
January 2018

Assessment of Professional Values in Experiential Education in Law: Becoming Who We Are Through Practice

John Erbes

Southern Illinois University School of Law

Rebecca J. O'Neill

Southern Illinois University School of Law

Follow this and additional works at: https://digitalcommons.nyls.edu/nyls_law_review



Part of the [Legal Education Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

John Erbes & Rebecca J. O'Neill, *Assessment of Professional Values in Experiential Education in Law: Becoming Who We Are Through Practice*, 62 N.Y.L. SCH. L. REV. 103 (2017-2018).

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Law Review by an authorized editor of DigitalCommons@NYLS.

JOHN ERBES AND REBECCA J. O'NEILL

Assessment of Professional Values in Experiential Education in Law: Becoming Who We Are Through Practice

62 N.Y.L. SCH. L. REV. 103 (2017–2018)

ABOUT THE AUTHORS: John Erbes is Director of Clinical & Experiential Education at Southern Illinois University School of Law, Carbondale, Illinois, since 2012. He has been at SIU since 1996 and was previously an associate clinical professor in the Civil Practice Clinic and the interim Clinic Director for three years. Professor Erbes also teaches Professional Responsibility and a course called Law Practice Management.

Rebecca O'Neill is a clinical professor at Southern Illinois University School of Law, Carbondale, Illinois. She has been a clinician in the Civil Practice/Elder Clinic for twenty-five years. Professor O'Neill has taught Elder Law and Family Law, prepared Bench Books for the Administrative Office of Illinois Courts, and published in the areas of health law and family law. In 2010, Professors Erbes and O'Neill were together honored with the Human Rights Defender Award given by the Southern Illinois Chapter of the United Nations Association.

I. INTRODUCTION

In October of 2015, when we saw that the Alliance for Experiential Learning in Law made the call for submissions of teaching assessment tools for the Third National Symposium on Experiential Learning in Law,¹ we immediately thought about the assessment tools that we developed and utilized for the Civil Practice/Elder Clinic at Southern Illinois University (SIU) School of Law. We submitted a proposal for a conference session that would include a discussion of how these tools are used in the assessment of values, a topic that, in many ways, seems amorphous. The clinic uses several assessment tools to help determine whether the student is making progress toward acquiring the essential skills of a lawyer and demonstrating the fundamental values of the profession.

Part II of this article provides an overview of the opening session at the Third National Symposium on Experiential Learning in Law, discussing the results of a survey on the values in recent law graduates prioritized by the legal profession. Part III contemplates the assessment of values, focusing on the tools used by SIU's Civil Practice/Elder Clinic. The tools discussed in this section are provided in appendices to this article. Part III goes on to summarize the group discussion that occurred at the symposium during our session entitled "Assessing Values in an Elder Clinic." The discussion includes many suggestions from other experiential teachers on assessing students. Part IV concludes this article.

II. THIRD NATIONAL SYMPOSIUM ON EXPERIENTIAL LEARNING IN LAW

The opening plenary session on the Educating Tomorrow's Lawyers initiative was an excellent start to the conference. The energy created by Alli Gerkman's² presentation fueled the remainder of the sessions. Gerkman introduced the attendees to the report "Foundations for Practice."³ The goals of this national, multi-year project of Educating Tomorrow's Lawyers are to:

1. Identify the foundations entry-level lawyers need to launch successful careers in the legal profession;

1. The Third National Symposium on Experiential Learning in Law took place June 10–12, 2016, at New York Law School. *Third National Symposium on Experiential Learning in Law*, N.Y.L. SCH., http://www.nyls.edu/academics/office_of_clinical_and_experiential_learning/third-national-symposium-experiential-learning-law/third-national-symposium-experiential-learning-law-agenda/ (last visited Dec. 8, 2017).

2. Alli Gerkman is Director of Educating Tomorrow's Lawyers, a national initiative to align legal education with the needs of an evolving profession. *Alli Gerkman*, INST. FOR ADV. AM. LEGAL SYS., <http://iaals.du.edu/profile/alli-gerkman> (last visited Dec. 8, 2017).

3. ALLI GERKMAN & LOGAN CORNETT, INST. FOR THE ADV. OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT (2016), http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf. Foundations for Practice is the lead report in a series of reports exploring the results of the survey discussed *infra* p. 105). *See id.*

2. Develop measurable models of legal education that support those foundations; and
3. Align market needs with hiring practices to incentivize positive improvements in legal education.⁴

The project surveyed over 780,000 lawyers throughout the country “to ascertain the legal profession’s perspective on the legal skills, professional competencies, and characteristics (collectively, ‘foundations’) that new lawyers need to succeed.”⁵ More than 24,000 lawyers from all fifty states and a wide variety of practice settings responded to the survey.⁶

The survey results as reported by Gerkman and the written material she relied on revealed the importance of high values in law graduates. For example, in the area of communication, the foundations considered to be most necessary for a law graduate were “the abilities to listen (92%) and promptly respond (91%).”⁷ In the category of emotional and interpersonal intelligence, “[r]espondents viewed the ability to treat others with courtesy and respect as the most important foundation for success right out of law school by a fairly wide margin (92% . . .).”⁸ Under the heading of passion and ambition, the survey respondents identified three factors required for new law graduates: a strong work ethic (88%), the ability to show initiative (75%), and the ability to take ownership of their work (70%).⁹ Professional values were also seen as imperative for proper professional development, with the following considered the most important: taking individual responsibility for actions and results (82%), understanding when to seek advice or engage a supervisor (75%), seeking and being responsive to feedback (72%), and adapting work habits to meet demands and expectations (71%).¹⁰ In the area of professionalism, the most important foundations were keeping confidentiality (96%), being on time for meetings, appointments, and hearings (95%), and honoring commitments (94%).¹¹ Finally, with regard to the qualities and talents necessary for a new lawyer, the responses rated integrity and trustworthiness the highest (92%), followed by diligence (88%), attention to detail (88%), common sense (85%), intelligence (84%), and a strong moral compass (79%).¹²

This information—the fact that a law graduate’s good personal character, integrity, trustworthiness, timeliness, and common sense were viewed as those traits most imperative to a potential legal employer—served to buttress what we have

4. *Id.* at 1.

5. *Id.* at 4.

6. *Id.*

7. *Id.* at 8.

8. *Id.* at 9.

9. *Id.* at 13.

10. *Id.* at 14.

11. *Id.* at 15.

12. *Id.* at 16.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

observed over our respective twenty plus years of teaching in a legal clinic. Specifically, we have noted that character influences the student's clinic work more than the student's class rank or legal knowledge. Along with our opinions about whether a student will fit into their law practices, employers most often inquire about these personal traits. We are frequently the final reference point contacted when an attorney is seriously considering our graduate for employment.

The information provided by the opening plenary led us to adjust how we approached our small group presentation the next day. As we made our final preparations, we decided to focus not just on how our legal clinic instills key personal values in our students, but also on other aspects of our law school's program to teach professional values to students, beginning with their first day of law school through graduation.

III. ASSESSMENT OF VALUES

The theme of the Third National Symposium on Experiential Learning in Law—"The Assessment of Experiential Learning in Legal Education"—was timely given the newly revised American Bar Association (ABA) Standards and Rules of Procedure for Approval of Law Schools.¹³ These standards inform the law school's responsibility to prepare students for effective, ethical, and responsible participation as members of the legal profession, and establish learning outcomes that meet these standards. Standards 301,¹⁴ 302,¹⁵ 314,¹⁶ and 315¹⁷ deal specifically with the assessment of student performance. Standard 304 provides rules for simulation

13. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS (2017). While at the time of the Symposium we referenced the 2016 version of the Standards and Rules of Procedure for Approval of Law Schools, the ABA has since released a 2017 version. For all standards referenced herein, there was no change between the 2016 and 2017 versions.

14. Standard 301 is entitled "Objectives of Program of Legal Education" and provides:

(a) A law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession. (b) A law school shall establish and publish learning outcomes designed to achieve these objectives.

Id. § 301.

15. Standard 302 is entitled "Learning Outcomes" and provides:

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following: (a) Knowledge and understanding of substantive and procedural law; (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context; (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

Id. § 302.

16. Standard 314 provides: "A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students."

Id. § 314.

17. Standard 315, entitled "Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods," provides:

courses and law clinics.¹⁸ Standard 303 provides curriculum standards that require one or more experiential courses totaling at least six credit hours.¹⁹

In addition to these rules, the ABA first adopted a set of ethical rules—the Canons of Professional Ethics—in 1908.²⁰ In 1969, the ABA followed these with the adoption of the first Model Code of Professional Responsibility.²¹ These rules were transformed into the Model Rules of Professional Conduct (“Model Rules”) in 1983,²² and as a result of the Ethics 2000 Commission, the latest set of Model Rules were adopted by the ABA House of Delegates in 2002.²³ Except for California, all the states and the District of Columbia have adopted most of the Model Rules.²⁴ They set forth standards of responsible conduct for lawyers encompassing concepts

The dean and the faculty of a law school shall conduct ongoing evaluation of the law school’s program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.

Id. § 315.

18. *Id.* § 304.

19. Standard 303 is entitled “Curriculum” and provides, in part:

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following: . . . (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must: (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302; (ii) develop the concepts underlying the professional skills being taught; (iii) provide multiple opportunities for performance; and (iv) provide opportunities for self-evaluation.

(b) A law school shall provide substantial opportunities to students for: (1) law clinics or field placement(s); and (2) student participation in pro bono legal services, including law-related public service activities.

Interpretation 303-4 (Standard 303 Curriculum) states:

Law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.

Id. § 303.

20. STEPHEN GILLERS ET AL., REGULATION OF LAWYERS: STATUTES AND STANDARDS 4 (28th ed. 2017).

21. *Id.*

22. *Id.* at 4–5.

23. *Id.* at 5.

24. *Id.* at 3.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

that attorneys are to use as a basis for self-assessment.²⁵ The Model Rules also make clear that they do not “exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules.”²⁶ They do, however, attempt to suggest core values which have been expressed ideals of the legal profession for more than 100 years. The Model Rules set forth the fundamental values of the legal profession:

- The value of providing competent representation: the fiduciary responsibility to every client;
- The value of striving to promote justice, fairness, and morality: the lawyer’s public responsibility for the legal system;
- The value of maintaining and striving to improve the legal profession: the responsibility to the profession of which each lawyer is a member; and . . .
- The value of professional self-development: the responsibility that each law student and each member of the Bar assumes on joining the legal profession.²⁷

We hope students learn these values and incorporate them when entering the profession.

At SIU School of Law, Professional Responsibility is one of the school’s upper-level required courses, usually taken in the student’s second year. In the first class of the semester the students are introduced to the history of the Model Rules and the current Preamble. The major themes of the Preamble²⁸ are aspirational—unlike the rules themselves, which are directive—and emphasize that lawyers are:

- A member of the legal profession;
- A client representative;
- A third-party neutral;
- An officer of the system;
- A public citizen with special responsibility for the quality of justice; and

25. See MODEL RULES OF PROF’L CONDUCT: PREAMBLE & SCOPE (AM. BAR ASS’N 2017) [hereinafter MODEL RULES].

26. *Id.* ¶ 16.

27. Robert MacCrate, *Professional Values in the Practice of Law*, 27 WM. MITCHELL L. REV. 1193, 1194–95 (2000).

28. MODEL RULES, *supra* note 25.

- Self-regulating—conceived in the public interest, not the self-interest of the bar, and independent from government domination.²⁹

In this course, students are asked to think about what it is to *be* a lawyer and to consider the experiences lawyers face on a daily basis when making choices about how they conduct themselves. At first glance the Model Rules appear to be black and white. Students learn through life experiences that they are not, and that sometimes choices are made in what many would consider a gray area. Often there is no outline for perfect or appropriate conduct. Choices are made based on judgments, which often hinge on values. The Model Rules only serve as guidance for the ethical decisions lawyers must face. Students are required to assess the Model Rules and apply their own personal professional values when responding to questions and hypothetical problems in class. The Professional Responsibility course builds on the concepts of professionalism and professional values that the students first encounter in an oath-drafting process at the beginning of their first year of law school.³⁰

SIU School of Law also offers an elective course called Law Practice Management. During this class, students explore the importance of values in building a successful law practice. Reading materials, which include a 2016 article in the ABA's *Law Practice Magazine*, stress how lawyers' values are key to the success of their practices.³¹ In this article, Katy Goshtasbi, a personal branding expert and attorney, stresses the importance of creating a law firm brand.³² She states, "Once lawyers are clear about who they are . . . and where they fit into the law firm, then we can take their brand and market it to their target audience."³³ She identifies values common to a law practice or other business as "fairness, innovation and community involvement."³⁴ In answer to the question of why values are key to a law firm, she writes, "[V]alues never change, no matter how your law firm changes. They can serve as your firm's North Star if lawyers genuinely choose to focus on values and really live them."³⁵ The values of a lawyer and her law firm can serve to drive all aspects of a law practice, from the naming and management of the business, to marketing, staffing, client relations, and compensation. Clearly, teaching values to our students will serve them throughout law school and their legal careers.

29. *Id.*

30. *See infra* Section III.A.

31. Katy Goshtasbi, *Increasing Law Firm Profitability by Instilling Values*, LAW PRAC., Sept./Oct. 2016, at 32, 33–39.

32. *Id.* at 34.

33. *Id.*

34. *Id.* (quoting *Values*, BUSINESSDICTIONARY.COM, <http://www.businessdictionary.com/definition/values.html> (last visited Dec. 8, 2017)).

35. *Id.* at 35.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

A. What Values Do Students Arrive with when They Enter Law School?

SIU School of Law holds an oath-writing exercise for each entering law school class. This is one of the entering class's first experiences. The students are broken into small groups, and their discussions are usually led by practicing attorneys from the local community. Each group writes its own oath. Students draw upon their own experiences, knowledge, cultural traditions, customs, and beliefs when drafting these statements. Leaders from each group gather and share their oaths and, from these statements, write that class's oath. A formal induction ceremony is held near the beginning of the semester, similar to the white coat ceremonies³⁶ held at medical schools. The induction ceremony is presided over by an Illinois Supreme Court justice or a federal judge with ties to the law school community. At the time the oath is recited, the presiding judge invites attorneys in the audience to rise and join in the reciting of the oath. This experience is even more powerful as those attorneys in the audience are parents, siblings, or friends of the law students, or attorneys and judges from the area bar associations.

These statements reflect what first-year students find important about their entry into the legal profession and express the ideals and principles that will guide them through law school and their practice of law.³⁷ SIU School of Law was the first

36. A white coat ceremony is described as:

a symbolic welcoming of new students that is designed to “establish a psychological contract” and “emphasize the importance of compassionate care for the patient as well as scientific proficiency.” Because “students are welcomed by their deans, the president of the hospital, or other respected leaders who represent the value system of the school and the new profession the students are about to enter,” the ceremony is designed to symbolize entry into the field. During the ceremony, participants typically take an oath, “which represents the public acknowledgment by the students of the responsibilities of the profession and their willingness to assume such obligations in the presence of family, friends, and faculty.” “White coat ceremonies emphasize attention to values—the values of family and friends in the audience, the values of the medical school and the medical profession, and the entering students’ commitment to the values, obligations and responsibilities of the medical profession.”

Melissa H. Weresh, *I’ll Start Walking Your Way, You Start Walking Mine: Sociological Perspectives on Professional Identity Development and Influence of Generational Differences*, 61 S.C. L. REV. 337, 382–83 (2009) (citations omitted).

37. See S. Ill. Univ. Sch. of Law, Class of 2015 Declaration of Professional Commitment (2015) (transcript on file with the Southern Illinois University School of Law).

As a professional, I promise to represent my clients efficiently and effectively while practicing the virtues of honesty, competency, and the highest ethics. I will serve my clients with integrity, upholding confidentiality and always keeping their best interests in mind. I promise to exemplify the high standards of the legal profession. I will strive to improve these standards by participating in self-regulation of the legal profession. I promise to defend the Rule of Law and promote truth and equality. I will serve the people to provide liberty, security, and peace of mind. I promise to use my talents to act within my legal capacity to ensure access to justice of all. As a Southern Illinois University School of Law juris doctorate candidate, I will adhere to the highest principles that have been established through time, forever carrying all this forward as an example for generations to come. I will also remember that my role in the legal

law school in Illinois to adopt the professionalism oath-drafting and induction ceremony practice for each entering class.³⁸ This became a model which the Illinois Supreme Court Commission on Professionalism developed for use by other Illinois law schools.³⁹ Currently, ceremonies modeled after the one at SIU School of Law are conducted in every Illinois law school each year by a Supreme Court or Appellate Court justice.⁴⁰

[A] second component [of professionalism training] which occurs at four of the [Illinois law] schools (IIT Chicago-Kent, John Marshall, Northern Illinois and the University of Illinois), has the students breaking out into small groups for a “facilitated session” to consider and discuss assigned hypothetical scenarios that implicate a range of ethical issues. The small groups are facilitated by attorneys from the community who discuss with the students a lawyer’s personal code of conduct and the choices students face as they begin their legal careers.⁴¹

profession is a privilege and not a right, and that it comes with responsibilities that I will endeavor to fulfill to the best of my abilities.

Id.

As an attorney, I pledge to be an honest, diligent, and zealous advocate on behalf of my clients. In order to ensure the sacredness of the attorney-client relationship, I pledge to establish trustworthiness by listening to my clients, responding to them in a timely manner, and upholding integrity. I acknowledge my responsibility to honor my legal privilege, refrain from its misapplication, and pursue all avenues of representation. I also acknowledge my responsibility to cultivate an environment of justice, integrity, and inclusion so that I may continue to uphold the tenets of the legal profession. As a legal professional, I shall contribute to my community by committing my time and resources to promote the common good. I vow to never become content with the injustices that plague society. As a lawyer in training, I will be mindful and respectful of my peers. In building a solid foundation, I will identify my weaknesses, and actively seek knowledge and understanding from all avenues. I will hold myself to the highest standard of integrity and hold my colleagues accountable for the same. I commit myself to continuously seeking and developing excellence in my studies, my practical skills, and my work ethic. I will build upon and further the legacy of this institution.

S. Ill. Univ. Sch. of Law, *Class of 2018 Oath*, FACEBOOK (Sept. 30, 2015), <https://www.facebook.com/6769329370/photos/pcb.10153679359959371/10153679358979371/?type=3&theater>.

38. Michelle A. Silverthorne, *Instilling Professionalism in a New Generation*, 159 CHI. DAILY L. BULL. 157 (2013), <https://www.2civility.org/wp-content/uploads/2014/01/Instilling-Professionalism-in-a-Aug-2013.pdf>.

39. *Id.*

40. *Id.*

41. *Id.*

Illinois is one of several states around the country that has this type of professionalism orientation program. Georgia, Louisiana, Michigan, New Jersey and North Carolina all conduct similar programs—dividing the incoming class into small groups and having attorney facilitators lead discussions on professionalism. Georgia’s Commission on Professionalism even provides programs for incoming 2Ls and 3Ls, including ones titled “Looking Ahead—Preparing for the Summer Experience” and “Debriefing the Summer Experience.”

Id.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

At SIU School of Law, the oath process does not end with the first-year induction ceremony. During the students' graduation ceremony, the class recites the oath they wrote and took at the beginning of their legal education.

It is clear from reviewing the oaths that students arrive at law school with fundamental values that are central in the ethical practice of law. If students already state that truth, honesty, kindness, respect for others, loyalty, responsibility for actions, generosity, forgiveness, and respect for life and liberty are core ideals and principles that they hold fundamental, what more do we want them to learn about values?

B. What More Do We Want Them to Learn About Values?

During law school, we want students to learn that the fundamental values they arrived with are at the heart of legal practice. We want students to learn that the practice of law allows them the opportunity to participate daily in the expression and action of the ideals and principles that are so important to them; these ideals and principles are essential to society's existence. During law school, students best learn this by experience. The practice of law allows lawyers to be who they want to be. Students who grasp this opportunity and understanding, who simultaneously experience carrying out fundamental lawyering skills *and* values, are truly on the path to "the pursuit of happiness." They recognize that they have chosen a profession in which they are empowered to be and do the things they value. By embracing the power, knowledge, and skills that come from their legal education and training and by carrying out their core values and the fundamental values of the legal profession, they can make a profound impact on other people's lives and the world.

Why does this matter? People usually are not happy unless they are engaged in carrying out their core values.⁴² The pursuit of happiness, as we all know, is recognized as one of the most important rights to humankind. It is so important that the founders of our country included it along with life and liberty as one of the unalienable rights given to all human beings by their Creator, which governments are created to protect.⁴³ Experiential learning in law that awakens students to recognize these concepts through modeling, intensive case work, supervision, observation of others, conferences and mentoring with other students and supervising attorneys, and most importantly, self-assessment, will result in students with greater self-satisfaction and confidence, greater satisfaction with their legal education, and a better chance at job placement and a successful career.⁴⁴

42. See SAM CHASE, *YOGA AND THE PURSUIT OF HAPPINESS: A GUIDE TO FINDING JOY IN UNEXPECTED PLACES* 114 (Marisa Solís ed., 2016).

43. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

44. See Christy Burke, *Guest Post: Law Schools and Law Students Both Benefit from Hands-on Experiential Learning Programs*, LEGALTECH LEVER (May 3, 2017), <http://www.legaltechlever.com/2017/05/guest-post-law-schools-law-students-benefit-hands-experiential-learning-programs/>.

C. Assessment Tools Used by SIU's Civil Practice/Elder Clinic

In the SIU Civil Practice/Elder Clinic, we begin the semester by providing students with a handbook that includes, among other things, a Statement of the Clinic's Mission and Goals.⁴⁵ This statement explains that the mission of the clinic is to give students training in the basic skills necessary for the general practice of law while training them in professional conduct and ethics expected of attorneys. Each week students attend substantive classes in the clinic, which cover various legal topics frequently encountered during clinic work. Students' knowledge of these topics is assessed through class discussion, quizzes, class presentations, client interviews, and the work product students generate for clients. A faculty supervisor is always in attendance when students interview clients. All student-generated work is reviewed by a faculty supervisor who gives the students detailed feedback about everything they do for clients. Clients are also formally asked to evaluate their experience when the clinic completes their work. Clinic attorneys and students regularly encounter situations involving clients and potential clients that require them to reflect on the Model Rules. These matters are discussed in small groups and during staff meetings with all clinic students in attendance. Ethical issues sometimes arise spontaneously during client interviews. Assessments of these matters and the students' conduct are done as a reflection.

The Clinic Handbook also includes our Program Goals and Objectives.⁴⁶ In addition to providing instruction in substantive areas of law, the clinic exposes students to the practice of serving the elderly, who can often be indigent, frail, and

45. S. ILL. UNIV. SCH. OF LAW CIVIL PRACTICE CLINIC, CIVIL PRACTICE CLINIC STUDENT HANDBOOK (2016).

Our mission in this law school program is twofold. First, we want to provide you, the law Students of SIU, with an outstanding educational experience. Your experience in the Clinic will include training in the basic skills necessary for the general practice of civil law. In addition, you will be trained in professional conduct, including the ethics of practice, expected of an attorney. Our second mission, which makes us the busiest program in the law school, is to serve some of the unmet legal needs of the elderly in our thirteen-county service area. A large population of rural, low income older persons reside in this service area of southern Illinois. These individuals do not have access to legal services due either to the lack of attorneys in their locale or lack of personal finances to afford legal services. Although Land of Lincoln Legal Assistance, Inc. provides legal services to the indigent in this area, it has traditionally relied on our Clinic to provide these services for the elderly. Our services are funded by grants received from the Older Americans Act and the Lawyers Trust Fund of Illinois. By assisting us in providing legal services to the elderly we hope you will gain an appreciation of the need for legal services to the poor. Furthermore, when you enter practice, we hope that you will recognize that you have a continuing responsibility to provide legal services to the poor.

Id.

46. *Id.*

PROGRAM GOALS AND OBJECTIVES

1. To provide basic skills training and professionalism training to law students who are engaged in the supervised practice of law serving persons sixty years of age and older in a thirteen-county area of Southern Illinois.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

susceptible to exploitation and abuse. Students witness rural poverty and see firsthand the impact of isolation, poverty, and disease. We hope that students, through their clinic experiences serving this population, will develop a desire to continue to serve vulnerable people in society. We also hope that students will develop an appreciation for pro bono services and implement pro bono work as part of their practice, no matter what legal field they enter.

The Clinic Handbook also includes a variety of assessment tools, including a Clinic Student Performance Review,⁴⁷ a Client Interview-Student Assessment,⁴⁸ and the Requirements for Clinic Credit.⁴⁹ Both formative and summative assessments are performed in the Civil Practice/Elder Clinic. Clinic students are provided formative assessments at several points in the semester, and meaningful feedback is given throughout the semester both formally and informally.⁵⁰

-
2. To provide instruction in substantive areas of the law which are commonly encountered in serving older clients in rural communities.
 3. To expose law students to the practice and the concept of service to the indigent elderly so that they develop an appreciation for the need for pro bono legal activities after they are out of school and in practice.
 4. To provide basic legal services to persons sixty and over in the thirteen-county service area with special attention to the legal needs of the most frail and needy elderly and elderly minorities who are traditionally deprived of the services of an attorney due to socioeconomic factors, including poverty and isolation.

HOW WE MEET OUR GOALS AND OBJECTIVES

1. Skills and professionalism will be taught through intensive case work supervision, role modeling, observation of others, conferences and mentoring with other students and the supervising attorney.
2. Lawyering skills to be emphasized are those indicated by the ABA's Task Force on Law and Professional Values, known as the MacCrate Report. These include:
 - a. Problem Solving
 - b. Legal analysis and reasoning
 - c. Legal Research
 - d. Factual Investigation
 - e. Communication
 - f. Counseling
 - g. Negotiation
 - h. Litigation and ADR Techniques
 - i. Organizing and Managing Legal Work
 - j. Recognizing and Resolving Ethical Dilemmas
3. Substantive areas of the law will be covered in individual meetings with the student as well as in the classroom/seminar component of the course.
4. Exposure to pro bono work and the service needs of the indigent elderly will be through actual casework including seeing clients at senior sites, representing them in solving problems, etc.

Id.

47. See Appendix A at page 120.

48. See Appendix B at page 123.

49. See Appendix C at page 124.

50. See Appendix C at page 124.

1. *Clinic Student Performance Review*

At mid-term, faculty members complete the Clinic Student Performance Review⁵¹ and meet individually with each student. Students are also asked to evaluate themselves using this tool. This process helps students identify their strengths and weaknesses. It also helps faculty focus on areas where students struggle and helps students address those areas. At the end of the semester, the faculty members again complete the Clinic Student Performance Review with the hope that students' learning and skills have improved.

2. *Client Interview Student-Assessment*

Before clinic students conduct any interviews, a substantive class on client interviewing is presented. During this class, the students are asked to review this assessment tool. The tool sets forth expectations and also gives a good general structure for client interviews.⁵² Ideally, students are asked to use this tool to evaluate themselves following an interview at one or two points during the semester. Faculty often give verbal feedback on the elements in the tool immediately following the student's client interview.

3. *Requirements for Clinic Credit*

Requirements for Clinic Credit is the core assessment piece used in the Civil Practice/Elder Clinic.⁵³ At the beginning of the semester the supervising faculty member meets with each student and discusses the elements in this piece. Students are asked to keep this tool in mind and continually reflect on it throughout the semester to help them gain an understanding of what and how much they are learning through their clinic experience. Section II of the tool, "Fundamental Values of the Profession," is also emphasized. Students are told that they will be asked to reflect on this section and their clinic experiences and discuss that reflection at the end of the semester. At the end of the semester each student gives a class presentation that includes a discussion of what she learned through her clinic experience. This tool provides an excellent method to evaluate student learning and to compare the student against other students in the clinic.

D. *Small Group Discussion*

During our small group discussion at the symposium, in addition to suggesting the oath-drafting exercise, we introduced the three assessment tools used in our Civil Practice/Elder Clinic.⁵⁴ We started with a general discussion of assessment of

51. See Appendix A at page 120.

52. See Appendix B at page 123.

53. See Appendix C at page 124.

54. See Appendices A, B, and C at page 120.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

values before focusing on the Fundamental Values of the Profession that are listed in the Requirements for Clinic Credit assessment tool.⁵⁵

In the small group presentation, the participants were first asked by the moderator, Dan Jackson,⁵⁶ to discuss their reasons for attending this particular session.⁵⁷ One participant indicated he decided to attend after hearing the morning plenary session. His thought from the plenary was to ask students to describe lawyer conduct they would like to emulate, and then he would think about how to teach and assess that. Another participant was a doctrinal faculty member who was interested in how to incorporate teaching values into class. Another expressed how Carnegie⁵⁸ showed that values are important, and that law schools are not doing the best job in teaching them.

Another law faculty member from the audience expressed the concern that generally, law professors do not want to impose their values on students, so to teach values well takes a great deal of creativity; that attendee was hoping to hear some creative ideas for teaching values. One participant had multiple reasons for attending; she viewed the teaching and assessment of values to be a puzzle and was looking to challenge herself to teach values in a doctrinal class as a piece of the puzzle. Another person hoped to hear about concrete methods others have used to systemize the teaching of values.

We then asked the audience how they teach and assess values.⁵⁹ The responses varied. One member expects students to demonstrate their work ethic in the clinic

-
55. See Appendix C at page 124. Students are required to demonstrate satisfactory progress toward acquiring the essential skills of a lawyer identified as Fundamental Lawyering Skills by the MacCrate Report, AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 135 (1992), and the ABA and the Clinical Legal Education Association. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007). This assessment tool also addresses four fundamental values of the legal profession: Provision of Competent Representation; Striving to Promote Justice, Fairness, and Morality; Striving to Improve the Profession; and Professional Self-Development. See Appendix C at page 124. The clinical experience serves to enhance students' understanding of these values and helps students identify the importance of maintaining these values throughout her legal career.
 56. Dan Jackson directs the NuLawLab at Northeastern University School of Law, an interdisciplinary innovation laboratory working to design and implement radically new ways to deliver legal services and information. *About the Lab*, NuLawLAB, <http://www.nulawlab.org/about> (last visited Dec. 8, 2017). Dan is a 1997 graduate of Northeastern University School of Law and a 1990 graduate of Northwestern University. The authors are indebted to Dan for serving as an excellent moderator of the small group discussion.
 57. The statements included in this section are the authors' paraphrasing of the comments made by attendees of the "Assessing Values in an Elder Clinic" session at the Third National Symposium on Experiential Learning in Law. The attendees are unknown to the authors. The included statements are from the authors' notes taken during the session and from the authors' review of the video recording of the session.
 58. WILLIAM M. SULLIVAN ET AL., THE CARNEGIE FOUND. FOR THE ADV. OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) (examining a two-year study of legal education by the Carnegie Foundation for the Advancement of Teaching).
 59. See *supra* note 57.

through their quality of work with clients and opined that it would be valuable to have an assessment tool to help measure this. A doctrinal faculty member felt that we want students to demonstrate something but we struggle with what that is. She teaches a Professional Responsibility course and has students write ethical opinions in which they must not only identify the rules, but also the practical implementation of those rules. She indicated that we need to give students the tools to accept the values we are trying to teach them. One of the clinic faculty attendees indicated that clinical programs explicitly attempt to teach values.

One faculty member opined that every law school teaches values by teaching students to perform in a competitive environment, and that capacity and commitment to hard work are bedrock values of our profession. This faculty member further believes that we should all be putting students through their paces and talking about hard work as a value of our profession. When asked to describe how her law school does this, she spoke about the school's Professional Responsibility class, an upper-level professionalism class, clinics, and externships. She indicated that a faculty member's lesson plans are developed to flesh out values. When asked how she assesses a student's commitment, she responded that she does this by assessing the willingness of the student to accept a value set.

Another attendee indicated that in the clinic setting, we use exit interviews to reaffirm students' capacity and then discuss their daily value set with regard to where they want to go and how they can get there. One attendee stated that her law school employs a first-year lawyering course with a client component. Additionally, the school has just established its set of student learning outcomes, which has a section on values. That school's clinics have several formative assessments. Another participant indicated that we communicate values that are not verbalized—hard work, competition, profit, and individualism. She opined that perhaps we need to make these explicit to students. One suggestion was to start adopting values as part of the curriculum, which could come from the learning outcomes the school creates. One audience member commented that our society struggles with values; we can help by teaching our students to value other people—clients and other lawyers in the profession. To do this we need students to value themselves first. To emphasize this, law schools use models—rules, team-based projects, and class selection, including experiential courses.

At this point in the session, the moderator asked the attendees to break into small groups, take a moment to look at the metrics on the rubric entitled “Clinic Student Performance Review,”⁶⁰ and choose one additional factor to be added to the section on Professionalism. The responses from the groups were the following:⁶¹

- Active listening with a positive attitude;
- Displaying empathy for the client—understanding their non-legal position without judgment;

60. See Appendix A at page 120.

61. See *supra* note 57.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

- Presenting a poised approach when values conflict; and
- Treating the client with respect—getting input from the client about how well the student accomplished this.

At the end of the session the moderator asked each participant to choose the most important takeaway from the session. The responses were the following:⁶²

- The Professionalism statement;
- To use the rubric we developed, it covers everything;
- To use the rubric in a doctrinal class;
- To moderate the conversation on values;
- To have a conversation with students—they may have different individual values but they still must have some shared values;
- To have students reflect on how values promote justice;
- An institutional promotion of teaching values as part of the whole curriculum—use curriculum mapping;
- That assessment of our students should start on day one at the law school;
- That social justice is important to an institution—values are clearly part of the ABA's new assessment strategies; and
- To think about how to incorporate the idea of teaching and assessing values into legal publications.

What started out as a topic that felt uncertain resulted in a dynamic group discussion that ended with concrete ideas about how to assess values. Assessment does not always mean measurement. Assessment sometimes means recognition of development or simply witnessing values expressed in the form of actions.

Professor O'Neill's final comment to the group was that clinics are the culmination of the students' journey of learning and displaying their professional values. As clinic faculty, we get to see the students develop and demonstrate their professional values first hand. We assess this with the students at the end of their clinic experiences, and they are required to reflect on their experiences and present their thoughts to the class in a final session. We encourage self-assessment by the students at both the beginning and the end of the course by having them reflect on developing a professional identity.

62. See *supra* note 57.

IV. CONCLUSION

Skills without lawyering values are simply skills. Values without lawyering skills and without actions are simply values. Only when skills are fused with the body of values to which the legal profession aspires are lawyering skills and lawyering values truly demonstrated. We left the small group discussion with a new word: skalues—the infusion of lawyering skills and values, which is the heart of legal practice.

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

APPENDIX A: CLINIC STUDENT PERFORMANCE REVIEW

Student: Clinic Program:

	N/A	0 Does Not Meet Requirements		1 Meets Minimally		2 Meets Satisfactorily		3 Outstanding	
		Mid-Term	Final	Mid-Term	Final	Mid-Term	Final	Mid-Term	Final
Organizational and Interpersonal Skills:									
1. Plans, organizes and manages time well									
2. Appropriately accepts responsibility									
3. Is sensitive to needs and feelings of staff and fellow students									
4. Is sensitive to the needs and feelings of clients and supervisors									
5. Respects differences and deals appropriately with others									
6. Respects Clinic/Extern site policies and procedures									
7. Contributes to the positive climate of the office									
8. Is appropriately assertive									
9. Listens well, is flexible, and takes direction well									
10. Accepts constructive positive and negative feedback									
Job Knowledge and Skills:									
1. Understands responsibilities to clinic and clients									
2. Has good verbal communication skills									
3. Has good written communication skills									
4. Knowledgeable about community resources relevant to clinic program/extern office									
5. Assimilates new information									
6. Is open to or initiates new approaches or ideas									
7. Appropriately seeks information necessary for job completion									
8. Represents the clinic/office well to outside entities/individuals									

Professionalism:									
1. Is punctual for class and appointments; attends class regularly									
2. Keeps supervisor informed appropriately									
3. Completes tasks in a timely manner									
4. Presents a professional appearance									
5. Recognizes ethical concerns and properly addresses them									
6. Understands confidentiality requirements and respects them									
7. Assesses own strengths and weaknesses and plans for improvement									
8. Is conscientious in absence of supervision									

CIVIL PRACTICE CLINIC	N/A	0 Does Not Meet Requirements		1 Meets Minimally		2 Meets Satisfactorily		3 Outstanding	
		Mid-Term	Final	Mid-Term	Final	Mid-Term	Final	Mid-Term	Final
Specific Clinic Knowledge and Skills:									
1. Sufficient knowledge of substantive law and procedures regarding powers of attorney and wills									
2. Competent performance of initial and execution interview for wills and powers of attorney									
3. Demonstrate substantive knowledge of Illinois' surrogacy acts and how they relate to one another									
4. Addresses all client files and matters assigned in a timely manner									
5. Proofreads materials before submitting to supervisor									
6. Able to formulate an action plan for each case									
7. Demonstrates ability to write a standard business letter									
8. Prepares for client interviews									
9. Meets paperwork deadlines without reminder									

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

10. Is prepared for and participates in class										
11. Learns how to manage & maintain client files using Abacus; regularly posts records of telephone conversations & notes to client matters in Abacus; regularly links client documents to client matters within Abacus.										

Midterm Review Comment Section

Additional Comments: Supervisor

.....

Additional Comments: Student

.....

Student:

Supervisor:

Date Mid-Term Review Discussed:

Final Review Comment Section

Final Comments: Supervisor

.....

Final Comments: Student

.....

Student:

Supervisor:

Date Final Review Discussed:

APPENDIX B: CLIENT INTERVIEW-STUDENT ASSESSMENT

Name of student conducting interview

Client's name

Date of interview

Location of interview

Critique by

I. INTRODUCTION

- 1. Greeting and seating-Introducing all present
- 2. Identifying names and relationships of all who appear with the client
- 3. Dealing with people who should not be present during the interview and client confidentiality
- 4. Client retainer agreement-Did student explain and obtain signature

II. COMMUNICATION/PRESENTATION

- 1. Did the student appear professional?
- 2. Was the student organized in questioning?
- 3. Did the student have the correct typing requests to assist in interview process?
- 4. Was the student organized in managing legal documents?
- 5. Did the student speak clearly-tone and clarity?
- 6. Did the student use language (word usage) that was understandable by the client?
- 7. Did the student maintain eye contact?
- 8. Was there any communication barrier, and how did the student overcome the barrier?
- 9. Were there distractions that interfered with the interview? How did the student overcome the distractions?
- 10. Did the student listen to the client?

III. INFORMATION GATHERING

- 1. Did the student ask appropriate questions, i.e., was the student prepared with questions relevant to the client's request for legal services?
- 2. Did the student leave out any vital questions?
- 3. Did the student ask irrelevant questions?
- 4. Did the student keep the interview moving and complete the interview in the time period allocated for the interview?
- 5. Did the student recognize the legal issues presented by the interview?
- 6. Did the student recognize legal issues that need further research?
- 7. Did the student gather enough facts in order to facilitate further legal research?

IV. ADVICE

- 1. Did the student give correct legal advice?
- 2. Did the student give appropriate options?
- 3. Did the student give the client freedom to choose options and make decisions?

L:\Elderly\HANDBOOK\CltInterview-StudentAssess091208.docx

APPENDIX C: REQUIREMENTS FOR CLINIC CREDIT

To receive a grade of Satisfactory in the Civil Practice (Elder) Clinic, a student must complete 47 hours of documented Clinic time for each credit hour per semester. Students must also demonstrate satisfactory progress toward acquiring the essential skills of a lawyer identified as Fundamental Lawyering Skills by the MacCrate Report and the American Bar Association,¹ and the Clinical Legal Education Association Best Practices for Legal Education.² The tasks to be accomplished are set forth below the applicable Skill.

I. FUNDAMENTAL LAWYERING SKILLS

Skill 1: Problem Solving

In order to develop and evaluate strategies for solving a problem or accomplishing an objective, a lawyer should be familiar with the skills and concepts involved in:

1. Identifying and Diagnosing the Problem
2. Generating Alternative Solutions and Strategies
3. Developing A Plan of Action
4. Implementing the Plan
5. Keeping the Planning Process Open to New Information and New Ideas

To demonstrate problem solving skills, the student must complete an Intake Action Sheet and present at least one proposed intake to the clinic class and explain steps 1-3. The student must demonstrate steps 1-5 on intakes accepted and assigned to the student. At a clinical rounds session, the student must later discuss with the class application of steps 1-5 on at least one client file.

Tasks accomplished:

Date(s)

Supervisor

Skill 2: Legal Analysis and Reasoning

In order to analyze and apply legal rules and principles, a lawyer should be familiar with the skills and concepts involved in:

1. Identifying and Formulating Legal Issues
2. Formulating Relevant Legal Theories
3. Elaborating Legal Theory
4. Evaluating Legal Theory
5. Criticizing and Synthesizing Legal Argumentation

1. Legal Education and Professional Development-An Educational Continuum Task Force on Law Schools and the Profession: Narrowing the Gap, The Profession for Which Lawyers Must Prepare—A Vision of the Skills and Values New Lawyers Should Seek to Acquire, Edited by Robert MacCrate, Section of Legal Education and Admissions to the Bar, American Bar Association, 1992.

2. Best Practices for Legal Education, by Roy Stuckey and Others, Clinical Legal Education Association, 2007

To demonstrate legal analysis skills and reasoning, the student must write one memorandum of law on a case selected in consultation with his or her clinic professor.

Tasks accomplished:

Date(s)

Supervisor

Skill 3: Legal Research

In order to identify legal issues and to research them thoroughly and efficiently, a lawyer should have:

1. Knowledge of the Nature of Legal Rules and Institutions
2. Knowledge of and Ability to Use the Most Fundamental Tools of Legal Research
3. Understanding of the Process of Devising and Implementing a Coherent and Effective Research Design

To demonstrate legal research skills, the student must accomplish steps 1-3. The student shall design his or her research for the memorandum that will be written to demonstrate Skill 2.

Tasks accomplished:

Date(s)

Supervisor

Skill 4: Factual Investigation

In order to plan, direct, and (where applicable) participate in factual investigation, a lawyer should be familiar with the skills and concepts involved in:

1. Determining the Need for Factual Investigation
2. Planning a Factual Investigation
3. Implementing the Investigative Strategy
4. Memorializing and Organizing Information in an Accessible Form
5. Deciding Whether to Conclude the Process of Fact-Gathering
6. Evaluating the Information That Has Been Gathered

*SEE BELOW

Skill 5: Communication

In order to communicate effectively, whether orally or in writing, a lawyer should be familiar with the skills and concepts involved in:

1. Assessing the Perspective of the Recipient of the Communication
2. Using Effective Methods of Communication

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

The student must demonstrate the ability to communicate effectively both orally and in writing to clients. The student must document oral communications with clients and must retain copies of all written correspondence in the clients' file. Effectual communication also means timely communication. The student must demonstrate the discipline to return clients and other calls in a timely manner. In addition to the communication skills obtained in case work, the student will make an oral class presentation at an intake meeting and in clinical rounds.

Tasks accomplished:

Date(s)

Supervisor

*SEE BELOW

Skill 6: Counseling

In order to counsel clients about decisions or courses of action, a lawyer should be familiar with the skills and concepts involved in:

1. Establishing a Counseling Relationship That Respects The Nature and Bounds of a Lawyer's Role
2. Gathering Information Relevant to the Decision to Be Made
3. Analyzing the Decision to Be Made
4. Counseling the Client About the Decision to Be Made
5. Ascertaining and Implementing the Client's Decision

*To demonstrate Skills 4, 5 and 6, the student must demonstrate the ability to complete an interview for a will and interview for a durable power of attorney, to adequately explain advance directive options to the client, and to use the information obtained from the client to prepare and execute a will and durable powers of attorney for health care and property. The student must also demonstrate Skills 4, 5 and 6 on one other different type of case. To facilitate the completion of the above skills, several clinic class sessions will be dedicated to simulated interviews for DPOAs and a Will and the completion for credit of final draft quality DPOAs and a Will.

Tasks accomplished:

Date(s)

Supervisor

Skill 7: Negotiation

In order to negotiate in either a dispute-resolution or transactional context, a lawyer should be familiar with the skills and concepts involved in:

1. Preparing for Negotiation
2. Conducting a Negotiation Session
3. Counseling the Client About the Terms Obtained From the Other Side in the Negotiation and Implementing the Client's Decision

The student must demonstrate the ability to perform steps 1-3 on at least one client file.

Tasks accomplished:

Date(s)

Supervisor

Skill 8: Litigation and Alternative Dispute Resolution Procedures

In order to employ—or to advise a client about—the options of litigation and alternative dispute resolution, a lawyer should understand the potential functions and consequences of these processes and should have a working knowledge of the fundamentals of:

1. Litigation at the Trial Court Level
2. Litigation at the Appellate Level
3. Advocacy in Administrative and Executive Forums
4. Proceedings in Other Dispute Resolution Forums

During the semester, the student must attend at least one of the following:

- a hearing in the circuit court with a clinical professor
- an administrative hearing with a clinical professor
- an appellate court hearing with a clinical professor
- an ADR proceeding

Tasks accomplished:

Date(s)

Supervisor

Skill 9: Organization and Management of Legal Work

In order to practice effectively, a lawyer should be familiar with the skills and concepts required for efficient management, including:

1. Formulating Goals and Principles for Effective Practice Management
2. Developing Systems and Procedures to Ensure that Time, Effort, and Resources Are Allocated Efficiently
3. Developing Systems and Procedures to Ensure that Work is Performed and Completed at the Appropriate Time
4. Developing Systems and Procedures for Effectively Working with Other People
5. Developing Systems and Procedures for Efficiently Administering a Law Office

For each file, the student shall complete a File Management Summary which shall be kept at the front of the file. The File Management Summary shall set forth the student’s plan to accomplish steps 1-5. Students must also demonstrate the ability to do the following in a timely manner:

- Turn in time sheets weekly
- Check mailbox daily
- Check phone messages daily

ASSESSING PROFESSIONAL VALUES IN LEGAL EXPERIENTIAL EDUCATION

- Keep appointments with clients
- Sign in and out when arriving and leaving clinic
- Keep schedule you set to work in clinic
- Keep files updated, complete & orderly

To facilitate the completion of the above skills, the student will have several one-on-one meetings with their supervising attorney. In addition, a clinic class session will be dedicated to time management and case management issues.

Tasks accomplished:

Date(s)

Supervisor

Skill 10: Recognizing and Resolving Ethical Dilemmas

In order to represent a client consistently with applicable ethical standards, a lawyer should be familiar with:

1. The Nature and Sources of Ethical Standards
2. The Means by Which Ethical Standards are Enforced
3. The Processes for Recognizing and Resolving Ethical Dilemmas

Each student shall read assigned professional rules of responsibility and demonstrate an ability to apply the rules to common ethical problems experienced in Legal Clinic. In addition to the ethical issues addressed by students and their supervisor in assigned cases, one clinic class session will be dedicated to professional responsibility issues. To receive a satisfactory grade in Legal Clinic, students must demonstrate compliance with the Rules of Professional Conduct.

Tasks accomplished:

Date(s)

Supervisor

II. FUNDAMENTAL VALUES OF THE PROFESSION

The clinical experience should enhance a student’s understanding of the following values and identify the importance of maintaining these values throughout his/her legal career.

Value 1: Provision of Competent Representation

As a member of a profession dedicated to the service of clients, a lawyer should be committed to the values of:

1. Attaining a Level of Competence in One’s Own Field of Practice
2. Maintaining a Level of Competence in One’s Own Field of Practice
3. Representing Clients in a Competent Manner

Value 2: Striving to Promote Justice, Fairness, and Morality

As a member of a profession that bears special responsibilities for the quality of justice, a lawyer should be committed to the values of:

1. Promoting Justice, Fairness, and Morality in One’s Own Daily Practice
2. Contributing to the Profession’s Fulfillment of its Responsibility to Ensure that Adequate Legal Services Are Provided to Those Who Cannot Afford to Pay for Them
3. Contributing to the Profession’s Fulfillment of its Responsibility to Enhance the Capacity of Law and Legal Institutions to Do Justice

Value 3: Striving to Improve the Profession

As a member of a self-governing profession, a lawyer should be committed to the values of:

1. Participating in Activities Designed to Improve the Profession
2. Assisting in the Training and Preparation of New Lawyers
3. Striving to Rid the Profession of Bias Based on Race, Religion, Ethnic Origin, Gender, Sexual Orientation, or Disability, and to Rectify the Effects of These Biases

Value 4: Professional Self-Development

As a member of a learned profession, a lawyer should be committed to the values of:

1. Seeking Out and Taking Advantage of Opportunities to Increase His or Her Knowledge and Improve His or Her Skills
2. Selecting and Maintaining Employment That Will Allow the Lawyer to Develop As A Professional and To Pursue His or Her Professional and Personal Goals

Each student shall have at least two sessions with his or her clinical professor to discuss in general the application of Values 1, 2, 3 and 4 and to discuss more specifically student’s plan to implement these values.

Goal Setting Discussion

Date: Supervisor:

Closing Session with Supervisor

Date: Supervisor: