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Intergrating Skills and Collaborating Across Law Schools: An Example From Immigration Law

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INTEGRATING SKILLS AND COLLABORATING ACROSS LAW SCHOOLS: AN EXAMPLE FROM IMMIGRATION LAW

Jennifer Lee Koh & Anna Welch*

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INTRODUCTION

Declining law school enrollment and increased skepticism over the ability of today's law schools to adequately train students for legal practice has caused the legal academy to reflect upon the question of how law teaching is taking place. Increasingly, law review literature examines various pedagogical innovations underway in law schools across the country, and some of this literature has explored how specific subject matter areas can give rise to teaching both skills and doctrine in non-clinical courses. An analysis of how immigration law courses in particular might contribute to the broader effort to make law teaching relevant to legal practice has not yet taken place. Indeed, aside from several articles on teaching immigration *clinics*,¹ very little pedagogical literature exists

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in the field of immigration law. This article addresses that gap and uses immigration law *courses* to demonstrate the potential doctrinal courses have to deepen students' understanding of underlying substantive law and to expose them to the realities of legal practice. Our goal is not to set forth a case for immigration exceptionalism in teaching, but rather to articulate skills training opportunities available within one area of the law that could be applied to other subject areas as well.

This article discusses the design and implementation of survey immigration law courses as taught at two different law schools—Western State College of Law in Orange County, California and the University of Maine Law School in Portland, Maine. Although the courses took place on opposite coasts and did not engage in a visible or formal partnership, we deliberately planned the courses in close collaboration with one another behind the scenes. In doing so, we shared the explicit goal of increasing the role of practical lawyering skills in the courses while reinforcing students' understanding of the substantive immigration laws.

Part I of this article discusses the pressures facing the legal academy today on concretely training law students for the practice of law. Part I also describes how immigration law courses are well positioned to emphasize doctrine alongside skills, even in the absence of simulations and clinics. In Part II, we share the process by which we planned our courses, the types of exercises that we incorporated into our classes as well as the nature of the cross-country collaboration that took place between us as instructors and, to a lesser extent, between our students. The article concludes with a reflection on areas for future development as well as a discussion of how our courses might serve as blueprints for how professors teaching doctrinal courses (regardless of the discipline) might integrate skills into their courses.

I. LAW SCHOOLS, LAW TEACHING, AND IMMIGRATION LAW

This Part makes two simple points: first, the legal academy is experiencing a surge in teaching innovations and curricular reform; and second, immigration law courses are well-positioned to serve as testing grounds for how doctrinal courses might emphasize both substantive law and practical skills.

ered during a plenary session at the 2014 Immigration Law Professors Workshop in Irvine, California, and the authors are grateful to Ragini Shah, Michele Pistone, and Stella Burch Elias for planning and participating on the panel, entitled "Reimagining Our Communities and Classrooms." The article was also presented at the 2014 Society of American Law Teachers Conference in Las Vegas, NV.

¹ See Jayashri Srikantiah & Jennifer Lee Koh, *Teaching Individual Representation Alongside Institutional Advocacy: Pedagogical Implications of a Combined Advocacy Clinic*, 16 CLINICAL L. REV. 451, 463–64 (2010) (discussing the role of multiple modes of advocacy in social justice lawyering, particularly in the immigration context). See generally Kevin R. Johnson & Amagda Pérez, *Clinical Legal Education and the U.C. Davis Immigration Law Clinic: Putting Theory into Practice and Practice into Theory*, 51 SMU L. REV. 1423 (1998) (examining the role of clinical legal education and its impact on subordinated communities).

A. The Legal Education Crisis and Innovations in the Classroom

Legal professors and administrators are well aware of the current crisis in legal education.² A number of factors have driven law schools across the country to grapple with the need to better prepare students for the actual practice of law, as report after report since the 1992 MacCrate Report has advocated.³ Over the past several years, a groundswell of criticism toward traditional models of law teaching—such as a focus on appellate case analysis, the Socratic method of classroom teaching, and the use of high-stakes written examinations—has emerged.⁴ Moreover, the broader economic recession, in particular layoffs and hiring freezes throughout the legal profession, has prompted many potential law school applicants to question the professional value of a law degree.⁵ As of the summer of 2015, law schools across the country have experienced a fifth consecutive year of declining applications, creating intense competition amongst law schools for prospective students.⁶ With the number of June 2014 LSAT takers hitting a 14-year low, the recession in legal education appears likely to remain in force for at least the next several years.⁷ Indeed, the

² For examples of a more extensive discussion of the current crisis in legal education, see BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012) and STEVEN J. HARPER, *THE LAWYER BUBBLE: A PROFESSION IN CRISIS* (2013).

³ See generally AM. BAR ASS'N, *LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM* (1992) [hereinafter *MACCRATE REPORT*]; ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007) [hereinafter *BEST PRACTICES REPORT*]; WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) [hereinafter *CARNEGIE REPORT*].

⁴ See Steven C. Bennett, *When Will Law School Change?*, 89 NEB. L. REV. 87, 90–101 (2010) (discussing a need for systemic change in law school curricula and barriers to law school change); see also Kathryn M. Stanchi, *Step Away from the Case Book: A Call for Balance and Integration in Law School Pedagogy*, 43 HARV. CIV. RTS.-CIV. LIBERTIES L. REV. 611, 611–12 (2008) (arguing that the case method (a traditional law school teaching method) is “cramped and one-dimensional”).

⁵ Ethan Bronner, *Law Schools' Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 31, 2013, at A1; Elizabeth Olson & David Segal, *A Steep Slide in Law School Enrollment Accelerates*, N.Y. TIMES, (Dec. 17, 2014, 7:04 AM) <http://nyti.ms/1Ad2LjS>; Eva Shang, *Setting the Bar: Is Law School the Right Move for You?*, USA TODAY (Sept. 30, 2014, 8:48 AM), <http://college.usatoday.com/2014/09/30/setting-the-bar-is-law-school-the-right-move-for-you/>.

⁶ See *End of Year Summary: ABA (Applicants, Applications & Admissions), LSATs, Credential Assembly Service*, L. SCH. ADMISSIONS COUNCIL, <http://www.lsac.org/lscresources/data/lscac-volume-summary> (last visited Aug. 10, 2015) (showing decrease in law school applicants from Fall 2010 to Fall 2014 with declines of 10.7 percent from 2010 to 2011, 13.5 percent from 2011 to 2012, 12.4 percent from 2012 to 2013, and 6.3 percent from 2013 to 2014); *Three-Year Applicant Volume Graphs*, L. SCH. ADMISSIONS COUNCIL, <http://www.lsac.org/lscresources/data/three-year-volume> (last visited Aug. 10, 2015).

⁷ Jacob Gershman, *Number of LSAT Test Takers in June Falls to 14-Year Low*, WALL ST. J. L. BLOG (June 11, 2014, 12:32 PM), <http://blogs.wsj.com/law/2014/07/11/number-of-lsat-test-takers-in-june-falls-to-14-year-low/>.

2015 theme of the annual American Association of Law Schools conference focused on the “crossroads” which legal education currently faces.⁸

The silver lining in the current crisis of legal education is that law schools and individual law professors have taken a number of steps to innovate law school classrooms and legal pedagogy in response to the pressures facing their schools. Institutionally, law schools have engaged in curricular reform, with a focus on preparing students for practice.⁹ At some schools, reform has involved increasing the number of skills courses required for graduation, including the requirement of a live-client clinical experience,¹⁰ and enhancing the breadth and depth of courses that teach lawyering skills, whether simulation, externship, or live-client clinical in nature.¹¹ Curricular reform has also included efforts to integrate doctrinal courses with skills training through the creation of practicums, hybrid courses, and curricular plans that involve the pairing of legal writing, other skills classes, or field placements with doctrinal subjects.¹² Other schools have joined a growing movement to create “incubator” programs for recent law graduates, in order to prepare students for solo or small firm

⁸ Daniel B. Rodriguez, *2015 Annual Meeting: Legal Education at the Crossroads*, ASS’N AM. L. SCHS. (2015), https://www.aals.org/wp-content/uploads/2014/12/Program_Final.pdf (“[W]e are engaged deeply with questions concerning the efficacy of our current educational and economic model.”).

⁹ See generally Earl Martin & Gerald Hess, *Developing a Skills and Professionalism Curriculum—Process and Product*, 41 U. TOL. L. REV. 327 (2010) (describing how one law school, Gonzaga University School of Law, has revised its curriculum in an effort to better prepare students for legal practice); see also Michele Mekel, *Putting Theory into Practice: Thoughts from the Trenches on Developing a Doctrinally Integrated Semester-in-Practice Program in Health Law and Policy*, 9 IND. HEALTH L. REV. 503, 509 (2012) (describing how various law schools are incorporating intensive experiential learning opportunities into their curricula); Peter Lattman, *N.Y.U. Law Plans Overhaul of Students’ Third Year*, N.Y. TIMES, Oct. 17, 2012, at B1 (describing how New York University School of Law (among other law schools) has revamped its third-year curriculum in response to demands to make law school more relevant to actual practice).

¹⁰ See Erwin Chemerinsky, *Rethinking Legal Education*, 43 HARV. CIV. RTS.-CIV. LIBERTIES L. REV. 595, 595–96 (2008) (discussing pre-graduation requirement of clinical experience); see also Karen Tokarz et al., *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. U. J.L. & POL’Y 11, 44–50 (2013) (noting that, as of October 2013, 23 U.S. law schools require students to complete a credit-bearing clinic or externship before graduation).

¹¹ See, e.g., Keith A. Findley, *Rediscovering the Lawyer School: Curriculum Reform in Wisconsin*, 24 WIS. INT’L L.J. 295, 318–19 (2006) (discussing the value of the problem method, among other ideas to incorporate more skills training into law school education); Harriet N. Katz, *Evaluating the Skills Curriculum: Challenges and Opportunities for Law Schools*, 59 MERCER L. REV. 909, 917–34 (2008) (identifying various ways that law schools might incorporate skills training into their curricula). See generally Karen Barton et al., *Authentic Fictions: Simulation, Professionalism and Legal Learning*, 14 CLINICAL L. REV. 143 (2007) (discussing the use of simulations in legal education).

¹² See, e.g., Mekel, *supra* note 9 (describing a health law course that is combined with an “unpaid, semester-long field placement[.]”).

practice.¹³ Although a number of law schools have engaged in curricular reform, law schools have also experienced barriers to change, including the challenge of balancing teaching, scholarship, and service for law faculty, faculty politics, and the pressures of law school rankings.¹⁴ Curricular reform may become a necessity rather than an option, as indicated by the American Bar Association's approval of skills training requirements in its Standards and Rules of Procedure for Approval of Law Schools, as well as the State of California's proposal to require the completion of fifteen units of skills training and fifty hours of pro bono work in order to gain admission to the bar.¹⁵

Numerous law professors around the country have shifted their teaching styles to more meaningfully engage with the realities of legal practice and the legal profession. Although the Socratic Method remains a dominant mode of classroom teaching, more law teachers are engaging in pedagogical approaches that incorporate active learning, adult learning theory, teamwork, community engagement, and social justice.¹⁶ They have sought to forge stronger connections in the classroom between doctrine and skills, and theory and practice, thereby leaving students with a solid understanding of how the law works beyond the pages of isolated appellate decisions.¹⁷ Clinical law professors, who increasingly teach doctrinal courses and occupy tenure-track or tenured positions within their faculty,¹⁸ have explored ways that clinical pedagogy might

¹³ See STANDING COMMITTEE ON DELIVERY OF LEGAL SERVS., AM. BAR ASS'N, *INCUBATOR/RESIDENCY PROGRAMS DIRECTORY*, http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_directory.html (last visited Aug. 10, 2015) (tracking the various incubator/residency programs throughout the country); see also Adam W. Lasker, *Chicago-Kent's Solo-Attorney Incubator Nurtures New Lawyers*, 101 ILL. B.J., Jan. 2013, at 10 (describing the launch of a Solo & Small Practice Incubator at Chicago-Kent College of Law).

¹⁴ See Bennett, *supra* note 4, at 103–07 (discussing barriers to change in the legal academy).

¹⁵ See AM. BAR ASS'N, *STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS*, 16, § 303(a) (2014) (creating six unit skills requirement for law school curricula); STATE BAR OF CAL., *TASK FORCE ON ADMISSIONS REG. REFORM: PHASE I FINAL REPORT* 24–25 (2013).

¹⁶ See Timothy W. Floyd et al., *Beyond Chalk and Talk: The Law Classroom of the Future*, 38 OHIO N.U.L. REV. 257, 262–63 (2011) (describing, in detail, various exercises law professors might consider that draw upon the fields of adult learning theory, educational philosophy, cognitive psychology, and effective instructional design). See generally MICHAEL HUNTER SCHWARTZ ET AL., *WHAT THE BEST LAW TEACHERS DO* (2013) (discussing innovative teaching techniques employed by the “best” law teachers across the country); Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347 (2001) (describing an alternative approach to developing and teaching law school courses that draw from the fields of learning theory and instructional design).

¹⁷ See Stanchi, *supra* note 4, at 613 (advocating for more integrated skills-oriented courses that incorporate doctrine, skills, and theory, and thus better reflect what it means to “think like a lawyer”).

¹⁸ For a more detailed discussion of status issues related to clinical faculty, see generally Bryan L. Adamson et al., *Clinical Faculty in the Legal Academy: Hiring, Promotion and Retention*, 62 J. LEGAL EDUC. 115 (2012).

influence the teaching of non-clinical courses and also how the doctrinal curriculum might complement clinical programs.¹⁹ Increasingly, doctrinal professors are introducing skills exercises, particularly simulations, in their courses.²⁰ Other faculty has forged relationships with outside professionals and practicing lawyers to develop more substantial “real world” connections between students and the law.²¹ Moreover, a growing trend among educators, including law professors, is to place select lecture content online to create more time in the classroom for hands-on learning.²² Thus, law teachers are responding to the call for legal education to become more relevant to practice and to emphasize a broader range of skills than those tested on state bar exams.

B. *Immigration Law’s Opportunities*

The current surge in engagement and concern over legal pedagogy gives rise to an opportunity to reflect, not only over the entire law school curricula, but also with respect to specific subject matter areas. Immigration law’s profile in the legal academy has grown over the past thirty years, with nearly every law school now offering immigration law as an elective course.²³ Immigration law classrooms are well positioned to think through the pedagogical innovations currently available to the legal academy, particularly with respect to forging connections between doctrine and practice and the teaching of lawyering skills.

¹⁹ See Carolyn Grose, *Beyond Skills Training, Revisited: The Clinical Education Spiral*, 19 CLINICAL L. REV. 489, 512 (2013) (suggesting that law school clinical education should be viewed as the pinnacle of legal education serving as a capstone experience for students already well-versed in skills/values and doctrine from their prior coursework).

²⁰ See, e.g., Katz, *supra* note 11 (discussing various ways to incorporate skills into law school curriculum, including interviewing/counseling exercises in the doctrinal course). See generally William R. Slomanson, *Pouring Skills Content into Doctrinal Bottles*, 61 J. LEGAL EDUC. 683 (2012) (discussing specific skills introduced by doctrinal seminar course(s) through mock trials).

²¹ See Charity Scott, *Collaborating with the Real World: Opportunities for Developing Skills and Values in Law Teaching*, 9 IND. HEALTH L. REV. 409, 414 (2012) (discussing the value of collaborations with clinical professors, outside professionals, and others). See generally Michael B. Mushlin & Lisa Margaret Smith, *The Professor and the Judge: Introducing First-Year Students to the Law in Context*, 63 J. LEGAL EDUC. 460 (2014) (describing a first year Civil Procedure course taught by law professor and federal judge, including exercises utilized to expose students to practical aspects of course).

²² See *infra* at Part II (discussing the creation of teaching videos by immigration law professors under the leadership of Michele Pistone). See generally William R. Slomanson, *Blended Learning: A Flipped Classroom Experiment*, 64 J. LEGAL EDUC. 93 (2014) (walking the reader through the author’s experience with flipping a classroom).

²³ See, e.g., *Course Info & Syllabi*, W. STATE COLL. OF LAW, <http://www.wsulaw.edu/current-students/course-syllabi.aspx> (last visited Aug. 12, 2015); *Electives*, UNLV WILLIAM S. BOYD SCH. OF LAW, <http://www.law.unlv.edu/academics/jd-program/list-of-electives> (last visited Aug. 12, 2015); *Elective Courses*, AM. UNIV. WASH. COLL. OF LAW, https://www.wcl.american.edu/registrar/elective_courses.cfm (last visited Aug. 12, 2015); *Second and Third Year Courses*, UNIV. OF MAINE SCH. OF LAW, <http://mainelaw.maine.edu/academics/academic-program/juris-doctor/second-and-third-year-courses/> (last visited Aug. 12, 2015).

Our goal is to articulate the opportunities available within one area of law that could be applied to other subject matter areas.

Immigration law's real-life operation makes it well suited to expose students to the necessity of linking doctrine with reality. Immigration law is arguably one of the most pressing and contested human rights issues in the United States. This is illustrated by the sudden increase in Central American women and children seeking refuge at the U.S.-Mexico border in the summer of 2014 and the consequent political controversy over how the federal government should respond to them.²⁴ Whether addressing the detention of non-citizens or the break up of families caused by deportation policy, immigration laws seem subject to constant change, often due to the work of immigrants' rights advocates and lawyers. Accordingly, immigration law is ripe for teaching about the relationship between law and social change, especially change that occurs through multiple modes of advocacy at the federal and local levels, whether it be impact litigation, legislative advocacy, executive branch policy, or community education.²⁵

Understanding how immigration law works in reality is an indispensable component of understanding the immigration laws themselves. Perhaps the inherent connection between immigration practice and immigration theory serves as one explanation for the relative equality and mutual respect between clinical and doctrinal professors of immigration law. Indeed, many immigration clinics require or encourage students to take a doctrinal course in immigration law prior to or concurrently with the clinical experience.²⁶ Immigration law's dynamic nature, its connection to social justice, and the growth of the field itself also serve as a potential explanation for the growth of immigration clinics at law schools across the country in the past decade.²⁷

Immigration law is an interdisciplinary subject, requiring students to grasp basic concepts of constitutional law, criminal law, and criminal procedure while exposing students to the common themes of administrative law. From an administrative law perspective, immigration law students must learn the basics of statutory interpretation, as well as understanding the relative roles of stat-

²⁴ See Frances Robles, *Fleeing Gangs, Children Head to U.S. Border*, N.Y. TIMES, July 10, 2014, at A1 (describing the plight of thousands of immigrant children fleeing violence in Central America and the differing views regarding how the U.S. government should respond to this recent wave of migration).

²⁵ See Srikantiah & Koh, *supra* note 1 (discussing the role of multiple modes of advocacy in social justice lawyering, particularly in immigration context).

²⁶ See, e.g., *Course Description: Law 431—Immigration Court Practice*, UCLA SCH. OF LAW, <http://law.ucla.edu/academics/curriculum/course-list/law-431/> (last visited Aug. 12, 2015).

²⁷ See, e.g., *Immigration Clinic*, W. STATE COLL. OF LAW, <http://www.wsulaw.edu/academic-programs/immigration-clinic.aspx> (last visited Aug. 12, 2015); *Our Clinics*, UNLV WILLIAM S. BOYD SCHOOL OF LAW, <http://www.law.unlv.edu/clinics> (last visited Aug. 12, 2015); *Refugee and Human Rights Clinic*, UNIV. OF MAINE SCH. OF LAW, <http://mainelaw.maine.edu/academics/centers-and-clinics/cumberland-legal-aid-clinic/refugee-and-human-rights/> (last visited Aug. 12, 2015).

utes, regulations, subregulatory authority, and case law.²⁸ Indeed, administrative law's underlying policy questions about consistency in decision-making, fairness, agency expertise, uniformity, and judicial review arise regularly in the study of immigration law.²⁹ With respect to constitutional law, the application of mainstream constitutional law principles to the immigration context presents a perennial challenge to immigration law students. After all, one of immigration law's first lessons is that, in many respects, the ordinary rules of constitutional law do not apply.³⁰ Immigration law cases have also long served as settings for equal protection claims, and, in more recent years, they have witnessed key developments with respect to federal preemption.³¹

Criminal law plays an increasingly pivotal role in immigration law, such that the term "cimmigration" has become a regular part of the immigration lexicon.³² In fact, criminal law and procedure contain multiple ports of entry for immigration law questions. The federal courts are engaged in an ongoing evaluation of how criminal elements map onto the federal immigration statutes to determine the immigration consequences of crime. The criminal justice system serves as a screening mechanism for immigration violations. The relevance of constitutional criminal protections (such as the right to counsel or the exclusionary rule) in removal proceedings also serves as continual examples of the merger of immigration and criminal law. Consequently, immigration law students can reinforce their existing doctrinal knowledge in bar-tested subjects while also seeing how basic assumptions in mainstream areas of law become tested—at times even warped—within the immigration context.

Not only is immigration law substantively rigorous in nature, but a range of specific lawyering skills are also required for the practice of immigration law. Survey courses for this subject are therefore appropriate settings for the integration of skills and doctrinal training. Due to immigration law's administrative framework, students must not only become familiar with a range of legal authorities—namely statutes, regulations, subregulatory authorities, and case law—but they must also become adept at various modes of legal reasoning. Thus, statutory interpretation and the ability to weigh the relative strength of legal authorities are just as critical to analyzing immigration law as briefing an appellate case. Immigration practice itself might require a lawyer to exercise strong transactional skills in order to prepare meticulous administrative filings with the relevant agencies, as well as trial skills on behalf of clients facing re-

²⁸ See Jill E. Family, *Administrative Law Through the Lens of Immigration Law*, 64 ADMIN. L. REV. 565, 566 (2012) ("Immigration law is a type of administrative law . . .").

²⁹ See, e.g., Alina Das, *The Immigration Penalties of Criminal Convictions: Resurrecting Categorical Analysis in Immigration Law*, 86 N.Y.U. L. REV. 1669, 1727–45 (2011) (evaluating categorical analysis in immigration law under mainstream administrative law norms).

³⁰ See generally *Chae Chan Ping v. United States*, 130 U.S. 581 (1889).

³¹ See generally *Arizona v. United States*, 132 S. Ct. 2492 (2012); *Chamber of Commerce v. Whiting*, 131 S. Ct. 1968 (2011).

³² See generally Juliet Stumpf, *The Cimmigration Crisis: Immigrants, Crime and Sovereign Power*, 56 AM. U.L. REV. 367 (2006).

moval before the immigration courts. Appellate writing and research skills come into play given the role of judicial and administrative review in immigration matters as well. The bulk of immigration practice involves real-life people with real-life experiences, thus making basic lawyering skills like interviewing, counseling, fact investigation, case theory development, and the ability to forge a relationship of trust with one's client (often across cultural divides and at times amidst trauma) fundamental components underlying this area of law. Immigration clients are not limited to individuals, as business immigration lawyers must be adept at lawyering on behalf of institutional clients. Finally, immigration law's statutory nature means that immigration courses can easily teach lessons in legislative drafting and reform, as well as the pitfalls of poorly executed legislation.

An immigration law course thus has the potential to provide students with both rigorous analytic challenges and exposure to lawyering skills. In the next part, we detail what such a course might look like, with the hope of providing other teachers (regardless of the discipline) with ideas and encouragement, as well as spurring future dialogue on how such a course may be improved.

II. INTEGRATING SKILLS AND CROSS-INSTITUTIONAL COLLABORATION TO TEACH IMMIGRATION LAW

Shortly before the Spring 2014 semester, we decided to jointly plan immigration law doctrinal survey courses at the University of Maine Law School (taught by Anna Welch) and Western State College of Law (taught by Jennifer Koh). These introductory courses surveyed the legal, historical, and political considerations that shape U.S. immigration law. The courses shared several basic components—both met twice a week for approximately one and a half hours, students earned three credits, and both required the same texts. The classes that form the basis for this article enrolled the same relatively small number (sixteen) of second and third-year law students.³³

We wanted students in this non-clinical course to not only develop a solid understanding of U.S. immigration law, but to also begin to think about what is required to actually *practice* immigration law, and to gain exposure to some of the fundamental skills required for practice. We hoped to deepen students' understanding of the underlying substantive law while exposing them to the realities of immigration law practice, including the social justice problems and op-

³³ We acknowledge that at many law schools, the survey immigration law course has more—and in some cases far more—than sixteen students. We nonetheless believe that many of the pedagogical approaches described in this article could be adopted for larger classes—such as the teamwork, problem approach, guest speakers, discussion questions, and interviewing/counseling exercise. *See infra* at Part II, subsection ii (describing the interviewing exercise used in a class of ninety students). In a larger class, we would not advocate adopting all of the legal writing assignments described at Part II, subsection iii.

portunities for pro bono or public interest work in the field.³⁴ Ultimately, we sought to blur the perceived lines between “doctrine” and “skills” courses in an effort to integrate the two into one course that exposed students to the realities of legal practice.

The challenges of incorporating skills training in doctrinal courses are well documented, both in the literature and in the informal conversations taking place amongst law faculty today.³⁵ Professors report a lack of resources and time (especially in larger classes) to facilitate and provide meaningful feedback to students on skills-based exercises.³⁶ Given the complexity of the legal material in some courses, professors note that introducing additional assignments would likely overwhelm some students. Others feel they are too far removed from legal practice to incorporate skills training where they themselves lack practical experience.³⁷

Because we both have taught an immigration law survey course in the past, we were sensitive to the challenges of incorporating skills training into already demanding courses. We shared several concerns, including the feasibility of teaching one of the more complicated areas of the law³⁸ (frequently compared to the tax code) while also incorporating lawyering skills. We wondered whether we would be required to compromise on doctrine to accommodate skills exercises. Given that both of us were teaching the course concurrently with in-house, live-client immigration clinics,³⁹ we were also sensitive to the time de-

³⁴ See Stanchi, *supra* note 4, at 612 (arguing that law schools should “increase the number of courses that integrate doctrine, theory and skills so that students learn to use both doctrine and legal theory, including critical theory, in a practical context”). Stanchi further maintains that the separation between doctrine and skills is “unnecessary” and sends a “distorted message” to students about what is required to be an excellent lawyer. *Id.* at 611–12.

³⁵ See John O. Sonsteng et al., *A Legal Education Renaissance: A Practical Approach for the Twenty-First Century*, 34 WM. MITCHELL L. REV. 303, 340 (2007) (“Despite the MacCrate Report’s emphasis on the need for skills courses, faculty who have not previously taught such courses are reluctant to take them on, often regarding that kind of teaching as less prestigious than a doctrinal area of focus. The skills classes are also presumed to be less analytically rigorous and thus not as desirable to teach. Skills or clinical courses are viewed as an expensive drain on law school budgets as compared to traditional lecture-based courses.”); see also Bennett, *supra* note 4 (discussing a need for systemic change in law schools and describing barriers (to date) to law school change).

³⁶ See Mitchell D. Hiatt, *Why the American Bar Association Should Require Law Schools to Increase and Improve Law Students’ Practical Skills Training*, 45 CREIGHTON L. REV. 869, 884–85 (2012) (arguing that the time and resources law school faculty expend on producing scholarship takes away from the time that could be spent on improving law school teaching); see also Bennett, *supra* note 4 (discussing various barriers to law school change).

³⁷ See Sonsteng et al., *supra* note 35, at 353 (noting that many law school professors have “little or no experience in the practice of law” and thus their teachings are “theoretical and impractical”).

³⁸ See *Padilla v. Kentucky*, 559 U.S. 356, 369 (2010) (noting that “[i]mmigration law can be complex, and it is a legal specialty of its own”).

³⁹ ASS’N OF AM. LAW SCHS. SEC. ON CLINICAL LEGAL EDUC.’S TASK FORCE ON THE STATUS OF CLINICIANS AND THE LEGAL ACAD., REPORT AND RECOMMENDATIONS ON THE STATUS OF CLINICAL FACULTY IN THE LEGAL ACAD. 10 (March 29, 2010), <http://www.americanlaw.edu/clinical>

mands of additional exercises. Finally, we had some concern over our ability to incorporate hands-on exercises that would provide opportunities for every student to participate in an active, meaningful way.

On balance, we found that it was possible to meaningfully expose students to skills and practice while maintaining adequate substantive coverage and not experiencing burnout at a personal level. This Part describes our experiences teaching these courses, focusing particularly on the integration of skills and our cross-law-school collaboration. We first address the types of skills exercises and methods we incorporated into our courses, and concentrate the discussion on three skills developed in the courses: (1) teamwork, (2) interviewing and counseling, and (3) legal research and writing. We then discuss the nature of our cross-institutional collaboration, including how that collaboration affected our teaching, as well our students.

A. *Skills and Competencies*

Cognizant of the challenges to incorporating skills learning in our doctrinal courses, we decided to collaborate in the design of courses that emphasized or introduced certain core lawyering skills. We also recognized the different tiers in which learning can take place, for example, simple *exposure* to skills, versus *familiarity* or *mastery*.⁴⁰ It is neither possible nor necessarily advisable for doctrinal courses to provide students with mastery of a core lawyering skill like client interviewing or counseling.⁴¹ However, doctrinal courses can provide foundational exposure, which experiential learning courses like clinics or practicums may then build upon more systematically through repeated, live-client interactions to make students “practice ready” upon graduation.⁴²

With the goal of *exposing* students to certain core lawyering skills in mind, our first step in integrating skills training into our courses was to identify the range of skills that we would either emphasize or introduce. We began by considering the MacCrate, Best Practices, and Carnegie reports’ recommendations

canbar.org/content/dam/aba/migrated/2011_build/legal_education/committees/standards_review_documents/aals_june_2010_task_force_report_on_status_of_clinical_faculty_in_the_legal_academy.authcheckdam.pdf (“As a result of its unique pedagogical structure, clinical teaching is not only intellectually challenging, but time-intensive and unpredictable.”).

⁴⁰ See Katz, *supra* note 11, at 924 (“Pedagogical goals in skills courses may include proficiency at particular skills, a survey introduction to a range of skills, coherent theoretical understanding of a skill, contextual understanding of skills applicable to a practice setting, or awareness of how practicing lawyers make wise use of doctrinal knowledge.”).

⁴¹ See Findley, *supra* note 11, at 328 (discussing the need for sequencing in law school curricula with additional and better integrated opportunities for students to serve clients and solve real problems).

⁴² See Grose, *supra* note 19 (arguing that law school clinics should be viewed as “the pinnacle of the legal education pyramid,” and therefore the rest of the curriculum should build toward it. She explains that students should gain exposure to clinical goals and methods (including skills training) beginning in their first year, which is strengthened during their second-year, such that by the time students enter clinic in their third year, they do so at a much higher level of understanding).

on the types of core lawyering skills that should be taught in law school.⁴³ These reports recommend that law schools train students on a number of practical skills.⁴⁴ We then distilled the lengthy list of potential skills suggested in these reports into a smaller list based upon those skills we felt were most critical for students to learn, should they decide to practice immigration law. These skills included a number of areas endorsed by the existing literature, namely problem-solving, client interviewing and counseling, written and oral advocacy, legal research and writing, teamwork, and professional responsibility and ethics. Although we drew upon our experience teaching live, in-house immigration clinics in identifying these skills, doctrinal professors farther removed from practice might seek input from clinicians or members of the local bar in identifying key lawyering skills most important for practice in their given fields.

After determining which skills to integrate into our courses, we then developed various teaching methods for integrating skills training into our curricula. For instance, we used a problem method approach⁴⁵ throughout the semester, which exposed students to a fuller range of analytical, problem-solving skills critical in immigration *practice* and provided a useful framework within which to assess students' understanding of the law.⁴⁶ In general, our use of the problem method facilitated the integration of skills teaching throughout the courses, sometimes in small and spontaneous ways. The problems we assigned required students to dissect complex factual scenarios often involving several legal and ethical issues covered in the readings and in class.⁴⁷ By shifting the focus away from case analysis and reasoning, and on to the implications of the law in spe-

⁴³ See generally MACCRATE REPORT, *supra* note 3; BEST PRACTICES REPORT, *supra* note 3, at 65–90; CARNEGIE REPORT, *supra* note 3, at 126–61.

⁴⁴ See generally MACCRATE REPORT, *supra* note 3; BEST PRACTICES REPORT, *supra* note 3, at 65–90; CARNEGIE REPORT, *supra* note 3, at 126–61.

⁴⁵ The problem method is defined as “the process by which one starts with a factual situation presenting a problem or an opportunity and figures out the ways in which the problem might be solved.” Anthony G. Amsterdam, *Clinical Legal Education—A 21st-Century Perspective*, 34 J. LEGAL EDUC. 612, 614 (1984).

⁴⁶ See Scott, *supra* note 21, at 443 (“Although Socratic dialogue may be more effective for learning than straight lecturing, educational reformers are calling for less talking by the professor and more students engagement in solving problems during class time.”); see also Findley, *supra* note 11, at 318–20 (discussing the benefits of incorporating problem-solving training into law school curriculum); Myron Moskowitz, *Beyond the Case Method: It's Time to Teach with Problems*, 42 J. LEGAL EDUC. 241, 245 (1992) (“Problem-solving is the single intellectual skill on which all law practice is based.”).

⁴⁷ The course textbook, which was structured around the problem method, supplied many of the problems used in our courses. LENNI B. BENSON ET AL., IMMIGRATION AND NATIONALITY LAW: PROBLEMS AND STRATEGIES 17–18 (2013) (explaining problem approach adopted by textbook). We also developed several exercises on our own, such as those used for teaching immigration federalism and for in-class presentations, and drew some problems from the two other major immigration law textbooks. THOMAS ALEXANDER ALENIKOFF ET AL., IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY (2012); STEPHEN H. LEGOMSKY & CRISTINA M. RODRIGUEZ, IMMIGRATION AND REFUGEE LAW AND POLICY (2009); see also Findley, *supra* note 11 (defining the problem method and distinguishing it from hypotheticals, which are generally short and involve fewer legal issues).

cific fact scenarios, we could more easily bring in questions about fact investigation, case strategy, ethics, and client interviewing or counseling. The problems often asked students to serve in various roles, such as corporate counsel, immigration advocate, judge, or government official. When tackling the problems “in role,” student teams often debated one another and were forced to confront the myriad of factors immigration stakeholders must consider when attempting to solve real-world problems. We relied on guest speakers to provide real-world insights into the law and to reflect a variety of professional backgrounds from the immigration field.⁴⁸ Students also periodically received practice with oral presentation and advocacy skills, for instance through the use of moot court-style debates and formal presentations

In the sections below, we provide a lengthier discussion of how we exposed students to three specific skills: teamwork, interviewing/counseling, and legal research/writing. We hone in on these skills, and their related teaching strategies, to offer examples of how teaching various skills in a non-clinical course might take place. However, we recognize that skills training relevant to legal practice must remain a work in progress where substantive law and the realities of practice are not fixed.⁴⁹

1. Teamwork

Although it is widely understood that lawyering requires teamwork and collaboration,⁵⁰ the traditional law school classroom tends to emphasize individualized performance on high-stakes exams. Given the realities of practice for law school graduates, an increasing number of professors are emphasizing team-based learning,⁵¹ aspects of which we drew upon to develop the teamwork

⁴⁸ See Scott, *supra* note 21, at 442 (“Today, I see guest speakers as offering the potential, when carefully selected and prepared, to develop the students’ understanding of excellent professional practice. Excellent legal practitioners can be great role models for setting a high bar for lawyering skills, professionalism and ethics, and pro bono service to the community. As such, they can be invaluable teaching aids for developing domain knowledge and real-world skills and values.”).

⁴⁹ See Katz, *supra* note 11, at 938 (“A program of education for professional skills is always a work in progress.”).

⁵⁰ See Paul Brest & Linda Krieger, *On Teaching Professional Judgment*, 69 WASH. L. REV. 527, 534 (1994) (“From the moment they enter practice, lawyers spend much of their time working collaboratively with clients, other lawyers and legal assistants, and professionals in other fields.”); see also Susan Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*, 17 VT. L. REV. 459, 472 (1992–1993) (asserting that collaboration in lawyering often results in improved work product).

⁵¹ See generally Sophie M. Sparrow, *Can They Work Well on a Team? Assessing Students’ Collaborative Skills*, 38 WM. MITCHELL L. REV. 1162 (2012) (describing strategies used to teach and evaluate teamwork in doctrinal courses); Sophie M. Sparrow & Margaret Sova McCabe, *Team-Based Learning in Law*, 18 J. LEGAL WRITING INST. 153 (2012) (describing team-based learning and how it prepares students for practice).

component of our courses.⁵² At the beginning of the semester, we assigned students to teams of four through an exercise that was partially random and partially designed to ensure that each group reflected students with varying levels of prior experience with immigration law.⁵³ These fixed teams served as the vehicles through which a substantial amount of class discussion and skills learning took place, whether it be an in-class problem requiring close legal analysis or another course exercise.

Students had multiple opportunities to collaborate within their teams on a variety of problems and exercises. Students often discussed their answers to problems together in class. For instance, students completed an interviewing and counseling exercise in teams. Other exercises provided opportunities for students to work with their teams to research fundamental components of immigration law, present their findings to the class, and lead class discussion. The bulk of instruction on non-immigrant visa categories came through student presentations, in which students were required to identify statutory and regulatory authority, requirements, duration, quotas, and policy concerns. During a different week, students engaged in a moot court-style debate with respect to due process and border issues. They also prepared in-class presentations in which each team was responsible for researching and then teaching their classmates about one of four distinct dimensions of immigration reform.⁵⁴

The teamwork component of the class facilitated the students' work on exercises and problems, and encouraged them to practice the skill of being an effective collaborator. We wanted to create a classroom atmosphere in which students identified and analyzed the law alongside, rather than in competition with, each other. By placing them in permanent teams, we hoped that students with different learning styles and collaborative strengths would see the benefits of teamwork and develop a stronger sense of their own working styles.

In integrating teamwork into our courses, we brainstormed whether and how to assess students' ability to work with teams. In Koh's class, the quality of students' work in these teams served as one component of the final grade, based on a combination of instructor observations and feedback provided by

⁵² Professor Paula Manning at Western State College of Law provided invaluable guidance on implementing team-based learning approaches.

⁵³ To create the teams, we asked students to divide themselves into four groups based on how much experience or interest they had with immigration law (no prior experience or intent to go into immigration-related work, some prior experience or intent to enter the immigration field, currently enrolled in in-house immigration clinic, already completed in-house immigration clinic or equivalent). Once students were physically separated into these four groups, they were asked to number off by fours. The group selection was thus transparent to students, and reached our goal of achieving diversity amongst the groups.

⁵⁴ The immigration reform presentations were based on an exercise developed by Professor Jayashri Srikantiah at Stanford Law School for the Immigrants' Rights Clinic seminar. In the Spring of 2014, the topics were: legalization of undocumented immigrants, border enforcement, immigration priorities under the current laws, and executive branch relief. Students were provided with a series of questions to introduce the topic, but were required to research and present the issues to the rest of the class.

students on the quality of their teammates' collaborations throughout the semester.⁵⁵ By requiring them to give each other feedback and involving students in the calculation of the teamwork grades, they developed a level of accountability to their teammates that might not otherwise have existed. Welch chose not to grade teamwork because she was worried that doing so might create tension and competitiveness among teammates, especially where teammates were assessing one another. In comparing notes at the end of the semester, Koh planned to continue evaluating the quality of students' teamwork as a component of the final course grade, so long as students received a meaningful explanation of the value of the teamwork both at the start of the course and periodically throughout the semester. Welch reflected that her students generally performed quite well in their teams, with students enjoying the opportunity to work together to solve the problems discussed in class and to prepare the various in-class presentations. However, on occasion, she did observe an inequitable distribution of the work within some teams, which led her to reconsider her decision not to grade teamwork. In the future, and as an additional method of holding students accountable, we might also consider asking each student to keep a time sheet of their work on the assignment and also write up at the end of the exercise exactly what they contributed to the assignment, to be shared with both the professor and the team.

2. *Client Interviewing and Counseling*

Given the essential role of client interviewing and counseling in immigration practice, we exposed students to this skill set through a simulated interview exercise.⁵⁶ The exercise involved a simulated interview by an immigration attorney of a non-citizen in immigration detention. The attorney was charged with gathering the facts and assessing the non-citizen's removability from the United States and his potential claims for relief from deportation. Through the exercise we hoped not only to expose students to client interviewing and counseling but also to use the exercise to assess and deepen students' substantive knowledge of the law as covered in class and in the readings.⁵⁷

Several considerations came into play when planning the exercise. First, we discussed where we would provide explicit guidance and direction to students and in which areas we wanted students to perform without detailed guid-

⁵⁵ For a helpful discussion of how to incorporate student feedback and evaluation when including teamwork as a component of the final grade, see Sparrow, *supra* note 42, at 1171-75.

⁵⁶ Ragini Shah, Clinical Professor of Law and Director of Clinical Programs at Suffolk University Law School, created and used this exercise in training her clinic students, which we subsequently modified for purposes of our non-clinical courses.

⁵⁷ Specifically, we had just covered the grounds by which individuals in the U.S. might be deported (the grounds of removability) as well as possible claims that might allow even individuals deemed removable to remain in the U.S. (grounds for relief from removal). See Katz, *supra* note 11 (discussing various ways to incorporate skills into law school curriculum, including, for example, interviewing and counseling exercises in doctrinal courses).

ance from us. Second, we discussed logistical considerations, such as how many students would engage actively “in role” versus observing. Finally, we brainstormed how to engage every student in the exercise via active learning.

Although we used the same core materials, we took slightly different approaches to this exercise. Koh’s class relied on teams of four. Approximately one week before the exercise, Koh asked each team to identify one person willing to play the client, two willing to serve as the attorneys, and one person willing to serve as the active observer. Welch, who had previously used this exercise when guest lecturing to a first year criminal law class of approximately ninety students, selected one student from the class to serve as the attorney, one student to serve as the client, and the remainder of the class served as active observers, observing the interview and taking notes as the story unfolded. Welch asked the two role-playing students to *model* what a client interview might look like. The remainder of the class then had an opportunity, following the interview, to ask additional questions of the client. The attorney in Welch’s class was instructed to refrain from providing any legal advice during the interview, but rather was asked to focus on developing rapport and gathering information from the client. This provided the entire class an opportunity to apply the facts to the law during the interview debriefing. Both approaches met our core teaching goals, although Koh’s approach might be better suited for a smaller seminar class while Welch’s approach might be better suited for a larger class.

One goal of the exercise was to demonstrate to students the indeterminacy of facts. In preparing for the interview, we each provided “the client” students with a factual summary several days before the class. In an effort to make this exercise as realistic as possible, we asked that “the clients” not share the facts with others in the class. We instructed students playing “the clients” to not be particularly forthcoming about the details of the facts and to try to focus the interview primarily on their desire to be released from detention. Also, consistent with the reality that clients do not always know the details of their criminal history, the hypothetical facts were vague in some areas, including the criminal history itself.

We also provided students serving as the attorneys with a set of instructions. Not only were they instructed to focus on developing rapport with the client, we also asked them to focus on gathering information. The attorneys were to gather sufficient facts to ultimately assess whether “the client” had a risk of removal from the United States, and, if so, if he had any claims to relief. The attorneys were also given a list of tips for conducting client interviews, such as actively listening and using both open and closed questions in an effort to elicit detailed information from the client.

Welch provided additional direction to her student attorney to ensure that the student was fully prepared and familiar with best practices in client interviewing, especially as most students had little to no experience with client interviewing. She met with the student well in advance of the interview to walk the student through best practices in conducting client interviews. She also pro-

vided the student with examples of the types of questions to ask and encouraged the student to ask the same question in a variety of different ways in an effort to elicit the information desired. The student playing the attorney was not informed of the facts in advance.

In Koh's class, each team engaged in the interviewing exercise concurrently in one class period for approximately forty-five minutes. Unlike Welch's version of the exercise, students playing the attorneys did not meet with Koh for a separate preparation session. Instead, before the start of the exercise, attorneys received a one-page sheet with general advice on interviewing. Also, prior to the exercise, the entire class engaged in a brief discussion about the types of practices the attorneys might wish to adopt for an interview. To engage students in both skills and substance, students were provided with different types of evaluation sheets depending on their role. "Attorneys" received a sheet that required them to list the facts obtained during the interview and were asked to evaluate the client's claims under the law, as well as to identify next steps in the case (such as obtaining criminal court records or following up on questions not answered in the interview). "Clients" received a sheet asking them to evaluate the interview solely from a skills perspective—for instance, the extent to which the attorneys established trust with the client. The observers also had an active role in the evaluation of the interview, as they were required to complete both the facts/legal claim assessment sheet, as well as the interviewing skills evaluation sheet. After the interview, the attorneys and observers discussed the case and legal claims, but could rely only on facts elicited during the interview to develop their conclusions and strategies.

Following the thirty-minute interview, each class debriefed collectively for an additional thirty to forty-five minutes, enabling us to reinforce and assess students' substantive understanding of the legal material and also to reflect on the role of client interviewing and counseling in legal practice. In both classes, we began by asking the "clients" how they received the interview—such as, whether they felt that the student attorneys addressed their concerns. In response, the "clients" made several observations similar to what we might see in a live-client clinic, including feeling frustrated because they were not heard or their questions and concerns were not answered.⁵⁸ We then asked the attorneys to discuss their impressions of the interview. Students made several observations relevant to actual practice of law, including concerns about whether they had elicited all of the facts or noting that if they had not asked the question in several different ways they would not have received the information they needed. These reflections led to thoughtful class discussions regarding best practices in client interviewing, in that students identified different techniques employed by the attorneys during the interview to develop rapport and gather information. We also discussed challenges to client interviewing, including the limitations

⁵⁸ See Bennett, *supra* note 4, at 95–96 (advocating for more opportunities during law school for students to experience being clients themselves to help them begin to understand the needs of the clients they will eventually come to serve).

facing clients in detention, the indeterminacy of facts, and cross-cultural and language barriers that are often present when working with real clients.

As the class identified the relevant facts, teams in Koh's class discussed the facts they had elicited during the interview and were surprised to find that other teams had elicited varying amounts of material information. Many students serving as the attorneys realized that they had given up too quickly during the interview or had failed to ask questions that might have uncovered a deeper criminal history. Welch similarly provided an opportunity for the client to share any missing facts with the class. The goal was to not only demonstrate the indeterminacy of the facts to students but to also demonstrate why students should seek out additional opportunities to hone their client interviewing skills, given the critical role fact investigation plays in a case.⁵⁹ After identifying the relevant facts, Welch asked students to apply the facts to the law to reinforce and assess substantive understanding of the topics covered in the readings and previous classes.

In applying a mixture of irrelevant and relevant facts to the law, our earlier concern that skills training would require us to neglect important substantive topics proved unfounded. Rather, this exercise reinforced and deepened students' understanding of doctrine.⁶⁰ After sifting through a complex fact pattern, students then analyzed whether the client had a risk of removal from the United States, as well as any claims to relief from removal. In assessing legal options for the client, students applied a range of legal authorities, including statutes, regulations, administrative materials, and case law. For many of the students, the material seemed to click during this exercise. We ended with a discussion of how an attorney might counsel the client moving forward on the case, and we discussed techniques one might employ in effective client counseling, such as engaging the client in the process and ensuring the client makes well-informed decisions.

Although we took slightly different approaches to the exercise, we found that both of our approaches met our teaching goals, with some noteworthy benefits and challenges. In both courses we exposed students to the core lawyering skills required for client interviewing and counseling, while also reinforcing the substantive material covered in previous classes. Welch's approach is perhaps best suited for large class sizes where facilitating and monitoring several teams might not be logistically feasible. Welch's approach also exposed students to a

⁵⁹ See Katz, *supra* note 11, at 932 (explaining how student awareness of the skills required to work with clients is enhanced when professors incorporate client interviewing and counseling skills into doctrinal courses).

⁶⁰ See *id.* at 930 ("Lawyering skills referenced or demonstrated in doctrinal classes may enhance students' understanding of the substantive law of the course, explain the role of a lawyer in case development, and introduce the elements of a skill."); see also Stanchi, *supra* note 4, at 613 (explaining how courses that incorporate skills training "would not neglect doctrine" where they "expose students to fundamental doctrinal concepts but in a practical context that . . . show[s] them the use of doctrine in realistic and diverse lawyering situations").

“model” client interview, perhaps appropriate for students with little to no experience observing “best practices” in client interviewing. Koh’s approach is well suited for either smaller classes or courses using group-based teamwork, and provides an opportunity for more students to engage with the material “in role.”

We recognize some inherent limitations of this exercise. Most importantly, students did not benefit from an iterative process or from a more formal evaluation from us. To improve our approaches in the future, we thought to incorporate at least one additional interviewing exercise into our courses. The first exercise might take Welch’s approach (with one team of students on “center stage” modeling the exercise), and the second might occur a few weeks further into the semester using Koh’s approach. During this second exercise, we might ask students to assess one another’s performance “in role,” and we might also provide additional feedback to the students on what they did well and areas for improvement.

Ultimately, this interviewing exercise is readily transferable to other areas of the law where client interviewing is a reality of practice. Professors farther removed from practice might collaborate with clinicians or members of the local bar to generate client interview scenarios commonly seen in practice or invite local practitioners to help facilitate the exercise and provide feedback to students on best practices in client interviewing.

3. *Legal Research and Writing for Immigration Practice*

In our Immigration Law survey courses, we also sought to expose students to legal research and writing in a variety of contexts relevant to immigration law practice. As is the case when studying any area of the law, the textbook we assigned⁶¹ and the Immigration and Nationality Act⁶² served as only a starting point for students’ substantive knowledge of the law. We ultimately sought to deepen students’ understanding of the practice of law by assigning written exercises. We assigned three distinct writing assignments, each of which asked students to navigate different aspects of immigration doctrine, theory, and practice. The basic structure of each of the assignments could be applied to any area of the law, and each was particularly well suited for the classroom setting.

The first assignment required students to engage with immigration law in a professional work setting. The assignment involved the analysis of a hypothetical set of facts wherein the student (serving as an associate at a law firm) was required to write a memorandum to the law partner analyzing various immigration-related options for a firm client.⁶³ The assignment asked students to tackle

⁶¹ BENSON, *supra* note 47.

⁶² ALEINIKOFF ET AL., *supra* note 47.

⁶³ The basic structure of this assignment was based loosely on an assignment created and used by Dave Owen, previously a Professor and Associate Dean for Research at the University of Maine School of Law, in his Spring 2013 Natural Resources class.

the problem from the beginning. Much like the interviewing exercise, the facts we provided were intentionally vague and incomplete, and students were asked to acknowledge any ambiguities and how they might be resolved. The assignment provided a useful framework to assess students' understanding of the substantive material while exposing them to the realities of legal practice. By asking students to tackle the problem through the lens of a law firm associate, they were forced to confront the myriad of issues present in actual practice, such as sifting through messy facts, analyzing an array of legal authorities, and developing a strategy that addressed the client's legal and non-legal goals, all while trying to impress the law firm's partner and client.⁶⁴

The second assignment, a policy memo, required students to take a bird's eye critical view of our immigration system. As with the interviewing exercise and the first assignment, this assignment provided a useful framework within which to assess and deepen students' understanding of the doctrine but in a practical context. The assignment asked students to identify and provide a cogent and detailed explanation of a "problem" they see in immigration law, outline its causes, and then propose a solution for fixing this problem. With this assignment, we asked students to serve as legislators or policy makers and advocate their positions through in-depth analysis. This assignment allowed them to hone their legal reasoning and persuasive writing skills while engaging in a rigorous analysis of the law

The third assignment, which we called the "experience-based memo," required students to experience immigration law first hand, outside of the classroom setting. Students could select from a menu of options, including observing immigration court proceedings, interviewing an immigration attorney, meeting with individual government officials, participating in a limited term immigration *pro bono* initiative (such as a naturalization⁶⁵ or Deferred Action for Childhood Arrivals⁶⁶ workshop), participating in an immigration court watch program developed by the local National Lawyers' Guild, or attending a tour of the U.S.-Mexico border with both border officials and humanitarian activists.⁶⁷ Unlike a mere "journaling" exercise, the assignment required students to research and analyze legal authorities related to the experience.

⁶⁴ See Findley, *supra* note 11, at 318–19 (discussing the value of the "problem method," which asks students to tackle complex problems (as opposed to end-product cases) just as a lawyer would in practice).

⁶⁵ Naturalization refers to the process of applying to become a United States citizen.

⁶⁶ DACA is a form of immigration prosecutorial discretion created by the Obama Administration. DACA recipients receive a two-year reprieve from deportation and a work authorization card. See Memorandum from Janet Napolitano, Sec'y of Homeland Sec., to David V. Aguilar, Acting Comm'r, U.S. Customs & Border Prot. et al. (June 15, 2012), <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf>.

⁶⁷ At Western State, which is located about a ninety-minute drive from the U.S.-Mexico border, Koh organized a day-long trip for students to participate in a tour with Customs and Border Protection (CBP) officials in the morning. After the CBP tour, students visited with John and Laura Hunter from the volunteer organization The Water Station, which was

The experience-based assignment exposed students to some of the realities of immigration law practice, recognizing that first hand exposure often leads to increased comprehension of the material covered in class, as well as an appreciation for the many social justice dimensions of immigration law.⁶⁸ Students found their experiences “insightful,” “eye-opening,” and “horrifying,” as they witnessed the concepts learned in the classroom play out in real time. For example, in witnessing the detained docket at an area immigration court, one student expressed his “dismay” at the “shocking realities for detained unrepresented immigrants within our underfunded and overburdened system.” He noted that only upon witnessing the proceedings first hand did he begin to understand the impact of U.S. laws on real people. Students who attended the U.S.-Mexico border tour reported that the tour made course concepts come to life and challenged their assumptions. For example, some students expressed significant internal conflict after meeting with both border agents (who generally struck students as reasonable and likeable, while making the case for the necessity of a stronger border fence) and humanitarian activists (who highlighted the increasing numbers of migrant deaths resulting from the federal government’s border fence strategy).

Finally, in these challenging economic times for our students, this third “experience-based” assignment also provided excellent networking opportunities. Many students elected to interview immigration attorneys or government officials and tour their offices. Not only did students gain exposure to the day-to-day functions of the individuals they interviewed, but for at least one student, the interview led to further discussions regarding post-graduation employment. For other students, this experience opened their eyes to different career possibilities.⁶⁹ In learning more about the realities of immigration practice from the practitioners themselves, the interviews either sparked students’ interest further or turned them off from certain career paths. By including pro bono workshops in the realm of possible experiences that would qualify for the as-

founded by Mr. Hunter and seeks to prevent migrant deaths by placing water in high-risk desert areas of the border. The trip was optional for students in the course, most of whom elected to participate, and also open to other interested students at the law school. *See* Mary Dunnewold, *An Out-of-Classroom Experience*, 43 *STUDENT LAW*. (2015) (describing border tour at Western State College of Law), http://www.americanbar.org/publications/student_lawyer/2014-15/january/an_outofclassroom_experience.html.

⁶⁸ *See* Findley, *supra* note 11, at 314 (describing how “[f]undamental principles of learning theory confirm that, ‘when cognitive studies are accompanied by active engagement in their application to concrete problems, a likely result is fuller comprehension, better retention, and more apt recall of the cognitive material’”) (internal citation omitted); *see also* Scott, *supra* note 21, at 440–41 (recognizing that “field trips” into the real world foster “[d]eeper and more lasting learning . . . when legal concepts and cases can be understood within the larger legal regime of the institutions and stakeholders who are regulated by them”).

⁶⁹ *See* Scott, *supra* note 21, at 444 (describing the benefits of extracurricular activities that get students out of the classroom, including “imagin[ing] different careers routes,” where “[b]ecause of the limited exposure students are usually given in law school classes to the types of work that real lawyers do, they often cannot imagine there could be opportunities for them in any setting other than a law firm or in-house counsel office”).

signment, the course modestly incentivized students to engage in pro bono work, thereby increasing their exposure to lawyering skills and also connected them with local public interest organizations. The more students who were able to link readings and lessons from inside the classroom to what they witnessed outside the classroom, the more we felt that we were achieving our course goals.

Assigning three distinct writing exercises ultimately proved ambitious but manageable. We both provided extensive feedback to students on each of the assignments, which was quite labor intensive. However, we managed to reduce our workloads somewhat by incorporating page limits into each of the assignments, which also helped prepare students for actual practice. That being said, we would not advocate adopting all three of the legal writing assignments described above in larger classes, given the time and labor required. Professors teaching larger classes might instead select one or two of these assignments and make some modifications. For example, the experience-based memorandum could be modified to incorporate a grade on a “check plus/minus” scale with peer review or the memorandum to the partner could instead be a shorter e-mail to the partner.

B. Collaboration Across Law Schools

Much has been written about forging collaborative relationships between professors and members of the professional bar,⁷⁰ as well as interdisciplinary alliances among professors and students,⁷¹ but not about collaborations between professors across law schools. Yet, collaborations in the immigration law community among scholars and teachers have allowed our community to respond quickly, and in nuanced and creative ways, to the call for increased skills training in law school curriculum.

We collaborated closely in the design and execution of nearly all aspects of our immigration law survey courses. We discussed the overall course design and traded versions of our syllabi before customizing them for our respective institutions. We shared and discussed lesson plans, often exchanging and then

⁷⁰ See, e.g., *id.* at 449–50 (describing the benefits of collaborating with the local practicing bar, including, for example, in opportunities to find guest speakers, enhancing practical skills training exercises in doctrinal classes, and student mentoring).

⁷¹ See, e.g., COMM. ON THE PROF'L EDUC. CONTINUUM, SEC. ON THE LEGAL EDUC. & ADMISSIONS TO THE BAR, AM. BAR ASS'N, TWENTY YEARS AFTER THE MACCRATE REPORT: A REVIEW OF THE CURRENT STATE OF THE LEGAL EDUC. CONTINUUM AND THE CHALLENGES FACING THE ACAD., BAR, AND JUDICIARY (March 20, 2013) http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/june2013councilmeeting/2013_open_session_e_report_prof_educ_continuum_committee.authcheckdam.pdf (describing how some law schools, particularly those within larger universities, have begun to forge interdisciplinary connections for faculty and students with their counterparts at other law schools); see Scott, *supra* note 21, at 432–33 (discussing interdisciplinary partnerships between the author's law students and medical students in the teaching of health law).

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building off of each other's course PowerPoints and notes. Our instruction sheets to students and grading rubrics were nearly identical, and we benefitted from the in-house legal writing expertise at each of our respective law schools.⁷² Our in-class exercises were also similar in many respects. Using similar problems and exercises allowed us to touch base on the "right" answers before class and to discuss student responses and the value of various exercises after the classes. Finally, we culled model answers from among our two student groups, where appropriate, in response to written assignments.

We also explored various ways to have our students interact and collaborate. We developed model answers to the first assignment by selecting the best papers from among our two groups and circulating them to our students. Several students from our respective classes also engaged in a cross-law-school peer review, where we assigned students from one school to students from the other school to provide guided peer feedback on the policy paper.⁷³ The cross-law-school peer review was voluntary, but students received nominal extra credit on their policy paper for participating. Few opportunities exist in law school for students to offer useful feedback on another's work, which is an important skill once they enter legal practice.

We identified several benefits to the cross-law-school peer review amongst our students. Perhaps most importantly, the peer review exposed students to differing regional perspectives, thus deepening their understanding of the legal doctrine, given the different challenges and issues facing immigrants in various parts of the country, such as Maine and California. Finally, those who participated in the peer review generally produced excellent papers. Consistent with best practices in the legal writing community and as with our other assignments, we provided written guidance and grading rubric for students to consider when conducting the peer review and required that they copy us on the e-mails when sending their feedback.

We offer our cross-institutional collaboration as an example of how law schools might integrate additional and beneficial skills training into doctrinal courses. Not only was this collaboration fun and rewarding, but it provided us with additional resources and immigration expertise not otherwise available within our institutions. We teach at relatively small law schools, are the only full-time faculty members who teach in the immigration law field, and also direct in-house immigration clinics. The collaboration allowed us to bring our respective life experiences to the table, which we believe led to the design of more creative courses for our students. Throughout the semester we served as exploratory sounding boards for one another. Moreover, collaboration provided

⁷² We thank legal writing professors Lori Roberts and Eunice Park at Western State College of Law and Angela Arey at the University of Maine School of Law for sharing their legal writing rubrics and directing us towards helpful legal writing resources.

⁷³ See Katz, *supra* note 11, at 920 (describing how peer assessment provides opportunities for professors to take advantage of "expanded resources inherent in student critique" as well as incentivizes students "to perform well in front of their peers").

assurance and enhancement of our own knowledge, as we were able to draw from our different legal backgrounds and experiences. Given the significant benefits of collaboration, professors seeking to integrate skills training into their doctrinal courses might consider collaborating with other law professors from within their same discipline in generating exercises and fact scenarios relevant to actual practice in their fields. Potential collaborators might include individuals from within the Association of American Law Schools' various sections, members of the local bar, and law school alumni, among others.

Our collaboration was facilitated by several factors. We had a pre-existing professional relationship as we had both served as clinical teaching fellows at Stanford Law School before developing immigration clinics at our respective law schools. We were thus familiar with one another's work styles and practice approaches. We maintained an open line of communication throughout the semester (via e-mail, phone and a shared Dropbox account), and we often touched base before and after our classes to discuss what worked well and what might be tweaked in the future. Logistically, we were also on the same semester schedule, which was useful in the initial design of our courses. We also agreed to use the same course materials and casebook. However, we recognized inherent limitations in our collaboration in that each of us has a unique teaching style, and we each had to be familiar with the law.

We are not alone in forging collaborative relationships that facilitated teaching innovation. Indeed, we are fortunate to belong to a national community of immigration law teachers whose members, especially seasoned members, have readily dispensed advice and encouragement to those of us in the process of developing our teaching abilities and substantive expertise. For instance, under the leadership of Professor Michele Pistone, law professors and scholars from around the country who were attending the biennial Immigration Law Teachers Workshop in 2014 participated in the creation and filming of ten short videos that explain discrete topics in immigration law, which are available online in order to assist professors in moving lectures online and devoting more time in the classroom to the teaching of skills.⁷⁴ Other immigration law professors who are teaching non-clinical courses, such as Professors Stella Burch Elias, Juliet Stumpf, and Stephen Manning, have developed coursework and projects that connect their students directly to movements and organizations working in the area of immigrants' rights, and in doing so, they have further blurred the boundaries between what it means to teach the doctrinal and the clinical.

⁷⁴ See LEGALED, <http://legaledweb.com/> (last visited Aug. 19, 2015). The vision of LegalED is to provide open source materials for use in blended or flipped classrooms in an effort to "develop and maintain a vibrant online community of teachers and students of the law devoted to active, problem-based learning that prepares law students to graduate law school with the knowledge, skills, and values necessary to practice law successfully." *Id.*

CONCLUSION

Given that this article was based primarily on our experience with one class, the ideas discussed here remain subject to some necessary caveats and limitations. We believe that we met our goal of exposing students to the practice and reality of immigration law, but we do not believe that the single course made the students “practice ready,” *i.e.*, ready to meet with their own clients without substantial supervision. We are also unsure as to whether the level of skills integration described in this article was sufficient to meet the American Bar Association’s requirement that faculty provide “substantial instruction” in skills in order to provide formal units with a professional skills designation.⁷⁵ We believe that the courses might have also benefitted from more deliberate efforts in the areas of assessment and backward design.⁷⁶

In this article, we have nonetheless described some of the steps we took to infuse our non-clinical survey immigration law courses with skills training, and described how our cross-law-school collaboration helped facilitate this integration of skills. We offer our courses as examples of how doctrinal courses can teach core lawyering skills while reinforcing substantive law. The process we followed—from identifying specific skills relevant to actual practice to developing skills exercises well suited for the classroom setting—can all be drawn upon by doctrinal professors regardless of discipline. While a number of ways to integrate skills training into doctrinal classes exist, our courses provide useful frameworks within which professors teaching doctrinal courses might seek to more intentionally prepare students for actual practice. We hope this article spurs additional thinking about the role of law schools in preparing students for the legal profession across the curriculum, and we look forward to seeing the conversation unfold in the years to come.

⁷⁵ See AM. BAR ASS’N, SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 19–20, § 302(a)(4) (2007), http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/standardsarchive/2007_2008_standards.authcheckdam.pdf; see also Katz, *supra* note 11, at 912–15 (discussing the meaning of ABA Standard 302(a)(4) relating to teaching professional skills).

⁷⁶ See Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLINICAL L. REV. 505, 560 (2012) (describing Wiggins’ theory of backward design which “begins with the premise that teachers are designers, ‘crafting curriculum and learning experiences to meet specified purposes’”) (citing GRANT WIGGINS & JAY MCTIGHE, UNDERSTANDING BY DESIGN 13 (2005)).

