals."<sup>30</sup>

Even if you as a classroom professor have no intention of doing clinical work yourself, or do not have the time to engage with the fund-raising and administrative tasks to start a new clinic, you could consider working with an already established health-related clinic at your law school to extend its interdisciplinary reach.<sup>31</sup> If you have contacts with local health providers, for example, you could pave the way for your school's clinic to have a physical presence on the provider's premises, so that students can do direct client intake and collaborate with other health professionals in that

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28. See, e.g., *Collaboration Between Law and Medical Students Benefits Teenager with a Disability*, GA. ST. UNIV. COLL. LAW (Apr. 7, 2011), <http://law.gsu.edu/clhs/6547.html?id=552>; *Lessons Learned from Partnership*, GA. ST. UNIV. COLL. LAW (Jan. 1, 2010), <http://law.gsu.edu/clhs/6663.html?id=488>.

29. Jena Jolissaint, *HeLP Clinic Award Recipient Reflects on Public Interest Law in Action*, GA. ST. UNIV. COLL. LAW (Apr. 19, 2011), <http://law.gsu.edu/clhs/6539.html?id=556>.

30. *Id.*

31. A "health-related" clinic is a broad concept: it can include obviously health-related subjects—like HIV/AIDS, disability, and mental health—as well as clinics whose clients face repetitive health-related challenges, such clinics focusing on domestic violence, elder law, or children's rights. The key question to ask when considering adding an interdisciplinary dimension to an already-existing clinic is whether the addition of a health-related professional to the legal team—such as professionals in medicine, nursing, social work, psychology, public health, or health administration—would improve client counseling and representation. If yes, you can help your clinical faculty strategize about how to collaborate with such professionals.

setting. Aside from all the professional skills and traits that are nurtured in any law school clinic, the interdisciplinary clinic extends students' domain knowledge through direct experience of another professional setting, develops their skills in teamwork and tolerance, and deepens the values of understanding and respecting other professional expertise and cultures.<sup>32</sup>

## V. EXTERNSHIP COLLABORATIONS

Like clinics, externship placements give students opportunities for developing lawyering skills and professional values in the context of a real-world workplace. Classroom teachers can help provide these opportunities by identifying potential placements in their doctrinal fields, making the connections for their law schools, and recommending their adoption in the school's externship program.<sup>33</sup> This effort certainly takes less time than setting up an in-house clinic, and still similarly benefits students by opening up new opportunities for learning in the context of an industry and doctrinal field of law.

Faculty collaboration with the externship placement supervisors can also benefit the faculty member's own teaching. For example, for over a decade I have been working with professionals at the Centers for Disease Control and Prevention (CDC) in Atlanta, in particular the people who first established CDC's Public Health Law Program and attorneys with CDC's Office of the General Counsel.<sup>34</sup> Through these collaborations, we estab-

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32. See, e.g., Shannon McNulty, *Doctors Are Like Lawyers*, GA. ST. UNIV. COLL. LAW (Jan. 10, 2010), <http://law.gsu.edu/clhs/6661.html?id=489>.

33. In addition to promoting new externships in your field, and in light of the seamless-web nature of legal fields with much overlap across them, you may discover that your law school already has externships related to your field which you (and the students) might not initially connect as related to or useful in your legal field. Our health law program categorizes as "health-related" externships broadly to include: public health law externships with the Centers for Disease Control and Prevention; business administrative law externship with the HHS Office of the General Counsel; health legislation and litigation with the Georgia Dept. of Community Health; regulation externship with the Georgia Hospital Association; elder law externship with the Senior Citizens Law Project of the Atlanta Legal Aid Society; domestic violence law and juvenile law externship with the Atlanta Volunteers Foundation; environmental law externship with the federal EPA; and alternative dispute resolution externship with the Fulton County State Court.

34. Georgia State Law students have benefitted enormously from the collaboration between CDC and the law school over the years. The CDC colleagues with whom we have worked closely are the former co-Directors of the CDC's Public Health Law Program, Richard A. Goodman, MD, JD, MPH, and Anthony Moulton, PhD, as well as CDC's legal counsel, former Legal Advisor Gene W. Matthews and Paula Kocher, current Deputy Associate General Counsel, CDC Branch of the HHS Office of the General Counsel. Gene Matthews was our first Faculty Fellow at Georgia State Law, and among other projects, he worked with Professor Sylvia Caley and law students in her Health Legislation and Advocacy class (see *infra* notes 44-49 and accompanying text) on obtaining passage of the post-Katrina Corporate Good Samaritan Act, which is designed to encourage businesses and nonprofits to coordinate relief efforts with state agencies during public emergencies. See *Students' Class Work Becomes Law*, CTR. FOR LAW, HEALTH & SOC'Y NEWSL. (Ga. St. Univ. Coll. Law,



lished new externships at CDC, a new class on public health law at the law school taught by these professionals, and public educational programming on public health law. While we were creating these new educational opportunities for our students, I deepened significantly my own understanding of critical issues in public health law.

Diane Hoffmann, Professor of Law and Director of the Law and Health Care Program at the University of Maryland's Francis King Carey School of Law (UM Carey Law), has developed an exciting innovation in externship-related teaching. She has created a health law practice workshop that bridges the school's many health law externships through a weekly classroom experience that all health law externship students attend.<sup>35</sup> The goal of the workshop is to help law students make the transition from school to the legal workplace. Because the approximately fifteen students in the workshop are engaged in distinctly different practice settings, what the workshop provides that is missing from typical doctrinal courses is the opportunity to gain a broad perspective on the wide variety of potential employment settings and career options in health law beyond the traditional law firm, as well as the opportunity to appreciate the role of lawyers in different settings and how that affects the work they do.<sup>36</sup>

For two credits, students who are currently, or who were in the previous semester, in a health law externship meet weekly to discuss a variety of substantive law, professional ethics, personal values, political, and practical issues that have been raised in the context of real-world case studies developed by practitioners (who may be the externship supervisors). Students are also encouraged to engage in self-reflection about the work they are doing, their own work style and values, the quality of the supervision they are receiving, and the culture of the organization they are working in.

While the students gain domain and substantive knowledge and practical lawyering skills in the context of their own individual externship placements, the workshop lets students learn what goes on in the other ones. Students are also given writing assignments that incorporate an array of legal resources familiar to health lawyers but not generally to law students.<sup>37</sup>

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Atlanta, Ga.), Fall 2008, at 8, available at [http://www.law.gsu.edu/clhs/pdf/Newsletters/Fall\\_2008\\_Newsletter.pdf](http://www.law.gsu.edu/clhs/pdf/Newsletters/Fall_2008_Newsletter.pdf).

35. Diane E. Hoffmann, *A Health Law Practice Workshop: Bridging Externship Placements and the Classroom*, 37 J.L. MED. & ETHICS 513 (2009). This kind of classroom workshop that brings students together from many externships to "compare notes" could easily be adapted to other legal fields.

36. *Id.* at 513. Taking advantage of partnerships in its local community, UM Carey Law has over a dozen health law externships, "including placements with in-house counsel offices at local hospitals; federal health agencies such as CMS, FDA, and NIH; the U.S. Attorney's Office; the Office of the Maryland Attorney General working with the state health occupation boards or the Medicaid Fraud Control Unit; not-for-profit advocacy organizations such as Families USA; trade associations such as BIO (representing biotech companies); and health committees or subcommittees on Capitol Hill." *Id.*

37. This includes "OIG fraud alerts and opinions, CMS manuals, state Medicaid plans, state attorney general opinions, and other agency guidance documents." *Id.* at 517.

The workshop encourages students how to think like a lawyer, which includes strategic thinking, big-picture problem solving, and the habits of self-reflection and self-learning. It also teaches students how

to think like an employee—about how you get things done, about where you go for help, about the strengths and weaknesses of your supervisor, about how to juggle multiple assignments from multiple supervisors, about the structure and goals of the organization in which they are working, and how the lawyers help or hinder the organization to reach those goals.<sup>38</sup>

Hoffmann hopes that her students are more ready for practice than she was when she graduated from law school. She designed the workshop to prepare students not only to tackle their first substantive work assignment, but also to help them to determine what kind of work they want to do, what kind of organizational culture they want to work in that aligns with their personal goals and values, and how to function professionally and successfully in that setting.

## VI. WORKING WITH GOVERNMENT

### *A. Working with Federal Government.*

Hoffmann's colleague at UM Carey Law, Professor and former Dean Karen Rothenberg, has undertaken a different kind of teaching innovation, which gives students real-world experiences to engage in actual policy making. Rothenberg has collaborated with Benjamin Berkman, Deputy Director of the Bioethics Core at the National Human Genome Research Institute (a part of the National Institutes of Health (NIH)), an agency that is being asked to provide ethical and legal guidance in the rapidly evolving field of genomic science. Scientists and institutional review boards (IRBs) across the country are grappling with how to design research protocols involving human subjects and next-generation genomic sequencing technology. Ethical, legal, and policy issues abound, such as how to manage incidental or secondary findings arising from the research.

Berkman and Rothenberg saw that a new collaboration between UM Carey Law and the NIH could create an opportunity to engage law students who were interested in combining science and law by "doing health policy," yet who often have little understanding what that means or how to do

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38. *Id.* at 516.

it.<sup>39</sup> Working in the policy arena themselves, they found that “[c]lassroom education, and its emphasis on legal theory, is insufficient to prepare law students with an interest in health and science policy for future careers in this field.”<sup>40</sup>

They decided to develop a workshop that would expose law students to some of the real-world, cutting-edge legal, ethical, regulatory, and scientific policy questions facing the NIH. Over the course of the five-credit workshop, the students interviewed legal, scientific, and policy experts. They engaged in fieldwork observing and critiquing IRBs and undertaking a qualitative study of IRB members’ attitudes. Students wrote individual papers that analyzed—and offered concrete proposals for addressing—specific policy issues. Collaboratively, they created a consensus document that synthesized their individual research and that they presented to twenty high-level agency leaders and policy makers.

Berkman and Rothenberg wanted students to experience all the challenges and steps involved in the policy-making process, including research, politics, deadlines, negotiation, conflict, and presentation of proposals. They also wanted to expose law students to the tools and methodologies needed to use and interpret empirical data. And like Hoffmann, they wanted to broaden their students’ vision as to possible directions their careers could take beyond the traditional law firm setting. This pedagogical experiment gave these professors “a unique opportunity to explore what might happen when legal educators push law students beyond their comfort zones.”<sup>41</sup>

Beyond the knowledge gained in researching their specific policy issues, the students gained domain knowledge about the real-world workings of scientific research and government agencies. They learned the skills of getting up to speed quickly in a new field. They learned how write and speak so that non-lawyers could understand them. They learned about teamwork and resolving conflicts through developing the group’s consensus document. They practiced how to translate thirty-page research papers (some of which the faculty hope will be publishable) into five-minute summaries. They learned how to frame matters in light of practical politics. Because the students were working on important and unsettled questions actually facing the NIH, “they felt that their work might actually influence real policies.”<sup>42</sup> All of these skills and experiences allowed the law students to realize their faculty’s ultimate goal: “[to] help them transition from being law students with an interest in health care to being lawyers engaged in the

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39. Benjamin E. Berkman & Karen H. Rothenberg, *Teaching Law Students to be Policy-Makers: The Health and Science Policy Workshop on Genomic Research*, 40 J.L. MED. & ETHICS 147, 147 (2012).

40. *Id.*

41. *Id.* at 151.

42. *Id.*

making of health and science policy.”<sup>43</sup>

### *B. Working with State Government*

Professor Sylvia Caley at Georgia State Law offers a year-long (two-semester) course, called Health Legislation and Advocacy, which gives students the opportunity to collaborate with non-profit community organizations to develop new legislation for potential passage by the Georgia General Assembly.<sup>44</sup> During the fall semester, the law students work in teams of two or three and meet with their community partners to learn (using the skills of appreciative inquiry and active listening) about the problems that these community organizations think might be constructively addressed through legislation.<sup>45</sup> Each student team then researches their community partner’s issue, devises a possible legislative solution, and drafts a proposed bill and memo explaining it to their partners. The team then meets twice more with their community partner to discuss their bill’s feasibility, suggest revisions, identify potential sponsors, and strategize for its introduction in the next legislative session.

To give students a big-picture sense of the legislative process, during the fall semester Caley brings in community experts to meet with the students and discuss the real world of law making. These guest speakers have included legislators from both political parties, other government officials, lobbyists who work for advocacy groups, state budget experts, and media experts who report on the Georgia legislature.<sup>46</sup> These guest speakers give students invaluable domain knowledge about the political and economic issues that directly impact how the legislative and executive branches actually work. Said one third-year law school about a class taught by an expert on Georgia’s budget and revenue: “I had no idea the extent to which Georgia’s fiscal policy impacts every aspect of how our government operates.”<sup>47</sup>

During the spring semester—which overlaps with our legislative session from January to April each year—the students are down at the Capitol. They observe up close how the sausage gets made: they work with the legislative sponsor and community partner as the bill is introduced, considered

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43. *Id.* at 153.

44. *Students Learn First-Hand About Law-Making at the State Capitol*, GA. ST. UNIV. COLL. LAW (Mar. 10, 2011), <http://law.gsu.edu/clhs/6572.html?id=540>. Before introducing this course, Caley researched other similar offerings at the University of New Mexico (developed by Prof. Robert Schwartz) and Saint Louis University (developed by Prof. Sidney Watson).

45. These community organizations have included the Georgia Advocacy Office, Georgians for a Healthy Future, and Children’s Healthcare of Atlanta, the Public Health Division of the former Georgia Department of Human Resources, and the Barton Child Law and Policy Center at Emory University School of Law.

46. Megan Daugherty, *Students Learn About Health Policy and Lawmaking from Local Experts*, GA. ST. UNIV. COLL. LAW (Feb. 3, 2012), <http://law.gsu.edu/clhs/7624.html>.

47. *Id.*

and debated in committee, and with luck and perseverance, gets passed. They help prepare testimony, floor speeches, and community briefs, and attend committee hearings and track the progress other health-related bills.

Beyond developing the lawyering skills of research, drafting, memo writing, and interviewing and counseling, the students in this course are also expanding their approaches to problem-solving. They are developing their skills in collaboration and consensus building, strategic and systems thinking, creative thinking, and communicating with diverse people including legislators, lobbyists, and legislative staff. They are gaining domain knowledge about the legislative process, who the players and stakeholders are, and what influences outcomes in the process. They are also gaining a broader vision of their community, a sense of what it takes to improve it, and possibly increased motivation to commit to promoting justice in the future through law reform.

“Working with my community partner was both challenging and rewarding. No other experience in law school is quite like it,” said a law student who recently graduated. “While clinics teach you to counsel and advise clients, working with our community partner was instead a collaborative effort with other professionals, each bringing different skills to the table.”<sup>48</sup>

The other interdisciplinary graduate and professional students who participate with the law students in this course similarly benefit. “I saw firsthand the intricate role that community partnerships have in influencing health policy and, for better or worse, the type of political capital that is necessary to effect change,” said a Morehouse medical student who joined the class during his fourth-year elective rotation. “This experience infected me with a certain sense of social and political responsibility. For the first time I really felt I grasped what it takes to go past the rhetoric. I might like a seat at the political decision-making table in the future.”<sup>49</sup>

### *C. Working with Local Government*

Every year, Professor Elizabeth Pendo at Saint Louis University School of Law creates a service-learning project for her traditional doctrinal course on disability discrimination law.<sup>50</sup> One year she created a project for her students that related to the research she had been recently undertaking concerning barriers to health care for people with disabilities. In particular,

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48. *Students Learn First-Hand About Law-Making at the State Capitol*, *supra* note 44.

49. Paul Mello, *Medicine Meets Law: A Medical Student's Reflections*, GA. ST. UNIV. COLL. LAW (Mar. 22, 2011), <http://law.gsu.edu/clhs/6566.html?id=543>.

50. Elizabeth Pendo, *A Service Learning Project: Disability, Access, and Health Care*, 38 J. L. MED. & ETHICS 154 (2010). For a discussion about incorporating service-learning projects into doctrinal classes as a way to expand opportunities for law students to engage in the third Carnegie apprenticeship, see Laurie Morin & Susan Waysdorf, *The Service-Learning Model in the Law School Curriculum*, 56 N.Y.L. SCH. L. REV. 561 (2011/2012).

she was looking at accessibility requirements and physical and architectural barriers under the American with Disabilities Act. She learned that a stretch of the street near her law school was not accessible to people with disabilities because the two of the curbs were not cut. She chose this situation both to create a real-world learning project for her students and to actually fix a problem that was right in their neighborhood.

Pendo had several goals for including a service-learning project in her otherwise largely classroom course on disability law. She wanted her students to apply and reinforce their knowledge of doctrinal law issues under the American with Disabilities Act (ADA) in a real-world context. She also wanted to introduce other skills and professionalism issues that had been identified by the *Carnegie Report*:

I also wanted students to develop lawyering and advocacy skills, such as working in teams, consulting effectively with experts, gathering evidence and documenting a case, problem-solving through local and administrative processes, framing effective written requests, and making connections in the community. I hoped it would provide a meaningful context for exploring issues and tensions underlying disability law and the disability rights movement . . . A project could provide an opportunity . . . to foster a sense of engagement and responsibility central to civic professionalism. And yes, I did want those curbs cut.<sup>51</sup>

The students first had to research the law and guidelines regarding public rights-of-way under the ADA. They then went outside and, working with an architect with expertise in designing accessible public spaces, they surveyed the site during class time and identified several accessibility problems. Then they took the matter to City Hall, meeting with and drafting a formal request to the Commissioner on the Disabled for Saint Louis to correct these problems. The project ultimately resulted in getting the curbs cut.

It also resulted in achieving Pendo's other goals for her students. As one of her students later observed, the project "taught me more than just the law of Title II. It taught me how to become an advocate for people living with disabilities in St. Louis."<sup>52</sup> Pendo succeeded in meeting the *Carnegie Report's* challenge to connect legal educators, practitioners, and the public they are supposed to serve. As another student said, "If more courses integrated such real life experiences allowing students to touch the world, I be-

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51. Pendo, *supra* note 50, at 154–55.

52. *Id.* at 156 (internal quotation marks omitted).

lieve we would see more conscious crops of attorneys being produced.”<sup>53</sup>

## VII. ACADEMIC INTERDISCIPLINARY PARTNERSHIPS

One of the most rewarding teaching experiments for me has been holding joint classes with medical students and law students. My faculty colleagues at Emory’s School of Medicine and Center for Ethics for many years have held ethics classes for third-year medical students during their clinical rotations at Grady Memorial Hospital, a teaching hospital in downtown Atlanta. For many years, I co-taught with these faculty as a Faculty Fellow with Emory’s Center for Ethics. During some of those years, I brought my law students who were enrolled in a seminar on law and medical ethics to the classes during the medical students’ pediatrics, obstetrics, internal medicine, and psychiatry rotations. The classes were structured around ethical challenges in either hypothetical patient cases or actual cases that the medical students were handling during their rotations.

I always thought that the faculty’s best teaching during these joint sessions was when we said nothing. Teaching with our mouths shut allowed the law students and medical students to talk to each other. We broke them into small groups, with both law and medical students in each group, to discuss the cases and identify the medical, ethical, legal, and other practical challenges that they presented. Among other things, the law students directly experienced how deeply runs the medical profession’s distrust of the legal profession and how to react gracefully to dispel biased assumptions. When they realized the medical students thought they were legal experts, they had to explain in understandable, non-legalese “what the law says,” in all its grayness, and how it might be applied in any given case. They gained appreciation and respect for how uncertain medical practice is, and they developed sympathy for the professional complexities facing their counterparts in medical school.

For their part, the medical students were surprised to learn that there were law students who were studying law not in order to sue physicians, but rather to work with them in a transactional practice or on the defense side of medical malpractice litigation. The medical students experienced how uncertain the law can be, and began to appreciate why “it depends” may be the correct even if undesired answer—and to develop a willingness and patience for discussing all the factors that a resolution may depend on. They had to communicate sufficient medical background in non-medicalesse so that the interdisciplinary groups could collaborate on resolving the ethical issues that were at the intersection of the medical and legal aspects of a case.

The students came away with increased respect for their sibling pro-

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53. *Id.* at 157 (internal quotation marks omitted).

professionals. They gained insight that there may be more complexity and fewer clear-cut answers in the professional practice of their counterparts than they had initially assumed. They experienced that while they can begin to tackle a problem with the seemingly-obvious starting assumptions, perspectives, and approaches of their own profession, there are other professionals who can just as sincerely begin from diametrically opposed starting points. Since there will likely not be initial consensus on which is the “best” way to begin attacking a problem, all students had the opportunity to learn how to listen more appreciatively and with a more open mind, and to withhold judgment for a time until they have heard more before concluding what the right thing to do would be.

Many important real-world skills and values can be developed through interdisciplinary partnerships, even while being undertaken in an academic classroom setting. Beyond increased domain knowledge about their counterpart profession, both groups of students had the opportunity to practice the real-world skills of listening, communicating, avoiding premature judgment, flexibility, openness to hearing other perspectives, collaboration, and tolerance and respect for (if not complete agreement with) other disciplines and professional cultures. My law students also engaged in self-reflection about what they experienced and learned in the joint sessions through short essays that they wrote immediately after the classes.

Other law professors have written about the rich learning environment provided by an interdisciplinary class of professional students, giving abundant examples and illustrations for the benefits and challenges of developing interdisciplinary academic partnerships.<sup>54</sup>

## VIII. PARTNERSHIPS WITH OTHER INTERDISCIPLINARY STAKEHOLDERS

### A. Hospitals

Professor Paul A. Lombardo at Georgia State Law recently developed a two-credit independent study project for two law students to work with the medical ethicist, Jason Lesandrini, at Grady Health System in down-

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54. For medical-legal teaching examples, see, e.g., Susan B. Apel, *Teaching Law and Medicine on the Interdisciplinary Cutting Edge: Assisted Reproductive Technologies*, 38 J. L. MED. & ETHICS 420 (2010); Jennifer S. Bard, *What We in Law Can Learn from Our Colleagues in Medicine About Teaching Students How to Practice Their Chosen Profession*, 36 J. L. MED. & ETHICS 841 (2008); Marshall B. Kapp, *Health Law Teaching in Medical Schools: Balancing the Different Roles*, 38 J. L. MED. & ETHICS 863 (2010); Elizabeth Tobin Tyler, *Teaching Social Justice and Health: Professionalism, Ethics, and Problem-Solving in the Medical-Legal Classroom*, 38 J. L. MED. & ETHICS 701 (2010). For a reflection on teaching law and public health students, see Peter D. Jacobson, *Personal Reflections on Teaching Health Law in a School of Public Health*, 39 J. L. MED. & ETHICS 285 (2011). For an educational innovation with law, medical, engineering, policy, and public health students, see Roberta M. Berry, *Problem-Based Learning Regarding “Fractious Problems” in Health Law: Reflections on an Educational Experiment*, 39 J.L. MED. & ETHICS 694 (2011).



town Atlanta.<sup>55</sup> The students had the opportunity to go on hospital rounds in the neurology intensive care unit with the health care team, attend ethics committee meetings, and undertake data inputting and analysis for a project examining the ethics committee's workload and outcomes. The students did background legal research, found other resources, and generally provided support to Grady's ethics service. They also created a research project related to their interests. While this project was an experimental pilot project as of this writing (it was undertaken in spring semester 2012), it has provided an extraordinary opportunity for law students to experience the real world of a hospital ethics service and hospital life from the perspective of the health care team. Any attorney who represents hospitals knows how critical it is to have this understanding of the real world of health care professionals in order to counsel them well.

By going on medical rounds to the patients' bedsides, these law students had the opportunity to shadow the health professionals as they went about their daily work. Through shadowing, students developed domain knowledge and an understanding of the culture of health care institutions and professionals simply by being with them as they did their work. The bioethics committee members at Grady come from many disciplines, including medicine, nursing, social work, chaplaincy, and administration, and Lesandrini has a philosophy background. Thrown into this highly interdisciplinary ring, the law students learned about contributing their legal expertise as part of a team, and learned to accept how different professionals' expertise contributes to solving a problem. Sometimes, if this is someone's first exposure to the inner workings of a hospital, particularly an ICU, gaining such cultural literacy can be disorienting and create some culture shock, which itself is something good to learn to cope with.

The law students were also involved in individual ethics case consultations. In this context they were learning the skills of listening and observing, asking the right questions, and reserving judgment until more is known and understood. Lesandrini emphasized the importance of listening skills and relationship-building in bioethics consultation services:

It is both a listening "to" and a listening "for." There is so much to take in within each consultation that I often ask the students to listen "for" what the patients, families, and staff members say and don't say. It's also important to listen "to" them, to make sure that the parties feel you are connected with them in the mo-

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55. Jason Lesandrini, Ph.D., in progress (health care ethics), M.A. (philosophy), has been Grady's medical ethicist since 2008, and is also adjunct faculty at Mercer University. For more information and to read the reflections of the two law students on their experiences during their semester at Grady, see *Law Students Shadow Grady Health System Medical Ethicist*, GA. ST. UNIV. COLL. LAW (July 12, 2012), <http://law.gsu.edu/clhs/8032.html>.

ment and truly care about what they have to say. (This assumes you actually do care—the parties will be able to tell right away if you don't care.)<sup>56</sup>

Lesandrini and Lombardo hope the students have developed some of the core competencies in bioethics consultation that have been identified by the American Society of Bioethics and Humanities.<sup>57</sup> The students identified the particular competencies they wanted to focus on during the semester, and wrote reflective journals and undertook self-assessments on their experiences and progress. This project thus aimed both to extend domain knowledge about hospital workings through rounding and observation and to develop in the students the actual skills and character traits needed to be a successful part of a health care ethics service.

### *B. Public Health Professionals*

Professor Linda Morton at California Western School of Law has developed a course called “Problem Solving and Prevention in Health Care.”<sup>58</sup> She partners with health professionals (several doctors and a public health professional) who have identified many public health problems in the San Diego area. She groups her law students into teams, and tells them to imagine that these health professionals are paying them as consultants to resolve some of these public health problems. In the past, the students’ projects have addressed problems of alcoholism in the community, lack of school nurses to administer insulin injections, the mental health of children who witness domestic violence, the availability of unhealthy foods in vending machines at schools, and misallocation of vision-therapy resources for school children.<sup>59</sup>

Morton uses these real public health problems to teach law students the skills,<sup>60</sup> attitudes,<sup>61</sup> values,<sup>62</sup> and methods<sup>63</sup> of problem solving. In her

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56. E-mail from Jason Lesandrini, RE: LAW STUDENTS AT GRADY WITH JASON THIS SEMESTER (Jan. 23, 2012, 9:25 PM EDT) (on file with the author).

57. AM. SOC’Y OF BIOETHICS & HUMAN., CORE COMPETENCIES FOR HEALTHCARE ETHICS CONSULTATION (2011). Three categories of core skills competencies for healthcare ethics consultation are identified: (1) ethical assessment and analysis skills, (2) process skills (for conducting consultations and operating a healthcare ethics service), and (3) interpersonal and communication skills. *Id.* at 22–24. Also identified are core knowledge competencies and the key attributes, attitudes, and behaviors of ethics consultants. *Id.* at 26–33.

58. Linda Morton, *A New Approach to Health Care ADR: Training Law Students to be Problem Solvers in the Health Care Context*, 21 GA. ST. U. L. REV. 965 (2005). More information about this course can be found in Linda Morton et al., *Teaching Interdisciplinary Collaboration: Theory, Practice, and Assessment*, 13 QUINNIPIAC HEALTH L.J. 175 (2010). See also Linda Morton, *Teaching Creative Problem Solving: A Paradigmatic Approach*, 34 CAL. W. L. REV. 375 (1998) (discussing the creative problem-solving methodology she teaches).

59. Morton, *A New Approach to Health Care ADR*, *supra* note 58, at 990.

60. *Id.* at 970 (“Problem solving skills include listening, collaborating, empathizing,

experience, students “learn problem solving best through a continuing, experiential, real-world context.”<sup>64</sup> Less interested in their gaining a lot of substantive knowledge about health care law, she teaches problem-solving skills, attitudes, and values predominantly by allowing the students directly to experience them and self-consciously to reflect on them as they work on their team projects throughout the semester.

Morton has an initial intensive fourteen-hour training workshop in which she explicitly teaches some of these skills, including problem-solving methodology, listening, and creative thinking. For the rest of the semester, she reinforces other values (such as openness to critique, self-awareness, self-reflection, empathy, respect for differences, and respect for others’ knowledge, opinions, and culture), skills, and attitudes (such as “giving up control, withholding judgment, asking the right questions, being persistent, being willing to change course, and looking at the big picture”) during class discussion of each team’s work and through students’ oral and written reflections on self-learning and the group process.<sup>65</sup>

Another professional attitude that Morton thinks is important to develop in law students is self-confidence. All of the students in her course successfully proposed options for resolving their issues in collaboration with their community stakeholders. In reflecting on her class, she believes her students gained in self-confidence and self-learning through this opportunity to tackle a messy problem, experience frustration and setbacks, and work together to resolve it.<sup>66</sup>

## IX. REAL-WORLD RESEARCH COLLABORATIONS WITH STUDENTS

Government and non-government agencies, legislative bodies, and other policy makers can offer law faculty opportunities to engage in real-

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working in teams, seeing the big picture, fact-finding, communicating, consensus building, making good judgments, creative thinking, assessing needs, working with other disciplines, and asking the right questions.”).

61. *Id.* at 970–71 (“Problem solving attitudes involve being open-minded, resilient, persistent, non-judgmental, humble, respectful, curious, trusting, aware of one’s perspective and bias, able to accept criticism, willing to change, willing to deal with ambiguity, and willing to explore and stretch one’s limits.”).

62. *Id.* at 971 (“Values, which certainly overlap with skills and attitudes, include respect for relationships, respect for differences, respect for culture, respect for others’ knowledge, appreciation for decentralized decision-making, willingness to admit one’s limitations, inclusiveness, creativity, self-awareness, and self-reflection.”). Professor Morton later expanded on the intrinsic values she hopes that students develop in her colleague’s and her own courses on interdisciplinary, collaborative problem solving. See Weinstein & Morton, *supra* note 10.

63. *Id.* at 970 (“Problem solving methods include those we associate with ADR: dialogue, negotiation, appreciative inquiry, mediation, facilitation, arbitration, ombudding, systems design, and most importantly, any combination of the above processes.”).

64. *Id.* at 972.

65. *Id.* at 977–79.

66. *Id.* at 985.

world advising, research, and the preparation of white papers, reports, presentations, and publications. Such task forces or study committees can offer great opportunities for students to become involved as well. Sometimes, as with government-funded research, there can be funding lines for graduate students participating in the research. Students can become deeply engaged in these projects when they know they will have real-world impact.

A good example is the NIH-funded research that Professor Leslie E. Wolf at Georgia State Law has undertaken with Duke University faculty on assessing the use and understanding of certificates of confidentiality in human subject research.<sup>67</sup> In addition to background legal research, the project surveyed and interviewed IRB Chairs and interviewed legal counsel on their use and understanding of these certificates. Working as a team for two years, her three law student research assistants met weekly or bi-weekly with Wolf to report on their progress, discuss strategy, and identify additional avenues to be explored. Along with preparing written memos, the students drafted a section of a law review article to be published after the research findings are officially reported. They also provided short summaries (strict word limits are imposed) and input into the presentation on preliminary findings that Wolf gave to the NIH.

She also took the students with her when she presented at a regional conference, and had them spend a day with their Duke counterparts to discuss the findings and next steps for dissemination.<sup>68</sup> “Despite how much we knew about the project from our work, meeting with the whole team for an entire day really opened our eyes to the direction the project was headed and put our work in context with the overall goals and aims,” said one student.<sup>69</sup>

An unusual (for law students) aspect of the research was the need to prepare for and evaluate the interviews in a scientific, systematic way. Wolf involved the students in developing a coding guide for the interview transcripts based on important legal questions their research had identified. While new to the law students, the skills they learned are readily translatable to legal practice. Wolf observed, “For example, the process of going through the transcripts, coding them, and looking for common themes is analogous to what lawyers do in going through discovery, sifting through the documents, answers to interrogatories, and deposition transcripts to build a case.”<sup>70</sup> A second student noted: “My friends who work in public health have been impressed that I am learning skills like qualitative coding

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67. *Wolf Presents at Research Ethics Conference*, GA. ST. UNIV. COLL. LAW (Feb. 1, 2012), <http://law.gsu.edu/clhs/7626.html?id=590>.

68. *GRA's Work on NIH Project Culminates in Road Trip*, GA. ST. UNIV. COLL. LAW (June 4, 2012), <http://law.gsu.edu/clhs/7958.html>.

69. *Id.*

70. E-mail from Leslie E. Wolf, RE: HAPPY NEW YEAR—AND A QUESTION ABOUT YOUR RESEARCH (Jan. 3, 2012, 10:09 AM EDT) (on file with the author).

in law school.”<sup>71</sup>

Beyond building research and writing skills in a substantive field, Wolf hopes the students learned three overall lessons from this project: (1) that strong collaboration skills are important for lawyers to develop to succeed on a complex project; (2) how important written documentation is to allow everyone on the team to be able pick up the project where someone else who may be unavailable has left off; and (3) that lawyers need to be able to write for different audiences for different purposes—in this case, readers and reviewers from legal, scientific, research, and government backgrounds. When they traveled with her to see the results of their work formally presented and met with their Duke collaborators, the students were also developing professional identity and self-esteem as they saw that their work had real-world impact. A third student observed: “It was fascinating to participate in the meeting and see the collaboration at work. We tend to think of writing as solitary, but we saw proof that working together can lead to better work.”<sup>72</sup>

Another good example of real-world research with students is Georgia State Law Professor Jonathan Todres’s collaboration with four law students on a project on international human trafficking. The United Nations Inter-Agency Project on Human Trafficking invited Todres to contribute to its REACH Initiative.<sup>73</sup> This Initiative seeks to better understand human trafficking from Asia to other regions around the world in order to improve assistance to victims and prevent this exploitation. The research undertaken by Todres and the students involved the trafficking of people from the Greater Mekong Sub-Region to the United States.<sup>74</sup>

Todres and his students produced several reports and final recommendations for the REACH Initiative. Their research examined sex and labor trafficking in the United States as well as responses to trafficking by government and non-governmental agencies. In addition to research and writing skills, the students developed skills in problem-solving, creative brainstorming, working as a team, and coping with complexity. Todres observed that they also learned:

the value of interdisciplinary approaches and the way in which law can work effectively with other fields to address human rights violations and other social problems. Students also gained an appreciation of the importance of understanding the context in which legal

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71. *GRA's Work*, *supra* note 68.

72. *Id.*

73. See also UNITED NATIONS INTER-AGENCY PROJECT ON HUMAN TRAFFICKING, <http://www.no-trafficking.org/> (last visited Jan. 28, 2012).

74. *Todres and Students Collaborate on International Trafficking Research*, GA. ST. UNIV. COLL. LAW (Feb. 10, 2012), <http://law.gsu.edu/clhs/6602.html?id=527>.

issues arise and how that context shapes strategic decisions and options developed in response to such problems. Given the nature of the harm inflicted on victims of human trafficking, students were challenged at times to handle sensitive information. This provided students opportunity to develop professionally and reflect on their values and how ultimately they want to use their legal training in the future.<sup>75</sup>

Acknowledging the complexity and challenges in undertaking trafficking research, the students were undeterred and felt fortunate to be able to contribute to world-wide efforts addressing trafficking. Said one student of his sense of contributing to the betterment of the global community, "This was one of the most rewarding projects that I have worked on in law school."<sup>76</sup>

A third illustration of real-world faculty-student research collaborations involves Georgia State Law Professor Jessica Gabel. She had eight law students in her forensic science class undertake research to present at the First Annual World Congress of Forensics in Dalian, China. By invitation from the conference organizers, they designed a half-day session that explored the evolution, strengths, and challenges of various forensic disciplines, including arson, handwriting, firearms, fingerprints, digital forensics, forensic anthropology, media forensics, and medical-legal death investigations.

These students developed a sense of professional pride as pioneers: they were the only student group who had been invited to present a program at the conference, and theirs was the only law-oriented session. The students developed skills in communicating with a range of professionals in other disciplines, as their program was one of the most highly attended at a conference that attracted over 400 forensic medicine, scientific, and crime experts. According to Gabel, "our students engaged very well with the audience, fielding questions from the world's top forensic scientists and law enforcement personnel."<sup>77</sup>

Under Gabel's guidance, the students had thoroughly prepared their PowerPoint slides to ensure that their presentations were clear, direct, understandable, and accessible to the interdisciplinary audience that included many non-native English speakers. Beyond research, writing, and presentation skills, the students also developed their sense of professionalism and professional identity. As the legal experts at the conference, they felt accountable for the quality of their work. And they learned how to comport

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75. E-mail from Jonathan Todres, RE: RESEARCH COLLABORATIONS - YOUR TEAM'S REACH PROJECT (Jan. 26, 2012, 8:19 AM EDT) (on file with the author).

76. *Id.*

77. *Id.*

themselves professionally in a professional setting, which is the best setting possible for learning professional behavior.

Among the many benefits that these research collaborations offer is the opportunity for law students to connect professionally and personally with their own faculty. One of the most influential factors in student learning is faculty-student interaction. This is particularly true with respect to students' developing a sense of professional ethics and values.<sup>78</sup>

## X. FIELD TRIPS

You have to admit it—field trips are fun. You can perk up any group of students by announcing that today, we're heading to the morgue. Professor Jessica Gabel took law students in her forensic medicine class on a half-day field trip to the DeKalb County Medical Examiner's Office, where they received technical training and observed autopsies. The students saw grieving families and met hardened investigators and technicians. "It gave them a perspective on life and death that does not come through from the case book, and how forensics is more than just a medical report," said Gabel.<sup>79</sup>

For her forensic evidence class, Gabel has planned a student field trip to the U.S. Army Criminal Investigation Lab to tour the crime lab and look at the actual tests being performed. In the past, she has taken her students to the Georgia Bureau of Investigation for a tour of the crime lab facilities to get a hands-on look at what goes into generating a lab report.

Why take field trips into the real world? They serve to build students' domain knowledge: their understanding of the institutional and professional players in the industry impacted by the laws being studied in the class-

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78. LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, 2010 ANNUAL SURVEY RESULTS, STUDENT ENGAGEMENT IN LAW SCHOOL: IN CLASS AND BEYOND 9, *available at* [http://lsse.iub.edu/pdf/2010/2010\\_LSSSE\\_Annual\\_Survey\\_Results.pdf](http://lsse.iub.edu/pdf/2010/2010_LSSSE_Annual_Survey_Results.pdf) (discussing the strong correlation between interaction with faculty and student gains in professionalism). *See also* LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, 2006 ANNUAL SURVEY RESULTS, ENGAGING LEGAL EDUCATION: MOVING BEYOND THE STATUS QUO 11, *available at* [http://lsse.iub.edu/2006\\_Annual\\_Report/pdf/LSSSE\\_2006\\_Annual\\_Report.pdf](http://lsse.iub.edu/2006_Annual_Report/pdf/LSSSE_2006_Annual_Report.pdf) ("Student-faculty interaction was more strongly related to students' self-reported gains in analytical ability than time spent studying, cocurricular activities, or even the amount of academic effort they put forth . . . . In terms of developing a sense of professional ethics (defined as developing a personal code of values and ethics and contributing to the welfare of the community), the single most influential activity was student-faculty interaction. This includes talking about assignments, discussing ideas outside of class, email exchanges, and getting prompt feedback. In fact, student-faculty contact was more important to the ethical dimensions of the practice of law than participating in such activities as pro bono work, internships, moot court, and law school organizations or the student's area of specialization or intended practice area.").

79. E-mail from Jessica Gabel, RE: HAPPY NEW YEAR—AND A QUESTION ABOUT YOUR "FIELD TRIPS" WITH STUDENTS (Jan 3., 2012, 8:56 AM EDT) (on file with the author).

room.<sup>80</sup> They provide the critical context for learning legal concepts. Students can begin to think like lawyers when they understand the way the system works for their potential clients—be it the health care system, law-enforcement system, securities or tax systems, or any other regulated industry or field.<sup>81</sup> Deeper and more lasting learning takes place when legal concepts and cases can be understood within the larger legal regime of the institutions and stakeholders who are regulated by them.

Acquiring such domain knowledge—cultural literacy and an understanding of what is really going on out there—may make students uncomfortable. Professor Michele Goodwin has told about the time she took her students to a health law symposium in Chicago spanning two days. On the first day, the symposium took place at a large law firm, and the students enjoyed the wealthy and privileged surroundings. On the second day, they went to the south side of Chicago and heard Congressional representatives and civil rights leaders such as the Rev. Jesse Jackson discuss health in the context of poverty and disadvantage. Some students did not enjoy the second day and complained to Goodwin. Recognizing that it had been an unsettling learning experience, Goodwin “advocates getting students out of their comfort zone to engage them in learning about difficult legal and social problems that arise in the context of people’s health and access to health care,”<sup>82</sup> especially if those are issues they are not otherwise inclined to learn about. As I have observed before, “[r]eal learning can go on whether the students like it or not.”<sup>83</sup>

#### XI. BRINGING THE REAL-WORLD INSIDE THE CLASSROOM: GUEST SPEAKERS AND SKILLS PROJECTS

In my early years of teaching, I viewed guest speakers, with their war stories about their glory days, as largely a waste of students’ time. I was focused on the students learning the law and advancing the intellectual, analytical ball. I thought real-world partnerships in the classroom would be a distraction from that goal. Also, because I was inexperienced in selecting and preparing my guest speakers, sometimes having them did not just waste time; their presence actually backfired. One doctor I invited to a health law class many years ago so alienated and offended the law students that I had to take time out from the next class to dispel the negative generalizations about the medical profession that the law students had drawn from his remarks.

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80. See Friedman, *supra* note 15.

81. See Friedman, *supra* note 15, and accompanying text for a discussion of domain knowledge and cultural literacy.

82. Charity Scott, *How Well Do We Engage Our Students?*, 35 J. L. MED. & ETHICS 739, 741 (2007).

83. *Id.*



Today, I see guest speakers as offering the potential, when carefully selected and prepared, to develop the students' understanding of excellent professional practice. Excellent legal practitioners can be great role models for setting a high bar for lawyering skills, professionalism and ethics, and pro bono service to the community. As such, they can be invaluable teaching aids for developing domain knowledge and real-world skills and values.<sup>84</sup>

I am less interested in having practicing lawyers teach substantive aspects of health law than in having them serve as role models for how excellent lawyers practice law. Role modeling can occur in a variety of contexts, such as discussing how they handled a recent or current case (when client confidentiality is not a problem); how they think about and deal with the law, their clients, and their opposing counsel; their philosophy of good lawyering; and how they manage their personal and professional lives.

I am amazed at how impactful good guest speakers can be. I recently learned from a law graduate of ours that after she heard two guest speakers from the Centers for Disease Control and Prevention in her public health law class, she decided to redirect her career path into the public health field. When I teach negotiation, I have invited two well-respected attorneys who take a collaborative problem-solving approach to negotiation. They dramatically help to reinforce for skeptical third-year law students that there is indeed room for win-win approaches in real-world lawyering, and that good client representation does not always depend on advocacy skills and an adversarial approach that presupposes only win-lose outcomes.<sup>85</sup>

There is no reason to limit to guests' participation to speaking or role modeling. My younger colleagues are developing innovative ways to incorporate guest speakers into their classes. An advocate of bringing the real world into her classroom through guest speakers, Professor Jessica Gabel has developed her forensic evidence class as a "law lab" where students get case files and prepare them as if for trial. Actual medical examiners and forensic analysts testify as witnesses in class in mock direct and cross-examination settings. The students on the defense team get their own expert to serve as consultant. While still in the classroom and in the context of mock trial conditions, the students get exposure to how forensic scientists and investigators approach real cases, what matters to them and why, and how to apply legal concepts to the kinds of problems that arise in real-world settings.

Georgia State Law Professor Yaniv Heled has developed a new seminar on law and emerging technologies which featured six guest speakers who have legal, scientific, business, and engineering backgrounds and who

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84. For an example of such positive role-modeling, see articles about Professor Hughes, *supra* note 14.

85. *Speakers Discuss New Models of Negotiation Practice*, GA. ST. UNIV. COLL. LAW (Mar. 18, 2011), <http://law.gsu.edu/clhs/6568.html?id=542>.

have been closely involved with developing new technologies. The speakers introduced the students to a different new technology every week. At a minimum, this exposure developed students' domain knowledge about the real world of technology-saturated areas of legal practice.

Heled's main goal was to develop their skills in writing and analysis (they were required to prepare a position paper in advance of each talk), asking the right questions, especially when dealing with experts (they were required to prepare questions in advance and engage in discussion with speakers), and developing flexibility and independence. On this last point, because technology changes so rapidly, Heled hoped that the array of speakers would allow "students to gain mind-flexibility to enable them to approach new technological subject matters in practice with relative ease and without the typical neophobia/technophobia."<sup>86</sup>

Even if you decide you do not have the time or inclination to find real-world collaborators to work with you to help develop skills and values in your classroom, you can decide to begin looking for exercises and problems that students can work on in class.<sup>87</sup> Such problem-based learning can be better than traditional Langdellian, case-method teaching in any event.<sup>88</sup> Although Socratic dialogue may be more effective for learning than straight lecturing, educational reformers are calling for less talking by the professor and more student engagement in solving problems during class time.<sup>89</sup>

## XII. EXTRACURRICULAR ACTIVITIES

While students should be doing most of the work in pursuing their ex-

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86. E-mail from Yaniv Heled, RE: YOUR SPEAKER SERIES (Jan. 22, 2012, 12:36 PM EDT) (on file with the author). See also *Confronting the Challenges of Disruptive Technologies*, GA. ST. UNIV. COLL. LAW (June 7, 2012), <http://law.gsu.edu/clhs/7960.html> (Heled observed that "[i]ntroducing the students to novel technologies is fun, but the real benefit for the students from this course is the development of the ability to hit the ground running when encountering new technologies in their practice.").

87. See, e.g., Jonathan Todres, *Beyond the Case Method: Teaching Transactional Law Skills in the Classroom*, 37 J.L. MED. & ETHICS 375 (2009) (discussing how to incorporate exercises and problems to teach four kinds of transactional law skills: (1) thinking ex ante, (2) risk assessment and allocation, (3) drafting, and (4) negotiation).

88. Alan M. Lerner, *Using Our Brains: What Cognitive Science and Social Psychology Teach Us About Teaching Law Students to Make Ethical, Professionally Responsible, Choices*, 23 QUINNIPIAC L. REV. 643, 695-705 (2004) (describing the use of problem-based learning in law schools); Westbrook, *supra* note 2, at 261 ("For lawyers in transactional practices, the Langdellian model is particularly out of touch for the simple reason that transactional lawyers rarely have much to do with appellate cases.").

89. See, e.g., Emily Hanford, *Physicists Seek to Lose the Lecture as Teaching Tool*, NPR (Jan. 1, 2012), <http://www.npr.org/2012/01/01/144550920/physicists-seek-to-lose-the-lecture-as-teaching-tool> (discussing the need to shift the professorial role from being the "sage on the stage" to being the "guide on the side" for their students); see also Claudia Dreifus, *A Conversation with Eric Mazur: Using the "Beauties of Physics" to Conquer Science Illiteracy*, N.Y. TIMES, July 17, 2007, at F2, available at <http://www.nytimes.com/2007/07/17/science/17conv.html?pagewanted=all>.

tracurricular activities, faculty can have input in making professional connections for them and pointing them in constructive directions.

### *A. Activities Outside of a Particular Class*

Developing extracurricular activities in real-world settings can help students gain important domain knowledge about the complex social, business, regulatory, economic, and ethical challenges that the players in an industry face every day. Classroom faculty who have contacts with these industry players are in a good position to make a connection for their students that will allow them at least a glimpse into that world. It may only take a few phone calls on your part to set up something up, and the benefits for your students can be enormous. Lawyers and executives are often delighted to be asked to share some of their experience with aspiring students, particularly if the students will come to them (which is even better for capturing the reality of the setting, and to which students may not otherwise not be able to gain access).

For example, a number of our alumni work at CDC in Atlanta, and one of them recently offered to arrange an afternoon workshop for current law students next semester. The alumni will discuss the wide variety of work they do—from the more traditional law practice setting of the Office of the General Counsel to the work done in the Public Health Law Program to the diverse kinds of policy work undertaken by those with law degrees across the CDC campus.<sup>90</sup> The workshop will take place at CDC, with the opportunity to visit some of the facilities, including the Emergency Operations Center and the CDC museum.

Because of the limited exposure students are usually given in law school classes to the types of work that real lawyers do, they often cannot imagine there could be opportunities for them in any setting other than a law firm or in-house counsel office. This opportunity—in the real-world CDC setting—gives law students a chance to imagine different career routes, as well as to network in a friendly and supportive professional environment with graduates of their law school.

Another example of faculty helping to create extracurricular opportunities for students comes from the Beazley Institute for Health Law and Policy at Loyola University Chicago School of Law. A few years ago, their faculty undertook to reexamine their health law curriculum in light of *Carnegie* principles and with the goal of better preparing their graduates for the challenges of 21st-century health law practice. This review entailed con-

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90. For a discussion of the wide variety of work these alumni do at CDC, see generally CTR. FOR LAW, HEALTH & SOC'Y NEWSL. CENTER BRIEFINGS SPECIAL EDITION (Ga. St. Univ. Coll. Law, Atlanta, Ga.), Spring 2012, available at [http://law.gsu.edu/clhs/files/CDC\\_Newsletter\\_web.pdf](http://law.gsu.edu/clhs/files/CDC_Newsletter_web.pdf), for a discussion of the wide variety of work Georgia State University College of Law alumni do at CDC.

sidering how to develop both substantive knowledge and lawyering skills in health law, as well as how to give students opportunities to apply their knowledge and skills in real-world contexts.<sup>91</sup>

The faculty specifically considered what extracurricular activities outside the classroom might enhance their students' knowledge of the health care industry and their practical skills. According to Lawrence Singer, Director of the Beazley Institute, "[c]arefully crafted extracurricular events can re-emphasize the balance of substantive and practical skills learned in the classroom."<sup>92</sup> They arranged for students to take a tour of Loyola University Medical Center and to attend a meeting with the General Counsel and other key officials. The experience was so well received that it was repeated the next year.

This field trip—undertaken outside of a particular class, and open to any interested law student—immersed the students in considering the business management aspects of health care. Basic day-to-day concerns, such as staffing issues and charity care, introduced students to the real world of health administration and health administrators.<sup>93</sup> These people are the kinds of industry players who become clients after the students graduate. Understanding their practical concerns and challenges can help students appreciate what their future clients will want from them: context-sensitive legal counsel and advice.

### *B. Moot Court and Mock Trial*

Beyond encouraging students to enter regional or national moot court competitions in the relevant doctrinal field,<sup>94</sup> classroom teachers can volunteer to bench a few practice sessions while their school's teams are preparing for the competition. Such faculty participation provides an opportunity for direct faculty-student involvement outside of the classroom, which has been demonstrated to be key to students' engagement during law school and their development of professionalism and professional identity.<sup>95</sup> In addition, classroom faculty can put the students in touch with practicing attorneys in the relevant legal discipline to help bench the students. We have done this for our students competing in the National Health Law competition, for example, and the students benefit from "upping the ante" in their preparation by going to law firms and practicing their arguments before

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91. Lawrence E. Singer & Megan Bess, *Combining Pedagogy and Practice: Creating a 21st Century Health Law Curriculum*, 37 J. L. MED. & ETHICS 852 (2009).

92. *Id.* at 855.

93. *Id.*

94. See *National Health Law Moot Court Competition*, S. ILL. UNIV. SCH. OF LAW, <http://www.law.siu.edu/healthlaw/healthlawmootcourt%20.php> (last visited Feb. 4, 2012), for an example of an annual health law moot court competition.

95. See E-mail from Jessica Gabel to author, *supra* note 79.

health law attorneys and litigators.<sup>96</sup>

Going a step further, a classroom teacher can collaborate with a litigation professor or practicing attorney and with faculty from another graduate or professional school to put on a mock trial with law students and other professional students. For example, some law schools have partnered with medical schools to put on mock medical malpractice trials.<sup>97</sup> Other professional programs (e.g., health administration, psychiatry) have partnered with lawyers and have used mock trials to deepen their own students' and professionals' appreciation of the legal system, the importance of documentation, and development of professional skills.<sup>98</sup>

Interdisciplinary mock trials typically place law students in the roles of attorneys, and the other professional students in the roles of the parties or experts. The benefits include increasing the real-world feel and intensity to the simulation. "[T]he law students get to match wits with a real doctor, rather than another law student reading from a script," said a surgeon who helped to put such a program together at the University of Pittsburgh.<sup>99</sup> Said a law student who cross-examined a medical resident serving as an expert witness in this recent mock trial: "To have an actual doctor who knows what they are talking about, who you can't bully into saying what you want them to say, who knows more than you—that's a valuable experience to have early on so you know what you're getting yourself into."<sup>100</sup>

Another benefit is the opportunity to deepen each profession's appreciation for the expertise and perspectives of the other and to open lines of

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96. See *Students Compete in National Moot Court Competition*, GA. ST. UNIV. COLL. LAW (Jan. 31, 2012), <http://law.gsu.edu/clhs/7614.html?id=586>; see also *Two Teams Advocated in National Moot Court Competition*, GA. ST. UNIV. COLL. LAW (Mar. 10, 2011), <http://law.gsu.edu/clhs/6578.html?id=537>.

97. Taryn Luna, *Pitt Mock Trial Pits Those Studying Law Against Those Studying Medicine*, PITTSBURGH POST-GAZETTE, <http://www.post-gazette.com/pg/11339/1194147-499-0.stm> (last updated Mar. 12, 2012) (describing mock trial with University of Pittsburgh law students and medical residents); see also *Students Try Moot Case with Medical Residents*, PENN ST. LAW (Mar. 28, 2010), [http://law.psu.edu/news/treating\\_medical\\_errors\\_moot](http://law.psu.edu/news/treating_medical_errors_moot) (describing mock trial with Penn State law school students and pediatric residents from Penn State Hershey Children's Hospital).

98. Randall Carter Jenkins & Christy Harris Lemak, *Innovative Teaching for Health Law: A Case Study of a Hospital Medical Malpractice Lawsuit Simulation*, 24 J. HEALTH ADMIN. EDUC. 43, 44 (2007) ("The goal of the [semester-long medical malpractice lawsuit] simulation is not only to help increase participants' awareness of the legal system but also to improve their job performance by highlighting how the legal system scrutinizes a variety of treatment decisions, from documentation to policy implementation, made daily by healthcare professionals."); see also Stewart Levine & Henry Pinsker, *The Mock Trial in Psychiatric Staff Education*, 22 BULL. AM. ACAD. PSYCHIATRY LAW 127 (1994), available at <http://www.jaapl.org/content/22/1/127.full.pdf> ("The mock trial [program for students and interdisciplinary staff of the Department of Psychiatry at Beth Israel Medical Center] is not only an excellent strategy for teaching about the interface between psychiatry and the law, but also for teaching about malpractice, documentation, and medical reasoning.").

99. Luna, *supra* note 97.

100. *Id.*

interdisciplinary communication. "Today, two honorable professions communicated better to understand each other's views, both in general and to the specific question of remedying medical error," said Professor Gary Gildin, who helped to organize a mock trial with law students and medical residents at Penn State.<sup>101</sup> "We do not have all of the answers, but an event like this gives us the process for asking questions."<sup>102</sup>

While the mock trials are simulations, the collaboration with non-law professionals brings reality into them by exposing the differing real-world concerns and perspectives of the other professions. Professors at the University of Illinois have undertaken a number of interdisciplinary simulations, including one for law students, medical students, and physicians involving a simulated patient complaint against a physician and regulatory investigation. They have found that the interdisciplinary component significantly improves the students' learning:

The aura of reality introduced by having outsiders participate in legal skills role plays has had a counter-intuitive effect—it seems to help our students focus on the fundamentals in ways that simulations involving only law students do not. That is, we find that the introduction of complexity to the exercises by adding role-playing clients from other disciplines advances the acquisition of fundamental skills, rather than distracting from them . . . . We believe that adding the cross-disciplinary dimension to our simulation exercises deepens and richens the learning experience and also helps the students more effectively envision themselves as professionals.<sup>103</sup>

### *C. Pro Bono Activities*

Extracurricular activities can also foster many core professional values and professionalism traits identified by the *MacCrate* and *Carnegie* reports, including the development of professional identity, leadership skills, and commitment to community betterment and pro bono service. Faculty can play a role in visibly encouraging students to engage in pro bono activities in their community and by helping to facilitate community connections where the faculty may already have contacts. In my experience, the current generation of law students is highly motivated to give back to their communities, and all it takes is pointing them in a productive direction related to

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101. *Students Try Moot Case with Medical Residents*, *supra* note 97.

102. *Id.*

103. C. K. Gunsalus & J. Steven Beckett, *Playing Doctor, Playing Lawyer: Interdisciplinary Simulations*, 14 CLIN. L. REV. 439, 441–42, 445 (2008).

the legal field they are interested in.

For example, our Student Health Law Association (SHLA) engages in a mentoring program for Atlanta high-school students at Carver High School, which has a focused program for students interested in health sciences and research. For the past two years, SHLA members and Carver students have participated in a program called *Journey through Justice*, a mock trial program for high school students developed by the State Bar of Georgia. Reflecting on the value of pro bono service for developing professional values in law students, one law student said: "The law students get as much from the [mentoring] program as do the high school students."<sup>104</sup>

Our health law students also volunteer in other community activities that are related to health promotion and support health-related non-profit organizations, such as fun runs,<sup>105</sup> fund-raising,<sup>106</sup> and blood drives.<sup>107</sup> When our health law faculty were considering a proposal for a new certificate in health law at the law school, the student reviewers felt so strongly that such activities supported the core professional values competencies identified in the proposal that they advocated for making participation in extracurricular activities mandatory in order to receive the certificate.

### XIII. COLLABORATING WITH NATIONAL BAR AND PROFESSIONAL ASSOCIATIONS

Most legal disciplines have professional associations and societies that promote the interests of their membership, usually practicing attorneys. In the health law field, two of the largest are the American Health Lawyers Association and the American Bar Association's Health Law Section. Classroom professors may prefer to engage with academic associations and not feel the need personally to engage with such professional societies. They can easily recommend them to their students, however.

These organizations have many resources that can be valuable to students in developing their skills and professionalism. These resources include opportunities for gaining substantive legal knowledge, such as

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104. Students Mentor Carver High School Students, GA. ST. UNIV. COLL. LAW (Feb. 4, 2011), <http://law.gsu.edu/clhs/6606.html?id=525>. See also *Taking Carver High School Students on a Journey*, GA. ST. UNIV. COLL. LAW (Nov. 11, 2011), <http://law.gsu.edu/clhs/7448.html?id=580>.

105. See, e.g., *SHLA Cheers on Runners at Children's Fun Run*, GA. ST. UNIV. COLL. LAW (Oct. 7, 2011), <http://law.gsu.edu/clhs/7434.html?id=572>.

106. See, e.g., *Students Hold Benefit to Aid Ugandan Children*, CTR. FOR LAW, HEALTH & SOC'Y NEWSL. (Ga. St. Univ. Coll. Law, Atlanta, Ga.), Fall 2008, at 5, available at [http://law.gsu.edu/clhs/pdf/Newsletters/Fall\\_2008\\_Newsletter.pdf](http://law.gsu.edu/clhs/pdf/Newsletters/Fall_2008_Newsletter.pdf) ("[The student-held benefit supporting the education of children in Uganda is] a great example of taking classroom learning and applying it to help make an impact here and abroad.").

107. See, e.g., *Students Kick-Off SHLA Co-Sponsored Blood Drive by Discussing the FDA Ban on All Sexually Active Gay Donors*, GA. ST. UNIV. COLL. LAW (Feb. 9, 2012), <http://law.gsu.edu/clhs/7630.html>.

through podcasts, webinars, conferences, and journals. They also represent opportunities for students to develop lawyering skills, such as through writing competitions and writing short articles for the organization's publications.

These associations also offer opportunities to network and develop professional connections. I serve on the Governing Council of the ABA Health Law Section, and we have made efforts over the years to reach out to law students in the cities where our annual conference is to take place and to invite them to parts of the conference free of charge (or at substantially discounted rates), as well as to receptions. The Section also responds to student requests for attorney speakers in their locale on topics of student interest.

Partnering with these national societies can also create unexpected projects that can develop the skills and qualities of the successful practicing professional. For example, a current law student and I collaborated for over eight months with the staff of the ABA to completely revamp the Health Law Section's student membership website to make it more accessible to (and more accessed by) law students across the country.<sup>108</sup> While not a traditional assignment, this law student learned valuable professional lessons like how to work with staff, ask the right questions, not assume that someone else has all the answers, think creatively and strategically, lead conference call discussions, engage in drafting and editing, clarify understanding both orally and in writing, move a project forward, be persistent as well as flexible (especially when the project takes so much more time than one thought it would at the outset), and be gracious and positive even if frustrated or overwhelmed. These are real-world skills and qualities that, while not usually developed in the classroom or through more traditional research projects, will stand her in good stead in professional practice.

It is relatively easy to connect law students to national bar associations (as well as to state and local bar associations). All it takes is the willingness to think outside the classroom, peruse the websites to learn about their resources, and pick up the phone. The professional societies are very interested in working with law students, who represent their future membership.

#### XIV. PARTNERSHIPS WITH THE LOCAL PRACTICING BAR

##### *A. One-Time Opportunities for Students*

Even if you are not admitted to practice in the state where you teach, you might still consider joining your state or local bar association for the

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108. See generally *Welcome Law Students*, AM. BAR ASS'N, [http://www.americanbar.org/groups/health\\_law/membership/law\\_students\\_welcome.html](http://www.americanbar.org/groups/health_law/membership/law_students_welcome.html) (last visited May 8, 2012) (launched Feb. 3, 2012).



professional connections you could make for yourself and for your students. Bar and other professional associations often allow faculty a courtesy membership (if willing to pay dues). For example, I am a member of the Georgia Hospital Association, and thereby of the Georgia Academy of Healthcare Attorneys, even though I am not employed by or representing a hospital.<sup>109</sup>

The professional relationships you develop with local practicing attorneys can inure to your benefit, both in opportunities to find guest speakers for your classroom as well as for collaboration in scholarship. For your students, your connections to the bar can offer any number of serendipitous opportunities to learn the skills and values of professional practice. Sometimes attorneys need some quick help on a one-time project, like a CLE presentation or bar journal article. These opportunities may or may not be for pay and may or may not turn into future employment opportunities, but they do offer a short-term immersion in professional work.

Atlanta attorneys have reached out to me to inquire whether I knew a student who could help them out on such a project, and I have always been happy to oblige. Beyond developing the research and writing skills that students typically use in such projects, there can be significant benefits in developing professional qualities and traits. Students learn adaptability (“I need this yesterday”), independence and problem-solving (“Here’s what I want to know—can you figure it out?”), how to ask the right questions (appreciative inquiry and active listening), and persistence (to keep the project within the deadline). They also get a glimpse into professional culture (domain knowledge), which can be missing from the academic classroom.

Such experiences can also build self-confidence and professionalism. One of my students recently helped an attorney on a CLE presentation. When the work was done, the attorney’s firm paid for the student’s admission to the conference. The attorney openly gave the student credit for her work, and the audience gave her a big round of applause. Rubbing shoulders with practicing attorneys, who came up to congratulate the student at the break, may have been as important to this student on her road to developing as a professional as the research and writing skills she honed. And all it took was a telephone call to get the ball rolling.

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109. I am a member of the State Bar of Georgia, with a license to practice in Georgia, although I do not practice. In the 1990s, I was part of the original group of attorneys who established the Health Law Section of the Bar, and served in various capacities over the years, including Chair of the Section. Although I am not as active in the Section as I once was, the professional relationships that I established through such bar work both have enriched my teaching and research and have occasionally offered opportunities for my students to “get a foot in the door.”

### *B. Setting up Recurring Opportunities*

The Loyola University Chicago health law faculty has also hosted a Saturday morning workshop with respected Chicago attorneys, which focuses on the analysis of a transactional case study from the attorneys' own practice.<sup>110</sup> A collaborative workshop between students and the practicing bar not only enhances analytical skills, it also gives students insight into the mindsets of problem-solving attorneys and an appreciation of how the culture and features of a particular industry can impact the way clients are counseled. The workshop was so popular that it became an annual event.<sup>111</sup>

Setting up this kind of recurring opportunity for students outside the classroom does take both advance organizational time and the time to implement it. If undertaken on a yearly basis, however, the start-up costs are minimized with each successive year, while the benefits fully accrue for each new crop of students. Among these benefits is the development of professional identity that comes with working directly on a real case with respected practitioners.

### *C. Mentoring Programs*

Just as students enjoy out-of-classroom connections with their faculty, they also want to build relationships with practicing attorneys who can mentor them. What does mentoring offer? With respect to domain knowledge, student mentees begin to become acculturated to the legal profession and how real lawyers think (about their work, careers, clients, colleagues, work-family balance, and other aspects of professional life). Good mentors model the good habits of successful practice, including ways of dressing, conversing, respecting boundaries, prioritizing time, and keeping commitments. Through mentoring, students can develop their professional identity and learn professional values.

Mentoring programs can be formal or informal. The most formal is the American Inns of Court, whose mission "is to foster excellence in professionalism, ethics, civility, and legal skills."<sup>112</sup> Gaining momentum since the 1980s, this national organization adapts the English model of apprenticeship. There are four membership groups in each Inn: Masters of the Bench (law professors, judges, and experienced lawyers); Barristers (less experienced lawyers than Masters); Associates (less experienced lawyers than Barristers); and Pupils (law students).<sup>113</sup> With about 80 members, an

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110. Singer & Bess, *supra* note 91, at 855.

111. *Id.*

112. AM. INNS OF COURT FOUND., CREATING AN AMERICAN INN OF COURT iii (2008), available at <http://www.innsofcourt.org/Content/Default.aspx?Id=5> (search "Creating an Inn of Court;" then follow hyperlink under "Creating an Inn of Court Booklet").

113. *Id.* at 2.

Inn divides into “pupillage teams” with a few members from each category.<sup>114</sup> From September to May, each team is responsible for planning one of the Inn’s monthly programs, which generally includes an opportunity to “break bread” as a group and discuss a topic on ethics, professionalism, and legal practice.<sup>115</sup> Law students and newer attorneys are mentored through this exchange of ideas and experiences with more senior practitioners.<sup>116</sup> The goal of such mentoring is to foster the ideals of civility, ethics, and professionalism.<sup>117</sup>

Any law school can create one or more Inns of Court. Traditionally, the orientation of such Inns has been on civil or criminal litigation practice. This is changing, and there are now Inns specializing in administrative law, environmental law, family law, intellectual property law, labor and employment law, pro bono, tax law, transactional law, and other legal fields.<sup>118</sup> While there is not yet a health law Inn of Court, there is no reason you could not establish one at your law school. At Georgia State, we are currently exploring with the national organization whether we can set up an interdisciplinary Inn of Court related to health law.

Less formally, you can establish a mentoring network among your graduates who work in health law and your students who are interested in health law. Your students may well be motivated to help with the organizational process. Our Student Health Law Association has set up social events to entice our graduates to get involved in the mentoring program.<sup>119</sup> At the very least, you can pair one student you know with one graduate you know—presto, a mentoring program.

## XV. CONCLUSION

This article has offered a continuum of opportunities for developing students’ lawyering skills and professional values and attributes in real-world contexts. They vary in complexity and the amount of a professor’s time and attention needed to accomplish it.

“But most of these innovations will take too much time,” some law professors may object, who are worried about their scholarship and service obligations. True, it does take time to collaborate and to alter one’s teaching approach, but how much time really depends on you. It can take an hour, a day, a week, a semester, or a couple of decades to implement some of these innovations described above. If you are enthused about a prospec-

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114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.* at 1.

118. *Id.* at 4.

119. See, e.g., *SHLA Hosts Mentor-Mentee Mixer*, GA. ST. UNIV. COLL. LAW (Nov. 28, 2011), <http://law.gsu.edu/clhs/7454.html?id=583>.

tive collaboration but worried that it will adversely impact your other responsibilities, talk to your administration and strategize about how to minimize the conflict. There may be incentives and accommodations (e.g., course release, committee release, summer grant for teaching improvement that “counts” for promotion and tenure, etc.) which deans may be willing to make—at least, those deans who are listening to the on-going calls for legal education reform. Those deans may even be gratified when they learn about your interest in innovative teaching and your responsiveness to *Carnegie* concerns.

“But I can’t afford to sacrifice the doctrinal coverage in my class,” others may object. Actually, you can. The good news is that doctrinal knowledge is diminishing in importance for legal employers while our students’ competency in skills and other professional qualities is increasing in importance.<sup>120</sup> When our health law faculty convened a group of highly respected health law attorneys in Atlanta to advise us as we considered revisions to our health law curriculum, the attorneys uniformly and repeatedly encouraged us to offer more skills opportunities. Surprisingly (to us), they were so concerned about our fostering the skills and values competencies of good lawyers that it was hard to get them to focus on the knowledge competencies in health law that we had worked so hard to identify and come to consensus on. The emphasis of potential employers on our students’ skill sets beyond doctrinal knowledge and case-based legal analysis should feel liberating for classroom professors. While it may take time away from doctrinal coverage, shifting to more collaborative and real-world learning will not impair the students’ education. Rather, it will enrich it and make it more relevant to their professional lives.

This article has taken an expansive view of the “real world.” The real world consists of real people who engage in or are impacted by the laws we are teaching our students. The real world of health law is situated in different settings (corporate, law firm, non-profit, government, advocacy, policy, laboratory, etc.) and in different disciplines (public health, bioethics, medical, nursing, business, life sciences, etc.). An experience counts as “real world” if it exposes students to models of working and being in the professional world. Collaborating with real-world professionals from legal and other disciplines that lawyers routinely work with, even in a classroom sim-

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120. The diminishing importance of specific technical knowledge and skills for entry-level positions is true across employment settings. Daniel Goleman has written generally about “emotional intelligence” being more important to career success than technical skills and knowledge. He reports that the qualities employers want in their new hires are the ability to learn on the job; listening and oral communication; adaptability and creative responses to setbacks and obstacles; personal management, confidence, and motivation; group and interpersonal effectiveness, including teamwork and ability to negotiate conflicts; and organizational effectiveness and leadership. Only one of the seven desired employee traits was academic: competence in reading, writing, and math. DANIEL GOLEMAN, *WORKING WITH EMOTIONAL INTELLIGENCE* 12–13 (1998).

ulation, can help to place the topics in context. Such context-based learning helps students integrate understanding the legal subject matter with developing other skills and values.

At a minimum, real-world collaborations can mix up the law classroom routine and get students' attention, a first step in improving their learning.<sup>121</sup> When students see real problems or real people, their motivation to engage with them constructively is significantly enhanced.<sup>122</sup> Real-world collaborations also offer authentic learning opportunities, which can deepen learning and make it lasting.<sup>123</sup> Students are not the only ones who benefit from such collaborations: they can promote your own professional engagement and development and may even further your law school's mission.<sup>124</sup> Aside from all these benefits, I encourage you to consider incorporating real-world collaboration in your teaching just for the sheer fun of it.

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121. See Scott, *supra* note 82.

122. Gunsalus & Beckett, *supra* note 103, at 462 (observing that "[m]otivation is a central element of learning . . . and the research shows that '[l]earners of all ages are more motivated when they can see the usefulness of what they are learning and when they can use that information to do something that has an impact on others.'" (quoting COMM. ON DEVS. IN THE SCI. OF LEARNING, NAT'L RESEARCH COUNCIL, HOW PEOPLE LEARN: BRAIN, MIND, EXPERIENCE, AND SCHOOL 49 (John D. Bransford et al., eds., 1999))).

123. See Melissa Manwaring, Bobbi McAdoo & Sandra Cheldelin, *Orientation and Disorientation: Two Approaches to Designing "Authentic" Negotiation Learning Activities*, 31 HAMLINE J. PUB. L. & POL'Y 483, 485, 498 (2010) ("[A]uthentic activities'—or learning activities that re-create as closely as possible the context (key dynamics, challenges, emotions, etc.) of real-world activities—are critical to making learning relevant and transferable," and advocate for increased educational use of "adventure learning" activities, which "typically comprise direct, active, authentic, engaging, and collaborative experiences that take place outside traditional classroom settings, involve some element of real or perceived risk, and involve the whole person (not just the cognitive).").

124. For example, Elizabeth Pendo observed that through working with her students on their service-learning project, she deepened her own knowledge about an area of law and formed community relationships that resulted in the formation of a disability issues working group in St. Louis. Pendo, *supra* note 50, at 157. The project was also consistent with the law school's public service mission, "which includes the expectation that our graduates will be 'legal professionals who use their knowledge to serve others.'" *Id.* at 154.

## **Marshall B. Kapp**

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