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LISTENING MIDSTREAM: MID-SEMESTER FEEDBACK

FROM STUDENTS FOR CLINICIANS *Tamar Alexajian,
Christine Speidel
& Caroline Wick*

TEACHING A SOCIAL JUSTICE APPROACH TO

LEADERSHIP IN LAW SCHOOLS *Tamar Ezer*

TOWARD AN ABOLITION DEMOCRACY PEDAGOGY IN

CLINICAL LEGAL TEACHING *Cara McClellan*

CENTERING STUDENT VOICES IN THE CLINIC SEMINAR *Emma Sokoloff-Rubin*

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LISTENING MIDSTREAM: MID-SEMESTER FEEDBACK FROM STUDENTS FOR CLINICIANS

TAMAR ALEXAJIAN,* CHRISTINE SPEIDEL,** AND CAROLINE WICK†

Law schools routinely collect end-of-semester teaching evaluations. However, little guidance exists—from law schools and in the legal literature—on soliciting formative, mid-semester feedback from students. This type of feedback is particularly well-suited to the clinical setting, where learning, supervision, and professional identity formation are intertwined. Drawing on higher-education research to show that mid-semester feedback more effectively improves engagement, learning, and instructional practice for current students, this article analyzes how mid-semester feedback aligns with core goals of clinical pedagogy, including reflective practice, metacognition, professional identity formation, and the lawyering skills of giving and receiving feedback. It then addresses common obstacles—time and bandwidth constraints, uneven or non-actionable comments, candor and anonymity concerns, and bias—and explains how design choices about goals, timing, participants, anonymity, collection modes, question forms, and framing can mitigate these problems. The article further offers concrete implementation strategies for reviewing and responding to student input in seminar, supervision, and individual meetings. Finally, it provides adaptable questionnaires to enable clinicians to embed a sustainable mid-semester feedback practice in their courses.

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INTRODUCTION

[A]nyone who wants their voice to be heard should be willing to hear someone else's voice as well.¹

- Hajer Sharief, Human Rights Activist

“Sometimes the assignments seem to be a lot of work and don’t always contribute to my learning.” This was one student’s response when asked on a mid-semester feedback questionnaire about the clinic seminar. While the author believes that the seminar assignments do further students’ learning, upon critical reflection following receiving the comment, she realized she may not have communicated the assignments’ purposes. She modified how she introduces seminar assignments in class and what information she includes in the assignment instructions, making explicit the connection between the seminar assignments and the work that lawyers do. Receiving this student feedback mid-stream allowed the author to make changes in the middle of the semester. Without the mid-semester feedback, the student may have continued to feel unnecessarily burdened and disengaged from the course.

While most law schools administer end-of-semester student evaluations of teaching—often using standardized forms across the school or university—there is little guidance from schools or from the legal literature on how to design or solicit mid-semester feedback from students effectively.² The clinical teaching literature is rich in discussion

¹ TED RADIO HOUR, *Want to Teach Your Kids Democratic Values? Start with Family Decisions, Big and Small*, NPR (Sept. 20, 2024), <https://www.npr.org/transcripts/g-s1-23458> [<https://perma.cc/AC6F-5NZK>].

² Throughout this article, we use the term “mid-semester feedback” to reference practices that solicit input from students during a course, typically around the mid-semester mark, about their experiences in the course. Mid-semester feedback also includes the process of reviewing and responding to the feedback. The term “end-of-semester evaluations” refers to school-required student evaluations of teaching (SET) that are administered at the end of a course. While there is no explicit American Bar Association (ABA) requirement that law schools require students to provide end-of-semester evaluations, it is a wide-spread practice and a means to satisfy Standard 403(b). Further, Interpretation 403-1 explicitly states, “Efforts to ensure teaching effectiveness may include... institutional review of student course evaluations[.]” ABA. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Standard 403, 2025-2026 (2025). See, e.g., Meera E. Deo, *A Better Tenure Battle: Fighting Bias in Teaching Evaluations*, 31 COLUM. J. GENDER & L. 7, 10 (2015) (discussing law schools’ use of end-of-semester evaluations in tenure decisions).

of feedback from instructors to students.³ According to one scholar, “feedback. . . is of singular importance to nearly every aspect of clinical teaching.”⁴ Feedback from students to instructors has not received the same attention.⁵ Given the well-documented benefits of mid-semester feedback in higher education generally, this article fills an important gap in the clinical education literature. Mid-semester feedback serves important goals in higher education, which are equally if not more compelling in the law school context. This article explores the specific synergies between mid-semester feedback practices and the goals of clinical legal education. This article also offers guidance for clinical professors⁶ considering adopting mid-semester feedback in their clinics.

We proceed in five parts. In Part I we review the history, purpose, and impacts of mid-semester feedback in higher education by synthesizing existing social science research conducted in non-law-school classrooms. In Part II we discuss how mid-semester feedback advances key goals of clinical pedagogy, cataloguing its specific benefits in the law clinic context and situating the practice within the broader framework of experiential legal education. While the practice has many benefits, we acknowledge that there are also limitations and challenges relating to soliciting mid-semester feedback. These are explored in Part III. In Part IV we survey different approaches to obtaining mid-semester feedback consistent with pedagogical and individual teaching goals. Part IV also offers concrete questions and suggestions for implementing one practice in particular: instructor-administered questionnaires. Questionnaires can be implemented in several different ways depending on the instructor’s goals and constraints. We set out the important design choices that must be considered in implementing mid-semester feedback in this manner. Part IV also offers suggestions on how to mitigate the challenges identified in Part III. Part V concerns the final (crucial) step: reviewing and responding to student feedback.

³ See, e.g., Victor M. Goode, *There is a Method(ology) to This Madness: A Review and Analysis of Feedback in the Clinical Process*, 53 OKLA. L. REV. 223, 236-37 (2000); see also William P. Quigley, *Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor*, 28 AKRON L. REV. 463, 481-84 (1995).

⁴ Goode, *supra* note 3, at 224; see also Anne D. Gordon, *Better Than Our Biases: Using Psychological Research to Inform Our Approach to Effective, Inclusive Feedback*, 27 CLIN. L. REV. 195, 198 (2021) (“Feedback is one of the most critical elements of clinical teaching[.]”).

⁵ In the conclusion of his seminal *Introduction to Clinical Teaching*, Professor William Quigley notes that feedback and evaluation are important for the supervisor as well as for students, and he recommends giving students “as many opportunities as possible to give the teacher their observations[.]” Quigley, *supra* note 3, at 495. Despite its importance, there has been no systematic examination of the practice in the law clinic context.

⁶ Throughout this article, we use multiple terms to refer to those who teach in law school clinics, including “professor,” “clinical professor,” “clinician,” “teacher,” and “instructor.” We use the terms interchangeably to make the reading experience more pleasurable and do not mean to draw any distinctions by using different terms.

I. THE HISTORY, PURPOSE, AND IMPACTS OF MID-SEMESTER FEEDBACK

A. *The History of Mid-Semester Feedback*

Mid-semester course feedback was first introduced by Joseph Clark and Mark Redmond at the University of Washington in 1982.⁷ Originally called Small Group Instructional Diagnosis (SGID), the method was defined as “a systematic procedure for collecting data about the student experience in a given course” and was used in undergraduate classrooms.⁸ In doing so, Clark and Redmond hoped to create a time-efficient feedback approach that provided more qualitative feedback for the professor than end-of-semester evaluations.⁹ In fact, Clark and Redmond purposefully chose to use the word “feedback” rather than “evaluation,” in part, to stress the formative and constructive nature of the process.¹⁰ In the more than forty years since Clark and Redmond’s research was conducted, mid-semester feedback has been widely used and adopted across higher education.¹¹

Although this article discusses a range of approaches to mid-semester feedback, its core definition remains consistent with the original conception articulated by Clark and Redmond: it involves student responses to faculty-generated questions regarding the course, teaching, and/or overall learning environment. Mid-semester feedback is typically solicited via paper forms, electronic surveys, or student meetings around the midpoint in the term, leaving time for faculty to implement changes before the course ends.

⁷ While it is possible that others created similar practices, multiple sources cite Clark and Redmond as the first to introduce the concept at the University of Washington. Patricia R. Payette & Marie Kendall Brown, *Gathering Mid-semester Feedback: Three Variations to Improve Instruction*, IDEA, 1 (Jan. 1, 2018), https://ideacontent.blob.core.windows.net/content/sites/2/2020/01/PaperIDEA_67.pdf [<https://perma.cc/AML3-94BS>]; Miriam Rosalyn Diamond, *The Usefulness of Structured Mid-Term Feedback as a Catalyst for Change in Higher Education Classes*, 5 ACTIVE LEARNING HIGHER EDUC. 217, 218 (2004); Kristin Vogelsang & Frank Ollermann, *International Conference on Higher Education Advances, Flipped Classroom Evaluation using the Teaching Analysis Poll* 10 (2019), <https://archive.headconf.org/head19/wp-content/uploads/pdfs/9203.pdf> [<https://perma.cc/67VU-5PS3>]; E. Murat Sozer, Zuhale Zeybekoglu & Mustafa Kaya, *Using Mid-semester Course Evaluation as a Feedback Tool for Improving Learning and Teaching in Higher Education*, 44 ASSESSMENT & EVALUATION HIGHER EDUC. 1003, 1004 (2019); see also Joseph D. Clark & Mark V. Redmond, *Small Group Instructional Diagnosis: Final Report*, ERIC (1982), <https://files.eric.ed.gov/fulltext/ED217954.pdf> [<https://perma.cc/MG43-JYLY>].

⁸ Jody D. Nyquist & Donald H. Wulff, *Consultation Using a Research Perspective*, in FACE TO FACE: A SOURCEBOOK OF INDIVIDUAL CONSULTATION TECHNIQUES FOR FACULTY/INSTRUCTIONAL DEVELOPERS 45, 51 (2d ed. 2001).

⁹ Payette & Brown, *supra* note 7, at 1.

¹⁰ Clark & Redmond, *supra* note 7, at 3.

¹¹ Sozer et al., *supra* note 7, at 1004 (citing Diamond, *supra* note 7).

B. *The Purpose of Mid-Semester Feedback*

Although mid-semester feedback can take many forms, its core purpose remains consistent: to yield formative, actionable insights for instructors. Research shows that the most effective teachers are those who inspire students,¹² provide the most challenging work,¹³ and value student feedback to improve teaching¹⁴ by using student evaluations.¹⁵ Mid-semester feedback supports this model by offering real-time information from students that frequently allows instructors to make meaningful adjustments during the course—improving both student engagement and instructional effectiveness.¹⁶ This type of feedback is especially valuable because it enables professors to make adjustments that are “specific, timely, corrective, and positively framed.”¹⁷ It is specific to the course and to the students currently enrolled; timely because it is gathered while there is still opportunity to implement changes; corrective because it reveals what is not working from the student perspective; and positively framed¹⁸ because it asks students to share what is working well and invites constructive suggestions for improvement.¹⁹

¹² Laura I. Langbein, *The Validity of Student Evaluations of Teaching*, 27 PS: POL. SCI. & POL. 545, 550 (1994).

¹³ Leslie A. Whittington, *Detecting Good Teaching*, 7 J. PUB. ADMIN. EDUC. 5, 6 (2001).

¹⁴ G.L.A. Harris & Dannelle D. Stevens, *The Value of Midterm Student Feedback in Cross-Disciplinary Graduate Programs*, 19 J. PUB. AFF. EDUC. 537, 541 (2013) (citing Yuankun Yao & Marilyn L. Grady, *How Do Faculty Make Formative Use of Student Evaluation Feedback?: A Multiple Case Study*, 18 J. EVALUATION EDUC. 107 (2005)).

¹⁵ Harris & Stevens, *supra* note 14, at 541 (citing Suzanna M. Hobson & Donna M. Talbot, *Understanding Student Evaluations: What All Faculty Should Know*, 49 COLL. TEACHING 26 (2001)).

¹⁶ Depending on the issue, the instructor may not be able to implement changes until the following semester. For example, comments may reveal the need to change an exercise that is only conducted at the beginning of the course. In such situations, the instructor can still timely respond to student comments by explaining future planned changes. This is discussed further in Part V.B, *infra*.

¹⁷ Cara Gormally, Mara Evans & Peggy Brickman, *Feedback about Teaching in Higher Ed: Neglected Opportunities to Promote Change*, 13 CBE LIFE SCI. EDUC. 187, 193 (2014).

¹⁸ While not all students’ feedback will be positive, mid-semester feedback is generally “positively framed” because of the framing created by the professor. For example, prompts often ask students to identify which teaching methods are working well, which encourages reflection on the course’s strengths. It is also “positively framed” when the professor asks for what can be improved, which requires students to provide ideas or suggestions rather than just complaints or grievances. See *infra* Part IV.G and the appendices for example language for soliciting mid-semester feedback.

¹⁹ Payette & Brown, *supra* note 7, at 2 (citing Doug Holton, Hajara Mahmood, Kathryn Cunningham, Miriam Rosalyn Diamond, Mary Wright, CRLT U. Michigan, Maha Bali, Susan Brown & Eulises Domínguez, *Midterm Student Feedback Guidebook*, <https://bit.ly/msfguidebook> (Google Drive) (last modified Sept. 15, 2022); WILBERT J. MCKEACHIE, *MCKEACHIE’S TEACHING TIPS: STRATEGIES, RESEARCH, AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS* (10th ed., 1999)).

C. Mid-Semester Feedback vs. End-of-Semester Evaluations

Mid-semester feedback serves a fundamentally different purpose from end-of-semester evaluations. While institutional practices vary, many universities rely on standardized Likert-scale forms distributed at the conclusion of the term.²⁰ These evaluations are typically summative in nature, designed more for administrative review, promotion, and tenure²¹ than for pedagogical improvement.²² In many cases, faculty are unable to tailor the questions to fit the unique context of their course or discipline. Even when limited customization is permitted—such as through the use of a question bank—the feedback remains retrospective, offering no opportunity for instructors to make meaningful changes that benefit the current student cohort.²³ Students may be less likely to invest significant time or thought into their end-of-semester evaluation when they believe it will have little to no impact on their own learning experience—or even that of future students—because they assume professors will disregard or dismiss their comments.²⁴ End-of-semester evaluations are typically released only after grades are finalized, creating a long delay between when students provide feedback and when faculty receive it. By then, faculty may already be planning the next semester without that input or be on break—diminishing both the seriousness with which evaluations are taken and the potential benefit of the students’ comments. Thus, end-of-semester evaluations often fall short of fostering the kind of substantive, reflective teaching that improves learning outcomes in real time.²⁵

²⁰ A Likert scale is a type of rating scale that asks participants to provide feedback in numerical format. For example, a Likert scale question on an end-of-semester evaluation form might say, “On a scale between 1 and 5, how effective was the instructor for this course?” (where 1 indicates “strongly disagree” and 5 indicates “strongly agree”). A 5-point scale is most widely used in social science studies. See Benidiktus Tanujaya, Rully Charitas Indra Prahmana & Jeinne Mumu, *Likert Scale in Social Sciences Research: Problems and Difficulties*, 16 *FWU J. Soc. Sci.* 89, 91 (Winter 2022).

²¹ S.R. Wickramasinghe & W.M. Timpson, *Mid-Semester Student Feedback Enhances Student Learning*, 1 *EDUC. FOR CHEM. ENG’RS* 126, 126 (2006); see also Deo, *supra* note 2, at 10.

²² Margaret K. Snooks, Sue E. Neeley & Kathleen M. Williamson, *From SGID and GIFT to BBQ: Streamlining Midterm Student Evaluations to Improve Teaching and Learning*, 22 *TO IMPROVE ACADEMY: J. EDUC. DEV.* 110, 113 (2004).

²³ Payette & Brown, *supra* note 7, at 2; Christoph Kessler & Simin Nadjm-Tehrani, *Midterm Course Evaluations with Muddy Cards*, 34 *ITICSE* 233, 233 (2002). After the semester has ended, instructors also lack a convenient way to respond to their former students’ comments.

²⁴ Payette & Brown, *supra* note 7, at 2 (citing Johnette Caulfield, *What Motivates Students to Provide Feedback to Teachers About Teaching and Learning? An Expectancy Theory Perspective*, 1 *INT’L J. FOR SCHOLARSHIP TEACHING & LEARNING* 1 (2007)).

²⁵ See Sozer et al., *supra* note 7, at 1004.

D. *The Impacts of Mid-Semester Feedback Documented in Higher Education*

The benefits of mid-semester feedback are well-documented across higher education.²⁶ Drawing from the social science literature, we divide these benefits into five categories.²⁷ First, as mentioned above, unlike end-of-semester evaluations, mid-semester feedback is particularly impactful because it can improve the experience for current, rather than future, students.²⁸ This means that course corrections are timely and targeted, directly benefiting the students currently enrolled rather than serving only as improvements for future classes that may or may not have the same needs.

Second, research shows that mid-semester feedback improves both teaching and learning outcomes.²⁹ This may be, in part, because mid-semester feedback increases student engagement and satisfaction and allays student confusion.³⁰ Mid-semester feedback has also been shown to increase student motivation and participation.³¹

²⁶ Here, higher education refers to both undergraduate and graduate school courses.

²⁷ Although these benefits inherently overlap with one another, the research and academic literature are distinct about each of these benefits, and each one warrants individual attention.

²⁸ Harris & Stevens, *supra* note 14, at 552; Whitney Ransom McGowan & Russell T. Osguthorpe, *Student and Faculty Perceptions of Effects of Midcourse Evaluation*, 29 *TO IMPROVE ACADEMY* 160, 161 (2011); Stephanie Springgay & Anthony Clarke, *Mid-Course Feedback on Faculty Teaching: A Pilot Project*, in 4 *COLLECTIVE IMPROVISATION IN A TEACHER EDUC. COMMUNITY* 171, 172 (Linda Farr Darling, Gaalen Erickson & Anthony Clarke eds., 2007).

²⁹ McGowan & Osguthorpe, *supra* note 28, at 170; Harris & Stevens, *supra* note 14, at 552.

Some researchers have argued that end-of-semester student evaluations do not, in fact, measure student learning or instructor quality. *E.g.*, Justin Esarey & Natalie Valdes, *Unbiased, Reliable and Valid Student Evaluations Can Still Be Unfair*, 45 *ASSESSMENT & EVALUATION HIGHER EDUC.* 1106 (2020). For instance, a 2017 research team revisited prior studies and concluded that there are “no significant correlations between the SET ratings and learning.” Bob Uttl, Carmela A. White & Daniela Wong Gonzalez, *Meta-Analysis of Faculty’s Teaching Effectiveness: Student Evaluation of Teaching Ratings and Student Learning Are Not Related*, 54 *STUD. EDUC. EVALUATION* 22, 22 (2017) (discussing how prior studies’ findings were often skewed due to a publication bias—where smaller studies showing strong positive effects were more likely to be published, while those with no significant findings were often left out).

However, other studies show that student evaluations are a reliable and valid method of collecting information about students’ opinions of a course. Chenicheri Sid Nair, Lorraine Bennett & Patricie Mertova, *Responding to the Student Voice: A Case Study of a Systematic Improvement Strategy*, 22 *TQM J.* 553, 554-55, 561 (2010); *see also* MICHAEL HUNTER SCHWARTZ, SOPHIE M. SPARROW & GERALD F. HESS, *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* 192 (2d ed. 2017) (“Thousands of empirical studies of student evaluations conclude that in general, they are valid and reliable measures of teaching effectiveness”).

³⁰ *See generally* Lorraine Parkin & Michael Henderson, *Mid-semester Student Satisfaction Feedback: Reducing Confusion and Anxiety*, *ASCILITE* 456 (2014), <https://publications.ascilite.org/index.php/APUB/article/view/1255/998> [<https://perma.cc/4SX9-LVQN>] (discussing the results of small-scale pilot research where conducting mid-semester student feedback surveys increased student engagement and satisfaction, and reduced student confusion and anxiety).

³¹ Clark & Redmond, *supra* note 7, at 15-16; *see* Mark V. Redmond, *A Process of Midterm Evaluation Incorporating Small Group Discussion of a Course and Its Effect on*

Third, mid-semester feedback strengthens student-faculty relationships by improving communication and rapport.³² When students see their input taken seriously, it cultivates trust and encourages a more collaborative classroom dynamic.³³

Fourth, mid-semester feedback can promote faculty reflection, growth, and confidence. Mid-semester feedback from students has been shown to stimulate instructors to learn more about new teaching methods and ultimately motivates them to utilize these methods in their classrooms.³⁴ Mid-semester feedback can lead to meaningful adjustments in areas such as in-class assignments, instructional strategies, assessment methods, and more.³⁵ Research shows that faculty who actively work to improve their teaching report greater job satisfaction, while those who do not are less likely to effectively motivate and engage their students.³⁶ Ultimately, engaging in the mid-semester feedback process leads to increased faculty confidence in their teaching methods and themselves.³⁷

Finally, studies consistently show that instructors' ratings increased in end-of-semester evaluations for courses where instructors solicited mid-semester feedback.³⁸ Collecting mid-semester feedback has been

Student Motivation, ERIC (1982), <https://files.eric.ed.gov/fulltext/ED217953.pdf> [<https://perma.cc/2S6Y-XX5G>].

³² Darsie Bowden, *Small Group Instructional Diagnosis: A Method for Enhancing Writing Instruction*, 28 COUNCIL WRITING PROGRAM ADM'RS 115, 126-27 (2004); Barbara J. Millis, *Three Practical Strategies for Peer Consultation*, 79 NEW DIRECTIONS FOR TEACHING & LEARNING 19, 21 (2002); Katton G. Lewis, *Using Midsemester Student Feedback and Responding to It*, 87 NEW DIRECTIONS FOR TEACHING & LEARNING 33, 43 (2001).

³³ Alison Cook-Sather, "I Am Not Afraid to Listen": *Prospective Teachers Learning from Students*, 46 THEORY INTO PRAC. 176, 181 (2009); see *infra* Part II.C.

³⁴ Sozer et al., *supra* note 7, at 1005.

³⁵ Diamond, *supra* note 7, at 224.

³⁶ McGowan & Osguthorpe, *supra* note 28, at 160 (citing Keith Trigwell & Michael Prosser, *Development and Use of the Approaches to Teaching Inventory*, 16 EDUC. PSYCH. REV. 409 (2004)).

³⁷ Diamond, *supra* note 7, at 226.

³⁸ Whitney McGowan, *Faculty and Student Perceptions of the Effects of Mid-Course Evaluations on Learning and Teaching* 149 (Aug. 14, 2009) (Ph.D. dissertation, Brigham Young University) (on file with ScholarsArchive); Wickramasinghe & Timpson, *supra* note 21, at 126; David Kember, Doris Y.P. Leung & K.P. Kwan, *Does the Use of Student Feedback Questionnaires Improve the Overall Quality of Teaching?*, 27 ASSESSMENT & EVALUATION HIGHER EDUC. 411, 413 (2002) (citing Peter A. Cohen, *Effectiveness of Student-Rating Feedback for Improving College Instruction: A Meta-Analysis of Findings*, 13 RSCH. HIGHER EDUC. 321 (1980)); J.U. Overall & Herbert W. Marsh, *Midterm Feedback from Student: Its Relationship to Instructional Improvement and Students' Cognitive and Affective Outcomes*, 71 J. EDUC. PSYCH. 856, 856 (1979); Harris & Stevens, *supra* note 14, at 552; A. Rae Prince & Morton Goldman, *Improving Part-Time Faculty Instruction*, 8 TEACHING PSYCHOLOGY 160, 162 (1981).

Despite the above research, faculty may be concerned that their end-of-semester evaluations may be worse than they otherwise would be if they are not sufficiently receptive to mid-semester feedback. This concern can be mitigated by the design of the feedback exercise, how the exercise is presented to students, and how faculty respond to the feedback. Below in Part IV, *infra*, we suggest channeling student feedback to those aspects of the course

found to reduce student frustrations and mitigate end-of-semester complaints.³⁹ Given that many universities use end-of-semester evaluations in promotion decisions, this outcome alone can carry significant professional benefits for faculty. Faculty who read the mid-semester feedback, discussed the feedback with their students, and made changes based on that feedback saw the most improvement in their ratings.⁴⁰

One author experienced this benefit first-hand. In one mid-semester feedback survey, a student shared, “I can’t always figure out where to look for assignments, since we use email, Canvas [an online learning platform], and OneDrive [a web-based document sharing platform].” The author and her co-teacher received this feedback after a class discussion in which none of the students had completed the reading. While the professors’ initial reaction was frustration, the feedback revealed that the real issue was organizational: students were struggling to navigate multiple platforms. The feedback highlighted that students did not understand why the class used different platforms for different purposes—decisions that stemmed both from ABA and confidentiality requirements. In response, the instructors restructured the Canvas site and devoted some class time to discussing the changes. At the end of the semester, the professors received positive feedback both about the changes they had made and about how they had asked for student input.

The weight of the research—as well as personal experience—shows positive benefits from mid-semester feedback in higher education. The next Part explores the specific context of clinical law teaching.⁴¹

II. THE CONNECTION BETWEEN MID-SEMESTER FEEDBACK AND CLINICAL PEDAGOGY

This Part focuses on clinical legal education, revealing several ways in which the goals of clinical pedagogy are particularly well aligned with the practice of soliciting mid-semester feedback. While the authors believe that there are benefits for conducting mid-semester feedback across all law school classrooms, our own experiences as clinical instructors have been grounded in clinical pedagogy and, therefore,

that can be changed. In Part V, *infra*, we give suggestions for how to meaningfully review feedback with students so that they feel as though their voice is heard, even if their feedback is not implemented.

³⁹ Payette & Brown, *supra* note 7, at 6 (citing Ann Veeck, Kelley O’Reilly, Amy MacMillan & Hongyan Yu, *The Use of Collaborative Midterm Student Evaluations to Provide Actionable Results*, 38 J. Mktg. Educ. 157 (2016)).

⁴⁰ McGowan & Osguthorpe, *supra* note 28, at 160.

⁴¹ We acknowledge that there are limitations and challenges in implementing mid-semester feedback. These are explored in Part III, *infra*. We also offer thoughts on how to mitigate these challenges in Part IV, *infra*.

this article particularly focuses on mid-semester feedback in law school clinics.⁴²

To the authors' knowledge, no law school requires instructors to collect mid-semester feedback, and scholarship on its use in legal education remains limited.⁴³ Much of the existing data and guidance about mid-semester feedback comes from undergraduate and graduate school studies.⁴⁴ One might question the applicability of this research to law school classes, or to law clinics in particular.⁴⁵ While it is possible that empirical studies conducted in a law school or clinical setting could yield some divergent results, there is good reason to think that the lessons learned in other higher education contexts are applicable here. A wide variety of disciplines and class types have been studied, including smaller discussion classes.⁴⁶ Also, studies on mid-semester feedback have been conducted over several decades, with consistent results.⁴⁷ Law professors Michael Hunter Schwartz, Sophie M. Sparrow, and Gerald F. Hess also identify benefits in the law context that are consistent with those found in the higher education literature.⁴⁸

A. *Mid-Semester Feedback Aligns with Core Objectives of Clinical Pedagogy*

The purposes of mid-semester feedback are well connected to three important goals of clinical pedagogy. First, a key goal of clinical

⁴² We hope future work will further explore best practices for soliciting mid-semester feedback in non-clinic law school settings, as those practices may differ in important ways.

⁴³ Mid-semester feedback is described as a helpful practice by Professors Michael Hunter Schwartz, Gerald F. Hess, and Sophie M. Sparrow in their books *What the Best Law Teachers Do* and *Teaching Law by Design*. MICHAEL HUNTER SCHWARTZ, GERALD F. HESS & SOPHIE M. SPARROW, *WHAT THE BEST LAW TEACHERS DO*, 89-90 (2013); SCHWARTZ ET AL., *supra* note 29, at 209-10. Professors Schwartz, Hess, and Sparrow conducted a survey of law professors' feedback practices and summarized the benefits that professors reported through those practices. *Id.* With these exceptions, the legal scholarship on feedback focuses on feedback delivered by instructors to students. This gap in the literature is striking, given that 51 percent of law professors surveyed reported "gathering and reviewing feedback from students about [their] own teaching during a course." *Id.* at 202.

⁴⁴ This literature is described in Part I, particularly Part I.D, *supra*.

⁴⁵ Indeed, clinic classes are uniquely intimate environments, as discussed *infra* at Part V.B. See generally Kathleen A. Sullivan, *Self-Disclosure, Separation, and Students: Intimacy in the Clinical Relationship*, 27 INDIANA L. REV. 115 (1993).

⁴⁶ Wickramasinghe & Timpson, *supra* note 21, at 127 (studying mid-semester feedback in chemical engineering classes containing 30-35 students); Margaret K. Snooks, Sue E. Neeley & Lee Revere, *Midterm Student Feedback: Results of a Pilot Study*, 18 J. ON EXCELLENCE COLL. TEACHING 55, 62, 64 (2007) (studying mid-semester feedback in undergraduate health courses containing 16-25 students and graduate marketing courses containing 31-37 students); Parkin & Henderson, *supra* note 30, at 457 (studying mid-semester feedback in small education courses containing 13-20 students and large business courses containing 39-110 students).

⁴⁷ Overall & Marsh, *supra* note 38; Harris & Stevens, *supra* note 14, at 541-42. The Overall & Marsh study was conducted 34 years before the Harris & Stevens study.

⁴⁸ SCHWARTZ ET AL., *supra* note 29, at 209-10.

education is to build reflective practitioners. ABA Standard 303 requires law schools to provide substantial opportunities for students to develop a professional identity. Interpretation 303-5 indicates that reflection is central to this process, stating, “Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.”⁴⁹ Clinical programs have taken this charge seriously, as most include reflection as an explicit learning outcome.⁵⁰ Mid-semester feedback advances this goal in several ways. First, by design, mid-semester feedback questions require student reflection. Mid-semester feedback questions can ask students to reflect on a variety of areas including case work, clinic partnerships, seminar, learning objectives, and teaching, as well as on their own learning. As Professor Timothy Casey writes, “Deliberate reflection provides the new professional with a process to develop professional judgment.”⁵¹ Mid-semester feedback, then, is one tool that clinical professors can utilize to help build reflective practitioner students. Second, mid-semester feedback requires reflection not only from students but from faculty members as well. While it is easy, even seductive, to focus only on students’ reflection, the most robust clinical teaching practices include self-reflection by the professor as well.⁵² Reflection by clinical professors both “retain[s] the substantial strengths of learner-centered methods” while, simultaneously, “pushing our teaching to new heights.”⁵³ Further, reflecting on our teaching practices—and showing students that we are doing so—models excellent lawyering skills for students to learn from.

Clinical pedagogy also aims to “[b]uild lifelong commitment and skills to learn in professional settings[,]”⁵⁴ which includes both learning

⁴⁹ ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, A.B.A. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Standard 303, 2025-2026 (2025).

⁵⁰ See, e.g., Robert F. Seibel & Linda H. Morton, *Field Placement Programs: Practices, Problems, and Possibilities*, 2 CLIN. L. REV. 413, 421 (1996); J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLIN. L. REV. 55, 63, 76 (1996); Carolyn Grose, *Uncovering and Deconstructing the Binary: Teaching (and Learning) Critical Reflection in Clinic and Beyond*, CLIN. L. REV. 301, 303 (2016); Mary B. Spector, *75 Years of Clinical Legal Education: Celebrating the Past While Looking to the Future*, 77 SMU L. REV. 539, 546 (2024).

⁵¹ Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, 20 CLIN. L. REV. 317, 319 (2014).

⁵² While self-reflection may be important in all teaching, it is particularly important for clinical teachers “due to the nature and scope of their work[.]” as both teachers and attorneys responsible for clients. Rachel Camp & Deborah Epstein, *From Learner-Centered to Relationship-Centered: Zealous Teaching and the Pedagogy of Clinic*, 32 CLIN. L. REV. 1, 22 (2025).

⁵³ *Id.* at 6.

⁵⁴ SUSAN BRYANT, ELLIOTT S. MILSTEIN & ANN C. SHALLECK, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* 23-24 (2014).

through reflection as well as metacognition.⁵⁵ Metacognitive theory posits that “human performance improves when people strategically plan and reflect on past experiences in order to improve future performance.”⁵⁶ Mid-semester feedback from students to professors allows law students to develop metacognitive skills by encouraging structured reflection on *how* they learn, not just *what* they learn.⁵⁷ As students confront complex material and challenges in their clinical experience, mid-semester feedback—when paired with reflective supervision—can help them identify their own cognitive patterns, assess the effectiveness of their current learning and lawyering strategies, and adjust accordingly.⁵⁸ Research in legal education shows that metacognitive thinking—which includes deliberate planning, monitoring, and self-correction—enhances legal competencies, promotes judgment, supports law student mental health, and prepares students for lifelong learning.⁵⁹ Importantly, as Professor Jaime Alison Lee notes, metacognition fosters student autonomy, helping them become self-directed learners who can transfer knowledge across diverse contexts—an essential capacity for professional growth and success.⁶⁰ Very much in line with clinical pedagogy, teaching metacognitive skills in law school is “closely related to reflective practice and self-regulated learning” and are all “essential to the repertoire of lawyering skills that enhance the learning process for law students and better position them for practice.”⁶¹

Another key goal of clinical pedagogy is to build lawyering skills in students.⁶² Specifically, mid-semester feedback exercises can help

⁵⁵ *Id.*; Sullivan, *supra* note 45, at 128 (“the primary focus of clinical legal education... is to teach students how to learn from experience”); Michael Meltsner & Philip G. Schrag, *Scenes from a Clinic*, 127 U. PA. L. REV. 1, 9 (1978) (referring to this goal as “[l]earning about learning”); Kenneth R. Kreiling, *Clinical Education and Lawyer Competency: The Process of Learning to Learn from Experience Through Properly Structural Clinical Supervision*, 40 MD. L. REV. 284 (1981) (“the most important and primary goal is to be able to learn from and to internalize the process of learning from one’s experiences”); see Casey, *supra* note 51, at 322 (defining “reflective practice” and how to teach it).

⁵⁶ Jaime Alison Lee, *From Socrates to Selfies: Legal Education and the Metacognitive Revolution*, 12 DREXEL L. REV. 227, 229-30 (2020); see also Cheryl B. Preston, Penée Wood Stewart & Louise R. Moulding, *Teaching “Thinking like a Lawyer”: Metacognition and Law Students*, 2014 BYU L. REV. 1053, 1060-62 (2014).

⁵⁷ The term “metacognition” is not frequently used in the legal or clinical literature. Jaime Alison Lee provides this insight into why: “[C]linicians themselves do not often use the term ‘metacognition,’ perhaps because that term had not yet entered academic discourse by the time that foundational works of clinical scholarship were being written.” Lee, *supra* note 56, at 258.

⁵⁸ BRYANT ET AL., *supra* note 54, at 25.

⁵⁹ Lee, *supra* note 56, at 229, 237; Preston et al., *supra* note 56, at 1076, 1079-80.

⁶⁰ Lee, *supra* note 56, at 234-35, 266-68.

⁶¹ Jennifer A. Gundlach & Jessica R. Santangelo, *Teaching and Assessing Metacognition in Law School*, 69 J. LEGAL EDUC. 156, 157 (2019).

⁶² BRYANT ET AL., *supra* note 54, at 27; Madalyn Wasilczuk, *The Clinic as a Site of Grounded Pedagogy*, 29 CLIN. L. REV. 405, 407 (2023) (“Clinical teachers... aim to train

build students' skills in giving and soliciting feedback. Although these skills are given very little—if any—attention during law school, they are fundamental in legal practice. Effective lawyering very rarely happens in a silo. For example, lawyers often give feedback to supervisors through required annual feedback surveys, to colleagues or co-counsel regarding case strategy, or to clients or witnesses preparing for trial. Without practice, providing feedback can feel overwhelming or uncomfortable, often leading to hesitation or missed opportunities for growth. Just as important a lawyering skill is the ability to solicit feedback, which requires self-awareness, preparation, and the ability to ask targeted and specific questions. By modeling this process through requests for mid-semester feedback, professors provide students with a practical example of how to seek and apply feedback as well as an opportunity to hone their feedback-giving skills.⁶³ In fact, Professor Harriet N. Katz writes that modeling is a “particularly effective way[] to communicate high standards of practice skills and to impress students with regard to professional values.”⁶⁴ Observing professors solicit and respond to feedback helps build students' own skills in these areas, which they can use when they enter the profession.

B. Mid-Semester Feedback Encourages a Growth Mindset in Both Faculty and Students

A growth mindset is the belief that intelligence can be developed through personal effort, mentorship and support, and good learning strategies.⁶⁵ It stands in stark contrast to a fixed mindset—the notion that intelligence is innate and cannot be developed.⁶⁶ Extensive research across disciplines has demonstrated the value of adopting a growth mindset, showing that intellectual growth is very much possible. This

students in lawyering skills so that they can be practice ready”); Carolyn Grose, *Beyond Skills Training, Revisited: The Clinical Education Spiral*, 19 CLIN. L. REV. 489, 494 (2013) (one of the broader goals of clinical pedagogy includes “offering opportunities to practice lawyering skills”); David Binder & Paul Bergman, *Taking Lawyering Skills Training Seriously*, 10 CLIN. L. REV. 191, 194-95, 198 (2003) (“Thus, clinical courses effectively provide skills training to the extent that they enable students to transfer the concepts, strategies and techniques they begin to use while in clinical courses to the many and varied practice settings they are almost certain to encounter after graduation.”); Sarah Katz & Deeya Haldar, *The Pedagogy of Trauma-Informed Lawyering*, 22 CLIN. L. REV. 359, 378 (Spring 2016) (“Another central value in clinical pedagogy is that students should acquire practical lawyering skills”).

⁶³ See Harriet N. Katz, *Reconsidering Collaboration and Modeling: Enriching Clinical Pedagogy*, 41 GONZAGA L. REV. 315, 317 (2005); see also Minna J. Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 N.M. L. REV. 185, 199 (1989) (discussing role modeling in clinic).

⁶⁴ Katz, *supra* note 63, at 317.

⁶⁵ Carol S. Dweck & David S. Yeager, *Mindsets: A View from Two Eras*, 14 PERSPECTIVES ON PSYCH. SCI. 481, 482 (2019).

⁶⁶ *Id.*

belief lies at the heart of clinical pedagogy: that students are capable of meaningful development, and that the structures and feedback clinical professors provide make that growth not only possible but likely. Professor Megan Bess asserts that a growth mindset is “necessary for success in the law[,]” “help[s] young lawyers acquire other necessary skills[,]” and “should be included in every law school curriculum.”⁶⁷ Professor Titichia Jackson similarly states that “the growth mindset ideology should be interwoven into all aspects of legal education.”⁶⁸

American psychologist Dr. Carol Dweck has been at the forefront of studying fixed and growth mindsets. Her research shows that fixed mindsets correlate with learned helplessness while growth mindsets encourage persistence and adaptation.⁶⁹ Research at the law school level echoes these same findings: students with fixed mindsets had helpless reactions to constructive feedback on legal writing assignments.⁷⁰ In contrast, law school students who adopted a growth mindset view challenges as opportunities, avoid being defined by poor performance, and use feedback to meaningfully improve their work.⁷¹ Ultimately, adopting a growth mindset contributes to student motivation, resilience, and academic performance⁷² and has reverberating benefits in the professional world.

As clinical faculty, many of us expect our students to develop or adopt a growth mindset in order to be successful in clinic. Yet despite the emphasis on students’ growth mindsets, there is relatively little literature addressing the adoption of a growth mindset for faculty.⁷³ Faculty can actively model a growth mindset for their students by

⁶⁷ Megan Bess, *Grit, Growth Mindset, and the Path to Successful Lawyering*, 89 UMKC L. REV. 493, 494 (Spring 2021).

⁶⁸ Titichia M. Jackson, *Embracing A New Approach to Academic Success: How the Adoption of a Growth Mindset Can Enhance Legal Education*, 53 CAP. U. SCH. L. 233, 255 (2025).

⁶⁹ See CAROL S. DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS* (Ballantine Books, 2d ed. 2016); Carol Dweck, *The Power of Believing that You Can Improve*, TEDxNORRKPING (Nov. 2014) https://www.ted.com/talks/carol_dweck_the_power_of_believing_that_you_can_improve [https://perma.cc/U38B-XDXC].

⁷⁰ Bess, *supra* note 67, at 515 (citing Elizabeth Adamo Usman, *Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom*, 29 GEO. J. LEGAL ETHICS 355, 373 (2016) and Carrie Sperling & Susan Shapcott, *Fixing Students’ Fixed Mindsets: Paving the Way for Meaningful Assessment*, 18 LEGAL WRITING: J. LEGAL WRITING INST. 39, 40-41 (2012)).

⁷¹ Bess, *supra* note 67, at 515.

⁷² See generally Kaci Bishop, *Framing Failure in the Legal Classroom: Techniques for Encouraging Growth and Resilience*, 70 ARK. L. REV. 959 (2018); see also Jackson, *supra* note 68, at 248.

⁷³ The need for instructors to adopt a growth mindset has been discussed in education literature for other disciplines. See, e.g., Susannah Cornes, Dario Torre, Tracy B. Fulton, Sandra Oza, Arianne Teherani & H. Carrie Chen, *When Students’ Words Hurt: 12 Tips for Helping Faculty Receive and Respond Constructively to Student Evaluations of Teaching*, 28 MED. EDUC. ONLINE 1, 2, 4 (2022).

modeling vulnerability, discussing their own past failures,⁷⁴ and creating low-stakes opportunities for failure that help build trust and normalize growth in the classroom.⁷⁵

One such way to do so is by engaging in the mid-semester feedback process with clinic students. The mid-semester feedback process can take a variety of forms, but it ultimately requires a professor to solicit feedback from students, to review and reflect on the feedback, and then to respond to it. This type of exercise demonstrates both humility and vulnerability. Doing so sends clear messages to students: that soliciting and responding to feedback is an ongoing part of professional life and not just part of being a law school student practicing under a student practice rule; that knowing how to respond thoughtfully to feedback is a valuable professional skill; and that all of us are capable of learning, evolving, and improving.⁷⁶

C. *Listening to Students Through Mid-Semester Feedback Has Myriad Pedagogical Benefits*

Another key research finding regarding mid-semester feedback is the way in which it values students and student perspectives. Valuing student perspectives (often referred to as “student voice” in the research literature) refers to “listening to and valuing students’ views regarding their learning experiences, as well as treating them as equal partners in the evaluation process.”⁷⁷ While professors may be subject-matter experts or experts in clinical pedagogy, students are experts about their own learning. Any professor who has taught for more than one semester knows that each group of students is different; a concept that was easy for students to grasp one semester might be difficult for the next semester’s students. While professors can hypothesize about how students learn best, students themselves are often best positioned to identify what actually works, especially given their extensive experience—nearly two decades, in many cases—as learners before entering clinic.

Seeking student perspectives yields a wide array of benefits. It enhances student commitment by building student self-esteem; improves

⁷⁴ See Part V.B, *infra* for considerations when engaging in self-disclosure.

⁷⁵ Bishop, *supra* note 72, at 993.

⁷⁶ A growth mindset approach also aligns with broader institutional and classroom goals around diversity, equity, and inclusion (DEI) and holistic education. Jackson, *supra* note 68, at 240-42, 270-71. Creating a culture that values growth encourages risk-taking and reduces stereotype threat. Mary C. Murphy & Carol S. Dweck, *A Culture of Genius: How an Organization’s Lay Theory Shapes People’s Cognition, Affect, and Behavior*, 36 PERSONALITY & SOC. PSYCH. BULL. 283, 284 (2010); Daniel A. Southwick, Chia-Jung Tsay & Angela L. Duckworth, *Grit at Work*, 39 RSCH. ON ORG. BEHAV. 1, 8 (2019).

⁷⁷ Ina Blau & Tamar Shamir-Inbal, *Digital Technologies for Promoting “Student Voice” and Co-creating Learning Experience in an Academic Course*, 46 INSTRUCTIONAL SCI. 315, 315 (2017).

attitudes toward learning; cultivates a stronger sense of belonging; and transforms teacher-student relationships from passive and oppositional to active and collaborative.⁷⁸ While these benefits may be important in any classroom, they are especially well suited for law school clinics, where collaboration and non-hierarchical learning are valued. But these benefits are not one-sided. Faculty also gain: positive relationships with students; improved job satisfaction and well-being; and decreased burnout.⁷⁹ Further, listening to student perspectives can help teachers view students differently, which can make faculty more likely to respect and trust students, and to offer students more opportunities to take responsibility for their learning.⁸⁰ Ultimately, asking about and listening to student experiences helps to create an environment that supports both academic and professional growth, values that are core to clinical pedagogy.⁸¹ Notably, some research shows that the most influential aspects of student feedback often center on the relational elements of teaching: students place high value on faculty who they perceive are willing to interact with them by accommodating their individual needs, giving meaningful feedback, and sensing when they are struggling with material.⁸²

Students also respond particularly positively to faculty who value students by admitting when they do not know something, welcoming diverse viewpoints, and actively seeking student input on their teaching.⁸³ These practices are core to clinical pedagogy, which demands collaboration, reflection, and respect for each learner's perspective.

D. Mid-Semester Feedback Improves Students' Learning, the Relationships between Professor and Students, and Students' Perception of the Course

In the clinical setting, professors often spend significantly more time with students than in other law school classes. Professors serve not just as instructors, but as mentors, role models, supervisors, “partner[s], catalyst[s], resource[s], [and] poser[s] of questions that

⁷⁸ Cook-Sather, *supra* note 33, at 181.

⁷⁹ Ashley S. Potvin, “Students Speaking to You”: Teachers Listen to Student Surveys to Improve Classroom Environment, 24 LEARNING ENV'TS RSCH. 239, 240 (2021).

⁸⁰ Jean Ruddick & Helen Demetriou, *Student Perspectives and Teacher Practices: The Transformative Potential*, 38 MCGILL J. EDUC. 274, 282 (2003).

⁸¹ See Ann N. Sinsheimer & Omid Fotuhi, *Listening to Our Students: Fostering Resilience and Engagement to Promote Culture Change in Legal Education*, 26 LEGAL WRITING: J. LEGAL WRITING INST. 81, 85 (2022).

⁸² Karin J. Spencer & Liora Pedhazur Schmelkin, *Student Perspectives on Teaching and its Evaluation*, 27 ASSESSMENT & EVALUATION HIGHER EDUC. 397, 405 (2002).

⁸³ *Id.*

sharpen[] learners' thinking."⁸⁴ As two scholars have noted, "[w]ithin the supervisory structure, students and teachers build respectful, challenging, and supportive relationships through which students learn about themselves as lawyers and learners."⁸⁵ Therefore, taking an action that students perceive to improve the relationship can reap dividends.

Students generally perceive mid-semester feedback positively.⁸⁶ Students believe that mid-semester feedback positively impacts learning and teaching,⁸⁷ improves communication between students and professors,⁸⁸ and boosts performance for both students and professors.⁸⁹ Students also believe that the mid-semester feedback process helps them better understand the instructional constraints professors face,⁹⁰ and they tend to view professors who engage in the mid-semester feedback process as more committed to teaching⁹¹ and interested in them and their learning.⁹² Even small course changes can have a significant impact: qualitative data indicates that students' perceptions of their own learning increase significantly when faculty seek feedback and act on it.⁹³ Other studies show that making changes in response to mid-semester feedback increases student satisfaction with both the course and the instructor.⁹⁴ Additionally, mid-semester feedback has been linked to improved perceptions of course organization and clarity.⁹⁵

III. CHALLENGES AND LIMITATIONS

While the research is clear that mid-semester feedback can benefit both teachers and students, it is not without limitations or challenges. Below we address those issues that are noted in the literature, that we ourselves have faced, and that have been brought to our attention.

⁸⁴ Camp & Epstein, *supra* note 52, at 13 (citing Kathleen Taylor, *Teaching with Developmental Intention*, in *LEARNING AS TRANSFORMATION: CRITICAL PERSPECTIVES ON A THEORY IN PROGRESS* 151-80 (Jack Mezirow ed. 2000)).

⁸⁵ Ann Shalleck & Jane H. Aiken, *Supervision: A Conceptual Framework in* SUSAN BRYANT, ELLIOTT S. MILSTEIN & ANN C. SHALLECK, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* 169, 169 (2014). *See also* Camp & Epstein, *supra* note 52 (exploring the nuances of the clinical teacher-student relationship and arguing that teachers should examine their role in that relationship).

⁸⁶ Sozer et al., *supra* note 7, at 1005; Snooks et al., *supra* note 46, at 58.

⁸⁷ *Id.* at 70; Sozer et al., *supra* note 7, at 1005.

⁸⁸ Diamond, *supra* note 7, at 226.

⁸⁹ Sozer et al., *supra* note 7, at 1005.

⁹⁰ Diamond, *supra* note 7, at 226.

⁹¹ Michael J. Brown, *Student Perceptions of Teaching Evaluations*, 35 *J. INSTRUCTIONAL PSYCH.* 177, 179 (2008).

⁹² Snooks et al., *supra* note 22, at 67-68.

⁹³ McGowan & Osguthorpe, *supra* note 28, at 170.

⁹⁴ Snooks et al., *supra* note 22, at 68.

⁹⁵ McGowan, *supra* note 38, at 70-74.

Forefront on many professors' minds may be the possibility of student bias, which we address at the end of this section.

A. Common Concerns with Implementing Mid-Semester Feedback

Lack of Time and Bandwidth. It is no secret that clinicians have multiple demands on their time—supervising (and sometimes handling) case work, teaching the seminar, engaging in scholarship,⁹⁶ participating in law school governance,⁹⁷ teaching courses outside of the clinic,⁹⁸ managing the uncertainties and challenges of their position in the academic hierarchy, participating in the broader clinical or legal community, attending to personal obligations, and much more. Clinical supervision alone is extremely time intensive.⁹⁹ In a recent Center for the Study of Applied Legal Education (CSALE) survey, slightly more than half of respondents ranked “other demands on instructors’ time” as one of three major challenges facing their law schools’ clinics.¹⁰⁰ In addition to balancing multiple time pressures outside of seminar, clinicians may feel unable to cover the content they want to in the clinic seminar, leaving no room to solicit mid-semester feedback. Given this extensive list of demands, for some readers the thought of asking for mid-semester feedback may elicit an immediate negative response—“Who has the time?!”

One way to minimize the demands of the mid-semester exercise is to limit the amount of feedback a clinician seeks. Below in Part IV and in the Appendices, we offer suggestions for designing short and simple questionnaires that take less time to review but still retain many of the benefits described above. In Part V.B, we suggest how professors can distribute the results of mid-semester feedback outside of class. This still requires instructor time but avoids using seminar time. In short: the mid-semester feedback process is customizable.

⁹⁶ According to the most recent Center for the Study of Applied Legal Education (CSALE) survey—a survey of clinical and field placement instructors—nearly one-third of respondents reported that they must produce scholarship and approximately one-half of respondents reported that while producing scholarship is not required, it is beneficial. Robert R. Kuehn, David A. Santacroce, Margaret Reuter, June T. Tai & G.S. Hans, *2022-23 Survey of Applied Legal Education*, CTR. FOR THE STUDY OF APPLIED LEGAL EDUC. 58, https://cdn.prod.website-files.com/5d8cde48c96867b8ea8c6720/660d6e828aac87a8826df928_Report%20on%202022-23%20CSALE%20Survey%20rev.4.3.24.pdf [https://perma.cc/H79G-UTPH] [hereinafter, “CSALE results”].

⁹⁷ *Id.* at 55.

⁹⁸ *Id.* at 57.

⁹⁹ See Ann Shalleck, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 N.Y.U. REV. L. & SOC. CHANGE 109, 173 (1995) (“Supervision requires an enormous amount of individual diagnosis.”); Shalleck & Aiken, *supra* note 85, at 200 (“promoting growth in providing outstanding client representation and learning takes time”).

¹⁰⁰ Kuehn et al., *supra* note 96, at 8.

Perceived (and Sometimes Actual) Inutility of Student Feedback. Professors may also worry that they will solicit mid-semester feedback only to receive feedback that is not useful or that is not immediately actionable. This is likely—perhaps almost a certainty. Individual students sometimes submit diametrically opposed comments.¹⁰¹ Students may comment on something from earlier in the course that was a one-off event that cannot be rectified (for example a critique of a guest speaker), they may suggest a change to the course that is impossible to implement, or they may suggest a pedagogical change that a professor will not implement. For example, a student may dislike the non-directive clinical methodology—especially when fully immersed in it at the mid-semester mark—and request that their professor tell them what to do. While the professor is unlikely to change their methodology, it can still be helpful to know the students’ feelings and to provide an opportunity for the professor to explain and engage in deeper discussion regarding their pedagogical choices.¹⁰²

Below in Part IV, we provide suggestions for how to design and administer the mid-semester feedback exercise so as to reduce these types of inutile comments. In Part V.B we discuss how a professor can respond to these types of comments when reviewing the mid-semester feedback with their students.

Lack of Candor in Student Feedback. Some professors have experienced students to provide less-than-forthright comments on end-of-semester evaluations because they fear faculty will read them before grading, despite multiple assurances to the contrary. This concern may be heightened when students provide mid-semester feedback as professors will read the feedback before issuing grades. In addition, even when mid-semester feedback is anonymous, in small classes, as clinics generally are, students may fear that their instructor will be able to identify them.

There is no way to force students to give what they may consider to be their harshest feedback. Throughout the semester—and especially when soliciting mid-semester feedback—professors can stress their openness to feedback and can give examples of course changes they have made in the past in response to feedback. If students fear being identified, professors can use Likert scales. Conversely, professors can

¹⁰¹ One author has experienced this multiple times regarding rounds. Some students comment that rounds are a valuable part of the course and greatly contribute to their learning, and others in the same class comment that case rounds are not helpful and should be discontinued.

¹⁰² Michel Estrin Gilman, *Ten Empowering Strategies for Nondirective Clinical Supervision*, 31 CLIN. L. REV. 211, 211-12 (Fall 2024) (“Nondirective supervision is the signature pedagogy of clinical teaching. . . . However, nondirective pedagogy is a challenging mode of education for both students and teachers.”).

solicit feedback non-anonymously. Professors might also be served by bearing in mind that students may be providing feedback to an authority figure for the first time and are developing their skills.

*Bias and Insensitivity in Students' Feedback.*¹⁰³ Some may question the accuracy and utility of student feedback on grounds that student comments on end-of-semester evaluations are subject to conscious and unconscious biases and often include rude, insensitive, and sometimes harmful comments that resonate long after they are read.¹⁰⁴ Below we discuss the research on bias in end-of-semester evaluations. We also discuss how the mid-semester feedback process differs from end-of-semester evaluations, and we offer suggestions for mitigating bias.

A substantial body of research establishes that end-of-semester student evaluations are significantly influenced by professor demographics, reflecting underlying student biases.¹⁰⁵ Research shows that instructors from marginalized or underrepresented identities¹⁰⁶—including those who are female,¹⁰⁷ are of a race and/or ethnicity other

¹⁰³ Clinicians are also biased, which can affect the feedback we provide students. See generally Gordon, *supra* note 4, for an extensive discussion about bias types, bias in teaching, and how to mitigate bias when providing feedback.

¹⁰⁴ As this article focuses on mid-semester feedback (which only professors review), rather than end-of-semester evaluations, it does not address how biased evaluation data can be misused in hiring, compensation, and promotion decisions—a concern that disproportionately impacts marginalized and underrepresented groups in academia. This topic has been addressed extensively by other scholars. See, e.g., Catherine J. Wasson & Barbara J. Tyler, *How Metacognitive Deficiencies of Law Students Lead to Biased Ratings of Law Professors*, 28 *TOURO L. REV.* 1305, 1307 (2012); Debra Austin, *Leadership Lapse: Laundering Systemic Bias Through Student Evaluations*, 65 *VILL. L. REV.* 995, 1005 (2021) (“University review committees and administrators must understand the social science research about demands on female professors, the gendered expectations of students, and the likelihood of less favorable student evaluations when making hiring, retention, and promotion decisions involving women.”) (citations omitted); Deo, *supra* note 2, at 39-41 (arguing that student teaching evaluations should be eliminated, modified, and/or replaced/supplemented).

¹⁰⁵ Troy Heffernan, *Sexism, Racism, Prejudice, and Bias: A Literature Review and Synthesis of Research Surrounding Student Evaluations of Courses and Teaching*, 47 *ASSESSMENT & EVALUATION IN HIGHER EDUC.* 144, 144 (2022).

¹⁰⁶ Deo, *supra* note 2, at 15 (“Many agree that teaching evaluations favor white male faculty over others, and also traditional faculty over anyone with an ‘outsider’ status (i.e., women, people of color, those who speak with an accent, those perceived to be immigrants, foreigners, or people from a lower socioeconomic status, etc.)”).

¹⁰⁷ Much of the literature about bias research centers on bias against female instructors, revealing its presence across multiple dimensions. See generally Friederike Mengel, Jan Sauermann & Ulf Zölitz, *Gender Bias in Teaching Evaluations*, 17 *J. EUR. ECON. ASS'N* 535 (2017) (finding the bias especially pronounced for junior female professors); Anne Boring, *Gender Biases in Student Evaluations of Teaching*, 145 *J. PUB. ECON.* 27 (2017); Lillian MacNell, Adam Driscoll & Andrea N. Hunt, *What's in a Name: Exposing Gender Bias in Student Ratings of Teaching*, 40 *INNOVATIVE HIGHER EDUC.* 291 (2015); Anne Boring, Kellie Ottoboni & Philip B. Stark, *Student Evaluations of Teaching (Mostly) Do Not Measure Teaching Effectiveness*, *SCIENCEOPEN.COM* (Jan. 7, 2016) <https://www.scienceopen.com/>

than white,¹⁰⁸ speak a native language other than English,¹⁰⁹ are of older age,¹¹⁰ are less attractive (based on the students' perceptions),¹¹¹ are not heterosexual,¹¹² and are “intersectional combinations of various identity characteristics”¹¹³—often receive lower evaluation scores.¹¹⁴ In addition

hosted-document?doi=10.14293/S2199-1006.1.SOR-EDU.AETBZC.v1#aff0003 [https://perma.cc/SHA5-LBSP]. See also SCHWARTZ ET AL., *supra* note 29, at 192.

First, female faculty often receive lower numeric ratings and more negative comments than their male counterparts. Ann L. Owen, Erica De Bruin & Stephen Wu, *Can You Mitigate Gender Bias in Student Evaluations of Teaching? Evaluating Alternative Methods of Soliciting Feedback*, 50 *ASSESSMENT & EVALUATION HIGHER EDUC.*, 442, 442 (2025); Boring, *supra* note 107, at 27-28.

Second, students tend to assess female faculty based on different and often additional criteria—such as appearance, personality, and the students' perceptions of the female professor's competency and intelligence. Austin, *supra* note 104, at 1000 (citing Kristina M.W. Mitchell & Jonathan Martin, *Gender Bias in Student Evaluations*, 51 *PS: POL. SCI. & POL.* 648 (July 2018)). With respect to appearance, students have used evaluations to critique female professors' clothing and style. Austin, *supra* note 104, at 1000; Deo, *supra* note 2, at 26-27. Furthermore, traits like assertiveness, ambition, and independence are typically rewarded in male instructors, while women are expected to be helpful, sensitive, and kind. See Austin, *supra* note 104, at 996-98, where she notes that students expect female professors to nurture them, which is referred to as “academic momism.” *Id.* at 998. More recent scholarship suggests that student evaluations are not just gendered, but performative: they tend to reward faculty for aligning with traditional gender norms, assessing how well instructors “perform” their socially-expected gender roles. Sophie Adams, Sheree Bekker, Yanan Fan, Tess Gordon, Laura J. Shepherd, Eve Slavich & David Waters, *Gender Bias in Student Evaluations of Teaching: ‘Punish[ing] Those Who Fail to Do Their Gender Right’*, 83 *HIGHER EDUC.* 787, 788 (2022).

¹⁰⁸ Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 *ST. JOHN L. REV.* 235, 235-36 (2008); Austin, *supra* note 104, at 1002 (addressing the “intersectional discrimination” that female law faculty of color face). See also Y. Fan, L.J. Shepherd, E. Slavich, D. Waters, M. Stone, R. Abel & E.L. Johnston, *Gender and Cultural Bias in Student Evaluations: Why Representation Matters*, 14 *PLoS ONE* 1, 6 (2019); Kerry Chavez & Kristina M.W. Mitchell, *Exploring Bias in Student Evaluations: Gender, Race, and Ethnicity*, 53 *PS: POL. SCI. & POL.* 270, 270 (2019).

¹⁰⁹ Heffernan, *supra*, note 105, at 148-49; Fan, et al., *supra* note 108, at 6.

¹¹⁰ Julianne Arbuckle & Benne D. Williams, *Students' Perceptions of Expressiveness: Age and Gender Effects on Teacher Evaluations*, 49 *SEX ROLES* 507, 507 (2003).

¹¹¹ Austin, *supra* note 104, at 1000.

¹¹² Merritt, *supra* note 108, at 260; Heffernan, *supra*, note 105, at 151; see also Kristin J. Anderson & Melinda Kanner, *Inventing a Gay Agenda: Students' Perceptions of Lesbian and Gay Professors*, 41 *J. APPLIED SOC. PSYCH.* 1538, 1541 (2011).

¹¹³ Deo, *supra* note 2, at 33.

¹¹⁴ According to studies, students form an impression of their professors in the first class within the first few minutes, which influence their end-of-semester evaluations. Wasson & Tyler, *supra* note 104, at 1321. Researchers have found that students' impressions are formed based on nonverbal factors, e.g., dress, hairstyle, gestures, and facial expressions. *Id.* (“Research into these ‘thin slice’ judgments established a link between a professor's nonverbal behaviors and his or her student ratings.”).

Prof. Schwartz and his co-authors—all law professors—note that the first few minutes of class are incredibly important and suggest that professors can shape students' first and ongoing impressions by showing respect for and confidence and investment in students' ability to learn. SCHWARTZ ET AL., *supra* note 29, at 192. The authors also suggest being authentic, prepared for each class, and passionate about the subject. *Id.* at 192-93.

to lower scores, professors of marginalized identities may receive hurtful comments.¹¹⁵

Structural factors also contribute to disparities in evaluations; for example, faculty who award lower grades relative to other faculty are consistently rated less favorably by students.¹¹⁶ With respect to the last point, and especially relevant to clinicians, the literature suggests that professors who provide constructive feedback or challenge students may receive lower evaluations.¹¹⁷ Also relevant to many clinicians: a law professor's status within academia may also affect student evaluations.¹¹⁸

Another key finding in the literature on student bias is that students' own backgrounds also shape their responses. Factors such as a student's age, gender, GPA, and whether they are international students influence their evaluations.¹¹⁹ Students' grade expectations for the course and the grades they received in the course prior to completing teacher evaluations also influence their evaluations.¹²⁰ In addition, legal scholars have documented the presence of cognitive bias in student evaluations; in short, poor performers can be responsible for the harshest evaluations.¹²¹ Finally, factors unrelated to the course have also been found to influence student evaluations, including the broader sociopolitical environment.¹²²

Research is mixed regarding ways to reduce student bias in end-of-semester evaluations. Some studies have found that informing students about gender bias has a positive effect on quantitative evaluation

¹¹⁵ Deo, *supra* note 2, at 27-31 (documenting the cruel comments and microaggressions that faculty who are women of color experience); Merritt, *supra* note 108, at 235.

¹¹⁶ Owen et al., *supra* note 107, at 444.

¹¹⁷ Cornes et al., *supra* note 73, at 3.

¹¹⁸ See, e.g., Wasson & Tyler, *supra* note 104, at 1320-21 (noting that law students may be more disposed to criticize legal research and writing professors who "are at the bottom of the professional pecking order").

¹¹⁹ Heffernan, *supra* note 105, at 146-47 (writing that women, international students, older students, and students with higher grade point averages submitted higher evaluations).

¹²⁰ Austin, *supra* note 104, at 1004 (citing Anne Boring, Kellie Ottoboni & Philip B. Stark, *Student Evaluations of Teaching Are Not Only Unreliable, They Are Significantly Biased Against Female Instructors*, LONDON SCH. ECON. & POL. SCI. (Feb. 4, 2016), <https://blogs.lse.ac.uk/impactofsocialsciences/2016/02/04/student-evaluations-of-teaching-gender-bias/> [<https://perma.cc/H3VD-3L8E>] (noting that rather than improve teaching, this bias can cause professors to inflate grades); Heffernan, *supra* note 105, at 147.

¹²¹ Wasson & Tyler, *supra* note 104, at 1307 (describing the "Dunning-Kruger effect," which "argues that poor performers grossly overestimate their performance, lack self-insight, and underestimate the competence of others because the lack the metacognitive skills necessary to recognize their deficits.").

¹²² Austin, *supra* note 104, at 1006 (writing that factors that influence student evaluations include class size, what time the class meets, and whether the class is required); Heffernan, *supra* note 105, at 147 (writing that factors that influence student evaluations include the design of the classroom, course website quality, and library services); Cornes et al., *supra* note 73, at 4 (noting that the sociopolitical environment can affect students' learning experiences and course evaluations).

scores for female faculty,¹²³ although other studies have not been able to replicate these findings in full.¹²⁴ Individual faculty members will need to balance the desire to minimize bias utilizing this strategy with the personal vulnerability that may come from surfacing such issues, particularly since this intervention often highlights faculty members' marginalized identities; however, specific guidance on this topic is beyond the scope of this article.

Bias in mid-semester feedback has not been specifically studied, and it is unclear how much the data on bias in end-of-semester evaluations translates to mid-semester feedback. However, there are important distinctions between end-of-semester evaluations and mid-semester feedback.

First, when soliciting mid-semester feedback, professors are approaching students from a place of respect for their learning and experiences in the course. Professors are advised to tell students they care about their learning and will use the feedback moving forward in the current course, as discussed below in Part IV.H. As mentioned above, students are sometimes frustrated with end-of-semester evaluations because the evaluation will not change how they experienced the course.¹²⁵

Savvy students sometimes use end-of-semester evaluations to harm professors they dislike.¹²⁶ Often, when introducing end-of-semester evaluations to students, professors are required by their institution to state that the evaluations will be used for tenure and promotion decisions. Mid-semester feedback differs because, as will be discussed further below, when introducing the mid-semester exercise to students, professors can make clear that administrators will not read the students' feedback and that it is for the professor's use only, which may limit student comments that are meant to affect promotion decisions.

¹²³ David A.M. Peterson, Lori A. Biederman, David Andersen, Tessa M. Ditonto & Kevin Roe, *Mitigating Gender Bias in Student Evaluations of Teaching*, 14 PLoS ONE 1, 8 (2019); Anne Boring & Arnaud Philippe, *Reducing Discrimination in the Field: Evidence from an Awareness Raising Intervention Targeting Gender Biases in Student Evaluations of Teaching*, 193 J. PUB. ECON. 1 (Jan. 2021).

¹²⁴ Ellen M. Key & Phillip J. Ardoin, *Students Rate Male Instructors More Highly Than Female Instructors. We Tried to Counter That Hidden Bias*, THE WASHINGTON POST (Aug. 20, 2019), <https://www.washingtonpost.com/politics/2019/08/20/students-rate-male-instructors-more-highly-than-female-instructors-we-tried-counter-that-hidden-bias/> [<https://perma.cc/VY2T-TMFW>] (finding that after being informed of bias in student evaluations, students were more likely to refer to female professors as “professor”—as opposed to “teacher” or “instructor”—but students did not change their numerical ratings).

¹²⁵ See *supra* Part I.C.

¹²⁶ Deo, *supra* note 2, at 28 (quoting a student comment on an end-of-semester evaluation for a pre-tenure faculty member “I know we have to have affirmative action, but do we have to have this woman?”)

In our experience, some students believe end-of-semester evaluations are never reviewed.¹²⁷ Mid-semester feedback is different. Professors can make clear how they have used mid-semester feedback in the past to make changes to the course, so students understand the purpose of mid-semester feedback and that it will not disappear into a void, ignored.

Finally, there are ways that professors can design mid-semester feedback exercises to reduce the likelihood of getting student comments that target a professor's appearance and personality traits, which can particularly sting. Question design is discussed further in Part IV.

The above discussion is not to say that students' mid-semester feedback will not be biased. This is impossible to avoid as we are all biased.¹²⁸ Rather, it is to suggest that there are important distinctions between mid-semester feedback and end-of-semester evaluations, which may affect how the data on bias in end-of-semester evaluations translates to mid-semester feedback.

B. *Turning the Challenges and Limitations into Strengths*

Despite the above limitations and challenges, we assert that mid-semester feedback can provide the opportunity for clinicians to empathize with their students. For many clinic students, clinic is a challenging experience. More than one student has described the first few weeks in the clinic as “drinking from a fire hose.”¹²⁹ One reason clinic can be a difficult experience is because students are constantly receiving feedback. Students receive feedback from their professor multiple times per week on drafts, in seminar discussions, and in case supervision meetings. They also receive feedback from other students in case rounds discussions, from their clinic case partner(s) during case work, and from clients and other people involved in their cases. The experience of receiving such intense feedback can be difficult.¹³⁰ Some students—although certainly not all—bristle at a professor's comments,

¹²⁷ Some professors do not read their course evaluations as a protective measure, knowing that the evaluations are unlikely to reflect their teaching skills. Deo, *supra* note 2, at 35-36. Deo includes a professor's comments: “[A]voiding the evaluations does not mean these faculty members are not interested in improving their teaching; they simply recognize that it may be more important to protect their emotional health.” *Id.* at 36.

¹²⁸ See, e.g., Gordon, *supra* note 4, at 209; Camp & Epstein, *supra* note 52, at 20 (“Like all other human beings, teachers are shaped by conscious influences—such as, for example, stylistic preferences and conscious biases—as well as those that affect us on a more subconscious level—such as implicit biases, values, and insecurities.” (citation omitted)).

¹²⁹ Authors' conversations with clinic students.

¹³⁰ See *The Difficulty and Discomfort Associated with Receiving Feedback Is a Shared Human Experience*, THE BRITISH PSYCH. ASS'N (June 24, 2025), <https://www.bps.org.uk/psychologist/difficulty-and-discomfort-associated-receiving-feedback-shared-human-experience> [<https://perma.cc/52HL-2DVS>].

suggestions, and concerns.¹³¹ Soliciting feedback from students and receiving feedback that may at times feel unfair, inaccurate, or misguided can give professors insight and empathy into the students' experience.¹³² As one scholar wrote, "Without empathy, we are teaching content instead of students."¹³³

IV. IMPLEMENTING MID-SEMESTER FEEDBACK

This Part unpacks the general matters and design choices an instructor must consider when implementing mid-semester feedback from students.¹³⁴ In roughly chronological order, the instructor starts by considering their goals, then timing and who will participate in the exercise. Next the instructor must consider various questions regarding the format. Finally, they will decide how to introduce the exercise to students.

Throughout this section, we frequently use teacher-administered questionnaires as an example. We delve into this option in depth for several reasons: it is a relatively simple option to implement, it is less time-consuming than a focus group or a small group exercise, and the authors all have experience with this method.

A. Goals for the Exercise

As part of a reflective teaching practice, it is helpful for instructors to set general and specific goals for each semester's feedback exercise.¹³⁵ The instructor's goals will influence all of the implementation decisions

¹³¹ See, e.g., Camp & Epstein, *supra* note 52, at 17-18 (describing a student who is unreceptive to and sometimes ignores a professor's feedback).

¹³² See *id.* at 16-18 for an in-depth exploration of the importance of empathy in the professor-student relationship in the clinical setting.

¹³³ *Id.* at 16 (quoting Paula A. Franseze, *The Power of Empathy in the Classroom*, 47 SETON HALL L. REV. 693, 695 (2017)).

¹³⁴ A note about year-long clinics: Many of the points raised here are applicable, either directly or with adaptation, to year-long clinics. Year-long clinics raise some different considerations, however. First, the timing considerations are different, as students have a longer period of time in the course, and the instructor has a longer period of time to implement the feedback. There is not the same degree of tension between asking questions too early, before students have sufficient experience to give valuable answers, and asking questions too late, when there is insufficient time to respond and implement changes. Also, the time crunch of a semester can be intense. More time-intensive feedback models such as focus groups may be more feasible in a year-long clinic. As the authors' experience is in semester-long clinics, we generally focus on that model. This is also the prevailing model in clinical legal education: only twenty percent of clinics require two terms of enrollment. See Kuehn et al., *supra* note 96, at 26.

¹³⁵ Just as we teach students to "plan, act, then reflect," the cycle of action and reflection is beneficial for instructors. See BRYANT ET AL., *supra* note 54, at 13-14; see generally Part II.A *supra* (discussing reflective practice as a core tenet of law clinic pedagogy).

that are made, and determine the subjects upon which students are asked their opinion.

First, the instructor should consider their general pedagogic goals. Questions to consider include:

- What does the instructor hope to accomplish pedagogically with students' feedback?
- How does the instructor want students to feel about the process?
- To what extent does the instructor want students to reflect on their learning process?¹³⁶

The answers may seem obvious, but it is worth naming these goals and thinking through how each will be accomplished, especially when designing a feedback exercise for the first time.

In addition to pedagogical goals, the instructor should also consider their professional development goals for the semester. The topics of a questionnaire will vary from semester to semester as part of the instructor's cycle of reflective teaching. The instructor should strategically plan the exercise, reflecting on past semesters' feedback in order to improve the student experience and their future performance as a clinical teacher.

Clinical education provides a multitude of topics upon which one could survey students. As it is best to keep questionnaires short, the instructor should consider which elements they are most interested in focusing on for the moment.¹³⁷ Does the instructor particularly want feedback on certain elements of the course? Is there a particular "site of learning" (seminar, rounds, supervision, or case work)¹³⁸ that it would be helpful to focus on? Does the instructor want general feedback on the course overall? Or would feedback on specific teaching methods be helpful? Professors can use the exercise to gauge student responses to a new teaching method, such as a new class segment or simulation, or to get a temperature check on established elements of the course that they are considering revising. Also, the instructor should consider what kinds of feedback they are interested in receiving. Will it be most helpful for students to express their feelings, to give detailed narrative responses, or to answer in a more objective way?

In order to best achieve both pedagogic and personal development goals, the mid-semester questionnaire should focus on relevant and

¹³⁶ See *supra* notes 56-61 and accompanying text regarding metacognition.

¹³⁷ SCHWARTZ ET AL., *supra* note 29, at 210 ("Keep the questionnaire process simple. Design a one-page form with three to five questions.").

¹³⁸ See BRYANT ET AL., *supra* note 54, at 3 (describing seminar, rounds, supervision, and field work as the "four methodologies employed in the in-house clinical course").

actionable topics.¹³⁹ Students may not believe they are truly being listened to or respected if their comments go nowhere. Instructors should consider how they will channel feedback into aspects of the course (or aspects of the instruction) that can be changed.¹⁴⁰ Specific comments and examples are generally easier to address than general comments. Student responses that are vague or that cannot be acted upon are of much less value for improving instructional effectiveness.

To some extent, specificity can be guided by the wording of the questionnaire. However, even asking for a specific suggestion to improve an area of the course (e.g., case work) could result in somewhat vague responses. For example, an author recently received the following comment on an anonymous mid-semester feedback questionnaire: “I wish that we were able to make more of the low-stakes decisions ourselves with less handholding. I would enjoy the opportunity to develop my own style of lawyering more and take small risks in my lawyering decisions to see how they pan out.” The author was surprised to receive this feedback, since her students handle most major case events (such as in-person meetings with the opposing party) without her present. Without specific examples it was unclear which lawyering decisions the student had in mind, and which aspect of supervision was making the student feel constricted.¹⁴¹ Did the student want to present things differently in emails to the client? In emails to opposing counsel? Or did they feel restricted by the feedback they received during moots of a certain phone call or meeting? Was there specific feedback that they disagreed with or did not understand at the time? It is helpful for the author to know that a student feels this way, but it would have been more helpful to receive a specific example, such as “I would like more control over what I say to clients. When we moot client calls I feel like I’m being fed specific wording.”

The instructor’s goals will also be influenced by whether they teach alone or with co-teachers. If a single survey is to be administered to all students, it may be wise to focus on elements that are designed and

¹³⁹ *Self-Administered Mid-Semester Feedback Surveys*, AM. UNIV. CTR. FOR TEACHING, RSCH. & LEARNING (Feb. 22, 2023), <https://edspace.american.edu/ctrl/midsemester-feedback-survey-guide/#tab-id-1> [<https://perma.cc/8A37-BE4K>] [hereinafter “AUCTRL Surveys”] (advising instructors to “ask for feedback you can realistically implement” and noting that “feedback is most helpful when it is specific”).

¹⁴⁰ *Id.*

¹⁴¹ The author discussed this and other supervision-related feedback in supervision meetings. She discussed the clinical methodology, explaining why she reviews student emails and why she moots students for client calls and external meetings. The author also pointed out that students handle most major case events without her present. She also noted that she tries to be mindful and point out when her edits and suggestions are optional as they are based on her own lawyering preferences versus mandatory changes. The professor also discussed that it would be helpful to have specific examples and offered that students could approach her any time to discuss the feedback in more detail.

planned jointly by all instructors, such as orientation, case rounds, or the clinic seminar. Questions that may elicit different responses for different co-teachers, such as questions on case supervision, can still be asked if these are important to the instructors. In this case, a non-anonymous approach would allow the feedback to be tied to the appropriate supervisor.¹⁴²

The appendices below provide examples of different approaches to a mid-semester feedback questionnaire. Appendix A includes two examples of short, three-question surveys that ask broad questions unrestricted to specific sites of learning or elements of teaching. These questions call for narrative answers, but as the survey is very short, it may feel less burdensome to students and instructors. This style of question allows the student to provide feedback on whatever aspect of the course is most important or salient to them. The questions can be structured to prompt metacognitive thinking.¹⁴³

In our experience, even a three-question survey can achieve significant pedagogical goals. One author recently administered the short survey reproduced as Example 1 in Appendix A. Initially the author felt there was not time in the semester for the exercise and was inclined to skip it. A teaching consultant recommended that rather than skipping the exercise, the instructor could pare it down to require less bandwidth. Happily, the exercise produced noticeably positive results, improving the relationships between the students and the teachers, and fostering a more collaborative dynamic in the classroom. Students felt heard and respected, and they left positive comments on the end-of-semester evaluations as a direct result of the exercise.

Appendix B provides examples of questionnaires asking for feedback on specific sites of learning or aspects of a course. Example 1 in Appendix B includes questions on four topics, structured to prompt metacognitive thinking. The topics are: the interview simulation, case rounds, clinic seminar, and supervision. Similar questions could be asked on different topics, depending on the instructor's goals.¹⁴⁴ Notably,

¹⁴² Both empirical studies and guidance from university teaching centers caution against using evaluation scores to compare faculty to one another. Instead, ratings should be interpreted in the context of an individual faculty member's development over time. See Rebecca J. Kreitzer & Jennie Sweet-Cushman, *Evaluating Student Evaluations of Teaching: A Review of Measurement and Equity Bias in SETs and Recommendations for Ethical Reform*, 20 J. ACAD. ETHICS 73 (2022). The same approach should be taken with mid-semester feedback in co-teaching situations.

¹⁴³ See *supra* notes 55-61 and accompanying text; *infra* note 191 and accompanying text.

¹⁴⁴ Sample questions and templates are available at several universities' websites. See, e.g., AUCTRL Surveys, *supra* note 139 at Tab 3, <https://edspace.american.edu/ctrl/midsemester-feedback-survey-guide/#tab-id-3>; *Using Mid-Semester Course Evaluations*, THE MCGRAW CTR FOR TEACHING AND LEARNING, <https://mcgraw.princeton.edu/using-mid-semester-course-evaluations> (on file with authors) (last visited Sept. 24, 2025); *Early and Mid-Semester Student Feedback Question Bank*, COLUM. CTR FOR TEACHING & LEARNING,

this example also includes a catch-all question, inviting the student to provide any other feedback that they wish about the clinic. The authors have found that this final question elicits valuable information about topics not mentioned in the survey, and also that students will often leave positive comments about their overall experience in the course.

The targeted approach displayed in Appendix B has advantages, although it takes more time to design and more time for the students to complete. By including specific questions about certain sites of learning or specific exercises, the instructor can receive feedback from the entire class on those items. In a three-question exercise, by contrast, it may happen that only one student out of eight will comment on case rounds. Each student may bring up a different element of the course, making it difficult for the instructor to know if an opinion is shared by classmates.¹⁴⁵

After the instructor finalizes their goals and topics for the exercise, they should reflect on past experiences. What went well the last time they requested feedback from students, and what did not go so well? What would they like to change?¹⁴⁶ The cycle of reflective teaching provides a helpful framework for instructors implementing a mid-semester feedback exercise.

B. Timing

Despite the name, “mid-semester feedback” does not need to be collected at the mid-semester mark. The point is to collect feedback from current students during the course, with time to respond and implement some changes.¹⁴⁷ This can be accomplished early in the course, such as in Week 4, or relatively late, such as two-thirds of the way through. Timing must be considered at the outset.

The seemingly minor question of timing connects to which topics are appropriate for the exercise, and how the instructor responds to the feedback. Consider the students’ experiences to date, and what information they have upon which to base feedback. It may not be helpful to ask students for feedback on the casework component of the course in Week 4, for example. And, feedback on rounds will likely be more useful after students have experienced more than one rounds session. This is all to say that instructors should schedule the exercise based on the topics they wish to survey. An instructor’s goals for the

<https://bpb-us-w2.wpmucdn.com/edblogs.columbia.edu/dist/8/1109/files/2016/07/Early-and-Mid-Semester-Feedback-Question-Bank-V4.pdf> [https://perma.cc/3NLD-WA2Y] (last visited Sept. 24, 2025).

¹⁴⁵ A collaborative small group exercise can allow students to amplify their classmates’ comments. See *infra* Part IV.F.; see also Veeck, et al. *supra* note 39, at 163.

¹⁴⁶ See *supra* Part II.A (regarding reflective practice); BRYANT ET AL., *supra* note 54, at 13-14.

¹⁴⁷ See *supra* Part I.C.

exercise may thus dictate its timing to some extent. The authors find that student reflections on casework are generally of higher quality later in the semester, when students are more familiar with their clients and cases, and have gotten over the initial hurdles of learning the basics.

For some topics, such as questions asking for broad feedback on the course, there is a tension between administering the questions too early, when the feedback might not be as helpful, and administering a questionnaire too late, without enough time to implement changes or incorporate the results.

It can be helpful to solicit mid-semester feedback early, or a week or two before the mid-semester mark, so the instructor has time to incorporate the feedback in a meaningful way. This is especially helpful if actionable problems are revealed which universally impact student learning. For example, in one class students overwhelmingly commented that the physical classroom was too small, and as a result the students felt cramped together, making it hard to concentrate. The professor was able to move the class to a different room, increasing the students' comfort for the rest of the semester. Getting this feedback early in the semester allowed the issue to be addressed when it could still maximally improve the students' learning experience.

The timing of the mid-semester questionnaire also impacts whether it will be administered as part of a student's mid-semester self-evaluation and supervisory conference, or as a separate exercise. Some clinic professors hold mid-semester conferences two-thirds of the way through the semester, as they believe that the students' additional weeks of experience allow for richer reflection and discussion, and additional data points for the professor to give feedback to the students. If this approach is taken, it may be helpful to supplement with a very short survey around week 4 or 5, in order to surface any major problems. Even a three-question survey can have a meaningful impact on students' perceptions.¹⁴⁸

C. Which Students Provide the Feedback?

Feedback can be requested from the entire class, or from a subset of students. Professor Heather Abraham employs a "focus group" approach as her primary method of obtaining student feedback in her year-long Civil Rights and Housing Clinic.¹⁴⁹ At the end of the first

¹⁴⁸ See *supra* text following note 143 (describing one author's experience with very short surveys) and Appendix A, Sample Three-Question Surveys.

¹⁴⁹ Email from Heather R. Abraham, Assoc. Professor of L., St. Univ. N.Y. Buffalo Sch. of L. to Christine S. Speidel, Assoc. Professor of L., Vill. Univ. Charles Widger Sch. of L. (May 1, 2025 at 11:38 ET) (on file with authors). See also *The Civil Rights and Transparency Clinic: A Q&A with Professor Heather Abraham*, ST. U. N.Y. BUFFALO SCH. L. BLOG

semester she extends an open invitation to all students to voluntarily give feedback on the course in a structured conversational setting.¹⁵⁰ Although structured as a “focus group,” participation is not limited to any certain number of students, and in some years all students elect to participate.¹⁵¹ When all students elect to participate, the exercise is held in lieu of the last class of the semester.¹⁵² Professor Abraham can then review the feedback over winter break and implement changes for the second semester of the clinic.¹⁵³

Many of the goals of mid-semester feedback would seem best achieved by asking the entire class to participate. Certainly, limiting the number of participants seems unwise for small clinic classes.¹⁵⁴ Responses would not be generalizable.¹⁵⁵

If feedback is requested from the entire class, it can be mandatory or optional to participate. Mandatory participation demonstrates that the instructor values the opinion of each student. If students can decline to participate, the exercise may provide less accurate feedback for the instructor, and the students who opt out may not achieve benefits in their relationship to the instructor. The instructor will not be aware of any criticisms until their end-of-semester evaluations. Mandatory participation also mitigates against selection bias, perhaps generating more accurate and balanced results.

(Nov. 1, 2021), https://www.law.buffalo.edu/blog/Civil_Rights_Transparency_Clinic.html [<https://perma.cc/VQR4-DTJK>]; email from Heather R. Abraham, Assoc. Professor of L., St. Univ. N.Y. Buffalo Sch. of L. to Christine S. Speidel, Assoc. Professor of L., Am. Univ. Wash. Coll. of L. (Dec. 5, 2025 at 4:30 p.m. ET) (on file with authors).

¹⁵⁰ Conversation between authors and Heather R. Abraham in Baltimore, Md. (Apr. 29, 2025); email from Heather R. Abraham of December 5, 2025, *supra* note 149.

¹⁵¹ *Id.* For best practices in administering focus groups, see Barry Nagle & Nichelle Williams, *Methodology Brief: Introduction to Focus Groups*, UNCF SPECIAL PROGRAMS CORP. CTR FOR ASSESSMENT PLAN. & ACCOUNTABILITY, <https://www.mmconnect.com/projects/userfiles/File/FocusGroupBrief.pdf> [<https://perma.cc/6WVL-ANSE>]. See also SCHWARTZ ET AL., *supra* note 29, at 210-12 (discussing the use of voluntary “student advisory teams”).

¹⁵² Conversation between authors and Heather R. Abraham in Baltimore, Md. (Apr. 29, 2025); email from Heather R. Abraham of December 5, 2025, *supra* note 149.

¹⁵³ The question of anonymity is discussed below in Part IV.D. Professor Abraham’s approach is not anonymous. However, it is possible to administer an optional anonymous questionnaire.

¹⁵⁴ There is no universal agreement on the ideal size for a focus group, but it is within the range of many clinic class sizes. See, e.g., Jenny Kitzinger, *Introducing Focus Groups*, 311 BRIT. MED. J. 299, 301 (1995) (asserting that the optimal size is 4 to 8 people); Nagle & Williams, *supra* note 151 at 3 (asserting that the optimal size is 7 to 12 people). The typical clinic class enrolls eight students. Kuehn et al., *supra* note 96, at 26.

¹⁵⁵ See William M.K. Trochim, *Statistical Terms in Sampling*, RESEARCH METHODS KNOWLEDGE BASE, <https://conjointly.com/kb/sampling-statistical-terms/#sampling-error> [<https://perma.cc/29F2-MPQE>] (last visited Dec. 14, 2025) (noting that “the greater your sample size, the smaller the standard error”); William M.K. Trochim, *External Validity*, RESEARCH METHODS KNOWLEDGE BASE, <https://conjointly.com/kb/external-validity/#improving-external-validity> [<https://perma.cc/G7D7-U2UZ>] (last visited Dec. 14, 2025) (recommending a random selection when drawing a sample from a population).

On the other hand, there are disadvantages to making the exercise mandatory, and one could argue that the results may actually be less accurate. Each clinic class has a different dynamic¹⁵⁶ and students, like teachers, have many demands on their time. Mandatory participation is costly in terms of time trade-offs for students, although this can be mitigated by keeping the exercise short. The students' sense of burden in having "yet another assignment" can also be mitigated by including the feedback questions in a mid-semester self-reflection assignment or as a discussion point in the student's formal mid-semester meeting.¹⁵⁷ Grading can also be a consideration. Asking for feedback in a mandatory assignment raises thorny questions of grading if the students do not complete those questions, and it reminds students that their responses will be considered when the professor grades them. Students may therefore be inclined to say what they think the professor wants to hear. It is also possible that students who volunteer to give feedback may provide more detailed and more constructive responses. Some professors may prefer an opt-in approach in particularly difficult semesters where they are teaching students who are opposed to the clinic's mission or students who clearly do not want to be in the clinic.¹⁵⁸ However, the authors believe it is valuable to survey all students in a course, and that instructors can adapt their mid-semester survey to account for the particular difficulties of any semester.¹⁵⁹

A combination approach can also be taken. For example, Professor Abraham asks all students to provide brief written feedback in their mandatory mid-semester self-assessment memo.¹⁶⁰ The questions are open-ended and very short.¹⁶¹ She also offers an optional focus group later in the semester.¹⁶² This allows all students the opportunity to provide some feedback regardless of whether they wish to participate in the focus group. It also provides the professor with feedback at multiple points over the course of the year.

As with so many questions raised in clinic, there is no single right answer.

¹⁵⁶ The typical clinic class enrolls eight students. Kuehn et al., *supra* note 96, at 26.

¹⁵⁷ Kreiling, *supra* note 55, at 334-35 (recommending and describing formal evaluation sessions to occur "periodically during and at the end of the fieldwork"). One of the authors regularly includes feedback questions in the mid-semester self-reflection assignment.

¹⁵⁸ At some schools it is mandatory to participate in a clinic. *See, e.g., Student Handbook Vol. I, Sec. 1.5*, UNIV. OF THE D.C. DAVID A. CLARKE SCH. L., (2024-2025) [<https://perma.cc/RLL7-MK9H>].

¹⁵⁹ *See, e.g.* the brief three-question surveys in Appendix A.

¹⁶⁰ Heather R. Abraham, Midsemester Self-Evaluation Memo (Fall 2024) (on file with authors); *see also* email from Heather R. Abraham of December 5, 2025, *supra* note 149.

¹⁶¹ *See* Abraham, Midsemester Self-Evaluation Memo, *supra* note 160.

¹⁶² *See supra* notes 149-153 and accompanying text.

D. Anonymity

Questionnaires can be administered anonymously or non-anonymously. Considerations include the response rate, the quality of comments including level of candor, and whether the instructor plans to follow up individually or in class. Each consideration is explored further below.

If the questionnaire is required—such as considered in the student’s participation grade for completing written assignments—then a non-anonymous survey is more likely to achieve a 100% response rate, since students will be motivated to submit the assignment. This ensures that each student’s opinion is considered. If the questionnaire is voluntary, then it is not clear whether anonymity will produce a higher response rate. The instructor’s plan for responding to the student feedback also needs to be considered. A non-anonymous approach permits the instructor to respond to students individually, if preferred. The instructor can respond as part of the mid-semester conference or in a separate meeting.

In theory, an anonymous survey allows students to speak without fear of disapproval or retribution, resulting in more accurate and more candid comments. If students provide positive non-anonymous mid-semester comments but negative comments on the end-of-semester course evaluations, the instructor might consider implementing an anonymous mid-semester survey. Some researchers have found that administering anonymous mid-semester feedback online can lead to higher faculty ratings than other methods.¹⁶³

In small classes, the instructor may suspect they recognize some “anonymous” commenters based on the student’s voice, writing style, or perspective. The intimacy of the professor-supervisor relationship in clinical education makes this especially likely.¹⁶⁴ If the student is worried about being identified, an anonymous survey may not increase the candor of the responses. If this occurs (as indicated by negative end-of-semester feedback that was not provided at mid-semester), the instructor might experiment with the form of the questions. Scaled responses are much harder to tie to a specific student than narrative responses. The instructor could also consider having an intermediary collect the feedback and summarize it.¹⁶⁵

¹⁶³ Harris & Stevens, *supra* note 14, at 541-42. Ease of use and the timely delivery of results may also have been factors in the success of this method, in addition to the anonymity it provided. *Id.*

¹⁶⁴ Effective clinical supervision “requires an enormous amount of individual diagnoses” so the professor can “structure the student’s activity to foster learning.” Shalleck, *supra* note 99, at 173-74; *see also* Sullivan, *supra* note 45.

¹⁶⁵ *See* discussion *infra* at Part IV.E.

Both anonymous and non-anonymous exercises can further the goals of clinical pedagogy identified in Part II. Students can develop the skills of reflection and metacognition through a mid-semester feedback exercise regardless of whether the exercise is anonymous. One could argue that the skill of giving feedback will be advanced further by a non-anonymous exercise, as giving honest feedback without the cloak of anonymity requires more skill and courage.¹⁶⁶ Of course, a student who provides answers they think the instructor wants to hear is not developing that skill. Each instructor must consider the skills, maturity levels, and other factors unique to each class of students in making this decision.

E. Who Collects the Feedback?

The instructor can, of course, administer the feedback exercise themselves. As discussed above in Part IV.D, responses can still be anonymous. Alternately, another professor or a consultant provided by the university may be available to collect feedback from the students.¹⁶⁷

A consultant may have special training or skills which can be valuable to the instructor. Regardless of who the third party is, students may feel safer offering critical feedback through an intermediary rather than directly to the instructor, and therefore provide more honest responses. There are also benefits to the instructor in having a third party collect the responses. The third party can aggregate comments for the instructor, and paraphrase or elide any hurtful phrasing used by students. This can soften the impact of ill-considered or hostile comments on the instructor.¹⁶⁸

However, there are disadvantages of using an intermediary. First, time is at a premium for most clinical professors. It is more time-consuming to involve another person, both during the process and in developing the protocol. The exercise is also less intimate and may build less trust between the instructor and students.

It is more difficult for people to give feedback directly to a supervisor. If building that skill is a top goal of the exercise, consider having the instructor collect feedback directly. This consideration may

¹⁶⁶ Engendering courage in students may be “one of the greatest gifts we can present to them.” Mary Marsh Zulack, *Rediscovering Client Decisionmaking: The Impact of Role-Playing*, 1 CLIN. L. REV. 593, 604 n.17 (Spring 1995).

¹⁶⁷ Some universities provide this service to professors. See, e.g., *Midterm Student Feedback*, UNIV. OF MICH. CTR. FOR RSCH. ON LEARNING & TEACHING, <https://crlt.umich.edu/faculty/feedback> (on file with authors) (last visited Sept. 24, 2025) (describing the process for a consultant to visit a class to collect student feedback). One of the authors has used teaching consultants provided by two of the universities at which she has taught.

¹⁶⁸ However, this filter could frustrate students who believe the instructor is actually reading their feedback.

not trump others, however. In the workplace, students may be asked to provide direct feedback but they may also be asked to provide anonymous feedback to a supervisor. The authors encountered both models in the workplace prior to entering academia. The exercise can be designed for students to practice giving effective feedback regardless of who collects their responses.

E. Modes of Communication and Engagement

The instructor will need to decide whether to collect feedback verbally, in writing, or using both methods. In-person discussions, whether one-on-one, as a small group, or in a large group format, provide the opportunity to probe or ask follow-up questions.¹⁶⁹ However, they are more time-consuming than a written questionnaire. The instructor's preferences regarding anonymity and whether a third party will collect the feedback will influence its form as well.¹⁷⁰ Some students will express themselves more eloquently in writing, and others will provide much more detail in a verbal interaction than they will in a written assignment. There can be multiple reasons for this, including concerns about social acceptability and the permanency of the record being made.¹⁷¹

One common method of collecting mid-semester feedback is a small group discussion, involving all students in a course.¹⁷² This is the most common approach at the University of Michigan, facilitated by a consultant.¹⁷³ The small groups share their responses verbally with the whole class and the consultant.¹⁷⁴ The responses are anonymous, as the

¹⁶⁹ See William M.K. Trochim, *Types of Surveys*, RESEARCH METHODS KNOWLEDGE BASE, <https://conjointly.com/kb/types-of-surveys/> [<https://perma.cc/BR7K-5QJ8>] (last visited Dec. 14, 2025).

¹⁷⁰ The question of anonymity is discussed *supra*, at Part IV.D. Obviously, collecting anonymous verbal feedback would require the feedback to be collected by an intermediary. If the instructor strongly prefers to collect anonymous feedback, the availability of a third-party facilitator would determine whether the exercise is written or oral.

¹⁷¹ See William M.K. Trochim, *Interviews*, RESEARCH METHODS KNOWLEDGE BASE, <https://conjointly.com/kb/conducting-research-interviews/#recording-the-response> [<https://perma.cc/SKF8-GRZN>] (last visited Dec. 14, 2025) (“Respondents are often uncomfortable when they know their remarks will be recorded word-for-word. They may strain to only say things in a socially acceptable way.”).

¹⁷² See generally Snooks et al., *supra* note 22 (describing three small group feedback techniques: Small Group Instructional Diagnosis developed in 1982, the Group Instructional Feedback Technique developed in 1993, and Bare Bones Questions developed in 2004).

¹⁷³ UNIV. OF MICH. CTR. FOR RSCH. ON LEARNING & TEACHING, *supra* note 167 (“Small Group Method: This is the most common approach CRLT takes to gathering midterm feedback... Each group receives a sheet with the following questions: 1. What are the major strengths in this course? 2. What changes could be made in the course to assist you in learning?”). In one author's experience, for small classes the class is not broken up into small groups; rather, the consultant facilitates a large group discussion.

¹⁷⁴ *Id.*

professor leaves the room during the exercise.¹⁷⁵ If anonymity is not desired, the professor could administer the small group method rather than using a consultant.¹⁷⁶ Small group feedback exercises can also be held online using a collaborative platform such as Google Docs.¹⁷⁷

The professor can also lead a large group discussion exercise. In this case, it may be helpful to start with a physical activity to engage students, priming them to actively participate in the discussion to follow.¹⁷⁸ For example, Professor Heather Abraham begins with a card sorting activity.¹⁷⁹

Instructors can request feedback by multiple methods and at multiple times throughout a course. If the first method attempted does not result in useful or accurate comments, it can be supplemented later in the semester. For example, if students complete a written questionnaire before the midpoint of the semester, they can be invited to supplement their responses verbally in their individual mid-semester meeting with the instructor.

One of the authors routinely incorporates mid-semester feedback questions into the students' mid-semester self-evaluation questionnaire. The student's self-evaluation is then discussed at an individual meeting between the student and the instructor. The author finds that this allows students to provide feedback in whichever mode they feel most comfortable. In past semesters, certain students who wrote "bare bones" answers to the questions requesting feedback on the course have provided surprisingly detailed and thoughtful verbal feedback during

¹⁷⁵ *Id.*

¹⁷⁶ This has been described as a "last resort," and is discouraged by multiple researchers on the grounds that students are unlikely to give candid responses in this setting to their instructor. See Snooks et al, *supra* note 22, at 116.

¹⁷⁷ See Veeck et al., *supra* note 39 (introducing and assessing the utility and suitability of online collaborative midterm evaluations by students using Google Docs). Professors Veeck, O'Reilly, MacMillan, and Yu conducted two pilot studies of anonymous online collaborative evaluations involving 110 and 140 students, respectively. *Id.* at 161. The studies show that detailed directions and preparation of the students is crucial if using this method; without them, irreverent and confused students compromised the results. *Id.* at 161, 166. While collaborative evaluations did not produce a statistically significant difference in the number of actionable comments, *id.* at 163, the method may have other benefits. In particular, "synergistic comments," in which several students agreed with an initial comment, led instructors of the courses to make changes which they likely would not have made in response to isolated individual comments. *Id.* at 163-164. The method may also have additional value for students in classes that emphasize collaboration skills. *Id.* at 166.

¹⁷⁸ See Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213, 229-232 (1998) (discussing instructional strategies to help factual and kinesthetic learners in law school courses, and noting that a significant percentage of law students tested had high kinesthetic learning strengths).

¹⁷⁹ Heather Abraham, Focus Group Discussion Guide (Fall 2024), on file with authors. In the card sorting activity, each student receives a stack of cards, with a class topic written on each card. The students organize the cards in the order of most valuable class to least valuable. *Id.*

the individual meeting. A focus group exercise could also incorporate both written and verbal feedback.¹⁸⁰

Whatever mode of communication is used, the learning objectives described above in Part II are best advanced if the student has notice of the questions and adequate time to consider them before providing responses. A quick “off the cuff” answer does not build skills of reflection and metacognitive thinking in the same way as a thoughtfully considered answer does.¹⁸¹ Providing advance notice to the student also increases the student’s sense that the professor cares about the answer and has thoughtfully planned the exercise, advancing the goals of improving the student-teacher relationship and modeling reflective practice.

G. *The Form of the Questions*

There are many ways to ask questions. The instructor must carefully consider the wording and form of the questions in light of the goals

¹⁸⁰ It bears noting that a structured written or verbal exercise is not the only way that instructors obtain student feedback during a course. Many instructors use quick check-ins at the beginning or end of class to get immediate feedback on assignments or course content. Weekly reflection assignments can also be used to provide the instructor with regular feedback on case or seminar work. In-class check-ins can be accomplished anonymously in writing, by collecting responses on index cards. Check-ins can also be conducted with a visual component using online platforms such as Mentimeter or Poll Everywhere. For example, in the “Cage Gauge” exercise, students are shown a grid with nine drawings of the actor Nicholas Cage displaying a different emotion. Students participate in the poll by selecting the emotion closest to how they feel. The whole class then sees the results, and the instructor can debrief the exercise. Ben Crothers, *For a Perfect Team Boost, Try the Nicolas Cage Gauge*, BRIGHT PILOTS (June 3, 2022), <https://brightpilots.com/blog/post.php?id=23> [<https://perma.cc/PS23-GVZQ>]; Steven Sampson-Jones, *Agile Team Health & Wellbeing: Kickass Cage Gauge*, MEDIUM (Apr. 30, 2021), <https://medium.com/@stevensampsonjones/agile-team-health-wellbeing-kickass-cage-gauge-cdb75102cff3> [<https://perma.cc/SS2A-HSGP>]. See also Michael Hunter Schwartz, *Teaching Tidbit of the Week: Speedy, Frequent, and Easily Digestible Feedback on Your Students’ Learning*, TAXPROF BLOG (Nov. 6, 2025), <https://taxprofblog.aals.org/2025/11/06/teaching-tidbit-of-the-week-speedy-frequent-and-easily-digestible-feedback-on-your-students-learning/> [<https://perma.cc/7NFZ-SXYH>]; SCHWARTZ ET AL., *supra* note 29, 169-174 (discussing classroom assessment techniques).

A formal mid-semester feedback exercise can be a supplement to such continual feedback and “temperature check” practices. The mid-semester feedback exercise is distinctive in several ways: designating the time for students to provide feedback on the course in more detail and giving the introductory statement frames the exercise as more serious. Also, a more formal assignment requires the professor to go through critical reflection and address the feedback with students, which instructors may not do with shorter “temperature check” practices.

¹⁸¹ This could be an alternative explanation for the example given above, in which students who provided minimal written responses on a questionnaire volunteered quite detailed, thoughtful responses during their follow up meeting with the instructor. Rather than indicating more comfort with verbal communication, for some students it may be simply that they had had more time to think about the questions. Some students may devote insufficient time for thoughtfully completing the written assignment or questionnaire.

established for the exercise. The questionnaire may need to be drafted, then compared with the goals, and then redrafted.

When asking for students' suggestions through open-ended questions, it can be helpful to include a reminder about the aspects of the course that they cannot change. Otherwise, students may provide suggestions that cannot be implemented, leading them to feel frustrated and dismissed, or that the exercise was merely busywork. For example, one semester, a student commented that the clinic should not accept a certain type of case. For future semesters, the instructors proactively clarified that they were not looking for feedback on the types of cases the clinic handled.

The design of the questionnaire can help students give answers that are more constructive and helpful to the instructor. Best practices include the following:

- Focus on one topic in each question.
- Ask students to share one suggestion or one comment at a time.
- Use narrower questions to generate more detailed and targeted answers and use broader questions to solicit students' impressions of the course.¹⁸²
- Avoid yes/no questions.¹⁸³
- Avoid questions that suggest the desired answer.¹⁸⁴
- Limit the number of questions.¹⁸⁵
- Consider a mix of qualitative and quantitative (scaled) questions.¹⁸⁶
- Consider whether the questions require defining any terms or explaining any scales.¹⁸⁷

If the professor uses any terms that need defining, they should do so on the questionnaire.¹⁸⁸ For example, if the instructor includes the following Likert-scale question: "The instructor creates an inclusive learning environment where everyone is welcome and supported," then

¹⁸² American University Center for Faculty Excellence, *Preparing to Collect Midsemester Feedback from Students*, YouTube (Mar. 20, 2023), <https://www.youtube.com/watch?v=uZoy4KUdJv0> [<https://perma.cc/4CRM-3C3V>] [hereinafter "AUCFE"].

¹⁸³ Yes/no questions provide little information to the instructor, and little opportunity for students to develop reflection and feedback skills.

¹⁸⁴ Questions that suggest the desired answer fail to demonstrate respect for students' opinions or openness to criticism.

¹⁸⁵ SCHWARTZ ET AL., *supra* note 29, at 210 ("Keep the questionnaire process simple. Design a one-page form with three to five questions.").

¹⁸⁶ See *infra* notes 195-200 and accompanying text.

¹⁸⁷ AUCFE, *supra* note 182.

¹⁸⁸ *Id.*

“inclusive learning environment” should be defined.¹⁸⁹ This is also a consideration in interviews.¹⁹⁰

If developing student metacognition is one of the goals, this will also influence the design of the questions.¹⁹¹ Consider these examples of a two-question series asking for feedback on an out-of-class client interview simulation:

Version A:

What is one thing you liked about the simulation?

What is one change you would make to the simulation process?

Version B:

What is one aspect of the simulation that worked well to support your learning?

What is one aspect of the simulation that should be changed to better support your learning?

Both versions focus narrowly on one topic within the instructor’s control, and both ask for one suggestion at a time. The advantage of Version B is that it prompts students to reflect on their learning process and improve their metacognitive skills while also providing specific feedback on the topic. Whether students “like” an aspect of the course may not be important to a professor’s pedagogical goals.

Consider also the danger of bias. The form of the question can either invite or mitigate student biases from coloring the responses.¹⁹² For example, “What do you like about the instructor?” is a question that invites students to reflect on their subjective likes and dislikes, which may be colored by unconscious bias. Asking students to respond to specific, targeted prompts rather than open-ended or general questions may help reduce biased responses and yield more actionable feedback.¹⁹³ Rather than, “What do you like about the instructor?” one might ask, “Does the professor require high levels of performance?”¹⁹⁴

Teaching and learning specialists recommend using a mix of scaled questions and open-ended questions calling for a narrative.¹⁹⁵

¹⁸⁹ *Id.*

¹⁹⁰ See Trochim, *supra* note 171.

¹⁹¹ See generally Preston et al., *supra* note 56, at 1080-87.

¹⁹² AUCFE, *supra* note 182.

¹⁹³ Kreitzer & Sweet-Cushman, *supra* note 140, at 73-84.

¹⁹⁴ AUCFE, *supra* note 182.

¹⁹⁵ See, e.g., American University Center For Faculty Excellence, *Building Connections: Student Feedback and Co-Creation for an Equitable Classroom*, 6:55-7:46, YouTube

A combination of qualitative and quantitative questions can provide the instructor with a “well-rounded understanding” of the student’s experience.¹⁹⁶ Scaled questions provide quantitative data, allowing instructors to compare average responses across semesters and identify trends.¹⁹⁷ Scaled questions should also be faster for students to answer and they can be made fully anonymous.¹⁹⁸ However, scaled questions alone are unlikely to unlock the full benefits of mid-semester feedback. Qualitative questions should also be included to provide context, details, and other information about why students feel a certain way.¹⁹⁹ Qualitative and open-ended questions also allow students the opportunity to fully share their thoughts with the instructor, showing respect for the student voice.²⁰⁰ The authors prefer to receive specific feedback and they rely on qualitative questions in order to keep questionnaires short. They also find that the goals of helping students articulate feedback are better served by qualitative questions.

As an example, one scaled question could be, “The expectations for assignments are clear,” with response options ranging from 1 (strongly disagree) to 5 (strongly agree).²⁰¹ An instructor might include this question if they have set a personal goal of increasing the average score for this question. Or, they could ask this question to monitor students’ general satisfaction with the assignment instructions without any particular goal in mind. If this question is asked, it could be accompanied by qualitative questions asking for specific actionable feedback. Consider a course in which the expectations for most assignments were clear, but students felt quite confused about one particular assignment. The scaled question alone will not identify the specific issue causing students to give a lower rating.

(Sept. 17, 2024), https://www.youtube.com/watch?v=46Ybm_1HFQ [<https://perma.cc/S6PV-CGZJ>] (discussing qualitative and quantitative survey questions) [hereinafter *Building Connections*]; *Designing Evaluation Questions*, UNIV. OF OXFORD CENTRE FOR TEACHING AND LEARNING, (2024), <https://wwwctl.ox.ac.uk/designing-evaluation-questions> [<https://perma.cc/8LVN-C378>].

¹⁹⁶ *Building Connections*, *supra* note 195, at 7:40-48.

¹⁹⁷ *Id.* at 7:04-7:22 (scaled questions “allow you to identify trends and make data-driven adjustments”).

¹⁹⁸ *See supra* note 164 and accompanying text (discussing the difficulty of fully anonymizing narrative responses in the intimate clinic setting).

¹⁹⁹ *See, e.g.*, Payette & Brown, *supra* note 7, at 2 (“the Likert-scale format does not permit a nuanced, complex view of learners’ experiences”).

²⁰⁰ *See supra* II.C (discussing the pedagogical value of seeking student perspectives).

²⁰¹ The resources mentioned above in note 144 include examples of other scaled questions that may be helpful for clinical professors. *See, e.g.*, *Early and Mid-Semester Student Feedback Question Bank*, *supra* note 144. *See also* Trochim, *Scaling*, RESEARCH METHODS KNOWLEDGE BASE, <https://conjointly.com/kb/scaling-in-measurement/> [<https://perma.cc/8Z9B-N2SR>] (last visited Dec. 14, 2025) (describing scaling and introducing various scaling methods).

A questionnaire section on class assignments which integrates qualitative and quantitative questions as well as metacognitive thinking might read:

Class Assignments

1. What is one aspect of the class assignments that is working well to support your learning?²⁰²
2. Please indicate your level of agreement with the following statement by circling a number below.

The expectations for assignments are clear

- 5 - Strongly agree
- 4 - Agree
- 3 - Neither agree nor disagree
- 2 - Disagree
- 1 - Strongly disagree

3. If you selected 1, 2, 3, or 4 above, what specifically has been confusing or unclear?
4. What is one aspect of the class assignments that should be improved to better support your learning?

As noted above in IV.A, it is best to keep questionnaires short, and the instructor should carefully select questionnaire topics to avoid overloading students.²⁰³ Asking both quantitative and qualitative questions on a specific topic such as assignments may further the instructor's goals for the exercise. It may also require the instructor to include fewer topics in their questionnaire.

H. Introducing and Administering the Exercise to Students

The instructor's framing of the exercise is important to its success in several ways. The way the instructor introduces the exercise can model reflective practice and a growth mindset.²⁰⁴ Students may be initially skeptical that the exercise is worth their time. The instructor should take time to explain their goals to the students, and how they will respond to the feedback. The skill of evaluation should be explicitly named as a goal of the exercise and presented as a benefit that students will gain from

²⁰² See *infra* Appendix A.

²⁰³ See *supra* note 137 and accompanying text.

²⁰⁴ See *supra* Part II.B.

the course.²⁰⁵ The instructor's careful positive framing can contribute to the learning experience and encourage students to provide thoughtful answers.²⁰⁶

When introducing the exercise, it is helpful for the instructor to give examples of how they have used past student comments to make changes. This openness encourages students to be honest and specific in their responses.²⁰⁷ Examples of past changes can also help students understand some of the challenges that professors face. In our experience, students appreciate professors attempting to adjust the course to meet student needs, even if they do not necessarily agree with the other students' suggestions. One of the authors has repeatedly had the experience of a student tempering their criticism of an element of the course after realizing that other students had advocated for the element to be structured that way. For example, a student who wrote that they felt overwhelmed by the front-loaded nature of the clinic seminar and advocated to drop some of the early assignments was quite understanding in a follow-up conversation after the student was told that prior semesters' students had asked for certain classes and exercises to be moved earlier in the semester in order to feel better equipped to move their cases forward. Explaining some of the instructor's pedagogical choices in the context of past student feedback, and doing so while introducing the exercise, may help students understand and consider competing demands as they complete the exercise.

Short mid-semester questionnaires can be administered in the same manner as an end-of-semester evaluation. Conducting the exercise during class may increase the response rate for anonymous or ungraded exercises. This practice also shows respect for the students' time and emphasizes the importance of the exercise. One of the authors once sent an anonymous mid-semester feedback questionnaire to students during spring break. To her chagrin, not one of the students completed it. The author has never had that experience when administering the questionnaire during class time.

When the mid-semester questionnaire is administered during class, similar best practices and considerations apply as with end-of-semester evaluations. The exercise can be introduced at the beginning of class or in the middle, with the instructor leaving the room and then returning after 10 minutes or so. The advantage of administering the questionnaire in the beginning or the middle of class is that it may incentivize students to complete the exercise. The class is not over, so students cannot use

²⁰⁵ See Nina W. Tarr, *The Skill of Evaluation as an Explicit Goal of Clinical Training*, 21 PAC. L. J. 967, 984 (July 1990).

²⁰⁶ See *supra* Part I.B, notes 17-19 and accompanying text.

²⁰⁷ Lewis, *supra* note 32, at 39.

the time to leave early. However, any negative thoughts or emotions stirred up by the exercise may influence the rest of the class. If one or more students are habitually tardy to class, it may be best to administer the questionnaire in the middle of class rather than at the beginning. This also bears the advantage that the beginning segment of class will not be influenced by the exercise.

V. WHERE THE RUBBER MEETS THE ROAD: REVIEWING AND RESPONDING TO MID-SEMESTER FEEDBACK

This section addresses best practices for reviewing students' feedback and addressing it with them. Some of this section may be inapplicable to professors who work with an external party—e.g., a consultant or another instructor—as the external party may have their own suggestions for reviewing and responding to feedback.²⁰⁸ While it may seem daunting, this process—soliciting student feedback and then applying their implementable suggestions—demonstrates a professor's "deep respect for students."²⁰⁹

Before diving into tips for reviewing and responding to feedback, it is first helpful to review principles applicable to accepting feedback. As one scholar observed: "a feedback message engages a broad range of cognitive responses in the recipient along with a number of often complex personality variables."²¹⁰ Douglas Stone and Sheila Heen, who are both affiliated with the Harvard Law School Negotiation Project, have worked with multiple types of businesses and organizations and have studied feedback extensively as clients frequently raise feedback conversations as among the most difficult.²¹¹ As a result of their work, they have determined that receiving feedback well depends not on the giver of the feedback, but rather on the receiver.²¹² Stone and Heen define feedback broadly,²¹³ and they argue that people must be able to effectively receive feedback, even when the delivery is less than ideal.²¹⁴

Stone and Heen identify three triggers that are activated when someone receives feedback: an identity trigger, a truth trigger, and a relationship trigger.²¹⁵ When these triggers are activated, professors may not be able to appreciate and respond to students' feedback.

²⁰⁸ See discussion *supra* at Part IV.E.

²⁰⁹ SCHWARTZ ET AL., *supra* note 29, at 210.

²¹⁰ Goode, *supra* note 3, at 226 (writing that feedback has been well studied in other disciplines—e.g., human relations, psychology, and personnel management and that those "studies resonate[] with conceptual parallels to the law school clinical experience.").

²¹¹ DOUGLAS STONE & SHEILA HEEN, THANKS FOR THE FEEDBACK 3 (2014).

²¹² *Id.* at 5-6.

²¹³ *Id.* at 4 (defining feedback as "any information that you get about yourself").

²¹⁴ *Id.* at 6.

²¹⁵ *Id.* at 16.

The identity trigger is activated when feedback conflicts with how one sees oneself.²¹⁶ For example, a student may write, “Professor S. doesn’t explain the law very clearly,” and Professor S. may think to themselves, “But I pride myself in my clarity, in fact, other law professors have complimented my clarity!”

The truth trigger comes into play when one part of the feedback seems off, untrue, or unhelpful, so the receiver disregards all the feedback without attempting to understand it.²¹⁷ For example, a student may comment, “Professor H. lectures for the majority of class, which I personally find boring.” Professor H. may react by thinking, “Wait a minute, I incorporate a number of teaching methods besides lecture. This student clearly can’t be trusted to give valid feedback.” By immediately dismissing the feedback without trying to understand it, the professor loses out on what could be helpful insight. In addition, if the professor has asked for feedback non-anonymously, the professor may dismiss all of the student’s feedback based on the one comment.

The third trigger, the relationship trigger, rears its head when a person dismisses the feedback because of their relationship with the giver.²¹⁸ Professors may be tempted to dismiss feedback because they suspect that the feedback comes from a student with whom they have a difficult relationship and the professor finds the student not credible. First, as discussed above, when feedback is anonymous, we suggest resisting the temptation to attribute feedback to any particular student. Second, even if a professor is near-certain as to who wrote the feedback, we suggest engaging in the process of critical reflection (discussed below) to consider how to respond to feedback, no matter the giver.

Being aware of the three triggers before a professor reviews students’ feedback can help professors understand their initial responses and engage in critical reflection on the feedback.²¹⁹

A. *Reviewing Mid-Semester Feedback*

For any professor, the thought of reviewing students’ feedback can be anxiety-provoking. What will students say? Will they express dislike for seminar, casework, or the clinical model? Will the feedback include comments targeted implicitly or explicitly at the professor’s identity? Before reviewing the feedback, it may be helpful for professors to remind

²¹⁶ *Id.* at 16-17; *see also* Goode, *supra* note 3, at 267-68 (“All persons share in this tendency to view self-confirming feedback as more informative, compelling, and trustworthy than feedback that contradicts self-image.”).

²¹⁷ STONE & HEEN, *supra* note 211, at 18-21.

²¹⁸ *Id.* at 16. Law professors may also be tempted to dismiss all feedback because it comes from students, thinking that students lack expertise, training, and experience to comment on the course.

²¹⁹ Cornes, *supra* note 73, at 3.

themselves of some of the principles discussed above. First, students learn differently, and teaching methods that work for some students may not work for others.²²⁰ Second, for clinical courses, especially because they can be on the smaller size, the results “are more susceptible to ‘the luck of the draw’ than averages of larger samples.”²²¹ Third, the process of soliciting feedback from students provides professors with the opportunity to discuss what aspects of the course can and cannot be changed and can help students understand the professor’s instructional choices.²²²

While professors may be eager to review student feedback, it is beneficial to be deliberate about when and where they choose to do so.²²³ To ensure that they can effectively review and receive the feedback, professors may want to set aside time on their calendar and avoid times when they are likely to feel hungry, tired, angry, or other emotions that may interfere with their review.²²⁴ Being deliberate about scheduling the time to review will allow the professor to engage mindfully, giving them room to consider the emotional responses and triggers that may arise.²²⁵

Once professors are ready to review the feedback, it is recommended that they briefly read through it.²²⁶ If a professor has used a Likert scale, they should scan the numerical responses.²²⁷ While it may not be the case for all professors, many focus on the negative comments during the first read through, so they will want to read through the feedback again after getting a more general sense.²²⁸ As professors review the feedback a second time, they can start to recognize themes and patterns

²²⁰ See discussion *supra* at Part II.C. See also SCHWARTZ ET AL., *supra* note 29, at 25 (“Having a variety of teaching methods allows students to learn things in different ways, reaches students’ diverse learning preferences, helps students solve legal problems from new angles, and mixes up the usual class performance patterns. Students’ interest surges and they frequently talk about those teaching methods that break the usual mode of law school teaching.”).

²²¹ Philip B. Stark & Richard Freishtat, *An Evaluation of Course Evaluations*, SCIENCE OPEN 1, 5 (Sept. 26, 2014), <https://www.stat.berkeley.edu/~stark/Preprints/evaluations14.pdf> [<https://perma.cc/S4L8-TAKV>] (writing about student teaching evaluations and noting that the results in small classes may be “more extreme than evaluations in larger classes, even if the response rate is 100%”).

²²² See Diamond, *supra* note 7, at 226; see also Lewis, *supra* note 32, at 39.

²²³ See Cornes et al., *supra* note 73, at 3 (giving recommendations for reviewing student evaluations of teaching).

²²⁴ *Id.* Clinicians may recognize this advice as similar to what we suggest to students to set themselves up for successful client interactions. See, e.g., Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLIN. L. REV. 33, 78 (discussing ways in which to mitigate bias and stereotype in client interactions).

²²⁵ Cornes et al., *supra* note 73, at 3.

²²⁶ SCHWARTZ ET AL., *supra* note 29, at 209.

²²⁷ *Id.*

²²⁸ *Id.*

that arise.²²⁹ It may be helpful to categorize the comments by topic, e.g., course materials, teaching methods, and grading.²³⁰

Following the second read-through, professors can take time to engage in critical reflection before making course changes.²³¹ This process of critical reflection involves considering the feedback and how the professor wants to respond to it – does the professor want to make a change now, make a change in the future, or not make a change? Without taking the time to critically reflect, professors may make changes to the course simply to make students happy.²³² For example, multiple students may comment that the reading for seminar is too long. Initially upon reading that feedback, a professor may think that they must cut all the readings moving forward or they may simply dismiss the feedback as “typical” student complaints.²³³ However, upon taking the time to critically reflect, the professor may consider that in some seminar classes the professor has not had time to cover all the assigned material, which could leave students feeling frustrated, and so moving forward the professor will designate those readings that will not be covered in class as optional. The process of critical reflection allows professors to decide whether change is warranted.²³⁴

Critical reflection also allows professors to engage in mindfulness and examine their reactions to the feedback.²³⁵ Professors may ask themselves: How am I feeling as I review the comments?²³⁶ Am I

²²⁹ *Id.*; see also Robert Marx, *Soliciting and Utilizing Mid-Semester Feedback*, VAND. U. CENTER FOR TEACHING, AGILE LEARNING, <https://derekbruff.org/vanderbilt-cft-teaching-guides-archive/soliciting-and-utilizing-mid-semester-feedback/#do> [<https://perma.cc/B7MU-C9D5>] (last visited Sept. 22, 2025).

²³⁰ *Id.*

²³¹ Cornes et al., *supra* note 73, at 1 (discussing reflection in the context of student evaluations of teaching [SETs]: “For SETs to be effective, they must prompt faculty action that involves reflection, professional learning and change.”).

Given the importance of reflection to clinical pedagogy, unsurprisingly, this is not the first article to recommend that professors also engage in reflection. See, e.g., Camp & Epstein, *supra* note 52, at 22.

²³² Cornes et al., *supra* note 73, at 4 (“[F]aculty may introduce unjustified changes into their teaching . . . merely to please students.”).

²³³ Manya Whitaker, *How to Make the Best of Bad Course Evaluations*, CHRONICLE HIGHER EDUC. (June 2, 2019), <https://www.chronicle.com/article/how-to-make-the-best-of-bad-course-evaluations/> (on file with authors) (“Don’t dismiss their opinions as ill-informed simply because they’re students. The fact is, while most faculty members are experts in their content, very few have any formal pedagogical training. No matter how well you know the material or how much effort you put into teaching, if students aren’t learning, something has to change.”).

²³⁴ Marx, *supra* note 229.

²³⁵ Cornes et al., *supra* note 73, at 3-4 (“A mindful approach to feedback includes openness and curiosity about the reaction, perspective-taking and letting go of judgment [which] can reduce faculty fragility, in which marked discomfort and defensiveness impedes appropriate and productive actions and may lead to disengagement.”).

²³⁶ *Id.* (“Faculty should understand that it is common to experience strong emotional reactions to critical feedback in [student evaluations of teaching], including shame, guilt, and anger.”).

fixating on or giving unequal weight to critical comments?²³⁷ Have I acknowledged the positive comments?²³⁸ Am I allowing feelings of impostership to interfere with my review of the feedback and my decisions regarding how to respond?²³⁹

During the process of critical reflection, professors may also find it helpful to talk about the feedback with a colleague.²⁴⁰ These discussions can help contextualize feedback, especially if a professor is new to clinical teaching, to teaching in general, or to the institution.²⁴¹ A more experienced colleague may read the feedback with a less critical eye, bringing a different perspective.

After critically reflecting, professors can sort the feedback into the three categories mentioned above to prepare for discussion with the students: 1) What can be changed now; 2) What can be changed in the future; and 3) What cannot—or should not—be changed.²⁴² Sorting the feedback in this way can help the professor prepare for addressing the feedback with the students. Comments that fall in the first category may include comments about classroom instruction.²⁴³ For example, if many students comment that they like working in groups, the professor might consider incorporating additional group work during the course. With respect to what can be changed in the future, if the professor solicits comments about clinic orientation—or if the professor happens to receive them—the professor can use those comments to make future changes. With respect to what cannot be changed, students may comment on the seminar's start time or an aspect of course design (e.g., the number of simulations), which may be impossible to change mid-semester.²⁴⁴

B. Responding to Mid-Semester Feedback

How a professor responds to their students may be the most important aspect of the mid-semester feedback process.²⁴⁵ Professors should respond to feedback promptly, ideally in the next class session or meeting with the student.²⁴⁶ Addressing the feedback promptly signals

²³⁷ *Id.* at 4.

²³⁸ *Id.*

²³⁹ *Id.* (“Feelings of impostership can lock faculty into a static state, where one is less able to take chances, draw meaning from experience or continue to improve.”).

²⁴⁰ See SCHWARTZ ET AL., *supra* note 29, at 212 (“Talking with colleagues about teaching and learning is a common and effective type of development activity.”).

²⁴¹ Based on one author's experience.

²⁴² AUCFE, *supra* note 182.

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ Lewis, *supra* note 32, at 39.

²⁴⁶ SCHWARTZ ET AL., *supra* note 29, at 210; see also Wickramasinghe & Timpson, *supra* note 21, at 132 (“It is essential that the instructor discuss the results of the mid-semester

to students that the professor has reviewed their feedback and cares about it.²⁴⁷ Disregarding feedback may lead students to feel disgruntled or disaffected, and to feel as though their time has been wasted.²⁴⁸ Researchers have documented “real benefit when instructors are able to discuss course improvements in an open, respectful and constructive manner.”²⁴⁹

Below are considerations for reviewing feedback in seminar, individual meetings, and in supervision. No matter where a professor addresses the feedback, at the end of the discussion professors should make sure to thank students for their feedback and welcome additional feedback. Researchers have found that students often feel more comfortable providing professors with feedback following the formal mid-semester feedback process.²⁵⁰ Professors may therefore consider reminding students how they can provide feedback moving forward. For example, the professor may alert students that the professor is open to feedback at any time—via email, in-person, and/or via anonymous form.²⁵¹

Regardless of where a professor reviews the feedback, they may ask for suggestions on how to implement conflicting feedback or non-specific, general feedback. For example, professors may then enlist the help of advanced students to implement the feedback. One professor of our acquaintance received feedback that students feel overwhelmed at the start of the semester when assigned a new case. The students’ feedback lacked details regarding what type of assistance would be beneficial, so the professor brought the feedback to their advanced students. The advanced students created a “getting started” checklist that future students could use when first assigned a case.

1. *Reviewing Mid-Semester Feedback in Seminar*

When discussing the feedback with students, professors can summarize the feedback they have received, noting common themes.²⁵² Professors should tell students what they have learned and what changes they will make to the course as a result.²⁵³ If a professor will not make

evaluation with the class as soon as possible. Students will become very cynical of the entire process if they feel their comments and feedback lead to no changes”).

²⁴⁷ Marx, *supra* note 229.

²⁴⁸ *Id.*; Payette & Brown, *supra* note 7, at 4.

²⁴⁹ Wickramasinghe & Timpson, *supra* note 21, at 132.

²⁵⁰ *Id.*

²⁵¹ One author—at the suggestion of another author—has created an anonymous Google Form that is available to students throughout the semester to provide feedback.

²⁵² AUCFE, *supra* note 182.

²⁵³ Lewis, *supra* note 32, at 39.

a change, then they should explain why.²⁵⁴ This discussion also helps students understand others' perspectives and provides context for the professor's pedagogical decisions.²⁵⁵ Professors can use this opportunity to discuss conflicting feedback. For example, a professor may share that half of the respondents like having structured rounds (where the professor chooses the topic for discussion), and half prefer that one team present on a case. The professor can then discuss what they will do moving forward given the conflicting feedback. The professor could, for example, decide to alternate the format of rounds for the remainder of the semester. Or they could explain at the beginning of future rounds classes why a particular structure was chosen for that day. Conveying students' differing preferences reminds students that the professor cannot please all students.²⁵⁶

During this discussion, professors may be tempted to only address the negative comments; however, students benefit from hearing the positive comments, too.²⁵⁷ Only focusing on the negative feedback may leave students with the impression that all students dislike the course, which may inaccurately represent students' perspectives.²⁵⁸ Furthermore, professors can use the opportunity to tell students how the seminar or other sites of learning will continue to reflect students' preferences.²⁵⁹ For example, if students comment that they like incorporating games in seminar, the professor might mention that games will be incorporated in future classes.²⁶⁰

If professors have used the mid-semester feedback questionnaire to encourage students to reflect on how they might improve their own learning, they could use the feedback review session to discuss any discrepancies that surface in the students' comments.²⁶¹ For example, one professor of our acquaintance has noticed a pattern: most students

²⁵⁴ Payette & Brown, *supra* note 7, at 4 (recommending that professors address why a change cannot be implemented "from a pedagogical perspective").

²⁵⁵ Marx, *supra* note 229; *see also* Payette & Brown, *supra* note 7, at 4 ("[C]ontradictory or confusing input can be rich fodder for discussion. Students can help the instructor tease out concerns or identify tricky issues without the assumption that there will be neat, perfect answers to every item.").

²⁵⁶ Marx, *supra* note 229.

²⁵⁷ Lewis, *supra* note 32, at 39.

²⁵⁸ One author's conversation with a teaching consultant. It may also leave the professor with an inaccurate perception of the course. Cornes et al., *supra* note 73, at 4.

²⁵⁹ *See id.* ("Reinforcing feedback serves to illuminate behaviors that are working well, raising faculty awareness of effective methods to allow deliberate continuation of these behaviors.").

²⁶⁰ For an example of a game incorporated by some clinicians to teach direct examination, *see* for example Paul Bergman, Avrom Sherr & Roger Burrige, *Learning from Experience: Nonlegally-Specific Role Plays*, 37 J. LEGAL ED. 535, 548-549 (1987), which describes an exercise using children's blocks to demonstrate how information can be lost when provided verbally and not visually.

²⁶¹ *See supra* notes 54-61 and accompanying text regarding metacognition.

report that *they* participate often in class discussions to help their learning, and it would help their learning if *other students* participated more. These responses revealed that many students' self-perceptions were inaccurate, or, at the very least, not aligned with how their peers experienced the class. The professor uses these comments during the class's follow-up discussion in two ways: (1) to spur students' reflection of the difference between their self-perception as a student who speaks often, and their classmates' perception of them as someone who could speak more in class, and (2) to encourage all students to participate more in class. If there are other behaviors that students could engage in to improve their own learning, then the professor could share those during the debrief.²⁶²

Finally, professors may choose to create a written summary of the feedback to accompany their presentation to students.²⁶³ This can help the more than two-thirds of learners who are visual learners, meaning they benefit from information presented visually as opposed to orally.²⁶⁴ Professors who lack time to review the feedback in seminar might consider posting a summary of students' comments and the professor's responses by email or to an online learning platform.²⁶⁵ Students appreciate timely responses to their feedback, and posting comments online is one way to ensure students know they have been heard and allows professors to respond to the feedback without using valuable class time.

2. *Addressing Mid-Semester Feedback in Individual Meetings with Students*²⁶⁶

As discussed in Part IV.F, some professors solicit mid-semester feedback by asking students non-anonymous questions on a mid-semester self-assessment form in advance of mid-course check-in meetings.²⁶⁷ (Sample questions are included in Appendix B.) Discussing

²⁶² Lewis, *supra* note 32, at 39.

²⁶³ Payette & Brown, *supra* note 7, at 4 (“Some instructors create tables and graphs of their data, and others make handouts or PowerPoint presentations”).

²⁶⁴ Ruth Colker, *Toward Universal Design in the Classroom*, 71 J. LEGAL ED. 57, 65 (citing Jason S. Palmer, “*The Millennials Are Coming!*”: *Improving Self-Efficacy in Law Students Through Universal Design in Learning* 63 CLEV. ST. L. REV. 675, 703 (2015)).

²⁶⁵ *Mid-Semester Feedback*, U.N. CAROLINA CHARLOTTE, THE CTR. FOR TEACHING & LEARNING, <https://teaching.charlotte.edu/teaching-guides/mid-semester-feedback/> [<https://perma.cc/2477-CJNT>] (last visited Sept. 22, 2025).

²⁶⁶ While beyond the scope of this article, individual meetings with students can also allow professors to check in on implementation of disabled students' accommodations.

²⁶⁷ In one author's experience, it was difficult to use individual meetings to respond to anonymous feedback, as inevitably students have different points of view and often make conflicting comments. By discussing anonymous feedback in individual meetings, students may feel forced to reveal their anonymous comments.

the feedback in individual meetings is a more intimate setting as compared to in the larger clinic seminar setting.²⁶⁸ Professors may receive more specific, targeted, and personal feedback when soliciting feedback in this way. For example, a student may comment, “I wish you would have provided me with a template when I was drafting the complaint for custody.” Professors can use the student’s feedback as a launching point for a discussion about their pedagogical choices and the underlying rationale.²⁶⁹ Or a student may comment that they feel like the professor expects the student to grasp case-related concepts more quickly than they are able. The professor may use the meeting to discuss with the student what may be happening – is the student not spending enough time on their cases? Is there an issue with their legal research skills? Has the professor assigned too many cases with too many complex issues? Or perhaps something else is going on, which the professor and student can unpack in the mid-semester meeting, using the feedback as a starting point.

The clinical supervisor-student relationship is often more intimate than other teacher-student relationships.²⁷⁰ Professors may find addressing non-anonymous feedback in individual meetings more challenging than soliciting feedback anonymously and addressing it broadly and briefly in the seminar class. Soliciting individual feedback may require more time from the professor, as they must prepare for individual conversations about each student’s feedback. As the example above underscores, the individual feedback a student provides may be (or feel) more personal: “I wish *you* had given me a template. . .” It may be easier, especially given some of the constraints addressed in Part III.A, to solicit anonymous feedback and address it with a large class once.

Despite the challenge of addressing feedback in individual meetings, there are important factors that weigh in its favor. First, giving students the opportunity to provide non-anonymous feedback helps prepare them for providing supervisors feedback in the workplace. Some students may find it challenging to give feedback to a person in a position of authority, and they may only find it less challenging with practice.²⁷¹ Depending on a student’s identity, talking to a supervisor about how a course or the working relationship can be improved

²⁶⁸ See generally Sullivan, *supra* note 45, for a discussion about intimacy in the clinic supervision relationship.

²⁶⁹ Some clinics choose not to provide templates as templates can be limiting.

²⁷⁰ Sullivan, *supra* note 45, at 117.

²⁷¹ See Houyuan Luo, *Clinical Supervisors’ Experience of Asking Supervisees for Feedback on Their Supervision: A Consensual Qualitative Research Study 1*, 47 (June 2020) (Ph.D. dissertation, University of Alberta) (on file with authors).

may feel uncomfortable and perhaps even inappropriate.²⁷² Others may feel no such barriers. During one author's first year of teaching, at the conclusion of an end-of-semester meeting where the professor provided feedback to the student, the student said, "And now I have some feedback for you..."

Second, engaging in these conversations allows professors to model how to accept and gracefully respond to feedback, exemplifying appropriate behavior in a workplace. Unfortunately, examples of poor behavior by attorneys in the workplace abound.²⁷³ By engaging in constructive conversations with students about the supervisor-supervisee relationship, professors demonstrate that professionals can solicit, accept, and respond to feedback, showing students what is possible, which may set a positive example that students can refer back to should they find themselves in a workplace with a supervisor who bullies, ignores, or otherwise mistreats them.

Third, engaging in these conversations "contributes to a reduction in hierarchy between teacher and student."²⁷⁴ Professors make themselves available for feedback in the ways that they expect students to be available.²⁷⁵ Students may feel empowered by a more equal relationship, especially given the hierarchy that frequently dominates legal education.²⁷⁶

As professors prepare for these conversations, they may find it useful to consider whether to engage in self-disclosure and to what extent. Professors may find themselves considering whether

²⁷² Whether a professor or student considers this conversation difficult will depend on their identities, including ethnicity, race, sexuality, disability, gender, religion, socioeconomic status, role, birth order, etc. DOUGLAS STONE, BRUCE PATTON & SHEILA HEEN, *DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST* 138 (2023) ("Conversations that implicate or are impacted by important aspects of who we are can be charged for many reasons."). See also Erin Meyer, *When Diversity Meets Feedback*, HARV. BUS. REV. MAG. (Sept.-Oct. 2023), <https://hbr.org/2023/09/when-diversity-meets-feedback> (on file with authors).

²⁷³ See, e.g., Erica Orden, *Before He Became Trump's Bulldog at DOJ, Emil Bove was Nearly Demoted for Bellicose Management Style*, POLITICO (Feb. 23, 2025), <https://www.politico.com/news/2025/02/23/emil-bove-trump-justice-department-00205639> (on file with authors) (describing attorney Emile Bove's behavior: "He belittled the work of his subordinates. He was unusually tough on law-enforcement agents. After one blow-up with a fellow prosecutor, he refused to speak with that person for years and declined to make eye contact even if the two were alone in an elevator."); Katie J.M. Baker, *How a Trump-Beating, #MeToo Legal Legend Lost Her Firm*, N.Y. TIMES (June 28, 2024), <https://www.nytimes.com/2024/06/28/business/roberta-robby-kaplan.html> [<https://perma.cc/B4XU-VU6V>] (describing prominent attorney Roberta Kaplan's behavior as "ranging from micromanagement to vulgar insults and humiliating personal attacks").

²⁷⁴ Sullivan, *supra* note 45, at 123 (discussing "mutuality" as an element of the student-supervisor relationship and noting that "clinical teachers not only expect their students to make self-disclosure as part of their pedagogy, teachers make it as well").

²⁷⁵ Goode, *supra* note 3, at 224; see also Gordon, *supra* note 4, at 198.

²⁷⁶ Sullivan, *supra* note 45, at 123.

to disclose personal and professional information, in addition to pedagogical information.²⁷⁷ A professor may want to model self-reflection, requiring them to reveal information about themselves. This may be “risky,” as it requires trusting the students and oneself.²⁷⁸ For example, if a student comments that a professor has seemed distant and unavailable, the professor might consider to what extent to disclose that personal obligations have distracted them that semester.²⁷⁹

3. *Addressing Mid-Semester Feedback in Supervision*

Clinical professors may also consider using mid-semester feedback as a launching point for discussion with students in supervision meetings with teams of students. For example, one of the authors received feedback on an anonymous mid-semester feedback teacher-administered questionnaire that a student did not understand why they had to write pre- and post-supervision memos. Rather than addressing this feedback in seminar, the author discussed that specific issue with each team of students in supervision. The author did this because each team had different tendencies when writing their pre- and post-supervision memos. For example, one team submitted lengthy memos and another team submitted overly short memos. Addressing the feedback in supervision allowed the professor to talk to each team about how that particular aspect of supervision was working for them.²⁸⁰

CONCLUSION

Mid-semester feedback from students can give instructors valuable information about students’ learning and about students’ perceptions of the instructor and of the course. The mid-semester feedback practice described in this article also provides opportunities for teachers to reflect and make adjustments, while cultivating an ethos of mutual respect and growth. Finally, the mid-semester feedback process allows clinical law professors to model an important professional skill and gives students the opportunity to provide feedback and engage in discussion about it in a safe space.

Adopting a mid-semester feedback practice may also prompt clinicians to incorporate other types of feedback throughout the

²⁷⁷ *Id.* at 127.

²⁷⁸ *Id.* at 128.

²⁷⁹ *Id.* at 129-32 (in-depth discussion about the dilemmas around engaging in self-disclosure with students).

²⁸⁰ Interestingly, in one team, partner A really liked the memos as it helped them remember what work the team had done and what was discussed in supervision, while partner B felt that both memos were busy work.

semester. Exit tickets, warm-up questions, and temperature-check exercises such as the Cage Gauge can all provide valuable information for faculty about students' clinical experiences.²⁸¹ It is our hope that this article spurs further research and classroom experimentation incorporating mid-semester feedback in clinical courses.

* * *

²⁸¹ See *supra* note 180 (discussing feedback practices other than formal mid-semester feedback exercises).

APPENDICES

*Appendix A.**Sample 3-Question Mid-Semester Feedback
Teacher-Administered Questionnaires.*

Example 1. This questionnaire may be useful for professors who have limited time or bandwidth to solicit mid-semester feedback. The questions were developed by one author in consultation with a consultant from their university's Center for Teaching, Research, and Learning. These questions can be asked anonymously or not. The author administered this questionnaire anonymously.

1. What is one aspect of the course that is working well?
2. What is one aspect of the course that is not working well?
3. What is one aspect of the course that you believe should be changed and how?

Example 2. The Columbia University Center for Teaching and Learning suggests using the following three-question survey:²⁸²

1. What can we start doing in this class that would help you learn?
2. Is there anything we should stop doing that isn't helping you learn? If so, please explain.
3. What should we continue doing that is helping you learn?

Example 3. Professors Michael Hunter Schwartz, Sophie M. Sparrow, and Gerald F. Hess suggest the following three-question questionnaire in *Teaching Law By Design*.²⁸³ When the authors of this article have asked questions like this on mid-semester feedback questionnaires, they have listed the types of teaching/learning methods that they have employed in the course. Examples include out-of-class simulations, in-class role plays, case rounds, etc.

²⁸² *Early and Mid-Semester Student Feedback*, COLUM. CTR FOR TEACHING & LEARNING, <https://ctl.columbia.edu/resources-and-technology/resources/student-feedback/> [<https://perma.cc/8MMN-EZ2D>] (last visited Sept. 22, 2025). Additional sample questions from the Columbia Center for Teaching and Learning, including Likert-scale and targeted questions, are available online. See *Early and Mid-Semester Student Feedback Question Bank*, *supra* note 144.

²⁸³ SCHWARTZ ET AL., *supra* note 29, at 210.

1. What teaching/learning methods have been most effective for you in this course?
2. What teaching/learning methods have been least effective for you in this course?
3. What other teaching/learning methods should we try in this course?

Appendix B.

Sample Questions for a More Comprehensive Mid-Semester Feedback Teacher-Administered Questionnaire.

Example 1. Professors might consider choosing questions from the list below that apply to their clinics, and the questions can be adapted to inquire about specific elements of the clinical experience. The questions were developed by one author in consultation with a consultant from their university's Center for Teaching, Research, and Learning. These questions can be asked anonymously or not. The author administered this questionnaire anonymously. Another author asks very similar questions non-anonymously as one section of the mid-semester self-evaluation assignment. These questions can be modified to ask about other aspects of the course, for example, class assignments, class discussions, instruction, and casework.

Introduction. Please use this form to provide feedback on your experience in [clinic name] so far. This form is only shared with me, and all responses are anonymous. **Please be as specific as possible with your feedback**, so that I can implement your suggestions and/or address any issues you identify.

Thank you for taking the time. I will address your comments in our next seminar.

1. Out-of-class interviewing simulation.

- a) What is one aspect of the simulation that worked well to support your learning?
- b) What is one aspect of the simulation that should be changed to better support your learning?

2. Rounds.

- a) What is one aspect of rounds that is working well to support your learning?
- b) What is one aspect of rounds that should be changed to better support your learning?

3. Seminar.

- a) What is one aspect of seminar that is working well to support your learning?
- b) What is one aspect of seminar that should be changed to better support your learning?

4. Supervision.²⁸⁴

- a) What is one aspect of supervision that is working well to support your learning?
- b) What is one aspect of supervision that should be changed to better support your learning?

5. Miscellaneous. Please use this space to provide feedback about any other aspect of [name of clinic] that you wish.

Example 2. Professors may instead want to focus on particular aspects of the course. Below are sample questions suggested by the American University Center for Teaching, Research & Learning.²⁸⁵

- 1a. How does the instructor help you understand what the most important points are within class?
- 1b. Could the instructor do anything differently?
- 2a. How is the pacing of this course for you?
- 2b. Do you have any suggestions for improvement?
- 3a. To what extent are the course materials valuable?
- 3b. Which of the materials—used in class or assigned out of class—have been most useful and least useful to your learning?

²⁸⁴ The author deviated from the suggested structure to ask for more specific feedback from the students. She asked the following:

- a) Supervision is/is not working for me because. . .
- b) One piece of feedback I have for [Professor Name] regarding supervision is. . .

²⁸⁵ AUCFE, *supra* note 182. Additional sample questions from the American University Center for Teaching, Research & Learning are available online. See AUCTRL Surveys, *supra* note 139.

TEACHING A SOCIAL JUSTICE APPROACH TO LEADERSHIP IN LAW SCHOOLS

TAMAR EZER*

Leadership is critical for social justice. Our law students have the potential to serve as future social justice leaders, building strong organizations and movements to carry out this work. Drawing on both leadership theory and practical examples from clinical legal education, this piece argues for a broad definition of leadership, embracing diversity and encompassing the counter-cultural values of listening and humility. It further proposes a three-dimensional model of social justice leadership, engaging the mind, heart, and spirit, and suggests teaching practices to strengthen each component. The first dimension focuses on cognitive competencies, including substantive mastery of an area of law and relevant interdisciplinary frameworks, as well as strategic thinking and project management skills. The second dimension focuses on emotional intelligence, including both personal and interpersonal competencies with an emphasis on fostering resilience, collaboration, and empathy. The final component focuses on ethics and the development of self-reflective and socially conscious practitioners, as well as energizing the spirit through the cultivation of hope.

INTRODUCTION

Leadership is a critical skill for social justice work. Our law students have the potential to serve as future social justice leaders, building strong organizations and movements to carry out this work. However, legal education is a relative newcomer to the study of leadership, and leadership remains an underdeveloped area in law schools, including at the intersection with social justice. As Susan Jones states, “While American leaders—from presidents to members of the U.S. Congress—have been lawyers, legal education has typically given no attention to

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teaching leadership principles and skills.”¹ Deborah Rhode famously lamented, “It is a shameful irony that the occupation that produces the nation’s greatest share of leaders does so little to prepare them for that role.”² Over the last decade, these pioneers and others have taken important strides in forging the field of law and leadership.³ However, critical gaps remain. As Paul Radvany notes, “[T]he vast majority of law students still graduate without any exposure to leadership instruction.”⁴ This is in sharp contrast to business schools, which prominently incorporate leadership courses and coaching in their curriculum in response to employer demand.⁵ Additionally, while there is a rich literature on leadership in the business setting, research and scholarship on leadership in the legal and social justice context is still at an early stage to which this article hopes to contribute.⁶

¹ Susan R. Jones, *The Case for Leadership Coaching in Law Schools: A New Way to Support Professional Identity Formation*, 48 HOFSTRA L. REV. 659, 661 (2020). See also Deborah L. Rhode, *Preparing Leaders: The Evolution of a Field and the Stresses of Leadership*, 58 SANTA CLARA L. REV. 411, 412 (2018) (“The legal profession [although only .4 percent of the population] has supplied a majority of American presidents, and in recent decades, almost half of Congress. Lawyers occupy leadership roles as governors, state legislators, judges, prosecutors, general counsel, law firm managing partners, and heads of corporate, government, and nonprofit organizations.”).

² Deborah L. Rhode, *Leadership in Law*, 69 STAN. L. REV. 1603, 1605 (2017). See also ANTHONY C. THOMPSON, DANGEROUS LEADERS: HOW AND WHY LAWYERS MUST BE TAUGHT TO LEAD 4-5 (2018) (pointing to the “deep chasm between what law schools teach lawyers to do and what the world expects of these lawyers who so often become leaders”) and at 15 (“[T]he disturbing reality is that law schools more often than not fail even to offer courses on leadership or to surface leadership concepts and dilemmas in the standard curriculum.”).

³ Deborah L. Rhode, *Preparing Leaders*, *supra*, n.1, at 412 (“Most lawyers still receive no formal education in leadership. . . . But what has changed is that legal educators are now starting to do something about it.”); Joan MacLeod Heminway, *Change Leadership and the Law School Curriculum*, 62 SANTA CLARA L. REV. 43, 52 (2022) (“Law schools have begun to address the need for leadership education through professional leadership courses and curricular programs”). Leah Teague, *Modernizing Legal Education through Leadership Development Programs: Equipping Lawyers for Success, Significance and Satisfaction through Service*, 58 WAKE FOREST L. REV. 943, 948 (2023) (“Only within the last decade have law schools addressed the need for intentionality to make students aware of the lawyer’s role in society or attended to developing professional competencies and skills that enable students to work more effectively and achieve more success.”).

⁴ Paul Radvany, *Experiential Leadership: Teaching Collaboration through a Shared Leadership Model*, 27 CLINICAL L. REV. 309, 309 (2021). See also Martin H. Brinkley, *Teaching Leadership in American Law Schools: Why the Pushback?* 73 BAYLOR L. REV. 194, 196 (2021) (“[W]ith a few rare exceptions, law schools do little to help students become the leaders they want to be or that the world needs.”).

⁵ Susan Hanley Duncan, *Reviewing Law School Leadership Programs: What Can Business Schools and Social Science Researchers Teach Us?* 76 BAYLOR L. REV. 63, 64 (2024); Susan R. Jones, *supra*, n.1, at 660; Paul Radvany, *supra*, n. 4, at 311; ANTHONY C. THOMPSON, *supra*, n. 2, at 5.

⁶ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1665 (“Leadership needs to be a much higher priority not only in law school curricula but also on research agendas. Relatively little academic attention centers on leadership for lawyers, and the field in general is underdeveloped.”); Leah Teague, *Making Progress in Legal Education: Leadership*

At the same time, law clinics focus on developing many capacities that are important for leadership. The collaborative nature of law clinics and their focus on reflection provides the potential for them to serve as “important leadership incubators.”⁷ Our Human Rights Clinic, for instance, works with students on a number of skills essential to leadership, including “organization and management, collaboration and teamwork, leadership and creativity, research skills, legal analysis and writing, communication skills and oral advocacy, interviewing and relationship-building with partners, self-reflection and cultural competency, and professionalism.”⁸ However, clinics often do not explicitly discuss leadership or engage with the relevant theories.⁹

This article posits that programs focused on social justice lawyering would benefit from the leadership literature, while lessons from clinical teaching can, in turn, contribute to this literature. Law clinics provide a wealth of practical experience for strengthening core leadership competencies. Through this article, I delve into scholarship and practical guides on leadership, identifying insights related to social justice work. While using a social justice frame, this article engages with a variety of perspectives and seeks wisdom from diverse sources, including both the non-profit and business worlds, as well as pioneers in law and leadership. The article then connects core leadership concepts with concrete examples of leadership development from the law clinic setting. Moreover, the article provides an opportunity for self-reflection on leadership techniques with which our Human Rights Clinic is currently experimenting.

This article aims to set out a vision for social justice leadership. Part I seeks to define social justice leadership, arguing for a broad definition that embraces diversity and the counter-cultural values of listening and humility. Part II then proposes a three-dimensional model for developing social justice leadership, engaging the mind, heart, and spirit. It further suggests teaching practices to strengthen each component. The first dimension focuses on cognitive competencies, including substantive mastery of an area of law and relevant interdisciplinary frameworks,

Development Training in Law Schools, 73 BAYLOR L. REV. 1, 5-6 (2021) (“Articles and symposia focused on the subject of lawyer-leadership were few and sporadic until a small group met at a 2016 American Association of Law School breakfast hosted by Baylor Law School and Stanford Law School.”).

⁷ Susan R. Jones, *supra*, n.1, at 673. Paul Radvany likewise highlights, “The clinic is an ideal setting to teach leadership because so much of the work is accomplished by teams in a collaborative manner” and “requires self-awareness and reflection.” Paul Radvany, *supra*, n. 4, at 325.

⁸ HUMAN RIGHTS CLINIC <https://www.law.miami.edu/academics/clinics/human-rights-clinic> (last visited January 28, 2026).

⁹ See ANTHONY C. THOMPSON, *supra*, n. 2, at 154 (noting that law clinics “miss the mark” in not connecting skills taught with leadership skills).

as well as strategic thinking and project management skills. The second dimension focuses on emotional intelligence, including both personal and social competencies with an emphasis on fostering resilience, collaboration, and empathy. The final component focuses on ethics and the development of self-reflective and socially conscious practitioners, as well as energizing the spirit through the cultivation of hope.

I. DEFINING SOCIAL JUSTICE LEADERSHIP

While there is no consensus as to the definition of leadership,¹⁰ the leadership literature highlights the ability to inspire and guide others in creating change and achieving a common objective.¹¹ Leadership at its core is collaborative, recognizing that one person alone can accomplish little¹² and directed towards a larger community or organizational goal.¹³ In the popular imagination, leadership is all too often conflated with hierarchy,¹⁴ and some social justice models express skepticism of leadership, reflecting an understandable backlash to authoritarian models. However, this article argues that social justice leadership is not primarily about hierarchy. Rather, it centers on collaboration and achieving joint goals, critical to social justice work. Formal position is neither necessary nor sufficient for leadership.¹⁵ As April Mara Barton

¹⁰ Deborah Rhode relates that leadership has generated “a cottage industry of commentary” and over 1500 definitions. Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1607.

¹¹ Daniel Goleman, *What Makes a Leader?* 82 HARV. BUS. REV. 82, 85 (2004); JOHN KOTTER, WHAT LEADERS REALLY DO 38 (1999); Leah Teague, *Making Progress*, *supra*, n. 6, at 16; Kenneth Townsend, *Preconditions of Leadership in Law*, 56 WAKE FOREST L. REV. 859, 862 (2021); Susan R. Jones, *supra*, n.1, at 659; Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1607; ANTHONY C. THOMPSON, DANGEROUS LEADERS *supra*, n. 2, at 169-70 (“Effective leadership . . . depends on uniting, inspiring, and moving others toward a greater common goal.”); Donald J. Polden, *Leadership Roundtable Article: Leadership Matters: Lawyers’ Leadership Skills and Competencies*, 52 SANTA CLARA L. REV. 899, 903 (2012); Faith Rivers James, *Engaging Law Students in Leadership*, 30 ST. LOUIS U. PUB. L. REV. 409, 411 (2011).

¹² MICHAEL WATKINS, CRITICAL SUCCESS STRATEGIES FOR NEW LEADERS AT ALL LEVELS: THE FIRST NINETY DAYS 239 (Harvard Business Review Press 2003).

¹³ Leah Teague calls for “lawyer-leaders,” who “not only recognize the professional obligation to serve clients and the justice system but also embrace the opportunity to impact individuals, organizations and communities in order to make a positive difference in society.” Leah Teague, *Making Progress*, *supra*, n. 6, at 11.

¹⁴ Artika Tyner & Tisidra Jones, *Inspiring and Equipping the Next Generation of Lawyer-Leaders: Center on Race, Leadership, and Social Justice*, 17 U. ST. THOMAS L.J. 1079, 1081 (2022) (“Leadership is often mischaracterized as a position or title.”).

¹⁵ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1607 (“Although popular usage sometimes equates leadership with power or position, most experts view leadership as an activity or relationship that involves influence.”); Paul Radvany, *supra*, n. 4, at 320 (“Contrary to popular belief, leadership opportunities are not limited to those who serve in traditional positional leadership roles because leadership is increasingly thought of as an influence process.”).

explains, “[T]rue leadership is not authority, nor is it fear based. Instead, true leadership is a mindset that one possesses no matter where one’s place is in an organizational chart.”¹⁶ Moreover, there is no single style of effective leadership, and different situations may call for different leadership styles.¹⁷

Given common myths and misconceptions around leadership, this section of the article seeks to define a social justice vision of leadership rooted in collaboration. It argues that social justice work, focused on advancing human dignity, equality, and rights,¹⁸ requires a broad conception of leadership that encompasses varying personalities, as well as racial and gender diversity. Moreover, it problematizes the conventional image of a dominating, outspoken, and charismatic leader. Rather, social justice works calls for leading from behind, embracing the counter-cultural values of listening and humility, and uplifting others. Part II of the article then builds on this discussion, addressing core competencies needed for leadership and highlighting opportunities to develop them through clinical teaching.

A. *Leadership by Diverse Personalities*

Too often, American society upholds a narrow view of a specific type of leader, who is extroverted, brash, and loud. As Susan Cain notes, “The extrovert ideal has been documented. Talkative people are rated as smarter, better-looking, more interesting, and more desirable as friends¹⁹. . . We also see talkers as leaders.”²⁰ This is amplified in law school with its “gunner” culture²¹ and in the legal profession, which likens successful lawyers to legal “sharks” marked by powerful

¹⁶ April Mara Barton, *Teaching Lawyers to Think Like Leaders: The Next Big Shift in Legal Education*, 73 BAYLOR L. REV. 115, 124 (2021). See also ANTHONY C. THOMPSON, *supra*, n. 2, at 9 (“[L]eadership is not role-specific. Today’s leaders must learn to lead with—and without—formal authority.”).

¹⁷ Daniel Goleman, *supra*, n. 11, at 82 (“[T]he personal styles of superb leaders vary: Some leaders are subdued and analytical; others shout their manifestos from the mountaintops. And just as important, different situations call for different types of leadership.”). See also David E. Snowden & Mary E. Boone, *A Leader’s Framework for Decision Making*, 85 HARV. BUS. REV. 68, 73 (2017) (“Effective leaders learn to shift their decision-making styles to match changing business environments. Simple, complicated, complex, and chaotic contexts each call for different managerial responses.”); Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. ST. THOMAS L.J. 358, 375 (2009) (“[E]ffective leadership is contingent on matching the leader’s style to specific situational variables.”).

¹⁸ See United Nations, *What is Social Justice and How is the UN Helping Make It a Reality?* (Feb. 19, 2025), <https://news.un.org/en/story/2025/02/1160301> (last visited January 28, 2026).

¹⁹ SUSAN CAIN, QUIET: THE POWER OF INTROVERTS IN A WORLD THAT CAN’T STOP TALKING 4 (2013).

²⁰ *Id.* at 51.

²¹ See LawProfBlawg, “What’s a Gunner”? (Dec. 2018), <https://abovethelaw.com/2018/12/whats-a-gunner/>.

aggression.²² Kathleen Kelly Janus and Dee Smythe describe expanding students' conception of lawyering beyond "the paradigm of the 'Perry Mason' image that many students may imagine as the quintessential lawyer" taking eloquent command of the courtroom.²³ At one organization where I worked, there was even some discussion whether staff who are quiet, hard-working, and conscientious had the right personality to lead!

Law students would benefit from exposure to a broad conception of leadership. One third to one half of our population are introverts who work best in environments with less stimulation, and they can make important contributions when given the freedom to be themselves.²⁴ Solitude and internal reflection are further fundamental to creativity and deep analysis.²⁵ Susan Cain refers to "the transcendent power of solitude" as a "crucial ingredient" for deep thought and creativity.²⁶

Moreover, introverts bring particular strengths as leaders. According to Susan Cain, "Because of their inclination to listen to others and lack of interest in dominating social situations, introverts are more likely to hear and implement suggestions. They are then likely to motivate their followers to be even more proactive, creating a virtuous circle of proactivity."²⁷ Moreover, they "tend to think and feel deeply about what they've noticed and to bring an extra degree of nuance to everyday experiences."²⁸ In fact, despite prevailing leadership stereotypes in the United States (U.S.), high performing companies often have CEOs with quiet personalities.²⁹

While our current culture celebrates extroverts, we need both types of leaders, who bring complementary strengths. Extroverts also bring important leadership capacities, including performing well under time and social pressure and handling information overload.³⁰ Susan Cain thus concludes that good leadership teams consist of "a healthy mix of

²² See Casey C. Sullivan, "Shark Week: A Brief History of the Lawyer as Shark" (Mar. 2019), <https://www.findlaw.com/legalblogs/strategist/shark-week-a-brief-history-of-the-lawyer-as-shark/#:~:text=The%20idea%20of%20the%20shark%20lawyer%20stems%20from%20the%20idea,definitely%20prefer%20the%20later%20interpretation.>

²³ Kathleen Kelly Janus & Dee Smythe, *Navigating Culture in the Field: Cultural Competency Training Lessons from the International Human Rights Clinic*, 56 NYS L. REV. 445, 478 (2012).

²⁴ Susan Cain, *The Power of Introverts* (Ted Talk 2012), https://www.ted.com/talks/susan_cain_the_power_of_introverts.

²⁵ *Id.*

²⁶ *Id.* Cain explains that "[i]t's only when you're alone that you can engage in 'deliberate practice,' a key to exceptional achievement." SUSAN CAIN, QUIET *supra*, n. 19, at 57.

²⁷ SUSAN CAIN, QUIET, *id.*, at 57.

²⁸ *Id.*, at 103.

²⁹ *Id.*, at 55.

³⁰ *Id.*, at 168.

introverts and extroverts.”³¹ Balance calls for both “bold and easy FDRs and sensitive and conscientious Eleanor Roosevelts.”³²

B. Diversity in Leadership

Moreover, there is a gender and race dimension to social narratives about leadership. Prevailing notions of leaders are “overwhelmingly white and male.”³³ White men enjoy a presumption of competence not conferred on women or on people of other racial groups,³⁴ and both men and women more readily recognize leadership ability in men.³⁵ Bias further plagues assessments of women and lawyers of color.³⁶ Women are criticized as either “too soft” or “too strident,” and a study of performance reviews found that three-quarters of criticisms for being “too aggressive” related to evaluations of women.³⁷

These biased conceptions cause us to miss out on talent and on the contributions of diversity to leadership. In fact, a McKinsey study points to a correlation between greater diversity and efficacy, with companies with greater racial/ethnic and gender diversity more likely to have above average financial returns and companies with less racial/ethnic and gender diversity less likely to have above average financial returns.³⁸ The study further found an increase in earnings for every 10% increase in racial/ethnic diversity on executive teams for U.S. companies.³⁹ As Anthony Tjan notes, “The best teams are rarely made up of similar types. On the contrary, they are composed of a diversity of excellence.”⁴⁰ Diverse organizations are not only more effective, but employees experience greater job satisfaction and motivation, resulting in lower turnover.⁴¹ Diverse teams bring a variety of perspectives and

³¹ *Id.*, at 93.

³² *Id.*, at 154. In a funny anecdote, she recalls going to a weekend gathering of introverts and finding it utterly lacking in energy and connection. *Id.* at 153-154.

³³ ANTHONY C. THOMPSON, *supra*, n. 2, at 152.

³⁴ Deborah L. Rhode, *Leadership in Law, supra*, n. 2, at 1649.

³⁵ Deborah L. Rhode, *Leadership in Law, id.*, at 1650.

³⁶ Deborah L. Rhode, *Leadership in Law, id.*, at 1643.

³⁷ Deborah L. Rhode, *Leadership in Law, id.*, at 1651. Women thus struggle with striking “the right balance between being too assertive and not being assertive enough. Experts suggest being ‘relentlessly pleasant’ without backing down. Strategies include expressing appreciation and concern, invoking common interests, emphasizing others’ goals as well as one’s own, and taking a problem-solving rather than a critical stance.” *Id.* at 1660.

³⁸ ANTHONY C. THOMPSON, *supra*, n. 2, at 24.; Paul Radvany, *supra*, n. 4, at 329.

³⁹ ANTHONY C. THOMPSON, *supra*, n. 2, at 24-25.

⁴⁰ Anthony K. Tjan, *How Leaders Become Self-Aware*, HARV. BUS. REV. (Jul. 19, 2012), <https://hbr.org/2012/07/how-leaders-become-self-aware>. See also MICHELLE DESTEFANO, THE LEADER UPHEAVAL HANDBOOK 22 (2023) (“[I]t is essential to consider how you can multiply the diversity on the teams—which is one of the key ingredients to creative, collaborative problem solving”).

⁴¹ Leah Teague, *Making Progress, supra*, n. 6, at 27.

experiences that enrich understanding and enable a robust exchange, challenging conventional thinking and leading to innovation and better outcomes.⁴² Given our increasingly global work environment, it is particularly valuable for leadership to draw on different backgrounds and cultures.⁴³ Recognizing this, the American Bar Association (ABA) Presidential Initiative Commission on Diversity concluded, “It makes good business sense to hire lawyers who reflect the diversity of citizens, clients, and customers from around the globe.”⁴⁴

However, the legal profession is unfortunately one of the least diverse.⁴⁵ African Americans, Latinos, Asian Americans, and Native Americans make up about a third of the population, but only a fifth of law school graduates. They further constitute only 7% of law firm partners and 9% of general counsels of large corporations.⁴⁶ While women make up over a third of the legal profession, they constitute only 18% of law firm partners and 24% of general counsels of Fortune 500 corporations. Studies further find that men are two to five times more likely to make partner than women, even after controlling for time spent out of the workforce or part-time schedules.⁴⁷ In the nonprofit sector, while women make up the overwhelming majority of employees at 75%, only 42% of boards are led by women, and only 22% of nonprofits are run by female executive directors or CEOs. For nonprofit organizations with incomes of \$25 million or more, the percentage of female led boards further drops to 33%.⁴⁸ Bias in leadership is also self-perpetuating as individuals

⁴² ANTHONY C. THOMPSON, *supra*, n. 2, at 10-11, 31, 52-53, 135-137, 141-142. *See also id.* at 52-53 (“When the team must explain or defend choices—and ultimately convince naysayers or be convinced by them—the results tend to be more thoughtful and defensible.” Thus, “[t]he tension from healthy disagreement leads to better outcomes.”); Leah Teague, *Making Progress*, *supra*, n. 6, at 27 (characterizing diverse teams as “more innovative because people with different lifestyles and backgrounds challenge each other more leading to deep inquiry and breakthroughs” and noting that “the quality of decision making improves” “because working with many people who are different challenges the brain to overcome stale ways of thinking”).

⁴³ ANTHONY C. THOMPSON, *supra*, n. 2, at 25, 37 (Wide-ranging and sometimes competing experiences, viewpoints, and approaches enhance a leader’s ability to recognize and understand differences at work in the world better.)

⁴⁴ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1658.

⁴⁵ Deborah L. Rhode, *Leadership in Law*, *id.*, at 1645 (“According to the Bureau of Labor Statistics, the law is one of the nation’s least diverse professions; medicine, accounting, academia, and others do considerably better.”). *See also* Leah Teague, *Making Progress*, *supra*, n. 6, at 25 (“[I]t is . . . shameful that the profession whose members are hired to fight for the rights of the marginalized is itself woefully behind in creating an inclusive environment with sufficiently diverse members to represent clients.”).

⁴⁶ ANTHONY C. THOMPSON, *supra*, n. 2, at 25.

⁴⁷ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1645. *See also id.* at 1645-46 (“Even women who never reduce their labor force participation and work long hours have a lower chance of partnership than similarly situated men.”).

⁴⁸ Nicole Froio, *Women Run Less Than 25% of Nonprofits: How Organizations Can Change That*, Triple Pundit (Aug. 2, 2024), <https://www.triplepundit.com/story/2024/Nonprofits-leadership-gender-gap/807641>.

generally favor members of their own groups and provide mentorship and opportunities to people like them.⁴⁹ In an ABA survey, 62% of women of color, compared with 4% of white men, reported isolation and exclusion from networking.⁵⁰ Anthony Thompson laments, “Law schools funnel high numbers of White men into the workplace and leadership roles in the profession without helping them develop an appreciation for and understanding of the value of difference.”⁵¹ It is time for this to change.

Law clinics bring particular lessons and expertise in developing diversity in leadership. Cultural competency, enabling effective interaction with diversity, is a key area that many law clinics teach. Our Human Rights Clinic teaches both a class on cross-cultural and ethical competencies, as well as a class on oppressions and privileges. In the class on cultural-cultural and ethical competencies, students explore the considerations and challenges of advocating in socially, culturally, and economically unfamiliar environments, as well as classic colonial critiques of the human rights movement and recommendations for addressing them.⁵² The class further emphasizes that “all lawyering is cross-cultural,”⁵³ whether it takes place globally, nationally, or locally. Fundamental to cultural competency is an understanding of one’s own biases and positionality.⁵⁴ This includes privileges and oppressions; and in the class on this topic, students are encouraged to take the Race, Skin Tone, and Sexuality Harvard Implicit Association Test (IAT);⁵⁵ they further participate in an exercise where they step forward or backward, depending on whether a statement applies to them, and learn about their background in relation to their classmates.⁵⁶ They are also introduced to

⁴⁹ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1652; Paul Radvany, *supra*, n. 4, at 329; Saleem Reshamwala, *Check Our Bias to Wreck Our Bias*, N.Y. TIMES, (Dec. 16, 2016), <https://www.nytimes.com/video/us/100000004818668/check-our-bias-to-wreck-our-bias.html?playlistId=100000004821064> (“[W]e tend to help people who are similar to us.”).

⁵⁰ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1653.

⁵¹ ANTHONY C. THOMPSON, *supra*, n. 2, at 25.

⁵² Readings include Makau Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARV. INT’L L.J. 201 (2001); Caroline Bettinger-López, et. al., *Redefining Human Rights Lawyering through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 GEO. J. POVERTY L. & POL’Y 337 (2011); NEW WAVE FEMINISM, *Indian Feminists/Activists Respond to Harvard Kids Attempting to Help the Less Fortunate ‘Third World’ Feminists* (Feb. 25, 2013), <https://newwavefeminism.tumblr.com/post/44025968229/thepeoplesrecord-indian-feministsactivists>; Sunil Bhatia, *Op-Ed: Nicholas Kristof and the Politics of Writing about Women’s Oppression in Darker Nations*, THE FEMINIST WIRE (Mar. 3, 2013), <https://www.thefeministwire.com/2013/03/op-ed-nicholas-kristof-and-the-politics-of-writing-about-womens-oppression-in-darker-nations/>.

⁵³ Sue Bryant & Jean Koh Peters, *Five Habits of Cross-Cultural Lawyering*, at 3, in RACE, CULTURE, PSYCHOLOGY & LAW (Kimberly Barrett & William George eds., 2005).

⁵⁴ *Id.*

⁵⁵ This is available at <https://implicit.harvard.edu/implicit/selectatest.html>.

⁵⁶ This is an exercise adapted from the Privilege Walk Exercise by ARROW. ARROW, *InterSEXionality: A Facilitator’s Guide*, 16-17, <https://arrow.org.my/publication/intersexionality-a-facilitators-guide/>.

Chimamanda Ngozi Adichie’s powerful Ted Talk on “The Danger of a Single Story,” a story that stereotypes people and takes away their complexity and humanity.⁵⁷

C. Counter-Cultural Leadership

Additionally, crucial for social justice leadership are the virtues of listening, humility, and uplifting others, which counter the traditional law school “gunner” culture and its focus on one’s own eloquence,⁵⁸ as well as on more authoritarian models of leadership. Drawing on her experience as Chief Operating Officer of Facebook, Sheryl Sandberg emphasizes, “The ability to listen is as important as the ability to speak.”⁵⁹ Moreover, effective listening requires suspending judgment to understand, rather than to critique or convince.⁶⁰ It entails deep listening that goes beyond the words to the emotions beneath them.⁶¹ Leah Teague discusses “the importance of listening with empathy to understand and not just hear.”⁶² She considers listening’s primary goal “to see and feel as another.”⁶³ Michelle Destefano describes listening “with an Open Heart” to practice “the true meaning of empathy . . . understanding that helping isn’t fixing.”⁶⁴ This type of listening is a sign of respect and the key to relationship-building.⁶⁵

⁵⁷ Chimamanda Ngozi Adichie, *The Danger of a Single Story* (Ted Talk 2009), https://www.ted.com/talks/chimamanda_ngozi_adichie_the_danger_of_a_single_story?language=en#t-207290.

⁵⁸ See LawProfBlawg, *supra*, n. 21.

⁵⁹ SHERYL SANDBERG, LEAN IN: WOMEN, WORK AND THE WILL TO LEAD 81 (2013). See also Paul Radvany, *supra*, n. 4, at 316 (Leaders “must also listen effectively—not only to the words that are spoken, but to the underlying emotion and motivation of what is said. This is important not only to make other group members feel heard and respected, but because it will lead to better decisions.”).

⁶⁰ Mark Weisberg & Jean Koh Peters, *Experiments in Listening*, N.Y.L. SCHOOL CLINICAL RESEARCH INSTITUTE, Research Paper Series No. 04/05 #5, 19 (2005). Mark Weisberg and Jean Koh Peters describe how “[m]ost of the time, when someone else is talking, we either tune out or are so busy formulating our own responses to what she’s saying that we don’t listen to her. Our heads are too full of noise to be able to hear.” *Id.*

⁶¹ Garry Jenkins describes “listening at multiple levels,” including “surface listening (i.e., listening to the words), issues-based listening (i.e., paying attention to the underlying message and its implications), and emotions-based listening (i.e., paying attention to the agenda, emotion, motivation, and values at work).” Garry W. Jenkins, *Educating Lawyer-Leaders: The Mechanics and Artistry of Case Study Teaching and Discussion Leadership*, 83 TENN. L. REV. 729, 744 (2016).

⁶² Leah Teague, *Making Progress*, *supra*, n. 6, at 30.

⁶³ Leah Teague, *Making*, *id.*, at 30.

⁶⁴ MICHELLE DESTEFANO, *supra*, n. 40, at 39 (2023).

⁶⁵ See David Brooks & Thomas Friedman, *Thomas L. Friedman Says We’re in a New Epoch. David Brooks Has Questions*, N.Y. TIMES (Dec. 12, 2025), <https://www.nytimes.com/2025/12/12/opinion/tom-friedman-david-brooks-polycene.html> (noting that “deep listening” conveys respect and “unlocks a conversation”).

In our Human Rights Clinic, we try to complement the emphasis in law school on public speaking with a focus on listening. For instance, in our class on interviewing skills, we stress that it is more important to be a good listener than to formulate eloquent questions; and we assign articles on good listening for this class, as well as for a class on mindfulness and the law.⁶⁶ In our clinic seminar, we have held a class on “courageous listening” in collaboration with a documentary filmmaker, Juliana Tafur. This class centers around Tafur’s film, LIST(e)N Courageously, which brings together individuals with opposing viewpoints on the hot button issues of gun reform, abortion, and immigration. The film explores the power of listening deeply and without judgment or agenda to opposing views.⁶⁷ Particularly in our increasingly polarized reality,⁶⁸ this is an important lesson for students.

Humility is likewise a key component of leadership. Clayton Christensen advises, “If you have a humble eagerness to learn something from everybody, your learning opportunities will be unlimited.”⁶⁹ In fact, a study of the highest performing countries revealed CEOs with “unassuming personalities. They were described as quiet, modest, reserved, shy, gracious, mild-mannered, self-effacing, and understated.”⁷⁰ Humility further links to conscientiousness and attention to detail.⁷¹ Jim Collins identifies humility as a crucial trait of the “highest-performing executives who create extraordinary results over long periods.”⁷² They are open to new ideas and feedback and provide credit and recognition to others, motivating them.⁷³ The Chinese philosopher, Lao Tse, went

⁶⁶ Matthew McKay et al., *Messages: The Communication Process*, NEW HARBINGER PUBLICATIONS, 123–25 (1995); Scott Rogers & Arvey Rogers, *Mindfulness and Medicine: The Healing Capacity of Genuine Listening*, 3 ACG MAGAZINE 35-36 (Spring 2019), <https://issuu.com/amcollegegastro/docs/19acgmag-1-issuu>.

⁶⁷ For information on the film, see LIST(E)N COURAGEOUSLY, <https://listencourageously.com>. For information on the filmmaker, Juliana Tafur, see COLUMBIA WORLD PROJECTS, *Juliana Tafur*, <https://worldprojects.columbia.edu/node/714>.

⁶⁸ See Sabrina Acloque, *How to Build Community in Times of Increased Polarization*, PAINT A NEW WORLD WITH ME (Jan. 20, 2025), <https://www.paintanewworldwithme.com/essays/how-to-build-community-in-times-of-increased-polarization> (“When difficult conversations or conflicts arise – and they will – how will you engage? Will you be listening to understand or listening to make a point? Be intentional about whether you are listening with empathy or are just listening to respond.”).

⁶⁹ CLAYTON CHRISTENSEN, *HOW WILL YOU MEASURE YOUR LIFE?*, 12 (Harper Business 2012).

⁷⁰ SUSAN CAIN, *QUIET*, *supra*, n. 19, at 55 (2013).

⁷¹ See Paul Radvany, *supra*, n. 4, at 317 (identifying people worthy of following as having a “strong work ethic, and ensuring they are reliable, available, and responsive to colleagues,” as well as competent and well-prepared).

⁷² Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1622.

⁷³ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1622; Anthony C. Thompson, *supra*, n. 2, at 75 (“[T]he lawyer-leader should adopt the practice of sharing credit when things go well and shouldering the blame when things do not.”).

so far as to praise the invisibility of a good leader, stating that when the work of an effective leader is done, “[t]he people all remark, ‘we have done it ourselves.’”⁷⁴ While humility is critical to leadership success, it paradoxically does not appear to help in selection for leadership, which too often relies on self-promotion and stereotypes. As Deborah Rhode notes, “Narcissistic individuals are frequently selected for leadership positions because people are attracted to the confidence, charisma, and grandiosity they project.”⁷⁵ Education and a broader conception of leadership can hopefully help change this.

For human rights work, strong listening skills, humility, and conscientiousness are crucial, and we strive to make our clinic a counter-cultural space in the law school, where these virtues are celebrated. For instance, we have discussed the late Justice Ruth Bader Ginsburg, who differs from the type of leader we typically lionize in the U.S. She is old in a country that idealizes youth, and brainy, principled, quiet, and hardworking. As one article remarked, “[T]he diminutive Justice Ginsburg is not the usual vision of authority. Friends and colleagues remark that she is quiet, reserved—not at all what is traditionally thought of as powerful.”⁷⁶

Critically, social justice leadership is not about self-aggrandizement but rather strengthening others. In fact, the true hallmark of social justice leadership is the development of leadership capacities in others. Deborah Rhode points to the importance of “transcend[ing] individual desires in pursuit of common values” in order to make a lasting contribution.⁷⁷ This requires “enabling achievement by others”⁷⁸ and supporting their professional development.⁷⁹ She defines the “ultimate test of leadership” as “not simply what individuals themselves accomplish while holding such positions but rather what they enable others to achieve after they are no

⁷⁴ Lao Tse, *Rulers*, in *THE WISDOM OF LAOTSE* 114 (Lin Yutang trans. & ed., 1948).

⁷⁵ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1622. Moreover, Deborah Rhode refers to a “leadership paradox,” where “[i]ndividuals reach top positions because of their high needs for personal achievement. But to perform effectively in these positions, they need to focus on creating the conditions for achievement by others.” *Id.* at 1622.

⁷⁶ Melena Ryzik, *Ninja Supreme Court Justice: Ruth Bader Ginsburg Has Fun with Fame*, N.Y. TIMES (May 9, 2018), <https://www.nytimes.com/2018/05/09/movies/ruth-bader-ginsburg-rbg-documentary.html?smid=em-share>.

⁷⁷ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1665.

⁷⁸ Deborah L. Rhode, *Preparing Leaders*, *supra*, n. 1, at 413-415.

⁷⁹ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1665 (2017). See also ANTHONY C. THOMPSON, *supra*, n. 2, at 29 (“The primary role of the servant leader is to delegate responsibilities and then to provide direct support to his or her subordinates to enable their individual growth.”).

longer around.”⁸⁰ April Barton similarly connects “true leadership” to “empowering others” and encouraging “their brilliance to shine.”⁸¹ The Rockwood Leadership Institute calls on leaders to “co-power” and “intentionally lift[] up the power of those around us.”⁸²

Leadership and facilitating learning and growth thus go hand in hand. Models of social justice leaders in our Human Rights Clinic are students who do not just work and perform well together. Rather, they are the ones who use their diverse strengths to lift each other up, expanding their capacities to be creative and prolific and producing high-quality work that best serves our community partners.⁸³

II. THREE-DIMENSIONAL LEADERSHIP

This section sets out a three-dimensional model for social justice leadership that includes cognitive, emotional, and spiritual competencies. Here, it is important to emphasize that leadership can be developed in each of these dimensions. As Anthony Thompson observes, “Research in the past few decades has debunked the notion that leadership cannot be learned.”⁸⁴ Leadership, like other capacities, can be taught, practiced, and improved.⁸⁵ In my clinical teaching, I strive to strengthen my students’ leadership in each of the three dimensions, and this section shares practical examples for developing different leadership skills.

⁸⁰ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1665.

⁸¹ April Mara Barton, *supra*, n. 16, at 122.

⁸² ROCKWOOD LEADERSHIP INSTITUTE, ART OF LEADERSHIP PARTICIPANT WORKBOOK 4 (2009).

⁸³ For example, our Housing and Homelessness Team was honored with the CLEA (Clinical Legal Education Association) Outstanding Clinic Team Award. Jeff Baker, *2025 CLEA Awards for Outstanding Clinical and Externship Students*, CLINICAL LAW PROF BLOG (May 16, 2025), https://lawprofessors.typepad.com/clinic_prof/2025/05/2025-clea-awards-for-outstanding-clinical-and-externship-students-miamis-katirina-delviscio-wilmy-de.html; UNIVERSITY OF MIAMI SCHOOL OF LAW, *Students Take Top Honors with the Clinical Legal Education Association Award*, (May 28, 2025), <https://news.miami.edu/law/stories/2025/05/students-take-top-honors-with-the-clinical-legal-education-association-award.html>.

⁸⁴ ANTHONY C. THOMPSON, *supra*, n. 2, at 6. *See also* Deborah L. Rhode, *Preparing Leaders*, *supra*, n.1, at 415 (“Researchers find that the vast majority of leadership skills are acquired, not genetically based.”).

⁸⁵ ANTHONY C. THOMPSON, *supra*, n. 2, at 136 (defining leadership as “a set of behaviors that can be taught, learned, and practiced”); Paul Radvany, *supra*, n. 4, at 315 (“Although every leader will have varying levels of proficiency with the many leadership skills and characteristics, every leader has the capacity to improve through training, experience and reflection.”); Donald J. Polden, *supra*, n. 11, at 903 (“[L]eadership, which is really a competency or set of skills and traits, can be learned and practiced by anyone; it is not a status that one is born into. Anyone can be a leader, and leadership is everyone’s business.”).

A. *The Cognitive Dimension*

The cognitive dimension encompasses mastery of an area of law and legal analysis and persuasion, as well as interdisciplinary frameworks critical for social justice. April Mara Barton captures the mastery of legal analysis well: “Thinking like a lawyer means to possess analytical reasoning skills and to be able to see the issue from all sides. It means being precise with your words, seeing ambiguity, and being able to apply the law to a set of facts.”⁸⁶ Interdisciplinary frameworks can also inform analysis and can include history, politics, and economics. In human rights work, an understanding of these frameworks is crucial to connect individual violations to larger social structures and systemic problems that need to be addressed.⁸⁷

In addition to substantive competence, leadership requires strategic thinking and project management. Project management is a crucial leadership skill, which often does not get much fanfare and appreciation. April Mara Barton points out that while a “tendency” exists to view management skills as “mundane,” leaders without them are “frustrating and ineffective.”⁸⁸ Effective management is not just procedural but also involves elements of strategizing and conceptualization. Leaders must be able to not just develop but also implement strategies and translate them into concrete action plans. As Deborah Rhode recognizes, “Leaders ultimately will be judged less by their broad visions than by their actual accomplishments.”⁸⁹

In law clinics, students learn these important project management skills. This includes learning how to formulate an action plan and break up large projects into smaller components with deadlines for each.⁹⁰ I have found that it works well to have students propose an initial timeline

⁸⁶ April Mara Barton, *supra*, n. 16, at 127. See also Martin H. Brinkley, *supra*, n.4, at 200 (noting that “American law schools have evolved” to lay “primary value on inculcating analytical and rhetorical skills- the ability to reason and argue”).

⁸⁷ Sunil Bhatia calls for connecting “victims’ story to the larger structures in which the story is embedded.” Sunil Bhatia, *supra*, n. 52. This entails, for instance, “situating women’s oppression [in particular countries] within a series of intersecting problems that are created by structures of colonialism, corruption, patriarchy, casteism, imperialism, capitalism, lack of education and civil transparency, and absence of law and order.” *Id.*

⁸⁸ April Mara Barton, *supra*, n. 16, at 126.

⁸⁹ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1634. See also Robert Post, *Leadership in Educational Institutions: Reflections of a Law School Dean*, 69 STAN. L. REV. 1817, 1817 (2017) (“Leaders are judged both by the content of that vision and by their capacity to achieve it.”).

⁹⁰ In the context of writing projects, Tonya Kowalski describes a “modular approach” that “lends itself well to a series of smaller, calendared assignments that build toward a whole document, and teaches students to schedule ample time for the planning, outlining, and recursive research and writing phases of the draft process.” Tonya Kowalski, *Toward a Pedagogy for Teaching Legal Writing in Law School Clinics*, 17 CLINICAL L. REV. 285, 341 (2010).

to guide the work, identifying the various project components. I then review the timeline and add any missing steps.⁹¹ This enables students to visualize and plan for the full trajectory of a project. We then revisit the timeline periodically, making adjustments as needed.⁹²

Running productive meetings is another important aspect of project management that students can practice in law clinics. Our students, for instance, take turns developing agendas and facilitating meetings or developing minutes with action items from meetings. Thus, each meeting has a clearly articulated purpose, as well as follow up, which can be as important as the meeting itself.⁹³ Indeed, Peter Drucker recounts that General Motors CEO Alfred Sloan's "legendary mastery of meeting follow-up helped secure GM's industry dominance in the mid-twentieth century."⁹⁴

B. Emotional Intelligence

However, cognitive competencies can only take a leader so far. The second set of leadership competencies focuses on emotional intelligence, or "the ability to recognize and understand emotions in yourself and others, and the ability to use this awareness to manage your behavior and relationships."⁹⁵ Emotional intelligence enables leaders to effectively communicate and exert influence.⁹⁶ In fact, according to the leadership scholarship, emotional intelligence is twice as important as other skills in effective performance and even more important for higher ranking positions.⁹⁷ Daniel Goleman reports that the higher a person's rank, the more emotional intelligence accounted for effectiveness.⁹⁸

⁹¹ Angela Campbell recommends, "The clinician and student should consult and try to establish mutually agreeable deadlines. The clinician may ask the student to propose a schedule, and then review it for reasonableness and feasibility." Angela J. Campbell, *Teaching Advanced Legal Writing in a Law School Clinic*, 24 SETON HALL L. REV. 653, 671 (1993).

⁹² Tamar Ezer, *Teaching Written Advocacy in a Law Clinic Setting*, 27 CLINICAL L. REV. 167, 179 (2021).

⁹³ Peter F. Drucker, *What Makes an Effective Executive?* 82 HARV. BUS. REV. 58, 62-63 (2004).

⁹⁴ *Id.*, at 63.

⁹⁵ TRAVIS BRADBERRY & JEAN GREAVES, EMOTIONAL INTELLIGENCE 2.0, 17 (2009); ANTHONY C. THOMPSON, *supra*, n. 2, at 138 (Emotional intelligence "has been defined as the ability to recognize and understand emotional information about oneself and others. Emotional intelligence means having awareness of one's own emotions and the emotions of others, and then using that awareness to manage oneself and influence the behavior of others"); Paul Radvany, *supra*, n. 4, at 346 ("Emotionally intelligent individuals are 'more sensitive about interpersonal differences' and are more effective at knowing and managing their emotions, motivating themselves, recognizing emotions in others and handling relationships.").

⁹⁶ ANTHONY C. THOMPSON, *supra*, n. 2, at 138.

⁹⁷ Daniel Goleman, *supra*, n. 11, at 84.

⁹⁸ Daniel Goleman, *id.*, at 84 (further noting that "when senior managers [at one company] had a critical mass of emotional intelligence capabilities, their divisions outperformed yearly earnings goals by 20%").

This points to a gap in conventional legal training, which focuses on developing analytical and cognitive skills, neglecting emotional and interpersonal skills.⁹⁹ As April Mara Barton explains, “Lawyers are taught to advocate, to persuade, to analyze, to parse, to spot issues, even to convince others that they are right. These skills, while admirable, do not always align with good leadership; in fact, if not balanced with emotional intelligence, . . . these skills can defy good leadership.”¹⁰⁰ The workplace further reinforces this gap with analytical acumen serving as the basis for recognition and promotion without regard for other leadership qualities.¹⁰¹ Lawyers thus tend to devalue interpersonal skills as “touch-feely” and “soft” and, in fact, demonstrate lower competence in these areas than the general population.¹⁰² However, these skills are critical and often challenging for lawyers. As Deborah Rhode remarks, “the soft stuff is the hard stuff,”¹⁰³ and “[a]ttempting to train leaders without focusing more effectively on interpersonal skills is . . . like trying to teach geology without the rocks.”¹⁰⁴

As discussed below, emotional intelligence consists of a series of competencies that flow from the personal to the social and from inward-to outward-looking. Critical personal skills for social justice work are the development of self-awareness and resilience. Key components of building resilience include addressing setbacks and trauma and engaging in regular reflection and self-care. Moreover, resilience can be found in community connection, which overlaps with social competencies. Interpersonal skills that are fundamental for social justice work include facility with collaboration and diversity and cultivating empathy.

1. *Personal Competencies: A Focus on Resilience*

a. *Developing Self-Awareness*

The starting point for emotional intelligence on the personal axis is self-awareness, or an “understanding of one’s emotions, strengths, weaknesses, needs, and drives . . . as well as their effect on others.”¹⁰⁵ Leaders need to know themselves before they can lead others, and

⁹⁹ ANTHONY C. THOMPSON, *supra*, n. 2, at 11, 22.

¹⁰⁰ April Mara Barton, *supra*, n. 16, at 117.

¹⁰¹ ANTHONY C. THOMPSON, *supra*, n. 2, at 11, 22.

¹⁰² Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1637.

¹⁰³ Deborah L. Rhode, *Preparing Leaders*, *supra*, n.1, at 413-414.

¹⁰⁴ Deborah L. Rhode, *Lawyers as Leaders*, 2010 MICH. ST. L. REV. 413, 422 (2010).

¹⁰⁵ Daniel Goleman, *supra*, n. 11, at 84, 88. *See also* ANTHONY C. THOMPSON, *supra*, n. 2, at 138 (noting the importance of “knowing your motivations, drives, and idiosyncrasies”). *See also* Paul Radvany, *supra*, n. 4, at 356-57; Donald J. Polden, *supra*, n. 11, at 908 (2012) (referring to self-awareness as “the ability to recognize and understand your moods, emotions, and drives as well as their effect on others”).

self-knowledge is the foundation for further development.¹⁰⁶ Leadership scholars even consider self-awareness the most important quality of a leader.¹⁰⁷ According to Anthony Tjan, “The best thing leaders can do to improve their effectiveness is to become more aware of what motivates them and their decision-making,” including their “superpowers” and “kryptonite.”¹⁰⁸ This self-awareness enables leaders to communicate and direct their energies most effectively.¹⁰⁹

To aid in self-awareness are a plethora of self-assessments.¹¹⁰ Some of the most popular ones are the Myers-Briggs Type Indicator (MBTI), the Dominance, Influence, Steadiness and Conscientiousness (“DiSC”) Model, and the Leadership Circle.¹¹¹ As Anthony Tjan explains, “It’s not that such tests are perfect measures or predictors, but they facilitate self-reflection, which leads to better self-awareness.”¹¹² In our Human Rights Clinic, we have used the *Leadership Wheel and the Wisdom of the Five Directions*, based on a model from the North American Lakota Sioux and their Medicine Wheel. While lacking the depth of some of the other evaluations, this assessment is relatively quick and provides a starting point for discussion of work and communication styles. It focuses on collaboration and emphasizes that none of the “directions” are better than the others. Rather, all are needed to become a sage, and we all have strengths and areas for growth.¹¹³

b. Building Resilience

The second key element on the personal axis of emotional intelligence is self-regulation. This competency enables leaders not just to be aware of their own emotions, but also to manage them and

¹⁰⁶ Paul Radvany, *supra*, n. 4, at 356; Deborah L. Rhode, *Leadership in Law, supra*, n. 2, at 1611.

¹⁰⁷ Anthony K. Tjan, *supra*, n. 40; Deborah L. Rhode, *Leadership in Law, supra*, n. 2, at 1611; Paul Radvany, *supra*, n. 4, at 356v (“Leaders who possess this type of self-awareness have the ability to recognize their strengths, and just as important, have the capability to identify their weaknesses.”).

¹⁰⁸ Anthony K. Tjan, *supra*, n. 40.

¹⁰⁹ Paul Radvany, *supra*, n. 4, at 357.

¹¹⁰ Mary Walsh Fitzpatrick and Rosemary Queenan identify self-evaluation as the “cornerstone of self-awareness,” providing “the ability to assess one’s strengths and weaknesses realistically.” Mary Walsh Fitzpatrick and Rosemary Queenan, *Professional Identity Formation and its Pedagogy: Professional Identity Formation, Leadership, and Exploration of Self*, 89 UMKC L. REV. 539, 551 (2021).

¹¹¹ Susan R. Jones, *supra*, n.1, at 666, n.50.

¹¹² Anthony K. Tjan, *supra*, n. 40. See also ANTHONY C. THOMPSON, *supra*, n. 2, at 151 (remarking that the MBTI “gives law students a foundation for thinking about themselves as lawyers and as potential leaders in a diverse environment.”).

¹¹³ Available at HIGHLAND CONSULTING GROUP INC., *The Leadership Wheel & The Wisdom of the Five Directions*, https://d11n7da8rpqbjy.cloudfront.net/askroxi/16801128_1612443222140LEADERSHIP_WHEEL-ASK_ROXI.pdf?kuid=297994e8-80f0-4db0-a74c-ba48a634c332-1769812985&kref=4zJvYVCmd6a4.

respond in a way that has a positive impact.¹¹⁴ For social justice work, a critical aspect of self-management is the development of resilience, which enables renewal and continuing effort in the face of struggle.¹¹⁵ Or, as Dine Coutu describes, resilience requires facing down a difficult reality and building “bridges” to “a fuller, better constructed future.”¹¹⁶

As an initial matter, students need to learn to deal with setbacks. Setbacks are inevitable in social justice work. Bill Quigley advises law students interested in social justice, “If you cannot handle chaos, criticism and failure, you are in the wrong business.”¹¹⁷ The key is a focus on learning. This requires reframing setbacks as “opportunities for growth,” including imagining new possibilities and strengthening strategies or relationships.¹¹⁸ As Leah Teague notes, “resilience comes from failing with grace and an openness to learning from failure.”¹¹⁹ A fellow human rights clinician, Gulika Reddy, goes even further and notes that setbacks are only possible when there is progress.¹²⁰ Like other leadership qualities, it is possible to build resilience through a set of practices that can be learned and shared,¹²¹ including engaging in reflection, practicing self-care, and connecting to community.

1) *Resilience through Reflection*

Engaging in regular reflection is critical in dealing with setbacks and challenges. Michael Watkins calls for going “to the balcony,” or stepping back to see the big picture, to avoid getting “getting too caught up in the emotional dimension of difficult situations.”¹²² He advises setting aside a particular time each day, which can be as little as a half hour, for focused time free of disruptions.¹²³ Bill Quigley notes that the people able to

¹¹⁴ Daniel Goleman, *supra*, n. 11, at 88 (defining self-regulation as “the ability to control or redirect disruptive impulses and moods”); ANTHONY C. THOMPSON, *supra*, n. 2, at 139; *see also* TRAVIS BRADBERRY & JEAN GREAVES, *supra*, n. 95 at 23, 68-69.

¹¹⁵ According to Carley Hauk, “Resilience is the ability to get back up after adversity.” Carley Hauk, *How People Learn to Increase their Resilience*, MINDFUL (Mar. 2016), <https://www.mindful.org/how-people-learn-to-increase-their-resilience/>.

¹¹⁶ Dine Coutu, *How Resilience Works*, 80 HARV. BUS. REV. 46, 50 (2002).

¹¹⁷ William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOCIAL JUSTICE, 7, 25 (2007).

¹¹⁸ Leah Teague, *Making Progress*, *supra*, n. 6, at 62.

¹¹⁹ Leah Teague, *Making Progress*, *id.*, at 41. Bill Qugley emphasizes, “Failure itself cannot derail advocacy, it is the response to failure that is the challenge.” William P. Quigley, *supra*, n. 117, at 25.

¹²⁰ Gulika Reddy, *Hope as a Human Rights Practice: Cultivating and Sustaining Transformative Hope to Advance Social Change*, 32 CLINICAL L. REV. 199, 232 (2025) (calling for “normalizing setbacks as an integral part of progress”).

¹²¹ Hope Metcalf & Leanne Gale, *Lawyers, Trauma and Resilience*, LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC (Spring 2018) (workshop handout, copy on file with author.)

¹²² MICHAEL WATKINS, *supra*, n. 12, at 214.

¹²³ MICHAEL WATKINS, *id.*

sustainably engage in social justice work are those who make time to reflect “on what they are doing, how they are doing it and what they should be doing differently.”¹²⁴ This is the case since “[r]eflection allows the body and mind and spirit to reintegrate. Often, it is in the quiet of reflection that insights have the chance to emerge.”¹²⁵

Clinical pedagogy trains students to be self-reflective practitioners. In our clinic, we aim to create spaces for reflection in both our seminar and supervision meetings. During “Project Rounds,” student teams present on challenging issues with which they are grappling in their projects to the full class and can benefit from the class’s insights and strategizing. We also engage in reflection on the field of human rights. Each student submits a response paper for a particular class, reflecting on the seminar readings and engaging with them on both analytical and personal levels. The rest of the class posts “Quick Takes,” or quick and quirky comments on the readings in the form of a text to a friend or social media post. These responses then enrich class discussion of complex human rights issues. Additionally, throughout the seminar, students have the opportunity to present and engage the class on a current event and human rights issue of interest to them.

2) *Addressing Trauma*

In addition to dealing with challenges in social justice work, lawyers will encounter trauma and may experience it vicariously. As Hope Metcalf explains, “to stand and fight alongside people who have experienced violence—in its many forms—is to be forever changed.”¹²⁶ She points out that engaging in social justice work is “to align one’s life with people who are ignored, hated, disappeared” and “to have a constant reminder about society’s darkest impulses.”¹²⁷ Mental health is a particularly serious concern in the human rights field, where advocates often experience elevated levels of vicarious trauma and burnout.¹²⁸ It is important to recognize this openly and develop techniques for resilience.

However, it was not until I had the opportunity to teach in Yale Law School’s Lowenstein International Human Rights Clinic that I encountered my first class on trauma and resilience, taught by my

¹²⁴ William P. Quigley, *supra*, n. 117, at 24.

¹²⁵ William P. Quigley, *id.*

¹²⁶ THE ARTHUR LIMAN CENTER FOR PUBLIC INTEREST LAW, *Liman Center Report 21* (Fall 2017) (remarks of Hope Metcalf), https://law.yale.edu/sites/default/files/area/center/liman/2017_liman_report-final-2.pdf (last visited February 5, 2026).

¹²⁷ *Id.*

¹²⁸ Margaret Satterthwaite, *From a “Culture of Unwellness” to Sustainable Advocacy: Organizational Responses to Mental Health Risks in the Human Rights Field*, 28(3) *REVIEW OF LAW AND SOCIAL JUSTICE* 443, 447-448 (2019).

colleague, Hope Metcalf. At that point, I had already been a human rights advocate for a decade, but had never been introduced to these concepts. Even just identifying vicarious trauma and having a discussion about it in class was revolutionary in a field that has traditionally ignored it.¹²⁹ In a study, “[a]dvocates described interlinked cultures of *martyrdom*, in which the human rights field fosters a view among advocates that they should sacrifice themselves for others and the work; a *savior or hero mentality*, in which advocates view themselves as capable of and duty-bound to ‘save’ others; and a *cowboy attitude*, where ‘toughness’ and risk-taking are celebrated.”¹³⁰ Even Metcalf writes of her late arrival to addressing vicarious trauma: “It took me more than a decade to ask myself these questions. Before then, like so many public interest lawyers and students, I choked down my own sadness and doubts.”¹³¹

Law clinics can play a crucial role in helping students develop resilience and deal with vicarious trauma integral to social justice work. I found the material in Hope’s class so critical that I arranged for her to guest lecture on trauma and resilience to all the Miami Law clinics; and in our Human Rights Clinic, we regularly incorporate a class on this topic.¹³² During the last few years, we have also invited a psychologist with expertise in this area to help lead the class discussion and share available resources at the university.

3) *Resilience through Self-Care*

Self-care is further critical to developing resilience. In fact, engaging in self-care should be considered part of advocacy. As Mental Health America recognizes, advocacy can be “emotionally exhausting,” and advocating for others requires taking care of yourself.¹³³ Self-care involves a physical dimension, including adequate rest, nutrition, and movement, as well as a psychological dimension, including opportunities for reflection, connection, and activities of interest unrelated to work.¹³⁴

¹²⁹ *Id.* at 448 (noting that “inadequate attention has been paid across the field generally to well-being” and “the human rights field generally has responded poorly to well-being risks”).

¹³⁰ Margaret Satterthwaite, *Id.* at 449.

¹³¹ Hope Metcalf, *supra*, n. 126, at 21.

¹³² Readings in this class include Hope Metcalf, *id.*, and Hope Metcalf & Leanne Gale, *supra*, n. 121.

¹³³ MENTAL HEALTH AMERICA, *Taking care of yourself while advocating for others*, <https://mhanational.org/resources/taking-care-of-yourself-while-advocating-for-others/>. See also Hope Metcalf & Leanne Gale, *supra*, n. 121 (urging advocates to “[r]ecommit to good habits (food, sleep, movement, friendship), especially during times of stress, as part of your professional obligations”).

¹³⁴ Self-Care Assessment Worksheet, available at https://www.andrews.edu/services/ctcenter/prevention/self-care_ax_worksheet.pdf, from KAREN W. SAAKVITNE AND LAURIE A. PEARLMAN, *TRANSFORMING THE PAIN: A WORKBOOK ON VICARIOUS TRAUMATIZATION* (Norton 1996) and Catherine Nugent, *Replenish the Well: An Experience in Self-Care*, a workshop

One potential self-care practice is mindfulness. According to a study, “Mindful people . . . can better cope with difficult thoughts and emotions without becoming overwhelmed or shutting down (emotionally).”¹³⁵ As Carley Hauk explains, mindfulness enables us to “see the bigger picture with calmness and clarity” and “offer compassion for the hardship we are experiencing.”¹³⁶

Our class on trauma and resilience directly addresses the need for self-care. Students complete a Self-Care Assessment Worksheet,¹³⁷ where they identify helpful activities they are already doing and select three to five new activities that they think would be beneficial and manageable. We then discuss these self-care goals in class.

We further regularly include a class on mindfulness led by my colleague, Scott Rogers, who brings expertise in mindfulness and the law. We schedule this class towards the end of the fall semester when both clinical project and law school demands are at their height.¹³⁸ Students love this class, which provides them with an opportunity to recenter and catch their breath, as well as practical exercises they can use in managing emotions and stress. This class also provides an opportunity to identify and release negative emotions as a collective, which can strengthen future efforts.

4) *Resilience through Community Connection*

Vital to building resilience is community connection¹³⁹ and the social competencies discussed below. The personal and interpersonal are fundamentally interlinked. When at the Open Society Public Health Program, we had a “Lawyering on the Margins” initiative, which brought together lawyers from around the world, working with, LGBTQ+ populations, sex workers, and people who use drugs, who often face tremendous abuse and trauma.¹⁴⁰ Lawyers working with these groups must contend with the overwhelming legal and social challenges facing their clients, while they themselves are often marginalized in their profession. Coming together and meeting other lawyers like them was powerful. Many credited these meetings with energizing them and

at *Peer Services: A Life in the Community for Everyone*, FIFTH ANNUAL CONFERENCE OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, CENTER FOR SUBSTANCE ABUSE TREATMENT’S RECOVERY COMMUNITY SERVICES PROGRAM, (Jul. 13, 2004).

¹³⁵ Carley Hauk, *supra*, n. 115.

¹³⁶ Carley Hauk, *supra*, n. 115.

¹³⁷ Self-Care Assessment Worksheet, *supra* n. 134.

¹³⁸ See Scott Rogers, *What Do We Want? Mindfulness in Law*, LA. BAR J. (2015).

¹³⁹ In her tips on resilience, Hope Metcalf advises, “Foster a caring community.” Hope Metcalf & Leanne Gale, *supra*, n. 121.

¹⁴⁰ OPEN SOCIETY FOUNDATIONS, *Q&A: Lawyers on the Margins Find Creative Ways to Help Their Clients—and Each Other* (2017), <https://www.opensocietyfoundations.org/voices/qa-lawyers-margins-find-creative-ways-help-their-clients-and-each-other>.

preventing burnout. I have likewise been inspired and strengthened by my connection with these lawyers, as well as by the community groups with whom I have the privilege of working. Seeing the courage and hope of these community advocates and then being able to support their work is deeply satisfying. As Bill Quigley observes, “It may seem paradoxical, but it is absolutely true that in the exact same places where injustices are found, joy, hope, inspiration and love are found.”¹⁴¹ Hope Metcalf likewise points to clients and partners as a source of strength and resilience, noting that “just as our empathic responses mimic others’ pain, so, too, can we mirror others’ strength.”¹⁴² The key is to view our clients and partners as “not just the sum of their problems,” but as “whole people” with stories of “strength, resourcefulness, and recovery.”¹⁴³ As Chimamanda Ngozi Adichie urges in the “The Danger of a Single Story,” we need to see people in their full complexity and humanity.¹⁴⁴

Clinics provide important opportunities for community connection. In addition to work with partners, we aim to connect our students with broader social movements and encourage them to see their legal work as just one piece in multidimensional advocacy on an issue.¹⁴⁵ Furthermore, as with many law clinics, we strive for our Human Rights Clinic to be more than just a class, but also a supportive community. Students develop relationships through working together that continue past the clinic and remark on the importance of these connections and the community built through clinic work.¹⁴⁶

2. *Social Competencies: A Focus on Collaboration and Empathy*

This takes us to the second axis of emotional intelligence focused on social competence. Just like self-awareness is the first element of personal competence, social awareness is the first component of social competence. It refers to “the ability to understand other people’s moods, behavior and motives.”¹⁴⁷ This closely links to the second element of social competence—relationship management,

¹⁴¹ William P. Quigley, *supra*, n. 117, at 26.

¹⁴² Hope Metcalf, *supra*, n. 126, at 21.

¹⁴³ Hope Metcalf & Leanne Gale, *supra*, n. 121.

¹⁴⁴ Chimamanda Ngozi Adichie, *The Danger of a Single Story*, *supra*, n. 57.

¹⁴⁵ Hope Metcalf urges connection with “non-lawyers and broader movements to place lawyers’ work in a larger context, resist the temptation of inflated self-importance, and find models of resilience.” Hope Metcalf & Leanne Gale, *supra*, n. 121.

¹⁴⁶ E.g., UNIVERSITY OF MIAMI SCHOOL OF LAW, *Alexis Bay’s Experience with the Human Rights Clinic*, (YouTube, Jan. 10, 2020), <https://www.youtube.com/watch?v=Bkr00ILICIo> (“I’ve made connections through the Clinic that I am very happy to say I think will go way beyond graduation.”).

¹⁴⁷ TRAVIS BRADBERRY & JEAN GREAVES, *supra*, n. 95, at 24.

or the ability to manage interactions with others, including building connections and rapport, establishing good communication, and handling conflict.¹⁴⁸ For social justice work, as this section addresses, social competence is critical for developing effective collaborations and cultivating empathy.

a. Facility with Collaboration

Collaboration is a fundamental leadership skill and integral to social justice work. As Anthony Thompson explains, “to be effective, lawyer-leaders will need to move from being an individual contributor to one who connects people and networks for the good of the enterprise.”¹⁴⁹ Bill Quigley refers to social justice work as a “team sport,” noting the excitement of “being part of a group that is trying to make the world a better place.”¹⁵⁰ While the ABA recognizes collaboration as an important lawyering skill,¹⁵¹ law school generally takes an individualized approach to learning and achievement.¹⁵² Students are thus ill-prepared for the working world where much legal advocacy and the drafting of documents take place in teams. However, in sharp contrast to most law school courses, “collaboration is at the heart of the clinical experience.”¹⁵³ Law clinics can play an important role in teaching essential collaboration skills. Good collaboration requires relationship building, as well as the ability to work across diverse teams.

1) Relationship Building

Relationship building is the first step, which serves as a foundation for project work. The Rockwood Leadership Institute advises focusing on “relationship before task.”¹⁵⁴

Clinical work involves cultivating relationships. As discussed above, in our Human Rights Clinic, we strive to create a community

¹⁴⁸ *Id.* at 44; Daniel Goleman, *supra*, n. 11, at 88.

¹⁴⁹ ANTHONY C. THOMPSON, *supra*, n. 2, at 136. *See also* Paul Radvany, *supra*, n. 4, at 320 (referring to collaboration as “one of the most important skills for both lawyers and leaders”).

¹⁵⁰ William P. Quigley, *supra*, n. 117, at 21.

¹⁵¹ Paul Radvany, *supra*, n. 4, at 322.

¹⁵² Paul Radvany, *id.*, at 323 (“Despite recent demand for young lawyers who can work collaboratively, law school graduates continue to enter the profession with little experience working in teams, other than their work in clinics.”); ANTHONY C. THOMPSON, *supra*, n. 2, at 12 (“This singular focus on an individualized rather than a collaborative approach to issue identification and problem solving sits at the core of what is distorting and dangerous about legal education.”); Geoge T. “Buck” Lewis & Douglas A. Blaze, *Training Leaders the Very Best We Can*, 83 TENN. L. REV. 771, 784-785 (2016) (referring to “group work and exercises” as “far from a common experience in law schools” and calling for an increased “emphasis on collaboration and influence skills”).

¹⁵³ Paul Radvany, *supra*, n. 4, at 325.

¹⁵⁴ ROCKWOOD LEADERSHIP INSTITUTE, *supra*, n. 82, at 3.

that is more than just a class. This entails learning about each other, and students and faculty share at the outset a “human rights moment,” or an experience that brought human rights home to each of us and draws us to this work. We further share meals and participate jointly in events, including site visits, volunteer work, lectures, and conferences. Students thus form strong bonds through working together that continue past the clinic.¹⁵⁵ While I value efficiency and tend to be task oriented, I have learned that meetings run more smoothly and productively when first taking the time to connect with people on a personal level. This can take the form of a formal icebreaker or even just a few moments of casual conversation. This is a lesson I take to heart in meeting with students and in guiding them in preparing agendas for partner meetings or even preparing for interviews. Moreover, students learn about striking the right tone in correspondence that is professional but also includes some emotion and a personal touch.

2) *Embracing Diverse Collaborations*

Additionally, leaders must be able to work cooperatively with diverse teams to achieve goals. As discussed above, the most effective teams are diverse, drawing on various perspectives and experiences, and leadership requires cross-cultural competency.¹⁵⁶ Anthony Thompson, in fact, advises leaders to invite dissent to develop “sharpened thinking that can come as a result of conflict and having to defend a position.”¹⁵⁷

Clinics provide the perfect setting for students to practice working in diverse teams. In our Human Rights Clinic, project or case work generally takes place in teams of three to four students. Different students lead on various components and alternate leadership in key tasks, such as developing an agenda, facilitating meetings, developing minutes, and managing follow up from meetings. In collaborating closely on projects, students benefit from diverse skills and viewpoints and learn to mediate conflicts and tensions. Students further gain experience in collaborative writing, which, while unusual in the academic setting, is the norm in the professional world. As I discuss in *Teaching Written Advocacy in a Law Clinic Setting*, collaboration enriches writing through a diversity of perspectives and built-in peer editors.¹⁵⁸ Moreover, collaboration is particularly helpful for certain aspects of writing, such as brainstorming, conceptualizing a project, and outlining. While researching and drafting best take place

¹⁵⁵ See e.g., *Alexis Bay's Experience supra*, n. 146.

¹⁵⁶ Paul Radvany, *supra*, n. 4, at 316; ANTHONY C. THOMPSON, *supra*, n. 2, at 26.

¹⁵⁷ ANTHONY C. THOMPSON, *id.*, at 27. See also *id.* at 36, 38.

¹⁵⁸ Tamar Ezer, *Teaching Written Advocacy, supra*, n. 92, at 185-186.

individually, students benefit from reviewing and commenting on each other's pieces.¹⁵⁹

b. Fostering Empathy

Another critical component of social competency for social justice work is empathy. Anthony Thompson defines empathy in leaders as “the ability to understand and feel what others experience by stepping into their shoes and seeing the situation from their perspective.”¹⁶⁰ He points out that by anticipating the range of emotions, empathetic leaders are more capable of guiding people through change.¹⁶¹ Susan Cain notes that empathetic people tend to have “unusually strong consciousness” and are more moved by people's emotions and troubles.¹⁶² This consciousness is also a mark of strong leadership, as discussed further below. People are more willing to provide authority to individuals who have empathy and a focus on the common good.¹⁶³ Empathy is particularly important for social justice work. As one of our partners emphasized, “A society without empathy cannot properly find the justice we're seeking.”¹⁶⁴ This empathy can come from our innate human curiosity to understand others' perspectives, seeing them as full persons with dignity and not just problems to address.¹⁶⁵

Law clinics are well-placed to cultivate empathy through meaningful interactions with clients, partners, and affected communities. Contact with directly affected individuals in law clinic settings broadens students' understanding. For instance, through interviews and interactions with people who use drugs, one of my students described, “One of the amazing things about working on this project was that it completely changed my perspective . . . I began to understand the complexities of drug use and that drug use does not preclude human rights, nor does it alone warrant the deprivation of parental rights.”¹⁶⁶ In our work addressing homelessness, students have benefited from the generous mentorship of powerful advocates with lived experience with this

¹⁵⁹ Tamar Ezer, *Teaching Written Advocacy*, *id.*, at 186-187.

¹⁶⁰ ANTHONY C. THOMPSON, *supra*, n. 2, at 140. *See also* Daniel Goleman, *supra*, n. 11, at 88 (defining empathy as “the ability to understand the emotional makeup of other people”).

¹⁶¹ ANTHONY C. THOMPSON, *supra*, n. 2, at 140.

¹⁶² SUSAN CAIN, *QUIET*, *supra*, n. 19, at 137, 141 (2013).

¹⁶³ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1621.

¹⁶⁴ HUMAN RIGHTS CLINIC, UNIVERSITY OF MIAMI SCHOOL OF LAW, *Petty Offenses Symposium Report: Challenging Criminalization of Poverty, Marginalization, and Gender Non-Conformity* at 21 (2019), <https://miami.app.box.com/s/q891w54b661c6bismf190x23835kamsq> (quoting Harsh Mander, Director, Center for Equity Studies).

¹⁶⁵ *Id.*

¹⁶⁶ Miami Law Staff Report, *Via U.N. Advocacy, Clinic Addresses Discriminatory Drug Laws against Women*, UNIV. MIAMI SCH. OF L. (Mar. 6, 2019), <https://www.law.miami.edu/news/2019/march/un-advocacy-clinic-addresses-discriminatory-drug-laws-against-women>.

issue.¹⁶⁷ In supporting the work of communities and advocates, students also benefit and grow as people.

C. *The Spiritual Dimension*

Social justice leadership also has an important spiritual dimension. This entails developing ethical leadership and the cultivation of hope as a practice to energize the spirit.

1. *Developing Ethical Leadership*

Although not always emphasized in the leadership literature largely focused on business, the ethical dimension to leadership is of fundamental importance. If mentioned at all, the literature generally provides ethics with only superficial treatment and rarely delves into tensions and concerns.¹⁶⁸ Nonetheless, even when it comes to economic success, studies find that ethics supports profitability.¹⁶⁹ Deborah Rhode explains that this is the case since people “care deeply about ‘organizational justice’” and perform better when treated with respect and when rewards are equitable.¹⁷⁰ Thus, integrity encourages loyalty and trust,¹⁷¹ and inspiring leaders focus on the greater good, subordinating their self-interest.¹⁷² They set the tone of an organization, ensuring high ethical standards.¹⁷³

In the legal context, ethics is of paramount importance. Lawyers are supposed to be upholders of justice¹⁷⁴ and encouraged to taken on

¹⁶⁷ Robert Robinson at Partners for Dignity & Rights is an example of a brilliant and inspiring advocate who has generously mentored countless students. For some of Rob’s experiences and insights see April De Simone, *Shelter for All: An Interview with Marcus Moore & Rob Robinson*, URBAN DESIGN FORUM (Jul. 24, 2020), <https://urbandedesignforum.org/review/shelter-for-all-an-interview-with-marcus-moore-rob-robinson/>.

¹⁶⁸ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1612 (explaining that leadership publications treat leadership in “perfunctory or platitudinous terms” and further noting that some commentators “simply list ‘moral’ as a catchall description of the desirable characteristics that leaders should have”).

¹⁶⁹ Deborah L. Rhode, *Leadership in Law*, *id.*, at 1613-14.

¹⁷⁰ Deborah L. Rhode, *id.*, at 1613-14.

¹⁷¹ Deborah L. Rhode, *Leadership in Law*, *id.*, at 1614. See also Leah Teague, *Making Progress*, *supra*, n. 6, at 41 (noting that is for “lawyer-leaders to conduct themselves with integrity and honor . . . is essential for lasting leadership built on trust, competence, and good judgment”).

¹⁷² Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1620; ANTHONY C. THOMPSON, *supra*, n. 2, at 91-92, 137, 170.

¹⁷³ ANTHONY C. THOMPSON, *id.*, at 28 (“Intersectional leaders recognize that their words, actions, and attitudes help to build an organizational culture. Leaders who model integrity and hold themselves accountable for acting with integrity signal their expectations for others working with them.”).

¹⁷⁴ Artika Tyner & Tisidra Jones, *supra*, n. 14, at 1082; Leah Teague, *Making Progress*, *supra*, n. 6, at 62; ANTHONY C. THOMPSON, *supra*, n. 2, at 9; Neil W. Hamilton, *supra*, n. 17, at 359.

pro bono projects and contribute to the community.¹⁷⁵ As Neil Hamilton notes, a lawyer serves “not just as a representative of clients, but also as an officer of the legal system” and “a public citizen having special responsibility for justice.”¹⁷⁶

However, ethics is not an important consideration in most law school courses, aside from the limited context of a professional responsibility class.¹⁷⁷ In fact, law school may even erode students’ ethical compass. Kenneth Townsend recounts how “[i]t only takes a few weeks of the standard 1L curriculum for a student to shift her mindset from one that reads a case and roots for the ‘good guy’ to a mindset that zeroes in on what the law requires, for ‘good’ or ‘bad.’”¹⁷⁸ He explains that students become so focused on what the law is and what can be done, that they forget to ask why and whether something should be done.¹⁷⁹ Thus, doctrinal analysis, or “thinking like a lawyer,” becomes disconnected from ethical judgment.¹⁸⁰ Law clinics, however, focus on developing self-reflective and ethical practitioners. Students learn to be both self-aware of biases and positionality and socially aware of structural forces.

Feedback and reflection processes, deeply embedded in law clinics, can help in developing students’ ethical competencies. Leaders must have the courage to engage in difficult conversations and experience discomfort.¹⁸¹ Bill Quigley underscores that the “first step of any real educational or transformative experience” is “a willingness to . . . risk being uncomfortable.”¹⁸² One of our partners goes even further, encouraging advocates to become comfortable with discomfort and uncomfortable with comfort.¹⁸³ An ethical approach to leadership further requires openness to criticism and learning from mistakes. Leaders need to set out processes that encourage feedback, questions, and accountability.¹⁸⁴ Confronting mistakes provides a critical opportunity for learning. As Anthony Thompson explains, “[H]iding from failure does little

¹⁷⁵ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1618.

¹⁷⁶ Neil W. Hamilton, *supra*, n. 17, at 367.

¹⁷⁷ ANTHONY C. THOMPSON, *supra*, n. 2, at 17-18, 77-78. *See also* Neil W. Hamilton, *supra*, n. 17, at 359 (pointing to “[l]egal education’s failure to engage students and the profession in developing leadership skills including character and moral courage”).

¹⁷⁸ Kenneth Townsend, *supra*, n. 11, at 868.

¹⁷⁹ Kenneth Townsend, *id.*, at 867-68.

¹⁸⁰ Kenneth Townsend, *id.*, at 877.

¹⁸¹ ANTHONY C. THOMPSON, *supra*, n. 2, at 112.

¹⁸² William P. Quigley, *supra*, n. 117, at 15.

¹⁸³ *See also* Gulika Reddy, *supra*, n. 120, at 241 (“Courageous work is often antithetical to comfort, and learning to sit with discomfort is an integral lesson in developing an effective human rights advocacy practice.”).

¹⁸⁴ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1618; ANTHONY C. THOMPSON, *supra*, n. 2, at 11, 28.

more than ensure that other failures will follow.”¹⁸⁵ In fact, leaders with exceptional performance are constantly seeking opportunities for feedback and improvement.¹⁸⁶ Moreover, taking responsibility for mistakes encourages others to surface errors and creates a broader culture of learning.¹⁸⁷ Healthy organizations are learning organizations that do not shy away from confronting missteps.

Law clinics strive to stimulate learning through feedback and reflection. In our clinic, students regularly receive feedback from both their supervisors and peers throughout the project. This takes place during the course of developing project documents,¹⁸⁸ as well as during “Learning Goals” meetings with supervisors and in “Project Rounds” and “Writing Workshops” in class. For Learning Goals meetings, students are asked to draft a memorandum reflecting on their clinic experience, including areas of growth and challenges, and setting priority goals and a plan of action for their professional development.¹⁸⁹ In Project Rounds, as discussed above, each project team has the opportunity to present difficult issues they are facing in their project. This serves two goals: the team benefits from the classes’ insights on strategic considerations; and the class benefits from grappling with key questions of concern to human rights advocacy.¹⁹⁰ In Writing Workshops, students share and peer review written drafts, seeking feedback from classmates on argument, structure, support, and tone.¹⁹¹ We thus hope to help develop self-critical and reflective practitioners, who can grapple with ethical concerns and are open to feedback and new ideas.¹⁹²

Additionally, case studies can serve as a powerful tool in sharpening ethical competencies. Case studies, frequently used in public policy and business schools, provide the opportunity to analyze both good and

¹⁸⁵ ANTHONY C. THOMPSON, *supra*, n. 2, at 158. *See also* Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1642 (“Aspiring leaders should worry less about the number of mistakes they make and more about the number of times they make the same the mistake or avoid admitting it. Even failures can be instructive; the key is to ‘crash and learn,’ not ‘crash and burn.’”).

¹⁸⁶ Deborah L. Rhode, *Leadership in Law*, *supra*, n. 2, at 1634, 1641 (2017).

¹⁸⁷ ANTHONY C. THOMPSON, *supra*, n. 2, at 75.

¹⁸⁸ For a discussion of the role of feedback in written advocacy, please see Tamar Ezer, *Teaching Written Advocacy*, *supra*, n. 92, at 167.

¹⁸⁹ This builds on an exercise developed by Sarah Paoletti, the Director of the Transnational Legal Clinic at the University of Pennsylvania Carey Law School.

¹⁹⁰ This builds on an exercise developed by Yale Law School’s Lowenstein International Human Rights Clinic. *See also* Paul Radvany, *supra*, n. 4, at 357 (describing Rounds as “a process by which students brainstorm challenging issues and decisions they face in their case/project work with the class and reflect on these as well in part, as an effort to ‘extract theory from their and their classmates’ experiences”).

¹⁹¹ Tamar Ezer, *Teaching Written Advocacy*, *supra*, n. 92, at 184.

¹⁹² *See* Paul Radvany, *supra*, n. 4, at 357 (noting that Rounds provide a valuable opportunity for students to “improve their ‘professional reasoning and ethical decision-making’”).

bad examples of leadership.¹⁹³ Leah Teague highlights how considering historical figures reinforces for students that “we can learn more from our failures than our successes.”¹⁹⁴ Students can further grapple with various leadership models at different career stages, reflecting different ages, genders, races, and ethnicities.¹⁹⁵ Case studies also provide rich material for analyzing complex issues from multiple perspectives. Anthony Thompson makes extensive use of case studies in his course on leadership as a basis for an intersectional analysis, addressing missed viewpoints, methods of communication, and potential strategies and actions to avoid pitfalls.¹⁹⁶ Case studies also facilitate students’ active participation in their learning, enabling both reflection and group interaction to help internalize key concepts.¹⁹⁷

I have found case studies useful in addressing ethical considerations that are front and center in human rights work. An understanding of human rights requires going beyond abstract standards and applying them to messy reality. This entails confronting internal biases and grappling with difficult issues.¹⁹⁸ In a collaboration with faculty from Eastern Europe and Central Asia to develop health and human rights courses, they clamored for interactive materials and case studies they could integrate in their teaching. To meet this demand, we partnered with the Toronto University’s Health Equity and Law Clinic and the Hastings Center to develop a series of case studies on various health and human rights topics, including access to sex reassignment surgery in relationship to legal identity change, access to maternal care for women who use drugs, and coercive sterilization of women living with HIV.¹⁹⁹ Developing case studies can itself be a useful exercise for students in analyzing diverse perspectives and strengthening ethical competencies.

The seminar component of our Human Rights Clinic provides students with the opportunity to grapple with case studies on challenging human rights issues. For instance, in a class on Indigenous rights and conservation, students delved into the case of the Big Cypress National Preserve with the Deputy General Counsel of the Miccosukee Tribe of Indians of Florida. In this class, students learned about the racist

¹⁹³ Garry W. Jenkins, *supra*, n. 61, at 730-731.

¹⁹⁴ Leah Teague, *Making Progress*, *supra*, n. 6, at 40.

¹⁹⁵ Garry W. Jenkins, *supra*, n. 61, at 731, 741.

¹⁹⁶ ANTHONY C. THOMPSON, *supra*, n. 2, at 156-157.

¹⁹⁷ Garry W. Jenkins, *supra*, n. 61, at 730-731, 742.

¹⁹⁸ For instance, the case of a patient with extremely drug-resistant tuberculosis may require balancing rights to liberty, autonomy, and freedom of movement against the danger of infection to the community. Tamar Ezer, *Four Key Lessons from Teaching Human Rights for Health*, OPEN SOCIETY FOUNDATIONS VOICES (Nov. 3, 2014), <https://www.opensocietyfoundations.org/voices/four-key-lessons-teaching-human-rights-health-0>.

¹⁹⁹ Tamar Ezer & Judy Overall, *Advancing Human Rights in Patient Care through Higher Education in Eastern Europe and Central Asia*, 15 HEALTH & HUM. RTS. J. 54, 59 (2013).

undertones of historic conservation efforts and considered opportunities to integrate an Indigenous rights perspective.²⁰⁰

2. *Cultivating Hope*

Social justice leadership further draws on spiritual traditions and the practice of cultivating hope. Gulika Reddy, a fellow human rights clinician, writes about hope as “a learned mindset and practice that allows you to believe in and work towards the possibility that you can achieve your goals.”²⁰¹ In particular, she calls for “transformative hope” that is grounded in reality and linked to action with the addition of creativity and imagination, allowing us “to take a leap of faith.”²⁰² She situates transformative hope “between certainty and impossibility.”²⁰³

Social justice work is not easy, and progress is not linear. We need to be able to work in difficult contexts. This requires engaging the spirit and connecting our work to the legacy of past advocates. We are following in the footsteps of a strong lineage, and it is not on us to get to the finish line. Rather, as Mehret Mandefro explains, “In the finite years we have on this Earth, all we have to do is run our part of the race and pass the baton on. The rest is the rest.”²⁰⁴ A Jewish proverb expresses a similar sentiment: “You are not obligated to complete the task, but neither are you free to abandon it.” In fact, there is no finish line, and the very struggle for justice is what makes us human. As one of our partners states, “Every human society is not just characterized by injustice, but also by resistance to this injustice.”²⁰⁵ Let us be part of this resistance.

This requires building on the work of others and learning from good practices and successes. In the human rights movement, we are all too focused on violations and problems. In fact, classic human rights methodology, often referred to as “naming and shaming,” entails documenting and publicizing violations.²⁰⁶ Thus, as Reddy notes, conveying positive knowledge “does not come naturally,” but can serve as an important source of learning and inspiration.²⁰⁷ Thomas Coombes similarly urges human rights advocates to

²⁰⁰ See José Francisco Calí Tzay, *Reflections on Racism, Conservation and Human Rights of Indigenous Peoples*, 14 ARIZ. J. OF ENV'T L. & POL'Y 1 (2024).

²⁰¹ Gulika Reddy, *supra*, n. 120, at 205. See also William P. Quigley, *supra*, n. 117, at 27 (“Because the merchants of the status quo are constantly selling us hopelessness and diversions, we must actively seek out hope. . . . When hope is alive, change is possible.”).

²⁰² Gulika Reddy, *supra*, n. 120, at 216, 218.

²⁰³ *Id.* at 229.

²⁰⁴ Mehret Mandefro, *Singing What We Cannot Speak: Bernice Johnson Reagon's Songtalking and Popular Education*, THE FRAGILE REAL (2024), <https://thefragilereal.substack.com/p/singing-what-we-cannot-speak>.

²⁰⁵ HUMAN RIGHTS CLINIC, PETTY OFFENSES SYMPOSIUM REPORT, *supra*, n. 164.

²⁰⁶ See Emilie M. Hafner-Burton, *Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem*, 64 INT'L ORG. 689 (2008).

²⁰⁷ Gulika Reddy, *supra*, n. 120, at 224-225.

not “only expose the things that are wrong with the world” but to “also offer a vision of how things could be” by focusing on alternatives and solutions.²⁰⁸ The documentation of good practices is a focus for our Human Rights Clinic this year. In collaboration with the National Homelessness Law Center, following up on a series of reports documenting violations, we are now developing a Good Practice Guide, lifting up local initiatives that help to realize the seven dimensions of the international human right to housing. Even in a difficult federal context, we are seeing innovative and effective work at the local level.

Reddy identifies imagination and creativity as critical ingredients for cultivating hope. In our clinic, we are experimenting with incorporating art in our advocacy, as I hope to reflect on further in a subsequent piece. We have developed a partnership with Red Line Service, a community of artists in Chicago with lived experience of being unhoused to develop prints supporting right to housing advocacy. Clinic students facilitate a series of virtual workshops with the artists on the seven dimensions of the international human right to housing, in collaboration with activists at the forefront of advocacy throughout the U.S. The resulting artwork is available for download in a digital archive of graphic materials.²⁰⁹ These prints illustrate the seven dimensions of the international right to housing in powerful and concrete ways connected to community experiences. We have also incorporated classes on the intersection of human rights with art and music in the clinic seminar. These classes have expanded the students’ imagination and vocabulary for addressing human rights issues. Additionally, in our final class, students share creations that capture their reflections on social justice and lessons learned from the clinic experience, with art often providing the opportunity for deeper expression and connection. Creations have included collages, poetry, paintings, drawings, and even performances.²¹⁰ Students have also collaborated on a human rights playlist, sharing songs that are meaningful to them and the stories behind them. This exercise has provided an opportunity for students to connect on a personal level, as well as uncover insights from various human rights struggles. And the students now have access to a playlist that can hopefully help inspire and energize them.

Thus, social justice requires spiritual work. Social justice ultimately relies on hope and the ability to dream, while still grounded in reality

²⁰⁸ THOMAS COOMBES, *SEEING HOPE: A VISUAL COMMUNICATIONS GUIDE FOR HUMAN RIGHTS 3*, <https://seeinghope.fineacts.co/>.

²⁰⁹ See UNIVERSITY OF MIAMI SCHOOL OF LAW, *Art & the Right to Housing*, <https://www.law.miami.edu/academics/programs/human-rights/initiatives/arts-rights/housing/> (last visited on January 30, 2026).

²¹⁰ UNIVERSITY OF MIAMI SCHOOL OF LAW, *Human Rights Clinic: Student Art Work and Creative Pieces*, <https://www.flickr.com/photos/miamilaw/albums/72157716585038838> (last visited February 5, 2026) (samples of student work).

and connected to our actions. As Bill Quigley advises students, “Every good law or case . . . was once a dream . . . dismissed as impossible or impractical for decades before it was enacted. Give your creative thoughts free reign, for it is only in the hearts and dreams of people seeking a better world that true justice has a chance.”²¹¹

III. CONCLUSION

Social justice work must start at home with good individual practices and the building of healthy and just organizations. However, all too often, organizations engaged in social justice work are poorly managed and plagued by a crisis of leadership. In training the next generation of social justice advocates, a focus on developing leaders who can best serve our communities is critical. This article connects leadership concepts with practical examples for strengthening leadership from the law clinic setting. It proposes a social justice approach to leadership rooted in the principles outlined below.

Social justice leadership centers around collaboration, and you can lead from any position in a group. Leadership should be broadly defined to encompass varying personalities, racial and gender diversity, and the counter-cultural values of listening and humility. Good leaders develop leadership in others. And critically, leadership can be learned and developed.

Leadership is three-dimensional involving the mind, heart, and spirit. It entails three sets of competencies: cognitive, emotional, and spiritual. Cognitive competencies involve not just mastery of an area of law and relevant interdisciplinary frameworks, but also strategic thinking and effective project management skills.

Emotional intelligence entails both personal and interpersonal competencies. Social justice leaders need to acknowledge setbacks and vicarious trauma, and resilience is a key personal skill that can be developed through reflection, self-care, and community connection. Collaboration and empathy are vital interpersonal skills that can be developed through thoughtful teamwork and interactions with clients, partners, and affected communities.

Finally, spiritual competencies entail developing ethical leadership and cultivating hope. Ethical leadership can be developed through feedback and reflection, as well as through case study analysis. And hope can be cultivated through connection with the legacy of past advocates, learning from good practices, and the integration of art.

²¹¹ William P. Quigley, *supra*, n. 117, at 28.

TOWARD AN ABOLITION DEMOCRACY PEDAGOGY IN CLINICAL LEGAL TEACHING

CARA McCLELLAN*

In the spring of 2022, I was hired to create and direct a racial justice clinic at a time when many law schools had publicly identified anti-racism as a substantive gap in the legal curriculum. In the fall of 2022, I worked with four law students to design the Advocacy for Racial and Civil Justice Clinic. Early on, we determined that we would launch a clinic grounded in the principles of abolition, which I define as a clinic committed to using legal strategies to combat the legacy of slavery and white supremacy and to imagining new systems of liberation. In this article I describe what I consider to be the core components of an abolition democracy pedagogy in our clinic: (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms. I conclude by offering reflections on how an abolition democracy pedagogy can better sustain future public interest attorneys committed to working in support of social movements during periods of retrenchment. Despite the prevalent backlash against racial justice today, now is a critical time for legal clinics to teach abolition and grapple with the role of litigation and policy advocacy in advancing social movements for racial justice.

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INTRODUCTION: WHY ABOLITION NOW?

We are living in a period of deep retrenchment. Efforts to address racial justice that were celebrated in 2020 are now the subject of investigation and prosecution.¹ Indeed, law clinics, once celebrated for teaching antiracism, face backlash and scrutiny today.²

I was hired to launch and direct a racial justice clinic at Penn Carey Law School in the immediate aftermath of what many called a “national racial reckoning.”³ In the spring of 2020, in the midst of widespread orders to stay in place during the COVID-19 pandemic, people across America watched video of Derek Chauvin, a Minneapolis police officer, murdering Mr. George Floyd, a Black man, by kneeling on his neck for 9 minutes and 29 seconds. The video footage seemed to suddenly shift the mainstream conversation about racism in policing, with widespread recognition of the need for radical change. Millions of everyday Americans took to the streets chanting “Black lives matter” in the largest protest in American history and worldwide.⁴ Activists described the need to fight the “pandemic” of white supremacy and there was widespread public interest in learning about institutional racism. Protestors called for the abolition of racist policing, and there were unprecedented examples of local jurisdictions shrinking police budgets and closing prisons.⁵ Demands for change spread beyond the

¹ On February 5, 2025, the U.S. Department of Justice (DOJ) issued a memorandum directing the Civil Rights Division to “investigate, eliminate, and penalize illegal DEI” programs, potentially including criminal prosecution in the private sector. Memorandum from Pam Bondi, Att’y Gen., U.S. Dep’t of Just. to All Department Employees, (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388501/dl?inline> [<https://perma.cc/W7QK-BLQQ>]. Subsequently, on May 19, 2025, the U.S. Deputy Attorney General issued a memorandum directing the DOJ to pursue False Claims Act enforcement against “any recipient of federal funds that knowingly violates federal civil rights laws.” Press Release, U.S. Dep’t of Just., Off. of Pub. Affs., Justice Department Establishes Civil Rights Fraud Initiative (May 19, 2025), <https://www.justice.gov/opa/pr/justice-department-establishes-civil-rights-fraud-initiative> [<https://perma.cc/62RQ-5FS5>].

² Sara Weissman, *Congress Targets Northwestern Legal Clinics*, INSIDE HIGHER ED. (Apr. 7, 2025), <https://www.insidehighered.com/news/government/politics-elections/2025/04/07/northwesterns-legal-clinics-draw-scrutiny-congress> [<https://perma.cc/888R-HZQT>].

³ *How Biden Has—and Hasn’t—Harnesses the Reckoning on Race*, VOX (Aug. 19, 2020), <https://www.vox.com/2020/8/19/21372408/joe-biden-racial-justice-policy> [<https://perma.cc/5SHW-XGGG>] (describing the national reckoning on race following the killing of Mr. George Floyd).

⁴ Leah M. Watson, *The Anti-“Critical Race Theory” Campaign — Classroom Censorship and Racial Backlash by Another Name*, 58 HARV. C.R.-C.L. L. REV. 487, 491 (2023) (“In the weeks following Floyd’s death, approximately 15 to 26 million people in the United States reported that they protested, making Black Lives Matter the largest movement in America’s history.”); Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html> [<https://perma.cc/6FGQ-5VT>].

⁵ Jocelyn Simonson, *Police Reform Through a Power Lens*, 130 YALE L.J. 778, 811 (2021) (describing social movements demanding abolition).

criminal justice system. Schools and universities, private companies, and the nonprofit sector were suddenly forced to reckon with their role in creating and sustaining racial inequality and many made pledges to engage in antiracist work by adopting diversity equity and inclusion (“DEI”) initiatives, trainings, and affirmative action policies.⁶ Legal education joined the calls to reexamine our work and consider how antiracism should be incorporated into the curriculum and pedagogy.⁷

And yet, since the summer of 2020, public discourse around racial justice and the climate for enacting progressive change has fundamentally shifted.⁸ By the end of 2020, conservative activists began to express opposition to any discussion of structural racism and inequality.⁹ Activist Christopher Rufo seized on this growing resistance by strategically labeling so-called critical race theory or “CRT” as the subject of attack to mobilize parents and activists opposed to racial justice education, race-conscious policies, and other initiatives.¹⁰ During the Biden

⁶ Stephen Menendian, *The Structural Racism Remedies Project*, OTHERING & BELONGING INST. (Feb. 16, 2022), <https://belonging.berkeley.edu/structural-racism-remedies-project> [<https://perma.cc/5S3N-TBYB>] (cataloguing over 1,000 policy proposals and general recommendations for addressing systemic racism).

⁷ See Phyllis Goldfarb, Randy Hertz & Michael Pinard, *Foreword: Reflecting on Our Turbulent Times*, 28 CLIN. L. REV. 1, 10 (2021) (“Particularly since George Floyd’s murder, clinical legal educators and some law schools have taken steps to learn about antiracism.”). Further evidence of the effort to make antiracism core to legal education is the adoption of Rule 303 (c), which provides that “A law school shall provide education to law students on bias, cross-cultural competency, and racism: (1) at the start of the program of legal education, and (2) at least once again before graduation. For students engaged in law clinics or field placements, the second educational occasion will take place before, concurrently with, or as part of their enrollment in clinical or field placement courses.” ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022-2023 Standard 303(c) (AM. BAR ASS’N 2022).

⁸ By 2021, many elected officials pointed to rising crime and called for a return to harsh criminal punishment and aggressive policing, including in some cities a return to stop-and-frisk. Mike Cummings, *Resistance to ‘Defund’ or ‘Abolish’ the Police Rooted in Policy Proposals*, YALE NEWS (Feb. 4, 2022), <https://news.yale.edu/2022/02/04/resistance-defund-or-abolish-police-rooted-policy-proposals> [<https://perma.cc/QND8-UDSZ>] (“A new study finds large majorities oppose the “defund” and “abolish” police movements because people worry that their policy goals will harm public safety.”); Char Adams, *Cities Vowed in 2020 to Cut Police Funding — But Budgets Expanded in 2021*, NBC NEWS (Dec. 28, 2021), <https://www.nbcnews.com/news/nbcblk/cities-vowed-2020-cut-police-funding-budgets-expanded-2021-rcna9864> [<https://perma.cc/HRS5-MLJ6>] (“At least a dozen cities cut their police funding or decreased officer numbers during last summer’s protests against police violence following the killing of George Floyd in May 2020. But one by one, city governments began to bolster their police budgets in 2021.”).

⁹ Dylan Saul, *School Curricula and Silenced Speech: A Constitutional Challenge to Critical Race Theory Bans*, 107 MINN. L. REV. 1311, 1322 (2023) (citations omitted).

¹⁰ While CRT is in fact an analytical framework pioneered in legal education, Rufo used CRT as code for race-consciousness or initiatives to address inequality, white supremacy and colonial power structures. At the state and local level, lawmakers adopted over 800 anti-Critical Race Theory bills and other measures that restricted discussions about so-called “divisive” or “controversial topics” in the classroom, including bias, inequality, white supremacy, and slavery. UCLA SCHOOL OF LAW CRITICAL RACE STUDIES PROGRAM, CRT FORWARD (2024), <https://crtforward.law.ucla.edu/> [<https://perma.cc/3PDZ-A483>] (tracking

administration, Christopher Rufo's war on "CRT" expanded into a more general war against DEI initiatives at the local level.¹¹ In April 2023, the Heritage Foundation released Project 2025, a radical right blueprint for the next conservative administration and called for the president to dismantle the DEI apparatus across federal agencies and eliminate references to "DEI, abortion, and gender equality from 'every federal rule, agency regulation, contract, grant, regulation, and piece of legislation that exists.'"¹² By 2024, state and local governments passed anti-DEI legislation.¹³ Rufo's agenda to ban discussions of race and progressive policies to address structural inequality had metastasized.

With the reelection of President Trump in 2025, the movement to undermine racial progress dominates the federal government and its agencies.¹⁴ DEI is essentially the boogeyman in President Trump's fight for the undoing of civil rights protections and a return to a white supremacist social order.¹⁵ The Trump Administration's

anti-CRT efforts introduced at the local, state, and federal levels). See also Kimberlé W. Crenshaw, *This is Not a Drill: The War Against Antiracist Teaching in America*, 68 UCLA L. REV. 1702, 1707 (2022).

¹¹ Adam Serwer, *The Great Resegregation*, THE ATLANTIC (Feb. 22, 2025), <https://www.theatlantic.com/politics/archive/2025/02/trump-attacks-dei/681772/> [<https://perma.cc/P4A8-D57L>] ("Like CRT before it, DEI has become conservatives' go-to cover for their discriminatory actions.")

¹² Melissa Quin, *Where Trump Policies and Project 2025 Proposals Match Up*, CBS NEWS (Feb. 3, 2025), <https://www.cbsnews.com/news/trump-project-2025-playbook/> [<https://perma.cc/QB56-W2Z2>]; *Project 2025, Explained*, ACLU, <https://www.aclu.org/project-2025-explained> [<https://perma.cc/9SGX-43ZU>] (last visited Mar. 1, 2025).

¹³ Char Adams and Nigel Chiwaya, *Map: See Which States Have Introduced or Passed Anti-DEI Bills*, NBC NEWS (Mar. 2, 2024), <https://www.nbcnews.com/data-graphics/anti-dei-bills-states-republican-lawmakers-map-rcna140756> [<https://perma.cc/S6NF-HU6T>].

¹⁴ Shortly after his election, President Trump declared that the United States would be "woke no longer" and swiftly adopted a series of executive orders in January 2025 aimed at dismantling federal DEI initiatives.

Executive Order No. 14,151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, and Executive Order No. 14,173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, and related directives seek to dismantle federal DEIA programs ("DEIA" stands for Diversity, Equity, Inclusion, and Accessibility) and impose restrictions on public and private entities engaging in DEIA-related activities. Exec. Order No. 14,151, *Ending Radical and Wasteful Government DEI Programs and Preferencing*, 90 Fed. Reg. 8339, 8339 (Jan. 29, 2025); Exec. Order No. 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, Exec. Order of January 21, 2025, 90 Fed. Reg. 8633, 8634-35 (Jan. 31, 2025).

Roseann Cattani & Myron Thompson, *What Are Woke Political Policies and What Has Trump Done to End Them?*, RECORD SEARCHLIGHT (Mar. 12, 2025) ("President Trump has signed executive orders that would bar transgender student athletes from playing women's sports, end DEI initiatives in the federal government and affirmative action in federal contracting, deny federal funding to 'sanctuary' jurisdictions and withdraws [sic] federal recognition for transgender individuals.")

¹⁵ Adam Serwer calls the return to segregation and racial oppression the "Great Resegregation." *Trump Is Banning Diversity Programs. What's Lost in The DEI Purge?*, CODE SWITCH (Apr. 2, 2025), <https://www.npr.org/transcripts/1242229709> [<https://perma.cc/7DUH-P3K6>] ("There was a conservative activist named Christopher Rufo back during the CRT

attack on DEI encompasses everything from symbolic recognition of multiculturalism,¹⁶ to the discussion of race and racism in colleges and universities,¹⁷ to a direct attack on the presence of people of color in positions of power¹⁸ and the historical record of slavery and Jim Crow held in the Smithsonian, the National Park Service, and beyond.¹⁹ Core to this agenda has been a strategic effort to undermine antidiscrimination laws, in particular the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964, by labeling them woke or DEI.²⁰ As journalist Nikole Hannah-Jones describes, what we are seeing is “agency by agency, this entire civil rights infrastructure that had been set up over decades being dismantled” under the guise of disbanding DEI.²¹ The willingness of a conservative super-majority on the Supreme Court to defy precedent,²²

moral panic who said this pretty explicitly - that that was the goal, right? He tweeted, we’ve successfully frozen their brand - critical race theory - into the public conversation and are steadily driving up negative perceptions. . . . And that’s exactly what’s happening with DEI. In part because, as we said, like, DEI is sort of vague and nebulous and expansive.”)

¹⁶ Serwer, *supra* note 11 (“In August, speaking with someone he believed to be a sympathetic donor, one of the Project 2025 architects, Russell Vought, said that a goal of the next Trump administration would be to “get us off of multiculturalism” in America. Now Vought is running Donald Trump’s Office of Management and Budget, and the plan to end multiculturalism is proceeding apace.”).

¹⁷ Laura Spitalniak, *A Surge of DEI Cuts Hits Colleges Across the US*, HIGHER ED DIVE (Feb. 27, 2025).

¹⁸ ANDERSON COOPER 360: *Whitewashing in the Name of a DEI Mandate* (CNN television broadcast, aired April 7, 2025).

¹⁹ Clint Smith, *What It Means to Tell the Truth About America, and What Happens When Empirical Fact Is Labeled “Improper Ideology,”* THE ATLANTIC (Apr. 21, 2025), <https://www.theatlantic.com/ideas/archive/2025/04/smithsonian-executive-order-nmaahc/682512/> [<https://perma.cc/SF8Y-4RMC>].

²⁰ So far, we have seen the Trump administration unwind key legal protections designed to protect people of color. This includes stripping resources from the Office of Civil Rights and Department of Justice investigating complaints of discrimination based on race, color and national origin; rolling back the disparate impact regulations designed to address race-neutral policies that have a discriminatory impact; and prohibiting truthful discussions of U.S. history and inequality in schools. *Id.* (“The term DEI, frequently invoked by the Trump administration, functions as a smoke screen... that is really about tearing anti-discrimination laws out at the roots, so that businesses and governments are free to extend or deny opportunities based on race, gender, and sexual orientation if they so choose.”). *See also* Karen Attiah, *The Assault on DEI? It’s Aimed at Resegregation*, WASH. POST (Feb. 6, 2025), <https://www.washingtonpost.com/opinions/2025/02/06/dei-gop-segregation/> [<https://perma.cc/FB5F-3D68>]; Sherrilyn Ifill, *The Other Constitutional Crisis, Trump Now Leads the Fight Against the 14th Amendment*, SUBSTACK (Feb. 17, 2025), <https://sherrilyn.substack.com/p/the-other-constitutional-crisis> [<https://perma.cc/VF6Z-64CP>] (“Trump has become a zealous and unrelenting general in the decades-long war on the promise of the 14th amendment to the Constitution.”).

²¹ Michael Barbaro, *How Trump Upended 60 Years of Civil Rights*, THE DAILY (N.Y. Times, Oct. 21, 2025), <https://www.nytimes.com/column/the-daily> (last visited Oct. 21, 2025) (“I’m noticing how in these orders and these actions, Trump is conflating DEI with civil rights.... And so it becomes pretty clear that he is using DEI to attack civil rights.”).

²² In 2022, a conservative majority of the Supreme Court overruled *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), denying millions of pregnant and birthing people bodily autonomy and throwing into question a critical line of

and endorse a colorblind interpretation of the Constitution,²³ has only emboldened conservative activities to push for even greater restrictions on civil rights law.

The attack on racial justice progress is overwhelming. But anyone who has studied civil rights knows this is not the first period in which progress is quickly followed by backlash and what Professor Kimberlee Crenshaw calls “retrenchment” in the face of legal reform.²⁴ Famously, the historical period known as Reconstruction was followed by the Nadir in which racial terrorism ruled and civil rights protections became hollow promises.²⁵ The historical period known as Reconstruction was a critical period of struggle to define the social, political, and legal order in the United States after slavery was legally abolished. Sometimes called the second founding of the United States, the focus of Reconstruction was on addressing the aftermath of the Civil War and slavery, including through legislation and constitutional amendments that abolished slavery, defined birthright citizenship, and expanded voting rights to include Black men.²⁶ The full promise of Reconstruction was never fulfilled. Instead, it ended abruptly in 1877 with the removal of federal troops from the South, the rise of the

legal precedent recognizing a right to privacy based on substantive due process. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) (overruling the right to abortion). As Professor Peggy Cooper Davis explains, the reversal of *Roe* is also an attack on the purpose and history of the Reconstruction Amendments. Peggy Cooper Davis, *The Reconstruction Amendments Matter When Considering Abortion Rights*, WASH. POST (May 3, 2022), <https://www.washingtonpost.com/outlook/2022/05/03/reconstruction-amendments-matter-when-considering-abortion-rights/> [perma.cc/98VC-YY2B] (“Speaking on the Senate floor in 1866 to the civil rights that the Reconstruction Congress meant to protect, Sen. Jacob Howard of Michigan, a member of the Committee on Reconstruction, noted that the enslaved had no right to be a spouse or parent in the eyes of the law and were ‘not at liberty to indulge the natural affections of the human heart’ for children or partners.”).

²³ *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023). The case addressed the narrow question of the constitutionality of race-based admissions policies at federally funded higher education institutions. Although the majority opinion did not explicitly overturn precedent, the majority opinion and concurrences expressed the troubling view that considering racial categories amounted to stereotyping individuals and illicit discrimination. *Id.* at 230. See Cara McClellan, *Evading a Race-Conscious Constitution*, 25 U. PA. J. CONST. L. ONLINE 1, 2 (2023) (describing cases advancing the idea of a ‘colorblind’ Constitution during the 2022-2023 Supreme Court term).

²⁴ Kimberlé W. Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988) [hereinafter Crenshaw, *Race, Reform, and Retrenchment*] (arguing that racism changes form and becomes more deeply entrenched in response to formal legal reform).

²⁵ See Barbaro, *supra* note 21 (Nikole Hannah-Jones arguing that we are currently facing a second “Nadir” or low point in civil rights for Black people).

²⁶ See generally ERIC FONER, *THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION* (2019) (arguing that Reconstruction constituted such a fundamental period of reform that we should understand it as a re-founding of the United States and its Constitution).

Ku Klux Klan and racial terrorism, the Compromise of 1877, and critical decisions by an activist Supreme Court that gutted key provisions of Reconstruction-era legislation and Amendments designed to protect newly freed people.²⁷

As I will argue, because we are in a period of retrenchment, now is a critical time for law students to study the Reconstruction Amendments (the Thirteenth, Fourteenth and Fifteenth Amendments of the U.S. Constitution),²⁸ as well as the social and political context in which they were imagined, successfully adopted, and repeatedly undermined.²⁹ In particular, the history of abolitionist thought interpreting the Reconstruction Amendments has been kept at the periphery of legal education for far too long.

The social and political movement known as abolition advocated for the end of slavery in the United States. While in the early nineteenth century, Black and white abolitionists collaborated to form antislavery societies, Black abolitionists often advocated for societal change that was deeper and broader than the end of legal slavery, encompassing full social and political equality for Black citizens.³⁰ In his seminal work, *Reconstruction in America*, Dr. W.E.B. Du Bois described the need not only to emancipate formerly enslaved people through formal abolition, but to reshape all institutions that maintained white supremacy.³¹ He advocated for a new social order that could provide

²⁷ In *United States v. Cruikshank*, 92 U.S. 542 (1876), the Court overturned the Enforcement Acts, opening the floodgates of white mob terror and the Ku Klux Klan. James G. Pope, *Snubbed Landmark: Why United States v. Cruikshank (1876) Belongs at the Heart of the American Constitutional Canon*, 49 HARV. C.R.-C.L.L. REV. 385 (2014). Shortly after, in 1883, the Supreme Court declared the Civil Rights Act of 1875 unconstitutional in the *Civil Rights Cases*, 109 U.S. 3 (1883), ushering in nearly seven decades of the “separate but equal regime” through Black Codes.

²⁸ The Reconstruction Amendments refer to Amendments XIII, XIV, and XV of the United States Constitution passed to protect the rights of formerly enslaved people. See H.R. Rep. No. 30, 39th Cong. 1st Sess., XIII—XV (1866).

²⁹ As Professor Dorothy Roberts writes: “there is utility in applying the abolitionist history and logic of the Reconstruction Amendments to today’s political conditions.” Dorothy E. Roberts, *The Supreme Court, 2018 Term—Foreword: Abolition Constitutionalism*, 133 HARV. L. REV. 1, 122 (2019). She explains: “we should consider the abolitionist history of the Reconstruction Amendments as a usable past to help move toward a radical future.” *Id.* at 11. See also Jeff Neal, *Imagine What a Democracy Can Be*, HARVARD LAW TODAY (Dec. 05, 2023), <https://hls.harvard.edu/today/klinksy-professor-sherrilyn-ifill-imagine-what-a-democracy-can-be/> [perma.cc/2NLZ-Z9PH] (last visited Oct. 23, 2025) (civil rights leader and professor Sherrilyn Ifill argues that students should study the 14th Amendment and its many framers as the basis for a “new vision” for America).

³⁰ LIBRARY OF CONGRESS, THE AFRICAN AMERICAN ODYSSEY: A QUEST FOR FULL CITIZENSHIP, ABOLITION, ANTI-SLAVERY MOVEMENTS, AND THE RISE OF THE SECTIONAL CONTROVERSY, <https://www.loc.gov/exhibits/african-american-odyssey/abolition.html> [https://perma.cc/BUR8-UETC] (last visited Oct. 16, 2025) (“Although black and white abolitionists often worked together, by the 1840s they differed in philosophy and method.”).

³¹ See generally W.E.B. DU BOIS, BLACK RECONSTRUCTION IN AMERICA 166-170 (TRANSACTION PUBLISHERS 2013) (1935).

economic, political, educational, and social capital for all citizens and form the basis of a true multiracial democracy, a concept that he termed abolition democracy.³²

Abolition, once discussed only on the fringes of leftist activism and academic scholarship, received new attention from the media, the academy, and in political debates during 2020.³³ Of course, the 2020 discussion of abolition built on years of organizing and research efforts. In the legal academy, Professor Allegra McLeod introduced a framework for engaging with an abolitionist ethic in 2015 through what she described as gradual decarceration and positive substitution of other regulatory forms for criminal regulation.³⁴ In 2018, Professor Dorothy Roberts advocated in her Harvard Law Review Foreword for applying prison abolitionist theory to constitutional interpretation.³⁵ Professor Amna Akbar and Professor Jamelia Morgan later argued for a space within American law schools and the academy for a more radical imagining of possibilities for criminal justice and public safety in scholarship.³⁶ In the aftermath of 2020, Professor Nicole Smith-Futrell made the case for why law school criminal defense clinics should teach students to advocate for their individual clients through the lens of carceral abolition.³⁷ In short, carceral abolition has become a recognized critical lens in the legal academy and in practice more generally.

³² For Du Bois, “a host of democratic institutions are needed to fully achieve abolition—thus abolition democracy.” ANGELA DAVIS, *ABOLITION DEMOCRACY: BEYOND EMPIRE, PRISONS, AND TORTURE* 96 (2005).

³³ See, e.g., Rachel E. Barkow, *Promise or Peril?: The Political Path of Prison Abolition in America*, 58 WAKE FOREST L. REV. 245, 245 (2023) (describing the growth of the prison abolition movement in the United States).

³⁴ Allegra McLeod, *Prison Abolition and Grounded Justice*, 62 UCLA L. REV. 1156, 1161 (2015) (“When abolition is conceptualized in these terms—as a transformative goal of gradual decarceration and positive regulatory substitution wherein penal regulation is recognized as morally unsustainable—then inattention to abolition in criminal law scholarship and reformist discourses comes into focus as a more troubling absence.”).

³⁵ Roberts, *supra* note 29, at 114.

³⁶ Amna A. Akbar, *Toward A Radical Imagination of Law*, 93 N.Y.U. L. REV. 405 (2018) (arguing that legal scholarship must engage more seriously with an abolitionist horizon); Jamelia Morgan, *Responding to Abolition Anxieties: A Roadmap for Legal Analysis*, 120 MICH. L. REV. 1199, 1220 (2022) (arguing that legal educators can introduce “abolitionist—and collective—ideation into legal analysis despite its disruption of traditional forms of legal analysis”).

³⁷ Nicole Smith-Futrell, *The Practice and Pedagogy of Carceral Abolition in a Criminal Defense Clinic*, 45 N.Y.U. REV. L. & SOC. CHANGE 101 (2021). As Smith-Futrell observed, “Once viewed as an impractical and peripheral idea, carceral abolition has become a provocative and ubiquitous theory of social change. *Id.* at 164. For a discussion of how criminal defense work should adapt outside of the clinical context, see Vincent Southerland, *Public Defense and an Abolitionist Ethic*, 99 N.Y.U. L. REV. 1635 (2024) (arguing that public defender offices should adopt an abolitionist ethic in their work).

Less attention has been given to abolition as a critical lens in the context of teaching civil litigation. In general, much of the current rhetoric about abolition is centered on the prison industrial complex. This makes sense as the prison industrial complex is a site where the legacy of slavery is perhaps most persistent and pronounced today. As Professor Allegra McLeod observes, “In the aftermath of slavery in the United States, Reconstruction fell far short of this mark in many respects, and criminal law administration played a central role in the brutal afterlife of slavery.”³⁸ But the work of abolition democracy is broader than the term is often used in the popular vernacular today in relation to the prison-industrial complex.³⁹ Abolition democracy considers how structures rooted in slavery persisted and how the government failed to provide social and material resources to ensure equal citizenship for Black Americans.

This article is an attempt to distill what I consider to be an abolition democracy pedagogy in a civil rights clinic working primarily on impact litigation and policy advocacy. I define abolition democracy pedagogy as teaching students to use legal training to challenge structures of white supremacy and create liberatory systems. My core goal is to push students to consider chattel slavery as a foundational legal institution that shapes inequality today, and to imagine reforms designed to address today’s harms from their historical roots. ARC Justice Clinic is a generalist clinic in that we practice in multiple substantive areas of law, but abolition is the lens connecting all of our work. Importantly, while ARC Justice Clinic focuses on civil rights, all of the various systems that clinicians practice in are “interlocked” and so this article offers lessons for all.

Part I of this article describes the process of founding the clinic and my personal path to embracing an abolition democracy pedagogy. The next parts describe what I consider to be the critical components of an abolition democracy pedagogy in our clinic: (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms. I conclude by offering reflections on how an abolition democracy pedagogy can better sustain future public interest attorneys committed to working in support of social movements during periods of retrenchment.

³⁸ McLeod, *supra* note 34, at 1163.

³⁹ As Professor Angela Davis puts it succinctly, “the prison industrial complex is the result of failure to address abolition democracy.” DAVIS, *supra* note 32, at 91.

I. BECOMING AN ABOLITIONIST⁴⁰ (CLINIC)

In the fall of 2022, I spent a semester designing the Advocacy for Racial and Civil Justice Clinic or “ARC Justice Clinic,” which officially launched in the spring of 2023.⁴¹ We marked the launch of the ARC Justice clinic in February 2023 with a day-long symposium entitled *The Unfinished Work of Abolition*. The symposium convened scholars, organizers, and legal practitioners to reflect on the current state of the post-2020 abolitionist movement’s call for a “Third Reconstruction.”⁴² In writing about the history of Reconstruction, Dr. Du Bois observed that the abolition of slavery had only been achieved in the formal sense; the positive project of building new institutions was never fully accomplished, and thus, the promise of Reconstruction never fulfilled.⁴³ During the 2020 racial justice protests, some activists advocated for a Third Reconstruction to build on the work begun during Reconstruction and the Civil Rights Movement (sometimes called the Second Reconstruction),⁴⁴ and to once again radically reimagine the change required to ensure justice in a multiracial democracy in America.⁴⁵ As a clinic, we wanted to explore how we could engage and support this current wave of racial justice activism as social movement lawyers.

The ARC Justice clinic’s launch provided an opportunity for us to interact directly with many of the people whose work we studied in designing our work and clinical model.⁴⁶ Inviting these scholars, activists,

⁴⁰ DERECKA PURNELL, *BECOMING ABOLITIONISTS: POLICE, PROTESTS, AND THE PURSUIT OF FREEDOM* (2021). This section of the article gets its title from Purnell’s work reflecting on how she became an abolitionist.

⁴¹ The author is grateful to the four students who worked with her collaboratively to design the ARC Justice Clinic: Angel Reed, Anna Rosenfeld, Margo Hu, and Michael Asparin. She also wishes to thank students in subsequent semesters who have contributed tremendously to the foundation of the clinic.

⁴² Wilfred Codrington III, *The United States Needs a Third Reconstruction: Whatever its Shape, the Era Ahead Must Rekindle the Aspiration of a Nation Molded in the Ideal of Perfect Equality*, ATLANTIC (July 9, 2020), <https://www.theatlantic.com/ideas/archive/2020/07/united-states-needs-third-reconstruction/614293/> [<https://perma.cc/87ZQ-7EZC>].

⁴³ See DU BOIS, *supra* note 31.

⁴⁴ ERIC FONER, *AMERICA’S RECONSTRUCTION: PEOPLE AND POLITICS AFTER THE CIVIL WAR* 13 (1995).

⁴⁵ PENIEL E JOSEPH, *THE THIRD RECONSTRUCTION: AMERICA’S STRUGGLE FOR RACIAL JUSTICE IN THE TWENTY-FIRST CENTURY* (2022).

⁴⁶ This included Professors Dorothy Roberts, Amanda Alexander, Purvi Shah, Saleem Holbrook, Kris Henderson, Jamelia Morgan, Alexis Hoag, Sandra Mayson, Kayla Vinson, Omavi Shakur, Sarah Camiscoli, Anjelica Hendricks, Chris Rogers, and advocates Dan Urevick-Ackelsberg and Shanee Garner. During our planning semester, we developed a reading list of critical texts written by these individuals, which we relied on in drafting the clinic’s manual. This included: Alexis Hoag, *Abolition as the Solution: Redress for Victims of Excessive Police Force*, 48 *FORDHAM URB. L.J.* 721 (2021); Anjelica Hendricks, *Exposing Police Misconduct in Pre-Trial Criminal Proceedings*, 24 *N.Y.U. J. LEGIS. & PUB. POL’Y* 177 (2021); Omavi Shukur, *The Criminalization of Black Resistance to Capture and Policing*, 103 *B.U. L. REV.* 1 (2023); Sandra G. Mayson, *Bias In, Bias Out*, 128 *YALE L.J.* 2218 (2019);

and visionaries to participate in a day of collective dreaming served as an opportunity for us to begin constructing a “political home,” or a community of people with whom we could practice and hone our theory of change by continuing to be in relationship and seek feedback.⁴⁷ To that end, we looked to the work of radical thinkers committed to examining systemic problems from their roots instead of recommending reforms that maintained current systems of power. We were deliberate in looking not only to the work of lawyers and scholars, but also to the writings and teachings of organizers, and directly impacted people, recognizing the value of diverse knowledge and lived expertise.

In designing the clinic with students, my goal was to engage students in the process of not only recognizing the unfinished work of Reconstruction, but also to be directly involved in what Professor Sameer M. Ashar has labeled “pedagogy of prefiguring,” or inviting students to imagine new institutional arrangements and power relations beyond the constraints of our present moment.⁴⁸ As Professor Ashar writes, “Prefigurative projects fight the despair of ostensibly unchangeable institutional and social conditions and provide a means by which we may engage in collective utopian thinking, unfettered by the ongoing and depredating operations of capital facilitated by law.”⁴⁹

I also understood the process of launching the clinic to be an opportunity for students to learn through the collective practice of what author and organizer adrienne maree brown refers to as “collaborative

Subini Annamma & Jamelia Morgan, *Youth Incarceration & Abolition*, 45 NYU REV. L. & SOC. CHANGE 471 (2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4184004; JENNIFER RAE TAYLOR & KAYLA VINSON, AHMAUD ARBERY AND THE LOCAL LEGACY OF LYNCHING (2021); Christina John, Russell G. Pearce, Aundray Jermaine Archer, Sarah Medina Camiscoli, Aron Pines, Maryam Salmanova, & Vira Tarnavska, *Subversive Legal Education: Reformist Steps Toward Abolitionist Visions*, 90 FORDHAM L. REV. 2089 (2022); *A Way Out: Abolishing Death by Incarceration in Pennsylvania*, ABOLITIONIST LAW CENTER (2018), <https://abolitionistlawcenter.org/resource/a-way-out-abolishing-death-by-incarceration-in-pennsylvania/> [<https://perma.cc/L4QT-QJWT>]; Robert Saleem Holbrook, *Dismantling the Master's House*, *Abolitionist Law Center*, MEDIUM (Apr. 5, 2021), <https://abolitionistlawcenter.medium.com/dismantling-the-masters-house-by-robert-saleem-holbrook-ceb9588f7bc5> [<https://perma.cc/73JB-VEML>]; Amistad Law Project, *5 Point Program to Get Free*, <https://amistadlaw.org/5-point-program-get-free> [<https://perma.cc/Q2RK-DSKM>] (last visited Aug. 6, 2024); Purvi Shah, *Rebuilding the Ethical Compass of Law*, 47 HOFSTRA L. REV. 1 (2018); DOROTHY E. ROBERTS, *TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES--AND HOW ABOLITION CAN BUILD A SAFER WORLD* (2022).

⁴⁷ See Willow Delp, *Derecka Purnell Kicks Off “Freedom Talks” With Lecture on Abolition, Organizing*, AMHERST STUDENT (Oct. 12, 2023), <https://amherststudent.com/article/author-and-civil-rights-lawyer-derecka-purnell-kicks-off-freedom-talks/> [<https://perma.cc/BK3W-GGFU>].

⁴⁸ Sameer M. Ashar, *Pedagogy of Prefiguration*, 132 YALE L.J.F. 869 (2022) [hereinafter *Pedagogy of Prefiguration*]. See also Brendan Roediger, *Abolish Municipal Courts: A Response to Professor Natapoff*, 134 HARV. L. REV. F.213, 215 (2021) (describing how dreaming or imagining ways of collective existence is part of an abolitionist law praxis).

⁴⁹ *Id.*

ideation.”⁵⁰ Collaborative ideation is the practice of multiple individuals leveraging diverse perspective and skills to develop ideas together. Movement law emphasizes collaborative ideation—in particular, a type of collaborative ideation known as the congregation of ideas through grassroots actors and lawyers working together, without lawyers dominating.⁵¹ I wanted to involve students and grassroots partners from the beginning as a way of ensuring the process of collaborative ideation was core to the clinic’s foundation, rather than prioritizing my views as a law professor above other critical stakeholders. We sought to imagine and reimagine the work of the clinic together with our grassroots partners.⁵²

Over the course of a planning semester, I worked with four law students who applied to help build the clinic. We structured our meetings as independent study credits. Each week, we met to draft core documents, such as the clinic manual and strategic plan, and to begin developing the cases that would become the clinic’s docket. I relied on guidance on best practices in designing a clinic from other clinicians to structure our process.⁵³ We also read a syllabus of foundational texts on social movement lawyering and abolition.⁵⁴

There was no expectation for students to be familiar with abolition or movement lawyering prior to joining the clinic. Indeed, I was still becoming fluent with much of this scholarship. I was trained as an impact litigator, but my exposure to movement law had really begun with the Law for Black Lives (“L4BL”) Boot Camp,⁵⁵ a crash course in movement law designed for practitioners and organizers. I borrowed

⁵⁰ ADRIENNE MAREE BROWN, *EMERGENT STRATEGY: SHAPING CHANGE, CHANGING WORLDS* 164-66 (2017).

⁵¹ Sameer M. Ashar, *Essay, Deep Critique and Democratic Lawyering in Clinical Practice*, 104 CALIF. L. REV. 201, 203-06 (2016) [hereinafter *Deep Critique and Democratic Lawyering*] (arguing for cogeneration of solutions by lawyers and communities to improve legal education); Amna A. Akbar, Sameer M. Ashar & Jocelyn Simonson, *Movement Law*, 73 STAN. L. REV. 821, 870 (2021) (“Clinical collaboration with collectives allows for cogeneration of collective understanding and strategizing for transformative change that speaks to the collective realities of poor, Black, brown, and Indigenous people.”)

⁵² Ashar, *Pedagogy of Prefiguration*, *supra* note 48.

⁵³ See, e.g., Wallace J. Mlyniec, *Where to Begin? Training New Teachers in The Art of Clinical Pedagogy?*, 18 CLINICAL L. REV. 505 (2012) (emphasizing how clinical teaching is goal-driven and based on backward design).

⁵⁴ In defining movement law, Purvi Shah, founder of Movement Law Lab has written that: “Sustainable social change occurs when directly-impacted individuals take collective action, lead their own struggles, and gain power to change the conditions of oppression.” PURVI SHAH, *MOVEMENT LAWYERING 101: TRAINING AT THE CENTER FOR CONSTITUTIONAL RIGHTS* (Bertha Just. Inst. 2013), <https://hls.harvard.edu/wp-content/uploads/2022/08/MovementLawyeringReadingGuide.pdf> [<https://perma.cc/3YHW-9ZSM>]. 2017 *Movement Lawyering Bootcamp Readings*, LAW FOR BLACK LIVES (2017), <https://www.law4blacklives.org/movement-lawyering-bootcamp-readings> [<https://perma.cc/SWA5-SPQE>].

⁵⁵ LAW FOR BLACK LIVES, *supra* note 54.

heavily from this reading list in selecting a syllabus for the four students who worked with me to design the clinic. As a young professor, and as a Black woman, I was aware that my expertise and intellect would be scrutinized, and I was anxious to demonstrate that I was a capable instructor. However, I found that by admitting how much I was still educating myself, I could facilitate collective learning as a reciprocal process between myself, students, and the partners with whom we would begin to collaborate.⁵⁶ I later heard from students that creating an environment of shared learning was especially important given that students had a range of backgrounds and knowledge coming in. Rather than assuming knowledge from the start, we endeavored to establish a shared set of values, including vulnerability, honesty, humility, and lifelong learning.

Through discussions, we defined the ARC Clinic's mission as supporting a grassroots movement for racial justice. We identified three underlying goals: to provide effective advocacy under civil rights law; to support the communities we represent in building power; and to train students to engage in strategic and collaborative case selection for systemic reform. Together, we drafted a mission statement, a set of guiding principles, and a clinic manual to orient future students and maintain a cohesive ethos. Each of these documents is a perpetual work in progress and collectively refined through subsequent semesters of students whom I constantly ask: "what's missing from this description of our work?" and "does our work reflect our stated mission?"

The weekly readings that I assigned during our independent studies semester helped to establish a shared vocabulary that could ground our discussions and scaffold our design process. What kind of racial justice clinic did we want to become? We determined that we would engage in impact litigation and policy work through a movement lawyering approach. We used Professor Lucie White's definition of impact litigation as litigation that is intended to challenge "institutional norms and practices" and designed to "advance major reform objectives and affect the interests of many people."⁵⁷ We used Professor and organizer Betty Hung's understanding of movement lawyering as "Lawyering that supports and advances social movements, defined as the building and exercise of collective power, led by the most directly impacted, to achieve systemic institutional and cultural change."⁵⁸

⁵⁶ PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 58-59 (1989) (describing learning as a collaborative exchange between teacher and student).

⁵⁷ Lucie E. White, *Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak*, 16 N.Y.U. REV. L. & SOC. CHANGE 535, 535 n.1 (1987) (internal citation omitted).

⁵⁸ Betty Hung, *Movement Lawyering as Rebellious Lawyering: Advocating with Humility, Love and Courage*, 23 CLINICAL L. REV. 663 (2016).

As a new organization entering a local infrastructure that was already engaged in deep-rooted and sophisticated racial justice organizing, as well as robust legal services, we began designing our docket by reaching out to grassroots organizations and legal nonprofits to listen, learn, and build relationships. We did not imagine ourselves as leaders. We took the position that we should support work already underway and listen to determine where we might be able to complement existing capacity. Rather than choosing ideal cases for the clinic and searching for clients and partners to fit into those categories, we would be guided by the demands of grassroots organizations and provide legal research to suggest strategies that could further their advocacy.

We showed up for events or public gatherings to listen and take notes. We often met with other organizations without an agenda or specific ask, just to learn about their work and goals, and to understand the campaigns currently underway. We hoped that by being present in a context where we were not seeking clients, but instead building relationships and supporting others, we could make clear that we sought not to direct or coopt others, but to be partners. Building the clinic in Philadelphia during 2022, a year with both a mayoral election and city council election, allowed greater opportunity for us to attend community meetings and hear from grassroots organizations and residents about the issues that were most pressing to them. We were able to start to identify themes in residents' demands for affordable housing, education, safety, and a living wage, that came up repeatedly during election events and other convenings.

We looked to the demands of organizations like the Alliance for a Just Philadelphia, a multicultural alliance of nearly 30 grassroots organizations that had crafted what they called the 2023 People's Platform for a Just Philadelphia.⁵⁹ This alliance had a broad, multiracial membership made up of working-class, progressive voters. The Alliance for a Just Philadelphia outlines its vision for Philadelphia residents to thrive and feel safe, explaining that "elected leaders must do what's necessary to invest in the services and public institutions we all need while divesting from the broken systems that harm our communities."⁶⁰ According to the Alliance, this framework means that we don't merely put a Band-Aid on the symptoms, but deeply address the root causes of the challenges our city faces. The Alliance's demands for justice include redirecting resources from policing to services, such as housing, after-school programs, violence interrupters and credible messengers,

⁵⁹ *The 2023 People's Platform for a Just Philadelphia*, ALLIANCE FOR A JUST PHILA., <https://ajustphiladelphia.org> [<https://perma.cc/PRG5-GU7X>] (last visited Aug. 6, 2024).

⁶⁰ *Id.*

restorative justice, and mental health resources, prioritizing the zip codes most impacted by gun violence.

We also met with legal nonprofits, particularly those engaged in pro bono, direct services, like Community Legal Services and Philadelphia Legal Assistance (Philadelphia's legal aid), the Philadelphia Defenders Association, the Public Interest Law Center, the American Civil Liberties Union of Pennsylvania, the Educational Law Center, and others.⁶¹ This helped us to understand the patterns in systemic injustice and unmet legal needs that they were routinely seeing.

Through this process of listening and engaging with existing organizing efforts and legal services, we identified four priority areas where we could provide legal support:

- Education equity, including combating the school-to-prison pipeline,
- Economic justice, including ending discrimination against individuals based on race, sex, and criminal background,
- Ending over-policing and mass incarceration, and
- Health justice, including access to clean air and water.

Within these practice areas, we then began to identify issues to focus on and to identify potential litigation and policy strategies that could support existing organizing and a strategic plan to focus our work.

The common thread that emerged through this process of listening, learning, and reflecting, was abolition. The concept of abolition came up repeatedly and explicitly in the demands of residents and organizers seeking a world where loved ones and community leaders are not lost to prisons but can live healthy lives and thrive economically. In our conversations with legal service providers, the theme of constantly feeling that courts and carceral punishment were inappropriately compensating for the failures of a decimated social welfare state repeatedly arose and led us back to abolition theory. We read Amanda Alexander's article *Nurturing Freedom Dreams*, and discussed her definition of what it means to be an abolitionist organization:

[It] means we believe in the fundamental dignity of human beings and the earth. That means we are committed to the idea that no human being is disposable. We are committed to

⁶¹ Stephen R. Miller, *Field Notes from Starting a Law School Clinic*, 20 *CLINICAL L. REV.* 137 (2013) ("The best way to find the kind of clients you want to serve is to meet as many legal services providers and community leaders as you can.")

the seemingly radical notion that human beings do not belong in cages.⁶²

Indeed, this belief in fundamental human dignity and rejection of carceral responses to social problems resonated and became the thread through all our work.

Prior to launching the clinic, I would not have described myself as an abolitionist. I would say I was “abolition curious.” Like many civil rights attorneys of my generation, I had read and been moved by Michelle Alexander’s *The New Jim Crow*.⁶³ The abolitionist framework of divesting in the carceral system and investing in alternative systems of social support⁶⁴ resonated on an intuitive level with my general understanding of America’s overreliance on prisons as a racial capitalist response to the Civil Rights Movement and the need for social control of Black labor. I understood America’s divestment in the social-welfare state through the work of Heather McGee and others who documented systemic disinvestment in public services as a response to white resistance to the project of creating a desegregated, multiracial democracy.⁶⁵

However, my education about abolition has been deepened in critical ways over the past few years, as I have learned from my colleagues at the Abolitionist Law Center (“ALC”), including Bret Grote who co-taught the clinic with me and the Executive Director of ALC, Saleem Holbrook. Several years of reading abolitionist theorists like Professors Angela Davis, Mariame Kaba, and Allegra McLeod, helped me to connect current movement work to a longer historical trajectory of radical Black organizing and to reflect on my own experience as a civil rights attorney litigating under the Reconstruction Amendments and other Civil Rights-era statutes,⁶⁶ in a society where structural racism

⁶² Amanda Alexander, *Nurturing Freedom Dreams: An Approach to Movement Lawyering in the Black Lives Matter Era*, 5 HOW. HUM. & CIV. RTS. L. REV. 101, 116 (2021).

⁶³ MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2010) (describing mass incarceration as a response to formal civil rights reform); KHALIL GIBRAN MUHAMMAD, *THE CONDEMNATION OF BLACKNESS: RACE, CRIME, AND THE MAKING OF MODERN URBAN AMERICA* (2010) (historicizing the criminalization of Blackness).

⁶⁴ *Vision for Black Lives*, MOVEMENT FOR BLACK LIVES, <https://m4bl.org/policy-platforms> [<https://perma.cc/9EXY-P2A8>] [hereinafter *Vision for Black Lives*] (last visited October 20, 2025) (calling for “investments in the education, health and safety of Black people” and divestments from the “criminalizing, caging, and harming of Black people.”).

⁶⁵ HEATHER MCGHEE, “Racism Drained the Pool,” in *THE SUM OF US: WHAT RACISM COSTS EVERYONE AND HOW WE CAN PROSPER TOGETHER* (2021).

⁶⁶ These include Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*; Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.*; Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 *et seq.* and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

has in many ways adapted to evade both sets of legal reform.⁶⁷ But it was through the experience of reading Du Bois's *Reconstruction in America* that I really began to understand the work of today's civil rights movement lawyers as part of a longstanding struggle to resist the afterlife of slavery and to actualize full citizenship for Black people beyond formal legal change. I came to see the demands of organizers today as rooted in the work of Black abolitionists who lived during the regime of chattel slavery.⁶⁸

Abolition provides a critical frame to understand the permanence of race and racism⁶⁹ and the struggle against white supremacy as the central work of American democracy. It pushes us to understand today's conditions as shaped by a legacy of slavery and Jim Crow and to engage in the positive creation of fundamentally new systems and relationships of power.⁷⁰ I have also come to understand abolition as fundamentally movement work because it is a collaborative process of imagining new systems through which we can all thrive.⁷¹

The section that follows describes what I consider to be the critical components of an abolition democracy pedagogy in our clinic: (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms. As will be described throughout, I selected these components because of their central role in the literature on abolition and movement lawyering.⁷² I conclude by offering reflections on how an abolition democracy pedagogy can better sustain public interest attorneys

⁶⁷ See, e.g., Crenshaw, *Race, Reform, and Retrenchment*, *supra* note 24; Reva Siegel, *Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action*, 49 STAN. L. REV. 1111 (1997) (describing the idea that in response to demands to end racial subordination, the law adapts just enough to preserve the status quo in new ways).

⁶⁸ As Saleem Holbrook, Executive Director of ALC has explained, "Abolition is about the abolishment of the social contract that has governed the United States since its founding, which is a contract based on exploitation, discrimination, [and the] failure to provide human rights to people of color [and] Indigenous populations." Ariama C. Long & Tandy Lau, *The Fight for Liberation: Modern Abolitionists Seek to End Police and Prisons*, WORD IN BLACK (June 16, 2023), <https://wordinblack.com/2023/06/the-fight-for-liberation-modern-abolitionists-seek-to-end-police-and-prisons/> [<https://perma.cc/R5RT-FU84>].

⁶⁹ DERRICK A. BELL, JR., *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1993).

⁷⁰ McLeod, *supra* note 34, at 1156.

⁷¹ PURNELL, *supra* note 40, at 20 (explaining that abolition is "an invitation to create and support a range of answers to the problem of harm in society, and, most exciting perhaps, [] an opportunity to reduce and eliminate harm in the first place.").

⁷² See, e.g., Marbre Stahly-Butts & Amna A. Akbar, *Reforms for Radicals? An Abolitionist Framework*, 68 UCLA L. REV. 1544, 1564 (2022) (drawing on prison abolition to offer a framework for radical reforms that incorporate the following features: (1) shrinks the system doing harm; (2) relies on modes of political, economic, and social organization that contradict prevailing arrangements and gesture at new possibilities; (3) builds and shifts power into the hands of those directly impacted, who are often Black, brown, working class,

committed to working in support of social movements during periods of retrenchment.

II. ABOLITION DEMOCRACY PEDAGOGY

As will be discussed in the parts that follow, an abolition democracy pedagogy provides the foundation for our clinic. A few notes about the clinic may be helpful at the outset. The mission of the ARC Justice Clinic is to provide legal support to community members in the Philadelphia region organizing to demand redress for racial subordination. Of course, as a clinic, our purpose is also to train students to advocate as frontline civil rights attorneys. The learning goals of the Clinic are for students to develop as civil rights advocates; to examine the legal and strategic considerations of lawyering in support of social change; and to critically examine the relationship between law, lawyers, and social movements. Students are trained to use a movement lawyering approach, working with grassroots partners to develop what Professor Deborah Archer has termed an “integrated advocacy strategy” that incorporates strategic impact litigation, policy advocacy, organizing, and communications.⁷³

The clinic’s course includes three components: fieldwork, seminar, and supervision. Through fieldwork, students in the clinic represent clients as Certified Legal Interns (“CLIs”) in litigation and policy advocacy in Philadelphia and the surrounding areas. We have ten students in the clinic and assign them to a docket of approximately ten cases or matters. Clinic students are assigned to fieldwork in pairs. Typically, each team is assigned to lead a case (either in court or before an administrative agency) and a policy advocacy project.⁷⁴ Students are responsible for building and maintaining client and other case relationships. In addition to federal and state litigation and administrative complaints that the clinic develops,⁷⁵ assignments include amicus briefs, drafting testimony for hearings, commenting on proposed legislation, or creating reports and other public education materials. Through the clinic seminar, students have the opportunity to connect movement lawyering theory,

and poor; (4) acknowledges and repairs past harm; and (5) improves, or at least does not harm, the material conditions of directly impacted people).

⁷³ We relied tremendously on Professor Deborah Archer’s article *Political Lawyering for the 21st Century*, which identifies the need for clinics to teach students how to deploy an integrated advocacy strategy that relies on litigation in conjunction with communications, policy advocacy, and organizing. See generally Deborah N. Archer, *Political Lawyering for the 21st Century*, 96 DENV. L. REV. 399 (2019).

⁷⁴ For a more complete overview of the clinic’s casework, see PENN CAREY LAW, YEAR-IN-REVIEW FOR RACIAL & CIVIL JUSTICE CLINIC (2023-2024), <https://www.law.upenn.edu/live/files/13068-year-in-review-with-advocacy-for-racial-civil> [<https://perma.cc/QQ9K-UDRN>].

⁷⁵ In addition to federal litigation, we also represent individuals in proceedings before the Philadelphia Commission on Human Relations and the Pennsylvania Human Relations Commission.

abolition, and foundational legal skills to their practice. In most weeks, one seminar meeting will cover new course material, and one meeting will be an opportunity to give updates on cases or explore a common issue in practice through Case Rounds. Clinic supervision occurs on a weekly basis with the team supervisor. Supervision is meant to be directed by students so that they learn how to be the front-line lawyer managing their case.

It's worth noting that although the clinic is semester-long, students work on years-long impact litigation. In general, students do not seem frustrated by the fact that they typically do not see the full cycle of a case or advocacy project. By contributing in limited, but important ways to systemic advocacy, students are forced to grapple with how deep-seeded and overwhelming systemic issues are and experience the reality that despite this, they can still contribute to making change, albeit in ways that are often incomplete.⁷⁶ I also try to provide students with the opportunity to see advocacy at different phases so that they can develop different kinds of skills.⁷⁷ In some cases, students have stayed on for additional semesters as "advanced" clinic students for one or two credits, and continue with the same case or matter.

In ARC Justice Clinic, we certainly do not all share the same beliefs or political viewpoints. Although we are a mission-driven clinic, there is no application or screening process for the clinic, as is the policy at Penn Carey Law Gittis Legal Clinics. However, I spend the first few classes orienting students to the culture of the clinic, which emphasizes in particular, respect, humility, collaboration, and cultural competency. This helps students understand that while they should show up as their authentic selves and need not subscribe to a particular ideology, a unifying set of values is required to serve our clients and our clinical mission. While not all students identify as abolitionists, the central tenets of the clinic's pedagogy provide the lens for a shared critical analysis of social justice problems.

As social movement lawyers, we are grounded in the movement for abolition and we select clients and partners based upon our commitment to furthering an abolitionist ethic. That is not to say that we always represent clients whose views align with my own or with

⁷⁶ Archer, *supra* note 73, at 427 (explaining how long-term, systemic advocacy that does not give clinic students control of a case from beginning to end reflects many modes of practice and serves critical pedagogical goals).

⁷⁷ Sarah Paoletti, *Finding the Pearls When the World Is Your Oyster: Case and Project Selection in Clinic Design*, 5 DREXEL L. REV. 423, 457 (2013)(2014) (describing how within a transnational legal clinic attention is paid to ensuring students gain exposure to different kinds of cases because "clinic design requires attention to how the selected" cases "will be strung together with seminar, simulation, and supervision to achieve the maximum transfer of the wealth of fundamental lawyering competencies").

the views of students.⁷⁸ But it is to say that we select cases where the kind of social change that the client seeks allows students to apply an abolitionist critique. The ideal project offers students the chance to work on addressing systemic racism in collaboration with a grassroots organization that is made up of directly impacted people. As Professor Morgan writes, lawyering in support of abolitionist groups is “Lawyering that works with and is led by abolitionist groups to dismantle systems of surveillance, policing, and punishment, and to build and develop systems of care and support, equitable wealth distribution, a new economic order, an inclusive social order, and more.”⁷⁹ We work with organizations on a range of racial justice issues, rather than narrowly focusing on prison abolition, given the breadth of radical institutional change that is needed to ensure abolition democracy.⁸⁰

A. *Deep Engagement with History & the Legacy of Slavery*

As Nikole Hannah-Jones has written, “slavery is a foundational American institution.”⁸¹ Despite a Civil War and Reconstruction, the legacy of slavery still reverberates throughout all aspects of American life.⁸² Today’s abolitionist projects are committed to mapping the historical continuities between chattel slavery, Jim Crow, and institutional racism today.⁸³

An abolition democracy pedagogy focuses on understanding the social conditions of today as shaped by a history of chattel slavery.⁸⁴ In addition to exposing students to current conditions of racial inequality, an abolitionist critique educates students regarding how conditions evolved historically and are preserved today.⁸⁵ My aim is to give students a framework for understanding the barriers to change as both structural and historically rooted. By coupling this theoretical education with

⁷⁸ MODEL RULES OF PRO. CONDUCT r. 1.2(b) (A.B.A. 2025) (stating, “[a] lawyer’s representation of a client, including representation by appointment, does not constitute an endorsement of the client’s political, economic, social or moral views or activities.”).

⁷⁹ Jamelia Morgan, *Lawyering for Abolitionist Movements*, 53 CONN. L. REV. 605, 612 (2021).

⁸⁰ *Id.* at 613. As Professor Morgan writes, because abolition requires us to “reimagine social and legal responses to subordination, harm, violence, and predation... abolitionist lawyering, like community lawyering, is grounded in social movements.”

⁸¹ Arun Venugopal, *‘1619 Project’ Journalist Says Black People Shouldn’t Be an Asterisk in U.S. History*, NPR (Nov. 17, 2021), <https://www.npr.org/2021/11/17/1056404654/nikole-hannah-jones-1619-project> [<https://perma.cc/CYL2-477K>].

⁸² *Id.*

⁸³ Roberts, *supra* note 29, at 38.

⁸⁴ Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CAL. L. REV. 1781, 1839 (2020) [hereinafter *An Abolitionist Horizon*] (describing how systems of oppressions are structural and interconnected).

⁸⁵ *Id.* at 1817–25.

hands-on legal work, clinics provide the opportunity for students to apply this critique to legal advocacy and practice.⁸⁶

During orientation for the nine legal clinics at Penn Carey Law, which is a day of programming for all of the clinics together, we begin by reviewing the demographics of Philadelphia and reminding students that a race-conscious understanding of the context in which we practice is necessary to being a competent lawyer. We review demographic information, such as the racial makeup of the city, patterns of segregation, and the racial income gap. Students are often surprised to learn that the minimum wage in Philadelphia is \$7.25, the average household income in Philadelphia is less than \$50,000, and more than half of Philadelphia residents pay over 1/3 of their income on rent.⁸⁷ We discuss that while 20% of Philadelphia residents live in poverty, that number is even greater at 25% for Black Philadelphia residents.⁸⁸ We display maps showing stark patterns of racial and economic segregation in the city, to encourage students to think about how geography can be used to structure racial inequality and inequitable access to resources in the city. We push students to think about what Philadelphia zip codes they live in and occupy socially, and ask how their lives are shaped within patterns of racial segregation.

The orientation is merely meant to serve as a jumping off point to get students thinking about why a race-conscious approach is necessary to understanding clients in context in their clinical work. However, it's critical that students do not learn these statistics without discussing how we got here.⁸⁹ Otherwise, there is a real risk that they will accept these disparities as natural or inevitable.⁹⁰ Rather than simply exposing

⁸⁶ *Id.* at 1817 (“[a]bolitionist critique attempts to understand the historical, material, and ideological dimensions of how policing shapes the material infrastructure of our political, social, and economic relationships.”).

⁸⁷ PEW CHARITABLE TRUSTS, *THE STATE OF HOUSING AFFORDABILITY IN PHILADELPHIA: WHO’S COST-BURDENED—AND WHY* (2020), <https://www.pew.org/-/media/assets/2020/09/phillyhousingreport.pdf> [<https://perma.cc/EV6N-FGTK>].

⁸⁸ Sherry Stone, *What Do the Latest Findings in Pew’s State of Philadelphia Report Mean for Blacks? Leaders Weigh in.*, PHILA. TRIBUNE (May 9, 2025), https://www.phillytrib.com/news/local_news/what-do-the-latest-findings-in-pew-s-state-of-philadelphia-report-mean-for-blacks/article_efbd92c5-ed61-4352-9c91-42d7804ce805.html [<https://perma.cc/EEG6-269D>].

⁸⁹ Stahly-Butts & Akbar, *supra* note 72 (abolitionists “understand the criminal legal system as a descendent of earlier systems of racial and economic exploitation such as chattel slavery and convict leasing”).

⁹⁰ *Id.* at 1563, n.68 (citing Charles W. Mills, *White Ignorance*, in *RACE AND EPISTEMOLOGIES OF IGNORANCE* 31 (Shannon Sullivan & Nancy Tuana eds., 2007) (“The erasure of the history of Jim Crow makes it possible to represent the playing field as historically level, so that current Black poverty just proves [B]lacks’ unwillingness to work. As individual memory is assisted through a larger social memory, so individual amnesia is then assisted by a larger collective amnesia.”)).

students to racial disparities, an abolitionist critique educates students regarding how the conditions evolved.

In order to understand mass incarceration and the rollback of the social welfare state as part of the continued struggle against slavery and white supremacist systems, students must receive a historical education. In seminar, we read and discuss articles that consider the ways racial oppression has been preserved in new forms through law, from slavery, to Jim Crow, to mass incarceration, and through systems that may appear race-neutral today.⁹¹ Racial inequality is perhaps most pronounced in Philadelphia when we consider the impact of mass incarceration. Black Philadelphians made up around 38% of the City's population from 2015-2022, but accounted for 69% of people arrested and 72.5% of people incarcerated.⁹² Importantly, Black Philadelphians were overrepresented at nearly every stage of the criminal legal system compared to other residents: Black Philadelphians were stopped and arrested at disproportionate rates, charged with more serious offenses, less frequently released pre-trial, and, when convicted, were more likely to be incarcerated than other groups.⁹³ Students are often surprised to learn that the Black Philadelphia communities that experience disproportionate criminal legal involvement today⁹⁴ are the same census tracks that were redlined⁹⁵ and have experienced historical systemic disinvestment through employment discrimination, and underfunded schools.⁹⁶

Many Penn Law students have not thought about the legacy of slavery and Jim Crow in Philadelphia. Often, they have learned that the North did not have segregation and that Pennsylvania, in particular, was a free state. They think of Philadelphia as a city of progressive Quaker organizing that stood in stark contrast with the history of the antebellum South.⁹⁷ Considering slavery's afterlife in the context of Philadelphia thus provides a microcosm for exploring white supremacy and the creation

⁹¹ See, e.g., Erika Wilson, *The Legal Foundations of White Supremacy*, 11 DEPAUL J. SOC. JUST. 1, 11-12 (2018).

⁹² PHILADELPHIA DISTRICT ATTORNEY'S OFFICE, RACIAL INJUSTICE REPORT: DISPARITIES IN PHILADELPHIA'S CRIMINAL COURTS FROM 2015-2022, at 10, 7 (June 2023), <https://phillyda.org/wp-content/uploads/2023/06/RACIAL-INJUSTICE-REPORT-2023.pdf> [<https://perma.cc/F62G-LKQS>].

⁹³ *Id.* at 9.

⁹⁴ The home addresses of Philadelphia residents incarcerated in state prisons are heavily concentrated in Black and Latinx neighborhoods. *Id.* at 21.

⁹⁵ PHILADELPHIA DISTRICT ATTORNEY'S OFFICE, *supra* note 92, at 5.

⁹⁶ Black and Hispanic students are disproportionately impacted by the inadequacy and inequity in school funding in Pennsylvania. Nearly 1 in 2 Black students and 40% of Hispanic students attend school in the poorest quintile districts, which includes Philadelphia. *William Penn School District v. Pennsylvania Department of Education*, No. 587 M.D.2014, at 677 (Pa. Commw. Ct. Feb. 7, 2023) (Cohn Jubelirer, J.), <https://pubintlaw.org/wp-content/uploads/2023/02/02.07.23-Memorandum-Opinion-Filed-pubintlaw.pdf> [<https://perma.cc/3T6E-UMET>].

⁹⁷ Home to the Philadelphia Antislavery Society, and later the Pennsylvania Abolitionist Society, Philadelphia was a bastion of the antislavery movement. Michael Reardon,

of systems of oppression beyond the formal enslavement of Black people. As the first state to adopt gradual abolition,⁹⁸ the legal process for ending slavery gradually over time, Pennsylvania, and in particular Philadelphia, became a haven for free Black people. Indeed, the Black population in Philadelphia grew by 500% between 1790 and 1800, as Black people fleeing slavery sought refuge in Philadelphia.⁹⁹ And yet it was also a critical site for developing the infrastructure for backlash and the maintenance of white supremacy without formal legal slavery.¹⁰⁰ Philadelphia became a key location for the enforcement of the Fugitive Slave Law, with hearings held at Independence Hall.¹⁰¹ It is also no coincidence that Pennsylvania was one of the first states to adopt “Black codes” that criminalized “vagrancy” and other behavior by Black people, and then sentenced people into prison labor.¹⁰² Indeed, Philadelphia is home to the first penitentiary in the country: the Eastern State Penitentiary, and historians view its creation as a direct reaction to the 1780 Abolition Act, which gradually ended slavery in Pennsylvania.¹⁰³ In 1837, Pennsylvania adopted a constitutional amendment prohibiting Black people from voting in the state.¹⁰⁴ In 1862, Frederick Douglass observed:

Philadelphia and the End of Slavery, 4 PERCEPTIONS 1 (2018), <https://tuljournals.temple.edu/index.php/perceptions/article/download/52/73/167> [<https://perma.cc/6TBB-FN4Z>].

⁹⁸ *Pennsylvania - An Act for the Gradual Abolition of Slavery, 1780*, AM. BATTLEFIELD TRUST, <https://www.battlefields.org/learn/primary-sources/pennsylvania-act-gradual-abolition-slavery-1780> [<https://perma.cc/D2VK-EUH7>] (last visited Oct. 14, 2025).

⁹⁹ Samantha Melamed, *Inventing Solitary: In 1790, Philadelphia Opened the First American Penitentiary, with the Nation's First Solitary Cells. Black People Were Disproportionately Punished from the Start*, PHILA. INQUIRER (June 8, 2022), <https://www.inquirer.com/news/inq2/more-perfect-union-philadelphia-solitary-prison-population-incarceration-20220608.html> [<https://perma.cc/ES29-YFGF>] [hereinafter Melamed, *Inventing Solitary*].

¹⁰⁰ For example, in Philadelphia, a series of race riots and anti-abolition violence took place from 1828-1840, continuing into the years after the Civil War, including the 1838 attack of an abolitionist meeting in Pennsylvania Hall and the 1842 Lombard Street Riots. See *Mapping the Mob Attacks*, 1838 BLACK METROPOLIS, <https://www.1838blackmetropolis.com/mobattacks> [<https://perma.cc/FGT7-2AN7>] (last visited Aug 7, 2024).

¹⁰¹ *Black Founders Big Idea 3: African American Freedom and Community, 1780-1813*, MUSEUM OF THE AM. REVOLUTION, <https://www.amrevmuseum.org/black-founders-big-idea-3-african-american-freedom-and-community-1780-1813> [perma.cc/K7HQ-MK92] (last visited Oct. 14, 2025).

¹⁰² MUHAMMAD, *supra* note 63 (documenting how crime became linked with Black identity in cities including Philadelphia through unfounded social theory and public policy); SADIYA HARTMAN, *WAYWARD LIVES, BEAUTIFUL EXPERIMENTS* (2019) (historicizing how Black women who did not conform to stereotypical social norms about morality and femininity were criminalized through social vice laws and other policies in Philadelphia and New York).

¹⁰³ Samantha Melamed, *Inventing Solitary*, *supra* note 99. [<https://perma.cc/ES29-YFGF>].

¹⁰⁴ RICHARD S. NEWMAN, *BLACK FOUNDERS: THE FREE BLACK COMMUNITY IN THE EARLY REPUBLIC* 33 (Library Co. of Phila. 2008), <https://www.librarycompany.org/paah/blackfounders.pdf> [<https://perma.cc/3Z2Z-4T7B>].

There is not perhaps anywhere to be found a city in which prejudice against color is more rampant than in Philadelphia. Hence all the incidents of caste are to be seen there in perfection. It has its white schools and its colored schools, its white churches and its colored churches, its white Christianity and its colored Christianity, its white concerts and its colored concerts, its white literary institutions and its colored institutions.¹⁰⁵

In short, even as enslaved people were emancipated, a new system of segregation, incarceration, forced labor, and limitations on education and economic opportunity in Black neighborhoods ensured that racial oppression in Philadelphia persisted.

As a clinician training students to apply the Reconstruction Amendments in litigation, I believe it is critical to understand the historical context in which a new Constitution was adopted after the Civil War, as well as the ways slavery and a racial hierarchy were systematically maintained after and despite emancipation and legal reforms. Directly connected to an abolition democracy pedagogy is the importance of studying Reconstruction as the critical period when foundational civil rights laws were adopted.¹⁰⁶ Many Penn Law students and law students in general have also not learned about the Reconstruction Period. In fact, the Zinn Education Project conducted a study of state educational standards, a national survey of teachers, and an assessment of a sample of district curricula across the country, and concluded that incorrect and often racist approaches to teaching Reconstruction are still prevalent.¹⁰⁷ Reconstruction offers important lessons for students struggling to make sense of backlash and find the hope to persevere. With the end of formal slavery, Reconstruction was a time when it was possible to imagine a new paradigm for race relations in America.¹⁰⁸ Ultimately, Reconstruction is also a story of backlash, violence, terrorism, and retrenchment of racial progress that offers critical lessons today.¹⁰⁹

¹⁰⁵ Frederick Douglass, *A Recent Visit to Philadelphia*, IV DOUGLASS' MONTHLY NO. IX (Feb. 1862), https://transcription.si.edu/view/13141/ACM-2007.19.21_01.

¹⁰⁶ Paul Butler, *The System Is Working the Way It Is Supposed To: The Limits of Criminal Justice Reform*, 104 GEO. L.J. 1419, 1476–77 (2016) (calling for abolition as a core component of a “Third Reconstruction”).

¹⁰⁷ ANA ROSADO, GIDEON COHN-POSTAR & MIMI EISEN, ERASING THE BLACK FREEDOM STRUGGLE: HOW STATE STANDARDS FAIL TO TEACH THE TRUTH ABOUT RECONSTRUCTION, ZINN EDUCATION PROJECT (2022) (discussing a national analysis of teaching of the Reconstruction era, including a state-by-state assessment of state standards, course requirements, frameworks, and support for teachers in each state).

¹⁰⁸ *Id.* (Reconstruction “is full of stories that help us see the possibility of a future defined by racial equity.”).

¹⁰⁹ Gilda Daniels, *Ending the Cycles of Voter Suppression*, 60 HARV. C.R.-C.L. L. REV. 373, 379 (2025) (“The progress of Reconstruction was met with a cacophony of congressional

The abolitionist movement laid the foundation for radical reforms to become possible.¹¹⁰ In our seminar, I encourage students to learn about and connect with the history of abolitionists organizing in Philadelphia that is the foundation for the Reconstruction Amendments.¹¹¹ This includes getting students physically outside of the law school to see the spaces where history took place through tours. One highlight of the course has been the chance to explore the pivotal role Philadelphians played in furthering abolitionist movements, including a walking tour of “Black founders” in Philadelphia that focuses on Black leaders who contributed to the development of the Constitution.¹¹² Similar lessons can be drawn from the fight for abolition and resistance to progressive ideas about Black citizenship in other places.

I believe that this historical education is not merely academic; it should inform our practice as social movement litigators. An abolitionist critique can help students understand legal claims in new ways. Students have remarked how learning about the history of slavery’s afterlife in Philadelphia allowed them to more deeply understand the need for disparate impact liability, which recognizes how policies that are facially race-neutral have an impact that can constitute discrimination. For example, housing and employment restrictions that prohibit access for people with a criminal background may seem to be race-neutral, but when one considers the criminalization of Black Philadelphia residents that dates back to gradual emancipation, the broader historical context forces students to grapple with whether a policy that considers a criminal record can ever be race-neutral.

I have found that a semester is often insufficient to cover the necessary material for the clinic. After the first three semesters of teaching the clinic seminar, I concluded that there was not enough time in the clinic seminar to teach the history surrounding the doctrinal law that students needed to understand to deeply engage with their cases. In the fall of 2024, I designed and began teaching a new seminar entitled the Unfinished Work of Reconstruction to provide law students with a foundational understanding of the Reconstruction Amendments. The course explores the historical context in which the Reconstruction Amendments were adopted, and the central role courts have played in

compromises, Supreme Court decisions, terroristic acts, violence, and state legislative maneuvers that effectively eliminated the gains of the short-lived multiracial democracy.”) (citing ERIC FONER, *RECONSTRUCTION: AMERICA’S UNFINISHED REVOLUTION, 1863–1877*, at 354–55 (1988)).

¹¹⁰ See generally MANISHA SINHA, *THE RISE AND FALL OF THE SECOND AMERICAN REPUBLIC: RECONSTRUCTION, 1860–1920* (2023) (documenting how abolitionist visions reshaped the American Constitution).

¹¹¹ *HOW WE STAY FREE: NOTES ON A BLACK UPRISING* (Christopher R. Rogers, Fajr Muhammad, and the Paul Robeson House & Museum eds., 2022).

¹¹² NEWMAN, *supra* note 104.

interpreting the Amendments, often limiting their reach in ways that fall short of the fundamental goals of Reconstruction. While this seminar is not officially a pre-requisite to the clinic, I designed it to be taken prior to students enrolling in the clinic so that students enter the clinic with the same baseline knowledge. By offering this doctrinal course as a recommended precursor to the clinic, my hope is that the clinic seminar can focus more deeply on applying this context to case discussions and skills training.

B. *Attacking Interlocking Systems of Power*

In the summer of 2020, in the aftermath of Mr. George Floyd's murder by police, calls for abolition centered on the need to reimagine the criminal legal system and policing. However, abolitionists have long called for a broader, radical remaking of all American institutions to ensure equal citizenship.¹¹³ Thus, the work of abolition extends beyond transforming our criminal justice system; it includes all other social institutions. In this section, I will explain why an abolition democracy pedagogy requires an inter-systems approach. Put simply, we must not separate our attempts to challenge the criminal and civil systems that are intertwined in how they oppress our clients.¹¹⁴ While in the past, clinics have often been limited in focusing on criminal law or specific civil issues, an abolition democracy pedagogy requires a multi-systems docket that facilitates students exploring the interlocking nature of systems and their connections.¹¹⁵ In particular, teaching abolitionist principles in a civil litigation clinic allows students to understand abolition through a frame that is broader than carceral abolition, which focuses on the prison and penal contexts. Defining abolition around the goal of eliminating the vestiges of slavery forces us to critically examine all American institutions that have ties to the American slave system.

Over the course of the clinic's first three years, I worked with clinic students to construct a docket that includes advocacy challenging housing, employment, education, and health inequality, as well as litigation challenging the carceral system. In the clinic's second semester of operation, I began co-teaching with Professor Bret Grote, Litigation Director of the ALC. Professor Grote's background challenging

¹¹³ Long & Lau, *supra* note 68 (“Abolition is not just about abolishing police and prisons as if those are two anomalies within American society. It’s about dismantling the entire white supremacist project.”).

¹¹⁴ Yael Cannon & Vida Johnson, *Advancing Racial Justice through Civil and Criminal Academic Medical-Legal Partnerships*, 30 CLIN. L. REV. 29, 54 (2023) (students work to “understand the local mechanisms and impacts of racism,” including asking the question “how is it operating here?”) (citing Dina Shek, *Centering Race at the Medical-Legal Partnership in Hawai‘i*, 10 U. MIA. RACE & SOC. JUST. L. REV. 109, 114 (2019)).

¹¹⁵ *Id.*

prison conditions and litigating against the police has been a critical complement to my background as an education and economic justice attorney. Co-teaching with Professor Grote, a white man with deep abolitionist commitments, has also allowed students to get to see us engage in a cross-racial collaborative relationship grounded in mutual respect and a shared vision of racial justice as part of an abolition praxis. Indeed, modeling relationships that disrupt traditional white supremacist and hegemonic power dynamics is central to abolitionist work.¹¹⁶ I try to offer students as many opportunities as possible to see the leadership of Black and other directly impacted people in our work, but also to see examples of cross-racial allyship so that they can reflect on the role of cross-racial collaborative relationships in their own work.

An impact litigation clinic is especially well-suited to apply an abolitionist ethic because of our focus on structural reform in different contexts. Through a multi-systems docket, students working on challenging the failure to enforce the city's lead ordinance can make connections between the government's failure to invest in housing infrastructure, and the ways Black people have been stereotyped as prone to commit crime without any acknowledgment of the economic and environmental harm done to communities that impact crime rates.¹¹⁷ A multi-systems docket also allows us to explore connections between subjective policies, stereotypes, and implicit bias, that lead to overly punitive and criminalized treatment of Black youth in school, Black mothers in hospitals, and Black men and Black trans people on the street through stop-and-frisk. Rather than treat discrimination in different sites as isolated forms of bias, we use our class discussions to explore the core ways that white supremacy surfaces in familiar and consistent ways between contexts through false narratives about Black criminality and social deviance that date back to slavery, convict leasing, and sharecropping.¹¹⁸

One example of challenging interlocking systems is in our work to combat the school-to-prison pipeline. Students in the clinic have worked with the ACLU of Pennsylvania to end the practice of issuing adult criminal charges through the education system. Summary citations,

¹¹⁶ Patrisse Cullors, *Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability*, 132 HARV. L. REV. 1684, 1694 (2019) (describing the importance of relationships to abolitionist values).

¹¹⁷ See, e.g., James Forman & Kayla Vinson, *The Superpredator Myth Did a Lot of Damage. Courts Are Beginning to See the Light*, N.Y. TIMES (Apr. 20, 2022), <https://www.nytimes.com/2022/04/20/opinion/sunday/prison-sentencing-parole-justice.html> [perma.cc/2KKT-4KPG] (describing how an increase in impulsive behavior in youth during this period was linked to increased exposure to lead and other toxins, but not addressed, while youth were dehumanized and stereotyped as inherently criminal).

¹¹⁸ See generally DOUGLAS A. BLACKMON, *SLAVERY BY ANOTHER NAME: THE ENSLAVEMENT OF BLACK PEOPLE IN AMERICA FROM THE CIVIL WAR TO WORLD WAR II* (2009).

also known as non-traffic tickets, are adult criminal sanctions. Yet, in some Pennsylvania schools, summary citations are issued for minor infractions that involve typical youth behavior without regard for the long-term consequences that citations impose on students and their families. For example, Disorderly Conduct, Harassment, Assault, Use of Tobacco on School Property, or Vaping are all offenses that can commonly result in summary citations. Summary citations may be issued at schools for incidents or infractions even where an officer is neither present nor involved. Summary citations push students into the criminal legal system for minor infractions. Further, because summary citations are adult criminal offenses, they remain in a student's record and must be reported on job and college applications, adding challenges to students' future academic and employment prospects. Across the state, the collision of the criminal and education system through the use of summary citations disproportionately impacts Black students and often Black students with disabilities. For example, in one school district, during the 2021-22 school year, 89% of all summary citations were issued to Black students, and Black girls had the highest number issued to them, with nearly 40% issued to Black girls, compared to zero citations issued to white girls in the same year.¹¹⁹ Clinic students worked with our partners at the grassroots organization 412 Justice in Pittsburgh and the ACLU-PA to write a demand letter outlining how the racially disparate impact of the school district's summary citation policy raises violations of federal civil rights law. In response, the school district has issued a moratorium on issuing citations in schools. Still, residents remain concerned that the moratorium has not stopped the issuing of suspensions and expulsions, which continue to disproportionately push Black youth outside of school.

A multi-systems docket allows us to learn shared lessons in designing remedies because it is clear that the harm we are attacking is racism and the legacy of slavery and Jim Crow, not dysfunction in a particular system. Indeed, students notice how the reforms suggested to address patterns of racially disparate school discipline in schools, or racially disparate family policing, often mirror failed reforms in the criminal justice context and vice versa. We tend to be wary of remedies that focus on allowing decisionmakers to exercise more discretion within existing rules, as discretion often allows for stereotypes and bias to seep into the decision-making processes and often fails to address the racial disparity. On the other hand, we tend to avoid remedies that sound in

¹¹⁹ Data from HAROLD JORDAN & GHADAH MAKOSHI, *STUDENT ARRESTS IN ALLEGHENY COUNTY SCHOOLS* (ACLU of Pennsylvania, Jan. 2022) (“[T]here is strong evidence that Black youth are disproportionately punished, both inside and outside of schools, for what are typical adolescent behaviors.”).

new hard and fast “zero tolerance” rules that often result in draconian outcomes and fail to consider the unique circumstances of individual experiences.¹²⁰ As will be discussed in more detail in the final section, in designing remedies for systems that harm our clients, we are focused on nonreformist reforms to address structural change from the root, such as abolishing summary citations for youth in all contexts, rather than tinkering around the edges of existing policies.

C. “Freedom is a Place”¹²¹

Prior to starting the ARC Justice Clinic, I was a staff attorney at NAACP Legal Defense Fund (“LDF”). As an LDF attorney, I had the privilege of representing clients that I deeply admired and working with some of the most brilliant legal minds in the country. LDF does not have practice areas, and often people would ask if it was difficult to shift between different areas of law. In fact, I enjoyed the chance to move between substantive areas: from voting, to education, to criminal justice. It helped me understand more deeply how seemingly distinct systems of law and policy were interconnected in their ability to maintain and preserve inequality. Systems of inequality are, after all, interlocking. What I found most challenging about my work as an LDF attorney was not moving between different substantive areas of law but moving between different geographical locations. As a national civil rights organization, we depended on local counsel and longstanding community trust to fill the gaps in our local knowledge. But truly understanding the local history and community that shapes civil rights cases often requires something much deeper than annual or even monthly work trips could possibly allow. Learning about the distinct places that provided the setting and context for our cases was a challenge that I constantly struggled to meet as an LDF attorney, and one that I believe limited our ability to fully engage with the local movements that were interconnected with our cases.

Beyond the nuances of specific legal proceedings, I have come to understand abolitionist work as fundamentally place-based work. Place-based advocacy allows for a deeper connection with the spaces in which systems operate. It facilitates deeper understanding of interlocking systems, the people who lead them, and the people who are impacted. As adrienne marie brown writes, abolitionist thinking is not a “one-size-fits-all solution.” Instead, she argues that change is made up of fractals and many intentional micro movements create momentous reactionary change.¹²² Systems and patterns result from simple, local interactions.

¹²⁰ LEIGH GOODMARK, *IMPERFECT VICTIMS* 181 (2023).

¹²¹ RUTH WILSON GILMORE, *ABOLITION GEOGRAPHY: ESSAYS TOWARDS LIBERATION* (2022).

¹²² BROWN, *supra* note 50, at 164-66.

From this perspective, systems change begins with shifting the interactions and relationships of power we encounter in our everyday lives. Place-making is thus critical to prefiguring liberation as we experiment within smaller ecosystems that create the building blocks for broader radical change. In order to advocate with a community, we must attend to a local, spatial context in which the problem occurs, and look to the people most familiar to design solutions. Rather than attempting to reconstruct the criminal legal system in the United States, as a clinic, we are supporting the work of youth in local schools demanding the end of police and criminal sanctions, and offering alternative visions for what it means to be safe at schools.

As Ruth Gilmore has written: “freedom is a place,” which is not merely to say that freedom is a location, but the people and history that define it.¹²³ A place-based approach invites students to connect with the unique liberatory work of the place where they practice. Philadelphia has a rich history of civil rights advocates who have struggled for freedom. Today’s movement to address racial injustice in the criminal system in Philadelphia has direct roots in historical abolitionist movements that pointed out the ways racial subordination was preserved after emancipation. In seminar, we highlight the work of organizations centering Reconstruction in their organizing and political education, such as the W.E.B. Du Bois Movement School for Abolition & Reconstruction.¹²⁴ We also study the “unsung heroes” of local organizing through a tour led by The Black Journey, and through an orientation at the Paul Robeson House & Museum, which is a hub for local organizers. Students read a collection of essays by radical Black organizers in Philadelphia who advocated for change during the racial uprisings of 2020.¹²⁵

As a native Philadelphian, I am often disappointed by how much the city is introduced to students at the University of Pennsylvania as a cautionary tale. For some students, Philadelphia is reduced to Penn’s campus, the wealthy “Center City” district, and surrounding poor neighborhoods where campus security advises not to go. I try to disrupt this deficit framing as early as possible, encouraging students to become familiar with Philadelphia neighborhoods and the unique culture, food, music, parks, and community life they offer. One need not be from Philadelphia to learn about the city in an authentic way. In my introductory session to the clinic, I always ask students the icebreaker

¹²³ GILMORE, *supra* note 121.

¹²⁴ W.E.B. DU BOIS MOVEMENT SCHOOL FOR ABOLITION & RECONSTRUCTION, ABOLITION AND RECONSTRUCTION: AN EMERGENT GUIDE FOR COLLECTIVE STUDY (Sept. 2025), https://www.commonnotions.org/abolition-and-reconstruction?srsId=AfmBOop0v4bLy35JdWMI9yrmH3dWQFASFoEQXBH_A4ZZ5y3KFQ2GZvJC [https://perma.cc/7APC-SG6T].

¹²⁵ HOW WE STAY FREE: NOTES ON A BLACK UPRISING, *supra* note 111.

question: what do you like about Philadelphia? This helps to early on establish an assets-based lens to our discussions of Philadelphia.¹²⁶

A place-based approach allows us to appreciate how people in a community are impacted by oppression, without being defined by it. We must understand our clients as valuable because of who they are *and* where they are from. As Nik Heynen and Megan Ybarra write: “The alternative is to define communities by the shared violence they suffer—racism, capitalism, and settler colonialism—rather than the places they have made for themselves.”¹²⁷ As social movement lawyers, understanding place also helps us know to whom we are accountable and to be in relationship with them. As attorneys representing communities, our job is to be in close relationship with our clients and to represent our clients on their own terms. It is difficult to imagine how that can be done without learning about the place where a community is built.

Early in the semester, I assign students to read the Nikki Giovanni poem, *Nikki Rosa*, as a tool for exploring what it means to understand a client in context. In the poem, Giovanni describes memories from her childhood in Woodlawn, a predominantly Black suburb of Cincinnati. She acknowledges the economic hardship her family experienced, but also the love and strong sense of community that shaped her. She ends the poem with the words: “and I really hope no white person ever has cause to write about me” observing that they will likely emphasize her family’s poverty and struggle, but fail to see how much her home was a place with “happy birthdays and very good Christmases.”¹²⁸ While through a white gaze her biography is reduced to the social conditions in her neighborhood, in particular poverty, from her perspective, “Black love is Black and wealth.”¹²⁹ I teach this poem to remind students that our job as movement attorneys is not to create a victim-narrative that depicts our clients as devoid of joy, strength, talent, and other gifts.¹³⁰ Our clients are people who have created community and beauty within the locations where they exist. There is power in advocating for clients through a lens that celebrates the places and people that have shaped them. How can we ask judges or juries to fully recognize the communities that we represent if we do not even know where they are

¹²⁶ See, e.g., HERE TO HERE, THE HERE TO HERE LANGUAGE GUIDE: A RESOURCE FOR USING ASSET-BASED LANGUAGE WITH YOUNG PEOPLE (July 2020), [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.sccoe.org/arts/yas/Documents/H2H-Language-Guide_2020.pdf](https://www.sccoe.org/arts/yas/Documents/H2H-Language-Guide_2020.pdf) (“We avoid words and phrases that look at situations or people from a “deficit” lens that prioritizes what’s missing or what’s wrong. Instead, we prioritize language that focuses on strengths and potentials.”).

¹²⁷ Nik Heynen & Megan Ybarra, *On Abolition Ecologies and Making “Freedom as a Place,”* 53 ANTIPODE 21 (2021).

¹²⁸ Nikki Giovanni, *Nikki-Rosa*, in THE COLLECTED POETRY OF NIKKI GIOVANNI (2003).

¹²⁹ *Id.*

¹³⁰ *Id.*

from beyond a victim framework? Indeed, getting decision makers to recognize our clients and the places they come from as valuable is a key part of getting a decisionmaker to fully recognize the discrimination or other harm they experienced and that deserves redress.¹³¹

This is not to say that we ignore the socio-economic challenges that exist or the crime that Philadelphia residents are facing.¹³² Nor is it to suggest that students should start to overidentify and view themselves as “of” the same place as our clients. I believe firmly that as attorneys we should not underestimate the inherent distance that comes with entering into a profession that is built on maintaining elite status and access to power. Indeed, I try to remind students that simply by being associated with the University of Pennsylvania Carey School of Law, amongst other sources of privilege, we are not “of” the communities we represent.¹³³ Despite our physical proximity, the distance between our clinic and the community groups we work with is often marked by wealth and privilege. Getting to know and understand our clients in context and the space that we occupy is a method for bridging, not erasing, the divide. I am also wary of students beginning to think that they are so closely connected to clients that they are able to substitute their own views for those of our clients or that they lose the ability to be independent advisors.¹³⁴ We must constantly grapple with what it means to be a legal clinic at a wealthy research institution that is the largest employer in the city, and part of an institution that has driven racial inequality in the areas surrounding campus by displacing poor communities and by not paying property taxes.¹³⁵

Finally, an abolitionist approach must consider the ways voices are excluded from spaces due to mass incarceration. While a full discussion of the inherent contradictions of “academic abolition” or teaching abolitionist principles in a legal academic space is beyond the scope of this article, it is

¹³¹ Heynen & Ybarra, *supra* note 127.

¹³² Kenny Cooper, *Philadelphia Is ‘America’s Poorest Big City.’ Here’s What That Actually Means*, WHYY (Jan. 10, 2024), <https://whyy.org/articles/philadelphia-americas-poorest-big-city-poverty/> [<https://perma.cc/FE4W-V82D>].

¹³³ See GERALD P. LÓPEZ, *REBELLIOUS LAWYERING, ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE*, ch. 1 (1992) (describing how a Black attorney from the neighborhood where he practiced had privilege that separated him from his clients).

¹³⁴ Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 *YALE L.J.* 470 (1976).

¹³⁵ As a nonprofit, The University of Pennsylvania does not pay property taxes, and also does not choose to make payments in lieu of taxes or “PILOT taxes” to compensate for the massive property tax revenue lost due to its tax exemption. This is significant because the university currently owns \$3.2 billion of property that is not taxed. Laura McCrystal, *\$29.6 Billion of Philly Real Estate Is Exempt from Property Taxes. Should Nonprofits Be Asked to Pay Up?*, PHILA. INQUIRER (Sept. 30, 2019), <https://www.inquirer.com/news/philadelphia-nonprofit-exempt-property-tax-pilots-penn-aramark-20190930.html> [<https://perma.cc/KU29-7TGM>]. This loss of tax revenue has tremendous implications for the daily lives of Philadelphia residents.

critical that law students recognize that “Using the language of abolition without this critical introspection of one’s own personal and institutional limitations will undoubtedly result in an empty co-option of the principles of abolition.”¹³⁶ As Stephen “Stevie” Wilson and Joy James remind us, any discussion of abolition is incomplete without the inclusion of imprisoned Black radical intellectuals whose voices are often too removed from elite academic spaces.¹³⁷ In seminar, we try to center the intellectual work of the Incarcerated Black Radical Tradition, such as political activist Mumia Abu Jamal, while recognizing that a course taught entirely on the outside will always be incomplete in its mission to teach abolition.

D. *An Interdisciplinary Approach*

An abolition democracy pedagogy requires interdisciplinary tools in its pursuit of a structural analysis of power.¹³⁸ Indeed, an interdisciplinary approach is necessary to map the conditions of racial inequality that often exist in subtler forms today. The complex social and institutional challenges we seek to tackle are deep-seated, and have evolved in response to legal protections under the Reconstruction Amendments and the civil rights legislation of the 1960s.¹³⁹ In seeking change through civil rights cases and policy reform, our role is often to help decisionmakers (judges, juries, political leaders) understand why the treatment that our clients experience is race-based.

To connect the dots that allow a decisionmaker to “see race” as a causal factor, we often draw on the extensive social science research that exists today, including both quantitative and qualitative studies documenting systemic racism in different arenas of American life. Today’s civil rights attorney must work closely with experts in all fields of research to unearth and root out racism in the diverse and multifaceted ways it occurs. For a civil rights clinic, being embedded in a research university offers unique opportunities to build on the cutting-edge research in different departments to ensure data and theory inform the legal strategies we are developing to further social movement work.

One of the most important contributions our clinic has made is through research educating the public about how laws and policies that may appear race-neutral on their face have racially disparate impacts.

¹³⁶ Nicole Smith-Futrell, *supra* note 37, at 178.

¹³⁷ Joy James, *The Alchemy of Abolitionism*, INQUEST (Mar. 28, 2023), <https://inquest.org/the-alchemy-of-abolitionisms/> [<https://perma.cc/7348-J8X9>].

¹³⁸ Kara R. Finck, *A Robust Defense: The Critical Components for a Reimagined Family Defense Practice*, 20 CUNY L. REV. F. 96, 109 (2017), <http://www.cunylawreview.org/reimagined-family-defense-finck/> [<https://perma.cc/B4EVUA5G>] (“Interdisciplinary practice is a general term referring to a range of models for lawyering, legal offices, and practice that incorporate other professionals and disciplines.”).

¹³⁹ See Crenshaw, *Race, Reform, and Retrenchment*, *supra* note 24.

For example, our clinic released a report on a little known-state law, Act 135 or the Abandoned and Blighted Property Conservatorship Act, a Pennsylvania law enacted in 2008 that allows individuals and organizations to petition a court to be appointed as conservators of blighted properties.¹⁴⁰ Act 135 was intended to address blighted and abandoned properties in the city by allowing them to be taken over by a nonprofit entity or person living nearby who can serve as a conservator. However, as Professor Deborah Archer writes, blight is a term that has been racialized, purporting to focus on clearing blighted areas and slums, but in fact disproportionately displaced Black homeowners.¹⁴¹ As she observes, “It was no secret that ‘blighted neighborhoods’ and ‘slums’ were euphemisms for Black neighborhoods.”¹⁴²

After speaking with residents who had been subjected to petitions under Act 135, we became concerned that despite the law’s intention to further community-led development, the law was having a racially disparate impact and displacing vulnerable residents. We worked with students at Wharton and the Penn School of Urban Design to conduct an analysis of all Act 135 petitions filed in Philadelphia from October 2009 to February 2024. We used this analysis to determine if Act 135 petitions were filed at different rates in areas where the majority of residents are white as compared to areas where the majority of residents are Black or people of color.¹⁴³ We found that conservator petitions were more likely to be filed against properties that are owned by Black property owners. Act 135 petitions were also filed more often in Census block groups that were majority Black or majority nonwhite compared to Census block groups that were majority white. Clinic student Lizzie Shackney, pursuing a joint degree at the law school and school of design, was able to create a map showing that there are observable concentrations of petitions

¹⁴⁰ 68 Pa. Stat. Ann. § 1101–1111.

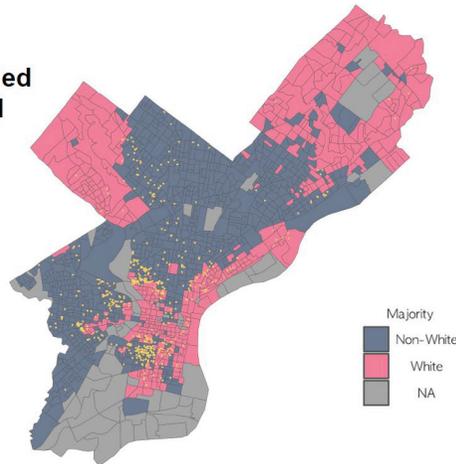
¹⁴¹ DEBORAH N. ARCHER, *DIVIDING LINES 26-27* (2025) (“In theory, urban renewal is the process by which the government works to improve neighborhoods by seizing and demolishing decaying private and public property and building new and improved buildings in their stead, including affordable housing.” However, in practice, “[t]he federal government essentially empowered local governments and private companies to develop downtown neighborhoods and disproportionately displace the most poor residents of color who lived there.”).

¹⁴² *Id.* at 27. *See id.* at 28 (“‘Blight’ was also used to describe the impact that predominately Black communities could have on white neighborhoods, if those white neighborhoods were not somehow kept in check.”).

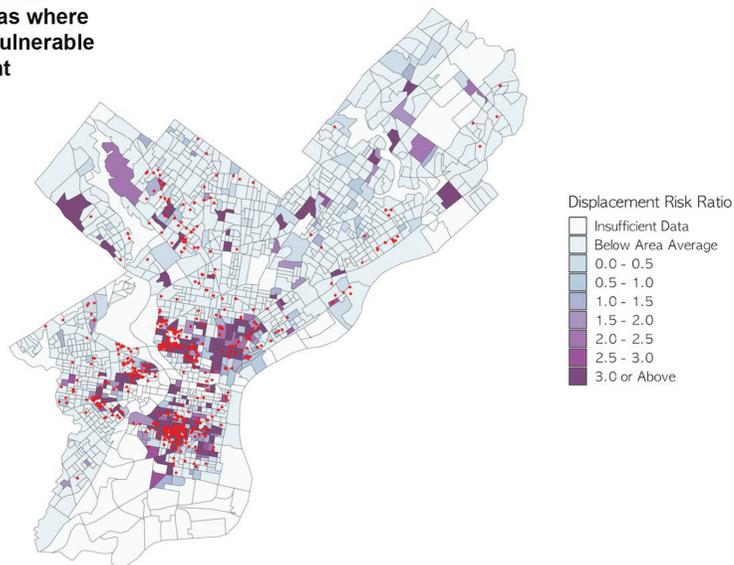
¹⁴³ To assess whether the use of Act 135 has had any impact on vulnerable communities, we relied on the Reinvestment Fund’s “Displacement Risk Ratio,” a tool that measures how housing prices are appreciating in relation to the incomes of longtime residents across Philadelphia at the census block group level (the smallest publicly available geographical unit available to Census data users). Emily Dowdall, *Measuring Displacement Risk in Gentrifying Neighborhoods*, REINVESTMENT FUND (May 16, 2016), <https://www.reinvestment.com/insights/measuring-displacement-risk-in-gentrifying-neighborhoods/> [<https://perma.cc/VF3R-5672>].

in Philadelphia's areas where demographics transition from majority-white to majority non-white. In short, an interdisciplinary approach was required to understand that claims of racial bias were not merely a hunch, but were demonstrated by data showing the law's "socio-spatial impact" through mapping that showed that Act 135 was exacerbating racial inequality and displacement in vulnerable neighborhoods. Below are some of the maps that Lizzie created in the report. Citing our report, the Philadelphia City Council held a hearing on the impact of the law in 2024 and is currently considering legislative reform.¹⁴⁴

Petitions are disproportionately filed in majority Black and majority non-white neighborhoods



Petitions are filed in gentrifying areas where residents are vulnerable to displacement



¹⁴⁴ Aaron Moselle, *Philly City Council Probes Blight Busting Law with Hopes for Change*, WHYY (Mar. 22, 2024), <https://whyy.org/articles/philadelphia-city-council-blight-busting-law-change-act-135/> [<https://perma.cc/6STY-KYFV>].

Our work on Act 135 has not always aligned perfectly with the position of some of the grassroots organizers with whom we align on other issues. Remediating abandoned buildings is an intervention that some organizations have pushed for as a research-based approach to addressing gun violence.¹⁴⁵ We have generally supported the work of groups like the 57+ Block Coalition in Philadelphia, which advocates for an approach to reducing gun violence through targeted investment of resources, including addressing housing and vacant properties.¹⁴⁶ Their work aligns with an abolitionist ethic because they argue that addressing crime requires a shift from overpolicing to directly addressing the ways that systemic racism has resulted in long-standing disinvestment in Black neighborhoods. While we share this structural critique, our analysis of Act 135 suggests it has not generally served this purpose because it is easily misused. Some felt that by focusing on the abuses of Act 135, the clinic would discourage more positive use of the law as a strategy to address abandoned properties, which is sorely needed in communities plagued by high levels of gun violence and crime. Ultimately, we determined that releasing the report and making the data publicly available was an important step to ensuring that the stories of vulnerable homeowners were not overlooked in the public discourse about Act 135 as a tool. Many of the individuals that we heard from in researching the issue were Black families who had refused to sell their home to a developer and then subsequently lost their family home due to an Act 135 petition for which they received no compensation. By telling these stories, we hoped that legislators would consider remedies that provide resources for vulnerable homeowners to remediate blight without facing displacement and losing ownership of a critical asset. The clinic felt that we could offer this critique, while simultaneously advocating for needed resources for vulnerable communities impacted by systemic racism and neglect.

In 2024, the clinic began building an institutional relationship to ensure that our interdisciplinary lens is embedded in our work going forward. Through a course taught by Professor Lance Freeman, a professor of sociology and urban design, the clinic collaborates with students in other departments to conduct research to assess social science questions identified by grassroots organizers, often helping to analyze whether racially disparate treatment is occurring in different contexts. This inter-disciplinary course partnership helps prepare students as

¹⁴⁵ Eugenia C. South, John M. MacDonald, Vicky W. Tam, et al., *Effect of Abandoned Housing Interventions on Gun Violence, Perceptions of Safety, and Substance Use in Black Neighborhoods*, 183 JAMA INTERNAL MEDICINE (Dec. 5, 2022), <https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2799226> (last visited Oct. 22, 2025).

¹⁴⁶ 57+ BLOCKS COALITION, <https://57blocksphilly.org/> (last visited Oct. 22, 2025) [<https://perma.cc/U72J-F2PC>].

future civil rights attorneys who will work closely with experts and need to become fluent in the language and methods of researchers who serve as experts.

The clinic also uses right-to-know litigation to write interdisciplinary reports as tools to challenge the secrecy often built into systems that drive inequality through the public's limited access to information compared to powerful state actors. For example, police use of technology often goes under the radar as the city of Philadelphia rarely advertises that it has acquired new technological tools (often through private funding), nor made clear how the tools are employed, their reliability and accuracy, or their impact. As a result of a series of public information requests, we discovered just how pervasive the Philadelphia Police Department's use of technology is. Philadelphia is blanketed in cameras, microphones, and other tools of surveillance accessible to PPD officers through Google-like searches across interconnected police databases, managed by the police department's Real-Time Crime Center.¹⁴⁷ Clinic students created a white paper informing the public about how the city of Philadelphia is using facial recognition technology and acoustic gun detection that is highly unreliable and costs the public millions of dollars. Students then worked with a communications specialist on staff in the Penn Gittis Legal Clinics to design graphics to hand out at meetings and to use on social media. Below is one example of a graphic.

Philadelphia taxpayers pay **millions** for **surveillance of residents:**

- Nearly 7,000 cameras monitored up to 4,600 times a week
- Automatic License Plate Readers tracking millions of plates
- Flawed & biased Facial Recognition Technology

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¹⁴⁷ Samantha Melamed, *Philly Narcotics Cops Secretly Used Surveillance Cameras. Video Proved Some of Their Testimony False*, PHILA. INQUIRER (May 9, 2024), <https://www.inquirer.com/news/philadelphia/philadelphia-police-video-surveillance-drug-arrests-20240508.html> [<https://perma.cc/N82B-SPAX>].

Because of unequal power dynamics, many racial justice issues are also issues where there is little public transparency. It is impossible to engage in movement lawyering around issues that people do not even know about due to a lack of transparency and information. Reports exposing discrimination can lay the groundwork for organizing and subsequent legal advocacy. Civil rights clinics, especially clinics that use a movement lawyering model, can play a critical role by collecting data through public information act requests, conducting interdisciplinary research, and making the analysis public. This furthers an abolition democracy pedagogy by training students to examine patterns of structural racism as a tool for pursuing radical reforms.

E. The pursuit of nonreformist reforms

Finally, an abolition democracy pedagogy pushes students to consider how to design nonreformist reforms. In the context of the criminal legal system, a reformist reform accepts the criminal legal system as a given rather than considering how to prevent criminalization in the first place.¹⁴⁸ Abolitionist organizers have defined nonreformist reforms in the criminal legal system as reforms that consider how “to divest resources, legitimacy, and power from the criminal legal system.”¹⁴⁹ While a reformer considers how to get the existing carceral system to function better, an abolitionist understands the system itself as fundamentally at issue and focuses instead on imagining solutions that get to the root of institutional bias.¹⁵⁰

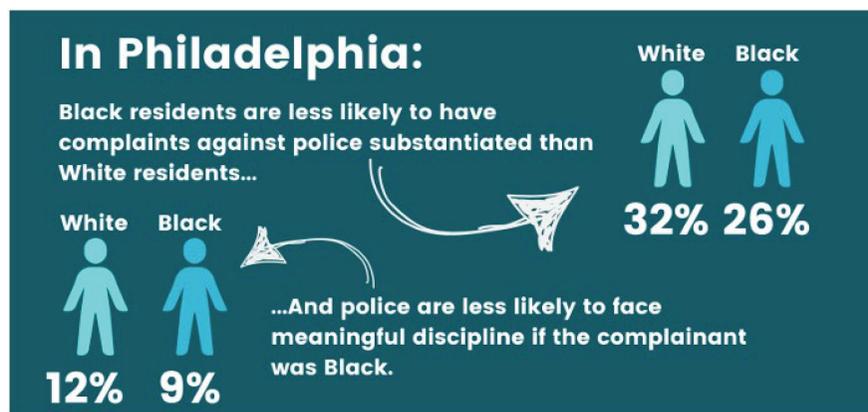
A commitment to pursuing nonreformist reforms informs our selection of litigation and advocacy projects. For example, in December 2024, the clinic was asked by the Philadelphia Law Department to file an amicus brief in the Pennsylvania Supreme Court, encouraging the court to adopt a new standard for reviewing police discipline arbitration decisions. In seminar, we discussed whether to take on this assignment. Students generally agreed that police discipline was a reformist reform in that it reinforced the legitimacy of policing and suggested that the change that is needed simply involves punishing bad apples. We debated whether

¹⁴⁸ See also LEIGH GOODMARK, *supra* note 120, at 182 (explaining that “by leaving the basic structure of the criminal punishment system intact, reform legitimates that system and stymies more radical change.”)

¹⁴⁹ See CRITICAL RESISTANCE, REFORMIST REFORMS VS. ABOLITIONIST STEPS IN POLICING, https://static1.squarespace.com/static/59ead8f9692ebee25b72f17f/t/5b65cd58758d46d34254f22c/1533398363539/CR_NoCops_reform_vs_abolition_CRside.pdf [https://perma.cc/ME4E-P5H5] (last visited Aug. 8, 2024).

¹⁵⁰ ALEX VITALE, *THE END OF POLICING* (2017) (“What differentiates an abolitionist from a police reformer is that a police reformer typically thinks that we just need the police to enforce the law in a more professional and less biased manner. The abolitionist looks to reduce the power and scope of those institutions in every way we possibly can. One step at a time.”).

the amicus brief could be used strategically to pursue an abolitionist horizon.¹⁵¹ According to Professor Akbar, a “reform rooted in an abolitionist horizon aims to contest and then to shrink the role of police, ultimately seeking to transform our political, economic, and social order to achieve broader social provision for human needs.”¹⁵² Could we, for example, write a brief that would document for the public more generally how police discipline systems reinforced structural racism? We decided this strategy was worth pursuing. Students worked with the Quattrone Center, a criminal justice research and policy hub at Penn Carey Law School, to offer a new analysis of the racial disparities that exist in police discipline decisions.¹⁵³ Specifically, data demonstrated that Philadelphia police officers are less likely to be disciplined when the resident bringing a complaint is Black. When discipline does occur, it is also more likely to be overturned on appeal when the complainant is Black. Moreover, Black people are more likely to be subject to police abuse and violence that give rise to complaints in the first place. The clinic students writing the amicus brief worked with Anthony Marqusee, the communications specialist on staff at the clinic, to create an explainer (with a graphic included below) to use on social media and to provide to the press to break down the issues. We considered this to be an abolitionist step in that our research and argument challenged the legitimacy of the police discipline system, rather than merely suggesting that a more stringent standard of review for police discipline on appeal would solve the underlying problem of racism in policing.



Read our amicus brief for police accountability and Act 111 reform:
<https://bit.ly/act-111>

¹⁵¹ Akbar, *An Abolitionist Horizon*, *supra* note 84, at 1783–84.

¹⁵² *Id.* at 1787.

¹⁵³ See *Amicus Explainer*, ADVOCACY FOR RACIAL & CIVIL JUSTICE CLINIC, <https://www.law.upenn.edu/live/files/13248-act-111-amicus-explainer> [<https://perma.cc/Y8CB-DXGU>] (last visited Oct. 9, 2025).

Despite our commitments, we are not immune from the traps that might lead to more limited reforms. We often face pressure to identify “ideal clients” or politically popular stories to advance causes, and must grapple with how a potential legal strategy could reinforce ideas about who is deserving and undeserving of the harms associated with the criminal legal system and structural disinvestment.¹⁵⁴ For example, in the clinic’s advocacy to end the death penalty in Pennsylvania,¹⁵⁵ we work to use language that does not suggest that life without parole is a legitimate alternative to capital punishment, because that would reinforce ideas that some people deserve to spend their lives in prison. Instead, we seek to emphasize that life is valuable and the carceral apparatus cannot provide true healing, thus linking the abolition of capital punishment to the need for broader institutional change rather than shying away from the radical reform implications that flow from accepting that the death penalty’s racist roots. Professor Angela Davis observes, “If we think about capital punishment as an inheritance of slavery, it’s abolition would also involve the creation of institutions about which Du Bois wrote.”¹⁵⁶ An abolitionist frame considers not only transformation of the carceral state, but also of interlocking systems, as discussed *supra*.¹⁵⁷ Likewise, an abolition pedagogy must train students to consider nonreformist reforms, not only in the criminal legal context, but in advocacy to build a new vision for social justice in education, housing, and health care. Students must be exposed to the process of applying a “deep critique,” in multiple institutional contexts.¹⁵⁸

In assessing whether a particular advocacy strategy is an abolitionist step, we often return to the divest/invest framework.¹⁵⁹ Divest/invest is a strategy advocating for the redirection of resources away from the prison industrial complex and towards community-based initiatives that promote safety, well-being, and social justice. As organizers often point out, the real work of abolition happens in state and local budgets.¹⁶⁰

¹⁵⁴ LEIGH GOODMARK, *supra* note 120.

¹⁵⁵ See, e.g., Letter from ARC Justice Clinic to Majority Chairman Briggs re H.B. 999 (Oct. 30, 2023), <https://www.law.upenn.edu/live/files/12838-arc-justice-clinic-letter-in-support-of-hb-999> [<https://perma.cc/QBZ8-H2SB>].

¹⁵⁶ DAVIS, *supra* note 32, at 92.

¹⁵⁷ Stahly-Butts & Akbar, *supra* note 72, at 1551 (explaining that an abolitionist future includes “both an end to our reliance on prisons, police, and surveillance, and a vision to build alternate modes of social provision and norms, collective self-governance, and fundamentally different economic relationships.”).

¹⁵⁸ Ashar, *Deep Critique and Democratic Lawyering*, *supra* note 51 at 218.

¹⁵⁹ *What is Divest/Invest?*, FUNDERS FOR JUSTICE, DIVEST/INVEST: CRIMINALIZATION, <https://divest-ffj.org/#what-is> [<https://perma.cc/XHL6-4BTC>] (last visited Oct. 9, 2025).

¹⁶⁰ Brian Highsmith, *On Reimagining State and Local Budgets in an Abolitionist Moment*, LAW & POLITICAL ECONOMY PROJECT (June 15, 2020), <https://lpeproject.org/blog/on-reimagining-state-and-local-budgets-in-an-abolitionist-moment/> [<https://perma.cc/69Q3-WZ7Q>].

When it comes to our police surveillance work, discussed *infra*, our clinic's strategy has been to document the bias and unreliability of new policing technology, with the goal of redirecting the funding that has been put toward acquiring new technology toward more community-based solutions for crime, like investment in health and social welfare.¹⁶¹

As litigators, we grapple with whether remedies can be reformist reforms in the context of a lawsuit that relies on the adversary court process. Often, our analysis of whether our approach supports an abolitionist ethic turns on the kinds of remedies sought through litigation or policy advocacy. For example, we have worked with our partners at the ALC on litigation to end solitary confinement. While the ultimate goal is to abolish solitary confinement entirely, we recognize that a court may balk at such a request in a complaint. During case rounds, we have carefully weighed what remedies might serve as a tool of harm reduction if the practice of solitary confinement is not abolished entirely. Should we focus on ending the practice in a prison that has a particularly egregious record when it comes to the racially disparate assignment of solitary or the cruel treatment of individuals in solitary? Does this line of argument reinforce that solitary confinement is a legitimate practice when doled out in a more racially equitable way or in a less cruel fashion? Our goal is not to make solitary confinement better. It is to abolish the practice entirely. Toward that end, we seek to use litigation to undermine the legitimacy of solitary confinement as a tool in all of its forms. ALC has pursued this goal through a multi-prong attack on solitary confinement in order to chip away at the practice, as remedies are ordered through advocacy using different pathways, from local and state litigation using different legal theories, to policy advocacy, and organizing.

Professor Jamelia Morgan and I have written recently about how the settlement reached in the *Smith v. City of Philadelphia* lawsuit represents an example of seeking non-reformist reforms because it identified a community-led remedial process.¹⁶² That case challenged the Philadelphia Police Department's excessive and unwarranted use

¹⁶¹ As Professor Vincent Southerland has written, there is a tension between advocating to improve new police technology, which risks legitimizing surveillance technologies in police hands, and an abolitionist approach that instead aims to relieve police of their surveillance tools entirely. Vincent M. Southerland, *The Master's Tools and a Mission: Using Community Control and Oversight Laws to Resist and Abolish Police Surveillance Technologies*, 70 UCLA L. REV. 2 (2023), <https://www.uclalawreview.org/the-masters-tools-and-a-mission-using-community-control-and-oversight-laws-to-resist-and-abolish-police-surveillance-technologies/> [<https://perma.cc/59ZN-G8YB>]. Our focus has been on highlighting the cost that could be invested in other needed services.

¹⁶² Cara McClellan & Jamelia Morgan, *Toward Abolitionist Remedies: Police (Non) Reform Litigation after the 2020 Uprisings*, 51 FORDHAM URB. L.J. 635, 670 (2024), <https://ir.lawnet.fordham.edu/ulj/vol51/iss3/1> [<https://perma.cc/85ZB-G5GV>].

of force against protestors and residents in a predominately-Black neighborhood in West Philadelphia during the George Floyd protests on May 31, 2020.¹⁶³ At the request of our clients, the clinic worked with our co-counsel to design a remedy that went beyond individual damages to provide injunctive relief in pursuit of an abolitionist horizon. One key aspect of the settlement was the West Philadelphia Community Fund, a one-time fund that made \$500,000 in grants of \$20,000 to hyperlocal movement organizations in that section of West Philadelphia. Community-based groups applied for grant funding to build resilience and improve the quality of life in the West Philadelphia community; or to provide culturally responsive, community-based mental health and wellness services to individuals in the West Philadelphia community.¹⁶⁴ The West Philadelphia Community Fund represents a non-reformist reform because, unlike traditional remedies in police reform litigation, which often invest further in policing despite being the system that caused harm, the West Philadelphia Community Fund shifted funding to alternative systems of care.

Moreover, nonreformist reforms must be concerned not only with outcomes, but with process.¹⁶⁵ The West Philadelphia Community Fund represents a nonreformist reform because it employed a process led by directly impacted communities. The community-based grant fund was administered through a committee of West Philadelphia residents who designed a selection process for determining where the money should be invested. This was not easy; it took nearly a year for the committee to make selections and there were disagreements. But it was an entirely community-led process without the attorneys or other outsiders imposing their views. Through our work on the West Philadelphia Community Fund, clinic students were reminded that self-determination for directly impacted people should drive litigation remedies or policy.

The fact that the West Philadelphia Community Fund went directly to Black-led grassroots organizations serving people in West Philadelphia was a critical feature of the reform. Many of the groups that were funded through the West Philadelphia Community Fund understood their work as mutual aid because they believed that government had failed to meet the basic needs of community members. This is epitomized in the facts that gave rise to the case: police use of

¹⁶³ See generally Am. Compl., *Smith v. City of Philadelphia*, No. 20-03431 (E.D. Pa. Sept. 16, 2020), <https://www.naacpldf.org/wp-content/uploads/As-filed-AmendedComplaint.pdf> [<https://perma.cc/9973-ZKNF>].

¹⁶⁴ For a full description and list of organizations that received funding, see *West Philadelphia Community Fund*, BREAD & ROSES COMMUNITY FUND, <https://breadrosesfund.org/grants-scholarships/west-philadelphia-community-fund/> [<https://perma.cc/BZ7S-RHE7>] (last visited Aug. 8, 2024).

¹⁶⁵ Stahly-Butts & Akbar, *supra* note 72, at 1560.

excessive and militarized force against Black protestors and residents. One organizer who received grant funding put it simply through the refrain: “we keep us safe.” For example, one of the groups that received funding is the People’s Fridge, which was founded by neighbors in response to food insecurity during the pandemic and sustained through a network of volunteers who donate cooked meals and groceries. In choosing to invest directly in local, Black-led, grassroots nonprofits and mutual aid, the West Philadelphia Community Fund is an example of how law can be used to shift power by centering Blackness.

Finally, an abolition democracy pedagogy requires students to consider what it would mean to provide reparations to Black Americans.¹⁶⁶ This is because Du Bois’s concept of abolition democracy pushes students to grapple with the ways that the promise of social and economic support was never provided to ensure equal citizenship for Black people. It is because material resources have not been provided and systems rooted in slavery have persisted that the prison-industrial complex has thrived.¹⁶⁷ As future lawyers, clinical students are being trained to consider how to remedy legal harms. An abolition democracy pedagogy fundamentally asks: what is the repair for the ways the legacy of slavery has harmed generations of Black residents? In Philadelphia, City Council voted in June 2023 to authorize “the creation of a Task Force to Study and Develop Reparations Proposals for Black Philadelphian Descendants of Enslaved Africans in the United States.”¹⁶⁸ The goal of the task force is to establish a public, mass accounting of the lasting harms of enslavement and institutional racism in Philadelphia’s history and to craft repair. The Clinic is contributing to this effort by collecting testimony based on the advocacy of grassroots organizations, like the descendants of the Black Bottom neighborhood who seek financial compensation for the impact of “urban renewal,” on their community.¹⁶⁹ The Black Bottom was a neighborhood in West Philadelphia that was displaced in the 1960s to make way for the expansion of Penn, Drexel and the University of the Sciences.¹⁷⁰ The vast majority of those who had been living in this neighborhood and who lost their homes were

¹⁶⁶ Cullors, *supra* note 116, at 1686 (“Abolition calls on us not only to destabilize, deconstruct, and demolish oppressive systems, institutions, and practices, but also to repair histories of harm across the board.”)

¹⁶⁷ DAVIS, *supra* note 32, at 92.

¹⁶⁸ *Philadelphia Reparations Task Force*, PHILADELPHIA CITY COUNCIL, <https://phlcouncil.com/reparations/> (last visited Oct. 22, 2025) [<https://perma.cc/JKN2-T48G>]. I serve on the task force as the Criminal Legal chair.

¹⁶⁹ See LAURA WOLF-POWERS, *UNIVERSITY CITY: HISTORY, RACE, AND COMMUNITY IN THE ERA OF THE INNOVATION DISTRICT* 1-18 (2022).

¹⁷⁰ *Philadelphia: Black Bottom*, SEGREGATION BY DESIGN (last visited Oct. 22, 2025), <https://www.segregationbydesign.com/philadelphia/black-bottom>.

African-American.¹⁷¹ In drafting the reparations report, we are led by the solutions that community organizations have already identified for themselves to address structural racism, like housing assistance, education funding, and other forms of communal compensation. As Professor Norrinda Brown Hayat argues, “In an antiracist clinic, remedies should be based on the goals Black people have articulated for themselves.”¹⁷² She further explains that the next generation of social justice lawyers should be taught to “center Blackness in a way that will allow them to advocate for positions that support Black people’s vision for themselves as liberated, full citizens.”¹⁷³

CONCLUSION:

PROGRESS, RETRENCHMENT, & THE ARC OF JUSTICE

For law students committed to racial justice work, the retrenchment we are witnessing is both discouraging and disorienting. As Professor Janel George has eloquently described, as clinicians, we can and must train students to bravely work toward racial progress in the midst of resistance.¹⁷⁴ Especially in moments of backlash, we must push students to employ new legal strategies for systemic change through what Dr. W.E.B. Du Bois called an abolition democracy.¹⁷⁵ In the context of a civil justice clinic, an abolition democracy pedagogy can be taught through (1) deep engagement with historical context to understand structural inequality today; (2) an inter-systems power analysis; (3) a place-based approach; (4) an interdisciplinary approach; and (5) the pursuit of nonreformist reforms.

Many law students today are struggling with whether the law can be used as a tool for racial justice, in particular because they see how the Supreme Court legitimizes inequality by failing to acknowledge systemic injustice while creating the veneer of law and order.¹⁷⁶ An abolition democracy pedagogy can help to fortify future public interest attorneys precisely because it is both historically grounded and focused on building radical change through micromovements in the here and now. Abolition offers a way to connect the challenges of today to

¹⁷¹ *Id.*

¹⁷² Norrinda Brown Hayat, *Freedom Pedagogy: Toward Teaching Antiracist Clinics*, 30 CLIN. L. REV. 149, 162 (2023) (arguing that clinicians should commit to antiracism and center Afrofuturism).

¹⁷³ *Id.* at 152.

¹⁷⁴ Janel George, *Reflections on the Launch of a Racial Justice Clinic and the Bravery of Lions*, 30 CLIN. L. REV. 1, 151, 154 (2023)

¹⁷⁵ See generally W.E.B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA* (1935).

¹⁷⁶ See, e.g., Brandon Hasbrouck, *The Antiracist Constitution*, 102 B.U. L. REV. 87, 115–26 (2022) (describing how the Supreme Court has furthered anti-Blackness through the procedural barriers in criminal and civil cases).

generations of movement work. It helps us to interpret today's demands for change within a larger context of progress, resistance, and resilience.

Moreover, an abolition democracy pedagogy helps us to stay focused on the goal of working to dismantle white supremacist systems in solidarity with those who are most impacted. My students often remark in awe at how, despite pervasive challenges, Philadelphia residents continue to organize, imagine, and demand solutions for equitable economic prosperity, transformative education, dignity, health, and approaches to public safety that protect us all. Such relentless resilience cannot be taught only through theory; it must be learned through trusting and accountable relationships with clients and partners, and with a recognition that it is a privilege for us to learn from their freedom dreams.¹⁷⁷ Training students to be led by and accountable to directly impacted people and their visions for abolition allows us to create relationships that are sustaining.

For many of us teaching law clinics, summoning the courage to advocate for racial justice is uniquely challenging today. As legal clinicians, we are both academics and lawyers, two professions that have been uniquely targeted by the Trump administration.¹⁷⁸ We have a responsibility to model what it means to advocate for justice, but doing so puts us at personal risk for discipline, loss of funding, or for many of us who are untenured, losing our jobs. Although political interference with law clinics is not new,¹⁷⁹ the pressure to select clients, cases, and reading materials that will not be politically controversial is unprecedented, despite principles of academic freedom. This implicates every aspect of an abolition democracy pedagogy. I am still grappling with the reality that using the law to challenge racism, sexism, homophobia, transphobia, and other forms of oppression make me and the clinic a target in President Trump's crusade against DEI and "wokeism." But when we continue speaking honestly about history, and working in solidarity to combat its legacy, clear-eyed about reality, and still fierce in our commitment to racial justice, our students experience what it means to pursue abolition democracy in the face of retrenchment.

¹⁷⁷ Robin D. Kelly, *Finding the Strength to Love and Dream*, 48 CHRON. HIGHER EDUC. 39 (2002).

¹⁷⁸ Ryan Lucas, *Experts Say Trump's Targeting of Law Firms Is Unprecedented*, NPR, March 19, 2025, <https://www.npr.org/2025/03/19/nx-s1-5323890/experts-say-trumps-targeting-of-law-firms-is-unprecedented> [<https://perma.cc/39XG-SWS6>]; *How Trump's College Crackdown Is Raising Concerns About Free Speech and Academic Freedom*, PBS NEWSHOUR, May 6, 2025, <https://www.pbs.org/newshour/show/how-trumps-college-crackdown-is-raising-concerns-about-free-speech-and-academic-freedom> [<https://perma.cc/5DAF-W634>].

¹⁷⁹ See generally, Robert R. Kuehn & Peter A. Joy, *Lawyering in the Academy: The Intersection of Academic Freedom and Professional Responsibility*, 59 J. LEGAL EDUC. 97 (2009); Robert R. Kuehn & Bridget M. McCormack, *Lessons from Forty Years of Interference in Law School Clinics*, 24 GEO. LEGAL ETHICS 59, 59-60 (2011).

CENTERING STUDENT VOICES IN THE CLINIC SEMINAR

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Clinic seminars at their best are interactive and generative. Students aren't just receiving information; they're contributing their own ideas and building on each other's questions and contributions. But that's not an easy ideal to reach. Too often, faculty end up at the center of the conversation, talking between each student, whether or not we want or intend to play that role.

In this Article, I offer concrete strategies for moving away from the default pattern of classroom discourse, what education researchers call "Initiate-Respond-Evaluate" (IRE), and toward dialogic discourse, a form of conversation that centers student voices and encourages critical thinking and independent thought. I argue that dialogic discourse is particularly well suited to the pedagogical goals of clinics and to clinicians' dual roles as teachers and collaborators. Through the lens of adult learning theory and my own experience implementing new strategies in my classroom, I demonstrate how identifying and changing patterns of classroom discourse can bring new energy to the clinic seminar and deepen student learning and engagement.

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INTRODUCTION

Picture a seminar classroom. The professor is probably at the head of the table. She launches the discussion. Students direct their comments to her, making eye contact as a show of respect or simply by default. She asks a question; a student responds, and then everyone waits for the professor to react. The discussion may be rich and engaging; the students may be animated and eager to participate. But the professor wields the power, whether or not she wants or means to.

Most of us have been there. As much as we want students to take ownership of the conversation, the ball always seems to end up back in our court. There's a name for this pattern: IRE, or Initiate, Respond, Evaluate. The teacher *initiates* the conversation with a question or other invitation to participate, a student *responds*, and then the teacher reacts by *evaluating* the student's comment.¹

IRE is the most common conversation pattern in the classroom, and it can be a useful one—but it is limiting, especially when we default to it without considering other options. When the conversation flows through the instructor, we center ourselves as the arbiter of knowledge, and students lose the chance to engage authentically with each other's ideas and take joint responsibility for a rich and equitable discussion.

I used to default to IRE in my teaching, without even realizing I was doing it. Then I invited a pedagogy specialist, Melissa Scheve, to observe my class in the Fall of 2023. I had a sense that I talked too much in class, but I would never have imagined that I spoke between each student.² Debriefing the class afterward, Melissa pointed out that conversation flowed almost exclusively through me. The students were engaged, curious, and prepared, and in the moment, the class felt lively. But something important was missing: students engaging directly with each other.

I started to wonder what it would look like to have students take more ownership of the conversation. What if I didn't jump in between each student, or even nod with encouragement? What if I spoke when I had something I really wanted to say, or when I sensed that the conversation needed more of me in it, rather than allowing the conversation to flow through me at each turn?

¹ COURTNEY B. CAZDEN, *CLASSROOM DISCOURSE: THE LANGUAGE OF TEACHING AND LEARNING* 5 (2d ed. 2001) (referring to IRE as “the traditional three-part pattern of classroom lessons”).

² For confidentiality reasons, I couldn't ask Melissa, who at the time worked at the Poorvu Center for Teaching and Learning at Yale, to observe my clinic seminar, so she came to the 1L legal writing course I taught in the Fall of 2023. My hope, and this bore out, was that I could apply what I learned from this observation in my clinic seminar as well. This Article describes how I did so.

This Article chronicles my efforts to adjust my pedagogy to answer these questions. It builds on the existing theory and practice of clinical legal education and the field's history of going against the grain. Clinics from their inception have disrupted traditional law school pedagogy.³ Since then, scholars of clinical pedagogy have written extensively about different models of clinical supervision, including non-directive supervision, as well as strategies for lesson planning and seminar design.⁴ Drawing on critical lawyering theory, which emphasizes collaborative rather than strictly hierarchical relationships, clinicians have challenged traditional norms in the field of law and within legal academia through their casework and approach to classroom teaching.⁵ Clinical scholarship also has a track record of looking widely and thoughtfully at other fields for inspiration.⁶ But the clinical literature has not yet examined default patterns of discourse between faculty and students in classroom settings

³ See generally Stephen Wizner & Dennis Curtis, *Here's What We Do: Some Notes about Clinical Legal Education*, 29 CLEV. ST. L. REV. 673 (1980) (describing the origins of clinical legal education at Yale); Susan Bryant, Elliot S. Milstein & Ann C. Shalleck, *Preface*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY xv, xv (Susan Bryant, Elliot S. Milstein & Ann C. Shalleck eds., 2014) ("Clinical Legal Education started in response to the failure of traditional legal education to prepare students to engage in the craft of being a lawyer. . . . From its beginning, clinical education has been a reform movement . . .").

⁴ See, e.g., Michele Estrin Gilman, *Ten Empowering Strategies for Nondirective Clinical Supervision*, 31 CLIN. L. REV. 211 (2024); DEBORAH EPSTEIN, JANE H. AIKEN & WALLACE J. MLYNIEC, THE CLINIC SEMINAR (2014); Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLIN. L. REV. 505 (2012); Carolyn Grose, *Flies on the Wall or in the Ointment? Some Thoughts on the Role of Clinical Supervisors at Initial Client Interviews*, 14 CLIN. L. REV. 415 (2008); Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 CLIN. L. REV. 143 (2006); Ann Shalleck, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 N.Y.U. REV. L. & SOC. CHANGE 109 (1993); Peter Toll Hoffman, *The Stages of the Clinical Supervisory Relationship*, 4 ANTIOCH L.J. 301 (1986).

⁵ Norrinda Brown, for example, described in a conference panel her decision to invite clients to teach a class to students. Norrinda Brown, Assoc. Dean for Experiential Educ. and Dir. of Clinical Programs, Fordham Univ. Sch. of L., Talk at the 2025 AALS Clinical Conference: Decolonizing the Clinical Seminar (Apr. 27, 2025). By turning the client into the teacher, she showed that expertise doesn't come solely from the teacher.

⁶ For example, clinicians have looked to fields as varied as medical education, therapeutic jurisprudence, multi-party negotiations, and clergy education to enrich clinical pedagogy. See, e.g., Susan Bryant & Elliott S. Milstein, *Rounds: A "Signature Pedagogy" for Clinical Education?*, 14 CLIN. L. REV. 195, 199 n.11 (2007) (noting that "[c]linical legal education borrowed the idea of rounds from medical education"); Evelyn Cruz, *Through the Clinical Lens: A Pragmatic Look at Infusing Therapeutic Jurisprudence into Clinical Pedagogy*, 30 T. JEFFERSON L. REV. 463, 463 (2008) (observing that "several clinicians have written about infusing Therapeutic Jurisprudence into their courses"); Jayashri Srikantiah & Janet Martinez, *Applying Negotiations Pedagogy to Clinical Teaching: Tools for Institutional Client Representation in Law School Clinics*, 21 CLIN. L. REV. 283, 285 (2014) (arguing that "negotiations pedagogy about multi-party negotiations provides useful tools for clinicians teaching students how to work with institutional clients"); Daisy Hurst Floyd, Timothy W. Floyd & Sarah Gerwig-Moore, *Learning from Clergy Education: Externships Through the Lens of Formation*, 19 CLIN. L. REV. 83, 84 (2012) (suggesting that "legal externship teachers

or considered how departing from those norms can deepen student learning.

This Article fills that gap by considering the clinician's role in the seminar classroom, from the perspective of how students engage with each other. I chart out my journey in changing my pedagogy, grounding my experiences in research from the field of education on common patterns of discourse and how adults learn. Based on my experience, I argue that one essential way we can support our goals as clinicians and lawyers is to facilitate our classes in a way that encourages dialogic discourse, a form of conversation that “connotes social relationships of equal status, intellectual openness, and possibilities for critique and creative thought.”⁷

I come at this from the premise that small changes can have significant effects, and that part of the joy of teaching is the opportunity to play, to practice, to try things out, to iterate, to tweak and tweak again. Every student, cohort, and client is different, and there is no one “right” way to run a seminar. The more tools we can draw on, the better.

This is, of course, true in doctrinal settings as well. All seminar classrooms would likely benefit from limiting our unconscious use of IRE and employing a broader range of conversation patterns and strategies. I focus here on the clinic seminar because it's the area where I have the most experience. Moreover, dialogic discourse is particularly well suited to the pedagogical goals of clinics. We are teaching tangible skills—how to identify a statutory hook, track down a regulation, interpret a case—and also intangible but equally essential aspects of professional identity, like judgment, empathy, resilience, and imagination.⁸ Working on live matters together with our students means we often confront questions or roadblocks for which we don't have an immediate answer. There's something both equalizing and energizing about figuring things out

may learn from clergy education in making formation of personal and professional identity a central goal of the law school externship course”).

⁷ Catherine O'Connor & Sarah Michaels, *When Is Dialogue 'Dialogic'?*, 50 HUM. DEV. 275, 277 (2007).

⁸ See Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLIN. L. REV. 33, 35 (2001) (identifying “ideas that clinical teachers can use in teaching about issues of difference, identity, bias, and stereotyping”); Susan Bryant & Jean Koh Peters, *Reflecting on the Habits: Teaching About Identity, Culture, Language, and Difference*, in TRANSFORMING THE EDUCATION OF LAWYERS, *supra* note 3, at 349, 364 (identifying teaching tools “for the practitioner and the clinical law student to observe their thought processes in practice and surface assumptions, particularly about race, gender, sexuality, and other forms of difference that affect their day-to-day lawyering”); Katherine Kruse, *Fortress in the Sand: The Plural Values of Client-Centered Representation*, 12 CLIN. L. REV. 369 (2006); Jodi S. Balsam, Susan L. Brooks & Margaret Reuter, *Assessing Law Students as Reflective Practitioners*, 62 N.Y.L. SCH. L. REV. 49, 50 (2017) (suggesting that a key goal of clinical legal education is for “students to become reflective practitioners”).

together, and we can lean into that dynamic in the seminar classroom as well.

Learning about patterns of classroom discourse and adult learning theory from Melissa and the scholarship she shared gave me new language to describe the dynamics at play in my classroom and more tools to shape and reshape them.⁹ I came to think of the non-IRE approach as facilitating dialogic discussion: an approach to managing the flow of conversation that centers students' voices so that the professor is no longer the sole authority in the room.

My Article proceeds as follows: In Part I, I describe how, previously, I used the IRE model of teaching by default, and I show what this looked like in practice. I turn to research on that model, explaining its strengths and, crucially, its limitations. I then detail my wakeup call, which came in the form of Melissa's visit to my legal writing class. In Part II, I describe my decision to adopt a different approach. I explain how this fits in with the goals of clinical teaching, as I see them, and with clinical legal education's long tradition of embracing different styles of pedagogy and insights from peripheral fields. In Part III, I explain the steps I took to adjust my pedagogy, highlighting challenges I faced and continue to face. I close by offering concrete strategies that other clinicians can consider incorporating in their teaching. Throughout, I ground my narrative in research from the field of education, explaining why the research suggests that decentering the professor and centering student voices will enhance our students' experiences—and our own.

I. SPOTTING A PATTERN

I have been a clinical teacher for six years. I direct the San Francisco Affirmative Litigation Project (SFALP), a partnership with the San Francisco City Attorney's Office. Former Yale Law School

⁹ This area of education research is also often referred to as the “science of teaching and learning.” This field uses insights from fields such as neuroscience and cognitive psychology about how people receive and store information to inform practical teaching strategies in the classroom. See Sch. of Nat. & Soc. Scis., *The Science of Teaching and Learning: A Human Endeavor*, LEHMAN COLLEGE, <https://www.lehman.edu/academics/natural-social-sciences/science-of-teaching-learning> [<https://perma.cc/M96J-NSJL>] (last visited Jan. 5, 2026) (defining the science of teaching and learning); Nat'l Acads. of Scis., Eng'g & Med., *How People Learn II: Learners, Contexts, and Cultures* (2018) (describing research on “the constellation of influences that affect individual learning” for both children and adults). A related field called the “science of learning and development” takes a similar approach with a focus on the science behind human development. See, e.g., LINDA DARLING-HAMMOND, LISA FLOOK, ABBY SCHACHNER, STEVE WOJCKIEWICZ, PAMELA CANTOR & DAVID OSHER, LEARNING POL'Y INST., *EDUCATOR LEARNING TO ENACT THE SCIENCE OF LEARNING AND DEVELOPMENT* (2022), https://learningpolicyinstitute.org/media/551/download?inline&file=Educator_Learning_for_SoLD_REPORT.pdf [<https://perma.cc/JVF3-F8NY>] (identifying systems based in this approach).

Dean Heather Gerken founded the clinic twenty years ago, along with Kathleen Morris, who at the time was starting up San Francisco's first affirmative litigation taskforce. It was an unusual partnership that stuck, growing from a small reading group to a clinic serving eighteen to twenty-five students per semester.

I was a student in the clinic from 2016 to 2018, and I came back to help run the clinic as the clinical fellow before becoming the clinic director. It is in the context of teaching this clinic that I undertook the project of making my teaching less reliant on IRE. Much of what I share here builds on what Heather Gerken, Kathleen Morris, early and ongoing collaborator Erin Bernstein, and over a decade of clinical fellows created.

A. Clinic Context

Each semester, SFALP students work in small teams under the supervision of deputy city attorneys. They help with every stage of the litigation process, from complaints to motions practice to appeals, and they also develop ideas for new cases. The matters SFALP students work on span many substantive areas, from consumer protection to public health, immigration, worker protection, and affordable housing.¹⁰ As but a few examples, over the years students have assisted on the Proposition 8 case legalizing same-sex marriage in California, numerous (and ongoing) cases protecting local governments from federal overreach, and landmark cases against industries that are notoriously difficult to hold accountable—including manufacturers of lead paint, producers and distributors of opioids, and the world's largest oil companies.

The type of work product students produce is equally wide ranging. Just this past year, students drafted complaints, temporary restraining orders, requests for interrogatories, mediation memos, declarations, questions for moots, and demand letters, along with countless legal research memos. The clinic functions as a sort of standing army for the

¹⁰ See, e.g., *Local Action with a Long Reach*, YALE L. SCH. (Jan. 7, 2025), <https://law.yale.edu/yls-today/news/local-action-long-reach> [<https://perma.cc/68GS-SYJA>]; *Spotlight on the San Francisco Affirmative Litigation Project (SFALP)*, YALE L. SCH. (June 21, 2018), <https://law.yale.edu/yls-today/yale-law-school-videos/spotlight-san-francisco-affirmative-litigation-project-sfalp> [<https://perma.cc/68CG-XQUY>]. Students have also helped bring to task abusive landlords, online companies illegally selling firearms in California, and fraudsters posing as immigration attorneys. See *SFALP Students Instrumental in Gun Safety Settlement*, YALE L. SCH. (June 2, 2017), <https://law.yale.edu/yls-today/news/sfalp-students-instrumental-gun-safety-settlement> [<https://perma.cc/LNY3-WXUH>]; *Affordable Housing*, YALE L. SCH., <https://law.yale.edu/sfalp/major-cases/affordable-housing> (last visited Jan 5., 2026) [<https://perma.cc/R3JQ-EHWH>]; *SFALP Case Reaches \$400,000 Settlement with "Predatory" Immigration Consultants*, YALE L. SCH. (Sep. 11, 2017), <https://law.yale.edu/yls-today/news/sfalp-case-reaches-400000-settlement-predatory-immigration-consultants> [<https://perma.cc/SX9U-BM3K>].

City Attorney's Office, enabling students to support high-impact cases while also learning core lawyering skills.¹¹

In addition to their casework, students participate in a clinic seminar about the unique obstacles and opportunities facing municipal lawyers—a topic rarely discussed in other courses. We read foundational scholarship on theories of federalism and consider where affirmative litigation fits into the traditional dockets of local government offices. Students read city charters from a range of different cities to learn how those localities are structured and what authority the lawyer for the city has. The deputy city attorneys who supervise our students often join the seminar as guests. We dig into the question of who exactly the client is when you represent a city. Whose interests do you represent, and what do you do when those interests conflict? We talk about what kinds of cases cities might be uniquely situated to bring, and what it means to see local governments as an engine of positive change when they have also perpetuated—and continue to perpetuate—some of the same forms of inequity, exclusion, and disenfranchisement our affirmative litigation is designed to redress. The answers to these questions are not fixed or obvious. Sometimes, there is no single answer. What is key to me is that students learn where to look for information and how to synthesize, make sense of, and reflect on what they find.

My teaching approach is also shaped by my experience teaching a 1L writing course. Yale's introductory legal writing class is a half-semester course that students take in groups of about fifteen. I taught it for three years, iterating each time on the same core curriculum. Through this course, I engaged students in the question of how they can develop a professional voice that adheres to the longstanding norms of the profession, while also maintaining parts of their own voices—and, crucially, the perspectives and experiences they brought with them to law school.¹²

During my third year teaching the writing course, I learned that any faculty at Yale can request an observation from a pedagogy specialist at

¹¹ For more background on the clinic, see generally JUSTICE CATALYST, PUB. RTS. PROJECT, S.F. CITY ATT'Y'S OFF. & YALE L. SCH. S.F. AFFIRMATIVE LITIG. PROJECT, LOCAL ACTION, NATIONAL IMPACT: A PRACTICAL GUIDE FOR AFFIRMATIVE LITIGATION FOR LOCAL GOVERNMENTS 22 (2019), <https://www.sfcityattorney.org/wp-content/uploads/2019/04/A-Practical-Guide-to-Affirmative-Litigation-FINAL-4.13.19-1.pdf> [https://perma.cc/BZL7-KZVM], which describes the students as “a critical ‘secret weapon’ for the city.”

¹² This challenge is also the subject of an excellent piece by Andrea McCardle. Andrea McCardle, *Teaching Writing in Clinical, Lawyering, and Legal Writing Courses: Negotiating Professional and Personal Voice*, 12 CLIN. L. REV. 501, 504 (2006) (observing that those who teach lawyering skills “continually must balance the need to ensure that a student's work product meets the standard of competent representation against the educational imperative of preserving the student's individual voice and sense of personal efficacy”).

Yale's Poorvu Center for Teaching and Learning.¹³ I am always looking for ways to reflect on and improve my teaching, much the way we teach students to engage in reflective lawyering. So I jumped at the chance and requested an observation for my writing course. I was lucky to be paired with Melissa Scheve, who has decades of experience as a teacher, researcher, and teacher of teachers, and to continue working with her long after the initial observation.

Some colleges and universities have a center for teaching and learning, which may offer classroom observations.¹⁴ For clinicians who don't have access to observation by a pedagogy specialist, there are many ways to identify patterns in teaching without one. Peer evaluation is one option.¹⁵ For example, I might have asked my co-teacher or research assistant to spend one class meeting tracking class participation. If neither peer evaluation nor a specialist observation had been workable, I would have looked into the possibility of recording my own seminar (with any necessary permissions and precautions), watching the recording, and then deleting it. This type of observation, whether live or based on recordings, would have allowed me to gather data on existing patterns of discourse in my classroom.¹⁶ Noting who is speaking and in what order—and for how long each comment or question lasts—could give me a sense of how conversation typically flows in my classroom.

¹³ This was my first exposure to the Poorvu Center. Two years after Melissa's observation, I took a year-long course at the Poorvu Center, which focused on Disability Pedagogy and Accessibility. I am a member of the Center's Faculty Advisory Board.

¹⁴ MARY C. WRIGHT, CENTERS FOR TEACHING AND LEARNING: THE NEW LANDSCAPE IN HIGHER EDUCATION 12-13 (2023) (suggesting that roughly one quarter of colleges and universities have at least one such center).

¹⁵ A number of schools and organizations provide online resources for peer observation. *See, e.g., Protocols*, YALE POORVU CTR. FOR TEACHING AND LEARNING, <https://poorvucenter.yale.edu/teaching/teaching-consultations-and-observations/protocols> [<https://perma.cc/N9BW-S3FX>] (collecting resources and templates for peer evaluation). Additional helpful resources include Liz Heffernan & David Kenny, *Legal Education: A Reflective, Collaborative Approach to Peer Observation of Teaching*, 40 DUBLIN U. L.J. 205 (2017), which explains a developmental method for peer observation; and LORI R. NEWMAN, DAVID H. ROBERTS, & RICHARD M. SCHWARTZSTEIN, HARV. MED. SCH., *PEER OBSERVATION OF TEACHING HANDBOOK* (2012), <https://hms.harvard.edu/sites/default/files/assets/Sites/Academy/files/MedEdPortalPeer%20observation%20handbook.pdf> [<https://perma.cc/LB35-6G8M>], which is a handbook designed for peer observation among medical school faculty.

¹⁶ Recordings are commonly used in K-12 educator training. The Brookline Teacher Research Seminar, a teacher-led research group, for example, met for over a decade using audio transcripts from their classrooms as a primary source. *See also* CAZDEN, *supra* note 1, at 6 (encouraging teachers and researchers to use audio and video recordings to identify and reflect on class discussions, noting that “[t]he task for both teachers and researchers is to make the usually transparent medium of classroom discourse the object of focal attention”). Graduate programs in education also often use recordings to help teachers-in-training become more aware of and reflect on their teaching practices. *See* Liina Lepp, Ali Leijen & Karmen Kalk, *Teacher Education Students' First-Time Experiences of Video-Recording Their Teaching and Analyzing It*, 13 SAGE OPEN, July-Sept. 2023, at 1, 2.

B. Initiate, Respond, Evaluate (IRE)

Until Melissa came to my class, I had never heard of Initiate, Respond, Evaluate (IRE). But she pointed out that I had, without realizing, adopted it as my teaching style. Consider this interaction from the class she observed, and notice, as she did, how I speak between each student. For context, this discussion focused on the relationship between two sections of a sample memo. The key was connecting the “explanation” section, which explains the case law with the “application” section, which applies it to the client’s case.

Instructor: How do the explanation and application sections connect to each other? And for now, let’s focus on stuff that is working, and if there are ways you thought of that they could better connect, we’ll save that for when we’re talking about how it could be strengthened.

Student A: Yeah, I actually think that’s something that I thought like was confusing. Like I just didn’t understand what the paragraph was actually doing. So I didn’t like, fully internalize the explanation. But actually, the order of the explanation follows the order that the application goes in. [Describes order of cases discussed in the “explanation” section, and the issues discussed in each case.] So it’s sort of, you can kind of like mirror the order of the beginning with the order of, yeah . . .

Instructor: Yeah, so the mirroring, or you can almost think about it as the parallel structure, where the structure of one paragraph then maps out onto the structure of the other one. And you might not even realize as you’re reading that it’s doing that, but it’s part of what can help make the reading experience satisfying. Other thoughts on the connection between the explanation and application sections?

Student B: At a really broad level, obviously the explanation paragraphs are talking about those specific cases and it’s not really bringing up the case in question. And then the application paragraph does actually lay

out all the facts that are applicable to the explanation paragraphs. And then it also has a mix of like similarities and differences. So it both distinguishes and then also like says, okay, how [is our client's case] actually similar to the cases we just discussed?

Instructor: That's a great point, that the details of [the client's case] aren't discussed in detail until the application section. Why do you think that is? Why is that effective? [Directing question back to Student B.]

Student B: Well, I think it's so the reader doesn't get confused. Like you kind of just talk about the principles more broadly and then you have all the facts there. So it kind of keeps the story more straight.

Instructor: Yeah, I remember when we were looking at [an intentionally poorly written memo we read in an earlier class], there was a part where it was sort of like switching, where each sentence switched back and forth between the case law and the client's case. And it got really confusing, especially for someone not super familiar with the facts. Like, "wait, which story is this [detail] part of?"

Student C: Yeah, I think like also building off that, one, like—how this is structured could be different in the sense that like they could have presented all of the case facts in one go and then distinguished. But instead it was like, case fact that immediately paired with the case, different case fact that immediately paired with a case, which I think was effective.

There are positive aspects of this exchange. The students are engaged with me and the material. My comments contribute substantively to the conversation by providing new language for patterns the students identify and pressing them to think more deeply about their observations. For example, after student A observes that the order of one paragraph in the sample memo "kind of like mirror[s]" the order of the next one, my response highlights her observation and introduces a more technical

term, “parallel structure,” to describe what the student observed. When student B comments that the facts of the client’s case aren’t discussed in detail until the application section of the memo, I summarize her comment and then press her to dig deeper: “Why do you think that is? Why is that effective?”

Notice, however, that I really only engage with one student at a time. Watching a recording of the class afterward, I could see that each student looked at me when they spoke, and that the dialogue—both in words and in affect—flowed through me. Given that it was only the third class of the semester, and I was still getting a feel for the students, I might have chosen to use IRE, at least for part of the time. But in this instance, I didn’t even know I was using IRE. It’s just the default pattern I fell into. If IRE were the only method I used all semester, as it was in the single class Melissa observed, that would be a missed opportunity for students to make connections between each other’s comments and ask their own follow-up questions, rather than those kinds of contributions coming only from me.

It’s hardly surprising that I had adopted IRE as my default teaching mode. Education scholar Courtney Cazden describes classrooms as “among the most crowded of human environments,” comparable in some ways to restaurants or public transportation.¹⁷ All are places with lots of potential competitors for airspace. But while in a restaurant or subway car “simultaneous conversations are normal . . . in classrooms one person, the teacher, is responsible for controlling all the talk that occurs while class is officially in session.”¹⁸ This gives teachers a tremendous amount of power.¹⁹ Tasked with this power, most of us will start with a question, an invitation to the students to participate. And most of us will respond instinctively, then volley a question back across the metaphorical net. This is the IRE pattern, on repeat. The instructor initiates the exchange, a student responds, and then the teacher reacts immediately to the response.²⁰

¹⁷ CAZDEN, *supra* note 1, at 2.

¹⁸ *Id.*

¹⁹ Controlling classroom conversation isn’t a negative thing—in many ways, it’s inherent to and an important part of the teaching role—but it’s something to be used thoughtfully and with ongoing reflection. Teachers have more control than we may realize over the flow of classroom conversation, including who says what and how much and with what authority. See, e.g., CAZDEN, *supra* note 1, at 3. Cazden’s work, and that of many others, focuses on how “patterns of language use . . . affect the equality, or inequality, of students’ educational opportunities.” ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO “THINK LIKE A LAWYER”* 32 (2007) (citing and describing Cazden).

²⁰ Some scholars call the sequence IRF, with the last move being “follow up,” to emphasize the wider range of responses available to instructors. See, e.g., Gordon Wells, *Reevaluating the IRF Sequence: A Proposal for the Articulation of Theories of Activity and Discourse for the Analysis of Teaching and Learning in the Classroom*, 5 *LINGUISTICS & EDUC.* 1, 7, 29-35 (1993) (describing use of IRF and IRE and noting that the third move sometimes

Cazden captures the ingrained nature of IRE well with an analogy to computer programming: “in computer terminology, [IRE] is the *default option*—doing what the system is set to do ‘naturally’ unless someone makes a deliberate change.”²¹ By some accounts, “some 70% of all the discourse that takes place between teacher and students” in middle and high school takes the form of IRE.²² For that reason, IRE is also “[o]ne of the more commonly studied interaction patterns found in the classroom.”²³ IRE, and classroom patterns of discourse more broadly, have mostly been studied in the K-12 context.²⁴ More recently, researchers have paid some attention to its prevalence in college classrooms.²⁵

I have not found any studies of IRE in the context of law schools or other professional schools,²⁶ but from my conversations with students

“functions much more as an opportunity to extend the student’s answer, to draw out its significance, or to make connections with other parts of the students’ total experience during the unit”); see also Joshua J. Thoms, *Classroom Discourse in Foreign Language Classrooms: A Review of the Literature*, 45 FOREIGN LANGUAGE ANNALS S8, S11 (2012) (noting that the distinction between IRE and IRF—which the author characterizes as “initiate-response-feedback”—hinges largely on the “different functions of the third turn in the two interaction sequences”); JOHN McH. SINCLAIR & MALCOLM COULTHARD, *TOWARDS AN ANALYSIS OF DISCOURSE: THE ENGLISH USED BY TEACHERS AND PUPILS* 117-18 (1975) (applying the IRF model).

The “follow-up” move might involve asking a follow-up question, restating the student’s comment using a term of art the teacher is trying to teach, or even directing a question to the whole class based on the comment. My primary focus in this Article isn’t on how to use that third move, but how to, at least some of the time, drop it entirely, so that it’s the students who pick up the baton next rather than ping-ponging back and forth through the instructor. For clarity, I use the more common term and refer to this three-step, teacher-centered pattern as IRE, with the “E” encompassing a full range of possible verbal and sometimes nonverbal responses on the instructor’s part.

²¹ CAZDEN, *supra* note 1, at 31 (emphasis added); see also Wells, *supra* note 20, at 2 (citing DENIS NEWMAN, PEG GRIFFIN & MICHAEL COLE, *THE CONSTRUCTION ZONE: WORKING FOR COGNITIVE CHANGE IN SCHOOL* 127 (1989) (“[T]he three part structure of triadic dialogue is ‘quite nicely designed’ to achieve the goals of education; whereas the exchange, as a whole, is ‘collaboratively constructed,’ . . . it has the particular merit of having ‘a built-in repair structure in the teacher’s last turn so that incorrect information can be replaced with the right answers.’”)).

²² Wells, *supra* note 20, at 1-2 (estimating prevalence for secondary-school classrooms).

²³ Thoms, *supra* note 20, at S11.

²⁴ See, e.g., Xinjian Cen et al., *Development of the Follow-Up Discourse Observation Protocol (FUDOP) for Characterizing Instructor Active Learning Follow-Up Behaviors*, 24 CBE–LIFE SCI. EDUC. 2, 2 (2025) (noting that “[m]ost studies of discourse have been done in small K-12 classrooms, where many students have the opportunity to interact with their instructor as part of a whole-class discussion”).

²⁵ See, e.g., Maureen Neal, *Look Who’s Talking: Discourse Analysis, Discussion, and Initiation-Response-Evaluation Patterns in the College Classroom*, 35 TEACHING ENGLISH TWO-YEAR COLL. 272 (2008); Jourjina Subih Alkhouri et al., *Teaching and Discourse Practices across Discipline, Position, Experience, and Class Size in STEM College Classrooms*, 71 BIOSCIENCE 1063 (2021).

²⁶ The one mention of IRE I found in law journals came from a review of a book set in a small town in post-*Brown* Louisiana. Nghana Lewis, *Facts and Fiction: Literary Instructions*

and colleagues, I don't think I'm the only one who defaults to it. After all, faculty are products of K-12 education, likely to default to the patterns of discourse many of us experienced as students. "Few law professors receive any training before they become teachers," so many of us "replicate the teaching strategies of [ou]r former professors."²⁷ IRE is likely a comfortable and familiar pattern to most people in the room.

As noted above, IRE can be a genuinely useful strategy. It's just a limited one. Sometimes it leads to teachers dominating the conversation, to students' detriment. But other times, it lets teachers strike a thoughtful balance, asking pointed and generative questions to deepen student learning.²⁸ There are often good reasons for teachers to respond to what students say. We might highlight a particularly interesting or meaningful point, ask a follow-up question, or add a new layer to the conversation based on our own experience and knowledge. IRE can be a useful way to gauge students' understanding of the material, clarify misunderstandings, and, in instances where we need to move through content quickly, to provide feedback on each student's comment immediately and then move on. As one example of the possible positive uses of IRE, Gordon Wells, who otherwise advocates for more dialogic discourse, notes that the genre "can also be used to achieve other, and more productive, goals, including the coconstruction of knowledge on the basis of ideas and experiences contributed by the students as well as the teacher."²⁹ But I have become convinced that IRE should be one strategy among many that we use consciously and in tandem with other approaches.

II. DECIDING TO CHANGE

Through the lens of my conversations with Melissa and the education literature she introduced me to, I started to see that IRE centered me, as the teacher, because the conversation literally flowed through me.³⁰ This matters because when the conversation runs through

on *Public School Integration in Ernest Hill's Satisfied with Nothin'*, 20 *LAW & LITERATURE* 115, 120 (2008). The review, which focuses on the effect of integration on literacy instruction, highlights a classroom scene in which "a series of teacher-student exchanges . . . transpire in accordance with a teaching method Courtney B. Cazden characterizes as 'initiate, respond, and evaluate (I-R-E).'" *Id.* Lewis notes that this method "places the teacher, as opposed to students, at the center of learning." *Id.*

²⁷ Mlyniec, *supra* note 4, at 559 (footnote omitted).

²⁸ For additional examples of a classroom transcripts reflecting IRE sequencing, see Neal, *supra* note 25, at 275-76. Neal notes that the pattern "has a positive and well-intentioned purpose" but can detract from students' classroom experiences. *Id.* at 276.

²⁹ Wells, *supra* note 20, at 35. Wells also notes that the structure is versatile, not monolithic. *See id.* at 2-3.

³⁰ Malinda Hoskins Lloyd, Nancy J. Kolodziej & Kathy M. Brashears, *Classroom Discourse: An Essential Component in Building a Classroom Community*, 26 *SCH. CMTY. J.* 291, 294 (2016) ("[T]he traditional IRE model perpetuates teacher-directed communication.").

the professor, students are less likely to introduce new ideas and run with them.³¹ IRE limits what pedagogy literature often describes as “uptake” among students.³² Uptake here refers to the “taking up” of one student’s comment by another, or, in more colloquial terms, students building on or bouncing off each other’s questions and observations.³³ Research suggests that IRE inhibits creativity and the free flow of ideas—a finding that makes sense intuitively.³⁴ Speaking between each student also limits the amount of airspace available for students to contribute and tease out their ideas. Law students are already primed to defer to faculty as the experts, and IRE drills this home even more.³⁵ What many of us may not realize is that if the instructor doesn’t jump in with the “E” of IRE (evaluate), students often will. They might ask, “What do you mean by that? Which passage brought that to mind for you? How do you think it would play out in this other situation?” Or, “I agree, here’s why,” or “I disagree, here’s why.” Alternatively, students might contribute a different idea or question and move the conversation in a new direction.

Moving away from IRE can support an environment where students feel a collective responsibility to help frame, guide, and keep track of the conversation. Importantly, the teacher is still the backstop for these roles. If no one else is playing them, the responsibility falls to the teacher to do so. The teacher can still jump in to correct misunderstandings or bring the conversation back on task. But if the teacher doesn’t jump in right away, students can start to take on these roles as well. They might ask a classmate who just spoke for clarification or to say more, or describe

³¹ See Dot McElhone, *Pressing for Elaboration in Student Talk About Texts*, 48 J. CLASSROOM INTERACTION 4, 12 (2013) (characterizing IRE classroom interactions as “teachers funnel[ing] students toward” particular interpretations).

³² See, e.g., Clare Valerie Bell, *Uptake as a Mechanism to Promote Student Learning*, 1 INT’L J. EDUC. IN MATHEMATICS, SCI. & TECH. 217 (2013).

³³ *Id.* at 227.

³⁴ Thoms, *supra* note 20, at S12 (“The IRE discourse pattern has been found to limit students from speaking freely about the topic of class discussion and to prevent students from extending and elaborating upon their utterances. Further results have shown that it does not allow for complex ways of thinking and communicating between student and teacher.”) (citing Douglas Barnes, *The Role of Talk in Learning*, in THINKING VOICES: THE WORK OF THE NATIONAL ORACY PROJECT (Kate Norman ed., 1992)).

³⁵ See Thoms, *supra* note 20, at S11 (“The roles taken on by both teacher and student within the IRE interaction pattern allow the teacher to act as an expert in charge of guiding the interaction and evaluating the accuracy of the student’s response. . . . The teacher’s role within the IRE pattern controls and sanctions the amount and type of interaction that takes place in the classroom. As a result, students’ freedom to interact and respond in meaningful ways within the IRE pattern is determined by the teacher.”) (citing Joan Kelly Hall & Meghan Walsh, *Teacher-Student Interaction and Language Learning*, 22 ANN. REV. APPLIED LINGUISTICS 186 (2002)). This also means that moves like naming a common thread in the conversation or pivoting to a related question are performed primarily by the teacher, because the expectation is set early on that the teacher, not the students, is in charge of managing and making meaning of the conversation.

where the conversation is going and push it in a new direction, or note a lull in the conversation and ask their classmates where to take it next.

One educator and researcher, Maureen Neal, analyzed transcripts of her own classes and realized that to change how students spoke (or didn't) with each other, she would need first to change how she spoke. "I finally could understand that it was *my* classroom language that put such a damper on classroom discussion," she wrote in an article about her research on classroom discourse in the college setting.³⁶ "[I]f discussion was going to be constructive and provocative and truly interactive in the way I wanted it to be, then *my* language needed to change."³⁷

In this Section, I describe why I decided to shift away from IRE-by-default to a way of teaching that generates more dialogic discourse.

A. *Dialogic Discourse*

It's exhilarating to be in a classroom where there is a sense of collective responsibility, so that students are actively engaged in thinking not just about what's being said but also what's not being said and what questions remain. Otherwise, students are either not considering these questions at all, or they're considering them but not sharing their instincts with the class because they think that's the teacher's role, not theirs. By speaking less but continuing to listen carefully and attentively to each student, teachers can "establish a sense of shared 'voice of authority.'"³⁸

A sense of shared ownership of the conversation may enable students to engage more around difficult conversations and topics because they feel a collective responsibility to keep the conversation from going sideways. If students know the professor will jump in if a key perspective is missing, if the same two people are talking the whole time, or if key readings are ignored, they are unlikely to try to course correct themselves. But if they know the professor is intentionally giving the students space to try this out themselves, they are more likely to give it a shot.

This approach to teaching allows us to model ways of engaging authentically, even where there are necessarily, and often importantly, differences in power and opinion, as in supervisor-student relationships

³⁶ Neal, *supra* note 25, at 277.

³⁷ *Id.*

³⁸ Lloyd et al., *supra* note 30, at 297 (citing Courtney Cazden & Sarah Beck, *Classroom Discourse*, in *HANDBOOK OF DISCOURSE PROCESSES* 180 (Routledge 1st ed. 2003)) (noting that "[t]he teacher's role as a listener provides the opportunity for formative assessment as students explain their thoughts, reason critically, justify responses, and 'argue' with peers").

and between supervising attorneys and more junior attorneys in practice.³⁹ Placing more responsibility on the students to manage the conversation also gives them an opportunity to practice being in conversation while also reflecting on and helping co-manage that conversation. Cognitive scientists describe this as metacognition: “the ability to reflect on one’s own thought processes, to improve those processes, and to adapt them to new situations.”⁴⁰ Metacognition is challenging—and essential to good lawyering—because it means doing the thing, whether that’s a client interview, an oral argument, or a discussion with colleagues, while also reflecting on what you’re doing and adjusting in real time as the scene unfolds.⁴¹

Consider these dynamics through the lens of Paolo Freire’s “banking” concept of education.⁴² In the banking model, students are “receptacles” for the professor’s knowledge.⁴³ “The teacher teaches and students are taught,”⁴⁴ with knowledge flowing in only one direction and students holding onto the knowledge and “withdrawing” it unchanged and on-demand, for exams and the like.⁴⁵ Picture pure lecture, one in which the professor’s questions are designed only to elicit very specific, right-or-wrong answers. On the other side of Freire’s spectrum is “problem-posing education,” where students become “critical co-investigators in dialogue with the teacher.”⁴⁶

Building on the idea of problem-posing education, bell hooks uses the term “engaged pedagogy” to describe a form of teaching in which students are “active participant[s], not [] passive consumer[s].”⁴⁷ Hooks and Freire both emphasize the way that learning can emerge in the interaction between students and faculty—what hooks calls the “mutual recognition” of each other.⁴⁸ In contrast to the banking model, in problem-posing education, students and teachers identify meaningful problems together, critically analyze these problems by examining their root causes and contradictions, and then take action to address them.

³⁹ HUGH MEHAN, *LEARNING LESSONS: SOCIAL ORGANIZATION IN THE CLASSROOM* 1 (1979) (noting that “[c]lassroom competence involves matters of form as well as of content”).

⁴⁰ Balsam, Brooks & Reuter, *supra* note 8, at 53 (quoting an Ohio State University webpage that is no longer available).

⁴¹ *See id.*

⁴² PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 72 (1970).

⁴³ *Id.*

⁴⁴ *Id.* at 73.

⁴⁵ *See generally id.* at 71-86.

⁴⁶ *Id.* at 81.

⁴⁷ bell hooks, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* 13-14 (1994).

⁴⁸ *Id.* at 13; *see* Freire, *supra* note 42, at 81. This kind of mutual recognition doesn’t happen automatically. “To begin, the professor must genuinely *value* everyone’s presence. There must be an ongoing recognition that everyone influences the classroom dynamic, that everyone contributes.” hooks, *supra* note 47, at 8.

This creates what Freire calls “praxis,”⁴⁹ a cycle of reflection and action, similar to what clinicians call reflective lawyering.⁵⁰

Lawyering “requires constant learning and adaptation,” and lawyers “must be able to recognize shortfalls in their own knowledge or training, devise ways to remedy those shortfalls, and pursue those remedies.”⁵¹ If the professor speaks between each student, students aren’t pushed to think about the direction the conversation is taking, perspectives that might be missing, or ways to respond or inquire further about classmates’ comments they don’t agree with or don’t understand. They don’t have the opportunity or (good) pressure to respond directly to their classmates and “take up” what their classmates say.⁵² If faculty loosen the reins a bit on classroom discourse, students can share the metacognitive load.

Finally, over-reliance on IRE can create a loop where the instructor feels, as a matter of equity, that they need to respond to each student’s comment, even if there isn’t something they necessarily need to add, or there are other students ready and waiting to speak. I’ve found that once I have started responding after each comment, I feel an obligation to continue. I worry that if I don’t say anything after a student speaks, it will seem like I don’t approve of the comment or don’t find it interesting or worthy of note. In contrast, when I shift away from the IRE default, the absence of a third “move” from me, the teacher, signals only that there is an opening for everyone to think and someone else to speak.

B. *A Natural Fit for Clinic Seminars*

One of our charges as clinical faculty is to model the best in lawyering and in teaching, and to help students become creative, compassionate, and resilient lawyers⁵³—lawyers who are prepared

⁴⁹ FREIRE, *supra* note 42, at 79.

⁵⁰ See, e.g., Ian Weinstein, *Teaching Reflective Lawyering in a Small Case Litigation Clinic: A Love Letter to My Clinic*, 13 CLIN. L. REV. 573, 583 (2006) (detailing this process).

⁵¹ Balsam, Brooks, & Reuter, *supra* note 8, at 53 (quoting an Ohio State University webpage that is no longer available).

⁵² Bell, *supra* note 32, at 227.

⁵³ See CAROLYN GROSE & MARGARET E. JOHNSON, *LAWYERS, CLIENTS & NARRATIVE: A FRAMEWORK FOR LAW STUDENTS AND PRACTITIONERS*, xvii-xix (2017). Grose and Johnson argue that lawyers

need to be able to collaborate effectively, and engage in critical self-reflection and evaluation. We must be open to examining and challenging assumptions we and those we interact with hold. We must be curious, critical thinkers, able to identify and resolve ethical issues professionally. We must be cross-culturally competent, and pursue justice, whatever form that take[s]. Most of all, we lawyers need to make intentional choices about how to develop, maintain, and exercise all of these skills and values.

Id. at xvii-xix.

to tackle problems that we as teachers aren't necessarily aware of or best situated to solve.⁵⁴ Building this type of lawyer is a central goal of clinical education, along with increasing access to justice and, in increasingly unstable times, defending the rule of law while also applying a critical lens to the legal system.⁵⁵ My work on decentering the professor in the clinic seminar builds on a robust and long-standing conversation among clinicians about how our pedagogy, and in particular the way we interact with students and approach our own positions in the classroom and in supervision, can best serve these goals. It also builds on the many strategies clinicians are already using to facilitate dialogic discussion and center student voices in their seminars.

I. Seminar Design

Clinic seminars bring together theory and practice, providing a space that's connected to but separate from the often fast-paced work of lawyering. In seminar, professors can “define[] learning goals and bring[] the entire class together to learn a mix of lawyering skills, theory, policy, and doctrine – ‘providing students with a vocabulary and framework for their real practice experiences.’”⁵⁶ At their best, these seminar classes “are both rigorous and improvisational,” with the whole group thinking together rather than simply conveying and absorbing information.⁵⁷

The question of *how* to teach, not just *what* to teach, is an ongoing conversation in the clinical literature, at conferences, and between colleagues at institutions across the country. Recognizing some of the limits of the Socratic method, “many clinical teachers seek strategies that are effective for adult learners in other contexts and replicate

⁵⁴ See Phyllis Goldfarb, Randy Hertz & Michael Pinard, *Foreword, Reflecting on Our Turbulent Times*, 28 CLINI. L. REV. 1, 6 (2021) (noting that “[c]linical programs have long responded to calls to address legal emergencies,” with the Covid-19 pandemic as a recent example of a crisis forcing “clinical legal educators and clinical programs to turn sharply, often to unknown roads”).

⁵⁵ See Susan Bryant, Elliott Milstein & Ann Shalleck, *Learning Goals for Clinical Programs*, in TRANSFORMING THE EDUCATION OF LAWYERS, *supra* note 3, at 13, 14 (delineating seven core goals of clinical legal education).

⁵⁶ Gilman, *supra* note 4, at 213-14 (quoting Kate Kruse, *Legal Education and Professional Skills: Myths and Misconceptions About Theory and Practice*, 45 MCGEORGE L. REV. 7, 33 (2013)). Gilman describes clinical instruction as happening across three sites: case rounds, clinic seminar, and supervision, which she defines to include the representation itself. *Id.* at 212.

⁵⁷ Russell Gabriel, Carolyn Wilkes Kaas & Alexander Scherr, *Externships 9: Coming of Age, March 2018*, (Mar. 9-11, 2018) U. GA. SCH. L., <https://digitalcommons.law.uga.edu/xconf/2018> [<https://perma.cc/YS98-KYH5>] (describing a session entitled “Inviting the Unexpected: The Theory of Teaching as Improvisation”).

them in the law school classroom.”⁵⁸ For example, many clinicians use strategies such as case rounds, quick-writes, simulations, teach-ins, and small group discussions to build and reinforce the skills and judgment students need to succeed in their fieldwork.⁵⁹ These exercises get students talking, reflecting on their own work and that of their classmates, and tackling problems from many different angles and perspectives. Because these exercises are highly structured, and because of the way they are structured, they generally don’t reflect the teacher-centered patterns of IRE. But most seminars also, over the course of the semester, involve some whole-class, open-ended discussion, for which different facilitation strategies are needed.

“[D]iscussion is the predominant teaching method used in the clinical setting.”⁶⁰ Facilitating discussion requires careful planning, particularly around how to launch the conversation in a way that invites participation, and when and how faculty plan to intervene. In their edited volume on the theory and practice of clinical pedagogy with Ann Shellack, clinicians Susan Bryant and Elliot Milstein note that “[w]hen teachers pay attention to both the subject matter and the process of conversations, good classroom conversations result.”⁶¹ The authors describe three types of classroom conversation. The first two are structured largely as “a back and forth between the teacher,”⁶² a pattern that can also be described as IRE. In the first type of conversation, “grill and drill,” faculty ask questions knowing the answer they are looking for.⁶³ In the second, “brainstorm and collecting,” students put ideas on the table, and faculty collect, refine, and categorize them.⁶⁴ In both instances, an IRE-style back-and-forth with the professor may be useful, as a way to frame the conversation and provide a clear entry point for students. But the third type of conversation, “discussing and constructing,” is where the deepest learning kicks in:

In the discussing and constructing conversations, students take more responsibility for the conversation. Teachers begin the inquiry and students actively engage one another,

⁵⁸ Mlyniec, *Where to Begin?*, *supra* note 4, at 155 (noting also that “[l]ike most law school professors, clinicians employ traditional Socratic style lectures, discussions, and problem solving exercises in their seminars”).

⁵⁹ *See id.* at 109 n.23, 118, 136; Susan Bryant & Elliot S. Milstein, *Planning and Teaching the Seminar Class*, in *TRANSFORMING THE EDUCATION OF LAWYERS*, *supra*, note 3, at 57, 66. *See generally* EPSTEIN ET AL., *supra* note 4 (offering a roadmap for a clinic seminar curriculum that teaches core lawyering skills through hands-on learning).

⁶⁰ Bryant & Milstein, *supra* note 59, at 66.

⁶¹ *Id.*

⁶² *Id.* at 68.

⁶³ *Id.* at 67.

⁶⁴ *Id.*

asking the kinds of questions we might ask of the person proposing the idea: what is your evidence for that? What does it depend upon? We want them to disagree with each other and to provide additional evidence to support a colleague's ideas. We are engaging students in constructing knowledge by interacting with one another's ideas.⁶⁵

In my experience, this third type of conversation is where overreliance on IRE is most likely to hold back student learning. Bryant and Milstein are attentive to the need for faculty to step back and be intentional about "intervention patterns" in order to enable this type of conversation.⁶⁶ This is particularly true with challenging topics such as race and power dynamics.⁶⁷ But the question of how to evaluate and change these patterns in order to center students during open-ended seminar discussions remains undertheorized.

The strategies I propose in this Article also connect to existing work on critical lawyering theory. Part of what critical lawyering theory does is name, dissect, and offer alternatives to certain orthodoxies.⁶⁸ In the seminar context, one of those orthodoxies is the idea that the professor is the center of the conversation, the only source of authority in the room. Disrupting that orthodoxy could mean asking students to plan and lead a portion of the clinic seminar.⁶⁹ It could mean inviting a client to teach, as Norrinda Brown has done in her clinic at Fordham Law.⁷⁰ By turning the client into the teacher, Brown showed that expertise doesn't come solely from the teacher. Disrupting teacher-centered orthodoxies could also look like a faculty member sitting at the side of the table instead of the head of it, letting silences linger, and encouraging students to look at each other when they speak. Identifying and disrupting the traditional flow of conversation between students and faculty in the seminar classroom is one tool among many for disrupting traditional power dynamics.

⁶⁵ *Id.* at 68-69.

⁶⁶ *Id.* at 71.

⁶⁷ Jean Koh Peters & Susan Bryant, *Talking About Race*, in *TRANSFORMING THE EDUCATION OF LAWYERS*, *supra* note 3, at 375, 395-402.

⁶⁸ See Wendy A. Bach & Sameer M. Ashar, *Critical Theory and Clinical Stance*, 26 *CLIN. L. REV.* 81, 84 (2019) (distinguishing "critical theory" from pure theoretical observations, on the grounds that "[c]ritical theoretical work includes deploying theoretical insights in service of a demand for . . . change").

⁶⁹ Amanda Levendowski, *Teaching Doctrine for Justice Readiness*, 29 *CLIN. L. REV.* 111, 130-131 (describing "deep dives," a methodology developed by clinician Lee Rowland in which students "teach and learn doctrine in areas of importance and interest," and noting that one of the goals of the methodology is to "democratiz[e] the classroom conversation").

⁷⁰ Brown, *supra* note 5.

2. Nondirective Supervision

Nondirective supervision theory is another important way scholars have theorized the range of choices available to clinical faculty in how they structure student learning and situate themselves in relation to students. Considered the “signature pedagogy of clinical teaching,” nondirective supervision involves, at its core, “guid[ing] students to analyze problems and arrive at solutions without telling them the answers.”⁷¹ A brief overview of this approach is instructive because it reflects many of the same beliefs and goals that drive my work on shifting away from IRE in the seminar classroom.

Nondirective supervision theory comes out of the conviction that “adult students learn best by doing, through genuine experience,” rather than as passive recipients of information.⁷² It also reflects the belief that decentering the professor, whether in supervision or seminar, can facilitate greater role assumption by students and provide the opportunity for faculty to model “the kind of genuine critical reflection we want [students] to engage in about themselves and their representation of clients.”⁷³ Crucially, as with the seminar facilitation strategies I propose, nondirective supervision doesn’t mean that the professor abdicates their role. It just means approaching that role differently.

This can take many different forms. As one simple example, it might look like asking students what they think needs to happen next in a case and why, rather than charting the path forward for them. Nondirective supervision assumes some flexibility in how professors approach students, both in what initial frameworks they set up for learning and decision-making, and how and when they intervene along the way.

In a paper on strategies for nondirective supervision, Michelle Gilman urges faculty to approach supervision sessions “as sites for varied and intentional modes of being nondirective.”⁷⁴ Gilman describes a wide range of strategies faculty can use to integrate this pedagogy in supervision meetings. These include moots and role plays, quick-writes,

⁷¹ Gilman, *supra* note 4, at 211.

⁷² Grose, *supra* note 4, at 419. This insight comes from adult learning theory, also called andragogy, a field of education focused on how adults learn. See, e.g., Carolyn Grose, *Critical Lawyering Pedagogy, Transforming Legal Education (to save Democracy)*, 44 MINN. J. LAW & INEQ. (forthcoming 2026) (manuscript at 11 n.51) (describing the core tenets of andragogy), available at <https://ssrn.com/abstract=5383514>; MALCOM KNOWLES, *THE MODERN PRACTICE OF ADULT EDUCATION: FROM PEDAGOGY TO ANDRAGOGY* (1980) (foundational book on andragogy, popularizing the term).

⁷³ See Grose, *supra* note 4, at 436; see also Minna J. Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 N.M. L. REV. 185 (1989) (describing role assumption theory, including the ways in which watching faculty model lawyering skills is itself instructive even when students aren’t yet fully occupying that role).

⁷⁴ Gilman, *supra* note 4, at 212.

and guided decision-making frameworks, among other strategies.⁷⁵ “By pushing students to develop their decision-making skills,” these types of nondirective exercises “result[] in transferable lessons that can apply well beyond the end of the semester into a student’s long-term legal career.”⁷⁶ These strategies also create an environment where students must use their own judgment and put into practice what they have learned in seminar, in other classes, and in their own life experience. In brainstorming roundtables, for example, “the supervisor sets forth the brainstorming proposition and then calls on students to offer their insights.”⁷⁷ Connecting relatively small instructional shifts to big learning goals, Gilman notes that “moving back and forth among team members also has the benefit of including all students in the discussion,” and encourages students to contribute “ideas without pre-judging them.”⁷⁸

Student-centered pedagogy like nondirective supervision and thoughtfully structured seminar exercises disrupts the default positioning of the faculty member as the all-knowing expert. This in turn empowers students as agents of their own learning and practice, as opposed to passive receivers of information. It also creates more space for students to assume roles they may play in the future. They can practice concrete lawyering skills, such as interviewing a client or arguing in court. At the same time, they develop the ability to engage in thoughtful conversation with colleagues, to identify collective blind spots, and to think aloud and reflect in real time. When faculty “challeng[e] structures that view the educator as the sole authority,” they create “space for learners to make sense of content individually and collectively through interaction and reflection.”⁷⁹

⁷⁵ *Id.* at 213.

⁷⁶ *Id.* at 214.

⁷⁷ *Id.* at 222.

⁷⁸ *Id.* Nondirective supervision is often framed as a departure from the Socratic method, which remains the default form of instruction even in clinical settings. *See* Mlyniec, *supra* note 4, at 155; Gilman, *supra* note 4, at 216 (“Socratic questioning is the dominant technique discussed in clinical literature.”). Gilman argues that new clinicians should be offered multiple tools for supervision, not exclusively the Socratic method they may be most familiar with as former law students. Gilman, *supra* note 4, at 216-17. Gilman argues that “done well and with transparency, an intentional series of Socratic questions can help students uncover new ideas, reconsider assumptions, and reflect on all aspects of a representation.” *Id.* at 216-17. But done poorly, “it can be stressful and unrewarding for students”—and, I would add, reinforce the idea of the professor as the expert and the student as the one who answers questions, rather than one who might generate questions and creative approaches to answering them on their own. “[A]s with any teaching methodology, the Socratic method can be done well or poorly, and even at its most skillful, it has its benefits and downsides.” *Id.* at 236.

⁷⁹ Education Development Toolkit, *Universal Design for Learning*, CARDIFF UNIV., <https://sites.cardiff.ac.uk/education-development-toolkit/theme-overview/inclusivity/universal-design-for-learning> [<https://perma.cc/E5E9-P6HV>] (last visited Jan 5, 2026). Student-centered pedagogy—defined as “the capacity to actively participate in making

Importantly, while nondirective supervision as a theoretical approach informs how faculty engage with students, it's not a script that tells faculty what to do. By virtue of their role as faculty, and in structuring and leading the clinic, they are making choices that shape student learning and client outcomes. Student learning depends, to some extent, on directiveness, "even when we are merely asking them what their goals are or why they took a particular course of action."⁸⁰ Ann Shalleck highlights this point in a seminal paper based on a detailed account of three "scenes" from students' work on a domestic violence case.⁸¹ In the first scene, the students debrief their initial client meeting with their supervisor and decide to seek a civil protection order.⁸² In the second, the students represent their client at a hearing,⁸³ and in the third scene, the students and their supervisor debrief the hearing.⁸⁴

Shalleck then zooms out, highlighting the supervisor's behavior and decisions during the scenes.⁸⁵ Shalleck reflects that "[w]hile any given interaction between teacher and student may have become very nondirective—either in the sense of being very free flowing, without a structured or predefined agenda, or in the sense of not leading to a particular answer or way of looking at things—the teacher was nonetheless both defining the educational agenda and making decisions in a self-conscious, directed manner."⁸⁶ The question is not whether the professor plays a role in shaping the conversation in supervision or in seminar, but how they approach that role.⁸⁷

choices in service of learning goals"—empowers students to take more responsibility for their own learning. *Id.* This kind of teaching can also be energizing for students. Students who are actively engaged in making decisions about their own cases, for example, are more likely to "feel[] energized at the end of a supervision meeting and eager to move their cases forward, while also gaining transferable lessons that can be applied to other lawyering tasks and cases." Gilman, *supra* note 4, at 213.

⁸⁰ Mlyniec, *supra* note 4, at 114.

⁸¹ Shalleck, *supra* note 4, at 113-17.

⁸² *Id.* at 117-23.

⁸³ *Id.* at 123-33.

⁸⁴ *Id.* at 133-36.

⁸⁵ *Id.* at 136-78.

⁸⁶ *Id.* at 179.

⁸⁷ See Grose, *supra* note 4, at 428-29 (highlighting that diverse approaches to clinical teaching can serve the same goals—providing excellent client service and helping students learn). Grose found that faculty motivated by similar teaching and lawyering goals nonetheless make very different decisions about whether to attend their students' initial client interviews. *Id.* at 418. The decision, she argues, should be made "on a case-by-case, student-by-student basis," potentially in conversation with the student about what they think will work best. *Id.* at 417. "It might turn out that sometimes students learn best if we intervene and sometimes they learn best if we do not. Likewise sometimes clients are better served if we sit out the interview, and sometimes they are better served if we attend." *Id.* at 428-29.

3. *Drawing on Other Disciplines*

In addition to clinicians' rich tradition of embracing nontraditional models of classroom and interpersonal engagement, clinical scholars have repeatedly looked to other disciplines for theoretical frameworks and practical tools to apply in the clinic context. For example, Mary Nicol Bowman's and Lisa Brodoff's work on linking legal writing and clinical learning through transference details their experience drawing on specific language from learning theory to name and adjust dynamics in clinical teaching.⁸⁸ Bowman and Brodoff noticed that even when students had learned a particular skill in Bowman's legal writing course, they often weren't able to apply it in Brodoff's clinic. This realization propelled them "to study learning theory and, specifically, concepts about teaching for transfer, so that we and our students would be able to crack our teaching and learning silos."⁸⁹ Transfer is "the use of knowledge or a skill required in one situation to perform a different task."⁹⁰ Bowman and Brodoff's article applies education theory to show how changes to clinical and legal writing programs can cement student learning across different courses and types of assignments.⁹¹

As another example, Carolyn Grose incorporates narrative theory into clinical and doctrinal classrooms as a way of showing students that law is "constructed not by some objective external Decision Maker in the Sky, but by lawyers . . . who were once law students."⁹² Grose wants students to understand that they are *already* part of constructing stories about what the law means and how it applies to different situations, and to practice the storytelling that forms the heart of effective client representation.⁹³ Bringing narrative theory into the classroom and supervision is also a way of resisting a model of learning based on passive receipt of knowledge or rote application of law to facts. It creates instead an environment where students engage authentically in the craft

⁸⁸ Mary Nicol Bowman & Lisa Brodoff, *Cracking Student Silos: Linking Legal Writing and Clinical Learning Through Transference*, 25 CLIN. L. REV. 269 (2019). For more on transference, see Deborah Maranville, *Transfer of Learning*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 90-93 (Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas & Antoinette Sedillo López eds., 2015).

⁸⁹ *Id.* at 271.

⁹⁰ *Id.* (citing Laurel Currie Oates, *I Know I Taught Them How to Do That*, 7 LEGAL WRITING: J. LEGAL WRITING INST. 1, 1 (2001)).

⁹¹ *See id.*

⁹² Carolyn Grose, *Storytelling Across the Curriculum: From Margin to Center, from Clinic to the Classroom*, 7 J. ASS'N LEGAL WRITING DIRS. 37, 48 (2010). *See also* Grose, *Critical Lawyering Pedagogy*, *supra* note 72, at 4 (offering a comprehensive framework for legal education that brings together critical pedagogy, narrative theory, and critical lawyering, and emphasizes, among many features, "teaching methods that center [students'] authentic learning and personal development.").

⁹³ *See id.*

of lawyering. Grose uses storytelling exercises in class, for example, to “challenge students to deconstruct the story they are hearing or telling, to gain understanding of that story’s substantive and technical elements, and to recognize the choices that lawyers must make to construct a story that is persuasive and likely to further their client’s goals.”⁹⁴

As I reflected on how to facilitate seminar discussions in a way that would center my students’ voices, I drew inspiration from clinical legal education’s tradition of moving against the grain. I sought to expand the number of tools in my toolbox—what Beryl Blaustone has called “teaching choices”—and my ability to name and discuss my own tools.⁹⁵ I hoped that by changing my teaching in this way, I would challenge students to engage authentically across different perspectives and take collective responsibility for drawing out each other’s questions and ideas—skills that would serve them as lawyers and people well into the future.

III. MAKING A CHANGE

Melissa and I continued working together after her initial observation. She helped me develop a more open-ended approach to classroom discussion in both my writing class and clinic seminar, using strategies that encourage students to respond directly to each other’s comments rather than running each one through me.

A. Positioning

First, I changed my seat at the seminar table. My clinic seminar met around a large rectangular table during the fall semester. For years, I sat in the same seat at the head of the table. But I started sitting in one of the chairs along the side. I also shifted my seat each class, in order

⁹⁴ *Id.* Clinicians have long looked to other fields to find language for what clinicians might already be doing or striving to do. Colleen Shanahan and Emily Benfer’s work on adaptive clinical teaching, a specific method of guidance and reflection designed to guide pedagogy decisions, draws on the work of “scholars in psychology, sociology, adult learning, legal education, and clinical pedagogy.” Colleen F. Shanahan & Emily A. Benfer, *Adaptive Clinical Teaching*, 19 CLIN. L. REV. 517, 518 (2013). The authors make clear that they “are not designing [adaptive clinical teaching] from whole cloth, but rather aim[ing] to describe the process that many clinical teachers already implicitly or explicitly use to teach a variety of students in different clinical settings.” *Id.*

Others have looked to fields as varied as therapeutic jurisprudence, multi-party negotiations, and clergy education to enrich our clinical pedagogy. *See Cruz, supra* note 6 (therapeutic jurisprudence); Srikantiah & Martinez, *supra* note 6 (negotiations); Floyd et al., *supra* note 6 (clergy education). Like these authors, my aim is to highlight language and frameworks from other fields that can help clinicians describe and, where appropriate, adapt our approach to pedagogy in the seminar classroom. At core, we are all talking about how people learn—how they learn not just information, but skills and orientations.

⁹⁵ Blaustone, *supra* note 4, at 144.

to help create a sense of parity around the table, rather than simply establishing a new seat as the focal point of the room and conversation. I explained to students why I was doing this, and they started to mix up their own seating, too.⁹⁶

Margaret Montoya, a clinician and scholar, routinely points out to her students the way the physical classroom setup reinforces certain hierarchies and patterns.⁹⁷ She wants them to see that patterns of who typically speaks and when are shaped by the environment. “I note that even though the room is designed with a half-circle seating arrangement, it is difficult for the students to talk among themselves. Their bodies are oriented toward the front of the room in order to see the eyes, hear the voice, and read the face of the professor rather than those of the other students.”⁹⁸ She uses this observation to emphasize “how silence and voice are regulated in the law school classroom; we are socialized to speak and not to speak at certain times and in certain places.”⁹⁹ By naming existing dynamics, she creates space for the students to reflect on them and, together with their professor, begin to shake things up.¹⁰⁰

The seating arrangement informs the flow of classroom conversation, where students look, and when they speak. I found that something as simple as sitting in a different seat helped shake up the dynamics and made it more natural for students to speak to each other rather than directing their comments primarily to me. I also noticed that when students began to speak more directly to each other, they also referred to each other by name more often. A student might start a sentence with, “Building on Cara’s point...” or “Andrew’s question made me wonder...” Naming each other’s contributions created good rapport in the classroom and helped connect overlapping threads in the conversation.

B. Silence

Second, and in keeping with Montoya’s observations, I tried to get more comfortable with silence. This was easier said than done. In her research on “wait time,” education researcher Mary Budd Rowe observed that “[w]hen teachers ask questions of students, they typically wait one second or less for the students to start a reply; after the student stops speaking they begin their reaction or proffer the next question

⁹⁶ See *infra* text accompanying notes 110, 121-124, noting the importance of transparency so as not to disorient students.

⁹⁷ Margaret E. Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Cultural Expression, Pedagogy and Discourse*, 33 U. MICH. J. L. REFORM 263, 295-96 (2000).

⁹⁸ *Id.* at 296.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

in less than one second.”¹⁰¹ Rowe highlights two opportunities for wait time: after a question is asked, and then again after a student responds—though the second wait time may depend more on the other students than on the professor, if the professor is intentionally not speaking between each student.¹⁰² In a 2012 report on gender at Yale Law School, the student organization Yale Law Women (now YLW+) encouraged faculty to “wait five seconds before calling on students” rather than “always calling on the first person who raises his or her hand,” as a way to “improve classroom interactions,” and encourage participation from a wider range of students.¹⁰³

In her work on silence in law and legal academia, Montoya emphasizes silence as an essential and even brave pedagogical tool. “Because verbal adroitness is so valued as evidence of legal ability, silence in the law school classroom can be menacing and anxiety-producing for both teachers and students. Nonetheless, teachers and students can become better communicators through a greater understanding of silence.”¹⁰⁴ She urges faculty to normalize silence, such as lulls in the conversation or pauses before answering or posing a question, and help students learn to “hear each other[']s silences and defeat the tendency to reach negative conclusions about pauses and hesitancy.”¹⁰⁵

Wait time can help teachers, too. Rowe found that teachers tend to ask more cognitively complex and demanding questions when they take a beat after a student comment to decide how to respond. As Cazden describes Rowe’s findings, “[t]eachers become more adept at using student responses—possibly because they too are benefitting from the opportunity afforded by the increased time to listen to what students say.”¹⁰⁶ The strategy is a helpful supplement to IRE-style pedagogy. For me, it was also an essential strategy for moving away from IRE because, by not instantly or automatically responding to a student’s comment, I created space for other students to respond instead. When students are “no longer restricted to responding to teacher questions,” they can

¹⁰¹ Mary Budd Rowe, *Wait Time: Slowing Down May Be a Way of Speeding Up!*, 37 J. TEACHER EDUC. 43, 43 (1986).

¹⁰² *Id.* (denoting these as “Wait Time 1” and “Wait Time 2”).

¹⁰³ YLW+, YALE LAW SCHOOL FACULTY & STUDENTS SPEAK UP ABOUT GENDER: TEN YEARS LATER 4 (Apr. 2012), <https://ylw.yale.edu/wp-content/uploads/2013/03/YLW-Speak-Up-Study.pdf> [<https://perma.cc/4DKF-8D8R>]; see also Instructional Moves, *Providing Wait-Time for Students to Process and Gain Confidence*, HARV. GRADUATE SCH. OF EDUC., <https://instructionalmoves.gse.harvard.edu/providing-wait-time-students-process-and-gain-confidence> [<https://perma.cc/8FUN-GS8J>] (last visited Jan 5., 2026) (“Waiting for several seconds after asking a question so that students, particularly introverted ones, are able to gather their thoughts before responding is proven to expand participation and improve the quality of student responses.”).

¹⁰⁴ Montoya, *supra* note 97, at 298.

¹⁰⁵ *Id.*

¹⁰⁶ CAZDEN, *supra* note 1, at 94 (characterizing Rowe, *supra* note 101, at 43).

practice four other moves that Cazden identifies as part of classroom conversation: soliciting, responding, reacting, and structuring.¹⁰⁷

Filling or managing silence often falls to the teacher. As linguists John McHardy Sinclair and Malcolm Coulthard put it, “[i]nside the classroom the single speaker is in control of the many—he decides who will talk, what they will talk about, and also acts as residual speaker, the person who is seen as responsible for dealing with silence.”¹⁰⁸ If teachers don’t immediately fill the silence, and instead model—and even name—being comfortable with silence, a quieter student may step in when it’s clear no one is going to seize the floor immediately.¹⁰⁹ In my own teaching, I have noticed that when I don’t immediately jump in, students often do, offering thoughtful framing to the whole class. Students might say, “it seems like what we are circling around is . . .” or “one perspective I think is missing . . .,” or ask a follow up question to the student who spoke most recently, such as “I’m a little confused by the last comment, can you explain what you meant?”

Waiting is not easy. Five seconds of silence in the classroom can feel like a long time; fifteen feels like an eternity. But I tried to help students feel more comfortable with silence by modeling comfort. Just as children look to their parents or teachers—and we may look to our colleagues—to gauge their reactions to an unfamiliar situation, students look to us to discern whether they are doing okay, individually and as a class. When the silence felt weird to me, I tried to acknowledge that. I explained that I was trying to become more comfortable with silence. I used phrases like “I’m resisting jumping in here,” but I also let them know that I wouldn’t let it go on forever, jumping in when I felt the silence had gone on too long.

Montoya emphasizes the value of this type of transparency as a pedagogical tool. “I have found that the silence in the classroom has a different feel once it is named for the students. Once I raise silence as a topic and analyze silence as volitional, meaningful, and culturally relative, I find that the students become more aware of silence and occasionally deploy it as a communicative strategy.”¹¹⁰ As I got more comfortable with silence, I noticed that the students seemed to feel more comfortable as well.

I found additional benefits to waiting and allowing for silence. In addition to encouraging participation, building in wait time and

¹⁰⁷ *Id.* at 95.

¹⁰⁸ SINCLAIR & COULTHARD, *supra* note 20, at 115.

¹⁰⁹ This isn’t always comfortable. Maureen Neal, reflecting on why she defaulted to IRE initially, and describing her efforts to shift toward more dialogic discourse, wrote that “it was . . . easier to evaluate a student’s response than to allow discussion to develop in an uncontrolled and unpredictable direction.” Neal, *supra* note 25, at 277.

¹¹⁰ Montoya, *supra* note 97, at 297.

modeling comfort with silence also normalizes *thinking*—thinking as in not just retrieving information, but working through a new idea and allowing your perspective to shift or take shape in real time. I am not someone whose thoughts emerge fully formed. For a long time as a student, I waited to speak until I felt confident I could articulate my thoughts clearly and precisely, at which point the conversation had often moved on. As faculty, with the benefit of more time in the field and greater control over the tempo of the conversation in my seminar, I’ve tried to break out of that habit and allow myself to think out loud. I try to name that. I might say, “I’m thinking out loud here, but I wonder if . . .” or “This makes me think of our conversation last week, though I’m not exactly sure how to articulate the connection.” I also give myself permission to try again if I say something and it doesn’t come out as I meant it to: “Let me try that again.”

Reflecting on and adjusting our teaching in real time also allows us to model for students the kind of reflection we ask of them. We can model thinking out loud, changing our mind, trying one approach and then adjusting and trying again. We need to do that if we want our students to do so too, even if it’s uncomfortable. Otherwise, we risk creating what Blaustone calls a “learning paradox,” where the teacher asks the students to do what the teacher herself cannot or will not do.¹¹¹ Though Blaustone uses this term in the context of giving and accepting feedback, the same logic holds when it comes to teaching out loud. “A teacher’s insisting that students ‘do as I say, not as I do’ will engender greater distance and a more extreme power imbalance, and will erode whatever trust the students might otherwise feel.”¹¹²

In contrast, when we think out loud with our students, we are opening ourselves “to the same kind of critical examination that the student is expected to develop.”¹¹³ This modeling “provides students with an example of the kind of genuine critical reflection we want them to engage in about themselves and their representation of clients.”¹¹⁴ In other words, it lets us model skills we hope they will maintain throughout their professional lives.¹¹⁵ Sharing with students the changes we are aiming to make, and then allowing them to see us adjust and adapt in real time, can build trust and generate more authentic conversation and creative ideas

¹¹¹ Blaustone, *supra* note 4, at 162.

¹¹² *Id.*

¹¹³ Grose, *supra* note 4, at 436 (quoting Kotkin, *supra* note 73, at 199).

¹¹⁴ *Id.*

¹¹⁵ As part of her analysis of clinicians’ decisions about whether or not to attend client interviews, Grose points out that the decision-making process is itself important, not just the end result. See Grose, *supra* note 4, at 428-29. Clinicians may “benefit from further reflection and intentional choice-making around this issue, using the very process of evaluation and self-critique that we want our students to learn and use.” *Id.* at 429.

than a class in which we only say what we're certain about and rigidly direct conversation traffic from the front of the room. Students get to see our self-reflection, intentionality, and, at times, vulnerability.

It is also a risk. In her work on silence in law and legal academia, Montoya writes that silence “carries some risk because it can create disorienting experiences that are likely to be resented by some students”—a risk that is heightened for women and faculty of color who are often already working against implicit biases about their competence and expertise.¹¹⁶ These biases and their effect on faculty and on faculty-student interactions are the focus of much of Meera Deo's work on legal academia.¹¹⁷ Just as the teaching choices I describe shape power dynamics in the classroom and clinic as a whole, they are also shaped by them. A professor's identity will likely impact how their choice to depart from traditional patterns of discourse or power dynamic lands with students, and how comfortable the professor feels making the choice to occupy a different role in the classroom, to speak less and intentionally decenter themselves as the expert—especially when expertise may be exactly what they are expected to establish by institutional norms or even student expectations.

C. *Intentional Facilitation*

Third, when I did speak, I adjusted my questions to invite more and more varied responses. Sometimes this meant making my questions more open-ended. At other moments, when I wanted to draw students into a narrower question, I would add, “Let's get a few perspectives on the table” after framing a question, so that it was clear that I wanted to hear from multiple people and didn't plan to jump in after the first response. This framing also signaled that I saw the question as one for which there wasn't only one “correct” response.

I also developed ways of jumping in without recentering the conversation on myself. I said things like, “I'm wondering if the silence means the question is unclear?” or “Do we need a break?” or “Let's each take a minute to jot down our thoughts on paper” or frame or reframe a question and ask students to discuss with the person next to them. These are forms of active learning that get students thinking and even moving around the classroom, and they can also help less vocal students warm up and get used to using their voice in the classroom.¹¹⁸

¹¹⁶ Montoya, *supra* note 97, at 272.

¹¹⁷ See generally MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019) (sharing results of her qualitative study of race, gender, and law professor hiring).

¹¹⁸ Active learning is broadly defined as “anything that involves students in doing things and thinking about the things they are doing.” *Active Learning*, YALE POORVU CTR. FOR

Sometimes a brief comment from the professor—“anything else?” or “let’s get one or two more ideas on the table”—can get people talking. I also sometimes tried throwing out another perspective, without framing it as a direct response to the previous student’s comment, in the hopes that this would keep the conversation moving.

Another way I sometimes jumped in to invite participation without recentering myself was by “warm calling.” This is the practice of inviting someone to speak after they have had a chance to prepare a response. I found that this worked especially well when students had posted comments in advance. “This is making me think of Susan’s discussion post—Susan, I wondered if you might share what you wrote,” or “several of you wrote about this in your discussion posts, I wonder if you think about it differently in light of what Ben just said.” Keeping confidentiality concerns in mind, I also “warm called” based on questions or challenges that had come up in supervision. Faculty can also warm call by framing a question or prompt and then asking students to discuss it in pairs or small groups before sharing with the whole class.¹¹⁹

I found that interjecting when the silence no longer feels productive served two important purposes. First, it moved the conversation forward. And just as importantly, it let students know I was not abdicating my responsibility or authority in the room. I think this makes them more likely to feel that they can take risks with the new format, knowing it doesn’t rest entirely on their shoulders. Carolyn Grose put this well during

TEACHING AND LEARNING, <https://poorvucenter.yale.edu/teaching/teaching-resource-library/active-learning> [<https://perma.cc/E5E9-P6HV>] (last visited Jan 5., 2026). Dialogic discourse is one form of active learning, which brings many pedagogical benefits. Rocío García-Carrión, Garazi López de Aguilera, Maria Padrós & Mimar Ramis-Salas, *Implications for Social Impact of Dialogic Teaching and Learning*, 11 *FRONTIERS IN PSYCH.*, Feb. 2020, at 1-2. Active learning describes “activities that invite students to participate in learning, including developing conceptual awareness, applying knowledge through experience, and transferring skills across contexts.” Active learning also helps students move from “remembering and understanding to analyzing and creating.” *Id.* For specific strategies to promote active learning, see YALE POORVU CTR. FOR TEACHING AND LEARNING, ACTIVE LEARNING HANDOUT, https://poorvucenter.yale.edu/sites/default/files/basic-page-supplementary-materials-files/active_learning_handout.pdf [<https://perma.cc/TBB4-TG8G>]. For strategies focused on “getting students to participate” in class discussions, see STEPHEN D. BROOKFIELD, *THE SKILLFUL TEACHER: ON TECHNIQUE, TRUST, AND RESPONSIVENESS IN THE CLASSROOM* 89-98 (3d ed. 2015) (ebook).

¹¹⁹ This strategy might be called a “think-pair-share” or a “turn and talk.” See, e.g., *Teaching How-To: Chapter 3.3: Leading a Class Session*, YALE POORVU CTR. FOR TEACHING AND LEARNING, <https://poorvucenter.yale.edu/teaching/teaching-resource-library/teaching-how-to/teaching-how-to-chapter-3-teaching-a-2> [<https://perma.cc/XF8L-ZDFH>]; *Yale Law School Fosters a Legacy of Excellence in Teaching*, YALE L. SCH. (June 5, 2024), <https://law.yale.edu/yls-today/news/yale-law-school-fosters-legacy-excellence-teaching> [<https://perma.cc/9FNW-EGSN>] (sharing an observation by my colleague Doug Kysar that when faculty “give students that priming opportunity, a safe space to articulate their views, you get a way different discussion”).

a small group workshop at the *Clinical Law Review* workshop.¹²⁰ She noted that even though everyone in the room had experience teaching their own courses, in that particular context, we were looking to her as the designated group facilitator to initiate the conversation and structure the time. Even though she intentionally facilitated with a light touch, knowing that this was her job, not ours, allowed us to engage more fully in the workshop. I tried to bring this practice with me to my classroom.

D. Transparency

Finally, from the start, I shared with students what I was learning about pedagogy and what I hoped to achieve with these changes. I told my clinic students that I wanted to resist my own tendency to respond after each comment or center myself as the arbiter of knowledge in the room. I asked them to speak directly to each other, rather than always directing their comments to me.

I explained that my goal wasn't to stop talking entirely, and that I would still play a role in framing and keeping track of the conversation. I said I wanted them to have more space to respond directly to each other's comments, and I gave voice to my hunch that my talking between each student was preventing them from doing that as much as they could be. I noted that this change might mean more silence, which could feel weird at first, but that I didn't mind some silence. I reiterated a goal I share at the start of each seminar, and have for years: I want this to be a space where we can think out loud together. I want us to be able to share a thought that isn't fully formed, to question each other's viewpoints respectfully, even to change our minds midclass.

This kind of transparency serves multiple purposes. One is that it helps minimize the confusion students might otherwise feel if suddenly a professor who has conducted class one way for months—or years, in the case of multiyear clinics—suddenly changes their approach. Students who are accustomed to the professor responding after each student's comment may think of that response as a measure of whether the comment was good or important. They may also see it as a sign of respect to direct all of their comments to the professor, and then to give the professor time to respond before someone else speaks. Without transparency about the changes, students might devote unnecessary energy to trying to make sense of the changes in the seminar classroom—energy that would be better spent digesting the material and engaging in the conversation.¹²¹

¹²⁰ Statement by Carolyn Grose, at the Clinical L. Rev. Writers' Workshop: Legal Education Small Group (Sept. 29, 2025).

¹²¹ Neuroscience research suggests that people are more able to think clearly and creatively if they have a sense of the structure in which they are operating. See David Rock, *SCARF: A Brain-Based Model for Collaborating with and Influencing Others*, 1

There are certainly instances when a professor might deliberately make changes to the classroom without telling students, in order to serve particular learning goals. But like all teaching moves, that should be intentional. My experience is that shifting away from IRE creates plenty of productive confusion even when the professor is transparent about the changes. Students may wonder: “What is this professor doing? What am I supposed to do or say? Did we do something wrong?” But transparency about the changes shifts the confusion to a more productive “If the professor’s not automatically following up on what my classmate said, what question might I ask? What could I say in response?”

Transparency also helps maintain trust. In his work on trust in the classroom, Stephen Brookfield argues that “teachers’ ability to talk out loud about the reasons for their classroom decisions” is one factor in their ability to maintain credibility with students.¹²² He encourages teachers to “get into the habit of speaking out loud why you are introducing a particular classroom activity, changing learning modalities, choosing certain readings, demonstrating skills in a particular way, putting students in certain groups, or moving into a minilecture.”¹²³ By being honest when we make significant changes to our classrooms, we communicate to students that we value their time and presence in class, and that we take their learning and classroom community seriously. It also likely builds some goodwill in the event that the changes don’t work, or that they are ultimately successful but with bumps and awkward silences along the way. To the extent that changing our teaching approach is an experiment—and in many ways, it is—transparency enables students to feel like part of the experiment, not the subjects of it.¹²⁴

NEUROLEADERSHIP J. 1 (2008). “The brain is a pattern-recognition machine that is constantly trying to predict the near future.” *Id.* at 4. The brain “craves certainty, so that prediction is possible. Without prediction, the brain must use dramatically more resources, involving the more energy intensive prefrontal cortex, to process moment-to-moment experience.” *Id.*

Of course, “certainty” in this context doesn’t necessarily mean knowing exactly what will happen; it can mean knowing generally what to expect. “The perception of certainty can be increased even during deeply uncertain times. For example, when going through an organizational restructure, providing a specific date when people will know more information about a change may be enough to increase a sense of certainty.” *Id.* at 5. In the context of shifting away from IRE in a seminar classroom, explaining the shift to students—and naming the fact that it might feel awkward at times—offers a sense of certainty about the new patterns they will see in the classroom.

¹²² BROOKFIELD, *supra* note 118, at 61-62.

¹²³ *Id.* at 48.

¹²⁴ When I think of maintaining credibility with readers and with students, I always think of my former professor Fred Strebeigh, who taught creative nonfiction writing and journalism at Yale College for many decades. He encouraged students writing reported articles to acknowledge, subtly or directly, any unexpected turn of events or surprising turn of phrase, so as to maintain credibility with the reader. Readers look to the reporter as a guide to the story, and if the guide seems unaware of a confusing phrase or shocking turn of events, the reader loses some trust in the storyteller as a reliable and clear-eyed narrator.

Being transparent with students about changes I was making in my teaching also gave me the opportunity to set some new ground rules. For example, I shared with students the observation that they directed most of their comments to me. I made clear that I recognized that they did this both as a habit and likely a sign of respect, but I asked them to look at each other when they spoke, not always at me. I shared that if I noticed everyone defaulting to directing their comments at me, I might intentionally look away or gesture to the rest of the class as a reminder to direct comments to their classmates. Without this context, students might not feel comfortable looking elsewhere, for fear of offending me, and might also themselves feel offended if I didn't mirror their eye contact and instead looked away. By proactively explaining what I was doing, I could maintain students' trust and set myself up to solicit their feedback on these changes in the future.

IV. SEEING A CHANGE

In my writing course, shifting away from IRE gave me new tools for conveying very specific information, such as how to synthesize a rule from existing cases and apply it to a new fact pattern. In both my writing course and clinic seminar, I used these strategies to convey information that is at once straightforward and complex, such as the meaning of commonly used terms like precedent, federalism, and preemption. And in both contexts, I used it to deepen discussions about material that was more thematic than strictly doctrinal.

When I began implementing the ideas Melissa shared with me, the effect on my clinic seminar was immediate and palpable. I noticed a change within just a few class sessions. Students began asking each other more follow-up questions, referring back to each other's comments, and sharing ideas they were still developing. I soon began experiencing the richest, most student-led discussion I had facilitated in this class in a long time. Three moments in particular stood out to me:

- One student made a general comment on the reading, and another student responded with a follow-up question, asking for more detail on which passages from the readings had sparked this reflection.
- A student shared a perspective and then, after three others had spoken, reflected aloud about how those comments had changed his thinking.
- Once, midway through a seminar, I felt that we were losing the thread of the conversation and missing a key perspective. I decided to wait before jumping in, repeating the "three before me" line in my head to let students lead the way. Lorena Essak-Hernandez,

then a 2L in her first semester in the clinic, jumped in and redirected the conversation much more eloquently and thoughtfully than I could have. The comment had more meaning and force coming from her than it would have from me.

That last student, Lorena, is particularly interested in pedagogy and later worked as my research assistant for this paper. In one of our conversations, she mentioned that she remembered this particular class well. I asked her, as part of her RA work, to write down her impressions. She gave permission for me to share her name and reflection here. Of course, she wrote this reflection knowing I would read it—I asked her to write it!—so it is by no means a neutral evaluation, but I still think it provides a useful window into how students may experience shifts away from IRE and toward dialogic discussion. Lorena wrote:

Until [Emma] pointed it out, I hadn't really noticed how much we directed the conversation to her. Upon reflection, I realized that even when I was responding to a classmate's comment, I would only briefly glance at them as I mentioned their name, and then turn my attention back to Emma. This felt like an opportunity for us to grow as discussion participants just as much as for her to grow as an instructor.

When we began the experiment, it did at times feel awkward. There were silences that lingered as we looked around the room at each other. But Emma had prepared us for this. By being explicit about her intentions and noting what she expected would change, we were able to transition into the new method of conversing.

It was important that we had already built up trust with each other and with Emma, and that our norms were well established. This allowed us to lean into listening to and challenging each other. In particular, I remember one moment when the conversation started moving in a particular direction, and I felt that we had failed to consider a critical question. Instead of waiting to see if Emma would bring it up, I had already been challenged by Emma to step into her role and ask my question. It was no longer about Emma steering the conversation in the 'right' direction, but about the class really exploring ideas together. This allowed me to move from merely responding to fully engaging.

Emma continued with this strategy through the end of the semester. I noticed a shift in the class that felt a little freer

and more deeply engaged. While most of law school is spent finding the ‘right’ answer, our time in this seminar felt more like an exploration of many possible answers.¹²⁵

Lorena’s reflection captures how shifting away from IRE can empower students to, as Lorena put it, “move from merely responding to fully engaging.” Having in mind the goal of dialogic discussion, and particular tools for facilitating it, has been tremendously helpful and has animated my teaching in new ways.

To be sure, and as Lorena noted, one of the reasons these strategies worked in our seminar is likely that they built on a strong foundation of trust, such that thinking out loud felt like an actual option for me and for the students. What it looks like to build community will vary by clinic and institution, and a good portion of that work will likely take place outside of the classroom.

Hearing from students about their experience in the seminar gave me additional language to describe the changes I was trying to make. In the Fall of 2024, for example, I asked the student directors in my clinic if they would like to present at the Northeast Clinical Teachers conference. I suggested they might want to talk about student leadership in the clinic. They titled the presentation “Democratizing the Clinic Seminar,” a title that surprised me at first but then, upon reflection, made sense. In the presentation, they described how our seminar structure encourages them to “talk to one another rather than passing information through the professor like in traditional classroom settings. This way, students are empowered to share what they know and to ask their peers for help with questions.”¹²⁶

During their presentation, the students pointed out how this rebalancing within the classroom empowered them outside the classroom as well. They shared examples of new ideas they had proposed and implemented, such as an alumni mentorship program, and also described times when they looked to each other for everything from a refresher on a particular area of doctrine to another set of eyes on a memo pitching a new consumer protection case. Decentering myself in the seminar classroom helped students see each other as sources of support and expertise outside of the classroom as well.

My clinic has several practices baked into its structure to create a sense of community. Examples include meeting with all new students one-on-one at the start of the semester, pairing incoming students with

¹²⁵ Written reflection by Lorena Essak-Hernandez (Aug. 14, 2024).

¹²⁶ Otelo Reggy-Beane, Danny Rodriguez & Joe Servidio, Presentation at the New Eng. Clinical Conf. at U. Conn Sch. of L.: Democratizing Clinical Education through Student Leadership (Nov. 8, 2024).

returning clinic students as mentors, and, where possible, putting a mix of new and returning students in each working group. We also have student directors each semester who help set the tone for the clinic, plan social events, and keep an eye out for new students. Often it's a student director who convinces a new student to come to me with a question or concern, or who serves as an initial sounding board for a tough research question or interpersonal dynamic.

In the writing context, I had much less time to build this culture, since the course runs for seven weeks, start to finish. But there's still plenty I could do. Before the first class, for example, I asked students to write a single-page reflection describing a teacher who was meaningful to them. This was in part a diagnostic exercise, to give me a sense of students' writing skills coming in and their voices as writers when not constrained by a new foreign form of legal writing. But I also used their writing to set the tone in the first class. I pulled out one line from each paper, compiled them, and read them aloud—anonymized—on the first day. I said: “This is what good teaching can look like, and this is the standard you should hold me to.” I also tried to demystify legal writing, both by teaching in a clear and methodical way, but also by saying aloud: “This is hard, but it is learnable. You will grow if you put in the time.”

Over time, I have found that my approach shifts based on what I'm teaching. For example, I may intentionally use IRE more when I'm first teaching students about CREAC (Conclusion, Rule, Explanation, Application, Conclusion), a common approach to structuring legal writing that is likely completely new to any student who didn't work as a paralegal before law school.¹²⁷ Or I might use IRE when teaching 1Ls how to synthesize a rule from caselaw. That lesson falls during the first week of classes and forms the basis for their first writing exercise, so it is something I must teach quickly and clearly. IRE can be a useful way to convey new information and check for basic understanding, which can be helpful when I'm short on classroom time and students don't necessarily have the foundation yet to play that role for each other. But even in those circumstances, IRE might be limiting as a pedagogical tool. With enough classroom time, I can also imagine creative ways to help students reason through rule synthesis in conversation with each other. The bottom line is this: I try not to make IRE my default, and I try to shift flexibly and intentionally away from this default pattern in any teaching context.

¹²⁷ See COLUM. L. SCH. WRITING CTR., ORGANIZING A LEGAL DISCUSSION: IRAC / CRAC / CREAC, <https://www.law.columbia.edu/sites/default/files/2022-06/WC%20Handout%20IRAC%2C%20CRAC%2C%20CREAC.revised%205.22.pdf> [https://perma.cc/R4J2-FE7Q] (last visited Jan 5., 2026).

CONCLUSION

As with all parts of teaching, this is an ongoing process. In my clinic seminar the year after I first learned about and tried moving away from IRE, my new strategies didn't seem to work as well as they had the year before. Unlike in the 2023 seminar Lorena described, the silences in the first few class sessions in 2024 felt more confused than productive. I started to wonder if I was providing too little framing, and leaving students—many of whom were engaging with the topics of the class for the first time—unsure how to participate.¹²⁸ On an anonymous midsemester feedback form, one student wrote that they would “benefit from a bit more structure and instructor participation in class discussions,” noting that the discussions felt unwieldy. This observation matched my own, which concerned me.

On the other hand, I'm still not sure how much to factor students' potential discomfort with silence into my decision about how long to let it last. Part of our job is to teach students to tolerate and navigate uncertainty, so that they can figure out where to look for answers and also learn to discern whether they're facing a search for a findable answer or a tricky judgment call. Ann Shalleck's work on supervision emphasizes that one of the goals is to help students see uncertainty as part of the work—a reality, not a shortcoming—and build their tolerance for navigating uncertainty.¹²⁹ “In order to feel competent and in control, students often wish to find the answer, to master the way of performing a task.”¹³⁰ This creates a challenge but also an opportunity for the teacher, who “can help students identify, at particular points, why uncertainty is important.”¹³¹ Transparency about this, she notes, can also serve student learning: “Making explicit the intellectual task may help some master it.”¹³²

Relatedly, another realization I had in my 2024 seminar, the one that felt somewhat unwieldy, was that many of our conversations that semester circled around the same answer: it depends on the context. For example, we might discuss the appropriate scope of injunctions, or when a city might decide to make arguments in one case that could undermine its position in another, without arriving at a fixed answer. That can be frustrating. But it is also, I decided, accurate, and reflective of the work of lawyering—uncertainty *is* important. Part of what practicing lawyers must do is think through unanswerable questions and, when needed,

¹²⁸ See generally Kotkin, *supra* note 73, at 194 (arguing that putting students immediately in role doesn't serve all learners, some of whom do better when they can observe faculty in role first).

¹²⁹ Shalleck, *supra* note 4, at 161.

¹³⁰ *Id.* at 159.

¹³¹ *Id.* at 161.

¹³² *Id.*

make a decision and move forward, knowing that any choice is imperfect and context dependent.

In 2024, in other words, I faced what Susan Bryant and Elliott Milstein describe as a “choice moment”—a moment of uncertain direction not unlike what my students would face at various moments in their cases.¹³³ I share my response here not because I’m certain it was the right one, but because it’s the choice I made. In the next class after the midsemester evaluations, I shared with my students my own reflection: That in an effort to create space for them to talk, I had done too little to convey foundational concepts and offer them ways in, such as by starting class with my own reflections on the readings or by asking specific questions rather than a more general, “What did you think?”

I also shared my reflection about the reality and stakes of unanswerable questions. I wanted my students to know that I wasn’t hiding the ball—that with some topics, there is no ball, just a collective effort to put the various considerations on the table and, when needed, work toward a decision or set of decisions in the case or matter at hand.¹³⁴ Many students had seen this already in their fieldwork, but making the connection more overt in seminar helped reanimate the conversation.

I also felt this latter comment might have particular weight coming from me, based on my longstanding experience in the clinic and birds-eye-view of the range of matters students were working on. As opposed to other comments I considered making and then decided not to, I made this one both because no one else had made it and because I was perhaps better situated than a student to draw some of these connections. Then I waited to hear what everyone else had to say.

¹³³ Bryant & Milstein, *supra* note 6, at 226 n.84, 246.

¹³⁴ Of course, sometimes there is a single correct answer, and faculty need to make considered and context-dependent decisions about when to simply answer a question about, say, local court rules, rather than guiding students toward finding that answer themselves. *See also* Shalleck, *supra* note 4, at 162 (noting that one way to respond to students’ frustration over a professor hiding the ball is to “make the conflict itself an explicit focus for a supervisory dialogue”).

