

NLC PEDAGOGY & EXPECTATIONS

What is Expected of NLC Students

One guiding principle in NLC is that students assume full responsibility for handling individual client cases - from the initial interview through settlement or an administrative or court hearing. Your supervising attorney will provide you with guidance and support, but **you will be your client's primary legal representative**. Our clients retain NLC - and YOU - to apply your dedication, lawyering skills, and ethical conduct to their case. They expect - and deserve - you to act professionally in all of your endeavors on their behalf. We believe that the full weight of this responsibility creates the conditions for the most enduring and meaningful learning to occur, and we structure our pedagogical and legal practice around this principle.

NLC is not based on hypothetical clients with simulated problems; we represent real people with real problems. Thus, participating in NLC, unlike enrollment in a standard law school course, imposes real-life lawyering demands. **We expect and require you to meet fully your obligations to your clients**. We also appreciate that it is a constant struggle to give priority attention to professional responsibilities and still have quality time for family, friends, and other activities that matter. Thus we encourage you to discuss such tensions, when they arise, with your instructors and fellow students.

NLC essentially functions as a law firm, albeit one dedicated to legal education, and because you are responsible for the representation of clients and all aspects of their cases, NLC requires you to be on-call at any time. **As you may when you are a practicing attorney, you may need to work evenings, weekends, or holidays**. While we hope that matters can be scheduled so that the work can be accomplished during predictable work hours, you must be prepared to meet your case responsibilities as each case demands, just as any responsible lawyer must. We are committed to doing our part to see that you are not overloaded. Your workload, while challenging, will be manageable if you plan wisely and avoid procrastination, although emergencies and the pressures of real practice will raise their heads at times. Learning how to manage these pressures is part of the educational experience that the clinic offers.

NLC operates somewhat more informally than a typical law firm. Except when we go to court (and sometimes when we meet with clients), we dress casually. We use first names, and work cooperatively, with as little sense of rigid hierarchy as is possible within an academic environment. We like to laugh, and to keep a healthy perspective on our work. **Do not**, however, misinterpret these casual trappings as indicating a cavalier attitude toward our clients or the quality of the work we expect you to produce. If anything, the casual atmosphere is a means of relieving the stress created by client demands, opposing counsel, court deadlines, and the knowledge that the quality of our work will influence the quality of our client's lives. The supervising attorneys take their work very seriously, and expect you to do the same.

Pedagogical Goals

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NLC has numerous pedagogical goals. They include the following:

1. **Train students in all aspects of the litigation process** (i.e. client interviewing and counseling through trial work and appeal, if necessary). This is the overarching pedagogical goal of the clinic and it encompasses many of the individual skill areas that are the subject of other goals listed below. Because they are the basis for clinical legal education, **we select cases we think are best suited for teaching**, consistent with our client communities' legal needs. Thus, we generally *do not* accept cases:
 - (1) that have unduly short (emergency) time lines (e.g. a client comes in on a Tuesday with an eviction case that Friday, or comes 2 days before a filing deadline) because adequate feedback on student work would be impossible and client representation compromised;
 - (2) that are outside of our areas of expertise; or
 - (3) that are already immersed in the litigation process; or where where the client is already represented by an attorney;
2. **Train students to be effective client interviewers and counselors.** This includes contact with clients in person, over the telephone, and via letter. Our goal is to improve students' ability to actively listen to clients, obtain information from them, recognize non-verbal cues, ascertain whether they need non-legal help, engender a sense of trust between the client and attorney, and know when it's necessary to follow up with questions after the interview.
3. **Train students to evaluate the strength of a potential case.** Our goal is that students become skilled in determining whether the facts presented by a client constitute a valid legal claim and that they continually assess the relative strengths and weaknesses of a (potential) client's position as well as those of anticipated or actual opponents. This skill entails an ability to relate the facts of a potential case to the applicable law, and determine whether the law was violated. It also entails the ability to properly investigate both the law *and* the facts (the latter of which are often neglected) of a potential claim.
4. **Train students to be effective legal writers.** NLC places great emphasis on the ability to effectively advocate for clients through legal writing. Thus, we choose cases which provide the opportunity for a range of legal writing experience, including formal pleadings, discovery requests, motions, briefs; internal research memos; letters to clients; letters to opposing counsel and co-counsel; and community legal education materials.
5. **Train students to be effective oral advocates.** This includes workshop presentations, formal courtroom appearances, depositions, testimony before legislative or other bodies, as well as more informal presentations such as those at weekly clinic meetings.

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6. **Train students to recognize and respond properly to ethical issues.** Clinic students encounter various ethical issues in the course of their practice, including attorney-client conflicts, client confidentiality, dealing with unrepresented parties, privileged information, and conflicts of interest. The clinic requires students to become fluent with the Rules of Professional Conduct for Attorneys, to be able to anticipate ethical issues and respond appropriately.
7. **Train students to be effective negotiators.** Since most cases end in settlement before trial, it is imperative that students learn to effectively negotiate with clients' adversaries, who are often pro se landlords or employers. NLC negotiations typically include verbal and written negotiation with a party prior to filing suit, or with that party or opposing counsel in a litigation context.
8. **Train students in a subset of Wisconsin poverty law.** Poverty law, broadly defined, could include any subject area that affects impoverished, traditionally underrepresented people, due to their lack of one or more resource(s). NLC exposes student attorneys to the lives of impoverished people in our community and provides an opportunity to observe how their limited means and their legal problems are interrelated. NLC students gain a unique perspective on important public policy debates about housing, wages, welfare, public benefits, and other issues from being immersed in the legal problems often inherent in the lives of our clients. With their clinical exposure and experiences students are able to more fully appreciate the real world impacts and results of different social strategies aimed at diminishing poverty and its effects.
9. **Train students to think creatively and independently about legal problems.** Many law students expect to be spoon-fed the answers to legal questions. While the supervising attorneys in NLC generally have more experience in substantive poverty and civil law than the students, they do not necessarily know how that law should be applied in a given case. Supervisors encourage students to devise their own strategies to best to represent a client. One aspect of this goal is to train students to formulate alternative strategies when an original strategy (whether suggested by a supervisor, member or fellow student) proves fruitless.
10. **Train students to recognize those situations when the law is *not* the ideal means for resolving a dispute.** In many cases a potential client would be better served by direct negotiation with the offending party, referral to a non-legal organization or social service agency, or to an alternate dispute resolution mechanism. Much time, money and emotional resources are wasted on ill-advised litigation, and NLC will train students to recognize such situations before it is too late and to become well-informed about local resources also available to help clients solve problems.

11. **Train students to work collaboratively.** While most practicing lawyers work with others (firm colleagues, co-counsel, etc.), the traditional law school classroom environment and grading system fosters competition between students. NLC helps students realize the value of collaboration by holding weekly meetings during which all of the students can offer suggestions for approaching each other's cases and by assigning more than one student to a particular case or project when the workload warrants it.

12. **Increase student's confidence in their ability to practice law.** Many students suffer a crisis of confidence in law school. Much of what they thought they knew and understood, including their ability to analyze a given set of facts and devise solutions to problems, is called into question, particularly during the first year. By making them responsible for managing their own cases, and hopefully through successful problem-solving for real clients, the NLC experience shows students that they can in fact develop into a competent professional lawyer, one who understands that s/he has as much to learn from clients as they have to gain from lawyers.