

INTRODUCTION TO THE CLINIC - PHILOSOPHY AND EXPECTATIONS

Welcome to the Clinical Programs. For those of you who have never taken a clinical course, the experience will be unlike any other you have had in school. Even if you have worked clerking in a law office or a government agency, the clinic will offer you something unique – the chance to fulfill your professional role as a lawyer.

So far in law school you have probably only read cases or other written materials, written research papers on a selected topic, or drafted documents or tried out trial techniques and oral arguments in a simulated setting.

While all of this learning is essential preparation for the practice of law, it does not contain the full complexity, ambiguity, and dynamics of actual law practice. To practice law in a competent manner it is not enough to know legal theory and how to predict what a court might do with a given set of facts. You must learn skills to deal with people, especially people who are in difficult, embarrassing, or confusing situations. You must learn how to explain the law, legal processes, and options to clients, and you must learn to deal cordially and professionally with your adversaries and the courts, while still vigorously representing your client.

You must be able to take a disorganized and fragmented story from a client and develop a plan to help resolve the difficulty. After all, few clients come to a lawyer's office with the complaint "Well, I have a collateral estoppel problem." Facts will be presented to you in a disjointed, unfocused way and it will be your task as a lawyer to set the problems within a legal framework and devise approaches to solve the client's dilemma.

All of these and much, much more will be part of your experience in the clinic. Most students start the clinical experience with great reservations; "Can I do this? Will it be overwhelming? Am I up to the task?" Such misgivings are normal, as you approach the serious professional responsibility that clinic requires.

We can assure you that if you undertake your responsibilities here with serious purpose you will be amazed at what you are able to achieve. You will learn how to do all that has been mentioned and more, and you will be able to take justifiable pride in your accomplishments. Moreover, you will have the satisfaction of knowing that your efforts have helped a client who might otherwise have had no hope.

In this course you will discover how to learn from experience, how to take each experience you will have in the law and use it to improve your own skills and knowledge as a lawyer. You will learn that virtually every step you take requires preparation and planning, and that afterwards you can evaluate your preparation to learn how to do it better, more thoroughly, or with greater flexibility next time. So in the clinic, your supervisor will constantly ask you, "Could you have predicted that 'X' would happen? How could you have been better prepared for it?"

The other important subject of this course is the complexity of a lawyer's role. As a student intern you will take on the mantle of a lawyer and do things that lawyers do. Sometimes this may feel "right" to you and sometimes it may feel very uncomfortable. The clinic is a place to examine this role, both the traditional models of lawyers' behavior and alternative visions. It is a place to start developing for yourself a model of the kind of lawyer you want to be.

The key way you will learn to do all this is by exercising your own judgment and responsibility. You are not here just to carry the supervisor's briefcase and watch the supervisor perform the

legal work. As students you are permitted to advise and represent clients in many situations. Your task in the clinic is to learn how to exercise that professional judgment and responsibility in a sound and ethical way that is responsive to your client's needs.

If all this sounds difficult, it is. Law is a very demanding, exciting profession. Mastering legal skills and developing prudential judgment can be frustrating. But it is immeasurably rewarding. Your knowledge, skill, and attention can change a person's life. It sounds dramatic, but it's true. Year after year we receive heartfelt letters from clients, who felt lost and alone, until a clinic student came into their lives.

Do not be discouraged by the challenges that face you. Anything worth doing is worth a little struggle. Your supervisors will be with you every step of the way, helping, advising, asking questions and working with you as partners in this learning experience. We want you to succeed and to be able to look back on your clinical experience as the most satisfying and challenging in all of law school.