Moving experiential learning into the curriculum

Several law schools, including Boston College, New York University and University of Connecticut, are leading the way in integrating experiential learning into the curriculum

by Michelle Weyenberg

Paul Tremblay is at the forefront of a booming trend in experiential learning in law schools. In October, the veteran clinical law professor took the new title of faculty director of experiential learning at Boston College Law School — a move that has enhanced the law school's longstanding emphasis on creating real-world experiences for law students.

As at most law schools, the demand for clinical opportunities is growing at Tremblay's school. Boston College Law School has made providing practice-based opportunities for law students its mission. This includes introducing those opportunities in the first year of law school with smaller classes and simulation curriculum.

"The practice of law is so much an interpersonal and dynamic career," Tremblay said. "It's dealing with complicated moving targets and changing facts, and you really only get to understand that when in practice."

When word got out that Boston College Law School had created a director of experiential learning position, local law firms took note and began contacting him, Tremblay said. Students should take advantage of opportunities, he said.

"First of all, it's fun," he said. "It's hard work and it's really challenging. But they find it to be enormously fulfilling. And it helps in the job market."

In addition to Boston College Law School, New York University School of Law, University of Connecticut School of Law and Stanford University Law School are just a few law schools that have implemented curriculum changes to reflect the need for experiential learning.

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What started a few years ago as a trickle of courses that give law students practical on-the-job training has now become a torrent.

"Law schools have always been criticized for spending three years on teaching doctrine and not much on what it means to be a lawyer and what the core values of the profession are," said Catherine Carpenter, a law professor at Southwestern Law School and chair of the curriculum committee of the American Bar Association Section on Legal Education and Admissions to the Bar.

That's all changed, said Carpenter, who headed a committee that drafted a report on curriculum trends (2002-2010). The changes have grown even stronger the last two years, she said.

"We think that the movement seen in courses like this will continue," Carpenter said. "There are a number of schools that now have these new courses in the pipeline."

While experiential learning is the biggest trend in legal education, Paul Chil, clinical professor of law at the University of Connecticut, said the need for change is not new. He said the current environment, most notably a depressed job market, has fueled the trend.

"It's a perfect storm of factors," he said.

The University of Connecticut recently adopted a practice-based learning requirement, which will ensure that all students have at least one intensive, supervised live-lawyering experience before graduating from law school. The new requirement takes effect with next year's entering class.

Making it mandatory

At the University of Connecticut, 60 percent of students take a clinic, Chil said. Per the law school's new practice-based learning requirement, students can enroll in any of the law school's 15 faculty-supervised clinical programs. Clinical programs
also include externship clinics in which students are placed with nonprofit public interest organizations, state agencies, judges and legislators. A second way in which students will be able to satisfy the new requirement is through an individual externship. And the third is to enroll in a course that includes a substantial component in which students participate in teams or as a group in one or more live lawyering projects.

The law school is going to have to do some building to handle the expansion, Chill said.

"When you do something like this, you have to give students some choice," he said. "We haven't really changed the core of legal education, but have incorporated techniques."

Loyola University Chicago School of Law also requires students to take experiential learning courses. All students graduating in spring 2013 or after must successfully complete one experiential learning course carrying two or more credits, said Michael Kaufman, associate dean for academic affairs.

They can earn those credits in a live-client clinic, a field-placement externship, a real-life experience course or a simulation course. The faculty also recommends that every student go beyond the requirement and complete another experiential learning course. Experiential learning starts in the second year because some of the externships require students to have a certain number of basic law courses.

"We now have five in-house, live-client clinics where members of the public can come for legal advice and students can learn through doing," Kaufman said.

Some clinics had been founded years ago, but a health law clinic was added in 2010. The field externships are offered each semester and during the summer. All placements are with governmental or non-profit entities; many are with judges.

Real-life experience courses can include practicums in criminal law and child law as well as in the school's Life After Innocence program. These are courses where students work while being supervised by staff or faculty. Their tasks include working judicial appeals, legislative proposals or policy initiatives. They also tackle issues faced by exonerated clients. The simulation courses help students develop specific legal skills, including courtroom and appellate advocacy. They also learn negotiation, dispute resolution and drafting and planning techniques.

The aim is to help students in all these situations at Loyola University Chicago to apply in a practical way the theories studied previously in books and classrooms.

Boston College Law School student Julie Quinn worked with professor Tremblay in the school's LAB program.

Remaking the third year of law school
New York University School of Law recently announced the revamping of its
third year of law school, but chose not to make it mandatory. The school's recommendations allow students to spend their final semesters studying abroad in Buenos Aires, Argentina; Paris; or Shanghai, China. They can also work in Washington, D.C., or complete a one-year concentration in a specialized area like environmental, patent or tax law.

"It's a positive thing," said Richard Revesz, dean at New York University. "It's part of the mix of what law schools should be doing. "[Experiential learning] is one of the components of a well-rounded legal education."

New York University's experimental learning plans include: the Washington, D.C.-based Government Lawyering Clinic, which will allow students interested in developing specialized expertise in the U.S. legislative and regulatory pro-


devoting partnerships and sharing ideas

Experiential learning is no longer just a buzzword, but something most law schools are looking to integrate into their curricula.

In November 2012, more than 200 representatives from law schools, leading law firms and other legal groups came together to discuss experiential education. The first National Symposium on Experiential Education in Law was designed to identify "programmatic and innovative initiatives for the coming year to provide law students with more practical, hands-on legal training."

The recommendations included: formalizing partnerships among faculty, practitioners and students to identify the specific skills necessary to meet the needs of clients in a complex global marketplace; identifying agreed-upon skills and competencies to develop integrated and innovative curriculum; and developing ideas on new ways of measuring law schools' effectiveness in educating their students.

The tools created will help assist law schools in implementing experiential learning as well as serve as guidelines for law schools with practice-based curriculum and opportunities already in place.

A more practical approach has also been taken at the University of Dayton School of Law, according to dean Paul McGreal.

In 2006, his school came up with the idea of having a capstone course in which students in their final semesters could put together all the knowledge and skills acquired during the year and apply them to real problems. But that was just the beginning.

"We've been expanding the breadth of these courses for the last couple of years," he said.

There are now 15 or so of these classes that can involve litigation, transactional situations or dispute resolution. In some cases, students hold hearings in front of a judge.

Students take on simulated problems to solve as if they were occurring in real life. Aspiring property lawyers may oversee all the legal issues involved in a large-scale commercial development complex. Intellectual property students may have to prove they can obtain patents for a pharmaceutical company's new anti-cancer drug. And those who wish to advocate for the rights of others may find themselves representing inmates in a civil rights case.