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The Experiential Course Book I Have Been Waiting For

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The Experiential Course Book I Have Been Waiting For



[Martin Katz](#)

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December 14, 2016

(Review of Rachel Arnow-Richman and Nantiya Ruan, *Developing Professional Skills: Workplace Law* (West 2016))

There is an exciting movement toward practical legal education in U.S. law schools. There are many good reasons for this movement, including demand from students and potential students, as well as demand from the employers and clients that will hire those students.



Additionally, a plethora of compelling studies strongly suggest that adults learn best through practical, contextual, experiential education.

Yet, many professors in U.S. law schools continue to teach using more traditional methods. There are a number of reasons for this. Perhaps the most widespread reason why professors hesitate to engage in experiential, or problem-based, teaching is the amount of work required to teach this way. The workload in developing and executing experiential courses has proved to be one of the major barriers to the expansion of this exciting type of education.

Fortunately for us in the field of workplace law, Rachel Arnow-Richman and Nantiya Ruan have just eliminated a tremendous amount of that work. Over several iterations, they developed a first-rate experiential course in this field. And they are willing to share their work, so that we do not have to reinvent this well-designed wheel. The result is their forthcoming book (due for release in the next week or so), [*Developing Professional Skills: Workplace Law*](#).

This narrow volume provides a rich set of workplace law problems that can be used, off the shelf, to teach a problem-based course. There are 11 chapters, each of which contains a detailed but manageable workplace law scenario. And while all of the scenarios are fun and thoughtfully crafted, you might consider using even a subset of them, given the book's low price point (\$25, from what I understand).

Each scenario requires the students to learn important substantive areas of workplace law, ranging from employment contracts to antidiscrimination law to labor law. So there is no worry about whether you are covering the key doctrines if you use this volume as a substitute for your traditional workplace law textbook, as opposed to using it as a supplement to the traditional textbook. But used in either way, their content coverage improves upon traditional textbook coverage in an important way: In the real world, the problems faced by clients do not tend to fit into the neat categories set out in traditional workplace law textbooks. Professors Arnow-Richman and Ruan's scenarios expose students to all of the wonderful messiness of law, fact, client interests, and even personalities that they will encounter in practice.

The scenarios also provide pre-organized exercises for the students to play the role of workplace lawyers, whether it is interviewing a client, conducting discovery, or drafting an employment handbook. The scenarios are designed to allow students to develop critical lawyering skills and wrestle with ethical and professionalism problems, all in the context of client-centered, doctrine-rich problems. I cannot imagine how much better prepared I would have been as a workplace lawyer if I had participated in a class like this as a student.

Notably, this book addresses another key barrier to offering of experiential courses: the concern that professors might have about creating and teaching a new course without a “safety net” in the form of a teacher’s manual. This book includes a detailed and thoughtful teacher’s manual. For example, in a scenario involving a client intake on a case involving contract and anti-discrimination issues, the teacher’s manual includes a comprehensive set of relevant legal doctrines with explanation, along with a discussion of practice norms, and an excellent discussion of ethical issues that might come up during the exercise.

The book is helped by the different backgrounds of its two authors. Professor Arnow-Richman was a defense lawyer, who is primarily a podium teacher. Professor Ruan was (and is) a plaintiff’s lawyer, who is primarily a legal research and writing teacher. Together, they have created a resource that is balanced and nuanced, as well as extremely practical.

In addition, they have test-driven these materials over multiple courses. So where an earlier version of a scenario or exercise ran into problems in execution, they were able to make adjustments. In other words, we get the benefit of the authors’ trial-and-error experiences.

Obviously, this book will not take all of the work out of teaching a new experiential workplace law course or incorporating experiential learning techniques into an existing workplace law course. But it will save professors who are new to this type of teaching (and even those who already have experience with this type of teaching) a tremendous amount of work. And it will provide comfort by helping alleviate some of the stressors in

developing and starting to master such a course.

I am optimistic that this book can help professors (like me) who are interested in retooling our workplace law courses to make them more experiential. And perhaps more importantly, I am optimistic that resources like these can help to overcome some of the most significant barriers to the expansion of experiential legal education.

Disclosure: Professors Arnow-Richman and Ruan work at the school where I teach and, until recently, was Dean. However, in my defense, I had been yearning for a book like this for years. And while I knew that Professors Arnow-Richman and Ruan were writing such a book, I fell in love with this book and planned to write a review on it when I saw its description and table of contents - before I knew this was their book.

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