

Faculty Scholarship

2003

Clinical Teaching at William Mitchell College of Law: Values, Pedagogy, and Perspective

Eric S. Janus

Mitchell Hamline School of Law, eric.janus@mitchellhamline.edu

Publication Information

30 William Mitchell Law Review 73 (2003)

Recommended Citation

30 William Mitchell Law Review 73 (2003)

This Article is brought to you for free and open access by Mitchell Hamline Open Access. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Mitchell Hamline Open Access. For more information, please contact sean.felhofer@mitchellhamline.edu.

Clinical Teaching at William Mitchell College of Law: Values, Pedagogy, and Perspective

Abstract

A retrospective celebrating thirty years of clinical education at William Mitchell College of Law. These courses are nurtured by the key principles that have shaped clinical education at William Mitchell. They embrace the profession of law, but insist on a critical stance. They recognize that values define the practice of law, and that only through intentional choice of pedagogy and perspective can values education be effective and respectful of the autonomy of our students as they work to define the sort of lawyers they wish to become.

Keywords

clinical legal education, law school, legal clinics, clinical education

Disciplines

Legal Education

**CLINICAL TEACHING AT
WILLIAM MITCHELL COLLEGE OF LAW:
VALUES, PEDAGOGY, AND PERSPECTIVE***

Eric S. Janus[†]

I. CONSTRUCTING THE WHOLE: THE WORK OF THE LAWYER COURSE.....	75
II. LAW AND PSYCHIATRY: USING THE BOUNDARY BETWEEN TWO PROFESSIONS TO SEE LAWYERING MORE CLEARLY.....	77
III. EQUAL JUSTICE AND LEGAL SCHOLARSHIP	81
IV. REFLECTIONS.....	85
V. CONCLUSION.....	86

As part of our celebration of thirty years of clinical education at William Mitchell College of Law, I want to describe three clinical courses that I've had a hand in developing and teaching. When I joined the William Mitchell faculty in 1984, the clinical program was in full bloom, vigorous, and diverse.¹ The courses I discuss in this short essay have grown out of that fertile and energetic educational environment.

While the main focus of my essay is to describe these courses, I also take the opportunity to reflect very briefly on the William Mitchell educational philosophy out of which they have grown, and of which they form a part. As I see it, William Mitchell's approach to legal education flows from three main founts. First, there is an embrace of the profession, combined with the critical stance that should characterize higher education.² William Mitchell is proud to be a professional school, helping students learn not just theory,

* Thanks to Sam Magavern, Gena Berglund, Heather Rastorfer Vlieger, and Carolyn Chalmers for their valuable help and comments on this essay, and to Robin Vue-Benson for his skillful editing and cite checking.

[†] Professor of Law, William Mitchell College of Law, St. Paul, Minnesota.

1. See Roger S. Haydock, *Clinical Legal Education: The History and Development of a Law Clinic*, 9 WM. MITCHELL L. REV. 101 (1983).

2. See generally Robert J. Condlin, "Tastes Great, Less Filling": *The Law School Clinic and Political Critique*, 36 J. LEGAL EDUC. 45 (1986).

but a practice—a complex, nuanced, and messy subset of real life.³

Second, William Mitchell's education has incorporated a focus on values. In some ways, clinical education can take the lead in values education, but at William Mitchell, we've worked to include attention to values throughout our curriculum. But how one might teach about values is not self-evident, so our approaches to values-education have been diverse, and the courses I describe are part of an institutional ethos that encourages experimentation and initiative in developing approaches to teaching.

The third characteristic is the school's history of putting pedagogy on the same plane as scholarship. Teaching and writing are the two ways in which law school professors construct and disseminate knowledge. Our respect for teaching manifests the high regard we have for our students, for the profession they are learning, and for the clients they will eventually represent.

Thinking about how to structure teaching to support our educational goals regarding the profession and values has led me to think a lot about the idea of perspective. Typical law school teaching shines a spotlight on a particular, analytically distinct area of legal doctrine or theory—for example, contracts or torts. This "content" is taught by studying pieces of judges' (and lawyers') work—often appellate opinions.

Much clinical education—including the courses I am about to describe—changes this typical pedagogical structure in two ways. First, it reverses foreground and background, so that the focus is now on what lawyers do rather than what law is. Second, clinical education shifts from the analytical stance to an approach that is integrative, which helps students connect the analytically separate pieces of their legal education together into a meaningful whole.⁴

As the reader will see, all three of the courses discussed below were developed collaboratively, are taught collaboratively, and use collaboration as a tool for learning. This, too, is a conscious choice

3. See generally DONALD SCHÖN, EDUCATING THE REFLECTIVE PRACTITIONER: TOWARDS A NEW DESIGN FOR TEACHING AND LEARNING IN THE PROFESSIONS (1987). See also Michael Jordan, *Law Teachers And The Educational Continuum*, 5 S. CAL. INTERDISC. L. J. 41, 57 (1996) (critiquing contemporary legal education as "training and thinking [that] engenders a hierarchical view of how knowledge is created and should be valued" and places the researcher/theoretician "[a]t the pinnacle of the hierarchy").

4. This process is more fully described in Eric S. Janus, *Clinics and "Contextual Integration": Helping Law Students Put the Pieces Back Together Again*, 16 WM. MITCHELL L. REV. 463 (1990).

about pedagogy, about values, and about lawyering. It represents an application of pedagogical knowledge about adult learning and models a way of approaching the practice of law and relationships with clients.

I. CONSTRUCTING THE WHOLE: THE WORK OF THE LAWYER COURSE

I began practicing law in 1973, eleven years before I started teaching. As a new lawyer at Minneapolis Legal Aid, I quickly confirmed that my law school education was just the beginning of my legal education. In part, I was reassured because law school had provided me with the doctrinal framework and analytical skills to support lots of on-the-job learning. But something was strikingly absent. It slowly dawned on me that I did not have a coherent idea of what it meant to be in a lawyer-client relationship. It was not so much that I felt unprepared for the inevitable ethical dilemmas, but rather that the everyday relationship of lawyer and client seemed often problematic and unstable.⁵

In fact, this peculiar relationship had rarely been *taught*, or even *taught about*, in law school.⁶ Nonetheless, I had two very strong paradigms in my head. In one I was to be the agent for the client, advocating vigorously for his or her viewpoint or position, whether it was prudent or not. In the other image, I was to be the independent professional, firmly in control of the relationship with my client and the direction of the representation.

These two images of the lawyer-client relationship were inconsistent with each other, but little in my legal education had prepared me for facing this incongruity. I had no framework for thinking about it, learning about it from practice, or developing a nuanced and (hopefully) authentic accommodation or synthesis of these inconsistent images of the work of the lawyer. Equally puzzling was the fact that I had such strong images of lawyering, despite the fact that little about this topic had been taught

5. See Eric S. Janus, *A Memorial to Bernie Becker*, 17 WM. MITCHELL L. REV. 409 (1991).

6. The closest my legal education came to addressing these issues was the wonderful and innovative Lawyering Process course, taught by the late Prof. Gary Bellow. Prof. Bellow later published the materials for this course in a text of the same name, co-authored by Prof. Bea Moulton. I used their text when I taught as an adjunct instructor in Hamline Law School's Lawyering Process course, led by Prof. David Cobin in the late 1970s and early 1980s. In many ways, Bellow's teaching, and Bellow and Moulton's text, were a model and inspiration for the Work of the Lawyer course.

explicitly in law school.

I came to William Mitchell to teach and help with the clinical program in the fall of 1984. I began to think about how we might be able to prepare our students better than I had been prepared on this question of what it meant to be a lawyer. There was talk at that time among law professors about bringing values into legal education. A colleague, Neil Hamilton, had developed a seminar on business ethics in which students were asked to reflect on their own values. This focus dovetailed with my thinking about the work of the lawyer. It was not simply that the two stereotypical roles for lawyers were incongruous, it was also that neither one really had room for the lawyer as a person—a person with her own values, style, and temperament. Neil and I melded our two ideas and developed the Work of the Lawyer Seminar, first offered to students in about 1989 and still offered as part of the William Mitchell curriculum in 2003.

The course seeks to help students understand—and choose—an approach to being a lawyer that corresponds to their own values. As a means to this end, it adopts a pedagogy that brings to the fore the work of the lawyer and seeks to combine theory, practice, and a focus on values.

The course has three components. In the “academic” component, students read a variety of materials about being a lawyer. Topics covered include: the nature of the lawyer-client relationship, lawyering and honesty, the relationship between one’s personal and professional values, meaning and work, the impact of race and gender on law and lawyering, lawyering and the public interest, and the meaning of “professionalism” and being part of a “profession.” The second component is a “field” component. Students are placed with practicing lawyers, with the goal of having students observe and participate in as many lawyering activities as possible. Especially emphasized is the hidden work of lawyers—the behind-the-scenes work with their clients, colleagues, and professional peers. Students are to keep journals of their experiences and observations. The third component is a “value” component. The course is designed to bring the students’ own values into the picture. They each write a “credo” describing their own fundamental values, and are encouraged to think about how those values might fit most authentically with the various models for lawyers’ work that they see in the course. All three aspects are brought together in the seminar meetings. Working from the

topics and materials supplied by the professor, these sessions are planned and run by pre-arranged groups of students. In this way, students are encouraged in their transition from student to lawyer by taking responsibility for their own learning and for choosing the kind of lawyer they want to be.

II. LAW AND PSYCHIATRY: USING THE BOUNDARY BETWEEN TWO PROFESSIONS TO SEE LAWYERING MORE CLEARLY

In 1999, Dr. Tom Stapleton, who taught forensic psychiatry to psychiatric residents at the University of Minnesota Medical School, approached William Mitchell Professor John Sonsteng with a proposal to collaborate on a forensic psychiatry clinic. Because of my interest in mental health law, I became involved a few months later, when the basic outlines of this collaboration between the two institutions was in its infancy. The challenge presented was integrating two different professional cultures and approaches, both in terms of practice and in terms of pedagogy.

The evolution of the structure for the Law and Psychiatry Clinic is a good example of the kind of mindfulness about teaching that I described in the introduction to this essay. Our initial approach was to simply stitch together a law clinic and a psychiatric clinic. Under this model, the two professions would work in parallel: practicing lawyers would refer clients who needed forensic psychiatry evaluations, law students would work as law clerks with the referring lawyers, and psychiatric residents would perform evaluations of the referred client under the supervision of the psychiatric faculty. Law students and medical residents might meet together in class to discuss the cases, but their professional identifications and loyalties would be separate: law students would be doing law and psychiatry residents would be doing psychiatry.

Undoubtedly, this arrangement would have provided an adequate educational experience. The basic outlines of forensic practice would have been clarified. The psychiatric residents would have had practice doing forensic evaluations and the law students might have observed and assisted as a lawyer coped with a psychiatrist's expert testimony. In addition, by maintaining parallel and separate professional identities, this model avoided the complicating issues of multidisciplinary practice.⁷

7. See Eric S. Janus & Maureen Hackett, *Establishing a Law and Psychiatry Clinic*, 14 WASH. U. J.L. & POL'Y (forthcoming fall 2003) (discussing the ethical

But as we thought more about the educational goals of the clinic, we understood that the real value of an interdisciplinary clinic lay in seeing the border of the two professions—the area where the interchange or translation from medicine to law, and vice versa—takes place. We understood that the central issue for both psychiatrists and lawyers lies at this intersection. It is here that the enormous power exercised by psychiatry in law gets formed and negotiated. This insight suggested that we needed to think more about how to structure the course and focus our teaching to support our educational goals.

Courts delegate central judgments of social policy to forensic psychiatrists and other mental health professionals perhaps more than they do to other expert witnesses. Questions of dangerousness, competence, and responsibility are often placed almost wholly in the hands of these mental health professionals (MHPs). To be sure, judges and juries retain the final say, but MHPs exercise great power in the adjudication process. Because that power is often obscured by the opacity of “expertise,”⁸ the legal process often lacks the ability to tether professional opinions to the rule of law.

Psychiatrists and lawyers often attempt to deal with the power of forensic psychiatry by asserting that as expert witnesses,

complications of joining law and psychiatry students in a single clinic); J. Michael Norwood & Alan Paterson, *Problem-Solving in a Multidisciplinary Environment? Must Ethics Get in the Way of Holistic Services?*, 9 CLINICAL L. REV. 337 (2002) (discussing the ethical complications of multidisciplinary clinical education).

8. Mental health professionals’ power arises from at least three attributes of their testimony. First, their judgments come from an expertise that is often characterized as more art than science. This characterization excuses psychiatric judgments from the justification required of scientific testimony, and often places it beyond the accountability of effective courtroom advocacy. Second, MHPs, often *sub rosa*, are delegated (or unilaterally assume) the power to set the boundary or threshold for vague but important legal concepts. Thus, when the question is “dangerousness,” courts often want the experts to make the judgment whether the risk posed by an individual is so severe that his or her liberty ought to be constrained. See Eric S. Janus & Robert A. Prentky, *The Forensic Use of Actuarial Risk Assessment with Sex Offenders: Accuracy, Admissibility and Accountability*, 39 AM. CRIM. L. REV. ___ (forthcoming). Third, MHPs can tell stories (narratives) about clients’ lives. These narratives, couched in the expertise and mystique of psychiatry, can have a particular authority. An additional source of power, as Michael Perlin points out, is the “near total capitulation to experts” that often characterizes attorneys working with patients with mental illness. Michael L. Perlin, “*You Have Discussed Lepers And Crooks*”: *Sanism In Clinical Teaching*, 9 CLINICAL L. REV. 683, 689 (2003).

psychiatrists have an obligation to seek “objectivity.”⁹ Yet, as explained in more detail elsewhere, the goal of objectivity, even if well-executed, cannot determine critical parts of the MHP’s opinion.¹⁰ This is because, as mentioned above, a significant part of the MHP’s work involves highly value-laden ascriptions, implicitly setting thresholds and contours for concepts like dangerousness, competence, and responsibility. Further, the work of MHPs often involves creating a narrative explanation for the behavior of the client.¹¹ Both the ascription and narration are constrained, to be sure, by the “objective” facts, but neither is fully determined. Thus, a key part of the course is helping both the residents and the law students come to a working understanding of the ways in which MHPs discover—and construct—the evaluative picture they paint of the client.

To show our students how this work is done, we wanted to get the residents and law students together, working and thinking—each from their own professional perspectives—on the common problem of work at the boundary of their professions. In order to accomplish this goal, we felt that the law students and the psychiatry residents needed to be “on the same team.” That is, instead of working on parallel professional tracks, we wanted them to be working together within a single professional framework. This would allow them to fully share their thinking about each case, unconstrained by the limits that distinct professional roles and rules might otherwise impose.

This led us to change our notion of the clinic. We decided that the law students would be a part of a psychiatric clinic, working under the auspices of the doctors’ licenses. Of course, this meant that the law students would not be working under a lawyer’s

9. AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW, ETHICAL GUIDELINES FOR THE PRACTICE OF FORENSIC PSYCHIATRY, *available at* <http://www.emory.edu/AAPL/ethics.htm> (last visited Aug. 16, 2003) (noting the “special hazards” presented by the adversarial system, exposing “the forensic psychiatrist to the potential for unintended bias and the danger of distortion of their opinion”).

10. See Janus & Hackett, *supra* note 7.

11. Christopher Slobogin, *Doubts About Daubert: Psychiatric Anecdotes as a Case Study*, 57 WASH. & LEE L. REV. 919, 922-23, 922 n.23 (2000) (describing forensic mental health evaluations as potentially giving “voice” to clients); see also Martha Chamallas, *Deepening the Legal Understanding of Bias: On Devaluation and Biased Prototypes*, 74 S. CAL. L. REV. 747, 781 (2001) (discussing the power of prototypical narratives in which “a ‘code’ provided by the script tells us why the actors behaved as they did [T]he complexity of the actor’s actual motivations is eclipsed by the simpler cultural meaning, which emphasizes character traits.”).

license, and hence would not be involved in practicing law. But the advantage achieved from the shift in perspective was clear. Working as law clerks, the law students would have remained outside of the law-psychiatry border. They would have had the same view of psychiatrists as lawyers usually get: from the outside in. By moving the law students under the psychiatrists' umbrella, we changed this perspective, giving the law students an insider's perspective that they would never get in practice. In addition, we would change the view of the psychiatric residents. By working with the law students and professors, the psychiatrists would become more mindful of their own processes, and of the ways in which the law frames the issues for and uses the opinions resulting from psychiatric evaluations.

Our thinking about educational goals thus shaped the structure and pedagogy of our multidisciplinary clinic. Instead of two professions working in parallel, we integrated the work so we could focus on their boundary. As time has passed, we have continued to build on the benefits of this integrated structure in two additional ways. First, we require cross-disciplinary collaboration by giving primary responsibility for each case to a team made up of two law students and a psychiatric resident. These teams work together to marshal the documentary background and begin to frame the legal questions that must be addressed by the evaluation. We have found that creating these interdisciplinary teams helps break down the barriers between the two professional groups in the clinic.

The second way in which we hope to maximize our gain from the interdisciplinary character of the clinic is through the use of a centralized rather than distributed approach to the activities of the clinic. In a distributed approach, much of the work of the clinic is done outside of the classroom setting by students working alone or directly with a supervising attorney. Students and instructors meet together in a seminar periodically for instruction, to reflect on the work they've done outside of class and, sometimes, to actually do some of the lawyering work (e.g., planning and strategizing).

In our centralized model, by contrast, most of the work of the clinic is done during long weekly meetings where all members of the clinic come together. It is in those meetings that we parse the legal issues and develop goals for the evaluations, perform (and observe, via closed circuit television) the evaluation interviews, and distill the information to form professional forensic opinions.

Though our centralized method is no doubt less efficient, it has the advantage that all members of the clinic observe and participate in all aspects of the development of a forensic evaluation. It is in these interchanges and discussions that the insider's view of forensic psychiatry resides. During our meetings, we all participate in, and observe, expert opinions being formed. We give special attention to the role assumed by psychiatrists in the forensic setting. Alluded to above, this forensic role involves a transformation for the residents. They must change their normal professional instincts, which lead them to act as therapeutic healer for their patients. The new role involves no therapy or healing, and mandates not only honesty and fairness, but also "objectivity." Quite often, the legal actions resulting from this new role are anti-therapeutic for the patient, as the forensic psychiatrist focuses on issues such as risk to others who might come into contact with the patient.

But the shift in role is more complex than simply adopting a stance of "objectivity" and shedding the therapeutic approach. As mentioned above, it turns out that the commands to seek objectivity and honesty are, by themselves, insufficiently determinate. Honesty and objectivity cannot provide complete guidance to the witness, or the attorney, in the formulation of key aspects of the expert opinion, the ascription of value-laden labels, and the formulation of narrative. By structuring the work of the clinic so that the participants' attention is drawn to the indeterminacy of these values, we give both law students and psychiatric residents practice in exercising, and critically reflecting on, the power that is too often hidden by the mystique of expertise.

III. EQUAL JUSTICE AND LEGAL SCHOLARSHIP

An important strength of the legal profession and legal education in Minnesota has been their long-term, collaborative focus on public service. The robust collaboration between the private bar and the legal services community dates back at least to the 1980s.¹² The joint work between the bar and the law schools

12. See generally Angela McCaffrey, *Pro Bono in Minnesota: A History of Volunteerism in the Delivery of Civil Legal Services to Low Income Clients*, 13 *LAW & INEQ.* 77 (1994). Jerry Lane, executive director of Mid-Minnesota Legal Services, reports that the collaboration among the bar, legal aid, and legal education dates back at least to 1914, when the University of Minnesota Law School required every third-year student to spend time at Legal Aid before graduating. Lane also reports on a

began in earnest in the early 1990s, and is documented in a symposium issue of the *Journal of Law and Inequality*¹³ and in Susan Curry's article, *Meeting The Need: Minnesota's Collaborative Model To Deliver Law Student Public Service*.¹⁴ Throughout, the bar and the law schools have worked together to seek ways in which the values of pro bono and public service could be made real in the legal education setting. Key developments in this collaboration have been the Law School Public Service program,¹⁵ a project to design curricular modules on poverty law for first-year law school classes,¹⁶ and the Public Interest Speakers Directory listing public interest lawyers who are willing to speak in law school classrooms.¹⁷

In 2001, another initiative emerged from this collaboration, Legal Scholarship for Equal Justice (LSEJ).¹⁸ As announced by the LSEJ Committee, the purpose of this initiative is to "encourage a wide variety of legal scholarship that has practical results for disadvantaged individuals including law review articles and notes, independent research projects, term papers, amicus briefs, and draft legislation."¹⁹

1937 letter from the Hennepin County Bar Association President to Minneapolis Legal Aid, "saying it was his impression 'that generally the lawyers not only accept but approve the work that the Legal Aid Society is doing,' and expressing his wish to cooperate in every way possible." E-mail from Jerry Lane, Executive Director, Mid-Minnesota Legal Services, to Eric Janus (May 13, 2003) (on file with author).

13. See, e.g., Stephen Befort & Eric S. Janus, *The Role of Legal Education in Instilling an Ethos of Public Service Among Law Students: Towards a Collaboration Between the Profession and the Academy on Professional Values*, 13 LAW & INEQ. 1 (1994) (and symposium articles referred to therein).

14. 28 WM. MITCHELL L. REV. 347 (2001).

15. *Id.*; see also MINNESOTA JUSTICE FOUNDATION, THE LAW SCHOOL PUBLIC SERVICE PROGRAM, at http://www.mnjustice.org/students_lspsp.asp (last visited Aug. 16, 2003) (describing collaboration among Minnesota Justice Foundation, the three then-existing Minnesota law schools, the Minnesota State Bar Association, and "over forty legal services providers").

16. These materials, created by Professors Peter Knapp, Mike Steenson, and Roger Haydock of William Mitchell College of Law, and Professor Marie Failinger of Hamline University Law School, are posted on the TWEN Website, at <http://lawschool.westlaw.com/twen/> (last visited Aug. 16, 2003); see also *The West Education Network Announces Law School Lesson Plans on Poverty Law*, 20 No. 1 LAWYER'S PC 9 (2002).

17. E-mail from Heather Rastorfer Vlieger, staff attorney, Minnesota Justice Foundation, to Eric Janus (May 2, 2003) (on file with author).

18. See MINNESOTA STATE BAR ASSOCIATION, LEGAL ASSISTANCE TO THE DISADVANTAGED COMMITTEE, ANNUAL REPORT, 2001-2002, at <http://www2.mnbar.org/committees/lad/annual-archive.htm>; see also Sam Magavern, *Integrating Scholarship, Teaching, and Service: How Four Law Professors Make It Work*, BENCH & BAR OF MINN., May-June 2002, at 27.

19. MINNESOTA LEGAL SERVICES, LEGAL SCHOLARSHIP FOR EQUAL JUSTICE, at

The LSEJ Committee proposed a law school course aimed at this goal. I volunteered to design and teach the first iteration of the course. I had wonderful collaborators in Sam Magavern, a legal aid attorney who was one of the founders of LSEJ; Heather Rastorfer Vlieger, staff attorney for Minnesota Justice Foundation; and two enthusiastic and dedicated law students, Melissa Giernoth and Gena Berglund.

We named the course *Equal Justice: Advanced Research*, and offered it for the first time in the fall of 2002. It was open to students from all four local law schools, limited to twelve total. The purpose of the class was to facilitate legal scholarship on legal issues of current concern to practitioners working for equal justice. Befitting this work, we attempted to design the class to sit on the boundary between theory and practice. Sam and Heather, networking with equal justice practitioners throughout the state, lined up about two dozen legal issues of current concern.²⁰ They made arrangements for the attorneys who proposed the issues or other experts to be involved in a field experience for students who chose to work on their topic, and later coordinated those field experiences. Gena, Melissa, and I put together the syllabus and materials for the class. The syllabus included materials and classes on how to do legal scholarship,²¹ the controversy about the relevance of legal scholarship,²² an introduction to the various theories informing legal scholarship,²³ an overview of theories of justice,²⁴ approaches to public interest and poverty lawyering,²⁵ and

http://www.mnlegalservices.org/about/lsej/lsej.shtml#ej_asc (last visited Aug. 16, 2003).

20. See *id.* (listing each issue).

21. Eugene Volokh, *Writing a Student Article*, 48 J. LEGAL EDUC. 247 (1998).

22. Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 34 (1992); Deborah Rhode, *Legal Scholarship*, 113 HARV. L. REV. 1327 (2002).

23. See, e.g., JURISPRUDENCE—CLASSICAL AND CONTEMPORARY: FROM NATURAL LAW TO POSTMODERNISM (Robert L. Hayman, Jr., et al. eds., 2002). Thanks to my colleague Prof. Russ Pannier for his help in selecting these materials.

24. THE BLACKWELL GUIDE TO SOCIAL AND POLITICAL PHILOSOPHY, Chapter 3 (Robert Simon ed., 2002).

25. John Kilwein, *Still Trying: Cause Lawyering for the Poor and Disadvantaged in Pittsburgh, Pennsylvania*, in CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES, 181-200 (Austin Sarat & Stuart Scheingold eds., 1998); Barbara Bezdek, *Silence in the Court: Participation and Subordination of Poor Tenants' Voices in Legal Process*, 20 HOFSTRA L. REV. 533 (1992); Clark D. Cunningham, *The Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse*, 77 CORNELL L. REV. 1298 (1992); Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs.*

the nature and origins of poverty.²⁶ We also devoted several class sessions to reading “exemplars” of equal justice scholarship—legal scholarship that had been influential in shaping the development of the law in the areas of equal justice—and attempting to understand how these scholars translated their academic work into action.²⁷

We viewed the course as having three parts. Roughly speaking, the seminar focused on theory, which constituted the academic content. Second, we expected the students to engage in a field component. Guided by the attorneys who had proposed the research issues, the students were to do field research connected to their topics. We encouraged the students to gather information not only from these lawyers, but also from policy makers, government staff, service providers, community members, and, of course, people who were most affected by the legal issue—the clients of equal justice lawyers. This was a critical aspect of the course, because we wanted student work to be connected to the clients who inhabited the world from which the legal issues arose.

G., 38 BUFF. L. REV. 1, 19-32 (1990). Thanks to my colleague Prof. Jay Krishnan for his help in finding and selecting these materials.

26. This class was taught by Phil Sandro, Ph.D., Director of the Metro Urban Studies Term of the Higher Education Consortium for Urban Affairs. See <http://www.hecua.org>.

27. The exemplars included materials in the following areas:

Domestic violence: State v. Hennem, 441 N.W.2d 793, 798 (Minn. 1989); Michael A. Buda & Teresa L. Butler, *The Battered Wife Syndrome: A Backdoor Assault on Domestic Violence*, 23 J. FAM. L. 359 (1984/1985); Victoria Mikesell Mather, *The Skeleton in the Closet: The Battered Woman Syndrome, Self-Defense, and Expert Testimony*, 39 MERCER L. REV. 545 (1988); Holly Maguigan, *Battered Women and Self-Defense: Myths and Misconceptions in Current Reform Proposals*, 140 U. PA. L. REV. 379 (1991).

Housing: Justin D. Cummins, *Housing Matters: Why Our Communities Must Have Affordable Housing*, 28 WM. MITCHELL L. REV. 197 (2001); Elizabeth K. Julian & Michael M. Daniel, *Separate And Unequal: The Root and Branch of Public Housing Segregation*, 23 CLEARINGHOUSE REV. 666 (1989).

Education: John Powell, *Segregation and Educational Inadequacy in Twin Cities Public Schools*, 17 HAMLINE J. PUB. L. & POL’Y 337 (1996).

Death penalty: McClesky v. Kemp, 481 U.S. 279, 285 n.2 (1987); David C. Baldus et al., *Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience*, 74 J. CRIM. L. & CRIMINOLOGY 661 (1983); James Liebman, *A Broken System: Error Rates in Capital Cases*, at <http://www2.law.columbia.edu/brokensystem2/> (last visited July 15, 2003).

Racial profiling: DAVID A. HARRIS, PROFILES IN INJUSTICE (2002); David A. Harris, “Driving While Black” and All Other Traffic Offenses: *The Supreme Court and Pretextual Traffic Stops*, 87 J. CRIM. L. & CRIMINOLOGY 544 (1997).

Welfare rights: Charles A. Reich, *The New Property*, 73 YALE L.J. 733 (1964).

Mental disability: Morton Birnbaum, *The Right to Treatment*, 46 A.B.A. J. 499 (1960); Morton Birnbaum, *A Rationale for the Right*, 57 GEO. L.J. 752 (1969).

In addition, we wanted to encourage the students to include some empirical work in their research, again as a way of connecting the theoretical and practical.

The third component of the course was the writing requirement. This was to be the bridge between the academic and the real. The goal was to produce scholarship aimed at making a difference on equal justice issues in the real world. The product was to be a law review-style paper. We also encouraged the students to prepare a “poster” presentation of their research for a symposium on Legal Scholarship for Equal Justice that was to be held in January 2003.²⁸

The course was offered for the first time, at William Mitchell, in the fall of 2002. Twelve students enrolled (three from each of the four local law schools). These students, working alone or in teams, chose six topics to work on, ranging from controversial legislation to recognize marriages solemnized in traditional Hmong marriage ceremonies, to a study of the downward spiral into poverty that drivers license suspensions and associated fines can have on low-income persons. The final papers, all of which integrated theory, doctrine, empirical work, and client narratives, are posted on the Web.²⁹

IV. REFLECTIONS

Looking back over these three initiatives, I want to offer three observations.

The first observation is about “values.” All three of these classes are, at least in part, about values. The Work of the Lawyer class is about how law students can take their own values and translate them into a template for working as a lawyer. The Law and Psychiatry Clinic is about what it means to be “objective and honest” in an adversarial context. And the Equal Justice class focuses on using one’s legal skills to advance equal justice.

The second observation is related to the first. All three courses chose pedagogies and perspectives specifically in service to their educational goals, and, in particular, their goals for values-

28. First Annual Conference on Legal Scholarship for Equal Justice, January 24, 2003, William Mitchell College of Law. Prof. James Liebman of Columbia University School of Law was the keynote speaker. His remarks appear elsewhere in this volume.

29. http://www.mnlegalservices.org/about/lsej/lsej.shtml#ej_asc (last visited Aug. 16, 2003).

education. These courses flipped the normal focus so that the background information about practicing law became the foreground. They intentionally positioned themselves at boundaries, and consciously brought clients and empiricism into the classroom.

Finally, all three sought to integrate what otherwise would have been separate. The Work of the Lawyer seeks to see the lawyer whole, rather than in the analytically separated pieces that are the normal subject matter in law school. The Equal Justice course aims to integrate academic theory and writing skills with real-world problems and real-world people and facts. And the Law and Psychiatry clinic dissolves the normal barriers between the professions of law and psychiatry, making visible the powerful processes of translation that occur at their boundary.

V. CONCLUSION

Providing a legal education that leads students to become ethically grounded lawyers—values education—is an important and difficult piece of legal education. To do it ethically and effectively requires conscious attention to pedagogy and perspective. The three courses discussed in this essay are attempts to provide integrating experiences for students, employing teaching methods and perspectives that provide them with the expanded skills, knowledge, and imagination to become the kinds of lawyers they want to be.

These courses are nurtured by the key principles that have shaped clinical education at William Mitchell. They embrace the profession of law, but insist on a critical stance. They recognize that values define the practice of law, and that only through intentional choice of pedagogy and perspective can values education be effective and respectful of the autonomy of our students as they work to define the sort of lawyers they wish to become.