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Reimagining Legal Education: Incorporating Live-Client Work into the First-Year Curriculum

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Reimagining Legal Education

Incorporating Live-Client Work into the First-Year Curriculum

By Nancy Vettorello and Beth Hirschfelder Wilensky

Two female first-year students showed up in one of our offices seeking advice. As part of the live-client work we assign our first-year students at the University of Michigan Law School, they were paired to assist a client of the Michigan Immigrant Rights Center with his naturalization application. While they were interviewing him, the client made several sexist remarks that left the students unsure about whether to respond and confused about how to continue representing him. Later that semester, another pair of students sought advice about a client they were helping appeal the denial of his unemployment benefits. They suspected that the client was withholding information, perhaps because it was embarrassing.

The Michigan experiment: learning through live-client interaction

We often use our offices to dispense advice about writing, research, persuasive technique, and analytical reasoning—all for simulated legal practice. But for the past two years, we've also been counseling our students to handle tricky situations, like these two examples, with real-life clients. Attorneys, of course, know that incidents

like these aren't unusual in law practice; lawyers frequently have to deal with unlikeable clients and clients who are less than forthcoming. And for that reason, these tricky situations for our students are also teaching moments for us. Our students need to know that no client is perfect. Whether they work in legal aid or for a big firm, they will frequently represent individuals they find unpleasant, and they have a professional obligation to be zealous advocates regardless. Our students need to develop strategies for providing the best representation to all clients, for figuring out when to address client behavior that causes discomfort and when to let it slide, and for managing those decisions in light of ethical obligations and their own professional identities. Interaction with real clients provides multiple opportunities for law faculty to shepherd students through the many landmines that accompany client representation.

These pedagogical moments are too important to save for the work that many students don't begin to undertake until their second and third years of law school. For that reason, the University of Michigan Law School has recently introduced live-client work for many students in the first year, primarily through integrating that work with our required year-long Legal Practice series of courses.

Partnering with local organizations to enable live-client representation

Since 2015, Legal Practice faculty have partnered with local legal services organizations and the law school's own clinics to provide our 1L students with client interaction, under the close supervision of experienced attorneys. So far, our students have worked with the Michigan Immigrant

Rights Center, Legal Services of South Central Michigan, and the school's Unemployment Law Clinic.

- Students who work with the Michigan Immigrant Rights Center assist legal permanent residents to obtain citizenship by helping them fill out their naturalization paperwork. This requires students to learn the legal significance of specific questions on the application, such as which questions pose not just a risk of the client's citizenship application being denied, but also the risk of deportation.
- Students who work with Legal Services interview tenants who are having problems with their landlords, often because they have withheld rent. After being trained to recognize the potential defenses the tenants might raise, students are tasked with directing the interview to determine if any of these defenses might apply.
- Students who work with people who have been denied unemployment benefits also interview their clients, but then go on to represent the clients in a hearing before an administrative law judge. This necessarily requires the students to engage in trial preparation, which includes researching and developing a theory of the case, drafting opening and closing statements, and drafting direct and cross-examination questions. They also prepare their clients for the hearing and for providing testimony. The live-client work for this last group of students is a more substantial part of their Legal Practice curriculum.

Through these partnerships, Michigan Law is experimenting with different levels of live-client engagement to assess which programs benefit first-year students the most,

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integrate smoothly into the already-packed curriculum, and are sustainable over time.

Benefits of incorporating live-client work

All of these experiences require students to anticipate potentially uncomfortable conversations about a client's background. The naturalization application, for example, contains detailed questions about criminal history and participation in controversial political organizations in other countries. Students also learn some ins and outs of managing a law office, such as keeping organized records and memorializing every action in the client's file. They learn the frustration of scheduling, the trickiness of directing conversation with a chatty client to relevant facts, and the difficulty of giving clients disappointing news.

To prepare our students for their client work, we provide training in partnership with staff attorneys from legal services organizations on both the substantive law and skills like client interviewing and counseling. Then we integrate the client work into our syllabi in ways that complement the Legal Practice curriculum. For example, students write a file memo about their client representation. We provide feedback on their memos, which enables us to reinforce universal writing considerations like organization, audience, and purpose. We also assign a separate research memorandum that dovetails with the work of the organization from which the students get their clients. That assignment lets students bring together their research, analysis, and writing skills in a way that anticipates legal questions that might arise in their client representation. It also exposes students to the variety of activities that a lawyer might engage in—from analyzing complex legal questions in rapidly changing areas that affect many clients to providing direct representation in a relatively straightforward client matter.

Involving first-year students in live-client work has another important benefit: it keeps students engaged in their education at a time when many start to feel disconnected from their reasons for attending law school. Before we integrated live-client work into the first-year curriculum, the law school had

observed that more than two-thirds of our 1L students sought out volunteer opportunities that permitted them to practice the skills they were learning in class, often through activities that allowed them to interview and interact with clients. Our students, like many of their generation, want to learn by doing.

By making live-client work part of the curriculum, we respond to our students' motivation to serve the community while connecting their work to the curriculum. Not surprisingly, our students report that working with clients is one of their favorite parts of the first-year curriculum. They take their preparation seriously because they know that real people with real legal problems are depending on them. They draw connections between their client work and legal doctrines they are studying in their core classes. Students report that the live-client work gives them confidence going into their summer work and into the interview process that greets them at the beginning of their 2L year. For some students, early exposure to client work helps them identify classes to take in their second and third years—especially because many find they have a thirst for clinical work once they are exposed to it.

What's next: studying the effectiveness of incorporating live-client work into the 1L year

The law school's effort to integrate live-client work into the first-year curriculum is

in the experimental phase. Next year, more than half of the Legal Practice professors will include live-client work in their classes. Working with the university's School of Education, we are also studying the effect of the program on student engagement, satisfaction, preparedness for practice, and more. We look forward to keeping the Michigan legal community informed of our progress.

And those two female students who sought advice on how to handle a client who made sexist remarks? In light of the client's upcoming naturalization interview, they realized that their professional responsibility obligated them to gently explain why his comments were inappropriate—and could even undermine the success of his interview. They also learned that they could separate their feelings about their client's comments from their professional responsibility. In other words, as 1Ls, they took a significant step in developing their professional identities as lawyers. ■

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