

IMMERSIVE, ITERATIVE AND INTEGRATIVE: DOES COOPERATIVE PLACEMENT ACCELERATE LAW STUDENT PROFESSIONAL DEVELOPMENT?

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A steep decline in the job prospects for entry-level lawyers has been followed by a sharp drop in law school applications. Media stories criticize traditional legal education for being too expensive while producing graduates unprepared for practice. Throughout the country, legal educators and administrators at law schools are trying to formulate an effective response.

A common thread running through many new law school initiatives is greater emphasis on experiential education. Fundamentally, experiential education is learning by doing, typically by assuming the role of the lawyer in an in-class simulation, law school clinic, externship or cooperative placement. As law schools seek to add hands-on opportunities to their curricular offerings, empirical evidence on experiential education's impact on law student professional development becomes invaluable.

Northeastern University School of Law's Outcomes Assessment Project (OAP) is an evidenced-based approach to understanding experiential learning in the law school curriculum. A focal point of the OAP is Northeastern's Cooperative Legal Education Program, an integral part of the school's curriculum since the late 1960s. After completing a mostly traditional first year of law school, Northeastern students enter a quarter system in which 11-week cooperative placements alternate with 11-week upper-level courses. Through the four co-op placements during the 2L and 3L years, every Northeastern student gains the functional equivalent of nearly one year of full-time legal experience, typically across a diverse array of practice areas.

THE LEARNING THEORY OF COOPERATIVE PLACEMENT

Northeastern's Cooperative Legal Education Program is based on a learning theory with three interconnected elements: immersion, iteration and integration.

- **Immersion.** Immersion in active legal work in a real-world setting enables students to feel the weight and responsibility of representing real-world clients and exercising professional judgment.
- **Iteration.** Iterative movement between the classroom and co-op placements provides students with concrete opportunities to connect theory with practice and under-

stand the role of reflection and adjustment in order to improve one's skill and judgment as a lawyer.

- **Integration.** Integrating experiential learning into the law school curriculum signals its high value to the law school mission — when 50 percent of the upper-level activities involve learning by doing, practice skills are on par with doctrinal learning.

The purpose of the OAP Research Bulletin No. 3 is to use preliminary project data to explore whether the immersion-iteration-integration approach to legal education has the effect of accelerating the professional development of law students.

THREE EFFECTS OF CO-OP PLACEMENTS

The findings in Research Bulletin No. 3 are based on surveys and focus groups conducted with 2L and 3L Northeastern law students and a small number of Northeastern law graduates, who served as facilitators. In our conversations with these students and alumni, we identified three ways that co-op is impacting the professional development of students.

Co-op results in more self-aware and deliberate career planning. Insights obtained through co-op placements frequently lead students to reconsider their career plans and to select law school courses in a more focused, targeted way.

Preconceptions, positive and negative, of specific practice areas are challenged. Further, the contrast among diverse co-op placements often produces sophisticated insights. Ruling out a practice area or practice setting happens just as commonly as finding a strong match. In addition, students gain renewed respect for the value of classroom learning to fill gaps in legal knowledge.

Co-op improves practice skills. A large proportion of co-op students reports dramatically improved communication skills, not only in writing and speaking, but also in their ability to read situations and adapt to the diverse communication needs of supervisors, peers and clients. Similarly, students report improved research skills. They contrast the structure and clarity of law school legal research projects with the time, resource constraints and messiness of real-world law practice. Students realize and appreciate that they are developing targeted and efficient practice skills as a result of these experiences.

Co-op deepens professional identity. Many students reported transformative, visceral “moments of unpreparedness” during one of their co-ops when they didn’t feel up to the task. These moments are often associated with a realization that the student’s work is likely to have an effect on a real client. This realization heightens the urgency of finding a solution as the students realize that responsibility stops with them. For example, the development of valuable mentoring relationships or the crossing of a skills

milestone that increases confidence and directly helps real-world clients through a difficult situation come as unforeseen yet invaluable surprises.

BETTER COMPARED TO WHAT?

A central question of the OAP is whether this specific type of experiential education — immersive, iterative and integrated cooperative placements — accelerates the professional development of law students. The baseline comparison for this analysis is the traditional three-year JD program that focuses primarily on learning through the case dialogue method, with experiential education limited to upper-level elective courses, such as clinics and simulation courses, which are often in short supply and subject to enrollment caps.

This baseline is carefully described in the landmark “new Carnegie report,” *Educating Lawyers*, the 2007 study of legal education conducted by the Carnegie Foundation for the Advancement of Teaching. The study found that the traditional first-year curricula, teaching methods and assessment methods that predominate in contemporary law schools produce “a striking conformity in outlook and habits of thought among law school graduates” (p. 186). Yet, the primary strength of the traditional model is that, relatively quickly, law students assimilate a host of analytical skills that enable them to:

- Read and evaluate legal precedents
- Apply precedents to different sets of facts
- Evaluate the weight of competing legal arguments
- Effectively use precise language to clarify and resolve legal issues.

Although this is an impressive list of analytical skills, the authors of *Educating Lawyers* conclude that the heavy and persistent emphasis on analytical skills (“cognitive apprenticeship”) has two serious unintended consequences. First, it slows aspiring lawyers’ professional development. By limiting opportunities to practice in the role of the lawyer — i.e., learn experientially by counseling, advocating and problem solving — traditional legal education “prolong[s] and reinforce[s] the habit of thinking like a student rather than an apprentice practitioner” (p. 188).

Second, the heavy emphasis given to analytical development implicitly marginalizes the importance of ethical development. The acquisition of analytical skills during the first year often is achieved by pushing social context and issues of fairness and equity to the side. Because these topics are reintroduced only haphazardly in upper-level courses, students have a highly uneven basis for understanding the very human, practical aspects of effective lawyering, as well as their professional obligations to clients and society at large.

If Northeastern’s Cooperative Legal Education Program does accelerate professional development, student accounts of their co-op experiences should provide specific, concrete examples of (1) practical skills acquisition (“practical skills apprenticeship”) and (2) growing awareness of the student’s duties, responsibilities and efficacy as a lawyer (“professional identity apprenticeship”). In fact, the recurring themes that emerged from this research are directly responsive to these two crucial aspects of lawyer development. Further, the interplay between practice and course work also appears to influence and accelerate the cognitive apprenticeship.

The matrix in Table 1 summarizes the relationship among three key themes that emerged from the student responses and the three Carnegie apprenticeships. As discussed more fully below, within each theme, there is ample evidence that progress is being made in all three apprenticeships. In short, there is complete overlap.

HOW THE DATA WERE COLLECTED

The research for this portion of the OAP relied on three focus groups in which participants filled out a structured questionnaire in advance. In addition to basic demographic information, the survey asked students to categorize their co-op experiences from a standardized list, identify their most valuable co-op experience and

Table 1. How Northeastern Co-op Maps onto Carnegie Report

Recurring Themes in Sample	Cognitive	Practical Skills	Professional Identity
Improved Self-Awareness for Career Planning through Exposure to Diverse Practice Areas	√	√	√
Acquisition and Improvement of Lawyering Skills (e.g., research, communications)	√	√	√
Unexpected professional growth where students began to grasp the breath, depth and weight of actual lawyering	√	√	√

answer “yes” or “no” to the question, “has the co-op experience altered your career plans, including the choice of law school courses?” The focus group discussions mirrored the survey questions, thus enabling students to elaborate on their written answers. The focus groups were digitally recorded and transcribed.

KEY FINDINGS

The findings of this study are organized around the three principal themes that emerged from the student responses: (1) self-aware career planning, (2) practical skills and (3) professional identity growth. These findings are often best illustrated using the words of the students themselves, albeit these accounts often capture and reflect more than one key finding.

1. Co-ops encourage self-aware career planning.

Each study participant was asked which co-op setting to date had produced the most valuable learning and professional development. (See Table 2 for the full list and breakdowns.)

What is perhaps surprising is that, despite the relatively small sample size (n = 28), these percentages are essentially identical to the distribution of co-op experiences. The only exception is the placement in a judicial chamber, which may be partially due to the fact that working for a judge was the most common first co-op experience (43%). By virtue of the case method, it is also the experience that is most closely aligned with students’ classroom experiences.

Participants were also asked whether the

Table 2. Breakdown of Co-op Experiences by frequency and perceived as most valuable

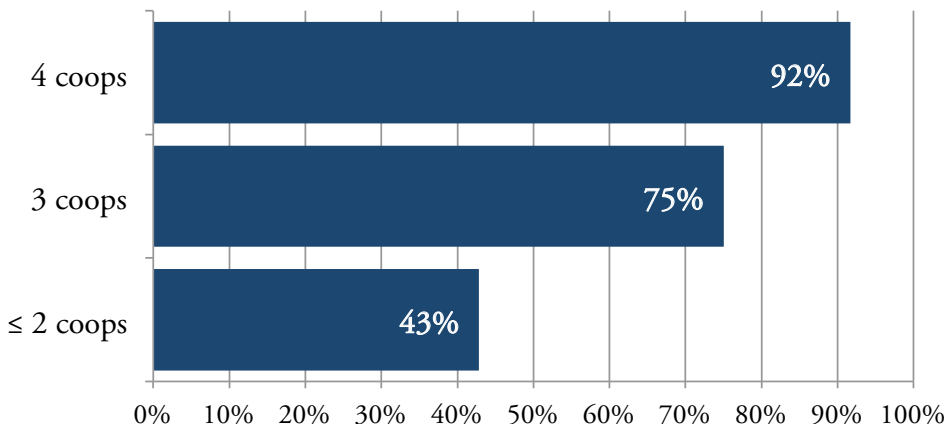
Practice Setting	Percentage with a co-op in this practice setting	Percentage who choose co-op as most valuable
Large Firm (> 50%)	11%	12%
Medium Firm (10-49)	6%	6%
Small Firm (1-9)	6%	6%
Government Agency	11%	11%
Prosecutor	23%	23%
Public Defender	6%	6%
Judge	21%	35%
Other / could not decide	7%	7%

co-op experience had altered their career plans, including influencing their choice of law school courses. The results are presented in Figure 1.

According to students, one of the most valuable benefits of co-op was dashing preconceptions of what type of law they wanted to practice.

For example, one 2L student reported that she came to law school thinking that she wanted to work in criminal law. To test her interest, she obtained a co-op with a judge with a substantial criminal docket. Yet, “Seeing criminal law all the time, I know that I don’t have the heart to do that. [This co-op] changed my mind because I said, ‘This is something I don’t

Figure 1. Has a co-op experience altered your career plans, including influencing your choice of law school courses? (% Answering Yes)



want to do.”

Similarly, another 2L reported virtually the identical experience, but in the opposite direction. “I came [to law school] wanting to do labor and employment law. [Now, after a co-op in a prosecutor’s office,] I want to do criminal or prosecutorial work, which has definitely influenced the classes that I’m taking.”

The value of multiple and varying practice settings (the iterative element of the Northeastern upper-class experience) was revealed in the comments of several law students. One 3L reported that he came to law school thinking he wanted a career in litigation. Yet, after his first two co-ops focused on litigation-oriented work, he firmly concluded, “I can’t do this every day. If I can do anything else that doesn’t involve this [focus on legal research and case law], I will give it a shot. It took my third co-op to figure that out. If I only had two summers to do that, I don’t know where I would have ended up.”

For other students, exposure to multiple co-op employers had the effect of strengthening their initial career plans. Yet, that increased resolve was also in some cases accompanied by the ability to seek out additional information that will eventually lead to a better career fit. For example, one 3L noted, “I came in here wanting to be a litigator and the same is true today. If anything, my co-op experience has strengthened that decision. [But] I haven’t fully decided whether I want to be on the prosecutorial side or

the defense side. I am kind of leaning toward the private sector right now, the defense side, but I am not 100 percent sure.” His next co-op, he reported, will help him answer this question.

In some cases, the ability to play the role of an actual practicing attorney in a particular practice setting gave students new and valuable insights on their own abilities and interests. The experience of one 3L student, who worked in a state prosecutor’s office during his third co-op, illustrates this point. “Because of my 303 certification [the Massachusetts rule that enables students meeting certain requirements to advocate in court], I was able to get into the courtroom, get on my feet and actually argue different things, whether it be arraignments or motions [Initially, it] was a little nerve-wracking. My hands were definitely sweating when I went up there but as soon as I got up and started talking, I just fell in love with it.” This student is now pursuing a career in criminal law.

2. Co-ops develop practice skills.

The second key theme in the focus group discussions was the development of practical lawyering skills through the co-op experience. Yet, in contrast to the law school experience, where the skills and knowledge were explicitly identified by the instructor, students are required to take a much more self-directed approach during co-op. An important subtheme for the students is the lack of structure and clarity that practitioners face on a

daily basis, and how lawyers are relied upon by clients, courts and third parties to impose order on situations. Realizing through co-op they have a limited window for preparation, students develop a much more targeted and efficient approach to legal tasks, including complex problem solving for clients.

Client relations provides a good example of a practical skill that is difficult to teach or practice during law school. One 3L student praised the client exposure she received in her first-year Legal Skills in Social Context course, but noted, “It was very formal and organized. We all took a turn asking a question In my last co-op, I had to meet with clients all the time, and I was really nervous about asking them the right questions and figuring out the right things to lead to the next question. They are not legal minds so I need to ask questions to get to the heart of their legal issues. ... There is no place where, in my coursework, I was learning how to ask good questions of my clients. ... I was winging it most days. [But with practice,] you get better.” As a result of her co-op experience, she felt she was on her way to developing “great instincts” in the handling of clients.

Similarly, another 3L student reported learning about the importance of understanding your client’s goals, which are typically not law-related. Rather, law is a means toward achieving specific business objectives. “[In one of my co-ops], I worked for this hospital and we had to develop an IP strategy. It really had little to do with the actual law, but rather

where we wanted this hospital to go in the future and how we wanted to protect our innovations.” The student concluded that one of the biggest takeaways from the experience was learning how his work interacted with the work of other non-legal professionals in his corporate environment.

On a more nuts-and-bolts level, students reported that the complexities and demands of daily practice enable them to dramatically improve their legal research and writing skills. The observations of this 3L were common among our respondents: “I developed my research and writing skills [more] through co-op than I really did through my LRW class, especially this last one [as a full-time researcher for the US Attorney’s Office]. A lot of times, I would get something and only have two days to do it. I didn’t have the amount of time that I did in [Legal Writing and Research]. It really forced me to get really good at thinking things out at the start of my research. So the questions were, ‘What do I need to find? Where am I going to find it?’ I had to do that as opposed to treating Westlaw like Google.”

Student experiences regarding legal research and writing during co-op also seemed to validate the iterative structure of Northeastern’s upper-level program. For example, one 2L student observed, “One thing I learned on co-op was how to adapt to not knowing information and having to learn it quickly. ... Coming back into the classroom, I felt like I could gather information. I knew where to look if I needed more information, and I also

knew how to learn it. I knew how to organize it in my brain. ... I could read something and put it together in sort of a diagram in my head, and I could understand what I read; I could take the doctrine and make the point. I think that's something I definitely learned on co-op."

Communication skills was another area where students reported substantial progress during co-op. Because communication is such a broad topic, it is not surprising that the focus groups contained several interrelated subthemes, including understanding your audience, how to organize and simplify information, and presenting information with confidence. All of these skills require context and practice in order to improve.

One 3L student described the learning process as follows. "There are ... two things to communication. One is the ability to express yourself in a logical and concise and clear way. ... [T]he other part is ... having confidence in what you're saying. ... [In my first and second co-op,] I often experienced uncertainty going into my supervisor's office and saying, 'Here's what I found.' In your head you're like, 'Oh God, I hope this is right.' ... I know that my ability to actually go into a supervisor's office and say with confidence, 'This is what I did. This is what I've found. This is what I think you should do,' is something that I never could have done on my first or second co-op."

Similarly, several students reported learning the value of adapting to their audi-

ence. For example, one 2L student noted that during her summer co-op, she learned that "every lawyer, staff attorney, paralegal, whatever, everybody is different. Do they want me to check in with them every day at 2:00 or do you never want to see me again until I've turned this thing in? 'People want things different ways' is something that didn't even occur to me when I was in school." Likewise, a 3L said that she "had to develop the skill of being able to orally present why something was important to people within my office, not before a court. I frequently wrote lots of research memos and I felt that they really laid stuff out. [But my supervisor at co-op] didn't want to read a five-page memo all the time. She really liked when I would come and say, 'This is what's important. This is the part of the fact pattern that really matters. This is a case that you should really look at.' I really had to strengthen that skill."

3. Co-ops deepen professional identity.

A third key theme that emerged from the student focus groups was a more concrete grasp of the role of the lawyer to both clients and broader society. This increased awareness, in turn, influenced attitudes toward law school and the opportunity to practice and learn before they were fully responsible for the fate of another. In many instances, students were aided in this process by practitioners who served the role of informal mentors.

As students relate these stories, we can observe the process of the legal novice beginning to crossover into the role of

a lawyer who is responsible for the fate of others. As one 3L relates, “It started out with [my supervisor’s insistence that on Tuesdays] I go and just kind of hang out at the jail with our clients. I slowly realized that there was a trust-bond type thing being put in place.” In turn, the student is now inspired to use her learning to help her clients to the maximum of her ability. When she was with her clients, she would think, “I want to use [my legal training] so that you can be heard.”

Another 2L related a similar story. “[Because of my co-ops,] I have a better appreciation for what your work product is going toward. I think in law school, you are serving yourself, so to speak. Everything that you do is to better yourself and improve your lot. When you are on co-op and you are dealing with clients, there are real implications for what your working product becomes. When I am filling out an Order of Protection at the district attorney’s office or doing notices of discovery redacting personal information, people’s safety is on the line, people’s lives. The attention to detail that you have needs to be so sharp. . . . When [your co-workers] take your work product, they are relying on you to make sure you have done your due diligence. . . . [The importance of the work] certainly left an impression on me.”

Part of the professional identity process is shedding preconceived notions of justice and fairness that are not sufficiently other-regarding. For example, one 3L student came to law school wanting to do

international human rights work. One of her co-op experiences took her to Tajikistan, where she worked on criminal law aspects of the ABA Rule of Law Initiative. The experience caused her to confront many of her initial preconceptions of her role as a lawyer.

“I always thought that I wanted to have [what my boss called ‘angel clients’.] It wasn’t until my boss said – she said it very gently, she wasn’t saying it in a mean way – she said, ‘It sounds like you really want to have angel clients. You want to have people that have never done anything wrong. Are those the people who deserve most of the protection that you’re talking about? I really thought about that and thought, ‘No, that’s not right.’ I said, ‘I couldn’t defend a hardened criminal because I can’t empathize with them.’ She said, ‘You need to think about that and what that means for your view of the justice system as a whole.’ It changed the way I think about it now.”

Back in the US, another 3L was having a similar epiphany in a corporate law context. After co-ops with a judge and government agency, she found her calling in transactional work in a law firm. “I got all the corporate law I could ask for. I loved it and knew that it was a great fit for me.” But her fourth co-op was transformative. “My last co-op was with a venture accelerator, so working with start-ups. . . . I had so much client contact. [During co-op], You realize that you become a lawyer without realizing it. . . . I sat down on my second week of co-op with a guy. He

said, 'My co-founder and I are going to go our separate ways but it's all good, we're happy.' I said, 'Okay, cool. Why don't you show me your shareholder agreement and we can look at how you should be separating.' 'He replied, 'You know, we never got around to it.' I thought, 'Oh my gosh. You have the equity and a company, you are supposed to have a shareholder agreement.' He said, 'Yes, I know. They told us that we should do that. We just didn't.'

"For me, [this revealed] the practical side. Yes, I learned all of these things in law school but now I am dealing with clients who actually didn't do that. Fortunately, there are no consequences right now but there could be. If the parting of ways for these two co-founders was negative, those are the situations that we learn to mitigate in law school that we would then have to navigate."

CONCLUSION

Although the focus groups comprise only a small portion of the Northeastern law student body, the student responses yield a remarkable number of examples of learning and improving practical skills, gaining confidence and growing into the role of a competent legal professional. Further, there is substantial evidence to support Northeastern's three-part theory that effective experiential education must be (1) immersive, (2) iterative and (3) integrated into the law school experience. The immersive and iterative nature of the cooperative experience, in particular, seem

to work in concert with one another and also support the three Carnegie apprenticeships: cognitive, practical skills and professional identity.

A larger question to be explored by the Outcomes Assessment Project is whether these early career experiences and the resulting accelerated professional development have a permanent and lasting effect on the future careers of Northeastern law students. This question will be explored in a future research bulletin.