

Incorporating Clinical Methodology into First Year Lawyering Process
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As the first required experiential course in legal education, lawyering process provides a tremendous opportunity to shape the contours of law students' professional identities and habits early in the legal curriculum. Indeed, experiential courses provide intensive supervision crucial to nurturing autonomous thinking and ethical behavior needed in today's market.

I infuse clinical methodology into my course by challenging students to simultaneously build and question the underpinnings of their analytical and communication skills. While learning how to draft legal arguments, I encourage students to reflect on questions of ethics, their own learning processes, and the role of inequality in the justice system. My hope is that this methodology will inform the means by which students communicate and thus the types of lawyers they become.

I. Ethics

Introducing ethical concepts in lawyering process can spur identity formation and professional voice early on in the legal curriculum. First-year law students commonly struggle with reconciling their own identities with their perception of how a lawyer should think and speak. By mixing reflective techniques into grading and feedback, I support students' paths to finding their voice within the parameters of professionalism.

For example, I assign client advice letters in my course where students learn how to communicate legal options to a client in written format. In addition to teaching procedures and structure, by facilitating ethical conversations about the duty to communicate¹ and allocation of authority², I foster broader comprehension of the ethical functions of client letters in addition to provoking thought about students' own professional identities.

I mix substantive feedback with reflective prompts. In the context of the client advice letter, I encourage students to reflect on client-centeredness and challenge them to question whether the level of analysis and communication complies with ethical duties to "explain the matter to the extent reasonably necessary to permit the client to make informed decisions." ABA Model Rule 1.4. I also ask students to consider whether their advice and counsel fits within their ethical duty to adhere to the client's decision to settle a case. ABA Model Rule 1.2.

II. Reflectiveness: Processes & Confidence

¹ ABA Model Rules of Professional Conduct Rule 1.4

² ABA Model Rules of Professional Conduct Rule 1.2

Students should reflect on their own learning processes and approaches to build metacognition in legal analysis. Often, student performance is not correlated to level of effort or intelligence, but rather the approach that the student took in completing an assignment. Performance can be the result of something as simple as time management and project planning.

Reflection exercises are prevalent in the clinical legal education,³ and are directly transferrable in the setting of legal writing and research. Reflectiveness helps students build confidence in their own abilities and as well as the acumen to formulate their own strategies for handling legal problems. For example, after assigning the first research memo, I ask students to anonymously write their fears or concerns about the memo on an index card. I collect the cards, scan them for common themes, and facilitate a discussion. By revisiting the structure of the memo and planning techniques we covered in class, my hope is that the students are reassured in their ability to complete the steps necessary to achieve a large overarching task.

III. Social Justice

Both the model ABA Professional Rules and Colorado Rules of Professional Conduct articulate the professional responsibility to provide legal services to those that are unable to pay.⁴ Access to the justice system should be available to all, including the disadvantaged and underrepresented. The exercises and research problems I assign include current issues faced by the underserved. By utilizing social justice oriented problem sets, I hope students question the role of inequality in the justice system, and their own professional identities.

I would be happy to be a resource to anyone who wishes to build their students' analytical and communication skills while utilizing clinical methods to nurture professional responsibility and reflectiveness.

³ Richard K. Neumann, Donald Schon, *The Reflective Practitioner, and the Comparative Failure of Legal Education*, 6 Clinical L. Rev. 401 (2000).

⁴ ABA Model Rule 6.1, and Colorado Rules of Professional Conduct Rule 6.1