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Flies on the Wall or in the Ointment? Some Thoughts on the Role of Clinical Supervisors at Initial Client Interviews

Carolyn Grose
Mitchell Hamline School of Law, carolyn.grose@mitchellhamline.edu

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Flies on the Wall or in the Ointment? Some Thoughts on the Role of Clinical Supervisors at Initial Client Interviews

Abstract
This article uses the question of whether or not supervisors attend initial client interviews with their students as a lens through which to explore other questions about supervision theory, clinical pedagogy and professional responsibility. This analysis appears to create dichotomous positions concerning how students learn best and how clients are served best. The article attempts to deconstruct these dichotomies by proposing a different way to think about these issues. Grounded in theories about adult learning, critical reflection, and role assumption and modeling, the article concludes that the decision about whether to attend client interviews can be one that the supervisor makes on a case-by-case, student-by-student basis, and that the decision might be made in collaboration with the student. Engaging in this kind of inquiry would require supervisors to revisit often and critically their roles as teachers and lawyers, and the needs of their individual students and clients. Moreover, by involving their students in this process, the clinicians model that reflection for them, teaching not only the skill of client-centered interviewing, but also the skill of self-evaluation and critical reflection. The article is based on empirical and theoretical research that reveals and describes complex spectra of supervision style and professional role. Discussion about these spectra and how they inform our pedagogy provides a rich forum to challenge ourselves as critically reflective clinical teachers.

Keywords
Interview, Critical reflection, Supervision, Clinical pedagogy, Modeling, Teaching

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FLIES ON THE WALL
OR IN THE OINTMENT?
SOME THOUGHTS ON THE
ROLE OF CLINIC SUPERVISORS
AT INITIAL CLIENT INTERVIEWS

Carolyn Grose*

This article uses the question of whether or not supervisors attend initial client interviews with their students as a lens through which to explore other questions about supervision theory, clinical pedagogy and professional responsibility. This analysis appears to create dichotomous positions concerning how students learn best and how clients are served best. The article attempts to deconstruct these dichotomies by proposing a different way to think about these issues. Grounded in theories about adult learning, critical reflection, and role assumption and modeling, the article concludes that the decision about whether to attend client interviews can be one that the supervisor makes on a case-by-case, student-by-student basis, and that the decision might be made in collaboration with the student. Engaging in this kind of inquiry would require supervisors to revisit often and critically their roles as teachers and lawyers, and the needs of their individual students and clients. Moreover, by involving their students in this process, the clinicians model that reflection for them, teaching not only the skill of client-centered interviewing, but also the skill of self-evaluation and critical reflection. The article is based on empirical and theoretical research that reveals and describes complex spectra of supervision style and professional role. Discussion about these spectra and how they inform our pedagogy provides a rich forum to challenge ourselves as critically reflective clinical teachers.

Introduction

It was one of those phone messages that appear in clinical teacher nightmares. My student called in a panic saying that he had interviewed his client as we had talked about, but then saw in the clinic manual that he was supposed to have had me attend the interview.

* Associate Professor of Law, William Mitchell College of Law. Thanks to my draft critiquers David Binder, Claudia Grose, Margaret Johnson, Ann Juergens, Peter Knapp, Minna Kotkin, and Ann Shalleck, and to all of the clinicians who responded to my listserv inquiry. Even if I did not cite all of you, every one of you appears in this article. Thanks to my research assistants, Victoria Gardner and Sarah Weiss, and to William Mitchell College of Law for its support – financial and otherwise – of this endeavor.
with him as his supervisor. What should he do? My first reaction to the message was “Oh no! I’ve been here less than a month and already I’m inadvertently violating clinic policy.” But that quickly gave way to, “What? It’s clinic policy that the supervisor has to attend the client interview with the student? How can that be?” Isn’t this, as I initially claimed to my new clinical colleagues, an issue where there is no middle ground: if you are a “client-centered, nondirective supervisor” you do not go to your students’ client interviews; if you go to those interviews, you are not a “client-centered, nondirective clinical teacher?”¹ But my colleagues seemed quite open to my way of doing things, so it occurred to me that I should be open to their ideas, which led me to explore the issues in this article.

I sent an inquiry to the clinic listserv asking two things: First, I wanted to know what clinicians did at initial client interviews;² and second, I wanted to know why.³ Over the next three days, I received dozens of responses, some of them addressed to me alone and some of them to the public list, which generated even more responses as folks debated the pros and cons of attending or not attending the interviews. Clearly this question was far from settled. After a quick review of the responses, I was struck by how they mirrored the debates in clinical scholarship about the goals of clinical education, our duties as lawyers versus our duties as teachers, and the content of good supervision practices.

In the first part of the article, I describe the responses by placing them in the context of these scholarly debates: how do adult students learn best? As educators and practitioners, to whom do our loyalties lie? Is it possible to give excellent client service and provide excellent learning opportunities for students or do these two goals inherently

¹ I had, after all, sat at the feet – first in law school, and then as a clinical teacher–in-training – of Chavkin and Kotkin and Miller and Milstein and Shalleck. Supervisors did not go to initial client interviews – the cases were the students’ cases, so the students interviewed the clients. Yet here I was teaching clinic as a tenure track member of the faculty at a law school I loved, with colleagues who, like Chavkin and Kotkin and Miller and Milstein and Shalleck, were among the pioneers of clinical legal education, and who, it turned out, did go to interviews with their students, and actually felt very strongly about that practice, so strongly in fact that it was written right into the clinic manual. Again, how could this be?

² I choose to focus on the initial client interview, rather than all client interviews, because I believe that is where the greatest differences among supervisors lie. In other words, some people who insist on attending initial client interviews, might, consistent with their pedagogical and lawyering philosophies, choose not to attend subsequent interviews.

³ The text of my inquiry was: “I’m wondering what folks do at students’ initial client interviews: do you go just to meet the client and then leave; do you go and participate; do you go and sit quietly; do you not go at all; etc.? I’d be interested in both your practice and your thoughts about why you do what you do.” Posting of Carolyn Grose to lawclinic@lists.washlaw.edu (Sept. 19, 2006) (on file with author).
conflict? My analysis appears to create dichotomous positions concerning how students learn best and how clients are served best. In the second part of the article, I attempt to deconstruct these dichotomies by proposing a different way to think about these issues: is it sometimes a good practice – consistent with our clinical teaching goals – to go to these meetings, and sometimes a good practice – consistent with our clinical teaching goals – not to go?

Grounding my analysis in theories about adult learning, critical reflection, and role assumption and modeling, I conclude that the decision about whether to attend client interviews can be one that the supervisor makes on a case-by-case, student-by-student basis, and that the decision might be made in collaboration with the student. Engaging in this kind of inquiry would require supervisors to revisit often and critically their roles as teachers and lawyers, and the needs of their individual students and clients. Moreover, by involving their students in this process, the clinicians model that reflection for them, hopefully teaching not only the skill of client-centered interviewing, but also the skill of self-evaluation and critical reflection.\(^4\)

This article presents multiple voices and views, many of them apparently in conflict, all of them rich and complex. My discussion here is not meant to be a comprehensive analysis of these voices and views, nor does it attempt to resolve the debates they represent about clinical teaching and professional responsibility and supervisor role. Rather I am interested in doing three things: first, describing what clinical teachers say they do regarding this particular supervision issue, and why they say they do it; second, exploring through this description how our practices comport with our stated pedagogical and lawyering goals; and finally, suggesting that there is more overlap among our practices and our goals – as teachers and as lawyers – than much of the traditional dialogue about supervision and clinical pedagogy might suggest. The number and variety of responses to my inquiry suggest that clinicians self-identify – whether consciously or not – along complex spectra of supervision style and professional role. Discussion about these spectra and how they inform our pedagogy provides a rich

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\(^4\) It is beyond the scope of this piece to consider fully the role of the client in this decisionmaking process, and what effect involving or not involving the client might have on the various issues considered here. Several answers to my listserv inquiry raised these questions, suggesting that further analysis might well be worth doing. See, e.g., e-mail from Professor Richard Boswell to author (Sept. 20, 2006); e-mail from Professor Ann Juergens to author (July 13, 2007). See also Ann Juergens, Teach Your Students Well: Valuing Clients in the Law School Clinic, 2 CORNELL J.L. & PUB. POL’Y 339 (1993). All of the e-mails cited in this article were written by professors who teach in law clinics and were written in response to my listserv inquiry. They are on file with the author. The sender is identified when the sender has given the author permission to include the sender's name.
forum to challenge ourselves as critically reflective clinical teachers.

I. THE LISTSERV RESPONSES

Of the fifty clinicians who responded, just under two-thirds answered that they do not attend the interviews, and just over one-third indicated that they do attend. All of those who responded explain that they do what they do for one of the two following reasons: students learn better; and clients are better served. These two categories of answers illustrate the debates about how students learn best, the goals of clinical teaching, and the concomitant duties of supervisors. I will thus explore each group of answers in the context of these debates.5

5 It is beyond the scope of this essay to deal fully with two additional issues that came up sporadically in the responses to my inquiry. First, some supervisors either videotape the interviews and watch them afterwards, or watch the interviews in real time through closed circuit television. While I believe that both of these practices come closer to the practice of attending the interview than to the practice of not attending, my inquiry to the listserv did not solicit this particular information, so I am not confident that I got a complete response of what people do and why. The responses I did get on this question, however, do seem to track the reasoning on the broader issue of whether or not to attend. For example, Lisa Kelly remarks that taping the interviews and reviewing them with the students afterwards seems to strike “just the right balance between student autonomy/accountability, fulfilling my responsibility to the client, and pedagogy.” E-mail from Professor Lisa Kelley to author (Sept. 20, 2006). And Lewis Burke watches the interviews on closed circuit TV “because we are hyperconscious of the quality of our work and because the student practice rule makes us (the clinical profs) responsible for the cases.” E-mail from Professor Lewis Burke to author (Sept. 19, 2006). Joan Meier suggests that “by audio-taping the interview we as supervisors were able to provide extremely in-depth and specific feedback and teaching on students’ interview skills... In fact, I think... this may well be the ideal solution - lots of feedback and training but avoiding the problems of having supervisors in the room.” E-mail from Professor Joan Meier to author (July 12, 2007). Minna Kotkin, however, remarks that she has:

never been comfortable with videoing 1st interviews. Even when clients say it’s fine, I think it’s very inhibiting - and are clients really giving informed consent? Most clients really want you to take their case and are afraid that you won’t if they don’t say yes. It’s a real rapport killer - it’s hard enough for clients to be forthcoming about the ‘other side’ without taping them.

E-mail from Minna Kotkin to author (July 10, 2007).

And second, on the related question of level of participation among those who do attend, the answers seem to follow the same analysis as the answers to the broader question. One responder suggests that her participation level “depends upon [the] student’s success in achieving the goals of the interview... If the student is doing a great job I sit with my hands folded. If the student is having less success, I participate in the description of the interviewing process, the questioning and the facilitation of communication.” E-mail to author (Sept. 19, 2006) (sender did not respond to request for permission to cite). Sue Bryant also writes that “I sometimes will ask a few questions after the students have tried to gain information... and missed because of lack of skill and the information is key and I do not want the client to have to return to get the information.” E-mail from Professor Sue Bryant to author (Sept. 19, 2006).
A. Students Learn Better

Much of clinical pedagogy is based on the belief that adult students learn best by doing, through genuine experience. Frank Bloch notes that ‘the assumption is that ‘the more active the learner’s role in the process, the more he is probably learning.’”6 He describes the optimal setting for adult learning as one “in which students are given the opportunity to learn through their own initiative by working together with – rather than being dominated by – the teacher.”7 This setting tends to be accomplished through a combination of role assumption and post-event evaluation and critique. “In essence,” offers Minna Kotkin, “the student’s performance ‘in role’ is the casebook for clinical instruction.”8 The seminar and case rounds and fieldwork – whether in-house or in an external placement – are structured in such a way that the supervisor spends time with the students preparing them to engage in the “real” practice of law; the students then engage in that practice; and reflect on it afterwards with their supervisors and classmates. By ushering their students through this planning/preparing – event – evaluation/reflection process repeatedly for different skill sets, client scenarios and decisionmaking fora, clinical teachers help their students “generalize from experience and . . . develop effective theories of how to practice law.”9

About this model there is general agreement. Where there is disagreement – as reflected by the divergent responses to my listserv inquiry – it is in considering the role of the clinical teacher in this process. More specifically, the disagreement is about the timing and content and degree of supervisor involvement and its relationship to students’ learning.

1. From Those Who Do Not Attend Interviews

Those who do not attend the interviews seem to operate under the belief that students learn best and most from assuming the role of attorney as early and completely as possible in their relationship with the client. Tom Kelley explained in his response that he finds that “students internalize lessons, both about the substantive law and about effective approaches to the lawyer-client relationship if they

7 Id. at 347.
have to struggle through those issues alone rather than relying on me to explain.”

Not going to the interview with the student furthers this goal by requiring the student to “first chair” the case right from the start, and by requiring the client to enter into a relationship with the student alone, not with her and a “real lawyer” supervisor. The student and her partner, if the students work in teams, are the only ones in the room with the client. As such, they are seen as or become the experts: the only sources of information about the substantive and procedural law, the only ones who can answer the client’s questions, the only ones who can gain information from the client, and therefore the only ones with whom the client will begin to develop a relationship.

According to this perspective, the supervisor’s presence at the interview would interrupt this connection, if not prevent it from materializing at all. No matter how “quiet and non-participatory” the teacher, the client might understandably turn to the person who had been introduced as “the supervisor,” seeing him as the one with “authority in the representation.” This dynamic has the potential to undermine the client’s confidence in the student as his attorney, and possibly prevent him from revealing information, participating in strategic discussions, or being open to the student’s counseling efforts. Thus, the educational goal of role assumption by the student might not be met.

Moreover, having the supervisor present might interfere with the students’ own professional identity, their sense of themselves as this client’s attorneys. Many respondents commented that the supervisor’s presence during the interview made students nervous. And more substantively, the students themselves would feel drawn to the supervisor during the interview, looking to him as the expert in the room. If, as some clinicians believe, “one of the most important components of the transition from student to lawyer is autonomous management of the attorney-client relationship,” the supervisor’s presence risks distracting both students and client from each other. By not interven-

10 E-mail from Professor Tom Kelley to author (Sept. 19, 2006).
11 A quick note about gender of hypothetical students, clients and supervisors — I mix it up so as not to stereotype or essentialize any of them.
12 E-mail from Professor Theresa Wright to author (Sept. 19, 2006).
13 E-mail from Professor Jennifer Gundlach to author (Sept. 19, 2006).
14 Joan Meier remarked that “being in the room would be too intimidating for everyone – and it is unrealistic for me to expect to keep my mouth shut enough to preserve the students as lead counsel with the client.” E-mail from Professor Joan Meier to author (Sept. 19, 2006).
15 E-mail from Professor Matthew Fraidin to author (Sept. 19, 2006). Fraidin’s point leaves open the question of what we mean by autonomy. Do we really want our students out there acting as free agents, unfettered, unconnected, on their own? Or does giving
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ing in their students' relationships with the clients, many clinicians believe they are facilitating their students' learning by allowing them to "own the experience more deeply."\textsuperscript{16} Echoing the sentiments expressed in some answers to my listserv inquiry, one scholar notes that supervisors who do not attend their students' interviews "not only permit, but insist on, the students' relatively independent decision-making authority in handling legal cases for their clients."\textsuperscript{17} This forced assumption of the role of lawyer gives students the opportunity to experience what it feels like, both personally and professionally, to be a lawyer.\textsuperscript{18}

Those who do not attend the interviews also highlight their goal of helping students learn the skill of post-event evaluation and reflection. To these clinicians, that skill too is enhanced by students conducting the interview on their own, and hampered by the supervisor's attendance. Ann Shalleck suggests that when students are left to lawyer without supervisor intervention, the experience — of interviewing a client, for example — can "provide a powerful basis for later reflection and understanding."\textsuperscript{19} In these clinicians' eyes, part of the skill of evaluation and reflection involves reconstructing the event so the students and supervisor can then reflect on it.\textsuperscript{20} Matt Fraidin wonders if he is better able "to help students afterwards if my supervision isn't colored by my own experience of the meeting."\textsuperscript{21} By not going to these meetings, Fraidin and others expect their students to pay attention to what is going on in the interview well enough to be able to reconstruct it accurately and completely for a useful post-interview critique and strategy session with their supervisor.

In sum, the rationale of those who choose not to attend interviews with their students mirrors David Chavkin's description of the

\begin{itemize}
\item \textsuperscript{17} Harriet N. Katz, Reconsidering Collaboration and Modeling: Enriching Clinical Pedagogy, 41 GONZ. L. REV. 315, 320 (2006).
\item \textsuperscript{18} Id.
\item \textsuperscript{19} Shalleck, supra note 16, at 154. She goes on to explain that: [f]or example, the students may find themselves angry or frustrated with the client because she has not met their unexamined expectations. Similarly, they may discover that they are ill-prepared to handle a simple question due to inadequate legal research. Consequently, they may understand at a more profound level what it means to plan for an interview.
\item \textsuperscript{20} For a wonderful discussion of the nature of reflection, see Donald A. Schoen, Educating the Reflective Practitioner: Toward a New Design of Teaching and Learning in the Profession (1987).
\item \textsuperscript{21} Fraidin e-mail, supra note 15.
\end{itemize}
dual risks of supervisor intervention. First, "if the student does not believe that the clinical supervisor is always there to pull the student's 'fat out of the fire,'" she will feel a greater sense of responsibility for, and thus a deeper investment in, the client's case. And second, applying the Heisenberg "Uncertainty Principle" to clinical education, Chavkin suggests that "[t]he mere presence of the clinical supervisor as an observer, much less participant, necessarily distorts the attorney-client relationship in a way that adversely affects student lawyering identity." In other words, being there to watch the event changes the chemistry in the room. As Mary Jo Eyster explains succinctly: "I used to try to sit in the back, like a proverbial fly on the wall, but [I] was more like an elephant in the corner."

2. From Those Who Do Attend Interviews

Those who do attend the interviews tell a very different story, of course. These clinicians share their colleagues' goal of teaching students how to conduct interviews, noting, "the interview is such a critical skill that I want to use it as a teaching tool." They believe, however, that such a goal is best accomplished by their presence. Being at the interview is "an efficient way . . . to correct and discuss interviewing techniques immediately," and "to identify issues in skills and values that students might miss."

More than that, these clinicians believe that not attending the interview leaves students vulnerable to engaging in poor interviewing techniques that, uncorrected, might turn into bad habits. As Jon Bauer notes, "an observation can provide a useful early red flag in dealing with students whose interviewing approach is really problematic in ways that they have trouble recognizing." In addition to catching students' mistakes and identifying issues that need work, sitting in on the interviews provides supervisors the opportunity to model more effective ways of conducting an interview. Sue Bryant attends interviews because she "wants to demonstrate for the student how to pursue certain information or how to motivate the client to tell the lawyer the information."

22 David F. Chavkin, Am I My Client's Lawyer?: Role Definition and the Clinical Supervisor, 51 SMU L. Rev. 1507, 1531-32 (1998).
23 Id. at 1532.
24 E-mail from Professor Mary Jo Eyster to author (Sept. 19, 2006).
25 E-mail from Professor James Sonneborn to author (Sept. 19, 2006).
26 E-mail from Professor Sharon Wilson to author (Sept. 20, 2006).
27 E-mail to author in response to listserv inquiry (Sept. 20, 2006) (sender did not respond to request for permission to cite).
28 E-mail from Professor Jon Bauer to author (Sept. 21, 2006).
29 Bryant e-mail, supra note 5.
Echoing their colleagues who do not attend, many clinicians who do accompany their students to client interviews do so in part because it makes students more comfortable. Without the possibility of intervention—of having “their fat pulled out of the fire”—these clinicians fear that students might become overwhelmed and thus paralyzed. As one scholar describes the experience of clinic students, “the very depth of the involvement and the newness of the role make the experience potentially debilitating. The gaps between knowledge and skill, on the one hand, and role demands, on the other, contribute to a high level of anxiety in most students.”30 Those who attend the client interviews with their students believe that their presence might act to lessen that anxiety and prevent it from becoming debilitating.

Finally, similar to their colleagues who do not sit in on interviews, those who do believe that their goal of teaching students to evaluate and self-critique is better served by their practice. Sue Bryant explains that being present at the interview and taking notes allows a richer “textual discussion” of the interview than if she were not present because “students cannot recall all that happened in order to allow” such a discussion.31 David Binder echoes this, noting that “detailed feedback for the student cannot take place without my having been present (and taking notes).”32

3. Wrap Up: How Do Students Learn Best?

So to sum up: those who do not attend client interviews with their students do so in part because they believe students learn more by this practice; and those who do attend client interviews with their students do so in part because they believe students learn more by this practice. Let’s see if we can break this down a bit. Folks who do not attend the interviews believe that students learn how to interview best by assuming the role of lawyer immediately and independently of the supervisor. Folks who do attend the interviews believe that students learn how to interview best if the supervisor is there to give them immediate feedback or correction. Supervisors who do not go to the interviews believe that student confidence is enhanced by their absence. Supervisors who do go to the interviews believe that student confidence is enhanced by their presence. And finally, clinicians who do not accompany their students believe that students learn more effectively how to evaluate and reflect on the interview because they are forced to reconstruct events and their own reactions to those events without the intermediary influence of the supervisor; and those who

30 Kreiling, supra note 9, at 287.
31 Bryant e-mail, supra note 5.
32 E-mail from Professor David Binder to author (Sept. 22, 2006).
do accompany their students believe that students learn more effectively how to evaluate and reflect on the interview because the supervisor is able to help the students reconstruct the events and collaborate in their critique.

B. Clients Are Better Served

Closely related to the debate about how students learn best is the debate about the goals of teaching clinic and the roles and duties of clinical supervisors. The responses to my listserv inquiry highlight the potential conflict between achieving the pedagogical goals of clinical education and achieving the practical goal of providing the best possible legal service to clients. The disagreement among clinicians seems to be not so much about the goals themselves, but about how to balance and prioritize them when they seem to conflict. Put another way, clinicians seem to feel a tension between their roles as educators and their roles as lawyers.

Clinical education has a number of goals about which clinicians tend to agree. Among them are: to provide skills training; to teach self-reflection and evaluation; to teach an area of substantive law or ethics and professional responsibility; to engage in systems analysis and deconstruction of the law and the lawyer’s role in society; to help students identify their strengths and weakness, and likes and dislikes as lawyers, which will hopefully lead to greater professional satisfaction; and to provide excellent legal service to those who otherwise would not have access to a lawyer.33

33 Kotkin, supra note 8, at 188. See Peter T. Hoffman, The Stages of the Clinical Supervisory Relationship, 14 Ant. L. J. 301, 301 n.3 (1986); Michael Meltsner & Philip G. Schrag, Scenes from a Clinic, U. Pa. L. Rev. 1, 54 (1978). Bill Quigley describes the nine goals identified by the AALS Committee on the Future of the In-House Clinic:

1. developing modes of planning and analysis for dealing with unstructured situations as opposed to the "pre-digested" world of the appellate case;
2. providing professional skills instruction in such necessary areas as interviewing, counseling, and fact investigation;
3. teaching means of learning from experience;
4. instructing students in professional responsibility by giving them firsthand exposure to the actual mores of the profession;
5. exposing students to the demands and methods of acting in the role of attorney;
6. providing opportunities for collaborative learning;
7. imparting the obligation for service to clients, information about how to engage in such representation, and knowledge concerning the impact of the legal system on poor people;
8. Providing the opportunity for examining the impact of doctrine in real life and providing a laboratory in which students and faculty study particular areas of the law; and
9. critiquing the capacities and limitations of lawyers and the legal system.

Clinicians disagree, however, about how to achieve these goals, and, more specifically, the clinical teacher’s role in achieving them. This particular debate centers on the question of where and when a supervisor should intervene in a student’s experience as a student attorney and direct him to pursue a particular course of action. Scholars describe two distinct kinds of supervisor: “some teachers will intervene only when they believe it necessary to avoid irreparable harm. Others tend to intervene when they believe student work or performance, while minimally competent, seriously departs from the level of skill and judgment the teacher would bring to bear on the particular case.”  

Where a supervisor falls on this spectrum affects all kinds of supervisory decisions, from how the supervisor helps a student prepare for a given task to what role the supervisor plays in carrying out that task. The choice of whether to attend or not attend an initial client interview is better understood by placing it in the context of how interventionist a particular supervisor is, and why.

1. From Those Who Do Not Attend Interviews

Those clinicians who do not attend their students’ interviews adopt the sentiment that students learn from their mistakes, and echo the view of one commentator that “self-discovery [is] crucial to the student’s clinical education.” They also question whether the supervisor’s way of doing things is necessarily the “right” way, and are willing, absent the risk of irreparable harm to the client, to let the student experiment and find his own way. Scholars have suggested that clinicians with these views “implicitly see themselves more as teachers than lawyers.”

This view may oversimplify the issues. Judging from the answers to my inquiry, those who do not attend client interviews choose not to do so in part out of concern for the client’s feelings about his relationship with his attorney, not only for the student’s educational benefit. They are sensitive to the client’s comfort level with a student attorney, and concerned that a supervisor’s presence would undermine client confidence in the student’s ability to represent him. As Michael Mullane describes, “I find that with my gray hair the clients tend to see me as the ‘real lawyer,’ [which] seems to increase their apprehension about having a student attorney. This is exactly what we do not want

35 Id.
36 Shalleck, supra note 16, at 181.
37 Critchlow, supra note 34, at 428.
to happen."

In addition, as described earlier, these clinicians believe that intervention on the part of the supervisor in the form of attending the interview can undermine the student attorney/client relationship, diminish the student's confidence in his abilities as an attorney, and hamper the student's ability to evaluate and reflect on the interview. Thus, these supervisors believe that students provide better client service in the context of the larger representation if they conduct the interviews on their own.

Those clinicians who choose not to attend the interviews, therefore, make that choice to further the student's educational experience, but also to protect the relationship between the student and the client, with an eye toward providing the client with satisfying and effective legal service. As George Critchlow describes, supervisor interventions, "while motivated by ethical propriety and professional responsibility, can result in an unsatisfactory educational experience for the student, an anxious legal experience for the client – regardless of the objective legal result – and serious role conflict for the clinical teacher." 39

2. From Those Who Do Attend Interviews

Among those clinicians who do attend the interviews, the focus is somewhat different. These clinicians describe themselves as being primarily motivated by their professional responsibility toward the client, and share the concern of one commentator that "clients not be used as guinea pigs in the effort to train law students. . . . Put another way, intervention is more likely when the teacher identifies more with his or her role as lawyer than teacher." 40

This identification seems to take three forms. The first form echoes Michael Mullane's concern about client comfort with having student attorneys. For example, one clinician feels that he should meet his students' clients before the court hearing because "in a hearing, the client is stressed enough without having to worry who is that person acting like they work for me?" 41 These supervisors believe that their participation is necessary in order to address anxiety and frustration the client might have about having a student attorney.

Second is the very real concern for the supervisor's own profes-

38 E-mail from Professor Michael Mullane to author (Sept. 19, 2006) (emphasis in original).
39 Critchlow, supra note 34, at 416-17.
40 Id. at 428.
41 E-mail to author in response to listserv inquiry (Sept. 21, 2006) (sender did not respond to request for permission to cite).
sional obligations. For example, the supervisor's name is on the pleadings so she is the one who is ultimately responsible for the case and who risks malpractice or running afoul of the ethical rules. Or the supervisor is responsible for cases over school breaks when students are not around. For both reasons, the supervisor wants to have some independent familiarity with the client's situation. These supervisors thus attend the interviews out of concern for their own professional obligations: they are the practicing attorneys and need to be involved at all stages and levels of the representation, even if the student attorney is there as well.

The third form is the most complex. Many among those who attend interviews with their students do so because they feel a professional obligation to make sure the client is getting the best service possible, and that that is possible only with a fairly high level of involvement on the part of the supervisor. As David Binder explained emphatically in his response to my inquiry: "I believe that MY responsibility as the lawyer for the person who is really MY client cannot be discharged without personal presence or videotape review." He goes on to note that because "students typically fail to observe many of their interviewing errors... it becomes extremely difficult for me as the supervisor to determine the extent to which what the student proposes to do makes sense." In other words, the supervisor believes that attending the interview is necessary not only to make sure the interview itself does not go awry, but also to feel confident that further strategizing, counseling, planning and case management follows along a path that "makes sense," and without having been at the interview, the supervisor cannot have that confidence.

3. **Wrap Up: How Are Clients Served Best?**

Supervisors who do not attend interviews with their students do so in part out of the belief that this practice provides a more positive experience for the client; and those who do attend the interviews with their students do so in part out of the belief that this practice provides a more positive experience for the client. Those who do not attend the interviews are concerned that their presence would undermine the client's comfort with having a student attorney; those who do attend the interviews are concerned that their absence would undermine the client's comfort with having a student attorney. The clinicians who do

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42 Binder e-mail, *supra* note 32.
43 *Id.*
44 For an anecdote about information that a supervisor can sometimes only gain in a face-to-face encounter with clients or witnesses, see Binny Miller, *Give Them Back Their Lives: Recognizing Client Narrative in Case Theory*, 93 Mich. L. Rev. 485, 573-74 (1994).
not go to the interviews believe that students are better able in their supervisor’s absence to develop an attorney-client relationship, and thus can provide better legal service to the client. Those who do go to the interviews believe that ultimately the client’s legal fate is in the supervisor’s hands, and thus he must be present in order to make sure that the client receives the best legal service possible, both at the interview and throughout the course of the case.

II. Resolving the Tension: Back to the Debates

Jennifer Gundlach suggested in her response to my inquiry that clinicians would answer the questions based on how they understand their role vis-à-vis both students and clients:45 supervisors who attend interviews with their students view themselves primarily as lawyers, and go to the interviews to ensure that the students are doing a good enough job so that the supervisor’s license is not at risk, and so that the client is getting served as well as possible. And supervisors who do not attend interviews with their students view themselves primarily as teachers and do not go to the interviews to facilitate their students’ learning experience and render them better able to step into the role of lawyer when they are done with law school.

But as we have just seen through the listserv responses, even “non-interventionist, nondirective” supervisors who do not attend client interviews really do care about providing client service.46 And even those “interventionist, directive” supervisors who do attend the interviews really do care about having students learn lawyering skills and values. It does seem that we as clinicians have boxed ourselves into approaches and adopted ways of doing things based on assumptions that do not always hold true, in every case, with every student.47 It might turn out that sometimes students learn best if we intervene and sometimes they learn best if we do not. Likewise sometimes clients are better served if we sit out the interview, and sometimes they are better served if we attend. It might also turn out that we as clini-

45 Gundlach e-mail, supra note 13.
46 A survey done eighteen years ago determined that “in fact, most clinical teachers are deeply committed to client service. Most clinicians believe that where there is a conflict client service must take priority over student learning.” James H. Stark, Jon Bauer & James Papillo, Directiveness in Clinical Supervision, 3 B.U. PUB. INT. L.J. 35, 66 (1993). And in another survey done in 2006, Harriet Katz determined that a “majority of the surveyed clinicians stated that the clinic clients were entitled to the supervisor’s best lawyering—not just the students’ best lawyering effort.” Katz, supra note 17, at 324.
47 It is possible that the very way I framed my inquiry — “do you go just to meet the client and then leave; do you go and participate; do you go and sit quietly; do you not go at all; etc.?” — set up and perpetuated this dichotomy. Perhaps a more open-ended question — “what do you do with regard to your students’ initial client interviews?” — would have resulted in a less binary set of answers.
cians would benefit from further reflection and intentional choice-making around this issue, using the very process of evaluation and self-critique that we want our students to learn and use.

A. Student Diagnosis/Individualization

Ann Shalleck has noted simply that "supervision requires an enormous amount of individual diagnosis." As individuals with unique learning styles, personal habits, biases, concerns, strengths, and weaknesses, students challenge us as supervisors to figure out how best to facilitate the learning of each and every one of them. Instead of implementing a single way of answering every supervision question, using a reflexive response to every choice moment, the teacher can consider the context of each particular student and the case in which the supervision question arises. As Bill Quigley points out, almost gleefully, "If you have ten clinical students under your supervision, you will learn at least ten different ways to communicate, cocounsel, and evaluate."

This diagnostic process would include considerations such as the student's educational and professional background, performance in law school, and lawyering abilities. But it would also involve inquiry into his emotional, social and cultural background. The supervisor would wonder about and take into consideration any special concerns the student has raised or evidence the supervisor herself has gained about the student in individual supervisions or in class or case rounds. And the supervisor might consider where the student is in the trajectory of his clinical education. Based on all of these considerations, the supervisor would then decide how to proceed with the particular supervision question that had arisen, determining to what degree or at what rate to release responsibility and control, and with what kinds of ongoing support.

Scholars have proposed that there are stages of supervision that a student moves through in the course of her clinical experience as the student's knowledge and understanding of the clinical process of learning evolves, and also as the teacher's understanding of and familiarity with the student grows. For example, Jane Aiken describes the

48 Shalleck, supra note 16, at 173.
49 See id. at 173-74. See also Kotkin, supra note 8.
50 Quigley, supra note 33, at 488.
51 See, e.g., Jane H. Aiken, Provocateurs for Justice, 7 Clin. L. Rev. 287 (2001); Hoffman, supra note 33, at 303. See also Michael Basseches, Dialectical Thinking and Adult Development (1984); Mary Belenky, Blythe Clinchy, Nancy Goldberger & Jill Tarule, Women's Ways of Knowing (1986); Stephen D. Brookfield, Becoming a Critically Reflective Teacher (1995) [hereinafter Brookfield, Reflective Teacher]; Stephen D. Brookfield, Developing Critical Thinkers: Challenging
first stage as one characterized by “Right-Wrong Dualist Thinking.” A supervisor working with such a student should maximize the student’s ability to make independent decisions, rather than provide her with answers. She should focus her feedback on the student’s lack of comfort in coming to decisions and assist the student in learning to appreciate contextual complexities for which there are no right answers.

A student in Aiken’s second stage — the “Critical Thinking” stage — recognizes that there are very few or no absolute answers to legal problems and believes that there is absolutely no certainty in the law. This student might have come to understand that the law is “constructed” but feels powerless in her ability to make change. She believes the lawyer’s job is to figure out what the decision-maker wants and pitch legal arguments that appeal to the decision-maker. Supervision of this student should focus on helping the student realize that he himself is a source of knowledge and authority. Another commentator describes this progression in a different way, noting that students “become capable of taking more responsibility and initiative

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52 Aiken, supra note 51, at 291.
53 Id.
54 Id. at 292.
55 Id. See also Hoffman, supra note 33, at 306 (describing the first stage as “characterized by a concern with the students’ knowledge and performance of specific tasks, orientation to the supervisory relationship, and reduction of their anxiety”).
56 Aiken, supra note 51, at 291.
57 Id. at 293.
58 Id. at 294.
for their cases" and are able to “approach cases as a collaborative experience involving both student and supervisor.” The supervisor thus “serves to stimulate and guide the students in interpreting, analyzing, applying, synthesizing and evaluating [their own] clinical experiences.”

Finally, students move into a third stage, becoming what Aiken describes as “Justice Ready,” and what others have called obtaining “critical consciousness.” At this stage, the student appreciates context and understands that legal decision-making reflects the value system in which it operates. She can adapt, evaluate and support her own analysis, and believes that a lawyer can become proactive in shaping legal disputes. Here, the supervisor has the opportunity to act as a “provocateur for justice,” pushing the student to think beyond the specifics of this particular case and client toward an understanding of systemic injustice and her role in fighting it. Supervisor interventions, perhaps through eliciting student explications and reflective discussions, should be “directed toward uncovering the values that underlie the law, the limits of what law has to offer our clients and the consequences of using law in the particular context in which we operate.”

These stages are not meant to be used as rigid diagnostic formulas, but rather can serve as heuristic devices to trigger and aid in a supervisor’s assessment of his student. The decision about whether or not to attend client interviews could be one made in part along these lines, with the supervisor assessing where the student falls among these three stages. In addition, the supervisor would consider the issues analyzed in the first section of this piece: her goals regarding that first client interview – helping the student develop an independent relationship with his client; enhancing his confidence as an attorney; facilitating his ability to self-evaluate and reflect; and providing positive and effective legal service to the client. Based on all these considerations the supervisor could determine what role he should play.

Let’s consider my student, Frank, and his initial client interview. It was just a few weeks into the semester and we had had only two

59 Hoffman, supra note 33, at 307.
60 Id.
61 Aiken, supra note 51, at 291.
63 Aiken, supra note 51, at 297.
64 Id. Peter Hoffman makes a similar point about this stage, noting that the supervisor should “defer to the student’s analyses and decisions in cases where reasonable lawyers might differ... The supervisor’s role, in this final stage, is that of a confirmer and guider; a safeguard against serious error.” Hoffman, supra note 33, at 309.
65 This student and those who follow are composites of students that I have supervised.
clinic seminar classes, neither of which dealt with planning for or executing interviews. He was a second-semester 2L who had no litigation experience. He had interviewed people in other contexts, but never a client, and never as a lawyer. Perhaps most important, he felt very nervous about the prospect of taking on a case by himself; he could not imagine being able to act like a real lawyer already. In our planning meeting in anticipation of the interview, Frank wanted very specific guidance on how to conduct the interview: what questions to ask, what advice to give the client, and everything in between. He was looking for a script for the perfect interview, the right answer, in other words, for how to conduct an interview.

Following the model trajectory, this student would be at the first stage of clinical and educational development. As such, my focus as his supervisor should be on helping him identify and plan for the concrete tasks involved in this initial client interview, both to prepare him to conduct the interview itself, but also, or maybe especially, to reduce his anxiety about assuming the role of lawyer. I might ask questions about his discomfort with the role assumption and with the uncertainty of the client's situation, needs, and goals. We might engage in role-playing the opening and closing parts of the interview to get him used to the idea of "being" a lawyer, with a "real" client sitting across from him. At the conclusion of the pre-interview supervision session, I would be better able to determine whether my attendance at the interview would help him by alleviating his anxiety enough to allow him to proceed as the lawyer, or would further undermine his confidence and contribute to his difficulty in stepping into the role.

Let's say, though, that the interview question arises later in the semester, after we have already engaged in both seminar simulations and case rounds discussions of client interviewing. Sienna, a second-semester 2L, had worked on other cases during the semester, though this would be her first initial client interview. She had developed case theories, and prepared for and participated in a pre-trial conference before an administrative law judge in her other cases. She had demonstrated excellent post-hearing evaluation and reflection skills on both her preparation for and performance in the hearing, and seemed very eager to take on a new case. She had worked well with a partner in her earlier cases, but wanted to take on this new client on her own. Now, though, she seemed almost paralyzed in anticipation of meeting with the new client for the first time. She initially dragged her feet about calling the client to set up the appointment, and then put off meeting with me to plan for the interview or do any kind of mooting.

Sienna is the kind of student who might be able and ready to take
on more responsibility and initiative in case handling, but one who seems to need a push when it comes to working on her own as an independent actor in the legal system. Here, my supervisory role would be a more collaborative one than the posture I assumed with Frank. I would attempt to stimulate and guide her in the task of planning for the interview, asking her, for example, for suggestions on how to plan—what research to do, what factual investigation might be necessary, what kind of timeline she might need to prepare for the interview, and what kind of timeline the client might have in relation both to her case and to the rest of her life. At the conclusion of our supervision session, I would be better able to assess whether my presence at the interview would facilitate or inhibit Sienna's ability to act as an independent player with knowledge and authority, and thus serve or hinder the dual goals of providing her a positive educational experience and the client a positive legal experience.

Finally, Thea, a second-semester 3L with a background as a legal secretary who has already completed her representation of two clients, including an initial client interview, comes to me in the middle of the semester. She's particularly interested in a domestic violence case I had mentioned in class that another clinic would like to refer either to our clinic or elsewhere. Would it be alright, she wondered, for her to contact the administrator of the other clinic and do some initial exploration to see if the case was appropriate for her? Thea might be in the third stage, ready to step into the role of a lawyer with "critical consciousness." I would serve at a minimum as Thea's "safeguard against serious error." I might allow her to conduct the initial investigation, meet with her and discuss her thoughts and ideas about whether to take the case. If she did want to go ahead with the case, we would discuss how to proceed in planning for and conducting the interview, but I would probably not suggest much in the way of alternatives unless I felt she was going dangerously down a wrong path. In addition, though, I might choose to act as a "provocateur for justice." Determining that I did not need to focus on facilitating Thea's development as a competent attorney, I could instead challenge her to examine how this case fits in to her understanding of systems of gender and power and violence, and what role systemic injustice might play in the development of her case strategy, and in planning for her initial interview.

These are but brief and oversimplified snapshots of students and cases and the process of supervision.66 One point, obvious though it

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66 Tom Kelley, among others who responded to my inquiry, explains that he sometimes attends these interviews, and sometimes does not. He notes that "if the matter is particularly complex, or if I don’t think the student is ready to conduct the meeting effectively, I
may seem, bears making: in each scenario, whatever I do as a supervisor – whether it is role-playing or asking questions about planning, or debating battered women’s syndrome – is a form of intervention and direction. That is what we do as supervisors; that is how we teach. I use these snapshots then both as jumping off points for considering how to engage in this kind of diagnosis of particular students in anticipation of deciding whether or not to attend their initial client interviews; and to shift the question from whether or not to attend a particular client interview, to how best to guide students through this fundamental learning experience while bearing in mind the particular needs of case and client and supervisor.

B. Critical Reflection

Which brings me to my next question: maybe the inquiry and diagnosis does not start with the student. Maybe the place to begin, or at the very least, a place to go after performing an analysis of the student and case context, is our own self-evaluation and reflection. Any assessment of the student’s ability to conduct the interview on her own, and the client’s potential interests and goals and how they might best be met, must involve critical reflection on the part of the supervisor. As Bill Quigley warns, “The goal of clinical education is reflective, self-critiquing students. It is difficult enough to get to that goal when the teacher is reflective and self-critiquing. It is near impossible when the teacher is not.”

Perhaps here I should take a moment to describe what I mean by “critical reflection” in the context of teaching. I mean the process by which we as clinical teachers self-consciously locate ourselves within the educational and legal system in which we are operating and in relation to the other players in that system. Through this process, we are able to hypothesize what assumptions are at work and the effect they are having on us, on the other players, and on the system itself. Having identified those assumptions and how they operate, we find ourselves with more room to make intentional choices about how to proceed with the supervision of our students and we end up being more effective teachers, both because we make space to hear our students’ concerns and goals, and because we create that space in the

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67 Quigley, supra note 33, at 494-95. See also Brookfield, Reflective Teacher, supra note 51; Brookfield, Critical Thinkers, supra note 51; Cranton, supra note 51.

legal and educational arena so that each student can be heard as both a student and a lawyer. As such, I believe that critical reflection is a skill that makes us better teachers. As Ann Shalleck describes, "[b]y imagining herself as the lawyer in the case, [the supervisor] could see the choices presented for the students. At the same time, however, she had to separate herself from being the lawyer... Maintaining these two attitudes in the face of a real case generated ongoing creative tension for the teacher. Being conscious of the tension is the first step in effectively using that tension in supervision."69

When we as supervisors respond reflexively, without considering the choices we might make, we act in the absence of critical reflection, missing the opportunity both to be better teachers and to model for our students how to be better lawyers. And we do it all the time. As JoNel Newman remarked in response to my inquiry, "I realize that [not attending] is a style I've adopted completely automatically based on various personal assumptions."70 And she is by no means alone. Behind all of the reasons folks articulated for why they do what they do are their own personal biases, assumptions, preferences, and reliance on the ways they themselves were taught. Some people acknowledged those underlying personal and logistical factors: timing, clinic schedules, comfort level, and fear of being controlling, among other things. But I am willing to bet that there are plenty of us – maybe even all of us – who even as we acknowledge some of the underlying assumptions and preferences and personal styles that drive us to make the supervisory decisions we make, fail to acknowledge all of them.

So what might we do instead? First, we might recognize that we have what Elliott Milstein and Sue Bryant describe as a "choice moment"71 about how to proceed. Then, having identified that we have a decision to make, we can engage in a few minutes of critical self-reflection before making the decision. We might ask ourselves some questions such as, putting aside the needs of the client and the student for the moment, what is our personal preference as a supervisor? As a teacher? Do we want to attend the interview with our students? Why? Do we not want to attend the interview with our students? Why not? By conducting this kind of critical reflection, we might uncover what leads us to make the choices we tend to make, and then we can act with consciousness and intentionality about those choices. This is important not only so the supervisor herself can make a con-

69 Shalleck, supra note 16, at 178.
70 E-mail from Professor JoNel Newman to author (Sept. 20, 2006).
scious and intentional choice about whether or not to attend the interview, but also because she might be able to use her process of reflection, either openly or implicitly, to teach her student to engage in a similar process.

C. Supervisor Modeling

So now what? The supervisor has performed the diagnosis of the student and engaged in critical reflection about herself. What next? In considering the question of how best to teach and reach students, Minna Kotkin recommends a combination of role assumption and role modeling. She is quick to point out, however, that by modeling, she does not mean that which is “narrowly focused on the rudimentary skills elements of lawyering.”

Rather, she challenges supervisors to model the “more complex aspects of case preparation,” calling on clinicians to “demonstrate the full range of lawyering skills, as well as the process of experiential learning. . . In partnership with the student, the supervisor acts in role, reflects, generalizes, and applies.”

This kind of modeling “calls on us to practice what we preach,” by suggesting that the supervisor “think out loud” about the range of options, the relevant goals and issues of the client, whatever personal biases the supervisor might have, effectively “opening herself to the same kind of critical examination that the student is expected to develop from his own performance in traditional clinical experiences.”

In addition to showing students how to engage in sophisticated strategic planning, such modeling provides students with an example of the kind of genuine critical reflection we want them to engage in about themselves and their representation of clients. Because we judge students in part on their ability to engage in this kind of reflection, modeling the skill is essential.

In planning for the interview, a supervisor and her student might engage in a conversation about whether the supervisor should attend the interview. In such a conversation, the supervisor could think out loud about the concerns and questions raised by the looming client interview in light of the particular student’s situation. The supervisor might also voice any personal issues or worries that she herself had.

72 Kotkin, supra note 8, at 199.
73 Id. at 200.
74 Id. at 200-01.
75 Id.
76 Id. at 202. See also Katz, supra note 17, at 344 (“[c]linical scholars have acknowledged that it is sometimes necessary to model skills for a student, or to establish the educational agenda, or conclude that an acceptable standard of quality of client service requires additional guidance. Experience reported by the students, cited here, suggests that these efforts can be explicit and unapologetic.”)
about going or not going to the interview. The supervisor could then encourage the student to engage in a similar reflective dialogue. One commentator describes the power of a supervisor's choice to be "real" with a student, noting that such "'realness' and sincerity encourage trust and openness in the student." The end result of such a discussion would thus be that the student and teacher together identify whatever underlying assumptions might be at work in their consideration of whether or not the supervisor should attend the interview, and decide together how it makes sense to proceed.

This approach is attractive on a number of levels. First, it addresses the concerns raised in the responses to my listserv inquiry about student learning. In his response, Matt Fraidin suggested that "depriving [students] of discretion in this regard may undermine the autonomy and responsibility that I'm trying to inculcate. In other words, if what I want is for the students to develop autonomous judgment and decision-making skills by autonomously exercising judgment and making decisions, perhaps they should be allowed to make the decision about whether to include me in the meeting or not." This kind of involvement on the part of the students would be effective for the same reasons we believe experiential learning is effective for adult learners: they are more likely to "own" the subject matter of whatever task they are setting about to learn. As Ann Shalleck points out, "students may be more tolerant of teaching methods that create discomfort when they know the reasons behind them. Although that understanding might not alleviate the frustration or anxiety, it might make the student more open to hearing the teacher's message." Thus, if the student and teacher, following the kind of critically reflective dialogue described earlier, together determine that it makes sense for the teacher not to accompany the student to the interview, the student will feel ownership of the decision, and be better able to perform his role as attorney, and thus better able to serve the client.

**Conclusion**

It is true, as Jenny Lyman remarks dryly, that "[l]earning more about real students creates problems for clinical teachers, just the way learning more about real clients seriously complicates the practice of law." But in referencing Ann Shalleck's work on "cardboard con-

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77 Kreiling, supra note 9, at 302. See also Kathleen A. Sullivan, Self-Disclosure, Separation, and Students: Intimacy in the Clinical Relationship, 27 Ind. L. Rev. 115 (1993).
78 Fraidin e-mail, supra note 15.
79 Shalleck, supra note 16, at 163.
struction of clients,"^{81} Lyman also suggests that "[m]any of [Shalleck's] points might also describe, though on a smaller scale, the results of teaching to constructed students."^{82}

If we are to accept Minna Kotkin's challenge to practice what we preach to students about critical reflection and client-centered lawyering, shouldn't we ourselves engage in this kind of individualized, collaborative, self-revelatory process around questions like the one raised here? If clinical pedagogy teaches us anything, it is that the client interview is more than simply an opportunity to teach students the skill of interviewing, but serves rather as a vehicle for teaching students how to be critically reflective, problem-solving, client-focused professionals. And is this observation not true of all the lawyering "skills" we teach in clinic? Bill Quigley reminds us that "[c]linical education offers an opportunity for a liberating education, an opportunity for teacher and student to join in a common quest for developing self-conscious reflection from experience."^{83} So as we all prepare to embark on another semester accompanying our students on this quest, why not take a moment to reflect on whether it makes sense to engage in discussions like the ones proposed here? And while we're at it, why stop at the question of whether to attend the interview? Why not engage the students in a collaborative, reflective dialogue about whether to operate in teams, how to conduct case rounds, heck, whether we should even hold seminar classes?

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82 Lyman, *supra* note 80, at 229 n.60.
83 Quigley, *supra* note 33, at 474.
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