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GAINING EXPOSURE TO LAW PRACTICE THROUGH BEST PRACTICES

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Teaching the next generation of practicing attorneys requires advanced ideas and approaches.¹ Over the past year, Savannah Law School's (SLS) Pretrial Advocacy curriculum has incorporated innovative teaching methods that reflect a practitioner's perspective and best practices from legal writing and clinical experiential communities.² This essay provides insight about one of these innovations and how it is helping students navigate the road to law practice.

At SLS, Pretrial Advocacy is an upper-level writing course that incorporates both criminal and civil pretrial issues so students simultaneously learn the similarities, differences, and connectivity between both realms in the practice of law.³ Initially, the course relied exclusively on the book *Pretrial Advocacy: Planning, Analysis, and Strategy* because simulated exercises are included in the text. However, now the course has incorporated a fully electronic text, *Teachinglaw.com*, which is used alongside the *Pretrial Advocacy* text.⁴

Technology is an innovation that SLS's Pretrial Advocacy course uses to enhance learning.⁵ Because the course is rooted in criminal and civil law doctrine, there's content that otherwise could not be covered in a typical fourteen or fifteen week semester. As a result, blended or

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1. In December 2015, I presented *Trust Your Instincts: Developing an upper-division Pretrial Advocacy course that incorporates Best Practices and a Practitioner's Perspective* at a Legal Writing Institute One Day Conference. The writing of this essay is prompted by that presentation.

2. Catherine Dunham & Steven I. Friedland, *Portable Learning for the 21st Century Law School: Designing a New Pedagogy for the Modern Global Context*, 26 J. MARSHALL J. COMPUTER & INFO. L. 371, 372 (2009) (transformation of the practice requires change in legal education to meet the demands of an increasingly global profession).

3. See *SLS Master Course List* at 3, <https://www.savannahlawschool.org/wp-content/uploads/2015.10.26-SLS-Master-Course-List.pdf> ("Pretrial Advocacy is a three credit course and may satisfy the upper level writing requirement.").

4. MARILYN J. BERGER ET AL., *PRETRIAL ADVOCACY: PLANNING, ANALYSIS, AND STRATEGY* (2013). Diana Donahoe, *TeachingLaw.com - Legal Research and Writing*, GEORGETOWN LAW LIBRARY, <https://teachinglaw.com> (last visited Feb. 8, 2016).

5. Nicole Black, *Today's Tech: How a Law School Professor Uses Technology in Her Classroom*, ABOVEHELAW.COM, (Dec. 18, 2014), <http://abovethelaw.com/2014/12/todays-tech-how-a-law-school-professor-uses-technology-in-her-classroom/> ("Society is changing, including the ways that we communicate, so ... reflect that change by bringing new technologies and new ways of communicating into the classroom.").

flipped learning, and videoconferencing, have contributed to the learning environment and implemented best practices in the classroom.

The blended or flipped learning model offers many benefits, such as self-regulated learning, active-learning, and collaborative learning.⁶ In SLS's Pretrial Advocacy class, the model has provided (1) out-of-class opportunities to deliver information for activities or graded assignments; and (2) in-class time to give students repeated opportunities to practice required tasks.⁷ Before class, some course content is communicated through technology. Then, during class, students participate in activities that engage the material in a practical way.⁸

During spring 2015, for example, the blended or flipped model was helpful for several students that had not yet taken evidence. One of the graded assignments that semester was a motions hearing, which would have been difficult for those students without prior knowledge of evidence. This substantive deficiency was minimized by collaborating with colleagues who teach Evidence and coach the Mock Trial team to provide evidentiary video(s) and links to the National Institute of Trial Advocacy evidentiary objections. This information, along with a simulated motions hearing exercise from the course book, helped prepare the students because they received immediate feedback and were able to complete an in-class simulation to reinforce the material they learned.⁹

This semester, spring 2016, an online e-book was incorporated into the course, thus furthering the benefits of a blended or flipped model.¹⁰ Because *Teachinglaw.com* is entirely electronic, hyperlinks are used to directly link its content into the course syllabus. By using an e-book along with a course book that has simulated assignments, students have

6. Gerald F. Hess, *Blended Courses in Law School: The Best of Online and Face-to-Face Learning?*, 45 MCGEORGE L. REV. 51, 60 (2013); Roy Stuckey, *Best Practices for Legal Education: A Vision and A Road Map*, 93-94 (hereafter "*Best Practices*") (self-directed learning is a best practice).

7. Susan Landrum, *Drawing Inspiration for the Flipped Classroom Model: An Integrated Approach to Academic Support for the Academically Unprepared Law Student*, 53 DUQUESNE L. REV. 245, 274 (2015) ("The flipped classroom approach allowed for more productivity in the classroom, including time to practice skills that were being taught.")

8. Simulations, which are defined as reasonably similar experiences of a lawyer advising a non-live client, are a tool to help students associate the complexities of law practice in a practical manner. See A.B.A. Sec. 304(a); A.B.A., *Sourcebook on Legal Writing Programs*, 170-71, 189; *Best Practices*, at 132 ("Simulations, role plays, and games have an important place in legal pedagogy.")

9. *Best Practices* at 113 ("Pedagogically, clinical legal education seeks not just to impart legal skills, but ... encourage students to be responsible and thoughtful practitioners. There is considerable emphasis on problem-solving approaches . . . on making ethically responsible decisions particularly when obligations are in conflict; and on being continually self-reflective and critically analytical about one's own experiences.")

10. Diana Donahoe, *An Autobiography of a Digital Idea: From Waging War Against Laptops to Engaging Students with Laptops*, 59 J. LEGAL EDUC. 485, 502 (2010) ("The ... book ... provides reading materials for the students to prepare for class, [and] "class materials" for the professor to use in the classroom").

repeated opportunities to practice certain skills during class.¹¹ For example, students are required to draft two motions and a demand letter this semester. *Teachinglaw.com* includes chapters on drafting pleadings, demand letters, and writing motions and briefs. It also provides annotated templates. Students have the ability to review the templates prior to writing portions of their motion(s) and demand letter during class time. By allowing in-class drafting time, students can be more time efficient and effective out-of-class as they prepare their writing assignments.

Videoconferencing is another form of technology that has been useful in SLS's Pretrial Advocacy class.¹² Skype has been used to videoconference practicing lawyers and judges into specific class activities or discussions of a particular theory. Introducing practicing lawyers and judges into the classroom is regarded as a best practice that can give students a "realistic view of practicing law that they may not get from the full-time faculty."¹³

Through Skype, SLS Pretrial Advocacy students have benefitted from the wisdom of attorneys located in California, the District of Columbia, and Georgia.¹⁴ A district attorney from California talked about case theory from the perspective of the prosecution. A Washington, D.C. attorney addressed strategy and motions practice when the same client is involved in a criminal and civil matter. Lastly, a sitting judge from Georgia participated in a pretrial conference assignment and elaborated on the theory behind those conferences.¹⁵ Overall, Skype can help professors incorporate best practices into the classroom, especially when a professor is still establishing relationships in the local legal community.

As this essay highlighted, using technology in the classroom is just one of many innovations implemented in SLS's Pretrial Advocacy course. A newly licensed SLS graduate recently attested that assignments

11. The course is structured so students receive at least two opportunities to prepare for a graded assignment. When students draft portions of an upcoming graded assignment during class, they can receive immediate feedback by submitting their work via Google docs. *Best Practices* at 92, 130 ("Provide regular and prompt feedback as well as repeated opportunities to perform tasks.").

12. *Best Practices* at 117–18 ("Technology can make instruction and evaluation more efficient and effective, but technology is no more and no less than a tool for implementing best teaching practices."); Benjamin V. Madison, III, *The Elephant in Law School Classrooms: Overuse of the Socratic Method as an Obstacle to Teaching Modern Law Students*, 85 U. DET. MERCY L. REV. 293, 296 (2008) ("Millennial students have seen videoconferencing where participants see each other in real time").

13. *Best Practices* at 116 ("law school[s] should include experienced practicing lawyers and judges as teaching resources to enrich the educational program."); WILLIAM M. SULLIVAN, ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* 115 (2007) ("Those who have the 'wisdom of practice' know how and when to draw on theoretical knowledge ... and the demands of being a good lawyer ...").

14. See <http://www.skype.com/en/>; Madison, 85 U. DET. MERCY L. REV. 293, 339 (2008) ("... the technological revolution has changed us."); SULLIVAN at 116–17 ("With proper coaching ... the novice can progress toward competence").

15. The sitting judge does not reside in Savannah so Skype was the only method available for the judge to participate in the class.

like the joint conference report have already been beneficial in practice. This recognition affirms Pretrial Advocacy's core purpose which is to use a practitioner's perspective and best practices to guide students as they navigate the road to law practice.