

**Establishing and Enhancing Clinical Legal Education in China:
Faculty Workshop Presented by Washington College of Law of American
University**

Schedule of Summer 2008 Program

July 21

0900-1200 Plenary for both Clinical and Skills Groups

Introductions

1. Welcome from Zhejiang Gongshang University
2. Introduce the program [Brian Landsberg, Director].
 - a. Describe the USAID grant and the reasons for it.
 - b. Introduce the US faculty and (perhaps someone from CCCLE).
 - c. Introduction of participants and their aspirations regarding clinical education.

**Connecting US and Chinese Clinical and Advocacy Education
An Interactive Panel Reflecting on Experience**

Speakers will include all of the Chinese LL.M.s and Visiting Professors along with a
American host professor from American University and McGeorge

*Each will give a short presentation, no more than 10 minutes on an idea they developed
while in the US that might be useful to Chinese legal education. There will be at least
one American professor from each school on the panel to reflect on what we learned
from the experience of having Chinese professors.*

July 22 (Profs Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

9:00 to 12:00

Clinical Teachers and Skills Teachers Move to Separate Rooms:

Personal Introductions

We will begin a 2 part warm-up exercise, spending an hour on day 1 and as much
as 2 hours on day 2. Interview and introduce another professor to persuade the
group to hire him/her as a lawyer.

2:00 – 4:00

Road Map for Program and for Clinical Teaching in U.S.

* A joint project of two American law schools, American University Washington College of Law and University of the Pacific, McGeorge School of Law, and 3 Chinese Law Schools, China University of Political Science and Law, South China University of Technology and Zhejiang Gongshang University. Sponsored by a grant from USAID.

Content, Teaching Form, Teaching Methods

Readings:

Milstein, "Clinical Legal Education in the United States: *In-House, Externships and Simulations* (Chinese translation handout)

July 23 (Profs Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

Interviewing: Developing And Making Explicit Lawyering Theory For The "Good Interview"

9:00-12:00

Through Role and Discussion Participants Identify the Component Parts of the Good Interview

Readings:

Binder and Price, *Legal Interviewing and Counseling*, (West Publishing 1977)
A Three Staged Interview (pp. 53-58)
Forms of Questions (pp 38-46) (Chinese Translation)

2:00 – 4:00

Synthesizing – in small group – participants synthesize the component parts of the good interview and move on to planning the topics to give feedback about in supervision first in small groups then with group as whole. End session with prioritized list of topics for feedback with students.

July 24 (Profs Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

9:00 – 12:00

Models of supervision & feedback

This session will identify the overall goals of supervision, stages/component parts in supervision meeting and focuses on teaching students interviewing through feedback on the interview.

Readings:

1. Blaustone, Beryl, *Teaching Law Students To Self-Critique And To Develop Critical Clinical Self-Awareness In Performance*, 13 Clin. L. Rev. 143
2. Shalleck, Ann, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 *N.Y.U. Rev. L. & Soc. Change* 109, (1994)
3. Bryant, Susan, *Stages of Clinical Supervision*, Handout

2:00 – 4:00

Participants prepare supervision in small groups using different models and role-play supervision.

July 25

9:00 – 12:00 - July 25 Classroom Teaching & Interviewing

Goals: Reinforce using lawyering theory, skill and role to teach interviewing. Enable participants to plan classes teaching lawyering skills

July 28, 2008 [Profs. Dinerstein, Bennett, Bryant, Lyman, Milstein, Liu, Xu]

Teaching Client Theory/Case Theory/Legal Theory [Dinerstein]

Readings: Chavkin, Chapter 5

09:00-12:00 Plenary Discussion [Dinerstein]

We will discuss how to construct a case theory (legal and factual theory) and relate it to client theory (or theory of the representation). We will evaluate what makes a good case theory/client theory, and examine the pros and cons of potential strategies in light of the theories considered (and ultimately chosen). We will then examine some key elements of narrative theory and relate those to how to construct a narrative designed to appeal to key decisionmakers.

14:00-16:00 Small groups (3)

In small groups, we will apply the above concepts to either the Chinese case presented in the Interviewing class (on day 3) or else to another case drawn from the Chinese context.

July 29 (Profs Bennett, Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

The Lawyer Client Relationship: Comparison between US and Chinese conceptions of it, client-centeredness, ethical considerations.

Reading:

- Pamela N. Phan, *Note from the field: Clinical Legal Education in China: In Pursuit of a Culture of Law and a Mission of Social Justice*, 8 Yale H.R. & Dev. L. J. 117 (2005) (Chinese translation to be distributed by Prof. Liu,).
- PRC Lawyers Law (Amended), eff. date June 1, 2008 – selections to be assigned. (parallel English and Chinese translation, attached)
- ABA Model Rules of Professional Conduct, Rules 1.2 (Scope of Representation and Allocation of Authority between Client and Lawyer) and 1.6 (Confidentiality of Information) and 1.6 (English and Chinese translation, attached)

- David Chavkin, CLINICAL LEGAL EDUCATION, ch. 6, Client-Centered Representation (Attached)

0900 – 1100

– Plenary: Drawing from the readings and their own experience, participants will describe their own and their students’ conception of the lawyer-client relationship and of the importance of formal ethical rules in their respective countries. They will also describe examples of interactions between their students and their clients, or between themselves (as supervisors and teachers) and their students. Participants will then discuss the merits of particular clinical teaching methodologies – classroom teaching, case rounds, or supervision – as vehicles through which to address these questions.

1100 – 1200

– Small groups will convene before lunch to choose a case with an ethical issue from among those discussed in the plenary, or from other actual clients’ cases, which raised particularly difficult questions of role or ethics in the lawyer-client relationship. Each group will then pick a particular clinical teaching methodology and plan a session using that methodology to teach the issues in the context of that case.

2:00-4:00

-Small groups will re-convene to plan and perform their teaching session.

July 30 (Profs Bennett, Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

Teaching Problem Solving and Strategic Judgment/Planning Reading:

Reading:

Bryant and Peters, *The Five Habits: Building Cross-Cultural Competence in Lawyers* (Chinese translation in Phan, page 283)

9:00 to 12:00

Presentation and discussion: Using “rounds” as a teaching method to help students develop strategic judgment and problem-solving skills. [*Translation note: the term “rounds” comes from medical practice, where a doctor presents a patient’s case to a group of colleagues, who ask questions and help the doctor decide how to treat the patient.*]

Small groups will identify strategic issues and problems for lawyers to solve in the Chinese cases developed during the workshop. The whole group will then discuss multiple ways of dealing with those issues.

AFTERNOON OFF

July 31 (Profs Bennett, Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

Teaching Fact Investigation

Readings:

1. Chavkin chapter 10
2. Szypszak, *Where in the World in Dr. Detchakandi, A Story of Fact Investigation*, (reprinted in Phan, *The Clinical Experience*, p. 355)

9:00 to 12:00

First stage discussion: the group will identify different ways of getting information in China, using the workshop cases as examples.

Second stage activity: small groups will create plans for fact investigation and make requests in a simulated case.

2:00 to 4:00

Third stage activity: small groups will be given results of their requests. They will discuss how the new information affects the lawyer's theory of the case.

Fourth stage: The whole group will discuss the different theories.

Aug. 1 (Profs Bennett, Bryant, Dinerstein, Lyman, Milstein, Liu and Xu)

Teaching Legal Counseling

Readings:

Chavkin, Chapters 6 & 11

Dinerstein, "Client-Centered Counseling: Reappraisal and Refinement," (1990) (Chinese Translation of Excerpt)

09:00-12:00

Counseling, Plenary Discussion

We will discuss the goals of client counseling and the basic structure of a counseling session (identification of client goals, updated as needed from the interview; identification of choices from the perspective of lawyer and client; predicting likely outcome of choices; identifying legal and non-legal consequences of choices; weighing various choices; and making a decision (with discussion of how the decision is to be implemented). We will also discuss the predominant theories of client counseling-- traditional counseling, client-centered

counseling (briefly), and collaborative counseling—and their pros and cons in both the US and Chinese contexts.

2:00-4:00

Discussion of Client-Centeredness in US and Chinese Contexts [Dinerstein, Chao Li, Liu Yan Ming]

Drawing on the presentation of Chao Li from Day 1, we will discuss the applicability of client-centeredness in the Chinese context, with particular focus on the precise meaning of the concept and its relationship to the rule of law.

We will spend 45 minutes in a large group and 75 minutes in three small groups.

August 4

Legal Counseling, con't. (Profs. Bennett, Dinerstein, Milstein, Liu and Xu)

09:00-12:00

Discussion in small groups (2) of how one would teach Client Counseling in the Contexts of Classroom, Rounds, and Supervision.

14:00-16:00

In small groups, participants will conduct a counseling session for the client in the Day 1 interview; we will then re-convene in large group to de-brief the exercise and relate the actual counseling to the earlier discussion of teaching venues.

Aug. 5 (Profs. Bennett, Dinerstein, Milstein, Liu and Xu)

Teaching Negotiation

Reading: Chavkin Chapter 12

And Harbaugh and Britzke, Primer on Negotiation

0900-12:00 Basics of Negotiation

2:00 to 4:00 Small Groups

Aug. 6 **Negotiation Simulation** (Profs. Bennett, Dinerstein, Milstein, Liu and Xu)

Prepare for the HSN/OCN negotiation as assigned

9:00 to 12:00 Participants will conduct a negotiation simulation and debrief.

2:00 to 4:00 Two Small Groups to continue discussion of using negotiation simulations in teaching

Aug, 7 (Prof. Milstein, Liu and Xu)

9:00 to 12:00

Producing texts and other teaching materials

Concluding conversations

2:00 to 4:00

Final Joint plenary meeting with both clinical and skills group to discuss interrelationship between clinical and skills teaching