

# 1L COURSE BRINGS DOCTRINE AND THEORY TO LIFE

THE UNIVERSITY OF Minnesota Law School's Law in Practice course (LiP) is emerging as one of the most significant curricular innovations in recent years. The required course for first-year students is designed to help them apply their growing knowledge of legal doctrine to the practice of law, says associate professor Prentiss Cox ('90), who designed the course with associate professor of clinical instruction Laura Thomas.

"Legal doctrine and reasoning are at the center of this course, but the focus is on how you use law to solve problems," says Cox. "We are not layering on practice skills as a separate path of study; rather, we're bringing practice concerns into the core of the curriculum."

LiP combines "law firm" classes taught by full-time faculty with simulations in small "practice groups" led by adjunct faculty who are practicing attorneys. Students take and defend a deposition and, in groups of two, engage in client or witness interviews, client counseling and negotiation simulations. Students also complete either a simulated conference in the chambers of a local judge or engage in a simulated mediation conducted by a qualified neutral.

The unique course materials include an e-textbook written by Cox and Thomas, extensive simulated case files, and professionally made videos of attorneys modeling skills related to the simulations. The clients and witnesses in the simulations are provided by the Standardized Patient Program at the University of Minnesota Medical School and represent various ages to mimic the imbalance in age and life experience that young attorneys will face in relating to people in their first years of practice. Importantly, LiP includes both litigation and transactional case files.

Cox and Thomas say LiP teaches students to think critically and to

manage the uncertainty involved in the practice of law. "This course helps students think holistically about legal situations, to be nimble and responsive and to make strategic decisions in that complex and uncertain process of applying legal doctrine," says Thomas.

The course is designed with an understanding that legal analysis, fact development and client role are inseparable. "Mastering the iterative dynamic between fact gathering and legal analysis, then placing the client in the center of that dynamic, is a critical practice competency for law students, but it is rarely taught in law school," Cox says.

Cox and Thomas also emphasize that a specific sequencing of experience and a commitment to exploring both litigation and transactional cases make this course unique and valuable to a legal education. "This course demystifies certain tasks that lawyers do on a daily basis," says Thomas. "It helps [students] understand fact development in a case and how facts may change as the case progresses. It also teaches them to understand the strengths and weaknesses of their client's position under the applicable law." This demonstrates, Cox says, "where lawyers add value: in that transformation of legal knowledge into practical expertise."

## Unique course, optimal timing

While demand for experiential education at law schools has increased in recent years, this course is unique in its design, says Pamela Siegel Chandler ('95), vice president and publisher at West Academic, which has published the materials for LiP and is now marketing them nationally. "The way Prentiss and Laura are using a combination of text, video and simulated learning with adjunct faculty offers a turnkey solution to offering experiential learning in the classroom," Chandler says. "It's not like teaching skills in a vacuum;

rather, it's letting students apply the theory they have learned in the first semester to real-world situations. I don't know of anything else like this course in the legal education market."

The fact that LiP is required for first-year students is unique, but equally important is that it is taught in the second semester of a student's first year in law school. "That is a sweet spot for simulation learning," says Thomas. "It helps students understand how to apply what they have learned in the first semester. It also gives them a leg up for their first summer work experience, and it accelerates learning in their second- and third-year classes."

Joshua Colburn ('08), an associate in the corporate practice group at Faegre Baker Daniels in Minneapolis and an adjunct faculty member for LiP, says, "Those of us who teach in this course have said the same thing: We wish something like this would have been offered when we were in law school." Colburn points out that most law schools have responded to the demand for experiential learning by adding practical skills courses in the third year. "It's too little, too late by then," he says. "By the third year, most students have had one or two significant summer work experiences. By requiring this course in the first year, it gives students an advantage. Plus, it has a multiplier effect by influencing every course a student takes after LiP."

## Positive responses from students and employers

Evaluations done after the course was introduced in spring 2013 showed that 63% of students said LiP was "very helpful" and 32% said it was "helpful." For second-year student Alicia Paller-Rzepka, the course was invaluable in preparing her for a summer position with Hogan Lovells. "A huge benefit of LiP was teaching us how to think about all the parties involved in a case—their motives, their approaches—and how, in the



PROFESSORS LAURA THOMAS  
AND PRENTISS COX ('90)

end, we could get to a favorable decision,” says Paller-Rzepka. “The simulations were fabulous in teaching us how to prepare, whether for a mock client interview, deposition or conference with a judge.” A few weeks after finishing a deposition simulation in class, Paller-Rzepka says she found herself prepping for a similar deposition in her summer associate position. “I knew what to do because I had just done it. The preparation from LiP was very relevant, very useful.”

Paller-Rzepka says the post-simulation feedback provided by practicing attorneys was equally valuable. “We heard everything from ‘You talked too fast’ to ‘You forgot to introduce yourself’ to ‘What might have happened if you had approached it this way?’”

David Pabian, also in his second year, says LiP allowed him to enter his summer job at the Hennepin County Attorney’s Office with an understanding of the strategy behind negotiations. “It really helped that in LiP I had the opportunity to simulate that adversarial situation. And it was especially good that the first time I had to do it was in a simulated situation, not with a live

client.” Pabian said the second half of LiP, which focused on a transactional case file, gave him added perspective. “Law school is really litigation-oriented, but this course gave us extensive insight into transactional law. I really enjoyed figuring out how to get to a good solution for both parties.”

For Eric Jeonghyuk Choi, a second-year student from South Korea, the course provided a somewhat different and unexpected value: “English is my second language, so it was stressful and burdensome for me to prepare for my simulations. But when I started working at a firm this past summer in Korea on a wide range of problems, from personal injury to the crash of the Korean airliner in San Francisco, I had confidence. I knew how to prepare. I knew how to do discovery. Basically I knew what to expect. The simulations in LiP take the fear out of you.” Choi said learning to prepare and speak with confidence also has helped in interviewing with employers.

Colburn, too, sees significant value for employers. “Having served in a recruiting role at Faegre, I can honestly say I would be much more comfortable with a new associate if I knew he or she

had taken this course. I would know they had opportunities to make mistakes and learn from those mistakes in a simulation. In other words, they aren’t molding their theory of practice on the fly with live clients.”

### Looking to a national market

Given the national demand for increased experiential learning, Chandler says that West Academic has moved quickly to market the course e-textbook, materials and videos to law schools across the country. “This is a really thoughtful and fully packaged course,” she says. “It works for students, law schools and employers.”

Colburn agrees. “Whether you work in a big firm, or in-house counsel or public service, this course is going to serve you well.”

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