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University of Georgia School of Law

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TIGHTENING CLINICAL TRAINING:

IMPROVEMENTS IN LEGAL EDUCATION SUPPORT PROGRAMS

FINAL REPORT

STUDENT BAR ASSOCIATION

SYMPOSIUM ON CLINICAL LEGAL EDUCATION

November 1, 1976
University of Georgia School of Law
Athens, Georgia

"The controlling consideration should be better preparation ... of students for the practice of law."

A. Z. Reed

FOUR STEPS FOR IMPROVED PROFESSIONAL SKILLS TRAINING AT GEORGIA LAW SCHOOL

- Establish and staff an Associate Deanship for special educational programs whose occupant would develop grants, oversee clinical programs, and foster the expansion of new teaching techniques and resources.
- II. Restructure the credit system so that the clinical quarter may be incorporated in the curriculum.
- III. Tighten the supervision of the legal aid program by reducing the number of participants and increasing the professional and third-year support staff.
- IV. Increase the credit which may be earned in "clinical" programs to 12-15 hours.

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FOREWORD

Within the last decade, Langdell's case method of legal education has ceased to be the exclusive means of instruction in the Nation's law schools. The increasing support of the traditional academic curriculum at Georgia with seminars, simulation and burgeoning clinical programs clearly demonstrates that legal education here is no longer inextricably bound to the case method.

Underlying the recent trend among law schools to revitalize the academic curriculum with supplementary practical experience is the growing realization of a public obligation to produce technically competent and professional lawyers by graduation. Defining clinical legal education as "lawyer-client work by a law student, under law school supervision, for credit towards the law degree," CLEPR President William Pincus finds its principal objective to be the maturation of a sense of professional responsibility in the law student. The theoretical underpinning may be supplemented with the learning of professional skills and of the moral and social leadership role of the attorney. In short, the clinical movement seeks to teach some aspects of professional training in a better, more compelling manner, using learning concepts developed elsewhere.

Certainly, inherent problems of funding, supervision and evaluation vary widely among clinical programs, necessitating an individual consideration of each program. The value of the learning experience offered through clinical legal education, both in the clinical program itself and in the traditional classroom where interest in the subject may be inspired, easily offsets, however, the high cost of administering such programs.

The purpose of the Symposium on Clinical Legal Education was to survey the clinical educational opportunities existing at the Georgia School of Law and to initiate an exploration of the means by which the clinical component can be further developed here. The Symposium sought to survey our potential resources and limitations.

Problems identified as impediments to this institution's development of clinical programs include:

- Absence of a central coordinator of clinical activities
- Lack of financial resources
- Disproportionate credit allocations for existing and proposed clinical programs

- Built-in inertia and inefficiency of the quarter system
- Attitudinal obstacles

The two reports (this report and that of the Faculty Ad Hoc Committee) issuing from the conference are not complete in the projection of every detail for an improved clinical program. They are definitive, however, in suggesting a tactical approach to this objective: the employment of a special Associate Dean to plan those details. Moreover, they present as guidelines for the successful transformation of the articulated possibilities into working realities. Accordingly, these major Symposium recommendations should be speedily attended:

- Establish a faculty position for an Associate Dean for Special Educational Projects
- Develop proposals to the ABA, ABA Endowment, LEAA, alumni groups, private foundations, etc., for expansion of funds, for "clinical programs"
- Tighten the supervision of legal aid
- Re-evaluate and re-allocate the academic credit and hour requirements to in-crease the clinical allotment
- Incorporate the "clinical quarter" concept
- Encourage faculty and student commitment to clinical development

This report culminates eight months of thoughtful work and research supported by the students at Georgia Law School. We hope it meets with a favorable response and continues to stimulate discussion of how we may train our lawyers better.

Clinical Symposium Steering Committee

Gerard M. Chapman, Project Director John L. Burnett, Jr. Stanley S. Jones, Jr. Holly Pritchard, Report Writer

I. THE WORK OF THE SYMPOSIUM

A. ORGANIZATION

The Student Bar Association sponsored a one-day Symposium on Clinical Legal Education at the University of Georgia School of Law on April 24, 1976. Intended to provide the framework for the expansion of the school's clinical legal education efforts, the meeting was attended by 150 persons. Members of the Georgia Bar and bench, law faculty and students gathered to discuss viable alternatives for incorporating more clinical and professional skills training within the present curriculum. Keynote addresses on clinical education were made by William Pincus, of the Council on Legal Education for Professional Responsibility (CLEPR), Charles Miller, retired director of the Legal Clinic at the University of Tennessee School of Law. Walter Gordon, a graduate of the clinically-oriented Antioch Law School was present as a resource person and participated in several workshops.

Noting the great responsibility the bench and Bar have to the public, Mr. Pincus emphasized the necessity for a concerted effort at developing large-scale clinical education programs. Concurring, Mr. Miller further stressed the importance of assuring that the public service aspects of the legal clinic do not subvert its educational goals. Both stated that teaching, particularly the teaching of professional responsibility, is the primary purpose of any clinical development. The simulated practice of law offers a better opportunity to feel and understand the ethical conflicts and time demands of practice than does the use of text-book materials and engenders a deeper understanding of the subject matter and the nature of law practice.

B. STRUCTURE

Following the opening comments and principal addresses, participants broke into smaller workshop units for the remainder of the day. Attendees selected one of eight clinical workshops in which to participate:

- Legal Aid Programs
- Prosecutorial Programs
- Prison legal services programs
- Law firm apprenticeships
- Prepaid student legal services plans
- Legislative and government agency internships
- Judicial clerkship programs
- Professional skills courses

Led by a discussion leader and recorder, each group engaged in broad-ranging discussion about the scope to be afforded professional skills training within the context of the Georgia Law School. Questions considered within each workshop in relation to the specific clinical area under discussion were:

- How could such a program be set up or improved at Georgia? How would such a program be funded?
- From an educational perspective, how could adequate supervision be maintained? How would the program be administered?
- What kind of work product shall be required? How much credit shall be awarded?
- What educational value will be realized from a "real world" clinical experience?

(Detailed reports of each committee's findings are analyzed in The Workshops section of this report.)

C. RATIONALE

Clinical training -- a growing phenomenon -- is a principal supplement to legal education. Because it forces the student to react rather than hypothesize; because it enhances and stimulates academic classroom work; because it exposes the student to the complexities of justice at the operational level; because it inculcates professional responsibility through confrontation with the ethical and practical choices involved in actual client representation; because a valid function of the law school is to produce able practitioners, clinical legal education must be acknowledged

as an essential adjunct to Georgia's academic curriculum. The urgent need for reorganized and expanded clinical educational opportunities at the University of Georgia is mandated also by compelling practical factors:

- Georgia's existing clinical programs are oversubscribed and under-staffed.
- Georgia law students desire practical legal training and are dissatisfied with an exclusively case method of instruction.
- Forced into an increasingly competitive job market, many graduates are finding themselves severely limited by their lack of practical training.
- Severe morale problems plaguing third year students may be ameliorated with the development of innovative approaches to legal education.

II. PRESENT STATUS OF THE GEORGIA CLINICAL PROGRAMS

The Law School presently operates several clinical programs -- the Prosecutorial Clinic, the Legal Aid and Defender Society, the Prison Legal Services Project, Appellate and Trial Practice courses, and Special Seminars in environmental litigation, social legislation and constitutional litigation. All are severely restricted in scope -- not one is able to accommodate effectively the great number of students anxious to develop their professional legal skills through clinical participation.

A. THE PROSECUTORIAL CLINIC

Directed by Assistant District Attorney B. Thomas Cook, the clinic involves second and third year students in all phases of the criminal prosecution process. Twenty second year students enter the program through written competition each year. Receiving one credit hour per quarter on a pass-fail basis, selected participants remain in the program for six quarters. Competition for entry into the program generally runs two to three students per available position. Each third year student is assigned a second year student to supervise and work with on cases. Third year students conduct preliminary hearings and, where possible, trials and grand jury presentments. Second year students develop interviewing and research techniques.

B. THE LEGAL AID AND DEFENDER SOCIETY

Under the direction of Robert D. Peckham, the program provides a wide range of civil and criminal legal services for indigents. Student participation is limited to one quarter in each of the last two years of law school; three credit hours are awarded per quarter. Students are assigned cases under the supervision of four staff attorneys (two of whom are primarily concerned with the Jackson project). Each participant is involved in legal aid activities for a minimum of six hours weekly. Third year students are eligible for certification to conduct administrative hearings, preliminary hearings and limited trial work.

C. THE PRISON LEGAL COUNSELING PROJECT

Administered through the Legal Aid and Defender Program, the Prison Legal Counseling Project involves students

in a two-faceted approach to indigent inmates' legal requirements. Post-conviction relief efforts for prisoners in Georgia's state institutions are handled from the Athens office by students under the direction of staff attorneys. The on-site prison counselling project at the Jackson Diagnostic Center in Jackson, Georgia, is capable of supporting four students per quarter in full-time positions assisting prisoners as they initially enter the state prison system. Three credit hours and an hourly wage are earned.

D. APPELLATE PRACTICE, TRIAL PRACTICE

Two presently operative courses inject practical training into the academic curriculum. Intent on the development of advocacy skills, participants in Appellate Practice prepare written and oral assignments on hypothetical legal issues. All work is critiqued by student evaluators. Three quarters in duration, the course generates one credit hour per quarter for registered students.

Trial Practice emphasizes the study of a trial lawyer's methods, tactical principles and problems. Conducted by local attorneys, the course simulates all aspects of trial preparation and in-court trial conduct. Two credit hours are given on completion of the one-quarter course. Heavily over-subscribed, the course is filled by lottery selection.

E. SPECIAL SEMINARS

The ENVIRONMENTAL LITIGATION Seminar provides a restricted number of students with the opportunity to assist State and regional attorneys in pending environmental litigation. Three credit hours are awarded for the one quarter course with students required to submit copies of all memos, pleadings or briefs prepared in conjunction with the assigned case.

The SOCIAL LEGISLATION Seminar involves sixteen students in drafting legislation for the 1977 session of the General Assembly. Draft work centers on public health, environmental and land use bills. Divided into eight teams, the students work with resource personnel interested in the passage of particular bills. Assembly committee members are available for consultation. The course re-

quires each team to prepare a draft bill with a comprehensive supporting memorandum.

The CONSTITUTIONAL LITIGATION Seminar consists of a series of litigation problems focusing on current constitutional law problems. Course emphasis is placed on the practical, with concentration on litigation tactics in addition to the constitutional law issue. Seven or eight problems requiring written responses (5-10 pages) are assigned participants. Weekly, two-hour class meetings are conducted to discuss problems encountered.

III. THE WORKSHOPS

Symposium attendees, participating in organized workshops in eight distinct areas of clinical education, examined the existing programs. Workshop topics focused on legal aid and prosecutorial clinic programs, prison legal services, law firm apprenticeships, prepaid student legal services, legislative/government agency internships, judicial clerkships and professional skills courses. The following analyses of the resources and capabilities available to the University of Georgia School of Law are intended to establish a framework within which our present clinical efforts can be expanded and extended in new directions.

A. LEGAL AID PROGRAM

Special Guest Attendees:

James Barrow, Superior Court, Western Judicial Circuit Frank Hooper, Senior District Judge, Northern District of Ga., Robert Peckham, Director, Legal Aid and Defender Society

Indigent legal services in Clarke County are provided by the Legal Aid and Defender Society. Recent program participants agree in their assessments of the experience as "not meaningful." Complaints center around the one-quarter limit on participation, lack of supervision and guidance, and the absence of accompanying course work to provide basic practical information and techniques.

Mr. Robert Peckham, Director of the Legal Aid program, concurs in the assessment of the current system as one too cumbersome (due to the brevity of student involvement and the large number of participants each quarter) to be administered with maximum effectiveness or efficiency.

Although the basis for a sound program exists, the committee views a substantial increase in committed resources as imperative if the potential for practical legal training offered by the Legal Aid program is to be maximized. It is expected that improved law student involvement in this area of legal services will provide professional training to students within the context of the educational process while expanding the scope of legal assistance available to the indigent. With

these goals, the committee urges the following reforms:

- 1. <u>Limited program participation</u> -- The limitation of participation in the program to 35-50 students per quarter should be an immediate first step toward solving the problems of brevity and over-enrollment cited by Peckham.
- 2. Required participation for two consecutive quarters -- Under the present organization, once a student has become familiar with the program's operation so as to be fully effective, his participation is ended. Continuity of experience would allow student participants more opportunity for follow-up work and assure a smoother work flow.
- 3. Integration of first year students -- First year library research and legal writing techniques should be coordinated with the Legal Aid program so that hypothetical problems are replaced by actual, ongoing cases. Such integration of the first year legal research experience with the Legal Aid program would provide early student exposure to actual cases while simultaneously freeing second and third year participants to deal with the more complex legal aspects of indigent cases.
- 4. Third year student supervisors -- A small group of selected, experienced third year students should receive greatly expanded credit to assume, during their third year, extensive administrative, supervisory, and limited teaching duties in the Legal Aid clinic.
- 5. Greater emphasis on professional skills -- Second year students, under third year supervisors, should develop specified interviewing, drafting, investigating, and counseling skills as a result of their Legal Aid involvement.
- 6. Development of integrated course work -- The implementation of a weekly or bi-weekly seminar component would serve a dual purpose -- the provision of basic professional skills training to entering participants and the establishment of a forum for the discussion of problems encountered. Local attorneys could be invited to lecture on specific topics. (See Appendix C for the Georgia "Law School Legal Aid Agency Act of 1967.")

B. PROSECUTORIAL CLINIC

Special Guest Attendees:

B. Thomas Cook, Director, Prosecutorial Clinic Ben J. Miller, D.A., Griffin Judicial Circuit

The Prosecutorial Clinic is in an enviable position since the high quality of its present program distinguishes it as a model for the development of other clinical programs.

Directed by Assistant District Attorney B. Thomas Cook, the Prosecutorial Clinic admits twenty students at the beginning of their second year through written competition. Participation in the program continues for six quarters with members receiving one credit hour per quarter.

The strengths of the clinic are inherent in its limited membership, the continuity of experience and close supervision. The Prosecutorial Clinic is thus uniquely designed to fulfill two goals of clinical education enumerated by Pincus and Miller -- the acquisition by the student of professional lawyering skills in conjunction with the maturation of professional responsibility.

Workshop discussion focused on the consideration of ways to expand the existing program without concomitantly weakening its effectiveness. Concluding that the program, as it currently exists, cannot be significantly expanded without diminishing the value of the experience it affords, workshop attendees considered the several alternatives.

- 1. Expansion of the program into surrounding counties -The probability of decreased supervision and the increased time
 commitment that would result from a program involving commuting
 to outside counties weakens consideration of this alternative
 at the present time.
- 2. The "clinical quarter" -- The establishment of a "clinical quarter" to permit students to work full-time for supervising district attorneys in other counties for one quarter for full residential quarter credit is strongly recommended. Ben Miller, District Attorney in Griffin, Georgia, expressed the opinion that district attorneys throughout the state would be most receptive to such a plan. To guarantee adequate law school supervision in order to justify the experiment's educational purpose and to provide the student with sufficient academic credit to justify a quarter away from the Law School, it is urged that a clinical coordinator be recruited and hired. (See Appendix C for the Georgia "Law School Public Prosecutor Act of 1970.")

C. PRISON COUNSELING AND LEGAL SERVICES

Special Guest Attendees:

Emily C. Calhoun, Assistant Professor of Law
Charles J. Eckenrode, Assistant Professor of Sociology
Frances Furlow, Project Director, Committee on Correctional
Facilities & Services, Georgia State Bar Association
Christopher J. Hamilton, Staff Attorney, Legal Aid
Tom Killeen, Staff Attorney, Legal Aid
L. Elizabeth Lane, Staff Attorney, Legal Aid
James T. Morris, Board of Pardons and Paroles
Robert S. Stubbs, Chief Deputy Attorney General
Kay Wathen, Georgia Department of Human Resources

Workshop attendees, in agreement that a great need exists for law students to participate in clinical education in the area of prison counseling due to the volume of prisoners' requests for assistance and their lack of other alternatives, examined ways to improve and expand the existing Prison Legal Services Program. The two-faceted program is comprised of the Prison Legal Counseling Project administered by the Athens Legal Aid Office and the on-site branch operation at the Jackson Diagnostic Center.

1. The Jackson Diagnostic Center

The potential for a viable on-site prison counseling clinical experience exists. The program is presently able to support four students per quarter with sufficient supervisory personnel to justify awarding three credit hours plus an hourly wage. However, Liz Lane, a supervising attorney at Jackson, reports that the major impediment to the active growth of the program is the lack of student interest. The positions available to students are rarely filled because of:

- a) the absence of publicity by the law school administration of its own clinical programs
- b) the lack of sufficient credit for the quarter spent at Jackson
- c) the "early bar"

The following suggestions are recommended in response to the current Jackson situation:

(a) Expansion to include second year students -Presently, only third year students are admitted to the Jackson program, primarily because all the courses necessary to qualify their participation are not offered to permit an earlier entry.

Accordingly, it is suggested that certain courses, i.e. Evidence, Criminal Procedure, and Rights of the Confined, be defined as prerequisites to the program. The basic two quarter Criminal Procedure sequence should be offered in the first year, following a Fall Quarter of Criminal Law. The Curriculum Committee is further urged to schedule the other designated courses early in the second year so that students will be prepared in the Spring Quarter of their second year to enter the program. The early involvement of second year students would alleviate the current situation of unfilled positions due to third year students' preoccupation with the early bar.

(b) The "clinical quarter" -- Most attendees agreed that three quarter-hours of credit were tremendously disproportionate to the amount of work undertaken by program participants. In discussing the extent of the increase desired in earned credits, it was recommended that serious consideration be given to allowing full credit for a resident quarter away from the law school.

2. The Prison Legal Counseling Project

After diagnosis at Jackson and subsequent assignment to other institutions throughout the state, prisoners usually discover that their only available recourse for assistance with legal problems is to request aid through the Prison Legal Counseling Project in Athens. Bombarded by requests at the rate of 400-plus per month, the two staff attorneys are hard-pressed to fulfill both their responsibilities to the legal aid students they supervise and to the prisoners needing assistance. The following points are noted as possible means to alleviate the present overload and backlog:

(a) Longer-term student involvement -- Though not yet qualified to assume case-load responsibilities, first and second year students could easily become involved in the counseling and rehabilitative aspects of prison legal services. Contacts need to be established with the State Department of Offender Rehabilitation to determine the availability of counseling opportunities for law students in the various units of the state prison system.

Alternatively, those students could provide assistance in the handling of routine administrative matters, thus freeing supervisory time for staff attorneys to work with third year practitioners. Sound background experience and a broadened understanding of the problems encountered in providing prison legal services would be inculcated in first and

second year students. Such continuity of experience would provide in-depth training for their expanded responsibilities later as third year participants.

- (b) Improve supervision through increased funding and clinical coordination -- With increased funding, both the Athens and Jackson offices could provide sufficient supervision to justify a greater involvement of students and the awarding of additional credit hours. In the short run, even a minimal increase in funding, i.e., enough to support one additional secretary in the Athens office, would free the present attorneys for increased supervisory functions (up to an additional two to three hours daily).
- (c) Parole representation -- A long-range goal. Tom Morris, representing the State Pardons and Paroles Board, expressed the Board's willingness to consider the implementation of a plan similar to that established at the University of South Carolina. Third year law students would be authorized, under the concept, to serve as inmates' legal representatives in parole hearings. Such a plan, once approved and developed by the School of Law and the Paroles Board would provide valuable practical legal experience for the student while filling the urgent need for increased prisoner legal assistance.

3. Summary

Because of the great professional and ethical responsibilities of the Bar to those in our penal system, it was readily agreed by attendees that an expanded, better advertised more highly credited and more closely coordinated program is not only possible, but absolutely necessary. Increased effectiveness will only be achieved by streamlining and more closely coordinating the two existing programs.

(See Appendix D for more detailed resource materials.)

D. JUDICIAL CLERKSHIPS

Special Guest Attendees:

John C. Bell, Jr., Bell, Choate & Walker, Augusta William Daniel, Attorney, Atlanta Robert L. Doss, Director, Judicial Council of Georgia

Paul M. Kurtz, Assistant Professor of Law Albert M. Pearson, III, Assistant Professor of Law Jeptha C. Tanksley, Judge Emeritus, Superior Court, Atlanta Judicial Circuit Osgood Williams, Judge, Fulton County Superior Court

The concept of an away-from-school quarter in residence judicial clerkship is a low-cost, intellectually justifiable idea that can become an immediately viable component of Georgia's clinical legal education. That law students can make a significant contribution to the court system is evident -- for instance, more than 50 of the 86 Georgia Superior Court Judges presently have no clerks. Federal magistrates and trial and appellate judges in Atlanta have repeatedly communicated their need for assistants to handle pre-trial motions. Factors to consider in establishing a judicial clerkship program for second and third year law students include the following:

Academic Justification -- faculty guidelines, work product, supervision -- The judicial clerkship should serve the dual purpose of providing students a rigorous academic experience in addition to giving them an opportunity to develop insight into the adversarial nature of the law by involving them in three months of the courtroom process. To this end, faculty guidelines should be established to assure the academic quality of the program. The requirement that a student turn in a work product at the end of his internship was supported by workshop participants. Superior Court Judge Emeritus Jeptha Tanksley suggested that a log book be maintained by each student as a chronicle of his research on special problems, reactions to cases heard in court, and discussions with the supervising judge as to how and why a decision was reached. Additionally, the student should be required to submit copies of all written work, including bench briefs, and jury charges, to a faculty evaluator.

Adequate supervision for the student would be guaranteed by the coordination of post-clerkship faculty evaluation with on-the-job judicial supervision. An orientation program and supplementary seminars throughout the clinical quarter would assure the academic adequacy of the program.

2. Inexpensive development -- The reason most frequently proffered for the severe limitations on the scope of our clinical program is that of existing budgetary constraints. The most attractive feature of the clerkship concept is that the program can be developed with very little cost to the Law School. (Faculty members would have to be assigned to student evaluation tasks, but there would be no major administrative costs.) An implementation committee should be immediately established by the Law School faculty and administration.

Law Schools already incorporating successful judicial clerkship programs in their curricula include Columbia University, Southwestern University and UCLA. Many of these schools are located in urban areas where close proximity to the courts precludes the residency problems which must be considered in view of this Law School's Athens location.

The limitations of the Athens community should not slow the development of clinical programs at the University of Georgia. An away-from-school quarter in-residence, i.e., a "clinical quarter" with a judge will provide Georgia's students a wider variety of choice and experience -- possible options include involvement in a rural clerkship, an urban experience or even an out-of-state clerkship. Students participating in the judicial clerkship program should receive a full residential quarter's credit, i.e., 15 hours. Full tuition would be paid by the student.

3. Selection of student participants -- The clerkship selection process would be largely dependent on student initiative, with the Law School performing a secondary function as liaison between the student and the bench. All qualified students should be allowed to participate in the program with the responsibility resting on the student to contact a judge and volunteer his services for a quarter. Judges participating in the seminar indicated their desire to interview prospective clerks, but stipulated they would accept any second or third year student of good academic standing. Minimum academic standards that must be met to determine a student's eligibility to enter the program shall be defined jointly by the judge and the faculty.

E. PREPAID LEGAL SERVICES

Special Guest Attendees:

John Bhar
Marsha King, Founder, Emory Student Legal
Counseling
Dave King, LSD-ABA Liaison to APA Prepaid
Institute

Workshop inquiry focused on current developments in the rapidly expanding area of prepaid group legal service plans. Central to the discussion was the consideration of the feasibility of establishing a university-wide student legal service

plan run by the Georgia School of Law. Attendees noted that interest in such a plan has often been articulated by members of the law faculty, local bar and undergraduate student government.

It is urged that a student legal service plan be developed to accommodate the particular needs of Georgia students and the resources of the Law School. Workshop participants have established an Organizing Committee to promulgate a prepaid plan at the University of Georgia. Aspects of a prepaid legal services clinic to be further examined include:

- 1. Service to the University community -- A potentially self-sustaining clinic, the prepaid plan is a practical approach to the problem of providing low-cost, high quality legal services to the University of Georgia community.
- 2. Increased referrals to the local Bar -- The operation of a prepaid legal service and the consequent increase in student access to the legal process will stimulate referral business to the Athens attorneys.
- 3. Funding -- The most attractive features of the prepaid plan are the low costs (**approximately \$10,000) involved in its inception and the ease with which funding will be continued through the student activity fee mechanism.
- 4. Academic credit -- Participating students should be eligible for 3-5 credit hours quarterly. Student participants will be limited to 15 per quarter to maximize supervision and instruction in the legal skills of counseling, interviewing, drafting and negotiation. Provision must be made for the completion of a work product for final evaluation.
- ** Note: Since the April symposium, initial steps have been taken to developa viable prepaid legal services plan at the University of Georgia. Winter Quarter 1977, is the projected time of implementation. (See Appendix E for a comprehensive description of prepaid plans currently operating in thirteen universities across the country. Also consult Appendix E for the "Student Legal Services Start-Up Proposal.")

F. PROFESSIONAL SKILLS COURSES

Special Guest Attendees:

Tom W. Daniel, President, Law School Association Council, Perry Kenneth Dious, Attorney, Athens David E. Everson, Jr., Associate Professor of Law J. William Futrell, Associate Professor of Law Harold N. Hill, Jr., Georgia Supreme Court. Associate Justice

Robert N. Leavell, Professor of Law

Workshop participants viewed the effective integration of practical skills courses into the classroom format as a requisite supplement to the more traditional methods of legal education presently adhered to by the Georgia School of Law. fessional skills courses may be incorporated into the curriculum in various ways, i.e.,

- --- as integral parts of a separate and distinct clinical program
- --- as complements to practically-oriented courses in traditional subjects, not involving the real life situation of a clinic
- --- as supplements to existing skills courses such as trial practice or appellate practice.

To function as a bridge between academic and clinical programs, practical skills courses must develop discrete skills in a mechanical sense without neglecting the development of the professional person. To this end, the committee makes the following recommendations:

- Conversion to a semester-based system: By replacing the examinations-oriented quarter system with one more conducive to greater in-depth study of course materials, the semester system will ease the coordination of problem- oriented teaching with substantive courses. subsequent scheduling compatibility with other law schools to be derived from conversion will encourage faculty exchange visits and be advantageous to student summer employment options.
- Technological innovations: The implementation of technological innovations in teaching methods will alter legal education techniques. The introduction of videotapes and computers to practical skills courses will develop requisite skills for practice. EDUCOM, a cooperative computer system developed by a number of universities, serves to transfer ideas and practical exercises within a classroom setting. (Example: students are graded in an Evidence course by "watching" a trial transcript via computer print-out and offering objections where proper and necessary.)

- 3. Teacher recruitment and training: The Georgia School of Law must concentrate on hiring new faculty members specifically qualified to teach problems and simulation courses and/or train interested professors currently teaching traditional courses in skills-directed methods.
- 4. A clinical coordinator: To facilitate the growth of current practical skills course offerings, particularly in the areas of trial and appellate practice, it is strongly urged that an Associate Dean for Special Educational Programs of faculty status and tenure be hired or designated to coordinate all aspects involved in such expansion. (See Appendix F for synopses of practical skills courses proposed by other schools.)
- 5. Increased emphasis on development of oral advocacy skills: The development of oral skills in unquestionably an essential element of an attorney's training. In previous Russell Competitions, students with prior debate experience have often excelled. Although a logical result, there has been an accompanying de-emphasis placed upon the development of the average student's oral skills. Mandatory first year participation in the Russell Competition, coupled with an increase in credit earned, would alleviate the problem. (See Appendix G for William C. Head's "Proposal for Restructuring and Improving the Legal Research Program.")

G. LEGISLATIVE AND GOVERNMENT AGENCY INTERNSHIPS

Special Guest Attendees:

William Herdon Alan Howard, Institute of Government Ed Jackson, Institute of Government

In the first year, the law student is instructed in the basic skills of legal research. The application of these skills within the context of legislative and/or governmental agency internship programs can be immediately practicable means by which to expand the existing clinical opportunities at the University of Georgia. Seminar participants discussed the establishment of a legislative internship program as an adjunct to the academic curriculum. The following proposals are emphasized as essential to the implementation of such a program:

1. Coordination of available resources -- A full-time coordinator is an integral element in the successful development of a clinical internship program. Coordination of the programs administered through the Institute of Government and the Office of Special Studies will be one of his major tasks; the development of new state legislative and local/state/national governmental agency intern programs is an equally important function.

Many municipal governments routinely request assistance in ordinance codification; the Georgia Legislature and administrative agencies at all governmental levels need student aid in researching and drafting bills, statutes, rules and regulations. An Associate Dean for Special Educational Projects would serve as a source for providing information about the various existing programs in addition to acting as a catalyst for the development of new programs at both the county and state levels.

- 2. Supervision -- To facilitate faculty supervision of student internship participation, it is recommended that agencies seeking student research assistance contract with the Law School for student performance of "in-house" research. Faculty members would provide guidance in their field of interest and/or expertise. Supplementary lectures and seminars may be defined by the faculty as prerequisite to obtaining course credit for internship experience. Close coordination between the law school clinical office and the Institute of Government will alleviate supervisory problems arising with programs administered by the latter.
- 3. <u>Law Reform Center</u> -- An in-house research office should be administered from within the Georgia School of Law. The office would be established to aid the Georgia General Assembly. Its primary responsibility would be the drafting of model legislation, reviews of existing legislation and making independent recommendations to the General Assembly for changes in existing legislation.
- 4. Work product requirements -- Additional supervisory control can be maintained by the Law School faculty through their definition of specific work requirements for participating students. Workshop attendees agreed that a form, or series of forms, be developed to monitor the student participant's progress. This would facilitate faculty supervision over distances so that student placement in our-of-town programs is feasible. Alternatively or conjunctively, the Law School could contract with legal institutions in urban areas to provide close-range faculty supervision. Whichever approach is adopted, the criteria for performance should be specifically enumerated.

The 'clinical quarter" -- Students currently participating in the existing intern programs are not assured of receiving a specific amount of academic credit. Because most intern programs offer very low salaries, the student often has no practical basis on which to justify his participation. A majority of law students support families and/or are living within tight financial constraints. To forego a quarter of full academic credit to participate in an intern program is often financially impractical or impossible, regardless of the practical experience that could be acquired. The implementation of the 15 hour inresident "clinical quarter" at the University of Georgia, or the minimal awarding of 10 quarter hours credit to clinical interns, would alleviate the situation. The value of the practical experience to be gained, particularly in the acquisition of sophisticated research techniques, is incalculable.

(See Appendix H for a description of existing competitive intern programs available to Georgia law students.)

H. LAW FIRM APPRENTICESHIPS

Special Guest Attendees:

Ed Augustine, Attorney, Athens
J. David Burroughs, Attorney, Athens
John E. Girardeau, CLE Board, Attorney, Gainesville
Kenneth Henson, Chairman, Board of Visitors, Columbus
Bill Schroder, Attorney, Atlanta
Lowry Stone, Attorney, Blakely
John Timmons, Legal Aid, Athens

The workshop dealt with the feasibility of establishing and administering a state-wide apprenticeship program to place students in active law practices during the fall, winter and spring academic quarters. The development of such an innovative clinical program will be largely dependent on the hiring of a clinical administrator to coordinate the available resources.

1. Selection of participants -- Law firm and student selection for participation in the program will require administrative supervision. In order to assure student placement within a firm committed to the objectives of the program, the selection of participating law firms should be made by faculty supervisors or a clinical coordinator. Student selection will be best determined by requiring the fulfillment of a writing assignment.

This will ensure that each student apprentice possesses at least a rudimentary command of legal research and writing skills.

- 2. Academic justification -- To ensure that the student receives sufficient intellectual and practical content to justify the program academically, a multiple-point checklist of required areas of apprenticeship should be formulated by the Law School faculty. Program emphasis will be on the practical exposure the student will receive, such as title examination, will-drafting, real estate closing, client interviews, etc. The traditional research function of the apprenticeship should be discouraged.
- 3. The in-residence quarter concept will resolve the credit dilemma. The academic credit received by the student participant should proportionately reflect his increased volume of work and temporary relocation. It is urged that 10-15 hours of credit per resident quarter away from school be awarded for involvement in the apprenticeship program.

IV. RECOMMENDATIONS

The integration of clinical and academic methods of legal education is a concept whose time has come. The University of Georgia School of Law is uniquely situated to shape the student's development of practical skills, professional ideals, and ethical standards through an enthusiastic commitment to the augmentation and expansion of existing professional skills learning opportunities. Accordingly, it is recommended that these major goals, articulated at the Symposium as germane to each clinical topic, be pursued with alacrity:

A. Establishment of a faculty position for an Associate Dean for Special Educational Projects -- A critical need exists for a half or full-time member of the academic faculty, in a tenure track, to serve as central coordinator for the development and implementation of practical clinical programs. With the time constraints now suffered by faculty members, students, and administrative personnel, nothing short of the assignment of this task to a specific person will accomplish the degree of expansion and improvement enunciated through the Symposium. (Alternatively, the coordination job could be designated as part of the associate dean's responsibilities, with a concomitant elimination of any teaching duties.)

The Law School's immediate commitment to raise the \$18,000-\$20,000 necessary to establish this position for an initial period is imperative. The \$5,000 slack in the salaries budget category should be allocated to this effort. Foundation, university and alumni assistance should be solicited for the remainder.

Primary functions of the Associate Dean for Special Educational Projects in the first year should include:

- -- Exploration of the feasibility of the clinical innovations discussed in the Symposium workshops.
- -- Development of proposals to the ABA, ABA Endowment, LEAA, CLEPR, etc., for funds to expand Georgia's clinical programs.
- -- Reorganization and streamlining of Legal Aid.
- -- Development of clinical programs in the areas of judicial clerkships, parole representation, and prepaid legal servies.

B. Re-evaluation of academic credit requirements -An increased allocation of time and credit for clinical work
is vital to the continued efficacy of clinical training at
this Law School. Clinical involvement is time-consuming;
participants and administrators of the existing programs agree
that the credit allowed is tremendously disproportionate to the
time and effort involved. The realities of live clients and
the dynamics of the legal system's court schedules do not fit
neatly into a predetermined format each week; the open-ended
nature of clinical work contrasts sharply with the limited
work load required by a three-hour class or seminar.

Georgia offers one-third of the national average and one-fifth of the ABA permitted number of credit hours for clinical training. The Symposium recommends that a student be able to earn 12-15 hours credit in clinical experiences during his three yearstenure. Unrelated concepts are potentailly destructive of what the effort is all about.

- C. Incorporation of the "clinical quarter" concept -Course conflicts and general law school requirements are often
 dissonant with clinical time requirements due to the exigencies
 of real life clients and court procedures. The clinical quarter
 concept, i.e. 10-15 hours of credit awarded for full-time clinical work undertaken during a quarter away from the Law School
 will allow the student to devote his full energy to practical
 training for one quarter without cutting into his class activities.
- D. The tightening of legal aid -- The heavily over-subscribed legal aid program should be reduced in size with a limit on the number of students who may participate each quarter. At least one new staff attorney should be hired and third year students should receive additional credit hours for supervision of second year students.