Welcome to the July, 2002 edition of our semiannual newsletter, which is provided to the Remington Center's graduates and friends.

In this edition, we've taken a slightly different approach to our lead article. Beginning on the next page, you will find a somewhat edited version of a "Statement of Our Teaching Philosophy," which we recently submitted to the Chancellor's Office at UW-Madison.

As background, we should explain that in March of this year, the Remington Center was named as a semi-finalist for the campus-wide "Chancellor's Award for Departmental Excellence in Teaching." While we didn't win the final award, being named as a semi-finalist was a great honor in itself.

As part of the process of applying for the award, we were asked to submit a statement of our teaching philosophy. We thought long and hard about how to articulate that philosophy. Writing the statement also gave us a chance to consider the wide range of teaching opportunities that go on within the Remington center. Thus, it seemed appropriate to provide the statement to our readers.

We also try to include the perspectives of Remington Center students in each edition of the newsletter. In this edition, Isa Gonzalez-Zayas writes about how her view of her role as a child advocate changed as a result of her work in the Family Law Project; and we mention the exciting experiences of Sara Snyder, a new summer LAIP student.

Finally, we include an article announcing the latest addition to the Remington Center "family": the Economic Justice Clinic, which will combine the work of the Consumer Law Litigation Clinic and the Neighborhood Law Project.

We'd love to hear from our readers; comments, questions, suggestions, and editorial contributions are welcome. Please feel free to email Meredith Ross at mjross1@facstaff.wisc.edu; or you can write to:

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Our Teaching Philosophy
A law school clinic is more than just a law office with students. The Remington Center's philosophy is that a law school cannot merely be a pre-graduation legal services office. Consistent with Professor Frank Remington's vision, our goal is to enrich legal education by providing an environment in which 2nd- and 3rd-year students can begin to learn the art of lawyering by serving real clients, and can develop the habit of reflecting on how to improve themselves, the profession, and the legal system.

The reality of our students' post-graduation experience is what makes our educational focus so important. After three years of law school, most Wisconsin students are admitted to the bar and begin practicing law. The constraints of finances, time, and staff experienced by most law offices—whether private firms or public agencies—rarely allow new lawyers to serve an extended "apprenticeship" in which they can observe and practice excellent lawyering before they actually begin serving clients.

To foster an educational experience that our graduates' employers often cannot supply, we deliberately limit the number of cases each student handles, allowing the students to strive for the highest level of practice with each client. Our clinical faculty screen requests for assistance, in order to provide each student with a caseload that involves a varied group of problems, legal issues, and lawyering skills.

Our professional emphasis is on "client-centered representation," in which the lawyer focuses on what the client hopes for, rather than defining what the client needs; and treats the client as an effective collaborator in problem-solving.

Our educational goal is to graduate lawyers who know what excellent legal practice should be; and who have developed a habit of thinking about the complexities of the law and the larger implications of the work they do, setting them up to be life-long learners as they practice law.

Students learn by being in the driver's seat—with bumpers! All law students have had at least four years of undergraduate education, and many come to the UW Law School from successful careers in other fields. Thus, the starting point for our teaching method is the premise that law students are adult learners who can and do take responsibility for their own education.

Law students undergo a great deal of "passive" learning, especially in their first year, when nearly all of their courses involve a lecture/final exam format. In contrast, the Remington Center makes each student actively responsible for the client's case, from initial interview to final resolution. Indeed, students can actually appear in court on behalf of clients, if they qualify under Wisconsin Supreme Court practice rules. The teacher acts as a "bumper," guiding the student back into the lane if he/she goes too far astray; and as a "coach," encouraging the student to suggest steps that will move the case forward.

In this kind of learning, the student-teacher relationship is critical. Our student-faculty ratio is about 6:1, allowing for mostly individualized instruction. Teachers meets weekly
with each student--going over the student's cases; discussing the student's progress during the week; asking probing questions; and providing guidance, when appropriate, on where to go next. Throughout, we encourage the students to engage in creative problem-solving. Thus, for example, we discourage the use of fill-in-the-blank legal forms, preferring that students treat drafting a legal document as a writing problem, and take into consideration the document's purpose, audience, and conventions.

Still, no real-life legal case is predictable, and both students and teachers will constantly be confronted with new, unfamiliar problems. We think that this is a good thing, for at least a couple of reasons.

First, after a certain amount of floundering, the students begin to realize that they can confront the unfamiliar, and gain confidence that they can develop their own methods for working through a new problem. This confidence carries over into their professional lives.

Second, we believe that students learn best in specific contexts. They learn that clients are individuals with specific needs, not simply "cases" to be opened and closed. They polish their writing skills by writing, with a particular purpose, to a particular real-life audience (a client with 8th grade education, opposing counsel, an appellate court). They hone legal research skills by trying to answer new, unfamiliar legal questions of critical importance to their clients. They learn that the "facts" of a given case are not fixed and clear-cut, and develop techniques for gathering factual information--from court files, from witnesses, from law enforcement, and from the internet. They realize that any case can raise ethical issues, and work through the steps to resolve them.

The students' learning in these contexts becomes internalized, and a part of who they are as professionals and as individuals. Thus, the challenges posed by new, unfamiliar clients and issues are better viewed as constant opportunities for learning.

In a live-client program, we need to build in opportunities for students to reflect on their experiences. Our goal is to develop reflective practitioners, who think about implications of the legal work they're doing, in order to improve their own lawyering and the legal system. We recognize that the pressing demands of serving clients can push reflection to the back burner. Thus, we deliberately create opportunities for reflection to occur in a variety of contexts, including regular small group meetings at which students discuss issues raised by their work that they find particularly problematic, either personally or professionally; reflective essay assignments or journals; self-evaluation questionnaires at the close of each case; and end-of-semester essays on their experiences.

Students are asked to reflect on their relationships with their clients, and what these show about the role of a lawyer, as well as the ethical issues raised in individual cases. They are also asked to consider what their clients' concerns have taught them about legal "systems" such as the criminal justice system or the family law system; about the actors within those systems; and about legislative and judicial responses to social problems.
Finally, the students are asked to reflect upon themselves: whether they are comfortable or uncomfortable with specific tasks, legal issues, or clients; what they see as their greatest strengths in working for clients; and what skills they need to develop to best represent future clients and serve the legal system.

The Remington Center also provides students the opportunity to reflect in more sustained and scholarly ways. We see the Center as a laboratory, an opportunity for gathering and disseminating information about the legal system. For example, each summer the Prosecution and Defender projects place student interns in nearly half the counties in Wisconsin. Each student is asked to gather data on a particular topic, such as guilty plea practices, in his or her county. In their fall follow-up seminar, the students compare notes, and begin to derive an understanding of the complexity of the issue they have researched. Often, they can suggest ways to improve practices.

Similarly, Remington Center students have written numerous articles arising from their work on individual clients' cases, in both scholarly journals and publications aimed at practicing attorneys.

As Red Green would say: Remember, we're all in this together. Because each student's clients—and thus each student's educational experience—is unique, the clinical component of each Remington Center project is graded on a pass-fail basis. This approach facilitates a collaborative, mentoring relationship between students and clinical faculty. Students and teachers work together to solve their clients' problems. Together, they discuss strategies, write (and re-write) letters and pleadings, talk with clients, and appear in court. Students may coauthor articles or make presentations along with clinical faculty, and even act as mentors to other students.

The Remington Center's collaborative approach often allows the faculty to learn as much from students as the students learn from them. For example, Clinical Associate Professor Michele LaVigne has become something of an expert in the area of deafness and the law—in part because of work on behalf of deaf clients, but also because of working with two deaf law students in the Center's clinical projects. For the past several years, Prof. LaVigne and a group of law students have taught trial advocacy to high school students at the Wisconsin School for the Deaf in Delavan, Wisconsin, and have coached the students as they prepare for a mock trial before an actual Wisconsin judge. The law students have consistently praised the value of teaching the WSD students as a way to master the nuances of trial advocacy.

Similarly, in the April, 2002 volume of the Clinical Law Review, Clinical Associate Professor Kate Kruse describes her experience in incorporating a pro se assistance component into the Family Law Project, and emphasizes the vital role that the FLP students played in her understanding of both the nature of the problem and possible solutions.

We also know that our students learn from each other. In the Center's large, communal office space, the students talk to each other constantly about their clients, their cases, and
their concerns—sharing ideas, strategies, victories, and defeats. Similarly, even years after graduation, former students reflect fondly upon their weekly "drives to the prison," in which they brainstormed ideas about upcoming client interviews on the way to the institution, and debriefed each other about the interviews on the way back.

Finally, we believe that we can both educate, and learn from, the community at large. The Remington Center embodies the "Wisconsin idea" by serving the community in a variety of ways: in the individual case work by students; in the research by students and faculty that seeks to improve the justice system; and in the development of competent, ethical, legal practitioners who will practice after graduation in every part of the state.

The Center's students and faculty work closely with members of the legal community—corrections officials, public defender, lawyers, legislators—to translate what we've learned into knowledge and service. At the same time, we learn from the community, and translate that knowledge back into improving the educational curriculum of our clinical projects and the other Law School courses we teach.

Like a shark, an educational program has to keep swimming forward to stay alive. The Remington Center has continued to change to meet needs of students, clients, community, and the Law School. In particular, we are proactive about constantly assessing and revising our educational methods.

Each of the Center's clinical projects provides a slightly different learning environment for students. To give examples from just a few of the projects: LAIP involves a fairly large number of clients and a wide variety of civil and criminal legal issues, emphasizing the fundamentals of interviewing, counseling, research, case development, and case management.

The Innocence and Criminal Appeals projects, on the other hand, involve a very thorough examination of the complex postconviction cases of a much more limited number of clients; while the Neighborhood Law Project involves students in both representing individual clients and wrestling with the larger problem of economic development on Madison's South Side.

But the main educational anchor for all of our projects, however varied, continues remains one-on-one instruction, and collaboration between students and teachers.

We recognize that, as each project has a different substantive legal focus, its learning techniques must vary as well. Thus, we engage in ongoing experimentation and refinement of the curriculum of each project. LAIP involves a short classroom orientation followed by extensive clinical assistance to clients, along with weekly small group meetings to keep students grounded and reflective. The Innocence and Criminal Appeals projects each involve a fall semester classroom course focusing on a limited area of substantive law and procedure, combined with small group and individualized clinical instruction throughout the fall and spring semesters. The Neighborhood Law Project's curriculum combines on-site assistance in the neighborhoods, legal research and writing...
in the Remington Center's offices, and a seminar component to provide students with a social and legal context for their work.

The Prosecution and Defender externship projects have undergone their own evolution. Both projects involve a 3-credit spring semester course followed by a summer internship in a district attorney's or public defender office in Wisconsin.

Over time, however, Clinical Associate Professors Ben Kempinen and Michele LaVigne, the project directors, noticed the astounding degree to which prosecution and defender students could become polarized into adversarial attitudes during the course of a ten-week summer internship. Thus, they expanded and refocused their fall follow-up seminar to encourage students to address the influence of acculturation in shaping an attorney's understanding of his or her role.

We continue to experiment with new learning and teaching methods. Two years ago, for example, Clinical Associate Professor Michele LaVigne concluded that students in the Prosecution and Public Defender projects had only an imperfect understanding of the constitutional bases of the practices they had engaged in as interns. Accordingly, she developed a semester-long course in constitutional criminal law, in which students draft motions, briefs, and judicial opinions incorporating constitutional theory.

To give another example, the Innocence Project has begun to experiment with Amicus, a software program which allows students and clinical faculty to share client files electronically.

We know that we can't rest on our laurels. Students, clients, and the world change constantly, and we need to make a point of changing as well. Currently, we are investigating the possibility of creating a full-time fall or spring semester program that would feature an "immersion" experience similar to that of summer LAIP. At the same time, we are actively discussing ways to free up more time for clinical faculty to reflect on, and engage in scholarly writing about, legal and educational issues arising from their clinical work.

And, in the end: Each year in May, Prof. Dickey talks to the Remington Center's incoming summer students. He emphasizes that no one can "give them" their education—that what they get out of their clinical experience is directly related to what they put into it. We have found that the presence of real clients, with real needs, motivates the overwhelming majority of our students to give their best, so that their learning curve is extremely steep without their even realizing it. We strive constantly to foster the best possible educational environment; still, in the end, it is the students who make their own education.

**My Role as an Advocate in the Family Law Project**

Isa Gonzalez-Zayas, 3L
I came to law school wanting to be a family law lawyer. As a third-year law student, I realized that I wanted to be a child advocate. I had only one perception of what a child advocate should be until I started working at the Remington Center's Family Law Project. My clients were inmates in need of help with their family law issues. In a way, I was also a child advocate in my work at FLP.

Before I was able to advocate for and help my clients, I had to deal with certain conflicts within myself. I had to put aside how I felt about criminals and violence in general, in order to better and truly help my clients. Once I had realized that my clients did have a right to have or continue a relationship with their children, even if they were considered by society as violent people, I was able to be their advocate and, in a way, their children's advocate.

My second realization was that I was not familiar with the way prisons work--and in fact, that I was a bit apprehensive about visiting my clients. What I found was that while the purpose to rehabilitate a prisoner might be a very noble one, prison can be a very demeaning and depressive place to be.

Four of my clients were in the same maximum-security prison and I spoke to them all the same day. Two of my clients are "lifers". One of them killed four people. I did not expect him to be as peaceful and respectful as he was. As a matter of fact, it surprised me how passionately he wanted to establish the paternity of a girl he referred to as his daughter. He had tons of pictures of her with him and his family while visiting him, and Happy Father's Day cards that she and her mother had sent him.

Aside from the duty that I had to help him in this matter, the client's charisma and willingness to keep his relationship with which he believed was his daughter touched me. I kept going back and forth between the type of crime he was incarcerated for and the purpose of our help as his advocates. In the end, it did not matter to me what he had done. What mattered to me was to help him continue the father/daughter relationship he had started with the little girl. By the end of the semester we had files the necessary paperwork with the Clerk of Courts and a date for the first hearing to establish the girl's paternity was set.

This experience definitely taught me to separate my beliefs regarding crime and the punishment for it from what my job as an advocate will be. For even as a child advocate I will have to separate my personal feelings from what my duty as their advocate of their best interest will be.

**Quite a Start to the Summer!**

LAIP student Sara Snyder can certainly report one of the most exciting first interviews on record!

In the last week of May, on her third day in the LAIP summer program, Sara interviewed her first client. The client had been convicted of attempted armed robbery. He had been
held for over a year beyond his presumptive mandatory release date, [Note to our readers: defendants convicted of certain serious felonies between 1994 and 2000 are not entitled to mandatory release on parole, but instead are entitled only to "presumptive mandatory release." The Parole Commission can hold such offenders in custody beyond this PMR date. See Wis. Stat. § 302.11(1g)].

On the drive home from Racine Correctional Institution, Sara asked her supervising attorney, Wendy Paul, whether attempted armed robbery was in fact an offense that fell under the PMR statute. Like all good supervisors, Wendy suggested that Sara look at the statute.

Sara did take a look at §302.11(1g), and quickly realized that attempted armed robbery does not fall under the PMR statute. Sara and Wendy immediately called the registrar at RCI who, after doing a little checking, agreed.

The client was released that afternoon. Quite a start to the summer!

**Economic Justice Clinic Joins the Remington Center**

Two existing UW Law School clinical programs that address the civil law needs of low-income people are merging to form the Economic Justice Clinic within the Remington Center. The Neighborhood Law Project, which has been a Remington Center clinic addressing the legal needs of Madison's low-income neighborhoods for over seven years, is joining together with the Consumer Law Litigation Clinic, which has independently represented consumers statewide on issues such as fraud, credit and debt, health insurance denials and violations of the Wisconsin Consumer Act.

"Our goal is to consolidate two UW clinical programs that address issues of economic justice and law," says CLLC Director, Clinical Associate Professor Steve Meili. "By merging formally, we will be more able to collaborate on cases, intake, referrals, and the education of our students. We will also be able to provide a home for a concerted inquiry into economic equality and injustice issues and the role of law and lawyers in addressing those issues."

CLLC's clients are largely lower-income consumers, disproportionately preyed upon by fringe banking, consumer scam artists, and others. The CLLC practice has traditionally focused on litigation, including class action suits, and on legislative advocacy. NLP, on the other hand, offers a wide range of services on Madison's South Side, from individual representation and advocacy to community legal education and system reform, focusing on housing and employment rights.

"By working together, our students and clients will have access to better coordinated services and education," says NLP Director, Juliet Brodie. "For example, if NLP students do an intake of a client in the neighborhood who has been the victim of a consumer scam, in addition to referring her to CLLC for representation, we might also team up with CLLC to design a community seminar on basic consumer rights. We can also educate our
students on the various ways law and lawyers might participate in some of the larger social issues of economic and income inequality— from traditional litigation and legislative advocacy to more community-based strategies of education and organizing." For the foreseeable future, students will enroll in either NLP or CLLC, which will remain distinct, but there will be considerable teaching and case overlap.

The educational, research, and service focus of Remington Center has historically been in criminal justice, and it is expected that, over time, the Economic Justice Clinic will spin off to form its own independent center. For now, though, the Remington Center is delighted to host this initiative in economic justice. As Walter Dickey notes, "Our principal interest has always been in providing an educational environment where law students can participate actively in their own learning—by doing hands-on legal work in a critical, stimulating environment, whether it's a prison or a poor neighborhood. The theme of economic justice, like criminal justice, is a pressing one for all of us as citizens and as lawyers, and we're excited to have the opportunity to work on it with Steve and Juliet."

To support the launch of the Economic Justice Clinic, the law school has hired a third clinical faculty member to join Professors Meili and Brodie. Madison attorney Marsha Mansfield, currently a partner at the law firm of Lawton & Cates, will join the Economic Justice Clinic in September. Ms. Mansfield, who has co-counseled numerous consumer cases with CLLC, will work with both CLLC and NLP, and on the substantive and administrative issues that will arise in designing the new Economic Justice Clinic.

For more information about the Economic Justice Clinic, contact either Steve Meili (262-2058, semeili@wisc.edu) or Juliet Brodie (262-4013, jmbrodie@wisc.edu).