

Experiential Education in China: Curricular Reform, The Role of the Lawyer and the Rule of Law – January 25-26, 2008

Panel 6: The content of clinical education courses: a proposed template

Discussion Outline

I. Considerations: Is It Possible or Desirable to Project an “Ideal” Clinical Curriculum?

A. Aspiration or acceptance: what conditions are necessary to support the achievement of commonly held goals of clinical legal education? Can these goals be achieved with something less than ideal student-teacher ratios, and less than the dedication of significant instructional time and individual attention?

B. Common goals:

1. Development of habits of intellectual engagement, such as active learning and reflection, to support lifelong productivity and satisfaction in the profession.
2. Development of habits of professional engagement to support lifelong commitment to ethical practice, to providing access to justice and to creating just legal institutions.
3. Development of “emotional intelligence:” sensitivity to the needs of clients and others, and to the impact that one’s own personal values and preconceptions may have on the client-lawyer relationship.
4. Other?

II. Structure of a Clinical Course: should we assume the necessity of providing all the interlocking components of classroom, supervision, and case rounds?

III. Content of a Clinical Course

A. Generally: what distinguishes the classroom component of the clinical curriculum from the classroom component of other “skills” or “experiential learning” courses, such as trial advocacy courses or externship courses?

B. Choosing among the meta-skills:

1. ‘Talking to clients:’ interviewing, counseling, listening.
2. Persuasion: consideration of audience, forum.
3. Problem-Solving.
4. Case theory development.
5. Strategic thinking: choosing the vehicles to effectuate the case theory and solve the problem: formal and informal means of resolution, coalition building, media campaigns.

6. Time management and planning.
7. Developing awareness of the social, political and legal context of the client's problem.
8. Recognizing and addressing ethical issues.

C. Choosing the delivery mechanism(s)

1. Syllabus with assigned readings: weighing benefits (transmits context, theory) and disadvantages (departs from accustomed pedagogical methodology in China.)
2. Methodologies: engaged lecture; small group break-outs; in-class simulation; peer editing and drafting; mooted; journal-writing.
3. See II., above; incorporation of case review ("rounds") and supervision as interlocking methodologies within the overall clinical structure.
4. Unique to the clinical classroom: the opportunity to draw the discussion from the clients' cases themselves as core materials.

IV. Resources: Making Other Programs' Products (syllabi, simulations) Accessible