Experiential Education and our Divided Campuses: What Delivers Practice Value to Big Law associates, Government attorneys, and Public Interest lawyers?

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Experiential Education and our Divided Campuses: What Delivers Practice Value to Big Law associates, Government attorneys, and Public Interest lawyers?

Margaret E. Reuter and Joanne Ingham
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Abstract

How will law schools meet the challenge of expanding their education in lawyering skills as demanded from critics and now required by the ABA? This article examines the details of the experiential coursework (clinic, field placement, and skills courses) of 2,142 attorneys. It reveals that experiential courses have not been comparably pursued or valued by former law students as they headed to careers in different settings and types of law practice. Public interest lawyers took many of these types of courses, at intensive levels, and valued them highly. In marked contrast, corporate lawyers in large firms took far fewer. When they did enroll in such courses, they too found the courses delivered good value to their preparation for practice, but at lower levels.

The Experiential Learning Opportunities and Benefits Survey solicited information from lawyers in private practice, government, and public interest organizations. The data allowed us to examine particular features of these courses (e.g., serving as lead counsel for a client in a clinic, number of hours worked weekly in an externship, among others). Examination of these features allowed us to measure how the intensity of particular experiential course affected the lawyers’ assessment of its value. As much as the data show contrasts among the types of lawyers, they also show distinct commonalities between public and private lawyers, litigators and transactional lawyers. Some features of the experiential classes consistently showed heightened values among all segments of lawyers.

Every law school will soon have to provide at least six credits of clinic, field placement, and skills courses for each of their students comply with the ABA’s most recent mandates for law schools. Many educators and commentators

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1 Margaret Reuter, Indiana University, Maurer School of Law, Center on the Global Legal Profession; Joanne Ingham, Ed.D., Assistant Vice President for Institutional Research at New York Law School. Meg is indebted to Sandra Magliozzi, Associate Dean for Experiential Learning and Clinical Professor, Santa Clara University School of Law. As the Chair of the NALP Law Student Professional Development Section, she was her trusted collaborator in developing the survey objectives and early analyses. Her leadership was critical to marshaling the many resources of NALP and NALP Foundation. The Experiential Learning Survey would not have been possible without the encouragement and support of James Leipold, NALP President, and Tammy Patterson, NALP Foundation President. This article has benefited greatly from the comments and probing questions of readers of earlier drafts, including Catherine Carpenter, Clark Cunningham, Neil Hamilton, William Henderson, Robert Kuehn, Jeffrey Selbin, Joyce Sterling, Nancy Stuart, Charles Weisselberg, as well as the energizing NYU’s Clinical Writers Workshop (2014), including Katherine Kruse, James Stark, Timothy Casey, Jill Engle, and Jenny Roberts.
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proclaim the successes of the experiential courses as the solution to what ails legal education. But do current offerings simply have to be expanded to accommodate the influx of students? Findings from the Survey suggest that more of the same palette of experiential courses may not be good enough. The article provides data that raise questions for deans, faculties, and curriculum committees to consider, including whether the right courses are offered, why some segments of the student body under-enroll in experiential courses, and how to reconcile that some career paths are better prepped in the law school setting than others.
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Experiential Education and our Divided Campuses:
What Delivers Practice Value to Big Law associates, Government attorneys, and Public Interest lawyers?

Law schools and experiential teaching: the current “best hope” for what ails us

The belief that all genuine education comes through experience does not mean that all experiences are genuinely or equally educative. ...The central problem of education based on experience is to select the kind of present experiences that live fruitfully and creatively in subsequent experiences. –John Dewey

Educational experiences that “live fruitfully and creatively in subsequent experiences.”

Now that is an education for which every law student and law teacher thirst. What does it take to offer and deliver that durable and empowering education in courses like law school clinics, externships, and skills courses? Dewey was right; all experiential education is not equal. A two-phase nationwide survey shows that the intensity of the experiential courses and the degree of alignment with the student’s eventual career are key indicators of the extent to which experiential courses deliver practice-value to new law graduates.

The Experiential Learning Opportunities and Benefits Survey (EL Survey) examined educational outcomes of clinics, field placement, and skills courses focusing on lawyers’ self-evaluations. This is the first wide-scale survey that matches practitioners’ views with

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details about the intensity characteristics of their experiential learning (EL)\textsuperscript{3} coursework with features of their practice. Some 2,142 lawyers participated. The respondents practice in firms, government offices, and non-profit organizations; in litigation and transactional practices; and in law offices that are very large to ones that are quite small. The breadth allowed us to parse three important questions. Who extracts the most value from the EL coursework? Who engages the EL curriculum most? And what elements of EL coursework yield the highest values?

EL coursework was rated positively by nearly every lawyer, albeit not evenly. A quick look at three cross-sections of lawyers tells one thread of the story we observed in the data. Litigators in public interest and government service gave the highest ratings. Private practice lawyers valued their EL coursework with less enthusiasm than their public practice counterparts. Both private and public practice litigators gave higher ratings than transactional or regulatory lawyers. The data show that the more alignment there is between the nature of the EL coursework and the attorney’s practice, the more the EL learning is appreciated by graduates in their preparedness for practice.

A second thread of the story comes from an examination of data to understand what kinds of lawyers signed up for what kinds of EL courses? Certain segments of the student body gravitated to these courses heavily, while others appear to have avoided EL courses.

\textsuperscript{3} This article uses the terms \textit{experiential learning coursework} and \textit{experiential learning pedagogies} to denote both the learning derived and teaching techniques employed. These terms correspond with “experiential education,” which has been defined as: “a designed, managed, and guided experience for students in the role of the lawyer, or observation of practice, accompanied by genuine academic inquiry.” See STUCKEY, ROY, ET AL, BEST PRACTICES FOR LEGAL EDUCATION, CLINICAL LEGAL EDUCATION ASSOCIATION 121 (2007)[hereinafter, “STUCKEY, ET AL, BEST PRACTICES”]. See also, David C. Thomson, \textit{Defining Experiential Legal Education}, 1 J. EXPERIENTIAL LEARNING 1 (2014-15).
Private transactional lawyers (aka the corporate lawyers) showed the lowest enrollments on many levels. Is it right to say they shunned those courses? Or did they simply prefer other offerings? The data do not provide answers to such questions. But these distinctions are critical to law schools undergoing curricular reform.

A third, and perhaps the most enlightening, thread of the story is that the data revealed a set of course intensity factors that yielded consistently high values for all lawyers. Courses that gave the lawyers the opportunity to test oneself in a live environment are more highly valued than the simulation courses that are taught within the protective shell of the school building. Course combinations that offered students more time-on-task, intensified the learning and yielded heightened values.

American law schools stand at an exciting point in history, regarding the extent and role that experiential education should play in a legal education today. 4 This Survey joins that debate and provides empirical understanding of the impact of key aspects of experiential courses from the lawyers’ viewpoint.

The debate and discourse reached a new level this summer. In August 2014, the American Bar Association promulgated major revisions to the standards for law school accreditation. 5 Among the most important, was an amendment that set a new graduation

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5 American Bar Association Section of Legal Education and Admissions to the Bar, Standards and Rules of Procedure for Approval of Law Schools, as concurred by the House of Delegates, August 11, 2014 (vote on
requirement for all law students to take at least six credits of experiential coursework.⁶

The new ABA standard singles out three experiential pedagogies (clinics, externships, and skills courses) as the only platforms that satisfy the criteria set in the standard: i) integrate doctrine, skills, and ethics; ii) engage students in performance of professional skills; iii) develop the concepts underlying the professional skills being taught; iv) provide multiple opportunities for performance; and v) provide opportunities for self-evaluation.⁷

The new curricular mandates carry a host of expectations regarding how they will help prepare law students—at the moment of graduation, not after a year or two cutting their teeth in practice. As such, it is an especially fruitful time to examine the dimensions of the three signature experiential learning pedagogies that might deliver on those hopes and expectations.

This article is organized in four parts to explore the findings of the EL Survey and to reveal lessons for course design, curricular priorities, and academic advising.

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⁶ Std. 303(a)(3). The Council and the Section on Legal Education and Admissions to the Bar have established a transition and implementation plan (issued August 13, 2014). Among the items covered in the transition memorandum, are that the new standards in Chapter 3, Program of Education will be applied to accreditation visits beginning 2016-2017 and applicable for 1L students entering in 2016 (graduating Spring 2019), specifically Standards 301(b), 302, 303, 304, 314, and 315. In the phase-in period, compliance with these standards will be assessed by evaluating the “seriousness of the school’s efforts,” according to the memorandum.

⁷ Std. 303(a)(3)(i) to (iv). Courses that are not “primarily experiential in nature,” like traditional doctrinal courses, do not satisfy the new requirement.
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- Part 1 explains the genesis of the survey and its design.
- Part 2 lays out important differences in how private practice and public interest/government attorneys participated in experiential learning courses as students.
- Part 3 reveals the aspects of experiential learning coursework that were widely recognized by the Survey respondents as especially high value. The analyses focus on specific characteristics of the clinics, externships, and skills courses that the attorney took—the intensity, numerosity, and combination of courses that yielded specific and significant instances of heightened value. To understand the lawyers' ratings fully, the analyses also examine how the nature of the lawyers' current practice is a factor in their evaluations of the EL coursework.
- Finally in Part 4, we pose a set of questions for deans, curriculum committees, and academic advising leadership to consider in setting curricular priorities and giving student advice. Among ABA’s most recent amendments to the accreditation standards, is a mandate that law schools establish and publish learning outcomes reflecting their school’s educational program as well as monitor their success in achieving the learning outcomes. Reflecting on the data derived from the EL Study may inform such law school efforts.

8 ABA Standards 301 and 302.
Part 1

Genesis and Goals:

**EXPERIENTIAL LEARNING OPPORTUNITIES AND BENEFITS SURVEY AND STUDY**

Under the auspices of NALP and NALP Foundation, a working group was constituted from the members of two sections: “Law Student” Professional Development and the “Lawyer” Professional Development, with the objective to pursue a study about lawyers’ evaluation of their experiential learning coursework. The law school career advisors and law firm professional development managers hypothesized that experiential learning coursework offered important value to a lawyer’s practice-effectiveness whether he or she practiced in a firm, public interest organization, or government office. The NALP Board of Directors and the NALP Foundation embraced the Sections’ proposal and enthusiastically participated at every stage. They agreed to use their combined resources to disseminate a survey and collect the data.

The working group devised the *EL Survey* as an exploratory instrument to uncover differences in how lawyers value the three signature teaching methods of experiential learning—clinics, externships, and skills simulation courses. In the survey design, the...
group consulted with NALP and NALP Foundation researchers, law school clinical faculty, empirical scholars, and professional development thought leaders. We reviewed numerous law school catalogs and course descriptions, and previous surveys of law school curricula.\textsuperscript{11}

The \textit{EL Survey and Study} was specifically focused on the perspective of the \textit{lawyers}, rather than \textit{master educators} like the Carnegie Foundation\textsuperscript{12} and the Clinical Legal Education Association,\textsuperscript{13} or from the perspective of \textit{clients, supervising attorneys}, and \textit{legal employers} as Marjorie Shultz and Sheldon Zedeck,\textsuperscript{14} Neil Hamilton,\textsuperscript{15} and others\textsuperscript{16} have done.


\textsuperscript{12} SULLIVAN, ET AL, \textit{CARNEGIE REPORT}, supra note 4.

\textsuperscript{13} STUCKEY, ET AL, \textit{BEST PRACTICES}, supra note 3.


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Previous research

The *EL Survey* builds on important early work, the *After the JD Study (AJD)*, a major multi-year longitudinal study of 4,500 lawyers’ careers.\(^{17}\) In their first survey of lawyers two years in practice, one of the many questions on the *AJD Survey* asked lawyers to rate ten types of law school experiences, both curricular and extracurricular, in the helpfulness to their early work assignments (Table 1). The AJD respondents ranked clinics the highest of any of the curriculum-based experiences, just after student legal employment (summer and school year). Several other curriculum-based options were among the items queried, including i) upper level lecture classes, ii) course concentrations, and iii) legal writing. One might have expected those options to elicit high ratings as they represent the more specialized courses in the curriculum; allow the students to target their learning in a manner relevant to their career aspirations; and focus on the most widely used skill in law practice (writing). Nonetheless, clinical training was favored more highly than any other faculty-delivered learning.

Table 1

*After the JD:* Lawyer ratings of law school experiences in early practice

“Rate each experience’s helpfulness to making your transition to early work assignments as a lawyer.”

1 = Not at all helpful; 7 = Extremely helpful; Not applicable

<table>
<thead>
<tr>
<th>Experience</th>
<th>% rated item as helpful to extremely helpful (5-7)</th>
<th>Statistical significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal employment (summers)</td>
<td>78%</td>
<td>Category 1: Statistically MORE helpful than next categories</td>
</tr>
<tr>
<td>Legal employment (school year)</td>
<td>67%</td>
<td></td>
</tr>
<tr>
<td>Clinical courses/training</td>
<td>62%</td>
<td>Category 2: Statistically MORE helpful than next categories</td>
</tr>
<tr>
<td>Legal writing training</td>
<td>60%</td>
<td></td>
</tr>
<tr>
<td>Internships</td>
<td>58%</td>
<td></td>
</tr>
<tr>
<td>Upper-level lecture courses</td>
<td>48%</td>
<td>Category 3: Statistically MORE helpful than next category</td>
</tr>
<tr>
<td>Course concentrations</td>
<td>42%</td>
<td></td>
</tr>
<tr>
<td>First-year curriculum</td>
<td>37%</td>
<td></td>
</tr>
<tr>
<td>Pro bono service work</td>
<td>31%</td>
<td>Category 4: Statistically LESS helpful than all previous categories</td>
</tr>
<tr>
<td>Legal ethics training</td>
<td>30%</td>
<td></td>
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</table>

As with any interesting data, the AJD data suggest and compel more questions. The more one considers those ratings and value preferences, the more one wonders: How did the respondents interpret that question? Does clinical training include skills and simulation courses? Does clinical training include field placement or externship courses? The AJD list also included Internships. Did the respondents consider credit-bearing externships under Internships, under Clinical training, or not at all?

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As Rebecca Sandefur and Jeffrey Selbin explained in their revealing article, *The Clinic Effect*, the AJD question presented challenges for empirical analysis.\(^{19}\) First, we do not know important details about the clinical training the responding lawyers received. A variety of models exist in the field. Live representation with individuals or entities as clients is the oldest format, but has been joined by other models that now offer non-litigation practice or working in a law office on a number of matters without primary responsibility for a particular client.\(^{20}\) From the AJD data, we cannot tell whether the lawyer had an intensive course or a limited experience, much less whether there were multiple courses, multiple semesters, or other indicators of intensity and scope of his or her experience.

Additionally, the AJD data had a glitch. The respondents were asked to rate only the experiences they actually had, but it appeared that many of the respondents rated Clinical training who had not actually taken a clinic.\(^{21}\)

**The survey instrument**

The key elements of the *EL Survey* instrument (reprinted in Appendix B):

i) Threshold question: Did you participate in any of three identified experiential learning coursework—clinics, externships, or skills courses, or none at all.

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\(^{19}\) *Id.* at 84.


\(^{21}\) Sandefur & Selbin, *supra* note 18, at 84 (84% of the AJD respondents rated Clinics, but Sandefur and Selbin noted that the best evidence was that about one-third of law students enrolled in a traditional clinic in the relevant time frame.)
ii) Coursework details: For each experiential learning (EL) pedagogy, we asked the lawyers to provide further detail specific to that coursework.

iii) The value question: How do you rate on a scale of 1-4 each of the types of EL “in preparing you for the practice of law?”

iv) Practice details: Questions about the attorney’s type of practice, office size, and years in practice.

Threshold question:

We wanted cleanly to isolate lawyers who had actually taken one of more of the EL courses. As such, the first question simply asked which, if any, courses the respondent took: Clinic (representing individual clients); Externship/field placement; Legal practice skills of simulation course; or None. We had definitional concerns. While there is considerable agreement about many of terms used in the survey, it is also clear that law schools employ a very wide array of course names for the same thing and also have widely divergent content for courses that carry the same names.22 Our approach for comparing apples-to-apples was two fold. First, at the very beginning of the survey instrument, we asked participants to choose the course that “best describes the most significant content of the course(s) you took.” So, if the Survey’s nomenclature did not neatly align with the participant’s experience, we asked him/her to make a choice as close

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22 Alliance for Experiential Learning in the Law has made it part of its early mission to create a common nomenclature and typology for experiential education. See, Cynthia F. Adcock, Cynthia Batt, Susan L. Brooks, Justine A. Dunlap, Carolyn Wilkes Kaas, Katherine R. Kruse, Susan Maze-Rothstein & Ruth Anne Robbins, A Glossary for Experiential Education in Law Schools, 7 Elon L. Rev. (forthcoming 2015), available at: http://ssrn.com/abstract=2532208. The newly revised ABA standards 303 to 305 and its Annual Questionnaire (Section 4 Curricular offerings) both create new clarity to its definitions of faculty-supervised law clinic, field placements, and simulation courses.
as possible. Second, we asked specific questions about course characteristics so that we could compare characteristics as much as possible, rather than course titles.

Clinic questions:

We wanted to be able to isolate the ratings for the attorneys who had the classic clinical experience in building skills and in forming one’s professional identity—when the student is bestowed the direct and personal responsibility for the legal welfare of a client. It is seen as the bright crucible moment of professional identity formation where the student must bring to bear her full attention and best effort. The survey asked how many terms was the clinic, whether the respondent considered herself the lead or co-lead counsel, and whether she conducted the matter under a student practice order/rule. We also asked details about the number of terms and supervision (whether by law school faculty member, an outside attorney, or both). The survey asked these details for each clinic the attorney had taken.

23 Lisa Bliss & Donald Peters, Delivering Effective Education in In-House Clinics, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (Deborah Maranville, et al., eds., forthcoming Lexis 2015) available at: http://ssrn.com/abstract=2536497 (manuscript at 4-6)(noting the signature features of clinics, where students assume the role of the lawyer to handle live legal matters for real people).

24 In 1969, in one of its efforts to increase student practical training, the ABA prepared a Model Student Practice Rule, which has been adopted in some form in every state allowing law students to appear on behalf of clients in court under the supervision of a licensed practitioner. Sandefur & Selbin, supra note 18, at 77. David A. Santacroce & Robert R. Kuehn, 2010-11 Survey of Applied Legal Education, (Center for the Study of Applied Legal Education 2012), at 19 [hereinafter “CSALE 2011-12”](68% schools reported all clinic students practice under a student practice rule; 18% have no students practicing under a practice rule, and the remainder have a mix). The most recent CSALE survey shows little change from those numbers, David A. Santacroce & Robert R. Kuehn, 2013-14 Survey of Applied Legal Education, (Center for the Study of Applied Legal Education 2012), at 19 [hereinafter “CSALE 2013-14”](65% of schools reported all clinic students practice under a student practice rule, 19% have no students under a student practice rule).

25 In 2012, the ABA defined clinics and externships vis-à-vis who bore the professional responsibility for the work of the law student—a full-time faculty member or an outside attorney. Clinics were defined as courses in which full-time faculty have primary professional responsibility for all cases on which students are working. Externships or field placement courses were distinguished as those in which someone other than full-time faculty has primary responsibility to the client. See Ogilvy & Basu, supra note 11, at 3. The 2014 ABA Annual Questionnaire modified the description and now indicates that the difference between clinics and externships is tied to whether the school employs the faculty member. The ABA notes that clinic faculty can be full-time or adjunct. Field placements are supervised by attorneys not employed by the law school. See,
The *EL Survey*’s threshold question characterized a clinic as “representing individual clients.” If the survey participants followed that descriptor precisely, we would not have gathered data from attorneys who took a clinic that was not designed for direct representation of live clients (e.g., mediation), and perhaps where clients were organizational entities rather than people. There is some evidence in the response data that the attorneys abided by the advice to answer the question for the courses that best describe the course you took and answered the clinic-specific questions even if their clinic did not represent individuals. For instance, more than 25 percent of the respondents indicated that they did not consider themselves to be lead counsel or to have worked under a student practice rule.26

*Externship/field placement questions:*

We know that by far most externships are one-term,27 but that the number of hours the student is expected to work can vary greatly from a modest time commitment to full-time. We also know that placements in courts and government agencies or public interest groups are nearly universally offered at law schools nationwide, but that a growing minority of schools allows placements in the private sector in law firms and corporations.

26 See *infra*, Table 5.
27 CSALE 2013-14, *supra* note 24, at 27 (84% are one-term).
As such, our key questions concerned how many hours worked each week of the externship and the setting, for each externship experience. As with clinics, the survey asked for these details regarding each externship taken. To avoid confusion with unpaid or paid internships, the survey prominently noted that we sought information only on JD-credit bearing externships.

Lawyers indicated whether their field placement was for 10-20 hours per week, 21-30 hours per week, or 31-40 hours per week (presumably representing low, medium, and high credit externships). At the lowest hourly range, students would most likely have to be in the law office at least twice a week (whether partial or full days). This data allow us to compare externships across many schools, without wrestling with the variations how schools assign credits, for fieldwork and/or the academic component. It also has the benefit of being easier to recall than the number of credits earned for a course. Some schools offer credit for field placements that require fewer than 10 hours per week of work in the law office. Our ranges did not include those limited-hour externships.

We did not ask questions about the companion seminar to the field placement. The campus-based academic element of the field placement is very common (84% of

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28 Carpenter, supra note 11, at 77. Externships courses have expanded in every placement setting since 1992. Even the most common placements such as serving in a judge’s chambers showed a 40 percent increase in schools offering such a course (from 100 to 124 to 140 schools in 1992, 2002, and 2010). While in-house counsel and law firm placements remain the least common placement offered, their growth has been the most dramatic from 1992 to 2010. Externship courses with corporate counsel office placements have grown more than three-fold (28 in 1992 to 88 schools in 2010) and law firm placements have more than doubled in that same time period (from 30 to 66 schools). According data collected in ABA Standard 509 disclosure statements, only one law school reported no field placements for the 2012-13 academic year, New York University. (Last visited: Nov. 12, 2014).

29 See Ogilv & Basu, supra note 11, at 13-23 (detailing allocation of credit between fieldwork and academic component and fieldwork hours required per credit).

30 Roughly 11% of field placements programs allow students to work fewer than 10 hours per week. Csale 2010-11, supra note 24, at n. 16.
But the nature of that academic component is wide-ranging, from graded substantive seminars that met weekly, to seminars that meet just once or a few times during the semester, or a handful of tutorial meetings with a professor; from substantial journaling requirements to limited expectations. We avoided overburdening the survey to extract information at a detail level that lawyers may not remember with a reliable level of accuracy and where school terminology varies widely.

**Legal practice skills or simulation course questions:**

Skills and simulation courses have expanded in recent years, in part, because a 2005 amendment to the ABA standards imposed a graduation requirement for law students, to include substantial instruction in “professional skills.” This requirement ensured that a “Negotiations” course, for example, is a performance/practice-oriented course, rather than a readings-based theory course.

We developed a list of nine skills courses that track the ones used by the ABA Survey of Law School Curricula. The list included the most typical in law school catalogs, e.g.,

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31 CSALE 2013-14, supra note 24, at 34 (representing a slight drop from 88% in 2010, CSALE 2010-11, supra note 24, at 24).

32 In 2003, ABA Std. 305 imposed a requirement for a contemporaneous classroom seminar or tutorial to any field placement that awarded 6 or more credits. In 2005, Std. 305 extended the academic requirement to any placement awarded 4 or more credits, but broadened the means to satisfy it, to include seminar, tutorial, or other guided reflection. In the August 2014 Revisions, Std. 305 extended the academic/reflection requirement to placements awarded 3 or more credits. 2014-2015 Standards and Rules of Procedure for Approval of Law Schools.

33 ABA Standard 302(a)(4) (2005-06).

34 Consultant’s Memo # 3 (March 2010) (“substantial,” instruction in … professional skills must engage each student in skills performances that are assessed by the instructor…[M]erely reading about and taking an exam on counseling and negotiation will not suffice.” (emphasis in original)). This has now been expanded and codified in new Standard 304(a) (2014).

35 See CARPENTER, supra note 11, at 75 and 78. The ABA Survey used a list of skills courses very similar to the E.L. Survey list. ABA Survey showed the percentage of schools offering each skills course from Trial advocacy (98%), Alternative dispute resolution (89%), Appellate advocacy (88%), Mediation (85%), Transactional skills (78%), Advanced trial advocacy (74%), Pre-trial advocacy (73%), Interviewing and counseling (73%),
Trial Advocacy (98% of schools offer) to Subject Specific Practicum courses (55% of schools offer). We also included three courses that schools have added to respond to student demand and/or employer criticism (i.e., Leadership, Business management, and Law firm management). Recent law faculty surveys of corporate lawyers and large firms have highlighted the importance and value of business-context skills courses such as Financial Analysis, Accounting, Corporate Finance, and Business Strategy, among others. These studies were conducted well after the EL Survey, and unfortunately the EL Survey did not include such titles.

Since course names and content vary so widely among law schools, we asked the attorneys to check the title that best described the most significant content of the course, and to check only one title for any course they took. The Survey provided opportunity for the attorneys to indicate the name of any skills or simulation courses taken that were not

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36 See full list of courses at Table 11, and Appendix B (full text of the EL Survey).
37 John C. Coates, IV, Jesse M. Fried, and Kathryn E. Spier, *What Courses Should Law Students Take? Harvard’s Largest Employers Weigh In* (HLS Program on the Legal Profession Research Paper No. 2014-12; Harvard Public Law Working Paper No. 14-20, February 17, 2014), available at http://ssrn.com/abstract=2397317. The courses surveyed were Accounting and financial reporting; Corporate finance; Negotiation workshop; Business strategy for lawyers; Analytical methods for lawyers; Leadership in law firms; and Statistical and Quantitative analysis. Their value question: Please indicate how useful the course would be for an associate to have taken, scale 1 to 5, 5 = extremely useful. Accounting and financial reporting scored 4.38/5 and Corporate Finance scored 4.21/5. See also Eric Talley, *Berkeley Transactional Skills Project and Survey*, presented to Task Force on Admission Reform, at 23 (Berkeley Center for Law, Business and the Economy 2014), http://www.law.berkeley.edu/files/bclbe/Cal_Bar_Assn_Deck_Final.pdf (last visited November 21, 2014), reporting results of survey of 346 business lawyers about transactional skills and competencies, and recommending that the California Task Force on Admission Regulation Reform add specific transactional practice oriented skills to the list of “practice-based experiential courses that meet the professional competency training requirement,” namely Financial Analysis (e., accounting, budgeting, project management, and valuation) and Business Strategy and Behavior. Both suggestions were included in TFARR’s final recommendations to the State Bar Board of Trustees and adopted November 7, 2014, see TFARR Recommendations, supra note 5.
represented on the list. The survey specifically noted that it was not seeking information about first-year required legal writing courses, but did seek information on Advanced Drafting courses. The survey specifically used “Drafting” rather than “Writing” course to exclude upper level seminars that require lengthy academic papers. The “intensity” measure here was the number of courses the respondent took, not the number of credits for any skills course.

The evaluation question:

We specifically wanted to focus the attorneys’ attention on the value of the coursework to the period where they were transitioning from school to practice. We wanted to build upon “helpfulness” data that was collected in the AJD Study, but with a slight modification. The EL Survey asked: How useful in general were each of the experiences listed below in preparing you for the practice of law? [emphasis added]. The After the JD Study had used a similar question, but it focused on the utility “to early work assignments.” We broadened the question to make sure the survey gave the opportunity for the lawyer to consider some of the less concrete values that might not be specifically pertinent to an assignment per se, such as professional identity formation, empathy, resilience, professionalism, cultural competence, or other important aspects of EL course design.

38 The most common courses indicted by the EL Survey respondents included: advanced legal research (14), general lawyering skills (10), mediation skills (6), moot court or trial advocacy competition (4), communication skills (4) and evidence simulation (2).
39 AFTER THE JD, supra note 17 (Questionnaire).
Still, the *EL Survey* question is utilitarian and self-referential in focus—was the course helpful to your practice preparedness, not did you enjoy the course or was it well taught. As we report the findings on the lawyers’ ratings throughout the article, whether worded as appreciation, learning value, utility, or other term, it all boils down to this one metric: helpfulness in preparing the lawyer for practice.  

The scale provided was 1 to 4, with 1 representing “not at all useful,” and 4 representing “very useful,” as well as “NA--did not have this experience.” We chose an even number for the rating categories to eliminate a tendency of survey-takers to choose a middle or neutral value along a continuum.  

Although we sought information on each EL course the respondent took, the Survey did not ask the respondents to evaluate each individual course, but rather to place a value on each category of experiential coursework. In this manner, the Survey focused the respondents’ attention on the aggregate benefit and avoided asking a level of granularity that would make the survey unwieldy.

*Questions about Attorney’s practice:*

Again, without getting mired in too much detail, we wanted to collect information on the nature of the respondent’s practice. Rather than ask about practice area, the Survey

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40 *Cf. David L. Chambers, Satisfaction in the Practice of Law: Findings from a Long-Term Study of Attorneys’ Careers 2 U. Mich. Public Law Research Paper No. 330. Available at: http://ssrn.com/abstract=2274162 (2013) (explaining the subjectivity element of such survey questions, that the respondents must call up an overall impression of their work experience, then measure it against their expectation or some other standard, and reach a judgment how well their experience matches that standard; each element is subjective).*

41 This is the same scale (4-point, forced choice scale) used in the Law School Survey of Student Engagement (Indiana University, Center for Postsecondary Research).
focused on broad categories of litigation, transactional, regulatory, and legislative practice. When we undertook the second round of the survey for public practice attorneys, we also asked about the kind of office where the attorney worked, providing the categories that NALP has long used in its employment data collection efforts, such as level of government, public defender, indigent legal services, and impact advocacy organization, among others. We asked the number of attorneys in the office. Finally the Survey asked about longevity in practice, dividing respondents into early practice years (0-3) or more established in their careers (more than 3 years).

**Survey dissemination**

The survey was conducted in two parts: first to private practice attorneys (November 2010) and second to public interest and public service attorneys (November 2011). The two surveys were identical in all major respects.\(^{42}\) Importantly, each of the surveys used the identical phrasing for the question eliciting information on each EL course and for the value rating question. For our purposes, we refer to the 2010 survey respondents as the *private attorneys*, and the 2011 respondents as the *public attorneys*. The response was robust: 930 private attorneys and 1,212 public attorneys provided usable answers.\(^{43}\)

The dissemination of the survey instrument was broad, using a convenience sample. It did not employ a statistically rigorous sampling methodology. Rather it was designed to

\(^{42}\) Appendix B. The reprint of the survey shows the minor variations between the two surveys. The differences were limited to questions about type of office and the role of the EL coursework in the attorney’s job interviewing.

\(^{43}\) The demographics of the survey respondents are provided in Appendix A, *infra.*
gather a wide swath of data that could be examined and mined to identify areas for further examination by individual schools or legal employers.

The private attorney survey link was emailed from the NALP Research Director, to 500 NALP law firm members with the request to distribute to their associates. We did not track the distribution (how many lawyers) or the response rates. We specifically chose not to elicit the names of the law firms (or law school attended). NALP member firms tend to be large firms, whether on a regional, national, or international scale. Nearly all respondents indicated that they practiced at firms of 100 or more attorneys, with nearly 70% indicating that they practice in firms of 250 or more attorneys. Such firms will largely or exclusively have business clientele, and few individuals as clients.

The public attorney survey was disseminated by the NALP Director of Public Service Initiatives. NALP does not have as strong a membership of public employer members; so the director used two alternate methods. First, the director oversees PSLawNet, the database of public interest and government law jobs and he emailed the survey to 12,000 employers listed in the database. Second, he emailed the survey to several professional organizations, including Legal Services Corporation, the National Legal Aid & Defender Association, the National Association of Attorneys General, and the Government & Public Service Lawyers Division of the American Bar Association, to request their help in disseminating it to their memberships. As with the private lawyer survey, we did not track the distribution (how many lawyers or types of lawyers were emailed the survey link); the response rates; or the identities of employers or law schools attended.

44 PSLawNet is now known as Public Service Jobs Directory.
Early analysis and re-formation of the working group

NALP Foundation issued reports regarding each of the surveys, as well as a separate report on the comparisons.\(^45\) Their reports gave general overview of the level of participation by the lawyers and the ratings assigned by the lawyers. Those reports did not disaggregate the data to explore differences in the scope and intensity of the EL coursework.

The NALP Reports, especially the first one regarding the private lawyers’ EL experiences, generated considerable discussion on listservs and blogs that raised many questions about the limitations of the survey population (only large firm lawyers at that point); course sequencing; the boundaries of the course definitions, and how to put these value ratings in context with the value of non-experiential courses taught in law school.\(^46\) One of the most pressing concerns was whether NALP intended to survey other types of lawyers, especially public interest and government practitioners. Fortunately, the answer to that question was yes. The findings of those early reports also became part of the dialogue on legal education reform, and were cited in comments to the ABA Task Force.

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on the Future of Legal Education regarding the appropriate pedagogical goals for legal education.\textsuperscript{47}

The law school members of the working group were eager to examine and analyze the data more deeply, especially with regard to the intensity characteristics of EL coursework. NALP and the Foundation licensed the data to New York Law School and Santa Clara University School of Law. Working group members, Margaret Reuter and Sandra Magliozzi were joined by Dr. Joanne Ingham, institutional researcher at New York Law School, to analyze the data. Preliminary findings were presented and discussed at roundtables, conferences, workshops,\textsuperscript{48} This article is the culmination of these early presentations.

**Our methodology**

With NALP’s data in hand, our working group set data hygiene and calculation methodology protocols to preserve and report as much data as possible, with limited exceptions. The key exception: we deleted any rating where the attorney neither indicated that he took the particular type of coursework (threshold question) nor provided any

\begin{flushleft}
\textsuperscript{47} Clinical Legal Education Association, Comment to ABA Task Force on the Future of Legal Education, at 2 (June 19, 2013)(citing NALP reports on the EL Survey, and noting its findings that nonprofit, government, and private firm lawyers rated clinics and externships ‘very useful’ by large majorities).
\textsuperscript{48} A Roundtable on the Future of Lawyer Hiring, Development and Advancement — Adjusting to the New Normal (Los Angeles, CA, Apr. 11, 2011(moderated by Tammy Patterson, President, NALP Foundation, and James Leipold, Executive Director, NALP; Sandra Magliozzi was one of ten participants which included law school deans, law firm partners, corporate general counsel, and non-profit pro bono director)); Margaret Reuter and Sandra Magliozzi, Lawyers’ Assessment of the Value of Law School Experiential Learning, presentation at Externship 6 Conference; Preparing Lawyers: The Role of Field Placement (Northeastern and Harvard Law Schools, Boston, MA, Mar. 2012); Margaret Reuter, Fellow, Are We Making a Difference? Developing Outcome Measures to Evaluate the Effectiveness of Law School Efforts to Teach Ethics and Develop Professionalism (Georgia State University School of Law and American Bar Association Standing Committee on Professionalism, Palmetto, GA, Nov. 15-17, 2013); Margaret Reuter, Experiential teaching— The Value Proposition for Public and Private Lawyers, presentation at Clinical Law Review Writers’ Workshop (New York University, New York, NY, Sep. 27, 2014).
\end{flushleft}
response to the course detail questions. Some attorneys indicated that they took a particular type of EL course, but did not provide full details and/or ratings. If details were provided, they are included in any raw number counts. Percentages and ratings are based on the number of attorneys actually responding to the pertinent survey questions.

Our analyses aimed to understand the attorneys’ valuation of EL coursework by course features and by attorney practice. We use the mean value rating as our common unit of comparison for each characteristic of the coursework or attorney practice analyzed. For the most part, we highlight differences that are statistically significant. As a rule, we considered any difference where the probability level was 0.05 or lower chance of being the result of a random distribution of the values. At times, the findings also highlight patterns that are interesting or noteworthy, even if they do not rise to levels of statistical significance.

Recall that the Survey asked lawyers how useful in general was each course category. It did not ask for a value rating on each course taken, when the lawyer took multiple skills, externships or clinics. So when we examine a particular characteristic (e.g., served as lead counsel in a clinic, externed for a judge, or took a particular skills course), we show the mean value for the EL category rating, not a rating for the particular course with that feature. Although a lawyer’s rating may represent a blended evaluation of the EL category, when we aggregate the ratings of dozens or hundreds of lawyers’ experiences, we can isolate those features of the EL coursework that resulted in a significant impact on the overall rating when that characteristic was present or absent.
Survey populations in context

The *EL Survey* populations—private (large firm) and public (government and public interest) represent bookends of the spectrum of lawyers. The immediate analytical concern was how to put these specific lawyer populations in context, and whether their experiences could provide insights regarding lawyers in other practice settings, such as small and mid-sized firms.

The *AJD Study* data provide useful insight. Robert Nelson, one of the *AJD* principal investigators, sorted the responses regarding the helpfulness of clinical training by the lawyer’s practice setting and law firm size.49

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The data show a striking linear progression with public interest lawyers rating their clinical experience most highly and the large firm lawyers valuing their clinical training least highly. Importantly the ratings of lawyers in government, small and medium sized firms, and in business settings lie squarely in the middle. The EL Survey analyses offer insights for participants in specific settings—public interest, government, and large firms. But Nelson’s AJD analysis suggests that law school graduates practicing in other settings may have experience somewhere in between the public lawyers and private lawyers in the EL Survey.

50 Id. Nelson’s data also showed that non-practicing lawyers in business settings rated their clinical training (67.5%) on par with lawyers in practicing roles in business settings.
The next concern was the extent to which the *EL Survey* populations are representative of the practice settings of new lawyers. New graduate employment data provide a rough benchmark for understanding the proportion of graduates whose practices are represented (or not represented) among the *EL Survey* populations. According to NALP’s annual *Jobs & JDs* report, public interest and government positions account for 18.6% of new law graduate jobs while large firms (more than 101 attorneys) represent 16.2% of the new grad jobs.\(^{51}\) As such, the *EL Survey* population covers a little over one-third of the practice settings where new lawyers start their professional careers, at least as they did in 2013. The NALP data aggregate all law schools; individual law schools have quite different distributions for their new graduates.\(^ {52}\)

**Table 2**

Practice settings for newly graduated attorneys, 9 months after graduation\(^ {53}\)

<table>
<thead>
<tr>
<th>Practice setting</th>
<th>% of class of 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law firm: solo</td>
<td>2.4</td>
</tr>
<tr>
<td>Law firm: 2-25</td>
<td>26.5</td>
</tr>
<tr>
<td>Law firm: 26-100</td>
<td>5.2</td>
</tr>
<tr>
<td>Law firm: 101-250</td>
<td>2.8</td>
</tr>
<tr>
<td>Law firm: 251+</td>
<td>13.4</td>
</tr>
<tr>
<td>Government</td>
<td>11.5</td>
</tr>
<tr>
<td>Public interest</td>
<td>7.1</td>
</tr>
<tr>
<td>Judicial clerk</td>
<td>9.0</td>
</tr>
<tr>
<td>Business</td>
<td>18.4</td>
</tr>
<tr>
<td>Academic</td>
<td>2.6</td>
</tr>
</tbody>
</table>


\(^{52}\) See http://employmentsummary.abaquestionnaire.org. Employment information is reported to the American Bar Association for accreditation and regulatory purposes, using categories and definitions very similar to NALP’s. The ABA publishes these statistics on a school-by-school basis, and in a consolidated compilation. (last visited, November 12, 2014).

\(^{53}\) NALP Jobs & JDs, *supra* note 51.
Part 2

Enrollments: A window into student-fashioned curricula

Given the growth in the experiential education offerings nationwide, we hoped to find widespread enrollments, in one pedagogical method or another. The data affirmed our hope. All but 226 of the 2,142 respondents had at least one course in the EL curriculum (89.4% participation). Most had multiple.

The data also showed a dramatic split. Public and private lawyers approached experiential learning opportunities in very different ways—not only with the numbers of experiential learning courses they took, but also with the intensity of the experience.
Table 3
Comparison of private and public lawyer participation in experiential learning coursework

<table>
<thead>
<tr>
<th>Attorney characteristics</th>
<th>Private lawyers</th>
<th>Public lawyers</th>
</tr>
</thead>
<tbody>
<tr>
<td># of attorneys</td>
<td>930</td>
<td>1,212</td>
</tr>
<tr>
<td># and % in most common practice type</td>
<td>Litigation: 529 (57%)</td>
<td>Litigation: 937 (77%)</td>
</tr>
<tr>
<td># and % in second most common practice type</td>
<td>Transactional: 301 (32%)</td>
<td>Regulatory: 155 (13%)</td>
</tr>
</tbody>
</table>

Participation indicators

| # and % who took a clinic (CLC) * | 317 (34%) | 711 (59%) |
| # and % who took an externship (EXT) * | 360 (39%) | 678 (56%) |
| # and % who took a skills course (SKI) * | 678 (73%) | 1,016 (84%) |
| # and % who took all three EL types * | 126 (14%) | 379 (31%) |
| # and % who took "0" EL coursework * | 159 (17%) | 67 (6%) |
| # and % in full year (or longer) CLC * | 147 (50%) | 427 (61%) |
| # and % in single semester CLC * | 141 (50%) | 257 (38%) |
| # and % who had 2 or more EXT * | 98 (28%) | 226 (35%) |

Most common settings for EXT

| Court (43%); Government (26%); Non-profit org (14%) | Non-profit org (36%); Government (31%); Court (22%) |

% with EXT in law firm setting * | 12% | 7% |

Median # SKI courses (for those taking a SKI) | 2 | 2 |

Most common SKI courses

| Trial advocacy (55%); Negotiating (34%); Pre-trial litigation (26%) | Trial advocacy (67%); Appellate advocacy (24%); Negotiating (23%) |

% took Transactional Practice SKI * | 10% | 5% |

* For each of these indicators, the statistical differences between private and public lawyers participation is significant (p < .05).

Nearly everyone took at least one experiential learning course.

It is a sanguine development in legal education that the vast majority of public and private lawyers took some coursework within the experiential learning curriculum of their law schools. As mentioned earlier, 89.4% of the respondents took at least one EL course. While the EL Survey did not ask about credit values for any of the courses, it is apparent that a sizeable number of public and private lawyers would have met the ABA’s
new 6-credit EL coursework requirement, and many more would have made significant progress.

*More than 200 lawyers indicated that they did not take a single EL course.*

Just over 10 percent (226) lawyers indicated that they did not take a single EL course. That is despite a 2005 ABA requirement that law schools ensure that all graduates had at least one credit in professional skills training.\(^{54}\) The gap might have multiple explanations. Some of the survey respondents graduated before the requirement was effective. Further, numerous schools allowed their students to satisfy the requirement through coursework other than the signature EL courses, such as moot court, law journal, advanced research courses, or with doctrinal classes that had sufficient skills instruction to meet the one-credit standard.\(^{55}\)

*Private and public lawyers engaged the EL curriculum at very different levels.*

The differences at nearly every participation level for clinic, externship or skills course is striking and statistically significant. The public lawyers not only took more clinics, externships and skills courses, but they were more likely to enroll in the full palette of experiential learning courses. The private lawyers did participate in the EL curriculum, but evidently favored and registered for more doctrinal classes. The differences between the two populations are evident in so many slices. It suggests that the students bound for private and public practice careers approached their course selections with intentionality.

\(^{54}\) ABA Std. 302(a)(4) (2005).

\(^{55}\) Consultant’s Memo # 3, *supra* note 34, at 2 (Interpretation Std. 302-3: schools may satisfy the requirement by requiring students to take one or more courses from a list). See CARPENTER, *supra* note 11, at 42 (reporting on schools’ approaches to compliance with this standard). The broad array of courses recognized under the 2005 standard would not satisfy the 2014 ABA experiential learning course requirement. The students must satisfy it with clinic, field placement or skills courses only. ABA Std. 303(a)(3) (2014).
Experiential Education and our Divided Campuses

and directionality. This sparks a whole set of questions. Why does a whole segment of the student body shy away from such EL courses? What are they choosing instead? Do the enrollment patterns represent a prioritization of other classes, a rejection of EL courses, or some other cause?

It is important to use caution in interpreting the apparent student course-selection strategy. As much as law faculty and staff may know students who came to law school with specific practice ambitions, they also know many students with faint ideas about what kind of lawyers they hope to become. The EL Survey did not ask when the lawyer formed his/her practice aspirations (e.g., prior to attending law school, during 1L, 2L, or 3L year, or post-graduation); how much those aspirations were influential in their course selections; nor whether they are employed in the type of practice to which they aspired and targeted their courses.56

Within the EL curriculum, private lawyers favored different courses than public lawyers. Private lawyers heavily favored judicial externships over other settings. In building a résumé, judicial externships are seen as a useful résumé builder irrespective of whether one desires a litigation or non-litigation career.57 Consider judicial externships as the “universal donor” of résumé-enhancing experiences. Transactional skills courses and law firm placements in externships show low enrollments overall for both groups, but were much more likely to attract private lawyers. On a percentage basis, roughly twice as

56 Cf. Sandefur & Selbin, supra note 18, at 97-100, found a general connection between a students early aspirations and ultimate employment. New lawyers who indicated that they choose to attend law school to “improve society” or “help others” were more likely to take positions in government or non-profit work, and to give high ratings to their clinical training.

57 Conversations with career services deans (Kenny Tatum, Assistant Dean for Career Services, Indiana University-Maurer Law School).
many private lawyers signed up for law firm field placements and transactional practice
skills courses as the public lawyers. As will be evident in Tables 8 and 9, private lawyers
heavily favored enrolling in skills courses alone, while the most common enrollment
pattern for the public lawyers was at least one of each category of EL teaching.

School offerings impact lawyer enrollments.

Many schools exclude private sector externship placements citing concerns that the profit
demands in a law firm or business will limit a supervising lawyer’s careful attention to
student learning; concerns about federal wage law application; and a preference to devote
law school resources to enhancing access to justice.58 Law firm and corporate in-house
counsel placements are the least common placement offered, although their growth has
been the most substantial from 1992 to 2010.59

The ABA Survey of Law School Curricula: 2002-2010 reported that 78 percent of
surveyed schools offer a transactional skills course, although it provided no data on how
many sections or seats are available.60 Given the responses of all lawyers, it is apparent
that there are not nearly as many seats in Transactional practice courses as there are in
courses like Trial Advocacy.61 The participation rate by private lawyers in transactional

58 See Carolyn Wilkes Kaas, Cynthia Batt, Dena R. Bauman, & Daniel Schaffzin, Delivering Effective Education in
Externship Programs, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING
WORLD (Deborah Maranville, et al., eds., forthcoming Lexis 2015) available at
http://ssrn.com/abstract=2561521 (manuscript at 23). See also, Niki Kuckes, Designing Law School Externships
59 CARPENTER, infra note 11, at 77 (showing that 92% of responding schools offered placements in
government agencies in 2010; 90% schools in public defender offices; 89% schools in prosecutors offices; 88%
schools in non-profit entities; 88% schools with appellate judges; 86% schools with trial judges; 54% schools
with corporate counsel offices; and 41% schools with law firms).
60 CARPENTER, infra note 11, at 75.
61 See Table 11, infra.
skills courses and in law firm externship placements may suggest that there is more demand than schools are currently satisfying.

**Part 3**

**Experiential teaching—features that elicit heightened appreciation**

One of the chief goals of the *EL Survey* analysis was to understand the salience of different course features in value to a lawyer’s early career. Of course, that creates a risk that we are pitting one teaching method against the others, or running a beauty contest. Each methodology serves very useful objectives within a law school’s curriculum. And we found aspects of each method that show genuine value to different sets of lawyers.62

As described earlier, the analysis uses mean value ratings as the common unit of comparison. The rating scale was 1 (not at all useful) to 4 (very useful). The middle point on the *EL Survey* scale is 2.5. Of course, there is no raw-value rating that sets a bar to judge whether a course is sufficiently effective or not. Rather these analyses reveal relative values, namely characteristics that impacted the mean value rating in a substantial manner illuminating where different types of attorneys found enhanced value.

We turn first to understanding how many lawyers took which courses and how they rated the value to their early careers. Table 4 shows the raw number and percentage of the

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lawyers who took each kind of experiential coursework, and mean value for how highly they rated the course. While differences are quite noticeable, it is worthwhile to examine the similarities first.

Table 4
Lawyer ratings of experiential learning coursework in early practice

“How useful in general was each of the experiences [i.e., clinic, externship or skills course] in preparing you for the practice of law?”
1 = Not at all useful; 4 = Very useful; N/A = did not take

<table>
<thead>
<tr>
<th>Experiential learning coursework</th>
<th>Private lawyers (n = 930)</th>
<th>Public lawyers (n = 1,212)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># attys</td>
<td>% attys</td>
</tr>
<tr>
<td>Took at least one Clinic (CLC)*</td>
<td>317</td>
<td>34%</td>
</tr>
<tr>
<td>Took at least one Externship (EXT)*</td>
<td>360</td>
<td>39%</td>
</tr>
<tr>
<td>Took at least one Skills course (SKI)*</td>
<td>678</td>
<td>73%</td>
</tr>
<tr>
<td>Took at least one of each (CLC, EXT, SKI)</td>
<td>126</td>
<td>14%</td>
</tr>
<tr>
<td>Took &quot;0&quot; EL coursework</td>
<td>159</td>
<td>17%</td>
</tr>
</tbody>
</table>

* For each EL category, the differences in mean value ratings assigned by private and public lawyers are statistically significant (p < .05).

Ratings show strong appreciation.

Every pedagogy category--clinic, externship, and skills--elicited very positive response and garnered mean ratings of 3.10 to 3.76. Most of the attorneys’ responses were in the 3’s and 4’s, indicating that the coursework was quite helpful to very helpful in preparing them for practice.

More lawyers took skills courses, than enrolled in clinics or externships.

It makes sense that skills courses would be more heavily subscribed. The ABA Survey of Law School Curricula found that the great majority of law schools offer at least seven
skills courses, and half offered ten or more skills courses.\textsuperscript{63} A tally of the ABA-reported data for the 2012-13 academic year shows that schools offered an average of 721 seats in skills courses, 161 clinic slots, and had 175 externship placements filled.\textsuperscript{64} From the student perspective, skills courses are easier than externships or clinics to fit into their class schedule in coordination with other classroom-based courses. Skills courses often have fewer academic credits and lower hourly commitments than are typically expected for clinics and externships.\textsuperscript{65}

\textit{Clinics and externships earn value ratings much higher than skills courses.}

Clinics and externships are valued considerably more highly than skills courses, for all lawyers, by +0.30 to +0.47 points. In clinical pedagogy, we expect that coursework occurring in fluid, less predictable practice environments and with external consequences for poor performance, will represent the brighter learning moment. These are the teaching and learning moments when the heat is turned up.

\textit{Clinics earn higher ratings than externships.}

Although private lawyers scored both clinics and externships at very similar levels, the public lawyers showed higher values for their clinical work. These numbers are aggregates; they do not reflect how an individual lawyer would rate one course over another.

\footnotesize{\textsuperscript{63} CARPENTER, supra note 11, at 75.}

\footnotesize{\textsuperscript{64} ABA Standard 509 Information Reports, reporting year 2013, www.abarequireddisclosures.org, (last visited November 19-20, 2014). Schools report for faculty supervised clinics and simulation courses the number of seats available (offered) and the number of seats filled for the relevant academic year. For field placements schools report only the number of positions filled, suggesting that the ABA does not assume law schools have capacity limits for the number of field placements in an academic year. The medians for the same data set are 576 skills course seats; 135 clinic seats; 135 externship placements.}

\footnotesize{\textsuperscript{65} CSALE 2010-11, supra note 24, at 16, 22 (For clinics, more than 85\% are 4-8 credits, with 6 credits the most common level. For externship courses credit awarded is lower, most between 2-5 credits, with 4 credits the most common level.).}
another. Tables 8 and 9, infra, show the ratings differential when an individual lawyer took both a clinic and an externship. Although the number of lawyers with that course contribution is relatively small, the value ascribed to the clinical experience was more generally favorable for both public and private lawyers.

Public lawyers valued each method of EL teaching more highly than their private practitioners.

Despite some broad similarities in the ratings by the private and public lawyers, it is quite apparent that the public lawyers valued each of type of EL coursework significantly more highly. This finding is not necessarily surprising. Most clinics and externships are in public interest practice and government settings. The similarity between course tasks and tasks performed as a practicing lawyer in those settings is direct. Educational psychologists and cognitive development scholars refer to this as ‘near transfer’ of learning. For private lawyers the articulation and transfer is less direct or immediate.

Transfer of learning occurs when learning acquired in one context (e.g., law school, clinic, externship, skills course) contributes to performance in another context (e.g., law practice). Near transfer is the term used for transfer between very similar contexts, while far transfer refers to transfer between contexts that are more remote from one another.

Education researchers, David Perkins and Gavriel Salomon, have provided useful

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66 See Stephen Wizner & Jane Aiken, Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice, 73 FORDHAM L. REV. 997, 997-98 (2004)(describing clinical legal education’s focus on large unmet need for legal representation for the poor in both criminal and civil cases); CSALE 2010-11, supra note 23, at 23 (reporting that for-profit criminal defense, for-profit law office, and corporate counsel offices are widely restricted by law schools); CARPENTER, supra note 11, at 77 (reporting that government agencies, public defender and prosecutor offices were the most common placements);

examples of near and far transfer. Near transfer is when a garage mechanic repairs an engine in a new model of car, which has a design much the same as prior models. Far transfer is demonstrated when a chess player applies basic strategic principles such as “take control of the center” to investment practices, politics, or military campaigns.\(^68\) As shown later (Table 13), lawyers who work in legal services offices gave clinics the highest value ratings, while private transactional lawyers gave far less positive ratings, illustrating the near-far transfer dilemma facing the EL curriculum (as well as any law school course).

In legal education, near transfer might be the lawyer who draws on the experience of assisting indigent clients to assert claims for housing benefits at a public interest externship to her post-graduation work at a Department of Homeless Services or at a non-profit mounting impact litigation focused on government benefits. Far transfer might be the development of cultural competence skills needed to develop rapport with an indigent client in a special education clinic to post-graduation practice using cultural competence skills representing an East Asian computer programmer in his patent application or business formation.\(^69\)

\(^{68}\) Id.

The magnitude of the differences between public and private lawyers was so pronounced that we decided to conduct parallel analyses throughout, rather than blend the data and analyses.

**Clinics: Intensity matters--Live practice, authentic responsibility**

The data has already revealed early evidence that intensity matters (namely that lawyers value skills courses less highly than clinic or field placement courses). We examined other points of intensification within the EL course experience. In clinical coursework, we sought to understand the value difference where the student explicitly performed in the role of the attorney (albeit under supervision), whether as lead counsel or under a student-practice order/rule. Both characteristics have the potential to crystallize and magnify all the other learning whether development of skills in lawyering tasks, strategic decision-making, empathy, communication or the like. The data showed strong differences.

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Table 5
Clinic ratings: Student practice rule/order and Lead counsel status

<table>
<thead>
<tr>
<th></th>
<th>Private lawyers (317 attorneys with CLC)</th>
<th>Public lawyers (711 attorneys with CLC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student practice order</td>
<td># attys</td>
<td>CLC mean rating</td>
</tr>
<tr>
<td>Yes</td>
<td>169</td>
<td>3.60</td>
</tr>
<tr>
<td>No</td>
<td>91</td>
<td>3.25</td>
</tr>
<tr>
<td>Value-change b/t Yes - No *</td>
<td>+0.35</td>
<td></td>
</tr>
</tbody>
</table>

* The differences between these responses are statistically significant (p < .05).

**Genuine responsibility delivers important added value.**

Each instance—whether having a court’s imprimatur as the attorney of record or performing as lead counsel—creates a learning environment that delivered lasting value, increasing the average rating +0.33 to +0.38—quite sizeable and statistically significant for both private and public lawyers. This metric is especially meaningful. Taking direct personal responsibility for the legal welfare of another is one of the most significant in forming one’s identity as a professional.70

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70 Brooks, supra note 62, at 425-35 (describing the differences between the mentee role and the first chair role, citing Stuckey, *Teaching with Purpose*, supra note 62, at 830); Bliss & Peters, supra note 23, manuscript at 15 (describing how direct services clinics offer special vantage for students to form their professional identity through resolution of ethical dilemmas, building cultural competence, and understanding justice concepts). See also SULLIVAN, ET AL., CARNEGIE REPORT, supra note 4, at 120-22.
Experiential Education and our Divided Campuses

Externships: Time-on-task and multiples matter

In the pursuit of experiences with special potency, we examined the intensity of the lawyers’ externship coursework. We collapsed and integrated two sets of data—number of externships taken by a lawyer and the weekly hourly commitment, which allowed us to compare different combinations, to see how the intensity of the externship, whether more hours in the field and/or more placements, affected ratings.

Table 6
Externship ratings: By hours and by multiples

<table>
<thead>
<tr>
<th># and hr commitment</th>
<th># attys</th>
<th>% EXT attys</th>
<th>EXT mean rating</th>
<th># attys</th>
<th>% EXT attys</th>
<th>EXT mean rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-hour</td>
<td>1 EXT @ 10-20 hrs/wk</td>
<td>143</td>
<td>43%</td>
<td>3.14</td>
<td>241</td>
<td>38%</td>
</tr>
<tr>
<td>Mid-hour</td>
<td>1 EXT @ 21-30 hrs/wk</td>
<td>22</td>
<td>7%</td>
<td>3.27</td>
<td>48</td>
<td>8%</td>
</tr>
<tr>
<td>Low-hour</td>
<td>2 EXT @ 10-20 hrs/wk</td>
<td>35</td>
<td>11%</td>
<td>3.66</td>
<td>72</td>
<td>12%</td>
</tr>
<tr>
<td>Full-time</td>
<td>1 EXT @ 31-40 hrs/wk</td>
<td>75</td>
<td>23%</td>
<td>3.62</td>
<td>112</td>
<td>18%</td>
</tr>
<tr>
<td>2 or more EXT;</td>
<td>57</td>
<td>17%</td>
<td>3.59</td>
<td>153</td>
<td>24%</td>
<td>3.85</td>
</tr>
<tr>
<td>multiple hr.</td>
<td>Value-change</td>
<td>+0.52</td>
<td></td>
<td></td>
<td>+0.23</td>
<td></td>
</tr>
<tr>
<td>1 to 2 Low hour *</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low hr. to Full-time *</td>
<td></td>
<td></td>
<td>+0.48</td>
<td></td>
<td></td>
<td>+0.27</td>
</tr>
</tbody>
</table>

* The differences between these types of externship experiences are statistically significant (p < .05).

The most common externship enrollment is one placement with 10-20 hours/week time commitment.

For both populations, the most common enrollment was a single field placement course with a limited hourly commitment. It is also clear that the value rating is muted, especially for private lawyers. The student’s limited availability tempers the types of assignments that are suitable and out-of-reach.
Full-time externships amplify the learning value compared to low-hour field placements.

Full-time externships, called Semester in Practice at many schools, represented the second most common externship for both groups. The full-time experience allows the possibility of genuine integration into the life of the law office, progressively more complex work assignments, and/or substantial, direct, and personal responsibility for the office’s work product. While the survey did not elicit data whether the respondents actually experienced these intensity factors (e.g., time-on-task, higher complexity, greater direct responsibility), the amplified value ratings support a suggestion that factors like these may be at play. In comparison to the low-hour placements, the full-time externship’s value rating is much higher. The increase is substantial, especially for private practitioners (+0.48 for private lawyers; +0.27 for public lawyers).

Two low-hour placements provides substantial value enhancement over a single low-hour placement.

For schools that do not offer full-time externships, it is encouraging to note that two low-hour externships also delivered substantial practice-preparation value. Lawyers who had two field placements rated externships far more highly than those who had only one. That

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71 Although full-time placements have growing enrollment at many schools, they had not been very common until recently. In 2010-2011, CSALE reported that full-time externships were offered at roughly 10% of schools. CSALE 2010-11, supra note 24, at 22. The EL Survey data shows 18-23% of attorneys indicated they had a full-time externship. The difference might suggest something about the EL respondents’ hindsight estimation of how hard or long they worked during school at their placements, or perhaps reflects that students worked more hours weekly than was required by the school. Ogilvy & Basu, supra note 11, at 14-15 noted the increase in full-time placements and projected such high-credit options to increase due to addition of summer field placements in international settings. CSALE 2013-14, supra note 24, at 32 reports that 28% of field placement courses allow full time placements, defined at 10 or more credits for the field work alone.

72 Kaas, et al, supra note 58, manuscript at 27 (describing how full time field placements allow students to function like a new lawyer in task complexity and independence).
held true for private and public lawyers. (+0.52 for private lawyers; +0.23 for public lawyers).

*Full time placements and two-low-hour placements garnered nearly identical values.*

The more surprising comparison, however, is that the value enhancement for two low-hour externships yields virtually the same value rating as a full-time externship. The amplifier effect holds for both private and public lawyers. The full-time placement values are within a scant +0.04 points of the value given to two low-hour placements.

This is perhaps the least anticipated finding of the data analysis. The high value of full-time externship is easy to understand. The student can be fully integrated into the work of the office. The modest value of a low-hour externship is also easy to understand; there is simply less opportunity to do substantial work. However, it is not nearly as easy to suggest explanations why or how lawyers would rate two low-hour placements on par with a full-time externship. The differential was similar and substantial for both private and public lawyers. One working theory is that a student learns a great deal from functioning in multiple workplaces, each with a new set of bosses, co-workers, office cultures, and practice styles. Each placement presents different work expectations and offers different role modeling opportunities. As such, two externships deliver valuable seasoning and maturing, as we would expect with any repetition in skills practice. A second hypothesis is that a student uses multiple externships to sample different practice areas of interest. The heightened value may simply reflect that the lawyer found at least
one placement that was an agreeable fit and/or was similar to her eventual career path. Thus the course-to-career alignment prompted the high value rating.

Externships values plateau when lawyers took four or more.
The data also show that the value ratings start to plateau after three externships. Multiple externships, numbering four or more, with significant cumulative hours does yield some high values, but the ratings are mixed and the curve softens.

Externships: Practice setting is less important than time-on-task
We wanted to probe the values that lawyers ascribed to different practice settings. Were certain practice settings noticeably more likely to deliver durable utility? Additionally we wanted to understand whether the added value derived from multiple externships was a function of variety in the practice settings. Many externship programs prohibit, restrict, or discourage subsequent placements in the same law office and/or in the same setting.\footnote{LEXTERN listserv discussion, \textit{Summary of Repeat Placements Responses}, started by Lauren K. Knight, July 28, 2014 (on file with author); LEXTERN listserv discussion, \textit{Student award}, started by Jennifer M. Kinsley, November 17, 2014 (on file with author); LEXTERN listserv discussion, \textit{Externships for a second time}, started by Justine Dunlap, July 27-30, 2013 (on file with author).} The \textit{EL Survey} data show that lawyers who had multiple externship, tended to chose a different practice setting for the additional placement(s). Was time-on-task (number of externships; hourly commitment) more or less important than variety of practice settings in the lawyers’ valuation of the experience?
Table 7
Externship ratings: By placement and by variety of settings

<table>
<thead>
<tr>
<th>Setting</th>
<th># attnys</th>
<th>% attnys</th>
<th>EXT mean rating</th>
<th>Setting variety</th>
<th># attnys</th>
<th>% attnys</th>
<th>EXT mean rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court/judge's chambers</td>
<td>173</td>
<td>52%</td>
<td>3.47</td>
<td>1 EXT/1 setting</td>
<td>245</td>
<td>72%</td>
<td>3.30</td>
</tr>
<tr>
<td>Gov't agency/ legislature</td>
<td>86</td>
<td>26%</td>
<td>3.36</td>
<td>Multiple EXT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-profit org</td>
<td>39</td>
<td>12%</td>
<td>3.26</td>
<td>all same setting</td>
<td>22</td>
<td>7%</td>
<td>3.61</td>
</tr>
<tr>
<td>Law firm</td>
<td>20</td>
<td>13%</td>
<td>3.40</td>
<td>2 settings</td>
<td>63</td>
<td>19%</td>
<td>3.64</td>
</tr>
<tr>
<td>Corporation-business</td>
<td>14</td>
<td>6%</td>
<td>Small sample</td>
<td>3+ settings</td>
<td>4</td>
<td>1%</td>
<td>Small sample</td>
</tr>
</tbody>
</table>

Private lawyers (360 attny with EXT)

<table>
<thead>
<tr>
<th>Setting</th>
<th># attnys</th>
<th>% attnys</th>
<th>EXT mean rating</th>
<th>Setting variety</th>
<th># attnys</th>
<th>% attnys</th>
<th>EXT mean rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court/judge's chambers</td>
<td>154</td>
<td>25%</td>
<td>3.60</td>
<td>1 EXT/1 setting</td>
<td>417</td>
<td>65%</td>
<td>3.56</td>
</tr>
<tr>
<td>Gov't agency/ legislature</td>
<td>223</td>
<td>36%</td>
<td>3.64</td>
<td>Multiple EXT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-profit org</td>
<td>204</td>
<td>33%</td>
<td>3.69</td>
<td>all same setting</td>
<td>72</td>
<td>11%</td>
<td>3.77</td>
</tr>
<tr>
<td>Law firm</td>
<td>33</td>
<td>5%</td>
<td>3.64</td>
<td>2 settings</td>
<td>124</td>
<td>19%</td>
<td>3.76</td>
</tr>
<tr>
<td>Corporation-business</td>
<td>4</td>
<td>1%</td>
<td>Small sample</td>
<td>3+ settings</td>
<td>27</td>
<td>4%</td>
<td>3.87</td>
</tr>
</tbody>
</table>

Public lawyers (678 attny w/ EXT)

Public lawyers rated most settings well, including law firms; Private lawyers gave highest scores to judges and law firms.

Public lawyers showed a rather even appreciation for all externships, no matter what the forum. Their highest ratings went to their placements in non-profit organizations.

Interestingly, they gave the same strong ratings to law firms as they did to government agency placements. The private attorneys heavily favored judicial externships in both

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74 Recall that the ratings are for the externship experience generally, not for each separate placement or setting. These mean ratings reflect what the lawyers scored the externship when they had at least one externship placement in that particular setting. The great majority of lawyers had externships exclusively in one setting, whether through a single externship or multiple (private lawyers 79%; public lawyers 76%).

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enrollments and value rating. Their second highest rating was for placements in law firms.

The strong law firm ratings opens the suggestion that one of the concerns of externship directors may not be as problematic as projected, namely that law firm supervisors may be too preoccupied with billable work to provide quality supervision to law student externs. Law firm placements are relatively low, but growing. As those enrollment numbers increase, it is worth tracking whether the positive ratings from this limited set of lawyers hold steady.

Sampling multiple practice settings yielded little added value.

Reinforcing the earlier finding, both public and private lawyers showed substantial value enhancement for second and third externships, but that value bump was largely the same whether the subsequent externships were in the same setting or in a different venue.

Combinations of experiential learning: Diversity of teaching method matters

Many clinical faculty and experiential learning deans are actively designing courses and course sequences, trying to maximize the value of all three pedagogies. We wondered how the value ratings might change if we compared lawyers who had various

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75 CARPENTER, supra note 11, at 77.
Experiential Education and our Divided Campuses

combinations of EL courses, whether as a stand-alone course, in pairs, or all three. Were there combinations that showed noteworthy synergies?

Table 8
Private lawyer ratings for the trifecta

<table>
<thead>
<tr>
<th>Course combinations</th>
<th># attrys</th>
<th>% attrys</th>
<th>CLC mean rating</th>
<th>EXT mean rating</th>
<th>SKI mean rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLC only</td>
<td>27</td>
<td>4%</td>
<td>3.15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXT only</td>
<td>36</td>
<td>5%</td>
<td></td>
<td>3.25</td>
<td></td>
</tr>
<tr>
<td>SKI only</td>
<td>248</td>
<td>32%</td>
<td></td>
<td></td>
<td>3.07</td>
</tr>
<tr>
<td>CLC + EXT</td>
<td>23</td>
<td>3%</td>
<td>3.41</td>
<td>3.10</td>
<td></td>
</tr>
<tr>
<td>CLC + SKI</td>
<td>136</td>
<td>18%</td>
<td>3.42</td>
<td></td>
<td>3.04</td>
</tr>
<tr>
<td>EXT + SKI</td>
<td>169</td>
<td>22%</td>
<td></td>
<td>3.35</td>
<td>3.11</td>
</tr>
<tr>
<td>Trifecta (CLC, EXT + SKI)</td>
<td>129</td>
<td>17%</td>
<td>3.50</td>
<td>3.59</td>
<td>3.27</td>
</tr>
</tbody>
</table>

Value change (1 pedagogy to all 3 pedagogies)*

|                     | +0.35 | +0.34 | +0.20 |

* Differences are strong, but not statistically significant.

Trifecta value: Clinic, externship, and skills—at least one of each deliver heightened values for all three.

The private lawyers who had all three experiences showed much higher value for each of those experiences than those who had only one. If a lawyer’s EL coursework was exclusively limited to clinics, the average rating was a modest 3.12, but if the lawyer had enrolled in all three types of EL courses over her years of law school, the average clinic rating jumped to 3.50, with an increased value of +0.38. That was surprisingly positive.

The pattern held for externships, comparing lawyers who exclusively took externships to those who enrolled in the three-way combination (+0.34). Same result with skills courses, comparing only skills courses with a fusion of all three teaching methodologies (+0.20).
The pattern was so positive that we dubbed the combination a trifecta, because a trifecta bet in a horse race yields the biggest payout.\textsuperscript{77}

We anticipated a similar accelerant effect with the public lawyers. After all, they valued each of these types of courses so well. The data, however, showed a very different pattern.

**Table 9**
Public lawyer ratings for the trifecta

<table>
<thead>
<tr>
<th>Course combinations</th>
<th># attys</th>
<th>% attys</th>
<th>CLC mean rating</th>
<th>EXT mean rating</th>
<th>SKI mean rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLC only</td>
<td>53</td>
<td>5%</td>
<td>3.81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXT only</td>
<td>27</td>
<td>2%</td>
<td>3.81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SKI only</td>
<td>193</td>
<td>17%</td>
<td></td>
<td>3.27</td>
<td></td>
</tr>
<tr>
<td>CLC + EXT</td>
<td>52</td>
<td>5%</td>
<td>3.71</td>
<td>3.47</td>
<td></td>
</tr>
<tr>
<td>CLC + SKI</td>
<td>248</td>
<td>22%</td>
<td>3.78</td>
<td></td>
<td>3.23</td>
</tr>
<tr>
<td>EXT + SKI</td>
<td>239</td>
<td>21%</td>
<td></td>
<td>3.59</td>
<td>3.36</td>
</tr>
<tr>
<td>Trifecta (CLC, EXT + SKI)</td>
<td>330</td>
<td>29%</td>
<td>3.75</td>
<td>3.67</td>
<td>3.32</td>
</tr>
</tbody>
</table>

| Value change (1 pedagogy to all 3 pedagogies)* | -0.06 | -0.14 | +0.05 |

* No statistical significance for these value differences.

Public lawyers favor enrollment in all 3 EL courses; private lawyers favored enrollments in skills courses exclusively.

Observing the enrollment patterns shown in both Tables 8 and 9, it is apparent that the two populations chose courses quite differently. By far the most popular course selection

\textsuperscript{77} A trifecta bet requires picking the horses for win, place, and show in exact order. The survey did not ask for semester-by-semester information. As such, we have no data whether an attorney’s course sequencing was a factor in the enhanced values.
pattern among the public lawyers was to take at least one course in each EL pedagogy (29%). The next most common selection was pairing a skills course with one of the live practice courses (either clinic or externship). For the private lawyers, the most common course selection was limited to skills courses alone (32%), namely those EL courses conducted entirely within the confines of the school.

For public lawyers, variety of EL pedagogies did not show positive synergistic values similar to private lawyers.

There was little change in the value ratings when public lawyers added multiple types of EL courses. And for the most part, the variety of teaching methodologies depressed the comparative ratings. Learning solely through clinical teaching garnered one of the highest values we have identified, 3.81. Learning exclusively through field placement pedagogy yielded the same high value, 3.81. But where the lawyers had at least one clinic and at least one externship, both values sank. A clinic and an externship tended to dilute the value attributed to each of them. If the additional pedagogy was a skills course, the values still decreased, but not as steeply.

The difference in private and public attorneys regarding the value of the trifecta is thought-provoking. Perhaps it simply reflects that the public lawyers had already assigned very high values to these courses; there was less room for an increase. A second hypothesis might be considered. For careers well-aligned with the EL coursework (e.g., public interest and government careers), it may be especially important that the scaffolding of the three pedagogies offers progressively higher levels of challenge and
responsibility. For many schools these courses are offered as interchangeable parts, without sequencing and EL pre-requisites. The corollary might be that where the attorney’s practice does not align with his or her law school EL coursework, (e.g., private attorneys representing corporate clientele), the attorney does benefit from synergies among and between the three types of courses. It transforms the learning in a manner that makes the transfer from class-to-practice more likely. There is more to explore and understand here, and is a worthy subject of further research and introspection within individual schools.

**Skills courses: Multiples matter**

The next set of tables (Tables 10-12) show the values that lawyers assigned to skills courses by the number of courses taken, by course titles, and by the type of lawyer practice. We did not discover or discern a notable value increase for any pairs or groupings of skills courses. Rather the most interesting findings were related to the nature of the attorney’s practice. The analysis provided insights that resurface (and/or reinforce) the suggestion that many of these lawyers made career-directed course selections.

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78 The most common pre-and co-requisites for clinics and externships are not EL courses, but rather doctrinal courses, such as Evidence, Professional Responsibility, or the doctrinal law related to the clinic practice. CSALE 2010-11, supra note 24, at 19, 25. The latest CSALE report shows no changes in the most common pre-and co-requisites, none of which include EL courses. CSALE 2013-14, supra note 24, at 25, 37.

79 Sequencing and advanced skills training will become a more pressing issues for schools faced with regulatory proposals like California bar authorities to mandate 15 credits of experiential learning coursework, supra note 4.
Table 10
Skills ratings: By number of courses

<table>
<thead>
<tr>
<th># SKI courses</th>
<th>Private lawyers (678 attnys with SKI)</th>
<th>Public lawyers (1,016 attnys with SKI)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># attnys</td>
<td>% SKI attnys</td>
</tr>
<tr>
<td>1</td>
<td>187</td>
<td>29%</td>
</tr>
<tr>
<td>2</td>
<td>200</td>
<td>31%</td>
</tr>
<tr>
<td>3</td>
<td>123</td>
<td>19%</td>
</tr>
<tr>
<td>4</td>
<td>63</td>
<td>10%</td>
</tr>
<tr>
<td>5</td>
<td>37</td>
<td>6%</td>
</tr>
<tr>
<td>6+</td>
<td>27</td>
<td>4%</td>
</tr>
</tbody>
</table>

Value change b/t 1 and 3 SKI*  
+0.27

Value change b/t 1 and 4 SKI*  
+0.29

Value change b/t 1 and 5 SKI*  
+0.48

* The differences between taking 1 skills course, and 3, 4 or 5 courses are statistically significant (p < .05) for private attorneys. For public attorneys, the differences between 1 skills course and 3 or 4 courses are statistically significant (p < .05).

Private lawyers give notably high value ratings when enrolled in numerous skills courses.

Private lawyers who took numerous skills courses (six or more) gave value ratings on par with the most potent live practice course experiences. (six skills courses (3.66); 2 low-hour externships (3.66); clinic working under student practice rule (3.60)). Given the generally lower ratings in the Skills category, that is remarkable. Comparison of private and public lawyers’ ratings at five or more courses reveals that the private lawyers assigned values higher than their public attorney colleagues. This is a notable break from the persistent patterns observed between public and private lawyers’ ratings, but the variance does not rise to the level of statistical significance. Although these value ratings
are high, it is important to note the relatively small set of attorneys who enrolled in numerous skills courses. For a lawyer to have enrolled in five or six skills courses in the second and third years, his school would have had to offer a substantial program in skills/simulation courses and that that the lawyer was quite directed.

A substantial value increase is evident when lawyers took more than three courses. It is clear, however, that the great majority of lawyers did not enroll in skills courses at such numbers. Without that numerosity, the lawyers’ valuations were positive but restrained compared to the live practice courses (i.e., clinics and externships).

*Plateau effect: Public lawyers showed reduced values when taking more than 4 skills classes.*

While adding skills courses yields generally greater value to public lawyers, there is a crest. Enrollment in more than four skills courses tends to depress the value ratings for public lawyers. This might represent a pattern similar to the trifecta. For public lawyers, there seems to be a point of diminishing returns. Further research might help explain this observation.
Table 11
Skills ratings: By course title (as printed in the survey)

<table>
<thead>
<tr>
<th>Core skills courses</th>
<th>Priv/Public avg</th>
<th>Private lawyers (678 attnys with SKI)</th>
<th>Public lawyers (1,016 attnys with SKI)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Priv/Pub</td>
<td># attnys</td>
<td>% SKI attnys</td>
</tr>
<tr>
<td>Trial advocacy</td>
<td>991</td>
<td>364</td>
<td>54%</td>
</tr>
<tr>
<td>Negotiation</td>
<td>426</td>
<td>218</td>
<td>32%</td>
</tr>
<tr>
<td>Appellate advocacy</td>
<td>373</td>
<td>155</td>
<td>23%</td>
</tr>
<tr>
<td>Alternative dispute resolution skills</td>
<td>335</td>
<td>141</td>
<td>21%</td>
</tr>
<tr>
<td>Pre-trial litigation (e.g., deposition skills)</td>
<td>335</td>
<td>170</td>
<td>25%</td>
</tr>
<tr>
<td>Subject matter specific skills (e.g., Education Law practice)</td>
<td>317</td>
<td>130</td>
<td>19%</td>
</tr>
<tr>
<td>Advanced drafting (beyond the 1L course)</td>
<td>284</td>
<td>154</td>
<td>23%</td>
</tr>
<tr>
<td>Counseling and interviewing</td>
<td>221</td>
<td>73</td>
<td>11%</td>
</tr>
<tr>
<td>Transactional practice (e.g., business formation and governance, licensing, closings)</td>
<td>137</td>
<td>89</td>
<td>13%</td>
</tr>
<tr>
<td>Specialty courses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law practice management skills (e.g., running a law firm)</td>
<td>61</td>
<td>39</td>
<td>6%</td>
</tr>
<tr>
<td>Leadership</td>
<td>24</td>
<td>17</td>
<td>3%</td>
</tr>
<tr>
<td>Business management and planning</td>
<td>22</td>
<td>18</td>
<td>3%</td>
</tr>
</tbody>
</table>

Enrollments show heavy orientation to dispute-based skills courses over transactional skills courses.

Nearly 1,000 lawyers indicated that they took Trial Advocacy, making it the most common course for both public and private lawyers, overshadowing all other skills course enrollments. Most law schools have complied with the ABA’s professional skills instruction requirement by offering a menu of courses from which students may select.  

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80 CARPENTER, supra note 11, at 41. See note 55, supra, and accompanying text.
Experiential Education and our Divided Campuses

Trial Advocacy was the most common course on such lists (98% of schools).\textsuperscript{81} Both private and public lawyers gave it solid ratings vis-à-vis other skills courses. The next most common course was Negotiations, with fewer than half of the enrollment (426). Transactional courses, like Advanced Drafting\textsuperscript{82} or Transactional Practice had even lower enrollments.

Specialty courses have low enrollments, with mixed ratings.

The enrollment numbers are low, as expected. They represented a set of courses that some critics have argued should be part of the law school curriculum. While there are some bright spots, for the most part, the value ratings garnered are substantially similar to other skills courses (albeit somewhat lower). Other researchers have found certain business methods courses, like Accounting/Financial Reporting and Corporate Finance to have earned high value ratings from practicing lawyers.\textsuperscript{83}

Skills courses: Selections provide evidence of career planning

Compared to clinics and externships, skills courses are arguably more oriented to the nature of the lawyering tasks per se—litigation, transactional or regulatory, and less oriented to subject matter, practice setting, or clientele. The EL Survey list of course titles provides the opportunity to detect how the lawyers might have made course selections anticipating and preparing for their career plan. We teased apart the data for the two

\footnote{CARPENTER, supra note 11, at 42.}

\footnote{See CARPENTER, supra note 11, at 78. Advanced Drafting courses had expanded considerably, especially with non-litigation foci. Transactional/contract drafting now has the broadest adoption among schools at 75% of the participating schools; followed by Litigation drafting (71%), Estate Planning drafting (59%), Business organization drafting (47%), Legislative drafting (34%), and Family law drafting (18%).}

\footnote{See Coates et al, supra note 36; Talley, supra note 36 (describing business methods oriented skills courses that have been found to be well-valued by lawyers).}
most common practice types. For both private and public lawyers, litigators comprised
the largest sub-population. The second most common practice type for private lawyers
was transactional, and for public lawyers it was regulatory.\textsuperscript{84}

Table 12
Skills ratings: For the five most popular skills courses by practice type

| Skills course          | Private lawyers | Public lawyers | |
|------------------------|-----------------|----------------|
|                        | # attnys | % SKI attny by practice type | SKI mean rating | # attnys | % SKI attny by practice type | SKI mean rating |
| **LITIGATION** (529 attnys) |          |                      |                | **LITIGATION** (937 attnys) |          |                      |                |
| All skills courses     |          |                      | 3.20           | All skills courses         |          |                      | 3.31           |
| Trial advocacy         | 280     | 53%                  | 3.31           | Trial advocacy             | 518     | 55%                  | 3.39           |
| Pre-trial litigation   | 133     | 25%                  | 3.25           | Appellate advocacy         | 173     | 18%                  | 3.47           |
| Negotiation            | 122     | 23%                  | 3.23           | Negotiation                | 165     | 18%                  | 3.28           |
| Alternative dispute resolution | 93   | 18%                  | 3.31           | Subject specific practice  | 146     | 16%                  | 3.36           |
| Advanced drafting      | 79      | 15%                  | 3.23           | Alternative dispute resolution | 144 | 15%                  | 3.31           |
| **TRANSACTIONAL** (301 attnys) |        |                      |                | **REGULATORY** (155 attnys) |        |                      |                |
| All skills courses     |          |                      | 2.91           | All skills courses         |          |                      | 3.24           |
| Negotiation            | 71      | 24%                  | 2.90           | Trial advocacy             | 67      | 43%                  | 3.34           |
| Advanced drafting      | 60      | 20%                  | 3.25           | Alternative dispute resolution | 32 | 21%                  | 3.41           |
| Trial advocacy         | 55      | 18%                  | 3.02           | Negotiation                | 26      | 17%                  | 3.31           |
| Transactional practice | 54      | 18%                  | 3.04           | Appellate advocacy         | 24      | 15%                  | 3.21           |
| Subject specific practice | 41 | 14%                  | 3.15           | Subject specific practice  | 21      | 14%                  | 3.48           |

\textsuperscript{84} There were very few legislative lawyers among public or private lawyer respondents.
Three courses dominate the “Top 5” course lists, irrespective of attorneys’ practice type or setting.

*Trial Advocacy* and *Negotiation* are among the top five courses for all four sub-groups—private litigators and transactional attorneys, and public litigators and regulatory attorneys. *Alternative Dispute Resolution (ADR)* is reflected on three of the four sub-groups most common skills courses. These three courses were rather evenly rated by three sub-groups, with mean ratings of 3.23-3.41. The outlier sub-group was that private transactional attorneys. They gave noticeably lower value ratings to *Trial Advocacy* and *Negotiations* than the other three types of lawyers (3.02 and 2.90, respectively).

Three of the four sub-groups also identified *Subject-Specific Skills* courses among the top five. The Survey did not ask participants to identify the subject matter for this course.

The lawyers showed significant variation in the ratings given (3.15, 3.36, and 3.48). The highest rating came from the smallest group, 21 public regulatory lawyers.

*Litigators*—whether private or public—followed the same playbook for skills courses and reaped similar values.

The public and private litigators had substantial overlap in course selection—*Trial Advocacy, Negotiation, and Alternative Dispute Resolution*. And the two groups of lawyers gave ratings much more in line with each other than cross-section analysis thus far. Although public litigators still showed higher values for these courses than the private litigators, the differentials are now slight. This opens the suggestion that the skills
courses are taught in a manner where the students/lawyers are primed on a similar scale for skills-transfer irrespective of their eventual practice setting and clientele.

_Private transactional lawyers attempted to enroll in relevant skills courses, but failed to assign heightened values._

In addition to _Transactional Practice_, the Survey included three course titles where the course design might be relevant to skill development particularly useful to transactional lawyers: _Advanced Drafting_,[^85] _Negotiations_,[^86] or _Subject-Specific Skills_. Each course could comprise content that was exclusively or predominately oriented toward business-deal (transactional) practice or dispute (litigation).

The private transactional lawyers showed highest enrollments in those specific courses—four of the five most common courses were the course titles with transactional skills orientation (or potential for it). They signed up for _Negotiations_, perhaps hoping to develop skills in working a business deal. They took _Advanced Drafting_ and _Transactional Practice_, perhaps hoping to learn how to prepare various legal documents to maximize client interests. They took _Subject-Specific Skills_ courses that might focus on topics like real estate practice, or similar transaction-heavy practice areas. Whether the courses were designed with the transactional lawyer in mind, or these lawyers enrolled in them hoping for a transactional orientation to the course content, is not revealed in the Survey questions or responses. Those who took _Advanced Drafting_ gave relatively solid

[^85]: See note 82, _supra_.
[^86]: Catherine Carpenter, Vice Dean, Southwestern Law School, _ABA Survey of Law School Curricula: A Closer Look at the Numbers_ at ABA Ann. Mtg. (Aug. 2012) (showing the expansion of Negotiations courses among law schools, from 82 in 1992, to 125 in 2002, to 198 in 2010. For the first time in 2010, schools indicated whether the Negotiations course was business or settlement oriented. More were litigation (settlement) oriented (108), but with a strong showing for transactional (business) oriented courses offered (90)).
ratings (3.25), but none of the other courses yielded particularly noteworthy values. These ratings challenge the near transfer hypothesis that practice relevant skills training will result in lawyers showing high appreciation for the value of those courses in preparing them for practice. The gap deserves further research.

Having *Trial Advocacy* among the private transactional lawyers’ most common skills courses is a reminder of the prevalence of that course is in law school catalogues. Interestingly, these lawyers gave *Trial Advocacy* (3.02) a rating very similar to *Transactional Practice* (3.04) and better rating than *Negotiations* (2.90).

**Different career trajectories; Different curricula; Different educational outcomes**

We started the analysis of the *EL Survey* data with broad comparisons of public and private lawyers, and drilled down further to see how those broad practice types impacted enrollments and value ratings. The following chart isolates two sub-populations to show the starkest contrasts we observed: private transactional lawyers and public interest legal services litigators.

Of the private lawyers, the transactional lawyers found the least utility in EL coursework, generally speaking. Transactional lawyers are sometimes referred to as corporate or deal lawyers. The practice is a broad category that would include a diverse mix of corporate, banking, real estate, tax, and intellectual property, among other practice types.\(^{87}\)

\(^{87}\) See, generally, Kenneth N. Klee, *Teaching Transactional Law*, 27 CAL. BANKR. J. 295 (2004)(defining transactional practice as focusing primarily formation, negotiation, documentation, or consummation of a business deal. Klee’s survey of law schools’ transactional curriculum sought details on courses in general business law, real estate, banking, international business transactions, bankruptcy, insurance law, trusts and estates.)
Of all the public lawyers, the legal services civil litigators gave the strongest ratings. Their practice is sometimes colloquially termed poverty law, with direct individual representation of clients with limited means, usually for free or modest fees.⁸⁸

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⁸⁸ See generally, Lillian Salinger, *Poverty Law: What Is It?*, 12 LEGAL REF. SERV. Q. 5 (1992) (defining poverty law as the laws that apply particularly to the financially poor in his or her day-to-day life, includes public benefits law, health care law, housing law, education law, elder law, family law, juvenile law, employment law, welfare law, social security law, consumer law, immigration law, and domestic violence law).
Table 13
Comparisons of Private Transactional Lawyers with Legal Services-Civil litigators

<table>
<thead>
<tr>
<th>Demographic features of respondents</th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td># respondents</td>
<td>301</td>
<td>357</td>
</tr>
<tr>
<td>% in office with 100 or fewer attnys</td>
<td>4%</td>
<td>94%</td>
</tr>
<tr>
<td>% attended school in city of 1 million+</td>
<td>54%</td>
<td>49%</td>
</tr>
<tr>
<td>% male</td>
<td>56%</td>
<td>24%$^{89}$</td>
</tr>
</tbody>
</table>

Experiential learning overview

<table>
<thead>
<tr>
<th></th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td>% rated at least one EL category at &quot;4&quot;</td>
<td>32%</td>
<td>96%</td>
</tr>
<tr>
<td># Trifecta (all three EL course types)</td>
<td>30</td>
<td>342</td>
</tr>
<tr>
<td>% with no EL coursework at all</td>
<td>26%</td>
<td>4%</td>
</tr>
<tr>
<td>% with SKI only</td>
<td>30%</td>
<td>6%</td>
</tr>
</tbody>
</table>

Clinic features

<table>
<thead>
<tr>
<th></th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td>% who took CLC</td>
<td>24%</td>
<td>65%</td>
</tr>
<tr>
<td>CLC mean rating</td>
<td>3.18</td>
<td>3.83</td>
</tr>
<tr>
<td>CLC ratings (lead counsel role or not)</td>
<td>3.25 (lead); 3.04 (not lead); +0.21 increase</td>
<td>3.94 (lead); 3.44 (not lead); +0.50 increase</td>
</tr>
</tbody>
</table>

Externship features

<table>
<thead>
<tr>
<th></th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td>% who took EXT</td>
<td>29%</td>
<td>51%</td>
</tr>
<tr>
<td>EXT mean rating</td>
<td>3.21</td>
<td>3.63</td>
</tr>
<tr>
<td>Most common EXT settings</td>
<td>Courts (43%); Gov't (33%)</td>
<td>Non-profit (86%); Gov't (30%)</td>
</tr>
</tbody>
</table>

Skills features

<table>
<thead>
<tr>
<th></th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td>% who took SKI</td>
<td>66%</td>
<td>84%</td>
</tr>
<tr>
<td>Median # skills courses (for those taking SKI)</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>SKI mean rating</td>
<td>2.92</td>
<td>3.31</td>
</tr>
<tr>
<td>Most common SKI (mean rating)</td>
<td>Negotiation (2.90)</td>
<td>Trial advocacy (3.35)</td>
</tr>
<tr>
<td>Highest SKI rating</td>
<td>Advanced drafting (3.25)</td>
<td>Appellate advocacy (3.43)</td>
</tr>
</tbody>
</table>

Role of EL coursework in job search

<table>
<thead>
<tr>
<th></th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td># indicated that CLC, EXT, or SKI was discussed extensively in job interview (2010 Question)</td>
<td>5 of 301 attorneys (1.7%)</td>
<td></td>
</tr>
<tr>
<td># indicated that CLC, EXT, or SKI was very useful in obtaining first job (2011 Question)</td>
<td>249 of 357 attorneys (69.7%)</td>
<td></td>
</tr>
</tbody>
</table>

$^{89}$ Women attorneys are much more heavily represented in public practice settings. 13.2% of female attorneys practice in those settings, compared to 8.1% of male attorneys. Institute for Inclusion in the Legal Profession, THE STATE OF DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION, at 26, Table 12 (2012).
Private transactional lawyers show appreciation for value for EL coursework; much less than legal services litigators

It is clear that the transactional lawyers pursued less and reaped less from the experiential learning wing of the curriculum. Gratifyingly, when they had taken such courses, they found them to be valuable in their early careers, rating them on average in the low 3’s. The legal services litigators experience is brightly different on almost every mark. A focus on three factors on the chart highlights some of the most telling differences—the percentage of lawyers who gave at least one “4” rating; the value enhancement when the lawyer had served as lead counsel in a clinic; and the relevance of the lawyers’ EL coursework to the hiring process for their jobs.

Three times as many legal services litigators gave highest ratings to EL coursework than private transactional lawyers

Nearly every legal services lawyer gave the highest value to one or more of courses in their EL curriculum (96%); barely a third of the transactional lawyers (32%) had taken EL coursework that they felt warranted the highest value rating “4” (very useful to preparing for practice of law).

The value enhancement of “lead counsel status” was twice as strong for poverty lawyers as for transactional lawyers

As noted earlier, the high-level responsibility of serving as lead counsel in a clinic was one of the most potent amplifiers in attorney value ratings, adding about +0.36 to +0.38 in value over ratings from lawyers who did not shoulder such client responsibility. Lead
counsel status was a major amplifier for legal service litigators (adding +0.50). The data show enhanced value for transactional lawyers as well, but at a fraction of the increase found for legal services lawyers (+0.21).

Employers of private transactional lawyers rarely probed the candidate’s EL coursework in hiring interviews

In the end, the most telling factor may be related to a hidden curriculum.90 Whose opinions are the most influential in student course selection? Is it the faculty and academic advisers on campus, or are unofficial (“hidden”) sources more influential? To offer some insight on that question, we look to the implicit messaging from employers in job interviews.91 The great majority legal services lawyers felt that their EL coursework was very useful in obtaining their first job (nearly 70%). In contrast, a scant five transactional lawyers (1.7%) indicated they had extensive conversations about their EL coursework in interviews.92

EL Survey populations in context

This is not a brief to argue that the experiential learning wing of the curriculum must meet the skills training needs of Big Law deal lawyers as deeply or as thoroughly as it


91 This is one of the rare instances of the two surveys had different phrasing, the questions related to the role of EL coursework in their job search. For exact phrasing, see Survey at Appendix B, Questions 4-4b.

92 Most large firm recruitment of entry-level associates is through summer associate programs, where students are interviewed and hired during the early fall of their 2L year, at a time well before the candidates have made the majority of their elective course selections, whether experiential or podium-based classes. See NALP Principals and Standards, http://www.nalp.org/fulltextofnalpprinciplesandstandards (regarding timing of offers for summer associate positions, generally before December 1 of the 2L year)(last visited November 21, 2014).
meets the needs of legal services litigators. Indeed, access-to-justice is a fundamental value of the profession and is core to the mission of many law schools. Those values remind us that it is truly important to meet the training needs of the poverty lawyers.93

As we saw earlier in Chart 1, the AJD Study data on helpfulness of clinics to the lawyer’s transition to practice show that law graduates who start their practice in government offices, small and midsized firms, or in business settings give higher ratings to their clinical training than the large firm lawyers, but not nearly as high as public interest lawyers.94 The EL Survey populations represent the two ends of the spectrum, showing us where the most and the least value is transferred from the EL curriculum to law graduates as they enter practice. The data and findings provide anchors for schools to consider their own circumstances, including their current mix of experiential course offerings, student enrollment patterns, as well as their graduates’ most typical career aspirations and employment patterns.

Recapping the findings

Our analysis comprised three threads of inquiry. What are the characteristics of the EL coursework that delivered enhanced values? What kinds of enrollment patterns did different lawyers exhibit? And who extracted the most value from the EL curriculum? The data give empirical support to many well-accepted pedagogical assumptions. The

93 See e.g., Rachel F. Moran, Transformation and Training in the Law: Serving Clinical Legal Education’s Two Masters, Association of American Law Schools, President’s Message, May 2009 (expressing concern that clinical education will lose its social justice mission the more it is deployed as the vehicle for the full palette of skills training new lawyers need); Wizner & Aiken, supra note 64, at 1006-08 (arguing that clinics should not overshadow their social justice training mission with a singular focus on skills training).

94 See Chart 1, supra; Nelson, supra note 49.
data also provide some stark and persistent differences in student populations and enrollments that shed new light.

The data show several intensity factors that delivered reliably heightened value for private and public lawyers alike.

- Live practice courses (clinics and externships) deliver more practice-preparedness value than simulation classes.\(^95\)
- Live practice combined with authentic responsibility for a client’s legal welfare yields heightened value ratings. Clinics where the student was authorized by the court to represent a client under a student practice rule or where the student served as lead counsel magnified the lawyers’ assessment of the practice preparation value.\(^96\)
- Multiple externships were rated as more valuable than a single externship, unless the single externship was an immersive semester in practice.\(^97\)
- An externship requiring more hours per week garnered higher value ratings than lower hourly commitments.\(^98\)
- Although skills courses were assigned lower ratings generally, when lawyers had three to six skills courses, the value ratings improved substantially and came closer to the values ascribed to clinics and externships.\(^99\)

\(^{95}\) See Table 4 and accompanying text, \(\textit{supra}\).
\(^{96}\) See Table 5 and accompanying text, \(\textit{supra}\).
\(^{97}\) See Table 6 and accompanying text, \(\textit{supra}\).
\(^{98}\) \(\textit{Id.}\)
\(^{99}\) See Table 10 and accompanying text, \(\textit{supra}\).
Each of these amplifiers held true for both the public and private lawyers, which is a point worth underscoring. So much of the analyses showed differences between private and public lawyers. Here the data showed great commonality. As such, these points provide useful touchstones for schools as they expand, calibrate, and set priorities for their EL curriculum.

Enrollment patterns showed the first slice of some of the differences between the private and public lawyers. Private lawyers did not embrace the EL curriculum offerings with the intensity that the public lawyers did. One in six choose not to take a single EL course. The ones who did register for EL courses, tended to approach the EL curriculum with reserve—taking fewer courses, and favoring skills courses over live practice courses. Meanwhile the public lawyers enrolled in all three types of EL courses, more than any other course combination. And they were far more likely to courses that put them in live practice milieu.

The second slice of difference between private and public lawyers centers on the value these groups of lawyers assigned to their EL coursework. The public lawyers saw these courses as learning vehicles that delivered valuable support as they began their careers. The more closely aligned to the lawyer’s new career, the more the EL courses were given consistently high ratings. Legal services lawyers in civil practice, who served as lead

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100 See Tables 3, 8, and 9 and accompanying text, supra.
101 See Tables 3 and 4 and accompanying text, supra.
102 See Table 8 and 9 and accompanying text, supra.
103 Id.
104 Id.
105 See Tables 4 and 13 and accompanying text, supra. But see, Tables 11 and 12 and accompanying text (private lawyers enrolled more heavily in transactional practices courses, but assigned relatively weak ratings).
counsel in a school clinic, rated their experience a 3.94. Nearly every single one of the poverty lawyers gave the highest rating. Conversely, the private lawyers judged the practice preparation value of the same courses at lower levels. Within the population of private lawyers, the private transactional lawyers gave the most muted ratings (although still on the higher end of the 1-4 scale). Encouragingly, when private lawyers enrolled in multiple EL courses (mixed teaching methods, numerous courses), they assigned much stronger values. Transactional Practice skills courses attracted considerably more private lawyers than public lawyers, but the private transactional lawyers, didn’t give them the higher value ratings that we had anticipated.

Part 4
Path forward—Deans, faculties, curricular priorities, academic advising

The EL Survey responses and our analyses suggest a set of questions that a school might consider regarding course offerings, its graduates’ career directions, and the practice preparation values that the graduates derived. The mean value ratings we highlight are aggregates across many schools and practices. As much as they cover, they still don’t include graduates who practice in mid-sized and small firms. While more than 2,000 lawyers rated the courses’ value in preparing him or her for the practice of law, the data do not show what was valued (was it knowing how to interview a client; learning how to be a reflective self-critic; having the wherewithal to appreciate the dynamics of power hierarchies at play; or some other skill or nuanced competency?)

106 See Table 13 and accompanying text, supra.
107 See Tables 6, 8, and 10 and accompanying text, supra.
108 See Tables 11 and 12 and accompanying text, supra.
The experiential wing of the curriculum is considered the prime venue for law students to take on the mantle of the profession, to develop one’s professional identity. What elements of the ratings reflected the graduate’s budding sense of his professional identity? Research from the nationwide Law School Survey of Student Engagement found that graduating students who had taken at least one clinic indicated that their legal education deepened their capacity for serving the public good, handling stress, moral reasoning, and acting with integrity, at higher levels than students who had not had a clinic.\textsuperscript{109} Did the lawyers credit similar factors when assigning values to their EL courses?

The Survey asked several pinpoint questions about lawyers’ EL coursework, but collected no data on any aspect of their podium courses or how they valued those courses in preparing them for practice (that is grist for a much different, and necessary survey). We teased out several points of interest in the data and offered possible interpretations (but no conclusions). Readers will have many interpretations of their own and zero-in on other data points. It is up to individual schools to consider the usefulness or applicability of the EL Survey findings to their curriculum, their students, and their graduates. The analyses don’t presume to set an absolute value for a “quality” EL course or program, but the data clearly show where EL courses have provided less practice value for lawyers in certain careers and less practice value when certain course characteristics were missing.

\textsuperscript{109} Carole Silver, Amy Garver & Lindsay Watkins, \textit{Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement}, 17 J. LEGAL WRIT. INST. 373, 403 (2011)(Fig. 8, comparing students who had paid work experience, both clinic and paid work, or neither regarding five measures of professional identity development).
Others have researched and probed the divide within the profession, dubbed the two hemispheres—attorneys who represent individuals and those who represent businesses. There is a somewhat different divide within law schools. The data from the *EL Survey* indicate that American law schools are better organized to train lawyers for litigation careers and for government and public interest careers. The ABA’s new 6-credit experiential coursework requirement presents the prime opportunity to re-examine course offerings and delivery. California, the second biggest bar in the country, is on the verge of requiring 15 credits of experiential coursework. In compliance with these regulatory developments, law deans and faculty will set compulsory course requirements encompassing some mix of clinics, externships, and skills courses.

As they face that curriculum review, one of the preliminary questions might be: why do private lawyers engage the experiential wing of the law school curriculum with such meekness? As shown on Tables 3 and 13, on numerous marks the private lawyers, especially the transactional lawyers, are registering for classes with far different patterns than the public lawyers.

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100 JOHN HEINZ AND EDWARD LAUMANN, CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR, at 379 (Russell Sage Foundation, 1982) (“The difference between litigators and office lawyers has, of course, also been widely noticed for a long time; it has been formalized in England in the distinction between barristers and solicitors. But that is a task or skill difference, analogous to that between physicians and surgeons. The distinction within the American bar that is based in service to corporations, on the one hand, and to individuals and their small businesses, on the other, is quite another sort of phenomenon, with quite different consequences”); JOHN HEINZ, ROBERT NELSON, REBECCA SANDEFUR, AND EDWARD LAUMANN, URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR (2005).

111 See e.g., Eric J. Gouvin, Teaching Business Lawyering in Law Schools: A Candid Assessment of the Challenges and Some Suggestions for Moving Ahead, 78 UMKC L. Rev 429, 431-39 (2009)(noting that most business law faculty are former commercial litigators rather than former deal lawyers); Klee, supra note 84, at Table 2 (showing that of 328 business law classes offered at 40 surveyed schools, fewer than half were taught with a transactional focus, and only 5 percent were taught through a clinic rather than a lecture or seminar class).

112 See note 5, supra.
Are the right courses, with the right number of seats available?

Do campus limitations impede student enrollments?

We know that schools are increasing the numbers of EL courses. We also know that many schools have excess capacity in their EL courses. Through ABA-reported data, clinics and simulation courses are only at 83% capacity, on average. But are those under-subscribed EL courses ones that correspond with the career interests of the student body?

It is quite apparent that Trial Advocacy is widely available among law schools, with an abundance of seats, more than double the next most common skills course (Negotiation), at least according to the responses from the EL Survey. Clinics in non-litigation practices, such as community and economic development, tax, wills & trusts, and elder law, have expanded over the years, but they still represent fewer than 15 percent of all clinics offered. Externship programs tap the mentorship talents of practicing lawyers and judges and expand on-campus offerings. But do they offer enough slots for students with diverse career aspirations? In order to improve enrollments on a wider scale, schools will have to probe the historical patterns of enrollments on their campus.

113 CARPENTER, supra note 11, at 70-78.
114 Review of the ABA Standard 509 Reports show that on average, schools skills courses and clinics are both at 82% and 83% capacity, respectively. But the capacity ranges vary widely on a school-by-school basis. For instance, for skills courses, 43 schools were at 90+ percent capacity and 33 schools were only at 61 or lower percent capacity. For clinics, 34 schools reported 100% capacity, and 46 schools reported capacity lower than 61%. For field placements, no capacity limits are reported.
115 CSALE data show the percentage of transactional-oriented clinics, categorized as Community and Economic Development, Transactional (domestic or international), Tax, Wills & Trusts, and Elder law, has been 13.3% in 2008, 13.8% in 2011, and 14.1% in 2014. CSALE 2007-08, supra note 11, at 8; CSALE 2010-11, supra note 24, at 7-8; CSALE 2013-14, supra note 24, at 7-8.
Experiential Education and our Divided Campuses

Other limitations might be at play as well, including scheduling limitations, grading policies, application competitiveness, or other campus-specific considerations. Many schools require students to participate in a selection process to be accepted into a clinic and/or preference third-year students. Students interested in legal services or public defender careers will naturally gravitate toward clinics oriented to low-income or indigent clientele. As a consequence, students whose career aspirations are quite different may be crowded out. We can also ask ourselves another less comfortable question: Is there a cultural divide on our campuses that makes the EL curriculum less hospitable or welcoming to private practice oriented students?

What courses did the private practitioners choose instead and why were those courses preferred?

Nothing in the EL Survey concludes that the EL curriculum is affirmatively “rejected” by the private lawyers, although that is the effect when compared to their public practice colleagues. Rather, the private lawyers might simply be thirsty for other courses. What course? Perhaps their course selection strategy was to construct subject matter concentrations, taking multiple specialized courses relevant to their anticipated practice areas, whether of their own design or a formal school program. From the AJD Study, we know that new lawyers felt upper level lecture courses and course concentrations

116 Typical issues include scheduling against other major or bar courses, transit issues to offsite clinics or field placements, and part-time/evening students with little availability during business hours to participate in practice environments.
117 Some students shy away from pass/fail courses that do not help them bolster their cumulative grade point average. CSALE data shows that 24% of clinics; 19% clinic seminars; 79% of field placements; and 41% of externship seminars are graded pass/fail basis. CSALE 2013-14, supra note 24, at 21, 24, 32, and 35.
118 See CARPENTER, supra note 11, at 68-70. Schools offering specializations or certificates have increased from 84 to 94 between 2002 and 2010. Of the schools offering some kind of program, the number of options offered as expanded dramatically. The ABA Survey did not ask questions about the requirements for the specializations or whether EL courses are among the requirements.
were only modestly helpful in their transition to practice.  But a law student would scarcely appreciate the practicing lawyers’ viewpoints when making course selections. Seventeen percent of the private lawyers and six percent of public lawyers did not take a single EL course. What would be enough to prompt them to enroll in EL courses willingly, and not just by the compulsion of a graduation requirement?

We need to understand those reasons better because they potentially represent important inertia or skepticism within the student body. Schools will have to overcome these forces if their newly expanded EL curriculum is to be effective for students with diverse practice interests. Few students learn at maximum potential when forced to take courses contrary to what they think is best for them personally. Simply setting a graduation requirement of a menu of EL courses without preparing the ground, will not deliver the learning outcomes we hope. What would be the impact on student body morale if students felt they had to forego courses they consider more important to their careers?

*Is there a need or opportunity to create sequencing and EL-prerequisites?*

As more EL course credits are required, more students will thirst for increasingly more complex work. The *EL Survey* data provide some suggestion that public lawyers may have faced a plateau. Developing course sequences that aim to expose students to progressively more challenging legal work is pedagogically exciting. It also raises substantial administrative and resource issues.  

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119 See Table 1, *supra*.
120 See note 76 *supra* at accompanying text.
What is the role for academic advising?

Schools set myriad graduation requirements. Six credits of experiential coursework will be added to that list soon. In all likelihood, most schools will offer a menu of courses that students can take to satisfy those EL requirements. How will students choose—a clinic, or two externships, or two skills courses and a clinic? The permutations will be many. Who is advising the students now on course selection? What do the official sources advise (e.g., curriculum guides, student affairs and faculty advisors)? What do the unofficial sources advise (e.g., employers, classmates, others)? What messages from official or unofficial sources are explicit and transparent? What messages are implicit, and perhaps unintended?

How do course and curriculum planners deal with the inevitability of the far transfer dilemma?

One of the themes that emerges from the EL Survey data is that the private lawyers who practice in large firms transfer less of their learning from their EL coursework than their public practice colleagues. That makes sense. As much as law school clinics offerings might expand to cover legal work in more areas than they do now, they will never be able to cover all career paths with comparable intensity. So there will always be the challenge of far transfer of learning.

The ABA’s new accreditation standards lend force to this exercise of reflection and course planning. Standard 301 requires each school to set and publish specific learning

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121 CARPENTER, supra note 11, at 25-45.
outcomes—not course by course, but for the whole of the law degree offered.\textsuperscript{122} The standard requires each school to monitor and assess its progress toward those self-defined outcomes.\textsuperscript{123} Can each of the school’s graduates demonstrate the proficiencies that the school professes to teach, on commencement day? How will those stated learning outcomes sync with the many career paths our graduates follow and deliver transferable learning pertinent to those career paths?

Much research has emerged in recent years to identify the competencies and skills that lawyers need at high proficiency levels—not just seasoned lawyers but also brand new lawyers. Marjorie Shultz and Sheldon Zedeck have identified 26 lawyering effectiveness factors—none of which is subject matter based, but include factors such as the ability to see the world through the eyes of others, strategic planning, practical judgment, and stress management.\textsuperscript{124} Their work has been a catalyst to much research that has included surveys and interviews with a wide host of legal employers (beyond large firms, government offices, and public interest organizations) that has provided more color to what those competencies mean in practice.\textsuperscript{125} The National Conference of Bar Examiners engaged a research firm to survey new graduates nationwide to understand what lawyering tasks are asked of them and what skills and abilities have the new lawyers found to be critical to the performance of their responsibilities.\textsuperscript{126} Collectively, these

\textsuperscript{122} ABA Std. 301 and 302 (2014-15). See note 6, supra regarding the ABA’s phase-in of the standard.
\textsuperscript{123} ABA Std. 315 (2014-15) provides that the dean and the faculty of a law school shall conduct ongoing evaluation of the law school’s program of legal education, learning outcomes, and assessment methods and use the results to determine the degree of student attainment of competency in the learning outcomes.
\textsuperscript{124} Shultz & Zedeck, supra note 14.
\textsuperscript{125} See, e.g., Hamilton, supra note 15.
\textsuperscript{126} Steven S Nettles and James Hellrung, A Study of the Newly Licensed Lawyer, conducted for the National Conference of Bar Examiners (Applied Measurement Professionals, July 2012).
works provide a rich base for faculty to identify learning outcomes for their own classes, and for the law degree bestowed by their school.

**Conclusion**

Litigators reap the highest values from EL coursework, as those courses have been offered historically. That’s a surprise to no one. But the differentials between the values ascribed to EL coursework by private and public lawyers are illuminating. We expected some discounted value, but some of the differentials were notable and more persistent than we might have expected. Examination of key intensity features—lead counsel role, immersive or multiple externships, and numerous skills courses—give schools a set of guideposts to examine their current offerings and consider adjustments where warranted.

The stealth challenge suggested by the data is how to deal with the marked reluctance of certain students to partake in EL courses. Nearly all lawyers took some EL coursework, but it is clear that compliance with the new ABA six-credit experiential education requirement will require concerted persuasion to attract the students who have under-enrolled in these courses to date. If part of the student body has little interest in the courses, they will enroll though compulsion only, and come to such classes with an ennui that can be counterproductive in the classroom. Schools will have to address that. The ABA’s new experiential education requirement is exciting. If law schools explore and understand their graduates’ career paths and align the curriculum with those skill needs, they will be able to deliver high value to all their graduates.
Limitations of the study and recommendations for future research

We have attempted to identify data limitations throughout the article, but here are other limitations that may temper one’s interpretation of these findings. Appendix A, Table A-1, provides side-by-side demographic comparisons of the two survey populations.

Data limitations and gaps

- This survey research was exploratory with the goal of identifying insights that might stimulate future research.
- The sample constitutes a convenience sample.
- The use of volunteer respondents may introduce bias. Those who responded may have had particularly good or bad experiences with experiential learning settings.
- The pool of public attorneys have more years of experience with a higher percentage reporting they had three or more years of practice. Appendix C shows a comparison of key indicators in responses from junior and senior lawyers.
- The public practice respondents had a higher percentage of females as compared to the private attorney respondents. Sometimes women respond to surveys at higher rates and with a more positive disposition. A comparison of mean scores of male and females in the private, public and total groups showed similar or identical mean scores.
- There is no data to evaluate if the respondents represented a wide or narrow range of law schools. The Survey did not ask the attorneys which law school they attended, or in what state.
- The Survey asked where the lawyer practice. The most common states were New York, District of Columbia, Texas, Illinois, and Washington State. Most lawyers
practice in New York and California, which suggests that survey population is not geographically representative.

- Given the timing of the Survey (November 2010 and 2011) and the dates that the respondents attended law school, the data collected do not capture any curricular reform since 2011, and at best, captured a modest level of curricular reform since the 2007 Carnegie Report, *Educating Lawyers*.

**Recommendations for future research:**

- Conduct a study employing a random sampling methodology and include practice settings from a wider range, to allow for better generalization.
- Explore the specific aspects of the EL courses that were valued.
- Explore how summer employment impacts the value of the EL coursework.
- Develop surveys to understand how lawyers rate the practice preparation value of their non-EL (podium based) courses.
## Appendix A

### Table A-1: Demographic and Other Characteristics of the Survey Populations

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Private attorneys</th>
<th>Public attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td># attorneys</td>
<td>930</td>
<td>1,212</td>
</tr>
<tr>
<td>Gender: % women</td>
<td>48% women</td>
<td>65% women</td>
</tr>
<tr>
<td>Race: % Non-white</td>
<td>18% non-White</td>
<td>19% non-White</td>
</tr>
<tr>
<td>Less than 1 year in practice</td>
<td>192 (21%)</td>
<td>96 (8%)</td>
</tr>
<tr>
<td>Seniority: 1 year in practice</td>
<td>122 (13%)</td>
<td>62 (5%)</td>
</tr>
<tr>
<td>Seniority: 2 years in practice</td>
<td>126 (14%)</td>
<td>92 (8%)</td>
</tr>
<tr>
<td>Seniority: 3 years in practice</td>
<td>65 (7%)</td>
<td>56 (4%)</td>
</tr>
<tr>
<td>Seniority: more than 3 years in practice</td>
<td>422 (45%)</td>
<td>904 (75%)</td>
</tr>
<tr>
<td>States: # of states represented</td>
<td>32 (62%)</td>
<td>46 (88%)</td>
</tr>
<tr>
<td>States: 3 most represented states</td>
<td>DC, TX, IL</td>
<td>NY, WA, DC</td>
</tr>
<tr>
<td>Law school location: Capital city</td>
<td>369 (40%)</td>
<td>306 (25%)</td>
</tr>
<tr>
<td>Law school location: Metro areas 1 million or more</td>
<td>481 (53%)</td>
<td>657 (55%)</td>
</tr>
<tr>
<td>Law school location: Metro area 100,000-1 million</td>
<td>275 (30%)</td>
<td>380 (32%)</td>
</tr>
<tr>
<td>Law school location: Metro area less than 100,000</td>
<td>138 (15%)</td>
<td>124 (11%)</td>
</tr>
<tr>
<td>Law school location: Rural, not part of a metro area</td>
<td>6 (&lt;1%)</td>
<td>49 (5%)</td>
</tr>
<tr>
<td>Practice type: Litigation</td>
<td>529 (58%)</td>
<td>937 (78%)</td>
</tr>
<tr>
<td>Practice type: Transactional</td>
<td>301 (32%)</td>
<td>65 (6%)</td>
</tr>
<tr>
<td>Practice type: Regulatory</td>
<td>89 (9%)</td>
<td>155 (13%)</td>
</tr>
<tr>
<td>Practice type: Legislative</td>
<td>9 (&lt; 1%)</td>
<td>39 (3%)</td>
</tr>
<tr>
<td>Law office size: More than 1,000 attorneys</td>
<td>111 (12%)</td>
<td>19 (1%)</td>
</tr>
<tr>
<td>Law office size: 500-999</td>
<td>348 (37%)</td>
<td>142 (12%)</td>
</tr>
<tr>
<td>Law office size: 251-500</td>
<td>184 (20%)</td>
<td>225 (19%)</td>
</tr>
<tr>
<td>Law office size: 101-250</td>
<td>238 (26%)</td>
<td>128 (11%)</td>
</tr>
<tr>
<td>Law office size: 51-100</td>
<td>43 (5%)</td>
<td>116 (10%)</td>
</tr>
<tr>
<td>Law office size: 50 or fewer</td>
<td>5 (&lt;1%)</td>
<td>26-50 attys: 183 (15%)</td>
</tr>
<tr>
<td>Law office size: 25 or fewer</td>
<td></td>
<td>386 (32%)</td>
</tr>
</tbody>
</table>
Appendix B

NALP and NALP Foundation Survey: 2010 and 2011 Survey instrument

The 2010 and 2011 surveys were identical in almost all respects. Where the questions differed, they are identified and labeled below. Differences:

- Questions 4 to 4b regarding the role of the experiential learning in the attorney’s hiring process.
- Question 10 added to the 2011 public attorney survey regarding the attorney’s organization or government office.
- Question 12 regarding the location of the attorney’s office.

SURVEY OF LAW SCHOOL EXPERIENTIAL LEARNING: OPPORTUNITIES AND BENEFITS

This survey is designed to learn which practice-oriented course(s) you took as a law student and how they have prepared you for practice as an attorney.

This survey takes no more than 10 minutes to complete. All information will be submitted on an anonymous basis, and no information that could be attributed to an individual will be released.

If you have questions, please contact Judith Collins, NALP’s Research Director, at jcollins@nalp.org.

2010 Survey: Please submit your survey by December 5, 2010.
2011 Survey: Please submit your survey by December 9, 2011.

1. Which of the following JD-credit bearing courses did you take during law school? (Check all that apply.)

[Note that law schools offer a broad spectrum of course using various titles and that they often have content that falls into more than one of the choices provided below. Choose the description(s) that best describe the most significant content of the course(s) you took.]

☐ Clinic(s) representing individual clients [Please also complete 1a on the next page]
☐ Externship(s)/field placements(s) [Please also complete 1b on the next page]
☐ Legal practice skills or simulation course(s) [Please also complete 1c on the next page]
☐ None of the above.

1a. For any clinics you took, answer each of the four questions.

   How many terms/semesters did you participate in this clinic?
   Answer choices provided: 1, 2 or more than 2

   Clinic 1
   Clinic 2
   Clinic 3
   Clinic 4
   Clinic 5
   Clinic 6
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Were you lead or co-lead counsel?
Answer choices provided: Yes or No

Clinic 1
Clinic 2
Clinic 3
Clinic 4
Clinic 5
Clinic 6

Did you work under a Student Practice Order with a court?
Answer choices provided: Yes, No, or I don’t know

Clinic 1
Clinic 2
Clinic 3
Clinic 4
Clinic 5
Clinic 6

Who supervised your work?
Answer choices provided: A faculty member; An outside attorney; or Both a faculty member and an outside attorney

Clinic 1
Clinic 2
Clinic 3
Clinic 4
Clinic 5
Clinic 6

1b. For each of your externship/field placement(s), please tell us:

How many hours per week did you work?
Answer choices provided: 10-20 hours; 21-30 hours; or 31-40 hours

Placement 1
Placement 2
Placement 3
Placement 4
Placement 5
Placement 6

What was the setting for this placement?
Answer choices provided: Court/judge’s chambers; Government agency or legislature; Not-for-profit organization; Law firm; Corporation/business; Other (describe below)

Placement 1
Placement 2
Placement 3
1c. Which of the following practice skills course did you take? (Check all that apply).

[Note that law schools offer a broad spectrum of courses using various titles and that they often have content that falls into more than one of the choices provided below. Choose the description(s) that best describe the most significant content of the course(s) you took. Please choose only one description per course.]

☐ Advanced drafting (beyond the 1L course)
☐ Pre-trial litigation (e.g., deposition skills)
☐ Trial advocacy
☐ Appellate advocacy
☐ Alternative dispute resolution skills
☐ Counseling and interviewing
☐ Negotiating
☐ Transactional practice (e.g., business formation/governance, licensing closings)
☐ Law practice management skills (e.g., running a law firm)
☐ Subject matter specific skills (e.g., Education Law practice)
☐ Business management and planning
☐ Leadership
☐ Other (please specify) _____________________

2. At the time you attended, did your law school have a pro bono service graduation requirement?

☐ Yes (indicate hours requirement below also and complete items 2a and 2b)
☐ No [please also complete items 2a and 2b]
☐ I don't know

If yes, how many hours of service were required?

☐ Fewer than 10
☐ 10-20 hours
☐ 21-40 hours
☐ 41-60 hours
☐ 61-80 hours
☐ 81-100 hours
☐ More than 100 hours
☐ I don't know/don't recall

2a. Did you perform voluntary (as opposed to required) pro bono service during law school?

☐ Yes [if yes, please also answer item 2b]
☐ No
2b. If yes, how many hours did you volunteer?

☐ Less than 10
☐ 10-20 hours
☐ 21-40 hours
☐ 41-60 hours
☐ 61-80 hours
☐ 81-100 hours
☐ More than 100 hours

3. How useful in general was each of the programs or experiences listed below in preparing you for the practice of law?

Answer choices provided: 1 Not at all useful; 2; 3; 4 Very useful; NA-did not have this experience

☐ Clinic(s) representing individual clients
☐ Externship(s)/field placements(s)
☐ Legal practice skills or simulation course(s)
☐ Required or voluntary pro bono hours

2010 question (private attorney survey)

4. At the time you interviewed with your current employer, in which of the following were you registered or had you participated? (Check all that apply).

☐ Clinic(s) representing individual clients
☐ Externship(s)/field placements(s)
☐ Legal practice skills or simulation course(s)
☐ Required or voluntary pro bono hours

2010 question (private attorney survey)

4a. In your interview, how much were any of these experiences discussed?

☐ 1 Not at all
☐ 2
☐ 3
☐ 4 Extensively

2011 question (public attorney survey)

4a. To what extent was your experiential learning useful in obtaining your first job in a non-profit or government setting?

Answer choices provided: 1 Not at all useful; 2; 3; 4 Very useful; NA-did not have this experience

☐ Clinic(s) representing individual clients
☐ Externship(s)/field placements(s)
☐ Legal practice skills or simulation course(s)
☐ Required or voluntary pro bono hours
2011 question (public attorney survey)

4b. Are you currently practicing in any of the same subject matter areas as your experiential learning activities?
   Answer choices provided: Yes; No; NA-did not have this experience

☐ Clinic(s) representing individual clients
☐ Externship(s)/field placements(s)
☐ Legal practice skills
☐ Required or voluntary pro bono hours

The remaining questions request background information about you, your school, and your employer. All responses will be used for statistical purposes only and will remain anonymous.

5. Which of the following graduate degrees do you currently hold? (Check all that apply).
   ☐ Juris Doctor (JD)/Bachelor of Laws (LLB)
   ☐ LLM.
   ☐ Joint JD/MBA
   ☐ Other joint degree (describe below)
   ☐ Law degree from a country other than the US or Canada

Please describe other joint degree program ______________________

6. Where is your law school located?
   ☐ Metropolitan area (central city(ies) and suburban areas) with population of 1 million or more
   ☐ Metropolitan area (central city(ies) and suburban areas) with population of 100,000 to 999,999
   ☐ A city or metropolitan area of less than 100,000
   ☐ A rural area not part of any metropolitan area

7. Is your school located in a state or provincial capital?
   Answer choices provided: Yes, No

8. How would you describe your primary area of practice? (Choose one).
   ☐ Litigation-based
   ☐ Transactional-based
   ☐ Regulatory-based
   ☐ Lobbying/legislative

9. How long have you been practicing law?
   ☐ Less than one year
   ☐ 1 year
   ☐ 2 years
   ☐ 3 years
   ☐ More than 3 years
2011 question (public attorney survey)

10. What type of organization do you work for?

☐ Civil legal services (defined as an organization that PRIMARILY provides direct legal services to low-income clients in civil matters)
☐ Policy/impact/advocacy organization (defined as an organization that PRIMARILY works for changes in legislation, regulations, and other types of systematic change including impact litigation)
☐ Local prosecutor
☐ Local public defender
☐ Local government: not prosecutor or public defender (Please specify in the Additional Information box below)
☐ State Attorney General
☐ State government-not attorney general (Please specify in the Additional Information box below)
☐ Federal government (Please specify in the Additional Information box below)
☐ Other (Please specify in the Additional Information box below)

Additional information _____________________________________________________

11. Including yourself, how many lawyers in your organization?

☐ 25 or fewer
☐ 26-50
☐ 51-100
☐ 101-250
☐ 251-500
☐ 501-1,000
☐ More than 1,000

12. State where your currently practice law.
Provided options for all 50 states and District of Columbia
2010 survey of private attorneys included Canada.
2011 survey of public attorneys included Virgin Islands, Puerto Rico, Guam, and Trust Territories.

☐ Male
☐ Female

14. Your race/ethnicity
☐ American Indian/Native American
☐ Asian/Pacific Islander
☐ Black/African-American
☐ Hispanic/Latino
☐ White/Caucasian
☐ Multi-racial

Please use the box below to make any comments on the topics covered in this survey.

Appendix C
### Table C-1:
Experiential learning coursework-participation and ratings by duration of practice

<table>
<thead>
<tr>
<th></th>
<th><strong>Private lawyers</strong> <em>(surveyed Nov 2010)</em></th>
<th><strong>Public lawyers</strong> <em>(surveyed Nov 2011)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Junior attnys ≤ 3 years</td>
<td>Seasoned attnys &gt; 3 years</td>
</tr>
<tr>
<td><strong>Attended law school</strong></td>
<td><strong>Attended law school</strong></td>
<td><strong>Attended law school</strong></td>
</tr>
<tr>
<td>between 2004-2010</td>
<td>prior to 2004</td>
<td>between 2005-2011</td>
</tr>
<tr>
<td># attorneys</td>
<td>505</td>
<td>422</td>
</tr>
<tr>
<td>% hit the trifecta</td>
<td>14%</td>
<td>14%</td>
</tr>
<tr>
<td>% no EL coursework</td>
<td></td>
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<td><strong>Clinics</strong></td>
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<tr>
<td>% in CLC</td>
<td>34%</td>
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<td>CLC mean rating</td>
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<td>3.32</td>
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<tr>
<td><strong>Externships</strong></td>
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<tr>
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