

A Recent Grad Assesses Clinical Education

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Reforming law school education is a hot topic. Lawyers, law professors, and even the president have weighed in on various aspects of this debate: How to make law school more affordable, how to adjust legal education to address the ever-growing need for attorneys for low-income persons (especially in civil matters where there is no constitutional right to counsel), how to incorporate real-world experience so that law schools produce practice-ready lawyers. Many believe that enhancing the law school clinical experience is part of the solution to this last issue. I do too.

I am a 2011 graduate of Stanford Law School. While at Stanford, I participated in the Stanford Immigrants' Rights Clinic, where I had the opportunity to represent indigent clients in immigration proceedings. Observing my classmates taught me that it is not enough for a law school to merely provide clinical opportunities. Most of my law school colleagues enrolled in clinics at some point. Some enjoyed it, and some did not. Some found the experience professionally useful while others found the work uninspiring. So, what is the key to a successful clinical program that adds lasting value to a law student's education? Obviously, there is no "silver bullet." However, drawing on my own experience, there are a number of steps I believe law schools can take.

Client Relations

First, law schools should design their clinical programs to provide instruction in that critical skill that can never be honed in a classroom: client relations. This is not novel advice. It has been observed, "Law students are trained in the case method, and to the lawyer everything in life looks like a case." Edward B. Packard Jr., *Your Lawyer Needs Understanding*, 10 COLUM. U. FORUM 24, 25 (1967). This was certainly true for me, a law student with eyes glazed over from reading too many casebooks. Enrolling in a clinic was the first step to expanding my view of the law from a set of principles to something much larger—something that affects the lives of people. My first assignment in the Immigrants' Rights Clinic was to represent a Mexican citizen living in the United States named Manuel. (I have changed his name to protect his privacy.) Manuel was in removal proceedings; in other words, he faced deportation. Manuel came to the United States when he was 19 years old and had obtained legal permanent resident status, but never citizenship. After spending almost two decades in the United States, Manuel faced removal because of two minor drug possession convictions more than seven years earlier.

Manuel's circumstances were somewhat unusual in that he had not been placed directly into removal proceedings as a result

of an arrest. Rather, he had lived in the United States after his two convictions and even had his legal permanent status renewed. Indeed, Manuel had no idea he was in jeopardy, and as a result, he took a trip to Mexico for the first time since he had left as a teenager in order to introduce his four-year-old son, a United States citizen, to his parents. Upon their return, Manuel and his son arrived through Arizona, where Manuel was flagged at the border by U.S. Customs and Border Protection (CBP). They were detained for several hours, as CBP officers debated next steps. Several times, CBP officers told Manuel that they were going to send him to a detention center, and it was only his son's citizenship that saved Manuel. The officers—unwilling or perhaps just unable to leave the four-year-old stranded without a parent or guardian—eventually allowed them both to fly home.

Although I had read the referring agency's account of Manuel's story before meeting him, I did not fully understand the extent to which he felt that his entire life rested in my hands. In law school, we read dozens of cases weekly, if not daily. Those cases bear the names of people we rarely take the time to consider. George Hawkins and his hairy hand or Helen Palsgraf and her injuries, to cite a few examples.

Representing Manuel, I realized I was entering a profession where my work could change lives. And in this case, it was Manuel's life. Manuel had much to lose—much more than I did.

Illustration by Jon Krause

He had a family—a wife and two children—and he faced the very real possibility of being torn from his loved ones and the home he had known for the past 20 years. As a second-year law student, armed with a week's training in immigration law and zero client experience, my most pressing task was managing my client while simultaneously resolving his case.

Through Manuel, I learned that my work should always be about the client, the human being, the person who has fears and apprehensions about the present and hopes for the future. This skill of managing clients and helping them maneuver through difficult situations has become a key part of my work as a young attorney. Conscientiousness for my clients has resulted in greater client contact earlier on and my supervisors' increased confidence in my ability to be a dependable resource for my clients, even in difficult situations. And I have Manuel to thank for putting me on an early path toward honing those skills.

Second, clinics should provide a platform from which law students can begin to reach their professional goals. For me, the Immigrants' Rights Clinic was a perfect fit. I always wanted to be a trial attorney. I wanted to interact with clients and spar with opposing counsel. I wanted to make arguments that would persuade. I had an opportunity to do all this and more in the Immigrants' Rights Clinic. Removal proceedings are adversary administrative proceedings, which largely mirror the adversary process of our criminal justice system. It was a perfect training ground for an aspiring lawyer like me.

First Exposure to Persuasive Legal Writing

My primary assignment for Manuel's case was to write a motion to terminate removal proceedings: a filing similar to a motion to dismiss an indictment in a criminal case or a motion for summary judgment in a civil action. It was my first exposure to the delicate balance of persuasive legal writing. My task was to admit the unfavorable facts that could not be avoided (two drug convictions), highlight the good facts (Manuel's success in executing positive changes in his life), present complex legal arguments as clearly and succinctly as possible, and then explain why my client should prevail. The success of Manuel's case depended on convincing the immigration judge that his prior drug convictions were legally insufficient to support removal. It was a nuanced position, but working through it was a first step in appreciating legal argument as an art form. Making Manuel's case taught me the necessity of constructing sound legal arguments—after all, it was no exaggeration to say a man's life, and that of his family, depended on it.

Third, law schools must provide students in clinics with adequate support to grow and strive. In preparation for writing this article, I recently asked a colleague about his own clinic experience. He looked at me, shrugged, and said he felt as if

it had been largely disappointing. He said he had written an appellate brief and had won at the court of appeals, yet felt he had not learned as much as he had hoped because he received no feedback or guidance from his supervisors. It was only after hearing this that I had a full appreciation for another essential element to my positive experience: support from my clinical professor and teaching fellow. Representing Manuel was good training for many of the tasks I would be asked to perform as a litigator, but I was only able to take full advantage of the opportunity because I had coaches who were invested in my success.

Before my first client meeting, I did several mock interviews with my supervisors, each playing the various roles of the difficult client, the shy client, or the client who asks really uncomfortable questions (such as “Do you think it’s a problem if I lie to the feds?”). I also role-played prior to my first court appearance, with one supervisor serving as an intimidating immigration judge and the other as an aggressive government attorney. They also commented on interview outlines and drafts of briefs and discussed the theories of the case at length. But most importantly, my supervisors supported my emotional and professional growth. Every week, students in the clinic would meet with our supervisors for almost two hours to talk about any and all aspects of our cases. During these meetings, I was allowed to reflect on my experience, internalize my work, and share my impressions. I have no doubt I would not have learned as much as I did without the support I received.

Fourth, law schools must allow law students to make mistakes. I did, and in flying fashion. After countless hours of researching, writing, and rewriting, the motion to terminate removal proceedings was ready to be filed. I proofread it, proofread it again, and then a third time. I triple-checked each citation. I made sure every record was included in the appendix. I printed it on crisp white paper. I aligned the pages and stapled them. I had dotted every “i” and crossed every “t” and mailed the brief into the court. I felt very proud.

Two days later, that pride turned to embarrassment when the clinic received a package from the immigration court. The court returned my brief because I had forgotten to sign it. I was lucky I had not missed a deadline, and my supervisors were very kind. But I also consider myself fortunate to have learned this lesson, because it is a mistake I will never repeat. Importantly though, the only reason I was able to learn this lesson is because I was given work and responsibility that permitted such a mistake. Law schools must prepare and equip their students so they find themselves with real responsibility. This is the only way a clinic can really teach a student.

Lastly, law schools should endeavor to strengthen their clinical programs to provide options for students electing to enroll in clinics. For example, Stanford Law students can enroll in the Organizations and Transactions Clinic, where students provide

governance advice and draft contracts for local nonprofit organizations, or the Religious Liberty Clinic, where they represent clients facing obstacles to the exercise of their religious faith. Students may also elect to participate in the Youth and Education Law Project, working with parents and minors in special education to ensure the right to a public education. Creating a diverse portfolio of clinical programs provides students with the ability to choose a program best situated to their personal interests and professional goals.

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For me, that clinic was the Immigrants’ Rights Clinic. Like so many in America, my life has been immeasurably affected by immigrants. My grandfather was born in California, just shortly after his parents emigrated from Mexico to work in the orange groves in California’s Tulare Valley. His wife—my grandmother—emigrated from England after World War II. My husband emigrated from El Salvador with his parents, political asylum seekers, when he was three years old. My entire life is a direct result of the United States immigration system working as it should, by rewarding those who come here to better themselves and become productive members of society.

The Immigrants’ Rights Clinic was an opportunity for me to give back and help others benefit from this system. Having found a program that fulfilled my passion, I became invested and engaged, and it has shaped the bulk of my pro bono practice since then. In my two years in private practice, I have represented four indigent clients in immigration-related proceedings. By providing students with the option to find work they love and can personally invest in, law schools can help shape the work of the next generation of lawyers. ■