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INTERDISCIPLINARY PROBLEM SOLVING COURSES AS A CONTEXT FOR NURTURING INTRINSIC VALUES

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Intrinsic values and motivations are important foundations for career satisfaction and professionalism. The research of Lawrence Krieger and Kennon Sheldon highlights factors critical to the development of intrinsic values and motivations. Our aspiration was to create courses that could stimulate such development in our law students. This article discusses the foundation and goals for our courses, describes our courses, reviews our successes and failures, and poses questions for further study. Throughout our discussion we provide anecdotal data from comments by students and the professionals with whom they worked, indicating the degree to which students seem to be incorporating the goals we set forth. Finally, we provide suggestions for professors who may wish to implement aspects of these courses to further nurture students' intrinsic values, self-confidence, and professionalism.

The emphasis in clinical teaching has historically been on the teaching of traditional advocacy skills such as trial techniques, client relations, negotiation, and drafting. With the rise in the number of interdisciplinary community lawyering clinics,[1] a different set of skills is emerging: problem solving, mediation, systems design, and objective listening, to name a few.

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[1] For examples of community based problem solving clinics, *see, e.g.,* Andrea M. Seielstad, *Community Building as a Means of Teaching Creative, Cooperative, and Complex Problem Solving in Clinical Legal Education*, 8 CLIN. L. REV. 445 (2002); Alan M. Lerner, *Law and Lawyering in the Workplace: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solvers*, 43 AKRON L. REV. 107 (1999); Katherine R. Kruse, *Biting Off What They Can Chew: Strategies for Involving Students in Problem-solving Beyond Individual Client Representation*, 406 CLIN. L. REV. 405 (2002); Susan D. Bennett, *Embracing the Ill-Structured Problem in a Community Economic Development Clinic*, 9 CLIN. L. REV. 45 (2002); Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 CLIN. L. REV. 195 (2002).

Examples of interdisciplinary clinical courses are: Profs. V. Pualani Enos and Lois Kanter have created an interdisciplinary clinical program with Northeastern University School of Law and the Boston Medical Center Domestic Violence Project, which they describe in their recent article, *Who's Listening? Introducing Students to Client-Centered, Client-Empowering, and Multidisciplinary Problem-Solving in a Clinical Setting* at 9 CLIN. L. REV. 83 (2002); Prof Sylvia Caley has developed a course at Georgia State University College of Law on *Health Legislation and Advocacy,* in which law students work with community partners to draft and track actual health bills in the Georgia legislature.

Although we, too, attempt to teach these new skill sets in our interdisciplinary clinical courses at California Western – Children and Families: Problem Solving and Advocacy through Interdisciplinary Collaboration, and Problem Solving and Prevention in Healthcare - we have focused our courses more explicitly on developing students' intrinsic values and motivations. As we discuss in this article, intrinsic values and motivations are important foundations for career satisfaction and professionalism. The research of Lawrence Krieger and Kennon Sheldon highlights factors critical to the development of intrinsic values and motivations. Our aspiration was to create courses that could stimulate such development in our law students.

In the first section of this article we review the work of Krieger and Sheldon and Abraham Maslow, which offer similar theories underlying the relationship between career/life satisfaction and values. We also explain how we based our course goals and structure on aspects of these theories. In the second section we briefly describe the two courses we created to accomplish these ends. In the following sections we discuss, in sequence, our four goals and our premises about the role they play in developing students' intrinsic values, well-being, and professionalism. Throughout our discussion we provide anecdotal data from comments by students and the professionals with whom they worked, indicating the degree to which students seem to be incorporating the goals we have set forth. Finally, in the last section, we consider the extent to which our teaching goals were accomplished – the successes and failures – and what we might do differently in the future. We believe the format and/or aspects of these courses can be transferred to other subject matter, allowing opportunities for more students to engage in this process and, hopefully, resulting in future lawyers with more highly developed intrinsic values, self-confidence, and professionalism.

I. The Theoretical Foundation

In this section, we discuss how the theories of Lawrence Krieger and Kennon Sheldon, as well as Abraham Maslow, helped us to delineate the goals for our courses and to think about how we might achieve these goals.

"Intrinsic values", as described by Sheldon and Krieger, include: community contribution, autonomy, personal growth and emotional intimacy.[2] "Intrinsic motivations" are reflected in self-directed action

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[2] Kennon M. Sheldon and Lawrence S. Krieger, *Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. LAW 261, 263-64 (2004).

one "genuinely enjoys or which furthers a fundamental life purpose."[3] Krieger's work shares many of the findings of Abraham Maslow, who developed his schema of the hierarchy of values in human growth by studying people he determined to be successful and happy, or "self-actualized".[4] Maslow's self-actualizing individuals have the following attributes: self-esteem; growth motivation; self-governance and individuality; universal holistic thinking; undistorted perception of reality; superior awareness of truth; service orientation and desire for good of others; highly democratic personality.[5] These attributes are consistent with the intrinsic values and internal motivation described by Sheldon and Krieger.

Extrinsic values, on the other hand, are based on the desire for external rewards such as money, influence, image, popularity, or fame.[6] Acquisition of such rewards is generally motivated by external influences of guilt, fear, rewards, or the need to please or impress others.[7] As a result, such values "are less directly satisfying of fundamental psychological needs, and are more often associated with frustration and irritation."[8]

Lawrence Krieger contends that legal education's emphasis on external rewards of grades, law review, and class ranking thwarts students' personal growth and development of internal values.[9] Krieger further argues that this orientation towards external rewards, which frustrates the inherent intrinsic motivation and values of students entering law school, leads to a decline in students' well-being, life satis-

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[3] Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLIN. L. REV. 425, 429 (2005) (hereinafter *Inseparability*).

[4] *See, e.g.,* ABRAHAM H. MASLOW, MOTIVATION AND PERSONALITY 162 (2nd ed., 1970)(self-actualizing people are "propelled by growth motivation rather than by deficiency motivation"). These values are inherently related to the hierarchy of human needs, described by Maslow in the following categories: 1) safety needs (security; stability; dependency; protection; freedom from fear, from anxiety and chaos; need for structure, order, law, limits; strength in the protector, etc.), *id.* at 39; 2) belongingness and love needs, *id.* at 43; and 3) esteem needs, *id.* at 45. Deficiency motivation is grounded in the need or desire to fulfill these basic needs. Once these needs are fulfilled, one's focus may change to growth motivation, or the need for self-actualization. *Id.* at 46.

[5] *See generally, id.*

[6] Sheldon and Krieger, *supra* note 2, at 264, 269.

[7] *Id.* at 264; Krieger, *Inseparability, supra* note 3, at 429 (citations omitted); Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School*, 52 J. OF LEGAL EDUC. 112, 121 (2002) (hereinafter *Institutional Denial*). *See also,* MASLOW, *supra* note 4, at 43–46 (describing the needs for belongingness, acceptance and self-esteem).

[8] Sheldon & Krieger, *supra* note 2, at 264. *See also* Krieger, *Institutional Denial, supra* note 7, at 121 (citing a prior study of Sheldon's in which subjects who chose the more extrinsic rewards of money, image, or influence as important for life satisfaction had the lowest well-being).

[9] Sheldon & Krieger, *supra* note 2, at 263.

faction, and self esteem.[10] In other words, as Krieger and Sheldon demonstrated in their empirical study, students' decline in well-being is "significantly associated with" their decline in intrinsic values and shift towards more extrinsic values during the first year of law school.[11] Krieger and Sheldon also found that both extrinsic and intrinsic motivation decline in the second and third years of law school.[12]

Intrinsic motivation is also linked to higher levels of competence in law students. Students who came to law school with what Krieger and Sheldon label as "positive motivation" (self-determination, community orientation, collegiality, etc.) had higher GPA's by the year's end than did students motivated by external pressures. "This finding is consistent with much previous self-determination theory research, which indicates that people perform more persistently, flexibly, creatively, and effectively when they act for intrinsic and self-determined reasons."[13]

Sheldon and Krieger do not link the declines in intrinsic motivation and subjective well-being to specific negative characteristics of legal education. However, a natural conclusion from their study is that courses that nourish the intrinsic values of students would help in raising their subjective well-being, life satisfaction, and self esteem. These qualities are critical to the ultimate professionalism and career satisfaction of law school graduates,[14] and should be characteristics of

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[10] *Id.*

[11] *Id.* at 273. Sheldon and Krieger's second sample of a private law school indicated a shift towards more extrinsic values, but did not indicate a decline in intrinsic values, like their first sample. *Id.* at 279. The second sample did indicate the same correlation between increases in extrinsic valuing and increases in negative well-being.

[12] *Id.* at 274. Sheldon and Krieger explain these overall declines as resulting from students' disengagement from their law school studies in their second and third years, and the "general 'numbing' of values and emotions by excessively analytical legal processes." *Id.* at 282 (citations omitted).

Sheldon and Krieger have recently conducted a fascinating comparison of two law schools, extending their assessment beyond students' intrinsic values and motivations to that of students' fundamental needs. Their study found dramatic declines in students' fundamental needs satisfaction during law school. Sheldon and Krieger conclude that, where students perceive greater autonomy support by faculty, their needs satisfaction declines less radically, thereby predicting a greater subjective well-being by third year, greater self-determined motivation, and a higher level of performance in terms of grades and bar results. Kennon M. Sheldon and Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test and Extension of Self-Determination Theory,* PERSONALITY AND SOCIAL PSYCHOLOGY BULLETIN (June 2007) *(forthcoming).*

[13] Ryan *et al.* (1996) and Deci & Ryan (2000), as cited in Sheldon & Krieger, *supra* note 2, at 281.

[14] This is the central theme in another work by Krieger, *Inseparability, supra* note 3. As the author states in another work, "It is wholly unrealistic to expect that depressed or highly distressed lawyers will exemplify professional behavior, no matter how well they are

a needed new breed of lawyers – lawyers who have a broader, more multi-dimensional and more interdisciplinary outlook on issues, as well as a more balanced life.

With the objective of reinforcing intrinsic values in our students, we fused the work of Krieger and Maslow with what we believe to be important additional intrinsic values, open communication and creativity. Our premise is that courses that are interdisciplinary, collaborative, and focused on "real world" problem solving skills would be conducive to creating an environment in which intrinsic values could be nurtured.[15] The fact that we have no clients gives us the freedom to focus on process without the external demands of advocacy-based learning, which involve deadlines, clients' interests and concomitant biases. The four specific goals we derived from our research on intrinsic values and problem solving incorporate and promote the following skills, attitudes and values:

1. EXPANDING APPROACHES TO PROBLEM SOLVING: broad vision, considerations of justice, systems thinking, and creative thinking.
2. WORKING WITH OTHERS: consensus building, collaboration, teamwork, respect for others, respect for differences, and communication skills.
3. FOCUSING ON COMMUNITY: a sense of compassion, serving others, and unselfishness.
4. DEVELOPING SENSE OF SELF: building self-esteem and self-confidence, self-governance and autonomy.

The following section describes the courses we created to test our premise.

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schooled in their obligations." Krieger, *Institutional Denial, supra* note 7, at 116. The correlation between professionalism and personal satisfaction is supported by the Florida Bar Organization, as well. The Florida Bar Quality of Life and Career Committee, http://www.fla-lap.org/qlsm/principles.html (last visited 2/3/07).

[15] We reached this conclusion by considering the limitations of traditional law school courses in the development of intrinsic values. For further discussion of how our problem solving clinics encourage specific intrinsic values, see section II, *infra*. For a general discussion of legal education's discouragement of intrinsic values, and what law faculty might do in their own teaching to prevent this, see Krieger, *Institutional Denial, supra* note 7, at 122,126-27.

> Assuming that the legal 'success' paradigm is, indeed, largely defined by grades, external recognition, and money or position, these inherently competitive goals, values, and motives will promote tension and insecurity and will minimize satisfaction and well-being in the lives of many law students and lawyers. At the same time, this cycle of inherently unfulfilling activity supplants the intrinsic drive for growth, actualization, intimacy, and community, thereby exacerbating the negative effects on well-being. Anxiety or depression is likely to manifest because, regardless of one's level of success within this paradigm, one will not experience internal satisfaction.

Id. at 122.

II. Our Courses

The teaching, learning methods, and goals of these two courses are very similar; the courses differ in their subject matter content (children and families/healthcare), with the former having a bit more emphasis on interdisciplinary work, since the students, as well as the teachers in the classroom are from both the law and social work disciplines. The health care course has doctors who supervise the students in their projects, and do some classroom teaching as adjunct professors, but the doctors are not co-teachers, as in the children and families course. The students are all law students, and the course has a greater emphasis on health care law.[16]

A. *Children and Families: Problem Solving Through Interdisciplinary Collaboration*

This three-unit course is taught in conjunction with the School of Social Work at San Diego State University. Both J.D. and M.S.W. students are enrolled in the course; it is a required course for students who are participating in our dual degree, J.D./M.S.W. program. The course is jointly taught by a social work professor and a law professor (Janet). It was inspired by the need for professionals in the community who are skilled at working in interdisciplinary groups to solve seemingly intractable problems that affect children and families. Our experience was that, while many permanent and ad hoc committees are working at such efforts, not many people have been trained in teamwork and specific problem solving skills. We felt that our students, who will soon be professionals in the community, would be able to contribute these skills and become leaders in policy development and implementation.

Students work in small interdisciplinary teams (three to four students) on a topic of their choice within the broader topic of children and families.[17] They may select a problem from a list we provide, or come up with their own issue.[18] The students must choose a "real life"

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[16] Future plans for this course are to incorporate the doctors further into the classroom teaching, and arrange for the law student teams to work with medical residents on their projects.

[17] The team selection process was based on topic interest and purposefully managed in a way that students would not necessarily be working with other students they already knew. We believed that this was important for our focus on group process.

[18] This fall we invited 8 guest speakers – professionals from the community who are involved in many different aspects of child advocacy including hunger, poverty, health care, special education, foster care, delinquency, dependency, domestic violence, and preparation for adulthood. Our hope is to inspire our students by presenting them with role models. The guest speakers all presented possible project topics and made themselves available as contact points for students.

problem that is a concern in the local community, although the problem may also exist on a statewide, national, or international scale.[19] We spend some time trying to help students narrowly define their topics so that they will be able to come up with some very specific, concrete proposals for solutions. Students individually complete a research assignment on the topic within their own discipline and a separate research assignment in which they are required to find journal articles from at least two other disciplines.[20] The first research assignment is intended to give them some background knowledge about the topic in the legal or social work context; the second assignment is intended to give them a broader perspective and some understanding about how the perspectives of other disciplines are influenced by different values. The next major assignment is for the work group (team) to create an investigation plan that is detailed regarding the names of people who will be interviewed, documents and other materials that must be examined, observations to be made, as well as dates for the completion of each aspect of the investigation. Once the teams have gathered the requisite information, they are directed to engage in creative thinking exercises for considering possible solutions to their problem. At the end of the semester, the teams are required to present their proposals to the class, with the class sitting as an appropriate decision making body for the particular proposal being considered; teams provide information to the class about the decision making body - its purpose, authority, members - and an abstract of the proposal. Finally, the projects are presented to the professors in the form of a group paper. The group papers include a discussion of team process.

The subject matter covered during the class sessions deals primarily with the process in which the students are engaged.[21] At the beginning of the course we invite Linda to present her problem solving

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[19] The topics students selected last year included: 1) bias in the investigation and prosecution of shaken-baby syndrome cases; 2) the problems faced by children whose parents are deported; 3) provision of services to undocumented women who are victims of domestic violence; 4) the problems faced by juveniles in transferring school credits from juvenile court schools to their home schools; 5) the lack of vocational training for juveniles in detention facilities; 6) the need for more realistic independent living skills training for foster children; 7) overmedication of children in foster care and group homes; and, 8) the failure to provide protective services to adolescents.

[20] The second assignment has been eliminated from the course for lack of time, since we have added a significant substantive component focusing on child advocacy.

[21] This description applies to the first time the course was taught. The feedback from many of the students - both the social work and the law students - was that they already knew much of the process information about group work, team work, listening, collaboration, interviewing and systems thinking. In response to their comments, the course was changed to include more substantive reading assignments and discussion during class time, with a bit less discussion of process.

model;[22] we explain to the students that they will be using that model in their work. We also present on a variety of specific skills such as interviewing (including ethnographic interviewing), fact investigation, systems thinking, collaboration, teamwork, creative thinking, and presentation skills. These lectures are timed to coincide with relevant assignments. Much of our class time is devoted to allowing the students to work in their groups. The two professors meet frequently with the groups, both inside and outside of class, providing support for the process.

B. Problem Solving and Prevention in Healthcare

This class is three units, with one of the units allocated as an up-front weekend training in problem solving methods, skills, and values. The training begins with a description of a general model for problem solving and prevention (with the assistance of Prof. Thomas Barton, Director of California Western's Program in Preventive Law),[23] and an outline of the healthcare context by experts in the field.[24] The remainder of the training involves practicing the core skills and values of problem solving, such as consensus building, teamwork, investigation, listening, creative thinking, and collaborative negotiation, all within the context of healthcare simulated problems. Perhaps most importantly, the training, which includes meals as well as informal conversation, offers a time for students and the professor to get to know one another and for the students to bond with their teammates. Trust is established by various team exercises, as well as by interspersed humor.

The heart of the course is the actual public health issues students work at resolving. In self-arranged teams[25] of three to four individu-

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[22] *See* Linda Morton, *Teaching Creative Problem Solving: A Paradigmatic Approach*, 34 CAL. W.L. REV. 375 (1998).

[23] This is a combination of a model developed by Professor Thomas Barton, who helps with the training, and my own model, described in *Teaching Creative Problem Solving* in TEACHING THE LAW SCHOOL CURRICULUM (Steve Friedland, Stephen Sepinuck and Gerald Hess, eds.) (2004).

 Prof. Andrea Seielstad proposes a model for problem solving particularly appropriate to groups working together to solve community problems. Her model includes, more explicitly, the concepts of group formation, problem contextualization, and reflection. Seielstad, *supra* note 1, at 507-09.

[24] Our experts from California Western include: Dean Steven R. Smith, who also teaches a course in *Selected Problems in Health Law; Professor.* Susan Channick, who teaches courses in Public Health Law, Health, Law, and Policy, and Aging, Law and Public Policy; and Professor Bryan Liang, who is the Executive Director of the Institute of Health Law Studies at California Western, and the Co-Director of the San Diego Center for Patient Safety at the University of California, San Diego.

[25] The class comes to a consensus as to how they would like to formulate the teams – by interest in the topic, by random seating, by student expertise, or by acquaintance with one

als, students choose a problem from a list of possible topics for their semester's work. Each team is supervised by a medical doctor, with whom the team meets in the second class. The doctor explains the problem to the team from his/her medical perspective, and suggests some starting points.[26] The students have no actual "client" for their issue; instead, they have a medical resource from which to begin defining, understanding, and investigating their problem. Because they are not advocates, but "problem solvers", they must approach their issues from a neutral, unbiased perspective. At the end of the semester, students present their final reports to their medical supervisor for comment and critique.

The focus of the class is on debriefing teams' progress and pitfalls on their public health problems. We also devote time to discussing the supplemental readings[27] and listening to a variety of speakers – lawyers and other professionals – working in the healthcare field.[28] Students' grades are based on three reports turned in over the course of the semester (each of which includes an evaluation of the team process and self-learning),[29] on a final presentation of each team's work,

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another. The students ultimately form themselves into teams of three or four. The teams then assign themselves to either Dr. Howard Taras or Dr. Vivian Reznik, who will supervise their problem solving work. Each team chooses an issue to resolve among two or three issues offered by each doctor.

[26] This year, the teams are working on the following four issues: The low level of literacy among foster children; the lack of healthy eating options in two districts in San Diego; the high rate of domestic violence in a certain district; and the low levels of physical exercise in elementary schools. The six problems students worked on last year were as follows:

1. High rate of alcoholism in City Heights
2. Lack of medical professionals to administer insulin to elementary school children
3. Impairments to mental health of children who witness domestic violence
4. Lack of school nurses in San Diego School Districts
5. Misallocation of resources toward vision therapy for school children
6. Availability of unhealthy food products on school grounds

[27] The supplemental materials are a series of current (primarily law review) articles on various processes used in healthcare problem solving. Linda would be happy to provide a list of articles to interested individuals.

[28] Speakers included the following: Deborah Gerardi, Pres. and Founder, Healthcare Mediations, Inc.; Linda D'Antonio, Professor, Dept of Surgery Loma Linda University; Beverly Lauck, ombud at Kaiser Hospital; Paula Goodman-Crews, bioethics consultant for Kaiser Hospital; Robert Wagener, President & Founder, Center for Medical Ethics and Mediation; Paul Belton, Corporate Compliance Attorney, Sharp Healthcare; Richard Hendlin, Deputy Attorney General; and a variety of private health care consultants and law practitioners.

[29] The reports are based on student teams' progressions through the problem solving model. For instance, the first report focuses on Problem Diagnosis and Investigation, the second on General Approaches, and the third on Proposed Solutions and Action Plan. Linda distributes the grading sheet for each report the first week of class, in order to mentor an open, honest approach, consistent with problem solving. The first two reports and the in-class presentation are worth 50 points each. The final report is worth 100 points. The health care supervisors read reports two and three, and consult with each team

and on individual professionalism. Except for individual reports on team process and self-learning, members of each team get the same grade.

III. INCORPORATION OF GOALS INTO THE COURSES

In this section we discuss the premises underlying our course framework and how our goals, EXPANDING APPROACHES TO PROBLEM SOLVING; WORKING WITH OTHERS; FOCUSING ON COMMUNITY; and DEVELOPING SENSE OF SELF, have been integrated into our courses. The purpose of our goals is to instill intrinsic values and motivations in our students, which we believe will help them become more competent, more professional, and even more content in their lives. In considering how we might accomplish our desire to stimulate the growth of these attributes, we concluded that the most conducive environments for nourishing these intrinsic values and motivations would be interdisciplinary, collaborative and real world experiences within a clinical setting,[30] for the following reasons:

1. *Interdisciplinary* work, in contrast to a focus on traditional legal subjects, promotes a sense of the larger community by enhancing students' connections with others beyond the law school. It also promotes an understanding of others, and a respect for professional differences.

2. *Collaborative* work requires more intimacy in relating with others than does solitary law student work. It also encourages development of self-confidence and autonomy, as students begin to perceive that their training allows them to make a contribution to the group's efforts, as well as to the community. For many students working collaboratively is a personal growth experience. Often students come into our courses with a dislike of group work; they leave with a real appreciation for the greater work that can be done by a committed group. Collaboration also occurs with outside professionals, which in turn furthers students' sense of community involvement and competence.

3. The *"real world/community"* component allows students to experience compassion, commitment, and a sense of injustices that need to be remedied, with a concomitant desire to serve and make a contribution to the community. The subject matter underlying our courses (health, children and families), because of its focus on vulnerable populations, also furthers intrinsic values of community service and the pursuit of justice.

4. A *clinical setting* is critical, both in the teaching of problem solv-

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throughout the semester.

[30] As we discuss in our final section, courses without these components can also nourish students' intrinsic values.

ing skills to law students,[31] and in the equally important teaching of intrinsic values.[32] While it is important that students learn about the effects of intrinsic motivation and values on professionalism and well-being, it is essential that they have the opportunity to experience their own shift in well-being, and reflect upon it. Clinical opportunities further provide students with the experience of listening to other students' issues in tackling ill-structured problems, hopefully reinforcing their reflection and learning.

Finally, in order to support our future lawyers in maintaining their personal values, and developing their intrinsic motivation, it is important that these concepts be inculcated and nourished *while the students are still in training.*[33] It has been argued, and demonstrated empirically, that students' overall valuing declines as their legal education progresses, resulting in a general numbing of personal values.[34] This numbing may lead to the distancing or objectivity of lawyers in practice; while this can be an important attribute for attorneys, it can also lead to declines in professionalism and subjective well-being.[35]

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[31] *See, e.g.,* Alan M. Lerner, *Using Our Brains: What Cognitive Science and Social Psychology Teach Us About Teaching Law Students to Make Ethical, Professionally Responsible Choices,* 23 QUINNIPIAC L. REV. 643, 697 (2004) (explaining the benefits of problem-based learning over the Langdellian case method to teach students to solve complex problems); Janet Reno, *Lawyers as Problem Solvers: Keynote Address to the AALS,* 49 J. OF LEG. EDUC. 5 (1999). In describing an appropriate law school curriculum, Reno states, "The third-year capstone would include intensive work in one area of specialization, advanced writing, *and exposure to real clients and real legal problem solving in clinics." Id.* at 19-20 (emphasis added); Stephen Nathanson, *Developing Legal Problem-Solving Skills,* 44 J. LEG. EDUC. 215, 215 (1994) (discussing the need for teachers "to synthesize general problem-solving skills and context-specific knowledge"). *See generally,* Kenneth Pfeiffer, Gregory Feinberg & Steven Gelber, *Teaching Productive Problem-solving Attitudes*, in AP-PLICATIONS OF COGNITIVE PSYCHOLOGY: PROBLEM SOLVING, EDUCATION, AND COMPUT-ING 102, (Dale E. Berger, Kathy Pezdek, and William P. Banks, eds.).

For years, schools for hospital and business professionals have focused on a problem-based learning method. *See, e.g.,* Mark Neal Aaronson, *Thinking Like a Fox: Four Overlapping Domains of Good Lawyering,* 9 CLIN. L. REV. 1, 19 (2002) (discussing the use of the problem-based method in business schools); Gregory L. Ryan, *Problem-based learning: Some Practical Issues,* Research and development in higher education: papers presented at the annual conference of the Higher Education Research and Development Society of Australasia, vol. 11 at 155 (1989) (describing the use of problem based learning in the training of nurses).

[32] Krieger asserts that in-house or externship clinics are the ideal educational setting for students to learn the "connections between values, motivation, professional reputation, and life/career satisfaction". Krieger, *Inseparability, supra* note 3, at 438.

[33] Calvin Pang talks about this in terms of honoring students' "inner rudder which orients them toward 'the heart of the matter', or the things that *really* matter." Calvin G.C. Pang, *Introductory Remarks to Professionalism and Personal Satisfaction,* 11 CLIN. L. REV. 405 (2005).

[34] Sheldon & Krieger *supra* note 2 at 282 (finding that both intrinsic and extrinsic valuing declined in law students during the course of their legal education).

[35] "[L]awyers lack or have too few external signposts that ward us from the processes –

We believe that our clinical courses, which allow our students "real-world" interdisciplinary and collaborative experiences, provide the necessary context and timing to nurture our students' intrinsic values. In the following sections, we discuss more specifically how we incorporate each of our four goals into our coursework.

A.   Expanding Approaches to Problem Solving:
broad vision; wisdom; justice; systems thinking; creative thinking

1.   Description of the Goal

Our purpose in promoting this goal is to awaken students' creativity and approaches to solving complex problems. Legal education generally confines itself to a narrow, analytic approach to specific legal issues – an approach certainly essential to the practice of law. On the other hand, with our world becoming more global and more interdisciplinary, students must also learn methods for, and gain confidence in, tackling larger societal issues. From this experience, we hope to enhance students' wisdom and vision of a just society. Solving larger problems usually involves a broader systems thinking approach than individual client representation requires. For example, a critical aspect of problem solving is its forward thinking approach in terms of preventing future problems from occurring, and determining necessary adjustments to the current system to ensure this.[36] By expanding students' approaches to issues, and their creativity in solving them, we hope to nurture their vision of a society in which lawyers play the role of collaborator and team member, in addition to that of advocate. "Justice" is a goal of many students when they first come to law school. Our courses are an attempt to expand for them the meaning of the word in terms of additional roles lawyers might play in accomplishing this end.

Our emphasis on broader systems thinking, and justice has its roots in Maslow's values of universal holistic thinking, truth, and service orientation. It also supports the intrinsic values of autonomy and personal growth, as well as community contribution.

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for example, our addictions to achievement, control, and overwork – that, without counterweights, quietly but surely separate us from a life of meaning." Pang, *supra* note 33, at 409.

   [36] For further discussion of preventive lawyering, *see generally* Thomas D. Barton, *Preventive Law for Multi-Dimensional Lawyers,* 19 PREVENTIVE L. REP. 29 (2001); Thomas D. Barton, *Therapeutic Jurisprudence, Preventive Law, and Creative Problem Solving: An Essay on Harnessing Emotion and Human Connection,* 5 PSYCHOL. PUBL. POL'Y & L. 921 (1999).

2. The Goal in Context

Students generally select their group topics based on a sense of justice – that something is not working the way it should and people are suffering as a result. The opportunity to choose their own topic and to examine it in depth can fuel their passion for the topic and for finding a solution. The requirement of working with other professionals from different disciplines and of doing the interdisciplinary research into their topics helps the students develop a broader vision about the problems.[37] These broader visions are shared beyond the individual groups during several class sessions and in the group presentations that allow the class members to hear how others have approached a problem in the community.

The professors lecture on problem solving and systems thinking, offering illustrations of problems that arise when systems are not considered as part of the solution. Systems thinking is often a new concept for law students; considering the people and institutions that might be affected by a problem or by a change goes far beyond even the client-centered approach to typical legal problem solving.[38] Teams must engage in a discussion about the stakeholders and the institutions affected by their particular problem – a discussion that requires a much broader level of thinking than a typical legal problem might.[39]

The professors also discuss creative thinking, with an introductory lecture on how the brain usually solves problems and the importance of going beyond the ordinary way of thinking.[40] Students are required to engage in at least two creative thinking processes at the

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[37] Student comment: *"I liked the individual paper: it did help to expand my perspective of the problem. I appreciated viewing the problem from different angles."*

[38] *See generally*, DAVID A. BINDER, PAUL BERGMAN & SUSAN C. PRICE, LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH 282-84 (1991); ROBERT M. BASTRESS & JOSEPH D. HARBAUGH, INTERVIEWING, COUNSELING, AND NEGOTIATING: SKILLS FOR EF-FECTIVE REPRESENTATION 334-38 (1990) (describing the client-centered approach and providing models for achieving it).

[39] For further discussion of the hindrances traditional law school pedagogy poses to complex problem solving, *see* Enos & Kanter, *supra* note 1, at 86-87; Lerner, *supra* note 31, at 654. ("While law schools make some effort to teach students analytical tools for addressing those situations, the curriculum and pedagogy of most law schools effectively teaches them how to solve only a very narrow range of problems, using a very narrow range of their problem solving tools.") (citations omitted)).

[40] For further discussion of origins, techniques, and barriers to creative thinking, see Janet Weinstein and Linda Morton, *Stuck in a Rut: The Role of Creative Thinking and Problem Solving in Legal Education*, 9 CLIN. L. REV. 835 (2003); Jennifer Gerardi Brown, *Creativity and Problem Solving*, 87 MARQUETTE L. REV. 697 (2004); Carrie Menkel-Meadow, *Aha? Is Creativity Possible in Legal Problem Solving and Teachable in Legal Education?*, 6 HARV. NEGOT. L. REV. 97 (2000); Katharine Rosenberry, *Organizational Barriers to Creativity in Law Schools and the Legal Profession*, 41 CALIF. WESTERN L. REV. 423 (2005).

time they are considering solutions to their problems.[41] Understanding that the professors value, rather than disparage, creative ideas, many of the teams came up with very interesting potential solutions to their issues[42] outside of the very traditional legal approaches, such as

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[41] Group paper discussion:

At one point . . . our group participated in a brainstorming exercise during class. This particular exercise was very effective at helping our group to begin working together to achieve a common goal. The activity consisted of writing the problem down in the middle of a piece of paper and drawing lines extending out from the problem with solutions. All solutions were written down, no matter how impractical or silly. This activity was a lot of fun for our team. More importantly, it helped us to come up with some useful ideas. It also helped all group members to contribute and be included. Each member was encouraged to let go of reality and let their mind wander to all possible ways to solve the problem. By doing this, our team was able to get a better understanding of our problem and the flexibility of available solutions. All members agree that this exercise was the most beneficial class exercise for our team during the semester.

Another team described its creative thinking process as follows:

We knew that we would have to come up with a solution that would benefit foster youth in a way that would motivate them to participate, while maintaining their interest. We knew, after interviewing staff and participants in the ILS [Independent Living Skills] program, that there is a major focus on foster youth gaining employment at fast food establishments so we went to Burger King and got a Burger King Crown to help us brainstorm ideas of how to deliver improved services to foster youth who sought employment. When we sat down, we placed the crown in the center of the round, glass coffee table. It is the only item on the table. . . . The hat, itself, is a symbol of a successful corporation that has been satisfying members of society for decades. We focused our eyes on the Burger King logo. We realized how much this logo is internationally recognized and when a crown is placed upon a person's head, it can change how society previously viewed that person. This led to the group discussing ideas of how to reframe the idea that fast food jobs are demeaning and at the bottom of the barrel when it comes to first time employment. We brainstormed the idea of creating opportunities for foster youth to seek employment in the business offices of fast food corporations and how this could be incorporated with the training program idea. This idea sparked a barrage of ideas that led toward our solution of creative employment readiness to implement in the ILS program, such as creating apprenticeships with corporate companies that are highly visible in today's society.

[42] The breadth and creativity was apparent in students' investigative work and in their solutions. To investigate their issues in the healthcare clinic, students interviewed San Diego City Council members, and attended meetings. They spoke with members of various community action groups working on related issues. They interviewed parents, teachers, health technicians, children, and police officers. Through this process, they arrived at a wider variety of innovative solutions. For example, the team working on the problems associated with children who witness domestic violence proposed a "Kids' Response Team" or "KRT", involving a facilitation between stakeholders from a variety of organizations – police, schools, the judiciary, the Family Justice Center, etc. – with plans for a board, acquisition of funds, brochures, and a review board trained in assessing programs' efficacy. The team dealing with the questionable expense and value of vision therapy for school children advocated, among other solutions, a preventive approach of diagnosing vision issues in school children before they fall behind in their work, perhaps allowing for a less expensive and extensive form of vision adjustment. (Once a child does fall behind, and requires a special education program, current legislation requires school districts to offer vision therapy to any child requesting it.) The team concerned with over-consumption of unhealthy vending machine beverages advocated control over contracts for vending ma-

litigation or drafting legislation.[43]

Many of the students acknowledged developing a new understanding of the problem solving process through their work in the course.[44]

B.   Working with Others:
consensus building; collaboration; teamwork; respect for others; respect for difference; communication; group process

1.   Description of the Goal

This goal includes working in teams – law student teams, and interdisciplinary teams with other students and professionals. It includes learning to work with and respect professionals outside of one's

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chine services be centralized under the school districts' food services administration. Further suggestions included a campaign mobilizing students to reject campus soda and junk food sales.   Another team contacted a local news station and attracted news media attention on their issue.

Students in the Children & Families course likewise came up with some creative solutions for their problems.   For example, the team investigating the shaken-baby syndrome met with the San Diego Fatality Review team, physicians, attorneys, and social workers. They determined that the protocol currently in use to diagnose SIDS (Sudden Infant Death Syndrome) cases could be adapted for use in shaken-baby cases. They created a new protocol for the Fatality Review team's consideration. The team examining the problems of children whose parents have been deported recommended the creation of an interdisciplinary clinic for these children and their caretakers. The clinic would include law, social work, medical and mental health students (under appropriate professional supervision) and would do outreach in the communities to assist these children who often "fall through the cracks" of existing systems.

[43] For example, the Shaken-Baby group, when it first convened, was talking about bringing a class action suit, or similar litigation approach. Its solution, as described above, was quite different.

[44] Sample students comments from their written evaluations are as follows:

I am absolutely amazed at how my perspective on conflict has changed over the course.   Initially, I had been certain that the project we were tasked with was not one that would be responsive to the 'touchy-feely' methods we discussed in class.   I soon came to realize, however, that these methods touched upon underlying conflict issues that are absolutely present in our problem and underlie most, if not all, conflicts.   In short, this course has immeasurably changed my perspective on conflict and my respect for alternative dispute resolution.

This class. . . has encouraged me to explore other alternative career choices and caused me to think critically about my own views and choices.   I have learned that litigation is not always the best way to resolve a healthcare dispute and can often lead to dissatisfaction for both sides.   The class has expanded my horizon and helped me to look beyond the litigation process to other possible career choices and solutions to healthcare disputes.

Additional students commented, *"I think that, by talking in the field and writing reports, [the community work] helped us apply the skills we learned, or at least to realize that some things don't fit neatly in a system, and other ideas or solutions work better based on all the information you receive." "[The course] required me to leave my 'comfort zone' and try new things!"; "It is great to have a class where we can 'think outside the box' and put skills into use toward a real cause."*

immediate discipline and/or environment. In problem solving, it is essential that the methods, skills, and values used incorporate the needs, values, and culture of those involved with the problem.[45] Communication, including listening, learning to adapt to others' styles of communication, writing skills, identifying and expressing interests, and timing, is a critical component. Decision-making and consensus building are developed within the teams, within the classroom, and in working with other professionals. We attempt to establish as collaborative a classroom as possible within the competitive environment of law school, in terms of our roles as entrepreneurial problem solvers with the students, and in terms of course requirements and grading.[46] In the process, faculty and supervisors also mentor collaborative behavior.

Professionals' willingness to work with others towards a common goal is a strong intrinsic value, nurturing community contribution and emotional intimacy, as well as personal growth. Practice in working with others is frequently impeded by the isolation experienced by law students. Our efforts here are an attempt to counter that experience, and to train law students in those skills that will nurture their interests in working with others.

2. *The Goal in Context*

Both courses explicitly teach each of these topics. Students complete inventories on their collaboration skills and do individual and group assessments of their teamwork. One of the first assignments students have after selecting a topic and being placed on a team is to share their collaboration inventory result with their teammates and ask their team members to support them in improving identified weaknesses in collaboration. Each team then examines how it would

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[45] As Professor Thomas Barton wrote:
  The purpose, values, and creativity of problem solving emerge where, first, one sees and understands problems as structural barriers or dysfunctional links in the relationship between people and their environments. Second, creative problem solving responds to these problems by designing interventions that change human relationships or the objective environment in ways that respect the links that people want to keep and the decisions that they want to retain.
Thomas D. Barton, *Creative Problem Solving: Purpose, Meaning, and Values*, 34 CAL. W.L. REV. 273, 290 (1998).

[46] The role of the teacher in this type of class as "a coach, a manager, a motivator" and the need for a cooperative, rather than competitive environment is more thoroughly explained in Pfeiffer, et al. *supra* note 31.
  "Rather than teaching/lecturing, faculty must act predominantly as 'facilitators', guiding the students' development and use of problem-solving skills; promoting self-directed learning by helping students to identify learning needs and how these needs can best be met; and facilitating the development of group process skills." Ryan, *supra* note 13, at 156-57.

like to function and what needs to be done in order for that to happen (e.g., will the students meet regularly out of class, communicate by phone or e-mail, etc.). Several times during the course the professors check in with the groups to have them examine whether their intentions in this regard are being met and, if not, what needs to change. Additionally, during class discussions in which the groups are reporting about their topics, other members of the class contribute valuable information to the group, incorporating the entire class into a collaborative effort.

Group process, teamwork and consensus building are the subject of class presentations and exercises. The professors present a model of group process that describes the different stages groups go through in working together.[47] We also describe the dangers of "group think."[48] Students are expected to examine their process throughout the project and to include a discussion of it in their reports.[49]

The grading emphasis is not on what each student knows individually, but on their abilities to help one another, to work within their teams towards a common goal, and to evaluate their own progress. Although we attempt to establish a cooperative community within the classroom, the majority of students initially resist the idea of teamwork, particularly where their grade is dependent upon the efficient functioning of their team.[50] Our efforts to incorporate teamwork, as well as team "bonding" experiences into our classroom teaching help defray some fears, but it is chiefly through the experiences of working together that students ultimately acquiesce to, if not embrace, the idea of working with others. For the vast majority, it is a very valuable and

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[47] We presented the Tuckman model of group process that describes four stages of process: forming, norming, storming and adjourning. Bruce W. Tuckman, *Developmental sequence in small groups*, 63 PSYCHOLOGICAL BULLETIN 384-99 (1965).

Student comment: *"This class increased my skills in communication and consensus-building. Working with groups was challenging but rewarding and is always a beneficial skill to learn. I think the most important skill I learned was the whole package – the skills, plan, and communication, and collaboration involved has prepared me for future ventures."*

[48] We were not always successful in preventing "groupthink". As one student confessed, *"I think we often misunderstood one another and were satisfied to pretend we came to a consensus. . .and accommodate one another, rather than paying what it costs to actually come to a consensus on a mission we could all buy into. ."* Interestingly, the same student provided a remedy to the dilemma for future collaborative work, in terms of creating a rotating leadership within the group.

[49] One team commented [after describing a role reversal exercise they used]: *"The experiment was powerful because individual members were able to gain insight into how others might perceive them in the role they normally take on in collaborative work. (At least one team member asked, 'I'm not really like that, am I?')"*

[50] Student comment: *"Team work can be hard work – especially when used to the law school mentality of competing against other students and taking classes that do not have class-involved exercises nearly every class."*

enriching experience.[51]

While the course includes discussion of communication as an aspect of several of the goals, and within each of the topics mentioned above, the most direct lessons regarding communication come from the work on the projects when the students are required to go out into the community to interview professionals and others who are impacted by the problems the students have selected. From the original attempts to determine and contact the stakeholders,[52] to the need for sensitivity when discussing the problems with the people who are experiencing them,[53] the communication challenges presented provide opportunities for enhancing student competency, self-confidence, and resourcefulness.

The healthcare course involves discussion by both medical and law faculty early in the semester as to the major issues in healthcare today, as well as the interprofessional relationships between doctors and lawyers.[54] The children and families clinic, with its more expanded interdisciplinary approach, provides more up front training in professional values – what they are and how they might differ from and complement each other. For example, early in the course the law and

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[51] All students but one commented positively about their ultimate team experience: *"When I enrolled in this class, I did not realize how much I would have to rely on another person, not to mention someone I had never even seen before the first day of class. For me, the most significant thing I learned in this class is that group work is not only tolerable, but it can be enjoyable."; "I came out of this experience not only with a fresh new look on working in teams, but also with a new friend."* ; *"The biggest lesson I learned is that teamwork is not easy, but it is still more productive than working alone."* Another student commented that she *"will miss the relationships I established with the classmates and my professor within this class environment."* (Several students commented in their final evaluations that the classroom environment was very different from other law school classes.)

In contrast, one student did suggest that problems should be addressed individually, rather than by groups, next time the course is taught.

For a more detailed discussion of the learning students gain by working in teams, *see* Lerner, *supra* note 31, at 697-98; *see generally* David F. Chavkin, *Matchmaker, Matchmaker: Student Collaboration in Clinical Programs,* 1 CLIN. L. REV. 199 (1994); Susan Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession,* 17 VERMONT L. REV. 459 (1993).

[52] For example, one student team initially expressed frustration that a doctor was unable to make the scheduled appointment, which, as further discussion revealed, was an e-mailed suggestion from students to the doctor for a meeting the next day. A helpful class discussion followed on expectations of other professionals, as well as a more expanded discussion of possible actions when contacts are difficult to reach. Another student group confessed, later in their process, that their team had neglected to contact a couple of key players in their problem, but had instead simply assumed that these players were already "in the loop".

[53] The children and families course team that investigated the Shaken Baby Syndrome interviewed a woman who had been acquitted of killing her infant.

[54] The doctor supervisors participate in the course weekend training, and discuss with the law students communication techniques with medical professionals, as well as differences in the training and thinking of doctors and lawyers.

social work students discover their similarities and differences by shar-
ing information about their schooling and work experiences, their ca-
reer goals, their interest in the broader topic, and what they like to do
for fun. The professors lecture and lead class discussion on the cul-
tural differences between the two professions, based on Janet's article
on interdisciplinary teaching.[55]

The discussion for both courses includes examination of other
professions – their underlying values and approaches to solving
problems. Students see that their own discipline might not have the
exclusive "right way" to effect change.[56] In the children and families
clinic, the social work professor lectures about ethnographic inter-
viewing and the students are assigned several articles that reflect this
approach to examining problems. Cultural differences – both ethnic
and socioeconomic – become an important aspect of this topic. In the
healthcare clinic, speakers not trained in the law speak to the students
of their experiences working with lawyers, and some of the difficulties
they encounter as their different professional methods and values
cross paths.

C.   Focusing on Community:
compassion; serving others; unselfishness

1.   Description of the Goal

Based on a recent empirical study at California Western, our stu-
dents are increasingly interested in service to their community.[57]

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[55] Janet Weinstein, *Coming of Age: The Importance of Interdisciplinary Education to
Law Practice*, 74 WASH. L. REV. 319 (1999).

[56] Student comments: ". . . *this project has definitely increased my respect for the diffi-
culties and complexities that are inherent in social work." "This class opened my mind to the
benefits of interdisciplinary work, in that I had not thought much about it before, but now I
can see areas where it would be helpful to collaborate with other professionals, instead of
doing it all on your own." "My learning curve on this was huge. I really was impressed by
all the professionals we talked to and even when I did not agree with their points of view, I
was impressed with the work that they did."*

[57] Crane MetaMarketing Ltd., an organization specializing in values-based branding for
educational and non-profit institutions, conducted primary research among California
Western alumnae, students, staff, and faculty from 2003-2004. The survey of alumnae in-
cluded questions about career satisfaction that were designed on the basis of prior research
by the ABA and qualitative research within the California Western community. The
surveys focused on relative importance of career components, as opposed to degrees of
satisfaction or dissatisfaction with each. Responses from the alumnae echo the ABA re-
sults, and reflect several variables, including both generational and developmental perspec-
tives. All alumnae were invited to participate in the survey and 427 responded. Of those,
19% graduated from California Western prior to 1980, 23% during the 1980s, 38% during
the '90s, and 20% between 2000 and 2003.

The Crane survey indicated that graduates from the years 2000-03 are significantly
more likely than their predecessors—especially '90s graduates—to value work that meets
their expectations, offers a challenge, provides collegiality, includes opportunities for *pro*

Other data indicate that the lack of pro bono opportunities is a current frustration of lawyers today.[58] Although we have a flourishing pro bono program at the law school, our course goal is to engage students in the community through their academic work – as part of their legal education and not simply as a notation on their resume. With students immersed in a community problem, rather than potentially engaged only through pro bono legal research, we hope to expand and enhance students' view of the lawyer as a compassionate and vital member of the community. Additionally, having the students working on a community problem while they are receiving training and support in problem solving skills provides the theoretical frameworks that should assist them in achieving success and maximizing their learning from experience.

2. The Goal in Context

The design of the course naturally incorporates this goal. Students are required to select a problem that exists in the local community, and to investigate the problem within the community. The problem selection process comes out of the students' interest in the issue and generally arises from a sense of compassion for the people who are suffering because of the problem. The fact that the students are required to come up with a solution that has the potential to be actually implemented provides a meaningful opportunity to serve others.[59]

Moreover, many students for the first time experience a different side of the community than they are used to seeing. Certainly, it is a community different from that of law school. For example, students in the healthcare course had to explore liquor stores in an economically deprived area of San Diego. Other students spent time at local ele-

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bono work, recognizes individual achievement, and requires advanced legal skills. Crane Report, 2003-04, Alumnae graphs 4 & 5.

58 ABA Young Lawyers Division Survey: Career Satisfaction. Brian Melendez, Chair, 2001. This survey of 2136 members of the Young Lawyers Division replicated an earlier survey of 1995. The survey pool were those members of the Association who have been admitted to practice in their first bar within the past five years, or are less than thirty-six years old. The response rate was 40.9%, which included 842 useable questionnaires.

Results from the questionnaires indicate that attorneys expectations of their work being intellectually challenging converged strongly with the reality of practice, but converged most weakly in the area of attorneys' ability to contribute to the social good, thus indicating an area of dissatisfaction for attorneys seeking to help others. Id. at 19.

59 Student comment: "The project and its application to issues currently affecting populations in the community were tremendous. The practical application and integration with professionals working on issues currently facing disadvantaged populations were profound."

For further discussion of this concept of "service-learning", see Amy Kenworthy-U'Ren, Service-Learning and Negotiation: Engaging Students in Real-World Projects That Make a Difference, NEGOTIATION JOURNAL 51 (2003).

mentary schools, speaking with nurses, teachers, students, and school board members. Students in the Children & Families course visited juveniles in juvenile hall and group homes, school districts, immigration clinics, and women's shelters.

From these activities, students not only learn the nature of specific communities, but they experience the conflicting interests and values within a community. Frequently law students find their own values are different from those expressed by other professionals.[60] Finally, the students experience the intrinsic value of ultimately helping a community, and the appreciation by its members of the students' concerned interest and hard work. This intrinsic value of serving others helps fuel the students' motivations, while greatly enhancing their self-confidence, professionalism, and potential for pro bono work in their careers.[61]

D.   Developing Sense of Self:
Self-esteem; self-confidence; self-governance; autonomy

1.   Description of the Goal

This objective is critical to developing and perhaps rekindling students' self-confidence in law school. Our goal is to help students not only become more competent in their skills, but for the students, themselves, to believe that they are more competent. Research has demonstrated that one's self-efficacy, or belief that one can achieve a desired result, improves one's actual competence and lowers anxiety. Moreover, the best way to increase self-efficacy is through personal experience.[62] Because our courses are not advocacy, or win/lose

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[60] For example, one of the groups in the Children & Families course decided to investigate how shaken baby cases were dealt with by the county Fatality Review Board. The student who convinced the group to select this topic had been clerking for an attorney who specializes in defending these cases in criminal court. The student, in contrast to her social work teammates, had a definite impression that the medical profession was not doing a good job diagnosing these cases. Her opinion at the end of the project had been significantly changed by the meetings the team had with physicians and law enforcement.

[61] *"Working toward a real-life goal in a law school class has been very rewarding. I feel as though [team members] and I are working on something good for the community and good for our souls. This experience has inspired me to participate in finding solutions to future community problems in San Diego."*

Student comment: *"This course really increased my knowledge of problem solving. I really enjoyed the guest lecture by Professor Morton, because it allowed me to see creative ways to solve actual, real world problems. I was also able to learn more about the issues surrounding children and families and how lawyers and social workers can come together to solve those issues."*

[62] Increasing students' concept of self-efficacy also increases their chances to reach their full potential, and lowers their anxiety. Ruth Ann McKinney, *Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?*, 8 JOURNAL OF THE LEGAL WRITING INSTITUTE 229, 233-36 (2002).

based, there is no sense of final defeat after hard work on a case, but only minor setbacks. Team autonomy in their projects is a critical element.

Thus, our goal in developing students' sense of self not only nurtures students' self-esteem, but their autonomy and personal growth, as well. Self-esteem is necessary to self-governance, and both attributes enhance personal growth.

2. The Goal in Context

For many law students the requirement to consider a real life problem, rather than an abstract paper topic, presents the first challenge. Having played the student role for a significant time, students are often doubtful that they can actually have some impact on the real world. Initial enthusiasm can quickly turn to resistance and lack of confidence about moving from the classroom into the professional world. Moreover, the problems students are attempting to resolve are complex, involving numerous individuals and entities. At times, their task can feel overwhelming.

In our problem solving courses, the assignments requiring students to acquire background information about their problems is the starting point for building confidence in their ability to discuss the topics with seasoned professionals. The investigation plan, which includes a discussion of the questions that need to be asked during interviews, as well as other materials that need to be accessed, helps build students' confidence in their ability to do something "real." While the professors are regularly meeting with students and monitoring their progress, the impetus for the work must come from the team members. Likewise, the functioning of the teams must be managed by their members.[63] The structure the professors provide for accomplishing the projects is never adequate to quell student insecurity, and stu-

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[63] Regarding group governance, this discussion from a group paper demonstrates the students' insights about their ability to take responsibility for their work:

> *Although our team worked very well together, certain weaknesses prevented the entire group from feeling comfortable with the project. Specifically, our group was limited by our tendency to digress from the task at hand. Our team was comprised of four extremely witty and intelligent women. These women always had something interesting to say. Many times, however, the comments had little to do with the topic at hand. Not all members in the group were as comfortable with the digressions as were the digressers. The situation was problematic when the digressers were directing the group. Those members who were not as outspoken as others were not always comfortable at attempting to keep the group on task. The digressers in our group also tended to be people who were less threatened by the length of the assignment. Those who felt confident with completing the assignment were less motivated to completely utilize the available time. Although our digressions were not significant enough to take away from our positive group atmosphere, they did keep us from utilizing our time in a manner that could have prevented stress during the final completion of the project.*

dents must move forward on their own into what, for most of them, is frightening, unknown territory; there is no book that provides step by step instructions for accomplishing the task. Furthermore, the development of the groups into teams creates the problem that the members will resort to "group think." So, while the students are being asked to be effective and collaborative team members, they must also monitor their own behavior in the group for their personal effectiveness, responsibility, and growth.[64] The professors attempt to convey to the students that they are bright, capable, and have the skills to accomplish the tasks necessary to solving their problems.[65]

And they all rise to the task, if not excel in it. A very positive facet of the courses is that everyone is successful. Every team has done an impressive job of resolving a thorny issue in the San Diego community.[66] Thus all the students leave the courses with increased confidence in their ability to work in teams, work with other professionals, and solve actual problems.[67] Much of this satisfaction comes from the intrinsic goals of the course. Students are not working for simply a grade. They are working for a cause they chose, in a subject matter they are interested in, and for people who need and deserve their efforts. There are no clients whose cases are "lost", and therefore the students never feel they have let someone down or not per-

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[64] The following comments exemplify students' self-learning and personal growth: "*I learned that I am extremely passive in situations where I should be more assertive, especially among acquaintances.*"; "*[B]eing a 'Type A' personality, I am reluctant to relinquish control to another person when my level of accomplishment (translation: grade) is dependent on his or her performance. By the end of Report One, I had no trouble at all giving up control. . . .I consider this a positive experience. . .*"; "*One thing I found fascinating with the group was how you think you are perceived in a group and how the group perceives you.*"; "*Although working with this team was often times very frustrating for me, I did learn some things about myself. For example, when a conflict arises, or I am not happy with another member's performance, I need to confront them right away.*"

[65] Student comment: "*I liked the informal atmosphere. I think it is nice when professors treat us like professionals. I know it is a fine line between with graduate students because maturity should manifest itself in [things such as] coming on time, being dedicated to the work, and appreciating the growth that comes from learning and developing in new ways. I know some students struggled with this, but I was still glad to have the opportunity to be treated like a professional.*"

[66] The doctors supervising the students' work, and reading their ultimate product, made the following comments: ". . .all the solutions and their pros/cons were just so well described and complete. . .They found things that I wasn't previously aware of'" ". . .some very innovative solutions to what is really an intractable problem. . . these students handled it brilliantly," and "There were some very good potential solutions proposed here. . .I am impressed!".

[67] As one student wrote, "*At first, I was a little overwhelmed with the magnitude of this type of project, but was amazed that I could go out into the community and speak with various stakeholders and be able to come up with a possible solution to a very important problem that affects our community.*"

formed adequately.[68] With this aspect of their self-efficacy enhanced, students will actually perform better, become more autonomous, and obtain more satisfaction in their careers.[69]

IV. ASSESSING OUR PROGRESS AND LEARNING

In assessing our progress and learning, some questions remain: (A) To what extent were we successful in our goal of enhancing students' intrinsic values and motivation? (i.e., was our premise correct?); (B) What did we learn about ourselves, our teaching, and our students in the process? As a result of our learning, what will we do differently next time we teach the courses; (C) How might our approach, focusing on developing students' intrinsic values, be applied to other clinical and non-clinical courses? We address each of these questions below.

A. The Extent of Our Success

Questions remain. To what extent have we accomplished our goals? To what extent have the intrinsic motivations and values in our students actually increased? Our assessment of the degree to which we were able to help promote intrinsic values in our students is based on students' anonymous written evaluations, as well as our own perceptions.

As to the first question – whether or not we have accomplished our goals, we have interspersed student comments in the sections above, in which we describe our goals in context. In these comments, students describe their expanded ways of approaching problems, their increased affinity for teamwork and understanding of interdisciplinary work, their increased comfort in helping their community, and their enhanced self-esteem. Most of our students advanced in at least one of these areas.

To obtain more explicit answers to the second question, we have inserted a more direct inquiry as to increases or decreases in students' intrinsic and extrinsic values in our anonymous final evaluations as follows:

> How, if at all, has the course changed your career values? (By "values", I mean the things we might strive for, such as competency, financial rewards, happiness, helping others, respect, status, collaboration, self-awareness, self-accomplishment, independence, rela-

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[68] Student comment: *"[aspects of the course] helped me feel confident and able"*.

[69] As one student commented, *"I had a great time doing something 'non-law school.'. In fact, I enjoyed it so much that I am seriously considering attending graduate school (for a Master's in Public Health)."* (The student is currently enrolled in a master's program in Public Health.)

tions with others, and power.) Which values, if any, have increased? Which, if any, have decreased?

From the first Healthcare class, 14 out of 15 students responded. Only one of the 14 students wrote that his/her values had not changed at all. The other students commented on their increased willingness to collaborate with others,[70] their increased self-awareness,[71] their ability to think more broadly and more creatively,[72] their ability to and interest in work with other professionals in the community,[73] and their increased desire to "make a difference."[74] A few students also commented that the course also enhanced their happiness.[75] Two students commented that their desire for financial reward remained stable, but did not increase. One student summed it up as follows:

> This course has completely changed my career values! I strive for
> more happiness, helping others, self-awareness, and actually help-
> ing/solving health care problems. The value of power, "status" and
> money just isn't the same anymore.

From the second Healthcare class, 12 out of 14 students responded. Two students wrote that their values had not changed as a result of the class. Others indicated shifts in their awareness of what might make them happy in life; in their skills and enjoyment in working with others; and in making a difference. One student commented

> This class has convinced me that the reasons I went to law school, to
> make a difference in the system and others' lives, can be achieved in
> an ethical way, far apart from the public's stereotype of parasitic
> lawyering.

Though we are aware of the potential for bias in these surveys, we believe that many of the comments do, in fact, indicate a shift toward more intrinsic, rather than extrinsic, valuing by our students. Overall, the goals of expanding approaches to problem solving and learning to work with others received more comments than did the goals of focusing on community or developing one's sense of self. One rationale for this outcome may be that law students can best assess those goals that are more easily perceived and tangible, such as learning and using an explicit problem solving and creative thinking process, or engaging in teamwork for the first time. Perhaps many stu-

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[70] *E.g., "I can trust others to do work in a good fashion."*

[71] *E.g., "I now realize I cannot work in an isolated environment."*

[72] *E.g., ". . .the value of feeling powerful & inspired inside because I have thought differently. These are some influences from this class that reinforced my desire to get into problem solving and ADR."*

[73] *E.g., "It has greatly increased my desire to treat people I come across in practice with respect, dignity, and courtesy."*

[74] *E.g., "Financial reward isn't the only benefit. It feels good to make a difference"*

[75] *E.g., "I will miss this class. It touched my mind and heart"*

dents have already involved themselves with community work. Perhaps the notion of developing one's sense of self is simply too abstract. It may also be that these areas are where the actual changes occurred most strongly, or perhaps we emphasized these areas the most as professors.

The next step is a more empirical assessment of any changes in our students' values, and the ultimate effects of such change. Also of interest is the degree to which such changes can be sustained in both law school and law practice. While we might be able to construct a more valid assessment device and process, we will not be able to measure the lasting effect of any changes that might be shown. Even as students are engaged in our classes, they are living life and facing challenges that will impact upon their values and motivation. Certainly leaving school with enormous student loan debt will influence their choices. As they develop their careers and their personal lives move forward, the multiple factors that will influence their values and motivations become too complex to allow for any longitudinal study of the long-term effect our courses might have. On the other hand, if participation in such a course provides a little boost to students' intrinsic values and motivation, perhaps that is enough.

B.   What We Have Learned, and What We Have Changed as a Result of our Learning

Based on our students' extensive evaluations, and our own perceptions of how things went, we've changed, or intend to change, specific aspects of our courses. In general, our students were uncomfortable at times with the lack of structure, the lack of "domain" knowledge[76] in the subject area, the concept of teamwork, the frustrations in dealing with other busy professionals, and the absence of follow-up for their team projects. Though some of these concerns are natural to the learning process, we are instituting changes to help alleviate some student frustrations.

1.   Lack of Specific Instruction on Report Requirements

Professionals and students need more explicit instruction on projects and more explicit outcome assessment. Even though we thought we had provided quite detailed instructions on the projects for our courses, we found the students to be anxious and desirous of even further guidance. About half-way through the children and families course we issued an extensive, step-by-step description of the

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[76] Stefan H. Krieger, *Domain Knowledge and the Teaching of Creative Legal Problem Solving*, 11 CLIN. L. REV.149 (2004).

work to be done on the project. Students' focus on how what they do will be reflected in their final grade was another reminder of how challenging it can be to inspire efforts that are not primarily motivated by course grades. It also reminded us of the ever-present authoritarian role we play, regardless of our intentions to make the class more collaborative.

To further assist students' need for clarity; we will be more explicit in our weekly assignments. Students in the children and families course will submit responses to all the weekly readings. Students in the health care course now submit written time sheets to their teammates on their problem solving work outside of the classroom. The students are now given positive examples of prior reports to illustrate what the reports should look like.

On the other hand, these changes can be viewed as hindering students' self-directed learning. In detailing exactly what we want our students to do, are we preventing them from learning to learn it themselves? Are we continuing their dependency on other-directed learning? We found that students can eventually work through problems that are new in substance and form without a lot of detailed instruction. Although we will certainly give our students more detailed specification about their grades, we continue to question how much instruction to give them about the reports themselves.

2.   Lack of Domain Knowledge in the Subject Area

Some students were frustrated with the lack of legal content in the children and families course. Consequently, domain knowledge is now enhanced through use of a course text.[77] On the other hand, the health care course now places more emphasis on teamwork and interdisciplinary skills, perhaps sacrificing some of the actual health law theory as a result.

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[77] The message we received from the majority of our students in the Children & Family clinic was that they found much of the explicit instruction on skills to be unhelpful, purportedly because they had already been exposed to this material in other courses. In response to their comments, the course has been changed to more of a substantive discussion during class time, with less guidance regarding process. While some of the students' comments about having already known the process might have been true, I fear that eliminating the explicit coverage of process will end up reinforcing thinking that our common sense and/or typical ways of dealing with problems are adequate for this kind of problem solving. It is possible though, that the presence of the social workers will keep this from happening. One of the things that might have been responsible for the comments from the students was that there were 5 JD/MSW students among the law students. The MSW program does a good job at dealing with group process and, so, for the MSW students the training might have been duplicative. The second effort at this course will be a test to see if the MSW students take responsibility for the process and if the JD students are able to accept that guidance.

Nonetheless, we continue to struggle with the amount of time devoted to substantive law over process (problem solving and group work). How much of the need for instruction in substantive law is coming from the law school acculturation and habituation? Are there different personality types or different emotional growth stages that respond to this kind of teaching in different ways? Certainly our research on adult education and adult development would indicate that the more self-directed approach would be appropriate with our more mature students.[78] We hope to gain a better understanding of these issues as we continue to experiment with our course instruction.

3. *Discomfort with Teamwork*

The vast majority of students in both courses are extremely uncomfortable with the idea of teamwork, particularly when their grades are dependent upon others' work.[79] This discomfort is most likely larger in the health care course, because it currently involves law students who likely have not studied these groupwork skills, in contrast with the social work students in the children and families course.

To resolve this discomfort, we now provide more notice of the teamwork requirement up front in our course descriptions. We also bring to our current classes prior students who have "survived", if not excelled in, teamwork. The health care course now spends more time on group discussions of teamwork – both within the teams and within the class as a whole. Because law study is inherently individualistic, more of the weekend training for the course is devoted to teamwork.

4. *Frustrations in Dealing with Other Busy Professionals*

It can be very challenging for students to work with professionals in the community. The professionals who are involved with the kinds of problems the students are working on tend to be very busy.

On the other hand, it is certainly helpful in the classroom to have students talk about their frustrations in not getting called or emailed by professionals they attempt to contact. Additionally, the classroom discussion provided opportunities for teams to help one another by sharing tips for getting hold of busy professionals. We found that often the best answers to students' questions came from their peers.

To help alleviate students' frustrations, both courses now place more emphasis on communication with those outside the legal profession. The health care course is incorporating discussions by the health

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[78] *See generally*, Linda Morton, Janet Weinstein, & Mark Weinstein, *Not Quite Grown Up: The Difficulty of Applying an Adult Education Model to Legal Externs*, 5 CLIN. L. REV. 469 (1999).

[79] *See* student comments, *supra* note 50.

care professionals on communication issues, and is including more communication exercises in the initial training. The children and families course will have one class consisting almost entirely of guest speakers on a variety of topics; these speakers have agreed to be contact persons for students who choose to do their project in their respective areas. All of the speakers are attorneys or social workers; however, they all have numerous contacts with other professionals and lay persons who are involved in the issues the students will select. The speakers also serve as role models – professionals who are in the community doing the kind of work many of our students hope to do.

5. *The Absence of Follow-up on Team Projects*

Some students in the health care course have expressed frustration in the lack of opportunity for follow-up in their final solutions. The doctor supervisors frequently publicize the student reports to appropriate entities involved in the problem, but have little continuing contact with the student teams. Though some teams have moved forward with implementing some of their suggestions on a volunteer basis after the course is over, the majority have not.

When the course is taught again, our plan is to have the students work specifically with a community group involved with the assigned problem, not just with the doctor affiliated with the group. In addition to reporting to the doctor involved and the class, students would also report formally to the assigned community group. This change would offer each student team a stronger connection to the community and hopefully more opportunity for follow-up after the course. Another idea has been to extend the course to a second semester for those students wanting more follow-up.

6. *Remaining Questions*

We continue to ponder interesting issues that these courses raise, recognizing that they are raised in many clinical settings. For the most part, these questions relate to our roles vis à vis our students, beginning with the concern about the appropriate balance between student autonomy and professionalism. In the best of worlds, this wouldn't be a balancing issue, because student autonomy would be demonstrated in professional behavior. However, issues such as coming to class late, not having completed work that was necessary to the group, not having done the reading, etc., are matters that need to be handled. We set clear rules about tardiness and absenteeism, but remain a bit unsure about how to handle violation of the rules other than through grades. We are also not sure about to what degree we should be monitoring the progress that the student teams are making on their projects.

Should we require progress reports, time sheets, etc.? Or, should we just allow them to set their own tempos and know that we will receive the final products at the designated time?[80] Each change we make affects the balance between autonomy and authority and between the focus on professionalism vs. a focus on grades.

C.   Application of Our Approach to Other Clinical and Non-clinical Classes

Much of Krieger and Sheldon's theory on the nurturance of intrinsic values can be applied or adapted to the law school setting generally, and to other courses, both clinical and non-clinical.[81] In this section we discuss some possible applications.

1.   Application to Law Schools Generally

Much has been written about the detrimental effects of grading, class ranking, law school curves, all-or-nothing final exams, law school isolation, and the gap between law school and practice. For law schools not yet willing to revise deeply entrenched policies, small, positive steps might be taken to encourage students' intrinsic values and motivation. Such steps might include smaller classes, more class teamwork, values assessments in admissions and career services departments, support for pro bono work, and visits by practitioners who can support the value of intrinsic motivation in practice.[82]

In addition to institutional support for these concepts, it is invaluable for students to see faculty support, as well. Below are potential classroom applications of our course goals of EXPANDING AP-PROACHES TO PROBLEM SOLVING (broad vision, considerations of jus-

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[80] One problem with not requiring progress reports with a consequence for no progress was demonstrated in the Children & Families course. The group working on the issue of undocumented workers who are victims of domestic violence was a group of procrastinators (comments from their group evaluation are cited earlier in this paper). Their "progress reports" were generally evasive, but there was no grade attached to the reports. When they presented to the class, their solution was politically, socially and culturally insensitive and inappropriate, demonstrating the need for more guidance earlier in the process. For other groups, however, the progress reports may have seemed like extra work, taking them away from moving forward on their projects.

[81] When asked what law schools might do to encourage intrinsic values in students, Krieger replied, "Well, most directly they could teach students about healthy values and motivation, their effects on happiness and social good, and the relatively low place of the "American Dream," for money and power in that hierarchy of values. Interview with Larry Krieger, *The Complete Lawyer*, http://www.thecompletelawyer.com/volume2/issue4/article.php?ppaid=303 (last visited 2/3/07).

[82] California Western has adopted many of these concepts outside of the classroom already, with new application forms, a new Career Services curriculum, enhanced pro bono opportunities and emphasis, and a new mandatory second year skills/ethics curriculum involving law-office teams.

tice, systems thinking, and creative thinking); WORKING WITH OTHERS (consensus building, collaboration, teamwork, respect for others, respect for differences, and communication skills); FOCUSING ON COMMUNITY (a sense of compassion, serving others, and selfishness); and DEVELOPING SENSE OF SELF (building self-esteem and self-confidence, self-governance and autonomy).

2. Application of Goals in Clinical Courses

Most clinicians would probably agree that the clinical setting (externship, simulation, in-house and hybrid) provides the perfect opportunity for the accomplishment of our four goals, Certainly there is ample opportunity, particularly in clinics in which students are working in the community, for students to experience and discuss concepts such as justice, looking at larger systems that may have created the problem, creative thinking, working with others, nurturing compassion and developing self-confidence and autonomy. In fact, it is likely that the vast majority of clinical professors already incorporate these concepts in their teaching. The only needed steps would be to emphasize these ideas in the context of a classroom discussion on intrinsic values and motivations, and, if possible, to add more explicit training in these concepts.

For example, professors might incorporate training in teamwork, consensus building, creative thinking, and/or working with other disciplines. They might model a team approach themselves, by co-teaching with another professional. They could also bring in guest speakers from other disciplines who could lend insight into clients' problems. Clinical faculty might model creative thinking and consensus building by using these methods to deal with course problems or student issues.

3. Application of Goals in Non-clinical Courses

Other non-clinical courses, including seminars and large first year classes, might adopt the goals we have chosen in various ways. For example, the first goal, Expanding Approaches to Problem Solving, could be at least partially accomplished by occasionally stepping back from a focus on substantive law to have the class consider the larger societal context in which the problems being discussed arise. This process could include discussions of systems thinking, justice, and creative thinking. Group or paired problem solving exercises might allow the students to have a more direct experience of these issues.[83]

The second goal, Working with Others, might be nurtured by hav-

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[83] Several of our faculty at California Western have inserted problem solving exercises into their first year classroom discussions.

ing guest speakers from other disciplines discuss their approaches to the class subject matter. Professors could assign relevant reading from other disciplines. To encourage teamwork, faculty could offer class exercises when time permits, to work on a course topic.[84] Information on teamwork and interdisciplinary work might be included on the course webpage.

The third goal, Focusing on Community, is more challenging to introduce in non-clinical courses. This is one goal that the students cannot experience directly by sitting in the classroom; however, there are some half-measures. Guest speakers, or students who have practice experiences, might be able to convey the compassion they feel for their clients. Movies about the subject-matter may arouse some empathy for a specific cause or population. Another option would be to require students to spend a minimum amount of time (five to ten hours) in the field doing some related pro bono activity.

The fourth goal, Developing Sense of Self, is probably the most difficult to accomplish in the traditional law school classroom, except perhaps for those few students who excel at Socratic dialogue. Of the four goals, this one least lends itself to classroom discussion and is best nurtured by direct experience. Therefore, a short clinical component in which the student could engage in related field work would certainly aid students' self-confidence and autonomy.

Adopting these goals as a partial focus for any course requires some trade-offs in terms of teaching substantive law and other more traditional skills. These balances are difficult to achieve. This is one reason we find it optimal to provide students community-based problem solving opportunities without the pressures of advocating for a specific client. We do believe, however, that any attempt to nurture the intrinsic values and motivations of our students is worth the effort; it could make a difference in their satisfaction with their law school experience, their practice of law, and their lives. In turn, we hope that it makes them more professional and effective lawyers.

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[84] For example, if the class is studying adverse possession, the professor could pose a problem to the class, asking students to group themselves in teams of five, and develop arguments as to whether the land in question was adversely possessed.