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ARTICLE

MINDING MORE THAN OUR OWN BUSINESS: EDUCATING ENTREPRENEURIAL LAWYERS THROUGH LAW SCHOOL-BUSINESS SCHOOL COLLABORATIONS

ANTHONY J. LUPPINO*

INTRODUCTION

Business clients are understandably prone to lose patience with lawyers who seem to do little more than constantly tell them they cannot do what they want to do. They often view lawyers as necessary evils, or even obstructionists. These perceptions are particularly prevalent among creative, energetic entrepreneurs who have identified a market need, crafted an innovative product or service to satisfy that need, and are anxious to develop and commercialize their inventions as soon as possible.¹

Given the highly regulated environment in which both large and small businesses in the United States operate these days, there are, of course, many instances in which legal counsel must advise the client that a proposed action is prohibited or restricted by law. Moreover, the degree of regulatory burdens involved is not necessarily proportionate to the dollar amount of a given transaction—

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1. Cf. Steven H. Hobbs, *Toward a Theory of Law and Entrepreneurship*, 26 *CAP. U. L. REV.* 241, 261 (1997) (“Entrepreneurs recognize the need for effective legal advice but are often leery of lawyers whom they view as deal killers.”).

even small businesses engaged in modest-sized ventures can encounter complex legal issues.² The most effective business lawyers, while well aware of these realities, understand that they must do more than merely report impediments. They recognize the need to consider the client's underlying goals and business plans, and, when they explain why "Plan A" poses legal problems, they must be prepared to simultaneously suggest and explore reasonable alternatives that can be accomplished in full compliance with the law. Clients recognize and appreciate these "can do" business lawyers and come to view them as valuable members of the team that drives the success of their ventures.

Having been in private law firm practice settings as a business and tax lawyer for nearly twenty years before becoming a full-time law school faculty member in 2001, I had the good fortune to observe and learn from several "can do" business lawyers. Some of the key characteristics they share, in addition to thorough knowledge of the letter and theory of the law in their practice areas, as well as the highest ethical standards, are: familiarity with business concepts and related jargon that allow them to ask important questions about the business deal; appreciation of the businessperson's perspectives; and an exceptional ability to explain complex laws in terms understandable to nonlawyers. Such counselors excel at facilitating productive discussion of how best to achieve the client's goals within the applicable regulatory frameworks. They are the business lawyers who become trusted and respected advisors and enjoy long-term professional relationships with their clients.

As I began teaching a package of business-related courses at the University of Missouri-Kansas City School of Law (UMKC),³ it seemed appropriate to try to blend the development of the traits I had seen in top-notch transactional lawyers with traditional curriculum. The challenge was to identify effective means to teach laws, theory, and skills in integrated and practical ways, a goal being pursued by many in the legal academy who are training students for transactional practice.⁴ Not long after I started teaching full time,

2. Cf. William H. Mellor & Patricia H. Lee, *Institute for Justice Clinic on Entrepreneurship: A Real World Model in Stimulating Private Enterprise in the Inner City*, 5 J. SMALL & EMERGING BUS. L. 71, 74 (2001) ("The bewildering array of laws and regulations prevents and stifles honest enterprise to the detriment of aspiring entrepreneurs.").

3. This package included Business Organizations, Business Planning, Partnership Taxation, and Securities Regulation.

4. See, e.g., Victor Fleischer, *Deals: Bringing Corporate Transactions into the Law School Classroom*, 2002 COLUM. BUS. L. REV. 475 (2002); Hobbs, *supra* note 1; Susan

two circumstances led me to pursue interdisciplinary collaborations as a means to improve the substantive knowledge, the grasp of underlying theory and policy, and the skills training of students seeking to become business lawyers.

First, while using the materials in Franklin Gevurtz's excellent *Business Planning* text⁵ in a class with an entirely law student enrollment, it became apparent that discussion of venture feasibility studies and business valuation would be enriched if business school faculty and students were also in the classroom. I then began exploring the possibility of interaction with faculty and students at UMKC's business school.⁶

Next, along with ten faculty members from various other disciplines and institutions, I received a grant, through the Ewing Marion Kauffman Foundation Entrepreneurial Faculty Scholars program, to study ways to improve interdisciplinary education in entrepreneurship.⁷ The experience in the Kauffman Foundation program afforded me the opportunity to identify and, in a few

R. Jones, *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, 14 WASH. U. J.L. & POL'Y 249 (2004) [hereinafter Jones, *Promoting Social and Economic Justice*]; Susan R. Jones, *Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice*, 4 CLINICAL L. REV. 195 (1997) [hereinafter Jones, *Small Business*]; Kenneth N. Klee, *Teaching Transactional Law*, 27 CAL. BANKR. J. 295 (2004); Karl S. Okamoto, *Learning and Learning-to-Learn By Doing: Simulating Corporate Practice in Law School*, 45 J. LEGAL EDUC. 498 (1995); Dina Schlossberg, *An Examination of Transactional Law Clinics and Interdisciplinary Education*, 11 WASH. U. J.L. & POL'Y 195 (2003); Tina L. Stark, *Thinking Like a Deal Lawyer*, 54 J. LEGAL EDUC. 223 (2004); Eric J. Gouvin, *Learning Business Law by Doing It: Real Transactions in Law School Clinics*, BUS. L. TODAY, Sept.-Oct. 2004, at 53; Francesca Jarosz, *None of Your Business? No: Law Schools Need to Bring Their Business Law Teaching Up to Date*, BUS. L. TODAY, Sept.-Oct. 2006, at 35; Jonathan C. Lipson, *Doing Deals in School*, BUS. L. TODAY, Sept.-Oct. 2005, at 51; Darhiana Mateo, *When Theory Meets Practice: Tweaking Business Law Education*, BUS. L. TODAY, Mar.-Apr. 2006, at 57.

5. FRANKLIN GEVURTZ, *BUSINESS PLANNING* (3d ed. 2001).

6. The business school at UMKC is the Henry W. Bloch School of Business & Public Administration, named after one of the founders of H&R Block, the renowned tax preparation and related services company. See Henry W. Bloch School of Business & Public Administration, <http://www.umkc.edu/html/acjobs/bloch.html> (last visited Oct. 11, 2007).

7. For information about the Kauffman Foundation and its commitment to the promotion of entrepreneurship and related educational initiatives throughout the United States and internationally, see the Foundation's website at Ewing Marion Kauffman Found., About the Foundation, <http://www.kauffman.org/foundation.cfm> (last visited Oct. 11, 2007). The grant program referred to in the text is further discussed *infra* at notes 11-12 and accompanying text.

cases, personally observe⁸ how some U.S. law schools were utilizing collaborations with business schools as part of their training of law students. This experience also contributed to a number of curriculum modifications at the UMKC Law School designed to provide students with tools necessary to become successful entrepreneurial or “can do” lawyers.⁹

This Article reports on developments in the education of business-oriented law students that have occurred in recent years at several U.S. law schools, explores law school-business school collaborations in particular, and offers suggestions that might be of value to others seeking to augment the training of would-be business lawyers through interdisciplinary initiatives. Part I examines existing obstacles to law school involvement in interdisciplinary teaching collaborations. Part II discusses course offerings at schools that have overcome these obstacles in implementing innovative programs in both clinical and, to a lesser extent, regular classroom curricula, taking a variety of approaches to bringing interdisciplinary elements into business law programs. Part III then presents a case study on UMKC Law School’s efforts to develop a comprehensive Entrepreneurial Lawyering Program, with special focus on a law school-business school collaborative course in Entrepreneurship & New Venture Creation.¹⁰ The discussion in Part III

8. During my appointment at the Kauffman Program, I was able to explore interdisciplinary initiatives, or investigations of interdisciplinary possibilities, on site at the University of Pennsylvania, the University of Tennessee, Vanderbilt University, and Washington University in St. Louis.

9. These modifications, discussed in more detail in Parts II and III below, have included a revamping of the Business Planning course; expansion of UMKC’s Entrepreneurial Legal Services Clinic; adoption of a Business & Entrepreneurial Law Emphasis; creation of two new courses designed to introduce concepts of business management and entrepreneurial lawyering to law students contemplating solo or small law firm practice; establishment of law student internships in university technology transfer offices; and law school faculty involvement in a number of undergraduate and graduate-level initiatives connected with UMKC’s recently founded Institute for Entrepreneurship & Innovation, including the jointly-taught law-business course in Entrepreneurship & New Venture Creation discussed in Part III below.

10. This course, currently listed at the UMKC Law School as Law 8757N and at the Bloch Business School as ENT 5545 is discussed in detail *infra* notes 183-203 and accompanying text. Summary descriptions of the course are available through the Law School’s website at Univ. of Mo.-Kansas City, 8757N Entrepreneurship and New Venture Creation, <http://www.umkc.edu/umkc/catalog-grad/htmlc/law/c8757n.html> (last visited Oct. 11, 2007) [hereinafter UMKC Entrepreneurship and New Venture Creation class], and through the Business School/Institute for Entrepreneurship & Innovation website at Univ. of Mo.-Kansas City, Entrepreneurship and New Venture Creation, <http://www.umkc.edu/umkc/catalog-grad/htmlc/bloch/ent/c5545.html> (last visited Oct. 11, 2007). The course is also offered to engineering students as ENG 311 (as a version

identifies challenges faced in designing and conducting a course taught jointly by law school and business school faculty to law, MBA, and engineering students. This Article ultimately reaches the conclusion that the benefits to faculty and students of this type of collaboration far outweigh the costs of addressing those challenges.

I. OBSTACLES TO LAW SCHOOL-BUSINESS SCHOOL COLLABORATIONS

A. *Background*

The Kauffman Entrepreneurial Faculty Scholars (KEFS) Program was formally announced at the 2004 annual conference of the United States Association for Small Business & Entrepreneurship (USASBE).¹¹ Designed to promote initiatives in interdisciplinary education in entrepreneurship, the KEFS Program brought together eleven faculty members from four institutions in the Kansas City area with interests in diverse disciplines, including Asian studies, Black studies, business and management, computer engineering, education, history, law, mechanical engineering, and nursing.¹² The eleven participants committed to study, design, and implement courses incorporating principles of entrepreneurship, drawing upon the multiple disciplines, teaching techniques, and perspectives represented by the group.

During the kick-off event at the 2004 USASBE annual conference, I noticed that from a list of some five hundred and fifty regis-

of "The Technical Entrepreneur" course). Dep't of Civil and Mech. Eng'g, UMKC 2007-08 Undergraduate Catalog (1.0), at 7 (June 12, 2007), *available at* <http://www.umkc.edu/UMKC/CATALOG/pdf/ce-me.pdf>.

11. For information about USASBE, and the annual conference it cosponsors with the Small Business Institute, see the USASBE website at United States Association for Small Business and Entrepreneurship, <http://www.usasbe.org> (last visited Oct. 11, 2007).

12. The four Kansas City-area institutions were Rockhurst University, the University of Kansas, UMKC, and William Jewell College. The eleven faculty members were: from Rockhurst University: Timothy Keane, Assistant Professor of Management, and Thomas Vontz, Assistant Professor of Education; from the University of Kansas: Dr. Lisa Friis, Assistant Professor of Mechanical Engineering, Dr. Sanjay Mishra, Associate Professor of Marketing, and Dr. William Tsutsui, Associate Professor of Asian Studies and History; from UMKC: Dr. Raj Arora, Professor of Marketing, Anthony J. Luppino, Associate Professor of Law, Dr. Donald Matthews, Associate Professor of Communications and Director of Black Studies, and Dr. Anil Misra, Professor of Civil and Mechanical Engineering; and from William Jewell College: Sally Ellis Fletcher, Assistant Professor of Nursing, and Dr. Walter Rychlewski, Professor of Computer Studies and Business and Administration. Each of the faculty members involved received a Kauffman grant for 2004-2005.

trants, most of whom were from educational institutions, only three or four showed affiliation with a law school. The percentage of law faculty in attendance has remained that low through the 2007 USASBE annual conference,¹³ despite the fact that the importance of the intersection of law and entrepreneurship is certainly no secret, as evidenced, for example, by Moritz College of Law at Ohio State University recent establishment of the *Entrepreneurial Business Law Journal*¹⁴ and Pepperdine University School of Law's establishment of the *Journal of Business, Entrepreneurship and the Law*.¹⁵ Having heard Professor Lawrence Friedman, a noted scholar on the history of American law, explain to a law school class that in this country the law "oozes everywhere,"¹⁶ and having personally witnessed the constant interplay of law and business in my transactional practice, the dearth of law school representation at the USASBE annual event seemed odd. Workshops conducted at the conference supported the notion that law schools are often merely fringe players in campus-wide interdisciplinary endeavors in entrepreneurship education—brought into projects only if and when someone in another unit identifies a legal issue that may need attention. Many of the entrepreneurship programs discussed originated in business schools. Given my pre-existing interest in ex-

13. Registration lists show approximately three or four registrants from law schools out of over five hundred overall registrants for each of the 2005 and 2007 USASBE annual conferences.

14. For information on this journal, see Moritz Coll. of Law, *Entrepreneurial Business Law Journal*, <http://moritzlaw.osu.edu/eblj/> (last visited Aug. 10, 2007). For a very interesting and recent exposition of the legitimacy of the study of "law and entrepreneurship," see D. Gordon Smith & Darian M. Ibrahim, *Entrepreneurs on Horseback: Reflections on the Organization of Law*, 50 ARIZ. L. REV. (forthcoming Mar. 2008), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1030503; see also D. Gordon Smith & Masako Ueda, *Law and Entrepreneurship: Do Courts Matter?*, 1 ENTREPRENEURIAL BUS. L.J. 353 (2006).

15. For information on this journal, see Pepperdine Univ. Sch. of Law, *Journal of Business, Entrepreneurship, and the Law*, <http://law.pepperdine.edu/organizations/jbel/> (last visited Sept. 22, 2007).

16. Lawrence M. Friedman is the Marion Rice Kirkwood Professor of Law at Stanford Law School and the author of the widely acclaimed *A History of American Law* (1973). It was in his course on the History of American Law some twenty-five years ago that I heard him describe the "oozing" effect of law. Not surprisingly, Professor Friedman has since been cited for the view that interdisciplinary teaching in law schools, even if sometimes questionable in quality and quantity, represents progress, as compared to the "good old days" when law schools were "in fact were terrible—narrow, mean-spirited, deliberately and defiantly ignorant of the world." Kim Diana Connolly, *Elucidating the Elephant: Interdisciplinary Law School Classes*, 11 WASH. U. J.L. & POL'Y 11, 23 n.31 (2003) (citing Lawrence M. Friedman, *Taking Law and Society Seriously*, 74 CHI.-KENT L. REV. 529, 541 (1999)).

ploring interaction with the business school at UMKC, these experiences, starting in early 2004, prompted me to research law school-business school collaborations across the United States to identify examples of more formal, regular, and well-designed interactions between law and business academic units.

The proposition that law cannot be properly practiced or learned “in a vacuum” is not a recent revelation, but rather a reality that has been long acknowledged and widely embraced in American legal education.¹⁷ A rich body of literature strongly supports the conclusion that modern legal education must, for contextual and other practical reasons, involve interdisciplinary elements.¹⁸ Commentators have, however, also observed that publications in le-

17. See, e.g., Richard A. Goodman et al., *Other Branches of Science Are Necessary to Form a Lawyer: Teaching Public Health Law in Law School*, 30 J.L. MED. & ETHICS 298 (2002) (basing the title of their article on a quote from Thomas Jefferson); Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 303 (“Experienced lawyers know that ‘law doesn’t exist in a vacuum.’”); Janet Weinstein, *Coming of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice*, 74 WASH. L. REV. 319 (1999) (providing a summary of the history of interdisciplinary teaching and collaboration in legal education dating back to at least 1907); Patricia Lee, President & Gen. Counsel, Nat’l Inst. for Urban Entrepreneurship, Comments at the Fourth Annual Meeting of Law School Small Business/Transactional Law Clinic Educators (Apr. 14-15, 2005) (emphasizing that law “is not taught or practiced in a vacuum” and noting the long history of interdisciplinary work in such areas as law and journalism at the Northwestern University School of Law and the research of Susan Jones of the George Washington University School of Law and Steven Hobbs of the University of Alabama School of Law in the area of law and entrepreneurship).

18. See, e.g., Paula E. Berg, *Using Distance Learning to Enhance Cross-Listed Interdisciplinary Law School Courses*, 29 RUTGERS COMPUTER & TECH. L.J. 33 (2003); Connolly, *supra* note 16; Linda B. Crane, *Interdisciplinary Combined Degree and Graduate Law Degree Programs: History and Trends*, 33 J. MARSHALL L. REV. 47 (1999); Phoebe A. Haddon, *The MDP Controversy: What Legal Educators Should Know*, 50 J. LEGAL EDUC. 504 (2000); Cyril M. Harris & Albert J. Rosenthal, *The Interdisciplinary Course in the Legal Aspects of Noise Pollution at Columbia University*, 31 J. LEGAL EDUC. 128 (1981); Desmond Manderson, *In the Tout Court of Shakespeare: Interdisciplinary Pedagogy in Law*, 54 J. LEGAL EDUC. 283 (2004); Dale L. Moore, *An Interdisciplinary Seminar on Legal Issues in Medicine*, 39 J. LEGAL EDUC. 113 (1989); Richard A. Posner, *The Decline of Law as an Autonomous Discipline*, 100 HARV. L. REV. 761 (1987); John E. Sexton, “Out of the Box” Thinking about the Training of Lawyers in the Next Millennium, 33 U. TOL. L. REV. 189, 197-98 (2001); Mike Townsend & Thomas Richardson, *Probability and Statistics in the Legal Curriculum: A Case Study in Disciplinary Aspects of Interdisciplinarity*, 40 DUQ. L. REV. 447 (2002); Anita Weinberg & Carol Harding, *Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come*, 14 WASH. U. J.L. & POL’Y 15 (2004); see also N. William Hines, *Ten Major Changes in Legal Education Over the Past 25 Years*, AALS-NEWS (Washington, D.C.), Nov. 2005, at 1, available at http://www.aals.org/services_newsletter_presAug05.php (citing “Growth in Interdisciplinary Teaching and Research” as number five in a list of ten significant changes in legal education since 1980).

gal journals tend to emphasize interdisciplinary scholarship and focus less often on how to actually implement interdisciplinary teaching,¹⁹ especially with regard to teaching in the “regular” classroom as opposed to “clinical” setting.²⁰ It is common for law students to be offered opportunities to take cross-listed courses in other disciplines and pursue joint degrees.²¹ Pedagogical literature also chronicles the development at many law schools of specialty courses or programs with interdisciplinary elements in such areas as law and economics, law and education, law and entrepreneurship, law and the environment, law and health/medicine, and law and so-

19. Connolly, *supra* note 16, at 18-20, 27.

20. See Berg, *supra* note 18, at 36 (discussing the possible uses of distance learning in cross-listed interdisciplinary courses and observing that “there is little scholarship on the unique pedagogical challenges presented by cross-listed law school courses”); Connolly, *supra* note 16, at 27-28 & nn.69-74 (identifying scholarship on interdisciplinary clinical legal education as an exception to the general tendency, and describing such scholarship on clinical pedagogy in the areas of law and feminism, social work, domestic violence, child advocacy, environmental protection, public defender work, and client counseling). The scholarship on interdisciplinary clinical teaching initiatives and opportunities cited by Connolly includes: Margaret Martin Barry et al., *Clinical Education for this Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, 69 (2000); Donald N. Duquette, *Developing a Child Advocacy Law Clinic: A Law School Clinical Legal Education Opportunity*, 31 U. MICH. J.L. REFORM 1, 7 (1993); Paula Galowitz, *Collaboration Between Lawyers and Social Workers: Re-Examining the Nature and Potential of the Relationship*, 67 FORDHAM L. REV. 2123, 2143 (1999); Phyllis Goldfarb, *A Theory-Practice Spiral: The Ethics of Feminism and Clinical Education*, 75 MINN. L. REV. 1599, 1671 (1991); Michelle S. Jacobs, *People from the Footnotes: The Missing Element in Client-Centered Counseling*, 27 GOLDEN GATE U. L. REV. 345, 349 (1997); M. Isabel Medina, *Justifying Integration of Domestic Violence Throughout the Law School Curriculum: An Introduction to the Symposium*, 47 LOY. L. REV. 1, 15 (2001); Robert F. Seibel et al., *An Integrated Training Program for Law and Counseling*, 35 J. LEGAL EDUC. 208 (1985); Abbe Smith, *Rosie O’Neill Goes to Law School: The Clinical Education of the Sensitive New Age Public Defender*, 28 HARV. C.R.-C.L. L. REV. 1 (1993); Jacqueline St. Joan & Stacy Salomonsen-Sautel, *The Clinic as Laboratory: Lessons from the First Year of Conducting Social Research in an Interdisciplinary Domestic Violence Clinic*, 47 LOY. L. REV. 317 (2001); Wash. Univ. Sch. of Law, Interdisciplinary Environmental Protection Clinic, <http://law.wustl.edu/Clinics/Intenv> (last visited on Oct. 31, 2007); and Yale Environmental Protection Clinic, <http://www.yale.edu/elc/> (last visited Oct. 31, 2007). For some other excellent sources on the potential for fruitful interdisciplinary approaches to clinical legal education, see V. Pualani Enos & Lois H. Kanter, *Who’s Listening? Introducing Students to Client-Centered, Client-Empowering, and Multidisciplinary Problem-Solving in a Clinical Setting*, 9 CLINICAL L. REV. 83 (2002); Jones, *Promoting Economic Justice*, *supra* note 4; Schlossberg, *supra* note 4; Christina A. Zawisza & Adela Beckerman, *Two Heads Are Better than One: The Case-Based Rationale for Dual Disciplinary Teaching in Child Advocacy Clinics*, 7 FLA. COASTAL L. REV. 631 (2006); Gouvin, *supra* note 4.

21. Cf. Mary C. Daly, *What the MDP Debate Can Teach Us About Law Practice in the New Millennium and the Need for Curricular Reform*, 50 J. LEGAL EDUC. 521, 546 (2000) (expressly rejecting “any suggestion that joint degree programs are the appropriate pedagogical vehicles for meeting the multidisciplinary needs of our students”).

cial work.²² The websites of law schools across the country show a high volume of these and other “law and” offerings, and law schools have created many “law and” specialty journals.²³ Despite those trends, actual interaction by law students and law faculty with students and faculty from other academic units in the same classroom, at the same time, and throughout the whole semester, appears to be a relatively infrequent occurrence in general, and certainly with respect to law and business practice.²⁴ While several exceptions exist, including, most notably, the multicourse package of jointly-taught law-business courses offered by Vanderbilt University discussed in Part II below,²⁵ by and large truly interdisciplinary teaching in the law and business area, especially with a view toward improving professional collaboration in practice between these disciplines, still

22. See, e.g., Goodman et al., *supra* note 17, at 298 (discussing opportunities for interdisciplinary education in public health law to serve as “a model for interdisciplinary and integrative teaching”); Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 264 n.61 (describing the development of programs in law and entrepreneurship at some law schools); Linda Morton, *A New Approach to Health Care ADR: Training Law Students to Be Problem Solvers in the Health Care Context*, 21 GA. ST. U. L. REV. 965, 966 (2005) (focusing on Professor Morton’s “use of real public health problems to train law students in problem-solving, with the hope that ultimately such training will become more interdisciplinary”); Sarah E. Redfield, *The Convergence of Education and Law: A New Class of Educators and Lawyers*, 36 IND. L. REV. 609, 636 (2003) (calling for improved training of both educators and lawyers on the intersection of education and the law and noting that much more can be done in this area at schools of education and that: “Law schools are not much further along in providing education law curricula, particularly in multidisciplinary aspects”); Heidi Gorovitz Robertson, *Methods for Teaching Environmental Law: Some Thoughts on Providing Access to the Environmental Law System*, 23 COLUM. J. ENVTL. L. 237, 257-60 (discussing interdisciplinary approaches to teaching environmental law adopted at several institutions); Karin P. Sheldon, *Introduction to Emerging Trends in Environmental Law*, 29 VT. L. REV. 679, 679 (2005) (describing the Vermont Law School’s “multi-disciplinary, ethically oriented curriculum” in environmental law); Thomas S. Ulen, *The Lessons of Law and Economics*, 2 J. LEGAL ECON. 103 (1992); Weinstein, *supra* note 17, 325-28 (examining interdisciplinary “creative problem solving” with some particular focus on California Western’s Interdisciplinary Training Program in Child Abuse and Neglect).

23. See, for example, *American Journal of Law & Medicine*, *American Law and Economics Review*, *Columbia Journal of Gender and Law*, *Columbia Journal of Law & the Arts*, *Duke Law & Technology Review* (one of many law and technology journals), *Journal of Law and Family Studies*, *Journal of Law and Religion*, *Law & Sexuality*, *Michigan Journal of Race and Law*, and *Minnesota Journal of Business Law and Entrepreneurship*. See Connolly, *supra* note 16, at 27 & n.67 (listing several publications “devoted to publishing law professors’ interdisciplinary work”); Washburn Univ. Sch. of Law, WashLaw, Law Journals, <http://www.washlaw.edu/lawjournal/> (listing other examples of interdisciplinary journals including “law”).

24. This proposition is based on a review of the websites of approximately 190 ABA-approved law schools conducted by the author and his research assistants since the end of 2005, and most recently updated during July and August of 2007.

25. See *infra* notes 149-151 and accompanying text.

seems to be rather limited, and more prevalent in clinical legal education than in the traditional classroom.²⁶

With respect to the education of would-be transactional lawyers and counselors to entrepreneurs, faculty involved in small business/transactional law school clinics have, in fact, been among the most forceful advocates of exposing law students to interdisciplinary learning.²⁷ In designing and implementing their creative clinical programs, they are answering the call made by Professor Steven Hobbs in the early stages of what is now a “law and entrepreneurship” movement, when he urged that “[l]awyers should themselves be entrepreneurial in promoting the study of law and entrepreneurship.”²⁸ These clinical faculty members tend to have substantial practice experience and consequent familiarity with the reality that business transactions involve teamwork among clients and professionals from multiple disciplines. Transactional lawyers, many of whom do not have MBA degrees or undergraduate degrees in business, often have to learn on the job the vocabulary, thought processes, and problem-solving techniques used by their business clients and by their clients’ accountants and other advisors. As explained by Eric Gouvin, Associate Dean of the Western New England College School of Law, in his insightful 2004 article on the expanding role of clinical training in business law practice at many U.S. law schools:

The underlying philosophy of most [business law clinical] programs is that business lawyers should always strive to be problem

26. Cf. Weinberg & Harding, *supra* note 18, at 21 n.29. In this article, discussing interdisciplinary initiatives generally, with special focus on law and child development, the authors observed: “Historically, most discussion regarding the importance of interdisciplinary collaborations grew out of discussions among legal theoreticians, and was opposed by ‘practitioners.’ Today, more often than not, it appears to be the *clinical* faculty within university settings who lead efforts to integrate other disciplines into legal studies.” *Id.* (emphasis added).

27. See, e.g., Eric J. Gouvin, *Foreword: Law, Business, and Economic Development—Current Issues and Age-Old Battles*, 29 W. NEW ENG. L. REV. 1 (2006); Jones, *Promoting Economic and Social Justice*, *supra* note 4; Mellor & Lee, *supra* note 2; Schlossberg, *supra* note 4; Gouvin, *supra* note 4; see also Jill I. Gross & Ronald W. Filante, *Developing a Law/Business Collaboration Through Pace’s Securities Arbitration Clinic*, 11 FORDHAM J. CORP. L. & FIN. L. 57, 64-83 (2005) (commending the work of law school small business and community development transactional clinics in promoting interdisciplinary education and collaborations with business schools and then discussing the specific benefits of law school-business school collaborations in the context of securities arbitration clinics); Mateo, *supra* note 4 (discussing recent trends in practical training of law students seeking to be business lawyers and highlighting several clinical programs in transactional law).

28. Hobbs, *supra* note 1, at 298.

solvers. They should also appreciate that they are part of a team of professionals that business owners need to make their venture successful. Sometimes the members of that team do not speak the same language, especially when law students have to deal with “MBA types.”²⁹

Faculty members at law schools operating transactional clinics have thus identified and pursued the distinct advantages achievable in educating law students on the realities of multidisciplinary problem solving *before* they start their practice careers by introducing them to work on actual client matters—as Dean Gouvin put it: “Learning business law by doing it.”³⁰ Granted, the clients and other transactional-team members that law students will encounter in their professional lives may have varied and unique areas of expertise, responsibilities, and quirks to be addressed on a case-by-case basis. Still, as observed by faculty teaching in other areas involving necessary collaborations among professionals from multiple disciplines,³¹ much can be learned by law students about the training of nonlawyer business professionals and advisors that would be of general application in the “real world.” Similarly, there is much to be learned by business management, finance, marketing, and accounting students about the law and how lawyers are trained to approach legal issues.³² Would-be lawyers, would-be clients, and their

29. Gouvin, *supra* note 4, at 54; *accord* Weinstein, *supra* note 17, at 329 (“English-speaking members of a particular profession may in fact communicate more clearly with non-English-speaking members of their profession from other cultures than they do with English-speaking persons who are not part of the profession.”); Jarosz, *supra* note 4, at 39 (quoting Professor Randall Thomas, Director of Vanderbilt University’s Law and Business Program, as follows: “We felt students were graduating from law school without being sufficiently trained in the language of finance In order to interact, you really have to learn the other person’s language”).

30. Gouvin, *supra* note 4, at 53-54 (“[O]n-campus interviewers for law firms often remark to clinic participants that they wish they had a course like the clinic when they were in law school since much of what was covered in the clinic took a long time to learn on the job.”).

31. *See, e.g.*, Berg, *supra* note 18, at 37 (explaining that the objective of an interdisciplinary course in public health was “to facilitate interdisciplinary collaboration by introducing each group of students to the foundational principles, language, theoretical perspectives, and problem-solving approaches of the other discipline[s]”); Weinstein, *supra* note 17, at 327 (examining interdisciplinary collaborations in general, but drawing on lessons from an interdisciplinary program in child abuse and neglect as one model, and suggesting that effective collaborative work must include “communication skills; knowledge about other disciplines, including their range of coverage and limitations; understanding of group process and team-building; self- and other-awareness, including the effects of one’s behavior on others; and leadership skills”).

32. *See, e.g.*, James E. Holloway, *A Primer on the Theory, Practice, and Pedagogy Underpinning a School of Thought on Law and Business*, 38 U. MICH. J.L. REFORM 587

other advisors could benefit the business community if they recognized that an effective, “can do” business lawyer’s job is to help guide the business venture through, and in compliance with, the maze of laws and regulations before it.³³

Despite the potential benefits of having graduate law, business, and accounting students, and perhaps students from other disciplines, regularly witnessing each other’s training first hand, truly interdisciplinary programs—placing law students and law faculty with students and faculty from business schools in the same classroom, at the same time, and on a regular basis—are not yet widespread. They are even less prevalent outside of the clinical context, where only a rather limited number of students can, as a practical matter, be exposed to these learning benefits each semester. The following subpart explores various reasons why that is the current circumstance.

B. *Notable Obstacles to Law School-Business School Interactions*

The existing literature on the involvement of U.S. law schools in interdisciplinary curricula identifies several impediments to the development and implementation of interdisciplinary courses involving law students. For example, Professor Kim Diana Connolly has described a variety of what she terms “[b]arriers to [s]uccessful [i]nterdisciplinary [c]ourses.”³⁴ Similarly, Professor Janet Weinstein examines “[b]arriers to [i]nterdisciplinary [e]ducation” in her call for the legal academy to “[r]ecogniz[e] the importance of interdisci-

(2005); Ross D. Petty, *Introduction: The What and Why of Marketing Law*, 36 AM. BUS. L.J. 239 (1999); Robert A. Prentice, *The Case for Educating Legally-Aware Accountants*, 38 AM. BUS. L.J. 597 (2001); George J. Siedel, *Six Forces and the Legal Environment of Business: The Relative Value of Business Law Among Business School Core Courses*, 37 AM. BUS. L.J. 717 (2000); see also Gross & Filante, *supra* note 27, at 67-68 n.40 (“[B]usiness education scholars have also lauded interdisciplinary studies for business faculty, suggesting that business school faculty would be receptive to interdisciplinary collaboration.” (citing Stephen L. Payne, *Interdisciplinary Studies and Management Faculty Involvement*, 73 J. EDUC. FOR BUS. 211 (1998))).

33. Cf. Mellor & Lee, *supra* note 2, at 76 (describing the three “key initiatives” in the mission statement for the Institute for Justice Clinic on Entrepreneurship at the University of Chicago Law School as: “to provide high quality legal representation to aspiring entry-level entrepreneurs on transactional matters; to educate, train, and inspire law students at the University of Chicago Law School to be advocates of entrepreneurs; and to assist entrepreneurs in identifying and overcoming barriers to honest enterprise and to navigate entrepreneurs through the regulatory process”); Gouvin, *supra* note 4, at 53 (“In many cases, clients find the law to be an obstacle to what they want to do; in the clinic students are pushed to find ways to help clients overcome that obstacle.”).

34. Connolly, *supra* note 16, at 30-36.

plinary education in law practice.”³⁵ A review of those expositions, observations by other commentators, and lessons from conversations with faculty at several law schools collectively indicate that many of the issues are common and significant, but certainly not insurmountable, and might be better characterized as obstacles rather than barriers. They generally fall into six general categories: (1) discipline-specific student learning experiences; (2) interdisciplinary stereotypes based on faulty assumptions; (3) rigor and accreditation considerations; (4) logistical difficulties; (5) faculty egos and turf issues; and (6) insufficient institutional incentives. The following subparts discuss each of these categories, in terms of both general applicability to law school interdisciplinary efforts and law school-business school collaborations in particular.

1. Differing Student Learning Experiences

Since most law schools have an established first-year curriculum leaving little or no room for electives,³⁶ most interdisciplinary courses offered at law schools will enroll only second or third year law students. Moreover, even after the first year, certain structural requirements in a law school’s curriculum may funnel many students away from interdisciplinary courses. There may be several upper-level course requirements,³⁷ as well as pressures on students to take bar courses,³⁸ creating the threshold challenge of getting second and third year law students to enroll in interdisciplinary courses that they may find unfamiliar and perceive as likely to be unusually challenging.³⁹

Assuming that a significant number of law students will nonetheless see the value of learning from other disciplines and can work interdisciplinary courses into their schedules, one obvious challenge in designing a course in which law students participate

35. Weinstein, *supra* note 17, at 319, 357-61.

36. See Hannah R. Arterian, *Legal Education and the Tyrannical “Paradox of Choice: Why More Is Less,”* 38 U. TOL. L. REV. 495, 502 (2007); Melissa J. Marlow, *Blessed Are They Who Teach an Upper-Level Course, for They Shall Earn Higher Student Ratings,* 7 FLA. COASTAL L. REV. 553, 561 (2006).

37. At the UMKC Law School, for example, required courses after the first year include Business Organizations, Civil Procedure II, Criminal Procedure I, Evidence, Federal Taxation, and limited menu choices to fulfill advanced torts, UCC, and jurisprudence requirements. Univ. of Mo.-Kansas City Sch. of Law, Course Registration Information, <http://www1.law.umkc.edu/academic/summer2007/registration.htm> (last visited Oct. 11, 2007).

38. See Connolly, *supra* note 16, at 34-35 & nn.96-98.

39. See *id.* at 35.

with students from other disciplines is that the law students will naturally have much more experience dealing with the study of law than will the other students in the class.⁴⁰ Similarly, graduate students from other disciplines participating in interdisciplinary courses will typically have had substantially more schooling in their disciplines than the law students. This disparate, discipline-specific student background can cause students to worry that others in the class have an unfair advantage in certain areas.⁴¹ Among the faculty it may lead to a temptation, or even need, to teach only “the basics” of some subject matters, despite the fact that some of the students may find that approach annoying.⁴² Even if the course is interdisciplinary in content but has only law-student enrollment, the course instructors may have a tendency to address topics in a somewhat watered-down, simplistic, or survey fashion.⁴³ Thus, making sure the content is sufficiently rigorous but also balanced can, and should, be a significant issue in designing an interdisciplinary course. Professor Paula Berg has framed this issue quite well, observing that “teaching to the middle” in interdisciplinary courses “is generally precluded because there are two groups of students with completely different backgrounds and knowledge bases” and suggesting that “it is often necessary to alternate between teaching at an elementary level and teaching at a more sophisticated level.”⁴⁴

In this connection, the confining circumstance (i.e., that law students enrolling in interdisciplinary courses will have recently

40. See *id.* at 30-33 (citing Jacqueline L. Weaver, *Teaching Energy Policy: An Interdisciplinary Approach*, 30 J. LEGAL EDUC. 574, 579 (1980)); Harris & Rosenthal, *supra* note 18, at 132-33.

41. Cf. Berg, *supra* note 18, at 35 (“[I]t is crucial but extremely difficult to create an environment in which these [law and other] groups of students, coming from different backgrounds, professional cultures, and knowledge bases, are not mutually intimidated.”).

42. See, e.g., *id.* at 44-45 (addressing the difficulty in balancing “the expectations of novices, who desire an understanding of a discipline’s basic principles or methodology, and experts, who desire more complexity”); Connolly, *supra* note 16, at 32 (“In general, the level of instruction in an interdisciplinary class is often overly simplified for some of the class members, and is perhaps at the same time over the heads of other class members.”); Harry T. Edwards, *Reflections (On Law Review, Legal Education, Law Practice, and My Alma Mater)*, 100 MICH. L. REV. 1999, 2001-02 (2002) (stating that communications challenges among disciplines are causing overly superficial, general, and abstract efforts in interdisciplinary education involving law schools and other disciplines, and urging that more effort be made to “draw on substantive materials from other disciplines to *give content to* law and justice, which, of course, is the mission of legal education”).

43. See Connolly, *supra* note 16, at 32-33.

44. Berg, *supra* note 18, at 44-45.

been exposed to full immersion in the law) creates the need to temper the resulting tendency to elevate legal issues over all other issues that their clients may need to address.⁴⁵ Other relatively common characteristics of law students can be especially problematic in the context of interdisciplinary courses that mix them in with students and faculty from other disciplines as well. These include: the highly competitive nature of most law students; their general lack of experience working on team projects at the graduate level, which is in sharp contrast to MBA training at business schools; the law students' consequent skepticism about the fairness of receiving a team grade on such projects; and the law students' customary experience of having had many course grades based on only a final exam or final paper; and unfamiliarity with graduate-level courses with multiple written assignments to be submitted and graded throughout the semester. Professor Weinstein observes:

Competitiveness is the antithesis of teamwork. A team does not work effectively if its members are working against each other. Law students are constantly competing. Even in extracurricular activities such as moot court, the process is competition. Law schools have even extended this spirit to competitions in client counseling and negotiation. The competitiveness required in law school by the grading system and [the] competition for the best jobs continues in practice with competition for clients and billable hours. The legal system, which declares a winner and a loser in any conflict, affirms the perception that problem solving is a competitive sport.⁴⁶

In the context of the dramatically different levels of collaboration among students of law and business schools specifically, Professor Paul Brest has offered the following personal and perceptive observations in advocating more law school attention to collaborative learning:

Watching my son go through a J.D.-M.B.A. program made me aware of some comparative strengths and weaknesses of law and business schools. The analytic skills that every law school teaches from the first day would be very useful in business and nearly every other profession. At the same time, we could learn from business schools' emphasis on collaboration. From day one, MBA students are involved in collaborative projects. MBA students do almost everything in teams. While our students work

45. See, e.g., Weinstein, *supra* note 17, at 324; Gouvin, *supra* note 4, at 54.

46. Weinstein, *supra* note 17, at 343.

collaboratively on journals and in some clinical courses, they generally work in isolation. Collaboration is a skill that can be learned. Many of us do not come by it naturally. To teach it properly, one must be attentive to group process. One must work with the group dynamics when those dynamics do not work quite as well as they should.⁴⁷

Of course, not all law students are obsessed with competition and uncomfortable with teamwork, nor are students from other disciplines, certainly including graduate business students, devoid of competitive spirit and the desire for individual achievement. Yet, it does seem that law school makes competition something of an art form to be practiced in relative isolation,⁴⁸ at least outside of extra-curricular competitions in which there might be two or more students on a team, the limited role of "study groups" in preparation for what will be individually graded exams, and, as Professor Brest notes, in collaborations on law school publications and in some law school clinics.⁴⁹

My research on and personal experience with law school-business school collaborations have revealed that many of the foregoing propositions regarding student perspectives clearly apply in that context, along with some other considerations. For example, faculty interviewed about the impressive set of law-business courses at Vanderbilt University indicated that most of the courses had

47. Paul Brest, *The Alternative Dispute Resolution Grab Bag: Complementary Curriculum, Collaboration, and the Pervasive Method*, 50 FLA. L. REV. 753, 753-54 (1998); see also Clifford S. Zimmerman, "Thinking Beyond My Own Interpretation:" *Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 ARIZ. ST. L.J. 957 (1999) (examining the benefits of collaborations and describing techniques for both collaborative and cooperative learning through law student classroom collaborations in first-year writing and legal analysis assignments).

48. See Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879, 896 (1997). Professor Fines states:

As with American education generally, competitive learning is the norm within most law schools. So ingrained into our education system is the norm of competitive learning, that "most teachers misunderstand the very word *cooperation*; they use it to refer to obedience We have another word for genuine cooperative effort: it is *cheating*." Yet law schools are also powerful cultural agents themselves, amplifying these values as they distribute greater power and prestige to those who achieve the most under these competitive conditions.

Id. (quoting ALFIE KOHN, *NO CONTEST: THE CASE AGAINST COMPETITION* 26-27 (1992)); see also Weinstein, *supra* note 17, at 341 ("Legal training is a solitary learning experience, focusing on the individual efforts of the student. Legal educators pay little attention to the skills involved in working together. Even when we assign collaborative work, we rarely provide training for how this might be done effectively.").

49. Brest, *supra* note 47, at 753.

roughly equal numbers of students from the law and business schools. However, one course with a title expressly including the word law but without also including a familiar business discipline in the course title had, at least initially, significantly less enrollment by MBA students. This suggests that the graduate business students were fearful of being at a disadvantage in relation to the law students in what they misperceived as a law-only course. Similarly, law school and business school faculty at various institutions suggest that in instances in which an institution's law school is more highly ranked and known to be more selective in its admissions criteria than its business school, the MBA students may be intimidated by the law students and, therefore, reluctant to enroll in courses with them. Conversely, where the business school is highly ranked, and especially where its admission criteria emphasize substantial employment experience in business environments, the MBA students may feel that the law students are immature, or at least insufficiently familiar with the realities of the business world to meaningfully contribute to the interdisciplinary learning experience.⁵⁰

2. Interdisciplinary Stereotypes and Faulty Assumptions

Business school faculty members sometimes share the tendency of businesspersons to view lawyers as essentially obstructionists, and, in turn, pass that perception on to their students. This may, at least in part, account for the relatively low level of participation by law schools in interdisciplinary entrepreneurship programs. To some extent, this stereotype of lawyers is understandable. In a guest lecture to my law school Business Planning course, a professor of entrepreneurship and computer engineering explained that, as an experienced entrepreneur, he is "comfortable with ambiguity."⁵¹ Business lawyers are decidedly

50. *Id.* A related issue, pointed out to me by Praveen Kosuri, who studied as a JD and MBA student and now directs the University of Pennsylvania School of Law Entrepreneurship Legal Clinic, is that law students, as they enter law school, may be looking for a more philosophical (and often less "numbers oriented") educational experience, whereas many MBA students (in addition to being generally comfortable with numbers) are often taking a more pragmatic view, and are seeking the graduate degree to upgrade their current career paths. Telephone Interview with Praveen Kosuri, Dir., Univ. Pa. Sch. of Law & Entrepreneurship Legal Clinic, in Phila., Pa. (Nov. 28, 2007) (notes on file with author).

51. Walt Rychlewski, Guest Lecture to the Business Planning Class at University of Missouri-Kansas City School of Law (Oct. 5, 2005); cf. Jeffrey M. Lipshaw, *Why the Law of Entrepreneurship Barely Matters: Rules, Cognition, and the Antimonies of Transactional Practice* (2007), available at <http://ssrn.com/abstract=954400> (last visited Oct. 23,

disinclined to be at ease with ambiguity. Although they may be much more familiar with the notion of “gray areas” in the law than are nonlawyers,⁵² and their professors in law school doubtlessly worked hard to prepare them for the necessity of dealing with uncertainty, they are nevertheless understandably driven to make the contracts and other documents they draft as clear as possible, and are uncomfortable giving legal opinions on unsettled points of law. To them, ambiguity suggests the risk of being accused of malpractice. This general aversion to risk is ingrained in law students during their legal education, as they are constantly exposed to case law involving controversies directly tied to ambiguity of one sort or another. Thus, it is not surprising that business school faculty might fear that involvement of law faculty and law students with the education of MBA students will instill an exaggerated level of risk aversion in the business students.

Just as business school faculty may reflect a businessperson’s perception that lawyers are unduly conservative obstructionists, lawyers and law faculty may view businesspeople, and particularly entrepreneurs, as reckless risk-takers who are insufficiently concerned about compliance with the law. While the assumption that entrepreneurs are wild-eyed risk cravers is faulty,⁵³ the prevalence of that perception may push law faculty to view law school-business school collaborations in entrepreneurship education with some skepticism.

Generalizations about the relative risk appetites and levels of concern for compliance with laws by representatives of the law and business disciplines are not the only stereotypes that can pose obstacles to law school collaborations with business schools. Some cite different codes of ethics as a potential problem in interdisciplinary education,⁵⁴ as do opponents of multidisciplinary prac-

2007) (discussing the “inherent philosophical (and perhaps psychological) problems with the interaction of the lawyer and the entrepreneur”).

52. See Weinstein, *supra* note 17, at 330 (“[L]aw students soon learn that the law is not ‘black and white,’ as it may appear to be from the lay person’s point of view.”).

53. See William A. Sahlman, *How to Write a Great Business Plan*, HARV. BUS. REV. July-Aug. 1997, at 165-66 (“One of the greatest myths about entrepreneurs is that they are risk seekers. All sane people want to avoid risk. As Harvard Business School professor (and venture capitalist) Howard Stevenson says, true entrepreneurs want to capture all the reward and give all the risk to others.”).

54. See, e.g., Connolly, *supra* note 16, at 34 (listing “different ethical norms” as a barrier to interdisciplinary collaborations, arguing that “[p]rofessional ethics are discipline-specific” and that such differences should be addressed in an interdisciplinary class).

tice,⁵⁵ even though a rigorous exploration of the underpinnings of the ethical standards taught to law, business, and accounting students actually reveal significant common ground on core values and principles.⁵⁶ In addition, there may be misconceptions about what is actually being taught at the “other” school. For example, when I initially explored the possibility of a jointly-taught Business Planning class with the business school at my university, a business school faculty member expressed concerns based on her belief that the law is taught to MBA students much differently than law schools teach it to law students “to pass the bar exam.” She was apparently unaware of the low regard that the legal academy has for “teaching to the bar.” In fact, the ABA accreditation standards, by excluding optional bar preparation courses from the types of courses that can count toward the minimum requirements for graduation and flatly prohibiting mandatory bar preparation courses,⁵⁷ reflect the tradition and reality that legal education is much more than equipping law students to pass that one test, notwithstanding that the students might themselves like to see more bar exam-specific teaching.⁵⁸ At the same time, it may not be unusual for law faculty to assume that business school pedagogy is lecture-based teaching that lacks the depth of analysis engendered by use of the Socratic method, without actually knowing what level of interactive education is occurring in business school classrooms. Accordingly, one of the potential benefits of interdisciplinary collaborations is to correct misconceptions and make faculty and students from various

55. See, e.g., Lawrence J. Fox, *Dan's World: A Free Enterprise Dream; An Ethics Nightmare*, 55 BUS. LAW. 1533, 1534 (2000) (“[W]hat separates us from a world of auditors, investment bankers, and insurance salesmen is our commitment to a higher set of values that placing lawyers in alternative practice settings in which they were mere employees or even partners of others would destroy the bulwark that has been our profession's best defense against the compromise of these values.”).

56. See Daniel R. Fischel, *Multidisciplinary Practice*, 55 BUS. LAW. 951, 956 (2000) (“[T]he notion that lawyers are somehow more virtuous and public minded than others is an obviously self-serving characterization without empirical support.”); James W. Jones & Bayless Manning, *Getting at the Root of Core Values: A “Radical” Proposal to Extend the Model Rules to Changing Forms of Legal Practice*, 84 MINN. L. REV. 1159, 1203 (2000) (“Indeed, to suggest that lawyers are more prone to honesty and fair dealing than other professionals or even more interested in the maintenance of an effective justice system than other citizens smacks of professional hubris.”); see also AM. INST. OF CERTIFIED PUB. ACCOUNTANTS, CODE OF PROFESSIONAL CONDUCT §§ 100, 300 (2006), available at <http://www.aicpa.org/about/code/index.htm>.

57. See AM. BAR ASS'N, 2007-2008 STANDARDS FOR APPROVAL OF LAW SCHOOLS § 302, interpretation 302-7, at 21 [hereinafter ABA STANDARDS], available at <http://www.abanet.org/legaled/approvedlawschools/approved.html>.

58. See Connolly, *supra* note 16, at 34-35 & nn.96-98.

disciplines more aware of each discipline's teaching, learning, and problem-solving methodologies.

3. Skepticism as to Rigor: Accreditation Issues and Peer Perception

Most U.S. law schools maintain accreditation by the American Bar Association (ABA) and membership in the Association of American Law Schools (AALS).⁵⁹ Among the *ABA Standards for Approval of Law Schools* (ABA Standards)⁶⁰ and the AALS by-laws on membership requirements⁶¹ and associated regulations⁶² are a number of rules and guidelines that may affect the ability of law schools to engage in interdisciplinary collaborations with other academic units. These include ABA and AALS preferences for instruction by full-time law faculty;⁶³ ABA minimum requirements for instructional time counted toward the JD degree that must be comprised of instruction at "regular scheduled class sessions at the law school;"⁶⁴ and ABA restrictions on the type and

59. Information regarding ABA approval of law schools is available at Am. Bar Ass'n, ABA Approved Law Schools, <http://www.abanet.org/legaled/approvedlaw/schools/approved.html> (last visited Aug. 10, 2007) (showing 196 ABA-approved law schools at that time). Information regarding AALS and its associated law schools is available at Ass'n of Am. Law Schs., What Is the AALS?, <http://www.aals.org/about.php> (last visited Aug. 10, 2007) (showing 168 AALS-associated law schools at that time).

60. ABA STANDARDS, *supra* note 57.

61. ASS'N OF AM. LAW SCHS., BYLAWS AND EXECUTIVE COMMITTEE REGULATIONS PERTAINING TO THE REQUIREMENTS OF MEMBERSHIP (2005) [hereinafter AALS BYLAWS], available at http://www.aals.org/about_handbook_requirements.php.

62. ASS'N OF AM. LAW SCHS., EXECUTIVE COMMITTEE REGULATIONS OF THE ASSOCIATION OF AMERICAN LAW SCHOOLS (2005) [hereinafter AALS REGULATIONS], available at http://www.aals.org/about_handbook_regulations.php#6.

63. See ABA STANDARDS, *supra* note 57, § 403(a), at 32 ("The full-time faculty shall teach the major portion of the law school's curriculum, including substantially all of the first one-third of each student's coursework."); AALS BYLAWS, *supra* note 61, § 6-4(d) ("[E]ach student shall have the opportunity to obtain substantially all of his or her instruction leading to the Juris Doctor degree from the school's full-time faculty."); AALS REGULATIONS, *supra* note 62, § 6-4.1 ("A member school demonstrates compliance with Bylaw 6-4(d) if in each division of its program, the school's full-time faculty offer at least two-thirds of the credit hours or student contact hours leading to the JD degree.").

64. See ABA STANDARDS, *supra* note 57, § 304(b), at 22 (providing a general rule requiring a minimum of successful completion of 58,000 minutes of instruction time as a graduation requirement and stating: "At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school."); AALS BYLAWS, *supra* note 61, § 6-7(a) ("A member school shall maintain as its central academic feature a program of resident study and instruction leading to a Juris Doctor degree, the first professional degree.").

amount of distance learning that can be credited toward the JD degree.⁶⁵

Unfortunately, the ABA precepts on course content and curriculum simply do not expressly address jointly-taught courses in which faculty from both the law and another academic unit are regularly involved.⁶⁶ A formal “Interpretation” under ABA Standard 304, in discussing regularly scheduled courses taught “at the law school” (which receive preferred treatment in credit toward a key JD minutes requirement) and distinguishing them from courses “completed in another department, school or college of the university with which the law school is affiliated” (the latter excluded from that minutes requirement),⁶⁷ appear to take an all or nothing approach—i.e., a given course is either taught *at* the law school or *in* another academic unit. Consequently, a jointly-taught course could create uncertainties in determining if a law school is in compliance with the ABA standards. For example, can a course co-taught every year by a law professor and a business school professor be properly classified as a “regularly scheduled course at the law school?” Does the answer depend on whether the classroom in which that interdisciplinary course is taught is housed physically in the law school or in the business school?

One would hope for a resolution of these issues that promotes interdisciplinary collaborations, consistent with the following general themes in the ABA Standards. First, an ABA-approved law school must “provide an opportunity for its students to study in a diverse educational environment.”⁶⁸ Second, a law school that is part of a university must have a relationship with the university that “shall serve to enhance the law school’s program.”⁶⁹ Third, a law school that is not part of a university, or is in a university but is physically remote from the rest of the university, must “seek to provide its students and faculty with the benefits that usually result from a university connection, such as by enlarging its library collec-

65. See ABA STANDARDS, *supra* note 57, § 306, at 26-27 (limiting credit for approved “distance learning” courses to four credit hours in any term and a maximum of twelve credit hours toward the JD degree).

66. In fact, interdisciplinary initiatives are, in general, noticeably unrecognized in the ABA Standards. See Weinberg & Harding, *supra* note 18, at 17 n.7 (“Apropos of the challenges to integrating the goals and objectives of different disciplines, neither the ABA’s standards for accrediting law schools, nor the interpretations of those standards, make mention of interdisciplinary education.”).

67. ABA STANDARDS, *supra* note 57, § 304, interpretation 304-3, at 23-24.

68. *Id.* at 1.

69. *Id.* § 210(a), at 14.

tion to include materials generally found only in a university library and by developing working relationships with other educational institutions in the community.”⁷⁰ Fourth, the curriculum rules should call for substantial opportunities for instruction in “professional skills generally regarded as necessary for effective and responsible participation in the legal profession.”⁷¹ Last, and more specifically, law schools are encouraged to promote

- (1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one’s ability to assess his or her performance and level of competence;
- (2) student participation in pro bono activities; and
- (3) small group work through seminars, directed research, small classes, or collaborative work.⁷²

Treating such ABA Standards as implicit support for the propriety of jointly-taught interdisciplinary courses with at least one law faculty member participating in the instruction is reasonable in view of the nature of the modern practice of law and the legal academy’s acknowledgment of the importance of interdisciplinary education. It is also consistent with AALS regulations on its membership requirements, which expressly state that “member schools are encouraged to offer instruction that develops jurisprudential, transnational, multicultural, and interdisciplinary perspectives on law, lawmaking, and legal practice.”⁷³ With regard to law school-business school collaborations, permitting and encouraging jointly-taught courses that can be applied by the law and business students toward their respective degrees (even if they are not joint degree JD/MBA candidates) would also comport well with important themes in the standards applied by the Association to Advance

70. *Id.* § 209, at 14.

71. *Id.* § 302(a)(4), at 20; *cf.* AALS BYLAWS, *supra* note 61, § 6-7(a) (“The school shall have a program of appropriate duration and rigor to assure its graduates have a comprehensive understanding of legal institutions and an appreciation for the role of law and lawyers in society, and that they are academically qualified to participate effectively and responsibly in the legal profession.”).

72. ABA STANDARDS, *supra* note 57, § 302(b), at 20; *cf.* AALS BYLAWS, *supra* note 61, § 6-7(c) (“A member school shall provide varying methods of instruction related to its curricular objectives. These methods shall include significant opportunities for instruction on an individual or small-group basis and for instruction regarding professional skills.”).

73. AALS REGULATIONS, *supra* note 62, § 6-7.9(a).

Collegiate Schools of Business, the body from which most U.S. business schools seek accreditation.⁷⁴

Even assuming applicable accreditation rules and guidelines are interpreted (or, preferably, updated and modified) to more clearly promote interdisciplinary initiatives, there is the distinct possibility that faculty colleagues may view this type of teaching and scholarship as a questionable break from tradition and a threat to the rigorous examination of legal doctrine that remains essential in legal education. Recognizing the need to overcome this obstacle in order to implement innovative interdisciplinary initiatives is consistent with observations in a book on the education of lawyers published in 2007 by the Carnegie Foundation for the Advancement of Teaching, which, in the course of exploring a variety of pedagogical possibilities to improve the preparation of law students to be effective lawyers, warns against “narrow perspective” as an “obstacle to change.”⁷⁵

Judge, teacher, and legal scholar, Harry Edwards, while acknowledging the value of “law and” movements in law schools, opined in the midst of the rise of many such interdisciplinary forays, that “because many of the adherents of these movements have a low regard for the practice of law, their emergence in legal education has produced profound and untoward side effects” and bred “‘impractical’ scholars.”⁷⁶ He added that “[t]he proponents of the various ‘law and’ movements generally disdain doctrinal analy-

74. See ASS'N TO ADVANCE COLLEGIATE SCHS. OF BUS., ELIGIBILITY PROCEDURE ACCREDITATION STANDARDS FOR BUSINESS ACCREDITATION 3 n.2, available at http://www.aacsb.edu/accreditation/process/documents/AACSB_STANDARDS_Revised_Jan07.pdf (last visited Oct. 30, 2007) (acknowledging the possibility of “interdisciplinary, integrated courses” as “extensions of the ‘traditional business subjects’”); *id.* § 2, at 16 (“Learning at the master’s level is developed in a more integrative, interdisciplinary fashion than undergraduate education.”); *id.* § 2, at 24 (“Many of the major issues that are the subject of faculty inquiry and subsequent intellectual contributions require cross-disciplinary approaches and perspectives.”); *id.* § 3, at 64 (“University expertise outside of the business school can also be a valuable resource. Faculty in language and area studies, communications, social sciences, law, information technology, and other disciplines can share information about the latest research of their disciplines, how it is best taught, and how business graduates may utilize it.”).

75. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 89-91 (2007) (discussing difficulties in bringing “practical apprenticeships” into the law school curriculum, “clinical education’s questionable legitimacy” and, in general, a resistance to change that might be attributed to the rather uniform training of many law school faculty members and consequent narrowness in the “culture of legal education”).

76. Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 35-36 (1992).

sis.”⁷⁷ As did Judge Richard Posner before him, Judge Edwards essentially cautioned that interdisciplinary course electives and interdisciplinary scholarship must be rigorous—not just law faculty dabbling in areas of interest to them—and must not displace opportunities for core doctrinal learning and the development of critical practice skills that every lawyer should possess.⁷⁸ Viewed in that light, skepticism from members of the legal academy as to the worthiness of interdisciplinary courses and clinics need not be seen as a roadblock to the development of such initiatives. Rather, it should be recognized as an appropriate challenge to make sure that the content and teaching of such programs is demonstrably adding value by training the students who enroll in them to function as effective lawyers when they practice, as they unavoidably will, in the midst of other disciplines. As discussed in Part II below, the truly interdisciplinary law school-business school collaborations I have found to date share the common bond of being intensely practical and demonstrably designed to produce lawyers trained to be knowledgeable in the law *and* effective team players when working with nonlawyer clients and their advisors from other professions.

4. Scheduling and Other Logistical Difficulties

A more mundane but nevertheless real challenge is that at some institutions’ law school academic semesters, trimesters, or quarters may not be an exact match with academic intervals at the institution’s business school. For example, semesters may start later or end later at one school than at the other.⁷⁹ In addition, business

77. *Id.*

78. *Id.* at 36-41 (citing Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 YALE L.J. 1113, 1117-19 (1981); Posner, *supra* note 18, at 777). Edwards also cites to a later work of Posner in support of the notion that there is a place in the legal academy for more than strictly legal doctrine when approached from a “practical” perspective. *Id.* at 37 n.6 (citing RICHARD A. POSNER, *THE PROBLEMS OF JURISPRUDENCE* 468-69 (1990)); see also Frank H. Easterbrook, *Cyberspace and the Law of the Horse*, 1996 U. CHI. LEGAL F. 207, 207 (asserting that there is “risk of multidisciplinary diletantism” in what some might call the study of “law and cyberspace” or “cyberlaw”); Smith & Ibrahim, *supra* note 14, at 3-17 (discussing Judge Easterbrook’s approach to the “organization of law” and then positing several reasons why the study of law and entrepreneurship can be rigorous and worthwhile, and may differ in important respects from other “law and” fields, in that it can and should include study of “the influence of law on entrepreneurial behavior”).

79. At UMKC, for example, the law school winter semester has for the last several years started and ended a week earlier than the Business School’s winter/spring semester. In 2007, there was the additional complication of a two-week spring break for the Law School (as we were experimenting with some one-week “mini-term” courses during that period) whereas the Business School had a one-week break. Telephone

school MBA programs, and especially Executive MBA programs,⁸⁰ may rely more heavily than law schools do on courses taught at night to accommodate the work schedules of degree candidates who are regularly employed for weekly hours exceeding the twenty-hour limit that the ABA accreditation standards apply to JD candidates.⁸¹ Even daytime classes may be scheduled at significantly different times at the two schools. All of these circumstances can complicate the scheduling of jointly-taught courses in a manner that avoids undue conflicts and disruption for the students and faculty.⁸² Further complications can arise if the law school and business school attempting the collaboration are not in close geographical proximity on the campus.⁸³ These logistical issues can be irksome and require some extra effort on the part of faculty and students, but are certainly not insurmountable.

5. Faculty Egos and Related Turf Issues

Faculty members in units considering interdisciplinary courses may have well-developed and long-standing teaching styles, syllabus formats, reading material preferences, grading rubrics, and other individualized elements of their pedagogy. They enjoy academic freedom and may resent intrusions on that freedom. If the goal is to create a truly interdisciplinary, jointly-taught course, melding the teaching techniques of the faculty members involved can be a challenge. The difficulty inherent in this blending process is exacerbated if the faculty members let their egos get the better of them and get mired in turf protection issues. For example, at the 2005 USASBE annual conference, I advocated in a presentation for more law school involvement in courses with business schools, a business school faculty member chastised me for, in his view, suggesting that law was not taught, or was not taught well, to MBA

interviews with faculty at other law schools indicate that interunit scheduling differences are a fairly common problem.

80. For example, at UMKC most MBA courses and virtually all Executive MBA courses are taught at night, and at the Helzberg School of Management at nearby Rockhurst University in Kansas City, Executive MBA courses are taught on Saturdays.

81. ABA STANDARDS, *supra* note 57, § 304(f), at 23 (“A student may not be employed more than 20 hours per week in any week in which the student is enrolled in more than twelve class hours.”).

82. *Cf.* Connolly, *supra* note 16, at 36 (noting that “organizational issues can be enormous” and citing different class schedules and academic years as among the factors to be “taken into account when planning to integrate non-law students into an interdisciplinary law class”).

83. *See* Berg, *supra* note 18, at 35 & n.6 (citing sources on the physical “isolation” of law schools at many universities).

students by faculty at business schools.⁸⁴ My intention was merely to recommend jointly-taught courses as a vehicle for faculty and students from both schools to better appreciate each other's training, and to witness first hand and participate in multidisciplinary problem-solving experiences. However, the reaction of the audience member served as a warning that achieving mutual respect among the faculty designing an interdisciplinary course, and a consequent understanding that there is no intent to step on anyone's toes, can present an initial hurdle.

6. Insufficient Institutional Incentives

A common theme in observations by faculty at various institutions who have endeavored to implement campus-wide interdisciplinary programs is that, to be successful, their efforts must be championed by the deans of each academic unit involved and by powers high in the university's administration.⁸⁵ Among other things, interdisciplinary courses may start as experimental projects taught as overloads by faculty members willing to do so. This avoids the coverage problems that might result if they substituted a jointly-taught course for one of their existing regularly taught courses. Financial incentives to do this extra work are in order, and the deans may have to work with central administration to obtain additional funding to offer reasonable compensation for these experiments. Depending on the financial circumstances of the institution, such compensation may be hard to obtain, as the nature of many interdisciplinary courses may limit the manageable class size and thus the resulting tuition revenue.⁸⁶

Another concern stems from the aforementioned danger that interdisciplinary courses may skim the surface of the subject matter due to the disparate backgrounds of the students from the various disciplines represented.⁸⁷ If such courses are viewed as less rigorous than other graduate-level courses within each of the separate

84. Anthony J. Luppino, Remarks at the USASBE National Conference (Jan. 2005) (notes on file with author).

85. This observation was shared by several of my colleagues in the KEFS Program and has been confirmed in telephone interviews with faculty at various law schools (notes on file with author).

86. See Connolly, *supra* note 16, at 36 (noting the substantial time commitment involved in designing and implementing interdisciplinary courses, and the potential need to limit enrollment in general and for their "optimum operation" if problem-based classes and observing that, "[a]s a result, such classes are more costly than most traditional law school courses").

87. See *supra* notes 42-44 and accompanying text.

disciplines, the faculty teaching the interdisciplinary courses may be viewed as doing lower-quality work than their respective peers.⁸⁸ It is thus critical that deans, provosts, and chancellors acknowledge that interdisciplinary collaborations, if pursued thoughtfully, can provide a fruitful educational experience for the participants and should be valued commensurately, not just in terms of compensation, but also in promotion decisions, institutional teaching awards, and indirect support. A lack of these institutional incentives and high-level support can inhibit the exploration and implementation of cross-unit collaborations. One might reasonably ask if organizing and sustaining law school involvement in interdisciplinary courses is worth the trouble of working through these and other obstacles that might exist at a given institution. Professor Connolly has effectively reflected and summarized the sentiments of many law school faculty who have concluded that the effort is justified and urged legal educators to fight through such issues:

Despite some difficulties, interdisciplinary classes offer significant benefits to both instructors and students. . . . [T]hese benefits include: necessary analytical skills; necessary practical skills; teamwork training; future marketability; recognition of the increasing client desire for one-stop shopping; understanding of the important roles of non-lawyer actors; knowledge of the limitations of legal training; and adding fun to the classroom.⁸⁹

In recent years, several U.S. law schools have recognized that these types of potential benefits in interdisciplinary collaborations, which have been sought in other “law and” contexts,⁹⁰ are also obtainable in the specific area of law school-business school interdisciplinary interaction. The following Part discusses examples of law school-business school collaborations in law and business, and law and entrepreneurship education.

II. EXAMPLES OF SUCCESSFUL LAW SCHOOL-BUSINESS SCHOOL COLLABORATIONS

Over seventy-five percent of ABA-accredited law schools offer a JD/MBA joint degree program.⁹¹ Several law schools have

88. See *supra* notes 42-44, 75-78 and accompanying text.

89. Connolly, *supra* note 16, at 36.

90. See, e.g., *id.* at 49 (environmental advocacy); Weinberg & Harding, *supra* note 18 (social work); Weinstein, *supra* note 17, at 354 (child abuse and neglect).

91. See Crane, *supra* note 18, at 77 & n.213 (reporting in 1999 that 137 out of 182 (i.e., approximately 75.2%) of the then-ABA-approved law schools “offer[ed] the J.D./M.B.A. option” (citing EDWARD M. STERN & GERALD L. WILSON, THE NAPLA/SAPL

adopted some form of cohesive law-business or law-entrepreneurship center, program, concentration, or emphasis, typically blending substantive law coursework with practical skills training.⁹² In addition, and despite the perception by some critics that law school clinics are focused on other social issues to the exclusion of providing assistance to entrepreneurs in need of legal advice,⁹³ approximately twenty-five percent of the ABA-approved law schools have established a small business or community development clinic, or both, offering practical training on transactional work to would-be business lawyers. While several of these have been in existence for many years, the overall number of such clinics has recently been

BOOK OF LAW SCHOOL LISTS 14-17 (1999-2000 ed. 1999))). A 2002 report by the Curriculum Committee of the ABA's Section on Legal Education and Admission to the Bar similarly reported that 85% of the then-ABA-approved law schools offered joint degrees, and 97% of that 85% (i.e., approximately 82% of the total ABA-approved law schools) offered the MBA with the law degree. CURRICULUM COMM. OF THE AM. BAR ASS'N SECTION ON LEGAL EDUC. & ADMISSION TO THE BAR, EXECUTIVE SUMMARY 2 (2002), available at <http://www.abanet.org/legaled/publications/curriculumsurvey/executivesummary.pdf>.

92. See, e.g., Boston Univ. Sch. of Law, Business Organizations and Finance, <http://www.bu.edu/law/central/jd/programs/concentrations/finance/> (last visited Aug. 10, 2007) (describing the Business Organizations and Finance Law concentration at Boston University School of Law); Case W. Reserve Univ. Sch. of Law, Concentrations, <http://www.law.cwru.edu/concentrations/#business> (last visited Aug. 12, 2007) (describing the Business Organizations Concentration at Case Western School of Law); N.Y. Univ. Sch. of Law and Leonard N. Stern Sch. of Business, NYU Pollack Center for Law & Business, http://w4.stern.nyu.edu/clb/about.cfm?doc_id=1134 (last visited Aug. 10, 2007); Pepperdine Univ. Sch. of Law, Geoffrey H. Palmer Center for Entrepreneurship & the Law, <http://law.pepperdine.edu/palmer/> (last visited Sept. 22, 2007); Syracuse Univ. Coll. of Law, Center for Law and Enterprise, <http://www.law.syr.edu/academics/centers/clbe/index.asp> (last visited Aug. 12, 2007); Univ. of Iowa Coll. of Law, Innovation, Business and Law Program, <http://www.law.uiowa.edu/academics/innovation.php> (last visited Aug. 10, 2007); Univ. of Minn. Sch. of Law, Institutes and Programs, <http://www.law.umn.edu/centers/index.html#138> (last visited Aug. 12, 2007) (describing the Kommerstad Center for Business Law and Entrepreneurship at the University of Minnesota); Univ. of Or. Sch. of Law, Business Law at Oregon, <http://www.law.uoregon.edu/org/biz/> (last visited Aug. 19, 2007) (describing Business Law programs, including, among other things, the Center for Law and Entrepreneurship); Univ. of Tenn. Coll. of Law, James L. Clayton Center for Entrepreneurial Law, <http://www.law.utk.edu/centers/entrep/centersclaytonb1.htm> (last visited Aug. 12, 2007); Univ. of Tulsa Coll. of Law, Entrepreneurial Law Certificate Program, <http://www.law.utulsa.edu/academics/entrep> (last visited Aug. 10, 2007); Washburn Univ. Sch. of Law, Business and Transactional Law Center, <http://washburnlaw.edu/centers/transactional> (last visited Aug. 12, 2007); see also *infra* notes 152-161 and accompanying text (describing the Entrepreneurial Lawyering Program at UMKC).

93. See, e.g., Heather MacDonald, *Clinical, Cynical*, WALL ST. J., Jan. 11, 2006, at A14, available at 2006 WLNR 606333 (Westlaw) ("Today's clinical landscape is a perfect place to evaluate what happens when lawyers decide that they are chosen to save society. . . . Ask why more clinics don't represent small-business men and you'll hear: We are 'people's lawyers,' representing clients who cannot afford attorneys.").

rising quite rapidly.⁹⁴ Still, while it is common for law schools to offer courses designed to educate law students on business and entrepreneurship topics, it appears that only a relatively small but growing number have worked through the obstacles described above and taken steps to significantly collaborate with business schools at or near their universities to promote truly integrated interdisciplinary initiatives that involve teamwork by law and business faculty and students. This Part will describe some of those successes in both the clinical setting and with respect to regular classroom course curricula.

A. *Clinical Law-Business Programs*

Not only have law school clinical faculty played a key role in advocating interdisciplinary elements in the training of transactional lawyers,⁹⁵ they have also consistently practiced what they preach, and preached what they practice, by providing law students with hands-on opportunities to interact with clients trained in other disciplines, and with their clients' accountants and other advisors. Transactional and small business clinics at U.S. law schools are clear examples of practical, interdisciplinary education of law students because they stress the importance of understanding the client's business goals and needs and, in turn, educating the client on legal issues.⁹⁶ This network of clinics is demonstrably entrepreneurial. In addition to participating in an annual conference to share ideas, representatives of the many law schools operating these clinics ask each other questions, seek suggestions, and share pedagogical innovations and other helpful information through a listserv styled

94. See *infra* app. A (listing forty-eight small business and community development transactional clinics). The list was prepared by the author with the assistance of lists previously circulated over the LAWBUS listserv by Thomas Morsch of the Northwestern University School of Law Small Business Opportunity Center and Zach Shulman of the BR Legal Clinic operating at Cornell University's Johnson School of Management. See Jones, *Small Business*, *supra* note 4, at 205 n.44 (naming approximately twenty small business clinics at U.S. law schools); Gouvin, *supra* note 4, at 53 (reporting that in 2004 there were approximately twenty small business clinics and that most of them had been formed within the previous ten years).

95. See *supra* note 20.

96. See Jones, *Small Business*, *supra* note 4, at 225 ("Collaborative lawyering includes interdisciplinary efforts, values diversity, and recognizes client education to promote self-sufficiency and reduce reliance on lawyers"); Gouvin, *supra* note 4, at 54 ("Most clinical programs are premised on the idea that business lawyers must not only master the legal knowledge and analysis necessary for competent performance, but they must also understand the needs of their clients, the underlying business, and entrepreneurship in general.").

“LAWBUS” founded and maintained by Thomas Morsch, Professor of Clinical Law and Director of the Small Business Opportunity Center at the Northwestern University School of Law.⁹⁷ Professor Morsch, who, incidentally, *is* a regular attendee of the USASBE annual conference, explains: “Before we turn our students loose on the public, we ought to give them some hands-on experience. . . . When you have a client in front of you, when it’s real, it all just makes sense. It’s so much better than just reading about it.”⁹⁸ This reasoning is echoed in the recent Carnegie Foundation study, mentioned above, which acknowledges the importance of “[l]earning from the [w]isdom of [p]ractice,”⁹⁹ and argues:

The practice of law is, ultimately, a matter of engaged expertise. Like the experienced physician, the legal professional must move between the detached stance of theoretical reasoning and a highly contextual understanding of client, case, and situation. The habit of moving back and forth between these two different modes of cognition is learned primarily through experience, especially the intimate relationships of apprenticeship, but similarly expert teaching can greatly expedite students’ progress.¹⁰⁰

Given their prominent role in promoting apprenticeship-like training in law schools and familiarity with the need for lawyers to work with other professionals in interdisciplinary teams as part of the “wisdom of practice,” it is not surprising that faculty teaching in transactional clinics at law schools would seek to develop collaborations with business schools at the same institution or at a nearby institution.¹⁰¹ To date, however, and despite the rapid growth over the past few years in the number of law school transactional clinics, structured interdisciplinary collaborations between such law school clinics and business school faculty and students remain relatively rare. While many clinics report some interaction with nearby business schools on isolated matters such as accounting issues and guest

97. See Nw. Univ. Sch. of Law, Small Bus. Opportunity Ctr., Information for Educators, <http://www.law.northwestern.edu/small-business/about/info-educators.html> (last visited Feb. 2, 2007) (describing how to access the listserv).

98. Mateo, *supra* note 4, at 57-58 (quoting Tomas Morsch, Professor of Clinical Law at Northwestern University School of Law).

99. SULLIVAN ET AL., *supra* note 75, at 115-16.

100. *Id.* at 115; see also ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 141 (2007) (“Legal education would be more effective if law teachers used context-based education throughout the curriculum.”).

101. Cf. Gouvin, *supra* note 4, at 54 (positing that some law school-business school joint ventures in clinical education were formed to “overcome the cultural divide between business professionals and legal advisors”).

lectures from business school faculty, regular, formalized collaborations are far from the norm.¹⁰² This circumstance is doubtlessly attributable, in part, to the types of obstacles described in Part I. In addition, two other complications appear to be at work. First, many of the transactional clinics are primarily committed to providing legal services to clients who could not otherwise afford legal counsel.¹⁰³ Business schools, on the other hand, are much more accustomed to placing their MBA students in internships with established, well-funded companies.¹⁰⁴ The second special consideration is the unfortunate circumstance that a two-tiered professional structure may make it difficult for “clinical” faculty at a law school to get the attention and support of the tenured “regular” faculty at the law and business schools who might be in a position to help design and implement formal collaborations.

There are, nevertheless, several notable examples of formal collaborations between business schools and law school transactional clinics, creating hope that more of these interdisciplinary partnerships will emerge. The Lewis & Clark Law School, for example, offers an interdisciplinary and interinstitutional Clinical Internship Seminar: Business Advising-Center for Technology, Entrepreneurship, and Law in conjunction with the Portland State University School of Business Administration.¹⁰⁵ The curriculum involves weekly seminars concentrating on “issues pertinent to both the law and emerging technology businesses” and it is attended by twelve law students and twelve MBA students. The seminar is jointly-taught by law school and business school faculty, along with guest speakers from the legal and business communities. It also involves clinical work by small teams of law and MBA students, with

102. Postings to LAWBUS listserv, LAWBUS@listserv.it.northwestern.edu (various dates) (on file with author).

103. This author’s observations indicate that many clinics, though not necessarily following strict low-income guidelines, seek to provide their assistance primarily to clients they conclude could not reasonably afford to pay for the needed legal advice. See Thomas H. Morsch, *Discovering Transactional Pro Bono*, 72 UMKC L. REV. 423, 430-31 (2003) (discussing the focus of law school transactional clinics on mostly clients who “could not otherwise afford a lawyer”).

104. Cf. Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 279 (“Business school consulting practicum and small business management courses in which students assist local businesses in specific areas of concern generally do not work with start-up companies; they prefer enterprises that have existed for three to five years. Some of the most needy businesses and groups . . . have not had the requisite incubation time.”).

105. See Business Advising course description at Lewis & Clark Univ., CIS Business Advising, <http://www.lclark.edu/dept/lawreg/law752.html> (last visited July 13, 2007).

the legal work supervised by licensed attorneys.¹⁰⁶ Like many other transactional clinics cited herein, the training and clinical work in the course expose law students to issues in “negotiation, use of legal counsel, business and legal ethics, intellectual property, firm governance, raising capital and exit strategies, . . . the anatomy of business/legal transactions,” and skills development in drafting legal strategy memoranda, entity formation documents and other contracts, and written materials.¹⁰⁷

Technology ventures also comprise the basis for the law and business schools working together in a clinical setting in the “Lab to Market” offerings at the University of Baltimore, where the two schools offer an entrepreneurship course “in which law, business, and liberal arts students collaborate in developing and implementing business plans for the private commercialization of technology developed in federal laboratories.”¹⁰⁸ This includes an “Opportunity Analysis” in which graduate students evaluate technology and the law students “provide[] legal support” and work with business and other students “in developing technology transfer business plans on a team basis.”¹⁰⁹ In a similar vein, the University of Oregon Law School’s “Technology Entrepreneurship Program,” was formed as “a collaborative effort between the UO business and law schools. [T]he UO Office of Technology Transfer and Pacific Northwest National Laboratories of Richland, Washington,” is a laboratory-like arrangement in which “[b]usiness and law students interested in technology and entrepreneurship evaluate, develop, and launch hi-tech start-up businesses.”¹¹⁰

The opportunities for law school-business school synergies captured by the clinical collaborations of Lewis & Clark/Portland State University, the University of Baltimore, and the University of Oregon are also present in community economic development programs reaching a wide variety of small business start-ups, many of which are not necessarily “high-tech” ventures. Examples include programs developed by two of the strongest advocates of using transactional clinics as a means of fostering community develop-

106. *Id.*

107. *Id.*

108. See Univ. of Baltimore Sch. of Law, Lab to Market, <http://law.ubalt.edu/template.cfm?page=356> (last visited Aug. 10, 2007).

109. See Univ. of Baltimore Sch. of Law, Opportunity Analysis, <http://law.ubalt.edu/courses/opportunity.html> (last visited Aug. 19, 2007).

110. See Univ. of Or., Business and Law at Oregon, <http://www.law.uoregon.edu/org/biz/tep.php> (last visited Aug. 19, 2007).

ment and simultaneously providing students with exceptional hands on interdisciplinary learning experiences—Professor of Clinical Law Susan Jones at the George Washington University School of Law and Associate Dean and Professor of Law Eric Gouvin at the Western New England College School of Law. They have each published instructive descriptions of these endeavors.¹¹¹

In her article entitled *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, Professor Jones, using specific projects as examples, recounts the evolution of collaborations between the George Washington University Law School's Small Business Clinic and the University's School of Business and Public Management.¹¹² She explains how her interactions with business school faculty, teamwork between law and business students and, in some cases, engineering school faculty and students, and a combination of some joint instructional sessions with assignments of separate tasks capitalizing on the unique expertise of each participant, provided clients of the Small Business Clinic with crucial business planning and legal advice.¹¹³ She also notes that the pre-existing transactional clinic at the law school provided a useful platform for this collaboration.¹¹⁴

Dean Gouvin has similarly reported on the formation of the Western New England College Law and Business Center for Advancing Entrepreneurship.¹¹⁵ The Center, as in the case of similar centers providing assistance to budding entrepreneurs throughout the country,¹¹⁶ was established to address the "need for accessible and affordable business and legal advice."¹¹⁷ Dean Gouvin reports that the initial involvement of his institution was through the law school's Small Business Clinic.¹¹⁸ After the first offering of the

111. See Gouvin, *supra* note 27; Jones, *Promoting Social and Economic Justice*, *supra* note 4.

112. Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 270-84.

113. *Id.*

114. *Id.* at 271 ("While each of the lead faculty had some experience with 'live' cases or client-based course projects, only the law school had a well-developed tradition of clinical practice.").

115. See Gouvin, *supra* note 27, at 3.

116. See, e.g., Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 260-61 (describing a variety of small business and economic development assistance programs that may have contributed to the "advent of small business clinic programs"); *infra* text accompanying notes 157-158 (describing the entrepreneurship help center where the UMKC Entrepreneurial Legal Clinic is housed and the "KCSourceLink" network is a part of).

117. Gouvin, *supra* note 27, at 3.

118. *Id.*

class in the spring of 2003, “it became clear that the clients had business problems that were at least as important as the legal problems they faced,” prompting him to collaborate with two professors from the School of Business, a professor of marketing and another professional educator. Beginning in the spring of 2004, the Small Business Clinic was co-listed in both the law school and the business school.¹¹⁹ From that point on, the Western New England College program has “put together teams of J.D. students and M.B.A. students to help address the needs of [its] clients.”¹²⁰

The campus-based clinical collaboration at Indiana University also reflects the benefits of law school-business school interaction—in this instance as the result of pressure from JD/MBA students seeking hands-on experience assisting small businesses.¹²¹ The Entrepreneurship Law Clinic at Indiana, cosponsored by the business and law schools on the Bloomington Campus, and maintaining offices at the law school and at the business school’s Johnson Center for Entrepreneurship & Innovation, utilizes resources from programs at both the law and business schools, as well as connections with a local business incubator, to provide third-year law students and “primarily fourth-year JD/MBA candidates” with experience working with “start up high-growth potential ventures” under the supervision of a lawyer and a businessperson.¹²²

Another variation of involvement of law students with business school initiatives in entrepreneurship is in place at Cornell University, through the BR Legal program.¹²³ In this instance, “Cornell law students work under the direct supervision of attorneys experienced in the relevant fields of law that a start-up company may encounter” and that those supervising attorneys are supplied by law firms providing this assistance to program clients, and mentoring to the law students, on a pro bono basis.¹²⁴ This type of involvement of private law firms in small business assistance is consistent with a relatively recent expansion of efforts to provide transactional law-

119. *Id.*

120. *Id.*

121. *See* Ind. Univ., Elmore Entrepreneurship Law Clinic, <http://www.law.indiana.edu/curriculum/programs/clinics/entrepreneurship.shtml> (last visited Aug. 12, 2007).

122. *Id.*

123. *See* Cornell Univ., Johnson Sch., BR Legal, <http://www.johnson.cornell.edu/brl/aboutus.html> (last visited Aug. 19, 2007).

124. *Id.*

yers with avenues for pro bono work within their areas of expertise.¹²⁵

An additional illustrative example of interdisciplinary collaboration in a clinical setting is the extremely innovative Intellectual Property and Business Formation Clinic at Washington University in St. Louis.¹²⁶ The formation of this unique clinical initiative, fueled by financial support from the Kauffman Foundation, both with respect to the clinical and campus-wide interdisciplinary education in entrepreneurship, is well chronicled in an article by its principal founder and director, Washington University Law School Professor Charles McManis.¹²⁷ Law students involved in the clinic, which has a particular emphasis on biodiversity and agricultural-biotechnology innovation,¹²⁸ are provided with opportunities to learn in team settings involving collaborations with the university's Schools of Business, Medicine, and Social Work, Department of Biomedical Engineering, and College of Arts and Sciences, as well as attorneys, incubators, and research organizations in the St. Louis area.¹²⁹ It also associated with the university's Center for Research on Innovation and Entrepreneurship,¹³⁰ "a university-wide research center, housed at the law school,"¹³¹ and, as explained by Professor McManis, was designed to provide value both as a professional service and "as a research tool to determine the effect of early-stage access to affordable legal services on the innovative process."¹³²

125. See Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 290-98. In this vein, the Lewis & Clark Law School clinic has not only brought in lawyers from private practice to assist entrepreneurs in need of legal services, but also in-house counsel from at least one major company (and perhaps soon to be more) who were seeking opportunities to do pro bono transactional work. Telephone Interview with Lisa LeSage, Assoc. Dean, Bus. Law Program, Dir., Small Bus. Law Clinic, Lewis & Clark Law Sch., in Portland, Or. (Nov. 15, 2007) (notes on file with author); see also Morsch, *supra* note 103, at 427-29 (describing the desire and some strategies of members of "corporate legal departments" to find outlets for pro bono service on transactional matters).

126. See Wash. Univ. Law, Intellectual Property and Business Formation Legal Clinic, <http://law.wustl.edu/IPTech/> (last visited Aug. 25, 2007) [hereinafter Wash. Univ. Law, Intellectual Property].

127. See Charles R. McManis, *Conclusion: Answering the Call: The Intellectual Property and Business Legal Clinic at Washington University*, 17 WASH. U. J.L. & POL'Y 225, 230 (2005).

128. *Id.* at 225-26.

129. See Wash. Univ. Law, Intellectual Property, *supra* note 126.

130. *Id.*

131. McManis, *supra* note 127, at 230.

132. *Id.* at 231. There are two other programs of note with regard to the innovation and technology commercialization process in particular, both with a clinical or internship nature, but with classroom components as well. The first is the Technology

Such law school-business school collaborations in clinical settings appear to have succeeded in large part because a few key individuals took initiative, identified interesting and worthy projects, and exercised both common sense and cooperation with apparently minimal administrative complications. Professor Jones has described this recipe well in explaining that “[t]he success of the GW collaboration stems from committed faculty, syzygy, a compelling client/case study, and limited administrative involvement in the integration of the courses.”¹³³ An additional factor supporting the implementation and apparent success of many of these clinical programs is their close relationship with a local business incubator, creating sufficiently interesting real-world opportunities to overcome the logistical disruption of students having to arrange transportation to off-campus locations.

B. *Regular Classroom Initiatives*

In the regular classroom setting, faculty with a desire to do so can bring learning opportunities involving multiple disciplines into the curriculum in various ways.¹³⁴ From a law school perspective, these can include, with regard to the intersection of law and busi-

Ventures Clinic at Arizona State University's Sandra Day O'Connor College of Law, through which supervised law students assist with the university's technology transfer, in a program also involving a mixture of graduate and undergraduate business, engineering, and liberal arts students. Sandra Day O'Connor Coll. of Law, Technology Ventures Clinic, <http://www.law.asu.edu/?id=212> (last visited Nov. 21, 2007). The second is the impressive Technological Innovation: Generating Economic Results or TI:GER program at the Emory University School of Law, in which selected law students are involved in “a collaboration between the Emory University School of Law and various Georgia Institute of Technology colleges that unites law, economics, management, and science and engineering graduate students in a classroom and research environment to consider the multi-disciplinary process of innovation and taking inventions from the lab to the marketplace” in a program that “combines classroom instruction, team-based activities, internships, and networking opportunities into a total educational experience.” Emory Law School: TI:GER, <http://www.law.emory.edu/programs-centers-clinics/tiger.html> (last visited Nov. 21, 2007).

133. Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 310-11. She defines “syzygy” as “the rare alignment of celestial bodies, such as the sun, moon, and earth during an eclipse, influencing the earth’s gravitational system.” *Id.* at 310-11 n.265 (citing MERRIAM-WEBSTER COLLEGIATE DICTIONARY 1198 (10th ed. 1993)).

134. See generally Connolly, *supra* note 16, at 45-47; Weinberg & Harding, *supra* note 18, at 30-38; Weinsten, *supra* note 17, at 351-54. These authors all describe a wide spectrum of possibilities for multidisciplinary, interdisciplinary, or “metadisciplinary” pedagogy, the latter term—metadisciplinary—is described by Weinberg and Harding as an approach “focusing on the meaning of disciplines, reflecting on their potential to influence our thoughts and actions, and attempting to objectively evaluate their strengths and limitations, particularly within the context of our own professional activities.” See Weinberg & Harding, *supra* note 18, at 30.

ness and law and entrepreneurship, the simple measure of law faculty inserting materials from the business and management disciplines in the course reading and discussion. A logical next step is arranging for business school faculty and entrepreneurs from the business community to guest lecture in law school courses on business planning topics. Other possibilities include encouraging law students to enroll in the courses in the business school that have been approved for credit toward their JD degree, developing a business law concentration or emphasis, and, although more difficult to implement, offering truly jointly-taught courses in which law and business faculty co-teach to a class expressly designed to include both law and business students.

Certainly, law schools regularly offer a variety of courses implicating the intersection of law and business. Many U.S. law schools, for example, list courses on their websites taught by law faculty to primarily law students that appear to have an interdisciplinary flavor in addressing issues of entrepreneurship and emerging business and training law students to be “deal” lawyers.¹³⁵ Several law schools offer similar courses taught by law faculty that indicate they

135. See generally Columbia Univ. Sch. of Law, Deals Workshop, http://www.law.columbia.edu/center_program/deals/deals_workshop (last visited Aug. 28, 2007); Georgetown Univ. Sch. of Law, Structuring Venture Capital and Entrepreneurial Transactions, http://www.law.georgetown.edu/curriculum/tab_courses.cfm?status=course&detail=423 (last visited Aug. 30, 2007); Howard Univ. Sch. of Law, Upper Level Courses, <http://www.law.howard.edu/53> (last visited Aug. 30, 2007) (describing Small Business Law course); N.Y. Univ. Sch. of Law, Office of Academic Services & Office of Records & Registration, Course Descriptions, <http://www.law.nyu.edu/depts/acservices/courses/> (last visited Nov. 21, 2007) (course descriptions for Business Transactions Planning and Entrepreneurial Finance); Nw. Univ. Sch. of Law, View All Courses, Details, <http://www.law.northwestern.edu/mainpages/curriculum/coursecatalog/details.cfm?CourseID=BUSCOM006942> (last visited Nov. 21, 2007) (describing Entrepreneurship Law); Univ. of Chi. Law Sch., Entrepreneurship and the Law, <http://www.law.uchicago.edu/courses/coursedetails.html?CourseNumber=61902&SectionNumber=1&Quarter=1&Year=2007> (last visited Nov. 21, 2007); Univ. of Chi. Law Sch., Structuring Venture Capital, Private Equity and Entrepreneurial Transactions, <http://www.law.uchicago.edu/courses/coursedetails.html?CourseNumber=71401&SectionNumber=1&Quarter=3&Year=2008> (last visited Nov. 21, 2007); Univ. of Pa. Sch. of Law, Alphabetical Course Descriptions, <http://www.law.upenn.edu/cf/registrar/descriptions/alphabetical.cfm> (last visited Aug. 30, 2007) (describing Deals: Economic Structure of Transactions & Contracting course); W. State Univ. Coll. of Law, Course Descriptions, <http://www.wsulaw.edu/current-students/CourseDescriptions2004.doc> (last visited Aug. 30, 2007) (describing the Advising Entrepreneurs course); Washburn Univ. Sch. of Law, Course Descriptions, Debtor/Creditor Relations, <http://washburnlaw.edu/curriculum/courses-d-e.php> (last visited Aug. 30, 2007) (describing Entrepreneurial Law course). Lists compiled by research assistants (on file with author) indicate that more than forty U.S. law schools offer, or have recently offered courses of this type to law students.

are intended for both law and business students,¹³⁶ and these schools may also list for law students courses taught solely by business school faculty.¹³⁷ Once again, however, courses jointly taught by law school and business school faculty, with significant numbers of both law and business students regularly in the classroom, do not currently occur as frequently as the pervasiveness of legal issues in business planning and finance would support.

A review of the course listings and descriptions on the websites of nearly two hundred U.S. law schools reveals instances of such jointly-taught law-business courses offered at only a handful of schools, typically involving just one or a few courses. Examples include the following: Acquisitions Transactions at State University of New York-Buffalo;¹³⁸ Business Change of Control Transactions; Inter-Professional Issues at Ohio State University;¹³⁹ Deals: Economic Structure of Transactions & Contracting at the University of Pennsylvania;¹⁴⁰ Entrepreneurship & New Venture Creation at UMKC;¹⁴¹ International Environmental Law and Sustainable Development at Rutgers-Newark;¹⁴² Legal Aspects of Mergers and

136. See, e.g., Univ. of Ala. Sch. of Law, Course Information, <http://www.law.ua.edu/students/info.php?re=courseinfo&list=search&searchterm=business&searchby=name> (last visited Aug. 30, 2007) (describing Business Planning course); Columbia Univ. Law Sch., Deals: The Economic Structure of Transactions and Contracting, http://www.law.columbia.edu/center_program/deals/deals_class (last visited Aug. 28, 2007); Duke Univ. Sch. of Law, Venture Capital and Private Equity, <http://www.law.duke.edu/curriculum/courseinfo/course?id=26> (last visited Aug. 30, 2007); Nw. Univ. Sch. of Law, View All Courses, <http://www.law.northwestern.edu/curriculum/coursecatalog/alph.cfm> (last visited Aug. 30, 2007) (listing the courses Intellectual Capital Management, Financing the Entrepreneurial Ventures, and Practical Issues in Business Law); Stanford Law Sch., Course Overview, <http://www.law.stanford.edu/program/courses> (follow "Detailed Course Information" hyperlink; follow "Autumn Courses" hyperlink) (last visited Aug. 30, 2007) (listing the course International Deal Making: Legal and Business Aspects, with the option to click on its hyperlink to learn more); Univ. of S. Cal.-Berkeley Boalt Hall Sch. of Law, Small Business Counseling Practicum, <http://www.law.berkeley.edu/courses/coursePage.php?cID=5916&termCode=D&termYear=2007> (last visited Aug. 30, 2007).

137. See Georgetown Univ. Sch. of Law, Mergers and Acquisitions, http://www.law.georgetown.edu/curriculum/tab_courses.cfm?Status=course&Detail=754 (last visited Aug. 30, 2007).

138. See State Univ. of N.Y.-Buffalo, Course Descriptions, at 15, http://www.law.buffalo.edu/academic_programs_and_research/submenu/fall07_course_descriptions.pdf (last visited Aug. 19, 2007).

139. See Ohio State Univ., Moritz Coll. of Law, Course Descriptions, at 18, <https://moritzlaw.osu.edu/registrar/2005-06/coursedescription.pdf> (last visited Aug. 20, 2007).

140. See Univ. of Pa. Sch. of Law, *supra* note 135.

141. See discussion *infra* Part III.B.2.

142. See Rutgers Sch. of Law, Master Course List, http://law.newark.rutgers.edu/students_course_desc.html (last visited Aug. 27, 2007).

Acquisitions at Loyola University-Chicago;¹⁴³ Law & Economics of Capital Markets at Columbia University;¹⁴⁴ Mergers and Acquisitions at Northwestern University;¹⁴⁵ Negotiation Advanced: Deal Design and Implementation at Harvard University;¹⁴⁶ and Professional Responsibility in Law and Business at New York University.¹⁴⁷ The University of Maryland curriculum includes the following two courses for law and business students, taught jointly by law school and business school faculty: Business Law Seminar: Closely Held Corporations and Business Law Seminar: Investment Companies and Private Equities Investing.¹⁴⁸

Only one U.S. law school, Vanderbilt University, currently has what can be characterized as a full-fledged package of courses co-taught by law and business faculty and regularly attended by significant, and in most cases, relatively equal numbers of law and business students.¹⁴⁹ As part of its Law & Business Program, directed by Professor Randall Thomas, the Vanderbilt Law School collaborates with the university's Owen Graduate School of Management in offering the following courses: Corporate Governance and Executive Incentives Seminar, Law and Finance of Equity Markets, Law and Finance of Mergers and Acquisitions, Life Cycle of the Corporation, Mergers and Acquisitions Deal Dynamics, Private Environ-

143. See Loyola Univ.-Chi., Course Descriptions, <http://www.luc.edu/law/courses/800s.html> (last visited Aug. 20, 2007) (course number 843, "Legal Aspects of Mergers and Acquisitions").

144. See Columbia Law Sch., Law and Economics, http://www.law.columbia.edu/llm_jsd/grad_studies/courses/law_economics (last visited Aug. 28, 2007).

145. See Nw. Univ. Sch. of Law, Mergers and Acquisitions, <http://www.law.northwestern.edu/academics/coursecatalog/alph.cfm> (follow "Mergers and Acquisitions" hyperlink) (last visited Aug. 20, 2007).

146. See Harvard Law Sch., Negotiation Advanced: Deal Setup, Design and Implementation, <http://www.law.harvard.edu/academics/courses/2007-08/?id=3890> (last visited Nov. 10, 2007).

147. See N.Y. Univ. Sch. of Law, Course Management Systems, <http://its.law.nyu.edu/StudentCourseInfo.cfm> (search under course title "Professional Responsibility in Law and Business") (last visited Nov. 21, 2007). This innovative course is of particular note because it bears directly on the reality that *both* lawyers and businesspersons need to adhere to important ethical standards. Cf. discussion *supra*, note 56 and accompanying text (discussing the nonobvious similarities of different disciplines' code of ethics).

148. See Univ. of Md. Sch. of Law, Business Law Seminar: Closely Held Corporations (2), http://www.law.umaryland.edu/course_info.asp?coursenum=572K (last visited Aug. 20, 2007); Univ. of Md. Sch. of Law, Business Law Seminar: Investment Companies and Private Equity Investing (2), http://www.law.umaryland.edu/course_info.asp?coursenum=573K (last visited Aug. 20, 2007).

149. See generally Vanderbilt Univ. Law Sch., Law & Business Curriculum, Elective Courses, <http://law.vanderbilt.edu/academics/curriculum/elective-courses/index.aspx> (last visited Nov. 14, 2007) [hereinafter Vanderbilt, Elective Courses].

mental Law and Voluntary Overcompliance, and Small Business Management.¹⁵⁰ Conversations with several of the faculty members teaching these courses suggest several reasons for Vanderbilt's success in designing and implementing this impressive array of law-business offerings. Perhaps foremost, at the time of the program's design, the Dean of the Business School had a law degree and the Dean of the Law School was an advocate of creativity in the curriculum.¹⁵¹ Interviews with faculty involved in the design and teaching of these law-business courses at Vanderbilt indicate that the favorable climate for collaboration was enhanced by a faculty that included extremely experienced business lawyers and corporate scholars who were already predisposed to make sure that their law students saw the business context of legal issues. The business faculty similarly respected the need to familiarize the MBA students with the regulatory frameworks in which business ventures operate and the role of attorneys in providing counsel on regulatory compliance, assisting with negotiations, and documenting transactions. Another significant factor is that the law and business schools at Vanderbilt are located next to one another. As I set out to pursue law school-business school partnering at my institution, I found that many of these same ingredients were present, providing opportunities to interact with the business school situated next door to the law school.

III. UMKC'S ENTREPRENEURIAL LAWYERING PROGRAM

The UMKC School of Law has, in recent years, instituted a multifaceted "Entrepreneurial Lawyering Program," many ele-

150. For information on the Vanderbilt program, including descriptions of these courses, see Vanderbilt Univ. Law Sch., Law & Business Curriculum, <http://law.vanderbilt.edu/academics/academic-programs/law--business-program/law--business-curriculum/index.aspx> (last visited Sept. 22, 2007), and see also Vanderbilt, Elective Courses, *supra* note 149. For information on Professor Thomas, see Vanderbilt Univ. Law Sch., Faculty Detail, http://law.vanderbilt.edu/faculty/faculty-detail/index.aspx?faculty_id=205 (last visited Sept. 22, 2007).

151. The Dean of the Owen Graduate School of Management, Jim W. Bradford, has a JD from Vanderbilt and has scholarly interests that include entrepreneurship. See Vanderbilt Owen Graduate Sch. of Mgmt., Faculty Profile, http://www.owen.vanderbilt.edu/vanderbilt/About/faculty-research/f_profile.cfm?id=87 (last visited Aug. 30, 2007). The Dean of the Vanderbilt Law School during the ascendancy of the school's impressive package of law-business courses was Kent D. Syverud, who is currently serving as the Dean of Washington University in St. Louis School of Law, and is a renowned scholar and teacher who has published several articles on legal education. For a list of publications by Dean Syverud, see Washington Univ. in St. Louis Sch. of Law, K.D. Syverud's Publications, <http://law.wustl.edu/faculty/index.asp?id=1666> (last visited Aug. 30, 2007).

ments of which entail collaboration with the Henry W. Bloch School of Business and Public Administration, located beside the Law School on our campus, and its Institute for Entrepreneurship and Innovation (IEI).¹⁵² Underlying this initiative is recognition that educating law students in business disciplines and principles of entrepreneurship serves the dual goals of, first, better equipping them to be valued advisors to the business clients they will serve in their law practice; and, second, exposing them to various financial and other planning skills they will need to develop in order to understand and administer the business aspects of operating a law firm.¹⁵³ Part A of the discussion below provides an overview of the components of UMKC's Entrepreneurial Lawyering Program, other than jointly-taught law-business courses. Part B then relates experiences in designing and implementing two new courses that are co-taught by law school and business school faculty, and describes plans for future collaborations with the Bloch Business School on similar interdisciplinary courses.

A. *UMKC's Entrepreneurial Lawyering Program Apart from Jointly-Taught Courses*

1. Entrepreneurial Legal Services Clinic

UMKC's Entrepreneurial Legal Services Clinic (ELS Clinic or Clinic), designed principally by Professor Edwin Hood,¹⁵⁴ was initially funded by generous seed-money grants from the Kauffman Foundation, along with one-time cash and in-kind contributions from various other sources and recurring in-kind contributions by UMKC itself. Under the supervision of Staff Director Judith Sharp, Research Assistant Danielle Merrick, and a few other attorneys from the law school's faculty, the Clinic is committed to experiential training of law students to address the legal concerns of entrepreneurs.¹⁵⁵ As currently constituted, the Clinic operates as a two-

152. For details on the IEI, see its website at Institute for Entrepreneurship and Innovation, <http://entrepreneurship.bloch.umkc.edu/index.asp> (last visited July 15, 2007).

153. Cf. Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 264 ("To prepare law students for the future, law schools must devote more attention to small business development. There are two components of this preparation. The first prepares lawyers to be entrepreneurs in the business of law. The second prepares them to represent entrepreneurs." (citation omitted)).

154. Professor Hood was assisted by the author and Burnele Powell, former Dean of the UMKC Law School.

155. These attorneys included Professor Robert Downs, Professor Edwin Hood, and the author.

credit hour course offered in both the fall and winter/spring semesters. Target enrollment is approximately ten to fifteen students per semester.

The major focus of the Clinic is to provide pro bono legal assistance to the founders of for-profit and not-for-profit organizations. Since its inception, the Clinic has assisted new entrepreneurs who are unable to pay significant legal fees to properly form their business entities. Clinic clients receive legal advice on matters such as choice of entity, trademark and trade name regulation, tax planning, and business and tax law compliance requirements. Clients also receive assistance with the preparation of documents such as entity-formation filings and agreements, trademark and trade name registration applications, employment contracts, lease agreements, and other business contracts. From the time the Clinic first opened its doors in January 2002, through the winter/spring semester of 2007, the UMKC School of Law faculty, staff, and students have logged thousands of hours of service for new start-up businesses and assisted hundreds of individuals with the formation of for-profit businesses and nonprofit organizations.

The ELS Clinic is closely affiliated with entrepreneurship programs sponsored by the UMKC Business School's Institute for Entrepreneurship and Innovation. The Clinic's offices are located in a university-owned building near UMKC's campus which comprises a center of entrepreneurship education and research, a home to many organizations providing assistance to business owners seeking to establish and grow their businesses, and the Enterprise Development (ED) Lab for emerging businesses.¹⁵⁶ To help coordinate the many university and nonuniversity programs offering assistance to entrepreneurs in the Kansas City metropolitan area, KCSOURCELINK, a Bloch Business School initiative, cofounded with the Ewing Marion Kauffman Foundation and the U.S. Small Business Administration, acts as an information center and referral service to programs in its network.¹⁵⁷ It recently received the U.S. Department of Commerce's 2007 Excellence in Economic Development Award for En-

156. For information on the various services offered and the ED Lab at this facility, see Bus. Res., Outreach Services and Support for Entrepreneurs and Small Business Owners, <http://entrepreneurship.bloch.umkc.edu/bizservices.asp> (last visited Oct. 30, 2007), and Univ. Mo.-Kansas City, Bloch Sch., Inst. for Entrepreneurship and Innovation, Student Enterprise Development Lab, <http://www.entrepreneurship.bloch.umkc.edu/enterpriseDev.asp> (last visited Aug. 20, 2007).

157. For information on KCSOURCELINK, see KCSOURCELINK, About Us, <http://www.kcsourcelink.com/About-AboutUs/Index.htm> (last visited Aug. 20, 2007).

hancing Regional Competitiveness and is now serving as a national model for comprehensive networking of resources for entrepreneurs.¹⁵⁸ The only KCSOURCELINK network member offering pro bono legal services is the Clinic. The Clinic's position in a well-coordinated referral network for programs providing services to emerging small businesses has been beneficial, both in terms of attracting Clinic clients with whom the students and faculty will work directly, and facilitating the dissemination of information about the need to seek advice on legal issues through seminars attended by budding entrepreneurs.¹⁵⁹

The ELS Clinic has thus far had a number of experiences with business school faculty, students, and programs, and is looking to expand such activity. A significant complication is that business schools' clinical, internship, and externship programs are generally more apt to involve established businesses with substantial cash resources, whereas the Clinic, similar to many other law school clinics in the United States, seeks to help clients of limited financial means who might otherwise go without legal counsel.¹⁶⁰ Nevertheless, opportunities exist for collaboration. For example, faculty and students in the Clinic have worked with Executive MBA students to provide assistance to a business reached by the UMKC Business School's Initiative for a Competitive Inner City,¹⁶¹ and are currently seeking to establish similar teamwork opportunities with the Business School's Students in Free Enterprise Program (SIFE).¹⁶² Law school faculty and students, through the Clinic, worked in teams one semester with students in a seminar on business planning

158. See News Release, KCSOURCELINK, KCSOURCELINK Wins U.S. Department of Commerce Excellence Award for Regional Economic Development (Aug. 18, 2007), <http://www.KCSOURCELINK.com/News/Release.asp?RefItem=192>.

159. These seminars, conducted by Clinic Director Judith Sharp on approximately a monthly basis at the entrepreneurship center, provide general information about legal issues in business formation, the need to get legal advice to ensure compliance with associated obligations, and potential resources, such as links to governmental websites, to obtain further information.

160. See *supra* note 104 and accompanying text.

161. Cf. Jones, *Promoting Social and Economic Justice*, *supra* note 4, at 275-76 (describing the interaction of the George Washington University Law School's Small Business Clinic with the "National Business School Network" arm of the Initiative for a Competitive Inner City in carrying out goals relating to the use of graduate schools in promoting business development in inner-city settings).

162. For information on the SIFE Program at UMKC, see Inst. for Entrepreneurship & Innovation, Students in Free Enterprise, <http://entrepreneurship.bloch.umkc.edu/education/sife.asp> (last visited Aug. 19, 2007) (explaining that SIFE is designed to "offer[] students the opportunity to develop leadership, teamwork and communication skills through learning, practicing and teaching the principles of free enterprise").

for technology commercialization conducted at the Helzberg School of Management at nearby Rockhurst University in Kansas City.

Experiences involving other law school transactional clinics throughout the country suggest similar trends.¹⁶³ While interactions between these clinics and business schools have been somewhat limited, they do exist, and there is reason to believe they will begin to occur with greater frequency. Encouragement of such interdisciplinary collaborations was one of the more prominent themes of the fifth annual conference of such law school clinics, held in April of 2006, at the Northwestern University School of Law.¹⁶⁴

2. Solo & Small Law Firm Institute

According to the American Bar Foundation's latest comprehensive statistical report, approximately forty-eight percent of lawyers in private practice in the United States are solo practitioners, and approximately another twenty-two percent practice in law firms comprised of ten or fewer lawyers.¹⁶⁵ Attorneys in these solo and small firm settings have to learn to act as entrepreneurs and develop effective business and social networks if they are to succeed in attracting and servicing clients in their communities.

Mindful of these circumstances, and with the initial assistance of a UMKC Chancellor's Innovation Grant, as well as contributions from several members of the local bar, the UMKC Law School has developed the UMKC Solo & Small Law Firm Institute over the last four years. Partnering the Law School with Missouri Bar solo and small firm initiatives, this program is designed to provide high-quality training in legal entrepreneurship for students interested in solo and small firm practice.

One key component of the solo and small firm program is the two-credit hour Entrepreneurial Lawyering: Solo and Small Law Firm Practice course offered each summer to approximately twelve to fifteen upper-level law students who will be third-year students

163. *See supra* notes 95-132 and accompanying text.

164. *See* Nw. Univ. Sch. of Law, Small Bus. Opportunity Ctr., Small Business Opportunity Conference, Apr. 8, 2006, <http://www.law.northwestern.edu/news/spring06/sboc.html> (last visited Oct. 15, 2007).

165. Am. Bar Ass'n, Lawyer Demographics, <http://www.abanet.org/marketresearch/lawyerdem2004.pdf> (last visited Oct. 15, 2007).

in the fall semester.¹⁶⁶ The students attend evening sessions taught by a team of UMKC Law School's faculty in May and June, to accommodate summer clerkship or other student employment opportunities, and participate in supervised attendance at the annual Missouri Bar Solo and Small Firm Conference. In 2007, two attorneys interested in developing their own practices also attended the class on an audit basis. Class sessions have included guest lectures from business school marketing and management professors and local attorneys. The experience at the Missouri Bar Solo and Small Firm Conference includes required attendance at substantive workshops, as well as networking with hundreds of attorneys in solo and small firm practice. This networking experience has created career opportunities for participating students. The combination of classroom and conference learning, coupled with mentoring by conference companions, has provided students with an educational experience that has received extremely positive reviews from both the students and from participating attorneys.

A second component of UMKC's Solo & Small Law Firm Institute, which is available to both law students and, through our Continuing Legal Education division, practicing attorneys, is a course consisting of six workshops conducted on Friday afternoons throughout the regular August to April academic year. The workshops provide in-depth study and training in select areas of significance to those interested in solo and small firm practice.¹⁶⁷ Unlike most Continuing Legal Education presentations, the workshops are taught in an interactive fashion, combining lectures by faculty and guest speakers with in-class exercises and discussions among the instructors and attendees. The students and faculty benefit from the input of the practitioners in the audience, and the practitioners obtain an interesting continuing education experience. Supplementing this classroom opportunity, the UMKC Law School's Career Services Office promotes such interaction between law students and practitioners in special workshops on solo and small firm practice.

166. See Univ. of Mo.-Kansas City, *Entrepreneurial Lawyering: Solo and Small Firm Practice*, <https://www.umkc.edu/umkc/catalog-grad/htmlc/law/c8638r.html> (last visited Nov. 14, 2007).

167. See Univ. of Mo.-Kansas City, *Solo and Small Firm Workshop Series, Registration Information*, <http://www.law.umkc.edu/cle/solosmall08.pdf> (last visited Aug. 28, 2007).

3. Revamped Business Planning Course

The Business Planning course at the UMKC Law School is a three-credit hour course typically taken by third-year law students with a strong interest in transactional practice. It has traditionally included a combination of advanced examination of choice of entity factors, exposure to spotting substantive issues in various areas of law in a business planning context, study of ethical issues that frequently arise in connection with a lawyer's role in advising business clients and closing deals, and skills training through simulations featuring client interviewing and documents drafting.¹⁶⁸ In recent years, due largely to my involvement in the KEFS Program, the Business Planning course has been modified to include readings on business planning from the businessperson's perspective and common characteristics of entrepreneurs. Additionally, guest lectures by business school faculty and community entrepreneurs acquaint law students with the business client's goals and concerns in choosing and working with legal counsel. Such lectures often include anecdotes regarding what nonlawyers view as good and bad experiences with business lawyers. These course modifications reflect the operating assumption, expressed well by Professor Steven Hobbs, that "lawyers must not only master the legal analysis and methodology necessary for competent counseling of small business, but they must also understand entrepreneurship and the personal characteristics of the entrepreneur."¹⁶⁹

4. Technology Transfer Internships

Largely as the result of contacts made in pursuing other aspects of our Entrepreneurial Lawyering Program, the UMKC Law School has developed a faculty-supervised independent study internship program with the technology transfer offices at UMKC,¹⁷⁰ and at the University of Kansas.¹⁷¹ These offices guide the process through which inventions by faculty at research institutions receive

168. See Univ. of Mo.-Kansas City, Business Planning, <http://www1.law.umkc.edu/academic/fall2007/elective/businessplanning.pdf> (last visited Aug. 19, 2007).

169. Hobbs, *supra* note 1, at 247.

170. See Vice Provost for Research, Office of Research Servs., Intellectual Property Management, <http://www.umkc.edu/research/IPM.html> (last visited Aug. 19, 2007).

171. See Univ. of Kan., Office of Technology Transfer & Intellectual Property, <http://www.technologytransfer.ku.edu/> (last visited Aug. 19, 2007). As this Article is going to print, an additional internship opportunity for UMKC law students has been newly established at the University of Kansas Medical Center Research Institute, Inc. See generally Univ. of Kan. Med. Ctr. Research Inst., Technology Transfer, Intellectual Property, & Commercialism Overview, <http://www2.kumc.edu/researchinstitute/tech>

patent or other intellectual property protection and become the subject of commercialization of associated goods or services. The students placed in these internships are exposed to the work of outside legal counsel and university general counsel in such areas as management of potential conflicts of interest, research and analysis of intellectual property issues, and the negotiation, drafting, and enforcement of licenses and other agreements. By their very nature, these internships are highly interdisciplinary, as the inventions underlying the projects on which the law students work come from a wide variety of academic disciplines, and frequently represent cutting-edge entrepreneurship.

5. Business and Entrepreneurial Law Emphasis

The UMKC Law School faculty includes several members who have not only demonstrated success in teaching and scholarship in a variety of business law areas, but also possess many years of experience advising for-profit and nonprofit business clients, including many ventures involving entrepreneurs. These faculty members have designed and implemented a business and entrepreneurial law emphasis at the UMKC Law School. This emphasis involves a rigorous course of study, blending traditional courses in key business law subjects with practical skills, ethics, and research and writing requirements. The program also provides opportunities to include clinical experiences and interdisciplinary studies as part of the concentration curriculum.¹⁷²

B. *UMKC's Jointly-Taught Law-Business Courses*

1. Entrepreneurship "Boot Camp" Course

It is not uncommon for a university pursuing a program in campus-wide entrepreneurship education to offer an introductory course for students and budding entrepreneurs bearing the name "boot camp" or a similar label connoting a basic training program on principles of entrepreneurship.¹⁷³ The principal objective of

(last visited Dec. 8, 2007) (describing the Technology Transfer, Intellectual Property & Commercialization office at the institute).

172. See Univ. of Mo.-Kansas City, Emphasis in Business and Entrepreneurial Law, <http://www1.law.umkc.edu/Academic/Emphasis/BusinessEntrepEmphasis.pdf> (last visited Aug. 20, 2007).

173. See, e.g., Fla. Int'l Univ., Pino Global Entrepreneurship Ctr., Events: Entrepreneurship Boot Camps, <http://entrepreneurship.fiu.edu/bootcamp.htm> (last visited Aug. 21, 2007); Methodist Univ., Boot Camp for Budding Entrepreneurs, http://www.methodist.edu/cfe/boot_camp.htm (last visited Aug. 21, 2007); Univ. of Md., Tech-

such a course is to educate students from a wide variety of disciplines on fundamental business concepts and issues associated with innovation and commercialization of goods and services, and encouraging students to take more advanced courses in the entrepreneurship curriculum. For students outside of the business school, this approach can translate into a would-be scientist, engineer, doctor, or other professional taking courses designed to facilitate an understanding of the business planning and operational aspects of pursuing a career in a primary discipline. For business majors and MBA candidates, a boot camp course presents a forum for introduction to the invention process, the personalities of inventors, and the relationship of the inventors' perspective to regulatory frameworks affecting the commercialization of ideas and the operation of a business based on such ideas.

When the recently organized UMKC Institute for Entrepreneurship and Innovation (IEI) formulated its business plan for a comprehensive program in entrepreneurship touching all levels of higher education,¹⁷⁴ the establishment of a boot camp course was thus deemed a key component of the program. What appears to be unusual about UMKC's Entrepreneurship Boot Camp course, taught for the first time in the winter/spring 2006 semester and continuing since then,¹⁷⁵ is the extent of involvement of law school faculty in both the design and teaching of the course—notwithstanding the fact that law students cannot enroll in it because it is offered primarily to undergraduate students. Its curriculum was initially co-designed by a team that included several Bloch School and IEI regular and clinical faculty members.¹⁷⁶ I had the pleasure of working on this team as UMKC Law School's initial representative

nology Start-Up Boot Camp, <http://www.bootcamp.umd.edu> (last visited Aug. 21, 2007); Univ. of Tex.-San Antonio, Technology Entrepreneurship Boot Camp, <http://business.utsa.edu/entrepreneur/bootcamp.htm> (last visited Aug. 21, 2007).

174. The IEI offers undergraduate, masters, and PhD opportunities. See Univ. of Mo.-Kansas City, Institute for Entrepreneurship and Innovation, <http://entrepreneurship.bloch.umkc.edu/index.asp> (last visited Aug. 20, 2007).

175. See Univ. of Mo.-Kansas City, Inst. for Entrepreneurship and Innovation, Entrepreneurship and Innovation Boot Camp, <http://www.entrepreneurship.bloch.umkc.edu/education/bootCamp.asp> (last visited Aug. 19, 2007)

176. The initial course design team worked under the supervision of Dr. Michael Song, Director of the IEI (as well as Professor of Marketing and Charles N. Kimball MRI/Missouri Endowed Chair in Management of Technology), and consisted of Dr. Mark Parry, Professor of Marketing and Ewing M. Kauffman/Missouri Endowed Chair in Entrepreneurial Leadership; Dr. Walter Rychlewski, visiting Professor of Entrepreneurship and visiting Assistant Professor of Engineering; Anthony Luppino, Associate Professor of Law; and Marylou DeWald, Director of Small Business Outreach Services at UMKC's Bloch School-sponsored Small Business Development Center.

and co-instructor. Three other law school professors have subsequently contributed to refinements of the course curriculum and modification of the course syllabus, and participate in teaching segments of the course.¹⁷⁷

In a creatively scheduled program of extended class sessions on Fridays and Saturdays, approximately forty to sixty UMKC students experience a rather intense introduction to entrepreneurship and innovation, in which teams of students create ideas (products or services) for potential commercialization. The course culminates with a business idea competition before a panel of judges consisting of attorneys, entrepreneurs, and venture capitalists from the Kansas City community. Some of the student teams are reportedly pursuing further development of their business ideas, having been encouraged to do so by judges who expressed interest in potential investment.¹⁷⁸

As an integral part of the Entrepreneurship Boot Camp course, four law school faculty members provide several hours of instruction on key concepts and legal issues in the areas of intellectual property, business formation, securities regulation, mergers and acquisitions, and various related topics.¹⁷⁹ Teaching techniques employed by the law school faculty at the boot camp include lectures, occasional use of the Socratic method, interactive discussion of hypothetical fact patterns, and question and answer sessions. For many of the students in the class, this is their first exposure to the reality that many lawyers regularly practice in areas other than civil and criminal litigation, and to the many ways in which various types of laws affect the rights, obligations, and actions of those involved in business ventures. As a group, the students in the class, both undergraduate and graduate alike, react well to this initiation into the highly-regulated environment in which businesses are born and

177. Professor of Law Robert Downs joins the author and Dr. Walt Rychlewski, Professor of Entrepreneurship and Electrical Engineering, in teaching a segment entitled "Due Diligence and Investor's Perspective," and Associate Professors of Law Jasmine Abdel-Khalik and Christopher Holman combine to introduce the class to patent, copyright, trademark, and other intellectual property issues.

178. Examples of the creative ideas for goods and services generated by the student teams include: a hip-hugging belt designed for food servers; a security device for online transactions; a revolving tray for the refrigerator; a website and online community for struggling artists to display and sell their art; a product utilizing wireless network to dispense beverages in a restaurant; a device to dispense milk and other beverages from a home refrigerator; safety and security innovations that could be added to cell phones; and an idea of voice automated directions on cell phones utilizing cutting-edge technology.

179. See *supra* note 176.

operate, as demonstrated by the large volume and high quality of issues raised during the question and answer portion of each law segment of the course. They also begin to appreciate why good business lawyers are often viewed as adding value to their clients' transactions while working with their clients' other professional advisors.¹⁸⁰ A few students in the Entrepreneurship Boot Camp course have even expressed interest in pursuing a law degree, though they had not previously viewed that as a serious possibility in the planning of their education.

2. Entrepreneurship & New Venture Creation Course

The UMKC Law and Business Schools have also collaborated on a course entitled Entrepreneurship & New Venture Creation, taught for the first time in the spring 2006 semester, again in the spring of 2007 semester, and now continuing as part of UMKC's entrepreneurship curriculum.¹⁸¹ I have co-taught this course with Dr. Walt Rychlewski, who is on the faculty of both the Bloch Business School and the Engineering School here at UMKC, with the assistance of Larry Lee, Director of the IEI's Enterprise Development Lab. In the winter/spring 2008 semester, Dirk Libaers, an assistant professor of entrepreneurship and innovation at the Bloch Business School is joining with me and Dr. Rychlewski (who is also now interim Dean of UMKC's School of Computing and Engineering) as the principal course instructors.

180. Cf. N.Y. STATE BAR ASS'N SPECIAL COMM. ON THE LAW GOVERNING FIRM STRUCTURE AND OPERATION, PRESERVING THE CORE VALUES OF THE AMERICAN LEGAL PROFESSION: THE PLACE OF MULTIDISCIPLINARY PRACTICE IN THE LAW GOVERNING LAWYERS ch. 4, § 1 (2000), available at <http://www.law.cornell.edu/ethics/mdp.htm> ("When needs arise, lawyers are quite capable of working effectively with other professionals, and frequently recommend that particular accountants, financial advisors, investment bankers, engineers, brokers, social workers, and others, be engaged by their clients."); Ronald J. Gilson, *Value Creation by Business Lawyers: Legal Skills and Asset Pricing*, 94 YALE L.J. 239, 294-303 (1984) (observing that the business lawyer can be a "transaction cost engineer"); Poonam Puri, *Taking Stock of Taking Stock*, 87 CORNELL L. REV. 99, 108-09 (2001) (citing Gilson, *supra*, with approval, and noting that "lawyers are among the first service providers that entrepreneurs contact to hone a strategy, establish ties with other key industry players, and prepare the start-up for introduction [] to investors"); Lipson, *supra* note 4, at 57 (discussing Professor Gilson's observations concerning the value of business lawyers acting as "reputational intermediaries" in producing and verifying information); see also Gouvin, *supra* note 4, at 54. "[Business lawyers] should also appreciate that they are part of a team of professionals that business owners need to make their ventures successful. . . . [O]ne of the important lessons for any business lawyer is the appreciation of the fact that legal services must create value for the client." *Id.* at 55.

181. See UMKC Entrepreneurship and New Venture Creation class, *supra* note 10.

The class had approximately thirty-five to forty students in each of its first two offerings, including several law students (between approximately twenty-five percent and thirty-three percent of the class). Enrollment for winter/spring 2008 shows that the course has approximately seventy students, including about twenty percent law students, with the other eighty percent divided rather evenly between business and engineering students. In addition to classroom instruction, based largely on case studies on principles of entrepreneurship, business planning, and several legal disciplines, the students are divided into teams to work on a semester-long project involving the development of business plans for the commercialization of inventions owned by local companies, institutions or, in some cases, by students. The course is something of a hybrid—part regular classroom instruction and part clinical—in a manner similar to the University of Baltimore Lab to Market offering described above.¹⁸² It culminates with a business plan competition among teams from this class and other UMKC student teams and, in April of 2008, may be modified to invite teams from other regional educational institutions. The competition is evaluated by a panel of judges from the Kansas City business and legal communities.

As the Entrepreneurship & New Venture Creation course is a truly interdisciplinary offering, with law, business, and engineering faculty and students regularly interacting throughout the semester, it brings into play several challenges, including many of the issues examined in Part I above. Accordingly, the following discussion will be broken into various subsections to highlight specific areas in which problems have arisen, explain how those problems were addressed, and identify some arrangements that worked quite well and others that both the instructors' self-assessment and student feedback suggested should be abandoned, modified, or supplemented.

a. Scheduling and listing of course

One consideration in scheduling the Entrepreneurship & New Venture Creation course was that many of the MBA students at the Bloch Business School hold jobs while seeking their graduate degree and, consequently, prefer night courses. Another was that the outside of the classroom teamwork that was expected of the student teams militates in favor of giving the students several days between

182. See *supra* notes 108-109 and accompanying text.

class sessions to arrange meetings among themselves and with the companies and research organizations (the "Project Providers") supplying the technology or intellectual property around which the business plan projects were based. Because we expected, and intended, that the law students enrolled in the course would be almost exclusively third-year law students,¹⁸³ many of whom may have part-time employment,¹⁸⁴ this combination of circumstances led us to schedule the course to meet once a week, on Thursday nights from 7:00 to 9:40. So far, this scheduling seems to work well for all students involved, and is tolerable for the instructors. Moreover, there are distinct benefits for virtually all of the law students in the course taking it during their last semester of law school and on a once a week class session basis. The potential problem that some MBA students might fear a disruptive lack of maturity or real world experience on the part of the law students is mitigated by the fact that by this late juncture in their law school education many of the law students have benefited from summer and part-time employment experiences working on actual client matters. During the last semester of law school, many law students are juggling coursework with internships or externships, research and writing projects, part-time jobs, career searches, and other activities as they prepare for professional life, and to have a week to budget their time and prepare for the next class session is helpful from a scheduling perspective, even though that means a substantial amount of work per session.

As for course listing mechanics, the course is assigned and listed under a Bloch Business School/IEI number, a School of Computing and Engineering number, and a law school number.¹⁸⁵ Under the university's accounting, this arrangement allows each of the three schools to simply be assigned the tuition paid by its students enrolled in the course. If enrollment in the course grows, per-

183. Prior completion of the law school's Business Planning course has been essentially a prerequisite (absent a finding by the instructors of satisfactory substitute training). Business Planning, in turn, requires prior completion of the law school's Business Organizations and Federal Taxation courses—both second year required courses at UMKC. As Business Planning is a fall semester course, as a practical matter, this means that JD students will be taking Entrepreneurship & New Venture Creation in the spring of their third year of law school. LLM students may also enroll in the course, and a few are participating in it for the winter/spring 2008 semester.

184. ABA STANDARDS, *supra* note 57, § 304(f) states that a law student "may not be employed more than 20 hours per week in any week the student is enrolled in more than twelve class hours."

185. See *supra* note 10.

haps with the inclusion of students from additional disciplines, we may need to negotiate a different apportionment of the tuition revenues. Since the deans of the academic units, as well as the UMKC central administration, strongly support the development of interdisciplinary courses, it should not be difficult to maintain an equitable financial arrangement.¹⁸⁶

b. Preparation of the syllabus

The Entrepreneurship & New Venture Creation course had been on the drawing board for some time as a graduate-level business school course before the decision was made to transform it into a jointly-taught law-business offering for one semester per year.¹⁸⁷ Dr. Rychlewski had prepared a complete draft of the course syllabus before I became a co-instructor. While it would be ideal for joint instructors to collaborate on the course syllabus from inception to ensure that they both have meaningful input and that there is adequate content from each of the principal disciplines represented, for a variety of reasons the pre-existence of Dr. Rychlewski's draft was not at all problematic in our case.

First, the background material that he proposed to assign for the early part of the semester, including, among other things, chapters from a book by David L. Bodde entitled *The Intentional Entrepreneur: Bringing Technology and Engineering to the Real New Economy*,¹⁸⁸ and a documentary movie entitled *Startup.com*,¹⁸⁹

186. UMKC Bloch Business School Dean Homer Erekson and Law School Dean Ellen Suni have been strong supporters of interdisciplinary initiatives in entrepreneurship and law school-business school collaboration throughout the development of the Entrepreneurial Lawyering Program. Dr. Walt Rychlewski, a co-instructor in the course who is now serving as interim Dean of UMKC's School of Computing and Engineering is also, of course, a pivotal player in developing interdisciplinary courses in entrepreneurship and innovation and taking steps to ensure administrative support for such initiatives. Conversations with faculty at the Northwestern University School of Law and Washington University School of Law in St. Louis indicate that interdisciplinary initiatives have been facilitated by collaboration among deans and other administrators at those institutions to ensure that there are no significant financial disincentives for cross-unit instruction.

187. In fact, a course for MBA students under that name commenced prior to the interdisciplinary course, and was continued as a two-semester course for some time, but has now been replaced as a graduate business course with a two-semester sequence under the name Innovation and Entrepreneurship. See UMKC 2007-08 Catalog, Innovation and Entrepreneurship I, <http://www.umkc.edu/umkc/catalog-grad/htmlc/bloch/ent/c5545e.html> (last visited Dec. 8, 2007).

188. DAVID L. BODDE, *THE INTENTIONAL ENTREPRENEUR: BRINGING TECHNOLOGY AND ENGINEERING TO THE REAL NEW ECONOMY* (2004).

189. *STARTUP.COM* (Noujaim Films 2001).

provided an excellent set of case studies on successful and unsuccessful efforts to launch technology-based business ventures. These materials are well suited for law and business students, as well as engineering students. They are case studies based on actual business ventures, highlighting issues from several disciplines, including law, so that none of the student groups has an overall advantage in understanding the material. Each group has some extra familiarity with some concepts, but the groups are less familiar with others, replicating a real-world multidisciplinary experience.

Second, because so much of the syllabus envisioned by Dr. Rychlewski was built around fostering teamwork and training in multidisciplinary business planning, the law students did not require any special treatment in those components of the proposed curriculum. One of the primary goals of the course was to train students from differing disciplines to work well together in teams. The focus of many of the proposed class sessions on such issues as assignment of responsibilities, project planning, and establishment of timelines, and preparation of executive summaries of the team's business plan, comported well with the team-building skills that the instructors sought to develop.

Third, Dr. Rychlewski has been consistently open to suggested modifications to the syllabus to include some "legal issues" segments for the benefit of all students in the course. Among other things, I believed, as have others who have ventured into interdisciplinary courses, that it is very important to train law students to communicate complex legal issues to nonlawyers in understandable terms, and to use team projects throughout the course to build strong working relationships among students from varied disciplines.¹⁹⁰ So, the first two concepts that I added to the initial draft of the course syllabus were: (1) scheduling ten- to fifteen-minute presentations by each of the law students on legal issues of significant interest in an entrepreneurship course,¹⁹¹ and (2) having the multidisciplinary student teams develop a "Founders' Term Sheet" for their hypothetical business venture.

190. See *supra* notes 34-50 and accompanying text.

191. Cf. Berg, *supra* note 18, at 38 (explaining that she typically started each class session in her law-public health interdisciplinary course "with the explication of an assigned statute, regulation or case, usually by a volunteer law student" to both offer law students the "the opportunity to develop their ability to explain the law in a manner accessible to novices—a skill essential to effective collaboration with other professionals" and to make sure "the public health students had a basic understanding of the rights at stake in various public health conflicts and the sources and scope of the legal protection of those rights").

The law student presentations included overviews of business organizations law, tax and nontax factors in choice of entity analysis, various types of debt and equity instruments, securities regulation, patents, copyrights, trademarks and trade names, antitrust and other unfair competition law, and enforceability issues with noncompete agreements. Presenters made slide presentations to help guide the rest of the class through these short lectures, and answered questions from the class.

As for the Founders' Term Sheet, the student teams were advised by the course instructors that when a new venture has multiple founders, their zeal to conquer markets and enter into business relationships with third parties often causes them to inadequately consider and formalize their rights and duties among one another. The Founders' Term Sheet assignment, scheduled early in the semester as one of the initial tasks requiring collaboration among team members, calls for the law student in the team hypothetically to treat the other team members as the sole founders and initial owners of the team's business project. The law student helps the hypothetical principals fashion a term sheet outlining the deal among them on several key rights and obligations that would be covered by provisions in thoughtful organizational documents of an entity formed to conduct the business. The exercise has worked well as part of a continuum of team tasks that starts with the selection of the team's central project, and continues through the development of project plans, the writing of the team's business plan, and the presentations at the semester-end competition.¹⁹² It also gives each law student the opportunity to develop two critical deal-facilitation skills at which successful business lawyers excel—taking a leadership role in framing the questions that need to be answered to obtain necessary information to negotiate a workable transaction,¹⁹³ and being a good listener so that the goals of the principals are understood, alternatives responsive to those goals are presented, and the ultimate, well-informed bargain is reflected clearly in the resulting transactional documents.¹⁹⁴

192. Cf. Berg, *supra* note 18, at 49 (“[C]lass exercises in which interdisciplinary teams of students work together on a problem are highly effective at breaking down cultural and communication barriers and enabling students to get the benefit of each other's expertise. These collaborative projects should be used several times during the semester, ideally at beginning, middle, and end.”).

193. See *supra* note 180 and accompanying text.

194. Cf. Sexton, *supra* note 18, at 200 (“Lawyers always have been trained in careful reading and precise writing. However, they have not been trained in careful listening; indeed, in some ways traditional legal education discouraged listening—espe-

Further modifications to the syllabus included the addition of reading materials for the class on the legal issues presented by students and those relating to the Founders' Term Sheet, as well as materials and lectures from law faculty members who teach and write in intellectual property¹⁹⁵ and business planning¹⁹⁶ areas. In addition, we arranged to have Dr. Lisa Friis,¹⁹⁷ a colleague in the above-described Kauffman Foundation interdisciplinary program who teaches engineering classes dealing with the creation of bio-medical devices at the University of Kansas, deliver a guest lecture on the inventor's perspective on the FDA approval process.

Since Dr. Rychlewski and I had previously worked together in the Kauffman program, a joint presentation at the 2005 USASBE annual conference on the first year results of the KEFS Program, and the design and teaching of the Entrepreneurship Boot Camp course at UMKC, we were familiar with each other's style and simply carried on the spirit of collaboration we had created in those earlier endeavors. Those collaborations had created a mutual respect that led us to treat each other as full partners in the Entrepreneurship & New Venture Creation course. This approach facilitated our reaching consensus on the initial course syllabus, and it became even more important when we had to address some significant bumps in the road that arose as we worked through and reflected on our two initial offerings of the course.

c. Selection of student teams

Were I teaching the class alone, I probably would have designated the student teams for the semester-long business plan project randomly—putting the names of law students in one hat, business

cially to voices that did not speak in the language of law or, to be more exact, in the language of familiar law.”).

195. UMKC Law School Associate Professors Jasmine Abdel-k-Khalik, who has substantial expertise and experience in copyright and trademark law, and Christopher Holman, who has substantial expertise and experience in patent law and holds a PhD in biochemistry.

196. I supplied segments relating to the business lawyer's perspective on business planning, including, for example, discussion of efforts to draft contract provisions that anticipate and address various possible behaviors, using as a focal point of this discussion the full text of the opinion in *McConnell v. Hunt Sports Enterprises*, 725 N.E.2d 1193 (Ohio Ct. App. 1999). *McConnell*, an excerpt of which is included in GEVURTZ, *supra* note 5, at 120-26, deals with what some might call a “boilerplate” provision in a limited liability operating agreement that was the key language in dispute over competition for a National Hockey League franchise. *Id.*

197. Dr. Friis is an assistant professor of mechanical engineering at the University of Kansas.

students in a second, and engineering students in a third, and drawing one or two from each hat as I made up four- or five-person teams. Dr. Rychlewski, however, had substantial experience in designing employee surveys used by business organizations in hiring and management contexts. He proposed a more sophisticated approach to the team assignments. With their permission,¹⁹⁸ each student in the course completed self-assessments designed to provide information on their experience and skill levels in certain disciplines and the degree to which they possess certain behavioral traits.¹⁹⁹ Each student was then given his or her individual results, and, although we did not give students each other's results, they were able to shape the questions they asked in picking teammates in ways that were informed by the various categories, and allowed them to select teammates with complementary skills and behavioral characteristics.

The designation of our student teams then followed a multiple-step process. First, we assigned team numbers to the law students in the course. The remaining team members were selected by a round robin process, started by the law student(s) on each such team reviewing the survey information and then selecting one of the unassigned students to join the team in a draft process that followed the order of the team numbers. Then, as each round progressed, the students on each team consulted with each other as to the selection of each new team member.

I confess that I was initially concerned that this process would conjure up awkward images of choosing sides for a pickup basketball game, and feared that the last students to be selected would feel slighted. Fortunately, the students doing the selections tended to explain their reasoning in ways that made it clear that they were simply looking for synergy in filling specific expertise gaps. For example, the first few students on a team, exercising some self-awareness and common sense, might note that they lacked financial and accounting expertise and were looking for a "numbers person" to fill that void. Thus, it appeared that even the students selected in the latter stages of the process did not perceive that they were viewed as generally not highly valued. Rather, in both of the first two offerings of the course, students seemed to understand that the

198. We would not force any student to participate and would have used random assignment if permission was not given.

199. The behavioral traits test is known as Human Factors in Four Dimensions (HF4D), the copyright to which is held by Business Technology Specialists (1986).

quirks of each team drove them to specific needs selection as the draft progressed.

All things considered, the instructors believe that the team-selection process has added value to the course. In student feedback, however, we received some complaints about starting each team with a law student. In actuality, this had been the approach in the first two offerings simply because the per discipline enrollment numbers were such that it made sense to use the number of law students in the course as the basis for setting the number of four- or five-member student teams that the overall enrollment would support. Nevertheless, the students' point is well taken. It is counter-productive to interdisciplinary collaboration to give the impression that one of the disciplines occupies a favored position.²⁰⁰ In addition, in real-world transactions clients choose their lawyers. Accordingly, we decided that for the winter/spring 2008 offering of the course we would begin each team formation with a nonlaw student as the initial team member, and then proceed with the round robin approach described above to complete the team-selection process.

d. Selection of technology for team projects and related issues

The business school and entrepreneurship faculty had prospected for potential projects through contacts with several educational institutions, nonprofit research organizations, and for-profit companies in the Kansas City area. As a consequence, they developed an impressive list of innovative products and services that student teams in the Entrepreneurship & New Venture Creation class, as well as students in a Bloch School Executive MBA course, could select from for their business plan projects. A list with brief descriptions of dozens of technologies was presented to the students. The list represented a diverse group of ideas with potential for commercialization into products or services in the food, biomedical, computer engineering, mechanical engineering, civil engineering, and other markets. To avoid the dissemination of confidential proprietary information at this stage in the project-selection process, the descriptions of the innovations we circulated among the student teams were rather brief.

Originally, we contemplated allowing each student team to select three of the described ideas for further investigation before selecting the one they would use in their business plan project. This

200. Cf. Weinstein, *supra* note 17, at 329-30 (warning of the propensity of "professional arrogance" to yield "poor service delivery to the client").

approach was rejected when it became clear, in further discussions with the Project Providers, that it would be unduly time consuming and require the negotiation of nondisclosure agreements (NDAs) with the owners of dozens of the technologies. To avoid those problems, we decided to simply have the teams list their top three choices in order and then took steps to make sure each team was assigned one of its priority choices. This methodology has been used in the two prior offerings of the course, and again in the winter/spring 2008 semester.

Once the projects and the associated Project Providers were identified, it was necessary to negotiate NDAs with each of them. In both the 2006 and 2007 offerings of the course, this turned out to be a more complicated proposition than one might imagine. As a condition of allowing students to work with their proprietary information, Project Providers understandably wanted assurances that the university, the faculty, and the students were waiving any claim to ownership of that property, any enhancements thereto, or new inventions arising out of the class projects. They also wanted written obligations to keep proprietary information confidential.

Although NDAs of this type are, in concept, unremarkable and in practice are typically handled by relatively short and routine agreements, we encountered several complicating factors in the context of this course. These included the following circumstances: (1) the Project Providers initially proposed "forms" that they preferred to use, which differed from one another, and, in general, were from other contexts and were, in some respects, a poor fit for the educational environment involved; (2) we could not, and would not, force students to sign these agreements; (3) some Project Providers wanted the judges of the business plan competition to sign these agreements as burdened parties; (4) the Project Providers varied in their willingness to let certain confidential information be shared with the entire class (as opposed to just the team assigned to their project); (5) my concern, as the only instructor who is an attorney, that I would be perceived as legal counsel for any individual or institution involved with the course; and (6) the possibility of friction with the other instructors or the Project Providers if any issue I might raise with regard to the proposed forms slowed down the finalization and execution of the agreements and the commencement of the student teams' work with the confidential information underlying their projects.

Getting the NDAs in place took quite a bit of time during each of the first two offerings of the course. The steps taken to address

the issues above included advising the students in writing that they had the option of not signing such agreements (in which case they would be assigned to teams working with nonconfidential public domain technology), advising everyone concerned in writing that I was not offering legal representation for anyone by working on these agreements and that they were encouraged to obtain their own legal counsel, working with legal counsel for the Project Providers to help them appreciate faculty and student concerns and modify the proposed forms of agreement to address those concerns, and bringing in the university's general counsel to review and comment on proposed communications with students and forms of NDAs.

For the most part, the process, though time consuming, went relatively smoothly. Some difficulties arose with a few of the larger, institutional Project Providers—they had a strong preference for using their own forms, whereas we were trying to have some uniformity to simplify matters for students and faculty. We worked out these difficulties and simplified things somewhat by not requiring judges and other observers at the business planning competition to sign NDAs. Instead, we adopted procedures whereby the Project Providers prescreen the oral presentations and written materials to be presented to help ensure that no confidential information is released to parties who are not bound by such agreements. This approach seemed more consistent with the “real world” of venture capital. By the second year of the course, we also succeeded in convincing all of the Project Providers to allow all students and faculty in the class who have signed NDAs to receive confidential information about their project, rather than confining such information to just the team assigned to their project. This created opportunities for more extensive collaboration and a richer learning environment across the entire class.

A few law faculty members (from my institution and others) have suggested that using projects, including innovations not yet patented, from outside for-profit and nonprofit organizations is not worth the trouble of working through the above-described complications. There is certainly some appeal in the notion of simplifying the administration of the course by using hypothetical projects proposed by the course instructors or ideas generated by the student teams themselves. Dr. Rychlewski and I, however, see multiple benefits in using outside, and sometimes not yet patented, technology. Many of the projects are truly cutting edge. The students are exposed to experienced scientists and engineers who have a passion

for their creations and have invented the ideas around which the student teams are building business plans. The students also interact with other Project Provider personnel and develop a firsthand understanding of what various types of professionals bring to the table during the development, marketing, and commercialization of an innovation. Along with numerous educational benefits, the students have career-planning opportunities presented to them that would not be replicated in instructor-manufactured simulations. On balance, we feel that it is worth the extra effort involved in using actual projects from diverse Project Providers to provide our students with a ringside seat to observe and participate in the entrepreneurial process at a high level of sophistication.

e. Assignments and grading

Determining what the class assignments would be and how to grade the students' performance was one of the more prominent cultural shifts to which I needed to adapt. Both my personal law school education and my experience teaching at a law school had involved grades tied principally to final exams, midterm exams in some courses, and the occasional seminar (also known as a "paper course") with no exam, but one or two substantial writing assignments. When I first started meeting with faculty from other disciplines in the KEFS Program, and frequently in discussions with business school faculty members, I heard references to courses with multiple "deliverables." After discovering that the term "deliverables" means, in business school jargon, just what it sounds like—writings a student has to deliver to the instructor as a course requirement—Dr. Rychlewski educated me on the value of having several smaller deliverables due in the early weeks of the course to get the students into the flow of building on their learning throughout the semester. After starting with some modest individual reading and discussion assignments, we began introducing some substantial team assignments (such as the Founders' Term Sheet and a detailed project plan setting forth tasks and timelines relating to the major project for the business planning competition), administered a timed midterm examination requiring each student to write a critique of a case study of a fledging business venture, and ultimately required a polished business plan as the final written-team deliverable.

As noted above, the Entrepreneurship & New Venture Creation course culminates with a business planning competition. At the New Venture Challenge Competition, the student teams first

compete with teams other student from a Bloch School Executive MBA course in making two-minute “elevator pitches”²⁰¹ before a panel of judges comprised of local entrepreneurs, financiers, and attorneys. Following that segment of the event, the judges circulate for a few hours among booths constructed by the student teams to display the good or service for which they have devised their business plans. The judges ask the students probing questions to test the viability of their plan and the extent of their preparation. Finally, the judges select four teams to make more extended presentations and be subjected to more intense question and answer sessions, and thereafter rank the performance of the four teams.

Each student’s grade for the course is based on performance on the written assignments (both individual and team), performance of oral presentations (again, both individual and team), and individual class participation. The team performance tasks account for forty-five percent of the grade, and individual performance on individual writing assignments, the midterm, and class participation, collectively, comprise the other fifty-five percent.

f. Student expectation, biases, and feedback

Observations of and feedback from the law students enrolled in the course were largely in line with some of the generalizations suggested by existing literature regarding law students in interdisciplinary educational settings.²⁰² The law students enrolled in the first two offerings of the course applauded the concept of an interdisciplinary approach to new venture creation and the opportunity to work on a real project during the culmination of their three-year law school program. They appreciated the contacts with real entrepreneurs and their support staff, though they did complain of scheduling difficulties that delayed some of those contacts. They also seemed comfortable with exercises in which they had to take on a leadership role, such as drafting the Founders’ Term Sheet and delivering an overview to the class of a selected area of law. In addition, many of the law students became principal spokespersons for their teams in the business-planning competition presentations. Many of the students indicated that they learned quite a bit, and

201. An “elevator pitch” is term of art that is frequently used to describe a brief initial description of a product or service made by an entrepreneur to a venture capitalist to generate interest in possible investment. See Aileen Pincus, *The Perfect (Elevator) Pitch*, *Bus. Wk.*, June 15, 2007, available at http://www.businessweek.com/careers/content/jun2007/ca20070618_134959.htm.

202. See *supra* notes 36-50 and accompanying text.

found their introduction to advanced technologies to be both educational and entertaining.

A negative reaction from the law students was their discomfort with background reading. Reading assignments were designed to orient them to the entrepreneurial process and common personality traits of successful entrepreneurs as background for projects to be tackled by the student teams throughout the semester. The law students were not expecting to read material that would not be dissected by the instructors in class in the way they were used to dealing with cases, statutes, rules, and regulations examined in their more traditional law school courses. They tended to view this background reading approach as unstructured and had difficulty appreciating its importance. Similarly, they were sometimes uncomfortable when the instructors would, by design, start discussions on general themes and ask the class to creatively build on the broad strokes and collaboratively identify some helpful details and specific issues for the class to consider. As accustomed as they were to being subjected to the Socratic method as applied to details of material they read—prepared to be interrogated on the facts and issues presented, the rules of law, and the “holding”—they appeared ill at ease with questions asking their opinions on how they felt things should or might be. Feedback from the law students tended to characterize such segments of the class sessions as disorganized.

Some of the law students criticized the project plan aspect of the course, and were not shy in pronouncing that they saw little need to commit tasks and timelines to writing. They essentially viewed the project component of the course as an unnecessary waste of their time.

Finally, over the first two years, about one-fourth of the law students said that they worked much harder than the business and engineering students to make time in their schedules to meet on team projects and to perform the tasks assigned to them by their teams. In a few cases, predominantly in the second offering of the course, these observations singled out engineering students who had indicated that scheduling considerations made the course practically (though not technically) “required” for them, and were thus less enthusiastic than the law and business students who had elected to enroll in the class. Fortunately, most of the law students did not express concerns regarding the performance of nonlaw students,

but instead gave the business and engineering students high marks as teammates.²⁰³

The business and engineering students in the course shared the concerns of the law students with respect to scheduling challenges—both with regard to Project Providers and other students on their student teams. They also expressed concerns with what they perceived as special treatment of the law students. These included, in addition to the initial assignment of law students to student teams, having the law students make formal presentations to the class on legal issues with no corresponding format for individual presentations by nonlaw students (apart from team presentations). There were also a few comments about minor scheduling accommodations made for law students because the Law School's semester started and ended one week earlier than was the case for the other students, and, in the spring of 2007, included a two-week break, because the Law School was experimenting with mini-term courses.

Law, business, and engineering students had some complaints about the fairness of the business planning competition at the end of the course. The threshold issue was that, in selecting the projects, they had insufficient time to determine exactly what the product or service was really all about, and how receptive the Project Provider would be to requests for meetings and conference calls. Another concern was that many of the Executive MBA students with whom our student teams competed at the New Venture Challenge Competition were building their business plans around technology they had been exploring for some time and were likely more experienced in making presentations. Some of the judges at the competition expressed similar "uneven playing field" concerns.

g. Instructor expectations and possible biases

As previously noted, the fact that Dr. Rychlewski and I had worked together in exploring possibilities for interdisciplinary education in entrepreneurship in the KEFS program provided a distinct advantage in collaborating in the design and implementation of the Entrepreneurship & New Venture Creation course. Though, like most professors, we certainly have healthy egos, we also have a mutual respect and knew from the outset that neither of us should

203. At the end of the course we have the students on each team evaluate the performance of their teammates. The evaluation is done by hypothetically allocating \$1,000 among the team members as compensation for their efforts on the team projects throughout the semester.

dominate the course. Consequently, neither of us hesitated to make suggestions or play devil's advocate, in a constructive manner, in response to suggestions by the other. Many of our conversations during the initial planning of the course, and in subsequent meetings to discuss student feedback and consider curricular modifications—sometimes held over lunch at one of Kansas City's best barbecue restaurants—involved one of us offering a “why don't we?” suggestion and the other responding with “that sounds pretty good, but why don't we change that a little and . . . ?” This happened routinely from both directions and, happily, was done in a spirit of getting to the best result and not as any kind of competition between us. In essence, we viewed ourselves as entrepreneurs and equal partners in a new educational venture, and checked any biases and turf issues we might have had at the door.

All of that is not to say that Dr. Rychlewski and I see and approach all issues the same way and speak to the class with one common voice. For example, there were clearly occasions during class sessions where we discussed issues on which we reflected different thresholds of risk tolerance or with which we simply had differing experiences. These occasions contributed positively to the educational climate, as we each took time to explain in some detail our thinking on such issues. In some of these instances, the discussions resembled conversations I might have with a client to whom I had to suggest caution in view of potential implications in unsettled and uncertain areas of law, and the students were able to witness the give and take that routinely occurs in such settings. In fact, I would not call a course of this type truly interdisciplinary unless the co-instructors from the various disciplines were, as we were, customarily in the classroom at the same time and with the ability to, courteously, interrupt each other occasionally to provide elaboration, a different perspective, or even a counterpoint.²⁰⁴

h. Assessment of the course to date and planned improvements

Just as we teach our students that entrepreneurs strive to continually learn from mistakes and to change their plans to adapt to technological developments, feedback from consumers, and other changes in circumstances, we are constantly looking for ways to im-

204. Cf. Weinberg & Harding, *supra* note 18, at 47 (the authors, faculty from the law and developmental psychology disciplines, explaining that in their interdisciplinary courses the “best classroom discussions and learning opportunities for students arise when [they] are comfortable and confident enough to challenge one another's statements and perspectives in front of the students”).

prove the Entrepreneurship & New Venture Creation course. As we assessed our first two years of experience with this interdisciplinary class, we found some of the student feedback suggesting areas for improvement to be perceptive and reasonable, in some cases confirming concerns we had developed ourselves. For example, the students are not well positioned to force Project Providers to schedule appointments with them and we could do a better job of arranging for the availability of Project Provider personnel in advance. Similarly, while we intend that the students must do some careful planning to coordinate with their teammates' schedules, we could assist by freeing up some additional prescheduled times for team interaction. There was also merit to observations from other students that law students were being treated differently in certain aspects of the course, and that we should take steps to make sure skills training and other learning opportunities are more equally available to students from all disciplines represented in the course, while sensibly drawing upon the expertise of their varying areas of study.

Other student comments, however, appeared to be, in part, the product of differing student cultures and, in part, resistance to taking some of the initiative that we were encouraging our students to take. In our view, this calls for more explanation of our goals rather than substantive modification of the activities or assignments in question. On the one hand, the law student complaints about background reading not expressly dissected in class seemed merely a function of their recent immersion into traditional law school teaching, and certainly not a basis for eliminating that reading or relieving the students of the responsibility to incorporate its lessons into their course assignments. On the other hand, the instructors have decided to add some additional reading to the course curriculum that will be more directly linked to segments of classroom discussion.

The negative reaction of some law students to the requirement that they develop formal project plans with their teammates detailing tasks and timelines also corresponds to their traditional law school experience in which there are few team projects and a more limited range of issues at play on any team projects they may have had in law school classes.²⁰⁵ The reality is that, as they will see in

205. See *supra* notes 46-48 and accompanying text (describing observations of legal educators on most law students' general lack of experience with team projects in law school).

practice, the making of thoughtful lists of tasks and an associated timetable is essential in dealing with complex projects in which clients and various professionals from multiple disciplines have individual responsibilities for components that must be accomplished, often in a carefully constructed sequence, before the project can be completed. We have concluded that the project plan instruction and assignments should be retained in the course to prepare the students for that reality.

More provocative were the complaints from students in the class that they were at a disadvantage in competing with Executive MBA students in the business plan competition at the end of the course. It is true that over the two years of the competition, the Executive MBA teams that were working on self-developed projects had more time to prepare and use them in their coursework, and did exceptionally well in the ultimate rankings by the judges.²⁰⁶ At the same time, though, many of the projects provided by outsiders were the product of years of development by the Project Providers and the students in our course had exposure to some high-powered scientists and engineers. Furthermore, performance at the competition has relatively little effect on the grades in our interdisciplinary course. Including the Executive MBA students in the event presents some additional learning opportunities for our students by allowing them to observe trade-booth and oral presentations by more seasoned presenters. Although we appreciate the competitive spirit of the students who questioned the fairness of the competition, at this juncture, we would prefer to better explain these circumstances to our students, and to the judges, rather than eliminate teams from the competition. Frankly, we do not see anything wrong with telling our interdisciplinary teams that, in some respects, they are being asked to “play up” to a higher level of competition at the semester-end event—in other words, in the “real world” they will often be up against more seasoned competitors and might as well get used to that reality.

In preparation for the third offering of the course (in the winter/spring 2008 semester), the now three principal course instructors have collaborated on some modifications to the course syllabus. The most significant curriculum changes we have decided to implement after reflecting on the foregoing and other feedback are: (1)

206. In the course of their degree curriculum, the Executive MBA students could start on the development of their business plans in the fall semester and continue refining them during the winter/spring semester.

modifying the team selection process as described above;²⁰⁷ (2) working with the potential Project Providers to obtain, in advance of the semester, more detailed, but still nonconfidential initial descriptions of their innovations and the availability of applicable personnel and providing that information to our students prior to the project-selection procedure; (3) building a fixed time for the student teams to make dry-run presentations of their plan to their respective Project Providers for in-person feedback; (4) clarifying the background reading of early chapters in *The Intentional Entrepreneur*,²⁰⁸ and framing a series of questions relating to that reading to motivate the students to search for key issues; (5) adding reading assignments from an additional textbook²⁰⁹ that will be directly discussed in detail at selected class sessions; (6) having students other than the law students make presentations to the class on certain course topics, thereby giving them opportunities to hone their communication skills, similar to the law student presentations of selected areas of law; (7) assigning the three instructors as coaches to various student teams, to assist with scheduling and other logistical matters in an oversight capacity (but still assigning the lion's share of planning responsibilities to the students); (8) providing more thorough explanation to the judges at the New Venture Challenge Competition of the relative opportunities for preparation of the students in our course and other student teams in the competition; and (9) moving the New Venture Challenge Competition up one week, to allow for a postcompetition in-class debriefing session.

3. Plans for Additional Law-Business Courses

Experience with the Entrepreneurship & New Venture Creation course, and review of the fascinating law-business initiatives at other law schools described in Part II above, has generated interest in exploring other law school-business school collaborations at UMKC. The current focus is on the possibility of jointly-taught courses on negotiating mergers and acquisitions, venture finance, and real estate development.

207. See *supra* Part III.B.2.c.

208. Bodde, *supra* note 196.

209. JEFFRY A. TIMMONS & STEPHEN SPINELLI, *NEW VENTURE CREATION: ENTREPRENEURSHIP FOR THE 21ST CENTURY* (7th ed. 2007).

CONCLUSION

The legal academy widely acknowledges that law is practiced in the context of relationships and transactions that create problems calling for multidisciplinary solutions. Truly effective practice of law requires an understanding of the circumstances in which issues arise, and the varying vocabulary, problem-identification and problem-solving techniques, and unique perspectives of clients and their other professional advisors. It therefore stands to reason that making law students aware of these circumstances, and initiating their interaction with individuals trained in other disciplines while in law school, will facilitate their success in practice. The need for interdisciplinary initiatives has been thoughtfully explored and described in literature produced by law faculty at many U.S. law schools for some time, particularly in areas involving the interactions of law with healthcare, family and social services, economics, and, more recently, entrepreneurship. Relatively little has been published concerning truly interdisciplinary education of would-be business lawyers, and the excellent work that has been published in that vein comes predominantly from faculty involved with transactional clinics.

Fortunately, in recent years an increasing number of U.S. law schools have recognized and capitalized on the fertile opportunities to better educate and train law students to become valuable, entrepreneurial lawyers made available by entering into collaborations with business schools on or near their campuses. Examples discussed in this Article demonstrate that fruitful law school-business school collaborations have been implemented in both clinical and regular classroom settings at several universities and can be replicated and expanded at many others. I hope that the examination of obstacles to this type of interdisciplinary collaboration and possible solutions to the problems posed by those challenges will aid faculty who are interested in embracing the spirit of entrepreneurship at their institutions. Creating partnerships between law schools and business schools, and associated interactions with other academic units, is worth the extra effort that those collaborations entail, as they inure significantly to the benefit of students from multiple disciplines.

APPENDIX

SMALL BUSINESS AND COMMUNITY DEVELOPMENT
TRANSACTIONAL CLINICS AT U.S. LAW SCHOOLS

- Brooklyn Law School (Community Development Clinic)
- Case Western Reserve University School of Law (Community Development Clinic)
- Columbia University Law School (Nonprofit Organization/Small Business Clinic)
- Cornell University Law School and Johnson School of Management (BR Legal Program)
- Creighton University Law School (Community Economic Development Law Clinic)
- Duke Law School (Community Enterprise Clinic)
- Florida A&M University College of Law (Community Economic Development Clinic)
- Florida International University College of Law (Community Development Clinic)
- Fordham University School of Law (Community Economic Development Clinic)
- George Washington University School of Law (Small Business Clinic)
- Hamline University School of Law (Small Business/Non-Profit Clinic)
- Harvard Law School (WilmerHale Legal Service Center: Business and Non-Profit Organization Clinic)
- Hofstra University School of Law (Community and Economic Development Clinic)
- Indiana University School of Law (Entrepreneurship Law Clinic)
- Lewis & Clark Law School (Small Business Legal Clinic; and Business Advising—Center for Technology, Entrepreneurship, and Law, and Community Development Law Center)
- Loyola University Chicago School of Law (Business and Corporate Governance Law Clinic)
- Michigan State University College of Law (Small Business & Nonprofit Law Clinic)

Northwestern University School of Law (Small Business Opportunity Center)

Rutgers Law School of Camden (Rutgers Community Development Clinic)

Seattle University School of Law (Community Development and Entrepreneurship Clinic)

Southern Methodist University Dedman School of Law (Tax Clinic/Small Business Clinic)

Syracuse University (Community Development Law Clinic)

Temple University Beasley School of Law (Center for Community and Nonprofit Organization)

University of Akron School of Law (New Business Legal Clinic)

University of Alabama School of Law (Community Development Law Clinic)

University of Baltimore School of Law (Community Development Clinic)

University of Chicago (Institute for Justice Clinic on Entrepreneurship)

University of Colorado School of Law (Entrepreneurial Law Clinic)

University of the District of Columbia David A. Clarke School of Law (Community Development Law Clinic; and Small Business Law Center)

University of Houston Law Center (Transactional Clinic)

University of Idaho College of Law (Small Business Legal Clinic)

University of Maryland School of Law (Community Development & Transactions Clinic)

University of Michigan Law School (Urban Communities Clinic)

University of Minnesota School of Law (Multi-Profession Business Clinic)

University of Missouri-Kansas City School of Law (UMKC Entrepreneurial Legal Service Clinic)

University of New Mexico School of Law (Business & Tax Clinic)

University of North Carolina School of Law (Community Development Law Clinic)

University of Oregon School of Law (Small Business Clinic)

University of Pennsylvania School of Law (Entrepreneurship Legal Clinic)

University of Pittsburgh School of Law (Community Economic Development Clinic)

University of San Diego School of Law (Entrepreneurship Clinic)

University of Tennessee College of Law (Business Law Clinic)

University of Texas School of Law (Community Development Clinic)

University of Washington School of Law (Entrepreneurial Law Clinic)

Washburn University School of Law (Small Business & Transactional Law Clinic)

Western New England College School of Law (Law and Business Center for Advancing Entrepreneurship: Small Business Clinic)

William Mitchell College of Law (Business Law Clinic)

Vanderbilt University Law School (Business Law Clinic and Community and Economic Development Clinic)