



TOURO COLLEGE
JACOB D. FUCHSBERG LAW CENTER
Where Knowledge and Values Meet

Journal of Experiential Learning

Volume 1 | Issue 1

Article 7

April 2015

Efficient Collaboration: How to Build Pathways between Silos, Model Behavior Ideal for Professional Identity Formation, and Create Complex Experiential Modules All While Having Fun

Christine Cerniglia Brown

Follow this and additional works at: <https://digitalcommons.tourolaw.edu/jel>



Part of the [Legal Education Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Brown, Christine Cerniglia (2015) "Efficient Collaboration: How to Build Pathways between Silos, Model Behavior Ideal for Professional Identity Formation, and Create Complex Experiential Modules All While Having Fun," *Journal of Experiential Learning*: Vol. 1 : Iss. 1 , Article 7.

Available at: <https://digitalcommons.tourolaw.edu/jel/vol1/iss1/7>

This Article is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Journal of Experiential Learning by an authorized editor of Digital Commons @ Touro Law Center. For more information, please contact lross@tourolaw.edu.

**Efficient Collaboration: How to Build Pathways between Silos, Model Behavior
Ideal for Professional Identity Formation, and Create Complex Experiential
Modules All While Having Fun**

Cover Page Footnote

1-1

EFFICIENT COLLABORATION: HOW TO BUILD PATHWAYS BETWEEN SILOS, MODEL BEHAVIOR IDEAL FOR PROFESSIONAL IDENTITY FORMATION, AND CREATE COMPLEX EXPERIENTIAL MODULES ALL WHILE HAVING FUN

BY CHRISTINE CERNIGLIA BROWN*

I.

WE DID NOT CONVERGE UPON THIS SHORE BY OUR OWN EFFORTS:
TIME TO RECOGNIZE THOSE WHO CREATED THE PATHWAY
TOWARD EXPERIENTIAL EDUCATION.

Fast-forward 100 years from now and try to predict the discussion in articles documenting the historical evolution in legal education. From MacCrate to Carnegie, the modern learning movement is well underway and there is little doubt the transformative age in legal education is upon us.¹ The path toward curricular change is paved by so many before us; therefore, careful recognition and thoughtful pedagogy should govern the construction of future curricula.

This clearing point in legal education may not come again in our lifetime. Although a larger crowd converges upon the experiential shore causing an immediate reaction to defend positions or question the expertise or sincerity of interest, such reaction however should be quelled by the larger vision to build collaborative pathways. We should seek guidance from clinical faculty who have served as beacons

* Christine Cerniglia Brown is an Assistant Clinical Professor, Coordinator of Skills and Experiential Learning, Loyola University New Orleans College of Law. She wishes to thank Erica Guastella Hingle who helped her complete research for this paper.

¹ Wallace Loh, *The MacCrate Report – Heuristic or Prescriptive?* 69 WASH. L. REV. 505, 514 (1994). In this article Wallace recognizes the challenge after the release of the MacCrate Report to find ways to make “[t]he report a useful and meaningful document” and an “opportunity for reexamining education along the entire continuum for law school application to practice as an experienced attorney, rather than a potential source of intrusive and stifling regulation.” See Bryan G. Garth, *From MacCrate to Carnegie: Very Different Movements for Curricular Reform*, 17 LEGAL WRITING 261, 262 (2011) (recognizing the MacCrate Report’s “substantial impact on legal education” and also acknowledging “the greater practical impact” of the Carnegie Report).

for experiential education for many years. Scholarship promulgated in Best Practices provides a foundation for experiential education.²

Legal writing faculty have also bridged the gap, to create, adapt, overcome and successfully conquer practical drafting assignments and learning opportunities in the classrooms. The future requires faculty who are nimble at retooling to ensure clarity and effectiveness; possess a bank of resources, specialize in problem design and understand assessment.³ Equally important in this new era is a re-appreciation of experts on theory to ensure students understand comprehensive doctrine or intricacies in the law. All faculty are equally poised to close the gap between academia and practice.⁴ The formidable task before us however is to ensure inclusion and collaboration in order to better improve student learning.

To foster collaboration among those who are willing, participants must see the investment as worthwhile and an efficient use of their time. Creating incentives, showcasing collaborative strength through heightened student engagement fosters interest among the skeptics. This article provides specific protocols, etiquette and practical advice on how to efficiently collaborate and highlights incentives and help forge pathways. The future will likely hold lengthy discussions and disagreements over content, priorities, teaching methods, structure and assessment. Ultimately, swords and silos must fall to model the collaborative behavior we want to see in the profession.

II.

IF COLLABORATION IS A DESIRED OUTCOME IN THE PROFESSION, WE
MUST MODEL BEHAVIOR TOWARD THAT LEARNING GOAL.

The descent in civility in our profession thrives from a focus on the business of law rather than membership into a profession. A survival mentality and cut-throat competitive practices rather than a professional foundation based on civility, integrity, mentoring, and

² ROY STUCKEY, ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007); *See also* Loh, *supra* note 1 (citing how many hail the MacCrate Report as the “Magna Carta” of clinical legal education).

³ Remarks from ALWD for the ABA Council Meeting in San Diego, (March 14-15, 2014), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/march2014councilmeeting/2014_march_alwd_report.authcheckdam.pdf (referring to ALWD members as educational leaders poised to assist with meaningful educational innovation).

⁴ William R. Slomanson, *Pouring Skills Content into Doctrinal Bottles*, 61 J. LEGAL EDUC. 683, 689 (2003) (recognizing both MacCrate and Carnegie as groundbreaking and as a catalyst to “close the gap between law school and practice” and also recognizing that BEST PRACTICES “cautioned that we should not limit ourselves to content-focused instruction” especially due to the demands of students who demand justification for high cost tuition and preparation for practice).

collaboration continues to have a stronghold on future professionals. How do we properly equip our students to understand the business of practice and engage them in collaborative learning assignments to teach etiquette and best practices of collegiate behavior? In practice, collaborative drafting and joint submissions are common. For example, Joint Stipulations, Pre-Trial Orders and co-drafted inner-office memos are common. If cooperative behavior or collaboration will be expected from them, we should therefore strive to model such professional behavior with our own colleagues.⁵

Unfortunately, the traditional curriculum and law school structure is riddled with hidden messages absorbed by students. They are learning from our failures to reach across silos and exemplify collaborative behavior. Instead, imagine a future curriculum where the classroom is transformed to showcase collaborative learning among colleagues. Imagine professional collaboration as a learning goal required from our students through co-authored assignments.⁶ Would this new model of legal education transform the profession?

FOSTERING DEVELOPMENT TOWARD BEHAVIOR WE WANT TO
SEE IN THE PROFESSION REQUIRES DIFFERENT
TEACHING METHODS.

The traditional method and structure of legal education fosters behavior antithetical to core values of the profession. Throughout a law student's two or three year experience, embedded messages are absorbed about the profession.⁷ One particular message broadcast loudly in the first year is the priority and order of doctrine versus lawyering or personal skills.⁸ In the traditional curriculum, the emphasis on learning doctrinal theory is not balanced with an equal focus on skills necessary to lawyer in a community, such as interviewing, coun-

⁵ STUCKEY, ET AL., *supra* note 2, at 277 (“The administration, faculty, and staff should model professional behavior.”).

⁶ *Id.* at 98 (“In interesting ways, legal writing programs have moved away from traditional instructional patterns. . . favoring collaborative learning designs that more closely approximate the practice communities in which lawyers generally work.”).

⁷ Leslie Bender, *Hidden Messages in the Required First-Year School Curriculum*, 40 CLEV. ST. L. REV. 387, 392 (1992) (“The subliminal messages embedded in the traditional curriculum encourage students to assign intellectual priority to doctrinal categories over processes of law, of change, and over practical skills; to privilege litigation and courts over other methods and places for the resolution of disputes; to learn specific rules rather than reasoning techniques; and that the core of what all lawyers should learn is mostly private common law regulating economic relationships.”).

⁸ *Id.* at 392 (noting the first year curriculum stresses the importance of “abstract rules of law and governing principles . . .”) (“It also sends the message that litigation is the best way to solve legal disputes.”).

seling and negotiation.⁹ Such a message relegates lawyering skills as inferior to doctrinal study and further emphasizes that such skills are not necessary or best learned off campus.¹⁰ Justice Scalia in a recent commencement speech reinforced the message that doctrinal study is superior to skill training.¹¹ This endorsement further emphasizes the identity for the profession, as one of scholar rather than lawyer.¹² Such messages reinforce a hierarchical structure with the scholar at the pinnacle and no need for collaboration.¹³

The traditional approach requires passive learning and promotes competitive behavior.¹⁴ Such character traits do not enrich the profession and actually reflect a lower scale of moral development.¹⁵ It is not difficult to find in practice those who make decisions based on “per-

⁹ *Id.* at 393 (“It obfuscates the reality that law is about interactions among individuals in families, in neighborhoods, workplaces, schools, and communities, between groups of people, and between people and institutions, like corporations, churches and government.”).

¹⁰ Charity Scott, *Collaborating with the Real World: Opportunities for Developing Skills and Values in Law Teaching*, 9 *IND. HEALTH L. REV.* 409, 413 (2012) (noting law students have not learned how to be, think, and act like lawyers).

¹¹ Antonin Scalia, *Reflections on the Legal Academy*, 2014 Commencement Exercises, William & Mary Law School (May 11, 2014), <https://law.wm.edu/news/stories/2014/documents-2014/2014WMCCommencementSpeech.pdf> (last visited July 30, 2014) (“But more importantly, it is not “skills-based experience” that makes a person learned in the law. Legal learning is what only law schools can effectively convey.”).

¹² James E. Moliterno, *Legal Education, Experiential Education and Professional Responsibility*, 38 *WM. & MARY L. REV.* 71, 82-83 (1996). Historic law school curriculums include reading appellate cases; extracting the legal theory builds the necessary skills of critical reading and retrospective thinking; however, the curriculum fails to build other essential lawyering skills and describing the Langdell case method as one preparing students to become professor and not training lawyers.

¹³ WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 21-32 (Jossey-Bass, 2007) (stating that hidden messages in the curriculum encourages single-minded focus on competitive achievement); *see also*, Leslie Bender, *Hidden Messages in the Required First-Year Law School Curriculum*, 40 *CLEV. ST. L. REV.* 387, 392 (1992) (stating the traditional curriculum stresses the importance of learning doctrine and the division of legal problems into seemingly fixed doctrinal categories).

¹⁴ Vernella R. Randall, *Increasing Retention and Improving Performance: Practical Advice on Using Cooperative Learning in Law Schools*, 16 *T. M. COOLEY L. REV.* 201, 202 (1999) (“The dominant pedagogy in law school is competitive and hierarchical. A pedagogy built on intimidation, competitiveness and, to some degree, passive learning.”); *see also* Clifford S. Zimmerman, *Thinking Beyond My Own Interpretation: Reflections on Collaborative and Cooperative Learning Theory in Law School Curriculum*, 31 *ARIZ. ST. L.J.* 957, 972 (1999) (“The traditional American educational goal structure is based upon competition among students.”).

¹⁵ Neil Hamilton, *Answering the Skeptics on Fostering Ethical Professional Formation (Professionalism)*, 20 *THE PROF'L LAWYER* 6 (2011), <http://papers.ssrn.com/abstract=1791216> (describing the lowest scale of moral development as one based on *personal interest* or simplistic reasoning dominated by egocentric self-interest arguments, fear of punishment and authority, and immature notions of reciprocity).

sonal interest or simplistic reasoning dominated by egocentric self-interest arguments, fear of punishment and authority and immature notions of social reciprocity.”¹⁶ From an institutional standpoint, curricular design should work backwards by first focusing on the core-values we want to see in the profession and the best methods of teaching to foster such development.

Ideally, every member in the legal profession would possess the highest echelon of moral development with reflective decision-making inherent in a post-conventional moral schema.¹⁷ As described in Hamilton’s article, such development includes “virtues, capacities, and skills inherent in a strong internalized moral compass as servant leadership or authentic leadership.”¹⁸ Specific traits include “self-awareness, self-reflection and learning from mistakes, integrity, honesty, empathy, trustworthiness, responsibility to serve others, inspirational vision and persuasion skills to gain others’ support.”¹⁹

Such traits are best fostered through collaborative or cooperative learning exercises, allowing students to develop working relationships with peers and teacher.²⁰ “Cooperative learning enables students to learn to work in a team and develop collaborative approaches to negotiation and mediation.”²¹ Specifically, “cooperative learning focuses on individual mastery of the subject via a group process, while collaborative learning focuses on group work toward a unified final product.”²² The terms collaborative and cooperative are sometimes conflated in literature but there are notable differences.²³ Collaborative learning provides opportunities for students to interact with peers and teacher in a diverse manner and allows the student to be involved

¹⁶ *Id.*

¹⁷ *Id.* (using the “Defining Issues Test” to identify the profession of ethical development with the highest level reflecting moral reasoning involving concepts of justice, fairness, duty and the evolutionary nature of morality in society).

¹⁸ *Id.* at 9 (citing Deborah L. Rhode, *Lawyers and Leadership*, 20 PROF’L. LAW 12 (2010)).

¹⁹ *Id.*

²⁰ MICHAEL HUNTER SCHWARTZ, ET AL., *TEACHING LAW BY DESIGN*, 19 (2009) (“Cooperative learning enables students to learn to work in a team and develop collaborative approaches to negotiation and mediation. Moreover, cooperative learning helps students build community in and out of the classroom and to develop greater respect for one another.”); *see also* Zimmerman, *supra* note 15, at 994 (“Studies comparing cooperative and competitive models of education found distinct differences by task and achievement. Leading researchers in the field found that cooperative learning tends to promote more learning than either competitive or individualistic learning environments.”).

²¹ SCHWARTZ, *supra* note 20, at 19.

²² Zimmerman, *supra* note 14, at 957.

²³ *Id.* at 957 (clarifying the difference between collaborative and cooperative learning sometimes conflated in literature).

in course design decisions.²⁴ Ultimately, collaborative learning rests on the fundamental principle that “through peer interaction, what individuals learn is more and qualitatively different than what they would learn on their own.”²⁵ This teaching method provides a foundation for equality thereby broadening a student’s perspective.²⁶ In addition, collaborative learning actually increases student engagement whereby the learner retains information for a longer period.²⁷ A cooperative learning format equally engages students as the focus is through small group learning.²⁸ It is not enough however to simply structure the class in small groups; rather, thoughtful design ensures interaction and group learning.²⁹ The reward is that such learning yields a “greater analysis and memory of the matters discussed,” and also “instill greater motivation to learn.”³⁰ Inherently, students will begin to learn self-awareness, self-reflection and learn from their mistakes, all values identified in a post-conventional moral schema.

Law classrooms are filled with various types of active learning.³¹ As identified in *Teaching Law by Design*, there is not one correct way of learning thereby demoting Socratic method.³² “Active learning is not “better” than passive learning. Effective teachers choose different methods to achieve various goals in their courses.”³³ Classrooms cannot transform overnight into modern learning incubators. The work required by faculty to create cooperative or collaborative opportunities demands new methods to plan and organize the semester and more collaboration.³⁴ The good news is that this transformation is

²⁴ SCHWARTZ, *supra* note 20, at 19 (“Course design involves decisions about objectives, materials, assignments, teaching and learning activities, roles and responsibilities of teacher and students, and an evaluation scheme.”).

²⁵ Zimmerman, *supra* note 14, at 995 (citing Melanie L. Schneider, *Collaborative Learning: A Concept in Search of a Definition*, 3 ISSUES IN WRITING 26, 36 (1990)).

²⁶ *Id.* at 996 (“Collaborative learning is viewed as anti-establishment because it challenges the traditional notions of authorship, teacher centered classrooms, competitiveness, and what are viewed as patrician or elitist aspects of the educational process.”).

²⁷ Femke Kirshner, Fred Paas & Paul A. Kirschner, *A Cognitive Load Approach to Collaborative Learning: United Brains for Complex Tasks*, EDUC. PSYCHOL REV. 33 (2009).

²⁸ SCHWARTZ, *supra* note 20.

²⁹ *Id.* at 213.

³⁰ *Id.*

³¹ *Id.* at 18 (describing Socratic dialogs, discussions, writing exercises, simulations, computer exercises, and real-life experiences in externships and clinics).

³² SCHWARTZ, *supra* note 20, at 19.

³³ *Id.*

³⁴ *Id.* at 217 (describing small group exercises where faculty evaluate student performance based on criteria and ensure all members of the group work together to achieve shared goals). See Zimmerman, *supra* note 14, at 1005 (acknowledging that a certain amount of time, dedication, effort and planning is required).

occurring and many examples exist where the modern classroom has been restructured to incorporate legal theory, practical skills and bridges to practice.³⁵ This new era in legal education models cooperative and collaborative behavior instilling core values of the profession. The once rigid silos are dissipating to an era of team teaching and interdisciplinary approaches.³⁶ Lines are blurred between traditional hierarchies and collaboration is now an invited practice.³⁷ More importantly, this new format if properly organized is fun and re-energizes faculty.³⁸

III.

HOW TO CREATE COLLABORATIVE AND COOPERATIVE LEARNING OPPORTUNITIES WITH YOUR COLLEAGUES.

To enter this new era and transform the classroom requires organization and a basic understanding of different course designs and teaching methods.³⁹ First, prepare yourself for an initial stage of more work, some anxiety and moments of question. Remember overall goals which may include:

- To create a more engaged classroom experience.
- To incorporate essential lawyering skills, such as client interviewing, counseling, negotiation.
- To highlight the importance of interpersonal skills as an essential lawyering skill.
- To create a bridge to practice by including practitioners and practical drafting assignments.

³⁵ SULLIVAN ET AL., *supra* note 13 at 231. *See* Loh, *supra* note 1, at 99 (“Law schools cannot prepare students for practice unless they teach doctrine, theory and practice as part of a unified, coordinated program of instruction” *citing* Karen Gross, *Process Reengineering and Legal Education: an Essay on Daring to Think Differently*, 49 N.Y.L. SCH. L. REV. 435 (2004-2005)); *see also* Nantiya Ruan, *Student, Esquire: The Practice of Law in the Collaborative Classroom*, 20 CLINICAL L. REV. 429, 430 (Spring 2014) (“Faculty at law schools across the country are leaving their silos and collaborating with one another to provide experiential learning opportunities that incorporate client work into the learning of the class.”); *see also* EDUCATING TOMORROW’S LAWYERS, COURSE PORTFOLIOS, www.educatingtomorrowlawyers.com (last visited Oct. 6, 2014).

³⁶ Sarah Ricks, *Never Let a Crisis Go to Waste: Erasing Lines Between Faculty*, (forthcoming 2013) available at <http://ssrn.com/abstract=2346379> (citing various classes integrating clinic, pro bono, writing, non-profits and government agencies or team teaching with other faculty).

³⁷ *Id.*

³⁸ Lisa Brodoff, ET AL., *Smells Like Team Spirit: How to Leverage Clinician, Librarian, Legal Writing and Externship Resources into a Comprehensive Skills Program – Seattle Style!*, AALS CLINICAL CONFERENCE (April 28, 2014), <http://bestpracticeslegaled.files.wordpress.com/2014/05/clin14bookletweb.pdf>.

³⁹ The author wishes to fully endorse, *Teaching Law by Design* by Michael Hunter Schwartz, Sophie Sparrow and Gerald Hess (Carolina Academic Press 2009) as a foundation to begin building class exercises or to redesign your syllabus.

- To introduce cooperative and collaborative learning, which further endorses behavior desired for practice.
- To model the behavior we want to see in practice.
- To provide learning opportunities for professional identity formation.

Find a network of faculty members who have gone through this process before and reach out. Find others who have constructed similar exercises, attend an experiential, clinical or writing conference. Some examples include incorporating a client interview simulation where students gather facts and then draft a practical document. During such exercises, allocate one or two class sessions to introduce clinical professors or practitioners into a shared classroom platform. Their perspective about practice provides insight to students about important aspects of lawyering beyond doctrine and appellate cases. If the students are required to prepare a practical drafting assignment, such as a divorce petition or motion, invite practitioners back to the classroom to conduct a guided explanation of how to draft such an assignment.

A. The planning stage: Study the course syllabus and identify moments ripe for collaboration.

Essentially, think of the planning stage as a moment to talk about the course design with others in the field possibly practitioners, clinicians, writing faculty and administrators. The planning stage should occur well before the semester maybe a year in advance. As discussed in *Teaching Law by Design*, several goals in the planning stage include identifying learning objectives and tethered assessment tools.⁴⁰ Once you identify goals as part of the course objectives, set an appointment with your Dean, Director or Coordinator for experiential education at your school. This person can help discuss assessment tools and exercises to integrate practical skills in the course. There is a plethora of innovative teaching methods emerging for various courses and your experiential chair can help cipher through the material. This person may also be able to assist with ‘bridges to practice’ by suggesting specific practitioners in the field who may help design or include practical discussion in the classroom.⁴¹ Also, reach out to clinic or writing faculty who are trained in practical skill assignments and assessment tools.

⁴⁰ SCHWARTZ, *supra* note 20, at Chapter 3 (See Illustration 3-6, a “Course Design Checklist”).

⁴¹ The role and responsibilities of each Dean or Coordinator for Experiential Education may vary, so you may want to navigate softly to ensure the request is not beyond expectations for the position.

Once those who are willing to collaborate are identified, set a time to break bread together. This may sound like odd advice, but a shared neutral space over a long meal helps break down any preconceived notions of status, structure or agenda. Allow the conversation to flow organically and ask questions about each other's field or practice. This will build rapport and an open space to create in the future. If practitioners are included, do not forget to ask questions about new trends or emerging practices. Their perspective is immensely helpful to ensure students are prepared for various areas of law. This initial meeting is only to discuss a particular area of law and to set the stage for more collaboration; describe the moments in the semester where the course maybe ripe for practical exercises and ask whether they would be interested in a shared teaching platform. Provide preset ideas for time commitments and expectations.

After this initial meeting, the next process is collaborative co-drafting and revision. This process creates a set agenda for specific class assignments or time for a shared teaching platform. To ensure everyone is on the same page, set deadlines for drafts and, if necessary, additional meeting times with objectives.⁴² Most faculty are accustomed to working on their own, so this new format of including colleagues in course design may cause some anxiety. Practitioners, however, are acclimated to work meetings organized with a preset agenda and directives. Similar to practice, allow time for revisions and make an effort to include all constructive suggestions. Highlight deadlines for required appearances in the classroom by sending an official confirmation letter on school letterhead to ensure expectations are set. If practitioners are integrated into the classroom, think about asking the practitioner to name someone to co-teach during the allocated time, as this will ensure flexibility if one practitioner cannot attend because of work demands.

B. The Assignment and Class Session: Creating clear tools to set expectations and setting an agenda

This new course design will include class sessions that, if not organized, may become unwieldy and produce high anxiety for all. To eliminate frustration, create an assignment sheet and teaching instructions that include a formal but organic agenda.⁴³ The assignment sheet and teaching materials are documents that require collaborative drafting. Through this collaborative drafting process, everyone is well

⁴² See Appendix 1, Template for Meeting with Set Objectives.

⁴³ SCHWARTZ, *supra* note 20, at 65 (describing a five step process for class design: Context, Class Objectives, Instructional Activities, Feedback, Materials).

aware of how the class session is structured and who is assigned a particular role in the design. The teaching materials prepared exclusively for instructors should provide discussion points to guide conversation or prompt learning objectives. Ensure the agenda includes a specific time allocation for all roles in the classroom. While an agenda usually creates a formal tone, balance the class with flexibility so everyone knows to facilitate positive learning.⁴⁴

C. The Class or Assignment: Explain the Process and what students will experience

When running a simulation, explain the process, goals and time allotment. The importance of a simulation is to place the student in the role of an attorney and allow them to feel the pressure during such moments. Explain to students the importance of staying in role and do not allow them to break the role-play. Possibly use a team or train approach to ensure the simulation exercise keeps moving and does not trap one student in a long awkward pause.⁴⁵ Explain how students will experience disorienting moments and they may have an instinct to immediately ask for help or to abruptly move through the experience. Both reactions require self-reflection and for the student to slow down and build confidence but to ultimately push through the experience. Allow for some flexibility to break the simulation and provide explanatory coaching and engaged learning. Choosing those moments is difficult as too many interruptions are disruptive. Simulations provide many opportunities for students to ask questions about certain skills. Allow engaged learning moments to occur and open opportunities for discussion or possibly model the best practices so students may learn better techniques. The Experiential Learning Cycle developed by David Kolb and Roger Fry best explains “the process whereby knowledge is created through the transformation of experience.”⁴⁶ The cycle begins with a concrete experience, observation and reflection time, abstract conceptualization, then active experimentation. The classroom experience should be designed to incorporate this model to provide context then practice time and appropriate breaks for discussion and reflection, modeling behavior and possible extrapolations to experiment.

⁴⁴ SCHWARTZ, *supra* note 20, at 107 (describing a positive learning environment with practical tips on structure and design).

⁴⁵ ROBERT A STEIN & BEN RUBINOWITZ, COMPENDIUM OF TRIAL ADVOCACY DRILLS (2006) (describing the use of a “Conga Line Drill” for evidentiary foundations and direct examination).

⁴⁶ DAVID A. KOLB, TOWARD AN APPLIED THEORY OF EXPERIENTIAL LEARNING (1974).

If creating a practical drafting experience, allow students to stop and ask questions while engaged in the assignment, as opposed to assign and then wait for feedback. Possibly require students to bring the drafted assignment to class and allow practitioners to conduct a guided edit showcasing an “expert” draft. When practitioners walk students through the assignment and how they may construct the petition or motion, students begin to engage in the process of asking both theory and practical questions. Students want to understand how the doctrine applies to practical assignments and likewise they want to understand how theory transfers to practice. Allow this discussion to occur and showcase interaction between the practitioner, clinician and scholar. Showcase moments where scholars and practitioners may disagree between theory versus practice and how to resolve this conflict. The format is sometimes unsettling to the scholar because there is fear students will learn an incorrect concept but realize practice is not conducted in a vacuum and the more laudable goal is to prepare students how to reconcile the conflict.

One important learning goal for a simulation or practical drafting assignment includes a student’s own professional identity formation. By showcasing practice in the classroom, students begin to feel the introduction of responsibility to client and fiduciary obligation rather than their own self-interest of achieving a high grade on a final exam.

D. The After-Action Report

Once the classroom experience or assignment is complete, create time to evaluate the experience and assess learning objectives. Use a relaxed meeting format to assess the evaluation forms. This after-action report is important to re-tool and improve the experience for the future. Create notes to improve the experience therefore when you are ready to re-create the assignment for next year, the new ideas are easily incorporated.

An evaluation form specifically designed for experiential modules to provide student feedback gives more insight than an end-of-semester evaluation form. Allow students an in-class moment to provide feedback after the experience.⁴⁷ Ensure this in-class evaluation is near the experience and not at the end of the semester when students are consumed with exam preparation.

Use the evaluation form and discussion to make notes on methods to improve the experiential modules. Over time, methods will evolve to improve and add complexity to the assignment. Create quantitative and qualitative results to allow the study of outcomes.

⁴⁷ See Appendix 2, *sample Student Feedback form*.

Ultimately, students embrace experiential learning; however, more statistical data is necessary to track student learning objectives and assess cognitive performance.

E. Create Incentives for More Collaboration

Such a classroom transformation may feel exhausting; however, after the first design, the effort is lessened to focus on complexity or create new problems. As with any teaching experience, classroom exercises become easier to anticipate student questions after several years of practice. More incentives therefore are needed to promote the creation of experiential modules and conversion to a collaborative classroom. Such incentives may include:

1. Incentives provided directly by the law school administration

The new ABA standard 315, Evaluation of Program of Legal Education, Learning Outcomes and Assessment Methods, requires the dean and the faculty of a law school to conduct evaluations of legal education and studied results of evaluation to improve the curriculum.⁴⁸ Although the new standard requires outcomes and assessment measures, the true task is to ensure faculty remain motivated to transform courses or incorporate methods to improve the curriculum.

Similar to summer research stipends or grants, the administration may provide incentives for faculty to redesign a course.⁴⁹ To motivate faculty to create simulation courses, some administrations may begin to acknowledge drafting of complex simulations as part of a scholarly agenda. Such endorsements by the administration allows faculty to refocus on the new ABA standards to focus on teaching methods and experiential education. Another incentive the administration may create to assist with innovation is to appoint a person as experiential dean.⁵⁰ This new faculty position may assist professors toward innovation. Through assistance and support, faculty members are more likely to explore this new realm of teaching.

⁴⁸ AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *Revised Standards for Approval of Law Schools* (August 2014) at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/201406_revised_standards_redline.authcheckdam.pdf).

⁴⁹ Martin J. Katz, *Facilitating Better Law Teaching – Now*, 62 EMORY L.J. 823, 838 (2013) (describing incentives for innovation through time, money, love and support).

⁵⁰ *Id.* at 840 (noting that, in 2013, eighteen schools designated a dean or director of experiential learning).

2. *Incentives for doctrinal professors*

The new era of legal education is anchored by the 2014 - 2015 ABA standards that include six credit hours for experiential courses.⁵¹ Simulation courses may count toward the total of six credit hours and must “integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302.”⁵² Such skills include “interviewing, counseling, negotiation, fact development and legal analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency and self-evaluation.”⁵³ This new experiential standard is not required until the beginning of 2016.⁵⁴ Therefore, the time is ripe to transform classrooms in a thoughtful and engaging manner.

3. *Incentives for writing faculty*

Members of the writing faculty are familiar with problem design, role-play simulations and assessment methods based on identified learning goals. They are also familiar with students who experience disorienting moments in law school and understand how to provide assistance to such students in a balanced manner with proper boundaries. Writing faculty are well equipped to control classrooms through small group work or role-play simulations that sometimes seem unwieldy. Writing faculty, who are well-versed in formative feedback and re-cursory review of student work with a focus on rubric design are critical for a future curriculum. Many writing faculty are confined to teaching solely in a writing program, however, now more opportunities exist to build simulation courses, teach in a collaborative manner and assist in administrative roles.

4. *Incentives for librarians*

Law school libraries are equally impacted by the weight of budget cuts and the need to scale-down resources. Librarians may provide a unique insight into new research methods, free resources and practice guides. A shared classroom experience would allow librarians to meet

⁵¹ *Id.* at 838.

⁵² See *supra* note 48, at 24.

⁵³ *Id.* at 23 (Interpretation 302-1).

⁵⁴ AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *Transition to and Implementation of the New Standards and Rules of Procedure for Approval of Law Schools* (Aug. 14, 2014) at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_august_transition_and_implementation_of_new_aba_standards_and_rules.authcheckdam.pdf).

students at a point in the curriculum when they are most likely to engage in legal research. By sharing a classroom exercise and introducing librarians into a collaborative format, students will learn advanced research skills, possibly practice guides in an area of law and feel more comfortable browsing library stacks. Essentially, students are future library patrons.

5. *Incentives for Practitioners*

Many practitioners are willing to give back to their alma mater and engage in a classroom setting, however, many do not have the time required to teach over a full semester. Practitioners who wish to assist students into the transition from law school to practice, may not have time to study course design and teaching methods. Ultimately, the foremost barrier for practitioners is demand of their time. Many attorneys may want to give back simply for the love of teaching, but more incentives are necessary.

A law school administration may have few resources to create incentives for practitioners during this difficult time in legal education, however small gestures reflect courtesy and respect. A small incentive like a designated parking space to allow practitioners to easily access campus shows respect for their time. Additionally, formal correspondence to the practitioner by the law school Dean or administration is a gracious gesture but also may assist the practitioner with career goals. If law firms, senior partners and bar organizations recognize teaching efforts as possibly equal to efforts for client development or service more practitioners may be willing to invest their time.

All states requiring mandatory continuing legal education should expressly recognize time taught in a law school setting. Essentially, only fifty-seven percent of states that require mandatory continuing legal education allow practitioners to earn credit by teaching in a law school setting.⁵⁵ More MCLE rules need to change in order to include full credit for teaching in a law school setting or more inclusive acknowledgement that specifically endorses practitioners who teach or present to law students. Such an incentive helps bridge the gap toward practitioners on campus incorporating skill-based exercises.

⁵⁵ See Appendix 3, State Survey on Mandatory Continuing Legal Education for credit earned by teaching in a law school setting. (States either expressly prohibiting or not expressly acknowledging credit earned by teaching in a law school setting include: Alaska, Colorado, Hawaii, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia and Wyoming.)

6. *Incentives for Clinicians*

Clinical faculty members are essential to the future of legal education, especially with the new ABA standards requiring six credits of experiential education. At some schools, the time is ripe to pursue avenues and require clinical education. All faculty members may begin to incorporate different aspects of clinical methodology. Therefore maintaining integrity to ensure the foundation for teaching essential lawyering skills.⁵⁶ More collaboration with clinical faculty would enrich every classroom. Clinics may serve as incubators for experiential modules building similar fact patterns similar to facts from case files.

F. This new era of learning outcomes and measurements should also provide a different conference format.

Many law conferences are currently structured as an opportunity for faculty or school administrators to present and boast about specific successes. The audience is subjected to a presentation centered on specific successes, as opposed to an interactive workshop. Imagine another format for a legal conference that allows time to analyze and brainstorm exercises or programs that have satisfactory or less than successful classroom results. In this new era of legal education, in order to improve learning outcomes a different conference format must emerge that allows for safe collaboration.

Many fear exposure of mediocre results will lead to a negative image for the school or professor. An opportunity to brainstorm however with colleagues and improve a mediocre or failed exercise provides rich collaboration and better outcomes. We should adopt models similar to technology or engineering companies where time and space is encouraged to study failures and then learn methods to improve.⁵⁷

CONCLUSION

Ultimately, the tools necessary for the modern legal classroom include some traditional methods, but also an openness to personal and institutional vulnerabilities. The willingness to expose and study teaching methods in order to improve learning outcomes requires

⁵⁶ DEBORAH EPSTEIN ET AL., *THE CLINIC SEMINAR* (2014).

⁵⁷ SIXTH INTERNATIONAL CONFERENCE ON ENGINEERING FAILURE ANALYSIS, <http://www.icefaconference.com/> (last visited Oct. 6, 2014) (highlighting “inter-disciplinary and multi-disciplinary character of the conference”); *see also* FAILCON, <http://thefailcon.com> (last visited Oct. 6, 2014) (advertising as a conference for “startup founders to study their own and others’ failures and prepare for success”).

resilient educators. Equally important is an understanding that collaboration is a learning objective and one to model for our students.

APPENDIX 1

| Date | Objectives | Tasks | Outcome |
|-------------|-------------------|--------------|----------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

APPENDIX 2

Example of Student Feedback Form – Family Law Course

We are interested in receiving your feedback to help us assess whether the experiential modules assisted in your overall learning experience. Please take a few minutes to answer the below questions:

The following questions relate to Experience 1: The Client Interview

1. On a scale below, please rate the *clarity* of the assignment material for Experience 1: the Client Interview. (circle one)
 - a. Extremely clear
 - b. Very clear
 - c. Mostly clear
 - d. Somewhat unclear
 - e. Totally unclear

2. Overall, how *interesting* did you find the class on Experience 1: The client interview
 - a. Extremely interesting
 - b. Very interesting
 - c. Somewhat interesting
 - d. Mostly boring
 - e. Totally boring

3. Overall, how *useful* did you find the class on Experience 1: The client interview
 - a. Extremely useful
 - b. Very useful
 - c. Somewhat useful
 - d. Not very useful
 - e. Useless

4. What did you find the most helpful about Experience 1: The client interview

5. How could the class or materials have been improved?
(Please give one or two specific suggestions)

The following questions relate to Experience 2: The Divorce Petition

1. On a scale below, please rate the *clarity* of the assignment material for Experience 2: The Divorce Petition
- a. Extremely clear
 - b. Very clear
 - c. Mostly clear
 - d. Somewhat unclear
 - e. Totally unclear
2. Overall, how *interesting* did you find the class on Experience 2: The Divorce Petition
- a. Extremely interesting
 - b. Very interesting
 - c. Somewhat interesting
 - d. Mostly boring
 - e. Totally boring
3. Overall, how *useful* did you find the class on Experience 2: The Divorce Petition
- a. Extremely useful
 - b. Very useful

- c. Somewhat useful
 - d. Not very useful
 - e. Useless
4. What did you find the most helpful about Experience 2: The Divorce Petition

5. How could the class or materials have been improved?
(Please give one or two specific suggestions)

The following questions relate to Experience 3: The Custody Hearing

1. On a scale below, please rate the *clarity* of the assignment material for Experience 3: The Custody Hearing
 - a. Extremely clear
 - b. Very clear
 - c. Mostly clear
 - d. Somewhat unclear
 - e. Totally unclear

2. Overall, how *interesting* did you find the class on Experience 3: The Custody Hearing
 - a. Extremely interesting
 - b. Very interesting
 - c. Somewhat interesting
 - d. Mostly boring
 - e. Totally boring

3. Overall, how *useful* did you find the class on Experience 3: The Custody Hearing
- Extremely useful
 - Very useful
 - Somewhat useful
 - Not very useful
 - Useless
4. What did you find the most helpful about Experience 3: The Custody Hearing
-
-
-
-
5. How could the class or materials have been improved?
(Please give one or two specific suggestions)
-
-
-
-

The following questions relate to your overall perspective of incorporating “Experiential Modules” in courses:

Did you find the incorporation of Experience 1 , 2 and 3 useful to your overall learning?

- Extremely useful
- Very useful
- Somewhat useful
- Not very useful
- Useless

Would you recommend this class to other students?

- Highly recommend
- Recommend
- No opinion
- Not recommend
- Strongly not recommend

In the future, if you had a choice to register for a course using Experiential Modules versus a course not using Experiential Modules which would you choose?

- a. I would *always* choose the course with Experiential Modules
- b. I *may* choose the course with Experiential Modules
- c. I have no opinion
- d. I would *not* choose the course with Experiential Modules
- e. I would *never* choose the course with Experiential Modules

APPENDIX 3

| | MCLE website | Description of credit for attorneys who present in a law school setting |
|----------|--|---|
| Alabama | http://judicial.alabama.gov/library/rules/mcle3.pdf | <u>A</u> cknowledges. Alabama Supreme Court, Rule 3 governs Rules for Mandatory Continuing Legal Education. Rule 3.4 states CLE requirements “. . . may be satisfied through teaching a course in an ABA – or AALS – approved law school or any other law school approved by the MCLE Commission. The MCLE Commission will award six hours of MCLE credit for each hour of academic credit awarded by the law school for the course.” |
| Alaska | http://www.courts.alaska.gov/bar.htm#65 | <u>D</u> oes not expressly acknowledge. Alaska Supreme Court Rule 65 governs Continuing Legal Education. Rule 65(g) states that “preparing for and teaching approved MECLE and VCLE courses” receives CLE credit but does not expressly acknowledge teaching in a law school setting. However, Rule 65 (g)(3) expressly acknowledges credit for publications. |
| Arizona | http://www.azbar.org/cleandmcle/mcle/rule45_arizrsupct http://www.azbar.org/cleandmcle/mcle/clesponsorsproviderinformation | <u>A</u> cknowledged. Supreme Court Rule 45 governs Mandatory Continuing Legal Education which provides governing authority to the Board for implementing regulation. In Regulation 104(B) the MCLE Board expressly provides credit for teaching at a CLE Activity, <i>teaching at an American Bar Association accredited law school</i> , or teaching a law course at any accredited American university or any American community college, or any ABA approved paralegal school or institute, whether the teaching is computer-based, on-line or in a classroom. Rule 104 (B)4. |
| Arkansas | https://courts.arkansas.gov/rules-and-administrative-orders/regulations-of-the-arkansas-continuing-legal-education-board | <u>A</u> cknowledges. Rule 4.04(3) Law School Courses. <i>Credit may be earned through part-time teaching, formal enrollment for credit, or official audit and attendance at a course offered by a law school accredited by the American Bar Association.</i> Twelve (12) credit hours will be awarded for each |

| | | |
|--|--|-------------|
| <p>academic credit hour taught, officially audited, or successfully completed, provided the applicant certifies attendance of at least seventy-five percent (75%) of the class sessions. For the purpose of this regulation, "part-time teaching" is defined as teaching one course which awards four or fewer hours of academic credit.</p> | | |
| <p><u>Acknowledges</u>. Rule 2.82 : Credit hours for teaching a law school class can be computed by multiplying the number of units granted by the law school for completion of the class by 12. (<i>Example</i>: 24 hours of credit may be claimed for teaching a two-unit law school class.) An attorney teaching a law school class that begins before the current compliance period may claim pro rata credit based on the percentage of the hours taught in the current compliance period. An attorney who teaches a law school class and engages a guest lecturer or substitute teacher for one or more individual meetings or sessions of the class, qualifies for MCLE credit for teaching the entire class. Credit hours for a guest lecturer or a substitute teacher in a law school class are computed by multiplying actual speaking time by four. (Note: Moot court judging does not count for credit.)</p> | <p>http://mcle.calbar.ca.gov/Attorneys/EducationOptions.aspx#lawschool</p> | California |
| <p><u>Does not expressly acknowledge</u>. Under Rule 260.4(2) the rule acknowledges formal classroom instruction or educational seminars but does not expressly state in a law school setting. (Rule 103(h) expressly acknowledges "research activities provided the activity (1) has produced published findings in the form of articles, chapters, monographs or books personally authored, in whole or part ..."</p> | <p>https://www.coloradosupremecourt.com/pdfs/CLE/Rules.pdf http://www.coloradosupremecourt.com/pdfs/CLE/Form5.pdf</p> | Colorado |
| <p>No MCLE requirement</p> | <p>http://www.americanbar.org/cle/mandatory_cle/mc_le_states/states_a_k/connecticut.html</p> | Connecticut |
| <p><u>Not acknowledged in part</u>. Rule 6 (B)(6) (a) & (b): The Commission will not approve for CLE credit:</p> | <p>http://www.courts.delaware.gov/cle/rules.stm#4</p> | Delaware |

| | | |
|--|--|----------------|
| <p>(a) courses designed to review or refresh recent law school graduates or other attorneys in preparation for any bar examination;</p> <p>(b) teaching of courses geared primarily toward professionals other than attorneys, law students, or the judiciary..."</p> <p>Acknowledged in part, Rule 8(B)1 on Instruction In or Participation in the Presentation of Accredited Courses acknowledges an attorney may , an Attorney may receive credit upon application to the Commission, for the non-paid teaching of law at accredited law schools, colleges and universities, but credit shall be given only for the hours of actual instruction and grading of papers and examinations related thereto.”</p> <p>(Rule 8A expressly acknowledges credit for “non-paid scholarly writing and publication.”)</p> | | |
| <p>Acknowledged. Policy 5.05(b) (1)-(5) – Teaching credit may be earned through teaching approved law school and graduate law courses. Calculation may receive up to 4 credit hours for each quarter hour assigned to the course or up to 5 credit hours for each semester hour assigned to the course. Undergrad law courses, college and university courses shall only be eligible for credit if they qualify under another section of the policies. Repeating a course during reporting cycle shall not be a basis for additional credit.</p> <p>5.08(c) – Demonstrations and Moot Court participation may receive up to 3 credit hours for each 50 minutes of participation. Cannot claim more than 9 credit hours for these activities during a 3 year cycle.</p> | <p>http://www.floridabar.org/tfb/TFBMember.nsf/ed6e4bc92a8fe1b852567090069f3c2/637a14a2b3231a6885256b2f006c6d14?OpenDocument</p> | <p>Florida</p> |
| <p>Acknowledged</p> <p>Rule 8-106: Trial Observation- taught in both law school and cle seminars. Specific criteria for type of proceedings.</p> <p>Rule 8 “Regulations” (2) Law School Courses Courses offered by an ABA accredited law school shall receive credit on the basis of one-half (1/2) hour of CLE credit for each 60 minutes of actual instruction. No more than twenty-four CLE hours in any calendar year may be earned by law school</p> | <p>https://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=231</p> | <p>Georgia</p> |

| | | |
|----------|---|---|
| | | courses. Success on an examination is not required for credit and the course may be attended on an audit (not for academic credit) basis. No credit is available for law school courses attended prior to becoming an active member of the State Bar of Georgia. (3) Bar Review/Refresher Course. Courses designed to review or refresh recent law school graduate or other attorneys in preparation for any bar exam shall not be approved for CLE credit. |
| Hawaii | http://hsba.org/IMIS_PROD/images/HSBA/MCLE/CLE%20Regulations%20(rev.%20April%202013).pdf?WebsiteKey=11fe7c6a-afaf-44dc-868d-d7d25627e91f&=404%3bhttp%3a%2f%2fhsba.org%3a80%2fHSBA%2fMCLE%2fHSBA%2fimages%2fHSBA%2fMCLE%2fCLE+Regulations+(rev.+April+2013).pdf | <u>Does not expressly acknowledge.</u> Regulation 5 pertaining to Credit for Teaching Approved Courses states that “[f]ull time teachers and lawyers whose primary employment is teaching law school courses may not earn credit for the preparation or teaching of law school courses.” |
| Idaho | http://www.isb.idaho.gov/pdf/rules/ibcr_sec04_mcle.pdf http://www.isb.idaho.gov/licensing/mcle/accreditation.html | <u>Acknowledged in part.</u> Rule 40(3) – Accreditation: “Sponsors with Presumptive Accreditation” – (E) “Law school fully accredited by the American Bar Association.” |
| Illinois | http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/ArtVII.htm#795 | <u>Acknowledged.</u> Rule 795 Accreditation Standards and Hours (d) Nontraditional Courses or Activities ... (6) Part-Time Teaching of Law Courses. Teaching at an ABA-accredited law school, or teaching a law course at a university, college, or community college, subject to the following: (i) Teaching credit may be earned for teaching law courses offered for credit toward a degree at a law school accredited by the ABA, but only by lawyers |

| | | |
|----------------|--|--|
| | | <p>who are not employed full-time by a law school. Full-time law teachers who choose to maintain their licenses to practice law are fully subject to the MCLE requirements established herein, and may not earn any credits by their ordinary teaching assignments. Presentations shall be counted at the full hour or fraction thereof for the initial presentation; a repeat presentation of the same material shall be counted at one-half; no further hours may be earned for additional presentations of the same material. Teaching credit may be earned by appearing as a guest instructor, moderator, or participant in a law school class for a presentation which meets the overall guidelines for CLE courses or activities, as well as for serving as a judge at a law school moot court argument. Time spent in preparation for an eligible law school activity shall be counted at three times the actual presentation time. Appearing as a guest speaker before a law school assembly or group shall not count toward CLE credit.</p> <p>(ii) Teaching credit may be earned for teaching law courses at a university, college, or community college by lawyers who are not full-time teachers if the teaching involves significant intellectual, educational or practical content, such as a civil procedure course taught to paralegal students or a commercial law course taught to business students. Presentations shall be counted at the full hour or fraction thereof for the initial presentation; a repeat presentation of the same material shall be counted at one-half; no further hours may be earned for additional presentations of the same material.</p> <p><u>Acknowledged.</u> Rule 28, Section 3(b)(1)(i) <i>Approval of Other Educational Activities.</i> (1) Credit may be given for the following legal subject matter courses: (i) <i>Law School Courses.</i> An Attorney or Judge who attends a regularly conducted class at a law school approved by the American Bar Association. The number of credits may not exceed twenty-four (24) hours for a single law school activity.</p> <p>***</p> |
| | <p>http://www.in.gov/judiciary/rules/ad_dis/in dex.html#_Toc341255012</p> | |
| <p>Indiana</p> | | |

| | | |
|-----------|---|---|
| | | <p>(vi) <i>Teaching Approved Courses.</i> An Attorney or Judge who participates as a teacher, lecturer, panelist, or author in an approved course will receive credit for:</p> <p>* * *</p> <p>(D) <i>Teaching Administration Skills for Law School Teachers.</i></p> |
| Iowa | http://www.iowacourts.gov/wfdata/frame4076-1206/Chapters41-42.pdf | <p>Does not acknowledge.</p> <p>Only acknowledges auditing a law school course not specific regarding teaching in a law school setting.</p> |
| Kansas | https://www.kscler.org/lawyer/lawyer_faq.asp | <p>Does not acknowledge.</p> <p>Under Frequently Asked Questions – “May I claim credit for teaching a law school class?” Response: “Because teaching credit is awarded as an incentive to attorneys to benefit the legal profession, instruction must be directed toward an audience composed primarily of attorneys. Credit will not be awarded for teaching undergraduate, graduate, or law school classes.”</p> |
| Kentucky | http://www.kybar.org/Documents/SCR/SCR3/SCR_3.650.pdf | <p>Does not acknowledge. (5) Seminars designed for non-lawyer professionals which in, case-by-case situations, will benefit the lawyer by allowing clients improved services in unique areas of practice. Credits earned for this category of seminar or activity shall not count toward the 12 credit annual minimum requirement but may count toward continuing legal education award credits as determined by the Commission.</p> |
| Louisiana | http://www.lascmcle.org/rules.asp | <p>Acknowledged.</p> <p>Rule XXX. Regulation 3.8 Credit may also be earned through <i>teaching a course in an American Bar Association accredited law school</i>. The Committee will award six (6) hours of CLE credit for each hour of academic credit awarded by the law school for the course. Similar credit may be earned through teaching an undergraduate course on law in an accredited college or university. To receive credit the Member shall submit MCLE form 4.</p> |

| | | |
|----------------------|--|---|
| <p>Maine</p> | <p>http://mebaroverseers.org/attorney_regulation/bar_rules.html?id=63335</p> | <p>Acknowledged. Rule 12 (e) Courses and Other Activities Entitled to Credit. (1) All publicly available courses or other publicly available continuing legal education activities offered by the following sponsors are deemed automatically approved and entitled to credit upon payment of the requisite fees for purposes of subdivision (a) of this rule: any national, state or county bar association, American Trial Lawyers' Association; Maine Prosecutors' Association; Maine Association of Criminal Defense Lawyers; Maine Trial Lawyers Association; Maine or American Civil Liberties Union; National Association of Attorneys General; National Legal Aid and Defenders' Association; Practising Law Institute; Probate Judges Assembly, governmental units or agencies; public bar admission, bar registration or discipline, continuing legal education, or similar agencies created by court rule or statute in any state; law schools approved by the American Bar Association; providers affiliated with such an association, agency, or law school; or other organizations approved by the Board.</p> |
| <p>Maryland</p> | | <p>Does not have an MCLE requirement.</p> |
| <p>Massachusetts</p> | | <p>Does not have an MCLE requirement.</p> |
| <p>Michigan</p> | | <p>Does not have an MCLE requirement.</p> |
| <p>Minnesota</p> | <p>http://www.mbcle.state.mn.us/MBCLE/pages/user_documents/CLE%20RULES%20-2013%20booklet.pdf</p> | <p><u>Does not acknowledge.</u> Rule 7. A. Teaching Credit. Credit for teaching in an approved course shall be awarded to presenting faculty on the basis of one credit for each 60 minutes spent by the faculty preparing the presentation and materials for the course and teaching the course. No credit shall be awarded for teaching directed primarily to persons preparing for admission to practice law. A lawyer seeking credit for teaching and preparation for teaching shall submit to the Board all information called for on the Affidavit of CLE B. Courses at Universities. Courses that are part of a regular curriculum at a</p> |

| | | |
|-------------|---|---|
| | | college or university, other than a law school, may be approved for a maximum of 15 hours per course when the lawyer requesting approval submits evidence supporting the conclusion that the course meets the Rule 5A(1) through (5) criteria and that it is directly related to the requesting lawyer's practice of law. Teaching credit shall not be awarded for courses approved under this paragraph. |
| Mississippi | http://courts.ms.gov/cle_bccr/cle_faq.pdf | <u>Acknowledged.</u> Rule 3.18 Credit may also be earned through teaching a course in an ABA or AALS approved law school. The Commission will award six (6) hours of CLE credit for each hour of academic credit awarded by the law school for the course. |
| Missouri | http://www.mobar.org/mcle/rule15regulation.htm#accreditation | <u>Acknowledged.</u> Regulation 15.04 (2) Accredited Sponsors by Designation. The following sponsors of programs, seminars, or activities are designated as accredited sponsors: American Bar Association; American Judicature Society; The American Law Institute; all United States Armed Forces legal service schools; the United States Coast Guard legal service school; Missouri Association of Trial Attorneys; The Missouri Bar; Bar Association of Metropolitan St. Louis; St. Louis County Bar Association; Kansas City Metropolitan Bar Association; National Academy of Arbitrators; National Bar Association; National Judicial College; Judicial Education Committee of the Supreme Court of Missouri; all law schools approved by the section of legal education and admissions to the bar of the American Bar Association; Missouri Office of Prosecution Services; Missouri Organization of Defense Lawyers; the Office of the State Public Defender, and the Practicing Law Institute. |
| Montana | http://www.mtle.org/pdfs/clerules.pdf | <u>Does not acknowledge.</u> Rule 7 (B) 2. Teaching at Educational Institutions. Teaching in scheduled activities of any educational institution by an attorney who has an employment relationship with the institution, either as an employee or as a contractor, or by an attorney who is a guest speaker on a regular basis is not an approved continuing legal education activity under |

| | | |
|--|--|----------------------|
| | | <p>Nebraska</p> |
| <p>this rule. Does not <u>acknowledge</u>. §3-401.8 (C) No credit shall be given for teaching directed primarily to candidates for a law degree.</p> | <p>http://supremecourt.ne.gov/supreme-court-rules/1812/%C2%A7-3-4018-limitations-credits-based-class-type-and-credit-activities-other</p> | |
| <p><u>Does not acknowledge</u>: Regulation 3 (5). A course whose primary audience is not attorneys is presumed not to be continuing legal education. This presumption is rebuttable; however, the burden is on the applicant to demonstrate how the program maintains or increases the applicant's professional competence as an attorney.</p> | <p>http://www.nvclboard.org/pdfs/NVCLERegs_March2010_final.pdf</p> | <p>Nevada</p> |
| <p><u>Does not acknowledge</u>. Rule 53. Undergraduate college and pre-J.D. law school teaching will not qualify for CLE credit in NH. Any presentations you make where there are no written materials for those who attend. The printed text of a speech does not qualify as CLE written materials. (See Reg. 53.5) Judging moot court</p> | <p>http://www.nhbar.org/nhmcle/rule-53.asp Rules: http://www.nhbar.org/nhmcle/rule-53.asp</p> | <p>New Hampshire</p> |
| <p><u>Acknowledged</u>. 201-6. Teaching CLE. A lawyer who teaches an approved course designed principally to maintain or advance the professional competence of lawyers and/or expand an appreciation and understanding of the ethical and professional responsibility of lawyers, and/or teach law to non-lawyers is entitled to twice the credit hours authorized for that portion of the course taught by the lawyer claiming teaching credit.</p> | <p>www.judiciary.state.nj.us/cle/</p> | <p>New Jersey</p> |
| <p><u>Does not expressly acknowledge</u>. 18-204(D): Approval for Teaching and Preparation Credit Credits are not approved for teaching and preparation time if the teaching is presented in the course of one's employment, specifically if the teaching is part of your employment. (<i>As adopted by</i></p> | <p>https://www.nmmcle.org/rules/guidelines.asp P</p> | <p>New Mexico</p> |

| | | | |
|----------------|--|--|--|
| | | | <p><i>MCLE Board 10/6/00</i> Teaching and preparation credits reported by course providers and attorneys are approved for a 1:3 ratio. For every one (1) hour of teaching, up to three (3) hours of preparation credit can Speakers who participate at an accredited providers' program or a pre-approved program may receive credit for preparation time and presentation time, including credit for repeated presentations</p> <p><u>Acknowledged.</u> 6. Teaching Law Courses—Credit may be earned for teaching law courses at an ABA-accredited law school</p> <p><u>Acknowledged.</u> Specific form provided for Teacher's application for CLE Credit – Teaching at a Law school or Paralegal School.</p> |
| New York | www.nycourts.gov/attorneys/cle | | <p><u>Acknowledged.</u> Policy 1.2 Moot Court Competition. CLE credit is not granted for service as a moot court judge. Policy 1.6 Teaching Law School Courses. Faculty at an ABA approved law school may receive up to 5 hours of credit for each semester hour taught, not to exceed 30 hours in any given reporting period.</p> |
| North Carolina | http://www.nccle.org/Documents/Teacher%20College%20Courses.pdf http://www.nccle.org/atty/a_forms.aspx | | <p><u>Acknowledged.</u> You may receive one-half hour of CLE credit for each semester hour taught at an ABA-accredited law school. Pro-rata credit will be granted for quarter or trimester hours.</p> |
| North Dakota | www.sband.org | | <p><u>Acknowledged.</u> 3.4 Credit may also be earned through teaching a course in an ABA accredited law school or a course in a paralegal or legal assistant program accredited by the ABA. The Commission will award six (6) hours of CLE credit for each semester hour of academic credit awarded by the academic institution for the course.</p> |
| Ohio | www.sconet.state.oh.us | | |
| Oklahoma | www.okbar.org | | |

| | | |
|----------------|---|---|
| Oregon | www.osbar.org/mcle | <u>Acknowledged.</u> Teaching credit is allowed only for accredited continuing legal education activities or for courses in ABA or AALS accredited law schools. |
| Pennsylvania | www.pacle.org | <u>Does not acknowledge.</u> Teaching a law school course is not considered to be continuing your legal education; in special circumstances, credit may be considered if you are not a member of the faculty. |
| Rhode Island | http://www.courts.ri.gov/AttorneyResources/mcle/MCLE/MCLERegulations.pdf | <u>Does not acknowledge.</u> Appendix C – Teaching Qualifications specifically states “teaching under the following circumstances does not qualify for teaching credit . . . “(3) teaching was directed to an audience of which a majority was non-lawyers.” “(5) Presentation was to persons preparing for admission to the practice of law.” |
| South Carolina | www.comcle.org http://comcle.org/pdf/teachcrd.pdf | <u>Does not acknowledge.</u> See <i>Application for Approval of Teaching Credit</i> . “Teaching under any of the following circumstances does not qualify for teaching credit at the rate of three hours for each hour of presentation: . . . “Presentation was to persons pursuing a degree in law.” |
| South Dakota | | Does not have an MCLE requirement. |
| Tennessee | www.cle.tn.com | <u>Acknowledged.</u> Rule 4.03 Credit may also be earned through teaching in an approved law school, or teaching law-related courses at the undergraduate or graduate level in an approved college or university. The Commission will award four (4) hours of CLE credit for each hour of academic credit awarded by the law school for the course taught. |
| Texas | www.texasbar.com | <u>Acknowledged.</u> 2.1.2 (c) “teaching lecturing or speaking in the position of a part-time faculty in any law school which is approved by the American Bar Association, except as to the minimum requirements for CLE in legal ethics and professional responsibility...” |

| | | |
|--|--|---------|
| <p>2.2 (h) “serving as a judge or evaluator in any type of mock trial, moot court or client counseling competition, class or program....”</p> <p>(F) A member who holds a full-time faculty position in any law school which is approved by the American Bar Association may be credited as fulfilling the requirements of this article, except as to the minimum requirements for CLE in legal ethics and professional responsibility. A member who holds a part-time faculty position in any such law school may claim participatory credit for the actual hours of class instruction time not to exceed twelve (12) hours per compliance year, except as to the minimum requirements for CLE in legal ethics and professional responsibility.</p> | | |
| <p><u>Acknowledged.</u> Rule 14-413</p> <p>(c) Credit will be allowed for lecturing in an accredited CLE program and part-time teaching by a lawyer in an approved law school or delivering a paper or speech on a professional subject at a meeting primarily attended by lawyers, legal assistants or law students in accordance with the following.</p> <p>(c)(1) Lecturers in an accredited CLE program and part-time teachers may receive three hours of credit for each hour spent in lecturing or teaching as provided in Rule 14-408(a).</p> <p>(c)(2) No lecturing or teaching credit is available for participation in a panel discussion.</p> | <p>www.utahbar.org/mcle/</p> | Utah |
| <p><u>Acknowledged.</u> § 5 Accreditation</p> <p>(1) Law school or other classroom instruction or educational seminars with substantial written material available, whether conducted by live speakers, lecturers, panel members, video or audio tape presentation, in a classroom setting with a group of not fewer than three individuals.</p> | <p>http://www.vermontjudiciary.org/</p> | Vermont |

| | | |
|--|--|----------------------|
| <p>§ 6 Accumulation and Computation of Credit</p> <p>(c) Credit may be earned by teaching in accredited activities; however, no credit will be given for teaching which is part of an attorney's regular occupational activity, such as full-time instruction at a law school or college.</p> | | |
| <p><u>Does not Acknowledge.</u> Regulation 102 (f) A member shall not receive credit for teaching that is directed primarily to persons preparing for admission to practice law. Regular full time, part-time and adjunct academic faculty shall not receive credit for teaching any law school courses (undergraduate or graduate) or bar review courses.</p> | <p>http://www.vsb.org/</p> | <p>Virginia</p> |
| <p><u>Acknowledged.</u> Law School Courses – Credit for Teaching Full-time teachers and lawyers whose primary employment is teaching law school courses may not earn credit for teaching or preparation of law school courses. A lawyer who is acting as a part-time adjunct professor or lecturer may earn credit in connection with that lawyer's first presentation of a specific law school course, as follows: 1. Presentation time – one credit for each 60 minutes of presentation time for that lawyer's first presentation of a specific law school course, up to a maximum 15 credits for actual presentation time; and 2. Preparation time – one credit for each 60 minutes the lawyer spends preparing for each 60 minutes of presentation time, up to a maximum of 10 credits of actual preparation time for each 60 minutes of presentation time. (APR 11 Regulation 103(c)(2))</p> | <p>http://www.wsba.org/</p> | <p>Washington</p> |
| <p><u>Does not expressly acknowledge.</u></p> | <p>http://www.wvbar.org/wp-content/uploads/2012/04/regs.pdf</p> | <p>West Virginia</p> |
| <p><u>Acknowledged.</u></p> | <p>http://wicourts.gov/</p> | <p>Wisconsin</p> |

| | |
|--|--|
| <p>SCR 31.05 (3) Teaching an approved continuing legal or judicial education activity or teaching a course in a law school approved by the American bar association may be used to satisfy the requirement of SCR 31.02. The board shall award 2 hours for each hour of presentation of the approved continuing legal or judicial education activity and one hour for each hour of presentation for teaching a course in a law school. - See more at: http://cle.uslegal.com/state-cle-requirements/wisconsin-cle-requirements/#sthash.CzbojGnl.dpuf</p> | <p><u>Does not expressly acknowledge.</u></p> |
| <p>http://www.wyomingbar.org/</p> | <p>http://www.wyomingbar.org/</p> |
| <p>Wyoming</p> | <p>Wyoming</p> |