

Modern Learning Initiative at DU Sturm College of Law 2011-2012 Report

In December 2009, the University of Denver Sturm College of Law (SCOL) faculty approved a new strategic plan that included a modern learning initiative. The modern learning initiative springs from the 2007 Carnegie Report, *Educating Lawyers*. The Carnegie Report identifies three apprenticeships in law: analytical, skills, and professional ethics/identity. The Carnegie Report suggests that these apprenticeships in law school are neither balanced in most schools, nor integrated. The SCOL seeks to address these two things—balance and integration. The modern learning initiative is based on insights and contains prescriptions that are also at the core of solutions identified by Working Group A of the Colorado Supreme Court Committee on the Legal Profession in 2011. For example, the Working Group A report mentions increasing experiential opportunities for law students while also enhancing student sense of social responsibility and professional identity. According to the DU SCOL Strategic Plan,

“Our plan is informed by the extensive modern research on legal education, including the Carnegie Report of 2007 entitled *Educating Lawyers: Preparation for the Profession of Law*. While we are not tied to its conclusions, we find the Carnegie Report’s three “apprenticeships” helpful for identifying components that are central to effective legal education:

- 1) The cognitive apprenticeship – variously described in the report as understanding, sets of abilities, legal knowledge, conceptual knowledge, and thinking;
- 2) The skills apprenticeship – variously described in the report as know-how, practical knowledge, skillful practice, and performing;
- 3) The professional identity apprenticeship – variously described in the report as intention, professionalism/ethics/social responsibility, and professional identity.

We believe that effective legal education requires a balanced curriculum – one that offers exposure to each of the Carnegie apprenticeships described above. We are committed to providing such a balanced curriculum.

Our plan is also informed by changes in the market for legal services and practice. In today’s legal market, it makes sense to graduate students who are “practice-ready,” rather than students who will need to learn essential skills on the job. By a “practice-ready” student, we mean a student who has attained entry level proficiency in a significant number of important professional skills. There are some skills lawyers must learn on the job, but there are many skills that can be taught in law school.”

DU Sturm College of Law Strategic Plan, December, 2009, at pp. 6-7.

Along with the Strategic Plan, the faculty began a process in 2008 of identifying specific law school goals to more fully inform actions taken to improve the mission of the law school, its values, and the strategic plan. In May, 2011, the faculty, after a three year process, approved the following initial Student Learning Outcomes centered around the three Carnegie apprenticeships:

UNIVERSITY OF DENVER STURM COLLEGE OF LAW STUDENT LEARNING GOALS AND OUTCOMES

PURPOSE

These student learning goals in the areas of analysis/cognition, professionalism/ethics, and expert practice, agreed upon by faculty consensus, are aspirational in nature. The idea is not that they can be achieved perfectly, but that they are what we are aiming for as an institution. They are to be used to aid the faculty in improving teaching and learning directed at our law students. The intent is for this document to be iterative, that is, to serve as a living guide subject to improvement as more is learned about actual student learning outcomes and changing teaching and learning goals in law school. Going forward, the law faculty will determine which of these goals are measurable, will attempt to measure those, and will suggest changes to outcomes or programs based on recommendations developed from measurement and experience. Finally, this process is not intended to be used in any way for teacher evaluation.

NON-LEGAL CONTEXTS

In addition to the following goals and outcomes for our law education program, the SCOL recognizes that, to be successful, today's practice-ready lawyers must have a fundamental understanding of the larger world in which our legal system is situated. Accordingly, in addition to teaching and learning about the law, the SCOL seeks to facilitate students' awareness of contexts traditionally viewed as external to the study of law. Specifically, the SCOL will endeavor to offer courses focused on the business, social, and global contexts of legal practice. Thus for example, in addition to attaining literacy in core legal skills, graduates should be able to read a balance sheet, deal appropriately with individuals from diverse backgrounds, and consider the implications of international events if called to do so in the course of representing a client. The study of business, social, and global contexts will allow our students to respond to the variety of challenges lawyers face in today's practice environment.

ANALYSIS/COGNITION

Graduates can:

- Think rigorously about legal issues, including:
 - Use language with facility
 - Read texts carefully
 - Reason, analyze and argue
 - Solve problems in novel and recurring contexts
 - Exercise critical thinking – critique / anticipate critiques
 - Understand and apply historical and social context
- Apply “core knowledge” in at least the following substantive areas:

Administrative Law
Civil Procedure
Constitutional Law
Contracts
Criminal Law
Evidence
Professional Ethics
Property
Torts

PROFESSIONALISM/ETHICS

Graduates can:

- Conduct Themselves in a Professional and Ethical Manner
 - Embody integrity and fairness
 - Deal sensitively and effectively with diverse clients, colleagues, adversaries and courts.
 - Be consistently truthful and candid
 - Use good judgment and common sense
 - Be sensitive to multicultural perspectives
 - Display a sense of empathy (to see the world through the eyes of others), and share a commitment to community service
- Maintain an Appropriate Balance Between Personal and Professional Identity
 - Understand their roles, boundaries, and limitations
 - Understand and respect the rules of professional conduct for lawyers
 - Demonstrate an awareness of conflicts and obligations beyond those of the rules
 - Develop professional identity (a sense of self as a professional)
 - Deal with stress in a productive way and understand the risks of practice
- Manage practice effectively
 - Manage time, meet deadlines, respond promptly to clients, and otherwise treat clients with respect
 - Possess media and digital media literacy
 - Possess the skills necessary to understand and to run a small law firm practice
 - Understand the importance of client development

EXPERT PRACTICE/SKILLS

Graduates can:

- Read, write and argue effectively:
 - Persuade as advocates
 - Draft appropriate legal documents, including contracts and other agreements, memoranda, letters, briefs, pleadings, and legislation
- Solve problems:
 - Choose the appropriate legal and non-legal tools for each situation
 - Understand both the legal and non-legal contexts (litigation, negotiation, collaboration) in which disputes arise
 - Mediate among diverse interests (multi-party negotiation / dispute resolution)
 - Recognize and strategize around factual and legal uncertainty
- Obtain information and convey it clearly to others:
 - Question and interview clients and others
 - Counsel clients
 - Conduct legal research, discovery, and fact investigation
 - Work effectively with experts and other non-lawyers
 - Present factual evidence
- Work well independently and collectively
 - Show curiosity, initiative, and creativity
 - Negotiate effectively
 - Solve problems collaboratively
 - Take and give criticism effectively

To carry out the mandates of the strategic plan and to forward emerging consensus on student learning outcomes, Dean Marty Katz appointed two committees: First, a Skills Implementation Committee, chaired by Professor David Thomson, tasked with, among other things, exploring the possibility of a 3rd semester of lawyering process (our legal writing program in the first year) with an expansive mandate of exploring simulation courses that would teach advanced legal writing in a doctrinal context, and other lawyering skills as well. The original plan was that these courses would be taught by lawyering process faculty. Next, Dean Katz appointed a Modern Learning Chair, Professor Roberto Corrada, in the summer of 2010. The Modern Learning Chair is to: “coordinate and encourage integrated and experiential learning throughout the law school, and also engage in outreach to other law schools to learn of their efforts and other units at the University to explore potential synergies. The Chair will also be responsible for assessment of modern learning initiatives at the SCOL.”

After these steps, Dean Katz, in consultation with the other committees, combined the Skills Implementation/3rd Semester Lawyering Process Committee into one Modern Learning Committee, facilitated by the Modern Learning Chair. That committee was given a beginning mandate by the Dean, “[the Committee’s] initial tasks will be to (1) inventory and coordinate our skills offerings (along with [Associate Dean] Fred [Cheever]), (2) develop an inventory of integrated learning opportunities (combining doctrine, skills, and/or professional identity), (3) search for and create additional opportunities for integration, and make recommendations on how to incentivize and support such efforts, and (4) develop a proposal for a pilot program for extending writing opportunities into the 2nd year.” The Committee is composed of faculty and staff representatives from each program or entity that has anything to do with the direct teaching of DU law students. The initial Committee Members included: Roberto Corrada (classroom), Christine Cimini (student law office/clinical), David Thomson (legal writing), Teresa Bruce (upper level legal writing), David Schott (advocacy programs), Ann Vessels (internship/externship), and Mary Steefel (academic achievement).

The Committee met throughout the Spring 2011 Semester to consider whether to add an additional curricular requirement focused on skills training for our law students. In addition, the Committee sponsored these faculty programs related to integrating skills into the law school classroom:

- Mr. Mark Caldwell, Esq., Program Director, National Institute for Trial Advocacy (NITA), *The Union Between Substantive and Skills Training: Making an Unlikely Marriage Work*, University of Denver Sturm College of Law, January 24, 2011.
- Professor Roberto Corrada, DU Sturm College of Law Chair in Modern Learning, *Experiential Learning in the Doctrinal/Traditional Law Classroom: The Potential in Whole-Course Simulations*, University of Denver Sturm College of Law, February 14, 2011.

- Professors David Thomson & Nantiya Ruan, DU SCOL Lawyering Process Program, *Providing feedback and Evaluating Legal Writing across the Curriculum*, University of Denver Sturm College of Law, February 25, 2011.
- Professors Deborah Zalesne & David Nadvorney, CUNY School of Law, *Rethinking the Syllabus in Core Courses: Dismantling the Hierarchy between Theory and Skills*, University of Denver Sturm College of Law, March 25, 2011.
- Professor David Schwartz, University of Wisconsin Law School & DU SCOL Visiting Professor, *Did Your Students Get to Feel like Lawyers Today? A Pragmatic Approach to Skills Exercises in Doctrinal Law Courses*, University of Denver Sturm College of Law, April 15, 2011.

The Committee ultimately conceived of developing a series of fully integrated (all three apprenticeships) courses that could be undertaken in every program represented on the Committee and in the law school. We termed these, “Carnegie Integrated Courses (CICs).” The requirements for such courses are the following:

DU Sturm College of Law **“Carnegie Integrated Course” (CIC) Requirements**

This series of courses will be conducted primarily in a simulated or practice-oriented learning environment in the context of substantive law:

I. Major (“Substantial and Regular”) Component Requirements:

A. At least two (2) of the following practice contexts:

Litigation
 Contract/Agreement drafting
 Negotiation
 Client and/or Witness Interviewing
 Client Counseling
 Alternative Dispute Resolution
 Legislative Drafting
 Oral Presentation

B. Writing and Research Skills

1. Students will write several legal documents, and
2. Students will write a variety of documents (including, e.g., briefs, reports, legislation, internal memos, reflection papers, etc.), and
3. Students will write at least one major document of 10 pages or more, with a requirement of a rewrite after feedback is provided, and
4. Students will research at least one legal topic posed by, and related to, the

DU Sturm College of Law “Carnegie Integrated Course” (CIC) Requirements

(Continued)

II. Minor (“At Least One Exercise”) Component Requirements:

A. Professional Identity, Ethics, and Values:

In addition to exhibiting appropriate professional behaviors throughout the course as well as in simulated practice settings (including, e.g., collaborative groups), students will be required to submit at least one graded assignment concerning ethical and/or professional identity issues posed by, and related to, the simulation or practice context of the course.

B. Oral Presentation/Advocacy:

In addition to regular participation in the class, students will be required to prepare at least one graded oral presentation on an issue or issues posed by, and related to, the simulation or practice context of the course.

After agreeing on the fundamental requirements for the CICs, the Modern Learning Committee endeavored to discover how many courses currently offered at the SCOL met or were close to meeting these requirements. A survey of law professors revealed a number of courses that qualified.¹

This year, the Modern Learning Committee (newly re-appointed in June, 2011) will include several new members, all interested in exploring the CIC requirements as a model for some law school courses, and, perhaps, develop them as a proposal for a series of required upper class courses at DU SCOL. In addition to last year’s members, (Laura Rovner, the new director of the Student Law Office replaces Christine Cimini, the outgoing director), the new committee includes: Mark Caldwell (NITA Program Director), Judge Robert McGahey (trial advocacy adjunct professor), Richard Laugesen (insurance law adjunct professor), Deborah Zalesne (visiting professor, CUNY Queens School of Law), David Schwartz (visiting professor, University of Wisconsin Law School). The Committee charge for this year is to meet regularly to talk about the “nuts & bolts” of CICs, comparing notes as well as talking with other professors teaching similar courses to determine the feasibility of a CIC

¹ In addition to many trial advocacy and virtually all clinical courses, our survey revealed some 25 courses that already meet or are close to meeting the CIC requirement. At least ½ of these are taught by adjunct faculty and a future requirement that our students take at least one CIC before graduation will serve to meet the Working Group A recommendation that the law school and our students benefit more from interaction with experienced practitioners and judges. The Modern Learning Committee will spend the 2011-12 academic year investigating the feasibility of a CIC requirement.

requirement at the SCOL. In addition, the Committee will sponsor programming at SCOL focused in the fall on teaching professional ethics/identity and in the spring focused on workshops related to CICs and the issue of effective integration of Carnegie apprenticeships into SCOL courses. Meanwhile, the SCOL Assessment Committee, now in its second year and chaired by Professor Roberto Corrada, is moving to determine how best to measure the student learning outcomes endorsed by the SCOL faculty in May. In the future, that Committee will also work with the Modern Learning Committee to determine how best to assess any CIC initiative.