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# Reflecting Clinics at 50: Reports from the Field

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## REFLECTING CLINICS AT 50: REPORTS FROM THE FIELD

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## I. INTRODUCTION

For lawyers, learning law by practicing law is customary.<sup>1</sup> In the world of legal education, learning from practice is situated in both acceptance<sup>2</sup> and opposition.<sup>3</sup> There are practical arguments in its favor—the practicing bar wants law graduates to be “practice ready,”<sup>4</sup> and theoretical arguments—understanding how law operates in the real world yields a clearer understanding of law

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<sup>1</sup> See, e.g., Margaret M. Berry et al., *Clinical Education for this Millennium: The Third Wave*, 7 CLINICAL L. REV. 1–3, & n. 5 (2000) (noting that “the requirement that lawyers in this country actually receive a law school education rather than entering the bar after reading the law or some form of apprenticeship is not even 100 years old”); Jerome Frank, *Why Not a Clinical Lawyer School?*, 81 U. PA. L. REV. 907, 909 (1933) (stating that prospective lawyers have historically ‘read law’ in the office of a practicing lawyer.”).

<sup>2</sup> ABA Standards and Rules of Procedure for Approval of Law Schools, 2018-19, Standard 303(a)(3), requires that law students must complete “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 . . . .” Standard 303(b) states “A law school shall provide substantial opportunities to students for: (1) law clinics or field placement(s) . . . .” *Id.*; see also Frank, *supra* note 2, at 413 (inferring that law schools should once more get in intimate contact with what clients need and with what courts and lawyers actually do); DEBORAH EPSTEIN ET AL., THE CLINIC SEMINAR (2014) (compiling extensive materials pertaining to the teaching of clinic seminars). See generally LEAH WORTHAM ET AL., LEARNING FROM PRACTICE (3d ed. 2016).

<sup>3</sup> ABA Standards and Rules of Procedure for Approval of Law Schools, 2018-19, Standard 311(a) (“A law school shall require, as a condition for graduation, successful completion of a course of study of not fewer than 83 credit hours. At least 64 of these credit hours shall be in courses that require attendance in regularly scheduled classroom sessions or direct faculty instruction.”). Thus, while the ABA standards require law schools to make clinic and externship opportunities available to students, the ABA standards dictate that learning from teachers, rather than learning from practice, must be the dominant delivery method for legal education. See Peter A. Joy & Robert R. Kuehn, *The Evolution of ABA Standards for Clinical Faculty*, 75 TENN. L. REV. 183, 183 (2008) (“The value of clinical legal education courses and the faculty teaching those courses has long been contested.”); see also Frank, *supra* note 2, *passim* (critiquing legal education’s near exclusive emphasis on the study of appellate opinions and recommending that law schools organize the curriculum around the study of the work of lawyers, of the development of cases from initial client interviews, fact investigation, pre-trial pleading practice, in trials, and in the study of trial judge decisions, in addition to the study of any appellate opinion that may have been issued in a given case).

<sup>4</sup> See, e.g., Robert MacCrate, *Legal Education and Professional Development – An Educational Continuum*, 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR 125 (noting the task force is focused on the skills and values with which a well-trained generalist should be familiar before assuming ultimate responsibility for a client.); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 12 (2007) (proposing a framework that “seeks to mediate between the claims for legal theory and the needs of practice . . . [to] respon[d] to the demands for professional responsibility”); ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 8 (2007) (stating that it is especially important for law schools to make an institutional commitment to do the best they can to prepare their students for practice).

itself, how it maintains social and economic structures, and how it impacts individuals.<sup>5</sup> At the University of Georgia, law students, hungry for a legal education and a bar license, have been learning from practice in the Law School's clinical programs for over fifty years.<sup>6</sup> This article provides a window into that educational process. It offers no singular narrative, lecture or opinion. Rather, it presents the law student experience in clinical legal education through the voices of the students themselves in the Criminal Defense Practicum. Like the difference between the professor-focused classroom and the experience-focused clinic, we have removed the mediating influence of the faculty member.

What follows are the writings and musings of University of Georgia law students who have been enrolled in the Law School's Criminal Defense Practicum<sup>7</sup> between 2000 and 2019.<sup>8</sup> Students in

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<sup>5</sup> See, e.g., Katherine Kruse, *Getting Real About Legal Realism, New Legal Realism, And Clinical Legal Education*, 56 N.Y. L. Sch. L. Rev. 659, 681 (2011) ("In clinics, students are immersed in the heart of the law in action, representing clients in lower-level courts, administrative agencies and other venues for dispute resolution. Students daily encounter the gaps between what the law says. What it aspires to be . . ."); see also PAOLO FREIRE, *PEDAGOGY OF THE OPPRESSED* (Myra B. Ramos trans., Herder & Herder 1970) (1968) (presenting his theory on education and the application of it to the individual and its effect on society and the economy).

<sup>6</sup> The first law clinic at the University of Georgia School of Law was the Legal Aid and Defender Society. It was associated with the law student organization by that name, and initially was staffed by one attorney, one administrative assistant, and numerous law students. Founded in 1967, it was a poverty law office, taking cases the office believed it could adequately handle, always on behalf of impoverished people. The cases ranged from tenant-landlord disputes, contract disputes with used car dealers, benefit and housing eligibility and family law matters, to criminal cases.

<sup>7</sup> The Criminal Defense Practicum has existed under several names and organizational structures. In its inception it was the University of Georgia School of Law Legal Aid and Defender Society, an outpost of the law student organization by that name. In 1967, the UGA School of Law and School of Social Work collaborated to found the office. It was funded through grants from the Kellogg Foundation and the Ford Foundation. It served as a general poverty law office and handled both civil and criminal cases for poor persons in the Athens, Georgia area. Over time it took on the role of the public defender office for both Clarke and Oconee Counties, which comprise the Western Judicial Circuit. In 1996, the office was renamed the Legal Aid and Defender Clinic to reflect its educational mission. Ownership of the public defender function of the office was transferred to the Georgia Public Defender Standards Council in 2005, while the School of Law maintained the experiential education component of the program as the Criminal Defense Clinic. In 2016, the Clinic was renamed the Criminal Defense Practicum. UGA School of Law students whose writings appear here were interns in the public defender office in Athens. That office is now called the Western Circuit Public Defender Office.

<sup>8</sup> There is no significance to the dates other than that records were most readily available for this time period.

the Practicum intern in the Western Circuit Public Defender Office—the public defender for Clarke and Oconee Counties. That office represents clients in felony, misdemeanor, and juvenile cases in the Superior, State, Magistrate, Probate, and Juvenile Courts, and on appeal to the Georgia Court of Appeals and the Georgia Supreme Court.

Law students are imbedded in the public defender office. They practice under the student practice rules of the Georgia Supreme Court<sup>9</sup> and assist in the full range of criminal accusations—cases involving drugs, guns, theft, assault, fraud, cyber-crime, robbery, burglary, arson, driving under the influence, domestic violence, disturbing the peace, and public intoxication, to name a few. With attorney supervision, law students represent clients from start to finish—in bond hearings, committal hearings, pre-trial motions, plea negotiations, pleas, trials, sentencing and appeals. Students meet, interview, and counsel with clients. They talk to witnesses, review body camera, car camera and other video recordings, review police reports, review hospital and school records, take pictures of the incident locations, and do the legal research necessary to make the facts relevant. In short, law students are learning to practice law, by practicing law.

The Law School is not merely the "maître d' expérience". Students participate in a weekly seminar conducted by a full-time faculty member. In the seminar students receive instructions in criminal law and procedure topics that relate directly to their representation of clients, discuss strategy and brainstorm specific issues in their cases, and consider policy questions that arise out of their experience watching the criminal law system.

One requirement of the seminar is that students reflect on their experience interning in the public defender office and observing the criminal law system in action.<sup>10</sup> The following excerpts are taken

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<sup>9</sup> Student practice is permitted upon successful completion of the first year of law school, and continued enrollment in good standing in an accredited law school. Ga. Sup. Ct. Rules 91–95.

<sup>10</sup> Reflective practice is well established in clinical law pedagogy. *See, e.g.*, DONALD A. SCHÖN, EDUCATING THE REFLECTIVE PRACTITIONER: TOWARD A NEW DESIGN FOR TEACHING AND LEARNING IN THE PROFESSIONS 31-36 (1987); Alexander Scherr & Margaret M. Berry, *Reflection and Writing Journals*, in LEARNING FROM PRACTICE, *supra* note 3, at 203 (noting that reflection “is a skill that helps you identify successful actions . . . and apply current lessons to future practice”).

from those periodic reflections. The instructions given to students regarding their reflective writing are explicitly non-directive. Students are instructed to reflect on any aspect of the experience that has made an impact on them, that they believe is compelling, or about which they simply want to focus their attention. They may write about specific cases, about judges, prosecuting attorneys, the public defender office, police, going to the jail, clients, courtroom processes, race, gender, language, professionalism, justice or injustice. There are no specific prompts, no taboo topics, and the writing need not conform to any specified style. They may submit prose or poetry.<sup>11</sup> The result of this open-ended invitation to write is that the reflections are exceedingly varied.<sup>12</sup> The writing often touches on a topic, case or client that is unique. However, over time, some themes have emerged. The following excerpts are from student reflections submitted over the last fifteen years. The intention is to provide insight into the lived experience of a group of UGA law students, learning about lawyering, criminal law, and life.

One student's reflection mentions her mother:

On a voicemail to my mother, I left the following message: "Sorry, I missed your call. I was at the jail, but I'm driving home now, and I will talk to you later." Later on, I received a very worried phone call from my mother. She asked what happened and if I was in trouble. After explaining to her that I was at the jail to interview clients on behalf of the Public Defender's office, she reminded me that I needed to stay out of trouble. She went on to say that driving to Athens would take her over an hour from her home in Atlanta, so that if I did

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<sup>11</sup> It is the rare student who has accepted the challenge of poetry, though it has been done, and with notable results.

<sup>12</sup> There is no single rubric for reflective writing. This open-ended approach to reflection is intended to encourage the honest expression of student responses to what they are seeing, to give legitimacy to the broad range of student viewpoints, and to cultivate a sense of inclusivity of all students, regardless of where they may place themselves across the spectrums of politics, ideology, and personal experience.

get into trouble, it would be a while before she would be able to reach me. (2016).<sup>13</sup>

This student understood that the reader would find this amusing. She knew the average reader believes that jail means trouble; criminal defendants mean trouble. Even talking to a defendant might bring trouble—implicit in her mother’s reminder. The juxtaposition of society’s stereotype of criminal defendants and the defense lawyer’s experience of criminal defendants as regular people is a consistent theme in student reflections.

## II. WORKING WITH CLIENTS, TRANSFORMATIVE

Students in the Criminal Defense Practicum have the opportunity to de-mystify the stereotype of the criminal defendant, because students work directly with clients. They meet clients who are represented by the student’s supervising attorney, they also do client intake interviews for the public defender office and have conversations with numerous clients in that context. Consistently, students conclude that working with criminal defendants is one of the best parts of the internship. This is not because students are getting over a fear of meeting alleged dangerous or horrible people, it is because they are finding that defendants are not dangerous and horrible people and need not be feared at all. Defendants are much like anyone else. They are people. They are at risk. They need help. Client relationships, though intrinsic to law practice, are not intrinsic to law classrooms. Quite the opposite—from the podium, we emphasize the law, not the client. Students grasp the difference.

One student recounted his experience as follows:

I have got to admit—this is pretty weird. For the last year and a half, I have spent a significant portion of time, every week, working for the Western Circuit of Georgia Public Defenders Office . . . I can remember when I first signed up for the Clinic. To be honest, I was a little concerned about working at a public defender

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<sup>13</sup> The number at the end of each excerpt indicates the year the reflection was written by the student.

office. I had never been involved in criminal law in any way. I had never been arrested. I had never been to jail. None of my friends or family had ever been to jail. Walking in the jail for the first time and conducting my first interviews was a very scary time for me. I did not know what to expect. I thought most of our clients were bad people who do bad things. I could not have been more wrong. I have grown so much over the last eighteen months because of the clinic. I walk away from this experience as a better person and as a better lawyer. (2010).

In a similar vein, other students reflect on clients as people:

The portion of the course that I enjoy the most is the jail interviews. All of the clients I interviewed in jail really seemed to appreciate me coming to meet with them. Many of these people [have not] had someone they can rely on for support and help in a long time; if ever. They are truly grateful when someone shows up to meet them, listens carefully to their side of the story, and appears friendly and sympathetic. I did not expect to enjoy this. I fully expected the majority of the people I met at the jail to be so angered and disenchanting by their unfortunate circumstances that they would be suspect and hostile towards me, particularly since I am just a law student. But that has not been the case. I have been amazed by how much trust and confidence the jail interviewees have in me. It can be overwhelming. I have not had a problem with a client who is unwilling to talk to me. If anything, I have had problems with people wanting to tell me too much. (2009).

When I went into this, I expected to hear a lot of stories from people who were probably guilty as sin with little wiggle room for anything else or any other explanation. I grew up in a family that heavily favored law enforcement. My grandfather was the sheriff of his

hometown and my uncles are all cops of some form or fashion, so I've grown up learning that police officers are good people and always uphold the law and are here to help. As I grew up my perception of the way law enforcement really works grew and developed, but with the exception of one encounter, I had no contact with them in person. My experience was based almost solely on my family and what I saw on TV. What I have come to realize is, unfortunately, that the world of law enforcement isn't as cut and dry as I once thought and while many of those in law enforcement are genuinely good people, it is obvious that extreme biases and prejudices exist in their daily operations, whether they consciously see it or not. (2017).

The client's stories stand out to me more than anything for two main reasons. First, there are more people than I could possibly imagine that seem to have been charged with things that they probably did not actually do or, if they did, have been treated much more harshly than the crimes they committed call for; Second, even for the ones that outright admit to me that they did commit the crimes they were charged with, they are still people the same as you and me and have amazing stories to tell not only about their incidents but also about their lives in general. (2016).

Another student in the clinic wrote:

I want to say that what I have enjoyed the most about this class is the client interaction. I talked in class about how I was intimidated to go to the jail alone for the first time. Now, jail visits are the highlight of my day. I loved being the one visitor a woman had on Valentine's Day and talking about astrology with a client after finishing the interview. I loved being an advocate—the person who was able to make sure a client received a copy of his police report so that he could look at the case against him; the person who told the guards that the number a

client had been given to make phone calls was invalid and that he needed a new one immediately. As cliché as it sounds, the reason I came to law school was because I wanted to help people. Growing up, I always wanted to be a counseling psychologist, for that same reason. And if you asked me today, I cannot really articulate why I chose this career path instead. But because of this clinic and the interactions I have had with clients, I am excited for the career ahead of me! (2011).

Another student, reflecting on criminal defendants as clients:

Legal Aid has been my first sustained opportunity for contact with living, breathing clients. And what I've found is that I get a great deal of gratification from dealing with legal issues when they are tied to real consequences for real people. Of course, my experience in Legal Aid has for the most part not been one of wrestling with legal issues or memorizing buzzwords as is typical in most of my classes. What I've found rewarding is simply "being there" for the client—answering questions, giving advice, aiding clients in thinking through their individual situations, and finding a way to make a workable connection with each of them. This last part has not always been easy. I've found that while the work of interviewing clients charged with what are often very routine crimes may not seem technically difficult, the clients present challenges, and have needs, which a first glance at their cases might not suggest. I recently interviewed a client with a brain injury, who cautioned me that I needed to keep him on track because he tended to wander and had trouble with organizing his thoughts and with analytical thinking. Over the course of the interview he continually apologized that he was "getting off track." I reassured him each time that he really wasn't. This was true. He was actually quite coherent and reasonable in his presentation of his problems and the incident which led to his arrest. (2005).

### III. THE ATTORNEY-CLIENT RELATIONSHIP

While coming to know criminal defendants is an eye-opener for many students, it is only the beginning. The experience cultivates an appreciation for developing trust and rapport in attorney-client relationships. This may seem like lawyering 101—essential skills that all lawyers need—but the first time they personally engage with this issue is in the Practicum.

Building trust and respect in relationships with the clients takes time and repeated efforts. In one student's words:

I found that the more often I visited clients in jail, the more they began to trust me and open up. I am part of a large system that, as one client put it, "is all working for the government." Returning to visit clients really made a difference in their trust level. One client in particular stands out. During my first visit, I was only supposed to play a 10-minute audio clip for him. However, when he saw all the interviews on the disc, he wanted to listen to more, and I spent over two hours playing different interviews for him. As he heard the witness interviews, he began giving me glimpses into his version of what happened and giving me a list of things on which he wanted me to follow up. Throughout it all, he expressed his doubts as to whether our office and his lawyer were really on his side. When I came back the following week with the information that I had been able to acquire, his demeanor was noticeably different. He immediately jumped into his issues with his case and what needed to be done. When I said that someone from our office was trying to get in contact with a witness to interview her, he responded, "No! I want you to talk to her. You actually understand my case and you'll do it right." By the end of the visit, he was showing me his 9 mm scar and telling me that he had faith that I would take care of his case. This experience showed me that a client's trust has to be earned, but just taking the time to go through a client's case with

him goes a long way toward building that trust and respect. (2014).

Another student appreciates how face-to-face contact strengthens the attorney-client relationship.

A few weeks ago, Erin and I had plans to visit a client. I read through the client's folder, but I had not met him yet. All I "knew" about him had been gathered from a complicated web of police reports linking him and several other teenagers to a series of crimes and a brief counseling report about his home life. I really wanted to meet him because I knew that he was going to be so much more than what was inside that folder. I wanted to hear his voice, understand his sense of humor, find out what his dreams and goals are. That's one of the reasons I like meeting clients early on—either through an interview at the office or by going to meet someone shortly after they are arrested, if they are held in jail. I think that a police report or the GCIC<sup>14</sup> or whatever else is inside the folder colors your perception, no matter how much you want to keep an open mind. When I worked for [a non-profit that served indigent persons in need], the people I met were constantly being defined by what was in their "folder" school records, medical records, disciplinary reports, IQ tests, social work reports. I fought hard to be someone, often the only someone, who didn't think that those reports and records made a person. I have to fight that same pile of paperwork in criminal defense work. Institutions, whether schools or hospitals or jails or probation offices, will never write down on a piece of paper who someone really is. They will never capture that spirit or individual. And if you, as a defense attorney, don't come to really know your client, if you only see what their folder says about them, it must be hard to truly care

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<sup>14</sup> GCIC is the report of the Georgia Crime Information Center, the central repository for records of criminal convictions in Georgia. That is, this is a person's "rap sheet," though only for Georgia convictions.

about them, to truly get “frustrated” when injustices happen, and that in turn impacts how effectively you can advocate on their behalf. (2017).

Overall, students are excited about the Criminal Defense Practicum. Many suggest that clinics should be a mandatory part of law school. For example:

I still believe that clinics should be mandatory, in some form or another. Students should learn what it is to work with actual clients, and especially those who are not like them. I know that you cannot compel people to care, but you can push them in that direction. (2007).

Hands down, the thing I enjoy the most is interacting with clients. I enjoy the intake interviews, but thus far the jail visits take top billing, especially those in which I am gathering information for bond hearings. During these interviews, I don't have to focus so much on the components of the allegations, but on who the client is as a person. I'm able to get a picture of where they are in their life right now, where they have been, and where they would like to be. I think that during these interviews the client is able to feel visible. I feel as though I am truly doing something that conveys that we value them. They are not a number, nor are they just the crime they have been charged with committing, and we are taking the time to get a bigger picture of their life as a whole. Perhaps I get more out of this than they do. This is by far the most fulfilling part of what I get to do as a student. Not only do I get to feel as if I can contribute something that is a slightly scarce resource . . . I get to have face time with someone as I advocate for their case. (2014).

#### IV. THERE'S A STUDENT IN COURT

There is real skin in the game when students advocate in court. Their motivation is both internal and external. They feel nervous

for themselves; they feel nervous for their clients. They feel pressure, fear, satisfaction, and, ultimately, confidence.

Inside the courtroom experience:

It was late Thursday morning and my case had finally been called. The morning had been turbulent. I arrived in court nervous, waited, counseled my client (who was terrified of going to prison) five times, negotiated with probation, agreed on a waiver, presented it to the district attorney, argued with him about it, watched him sign it, relaxed, argued with him some more, listened as he told me he had changed his mind and was not consenting to the waiver agreement.

I fumed about his going back on the deal, realized that my case was going to be called in five minutes, gathered myself, and remembered the argument I had been planning on making when I arrived in court. Then I was standing before the judge, next to my client, and listening to the admission. The district attorney was asking the judge to revoke the balance of my client's probation.

DA: "Your Honor, Probationer refuses to comply with the terms of his probation. He has done nothing. He refuses to report. He moves without telling his probation officer. He has never completed his sex offender evaluation."

My client shook his head. "That ain't true though . . . man . . ." I leaned over, put my arm around him, and whispered to him. "Try to stay calm. I will tell the judge." "Okay."

It was seconds later and, for only the second time in my life, I was speaking in court. About thirty seconds into my argument I realized two things. First, I did not have to think about what I was saying. I had investigated,

researched, rehearsed. Now the words were pouring out of my mind and heart without my having to form them. Second, the courtroom was dead quiet. The constant and familiar rustle of whispers and files and papers had subsided, because everyone was listening to me.

Without knowing it, I was doing something interesting. “He is homeless on his worst day . . . and borderline on his best. I just don’t see a person who is flagrantly refusing to comply with the terms of his probation. I see a man who wants to serve his sentence, who wants to comply, but for whom that is made incredibly difficult by the underlying ills of homelessness and a lack of family support.” I spoke for about five minutes, took my place back at the podium, looked up at the judge, and waited. He took off his glasses.

Judge: “Mr. \_\_\_\_\_, the problem is that I am not sure how to give you what you are asking for. The jail is not designed to be a place where we confine people long term. It can be done. But there is always a risk that a sentence of even exactly one year will result in Mr. Probationer being transferred to the state prison. And I understand why you all want to avoid that. If the problem is homelessness, then maybe we can craft a better solution. Mr. Probation Officer, can we put Mr. Probationer on unsupervised probation so he can just go home to Virginia and be with his family?”

I suddenly found myself engaged in a conversation with the judge and the probation department about the possible solutions to my client’s Gordian knot of legal problems. The district attorney sat at his table, mute, staring at the floor. And I was like a deer in headlights. I had not seen this coming. When my supervisor handed me my client’s file, it was accompanied with an “I’m sorry. But I am giving you an impossible case.” But somehow, I had gotten to the judge. He wanted to help us. I flashed back to that afternoon when I was playing

ball in the house and I broke an antique clock. I had broken the judge. And now I stood frozen, not sure what to do next, other than wait and stare and hope everything turned out well.

I saw motion out of the corner of my eye and looked over at the other inmates, seated in the jury box. One was nodding, looking in our direction, and whispering, “You good man . . . you good.” It was not until later that night that I realized he was talking to me. (2013).

Students often narrate the novelty of their first courtroom experience:

“Your Honor, on behalf of my client, I’d like to tell you a little about his situation.”

It was a simple sentence. Something anyone could have said. But, to me, it was profound. It was the first sentence I had ever said *in court* to a judge regarding a client.

Practicing under the Third Year Practice Act<sup>15</sup> has been such a rewarding experience. It has presented me with an opportunity to work closely with lawyers, clients, and (even) judges. Last year, I was limited in the ways in which I could help clients. I could interview them, console them, and encourage them but I could not aid them in court. I had to leave that to a licensed practitioner. This year, however, I am that lawyer. I am the client’s voice to the judge. (2009).

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<sup>15</sup> In 2015, the Georgia Supreme Court extended the student practice rule to students who have completed their first year of law school. Prior to that time, student practice was limited to students who had completed their second year of law school. The student practice rule permits law students to argue in court under the supervision of a licensed attorney. *See* Ga. Sup. Ct. Rules 91–95 (adopted Aug. 15, 2015).

This past Tuesday I represented two clients at their probation revocation status conferences in front of Judge Stevens. It was my first court appearance. I was a bit nervous, but not really for myself, just for my clients—nervous that my lack of experience would cost my clients. I spoke to a few people about this concern, and they all espoused the view that there's no way around never having done something before, other than to just do it. I knew going in, that probation status conferences are not terribly difficult, and that there was not much I could mess up. All the same, I could not help but feel that if I just knew more about probation, and what arguments the judge would be responsive to, that I could be more effective . . . . The most useful thing, that I think I learned from this first court appearance, is that experience is good, not only because you then have more of an idea of what you're doing, and how to do it, but because inexperience infuses doubt into even things you do know. In the courtroom, it seems that confidence goes a long way, and I therefore intend to get as much courtroom experience out of this semester as possible. (2009).

Summing up three semesters of the Clinic, a student describes being "battle-tested:"

First, I am much more sensitive to the plight of poor Americans . . . . Second, I am ready to practice Criminal Law . . . . Third, I have let my competitive drive loose. Criminal law is truly an adversarial environment. Furthermore, [the prosecutor] is a competitive attorney and dislikes losing, so I had the opportunity to fight against an unwavering opponent. For example, at the end of the semester, Mr. Prosecutor effectively pulled the plug on a motion to suppress by threatening to double his plea offer of confinement if we proceeded. I was downright livid. Mr. Prosecutor sent two e-mails to me expressing his displeasure with my aggressive pursuit of Fifth Amendment rights.

I am actually sort of glad that Mr. Prosecutor decided to pull this move on me at the end of the semester because I had actually started to trust that he would do the right thing. I will not be fooled again. I now feel ready to fight against any legal opponent. Traditional legal education does not breed the sort of advocate who can stand and fight. I see a great amount of apprehension and fear in some of my non-clinic classmates. Not only have I eliminated any fear, I already feel battle tested. (2013).

Students ponder the various roles of an attorney. Are we trial attorneys? Negotiators? Both?

Defense attorneys or defense negotiators? During this semester in the clinic I feel like I have learned a ton. However, at times it does seem like the role we play in the process is more as a negotiator than a lawyer. Whether it's talking with our clients, the judge, or the prosecutor, at some point during the conversation there is an exchange about what one or both sides wants. Sometimes I feel like the experience and strategies we learn during these negotiations can have just as much if not more impact on how our clients' cases are resolved. For example, I learned early on in my experience with state court jail calls that I was selling my client's story to the judge when I was in front of him/her. These judges are like everyone else and have tendencies to believe and be compassionate about certain issues over others. (2014).

Here a student describes the adversarial system and the movement from negotiation to litigation:

On Monday . . . I argued a motion to suppress for my client. My attorney had put me in charge of this client's case. I filed his motion to suppress and developed extensive arguments . . . . I felt sure that the solicitor would dismiss the case. During the week prior to my motion, I called the solicitor to discuss having the case

dismissed rather than wasting our time in arguing a point so clearly defined by law. The solicitor vehemently disagreed with my view. The Monday of the motion . . . I felt extremely nervous. The law clearly favored my position, but I worried that my delivery of the argument might jeopardize my client's chances of success. Prior to this course, I never thought that I had what it took to become an effective trial lawyer. Standing up and speaking simply was and is not currently my strong point . . . .

While these insecurities haunted me that dreary morning, I knew that my client was relying on me to win the motion. That responsibility truly sunk in. After imagining the full weight of the responsibility of one client's liberty, I cannot imagine defending hundreds of clients at the same time. Only a select few people could shoulder such responsibility with integrity and empathy. The attorneys at the public defender's office have always demonstrated these qualities, and regardless of the day, they bravely fight for their clients regardless of feeling distracted or disheartened. I took courage from their example, and I entered the court room ready to do battle with the solicitor . . . .

I had to have the courage to go into court, stand up for myself and my client, and argue articulately. During the hearing . . . the Judge seemed receptive of my arguments, and as I spoke she seemed to nod in agreement. As I conducted my cross examination and made my arguments, I felt as though the case was lining up exactly as I had seen it and written it in my motion. The judge promised to have a ruling back quickly . . . . By Tuesday, she had returned her ruling: motion granted. Hearing the news of my motion's outcome was akin to Christmas morning. I was happy because I knew that I had saved my client a potential drug conviction on his record. I was happy because I knew that I had found the courage to speak when I had once never thought that I could. (2010).

Preparation outside of the courtroom means effective lawyering inside the courtroom:

To be quite honest, transcribing officer belt audio can be a bit tedious and annoying. However, after being able to watch an entire trial and observe attempts at negotiations with prosecutors, I am convinced that there is a definite benefit to being closely intimate with the timeline of events and being able to effectively cross-exam a witness on the stand when the charges are time sensitive. (2014).

#### V. PROSECUTION AND DEFENSE

Students often comment on the contrast between criminal prosecution and criminal defense practice. Some have interned at prosecution offices. Some worked in law enforcement. Some are related to law enforcement officers. Many have considered, or are considering, whether they want to prosecute. They reflect on the differences and the possibilities:

The first thing that I learned while working at the DA's office was that the caseload is very heavy, and that you have to do your best to make it through as many cases as possible, while also getting convictions. The first thing I learned while working with the Criminal Defense Clinic is how poor and underprivileged people are caught in a system of injustice and are often unable to escape. The two lessons are clearly at odds with one another, and I found it interesting to try and reconcile the two to find what is really at stake in criminal cases and what larger implications the cases have. What I found is that there is no easy way to balance the two, and what is at stake is some human being's entire sense of happiness and respect. (2014).

On Thursday, I helped Debbie conduct status conferences in Judge Stephens' Superior Court. This was a truly fabulous, uplifting experience that has only served to remind me of why I want to practice indigent

defense upon graduation. The whole experience was highly rewarding to me on a personal level. Conducting status conferences reminded me of how I have come full circle since when I applied to law school. When I worked as a juvenile probation officer, I was always frustrated to see so many young people stand before the judge without an attorney. When I revoked a probationer, I often found myself arguing both sides of the person's case – why their probation should be revoked, but also all of the mitigating factors in their life. Yet, there was no one there to offer an alternative to my recommendation. This semester, I was the voice that I wanted to hear four years ago. (2005).

I have a lot of experience with criminal law on the State (prosecution) side through my prior internships in both undergraduate and law school thus far, at a State Attorney's Office, a jail, and with a Probation Department . . . . I can't deny that perhaps my early exposure through my internship (coupled with other external forces like where I grew up and my socioeconomic background) has shaped my views and opinions coming into this clinic on the criminal justice system and defense work. I used to believe and do still now to a certain extent, that if someone commits a crime, they deserve to be punished for it. Period! However, this clinic has changed how I think about or go about that belief. I still believe that committing crimes is wrong and it shouldn't be done, but I am more susceptible to empathy in why and in understanding that the point of public defense is not necessarily to get those off who did something wrong, but to give those accused of a crime the constitutional and other rights they are afforded as citizens of the United States of America and their respective states, regardless of whether they've actually done it and regardless of the severity of what they've done. Even murderers and child rapists have rights . . . . In fact, I now try to consciously

call them the accused, instead of the defendants, which I've come to realize is a very prejudicial term . . . .

I think my view on public defense has most specifically changed due to the client intake interviews we complete at the office, where we are one-on-one with an individual accused of a crime, but who we learn has financial, physical, mental, other issues and compelling life stories to share. I'd be lying if I said I didn't feel like shedding a tear once in a while listening to some of their stories and I tell myself I can't ever feel bad about my own life story because someone always has it worse. Meanwhile, to the prosecution, this person is a name on a piece of paper.

While I am aware that the public defense career is not what I want to do, I think that what I've been learning through this clinic, not just knowledge wise, but as a person emotionally and mentally and in regards to the faults in the criminal justice system, is important to what I do want to pursue as a career. It will help me to not be a cold-hearted, lock-everyone-up type of prosecutor that God knows the criminal justice system does not need, as all of the jails in the United States are at full capacity. (2018).

[When] I decided to further explore the idea of criminal law, my immediate thought was to participate in the prosecution clinic.<sup>16</sup> I grew up in a military family and was instilled with a strong respect for authority and abiding by the law. Plus, if popular culture had taught me anything about the legal profession, it was that prosecutors were on the side of the angels and the only admirable work of criminal defense attorneys was getting the innocent off. I am forever grateful to

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<sup>16</sup> Since 1968, the UGA School of Law has offered the Prosecutorial Clinic, in many ways the counterpart of the Criminal Defense Clinic. Today it is called the Prosecutorial Justice Program. Law students in the program intern in prosecution offices at several judicial circuits in Georgia, prosecuting for the State on all manner of criminal cases pursuant to the law student practice rules. *Prosecutorial Justice Program*, UNIV. OF GA. SCH. OF LAW, <http://www.law.uga.edu/prosecutorial-clinic> (last visited Jan. 31, 2019).

Professor Nessel for the advice he gave me. He advised that I try out the criminal defense clinic before committing to three semesters of the prosecutorial clinic without even knowing if I actually wanted to practice criminal law. I didn't really have any awareness of criminal defense at the time, except for how I had seen it depicted on *Law and Order* (which was generally unflattering). I fully expected to do a semester of the clinic and then happily switch over to prosecutorial work in the spring.

I am happy to say that my first semester in CDC [Criminal Defense Clinic] confirmed my interest in criminal law, but more than that, it took me completely by surprise. From the participants in the clinic, to the class discussions, to the people at the office, and our clients, they all exceeded my expectations. People that do this type of work have a real passion for it and they genuinely like their jobs, or they wouldn't do it given the compensation they receive. I found the work interesting, rewarding, and frustrating, but also stimulating in ways that my summer job at a law firm lacked. The more I participated in the clinic the more I realized that these were the people that I related to and looked up to the most.

It is certainly [harder] for people that don't understand this line of work to see how important it is that innocent people don't get convicted of crimes. But what seems to be much harder for people to understand is the importance that "guilty" people are not over-sentenced, taken advantage of, and locked away and forgotten. I know I was one of those people once, and that is how I realize how far this clinic has brought me. (2018).

#### VI. RACIAL DISPARITY IN THE CRIMINAL JUSTICE SYSTEM.

There is racial disparity on paper and there is racial disparity right in your face. Abstractly, the message is the same—but it is remarkably different when you see it with your own eyes, hear it

with your own ears. Again, the value of seeing lived experience is the backbone of the clinical method.

A student's face to face experience with race in the courtroom:

The morning of the hearing I went to the courthouse. The client came shortly after, so I took him over to a table to talk to him about the hearing. As soon as I did that, someone from the court said that it was time for us to come in the court. I walked to the defense table and I started getting my papers out of my bag. The judge then proceeded to ask my supervising attorney if I was the defendant. At the time, I laughed it off, but then I started to think about it. Of course, I would be deemed to be the defendant. The only other black person in the courtroom was the deputy. Our client was a 25-year-old white former marine. He was wearing a white t-shirt and jeans. It struck me as odd that the judge automatically assumed that I was the defendant, yet I was wearing a suit. This simple courtroom exchange showed me the most important lesson that I learned in Legal Aid. Most of the office's clients are black. The racial disparities are overwhelming. This was a fact that I knew, but it wasn't until I worked at Legal Aid that it actually hit me.

There are serious problems that need to be addressed in African American communities. Too many black males are going to prison and not college. I think about 90% of all the Legal Aid interviews that I conducted were with black males. This issue really bothers me, but the other problem is that I don't know what needs to be done. My fraternity brothers and I go to the Boys and Girls Club regularly to try to mentor the kids, but I know there's so much more that we need to do. I wonder what has to be done so that in a courtroom, the black male is not automatically the defendant. (2006).

Students' experiences observing racial disparities in the criminal law system are profoundly moving.

The effect of poverty and race on the justice system was also something I had some idea of, but . . . had I not been in the hearings and seen a ratio of 20 African American defendants to 1 Caucasian I may not have believed it. It's inconvenient to be aware of the inequality, but it gives us a purpose. It's something I very much want to spend my life trying to change, even if I'm not at all sure how to begin. Had I not taken this class I wouldn't even be aware of it though, so hopefully this is a good start. (2012).

I feel I would be doing myself a disservice if in writing at least one of these reflections I failed to reflect on the racial disparity, which I have observed in the courtroom. I recently looked up demographic statistics for Athens-Clarke County, and African Americans only represent 27.5% of the county's population. In total, people of color make up about 35% of the total population. However, when I walk into a local courtroom, I find these demographics hard to believe. Based on my experience so far, those facing criminal charges are overwhelmingly people of color. In theory, this is not a new revelation. I have studied about these racial issues in multiple law school classes, and I have read about it in the news. In fact, when signing up for defense clinic, I knew it was something I should be aware of. However, actually experiencing this disparity in person—actually seeing the system work in this way—has been bothersome. Perhaps, I thought the racial disparity would be more hidden to the naked eye and more easily seen in statistics. However, it is immediately clear to the average person who walks into the courtroom who our justice system is impacting the most.

In law school we're taught the law does not see color, that the justice system is designed to work for all equally. However, when you walk in for jail call and 90% of the defendants in the jury box are people of color, it

is hard to believe this is true. The question I am left wrestling with is, why? (2017).

Everyone has prejudices, and for those people who feel as though they do not, even they have them buried in their subconscious. As I entered the courtroom for my observations, every single time except once the courtroom guard would ask me which defendant I was there for. This question was posed to me in the sense of “whose girlfriend are you?” or “which defendant is your brother” type of way. At first, I was upset about the questioning. Especially when I entered the courtroom with a Caucasian male classmate and they asked him “Are you observing? Take a seat over there” with a huge smile on their faces. I would quickly say to them, “No, I’m a law student and I’m here to observe,” and then an uneasy smile would quickly surface as they directed me to a seat, probably feeling embarrassed for making assumptions.

It was situations like this, which occurred on more than one occasion, which gave me the impression that if I’m a black woman entering a courtroom with no handcuffs on, people will automatically assume that I’m there to support my boyfriend who has been locked up. This was sad and disturbing for me. I was offended by their notion; just thinking that a black woman could only be showing up to court for moral support was discourteous. Then again, I wasn’t very surprised as to how they came to that conclusion. As soon as I stepped foot in the courtroom, 9 times out of 10 I would be greeted with a slew of African-American males from all age groups in blue, white, or orange suits, with “Athens Clarke-County” adorned across their backs. I never once saw an African-American attorney there representing anyone; I only saw the probation revocation officer there to present for the government at one hearing. So, how could they not think that I was there for moral support? It wasn’t as if I could be an attorney, and probably not even a witness, as I never saw a witness of any race

other than Caucasian testify; and they all testified for the government. (2010).

One thing that was true about my impression of the jail was the amount of African-American men present. I did my first interview alongside another student, who is a Caucasian female, and we interviewed an African-American male. In his interview he looked at me mostly, even stating things like, “I told the police I wouldn’t get down on the ground until they called a black officer over . . . there were too many white officers and I know what happens when a black man turns his back to them.” As he realized my partner was somewhat uneasy about what he was saying, he would look to her and say, “I mean, no offense, but you know how it goes.” It was his statements like these that furthered my interest in criminal defense and racial/discriminatory policies. While I believe greater society tries to shun away from these issues, they are very prevalent. I find it appalling that the majority of inmates are of African-American descent, and they range from teens to adults. While they all may very well be guilty of the crimes they’re charged with, I can’t help but wonder whether or not officers are targeting them and not honing-in on the fact that all races are capable of committing all crimes. It’s just disheartening to hear an inmate say, “I’m glad they sent someone black to talk to me,” because they feel as though they can’t relate to, trust, or rely on another race. Our society should have come farther than this type of mindset, but just because the laws have changed it doesn’t mean people’s minds have. (2010).

An additional concern stemming from jail visits is the racially disproportionate jail population. I expected there to be a large population of Blacks in jail. I didn’t expect for it to have the impact on me that it did. Knowing that jails are disproportionately populated with Black males is very different from actually seeing the disproportion. Since this clinic, most of the Black

males I see are in jail or recently released. This phenomenon should leave one feeling concerned. As a Black woman it elicits even more concern and chilling feelings of anger. I see more Black men when I visit the jail, than I see in my classrooms . . . . I haven't interviewed a woman in jail yet. I have also noticed that this issue is prevalent in juvenile court. Last week, the entire waiting room was filled with Black children and one Hispanic family. Racial disproportion in the criminal system is one of my more personal concerns, but is not the only one. (2010).

He arrives in chains...literally. Head down, shuffling from side to side as he is escorted into court by the Deputy. His ankles are handcuffed, his hands are handcuffed, and there is one long single chain which loops around his ankles, waist, and hands. I can't help but think he looks very much like the images I've seen in the past of slaves being ushered to and from the market place to be sold or bought. Same downtrodden look, same dejected spirit. And he is only 14. Wow...what are we doing to children by exposing them to such realities at a young age. Just the visual image alone will stick with me for years. (2014).

#### VII. STUDENTS LIKE CLINICS

One thread of student reflection is the pedagogical importance of the clinical experience. The students' remarks are unprompted and unsolicited. In comments framed as celebration, reassurance, complaint, or all combined, students offer a critique of legal education as they are experiencing it.

My favorite part about the class was the requirement that we learn by experiencing courtroom procedures. I thought it would be a chore but instead I was at the court far more often than was required. The experience taught me a lot; I had far too many assumptions about court from TV and a vivid imagination. Seeing the entire criminal process from arrest to sentencing was

something I did not understand very well. I am thankful that the class forced me to get out there and observe it. Sitting in class reading a case just doesn't compare to seeing it actually take place. (2000).

The Criminal Defense Clinic has been the first class so far in my law school experience that has exposed me to the fundamental difference between the realities of law school and the real world. In law school, it seems that most of our time is dedicated to studying cases that have changed the law and moved it forward (or backward). These cases illustrate major points of law and set the boundaries of the law up for the student. While it is essential to learn the knowledge imparted by the cases and professors, it seems that most real cases turn on issues that deal with the law as settled, and the advocate has the challenging task of making facts that could be damning to his client appear to be positive for his own side. (2006).

Legal Aid has not only provided me with a look into small, client-centered practice and given me invaluable experience therein, it has also given me hope that I will be able to find others in my profession whose company I will enjoy. For the most part law students are not my kind of people. They are generally socially, sartorially, and politically conservative, uptight, and unable or unwilling to understand those who differ from them. The students and attorneys who work at Legal Aid, however, are a panoply of different backgrounds and political bents. They are welcoming and warm. They are fun to work with and to have a beer with. Until I signed on with Legal Aid I was dismayed with the folks I had found practicing law. They were, in general, good people but they were people with whom I felt I shared little.

In summary, Legal Aid has shown me that my decision to study and practice law was not the biggest gaffe I have yet to make. Had I never readjusted my career plan to steer away from the city, had I never

decided to be sure my practice did not eat into my real life, had I never remembered that interpersonal relationships were more important to me than the balance in my bank account, law school would indeed have been the biggest blunder I could have made. Now I leave law school secure in the knowledge that I am entering into a career that I will enjoy in a place stocked with people that I know I love. (2003).

One of my favorite aspects of this fall in the clinic was the discussions we had as a class about different cases that we were handling. I can't begin to describe how helpful this was. First, it helped immensely with my own cases. Hearing everyone's point of view helped me to see the cases from different angles, angles that I may not have considered otherwise. All of my classmates are so intelligent and hearing them think through the cases I was dealing with was incredibly helpful. Sometimes I get so wrapped up in what my perception is of a case that it is nice to step back and hear some other points of view. (2009).

Working at the public defender's office this semester has been eye-opening. The sheer amount of clients the public defender's office represents has shocked me, as has the number of people dealing with the legal system at any one time. The nature of probation in the state of Georgia has also proven very different from the structure that I vaguely expected. The nature of the employees at the public defender's office was not at all what I assumed it would be . . . . I always had a somewhat low opinion of public defenders; they don't get a lot of respect from the public. I was surprised to see the dedication that the attorneys here display to their clients. I don't know how they avoid an assembly-line approach; the sheer number of clients seems to almost require it. The public defender's office here has a lot of talented people doing a very difficult job. My nephew's currently in a bit of trouble back home; I

almost yelled at him when he said he wanted a real lawyer rather than a public defender. (2012).

The semester was somewhat of a whirlwind within the clinic. Each different assignment felt important and immediate, and sometimes tedious in the attention-to-every-little-detail they often required, yet somehow the weeks flew by and the 148 hours I spent on the clinic seem more like 5 hours. It is almost like I tasted something really delicious, but only got enough to leave me wanting more. At the onset I would have predicted that however many weeks I was about to spend in the clinic would certainly be enough to get the full picture, and enough insight into criminal defense work-life. I would have been wrong about that. So many times during the semester I remember thinking, and probably saying out loud, that I would be so much happier if class and the craziness of school did not keep getting in the way of the clinic! I certainly saw, researched, talked about, and learned more than I anticipated, but I wish I could have tasted and seen even more. The field is so dense, the clients so real, the cases so personal—if I become a public defender, I will have to remind myself to come up for air every so often. (2015).

I basically set up camp at the courthouse a couple of consecutive Fridays in a row for “jail call.” I was about halfway through the second of these when it dawned on me. “Jail Call” refers to all of the types of hearings for which a defendant would need to be “called” up from jail: arraignments, bond hearings, and probation revocations. It was definitely a blonde moment and an epiphany I’m sure to remember. What struck me most about the proceedings was how fast they went. It felt like being in the cycles of a washing machine, each several-minute “hearing” kind of blurring into the next. I realized that I am so much more accustomed to trial or even pre-trial motion settings in which there is a single defendant answering to a single charge (or set of

charges), and everyone in the courtroom is working toward resolution of that single case.

In the maybe 8 hours total that I was in Judge Smith's courtroom on those two Fridays, she probably called no fewer than 80 cases. While each went forward, there was a network of inmates, family members, attorneys, law enforcement officers, and students milling about the courtroom engaged in various levels of conversation and laden with varying levels of paperwork. It was kind of like an ant farm. On the one hand, I understand that judicial resources are stretched tight. They just don't have separate courtrooms or blocks of time to devote to each, individual defendant. On the other hand, fundamental to due process in our law are notice and the opportunity to be heard. Are those rights truly being vindicated in settings like this? If not, does anyone even care? If so, are there practical, workable alternatives? Related to the quickness of the proceedings is the clutter—both visual and audial. Earlier, I remarked on the number of coffee cups and beverage bottles in the courtroom during the jury trial. The setting was similar during jail call. In addition, there was a constant buzz coating everything else in the courtroom. People moving, shackles clanking, pens scratching, papers rustling, attorneys whispering (or trying to), law enforcement officers crowd-controlling. Other students were there both times, and we constantly asked one another, "Wait- what did she say?" and "What kind of hearing is this?" It was the most organized, productive ruckus I'd ever seen. I used to teach in an elementary school, so that's saying a lot. (2014).

I like getting to interact with clients and with the facts of the cases. We seem to work mostly on spotting legal issues during law school, but I think being able to spot factual issues and think about cases in that way is also very important. These assignments also work well for me because having interesting and different facts in

every case is one of the reasons I am drawn to criminal law. (2014).

As graduation approaches, I have realized that the clinical work I have had the opportunity to do through the university is what got me through the last 3 years of law school. I could not imagine having gone through this without a purpose, in hopes of getting some kind of job, and not having found a calling. I further realized this when I went to interview with the public defender office in \_\_\_\_\_. The interview consisted of a regular question session, followed by lunch, and then I was asked if I wanted to go to the jail for initial appearances. When we got there, I knew I was in my element. I grabbed the sheets, started asking people their bond situation, filled out their information, and I would have been ready to get those people their bonds if I could have done it. It was of course not about filling out sheets, but about realizing that this is what I want to do, and could not have imagined getting to that point without the time I have spent doing this clinic. (2007).

Over the past three years, professors who I respect and admire have told me that law school teaches students how to be lawyers. I respectfully disagree with them . . . I expected law school to be intellectually challenging, rather than just a push to memorize cases and quickly vomit answers on three-hour exams. I expected law school to discuss politics and poverty and race, or at least do more than pretend that these things do not exist in the face of a supposedly “objective” judicial system. I expected law school to engage with the difficult issues that come with representing clients who have been repeatedly thrown away by society and the criminal justice system. Most of my academic classes never came close to meeting these expectations, but the Criminal Defense Clinic surpassed them. What’s more, the clinic gave me the opportunity to sit with a group of like-minded individuals who also cared about the same

clients and issues—a far cry from many of my other classes, where classmates would make unbelievably offensive comments about anyone who was not privileged enough to access higher education.

In short, the Criminal Defense Clinic, along with the presence of faculty members who in some way swim against the tide of law school culture, has been a refuge. It has been a place where I could pursue the values that brought me to law school, instead of putting all my energy into fighting against problematic values that law school attempts to impose on its students. (2012).

I don't like how fancy court is. Why can't we all just sit at a table and talk like normal people? I don't like the paintings of old "respectable" men who came before us. Put a picture of some trees or some grass in the courtroom instead. The last thing an alleged offender needs is another pair of eyes staring at him/her in a potato sack and orange slippers. Who is the judge to sit up there and [require] a defendant to say "Yes, sir and Yes, your Honor?" I saw a judge correct a defendant in court one day and it made me so mad. We are all humans. Even though you maybe committed a crime does not mean you deserve to be treated like dirt. This is why I want to be a public defender. This is also why I don't want to be a public defender. (2014).

#### VIII. THE SEMINAR

There are two seminars associated with the Criminal Defense Practicum. One is for first time Practicum students. The other is for students in their second, third, or fourth semester of the Practicum. On most days, it is not a traditional class. Instead the students, their cases, their observations and their experiences are the foundational material that informs the discussion.

[O]ne of the things I was most concerned about in taking Criminal Defense Clinic was not conducting jail interviews, or in office interviews, or even getting 12 hours per week, but was the class discussion to be had

on “feelings day.”<sup>17</sup> I had heard about it from other students and I was very nervous about how it would go. I was pleasantly surprised as to how much I ended up enjoying “feelings days” and how much relevance it has to my future as being a lawyer. I think it is one of the most important class days within the class schedule. The uncomfortableness I felt was unreal, but because each classmate opened up about their own past it made speaking a lot easier.

Furthermore, I never expected “feelings day” to have any relevance to what we actually did with the clinic, but I was completely mistaken. Once you explained to us how this relates to every interview we do, it blindsided me. Until that point, I had never thought about how it must feel for a client to participate in an interview with a twenty-something year old who they do not know. I cannot even imagine how it feels to not only be asked questions, but very personal questions about why they did or did not commit the alleged crime that has been charged against them. That class experience put into perspective the importance of being understanding of a client who finds it hard to talk in an interview and to appreciate how difficult opening up can be. (2010).

I didn’t expect for a law school seminar to be so memorable . . . . I have to admit that by the start of this school year, I was solidly cynical about anything associated with law school. After an incredibly enriching academic experience at my undergraduate college, followed by five years of complex life experiences in the workplace, law school felt anticlimactic. I found the eighty-person 1L classes to be mostly mind numbing, and I had given up on the idea of ever again having a truly engaging classroom discussion. So, I didn’t have high expectations for the seminar attached to the Criminal Defense Clinic at the

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<sup>17</sup> The students are not, in fact, asked to talk about their feelings, but rumors are what they are.

beginning. I thought the readings would be interesting enough, but didn't expect to gain much from the insights of my classmates or to feel compelled to share too many of my own comments. I was wrong. I may not be any less cynical about law school as a whole, but I am truly pleased to know that there are hidden crevices like the Criminal Defense Clinic in which honest and critical discussion can occur.

The seminar did not start out with this kind of dialogue. In the first few weeks, we interchangeably had awkward silences and heated exchanges. As we got to know each other, the conversations started to smooth themselves out. But the major turning point is clear—it was the famed class about our own life experiences. I had been warned about this notoriously painful day of the Criminal Defense Clinic, during which we would be told to sit in a circle and talk about our feelings. It was indeed just as uncomfortable an experience as promised by the previous year's classes, but it also had an incredible effect on our seminar. I noticed the change in our classroom discussion dynamic immediately. Suddenly, instead of talking at the professor, we talked to each other. Instead of awkward silences, we had thoughtful ones. Even when we disagreed with each other, it didn't seem so serious; we knew where each person was coming from and how that shaped their perceptions.

With those developments, I appreciated that the seminar enabled us to trade ideas about serious issues we encountered both in the class readings and our day-to-day work with the Public Defender's Office. In retrospect, I realize that this is probably exactly the role the clinic seminars are supposed to play: to give students the chance to reflect upon and share insights about the complicated and often emotionally weighty events from the clinic. (2010).

## IX. CLOSING ARGUMENT

A student's summation:

The most important part of law school for me has been the way in which the experience has caused me both to become aware of the profound injustices of the criminal justice system and to embrace my desire to take action to fight them. I grew up poor and in troubled circumstances, and I watched many people who I cared about, including my own mother, be hauled into jail at various points in time. Somehow, however, it took enrolling in an institution of great privilege and wealth to wake me up to these issues. I think the reason is that I spent most of my life feeling powerless to effect any change. I saw flaws and problems everywhere, but my attitude towards them was a sort of nihilistic acceptance: likely they would go on forever, and if they didn't, by some miracle, it certainly wouldn't be the likes of me that changed them. It wasn't until law school that I found the tools to fight back, and with them, the will to do so. Most, if not all, of those tools and that inspiration have come from working in the clinic. It has been an experience unlike any other that I have had while in school, and I am deeply grateful to have had the opportunity to participate in it. (201x).<sup>18</sup>

## X. CONCLUSION

There are, of course, many more reflections. The need to draw this to a conclusion presents itself. Consistent with the clinical method, the teacher's conclusions are not necessary to the project. The goal is but to introduce the evidence, for the record. My turn at the wheel started in 1996. The Defense Clinic seminars meet every week, every semester, fall, spring and summer terms. One hundred and thirty-two seminars. The reflections of students accumulate, star-like. Throughout, the message has been remarkably consistent—students learn and love the experience of working with

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<sup>18</sup> This date is incomplete to further protect the anonymity of the student.

attorneys and with clients. They seek immersion in the water. They find it. They value observing courts, public defenders, prosecutors, clients, and witnesses, live and in person. They appreciate that compelling advocacy is drawn from narrative. They recognize that facts distinguish cases, distinguish law, and determine outcomes. Those students who were not doing so well in law school find that their understanding of the regular lecture classes improves. Those students who had stellar success in law school find the clinical approach as compelling as they do a more abstract approach. The alienated and disaffected souls, who found law school not to their liking, find that law practice is an entirely different beast. They find hope. The spectrum of learning expands. The connection to real life strengthens. The practice of law becomes meaningful.

I am no more a proponent of clinical education than I am of classroom education. It is by mere coincidence that I preside over an experiential learning program and thus, have become its advocate. But having seen it in operation for student after student, I am a believer. *Res ipsa loquitur*.<sup>19</sup> That said, clinic, seminar or lecture—all are compelling and full of promise. The virtuoso jazz trumpeter Dizzy Gillespie, who excelled in a world of improvisation within formal structure, was once asked which method of learning he would recommend to aspiring jazz musicians—learn by the experience of playing in the night club scene or learn through formal training in the music conservatory? He laughed in response and said words to this effect: Do it all. Learn everything you can, every way you can, from everyone you can. There's no reason to reject opportunity if you have it.<sup>20</sup> Law schools might be guided by his response. It is not a competition between pedagogical methods; it is the inclusion of all. Embrace the diversity of approaches to teaching and to learning and acknowledge that there are many paths to the same goal. Be inclusive. Do so with respect for the source. The UGA School of Law started down the path of clinical education in 1967 and the Legal Aid and Defender Clinic, by whatever name, has served over two thousand law students since then. At fifty-plus

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<sup>19</sup> “The thing speaks for itself.” I owe my familiarity with this phrase to the hard work of my torts professor, University of Georgia Law Professor R. Perry Sentell, Jr.

<sup>20</sup> Dizzy Gillespie, University of Michigan jazz workshop, 1977, as witnessed and recalled by the author.

years it is stronger than ever, for which over two thousand lawyers say, "thank you."