

2015

# Learning from Experience: An Introduction to the Journal of Experiential Learning

Patricia E. Salkin

*Touro Law Center*, [psalkin@tourolaw.edu](mailto:psalkin@tourolaw.edu)

Follow this and additional works at: <http://digitalcommons.tourolaw.edu/jel>



Part of the [Legal Education Commons](#)

---

## Recommended Citation

Salkin, Patricia E. (2015) "Learning from Experience: An Introduction to the Journal of Experiential Learning," *Journal of Experiential Learning*: Vol. 1: Iss. 1, Article 2.

Available at: <http://digitalcommons.tourolaw.edu/jel/vol1/iss1/2>

This Article is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Journal of Experiential Learning by an authorized administrator of Digital Commons @ Touro Law Center. For more information, please contact [ASchwartz@tourolaw.edu](mailto:ASchwartz@tourolaw.edu).

# LEARNING FROM EXPERIENCE: AN INTRODUCTION TO THE JOURNAL OF EXPERIENTIAL LEARNING

PATRICIA E. SALKIN\*

## I. INTRODUCTION

The process of searching for a law dean is a challenging one as various stakeholders are looking for a candidate who provides the desired vision, leadership and management style exciting to all. Important are indicators of past performance, examples of interpersonal skills, creativity, and knowledge of current challenges facing the profession, legal education and the individual school. Often overlooked, however, is what else the candidate brings to the table in terms of their approach to legal pedagogy, past experiences that may provide other important insights into what may subconsciously influence the candidate's particular approach to one or more issues. It can be difficult to glean this from the typical thirty to forty-five minute presentation to the faculty as a whole, and of course in small group conversations each constituent group is seeking to learn what they can in their own interest area. Up until recently, who was the constituency for experiential learning? It was not part of the typical conversation dean search committees and faculties were having with candidates. Thankfully, that has changed.

Joining the incredible legal educators at Touro Law Center in 2012 afforded me the opportunity to take the next step with what was already a school steeped in commitment to practice-ready learning by appointing the Center's first Associate Dean for Experiential Learning. A priority appointment early in my tenure, this key position is enabling Touro Law Center to truly "walk the talk" in a steady and determined pace to ensure that through curricular reforms and offerings our students will be best prepared to enter a dynamic and changing profession where required skills to succeed are much more than what has traditionally been available in legal education.

With apologies for the personal history shared below, this essay approach to the Introduction shares an important first-hand account

---

\* Dean and Professor of Law at Touro College Jacob D. Fuchsberg Law Center.

of the historical disconnect between educational experiences before law school and the traditional law school model.

#### A. *The Early Formative Years: Pre-Higher Education*

When I was in high school I thought I wanted to be a lawyer. I was curious about government and governance, but really taken by the United States Supreme Court. Sandra Day O'Connor had been nominated to the U.S. Supreme Court<sup>1</sup> and young women started to believe that indeed through the legal profession, we could do anything. I wanted to learn more about what lawyers do, so I did an internship in the Rockland County, NY law firm of Greenberg, Wanderman & Fromson. While the partners could have easily given an 11th grade high school student filing and observation duties, instead they showed me the New York statutes, the hundreds of books holding authoritative cases for New Yorkers, and they explained how to update those cases using the hard bound Shepard's Citations books. They gave me a research assignment to write a brief on a DWI issue. I don't remember the specifics of the fact pattern, but I do remember learning to love researching and writing about the law the way lawyers do. It was exciting and I remember I felt it was real, and I believed I was learning by doing, not by just reading the law as in my high school business law class. The next year, for my American History term paper I chose to research and write about prayer in the public schools. By then, it was not enough to simply consult myriad secondary sources as high school students are taught to do. Rather, I knew how to find the cases and the law from my internship, and so I spent countless hours in the courthouse and at the library at Pace University School of Law, the closest Law School to where I lived, pouring through the secondary sources. I recall reading *Engel v. Vitale*,<sup>2</sup> reading and re-reading the First Amendment to the U.S. Constitution, and tracking down every citation in the Supreme Court's decision to better understand the theory and doctrine. I also remember buying books about Chief Justice Earl Warren and the Warren Court. My appetite for the law was nothing short of voracious.

---

<sup>1</sup> The Learning Network, July 7, 1981, *Reagan Nominates O'Connor, First Woman, for Supreme Court*, [http://learning.blogs.nytimes.com/2011/07/07/july-7-1981-reagan-nominates-oconnor-first-woman-for-supreme-court/?\\_r=0](http://learning.blogs.nytimes.com/2011/07/07/july-7-1981-reagan-nominates-oconnor-first-woman-for-supreme-court/?_r=0) (last visited 12/7/2014).

<sup>2</sup> 370 U.S. 421 (1962).

### *B. Hitting the Ground Running in Higher Education*

Heading to college, regrettably I had no knowledge of the existence of “three plus three” programs nor what they meant,<sup>3</sup> although I did manage to make my own by advancing my undergraduate studies to graduate early. After my first year at the University at Albany, I spent a summer on the Hill working for Congressman Benjamin Gilman, where I also did an independent study on the Federal Revenue Sharing Act and its amendments. While most college students might have spent the evenings and weekends in Georgetown dancing and soaking in the sites around the Nation’s Capital, I went to the Library of Congress and learned about the Congressional Research Service. The friends I met that summer went home with tourist souvenirs, while I went home with two boxes of proposed bills, committee reports and other government documents to complete the paper. The next year I worked as an intern for credit with NY State Attorney General Robert Abrams’ Office of Consumer Frauds. To this day, the lawyers I worked with more than 30 years ago I count among my friends and valued colleagues. The negotiation and mediation skills I learned on the job at that office paved the way for my summer job between college and law school where I worked at the Albany Dispute Mediation Program.<sup>4</sup> My final year of college was the last credit-bearing “hands-on learning” experience I had. I landed a full-semester 15-credit internship in the New York State Senate<sup>5</sup> where I worked for the Chair of the Local Government Committee.<sup>6</sup> On the job I learned how to read, analyze and draft pieces of legislation in New York. I discovered that the textbook description of how a bill becomes law that was presented in my State and Local Government course bore no resemblance to the reality of what actually transpires. I attended committee meetings, sat in on constituent meetings, observed how relationships are built and how some are destroyed. I also discovered through observation the difference between legislative history from Congress and from the State Legislature. This experience also taught me the value of a professional network and I credit my

---

<sup>3</sup> Three plus three programs are popular joint degree offerings between undergraduate institutions and law schools that enable accepted students to complete an undergraduate degree and a law degree in six years instead of the typical seven. For a listing of many current programs, see [http://en.wikipedia.org/wiki/Accelerated\\_JD\\_program](http://en.wikipedia.org/wiki/Accelerated_JD_program) (last visited 12/7/2014).

<sup>4</sup> The program is now called Mediation Matters. See <http://www.mediationmatters.org> (last visited 12/7/2014).

<sup>5</sup> The program still operates today. See <http://www.nysenate.gov/department/student-programs> (last visited 12/7/2014).

<sup>6</sup> Hon. Charles Cook (R-Delhi) (see [http://en.wikipedia.org/wiki/Charles\\_D.\\_Cook](http://en.wikipedia.org/wiki/Charles_D._Cook)) (last visited 12/7/2014).

positive relationship with the Senator for an opportunity of a lifetime he gave to me – a seat at the table for a period of about ten years where I was a principal stakeholder in the modernization of New York’s antiquated and sometimes confusing land use laws.<sup>7</sup>

*C. Stopping Short in Law School – A Different Paradigm,  
But Why?*

Then I arrived in Law School. The Clinical Legal Education movement was just getting off the ground. I remember hearing about some clinics at school but I didn’t know anyone who enrolled in a clinic, and I don’t recall hearing about externships. At the time, clinics and externships were not being promoted by the faculty and administration, and the postings about part-time paid jobs for law students were plentiful. I managed to earn academic credit every year in college (and credit while in high school) for hands-on experiential learning, but not a single credit while I earned my Juris Doctorate. Career Services Offices were just starting to develop and play a more important role in law schools.<sup>8</sup> There was no outreach at the time that I can recall but for job postings on a wall outside of the office. We all found our own law-related job experiences.

Why, though, were the experiences available to me up to law school no longer part of the curriculum? The paragraphs below are reprinted from a 2011 article I co-authored on the convergence of land use pedagogy and best practices because they succinctly set forth important history:<sup>9</sup>

For more than one hundred years the Carnegie Foundation for the Advancement of Teaching has been helping educators to improve the effectiveness of their teaching by undertaking studies of teaching techniques and effectiveness.<sup>10</sup> Among their areas of focus have been the education of professions such as clergy, engineering, nursing, medical, and legal.<sup>11</sup> Going back to the *Flexner Report* of

---

<sup>7</sup> For descriptions of the significance of this work see, Salkin, Patricia E., *The Politics of Land Use Reform in New York: Challenges and Opportunities*, 73 ST. JOHN’S L. REVIEW 1041(1999); Coon, James A., Damsky, Sheldon and Rosen, Dianne L., *The Land Use Recodification Project*, 13 PACE L. REV. 559(1993).

<sup>8</sup> For example, the National Association of Law Placement did not even exist until 1971, a time described as, “a period of rapid change in both the legal profession and legal education . . . .” (See <http://www.nalp.org/history>) (last visited 1971).

<sup>9</sup> Salkin & Nolon, *Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices*, 60 J. OF LEGAL EDUC. 519 (2011).

<sup>10</sup> <http://www.carnegiefoundation.org/about/index.asp?key=13>. The Carnegie Foundation was founded in 1906 and serves as an independent policy and research center on all levels of education.

<sup>11</sup> <http://www.carnegiefoundation.org/programs/sub.asp?key=30>. The study of the educations of these professions is carried out specifically by the Carnegie Foundations’

1910, reports from the Carnegie Foundation have had an enormous impact on the education of professionals.<sup>12</sup> The Foundation has a long tradition of studying legal education, including Joseph Redlich's *The Common Law and Case Method in American Law Schools* (1914), and Alfred Z. Reed's studies during the 1920s.<sup>13</sup> The Carnegie Foundation's latest look at legal education culminated in the publication of *Educating Lawyers* in 2007, a book resulting from consultation with the Association of American Law Schools (AALS), the Law School Admissions Council (LSAC), and countless hours of interviews and observation at sixteen law schools carried out over two semesters.<sup>14</sup>

Also in 2007, the Clinical Legal Education Association (CLEA) published its capstone work based on a six year study of legal education, titled *Best Practices for Legal Education* (hereinafter referred to as *Best Practices*).<sup>15</sup> Going beyond the carefully articulated theories on legal education outlined in *Educating Lawyers*, *Best Practices* outlines both the reasons supporting change to current legal education norms, as well as specific suggestions for making these improvements. Preceding both the Carnegie Report and *Best Practices* was a 1992 report issued by the American Bar Association's Task Force on Law Schools and the Profession: Narrowing the Gap, entitled "Legal Education and Professional Development- - An Educational Continuum," also referred to as the "MacCrate Report."<sup>16</sup> A key finding of the Report was that law schools were not doing an adequate job of instilling in future lawyers the types of professional skills and values necessary to the practice of law.<sup>17</sup>

The Carnegie Foundation reports that law schools are doing some things very well such as quickly socializing students into the stan-

---

Preparation for the Professions Program. Generally, the Carnegie Foundation observes the methods employed in educating these professionals and then publishes a report based on the findings.

<sup>12</sup> See generally, Molly Cooke, M.D. et al., *American Medical Education 100 Years after the Flexner Report*, 355 *NEW ENG. J. MED.*, Sept. 28, 2006, at 1339.

<sup>13</sup> WILLIAM SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) (hereinafter, "EDUCATING LAWYERS").

<sup>14</sup> See *EDUCATING LAWYERS* at 15.

<sup>15</sup> ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION* (2007) (hereinafter, "BEST PRACTICES"). CLEA was incorporated in 1992 with a mission of developing and supporting clinical education as a means of preparing law students and lawyers for more effective legal practice, see, CLEA Mission Statement, <http://cleaweb.org/about/mission.html>.

<sup>16</sup> <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html> (last visited November 2009).

<sup>17</sup> <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html> (last visited November 2009).

dards of legal thinking.<sup>18</sup> However, the report points out that this rapid socialization comes at a price, and suggests that legal education has been, and remains, generally over-dependent on its signature pedagogy, the Socratic Dialogue and Case Method.<sup>19</sup> The Report [which] asserts that this emphasis on abstract legal analysis causes many students to view concerns of justice, social equality, and professional ethics as secondary concerns.<sup>20</sup> The *Best Practices* project further pointed out that the Socratic Dialogue and Case Method lends itself to humiliation of students,<sup>21</sup> and when students are not called on, they are often so relieved that they stop paying attention.<sup>22</sup> To overcome these deficiencies, *Best Practices* provides a comprehensive list of suggestions that offers the promise of moving legal education towards achieving the goal of producing more competent, skilled, and ethical lawyers.<sup>23</sup>

Consistent with the global movement towards outcomes-focused education,<sup>24</sup> a key *Best Practices* principle is that law schools commit to preparing students to practice law “effectively and responsibly in the contexts they are likely to encounter as new lawyers.”<sup>25</sup> It is suggested that that this be accomplished through clearly articulated educational goals<sup>26</sup> and that the goals of each course be articulated in terms of desired outcomes<sup>27</sup> with the aim of developing competency in the ability to resolve legal problems effectively and responsibly.<sup>28</sup> Furthermore, desired *Best Practices* outcomes include helping students to acquire the skills and attributes of effective and responsible lawyers<sup>29</sup> defined to include self reflection and lifelong learning skills, intellectual and analytical skills, and core knowledge and understanding of the law.<sup>30</sup>

---

<sup>18</sup> See EDUCATING LAWYERS at 185.

<sup>19</sup> *Id.* at 186.

<sup>20</sup> *Id.* at 187.

<sup>21</sup> See BEST PRACTICES at 216.

<sup>22</sup> *Id.* at 222.

<sup>23</sup> See EDUCATING LAWYERS at 27. The authors recommend viewing legal education in terms of The Three Apprenticeships: the intellectual apprenticeship, the practical apprenticeship, and the identity apprenticeship.

<sup>24</sup> See BEST PRACTICES at 46 (discussing the transition in legal outcome to outcome focused systems in Scotland, Northern Ireland, England and Wales).

<sup>25</sup> See BEST PRACTICES at 39.

<sup>26</sup> *Id.* at 40.

<sup>27</sup> *Id.* at 55.

<sup>28</sup> *Id.* at 59. The accompanying principle describes effective and responsible ability to solve legal problems as including: an ability to work with clients to identify objectives and evaluate the merits and risks of options and to provide advice as to solutions; the drafting of needed agreements and documents to complete transactions; and the planning and implementation of strategies for the movement and ultimate conclusion of the matter.

<sup>29</sup> See BEST PRACTICES at 65.

<sup>30</sup> *Id.* at 65.

Many see *Best Practices*, as a movement driven by “clinicians” with little, if any, relevance to the educational methodology used in doctrinal classrooms; however, *Best Practices* is more appropriately described as *inspired by* clinical methodology and values. In part, *Best Practices* was created with the belief that, “There is general agreement today that one of the basic obligations of the law school is to prepare its students for the practice of law.”<sup>31</sup> In accordance with the accreditation standards of the ABA, all ABA-approved schools must “maintain an education program that prepares its students for admission to the bar and *effective and responsible participation in the legal profession.*”<sup>32</sup>

#### D. *Beginning to Walk the Talk*

A couple of years after law school graduation I took the opportunity to go back to academia, but this time as a professional and not as a student. I took an interest in helping law students to get the experiences that I yearned for as a student but were not available. For example, I organized and oversaw externships designed to introduce law students to work of government lawyers on a daily basis and I developed a semester in government externship program for our students both in Washington, DC and in Albany, NY so they could earn academic credit while experiencing a more intense immersion into government lawyering.<sup>33</sup> Consistent with the recommendations of the Carnegie Report,<sup>34</sup> I designed a syllabus for my doctrinal land use law course that both got students out in the field, observing and reflecting on planning and zoning board meetings, filling out Freedom of Information Law requests, and drafting documents that they would need when practicing in this field.<sup>35</sup> Together with my textbook co-author and colleague Professor John Nolon, we surveyed land use law professors to assess their level of engagement with experiential learning in the classroom,<sup>36</sup> and we organized a symposium on practical legal education around the subject of land use.<sup>37</sup>

---

<sup>31</sup> See BEST PRACTICES at 16.

<sup>32</sup> *Id.* at 39, citing to Standard 301(a) ABA Standards.

<sup>33</sup> Salkin, *Teaching Government Law & Policy in Law School: Reflections on 25 Years of Experience*, 66 ALB. L. REV. 993 (2003).

<sup>34</sup> WILLIAM SULLIVAN, ET. AL., EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW, The Carnegie Foundation for the Advancement of Teaching (2007).

<sup>35</sup> Salkin and Nolon, *Practically Grounded: Convergence of Land Use Law Pedagogy and Best Practices*, 60 J. OF LEGAL EDUC. 519 (2011); and Salkin, *They Do Teach That in Law School: Incorporating Best Practices in Land Use Law*, 2 PACE ENVTL L. REV. ON-LINE COMPANION 102 (2011).

<sup>36</sup> Salkin and Nolon, 60 J. OF LEGAL EDUC. at 519.

<sup>37</sup> Salkin, *They Do Teach That in Law School: Incorporating Best Practices in Land Use Law*, 2 PACE ENVTL L. REV. ON-LINE COMPANION 102 (2011).

*E. In a Position to Make a Difference*

Therefore, with all this as background, it should be no surprise that when given the opportunity to assume the deanship at Touro College Jacob D. Fuchsberg Law Center, one of the first items on the agenda was to create a position for an Associate Dean of Experiential Learning.<sup>38</sup> Touro joined the Alliance for Experiential Learning spearheaded by Northeastern School of Law,<sup>39</sup> and we applied for and were accepted into the Educating Tomorrow's Lawyers Consortium hosted by the University of Denver Sturm College of Law.<sup>40</sup> In two short years, as described in Associate Dean Myra Berman's article in this volume, Touro Law Center has moved its already groundbreaking practice-ready curriculum to new levels with the addition of new clinics and a requirement that all students successfully complete a clinic experience as a condition of graduation, a complete overhaul of the externship program, the introduction of 1L experiential requirements and a new strategic plan entitled "Portals to Practice"<sup>41</sup> that will continue to better prepare our graduates to be profession-ready and practice-ready<sup>42</sup> by the time they graduate. Touro's "secret weapon" is Dean Myra Berman and her commitment to ensuring the implementation of the cutting-edge curriculum and programs that weave together legal doctrine, theory and practice. Recently, the opportunity to co-chair the New York State Bar Association's Committee on Legal Education and Admission to the Bar<sup>43</sup> will provide a statewide platform for ensuring ongoing discussion and action in furtherance of needed reforms in legal education to meet the realities of a dynamic and changing profession.

---

<sup>38</sup> Press release announcing the appointment of Professor Myra Berman as the inaugural Associate Dean for Experiential Learning: <http://www.tourolaw.edu/News/NewsDetails.aspx?id=147> (last visited 12/7/2014).

<sup>39</sup> See <http://www.northeastern.edu/law/experience/leadership/alliance.html> (last visited 12/7/2014).

<sup>40</sup> See <http://educatingtomorrowlawyers.du.edu> (last visited 12/7/2014).

<sup>41</sup> See <http://www.tourolaw.edu/AboutTouroLaw/StudentProfile.aspx?id=27> (last visited 12/7/2014).

<sup>42</sup> There is controversy within the Academy as to what is meant by the term "practice-ready." It is used here to simply represent that students have been inside courtrooms, have drafted a number of different kinds of documents, and have interacted with those seeking recourse in the legal system before they graduate from Law School.

<sup>43</sup> <http://www.tourolaw.edu/News/NewsDetails.aspx?id=243> (last visited 12/7/2014); see also, <http://libn.com/moversandshakers/2014/08/13/salkin-named-co-chair-for-nysba-committee> (last visited 12/7/2014).

## II.

## WHY A NEW JOURNAL OF EXPERIENTIAL LEARNING?

There are more than enough law reviews and law journals routinely published by law schools; in fact, some have suggested that there are too many. However, with the rapid changes in response to calls for reform of legal education, many of which focus on the demand for increased emphasis on experiential learning, this Journal fills a void. The intent of the Journal is to include a mix of short essays, traditional law review articles and case studies, all designed to inform ongoing discussions about changes in legal education through a welcome and accessible format. We hope that the pages of this Journal will be used to share ideas, critique experimental reforms and look towards the future as we navigate a course in uncharted waters.

To put this together required the vision, skill and tenacity of many at Touro Law Center. Special thanks to Professor Tracy Norton who mentioned the idea to Associate Dean Myra Berman while passing in the hall one day. Of course, this could not have happened without Dean Berman enthusiastically volunteering to recruit an editorial advisory board and the wonderful authors. Special thanks also to Associate Dean for Research and Scholarship Fabio Arcila who provided valuable guidance on the peer review and editorial processes, and to Fred Rooney, the Director of Touro Law's International Justice Center for Post Graduate Education who is already at work on the next issue focusing on student and graduate engagement with legal incubators and residency programs. We are also grateful for the exemplary support from the wonderful librarians at the Touro Law Center Gould Law Library.

We appreciate the work and dedication of our Editorial Review Board, consisting of Christine Cerniglia Brown, *Loyola University New Orleans College of Law*; Alli Gerkman, *Educating Tomorrow's Lawyers*; Josie Gough, *Loyola University Chicago School of Law*; Wes Porter, *Golden Gate University Law School*; and David Thomson, *University of Denver Sturm College of Law*. They are supported by an equally outstanding Editorial Advisory Board consisting of: Mary Beth Beazley, *Ohio State University Moritz College of Law*; Luke Bierman *Elon University School of Law*; Martin Katz, *University of Denver Sturm College of Law*; Eileen Kaufman, *Touro College Jacob D. Fuchsberg Law Center*; Robert R. Kuehn, *Washington University Law School*; Mary Lynch, *Albany Law School*; Daniel Rodriguez, *Northwestern University School of Law*; Patricia Salkin, *Touro College Jacob D. Fuchsberg Law Center*; Michael Hunter Schwartz, *University*

of Arkansas William H. Bowen School of Law; and William M. Sullivan, *Founding Director, Educating Tomorrow's Lawyers*.

### III.

#### INSIDE THE INAUGURAL ISSUE

Touro Law is pleased to publish this inaugural issue of the *Journal of Experiential Learning* with contributions from some of the country's thought leaders in this area including deans, faculty who teach doctrinal, clinical and writing courses, and a member of the judiciary. It is only fitting that Professor David Thomson serve as the guest editor for our maiden voyage. His book, *LAW SCHOOL 2.0*,<sup>44</sup> remains at the forefront of the literature on how technology has changed and is changing legal education. The article he contributed to this volume, "Defining Experiential Legal Education," chronicles the renaissance in legal education, the need of which was brought to light in the midst of the recession of 2008. Thomson follows how the criticisms and shortcomings of traditional legal education are leading to thoughtful experimentation and reforms, and even the new 2014 ABA requirement that students complete at least six credits of experiential learning as part of their course of study. His point, though, is that academics, administrators and regulators are using terminology that may mean different things to different people and that many of them have significant shortcomings. He asserts that a failure to define what it is we are doing will result in an inability to communicate clearly about what we are doing, necessary to advance the discussion among the academy, and he offers that we define the phrase "experiential learning" as ". . . methods of instruction that regularly or primarily place students in the role of attorneys, whether through simulations, clinics or externships." Thomson explains the need for different teaching styles and assessments and offers concrete examples.

University of Denver Sturm College of Law dean Martin Katz provides the next essay discussing the costs of experiential education and asserts that it is possible to offer more and better experiential education while at the same time meeting pressures to control the costs of legal education. Dean Katz sets forth a model of the cost of experiential education in detail including labor and "extras," and discusses ramifications of such for deans and curriculum committees searching for ways to design and implement new curricular offerings consistent with experiential education. He identifies and discusses four primary drivers of the cost: student-faculty ratios, faculty com-

---

<sup>44</sup> DAVID THOMSON, *LAW SCHOOL 2.0* (LexisNexis 2008).

pensation, credits offered per course, and in the case of in-house clinics, the complexity of the clinic.

Professor Ian Gallacher of Syracuse University College of Law and director of the School's Legal Communication and Research Program contributes a piece focused on legal writing and calls for a truce in hostilities that may exist among some faculties between legal writing and doctrinal courses. He asserts that legal writing programs have a significant place in experiential education, referring to them as pre-clinical programs. It is fitting that this piece follow Dean Katz's cost model, as Professor Gallacher asserts that the opportunities existing for partnerships with the legal writing programs add no cost to the budgets or credits to the curriculum as the faculty needed to teach the courses are already in place. He shares the Syracuse model as an example in how a legal writing program can address professional identity.

Wes Porter, Golden Gate University School of Law Professor and Director of the Litigation Center, writes that all of the talk about experiential learning in law schools may be more marketing and spin than an honest shift in pedagogy, curriculum and culture. He asserts that much more must be done to implement experiential learning across the curriculum and draws attention to the programs he believes have been most valuable to advancing the experiential agenda – clinics, simulation courses (including legal writing), externships and pro bono programs. While his definition of experiential learning overlaps with Professor David Thomson's, Porter adds elements of peer observation (evaluation) and other skills and values typically resulting from specifically clinical experiences.

Professor Christine Cerniglia Brown, Coordinator of Skills and Experiential Learning at Loyola University New Orleans College of Law, offers a roadmap to better collaboration between clinical and doctrinal faculty as a pathway to experiential learning. She points out up front that to be successful in reshaping our system of legal education, faculty must be engaged and all are equally poised to close the gap between academia and practice. In fact, Professor Brown asserts that one required skill faculty impart to students is collaboration, and that it is time for faculty to actually model this skill or behavior when it comes to curricular offerings and pedagogy. She explains why different teaching methods are necessary and urges faculty to begin the planning phase with the design of the course syllabus. Professor Brown calls for the creation of incentives to transform classrooms including summer stipends for course redesign, and incentives to bring others, such as law librarians and practitioners into the fold.

Albany Law School professor Mary Lynch, Director of the Center for Excellence in Law Teaching and Director of the Domestic Violence Prosecution Hybrid Clinic, argues that through the lens of experiential learning and outcome assessment, opportunities exist for teaching students about intercultural effectiveness. Professor Lynch explains the importance of intercultural training for the effective and competent practice of law in a more global society, resulting in part from increasing use of technology that will more frequently bring parties and cultures together to resolve problems. She asserts that experiential courses, and especially clinic courses are best suited for this challenge as they demand students work on improving communication skills.

New York Court of Appeals Judge, the Honorable Victoria Graffeo, next discusses New York's groundbreaking commitment to experiential learning and access to justice with the debut of the Pro Bono Scholars Program in 2014. Among the objectives of the program, which takes effect in 2015, is the ability to offer practical skills training to students in their final semester of law school while gaining experience providing much-needed assistance to those who need pro bono assistance in accessing the legal system. Judge Graffeo acknowledges that the program was conceived in part in response to the growing demand for reform in legal education. The program is a unique collaboration between the courts and the law schools and offers the incentive of earlier bar admission to students who voluntarily participate in this experiential service opportunity.

Touro Law Associate Dean for Experiential Learning, Myra Berman, provides an overview of Touro's new Portals to Practice Strategic Plan and its resulting curricular reforms. The Portals to Practice philosophy is that all three years of law school must expose students to experiential education, particularly the first year when students begin to form their professional identities and develop basic lawyering skills. Professor Berman presents a new curricular structure, one of multidimensional portals that encompass knowledge, skills and values in relatively equal proportions, for each year of law school. In Touro's portals, the balance is shifted, from the traditional paradigm of legal education as a horizontal, chronological learning continuum, to a three-year experience that begins inculcating all of the competencies required by members of our profession through curricular, co-curricular and extra-curricular programming, from day one of law school through a post-graduate incubator where new attorneys are trained and mentored while building practices.

This issue culminates with concluding remarks by Elon Law School dean Luke Bierman, founder of the Alliance for Experiential

Learning in Law. He explains the purpose of convening the Alliance which was to provide a forum for thought and discussion that will continue to lead to new paradigms in legal education. By way of example, Dean Bierman describes the strategy for a process leading to curricular reform at Elon as they, like all schools, reshape the platforms for 21st Century legal education.

#### IV.

#### CONCLUSION

Touro Law Center is pleased to be part of the early reformers for a 21st Century legal education that demands enhancements to teaching and learning theories across the curriculum beginning with the first day of law school, if not before. It is our hope that the pages of this issue and future volumes will provide needed space for meaningful, focused scholarship on all aspects of experiential learning so that we may all benefit from each other's experiments and lessons learned. The second issue of Volume One will focus on the theme of law school based incubators, emerging as an exciting opportunity for post-graduate experiential education.

