

# Wuhan Training Session

December 3 – 7, 2009

## Thursday, December 3

**Morning - Introduction to program; objectives of experiential education; role of CCCLE, past and future**

*Reading: Carnegie Report, Educating Lawyers - Introduction; Li Shuzhong, On Practical Teaching Modes: Experience from the China University of Political Science and Law; Zhu Su Li, An Institutional Inquiry into Legal Skills Education in China; Chavkin, Experiential Learning: A Critical Element of Legal Education in China (and Elsewhere)*

- 9:30-10:15 Introduction and welcome - Brian Landsberg
- 10:15-10:30 Objectives of experiential education, assignment to small groups - Xu Shenjian
- 10:30-11:15 Small group discussion of general objectives of experiential education and how they are relevant to China [groups will stay together through the five days of training]
- Group 1, led by Xu Shenjian and Elliott Milstein  
Group 2, led by Liu Jianming and Jay Pottenger  
Group 3, led by Hu Minfei and Brian Landsberg  
Group 4, led by Dong Jingbo and Dorothy Landsberg
- 11:15-11:30 Tea Break
- 11:30-12:15 Reports from small groups on objectives of experiential education
- 12:15-1:00 Role of CCCLE - Li Ao

**Afternoon - Interviewing: theory and practice - Liu Jianming, Hu Minfei**

*Reading: Binder Price, Legal interview and counseling; Chavkin, Clinical Education, Chapters 1 [Introduction] and 7 [Interviewing]; Wang Ping v. Pinnacle Products, Inc.*

- 2:30-2:40 Preparation for interview
1. Choose an appropriate interview location
  2. Improve the efficiency and prepare with pertinence

3. Deal with the interviewer's appearance

Lecture on the method of teaching

2:40-3:00

The purpose of the interview

1. Understand the facts of the case from client
2. Understand the purpose and needs of client
3. Establish the effective tie between lawyer and client
4. Reduce the anxiety of client

Brainstorming

3:00-4:00

Interviewing the client

Role play - Hu Minfei will act as the client (Wang Ping), two to three students will act as the lawyers. The students will take one hour to interview the client. The performance will be recorded on video.

4:00-4:15

Tea Break

4:15-4:45

General procedures of interviewing

1. Brief introduction
2. Information collection
  - a. Open statement phase (client introduces the case generally, focusing on who, when, what, where, why and how)
  - b. Specific and pertinent questioning phase (lawyers ask the pertinent questions)
  - c. Review phase (lawyer repeats the fact of case and client corrects and complete the details)
3. Target confirmation  
Understand the client's specific needs and requirements when dealing with the dispute
4. Ending

4:45-5:30

Basic skills of interviewing

1. How to listen actively
2. How to respect the client
3. How to overtake the lawyer's own subjective and objective obstacles
4. How to catch the key points of case
5. How to learn to provide feedback in time
6. How to use body language

## **Friday, December 4**

**Morning - Models of supervision, feedback** - Elliott Milstein, Dorothy Landsberg, Xu Shenjian, Hu Minfei

*Reading:* Milstein, *Clinical Education in the United States: In-House, Externships and Simulations*; Bryant and Milstein, *Rounds: A Signature Pedagogy for Clinical Education?*; Milstein, *Supervision slide*; Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*

- 9:30-10:00 Introduction to today's work
- 10:00-11:00 Demonstration of clinical supervision and feedback, followed by discussion about feedback and reflection in the clinical setting
- 11:00-11:15 Tea Break
- 11:15-12:15 Small groups practice supervision and feedback (trainees may come up with different problems, trainees play role of the professor and practices how to supervise students)
- 12:15-12:55 Reports from small groups (what they learned, what they would like to learn furthermore)
- 12:55-1:00 Assignment of afternoon exercises

**Afternoon - Teaching client theory/case theory/legal theory** - Dong Jingbo, Hu Minfei, Elliott Milstein, Brian Landsberg

*Reading:* Chavkin, *Chapter 5 [Theory of the Client]*; Wang Ping v. Pinnacle Products Inc.

- 2:30-3:30 Lecture and demonstration: what is case theory and how to use case theory with this specific case
- 3:30-4:15 Role play by the trainees, with feedback: case theory practice in Wang Ping's case
- 4:15-4:30 Tea Break
- 4:30-5:15 Brainstorming in small groups
- 5:15-5:30 Summary of day's activities and preview of activities for next day

## **Saturday, December 5**

**Morning - Case rounds; teaching legal counseling, client centered lawyering, the lawyer client relationship** - Xu Shenjian, Liu Jianming, Elliott Milstein or Jay Pottenger, Dorothy Landsberg

*Reading: Li Ao, Interactive Teaching – Clinical Legal Education, Counseling; Dinerstein, Client-Centered Counseling: Reappraisal and Refinement; Wang Ping v. Pinnacle Packaging Products, Inc.; China Arbitration Advocacy Handbook*

- 9:30-10:15 Introduction to case rounds; legal counseling, client centered lawyering, the lawyer client relationship
- 10:15-11:15 Counseling role play of case rounds,(one trainee role play of the professor, the other trainees role play of the students in class)
- 11:15-11:30 Tea Break
- 11:30-12:00 Role play of legal counseling, with feedback by the trainer
- 12:00-12:30 Role play of a student and professor on the issue of client centered lawyering, the lawyer client relationship
- 12:30-1:00 Summary and assignment of afternoon’s activities

### The content of teaching

1. Confirm and understand the demands of the client
2. Analysis and evaluation of existing evidence
3. Analysis and evaluation of potential evidence and evaluation of difficulties in obtaining evidence
4. Provide various solutions to the client
5. Evaluation of various solutions (including the social effect \economic factor\ time factor\ the probability of success)
6. Compare and confirm the final decision

**Afternoon - Advocacy Simulations – what to teach - questioning witnesses (demo and discussion)** - Dong Jingbo, Hu Minfei, Dorothy Landsberg

- 2:30-3:00 Introduction to these two days of advocacy simulation
- 3:00-3:30 Demonstration of questioning own witness (US: “direct exam”)
- 3:30-4:00 Demonstration of questioning opposing witness (US: “cross exam”)

- 4:00-4:15      Tea Break
- 4:15-5:15      Discussion by Xu Shenjian and Hu Minfei – how they have incorporated this method of witness-questioning into their curricula at CUPL and ZGU
- 5:15-5:30      Assignment of exercises for morning of December 6

## **Sunday, December 6**

### **Morning - Advocacy Simulations - how to teach it: questioning witnesses – exercises – Dong Jingbo, Hu Minfei, Dorothy Landsberg**

- 9:30-11:45      Two performance exercises of direct & cross-examinations, with critique
- 10:30-10:45      Tea Break
- 11:45-12:45      Roundtable discussion of how Phase II schools foresee working such teaching into their curricula
- 12:45-1:00      Preview of afternoon's coverage

### **Afternoon - What to teach: argument /debate**

- 2:15-2:45      Demonstration of US-style closing argument
- 2:45-3:15      Demonstration of Chinese-style debate
- 3:15-3:45      Discussion of what aspects of US-style may be useful in Chinese debate
  - How to choose issue(s) to focus on
  - How to express ideas with precise words and short sentences
  - How to fight back reasonably and immediately
  - Headlines – what it is and how to use it
  - Structure (organization of content)
  - Persuasiveness in Chinese context:
    - ✓ Selection/identification of legal facts
    - ✓ Application of legal facts to the statute(s)
    - ✓ Interpretation of the statute(s)
  - Delivery – eye contact, tone, voice
- 3:45-4:00      Tea Break
- 4:00-5:00      Small groups to develop a training exercise to add US features to Chinese style debate

5:00-5:30 Reports from small groups and assign exercises for next day

## **Monday, December 7**

### **Morning - How to teach: argument/debate**

9:30-11:00 Two performances of exercises in Chinese-style debate, with critique

11:00-11:15 Tea Break

11:15-12:15 Small group discussion of how to adapt these training techniques in the Phase II law schools

12:15-12:45 Reports from small groups

12:45-1:00 Summary of advocacy simulation

### **Afternoon - Classroom teaching & choices in classroom teaching to increase interaction; final thoughts.**

*Reading: Dong Jingbo and Jarrod Wong, Incorporating experiential learning techniques into a substantive course; Stuckey, et al, Best Practices for Legal Education [excerpts]*

2:30-3:30 Use of simulations in traditional classes - Dong Jingbo

3:30-4:30 Small group discussion of choices in classroom teaching techniques

4:30-4:45 Tea Break

4:45-5:30 Reflections on five day training