Challenges and Opportunities with Non-Traditional Clinical Models

Andrea Ramos,
Clinical Professor of Law
Director of Immigration Law Clinic
Southwestern Law School
Legal Education Challenges: Law Schools

- Economic challenges faced by law schools
- 2/3 of law schools experienced decline in First Year enrollment
  - Some exceeded 10% decline
  - Drop in tuition
- Negative & Positive response
- Maximum value to students
- Prepare students for practice
Legal Education Challenges: Law School Graduates

- Job market for law school graduates
- Increased demand for well-trained attorney
- Response: Make law students more marketable
- More attention to skills training
- Graduate competent to deliver services to clients

Legal Education Challenges

- ABA: “speed [up] the pace of innovation and practical skills training”
- *After the JD: First Results of a National Study of Legal Careers* (2004)
- Former Dean Bryant Garth and development of Southwestern Law School’s clinical program
- Funding, faculty support, practitioners
Clinical Law Programs

- Growth: Domestic & Global
- Clinical professors constitute the largest faculty group undertaking reform of legal education globally
- Help grow clinical education worldwide
- See Global Alliance for Justice Education (GAJE), www.gaje.org. Brings together clinical resources and justice education
Clinical Models

- Live-Client Clinic: Students represent clients and perform legal services
- In-house clinic: Clinic housed in the law school
- Externship Clinic: Students work in a field placement with attorneys outside of the law school
- Hybrid Clinic: blend externship and law school clinic. E.g. work off site, but supervised by law school faculty member
Hybrid Clinic-externship model: Children’s Law Center (CLC)

- Students are selected to work at an outside non-profit firm that represents children in dependency cases
- Summer + academic year
- Ongoing training from supervising attorney
- Assigned small caseload
- Court appearances
Appellate Practicums

- Ninth Circuit Practicum: Two faculty members supervising a group of law students on a pro bono case
- Immigration Appellate Practicum [externship model]: Outside law firm supervising a student (1:1 ratio) on a pro bono case
- Fine tune research and writing skills
- Draft an appellate brief
- Opportunity to improve English proficiency
Live Client Clinic: Immigration Law Clinic

SPRING 2012
Live Client/In-House Clinic

- Classroom component
  - Substantive law, lawyering skills, professional values
- Casework component
  - Students represent clients under close supervision of faculty member
  - Discrete Skills Training: Client interviewing, fact investigation, problem solving, writing
- Community Outreach and education component
Development of Clinic: Community Outreach component

- Form of advocacy
- Exposure to the community
- Community organizing, mobilizing
- Needs Assessment
  - Know-Your-Rights Presentation
  - Public education, public speaking
Development of Clinic: Type of Cases

- Case selection: Needs of surrounding community
- Small caseload [3 per student]
- Manageable caseload for students
  - Develop primary relationship with client
  - See case from beginning to end
  - Rewards and drawbacks
Development of Clinic: Type of Cases

- Survivors of violent crimes
- Children under juvenile court jurisdiction who have been abused, neglected or abandoned by one parent
- Obtain special form of immigration relief
- Direct services
- Gain “in-the-trenches” perspective on how immigration cases are adjudicated by U.S. Citizenship & Immigration Services
Challenges

- Undocumented
- Survivor of violent crime: traumatized client
- Children
- Working with Interpreters
Lessons learned

- Cultural competency: Students gain awareness and knowledge of their own assumptions and biases
- How to work more effectively with clients from different cultures and backgrounds
- See International Association of Law Schools (IALS) [www.ialsnet.org](http://www.ialsnet.org); learn about other legal cultures and countries
Lessons learned

- Students more aware of cultural differences with clients from another country
- Challenges: socioeconomic status, education, age, gender
- Case example
Lessons learned

- Simulation exercises
- Former students + police report
- Videotape
- Peer reflections
- Self-reflection
- Feedback
Lessons learned

- Case rounds
- Debrief in class
- Experience
- Challenges
- Compassion fatigue
Development of Clinic: Case assignments

- Team of two students per case
  - Collaboration between students
  - Cross-cultural collaboration between domestic and international students
  - Compassion fatigue: ability to share the experience so that student is not “alone” in the responsibility
- Unique background and perspective
- Examples
Live Client Clinic: Collaboration between students

- Development of collaboration skills
- Joint decision making, problem solving, & interviewing
  - Importance of different perspectives, critique
- Strong collaboration results in better work product
- Lawyers work collaboratively throughout their careers
  - Clients, co-counsel, assistants
Live Client Clinic & International Students

- Deeper understanding of how law applies in our communities
  - Interaction between law school and its neighbors
- Deeper understanding of societies
  - Community; state; country
- Deeper understanding of U.S. legal system
Live Client Clinic & International Students

- Return home with a wealth of experience
- Learn about serving poor and underrepresented populations
  - Exposure to reality of being poor in the U.S.
  - Lessons about power and privilege
- Significant if home country has limited legal aid resources
Live Client Clinic

- Transformative experience
- Training in being a lawyer
- Graduate with the experience of having represented a client