

Legal Learning for Life: Legal Immersion Fluency Education (LIFE)

*Beth D. Cohen**

The concept of “thinking like a lawyer,” the focus of traditional law school study, takes too narrow a view of how lawyers practice and the range and reach of legal work. Although critical legal thinking is important, it is merely one component of effective lawyering.¹ In addition to learning how to “think like a lawyer,” law school is the place where students learn the language of the law. As such, law schools should take advantage of the best known and most effective approach to learning a new language—the immersion method.² The primary characteristic of the immersion method is teaching language and culture in contextualized combination.³ By creating an engaging learning environment where law students become fluent in the language and practice of effective and compassionate problem solving, the health and well-being of individual lawyers and the legal profession will improve.

The best way to learn a new language is to go to the place where the language is spoken. Therefore, adopting the approach of Legal Immersion Fluency Education, law schools, like good language immersion and student-exchange programs, will immerse students in the vast community of lawyering. Law students will routinely be living in the law by experiencing it in context, rather than spending time primarily in the classroom. This immersion into the community of lawyering includes, but is not limited to, integrating volunteer work, clinical work, externships, court visits, and shadowing practitioners into and throughout the legal education, breaking down the barriers that currently exist between doctrinal and experiential learning.

The immersion method would feature law school ambassadors or emissaries in tailoring a program that best suits students’ individual needs, expectations, and aspirations before embarking on the legal immersion fluency

* Associate Professor and Director, Legal Research and Writing Program, Western New England College School of Law. My sincere thanks to Jill Anderson, Erin Buzuvis, Lauren Carasik, Betsy Cohen, Taylor Flynn, René Reich-Graefe, Sydney Leavens, Norah Mitnick, Barbara Noah, and Nancy Sykes for their helpful comments.

¹ See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 12 (2007) (“We are convinced that this is a propitious moment for uniting, in a single educational framework, the two sides of legal knowledge: (1) formal knowledge and (2) the experience of practice.”).

² See generally Jon Reyhner, *Native Language Immersion*, in J. REYHNER, O. TRUJILLO, R.L. CARRASCO & L. LOCKARD, EDS., NURTURING NATIVE LANGUAGES 1-6 (2003) (describing the immersion method as used to teach second languages to schoolchildren), available at http://jan.ucc.nau.edu/~jar/NNL/NNL_1.pdf.

³ *Id.*

education program. From day one, students would be teamed with mentors from within the law school—professors and second- or third-year students—as well as mentors from the legal community. These ambassadors from the profession would serve to welcome students into the profession, introduce students to the vast array of possibilities available with a legal education, and generally help guide students in navigating new terrain. This collaborative working group of students and mentors would meet periodically throughout the course of study to discuss and assess student progress, evaluate the effectiveness of the program, and design appropriate new excursions. Each itinerary or course of study would be periodically revisited and revised to reflect a student’s developing interests and to maximize opportunities for learning and growth both within the law school and within the community. As their level of knowledge and experience builds, students will be able to help develop a flexible and individually-tailored course of study best suited to their evolving interests and goals. Furthermore, the meetings with mentors will provide an opportunity, uninhibited by distinct curricular lines, to more holistically discuss issues of professionalism, professional goals and identity, skills development, work-life balance, and pursuing work with “ethical ambition.”⁴

Of course, first-year law students will still need legal background so they can more fully appreciate their excursions into the world of lawyering. Therefore, part of the first-year legal education would necessarily include courses of study that would provide students with a solid grounding in the basics of the legal system, including civil, criminal, administrative, and constitutional law. However, to more accurately reflect the place of law in society, as well as the practice of law, the Socratic and casebook method would necessarily give way to contextual and interdisciplinary learning that would incorporate social, philosophical, economic, and historical perspectives. Moreover, from day one, courses of study would not be isolated from the life of the law. Every course, including first-year courses, would contain elements of student immersion into the law in action.

At the very start of legal education, such expeditions could include observing every phase of legal proceedings, shadowing attorneys in relevant practice areas, attending agency hearings and legislative sessions, and acquiring various other experiences that would broaden a student’s cultural understanding of the law.

For example, when students begin their legal education, they could take part in day-long observations of the law in action. Students, with faculty and mentor guidance, would have opportunities to observe various aspects of legal life and speak with those involved. Whether such excursions occurred on a daily or weekly basis, students would then bring their experiences back to the classroom for reflection and analysis. The walls between theory and

⁴ For an explanation of the meaning of the term “ethical ambition,” see DERRICK BELL, *ETHICAL AMBITION: LIVING A LIFE OF MEANING AND WORTH* (2002).

practice would break down so that students would have real-life exposure to what they were studying. Moreover, every course throughout law school would integrate aspects of the law in practice. Opportunities for student involvement would increase in depth and complexity as each student gained knowledge and experience. Each course, student, and professor would integrate excursions that exemplify important aspects of the subject matter of the course. Visits to courtrooms, law offices, government offices, agencies, social service agencies, jails, anywhere the language of the law is spoken, and anywhere the law is an influence, would become a routine part of legal education. Observation and reflection would continue throughout legal education to help students learn the importance of developing skills necessary for meaningful reflection of their life's work. Students could more holistically and creatively explore the role of the law in personal relationships, the role of law in communities, and the lawyer's place in society—locally and globally. Critical analysis of the law in practice as part of doctrinal learning will deepen a student's understanding of the realities of the practice of law and add a vital element of humanizing the practice and study of law.

In addition to observation, conversation, and reflection, students would also have the opportunity throughout their law school career to shadow practitioners. When entering an unknown territory with the goal of learning the language and the landscape, it is most helpful to have a local guide, someone to help translate and navigate. Depending on student interests, with guidance from faculty and mentors, students would arrange to shadow attorneys in a variety of practice areas. Areas of practice and expeditions should be broadly construed to include as many opportunities as possible. Creativity is essential. Just as law graduates put their degrees to good use in diverse settings, law students should have opportunities to explore that will broaden their horizons and deepen their understanding of the reach and implications of a life in the law.

Using the legal language immersion method, faculty and lawyers will collaborate to serve as hosts and guides. Just as the ABA sets forth the aspiration that every attorney will contribute a certain number of hours pro bono, under the immersion model, hosting and mentoring law students will also become a professional norm. This component of the immersion model will have the added benefit of providing lawyers with the opportunity to actively reflect on their own practice and philosophy of lawyering. When hosting a guest or visitor, most people tend to behave more politely. Similarly, lawyers will suddenly be challenged to re-think what they do and how and why they do it in order to share their perspective with inquisitive students. Legal hosts will also benefit from the fresh perspective, idealism, and energy brought by visiting law students. The culture of lawyering, as well as the reputation and perception of the profession, will benefit from the increased reflection and civility. Immersion methods impart positive values and atti-

tudes toward the culture and language being learned and tend to help revitalize the language.⁵

In addition to observation and shadowing, actual practice experience would also be more broadly integrated within the law school curriculum. With guidance from professors and mentors, courses would encourage students to develop opportunities to put theory into practice. Ideally, using the immersion method, each year of legal education would include observation, shadowing, and practical experiences including volunteering, externships, and clinics. Each course of study would include aspects of as many of the immersion methods as possible, thereby dissolving the false dichotomy that currently exists between doctrine and skills.

Students would have the opportunity to see the way that law, in the broadest sense, is really practiced, rather than sterile analytical classroom thinking, divorced from the real world implications of advocacy choices. Immersed in the law, students would be able to see problems resolved before disputes degenerate into full blown litigation. Students would have the opportunity to examine how the philosophy of a lawyer's practice impacts the decision-making process. This focus on comprehensive problem-solving methods that promote the law as a healing profession—an approach shared by the new “Comprehensive Law Movement”⁶—will provide a vital contrast to the notion that prioritizes victory at all costs. The benefit of such early immersion is to offset the demoralizing and dehumanizing aspects of casebook legal training where students are broken down before being reconstructed into amoral technicians.⁷ Broadening the scope of inquiry beyond adversarial litigation and appellate cases would open the discussion to include more public policy, regulatory, and transactional considerations, as well as collaborative and interdisciplinary lawyering approaches. Furthermore, training students to consider real world consequences and impact will make them more competent and compassionate problem solvers. First-hand

⁵ See REYNER, *supra* note 2, at 1-6.

⁶ The “Comprehensive Law Movement,” with its “often therapeutic approach to law and lawyering,” emerged “in the last decade of the twentieth century, partially in response to widespread dissatisfaction within the legal system and among lawyers. . . .” Susan Daicoff, *Law as a Healing Profession: The “Comprehensive Law Movement,”* 6 PEPP. DIS. RES. L. J. 1 (2006).

⁷ As Gary Williams points out:

Professor John Calmore speaks to the need to reconfigure legal education if students are to become effective drum majors for justice. . . . In this [current] model, law professors strive to teach students how to “think like lawyers”—to become amoral technicians whose personal moral values are baggage or distractions that complicate the task of representing clients. [Professor] Calmore argues that for law schools to train law students to pursue social justice most effectively, they must encourage students to broaden their understanding of how the law works and how it can be used to affect positive social change.

Gary Williams, *Drum Majors for Justice – Leading the March Toward Social Justice*, 37 LOY. L.A. L. REV. 925, 930 (2004).

experience, combined with guidance and reflection, will clarify the human and moral impact of the law.

Throughout the legal education that incorporates the legal immersion philosophy, the law school embassy will provide a safe harbor where students can learn the analytical, structural, ethical, and professional framework to effectively navigate their new surroundings. In addition to providing foundational skills and knowledge, law school study will include the best practices of legal education.⁸ The classroom will become a place of inquiry and reflection where students deconstruct their observations, field experiences, theories, and practice. Students will divide their time, ideally on a daily basis, between the classroom and the law in action. Teaching law students that embracing professionalism involves a lifetime of learning and reflection is one of the most far-reaching and meaningful goals that a law school can achieve.⁹

The law in general, and legal education in particular, are in urgent need of revitalization. "Law and the study of legal institutions is essential to our most basic human values and aspirations."¹⁰ Legal Learning for Life: The Legal Immersion Fluency Education ("LIFE") can help to educate more culturally competent, humanistic, and compassionate problem solvers. Students who are actively involved and engaged in every facet of their education have ownership of their professional development. Students who are immersed in the language and the culture of the law will become fluent in its nuances. Just as students in language immersion programs, students immersed in the law will have their views challenged and will come away with a better understanding of themselves and others. Once students have successfully completed the LIFE program of study, they will be able to attend to the real tasks of lawyering in a more holistic and humanistic way, and they will feel at home in the world of lawyering.

⁸ See generally ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION (2007), available at <http://www.cleaweb.org/resources/bp.html>.

⁹ See DAVID WHYTE, CROSSING THE UNKNOWN SEA: WORK AS A PILGRIMAGE OF IDENTITY 4 (2001) ("To have a firm persuasion in our work—to feel that what we do is right for ourselves and good for the world at exactly the same time—is one of the great triumphs of human existence.").

¹⁰ Nicholas S. Zeppos, 2007 Symposium on the Future of Legal Education, 60 VAND. L. REV. 325, 336-37 (2007).

