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### The Deborah Jones Merritt Center for the Advancement of Justice

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# The Deborah Jones Merritt Center for the Advancement of Justice

CLAUDIA ANGELOS,\* MARY LU BILEK,† & JOAN W. HOWARTH‡

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## I. FOREWORD

*When invited to write an essay on clinical legal education honoring our friend, we were struck by the importance of a focus on clinical legal education in any collection of work paying tribute to Professor Deborah Jones Merritt.*

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*Legal education has benefited from a fifty-year movement for clinical education. This movement necessarily interrogates and seeks to overcome the anachronistic, inherited Langdellian paradigm that dominates and continues to define the curricula and policies of our law schools. But the movement for clinical education has been exponentially confounded by contemporary legal education's shape as a pyramid of statuses and privileges accumulated over time and embedded in the straight, white, male, ableist, classist structures of American universities, our legal system, and our laws.*

*Progress has been made. Thousands of lawyers now enter the profession with the advantage of having practiced under the supervision of faculty who choose to live in the fray of the reality of clients' lives, the ambiguity of the real world, and the politics of the profession. Thousands of lawyers have learned through clinical education the habits of planning, doing, and reflecting that are otherwise invisible in the academy.*

*But clinical faculty typically work at lower pay in smaller offices on cases that don't run on an academic timetable, in physical and ideological structures that are ill-suited for law practice, and in statuses that deprive them of the ability to build a better-suited environment. Perhaps most cruelly in an academic environment, clinical faculty have faced the pervasive stigma of the foolish but well-entrenched notion that classroom teaching far removed from practice demands a higher order of intellect. Professor Merritt understood this to be untrue, unjust, bad for students, and potentially disastrous for their future clients.*

*With the ambition to undertake her best work and motivated to hew her efforts to their highest calling, Professor Merritt unflinchingly and joyfully crossed the divide to become a clinician. At the height of an exceptional professorial career, Professor Merritt cheerfully changed course. She had learned from her students that she should become a different kind of professor so they could become the lawyers they wanted to be, the lawyers their future clients deserved. We are humbled to write in honor of such a clear-eyed colleague.*

## II. INTRODUCTION

The Merritt Center for the Advancement of Justice provides legal education to people who are called to work for justice and equity. The Merritt Center is an accredited educational institution whose students are eligible to be licensed as attorneys upon graduation, a provider of high-quality legal services, and a source of research and activism to advance the quantity and quality of justice and equity. Center graduates are prepared to serve clients well, repair and change legal systems, and be the creators of future justice.

The Merritt Center houses nine law practice offices—Youth Practice, Health Practice, Criminal Practice, Family Practice, Business Practice, Housing Practice, Work Practice, Immigration Practice, and Environmental Practice. These law practices provide legal services for underserved communities in areas

of expressed need for members of the community and provide the primary context for the development of new lawyers, for the teaching and law practice of the faculty, and for the advancement of scholarship and activism focused on antiracist justice and equity. Students work in practice offices from their first day until graduation.

Supported by a curriculum designed to leverage learning through experience, students learn in these practices to be effective, reflective, and justice-seeking lawyers. They develop a professional identity that derives from and is grounded in their individual histories, experiences, identities, and values and that will serve them throughout their careers as they engage in a meaningful and sustainable practice coexisting with healthy personal relationships.

The Center's success in developing lawyers and contributing to the advancement of justice and equity is critically supported by its robust connections to affected communities and to the affiliated community legal services providers in whose offices Center students often work. Its goals of advancing justice and equity drive the Center's commitment to research and advocacy, to the production and dissemination of practice and teaching materials, and to the broader justice work, scholarship, and activism engaged in by students, professors, and others.

### III. FOUNDING PRINCIPLES

The Merritt Center was founded on the conviction that law and lawyering always should, but often do not, work to achieve the goal set out in its name: to advance justice. It defines justice as a system of laws, processes, and people designed and practiced so as to protect and lift up those most marginalized and oppressed. It embraces a vision of justice as a democratizing and constructive force that empowers the excluded and subordinated and is experienced by them as effective and fair. The Center is a dynamic, progressive, antiracist organism, changing and reorganizing to best meet the needs of students, clients, and communities. It is dedicated to developing structures and practices that extend access to legal services and increase equity.

Legal education at the Merritt Center is focused on the practice of law. The academic program is organized around learning, not teaching. Experiential learning, peer learning, proficiency learning, and collaboration are the dominant modes of education. Problem-solving is at the core of the Center's pedagogy. Students learn to plan, act, and reflect. The program is based on a vision of the lawyer's role that is expansive in its activities—including not only litigation and counseling but also collaboration with grass-roots organizations, organizing, and movement building—and humble in its insistence that lawyers are the subordinates of their clients and servants of justice.

The Merritt Center recognizes that the work of a lawyer is much more than the technical exercise of skills or the proficient application of precedent. Lawyering demands an understanding of and an accounting for the importance of context and identity and requires embracing the professional imperative to

drive the law forward. Merritt Center students consider emerging theories of transformative and restorative justice and develop antiracist and other critical perspectives to learn to build new paradigms for a more equitable justice system.

The Center's professors come from and remain in practice and are committed to preparing students for their futures as lawyers. The learning agenda for each student includes the identification and development of the habits and values necessary to practice effectively, creatively, and ethically. Students are neither graded nor ranked. Rather, their work is evaluated to determine whether they have become proficient in the necessary competencies and are ready to proceed to the next level of engagement with lawyer's work. Students are supported academically and personally, with faculty and staff modeling a community of respect, inclusion, and mutual aid. Student portfolios exhibit their acquisition of knowledge and skills, their demonstration of the habits and responsibilities of the profession in their Practice work, and their reflections on their own growth as lawyers and on the profession and the law.

The Center is an always-evolving institution. Its students and faculty work in partnership with communities, legal services providers, and clients to better understand and to transform law's impact. The Center learns and takes leadership from its partners and community and enriches them through formal and informal educational programs for future students, graduates and other lawyers, and the communities it serves. Students' reflections and work form the basis for the evaluation of the educational program and policies. The Center measures its success by the proven ability of its graduates to sustain justice-advancing careers, to meet the evolving demands and dimensions of lawyers' work, to serve clients effectively and creatively, and to contribute to legal rules, policies, and processes that create a more effective, inclusive, antiracist justice system.

#### IV. STRUCTURE AND ACCESS

The Center's policies, practices, budget, and physical plant all are expressions of its core values and designed to manifest and implement its mission.

##### *A. Admitting Students*

Merritt Center law students have a well-developed, informed desire to become lawyers and to use their license to advance justice and equity. They are responsible, able to work both independently and collaboratively, have goal-based seriousness of purpose, and a history of academic and work effort and achievement. Applicants demonstrate these qualifications in a variety of ways. Strong candidates typically have work experience amounting to the equivalent of more than a year of full-time employment and have completed at least a two-year associate degree with a curriculum that included multiple opportunities for critical writing; critical thinking and problem-solving; coursework in U.S.

government and practical logic; and at least one field placement in a legal setting. For potential applicants whose education and experience does not include these components, the Center offers a one-year preparatory program with undergraduate credits that may count towards the completion of an associate or bachelor's degree, including a field internship in its Center and affiliates' practices.

Priority in admissions is given to applicants from communities formerly and currently excluded from the profession and whose lived experience of the law provides insights and experience that will improve the learning of all participants in the Center, the law, and the legal system. Residents of the communities near the Merritt Center receive the highest priority, with special attention to applicants who have participated in the Center's preparatory and undergraduate courses or public programs in government, practical logic, legal analysis, and legal systems.

Because there are always more highly qualified applicants who merit priority consideration than the 100 new students that the Center enrolls each year, selection among these exceptional candidates is by lottery. Lottery candidates who are not admitted receive priority the following year. Merritt admissions officers educate community college, high school, and junior high school students about careers in law and how to become eligible for admissions, and actively seek pools of candidates that reflect the racial, ethnic, sex, income, national origin, gender identity, sexual orientation, educational background, range of abilities and disabilities, immigration history, and religious diversity of the Center's neighborhood.

### *B. Facility*

The Center is housed in a collection of rehabilitated, newly connected buildings, close to public transportation and accessible parking, in the heart of a lively and diverse but underserved and economically depressed neighborhood. The Center's closest neighbors are long-established Black, Indigenous, and Latinx families and more recent immigrants from the Middle East, Asia, Africa, and Latin America. The Center's space is not majestic but is comfortable and welcoming, with accessible universal design.

In the Center's buildings, law practice offices are located alongside educational departments such as admissions and student services. Throughout the facility meeting rooms of various sizes are used for client work, for classes, for student meetings, and for meetings and other events of community organizations and affiliated law offices. The rooms are designed to facilitate collaboration and furnished to enable multiple arrangements. Technology is accessible throughout the facilities. Students, staff, clients, teachers, and people from the neighborhood mingle in its public garden where local providers make food and drink available. Indoor and outdoor spaces provide for solitude and for gathering. Rotating art shows hang on many of the walls, and Center space is

used for theatre and music and community meetings. It is a place of lively, productive activity.

### *C. Law Library*

An important hub for the enterprise is the Resource Center, a public law library that serves the Center community, affiliated law offices, and the public. The collection supports the Center's students and faculty, its law practices, and others in search of legal resources. To strengthen student learning, the Resource Center provides an outstanding collection of materials, from nutshells and interactive quizzes to learning theory and teaching supplements to guides to doctrine, legal reading, legal writing, legal analysis, legal research, and legal history. To support the Center's own law practices and the work of its affiliated outside law offices, the Resource Center collects guides for practitioners concentrated on Center practice areas. Electronic resources and databases are available electronically through the Center's licenses for students, lawyers and the public, and are accessible through terminals, charging stations, and, most importantly, with the assistance of expert librarians. The Resource Center also supports members of the public seeking legal assistance by providing them with referrals to private law firms and public agencies and connecting them to self-help programs in courts and beyond.

### *D. Governance*

The development and implementation of the Center's program to educate new lawyers is the province and responsibility of its faculty. The policies and procedures of each of its law practices (including the selection of cases and of affiliated outside law offices) are the responsibility of the faculty teaching and practicing law in that area. The Dean of the Merritt Center, who reports both to the University and the faculty, is its chief operating officer, with the responsibility to implement and manage the programs and the Center's law practices as determined by the faculty. An Executive Committee with elected representatives of faculty, students, and staff works closely with the Dean and other administrative staff on all matters, including budget and development. Voting members on all committees include at least one student representative and at least one staff member. Working with the Dean, a senior administrator implements the academic program decisions of the faculty, and another implements the faculty's decisions regarding the operations of the law practices. The Center's policies and practices, meeting schedules and minutes, and budgets are available to students, staff, and faculty to ensure transparency and promote equity in the sharing of information and decision making. Regardless of University status, all faculty who have taught more than three years, at least half-time, may elect full governance participation. Academic freedom is protected for all professors, full- or part-time, and students.

### *E. University*

The Merritt Center is part of a public university system. Merritt students and faculty routinely collaborate with and learn from counterparts from other university disciplines, including social work, health sciences, economics, gender studies, Black and other ethnic studies, and education. Participants from those departments learn about the role of lawyers and the impact of law in their areas of focus, while the Center's law practices benefit from university expertise. The Center's place within the University adds important educational opportunities for law students, who regularly work with other professionals. The School of Social Work is around the corner, and the Center's Practice is a field site for MSW students.

There is also a Department of Jurisprudence and Legal Studies in the University's Faculty of Arts and Sciences that grants both undergraduate and doctoral degrees. Much like the work of scholar-researchers in the Departments of Biology and Chemistry informs and advances the work of medical professionals, the work of members of the Jurisprudence and Legal Studies Department provides the Merritt Center with interdisciplinary scholarly insights into law and the work of lawyers.

### *F. Community*

The central educational task of the Center is preparing students to become effective lawyers in pursuit of justice, but future lawyers are not the only people who benefit from Center programs, workshops, and courses.

Lawyers in practice are key contributors to and beneficiaries of the Center's educational mission, as are allied professionals. The Center provides ongoing opportunities for the development of new and senior lawyers, those in new forms of legal services roles, and law office staff in its community and, through technology, more broadly. Its relationships with its affiliated legal services providers are strengthened through these programs, in which participants workshop strategies and solutions and explore opportunities for coordinated approaches to improve the law and the delivery of legal services.

These programs advance the Center's central goal of supporting the work of advancing justice. First, they ensure that the Center's faculty stay abreast of substantive developments, advances in strategic thinking, and changes in the practice of law outside the Center. Second, they deepen the Center's relationships with individuals in the partnering organizations, facilitating the hiring of part-time clinical supervisors and helping to identify prospective supervisors in affiliated law offices. Third, they provide value to the partnering organizations and relieve them of the burden of the development and implementation of these programs. Fourth, they provide a fertile setting for grounding research, scholarship, advocacy, activism, and other justice efforts in practice-based issues in a timely and contextualized way leading to changes in the delivery of legal services and equity in the justice system.



Reaching beyond lawyers and recognizing the public benefit from broadening the understanding of legal systems and decision making, the Center also provides underrepresented communities with a variety of legal tools beyond legal representation, including legal education, self-help, and referral services. It offers workshops and courses to the public, along with a robust array of law courses to undergraduates. It reaches a national and global audience with programs focused on developments, alternatives, and best practices in serving underserved communities and advancing systemic change.

## V. LEARNING

The Center's core purpose is to educate and to support excellent lawyers who are well-prepared to serve marginalized communities, advance justice, and promote an antiracist legal system. Its learning program requires students to build strengths in critical thinking, systems analysis, strategic thinking, cultural awareness, the history of slavery, racism, and oppression in our country and our laws, movements for social change, the power and the limitations of legal strategies in movements for social justice, antiracist practices, and misuses of lawyering authority.

To fulfill its responsibility to graduate competent novice lawyers, the Center's curriculum is designed to guarantee that each graduate has attained the skills and knowledge identified in the Institute for the Advancement of the American Legal System's 2020 empirical study by Deborah Jones Merritt and Logan Cornett. These proficiencies include "[t]he ability to act professionally and in accordance with the rules of professional conduct," with abiding attention to the lawyer's special responsibility for the quality of justice; "[a]n understanding of legal processes and sources of law"; "[a]n understanding of threshold concepts in many subjects"; "[t]he ability to interpret legal materials"; "[t]he ability to interact effectively with clients"; "[t]he ability to identify legal issues"; "[t]he ability to conduct research"; "[t]he ability to communicate as a lawyer"; "[t]he ability to understand the 'big picture' of client matters"; "[t]he ability to manage a law-related workload responsibly"; "[t]he ability to cope with the stresses of legal practice"; and "[t]he ability to pursue self-directed learning." DEBORAH JONES MERRITT & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., BUILDING A BETTER BAR: THE TWELVE BUILDING BLOCKS OF MINIMUM COMPETENCE 31 (Dec. 2020).

To gain proficiency in these essential competencies and to acquire the foundation for the knowledge, theory, habits and skills of more advanced lawyering, Center law students progress through a structured program of lawyer development containing two tracks, which both begin on the first day of law school and run simultaneously. One track, entitled "Preparation for Practice," or "Preparation," is based in student-centered classrooms; the other, entitled "Practice," is based in clinical practice. Learning in the clinical Practice track begins as a small portion of a law student's academic program, but expands over time, eventually occupying almost the entire learning setting in a student's final

year. Conversely, new students spend their early months primarily in the basic Preparation program, but time spent in that track reduces as students advance in the Practice track.

Students begin their clinical work in the Practice track with entry-level lawyer roles. From beginning to end, Practice courses use clinical education pedagogy in seminars and in work supporting clients undertaken primarily in the law offices of the Center's nine law practices. The knowledge, understanding of legal processes and theoretical perspectives, and skills development provided by the required basic curriculum, including both classroom and clinical modes, is coordinated for the learning development of multiple competencies and structured in stages that build on each other.

### *A. Preparation for Practice*

The Preparation track contains two types of courses, Law Labs and the Foundations of Law courses. These courses are scheduled as clusters of activities ranging in length from one week to three months and coordinated with the work and seminars in the Practice track.

#### *1. Preparation for Practice: The Law Lab*

Law Labs are required and provide the Center's primary instructional mode in the first year and a significant portion in the next. The Law Lab is an adaptation for legal pedagogy of the problem-based learning model used in other professional schools such as the Cornell College of Veterinary Medicine and the Harvard Medical School. Law Labs are settings in which 10–12 students as a cohort are immersed in highly structured simulation scenarios of increasing complexity. In the Law Lab students work together to explore and to solve the problems posed to them. Their work requires them to identify and answer legal questions arising from the scenario, to identify subjects and techniques for further investigation, to develop facts through simulated interviews, to identify and assess options and counsel clients, to negotiate with adversaries, to organize and partner with (simulated) community groups, and to draft letters to clients and adversaries, memos of fact and law, complaints, briefs, contracts, and legislation and rules. The faculty member guides them through the practice of planning, doing, and reflecting, providing resources, feedback, and opportunities for revision and repetition, building on their learning from experience.

Like the best study groups, the Law Lab provides students with a reliable, trusted cohort of colleagues. Unlike study groups, however, the students are not working to understand what a teacher meant or learning untethered legal rules or deconstructing appellate cases as ends in themselves. They are in their roles as lawyers, using the law to solve problems or confronting the limits or injustice of law grounded in the identity and purpose of the client. Together, the students in the Law Lab begin to develop their professional identities in tandem with

their acquisition of skills and knowledge. Rather than only working towards the goal of understanding received law, they are asked to aim higher and in doing so begin to understand that lawyers create the law one case at a time.

Law Lab groups often work together without the professor. However, in addition, the Law Lab professor meets regularly with the cohort to help keep them on track, recommend additional resources to promote understanding, and, when needed, facilitate equitable, inclusive group dynamics. The professor also gives individual instruction and feedback on the students' many written products and works individually with students on legal methods. The Law Labs professor is more coach than substantive subject matter expert, and when in this role professors lean heavily on their expertise in formation of professional identity, learning theory, and expert practices in teaching critical thinking, legal analysis, and legal writing.

## *2. Preparation for Practice: Foundations of Law*

The Basic Foundations of Law course is required of all students and is designed to unite into a single, coherent, intensive program the key elements of the basic traditional law school curriculum in doctrine, policy, and theory. It contains a sequenced series of units of varying lengths that runs through the first and second years of the curriculum. This unified course covers legal doctrine, methods, premises, theories, history, structures, and systems and provides the context and critical theory necessary to complement and support the learning in the accompanying Law Labs and in the students' clinical Practice courses.

While the Basic Foundations of Law course is required, other Foundations of Law offerings to advanced students are elective and may more closely resemble familiar seminars. All emphasize critical approaches. They are delivered either in person or remotely, synchronistic or asynchronistic. Whatever the mode of delivery, Foundations courses use active learning principles—students are never simply passive audience members. Even a lecture, for example, includes imbedded quizzes, games, or other methods to motivate and require active engagement by students.

Decisions about the subjects that are covered in the Basic Foundations of Law course and in what order the units are presented are made by the faculty who teach in it with the purpose of supporting and coordinating with the problems used in the Law Labs. Each iteration of Foundations includes a common law subject, a subject with a statutory framework, and constitutional law, as well as civil and criminal procedure. In each unit, emphasis is on ensuring an understanding of the map of the subject, the policy considerations that shape the law, and the remedies or consequences that flow from the operation of the law.

Students prepare for the Basic Foundations of Law course using primary legal documents (statutes, trial level court pleadings, motions, briefs, and court orders, constitutional cases, planning documents, jury instructions, leases and contracts, and, sometimes, appellate opinions); secondary legal sources

(nutshells, treatises, practice handbooks, legal scholarship, etc.); history, psychology, and sociology readings; and popular and literary and theater/cinematic works such as biography and memoirs of people from a full range of roles in legal disputes. Perspectives of clients, of people shut out of the legal system, and of people harmed by the legal system, are central and pervasive in the syllabi. Even when proficiency in knowledge in a doctrinal area is the central goal of a unit, the Foundations of Law course engages students with questions about how the law functions as a tool to advance and subvert justice; how well clients are served; and the implications of critical perspectives and policy choices, including, for example, how antiracist priorities would lead to different rules.

### *3. Example of a Typical Start: Practice, Foundations of Law, and Law Lab: The Play Structure Collapse Scenario*

During their first several months new Merritt law students spend a day in Practice and the rest of their time in Law Lab and Foundations of Law.

During their first week, new Merritt Center students join a Practice area and are introduced to the office practices and protocols, as well as to basic concepts about a lawyer's role, including confidentiality. More senior Merritt Center students provide a one-session overview of the practice area and the Practice's clients. In the second or third week, the new students are assigned to take notes during a client interview. They review the client file before the interview, with special attention to the senior students' interview plan. They read texts on client interviewing and write a short memo about what they hope to learn from observing the interview. They transform their notes from the meeting into a memo to the file and are invited to observe the supervisor's meeting with the interviewing student during which the student seeks and receives feedback. The students in the beginning clinic seminar then receive an assignment to plan and do a simulated interview.

New Merritt law students concentrate much of their first week in a one-week Basic Foundations of Law unit called *Mapping the Legal Universe*, an introduction to legal systems, sources of law, and the web and rhetoric of legal doctrine.

Law Lab also starts in the first week and runs for eight weeks with the same cohort working together on the same problem. In this iteration of Law Lab, based on the Play Structure Collapse scenario, the Lab students begin by reading a newspaper story about an accident in which six children from three families were seriously injured when a climbing structure in a fast-food restaurant collapsed. They are asked to prepare a plan for an initial interview of the father of two of the injured children who has approached this Law Lab cohort to see about getting the restaurant to pay for his son's medical bills.

The Law Lab teacher encourages the students to draw from their learning in Basic Foundations of Law to discover they need to pursue many strands of legal and factual inquiry. As they plan, organize, and undertake that research and

investigation, their preliminary conclusions are complicated by new information about the scenario that they receive periodically from the Law Lab professor and informed by the new law they are learning in the Foundations course. Students develop plans for interviews and investigation, write memos, and delve ever more deeply into the context of the accident. For example, facts that emerge about what happened in the minutes immediately before the crash complicate causation.

This Play Structure Collapse scenario plays out over an eight-week Law Lab unit. Students engage in extensive lawyering simulations in both Law Labs and Clinic seminars, with the simulations in Law Labs focusing primarily on written products, and those in the Clinic seminars focusing on simulated activities with clients. For example, this Law Lab scenario might require extensive planning for a client interview, but not a simulated interview itself. In clinical Practice courses, students build on the knowledge gained about interview planning in the Law Lab with simulated interviews in their clinic seminars and then with interviewing their law practice clients.

Throughout this Law Lab unit, the accompanying intensive Basic Foundations of Law course provides complementary units. The one-week unit on *Mapping the Legal Universe* is followed by: a two-week unit on Torts; a one-week unit on Legal Research and Sources of Authority; and a three-week unit on Civil Procedure that concentrates on court systems, jurisdiction, and pretrial discovery and mechanisms for pretrial resolution, which is followed by a one-week unit on Torts Remedies that focuses on allocation of liability among multiple participants.

#### 4. *Later Stages of Preparation for Practice*

The early and middle stages of the required Preparation for Practice track proceed with similar blocks of varying lengths that match problem-based learning in Law Labs with sequenced Basic Foundations of Law units. Law Labs scenarios become more advanced as students progress, but the hours devoted to Law Labs are reduced as students spend more time in Practice. Similarly, time spent in Foundations courses is reduced as students move from the required Basic Foundations units to elective course choices.

The last stage of the curriculum is different. Law Labs disappear, replaced by more time in Practice. The required Basic Foundations in Law sequence is replaced by elective Foundations courses. Students may choose courses in practice areas, such as Intellectual Property or Indian Law, or seminars in legal history or theory that may be taught by Jurisprudence and Legal Studies faculty, or courses from other disciplines throughout the University, or other specialized courses offered remotely from other law schools around the world. Students are encouraged to create their own seminars in collaboration with a faculty member. At this stage, however, most of a student's time is spent in Practice.

### *B. Learning Through Practice*

The Center's core learning method is clinical practice, in which students take responsibility for supervised work for clients. Students' work takes place in law practices established by the Center, where students practice lawyering both in the Center's practices itself and in partnership with law offices that affiliate with those practices. To prepare them for entry in the profession, over their years at the Center students spend increasing proportions of their learning time working under supervision directly with clients and communities. Students handle increasingly challenging matters, beginning with assisting in individual client representation and advancing toward participating in and then leading more complex representation.

Students participate in clinical work from the start of their first year of law school through graduation, progressing through three levels of proficiency as they demonstrate the knowledge, skills, and habits necessary for advancing to the next level. The learning process at all levels uses best practices in the clinical learning method, including supervision, collaboration, critique, rounds and reflection. At each level, faculty members from the Center's practices hold a practice-specific clinic seminar using clinical pedagogy to foster the development of the habits and skills necessary to support the students' client work. The clinic seminars also ask the students to consider how critical and empirical scholarship, as well as ethnographic and cultural studies related to their clients, provide meaningful information and perspective bearing on their work. The learning taken from each clinical seminar is designed to transfer from practice to practice, and students may participate in more than one clinical practice over their time at the Center.

The Center's practices provide a full range of legal services for underserved constituencies in the community. The overall purpose of each practice is to serve marginalized communities, advance justice, and promote an antiracist legal system. The practices include a Business Practice, a Criminal Practice, an Environmental Practice, a Family Practice, a Health Practice, a Housing Practice, an Immigration Practice, a Work Practice, and a Youth Practice. Each of the practices presents a broad range of problems and opportunities. Clients of the practices are offered holistic representation. Collaborations across practices and with community affiliates bring expertise to all aspects of the cases. All matters handled by the practices are suitable for student learning and are significant to the individual and community involved.

Participants in each practice represent individuals, community groups, and advocates. They engage in direct services, law reform, movement support, public policy reform, and public education. In addition to the representation of clients in dispute resolution through litigation, administrative actions, and alternative dispute resolution (including restorative processes), the practices work with individual and organizational clients in partnership with other professionals on planning and problem-solving to ensure sustainable solutions and long-term benefits.

Each of the Center's practices is affiliated with one or more law offices located in the community. The affiliates refer matters to the Center's practices, co-counsel on other cases with the Center, and work with and supervise students placed in their offices. The Center's affiliates were invited to collaborate with a Center practice based on the quality of their learning environments, the excellence of their legal work, their relationships with the communities they serve, and their commitment to long-term engagement with professional development, antiracism, and advancing justice. Over the course of their clinical education, students work both under the supervision of full-time faculty at Center practices and of lawyers at the affiliate offices who participate with the Center on the ongoing development of best supervision practices. The Center rejects the traditional divide between "in-house clinics" and "externships." Instead, there is an ongoing and close connection between the Center's practices and its practice partners. All supervisors of student work are connected to and engaged with the Center.

Students' responsibilities for clients and cases are increasingly challenging as they advance. At the most novice level, students participate in planning, observe senior students and lawyers in client interactions and other meetings, attend dispute resolution settings, document meetings and observations, and develop reflection questions for themselves and the student-lawyers they observe. At the intermediate level, students take the lead on the planning and execution of some tasks, such as interviewing, investigation, witness preparation for trials and hearings, drafting of pleadings, drafting of letters to clients and co-counsel, and some court appearances, negotiation, and counseling. At the advanced level, under supervision, students plan and execute all tasks; for example, complex client counseling, substantial court appearances and hearings, meetings with adversaries or counterparties, and negotiated settlements or agreements. At all levels, students engage in case rounds to identify client goals, engage in strategic planning, solve problems, and reflect on performance and outcomes.

Students, faculty, and the affiliates in each practice area are continuously engaged in research, advocacy, and activism that extends beyond its individual cases. Each Merritt Center student creates or selects an ongoing justice project to participate in that requires sustained study and/or research or empirical analysis and writing or action designed to positively impact the law or the delivery of justice.

While each practice provides an opportunity for students to develop expertise in the substance, process, and culture of that area of practice, the range of the practices provides opportunities for collaboration and for an appreciation of the intersectionality of client problems and of persistent inequities in our legal and social systems. For instance, the work of the Environmental Practice, the Immigration Practice, the Health Practice, the Business Practice, and the Work Practice might naturally intersect in a case involving unsafe work conditions for low wage workers in a factory.

In the seminar setting, there are important and abundant opportunities for cross-clinic education and training in essential skills, including cross-cultural competency, the development of antiracist and abolitionist perspectives, the skill of working with experts and using empirical data, and the role of lawyers in community organizing. In the seminar setting, cross-clinic sessions explore developing perspectives, advocacy strategies, and emerging legal developments providing robust comparative learning.

### *C. Assessment of Students*

Student learning is assessed by three primary methods: self-assessment; course assessment; and portfolio assessment, each supported by rubrics for identified learning outcomes for every course.

#### *1. Self-Assessment and Course Assessment*

Teachers and supervisors provide students with specific learning outcomes at the start of each course or unit. Students assess themselves as novice, intermediate, or proficient in each of those learning outcomes, using these self-assessments to monitor their progress. In this way every course supports and builds student strengths in the habits of reflection and self-assessment that enable thoughtful lawyering and effective self-directed learning.

Using the same learning outcomes and accompanying rubrics, teachers and supervisors provide extensive formative and summative assessment for every course in the curriculum, whether Practice, Law Lab, or Foundations of Law. Teachers work individually with students to ensure their progress from novice to intermediate to proficient, as appropriate for that course and stage in the curriculum. Professors designate each student's development at the end of the course as novice, intermediate, or proficient as to each of the course's specified learning outcomes.

The curriculum gives every student multiple opportunities to advance in lawyering competencies. Professors in every aspect of the program work individually with students to address weaknesses and support strengths. Most students progress from novice to intermediate in their first year of law study, and from intermediate to proficient in their second year. The final year provides opportunities to mitigate identified weaknesses and to perform increasingly complex lawyering roles.

#### *2. Portfolio Assessment*

From the beginning of the program, each student builds an online, progressive portfolio that must include self-assessment and course-assessment materials and examples of work products, including simulated lawyering tasks from Law Labs and redacted client-work products from Clinic. The portfolio constitutes the student's record of progress toward proficiency.



## VI. FACULTY

The full-time faculty at the Merritt Center are a diverse group of experienced justice practitioners who embrace the Center's mission, primarily selected from among those who have been affiliated with the Center as part-time teachers and supervisors. The faculty's expertise and passion for lawyering is matched only by its expertise and passion for teaching. The faculty's dedication to supporting the next generation of justice-centered lawyers is expressed through their focus on pedagogy and their respect for their students.

These lawyer-teachers, selected for their own excellence in the practice of law in service of justice and equity, approach teaching from deep reflection on their own practice and with an antiracist and critical perspective on the development of the law in their area of practice. They appreciate the opportunity to work collaboratively with their colleagues to explore new teaching methods and develop curricula and simulations and choose practice-based learning opportunities. They model the planning, doing, and reflecting they expect of their students and seek feedback from each other and their students to improve their effectiveness.

They work together to build an equitable and inclusive community of learners and workplace, with a special appreciation for the roles staff play both in supporting their work and in bringing expertise to the development of the systems, policies, and practices that provide the framework for the program.

Energized by the relationships they build with each other, the staff, their students, and their community partners, they are committed to the difficult work of governance and institution-building and value programmatic assessment as an opportunity to creatively refine and change programs and policies to better support the students' development and to reflect changes in the law and legal practice.

When selecting among candidates for the faculty, preference is given to excellent lawyers whose communities are underrepresented in the profession and special care is taken to identify and support faculty candidates whose identities and life experiences are reflected in the student body.

All faculty employed full-time by the Center practice law, teach Practice and Preparation for Practice courses, and contribute to advancing justice through research and writing, whether for clients or to improve the justice system. All faculty employed full-time by the Center hold the same title, status, and security of employment, regardless of their teaching, research and justice work, and governance responsibilities.

In addition to full-time faculty, the Center is enriched by the participation of numerous part-time faculty, cross-designated University faculty from other schools and disciplines, and affiliate workers in a variety of roles, including adjunct teaching, guest-lecturing, collaborating in advocacy and organizing efforts, co-teaching with full-time Center faculty in the Practice and Preparation for Practice courses, supervising students' work on behalf of clients in Center law practices areas and its affiliate organizations, participating in curriculum

development and feedback, doing portfolio reviews, and participating in institutional assessment.

Faculty appointments decisions (for both full- and part-time faculty) are driven by the Center's needs as measured by the efficacy of the program in meeting student and institutional benchmarks, including building an antiracist and inclusive community of learners. All full- and part-time faculty are selected by a committee comprised of full- and part-time faculty and students.

## VII. RESEARCH AND ACTIVISM

While all the Center's work is focused on the development of lawyers who practice law to do justice, the faculty and students at the Center are also actively engaged in building on and sharing their experience in practice through research, writing, and activism to improve the law and the system of justice. Supported by the Resource Center, the Center faculty, students, staff, and members of affiliated organizations produce publications, including traditional scholarship, reports on activities and activism, lawyering manuals, and other materials for the purpose of advancing legal education, the legal profession, and effective participation in movements to advance justice. They also participate in such activism.

Each law practice has specialized resources to support focused work on the development and improvement of the law and lawyering in that area of practice. Partnerships with empirical researchers and experts in other disciplines are expected and encouraged. The Merritt Center is known for its high-quality empirical research about the legal profession, access to civil and criminal justice, delivery of legal services, legal education and licensure, and other related subjects.

The Center's justice impact work has several distinctive features: it derives from the practice of law in the world and grows out of the experience of lawyers and clients in practice; its audience is primarily those actively engaged in practice or communities excluded from the reach of justice; and virtually all the work is a collaborative effort either of faculty and students or of the Center and one of its affiliates or other experts within the University or with community organizations.

As part of this work, the Center experiments with modes of presentation that engage dialogue with others working in the area and are accessible to and useful to practitioners, judges, and members of the public. The Center uses blogs, websites, and other vehicles designed to create a community of workers and thinkers and to ensure that faculty work is positioned to make a difference. The Center regularly produces materials useful to practitioners and judges, including jury instructions and practice manuals and the development of continuing legal education courses. Similarly, the Center often works on draft legislation, rules, and regulations. Students and faculty frequently educate and influence policy through op-eds and feature articles for magazines and news outlets directed at audiences beyond the legal profession.

### VIII. PROGRAMMATIC ASSESSMENT AND EVOLUTION

The faculty designs the academic program to prepare Center graduates for excellence in the practice of law in its most expansive sense, that is, including a broad range of lawyering skills used in planning, legislative advocacy, movement lawyering, community organizing, and litigation; incorporating empirical research and a critical consciousness that enables the creation of new law; and building the networks and partnerships that are the foundations of systemic change.

The Center measures its success by how well its graduates are prepared for ethical and competent practice of law upon graduation, and by the extent that its graduates, with experience, continue to aspire to and attain a high level of ethical and effective representation of clients and a deep commitment to pursue systemic justice. The faculty is committed to an iterative process of modifying the educational program over time based on new research about lawyering competencies and developments in the way law is practiced and, primarily, by assessment of the work and impact of Center graduates.

The Merritt Center answers to its clients and its community. To this end, the faculty regularly collects feedback from clients, employers, judges, and community organizations, as well as its own alumni, on the ability of its graduates to represent clients and communities effectively, to build networks and collaborate with others in pursuit of justice and equity, and to support themselves financially and emotionally. Merritt Center programs, including the law school curriculum, are informed by regular, comprehensive, internal and external audits and evaluations to measure how well the Center is advancing its antiracist mission for justice and equity. Then, informed by their own judgment, their students' feedback, and the information obtained from their graduates and those they serve, the faculty work to make the changes necessary to continually move the program towards its purpose.

### IX. AFTERWORD

*“Afterword” is defined as “a final word from an author.” For us, this section is anything but a final word. We write, rather, to urge you to imagine from who you are and how you see our system of laws and the state of justice what preparation for our profession should look like. We have written from each of our identities and experiences, merged in our strong connections to the world of clinical legal education over many years and our years of activism for an educational and licensing system that grows out of a shared understanding of what competent lawyering is and that rejects any barrier that reflects racism or professional stereotypes and protectionism rather than ensuring clients are served competently and well.*

*We recognize that our vision obliterates well-established boundaries and directly challenges the notion that learning must precede practice, creating instead an environment in which the learning in law school mimics the lifetime*

*of learning of all lawyers: meticulous and diligent investigation of the facts and exploration of the received law; careful and comprehensive understanding of the context and history; unwavering focus on the client and their goals; thoughtful outreach for support and expertise; intentional, strategic planning and preparation; and constant reflection and reiteration. We also eschewed the model of the solo, competitive, passive, silently reading law student for a vision of a lively community of worker-learners, collaborating with each other and with their teachers in a shared enterprise. We rejected the confines of traditional legal scholarship, exploding and expanding both the methods and the impact, encouraging experimentation in form and collaboration in production, insisting only that it derives from and is intended to affect the way law works in the world.*

*We are not the first to have any one or all of these ideas. Each of us individually and the three of us collectively have been privileged to be surrounded by colleagues and mentors—both in the academy and in practice—and students whose ideas we have borrowed, whose writings and research have prompted and shaped and refined our vision, and most especially whose commitment to what is the best of our noble profession and whose work in service of students and clients and justice inspired us every day of our long careers.*

*To honor Deborah Jones Merritt we imagined a law school that itself honors the practice of law, a law school that is animated by the wisdom and values of its namesake, a law school in which there is no longer a subcategory of clinical professor because there is no longer anything else. Our design suffers from the limitations of its authors, but we invite you to improve our vision and look for ways to move the project beyond the imaginary.*