

FINDING OUR WAY: TEACHING LEGISLATIVE ADVOCACY CLINICS

ELIZABETH B. COOPER & ANITA WEINBERG*

Legislative advocacy clinics are excellent vehicles for teaching lawyering skills, for achieving broad-based social change, and for imparting to law students the important roles they can play in preserving and strengthening our democracy. Notwithstanding their growth over the last 15 years, there has been little scholarly reflection about the pedagogy of teaching such clinics. This Article helps to fill this gap.

We provide a roadmap through the challenges that come with teaching legislative advocacy clinics—some inherent to working within legislative bodies and some that accompany working with organizational clients and advocacy partners—identifying ways that clinicians can ensure an excellent learning experience for our students while achieving essential and systemic social change for our clients and the communities they serve. We discuss four features of clinic design—project selection, supervision, the seminar, and project rounds—and explore how best to reinforce four key clinical learning goals—taking responsibility and self-reflection, client-centeredness, collaboration, and pursuing social justice—in these contexts.

We also share stories from our own clinics' legislative advocacy projects, trusting that clinicians can learn from our successes and our struggles. We conclude by encouraging our colleagues to more actively consider offering legislative advocacy clinics—or to mindfully incorporate such projects into their existing clinics.

* Elizabeth B. Cooper is a Professor of Law at Fordham University School of Law and the Geraldine A. Ferraro Research Scholar. She founded and directs the Law School's Legislative Advocacy Clinic. She is Faculty Director of Fordham Law's Feerick Center for Social Justice and Co-Director of the Stein Scholars Public Interest Program. Anita Weinberg is the Curt and Linda Rodin Clinical Professor of Law and Social Justice at Loyola University Chicago School of Law. She co-directs the *Civitas* ChildLaw Center, is director of the ChildLaw Policy Institute, and founded and directs the Law School's Legislation & Policy Clinic. We are enormously grateful to the numerous participants in the AALS Legislation Working Group and the NYU Clinical Law Review Workshop who, over many years, have brainstormed with us about running legislative clinics and given us guidance about what needed to be written about our work. We also add our deep thanks for their critique, insights, encouragement, and edits to Susan Brooks, Tim Casey, Marcy Karin, Wendy Seiden, and Ann Shalleck. Thank you to our Research Assistants Marlee Burr ridge, Kevin Hurtado, Margaret (Greta) Kaufman, Kaitlyn Ries, and Nafeeza Subhan for their skilled research, insights and suggestions. Professor Weinberg thanks former post-graduate teaching fellows Soledad McGrath, Amy Meeks, and Eve Rips who, over the years, helped to envision and build the Loyola clinic and read early drafts of this article. Professor Cooper also is grateful to Fordham University and Fordham Law School for their generosity in supporting this project. We both are appreciative of all the ways we learned from each other throughout this process and for the impact it already has had on our teaching and scholarship.

INTRODUCTION

We teach legislation clinics because we consider them an excellent vehicle for equipping students with the lawyering skills necessary to do systemic social justice work. Focusing on social justice is not new to clinical education.¹ In fact, the law school clinical model evolved out of the work of legal services providers who sought to involve law students in providing legal services to un- and underrepresented communities and to change the traditional model of legal education.² But law schools only recently have begun to integrate a legislative focus into their curriculum,³ including in clinics.⁴

¹ See generally Stephen Wizner & Jane H. Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 *FORDHAM L. REV.* 997 (2004); David Barnhizer, *The Justice Mission of American Law Schools*, 40 *CLEV. ST. L. REV.* 285 (1992); Haywood Burns, *Bad News, Good News: The Justice Mission of U.S. Law Schools*, 40 *CLEV. ST. L. REV.* 397 (1992).

² See Wizner & Aiken, *supra* note 1, at 998 (“Clinics were about skills training, providing services, influencing policy, and developing future legal aid and civil rights lawyers.”); Michael Meltsner & Philip G. Schrag, *Report from a CLEPR Colony*, 76 *COLUM. L. REV.* 581, 582 n.2 (1976) (identifying the purpose of early clinical funding “to improve legal education by making it more relevant to community needs, and to enable law students to learn better by affording them some contact with the reality of legal practice”). See generally Louise G. Trubek, *U.S. Legal Education and Legal Services for the Indigent: A Historical and Personal Perspective*, 5 *MD. J. CONTEMP. LEGAL ISSUES* 381 (1994) (providing a history of legal services through the perspective of a clinician); Gary Bellow, *On Talking Tough to Each Other: Comments on Condlin*, 33 *J. LEGAL EDUC.* 619 (1983); Robert J. Condlin, *Clinical Education in the Seventies: An Appraisal of the Decade*, 33 *J. LEGAL EDUC.* 604 (1983).

³ See generally WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (Carnegie Foundation for the Advancement of Teaching 2007) (hereafter cited as “Carnegie Report”); see also Jacob Williams & Sydney Grell, *The State of Democracy Education in Law Schools*, ABA (May 6, 2024), https://www.americanbar.org/groups/public_interest/election_law/american-democracy//resources/state-democracy-education-law-schools/ (“[L]aw schools focus much more on the judicial branch than the legislative branch. This juris-centric curriculum does not teach about democratic government.”). Ever since Christopher Columbus Langell created the casebook method to teach law in the 1870s, law school pedagogy has focused primarily on what happens in the courtroom. See *Christopher Columbus Langdell*, *BRITANNICA*, <https://www.britannica.com/biography/Christopher-Columbus-Langdell#ref144837> [<https://perma.cc/H7ES-L495>] (last visited Aug. 26, 2024). As is evident from the casebooks used to teach Legislation & Regulation, even these courses typically focus on statutory interpretation, and not on the legislative and regulatory drafting and political processes.

Pop culture also contributes to the perception that lawyers are litigators. See, e.g., *Law & Order* (NBC television broadcast) (police procedural including criminal trials that has aired for decades), *Suits* (USA Network television broadcast) (syndicated series following the life of a young associate working in a high-stakes New York City law firm who uses his photographic memory to litigate and win cases all while hiding his college dropout past).

⁴ We credit Chai R. Feldblum with starting the first in-house legislative advocacy clinic at Georgetown Law School in 1993. See Chai R. Feldblum, *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*, 34 *MCGEORGE L. REV.* 785, 786 (2003); cf. Steven H. Leleiko, *Clinical Law and Legislative Advocacy*, 35 *J. LEGAL EDUC.* 213, 213-30 (1985) (describing a legislative clinic that now would be described as an externship). We count ourselves as early developers of this clinical model. Professor Cooper created

Recent challenges to American democracy have driven home the important roles lawyers can—and must—play in the legislative process.⁵ Legislative advocacy clinics can introduce students to this responsibility to protect a robust democracy and to pursue systemic social justice reform. In turn, students gain critical lawyering skills and learn both the strengths and weaknesses of using the legislative arena for creating change.

In our clinics, students work as legislative lawyers on behalf of community-based organizations, multi-party coalitions, task forces, or other entities.⁶ We use a client-centered and critical theory lens to enable our students to understand the role and power of the law, especially as it affects underserved and underrepresented communities. Students also gain an understanding of the challenges to changing bad laws and preserving good ones, and the skills to make meaningful change on a broad landscape. Through this work we also teach our students to effectively

an earlier version of the Legislative Advocacy Clinic in Fall 2005. In 2010, Professor Weinberg converted a two-credit legislation seminar with mock exercises to the four-credit Legislation & Policy Clinic she teaches. Other early innovators include Marcy Karin (2009) and Kevin Barry (2008). The 2022–23 CSALE survey reported that 16% of schools offer a clinic where the “substantive focus” is legislative/policy. See Robert R. Kuehn, David A. Santacroce, Margaret Reuter, June T. Tai & G. S. Hans, *2022–23 Survey of Applied Legal Education*, CTR. FOR THE STUDY OF APPLIED LEGAL EDUC. 7 (2023), https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/64fb7bd82fdee48e57e8ef04_Report%20on%202022-23%20CSALE%20Survey.rev.9.8.23.pdf [<https://perma.cc/G5JS-23UU>]. Contrast this with 11% of schools offering such a clinic in 2013–14 and 1% in 2007–2008. See *id.* at 7–8 (discussing data from 2022–23 and 2013–14); Robert R. Kuehn & David A. Santacroce, *Report on the 2007–2008 Survey*, CTR. FOR THE STUDY OF APPLIED LEGAL EDUC. 8 (2008), https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/64fb7bd82fdee48e57e8ef04_Report%20on%202022-23%20CSALE%20Survey.rev.9.8.23.pdf [<https://perma.cc/HJY9-FCEL>]. From concurrent sessions we have led for many years at the AALS Annual Conference on Clinical Legal Education we know that many more clinics have taken on legislative advocacy projects in their litigation-oriented clinics. We do not explicitly address such hybrid clinics, but hope this Article will be helpful to those taking that approach.

⁵ At its Democracy Summit in August 2024, the American Bar Association’s Task Force for American Democracy concluded that our country and democracy face a wide variety of serious threats, including authoritarianism, and that “[t]oo many of us have taken our democracy, our rule of law, our civic norms and our freedoms for granted and have not done the hard work required to keep a free and fair democratic republic.” ABA, TASK FORCE FOR AMERICAN DEMOCRACY 5 (2024), <https://www.americanbar.org/content/dam/aba/administrative/news/2024/aba-democracy-task-force.pdf>. The Task Force recommendations included “improving civic knowledge and understanding among Americans.” *Id.* at 6–7. See also Williams & Grell, *supra* note 3 (noting that “[e]xperiential solutions such as law school student clinics ... would be effective in igniting interest in both democracy and civics” and that “potential experiential highlights” include “[w]orking with Policy Makers”).

⁶ Chai R. Feldblum first coined the term “legislative lawyer.” See Feldblum, *supra* note 4, at 786. While Feldblum offers a narrow view of the legislative lawyer role, we found our students are involved in the broad range of activities she identifies as necessary for legislative advocacy, including legislative lawyer, lobbyist, strategist, policy analyst, communications expert, and, at times, grassroots organizer. The Loyola clinic also engages in policy work that may not result in legislative change. The focus of this article, however, is specific to legislative work.

determine when legislative change is the appropriate or most effective means to address a client's problem. We want our students not only to understand the importance of changing unjust laws, but also to develop a sense of their responsibility to use their capacity to do so.⁷

Legislative clinic students work with their clients to learn about how a particular, yet complex, social injustice affects individuals or communities, and provide guidance or find possible legislative solutions to address the problem. Once students have a handle on the problem-definition, their further outreach to stakeholders and their research result in their developing a suitable solution and translating it into statutory language. From there, students help to create and execute a legislative advocacy campaign to convince the legislature to pass a bill and the governor to sign it.

Notwithstanding the growth of legislative advocacy clinics over the last fifteen years, there has been little scholarly reflection about the pedagogy of teaching such clinics.⁸ This article fills this gap.⁹ In Part I, we introduce our clinics, discussing our learning goals and describing some of our legislative advocacy projects. While some of our learning goals are specific to the legislative advocacy context, we focus on those shared by almost all clinicians,¹⁰ including to develop self-reflective and invested

⁷ For students who choose not to pursue legislative work, our clinics provide them with a stronger understanding of statutory law, the legislative process, and the capacity to seek social justice in this context, as well as legal skills readily transferrable to other forms of lawyering.

⁸ See generally Rex D. Frazier, *Capital Lawyering & Legislative Clinic*, 55 DUQ. L. REV. 191 (2017); Kevin Barry & Marcy Karin, *Law Clinics and Lobbying Restrictions*, 84 U. COLO. L. REV. 985 (2013); Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLIN. L. REV. 505 (2012) [hereafter Mlyniec, *Where to Begin*]; Jayashri Srikanthiah & Jennifer Lee Koh, *Teaching Individual Representation Alongside Institutional Advocacy: Pedagogical Implications of a Combined Advocacy Clinic*, 16 CLIN. L. REV. 451 (2009); Leleiko, *supra* note 4.

⁹ Other clinical offerings, particularly those representing organizational clients (e.g., community economic development, intellectual property, and impact litigation clinics), also have had to adapt clinical pedagogy to pursue their clients' goals. See generally Jennifer Li, *Teamwork Makes the Dream Work: Improving Community Lawyering Through a Policy and Transactional Law Clinic Partnership*, 20 CLIN. L. REV. 187 (2023); Karen L. Tokarz, Nancy L. Cook, Susan L. Brooks & Brenda Bratton Blom, *Conversations on "Community Lawyering": The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J. L. & POL'Y 359 (2008). We have adopted many of the practices described by these authors, as explained *infra* Part III (Our Pedagogy).

¹⁰ There are countless potential learning goals for clinical law students. See generally Susan Bryant, Elliott Milstein & Ann Shalleck, *Learning Goals for Clinical Programs*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014); Carnegie Report, *supra* note 3; ROY STUCKEY AND OTHERS, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (Clinical Legal Education Association 2007) (hereafter cited as "Best Practices Report"); ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) (1992) (hereafter

lawyers, who are client-centered, and who understand the power of collaborative work and the structural issues that create and perpetuate the problem(s) faced by the client.

As we explain in Part II, there is much about the legislative process, and the complexities of working with organizational clients and other amorphous advocacy partners, that create specific challenges and, in turn, opportunities for us to pay close attention to our pedagogical choices. Unlike disputes filed in courts and administrative settings that are governed by specific sets of federal or state rules that are intended to guide the course of litigation, there are no such rules in the legislative arena. These challenges also include the number and diversity of decision-makers involved in moving forward legislation; the extent to which existing relationships among advocates, legislators, and other stakeholders can influence access and outcomes; and the uncertainty and unpredictability involved in legislative work.

In addition, the “client” may be more than one group that has come together to pursue a specific legislative initiative. They may be community-based organizations, loosely formed—or formally established—working groups or coalitions, legal advocacy or not-for-profit organizations, and task forces sometimes appointed by the legislature or governor. Because we do not represent individuals, students can struggle with envisioning a big picture solution and grasping the deep tangible, psychological, and personal impact of bad law.

This constellation of challenges, along with our learning goals, requires us to build upon and sometimes reframe traditional clinical pedagogy. In Part III, we spotlight four areas in which we do this: the criteria for selecting projects, supervision of student teams, the ways we structure our seminars, and how we conduct project rounds.

We conclude that clinical pedagogy is resilient. Legislative clinics provide an exciting and effective forum to challenge students to problem solve and think creatively; to teach essential lawyering skills, including to be thoughtful, reflective, collaborative and client-centered advocates; to gain insight into the structural issues that harm underserved and underrepresented communities; and to address social injustices through legislative change.

cited as “MacCrate Report”); Wallace J. Mlyniec, *Developing A Teacher Training Program for New Clinical Teachers*, 19 CLIN. L. REV. 327 (2012); Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admissions Decisions*, 36 LAW & SOCIAL INQUIRY 620 (2011); Angela O. Burton, *Cultivating Ethical, Socially Responsible Lawyer Judgment: Introducing the Multiple Lawyering Intelligences Paradigm into the Clinical Setting*, 11 CLIN. L. REV. 15 (2004).

I. LEGISLATIVE ADVOCACY CLINICS

Legislative clinics are part of the movement that has diversified clinical education from its original focus on representing individual, low-income and otherwise disenfranchised clients in litigation to seeking broader, more structural changes.¹¹ Working under the supervision of clinic faculty, our students work with community-based organizations, loosely formed—or formally established—working groups or multi-party coalitions, legal advocacy or not-for-profit organizations, or task forces appointed by the legislature or governor,¹² whom we consider clients.¹³ Our clients typically seek statewide legislative solutions¹⁴ to problems that have a disproportionate and negative impact on communities and individuals of color, those who are impoverished, and those who are otherwise disenfranchised. To achieve these goals, our students also collaborate with advocacy partners who, like our clients, may have many different formal or informal structures.

Students are challenged to make connections between the client's identified problem (i.e., an individual or group's experiences on the ground) and systemic solutions that will address the client's concerns. This requires the students to focus on questioning, challenging, and

¹¹ See generally Margaret Martin Barry, John C. Dubin & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 CLIN. L. REV. 1 (2000); Carolyn Grose, *Beyond Skills Training, Revisited: The Clinical Education Spiral*, 19 CLIN. L. REV. 489 (2013); Anna E. Carpenter, *The Project Model of Clinical Education: Eight Principles to Maximize Student Learning and Social Justice Impact*, 20 CLIN. L. REV. 39 (2013). We recognize the good fortune we have in being able to direct legislative advocacy clinics. We both teach in private law schools that respect academic freedom and that, particularly as Jesuit institutions, are focused on the imperative to do social good. We realize this is not true for all. See generally Robert R. Kuehn and Peter A. Joy, *An Ethics Critique of Interference in Law School Clinics*, 71 FORDHAM L. REV. 1971 (2003); Robert R. Kuehn & Bridget M. McCormack, *Lessons From Forty Years of Interference in Law School Clinics*, 24 GEO. J. LEGAL ETHICS 59 (2011); Barry & Karin, *supra* note 8.

¹² Loyola's Legislation & Policy Clinic will also sometimes work at the request of a legislator.

¹³ Not all of our "clients" would identify themselves as clients, and instead might describe themselves as an advocacy partner. Regardless, however, our students treat them as clients, observing the rules of professional responsibility. Fordham's clinic is increasingly using a Memorandum of Understanding (MOU) to outline the clinic and the entity's responsibilities, including our commitment to maintaining confidentiality, recognizing that in an unlikely evidentiary challenge, attorney-client privilege may not be respected. Loyola's clinic sometimes partners with formal and informal groups to seek legislative change where there is not an identified "client."

¹⁴ An important advantage to seeking statewide social justice reform is achieving the same beneficial policy for all residents of the state, rather than proceeding locality by locality. Consider, for example, the importance in New York State of enacting a statewide ban on discrimination against trans, non-binary, and gender non-conforming individuals. Many counties and localities had enacted these provisions, but this patchwork approach meant a person might be protected against discrimination at home but not at work.

addressing structural, racial, and economic disparities,¹⁵ and may require working to reform or overhaul systems.

Legislative advocacy campaigns rarely achieve a client's goal within one academic year, let alone within the one semester most students are enrolled in our clinics. As a result, our student teams often work on different stages of a legislative campaign,¹⁶ which can include: early efforts to research and appropriately define the problem the client wishes to fix; convening and/or participating in coalition building; drafting a bill and supporting advocacy documents; writing policy papers and reports; preparing and presenting testimony; and reaching out to legislators and their staff to obtain sponsors and get a bill passed.¹⁷ Students also participate in a weekly seminar and in project rounds, both of which supplement their learning and serve a significant role in their acquiring lawyering and legislative advocacy skills.¹⁸

With this background about our clinics, we turn to a brief discussion of our learning goals and then describe how these goals are met in a sampling of our clinic projects.

A. Learning Goals

Our legislative advocacy clinics are designed to share many of the same pedagogic tools and learning goals as other clinics.¹⁹ First, we seek

¹⁵ See generally Deborah N. Archer, *Political Lawyering for the 21st Century*, 96 DENV. L. REV. 399 (2019); William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. SOC. JUST. 7 (2007). These goals align with Loyola University Chicago School of Law Mission Statement: "to educate students to be responsible and compassionate lawyers, judges, and law-related leaders in an increasingly diverse and interdependent world; to prepare graduates who will be ethical advocates for justice and equity, who will lead efforts to dismantle the legal, economic, political, and social structures that generate and sustain racism and all forms of oppression, and who will advance a rule of law that promotes social justice; to contribute to a deeper understanding of law, legal institutions, and systems of oppression through a commitment to transformation, intersectionality, and anti-subordination in our teaching, research, scholarship, and public service." See *Mission*, LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW, <https://www.luc.edu/law/about/mission/> [<https://perma.cc/N8KL-QN6P>] (last visited July 12, 2024).

¹⁶ AM. INST. OF ARCHITECTS, SPEAK UP: FIVE ELEMENTS OF A LEGISLATIVE CAMPAIGN 2 (Oct. 2016), https://higherlogicdownload.s3.amazonaws.com/AIA/UploadedImages/7b49d399-29f9-427e-a1eb-2c7ae403905a/Advocacy/Five_Elements_of_a_Legislative_Campaign.pdf [<https://perma.cc/FQA4-4MEL>] ("Building a campaign to win a policy issue requires several crucial elements: research, a winning message, reliable allies, knowledge of the legislative and political landscape, and teamwork.").

¹⁷ Not all our projects result in legislative change: along the way it may be determined that legislation will not be the most effective approach, or the goal of the project may be to develop a policy brief or report to better educate stakeholders and legislators rather than move legislation forward. See *infra* Part I.B.1. (Loyola's Legislation & Policy Clinic).

¹⁸ See *infra* Part III for discussion of how we structure our project selection, supervision, seminar, and project rounds.

¹⁹ Most of our learning goals reflect those identified in the Standards adopted by the ABA Section on Legal Education and Admissions to the Bar and look similar to those

to teach students to self-reflect and integrate critique from others.²⁰ This facilitates four crucial outcomes for our students: thinking deeply and strategically in a way that is not possible without this investment;²¹ improving lawyering skills and enhancing the capacity to transfer abilities to other lawyering contexts;²² developing sound professional

adopted by other clinicians. *See* ABA SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024 (2023) (specifically Standard 302 (Learning Outcomes), Standard 303 (Curriculum), and Standard 304 (Experiential Courses), and Standard 206 (Diversity and Inclusion)).

The pedagogy of clinical legal education, which is drawn from the work of learning theorists, requires that students—under the supervision of clinical faculty—be given the opportunity to step into lawyer role, take responsibility for achieving their clients’ goals, and learn to adapt to the uncertainty inherent to lawyering. *See generally* DAVID A. KOLB, EXPERIENTIAL LEARNING: EXPERIENCE AS THE SOURCE OF LEARNING AND DEVELOPMENT (2d ed. 2014); DONALD A. SCHÖN, THE REFLECTIVE PRACTITIONER: HOW PROFESSIONALS THINK IN ACTION (1983). For more information about learning theory in the clinical context, *see* Anthony G. Amsterdam, *Clinical Legal Education—A 21st Century Perspective*, 34 J. LEGAL EDUC. 612, 616 (1984) (describing how “[s]tudents bore the responsibility for decision and action to solve the problem” and that the critical review sessions that followed were the “beginning of the students’ development of conscious, rigorous self-evaluative methodologies for learning from experience—the kind of learning that makes law school the beginning, not the end, of a lawyer’s legal education”). *See also* Ann Shalleck & Jane H. Aiken, *Supervision: A Conceptual Framework*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 172 (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014) (“Supervision makes it possible for students to have responsibility for representing clients.”); Jaime A. Lee, *From Socrates to Selfies: Legal Education and the Metacognitive Revolution*, 12 DREXEL L. REV. 227, 266 (2020) (describing how “the metacognitive process is a revolutionary tool for law teaching [that] explicitly puts the power to achieve excellence into the students’ own hands”); Alistair E. Newbern & Emily F. Suski, *Translating the Values of Clinical Pedagogy Across Generations*, 20 CLIN. L. REV. 181, 182 (2013) (discussing non-directive teaching, reflection, immediate supervision, learning from experience, and a commitment to social justice as enduring principles in clinical teaching); Mlyniec, *Where to Begin*, *supra* note 8 (explaining how clinical pedagogy is intentional, experiential, reflective, and highly dependent on the kind of faculty supervision provided and the interactions between faculty and students).

²⁰ We expect our students both to be self-reflective and to integrate critique from others (e.g., classmates, supervisors), as both are integral to the adult learning cycle (i.e., the ability to learn and also to be capable of transferring learning from one context (clinic) to another (practice)). *See* JOHN DEWEY, HOW WE THINK 72-78 (1910) (describing what we now characterize as experiential education); KOLB, *supra* note 19, at 28 (“[L]earning is a” continuous process grounded in experience[;] it implies that all learning is relearning”); Shalleck & Aiken, *supra* note 19, at 185 (“[S]tudents’ capacity to learn through reflection ... is at the core of all clinical pedagogy.”). As students gain experience and expertise, they increasingly are able to observe themselves in action—becoming all the more cognizant of ways in which their execution of their plan is—or is not—working. *See* Ian Weinstein, *Lawyering in the State of Nature: Instinct and Automaticity in Legal Problem Solving*, 23 VT. L. REV. 1, 57 (1998-99) (“Each person must come to his or her own personal combination of knowledge and experience to lawyer”).

²¹ Shalleck & Aiken, *supra* note 19, at 184 (“[I]n representing each client, the student confronts the meaning of having responsibility for that person’s well-being” which “also entails feeling the weight of consequences for another.”); *Id.* at 177 (observing that “[a]t the core of supervision is the importance of helping students treat lawyering as a process imbued with uncertainty”).

²² *See* Amsterdam, *supra* note 19, at 617 (describing how clinical legal education involves review sessions with faculty and others where they focus on “understanding past

judgment;²³ and appreciating the importance of being a lifelong learner—an attorney always capable of growth.

Second, we want our students to be client-centered advocates²⁴ who have the skills to research and assess the client’s problem, propose creative solutions, and develop effective arguments and messaging, orally and in writing, while recognizing that clients are experts about their own lives.²⁵ Keeping the client and their goals at the front of the students’ consideration also facilitates their investment in the outcome of the case/project—and therefore, as noted earlier, in their learning.²⁶

Third, we seek to instill in our students the power of collaboration, both within the clinic and in the context of the formal and informal coalitions in which many of them work.²⁷ In these analogous contexts, we focus on developing clear lines of communication; setting forth explicit, jointly-developed expectations; and following-through on commitments.²⁸ These elements allow students (and our community-based

experience and for predicting and planning future conduct”); Tonya Kowalski, *True North: Navigating for the Transfer of Learning in Legal Education*, 34 SEATTLE U. L. REV. 51, 53, 87 (2012) (stating that learning for transfer includes “metacognitive reflection” that “helps students encode knowledge for future transfer”).

²³ See Shalleck & Aiken, *supra* note 19, at 172 (“With responsibility, students have a stake in the representation that affects their motivation and commitment to learn. They learn so they can do a good job for clients and become comfortable in their new identities as student attorneys. Responsibility deepens reflection on their actions as they identify, evaluate, and incorporate into their self-understanding the consequences of their choices and actions for their clients and for others. Having responsibility for clients also contributes to taking responsibility for learning. Students come to understand that effective lawyering requires continuous learning.”). This process also facilitates the student’s forming their professional identity. *See id.* at 189–90.

²⁴ Client-centered lawyering is so deeply grounded in clinical legal education that it can almost be taken for granted. *See* DAVID A. BINDER, PAUL B. BERGMAN, PAUL R. TREMBLAY, IAN S. WEINSTEIN, *LAWYERS AS COUNSELORS: A CLIENT-CENTERED APPROACH* 1 (3d ed. 2011) (“[C]lient-centered counseling has become one of the most broadly shared conceptions of lawyering in the country”); STEFAN H. KRIEGER, RICHARD K. NEUMANN JR., RENÉE M. HUTCHINS, *ESSENTIAL LAWYERING SKILLS: INTERVIEWING, COUNSELING, NEGOTIATION, AND PERSUASIVE FACT ANALYSIS* 26 (6th ed. 2020) (“‘client-centered lawyering’ ... means focusing our efforts around what the client hopes for ... and treating the client as an effective collaborator”); Shalleck & Aiken, *supra* note 19, at 179 (“The client is the touchstone for representation in each case or project.”). We have wondered whether it may be easier to keep students client-centered when representing individual clients.

²⁵ Shalleck & Aiken, *supra* note 19, at 177 (describing how a client may have many reasons for pursuing legal representation, only some of which may be readily evident to the student); *id.* at 179 (“[T]he client’s experience with a matter has different boundaries.”).

²⁶ *See id.* at 172, 183–84 (observing that “empathy, the capacity to think about the world from the perspective of another and to imagine how another person experiences the world, is basic to the lawyer-client relationship”).

²⁷ *See* Susan Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*, 17 VT. L. REV. 459, 460–61 (1993) (“if lawyers use a collaborative process ... their joint effort will result in a better work product and more satisfying work”).

²⁸ *See generally id.*; David Chavkin, *Matchmaker, Matchmaker: Student Collaboration in Clinical Programs*, 1 CLIN. L. REV. 199 (1994–95).

advocacy partners) to build trust and psychological safety,²⁹ two of the most important elements of successful collaboration and coalition-building.

Finally, the pursuit of social justice—a founding tenet of clinical legal education³⁰—remains a guiding principle for us—in our case, seeking broad changes available through the legislature. We want our students to obtain a deep understanding of the structural issues that created and perpetuate the problem(s) faced by the client. This understanding should encompass barriers based on race, gender, disability, poverty, among others, and the capacity to engage in critical, thoughtful analyses of these obstacles, as well as to use this information to hone advocacy efforts in tactically and strategically effective ways to create social justice.³¹

Many of the lawyering skills we teach also are familiar to other clinical law professors: legal and factual research and analysis; problem solving; oral and written communication and advocacy; and adaptability as facts, information, and circumstances change.³² At the same time,

²⁹ See Amy Gallo, *What is Psychological Safety*, HARV. BUS. REV. (Feb. 25, 2023), <https://hbr.org/2023/02/what-is-psychological-safety> [<https://perma.cc/GB5Q-79CL>] (defining psychological safety as the belief that one can express oneself, speak up, and admit mistakes without consequences).

³⁰ Clinical legal education, in part, grew out of the desire to increase access to legal services (and justice) to increasing numbers of people living in poverty. See Meltner & Schrag, *supra* note 2, at 582 (describing how the original funding of clinical programs came about). Clinics around the country continue to take this commitment seriously, seeking to increase access to justice, raise students' awareness about the complexity and nuances of structural disadvantages, challenge them to question the disparities experienced by their clients, and identify ways (within the legal system or through other mechanisms) to obtain social justice. See generally Susan Bryant & Jean Koh Peters, *Reflecting on the Habits: Teaching about Identity, Culture, Language, and Difference*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014) and Jean Koh Peters & Susan Bryant, *Talking about Race*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014). State regulation of student practice also may require law school clinics to provide legal services solely to those who otherwise may be unable to obtain counsel; further, clinics often are barred from charging a fee. See also Loyola Law School Mission Statement, *supra* note 15.

³¹ The benefits of developing a critical lens through which to analyze existing law and policy are enormous, and include improved lawyering and strategizing; a greater grasp of structural mechanisms of oppression within the law and otherwise; a better capacity to engage in critique based in critical theory; and increased capacity to dismantle and disrupt such structures, especially when perpetuated by the legal system; an enhanced understanding and relationships among students and between students and clients, including the impact of implicit bias; and a healthier learning environment for students of color and others. See generally Bryant & Koh Peters, *supra* note 30; Koh Peters & Bryant, *supra* note 30. That said, we also must discuss with students the potential limitations of legislative change on improving the status quo.

³² Common pedagogical tools and learning goals include legal and factual research and analysis; problem solving; oral and written communication and advocacy; organization and management; and adaptability as facts, information, and circumstances change. See Shalleck & Aiken, *supra* note 19, at 13–31 (identifying seven key goals (and many more sub-goals)

our clinics operate in contexts that differ from the litigation-based or transaction-based practices with which students more often have become familiar through their early classes, externships, and jobs. This contrast lies in the nature of legislative advocacy, the characteristics of our organizational clients, as well as the types and range of roles students in legislative advocacy clinics assume. These may include legislative lawyer, lobbyist, policy analyst, communications expert, and at times, grassroots organizer.³³

To ensure our students can step into these roles, we have additional learning goals that include: (1) obtaining a sophisticated understanding of legislative structures and political realities, including how to move the political levers of power; (2) being able to identify relevant stakeholders, legislators, and staffers to advance the client's interests; (3) developing a critical lens through which to analyze existing law and policy and to advocate for change from the status quo, recognizing the potential impact of legislation as well as its limitations; (4) drafting bills and crafting supporting materials; and (5) understanding different ways to approach systemic change and the reasons and potential for varied approaches.

When our learning goals come together, a legislative clinic teaches law students to interact with the law in a critical way, resulting in their being more sensitive to legal language and its purposes. The result is that they analyze and scrutinize the law more carefully throughout their careers, regardless of practice area. In addition, they are more likely to incorporate legislative advocacy into their legal practices. Lawyers are in the best position to know how the law can negatively impact their clients. Legislative clinics provide them with the skills to use legislative advocacy to change those laws.

for clinical programs, including developing a professional identity; understanding how law functions in the lives of people, particularly the most marginalized; improving one's capacity to manage uncertainty and exercise good judgment; expanding one's capacity for critical and creative thinking; building respect for and commitment to metacognition and learning in professional settings; developing empathy, self-knowledge, and self-regulation; and building lawyering skills); MacCrate Report, *supra* note 10 (identifying ten skills including problem solving, legal analysis and reasoning, legal research, factual investigation, communication, counseling, negotiation, litigation and alternative dispute resolution procedures, organization, and recognizing and resolving ethical dilemmas; also identifying four key values including provision of competent representation, seeking to promote justice, fairness, and morality, striving to improve the profession, and professional self-development); Shultz & Zedek, *supra* note 10 (identifying twenty-six lawyering effectiveness factors); and regarding legal education more generally, Carnegie Report, *supra* note 3. *See also* Marcy Karin & Robin R. Runge, *Toward Integrated Law Clinics that Train Social Justice Advocates*, 17 CLIN. L. REV. 563, 565 (2011) (describing how the integrated law clinic model has been widely adapted and how it can be developed in both rural and urban settings).

³³ Feldblum, *supra* note 4, at 791. Although Feldblum assumes different individuals or organizations will fulfill the six roles that she identifies, we tend to operate on a smaller scale and with fewer resources; therefore, clinic students and our clients often take on a combination of these roles.

While Fordham and Loyola's legislative advocacy clinics share these learning goals for our students, our clients and the types of projects we undertake are more varied. To provide further understanding of how our clinics operate, the next section describes some of the projects our clinics have pursued.

B. Our Clinic Projects and Their Impact

Our clinics are designed to provide students with a client-centered and critical theory lens through which to understand the role, power, and impact of the law, especially on underserved and underrepresented communities. We select projects based on several factors (discussed in Part III), but they typically originate through an existing client, a legislator, an advocacy partner, or our outreach to others based on our own interests.³⁴ While Fordham and Loyola's legislative advocacy clinics share similar learning goals for our students, we take on more varied types of projects and clients.³⁵ Both clinics, however, require that each project expands our capacity to fight poverty or to create justice.

Below we describe several of our projects in order to enhance the understanding of who our clients are and the political context in which projects arise; to explain how we may become involved in the work and how it evolves; to explore the roles of the client, faculty supervisor, and students; and to share the impact of our work. Within the discussion of each project, we highlight at least one of the learning goals and some of the skills students developed.

1. Loyola's Legislation & Policy Clinic

The projects undertaken by Loyola's clinic seek to reform or transform systems that impact marginalized and underrepresented children, families, and communities—mainly focusing on child welfare, education, and juvenile justice, and sometimes on issues related to children's

³⁴ On occasion, the Fordham clinic will select a project based on student interest, so long as it meets the clinic's other needs. When Loyola's clinic first began, it allowed students engaged in a particular effort to turn it into a legislative clinic project; we no longer do this because we found that we could not effectively plan ahead for the semester, and because students were not in a position to determine if their proposal would offer the learning opportunities we seek. That said, a student's proposal may lead to a project at a later time. *See infra* Part III.A. (Project Selection and Design).

³⁵ Student opportunities can also vary because of differences in our legislative processes. For example, most bills in Illinois only move forward if a committee hearing is held. This process provides students with the opportunity to prepare and give testimony in support and/or opposition. In New York State, hearings are rarely held on individual bills and thus students seldom have the opportunity to testify before the state legislature. One exception, described *infra*, is when a student testified about the importance of creating a financial hardship exemption to New York State law permitting an individual's driver's license to be suspended if they owed \$10,000 or more in back taxes. *See infra* notes 84-88 and accompanying text.

health and to immigration.³⁶ The projects often entail tackling multi-system issues and require students to consider whether—and if so how—responses other than legislation might be more effective.

One of Loyola's longest-term partners—for over 15 years—is the Statewide Youth Advisory Board (SYAB or Board)³⁷ to the Illinois Department of Children and Family Services (DCFS). We support the youth leaders in creating their own policy agenda and in drafting bills, preparing advocacy materials and testimony, and advocating for the legislation.³⁸ Often with legislative projects, it is difficult for students to regularly meet with individuals directly impacted by the issues we are addressing.³⁹ We are often working with groups representing those individuals and communities. The SYAB ongoing partnership works particularly well because it allows the clinic students to hear directly from youth involved in the child welfare system, and then provides the students with the opportunity to apply their learning and developing expertise to help the youth achieve their goals. Our partnership with the SYAB provides an ideal opportunity to meet all of our key learning goals—self-reflection, client-centered counseling, collaborative work, and social justice.⁴⁰

³⁶ Loyola's Legislation & Policy Clinic is housed within the Law School's *Civitas* ChildLaw Center. The Center equips students with interdisciplinary knowledge and practical skills to advocate on behalf of vulnerable children and families in both the litigation and policy realms. As part of its mission, the Center "advocates for laws, policies, and practices that advance children's rights, creates greater public awareness of children's circumstances, needs, and rights; and strengthens the quality of justice for children." CIVITAS CHILDLAW CENTER, <https://www.luc.edu/law/academics/centersinstitutesandprograms/civitaschildlawcenter/> [<https://perma.cc/LU33-FY79>] (last visited July 6, 2024). Much of this work is done through the Legislation & Policy Clinic and through the clinic's faculty. We also have worked on issues impacting the general population, including providing support for a coalition seeking to amend the Illinois Constitution to allow for a progressive income tax.

³⁷ The mission of the Statewide Youth Advisory Board, which is statutorily mandated, is to educate, advocate for, and empower all youth in care. The youth members, 15–21 years of age, are or have been in foster care. The executive boards of the four Regional Advisory Boards make up the statewide board. As described by the state's Department of Child and Family Services, the youth participate in workshops "designed to prepare [them] to become advocates for transformative change and give them tools they will carry into adulthood." See *Statewide Youth Advisory Board*, ILL. DEPT. CHILD & FAM. SERVS., <https://dcfs.illinois.gov/brighter-futures/independence/statewide-youth-advisory-board.html> [<https://perma.cc/W8J8-5G6W>] (last visited July 21, 2024).

³⁸ Our approach to working with the youth on different projects often depends on the challenges and the youth engaged in that particular effort. Usually, the student teams brainstorm with the youth, then share drafts of fact sheets, bills, and advocacy materials with the youth to get their input, and then finalize the documents. The youth draft their own testimony and we then work with them on refining it. The youth and students do the advocacy.

³⁹ See generally Katherine R. Kruse, *Bitting Off What They Can Chew: Strategies for Involving Law Students in Problem-Solving Beyond Individual Client Representation*, 8 CLIN. L. REV. 405 (2002).

⁴⁰ "The clinic taught me coalition building, working across different sectors, centering the voices of those who will live with the consequences of your work, and finding ways to compromise when compromises are needed." Testimonial of Niya Kelly, Director of State

In this partnership, the youth board shares with the student team policies or practices in the child welfare or foster care system that they have identified that may be harmful to youth in foster care or to their siblings and families. The youth may or may not have already identified specific legislative goals. Often the students must first discern the youths' underlying interests before being able to help them determine their goals. The students then assess whether the goals are feasible, and in the context of the legislation clinic, whether a legislative response is the appropriate—or best—way to address the issue. If it is, they also determine whether the political and legal landscape can support such an effort.

Once the student team and the youth decide that it makes sense to move forward, the students will undertake further legal, policy, and political research and data analysis to help formulate the best legislative response. Because one of the goals of this partnership is shared learning—for the youth board members to also learn about legislative advocacy—the students will guide the youth and work side-by-side in consulting with additional community members.⁴¹ Together, they create an advocacy strategy and materials for the initiative, and move the advocacy forward. What follows is a description of one of our projects with the Statewide Youth Advisory Board.

During summer 2023, the Board informed the clinic that they wanted to work on legislation that would recognize the significance of hair maintenance and style to self-expression, identity, and connection to race, culture, and gender, and to the mental health of youth in foster care.⁴² The issue was of special concern to the youth because Black youth and LGBTQ+ youth are disproportionately represented in the child welfare system and many felt that they were not only losing their family, but also their culture and identity when removed from their families. While they were clear about their goals, the Board was uncertain about how to achieve their goal through legislation.

During fall 2023, a team of clinic students met with the SYAB members to discuss their goals and to learn more about their experiences in care as it related to hair maintenance and styling and its impact on

Legislative Policy, Equity, and Transformation at Chicago Coalition for the Homeless (Aug. 25, 2022) (on file with authors) (describing her work on a project with the SYAB as part of the Loyola Legislation & Policy Clinic).

⁴¹ These may be other youth in care, birth parent or foster parent groups, child welfare agency stakeholders, and legislators and their staffers.

⁴² See generally *Strands of Inspiration Exploring Black Identities through Hair*, NAT. MUSEUM OF AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/strands-of-inspiration#:~:text=In%20some%20cultures%2C%20they%20convey,to%20express%20their%20personal%20style> [https://perma.cc/REY2-2LF4] (last visited Aug. 28, 2023).

self-expression, identity formation, and cultural heritage.⁴³ The students assessed whether there were similar efforts elsewhere in the country, researched the history of the CROWN Act,⁴⁴ reviewed Illinois law to determine which child-related statutes could be affected, and drafted legislation. A new student team continued to meet with the youth during spring 2024 to refine the draft bill and ensure that it reflected the Board's goals. In addition, they pursued leads about relevant non-legislative efforts to address the haircare of youth in foster care, penned a letter to the editor on behalf of the House sponsor,⁴⁵ and prepared the youth for ongoing negotiations with DCSF to seek their support or at least their neutrality.⁴⁶

That spring, the House and Senate held hearings at which two students and three youth testified in support of the bill. As the students worked on their testimony to describe the substance of the bill, they also guided the youth in preparing their testimony, which focused on youth experience in foster care regarding haircare and the potential significance of the bill on their mental health. The final bill, which was supported by DCFS and passed both chambers in the spring, requires that every child in foster care have a haircare plan that accounts for their cultural, racial, religious, gender and/or other identities.⁴⁷ The legislation also requires that the plan be reviewed regularly with the youth, and that DCFS develop training and provide resources in culturally competent haircare for caregivers.⁴⁸ Although most of our projects take several semesters to complete, the haircare bill passed in just two terms.

⁴³ This issue offered important opportunities for student self-reflection. While diverse, no members of the student team were Black. It took some time for the students to grasp the significance of this issue. The discussions with the youth, the research the students undertook, and hearing the responses of Black legislators to the bill, raised awareness and challenged the students to consider their own life experiences and their assumptions.

⁴⁴ CROWN stands for Creating a Respectful and Open World for Natural Hair. The CROWN Act, first passed in California in 2019, prohibits hair-based discrimination in the workplace and at school. As of 2023, it has been passed in 24 states. See JASMINE PAYNE-PATTERSON, *THE CROWN ACT* (2023), <https://www.epi.org/publication/crown-act/#:~:text=The%20CROWN%20Act%20is%20law,Texas%2C%20Virginia%2C%20and%20Washington> [<https://perma.cc/P4CJ-AHSH>].

⁴⁵ Kim Du Buclet, Letters to the Editor, *Black Youth in Foster Care Deserve Hair Care Plans to Build Self-worth, Cultural Identity*, CHICAGO SUN TIMES (Apr. 30, 2024), <https://chicago.suntimes.com/letters-to-the-editor/2024/04/29/hair-care-black-children-foster-care-dcfs-j-d-vance-women-reentry-letters> [<https://perma.cc/LSH8-38GK>].

⁴⁶ Because DCFS was proposing to include all the detail from the bill in Departmental rules instead of a law, the student team also researched the rule making process and any current rules relevant to the issue to help the youth decide if they would support DCFS' proposal. Ultimately the youth did not agree to move all requirements in the bill into rules out of concern that rules could be too easily changed.

⁴⁷ P.A. 103-0850, 103rd Gen. Assemb., Reg. Sess. (Ill. 2024), <https://www.ilga.gov/legislation/publicacts/103/PDF/103-0850.pdf>.

⁴⁸ *Id.* The clinic also successfully worked with the Board to pass a law to statutorily mandate its existence. Before that, the Board was a free-standing organization dependent

Loyola's work on a bill to establish a standard for competency of juveniles to stand trial is an example of a longer-running initiative that has been underway for almost five years. It also is a project where Loyola assumed responsibility for the research and drafting of legislation but arranged for a partner to advocate for the bill in Springfield, Illinois' capital.⁴⁹ This project illustrates how students can learn to be self-reflective and client-centered even when not working with clients directly impacted by the problem being addressed, the effort spans several years, and we are not taking primary responsibility for advocating with legislators. It also serves our learning goals of instilling in students the power of collaborative work and the pursuit of social justice.

Beginning fall 2019, in response to a request by the multidisciplinary Illinois Children's Mental Health Partnership (the Partnership),⁵⁰ the

on the Department of Children and Family Services to choose to fund them each year. P.A. 98-0806, 98th Gen. Assemb., Reg. Sess. (Ill. 2014), <https://www.ilga.gov/legislation/publicacts/98/PDF/098-0806.pdf>. Other successful past projects with the SYAB include: a House resolution declaring the General Assembly's goal of eliminating the use of restraints and seclusion from all child-serving state agencies, H.R. Res. 0088, 101st Gen. Assemb., Reg. Sess. (Ill. 2021), <https://ilga.gov/legislation/102/HR/PDF/10200HR0088lv.pdf>; a law requiring DCFS to maintain the names and contact information for guardians *ad litem* appointed to represent children in care and making that information available to the youth and their caregivers, P.A. 102-0208, 102nd Gen. Assemb., Reg. Sess. (Ill. 2021), <https://ilga.gov/legislation/publicacts/102/PDF/102-0208.pdf> (until passage of this law, there was no identified central place to obtain this information); a law facilitating contact between youth in care and siblings who have been adopted, P.A. 97-1076, 97th Gen. Assemb., Reg. Sess. (Ill. 2012), <https://ilga.gov/legislation/publicacts/97/PDF/097-1076.pdf>; and an accompanying booklet for youth in care about their rights, ILL. DEP'T OF CHILD & FAMILY SERVS., HOW TO CONNECT WITH YOUR BROTHERS AND SISTERS – INFORMATION FOR YOUTH, PARENTS AND CAREGIVERS (2014), https://dcfs.illinois.gov/content/dam/soi/en/web/dcfs/documents/loving-homes/foster-care/documents/cfs_1050-95_sibling_visitation_rights_booklet.1.0.pdf [<https://perma.cc/V4NP-75U8>] (emphasizing the responsibility of DCFS and private agency child protection, permanency and adoption staff to help children stay connected to their siblings).

⁴⁹ Because of the goal of the bill—which in effect would prevent some children from being tried as adults and others from ever being tried—we anticipated a small but consistently vocal and strong opposition that would require a daily presence in the State Capitol, which is over three-and-a-half hours from Chicago. We knew we would not be able to be present as much as would be needed to lead in-person advocacy on the bill. We therefore partnered with a child-serving organization that delegated one of its state lobbyists to lead advocacy and negotiations.

⁵⁰ The Illinois Children's Mental Health Partnership was created by the Children's Mental Act of 2003 and is committed to improving the mental health and well-being for all children and families. The Partnership members, appointed by the governor, represent families, child advocates, and experts in education, early childhood, health, mental health, child welfare, juvenile justice, substance abuse, violence prevention, and others, as well as state legislators, and representative from state agencies and departments including child welfare, public health, mental health, education, and corrections. The Partnership is made up of appointed members, as well as a management team, staff, and volunteer committee and work group members who work to advance the key priorities identified in the Strategic Plan for Children's Mental Health. *Children's Mental Health Partnership*, STATE OF ILL., <https://govappointments.illinois.gov/boardsandcommissions/details/?id=6715cb5e-2007-ee11-8f6d-001dd8068008> [<https://perma.cc/7RP4-37SA>] (last visited July 12, 2024).

clinic agreed to draft legislation that would require courts to recognize child development and emotional maturity when deciding a child's competency to stand trial. This bill is intended to support children through practices that are trauma-informed, protect children's and young adult's rights and dignity, and consider a child's maturity.⁵¹ Currently, in Illinois, a child's competency is assessed using the adult criteria that are included in the criminal statute, but these criteria do not recognize that children and young adults are substantially different from adults.

During the first year of the project, the student team's work included meeting with the Partnership's leadership to discuss the project and its goals, studying national guidelines for juvenile competency,⁵² completing a 50-state survey identifying and comparing state juvenile competency laws and their differences from the national guidelines, and reviewing Illinois' adult criminal and juvenile court acts to understand how they address competency. The team met often with the Partnership's leadership to present the information being learned about other states' laws and the national guidelines.

In the second year, the Partnership convened a working group to continue reviewing the information compiled by the student team and provide expertise as we drafted a bill. The diverse working group included representatives from the statewide state's attorney association,⁵³ which prosecutes these cases, several county public defender offices and defense attorneys who represent youth, mental health practitioners and forensic evaluators, and social service providers. The student teams drafted amendments to current law, and then presented the language to the working group, explaining their drafting recommendations. The working group either approved the language or provided further direction. The drafting process continued over two semesters before a final bill was approved by the Partnership and legislative sponsors were brought on board. The bill has been introduced two out of the past three

⁵¹ We debated taking on this issue, concerned that it might conflict with a project we were supporting to raise the age of criminal responsibility for youth. The concern among some advocates about legislating juvenile competency standards is that such standards would still hold young people accountable for delinquent acts for which they should be provided services rather than be locked up. After extensive conversations with advocacy partners, we decided to pursue the project, believing that it will take more time to get an acceptable bill passed establishing a minimum age of criminal responsibility in Illinois, and in the meantime, youth not competent to stand trial need protection. For more discussion about efforts to establish a minimum age, *see infra* Part III.A.3. (Likelihood of Success and the Timeframe for Achieving a Client's Goals).

⁵² *See generally* KIMBERLY LARSON & THOMAS GRISSO, DEVELOPING STATUTES FOR COMPETENCE TO STAND TRIAL IN JUVENILE DELINQUENCY PROCEEDINGS: A GUIDE FOR LAWMAKERS (Nov. 2011).

⁵³ State's Attorneys are the chief prosecuting officers in each county. *See* Ill. Ass'n of Cty. Bd. Members & Comm'rs, *Inside the Courthouse: State's Attorney*, <https://ilcounty.org/upload/files/States-Attorney-Fact-Sheet.pdf> [<https://perma.cc/LLQ7-265E>].

legislative sessions. While discussions with opponents are underway, it has not yet moved forward.⁵⁴

While students were not meeting with the individuals whose lives would be directly impacted by the bill, they regularly met with the practitioners working with those directly impacted. Through the stories of defense attorneys, evaluators, and psychologists working with the young people, they were able to grasp the significance of their work, reflect, and collaborate within their teams and with the Partnership or working group. In addition, students had the opportunity to develop strong legal and factual research and analytical skills, to problem solve challenges that arose when working group members had different perspectives, and to participate in meaningful change.⁵⁵ These meetings happened throughout the project.

2. *Fordham's Legislative Advocacy Clinic*

The Fordham Legislative Advocacy Clinic partners with a variety of community-based and legal advocacy organizations to expand their capacity to achieve their legislative goals, chiefly on a statewide level. In contrast to Loyola's clinic, it does not focus on a particular population or field of study.

For many years, the Fordham clinic has worked on consumer rights issues as a means of changing New York State laws that have had particularly harmful effects on low-income families and individuals.⁵⁶ These projects typically address policies that exacerbate hardships experienced by individuals and families carrying debt, which is often related

⁵⁴ This is an example of a project that has required clinic faculty to continue with the work after students were no longer involved because of the learning curve involved in catching up on the research, relationships, politics, timing of the legislative process, the distance to the Illinois State Capitol from the law school, and the need to be there for extended periods of time.

⁵⁵ "As Clinic students, we served as a sort of legislative counsel to the coalition. ... As someone interested in health policy, it was enlightening to hear feedback and thoughts from professionals who had a wide range of experiences working with mental health, including mental health practitioners, public defenders and prosecutors, and children's advocates. These conversations helped me understand the relationship between law, policy, health systems, and the criminal justice system in our state." Testimonial of Scott Hulver, Policy Analyst at KFF (Aug. 29, 2022) (on file with authors) (describing working on the juvenile competency project as part of their work in the Legislation & Policy Clinic).

⁵⁶ The clinic is enormously grateful and fortunate to have worked with Carolyn Coffey, Director of Litigation for Economic Justice, Mobilization for Justice; Tashi Lhewa, former Supervising Attorney, Consumer Law Project, Legal Aid Society; Susan Shin, Legal Director, New Economy Project; and Dora Galacatos, Executive Director, and Karuna Patel, former Deputy Director, Feerick Center for Social Justice, Fordham Law School. Ms. Coffey provides direct legal services and engages in legislative and regulatory advocacy. Mr. Lhewa did the same. Ms. Shin conducts both impact litigation and legislative advocacy. The Feerick Center works with a wide-ranging network of consumer advocates to improve the lives and well-being of low-income New Yorkers.

to health care, tuition, or rent arrears. Notwithstanding the large percentage of New Yorkers who fall within this category,⁵⁷ it is a challenging area in which to achieve reform. For this reason, it was particularly meaningful when, in 2021, in partnership with consumer advocates and a broad coalition brought together on this issue, we succeeded in lowering the statutory consumer debt judgment interest rate⁵⁸ in New York State from 9%, where it had been since 1981, to 2%, slightly above the average rate from 2000-2021.⁵⁹

Over the four years the clinic worked on the project, students conducted significant legal and policy research,⁶⁰ interviewed experts, and drafted a model bill⁶¹ carefully negotiating their way around existing state law.⁶² As important, they were deeply involved in the strategizing necessary to get the bill passed by both houses of the legislature. Indeed,

⁵⁷ See *DiNapoli: New Yorkers' Debt on the Rise*, OFFICE N.Y. STATE COMPTROLLER (Sept. 22, 2022), <https://www.osc.ny.gov/press/releases/2022/09/dinapoli-new-yorkers-debt-rise> [<https://perma.cc/X3J8-HE72>] (describing how “average household debt in New York climbed to a new high of \$53,830 at the end of 2021,” the fourth highest in the nation).

⁵⁸ Our clients originally sought to reduce the 9% interest rate on all judgments. Pushback from key legislative allies (in meetings and phone calls that students led or in which they took part) made it clear that such broad legislation would not be possible, as the legislators considered the higher rate necessary to get corporate and government entities to pay their debts.

⁵⁹ N.Y. C.P.L.R. § 5004. The 2% rate statutorily applies prospectively and retrospectively, but a group of sheriffs (responsible for collecting on judgments) have challenged the retrospective application of the rate. See *Greater Chautauqua Federal Credit Union v. Hon. Lawrence K. Marks*, 600 F. Supp. 3d 405 (S.D.N.Y. 2022). The look-back would not permit any refund of payments and would not touch the original judgment, but instead would recalculate the interest owed on the initial judgment, permitting thousands of New Yorkers to start paying down on the principal—giving them a genuine opportunity to get out of debt. See generally Karuna Patel, *Dismantling Unjust Interest Rates for Debt Collection Judgments*, REGULATORY REV. (Mar. 30, 2022), <https://www.theregreview.org/mission-and-values/> [<https://perma.cc/2XLM-Z37L>].

⁶⁰ Students conducted legal research including a 50-state survey of judgment interest rates and policy research assessing which federal interest rate to use as an appropriate barometer. They also interviewed numerous consumer law experts around the country.

⁶¹ For each relevant term to be used in the bill, the students recommended their ideal New York State statute to the clients, as well as other options, and explained their reasoning. Following numerous substantive and strategic conversations, our clients gave the students the go-ahead to draft the bill, adopting almost all their recommendations.

⁶² When we began work to modify the interest rate on consumer debt judgments, New York State law already defined “consumer credit transaction” as “a transaction wherein credit is extended to an individual and the money, property, or service which is the subject of the transaction is primarily for personal, family or household purposes.” N.Y. C.P.L.R. § 105(f). The new statute ultimately referenced the earlier law when defining “consumer debt” as “any obligation or alleged obligation of any natural person to pay money arising out of a transaction in which the money, property, insurance or services with the subject of the transaction are primarily for personal, family or household purposes, whether or not such obligation has been reduced to judgment, including, but not limited to, a consumer credit transaction, as defined in CPLR § 105(f).” N.Y. C.P.L.R. § 5004.

the students and the clients were thrilled when the bill sponsors⁶³ were able to introduce the legislation. But, its journey from there became an object lesson in legislative unpredictability.⁶⁴ For example, based on extensive research and discussion with the students, the clients decided that the bill should incorporate an adjustable interest rate, obviating the need to update the bill in the future.⁶⁵ Although our legislative sponsors agreed, legislative staff rejected this approach, requiring us to quickly propose an appropriate flat rate and muster compelling supporting arguments.⁶⁶

In total, eight student teams of two to four students worked on this complicated project.⁶⁷ As the bill gained traction, the students' investment in the project deepened along with the clients' faith in them. Indeed, the students were involved in virtually every step of the bill's development, drafting, and related advocacy⁶⁸—including working with one of the largest and most complex coalitions with which the clinic has had the opportunity to partner.⁶⁹ This reciprocity of trust reflected

⁶³ The bill sponsors and their legislative counsel were extraordinary advocates for passage of the bill, as well as for ensuring that the students had an excellent learning opportunity.

⁶⁴ See *infra* Part II.A.4. (Unpredictability).

⁶⁵ See *supra* notes 58-59 and accompanying text (describing the New York State Legislature's 40-year gap in updating the consumer judgment interest rate).

⁶⁶ Our earlier attempts (by students, and then by our clients) to clear certain provisions, including the variable interest rate, with relevant state agencies never yielded a response. Ironically, the stable 2% rate has benefitted consumers following the unexpected increase in interest rates over the last two years.

Originally, the clients and students (and Professor Cooper) were extremely frustrated by this change. While never pleasant to deal with (potential) setbacks, the clients consistently modeled for the students the importance of persevering—and to looking for new opportunities even when advocacy seemed to not be going in a good direction.

⁶⁷ On occasion, a student from one semester continued with the fieldwork part of the clinic for another term. This was crucial to helping to manage transitions and to maintain consistency.

⁶⁸ Unfortunately, the end of the legislative session fell one month after classes ended and our clients took the lead for the final push. The students felt very good about all they had contributed and were thrilled their efforts paid off even after the term ended. For example, working from an op-ed drafted by the student team, the clients identified constituencies likely to hold sway with the governor, asking community leaders to adapt the essay and submit it for publication in local newspapers, shepherding this process throughout. Ultimately, we placed two op-eds and were in the process of placing a third when Governor Kathy Hochul signed the bill. See Ron Kim & Ray Brescia, *Viewpoint: Shield New Yorkers from Predatory Debt Collectors*, TIMES UNION (Dec. 20, 2021), <https://www.timesunion.com/opinion/article/Viewpoint-Shield-New-Yorkers-from-predatory-debt-16712879.php>; Mark E. Blue & George F. Nicholas, *Another Voice: Debt Law Would Fix an Economic and Racial Injustice*, BUFFALO NEWS (Dec. 2, 2021).

⁶⁹ These organizations included, but are not limited to AARP, Consumers Union, and the Federation of Protestant Welfare Agencies (FPWA), all of whom command significant attention in New York State. In recent years, Professor Cooper has incorporated readings and additional discussions in both the seminar and fieldwork about the complexity of building and sustaining coalitions. See *infra* Part III.C. (Seminar).

and fostered excellent collaboration and led the students to develop the self-confidence to push themselves in new directions. We were thrilled when the bill passed both houses in the waning days of the session and again when the governor signed the bill at the end of the year.⁷⁰

For the last few years we also have worked with a small group of advocates to advance the rights and bodily autonomy of people born with intersex attributes.⁷¹ All too often, and counter to emerging medical, ethical and human rights standards,⁷² surgeons will recommend sex-assignment surgery and other procedures on very young children to cosmetically conform their genitals to appear more traditionally male or female.⁷³ These interventions can cause long term physical and psychological harm, requiring follow-up surgeries, leading to future infertility, and assigning a sex that may not conform to the individual's gender identity.⁷⁴ Not surprisingly, many intersex individuals oppose these procedures, wanting to have a voice in what is done to their bodies.⁷⁵

We were asked whether we could draft a bill to prohibit invasive procedures on intersex minors without their consent.⁷⁶ This required the team to research a range of possible ways to address the goal, and

⁷⁰ New York State law gives the governor 10 days to consider legislation from the date at which it is transmitted by the legislature. N.Y. CONST. art. IV, § 7. Traditionally, the governor controls this timing, often requesting non-controversial bills first. Our bill was among the last called up for consideration and it was signed on Dec. 31, 2021. While waiting for Governor Hochul to ask for the bill, we no longer had a team on the project. The clients again took the lead. They drafted a 25-page memo to counter one submitted in opposition, originally without our knowledge, and conducted much of the advocacy with the governor's assistant counsel.

⁷¹ We worked with three extraordinary advocates: Scout Silverstein, consultant to interACT (an education and advocacy organization for people living with intersex traits) and public health expert; Erika Lorshbough, Executive Director, and other staffers, interACT; and Allie Bohm, Senior Policy Counsel, New York Civil Liberties Union. We consulted at times with a larger, informal group of individuals living with intersex traits. See *FAQ*, INTERACT, <https://interactadvocates.org/faq/> [<https://perma.cc/FV6Y-V6SW>] (last visited July 15, 2024).

⁷² See NATIONAL LGBTQIA+ HEALTH EDUC. CTR., *AFFIRMING PRIMARY CARE FOR INTERSEX PEOPLE 5–7* (2020), <https://interactadvocates.org/wp-content/uploads/2020/10/Affirming-Primary-Care-for-Intersex-People-2020.pdf> [<https://perma.cc/SV7Q-2YZ8>]; Luke Muschialli, Connor Luke Allen, Evelyn Boy-Mena, Aiysha Malik, Christina Pallitto, Åsa Nihlén, Lianne Gonsalves, *Perspectives on Conducting “Sex-normalising” Intersex Surgeries Conducted in Infancy: A Systematic Review*, 6 PLOS GLOB. PUB. HEALTH (2024), <https://doi.org/10.1371/journal.pgph.0003568> [<https://perma.cc/H3A9-N92W>] (Aug. 28, 2024).

⁷³ NATIONAL LGBTQIA+, *supra* note 72, at 5–7.

⁷⁴ Jihad Almasri et al., *Genital Reconstructive Surgery in Females with Congenital Adrenal Hyperplasia: A Systematic Review and Meta-Analysis*, 103 J. CLIN. ENDOCRINOLOGY & METABOLISM 4089 (2018); NATIONAL LGBTQIA+, *supra* note 72, at 5–7.

⁷⁵ NATIONAL LGBTQIA+, *supra* note 72, at 5–7.

⁷⁶ This project held particular resonance for Professor Cooper given her work in informed consent as an attorney working on legal issues affecting people living with HIV/AIDS and her writing. See generally Elizabeth B. Cooper, *Social Risk and the Transformation of Public Health Law: Lessons from the Plague Years*, 86 IOWA L. REV. 871, 878 (2001); Elizabeth B. Cooper, *Testing for Genetic Traits and Life-Threatening Conditions: The Need for a New Legal Doctrine of Informed Consent*, 58 MD. L. REV. 346 (1999).

then to assess the strengths, weaknesses, and potential risks of each approach. Ultimately, the students hit roadblocks with every approach. This led them to step back to consider how to share this information with the clients and to continue to be supportive of their aims, as well as to attend to the students' own disappointment.⁷⁷

Interestingly, we continued to work with the same client group to focus instead on mandating the state health department “to conduct a public information and outreach campaign on medically unnecessary treatments on persons born with intersex traits or variations in sex characteristics.”⁷⁸ After two years of persistent advocacy, both legislative houses passed the bill.⁷⁹ The Governor, however, insisted on a Chapter Amendment,⁸⁰ which required the bill to be amended by the legislature retroactive to its original effective date; thereafter,⁸¹ we were all thrilled that she signed the legislation and it immediately went into effect.⁸²

The intersex advocacy projects, perhaps more than most, required the students to be exceptionally client-centered, as well as aware of the

⁷⁷ Admittedly, these research roadblocks and some of our clients' competing responsibilities made it more challenging for some of the students to fully invest in the project. *See infra* Part III.A. (Project Selection and Design). Another interesting attribute of this project was that the members of the client group did not have a hierarchy or mechanism for making decisions. This was mitigated by their general agreement on most issues, but it was challenging at times for the students to engage with the responsibility of moving the agenda forward. *See infra* Part II.B.1. (The Client).

⁷⁸ N.Y. PUB. HEALTH L. § 207(r). Student work on this project included figuring out how best to construct factsheets to educate legislators and staffers about the relevant medical information, as well as about the ways in which intersex minors were being harmed. Some legislators leapt quickly to assuming this was a trans-rights bill, while others immediately understood the issues and the need for the legislation. The students also conducted state-by-state research only to learn about the dearth of legal protections for intersex minors.

⁷⁹ The clients and Professor Cooper all thought the bill would pass in the first year of its consideration. Although the Senate voted the bill through, it did not make it onto the Assembly's overstuffed final legislative agenda. We do not know whether this was because we had not lined up enough co-sponsors of the bill, Assembly leadership had not otherwise heard from members on the issue, a powerful organization objected to the bill—or some, none, or all of these reasons. Perhaps one of the most frustrating aspects about legislative advocacy is not necessarily knowing where things go awry, largely due to lack of transparency. When we do not know why the unexpected has happened, it also can hamper making course corrections moving forward.

⁸⁰ *See Everything You Ever Wanted to Know About “Chapter Amendments,”* REINVENT ALBANY (Oct. 16, 2023) <https://reinventalbany.org/2023/10/everything-you-ever-wanted-to-know-about-chapter-amendments/> [<https://perma.cc/3LF3-6MEZ>] (last visited Aug. 28, 2024). This website describes how the governor can request amendments to the bill. Upon consent of the legislative leadership, the houses will then pass the amended version of the bill, after which the governor signs the chapter amendment, making the amended bill law.

⁸¹ *See* S8016/A8482, 2023-2024 Leg., Reg. Sess. (N.Y. 2024) (Summary of Provisions, describing the Chapter Amendments, and Justification stating that “[t]his legislation is a negotiated change to the underlying chapter”). On this bill, the Governor altered the type of consultative process that would be required of the State Department of Health. *Id.*

⁸² N.Y. PUB. HEALTH L. § 207(r), *supra* note 78. Although there are three paragraphs denoted “(r),” only one addresses the intersex public education program.

wishes of a larger group of community members who had diverse policy preferences.⁸³ The students also experienced the effect of legislators (decision-makers) sponsoring more bills than they could possibly move in a session—a reminder of how, in the absence of rules, a legislature may not consider all proposals ripe for consideration.

In 2017, my colleague Professor Elizabeth Maresca, who teaches Fordham Law's Federal Tax Clinic, asked if my clinic could pursue a legislative fix to a law that was causing great harm to her clients, namely: the ability of New York State to suspend the driver's license of any individual who owed \$10,000 or more in back taxes (of any kind) to the state.⁸⁴ The statute had been enacted a few years earlier with no viable financial hardship exemption and her attempts to create this safety net through litigation had stalled.

For four semesters, student teams worked on this project, conducting research about the law's legislative history, sending out extensive Freedom of Information Law requests to the N.Y. State Department of Taxation and Finance to understand the impact of the law, drafting op-eds,⁸⁵ speaking with other advocates seeking to remove oppressive fees, fines, and suspensions, and collaborating with other tax law clinics and attorneys around the state. For the last semester we worked on the bill, Professor Maresca and I co-taught a Tax, Poverty, and the Law Clinic, which allowed us to devote appreciably more time and energy to getting the bill passed.⁸⁶

As the bill was gaining increasing support, we were stymied when committee staffers determined that its enactment would cost the state

⁸³ Although our clients knew one another, this was a new and different type of opportunity for collaboration.

⁸⁴ N.Y. TAX L. § 171-v. This arrangement was unusual as the Fordham clinic typically works with external clients, at least in part so that students acquire skills of client interviewing and counseling. In this situation, although there was less client counseling, having our client—Professor Maresca—be so generous with her expertise and clinical supervisory skills, was a remarkable opportunity.

⁸⁵ See Elaina Aquila & Gabrielle Kornblau, *Tax Debt Law Harshly Affects Low-Income Earners*, TIMES UNION (May 1, 2018), <https://www.timesunion.com/opinion/article/Tax-debt-law-harshly-affects-low-income-earners-12879619.php> (editors permitting only two of the students to be listed in the by-line); Elizabeth Cooper, Joshua A. Liebman, Christopher Ziemba, *Death, Taxes and Driving Uncertainty*, N.Y.L.J. (May 10, 2017), <https://www.law.com/newyorklawjournal/almID/1202785817096/> [<https://perma.cc/Y69D-F8X8>] (editors insisting that the byline include a professor's name; otherwise, only the students would have been listed as authors).

⁸⁶ Our five-member student team, all of whom already had worked on the project for one semester, were extraordinary advocates. Due to student demand for clinics, Fordham clinical faculty cannot typically permit students to continue in a clinic absent exceptional circumstances. In this case, the necessity of working with returning students was evident. I continued to teach my legislative advocacy clinic, but did so with only five students.

\$10 million.⁸⁷ Although we were unable to change this anticipated budgetary impact, the student teams' unusual dedication to the project and quality of research, advocacy, and collaboration, were highly effective, and led legislators and staffers to treat them as if they were long-term advocacy partners, including them in sensitive communications and high-level meetings. We were thrilled when both houses of the legislature passed the bill and the governor signed it into law in 2019.⁸⁸

* * *

Over the years, our clinics have worked on many more projects that have provided us with opportunities to engage in social justice projects and meet our learning goals. For Fordham's clinic these have included partnering with the New York Civil Liberties Union to enact the Gender Expression Non-Discrimination Act (GENDA) to add gender identity and expression as a protected category to the New York State Human Rights Law;⁸⁹ the Model Alliance to create wage protection mechanisms and safeguards against sexual harassment;⁹⁰ and a coalition of organizations supporting legislation to better protect the safety and well-being of trans and gender-non-conforming people who are incarcerated.⁹¹ For

⁸⁷ Notwithstanding valiant efforts, we were never able to learn how committee staff arrived at this figure and remained convinced that they had not accounted for savings the state would accrue given that, by being able to drive, more low-income individuals would be able to keep their jobs and care for their families.

⁸⁸ N.Y. TAX L. § 171-v(5)(g). This bill also was subject to Chapter Amendments issued by the governor. *See supra* note 80 (describing Chapter Amendments).

⁸⁹ Finding no compendium of scientific, political, or social information about gender identity or expression, a student team drafted a 30+ page report to provide basic medical and psychological information, as well as data about the extent of then-existing discrimination on the basis of gender identity or expression in New York State, to legislators and the general public. They also conducted legislative information sessions and helped to produce educational materials. We ultimately stopped working to get the bill passed because, at the time, the Republican-led state senate would not allow it to come to the floor for a vote. Once Democrats won a majority of senate seats, the pipeline opened for consideration of many bills that had stagnated. In Spring 2019, the legislature passed GENDA and Governor Andrew Cuomo quickly called it up for consideration, then signed it into law. *See* S1047/A00747, 2019-2020 Prior Sess. (N.Y. 2019) (codified at N.Y. EXEC. L. § 290); https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A00747&term=2019&Summary=Y&Actions=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y [<https://perma.cc/NXR3-BW2L>] (noting that the bill passed the senate and the assembly on Jan. 15, 2019, was delivered to the governor that day, and was signed on Jan. 25, 2019).

⁹⁰ For a variety of reasons, we did not continue with this project; however, the Model Alliance is continuing to seek passage of the Fashion Workers Act, which would provide a broad array of protections for individuals working in the fashion industry, especially in relation to management agencies. *See* MODEL ALLIANCE, <https://www.modelalliance.org> [<https://perma.cc/EJ42-LY57>] (last visited on Aug. 30, 2024).

⁹¹ Gender Identity Respect, Dignity and Safety Act (GIRDS), S02860/A00709, 2023-2024 Reg. Sess. (N.Y. 2023), <https://nyassembly.gov/leg/?bn=A00709&term=2023> [<https://perma.cc/BSV6-5CAE>] (last visited Aug. 28, 2024).

Loyola's clinic, additional projects have included forming and leading a coalition to successfully challenge legislation that would have expanded Illinois' mandated reporting requirements to require that every adult in Illinois report suspicion of child abuse or neglect;⁹² responding to a request from a grassroots advocacy organization following the Trump administration's 2017 decision to deport undocumented parents⁹³ to develop a guide for parents who were undocumented to assist them in understanding and thinking through the options for their children if the parents were detained or deported;⁹⁴ and partnering with the University of California Berkeley Policy Advocacy Clinic and Stand for Children Illinois, to successfully eliminate fees and fines in delinquency cases.⁹⁵

These projects required students to engage in legal, policy, factual and political research described throughout this section, as well as draft advocacy materials, engage in coalition meetings, meet with legislators and their staffers, strategize with clients and other advocates on best approaches to take, and participate, and sometimes lead, negotiation sessions.

With this understanding of our projects, in Part II we shift to identifying and discussing unique attributes of legislative advocacy that can make it more difficult for students to step into their role as advocate,

⁹² H.B. 3288, 100th Gen. Assemb., Reg. Sess. (Ill. 2017-2018), <https://ilga.gov/legislation/100/HB/PDF/10000HB3288.pdf> (last visited July 12, 2024).

⁹³ In 2016, then President-elect Donald Trump vowed to fulfill his campaign promise of immediately deporting 2 million to 3 million undocumented immigrants. See Amy B. Wang, *Donald Trump Plans to Immediately Deport 2 Million to 3 Million Undocumented Immigrants*, WASH. POST (Nov. 14, 2016), <https://www.washingtonpost.com/news/the-fix/wp/2016/11/13/donald-trump-plans-to-immediately-deport-2-to-3-million-undocumented-immigrants/>. He effectuated his plan after being sworn in as President in early 2017. Executive Order 13767, issued in January 2017, laid out the administration's plan to secure the border, including the framework to expedite deportation procedures. Border Security and Immigration Enforcement Improvements, 82 Fed. Reg. 8793 (Jan. 25, 2017).

⁹⁴ See GUIDE FOR PARENTS IN ILLINOIS WHO ARE UNDOCUMENTED – PLANNING FOR YOUR CHILDREN IN CASE OF DETENTION OR DEPORTATION (Oct. 2017), https://www.luc.edu/media/lucedu/law/centers/childlaw/pdfs/Immigration%20Safety%20Planning%20Guide_LS_10-4-17.pdf [<https://perma.cc/N28F-XCXV>]. The Guide also was translated into Spanish. See UNA GUÍA PARA LOS PADRES INDOCUMENTADOS EN ILLINOIS – PLANIFICACIÓN PARA SUS HIJOS EN CASO DE DETENCIÓN O DEPORTACIÓN (Oct. 2017), <https://www.luc.edu/media/lucedu/law/centers/childlaw/pdfs/Gu%C3%ADa%20de%20Planificaci%C3%B3n.pdf> [<https://perma.cc/8YCO-TEUH>]. When writing the Guide, students were especially sensitive to the language they used, to the emotional toll families likely would experience while reading the Guide, to recognizing the risks for families regardless of which avenue they pursued, and to acknowledging those risks in the material.

⁹⁵ P.A. 103-037, 103rd Gen. Assemb., Reg. Sess. (Ill. 2023), <https://ilga.gov/legislation/publicacts/103/PDF/103-0379.pdf>. The clinic is now working with the same coalition to enact legislation to prohibit the use of charging fees and fines as a disciplinary measure against students for behaviors that may violate school rules.

and create challenges for clinic faculty to meet their learning goals when teaching legislative advocacy clinics.⁹⁶

II. LEGISLATIVE LAWYERING: CHALLENGES

Legislative reform is complex: even a seemingly simple bill will require students to conduct extensive legal and policy research, to confer with their client and other allies, to engage with a variety of decision-makers, and to employ ever-changing strategies to achieve their client's goals.

Students may have difficulty connecting the harm suffered by an individual (or group of individuals) to the scope of legislative reform that may be necessary, at first not readily understanding the range of systems and laws conspiring to create the underlying problem.⁹⁷ The focus of legal education (and popular culture) on litigation exacerbates this experience.⁹⁸ Legislative advocacy, and the complications that arise when working with complex clients and advocacy partners, influence the ways we structure and teach our clinics.

The nature of legislative advocacy encompasses four attributes: (1) the "invisible," less formalized, or shifting, rules that students must learn (become comfortable with) in contrast to the written rules with which they already are familiar, specifically, rules of procedure and rules of evidence; (2) the numbers and diversity of decision-makers, including staffers, legislators, members of the executive branch; (3) the role of long-standing relationships; and (4) the unpredictability of the process and its lack of transparency. The complications related to complex clients and advocacy partners include (1) clients whom we interview, counsel, and guide through decision-making; and (2) the broad range of advocacy partners with whom we work on a legislative campaign.

While clinicians teaching other types of lawyering may need to address some of these attributes, when taken together, they reveal the unique dynamics of teaching legislative advocacy clinics and the ways students can be challenged and frustrated, especially when they do not understand how these systems work, do not have prior lobbying/

⁹⁶ Students, their faculty, and new professionals in a range of disciplines that pursue legislative advocacy face similar challenges. These professions include public policy and social work. In this article, however, we are focused on the law student and law school clinical education and pedagogy.

⁹⁷ By systems, we include the laws governing, and the policies and practices of government agencies (e.g., department of children and family services, department of financial services) and private entities (e.g., debt settlement companies) that too often work against one's capacity to raise one's own children, to avoid engagement with criminal law, or to get out of debt.

⁹⁸ See Carnegie Report, *supra* note 3, at 6 (describing legal education's overemphasis on litigation) and at 4-6 (discussing the focus in popular culture on lawyers who litigate).

advocacy experience, or have pre-conceived notions of how a problem should be solved.

In this Part, we explain the impact of the attributes identified above, with a particular focus on the challenges they pose in our clinics. In Part III, we describe how these challenges also create opportunities to think about clinical pedagogy and our learning goals, and how they inform our selection of projects, supervision of students, shaping of seminars, and methodologies for conducting project rounds.

A. *Working with a Legislative Body*

Notwithstanding the meaningful social justice goals that legislative advocacy can achieve, and the myriad learning opportunities provided by legislative advocacy clinics, this work also presents teaching challenges due to the ways most legislatures function. This section describes these challenges and touches on the ways they may complicate our teaching methodologies.

1. *Invisible (or Less Formalized) Rules*

Perhaps more than any other attribute, the lack of rules governing legislative advocacy distinguishes this work from most other lawyering and legal clinics. Courts and administrative settings are governed by specific sets of federal or state rules—particularly rules of procedure and rules of evidence—that are designed to guide the course of litigation.⁹⁹ Students are immersed in these rules early in their legal education, making them more likely to be familiar with the basic framework, rules, and patterns of their clinic cases.¹⁰⁰

By contrast, there are no analogous rules defining the scope and methodology of legislative advocacy.¹⁰¹ Although this can facilitate much creativity, it also presents challenges to students who, until now,

⁹⁹ The existence of rules does not mean that all judges interpret them correctly, that litigants regularly abide by them, that there are no surprises, and that bias and other fairness disruptors do not infect the process. The presence of rules, however, creates a fundamentally different arena in which to seek change.

¹⁰⁰ To a more limited extent, deal-making and transactional work also is restricted by federal and state statutes, and students receive some exposure to these rules through traditional law school courses (e.g., contracts, corporations). *See generally* Lynnise E. Pantin, *Deals or No Deals: Integrating Transactional Skills in the First Year Curriculum*, 41 OHIO N.U. L. REV. 61 (2014).

¹⁰¹ Few rules guide the actions of legislative advocates, beyond lawyers' rules of professional responsibility or a state's rules about ethical lobbying. *See* N.Y. COMP. CODES R. REGS. tit. 19, §§ 943.1-943.14, https://ethics.ny.gov/system/files/documents/2023/05/part-943_revised-as-of-5_16_23.pdf; 25 ILL. COMP. STAT. 170/1-12, <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=465&ChapterID=6> [<https://perma.cc/KR5Y-XTCA>].

have been taught that following the rules is foundational to lawyering and to thinking like a lawyer.

a. Rules of Procedure

Rules of procedure govern who may be a party to an action, who may intervene in a proceeding, and what information can—or must—be shared.¹⁰² They are foundational and far-reaching in their impact—and there are no similar rules governing legislative advocacy. The rules that do exist may be inconsistently enforced and subject to change without notice.¹⁰³

For example, in litigation or administrative proceedings, the parties are known. The group may be large, as in a class action lawsuit, but there are guidelines as to who may be considered a party.¹⁰⁴ The same is true regarding who may intervene in an action.¹⁰⁵ In legislative advocacy, there are no rules about who—or how many—may participate in the advocacy efforts, or the timing of their attempts, whether in support or opposition. So long as an individual or group can get the attention of a coalition, a legislator, or the media, they can discuss the issues, engage in negotiations, and may be able to testify at hearings. The only limitation may be whether a given legislator or staffer wishes to meet with the advocate.¹⁰⁶

Rules of procedure also guide how certain information is gathered, what information must be disclosed, and what happens if information is not disclosed.¹⁰⁷ Not so in the legislative arena, where there are no restrictions on how information is gathered or with whom it may be shared. And, as there is no formal way for one to file one's advocacy documents (in contrast to a complaint, motion papers, or brief in litigation), there is no way to mandate notice to those opposing one's position that advocacy documents have been delivered to a legislator or executive. As a result, advocates may not know whether any individual

¹⁰² See generally FED. R. CIV. P. This section cites to the federal rules instead of analogous state rules.

¹⁰³ Some legislatures may have procedural rules, but usually they relate to the legislative process and not advocates supporting or opposing legislation. See generally RULES OF THE SENATE OF THE STATE OF ILL. (103rd Gen. Assemb.) (2023-2024), https://ilga.gov/senate/103rd_Senate_Rules.pdf; RULES OF THE ILL. HOUSE OF REPRESENTATIVES (103rd Gen. Assemb.) (2023-2024), https://ilga.gov/house/103rd_House_Rules.pdf.

¹⁰⁴ FED. R. CIV. P. 23.

¹⁰⁵ FED. R. CIV. P. 24.

¹⁰⁶ In contrast to litigation, where there are explicit rules requiring judges to engage all sides before reaching a decision on a motion or a ruling in a trial, legislative decision-makers have no obligation to meet with advocates. See *infra* notes 109-10 and accompanying text (discussing the prohibition on *ex parte* communications).

¹⁰⁷ FED. R. CIV. P. 26.

or organization has shared information with the decision-makers—or what their arguments may be.¹⁰⁸

This inherently raises another significant contrast to litigation. State statutes, court rules, or rules about professional responsibility, prohibit—with rare exceptions—*ex parte* communication.¹⁰⁹ No such rules exist in the legislature. In fact, *ex parte* advocacy is the accepted norm and success in legislative and policy advocacy often is dependent on those conversations.¹¹⁰ Not surprisingly, any new players—including our students—may initially be at a disadvantage in gaining access to powerful decision-makers.¹¹¹

b. Rules of Evidence

Judges use the rules of evidence to assess the admissibility of information (whether testimonial or documentary), including who may testify before the court.¹¹² To be admissible, information must be relevant, helping to prove or disprove a fact, presented by someone with knowledge of the facts or expertise on the issues being raised, and may not be unfairly prejudicial.¹¹³ The trier of fact—whether judge or jury—is supposed to be impartial, free of any conflict of interest, and base their decision on the facts presented and principles of law.¹¹⁴ Further, findings

¹⁰⁸ Although submissions by advocates may be subject to freedom of information laws, pragmatically, such a request would not be resolved during the legislative session.

¹⁰⁹ By rule, *ex parte* communication is not permitted in litigation. *See generally Ex Parte Communications*, 28 C.F.R. § 76.15 (2024); MODEL CODE OF JUD. CONDUCT R. 2.9(A) (2020). Attorneys may not speak to the opposing parties without the permission of their attorney. *See, e.g., MODEL RULES OF PROF'L CONDUCT R. 4.2* (2024). For examples of state rules of professional conduct *see generally* N.Y. RULES OF PROF'L CONDUCT, <https://www.nycourts.gov/legacypdfs/rules/jointappellate/NY-Rules-Prof-Conduct-1200.pdf> and ILL. SUP. CT. RULES, <https://www.illinoiscourts.gov/rules/supreme-court-rules?a=viii>.

¹¹⁰ This includes backdoor deals where, unbeknownst to others, advocates communicate with legislative leadership, reaching agreements in private. Many years ago, Professor Cooper was involved in advocacy to stop a bill from passing. The coalition with which she was working had been informed that the governor did not want to see the bill go to a floor vote; at the last minute, and for reasons unknown, he changed his mind. This secrecy, however, can also work to advocates' advantage. The Loyola clinic benefitted several years back when, due to an unexpected private meeting with a state senator (a larger meeting of proponents and opponents was cancelled at the last minute), Professor Weinberg was successful in convincing him to not move forward a bill to expand the sex offender registry while the clinic was working on a report specific to the issue, summarized *infra* Part III.A.3. (Likelihood of Success and the Timeframe for Achieving a Client's Goals).

¹¹¹ As noted *infra*, Part II.A.3., long-standing relationships that clients (or the faculty supervisor) may have with legislators and staffers can, at times, yield information that would not otherwise be available. Students often feel both frustrated and relieved when this occurs.

¹¹² FED. R. EVID., art. IV & VI. This section cites to the Federal Rules of Evidence rather than to various, analogous state rules.

¹¹³ FED. R. EVID. 401, 602, 403.

¹¹⁴ *See* 28 U.S.C. § 455 (requiring the court to be impartial and bias free); U.S. CONST. amend. VI. *See also How Courts Work*, ABA (Sept. 9, 2019), https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/

of fact are known to the parties, whether on a motion or at the end of a trial.¹¹⁵

In contrast, there is no official fact finding by a legislator or legislature¹¹⁶ and no rules or limitations restrict the information a legislator can consider when determining whether to support a bill. There is no “judge” of relevance. While individual legislators will decide whether they are interested in a particular fact, or trust a specific witness testifying in a committee hearing, or an advocate seeking their vote, they are free to consider whatever information they choose, regardless of how—or from whom—they learned it; nor are they limited by its (lack of) probative value, whether it comes from someone with first person knowledge or expertise, or whether it is prejudicial. They may weigh the “evidence” (i.e., arguments and facts advocates have submitted) in any way they choose.¹¹⁷ Each of these factors, as well as shifting agendas, current events, and advocate or legislator relationships, may affect why a bill may, or may not, move forward. Yet these reasons may never be known to the advocates.¹¹⁸

This general absence of rules in the legislative arena can profoundly impede students from achieving our learning goals. For example, students can become flummoxed when practicing in an unfamiliar arena that also does not have the rules they have been taught will guide them, making it challenging for them to invest in the advocacy. Second, the broad range of potential participants can make deliberations, discussions, and negotiations challenging. Third, without clear rules, students may feel hampered when counseling clients (particularly those without legislative advocacy experience), as the students may not be able to guide the clients with clear next steps in the advocacy process.

juryinstruct/ (last visited Sept. 5, 2024) (stating that the jury is “the sole judge of the facts and of the credibility (believability) of witnesses” and that juries “are to base their conclusions on the evidence as presented in the trial”).

¹¹⁵ See FED. R. CIV. P. 52 (court must make findings of fact and rulings of law). See generally *Finding of Fact*, LEGAL INFORMATION INST., https://www.law.cornell.edu/wex/finding_of_fact [<https://perma.cc/W29Q-D8P9>] (last visited Aug. 30, 2024).

¹¹⁶ Some states may require a rationale for a bill when it is introduced. For example, in New York State, the Sponsor Memo accompanying each introduced bill may, but need not, include statements of fact or information about the intent of the legislation; it becomes part of a bill’s legislative history. Rules of the Assembly, N.Y. STATE ASSEMBLY, <https://nyassembly.gov/Rules/?sec=r3> [<https://perma.cc/VM9W-HMCV>] (last visited July 17, 2024).

¹¹⁷ A decision-maker is not automatically free from bias just because they are based in the judiciary. Advocates in this context also must consider the actual or perceived viewpoints of a judge or jury.

¹¹⁸ See SEYMOUR LACHMAN, *FAILED STATE 57–85* (2017) (describing how the New York state legislature does not function transparently).

2. Decision-Makers

Although law students must learn to be concise and direct (yet tactful) advocates in all environments, the legislative context requires them to learn how to communicate their legal research and analysis—in writing and orally—to a diverse range of decision-makers and influencers.¹¹⁹ When appearing before judicial bodies, advocates know who the decision maker is: the judge, jury, or administrator with authority to decide the matter. In contrast, at least five types of decision-makers can be found in the legislative process: (1) legislators who agree to sponsor the bill; (2) legislators sitting on relevant committees considering the bill; (3) legislative leadership (e.g., the leaders of each legislative chamber, committee chairs), who can kill or green light a bill; (4) the members of the legislative bodies, all of whom will vote on a bill; and (5) the governor, who decides whether to sign into law a bill passed by the legislature. Each of these decision-makers may be influenced not only by lobbyists, advocates, and their constituents, but also by their staffers, counsel, media, and often-shifting political realities.

In litigation, one typically can assess one's strategy with some knowledge about a defined decision-maker. In legislative advocacy, if a bill progresses, the pertinent decision-makers will change throughout the legislative session. It can move from the original legislative sponsor of a bill (or their staff), to the relevant committee chairs, to the leadership of the legislative chamber,¹²⁰ and ultimately to the executive. This range of decision-makers and considerations requires students to develop unusual agility regarding strategy and messaging.

Before interacting with legislators—or their staffers—students must develop insight about whether the elected representatives or their staff are familiar with the goal of the bill, have a strong opinion about it, or already have decided to support or oppose the proposal—and the reasons for doing so. For example, students will need to discern if the issue is one that is especially important to the legislators' constituents or whether it personally affects the legislator. The message one develops for a legislator who cares about a topic can be quite different from how one talks with a legislator who likely is voting a party line, doing a

¹¹⁹ In contrast to litigation, where court rules may dictate questions the parties must address, or may issue technical guidelines (e.g., page limits, formatting style), such guidance (or admittedly, limitations) rarely exists in the context of legislative advocacy. The availability of rules is explored in greater detail as a unique attribute *infra* Part II.A.1. (Invisible (or Less Formalized) Rules).

¹²⁰ In New York, when leadership allows a bill to come to the floor of the legislature for a vote, it typically is a signal either that members of their party should vote in support or that there is an existing consensus in support from the members. See LACHMAN, *supra* note 118.

favor for a colleague, or is fearful of the response of their constituents.¹²¹ Also, the messaging will vary if the lawmaker is being asked to be a key sponsor of a bill or is more simply being asked to support the initiative. Similar attention to messaging must be paid when approaching legislative leadership or the governor for support. These decision-makers, in particular, will consider not only their own votes, but also how a party-line vote will impact their members. These concerns are particularly heightened in an election year.¹²²

All of this can require advocates to develop a speed and agility with advocacy and messaging that differs from other law practices, where the lawyer is writing to address individual judges, magistrates, or law clerks.¹²³

The range of decision-makers and the nature of the legislative process also requires students to develop different types of written materials including concise legislative proposals of one to two pages, memos in support of or opposition to legislative proposals, and op-eds and statements for the press about pending legislation.¹²⁴ They may also need to write in-depth reports or translate research into digestible summaries for legislators or key decision-makers and create short, easy-to-read educational documents (e.g., fact sheets, FAQs) geared toward legislators, staffers, or the general public.¹²⁵

In addition to written advocacy, legislative advocates always need to be ready to engage with the myriad decision-makers they encounter, whether presenting information at scheduled meetings with legislators,

¹²¹ Litigators, too, may seek information about the judge or tribunal before whom they are appearing, whether by reading past opinions, observing them in a courtroom, reviewing media coverage of the judge, or speaking with colleagues who practice in the area.

¹²² Austin C. Jefferson & Rebecca C. Lewis, *The Issues Most Likely to Dominate the 2024 New York Legislative Session*, CITY & STATE NY (Dec. 18, 2023), <https://www.cityandstateny.com/policy/2023/12/issues-most-likely-dominate-2024-new-york-legislative-session/392807/> [<https://perma.cc/HTL8-RPMJ>] (observing that “lawmakers [are] well aware that one vote could result in attack ads or election losses, [and that] there will be more factors at play in Albany this year than just legislation”).

¹²³ See Feldblum, *supra* note 4, at 811–13. A legislative lawyer should expect to draft a range of different documents for audiences with varying levels of knowledge, sophistication, time, and patience. *Id.* at 812.

¹²⁴ Op-eds drafted by students often are published under their own names. Strategically, however, we may draft a “model” op-ed to be edited by and published under the name of influential community or political leaders (e.g., from unions, religious communities, or not-for-profit heads). Professor Cooper’s clinic took this latter approach when advocating in support of the reduction in consumer debt judgment interest rates. See *supra* Part I.B.2. (Fordham’s Legislative Advocacy Clinic).

¹²⁵ Litigators also may need to take different approaches when drafting a trial brief, or appellate brief, but do not need to produce these documents simultaneously on the same matter. Further, there often are clear deadlines for when they must be completed. That said, being able to use and adapt the theory of the case/project for different contexts is a consistent strength counsel must seek to develop.

during impromptu off-the-floor/elevator pitches with elected officials or staffers, or giving testimony at a legislative hearing.

Each of these examples of oral advocacy requires constant preparedness and a quick mind, requiring the student to emphasize different points of an argument, or different data, or even distinct reasons to support or oppose a particular bill to different players.¹²⁶

3. *Long-Standing Relationships*

Successful legislative advocacy sometimes is facilitated by—and may be dependent on—the longstanding relationships a faculty supervisor or the client share with an advocacy partner, legislator, or staffer. By definition, students will not have access to these key relationships. Legislators and their staffers, well-established lobbyists serving as advocacy partners, and others, may be reluctant to share with a student confidential or closely-held information they might be ready to share with a faculty supervisor they have known for a long time. Similarly, they might be uneasy working with students who rotate in and out of a project each semester.¹²⁷ Instead, these individuals may be inclined to rely on their long-term relationships with the faculty member even for day-to-day communications or may neglect to respond to the student team until prodded by the faculty supervisor. It is for these reasons that we identify long-standing relationships as a unique attribute of legislative advocacy.

4. *Unpredictability*

All lawyers need to adapt to changing circumstances.¹²⁸ Learning-in-context and dealing with unpredictability¹²⁹ are core principles of

¹²⁶ The variety of types of documents, the range of stakeholders for whom the materials are developed, and the extent to which all the materials may need to be drafted around the same time, distinguish legislative advocacy from litigation.

¹²⁷ Community lawyering and transactional law clinics have also identified the challenge of having clients and partners who grow particularly invested in working with trusted allies and who may then be uncomfortable working with students they do not know. *See generally* Tokarz et al., *supra* note 9; Li, *supra* note 9. This may not differ from a dynamic that develops in litigation clinics when a case goes on for an extended time and the client gets to know the supervisor, especially over the summer or semester breaks.

¹²⁸ Changed circumstances can occur in litigation when a witness or a document mysteriously appears or disappears, a new discovery schedule is implemented, or there is the prospect of settlement on the eve of trial. Similarly, a venue may change, defendants or respondents or claims may be added, or a case may be thrown out of court. But again, there are guidelines or rules to follow when this happens. In transactional work, such changes might involve a new investor—or one who has lost interest.

¹²⁹ *See* Serge A. Martinez, *Why Are We Doing This? Cognitive Science and Nondirective Supervision in Clinical Teaching*, 26 KAN. J. L. & PUB. POL'Y 24, 43–44 (2016) (citation omitted) (describing the students' experience transitioning from an "artificially neatened"

clinical learning but they take distinctive form in the legislative context, where unpredictability, exacerbated by a lack of transparency, pervades the entire enterprise. The basic mechanics of how a bill ideally moves through the legislature is not difficult to understand.¹³⁰ How a bill actually makes its way through this process, however, is unpredictable.

For example, the priorities of the legislator carrying your bill may change, but as advocates, you may not know this until it is too late in the session to find another primary sponsor, and you may never know why the legislator's priorities changed. Legislative staffers may assign a cost to a bill that requires new, complex, and unplanned research—and that causes the bill to be put off until the next session, which may be months or a year away.¹³¹ A bill on track toward passage may not be taken up by the legislative body because leadership (i.e., the gatekeepers) determines (for any number of reasons or for none) that it is not a priority; or, perhaps they do not want their members voting on a particularly sensitive issue.¹³² The opposite also can occur when a bill has not moved from committee, but suddenly does, requiring a realignment of advocacy priorities.¹³³ All this, and more, can occur without notice and behind closed doors, notwithstanding open government laws.

environment into the ill-structured, “indeterminate, inexact, noncodifiable, nonalgorithmic, nonroutinizable, imperfectly predictable” practice of law).

¹³⁰ While the basic mechanics of the legislative process may be straightforward, it may be unfamiliar or feel mysterious to students. Typically, bills will be considered by one or more committees in each legislative chamber before being voted on by the respective bodies. A bill does not become law until approved by both chambers and signed by the governor. *See, e.g.*, LEGISLATIVE RESEARCH UNIT, HOW A BILL BECOMES LAW IN ILLINOIS, https://www.ilga.gov/commission/lis/98bill_law.pdf [<https://perma.cc/MFS6-Y4AV>]; *How Laws Are Made*, USA Gov. (Feb. 14, 2024), <https://www.usa.gov/how-laws-are-made> [<https://perma.cc/S2DS-P9H9>].

¹³¹ This occurred when the Fordham clinic was working to create a financial hardship exemption to the state's power to suspend the driver's license of those owing \$10,000 or more in back taxes. We had determined that there should be no cost to the bill and perhaps even a cost savings to the state since it would no longer need to pursue fruitless recoupment from individuals without the ability to pay. We therefore were surprised and dismayed to see that committee staffers calculated a financial impact of \$10 million. *See supra* note 87 and accompanying text.

¹³² Loyola's clinic was caught by surprise when a Senate Committee chair held a lead poisoning prevention bill that had passed the House unanimously without any opposition from stakeholders. We later learned that the Illinois chapter of the National Rifle Association had quietly informed the Chair that they would be opposing the bill. The reason: the bill included a provision that prohibited the sale of children's products containing a certain amount of lead, or required a warning label. The NRA was concerned the bill would prohibit the sale of ammunition because the ammunition was used by youth in hunting. We had to then negotiate with an unanticipated, and influential, player. *See* P.A. 094-0879, 94th Gen. Assemb., Reg. Sess. (Ill. 2006).

¹³³ Sometimes an inquiry to a supportive staffer can dislodge a bill that had been stuck or that the prime sponsor was not pushing as much as advocates had hoped. This is always good news, but it can require a reallocation of resources. Further, sometimes the governor or a legislative leader determines that they want to move a long-simmering issue off of the public's (or, perhaps more accurately, the media's) radar and will therefore try to move it quickly, most often at the end of a session. This occurred when Governor Mario Cuomo decided to let

While unexpected twists and turns can happen in litigation settings, surprises or changes are governed by rules and procedure—rules on changes of venue, new claims, discovery, depositions, witness lists, and more. And if things go awry, there often is the opportunity to seek reconsideration or to appeal.¹³⁴

Finally, when a bill “gets legs,” a huge amount of work often must be done in a relatively short time. Indeed, changes in scheduling in the legislative arena is at the whim of leadership, or possibly the action or inaction of a sponsor, the efficacy of other lobbyists, or wholly external events.¹³⁵

When engaging in legislative advocacy, the students may feel they are just learning the landscape within which they are working when something significant wholly changes their focus and priorities.¹³⁶ Adjusting—strategically and emotionally—can be challenging, especially for students more accustomed to the rules governing litigation.

* * *

The four characteristics of legislative advocacy described above require clinical faculty to make mindful choices about their clinical projects and teaching, which we discuss in Part III. There are two additional factors, however, that also affect these decisions: the client and the advocacy partners with whom we work. These are discussed in the next section.

B. The Nature of the Client and Advocacy Partners

The focus on systemic social change, which is one of the most compelling aspects of legislative advocacy clinics, also presents challenges. Our clients¹³⁷ may be part of a broader network or coalition seeking

through a bill mandating the testing of all newborns for HIV-antibodies, essentially revealing the mother’s serostatus without providing her with the pre-test counseling she would have received had she been tested directly. The governor had held off the bill for a number of previous legislative sessions. N.Y. PUB. HEALTH L. § 2500-f.

¹³⁴ Although a bill can be reintroduced, the opportunity to pass it may be lost because the political winds have changed and legislators no longer want to expend political capital in its support.

¹³⁵ Although state legislatures may post calendars, *see, e.g., Senate Schedules*, ILL. GEN. ASSEMB., <https://ilga.gov/senate/schedules/default.asp> (last visited on July 16, 2024); *House Schedules*, ILL. GEN. ASSEMB., <https://ilga.gov/house/schedules/default.asp> (last visited on July 16, 2024), *Legislative Session Calendar*, N.Y. STATE GEN. ASSEMB., <https://nyassembly.gov/leg/calendar/> (last visited July 16, 2024), they are subject to change, especially as the session draws to a close.

¹³⁶ The complexity and ever-changing nature of legislative strategy can be very hard for students to keep up with if they do not have prior legislative lobbying/advocacy experience.

¹³⁷ As discussed *supra* notes 12-13 and accompanying text, our clients may be community-based organizations, loosely formed—or formally established—working groups or coalitions,

to achieve legislative change, or they may want assistance building a broader network or coalition. Indeed, it is essentially impossible to attain legislative success without a broad-based collection of groups and individuals working towards a goal. The vibrancy of this work, however, does not mean that it is without its challenges.¹³⁸

1. *The Client*

Legislative advocacy projects often start with a client identifying a social or economic injustice that is disproportionately harming their members, clients, or service-users that cannot be solved through piecemeal litigation or other means of advocacy (e.g., community organizing and educational outreach), and that they think may be better solved through the legislative process.¹³⁹ It should not be surprising, then, that our clients often have complex structures and histories and their compositions can vary, including as loosely formed coalitions, working groups, or non-hierarchical grassroots organizations that may not have a designated or binding decision-maker.¹⁴⁰

Client-centered counseling—keeping the client informed of any updates, discussing any potential changes in strategy or expected (or desired) outcome, and obtaining client consent for moving forward,¹⁴¹ which may require a sophisticated balancing of a broad range of members' interests and concerns—can be particularly challenging. Indeed,

legal advocacy or not-for-profit organizations, and task forces sometimes appointed by the legislature or governor, or combinations thereof.

¹³⁸ Other clinics also work with organizational clients and they, too, may face similar challenges. See generally Tokarz et al., *supra* note 9; Li, *supra* note 9; Sarah Davis & Kathleen G. Noonan, *Law in Action: Learning Health Law Through Experience With Stakeholders at the Patient and System Levels*, 9 IND. HEALTH L. REV. 559 (2012).

¹³⁹ See *supra* Part I (Legislative Advocacy Clinics).

¹⁴⁰ The Fordham clinic partners almost exclusively with grassroots organizations and working groups of advocates, at least some of whom are attorneys. The Loyola clinic works with similar groups as well as a broader array of partners, including state-established commissions, legislators, and working groups. *Id.*

¹⁴¹ Depending on the organization/coalition/working group's nature, the decision-maker may be the executive director of the organization(s), a consensus of coalition members, or a sense of those present at a given meeting. At Fordham, when our advocacy partners have disagreements, we typically rely upon them to work it out on their own, although we have, on occasion, facilitated a group's processing of the issues. Loyola's clinic more often may have responsibility for helping a client to work through these disagreements by conducting relevant research to inform the discussion. Analogous questions of "who is your client?" also arise in community lawyering clinics. See Tokarz et al., *supra* note 9, at 386-389 (noting that a key to solving these complex issues is continuous open communication among all parties involved, allowing expectations to be managed, goals to be clear, trust to build, and continuity over time to be a possibility); Scott L. Cummings, *Movement Lawyering*, 27 IND. J. GLOB. LEGAL STUD. 87, 102-105 (2020) (discussing ways in which lawyers must consider their approach to counseling and managing conflicts that arise when they represent individuals in the broader context of the movement and what they should do when there is no, or weak, organizational leadership).

students may struggle with fundamental questions of “who is the client?” and “to whom am I accountable?”¹⁴²

Difficulties may occur especially if the client wants legislation that turns out to be not politically workable or when quick decisions must be made (e.g., about potential amendments to a bill that could be the deciding factor in whether the legislation can progress to a vote).¹⁴³ Few students arrive in law school having worked in coalitions, presenting an added learning curve.¹⁴⁴

Students also may have to negotiate potential power and information differentials with their clients. For example, when working with grassroots organizations, students may not recognize the importance of lived experience (or do not have a similar lived experience) when discussing strategy and desired outcomes. Conversely, they may simultaneously need to learn the mechanics and intricacies of the legislative process and explain these realities to their client.¹⁴⁵

On other projects, the clients may be attorneys or individuals with legislative, policy, or other types of expertise who have a more sophisticated understanding of the underlying systemic issue or advocacy dynamics.¹⁴⁶ It is challenging in these contexts for students to not simply defer to the client, potentially neglecting to properly counsel them, even when the students have developed expertise through their own research.¹⁴⁷

¹⁴² While students often learn from discussions among clients with more than one leader, they can find it discouraging when a non-hierarchical client is unable to make a decision. *See infra* Part III.B.2. (Working with Clients).

¹⁴³ More specifically, if a client is too idealistic about what may be possible, they may end up losing the opportunity to get a good, if not perfect, bill passed. This struggle—and disappointment—is not unique to the client, as legislative lawyers also can experience this frustration. Similarly, such tensions can arise when settling litigation and finalizing the terms of a transaction.

¹⁴⁴ *See generally Developing Effective Coalitions: An Eight Step Guide*, PREVENTION INSTITUTE, <https://www.preventioninstitute.org/publications/developing-effective-coalitions-an-eight-step-guide> [https://perma.cc/8GK6-Q9RD] (last visited on July 19, 2024); Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLIN. L. REV. 355 (2008).

¹⁴⁵ A good example of this is Loyola’s ongoing work with the Statewide Youth Advisory Board to the Illinois Department of Children and Family Services, where students often teach information to the youth as they are learning it. *See supra* Part I.B.2. (Loyola’s Legislation & Policy Advocacy Clinic).

¹⁴⁶ Some clients may have strong existing relationships with legislators or staffers, giving them a level of procedural—as well as substantive—expertise. *See supra* Part II.A.3. (Long-standing Relationships).

¹⁴⁷ Students in Loyola’s clinic faced this challenge when working with a group convened by the Administrative Office of the Illinois Courts to consider redrafting a provision in the Juvenile Court Act. While the group members knew how the provision was used in their jurisdiction, and were far more familiar with the Act generally, the students, through their research and interviewing other stakeholders, had developed expertise in the legislative history, the impact of the provision on youth, and potential legal challenges to the provision. *See infra* note 169 and Part III.A.4. (Complexity of the Project).

Finally, as we bring in new students each semester—and doing so can be exciting due to the fresh perspectives they bring to the work—it can be difficult for the new team to maintain a client-centered approach, particularly when they are skeptical about well-considered and established client goals or strategy.

2. *Advocacy Partners*

As noted earlier, legislative advocacy campaigns are rarely successful without working with a larger group of advocates.¹⁴⁸ Regardless of the client with whom the clinic is partnering, there is a strong likelihood that to achieve their goals, the students also will be working with a broad array of other individuals, loosely formed groups, or more formally structured coalitions, which for the purpose of this Article, we refer to as advocacy partners.

Like our clients, any one of our advocacy partners may themselves be comprised of complex groups—having many different and connected entities aligned with their work. These can include grassroots groups, legal advocacy organizations, practitioners and professionals from different disciplines, and people with lived experience.¹⁴⁹ They may have come together to address a specific problem or exist to react to a range of issues under a particular topic.¹⁵⁰ As with our clients, students must manage the breadth of knowledge and expertise that the advocacy partners bring to the table.

Adding to these challenges, depending on how formally the coalition is structured, it may be unclear to the students—or other advocates—whom the group represents, or whether they are even speaking on behalf of a large or impacted constituency. The representative at the table may or may not be in a position to speak for the entire group. In fact, the representative may be uncertain of what—or whose—position they are representing, or from whom they need agreement to take a position. Working with several advocacy partners—which we often are—can multiply the complexity.

* * *

¹⁴⁸ One of the first questions a legislator will ask advocates is who else they are working with and perhaps whether specific other organizations or coalitions support or oppose the bill. Transactional clinics, among others, may also work with diverse and complex coalitions. See generally Tokarz et al., *supra* note 9, at 378, 396; Li, *supra* note 9, at 193.

¹⁴⁹ See generally Tokarz et al., *supra* note 9, at 386-387; Li, *supra* note 9, at 192-193, 201.

¹⁵⁰ For discussion of the reasons coalitions come together, see generally *Developing Effective Coalitions*, *supra* note 144; Bernice Johnson Reagon, *Coalition Politics: Turning the Century in HOME GIRLS: A BLACK FEMINIST ANTHOLOGY* (Barbara Smith, ed. 1983).

Working with clients and advocacy partners can require advanced skills, including managing complex negotiations, navigating shared deliberations and decision-making, and making hard compromises. As a result, it can be particularly challenging to adapt clinic structure and pedagogy to support students in assuming positions of responsibility when working with clients and advocacy partners, as well as with external individuals or groups including legislators (and their staff) and legislative opposition.¹⁵¹

III. OUR PEDAGOGY

We have made deliberate choices about project selection, student supervision, seminar content and organization, and the structure of project rounds, to ensure that we meet our four learning goals of self-reflection, client-centered lawyering, collaboration, and the pursuit of social justice, and to address the challenges of teaching legislative clinics. In this Part, we discuss these choices.

A. *Project Selection and Design*

Student investment in a project and opportunities to engage in self-reflection and obtain critique from peers and the client, are essential for learning in context, developing professional judgment, and creating a foundation from which our students can transfer their learning to future practice.¹⁵² Therefore, these learning goals, as well as a project's ability to facilitate client-centeredness, create opportunities for collaboration, and to further social justice are our priorities.¹⁵³ Similarly, any project we take on must be one that allows us to mitigate some of the challenges described in Part II. To ensure we meet these goals, when selecting and designing projects we are guided by four criteria: the willingness of the client to engage with students, the availability of substantive opportunities for student involvement, the time required to see the project through to its successful end, and the complexity of the project.¹⁵⁴

¹⁵¹ See *infra* Part III.B. (Supervision).

¹⁵² See *supra* Part I.A. (Learning Goals) and Part I.B. (Our Clinic Projects and their Impact).

¹⁵³ In particular, we will seek out those projects that facilitate conversations of structural inequality.

¹⁵⁴ A legislative advocacy clinic can look very different depending on how geographically close the clinic is to the state capital or the decision-making body with whom the clinic will be interacting. If the capital is nearby, students likely will have many more opportunities to interact with other advocates and legislators, and to see the legislature in operation.

As both of our clinics are at least three-plus hour train rides from our respective state capitals, we must structure our projects such that communication and advocacy can occur both remotely (via Zoom and emails) and in person, and consider whether the client or the

1. *An Engaged Client*

Our clinic projects must be identified as priorities by underserved and underrepresented communities, or by our clients who often represent these communities. Our clients also must share our goal of creating good learning opportunities for the students, be willing to accept our teaching model,¹⁵⁵ and be able to make the time necessary to support the students' work on the project.¹⁵⁶

The question arises: what is the role of the clinical professor and what is the role of the client? We both engage deeply with our students: requiring them to do all that is necessary to provide their client with high quality lawyering. This means that we will urge (and at times participate in) our students' brainstorming and planning, guiding them towards ideas and resources that may be unknown to them (in part due to their lack of familiarity with the legislature and the uncertainty that comes from operating in a venue with few written rules). Further, we require our students to share their plans and outlines with us to provide early feedback that helps keep them on track. Finally, we review all student drafts (from emails to one-page advocacy documents to legislative memos)—often many times.

This leads us to an interesting difference between our clinics. Professor Weinberg and the Loyola clinic faculty are recognized experts on many of the subjects on which the clinic works.¹⁵⁷ Therefore, clinic faculty are particularly well-equipped to provide students with insight and perspectives about on-the-ground implications of different ideas or proposals, even as they learn alongside the students about many of the intricacies of the issues involved. As a result, Loyola's relationship with their client often involves shared decision-making.¹⁵⁸ Because Professor

clinic is better able to carry out the on-the-ground advocacy in the state's capital. This can vary from project to project. *See supra* Part I.B.1. (describing Loyola's decision to not take on primary responsibility for the part of a specific advocacy project that required being in the state capital regularly).

¹⁵⁵ Clients are informed that students must have substantive roles in the development and execution of strategy. This can be challenging both for grassroots groups (who understandably wish to amplify the voices of directly impacted individuals and who may be skeptical of law students' ability to truly understand the conditions the organization is seeking to change) and attorneys (or professional-led) organizations (who, while grateful for student partners, may find frustrating their slower pace or difficulties with producing work products).

¹⁵⁶ Students can become impatient with the heavy workload being carried by our clients, such as when they are unable to provide timely feedback.

¹⁵⁷ *See generally* Anita Weinberg, *Seeing the Forest through the Trees: Rethinking the Meaning of 'Child Welfare,'* in REFLECTIONS ON CHILD WELFARE AREAS OF PRACTICE, ISSUES, AND SERVICE POPULATIONS (Rachel Adams ed., 2020) (providing a retrospective of some of her work in the child welfare arena).

¹⁵⁸ Loyola's relationship with its clients also leads to the clinic faculty staying actively involved in projects during semester and summer breaks, in addition to generating scholarship

Cooper takes on varied subjects about which she may be learning along with her students, the Fordham clinic's relationship with a client is more akin to a traditional lawyer-client relationship, meaning the students counsel the client, but the decision-making stays with the client.

Potential clients may have their own concerns about partnering with a clinic. Some may reasonably determine that it is faster and easier for them to get the work done on their own. Given that many of our potential clients are public interest attorneys or community organizers, their own heavy workload may lead them to conclude that they may not want or be able to sufficiently engage with our students. The challenge is that we often work at a slower pace than the client or advocacy partners because students are learning as they are doing the work.¹⁵⁹

2. *Opportunities for Students*

We place significant weight on whether the issue already is a priority of other advocacy groups and experts such that students will have less opportunity to play an important part in the substantive decision making and advocacy, or to interact with or make presentations to coalitions and impacted populations, as well as legislators and their staffers.¹⁶⁰ That said, Loyola's clinic sometimes will take responsibility for discrete parts of projects, collaborating with a client and advocacy partners on a larger legislative campaign. This may include assigning students to research issues, interview stakeholders, review data or file Freedom of Information Act requests to gather needed information for the larger campaign, and draft the bill and accompanying materials. In all cases, regardless of which parts of a campaign the students are working on, they remain involved in strategy sessions, negotiation discussions, and critiquing draft bills. While they may not have primary responsibility for all aspects of the campaign, they are engaged in collaboration with other

and attending to administrative responsibilities. Professor Cooper remains involved in projects through the end of the legislative session, which typically occurs in early to mid-June. As a tenured professor on a nine-month contract, Professor Cooper is encouraged to engage in scholarship over the summer; were she not tenured (or tenure-track), there would be a greater expectation that she would remain actively involved in the clinic projects during breaks.

¹⁵⁹ Our partners then may move ahead faster than the students, not waiting for student drafts. This sometimes requires restructuring a planned project, when, for example, over winter break, partners drafted a bill the Loyola clinic had agreed students would draft. In that case, the student role shifted to critiquing and making changes to the initial draft bill.

¹⁶⁰ Professor Cooper, for example, opted against pursuing a marriage equality project (notwithstanding her work on the issue) because many LGBTQ+ advocacy organizations were already occupying this space, which would have minimized the students' opportunity to engage in substantive advocacy.

advocacy partners,¹⁶¹ a critical skill for legislative and policy work. The Fordham clinic does not initially take on discrete parts of a project, instead working step-by-step with the client to identify ways in which the clinic can best help to craft and execute a given legislative campaign.¹⁶²

3. *Likelihood of Success and the Timeframe for Achieving a Client's Goals*

Paraphrasing long-time Chicago-based advocate John Bouman: There is no such thing as a legislative failure, only long-term initiatives.¹⁶³ In our experience, ideally, most legislative projects are completed in a maximum of three-to-four-years.¹⁶⁴ Because there are many unknowns when we take on a project, we must consider ahead of time what can be accomplished during a semester, often working with our clients to identify realistic work products and creating worthwhile learning goals. In addition, our legislatures do not meet during our fall semester and students therefore are less likely to meet with lawmakers or staffers or to travel to the state Capitol. These unknowns, and the arc of the legislative calendar, lead us to structure the seminar to ensure that students will also obtain legislative advocacy skills through simulation, even when

¹⁶¹ Because legislative campaigns are rarely accomplished in one or two semesters, individual student teams are not at a disadvantage when they work on only a discrete part of the campaign. An example of this type of collaboration is Loyola's work to pass legislation to amend the Illinois School Code to prohibit fining students or family members for students' behaviors in school. One advocacy partner assumed primary responsibility for analyzing data returned from a Freedom of Information Act (FOIA) request; another partner, based near our state Capitol, carried primary responsibility for daily lobbying activities. Loyola's students drafted the FOIA requests, bill language, and supporting materials. We met with the advocacy partners at least weekly to update one another, discuss questions and concerns, and reach agreement on next steps.

¹⁶² There are times when the client (and the Fordham clinic) will reach out to others to play significant roles in a campaign (e.g., to be more present in Albany, to edit and sign op-eds, to reach out to legislators with whom they have a relationship).

¹⁶³ Bouman was a legal services attorney, served as the advocacy director and then President of the Shriver Center on Poverty Law, and is now the founding director of Legal Action Chicago. He has worked on individual and class action representation, and on state and federal legislative and policy initiatives throughout his career. *Staff*, LEGAL ACTION CHICAGO, <https://legalactionchicago.org/who-we-are/staff/> [<https://perma.cc/WX4U-3JD9>] (last visited Aug. 30, 2024).

¹⁶⁴ Typically, the first year is spent doing background research to determine if a project is legally and politically feasible, and with luck, drafting a bill. During this phase, the students and the clients often will be in touch with the legislator (and their staff) who will be sponsoring (i.e., introducing and taking significant responsibility to pass) the bill. During the second year, students meet with additional directly-affected individuals, advocates, legislators, and legislative staffers. The information they glean from these meetings allows them to amend the bill, if necessary, to address unforeseen objections and to further shape messaging and advocacy. In the third year, clients and students work hand-in-hand to bring on additional bill sponsors, to ensure that the legislative leadership is on board, and to push for a vote on the bill before the legislature adjourns.

not through live-client work.¹⁶⁵ We hesitate to take on clinic projects that we expect will last more than three or four years.

While we may agree to work on a project that is challenging and may not become law in this timeframe, we are more likely to do so when it is important to commence a campaign to educate the public and the legislature before moving forward with legislation.¹⁶⁶ Loyola's clinic has adopted several projects with this purpose in mind. For example, the Clinic undertook two significant research and writing projects with the intent of laying the groundwork for later advocacy with community-based groups, stakeholders, advocacy organizations, and public officials to re-think how the state responds to children in conflict with the law.

These reports—examining the minimum age at which children should be held responsible for criminal behaviors¹⁶⁷ and assessing the impact of sex offender registries on youth¹⁶⁸—made recommendations for policy and legislative reforms. All participants thought it was premature to bring these issues before the legislature but believed the reports would deter harmful legislation from being passed and enable legislation to eventually move forward.

¹⁶⁵ See *infra* Part III.C. (Seminar).

¹⁶⁶ We recognize, of course, that even in the best of circumstances, a project may become too politically complicated, or a client ultimately may not have the bandwidth to support the work. For example, the Fordham clinic partnered with the New York Civil Liberties Union (and aligned with a broader coalition of individuals and organizations) for about two years, trying to get the Gender Equality Non-discrimination Act (GENDA) passed. We drafted a 30-plus page report, a four-page glossy brochure, and other advocacy materials to increase the significant need for this bill. Ultimately it became clear that the Republican-led Senate would not permit the bill to come to a vote and advocates suspended (public) work on this project until the Democrats took over the Senate majority. Notwithstanding this trajectory, this was a very worthwhile learning experience and opportunity to advance support for the bill.

In a different situation, the Fordham clinic and its clients had sought to make it easier for low-income and immigrant New Yorkers to start small businesses as LLCs; ultimately, this campaign ended because we learned the goal (allowing LLCs to publish statutorily mandated information online instead of in local publications) was both not politically feasible (some of our anticipated allies did not want to undermine financial support for local newspapers) and would have required far more community organizing than the clients had the capacity to support.

¹⁶⁷ See EVE RIPS ET AL., LEGISLATION & POLICY CLINIC, CIVITAS CHILDLAW CENTER, LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW, INCAPABLE OF CRIMINAL INTENT: THE CASE FOR SETTING A MINIMUM AGE OF CRIMINAL RESPONSIBILITY IN ILLINOIS (2021). https://www.luc.edu/media/lucedu/law/centers/childlaw/pdfs/incapable_of_criminal_intent.pdf. The Loyola clinic was asked by the co-director of Loyola's Center for Criminal Justice, Research, and Practice, to take on researching and writing a report examining the minimum age at which children should be held responsible for criminal behaviors.

¹⁶⁸ See ILLINOIS JUVENILE JUSTICE COMMISSION, IMPROVING ILLINOIS' RESPONSE TO SEXUAL OFFENSES COMMITTED BY YOUTH: RECOMMENDATIONS FOR LAW, POLICY, AND PRACTICE (2014), https://www.luc.edu/media/lucedu/law/centers/childlaw/pdfs/improving_illinois.pdf [<https://perma.cc/FR4Z-J3BT>]. The Illinois Commission on Criminal Justice asked the clinic to partner with the Commission and Northwestern University's Children and Family Justice Center to prepare this report.

These projects provided students with opportunity for self-reflection as they collaborated with partners and stakeholders: they delved into controversial subjects, having to understand opposing positions, and brainstormed effective approaches to addressing the issues. As the students participated in drafting the report, they also gained legal research, writing, and communication skills that will transfer to any legal workplace.

4. *Complexity of the Project*

The question of timeframe often is inherently linked to questions about the complexity of the project. Sometimes a project is complex because it requires a very broad range of research. For example, it may require analysis of social science research and data, an in-depth study of our existing state laws and accompanying rules, a 50-state comparison of relevant laws as well as review of international law, and key stakeholder interviews. Or a project may be complex because of the subject matter, necessitating a command of an especially difficult topic or issue.¹⁶⁹ While we do not shy away from these projects, we focus on ensuring that students are capable of diving into the work and investing in the outcome, facilitating both a positive outcome for the client and a positive learning experience for the students.¹⁷⁰ More specifically, faculty work with the students to break the project into meaningful, yet more finite issues that can be completed in a semester. A project is likely to be meaningful not only because of its desired goal, but also because it provides an opportunity for the student to invest in the work.

* * *

In sum, both clinics serve unique roles as legislative lawyers and advocates for our clients, notwithstanding the different types of projects we may take on. Professor Cooper typically looks for niche initiatives that can make a difference in the lives of disenfranchised New Yorkers,

¹⁶⁹ Loyola's clinic has been working on amending one paragraph in Illinois' Juvenile Court Act for several years. The project was first proposed by a youth formerly in care. While our focus is only three run-on sentences, the project is complex because: (1) it is difficult to grasp the meaning of the three sentences; (2) it is difficult to explain the meaning to others; (3) there are different recollections and legislative histories available to identify the original purpose behind the provision; (4) it is politically fraught; and (5) it is challenging to identify realistic solutions if the sentences are removed. Each semester that a new group of students takes on responsibility for this project, they must review all the materials already gathered and move forward. Why do we continue the project? Because our advocacy partners have become more committed to the issue and engaged in the discussion, and we consider it an important due process matter that should be addressed.

¹⁷⁰ See *supra* Part III.A.2. (Opportunities for Students).

but which are not the focus of other advocates, and which do not contain budgetary requests.¹⁷¹ Professor Weinberg will take on projects that can improve the lives of children and families, even when higher profile advocacy organizations are part of the movement for change. As described in the next section, this difference can affect the ways we supervise our students. We both, however, prioritize ensuring that the students are able to immerse themselves in the legislative campaign, assuming significant responsibility for its success.

B. Supervision

Much of what we do through supervision is similar to most clinicians and reflects best practices. We work to ensure students feel ownership of their work, build relationships and learn to collaborate with their team members, client, and advocacy partners, and learn to manage unpredictability. In this section we highlight additional approaches we have found helpful when supervising students and addressing the challenges we identify in Part II.

First, some context. Our clinics are fairly similar in size and number of credits.¹⁷² We teach one semester clinics, although some students may continue for a second semester.¹⁷³ Because we place a premium on the power of collaboration¹⁷⁴—for its own attributes and because successful legislative advocacy requires the ability to work effectively with others—teams of two to four students work with a client, staying on the same project with the same teammates throughout the semester.¹⁷⁵ Students are expected to devote an average of 12-15 hours per

¹⁷¹ If a project has a relatively small budgetary impact (e.g., a fraction of the state's overall budget), however, we would consider working on it.

¹⁷² Fordham's clinic has ten students and awards five credits for the clinic: two for the seminar and three for project work. Loyola's clinic has 12-15 students and awards four credits total for seminar and project work.

¹⁷³ At Loyola, students are allowed to remain in clinic if they are interested in doing so and their project is continuing; on average two to four students will stay on. At Fordham, students are permitted to continue for an additional semester on complex projects where having more continuity between semesters would be especially helpful. In both of our clinics, when students stay for a second term, they are expected to attend those seminar classes with guest lecturers, project rounds, and final project presentations.

¹⁷⁴ See Bryant, *supra* note 27, at 460 (observing that the collaborative process is likely to yield new ideas "rather than to a simple summation of ideas"; "[maximizes] use of the experiences and knowledge that each collaborator brings to the joint work;" and "cherishes differences and recognizes that conflict can be constructive and valuable"). Fordham also encourages collaboration with students taking clinics that are a part of Lincoln Square Legal Services, Inc., as the bounds of maintaining client confidentiality apply within the entire law firm.

¹⁷⁵ Professor Cooper requires her team to meet at least twice during the week amongst themselves (in addition to their 60–90-minute weekly supervision meeting with her) and that one of these meetings be in person. In addition to the 90-minute supervision meeting with clinic faculty, Professor Weinberg expects students to meet at least once per week amongst

week to their project, and additional time for work related to the clinic seminar.¹⁷⁶

All of our supervision seeks to ensure that after a semester, students leave the clinic not only with lawyering skills, but also in the words of cognitive scientist Guy Claxton, with the ability “to monitor [their] progress; . . . to measure it; to mull over different options and courses of development; to be mindful of [their] own assumptions and habits, and to be able to stand back from them and appraise them.”¹⁷⁷

1. *Seeing the Big Picture*

Because we do not represent individuals, and instead represent one or more client organizations, students sometimes struggle to connect the problem(s) identified by the client (i.e., an individual or group’s experiences on the ground) and the systemic solutions that will address the clients’ concerns. They also may have difficulty grappling with problem definition and project goals, especially at the beginning of a project.¹⁷⁸ Our task is to help our students bridge this gap. This requires us to familiarize the student with the systems within which they will be working, and with the structural, racial, and economic disparities that influence these systems and their clients’ lives. Understanding these disparities also can help the students grasp the significance of the work they are doing.

When focusing on the larger concerns, however, some students may lose sight of the impact these systems have on the lives of individuals and families. To help students make this connection, when working on a child welfare related project, for example, Professor Weinberg uses system maps and flow charts to help the students understand when a child or family might first come into contact with the child welfare system, how they move through the system, and where and when are the system’s decision points. They also discuss how and why families of color

themselves and as many more times as necessary to complete their work. For both our clinics, supervisory team meetings take place in person. Students are expected to try to resolve differences within the team—whether about next steps or work styles or anything else—but faculty stay attuned to potential problems and provide guidance in resolving them when appropriate.

¹⁷⁶ The Loyola clinic is co-taught and the student-faculty ratio ranges from 6:1 to 10:1. The Fordham student-faculty ratio is 10:1. The lower Loyola student-faculty ratio reflects the administrative responsibilities carried by Professor Weinberg, and that until recently, the clinic was co-taught with a post-graduate teaching fellow or no additional faculty.

¹⁷⁷ BEST PRACTICES, *supra* note 10, at 66–67 (originally quoting GUY CLAXTON, WISE UP: THE CHALLENGE OF LIFELONG LEARNING 14 (1999)).

¹⁷⁸ See, e.g., Susan Bennett, *Embracing the Ill-Structured Problem in a Community Economic Development Clinic*, 9 CLIN. L. REV. 45, 62 (2002). Problem definition and clarification of law and facts can continue to be complex with new students joining the clinic each semester.

are disproportionately represented in the system.¹⁷⁹ They return to these questions throughout the life of the project.

To help students understand the potential impact of their systemic work on the lives of individuals, Professor Cooper, for example, requires her students to engage with the clients or members of their organizational clients' early in the semester. Students on a consumer rights advocacy team may attend or volunteer at CLARO, a limited-scope program providing legal advice and services for unrepresented defendants with consumer debt cases.¹⁸⁰ Students working to protect the rights of intersex individuals may attend or volunteer at open forums/town halls where their presence would not be inappropriate or intrusive.

Students also may struggle with understanding where their work on the project fits into the overall legislative campaign, or may be impatient and frustrated that they are working on early phases of a campaign and will not be involved in what they perceive as the more exciting aspects of legislative advocacy. To deal with this, in a supervisory meeting, we map out with students the plans for the full campaign (to the extent it is known), review what we hope to gain from each strategic step,¹⁸¹ and discuss how the students' work fits into the whole.

We turn now to describing how we help students build relationships with their clients—and counsel them—and with the many advocacy partners and decision-makers who are part of a legislative campaign.

2. *Working with Clients*

This section focuses on what we do to help our students work productively with clients who often represent a group of individuals or organizations. The structures of the organizations often are complex, having many different types of members and decision-making processes.

a. How Faculty Support Student-Client Relationship Building

Students sometimes express confusion about the role of the faculty supervisor vis-à-vis the client, especially when the client is an attorney

¹⁷⁹ We ask the students to brainstorm why and what they think, even with their limited knowledge, could be done to prevent contact with the child welfare system. They are sometimes at a loss to understand why the system is not focused on the family's basic underlying needs, which are often directly related to poverty.

¹⁸⁰ See *CLARO*, FORDHAM LAW SCHOOL, <https://www.fordham.edu/school-of-law/centers-and-institutes/feerick-center-for-social-justice/programs/civil-legal-advice-and-resource-office/> (last visited Sept. 6, 2024) (describing the Civil Legal Advice Resource Office supported by the Feerick Center for Social Justice in the Bronx, Manhattan, and Staten Island, and by other law schools and organizations around New York State).

¹⁸¹ When starting a new project, significant foundational work often must be done. These early efforts can include statutory and case law research, stakeholder interviews, data gathering and analysis, Freedom of Information Act requests, as well as coalition building.

(or there is an attorney among a client group). Even though we may have different types of relationships with our clients, in both of our clinics we are the primary vehicle for teaching students to plan, execute, self-reflect, and accept—and give—critique.¹⁸²

We also place high value on the students developing a close relationship with the clients, which admittedly can be challenging if we have worked with the clients for some time. In the past, to foster students' independence and their investment in the project, further the client's investment in the students, and support their relationship-building, we both required students to hold their first client meeting without us. Notwithstanding extensive preparation with the students before this meeting,¹⁸³ students frequently left these initial meetings quite confused and frustrated. We realized that most new clinic students do not sufficiently understand the range and depth of what they do not know or are not aware of the assumptions they are making and therefore would not ask follow-up questions—or were too insecure to do so. At the same time, the client did not always grasp the complexity of the project, or did not perceive the students' confusion, and did not effectively convey their goals.

We therefore now attend each team's first meeting with their client. We still engage in detailed preparation with the students and expect them to take the lead in these meetings. But we may ask clarifying questions, encouraging them to unpack any assumptions they have made about the client, the project, or the legislative process.¹⁸⁴ We seek to ensure that the students have a reasonably clear vision of both the client's goals and their own next steps by the end of this initial discussion.¹⁸⁵

Although we use the project selection process to head off any tension that might develop between students' and clients' expectations of how their relationship will develop—specifically by discussing with potential clients the goals for student learning and the timeframes within

¹⁸² See *supra* Part I.A. (Learning Goals). See also *supra* Part II.B.1. (The Client), Part III.A.1. (An Engaged Client), and note 141 (describing Fordham and Loyola's clinic faculty relationships to their clients).

¹⁸³ This included the students identifying their goals for the meeting, preparing a proposed agenda for the client, drafting an internal outline for the meeting, and our stressing the importance of reviewing any existing files.

¹⁸⁴ Students sometimes hesitate to ask follow-up questions of the client (and, at times, of us), both during a meeting and afterwards. We seek to increase their self-confidence to ask questions in the moment; or, if that does not occur, to use the next supervisory team meeting to reinforce the importance of asking questions.

¹⁸⁵ Some clinicians would assert that the students' failure to ask the appropriate questions in the first meeting would be an excellent teachable moment: that from this experience they would learn to be more prepared and more assertive. We do not argue with this, but have discovered that in a one-semester clinic we cannot afford to wait until the client and our students can get in the same room (or Zoom) again. Rather, early intervention better serves our learning goals and allows the students to better meet the client's legislative goals.

which we can work—there may be occasions we need to engage with clients who wish the student team could grasp the scope of the project and the client’s goals more rapidly. Similarly, we use our team supervision meetings to encourage the students to develop empathy for the client’s experience and, when relevant, to identify ways they can be better prepared for the client or to communicate their preparedness.¹⁸⁶

b. Client Counseling with Complex Clients

All clinic students need to be focused on their client’s interests, values, and goals. The difference for students in legislation clinics is that the client is not one person, but rather can be one or more individuals representing a broad range of people and communities who will be impacted by the decisions the client is making. When considering options and counseling their clients, students must consider the impact and implications of any path taken on this broader group.¹⁸⁷ This can be especially difficult, as students typically are novices in counseling only one client; now they need to help their client consider not only the options, but also how their decisions may impact much larger groups. Students also must be prepared to consider the potential conflicts that might arise with the client group, as well as between the client and its advocacy partners.

We often ask our students: how and why they think the client group, advocacy partners, and other stakeholders (supporting and opposing groups), as well as legislators and the media, may react to recommendations they are making, advocacy materials they are preparing, or provisions they are including in a draft bill?¹⁸⁸ This series of questions forces the student to think differently than in most clinic litigation matters

¹⁸⁶ Professor Cooper typically interacts with the clients only if there is a concern about the project or the student work. Loyola’s clinic faculty often has regular contact with the clients and may be working with them on several non-clinic-related projects as well. See Part II.B.1. (The Client) and *supra* note 141 (describing Fordham and Loyola clinic faculty’s relationships to their clients). For this reason, Professor Weinberg may find herself caught in unexpected conversations on a project topic with clients or advocacy partners, without the students. Ordinarily she will stop the conversation to bring in students. When this is not possible, she ensures that the students are updated on the conversation and understand all that was discussed.

We inform our clients and the legislative staffers that it is our practice to include students in all communications. There also may be exigencies, however, when they reach out to us or they reach out to clients with whom they have a long-standing relationship. If this happens, afterwards we will explain to the students why this occurred and fill them in on what was discussed.

¹⁸⁷ See *supra* Part II.B.1. (The Client). The client counseling concerns present in legislative advocacy may be more like those in class action and impact litigation.

¹⁸⁸ Even though the students rarely are involved in the implementation of a law, proper client counseling requires that they understand potential challenges—both pragmatic and legal—to implementation and that they consider them while drafting, negotiating, and counseling their client about a piece of legislation. For this reason, we focus students on considering these concerns.

where the client's focus typically is on their own needs (and perhaps those of their family). Rather, our students must learn not only about their client, but also about all of the complex players present in a legislative campaign.¹⁸⁹ (Due to this complexity, there may be times when we suggest creative solutions to unexpected problems that are beyond the ken of even the most prepared student.)

3. *Working with Advocacy Partners*

Students often are not familiar with the role of advocacy partners—those individuals and organizations who may be actively involved in helping to move a legislative campaign forward, engaging in strategic planning, raising awareness about the issue within their own groups, advocating, and lobbying legislators. Students need to learn about the constituencies they represent, their goals, their relationships to the client and to one another.

We discuss with the students these organizations' interests as they relate to the legislative effort. Questions that we may wrestle with include: Who does the advocacy partner represent? Do they have the authority to make decisions when they sit at the table? What knowledge, capacities, expertise, or relationships do they bring to the effort? How might the advocacy partners react to recommendations under consideration? What power and influence do they carry in this effort?

To help students identify the role of the advocacy partner and their significance to the larger campaign, we may introduce a power mapping tool, which helps advocates identify those “individuals with the greatest likelihood of helping make change being sought [and] the pathways or connections that can help” us gain access to them.¹⁹⁰

4. *Working with Decision-Makers*

Legislative work requires us to address the concerns and interests of a broad array of decision-makers. To prepare students for this work, we help them understand how to identify the relevant legislative decision-makers (e.g., those with the power or authority to support or oppose our initiative, who can influence the votes of others, and who we may be able to influence). Students may need to research these

¹⁸⁹ Especially when students are preparing to counsel long-term clients, we will share relevant information from past collaborations or campaigns. Students also will conduct online research and interview stakeholders to learn more about the underlying issue.

¹⁹⁰ UNION OF CONCERNED SCIENTISTS, POWER MAPPING YOUR WAY TO SUCCESS (Apr. 2018) https://www.ucsusa.org/sites/default/files/attach/2018/07/SN_Toolkit_Power_Mapping_Your_Way_to_Success.pdf (describing power mapping as “a visual exercise that helps you to identify the levers and relationships you can take advantage of to gain access to and influence over your target”).

decision-makers' roles and assigned responsibilities within the legislative body, their professional interests, their constituent concerns, their values, and even sometimes their hobbies and family. All of this can be relevant both to project strategy and to messaging.

We ask the students what they think might influence any given decision-maker whose support we need. We reiterate that, like anyone, they can be influenced by their own life experiences, or the response of a colleague or even a relative—as well as by their constituents' concerns, their party's values or leadership directives to vote a certain way. In contrast to courts and juries, they are not governed by rules of evidence (e.g., regarding relevance, hearsay).¹⁹¹

That said, concerns about relevance and credibility influence our conversations with students when strategically considering what information to share with decision-makers. Some factors might even mirror those weighed in litigation (e.g., Would laws from other states be sufficiently persuasive? Which witnesses testifying about a bill will be the most credible?). We return to these discussions throughout the project because decision-makers can change, as can the political winds, which may affect a decision-maker's ability to help move forward or defeat a bill, their interest in a bill, or their thinking and position on the bill. We may, in this context as well, encourage students to use power mapping.

5. *Teaching about Written and Oral Advocacy*

Legislative advocacy requires the ability to perfect a range of written and oral communications. This can include bill language; supporting memos and fact sheets to educate legislators, advocacy partners, and the public; Frequently Asked Questions packets to assist legislators when debating their bill on the floor of the chamber; extensive reports; a two-minute elevator pitch; or an hour-long meeting with a legislator.

Students often are surprised and frustrated by the range and complexity of what must be included in these documents, even (or especially) if they must be simple and brief. It may be counterintuitive to some students that being concise requires them first to master the material. Others may feel overwhelmed with information and unsure of how to determine what material is relevant for which audiences. Finally, some students are challenged by needing to adjust their “voice” to address non-lawyers.

In each of these contexts, we ask students to go back to basics, inquiring about their client's goals, their audience, and their timetable. We may pose questions that help them to understand that they need to have

¹⁹¹ See *supra* Part II.A.1.b. (Rules of Evidence).

a deep understanding of the project before they can determine what information to include and how to present it.¹⁹² We also encourage them to share their drafts (or their elevator pitch) with a friend or relative to assess whether their material is accessible and effective.¹⁹³ Students may also seek feedback on these brief materials or “conversations” in project rounds.

To familiarize students with the range of written and oral formats, in addition to the specific work they may need to do for their clinic project (which we critique), we incorporate exercises in the seminar and provide feedback on these assignments not only for substance but also for style, conciseness, and persuasiveness.¹⁹⁴

Professor Weinberg often uses “live-critiquing” when reviewing written materials.¹⁹⁵ She will briefly review the materials the team sends her but instead of providing feedback on paper, she reviews the documents with the team during a supervisory meeting, asking questions about the choices they made and directing them to consider the benefits and disadvantages of the phrasing or the structuring they have used.¹⁹⁶ The live give-and-take provides an opportunity for clinic faculty to ask questions that help them understand why the students drafted a document as they did, engages the students to think deeply about these

¹⁹² We may also ask students to review some of the samples of prior advocacy materials the clinic has produced to assess what may be most relevant and appealing to different audiences.

¹⁹³ When sharing draft materials with others, students in the Fordham clinic need to be careful to not disclose confidential facts or strategies with those who are not part of the Lincoln Square Legal Services, Inc. law firm.

¹⁹⁴ As with many other clinicians, we often find ourselves dealing with a time crunch in which to provide students feedback on their written work or their outline for an oral presentation. We model, and build into our supervision, the use of “backwards planning,” asking students to look at the calendar to estimate how long it will take to complete a draft for our review, how long we will need to provide our feedback (often expecting to go through this process *at least* twice), and how long the clients will need to provide their critique (again, often going through this process more than once) before the final work product must be completed. See Ryan S. Bowen, *Understanding by Design*, VANDERBILT UNIV. (2017), <https://cft.vanderbilt.edu/guides-sub-pages/understanding-by-design/> (describing the work of Grant Wiggins, pioneering the use of backwards design in course design) (last visited Sept. 3, 2024) [<https://perma.cc/97FX-7YQS>]. This process may be more complicated than in litigation where a lawyer may not seek client review of their written work product.

¹⁹⁵ See Hillary A. Wandler, *Pacing Beside the Pool: Coaching Champion Writers to a Strong Finish in Clinic (Without Jumping in and Finishing for Them)*, 1 J. L. TEACHING & LEARNING 56, 75-78 (2024) (summarizing the discussion among clinical law professors about directive and non-directive supervision and discussing the benefits for both the student and the clinician in participating in live-critiquing, including efficiency, immediate feedback, engagement, reflection, and creativity).

¹⁹⁶ This has proven especially helpful when critiquing draft bill language and one- or two-page fact sheets since students are less familiar with drafting these documents.

issues, and allows and facilitates faculty providing guidance with an understanding of the students' thinking.¹⁹⁷

6. *Handling Unpredictability*

Uncertainty and unpredictability are inherent in legislative and policy work. To help students to understand and manage the unpredictability, we share examples of times when we were certain something was not going to happen and it did, and vice versa. Sometimes this means a bill passes when we did not expect it to, though more often it means that we must wait until the next legislative session to pursue our client's goals. Admittedly, this is not that different from what happens in other law practice areas. That said, we work with the students to anticipate surprises that could occur: to ask why and how they might happen, whether there is anything we can do to protect against it, or to plan our course of action if the unexpected happens. Perhaps most challenging is when there appears to be no rational basis for things going awry. Regardless of how we work with students to handle the unpredictable nature of this work, some students discover this type of work is not for them.

C. *Seminar*

In an ideal world, we would teach year-long clinics offered for six or more credit hours and our schools would be located near the state capital. Given our realities of credit allocation and geography, however, these parameters inform not only our project selection, but also our choices regarding the content of our seminar.

Throughout this Article, we have focused on our many commonalities: We work on projects seeking to disrupt institutional and structural racism, poverty, and disenfranchisement; further, government budgets and implementation challenges create complexities that test the availability of readily-identified solutions for our clients. As important, we

¹⁹⁷ While the "live-critiquing" usually is a deliberate form of feedback for the Loyola clinic, it also has been helpful when students were unable to meet a deadline to get materials to faculty in time for written feedback.

Professor Cooper employs a somewhat different approach (Professor Weinberg also uses this approach depending on the writing assignment), providing comments to students on early drafts, which she and the team then discuss during a supervisory team meeting. She also will do some line editing to draw the students' attention to stylistic concerns (e.g., using conclusory, rather than factually specific language, using passive voice too often or in a manner that omits critical details). When preparing final documents, there is a fine line—not easily negotiated—between providing helpful feedback that results in a top-notch document or presentation that continues to capture the students' voices and becoming too directive, such that the students start to disengage from the project. More than almost any other supervisory role, this dilemma challenges our best intent to facilitate student responsibility for the project.

both use the learning goals set forth in Part I, are mindful of the challenges to legislative advocacy described in Part II, weigh similar factors when choosing projects, use similar supervision tools, and want our students to develop similar lawyering capacities.¹⁹⁸ Yet, we take different approaches to crafting our seminars.¹⁹⁹

Loyola's clinic seminar is structured to ensure that students develop skills in reading and critiquing legislation and develop an understanding and appreciation for the potential of legislative advocacy—and their role as advocates—to achieve systemic change. To the extent the student team projects do not offer the opportunity to develop specific skills needed by lawyers engaged in legislative advocacy, simulated exercises fill in the gaps. Professor Cooper uses the seminar to help students hone their advocacy, messaging, and strategizing skills in the context of their legislative projects. This foundation allows students to adjust or acquire other context-specific skills that can be developed more deliberately in supervisory team meetings. As clinic projects typically are in different stages of development, both professors rely on project rounds to expose students to the range of anticipated legislative lawyering activities.²⁰⁰ The remainder of this section will describe our goals for seminar work in greater detail.

1. *The Loyola Legislation & Policy Clinic Seminar*

I am often struck by students' expectation that there is a "correct" answer to problems presented in clinic. Yet, in legislative advocacy, there isn't one right solution; each option may be fraught with new challenges or uncertainties. Even within the client group, individuals and communities may be affected differently by both the underlying problem and potential solutions. To support students in becoming (more) creative and strategic thinkers, I structure the clinic to introduce them to legislative lawyering, to teach context-specific skills, and to provide opportunities for them to struggle with legislative interpretation, observe problems with implementation of past laws, and expose them to the ways legislative initiatives can evolve.²⁰¹

¹⁹⁸ As will be evident throughout this section, we both prioritize our students' developing essential lawyering skills including: legal and factual research and analysis, fact-finding, problem solving, and oral and written communication. *See supra* note 32 and accompanying text.

¹⁹⁹ Not surprisingly, as a result of collaborating on this Article, we both are considering making modifications to our syllabi based on what we have learned from each other.

²⁰⁰ *See infra* Part III.D. (Project Rounds).

²⁰¹ *See Legislation and Policy Clinic: Learning Goals and Outcomes*, LOYOLA UNIV. CHICAGO, <https://bit.ly/LegisGoalsAssessment> (last visited Sept 1, 2024). This document is shared with students at the start of the semester to help put into context the work they will be doing during the semester, and the expected outcomes.

Students enrolled in Loyola's clinic are introduced to the clinic and legislative policy work in a six-hour orientation.²⁰² The orientation provides students with a "tasting" of a range of advocacy skills through four hands-on exercises that introduce them to some of the key skills required in legislative work, as well as the challenges, and the excitement of the work. The exercises include one to help students reflect on what makes for a good story;²⁰³ a board game to understand the legislative process and advocacy;²⁰⁴ an excerpt of a statute to focus on statutory interpretation and the role of legislative history;²⁰⁵ and a hypothetical scenario during which the students "experience" what it is like to "lobby" for a bill.²⁰⁶ While not all students will need to apply these skills in their project work, the orientation provides an exciting entry into clinic.

During orientation, we also discuss clinic responsibilities and address professionalism. This includes a review of the clinic manual, issues of confidentiality and professional responsibility, and an engaging discussion about planning agendas, convening and facilitating meetings,

²⁰² The orientation usually is held on the first Friday of the semester in lieu of our two-hour class. Loyola does not hold classes on Fridays and students are informed early in the summer about orientation, so they know to hold the date open.

²⁰³ The idea for this exercise is adapted from DEBORAH EPSTEIN, JANE H. AIKEN & WALLACE J. MLYNIEC, *TEACHING THE CLINIC SEMINAR* 283-370 (2014) (discussing the importance of storytelling and describing a class exercise used in Georgetown University Law Center's clinics).

²⁰⁴ The hypothetical is based on a bill that has been introduced over several legislative sessions that allows students to consider different perspectives and to practice clearly articulating information and positions, and to tailor their messaging to reach different decision makers. Students are assigned roles representing different interest groups. Former clinic students play the role of legislator who the students must meet with in anticipation of a committee vote. I originally developed the board game—which includes dice and pawn pieces—to use with youth in foster care to explain the legislative process. Over time it became clear it was an effective teaching tool for law students as well. Six or seven minutes of playing the game is sufficient time for some students to see their imaginary bill passed, and others to "experience" the frustration of a bill being held in committee or amended and thus losing a turn (the equivalent of a bill being slowed down while deadlines loom), or the disappointment of successfully getting one's bill through the legislature only to have the executive veto the bill. Following the game, I review the legislative process, including the role of advocates at the different stages (e.g., leading up to introduction of a bill, preparation for a committee hearing, the hearing itself, and preparation for floor consideration and vote).

²⁰⁵ This exercise is borrowed from ABNER J. MIKVA & ERIC LANE, *LEGISLATIVE PROCESS* 673-678 (2009). Students mull over the meaning of the word "forthright" in a New York State Law; we then discuss the significance of a particular word choice, understand the role of ambiguity in statutory language, and consider ways to clarify the language.

²⁰⁶ The hypothetical is based on a controversial bill that has been introduced over several sessions in the Illinois General Assembly. Students are provided brief background information reflecting different perspectives on the bill. They are assigned roles representing different interest groups. Former clinic students play the role of legislators who meet with the advocates. The students "lobby" each legislator for three to four minutes to try to convince them to support their position on the bill. The exercise requires students to consider different perspectives, to form and clearly articulate a position, and to tailor their messaging to reach decision-makers with different values and interests.

and taking minutes—skills students will use during the semester and throughout their careers.

The seminar is an essential component of the clinic. The course is taught through lecture (including guest speakers) and discussion, peer instruction through “project rounds,” and individual and group presentations. Assignments provide an opportunity to integrate and apply course material. In addition, when relevant to specific projects, faculty work with the individual student teams to integrate and apply class discussions to their projects.²⁰⁷

Because most students have not taken a course on legislation, early in the semester the seminar introduces students to reading and critiquing legislation, understanding the challenges in drafting and advancing legislation, and appreciating the complications that can arise with implementation and enforcement.²⁰⁸ We do this by examining the evolution of a federal omnibus child welfare reform law that Congress enacted in 1980 and has amended several times over 40+ years. Students read excerpts of the legislation, floor debates, and news clippings, and learn about both the legislative process and the political and social reasons that laws may be amended. Later in the semester, students engage in a drafting exercise to clarify a phrase in the law (“reasonable efforts”) that has been controversial since it was first included in the 1980 legislation.²⁰⁹

We provide several opportunities throughout the semester for students to build their legislative advocacy skills—drafting fact sheets, giving elevator speeches, and negotiating. For example, students are assigned to create a fact sheet or develop an elevator speech based on one of the federal child welfare laws described above, proceeding as though

²⁰⁷ We rely on these assignments to ensure that all students not only are introduced to different skills, but also have an opportunity to apply them. This is because student projects can be at very different stages of a legislative campaign and require different skills or work products. As discussed *infra*, Part III.D., project rounds also provide an opportunity for students to learn about a range of different advocacy projects, become familiar with the varied stages of a campaign, brainstorm solutions to possible obstacles, and reflect on what they are learning.

²⁰⁸ See *supra* note 188.

²⁰⁹ By this point in the semester, students have read legislative history related to the laws and understand the intended goals. We spend part of the class discussing how they think “reasonable efforts” should be defined and identifying several possible approaches to defining the phrase. The students are then divided into small groups to work on drafting language focused on their priority for the definition. The following week the drafts are shared with the class and the groups critique each other’s draft language, asking clarifying questions and making suggestions. I will offer feedback as well when I think important points have not been raised. The exercise not only illustrates the difficulty in drafting clarifying language, but also brings home the challenge of finding language that does not raise more questions or open the door to opposition.

the law were still pending as a bill.²¹⁰ This gives students the opportunity to begin to develop skills preparing fact sheets and elevator speeches. It also ensures they have completed the week's reading assignment. Clinic faculty provide written feedback on the fact sheets outside of class. We use class time for students to present their elevator speeches, with the other students providing constructive feedback on what was effective and what was vague, and sometimes suggesting a different approach.

Because all of the systems within which we work disproportionately impact children and families who are overwhelmingly Black persons and other people of color, student understanding of the impact any legislative solution may have on communities disproportionately impacted is especially critical. We devote a class session early in the semester to learning about the Racial Equity Impact Assessment (REIA) tool²¹¹ and engage in an exercise we developed applying the tool to a particular hypothetical scenario. Students are then encouraged to apply the tool to their own project work, thinking about the issues they are addressing and potential solutions through an equity lens and identifying racial equity implications.

We spend one class session on a negotiation skills tutorial, which includes a brief lecture, and then in fishbowl style, students practice negotiating a hypothetical scenario.²¹² Through the tutorial, students begin to develop, apply and understand basic negotiation tactics.

Because few students will be involved in a legislative campaign from start to finish, we devote at least two classes to presentations (offered by faculty and guest speakers) describing the evolution of a legislative campaign in which each speaker has been involved. Each campaign has different twists and turns, so the students are introduced to a variety of approaches and perspectives on advocacy successes and challenges.

Most teams will not have had an opportunity to engage in the broad range of skills used in legislative advocacy by the end of a semester. Our final classroom project, therefore, gives students the opportunity to develop some of the skills they have not yet been able to practice. About two-thirds of the way through the semester, building on their project work, each team chooses whether their final class presentation will be

²¹⁰ Half the students are assigned to each draft a fact sheet on the law they are reading as if the law is still pending as a bill and the other half is assigned to each develop an elevator speech that they would give to a legislator when advocating for the bill. They then switch roles to ensure that everyone gets both learning experiences.

²¹¹ See Race Forward, *Racial Equity Impact Assessment* (2009), https://www.raceforward.org/sites/default/files/RacialJusticeImpactAssessment_v5.pdf [<https://perma.cc/T7ZH>].

²¹² While Loyola offers Negotiations and Advanced Negotiations courses, most students who take the class are interested in using negotiation skills in litigation. But negotiation is critical to legislative work as well. Professor Weinberg is appreciative of the time adjunct Loyola faculty members Jamie Michel and John Liston contribute every semester to facilitate this negotiation exercise.

a mock legislative hearing, floor debate, or coalition meeting about the draft legislation or policy proposal they have been working on throughout the semester. Their decision of which activity to pursue is usually based on skills the student team has not yet had an opportunity to hone during the semester, or materials they will be continuing to develop for their project. Students are assigned roles and take part as members of the legislative committee or coalition. The presentations take place the last day of the seminar, with each team allotted about 45 minutes.

Once the decision is made on which final presentation to pursue, clinic supervisory meetings focus on this work too. Faculty meet with students to guide their efforts, set deadlines for written assignments, and critique at least two-to-three drafts of the materials.²¹³ It is expected that some of the drafted amendments or materials, even if the issue is not yet ripe for passage in this year's General Assembly, will be introduced in a later legislative session or otherwise used to advocate for legislation or policy reform.

We also set aside time in this last class²¹⁴ for students to reflect and respond to two prompts: (1) What did you learn about policy and legislative work that you did not know or expect; and (2) How will you view the policy and legislative process going forward?

2. *The Fordham Legislative Advocacy Clinic Seminar*

When I first started teaching a legislative advocacy clinic, I was struck by how difficult it was for some students to deeply grasp the details of their project. This challenge, in turn, interfered with their ability to make sound strategic decisions and to be effective legislative advocates. This realization led me to establish an arc of increasingly challenging exercises in the seminar, virtually all of which require the students to strategize or communicate about their clinic projects. These homework assignments, done by the project team, are attached to more substantive lessons about how the New York State legislature, and legislatures more generally, function.

I use our first few classes²¹⁵ to introduce students to foundational principles—the value and types of collaborations and work styles,

²¹³ As part of their assigned roles, the student team members share responsibility for drafting bill language, but split responsibility for drafting testimony and fact sheets in support of or opposition to the bill. This reinforces to students the importance—and challenge—of considering their proposals through different lenses, including the perspectives of those who may oppose the bill.

²¹⁴ The last class is three-to-four hours long; students are asked at the start of the semester to set aside this additional time.

²¹⁵ We meet twice each week, allocating two class hours to the seminar and one to rounds/fieldwork, which the students can include in the 12-15 hours/week they are expected to devote

cognitive and experiential learning principles, and the importance of recognizing and challenging implicit biases—as well as the most relevant expectations of Lincoln Square Legal Services, Inc. (the corporate structure that houses most of our in-house clinics), the Legislative Advocacy Clinic, and the Rules of Professional Responsibility. We then move on to learning about the legislative process: both the official version and more realistic descriptions.²¹⁶

Within the first three weeks of the semester, the teams draft a Project Mission Statement, which requires them to grapple with fundamental information about their projects: What is the problem your project is trying to fix?²¹⁷ What is the goal of your project?²¹⁸ Why should someone care?²¹⁹ What obstacles might you face?²²⁰ Although students often feel like they are starting to understand their project at this point, pushing them to respond in writing forces them to identify (and try to fill) holes in the narrative they have been creating, helps them to better understand their client's goals (i.e., to be client-centered), and aids in linking the project to its social justice mission.²²¹ Further, it allows me to better assess how well the teams are grasping the basics of their project.

Shortly thereafter, we hold our first project rounds, when each team is given up to 40 minutes to introduce their project to the class and

to their fieldwork. Students are introduced to interviewing, counseling and negotiation skills in a three-credit pre- or co-requisite course entitled Fundamental Lawyering Skills.

²¹⁶ I base this approach on lessons learned long ago in high school history class: there always is a good (public facing) reason and a real (true) reason why things happen. It is important to understand both. This analysis invites students to start to grapple with how advocacy does—and does not—develop when there are no rules to look up, where there are many decision-makers, and when the legislative process is unpredictable. *See supra* Part II.A.1., 2., 4. (Invisible (or Less Formalized) Rules; Decision-Makers; Unpredictability). Professor Cooper recently introduced Professor Weinberg's board game (with great success) to help her students to understand the legislative process and advocacy. *See supra* note 204 and accompanying text.

²¹⁷ The question, "What is the problem your project is trying to fix?" has two sub-parts: Why is this a problem? And for whom? This deeper inquiry should prompt students to examine structural barriers to equity; if it does not, it is a question I raise.

²¹⁸ Asking "What is the goal of your project?" requires the team to be able to articulate the proposed solution, including whom it is designed to help and how it would work.

²¹⁹ Asking why a person should care about the underlying problem (and, perhaps, the proposed solution) has a number of goals. It requires the students to consider their audience (which for purposes of this exercise, I identify as people likely to support their cause), summarize their main argument, and set forth a secondary argument if there is one.

²²⁰ Inquiring what obstacles the proposal may face asks the students to identify and describe any procedural complications (e.g., it has been challenging to identify a bill sponsor) and substantive complications (e.g., the opposition has compelling arguments), and to assess the strength of these obstacles.

²²¹ *See supra* Part I.A. (Learning Goals). After receiving some very long Project Mission Statements, I capped the exercise at 750-1000 words. This also forces students to be mindful how, not just what, they are communicating. Because this exercise is directly related to the students' project work, I allow them to bill two hours of their time spent on it (though it should take appreciably longer) towards the 12-15 hours they are expected to devote to project work each week.

respond to questions.²²² Requiring students to orally present their project has three effects: (1) it requires them to learn their project even more deeply, especially from the client's perspective;²²³ (2) it introduces them to oral advocacy in a legislative context; and (3) it allows me to gain insight into how each individual student is faring and how well the collaborative process seems to be working.²²⁴

The teams then redraft their Project Mission Statement and share it with the class. Students are required to give substantive, written feedback on the other teams' documents. In class, we break into small groups where each team is represented and each person provides feedback to the other teams.²²⁵ This interaction allows the students to learn more about the other projects, practice giving and receiving peer-to-peer feedback (which they experience differently from my comments), and notice different communication styles.

To complement the students' increasing investment in and knowledge about their projects, we read and talk about political strategizing, focusing on the roles and tasks that must be filled in a legislative campaign as articulated by Chai Feldblum in *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*.²²⁶ During an in-class discussion, the students discuss how they, their clients, and their advocacy partners may fulfill these responsibilities.

We also examine the importance of identifying stakeholders in a legislative campaign (i.e., those with interests in seeing the legislation pass or fail)²²⁷ and the importance of using power mapping to strategize

²²² These introductory rounds are the first of three rounds conducted over the semester. The Loyola clinic runs introductory rounds in a similar manner. *See infra* Part III.D. (Project Rounds).

²²³ *See supra* Part I.A. (Learning Goals).

²²⁴ I require students to divide their presentation roughly equally, with no student having solely introductory or conclusory roles, which tend to be less substantive. This forces each student to invest in the exercise and gives me a sense of how the team's collaboration is going. Further, because one of the few drawbacks of emphasizing collaboration is that it can be challenging to evaluate how well each student is doing, the oral presentation facilitates this assessment and more readily permits intervention if needed.

²²⁵ As we typically have three projects, this means the students are required to review and give substantive feedback on two other documents. I recommend, though do not mandate, that students revise their Project Mission Statement after receiving these comments and then share the document with their client for further feedback.

²²⁶ To learn about roles in a legislative campaign, students read Chai Feldblum's *The Art of Legislative Lawyering and the Six Circles of Advocacy*, *supra* note 4. Feldblum's six roles are: the strategist, the lobbyist, the legislative lawyer, the policy researcher, the outreach strategist, and the communications director. In class, we also discuss the role, at times, of the litigator, who may be bringing either individual cases or an impact lawsuit to achieve the same goal as the legislative campaign and, implicitly, to bring more attention to the issue. We also discuss the importance of funding such campaigns and foreshadow the importance of coalition building, which is covered in class a few weeks later.

²²⁷ LORI FRESINA & DIANE PICKLES, M+R STRATEGIC SERVICES, PATHWAYS OF INFLUENCE: STEPS TO TURN A LITTLE BIT OF KNOWLEDGE INTO A WHOLE LOTTA POWER (2014), <https://www>.

next steps in a campaign (i.e., analyzing which stakeholders have sufficient interest and power to help advance our client's goals).²²⁸ To make the value of power mapping more concrete, the class identifies a policy or practice they would like to change at the law school. We then use this technique to reveal how a campaign to achieve that goal might proceed. As a homework assignment, each team must identify the stakeholders in their project and indicate where they sit on a power map, a process that can help guide the team's strategic priorities.²²⁹

Having established this foundation, we move onto reading a bill and gleaning the depth and breadth of political information that can be found in a pending bill's legislative history.²³⁰ I have the class examine two different versions of the Gender Expression Non-Discrimination Act (GENDA)—the one that was enacted and a previous version. We look not only at the formal structure of the bills, which is the same, but also at their substantive differences. The students share their perceptions of the differences, but as GENDA was a clinic project, I am able to reveal the actual reasoning and political values leading to the amendments. This process helps the students to understand the complexities that lie behind the passage of bills that may look fairly straightforward on their face.

We also devote class time to the theory and practice of coalition-building, using a reflection exercise to prompt the students to think more creatively about the coalition-related work of their legislative campaign.²³¹

We talk about race, economic disenfranchisement, identity, and structural oppression throughout the semester, but we spend two classes specifically addressing the ways the law school, the clinic, and the legislature are “white spaces.” These conversations allow us to revisit important questions about who is the client; the role of race, identity, and

mrss.com/wp-content/uploads/2014/01/M+R_Pathways_of_Influence.pdf [https://perma.cc/JTQ4-HB8X].

²²⁸ See *Power Mapping: Charting Strategic Relationships* (Ch. 14), in DEMOCRACY FOR AMERICA (DFA) TRAINING MANUAL (2013), DFA TRAINING ACADEMY, <https://greenlining.org/wp-content/uploads/2013/02/PowerMapping.pdf> [https://perma.cc/5ULV-C7AQ]; *supra* Part II.B.2. (Advocacy Partners), *supra* note 190 and *infra* note 229 and accompanying text (discussing power mapping).

²²⁹ Because this assignment is so intricately linked to deepening their project work, I permit students to bill up to two hours of their preparation time to project work; the assignment should take appreciably longer to complete.

²³⁰ As it often takes many sessions to move a bill successfully through the legislature, the bill's history (made available online by the legislative houses) can identify where the bill has gotten stuck in prior sessions, whether additional sponsors have joined in support of the bill or it seems moribund, whether legislators have changed their vote, and similar data that can influence advocacy strategy and messaging.

²³¹ These readings and conversations can be very helpful to students who have not had the opportunity to work with complex advocacy partners, including coalitions, prior to taking the clinic.

poverty in creating the problems we are seeking to rectify and some of the resistance to our legislative goals; and the ways in which such factors must be considered when strategizing for a legislative campaign.²³²

I use the final weeks of the semester to re-focus the class on strategic written and oral advocacy, particularly on how they can use media to advance the goals of their legislative campaign. We spend two classes discussing use of media and messaging,²³³ including the nuts and bolts of drafting op-eds and preparing for a media interview.²³⁴ Each team is required to draft an op-ed, which I critique and review with them and which can be published if the substance and timing is helpful to the campaign.²³⁵ Then, each student—in the role of legislative lawyer for their client—is interviewed by a student from a different project who represents a media source of their choosing.²³⁶ This is a time-intensive simulation that functions as each student's opportunity to share how

²³² We read and discuss Professor Bennett Capers' essay, *The Law School as White Space*, 106 MINN. L. REV. 7 (2021), and Professor Norrinda Brown's essay, *Freedom Pedagogy: Toward Teaching Antiracist Clinics*, 28 CLIN. L. REV. 149 (2021). Having learned from Professor Weinberg about the Racial Equity Impact Assessment tool, *supra* note 211, I will be using it to prompt student preparation for our conversations exploring how racism, identity, and poverty have created the need for their project and, in all likelihood, have created obstacles to the remedy. At this stage in the semester, the teams prepare for and execute the hour-long Project Rounds discussion they will be leading. *See infra* Part III.D. (Project Rounds).

²³³ The Opportunity Agenda has created an innovative methodology for helping students (and all social justice advocates) to develop "values-based messages that engage core audiences, disrupt dominant narratives, and help shape the public dialogue." *See Vision, Values, and Voice: A Communications Toolkit*, THE OPPORTUNITY AGENDA (TOA), <https://opportunityagenda.org/our-tools/communications-toolkit/> [<https://perma.cc/P95S-VP6Y>] (last visited on Aug. 28, 2024). I ask students to develop two sets of values-based messages: one that their clients might adopt and one that the opposition might embrace. Only by knowing what the opposition might argue can an advocate create truly effective messaging.

²³⁴ For one of these classes, I ask students to watch a brief news episode in which I am interviewed about marriage equality and to come to class identifying three things I did well and three things I could have done better. As described *infra* note 236, this should help to prepare them for their simulated media interview and critique.

²³⁵ In many ways, the op-ed is a more sophisticated version of the Project Mission Statement (PMS) each team drafts earlier in the semester. In this iteration, though, they must focus on the primacy of an effective advocacy message, integrating in the facts and context that were in the forefront of the PMS assignment.

²³⁶ The interview lasts approximately 12 minutes after which we engage in a reflection session: the interviewee begins, followed by the interviewer, then members of the class, and I address points not yet raised. Thereafter, the students switch roles and following this interview, we again engage in a critique session. For this exercise, students must draft a planning memo, identifying the three themes they want to reiterate as they are interviewed and drafting six questions they expect to be asked and their answers. They also must draft at least six questions they plan to ask during the interview and the answers they expect to receive. After the simulation, the students watch the video recording in which they were an interviewee/interviewer, identifying three things they executed well, three things they would do differently, and reflecting on the relationship between their preparation and how they fared in each role.

much they have learned about their project and the legislative strategy they have helped to develop, as well as their capacity to be an effective oral advocate for their cause.²³⁷

Our seminar ends with two classes devoted to the students' reflections on their learning, their project, their client, and anything else they wish to share related to their fieldwork, as well as their reflections on the seminar and overall clinic experience.²³⁸

* * *

We both meet one-on-one with our students at mid-semester and at the end of the term for their reflections and self-assessments and for us to provide feedback beyond what they already may have received in supervisory team meetings. To prepare, they will complete a reflection memo, which provides ample material for us to discuss, whether about the project itself, the collaboration process, the client, the seminar, career development or, sometimes, something personal that the student is going through.

The mid-semester meeting allows us, if necessary, to guide our students in course correction. The final meeting gives both student and supervisor the chance to reflect on the entirety of the clinic experience. Each year, we are grateful that we learn new things, which we then use moving forward to modify the seminar, as well as our project supervision.

D. Project Rounds

As clinicians, we are committed to using rounds, a "signature pedagogy" of clinical legal education.²³⁹ We have found, however, a need to adapt the case rounds model designed primarily for clinics representing

²³⁷ A student who is an effective interviewee will be deeply invested in the project and the client (having maximized their opportunity to learn not only for the client's benefit, for also for the student's ongoing ability to transfer their analytic, strategic, and advocacy skills to other contexts), will be client-centered, and will cast the social justice goal in a way that is audience-appropriate.

²³⁸ If at all possible, I will invite in guest speakers (e.g., staffers for legislators, professional public interest lobbyists) and we may take a field trip to meet with New York City Council legislative staff or to Albany (more likely to occur in the spring semester when the legislature is in session, and we can advocate to support our projects).

²³⁹ See generally Susan Bryant & Elliott Milstein, *Rounds: A "Signature Pedagogy" for Clinical Education*, 14 CLIN. L. REV. 195 (2007). Professors Bryant and Milstein set forth a five-stage means of teaching students the importance of being reflective and ethical practitioners who learn collaboratively from topics "they need and want to address." Susan Bryant & Elliott Milstein, *Rounds: Constructing Learning from the Experience of Peers*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 117 (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014). See generally Susan Bryant and Elliott Milstein, *Generating Conversations: Planning and Facilitating Rounds*, in TRANSFORMING

individuals in litigation, to accommodate the differing needs of our project-based legislative advocacy clinics.²⁴⁰ More specifically, because our students work with organizational clients on projects that can last years and that are in different stages of progression, they do not share the attributes that allow the original model to succeed.²⁴¹ As it would be unusual for a student team to be involved in many stages of a legislative campaign, project rounds make it possible for students to learn from their classmates about different approaches and challenges to legislative advocacy at various stages. Further, we have unique learning goals for our students that include the capacity to lead meetings and make engaging presentations to clients, advocacy partners, and decision-makers.²⁴²

Both of us hold “introductory rounds” within the first few weeks of the semester.²⁴³ This is designed to help the students learn more deeply about their project, develop their presentation skills, and enhance their team’s collaboration skills. It also facilitates their starting to connect their work to systemic social justice inequities.

Around the mid-point of the semester, each team is again asked to lead rounds. This time, perhaps more in sync with Bryant and Milstein’s conception of rounds, we ask the teams to identify a problem or dilemma with which they are wrestling and about which they would like guidance

THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 131 (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014).

²⁴⁰ See Elizabeth B. Cooper, *The Case for Structured Rounds*, in TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 151 (Susan Bryant, Elliott Milstein & Ann Shalleck, eds. 2014) (describing an earlier iteration of how Professor Cooper adapted rounds for her clinic).

²⁴¹ Based on Bryant and Milstein’s writings, and experiences in sessions they have led at AALS Clinical Legal Education Conferences and elsewhere, the commonalities present that contribute to the efficacy of their model of rounds include students representing individual clients in the same type of time-limited case (e.g., access to benefits, asylum petitions). See also Cooper, *Structured Rounds*, *supra* note 240, at 151-52 (contrasting “a core level of commonality of experience or subject matter” that may be absent in legislative advocacy clinics with the “common backdrop against which to discuss the unsettling experiences that may occur when interacting with individual clients”).

²⁴² See Cooper, *Structured Rounds*, *supra* note 240, at 153 (recognizing that although litigation requires “a strong sense of timing and the ability to speak convincingly,” the absence of rules and the unstructured flow of community-based meetings requires the development of a different set of skills).

²⁴³ By this time, the students in Professor Cooper’s clinic will have prepared their project mission statement. See *supra* Part III.C. (Seminar). Both Professors Cooper and Weinberg provide the students with prompts for the first rounds. These include: What is the problem your project is trying to fix—explaining why and for whom it is a problem; What is the goal of your project—including the proposed solution and whom it is designed to help; Why someone should care about this issue—requiring students to select an audience and to prioritize their arguments; and What obstacles will you face—including reasons why these hurdles can be overcome. Professor Cooper gives each team approximately 40 minutes to present and to respond to their classmates’ questions while Professor Weinberg gives the teams about 20-30 minutes for the first project rounds.

or advice from the class.²⁴⁴ Not surprisingly, the subject of these rounds often is related to our learning goals (investment in and responsibility for the project, client-centeredness, collaboration, social justice) or the particular challenges they are facing as legislative advocates (the lack of rules, the abundance of different decision-makers, the benefits and detriments of long-term relationships, unpredictability, or the client or advocacy partner).²⁴⁵

We encourage the students to use creative or interactive techniques to challenge themselves and to engage their audience in active learning.²⁴⁶ We work with each team to ensure they develop their session in a manner that will allow their classmates to give productive feedback. For example, preparation involves ensuring that the issue is neither wholly theoretical nor too detailed; the assigned reading or homework exercise is not so onerous that it does not get done; and the time allotted to each segment of the class is appropriate to the team's goals. Regardless of the topic, the second set of scheduled rounds further ensures that all students will learn from and about the other projects and that the presenting students will deepen their understanding of their own project. We discuss all of this with each team during a post-rounds reflection that takes place during the next supervisory team meeting.²⁴⁷

Finally, Professor Cooper leads a third rounds conversation during the last two classes of the semester, asking each team and each student to reflect on their clinic experience.²⁴⁸ This allows us to take pride in all that has been accomplished and to identify aspects of the experience (e.g., the project, the seminar) that could be improved, particularly in light of our learning goals and the challenges posed by engaging in legislative advocacy. Professor Weinberg addresses these questions and asks for these reflections in her final team supervisory meetings and individual evaluation meetings.

²⁴⁴ Both Professors Cooper and Weinberg encourage their teams to design their rounds around an inflection point in their project or to explore issues such as their relationship with their client, the client's relationship to the individuals and communities they represent, or the project's connection to broader social justice issues (e.g., anti-racism, anti-poverty).

²⁴⁵ See *supra* Parts I and II.

²⁴⁶ Teams have developed games, used role plays, and created simulations, among other techniques to strategically elicit feedback on issues of concern to them. Professor Cooper allots approximately 50 minutes to each team for these more significant rounds. Professor Weinberg devotes only half the class time (one hour) to Project Rounds and has teams present on different days. Teams usually have 30-45 minutes each.

²⁴⁷ This process also allows us to discern if there are collaboration issues or differing levels of investment in the project work that we need to raise with the team or individually.

²⁴⁸ Professor Cooper distributes a series of questions for the teams to reflect on together, as well as some questions for individual responses.

CONCLUSION

Legislative advocacy clinics provide a unique opportunity for students to pursue systemic reform of the social justice problems that disproportionately affect the clients of most clinics: low-income individuals and families, communities of color, and others who have been disenfranchised due to their identity or circumstances. Our students obtain an array of lawyering capacities, both specific to the legislature and transferrable to other venues. As important, they better understand the role and power of legislatures—including the strengths and weaknesses of the legislative process—and the critical role lawyers can play in preserving our democracy.

Our foundational learning goals are familiar to all and achievable in our clinics: the importance of investing in the project (case) and self-reflection, being client-centered, remaining dedicated to collaboration, and embracing social change. We acknowledge there are challenges to teaching legislative advocacy—a setting with far fewer rules, a broad range of decision-makers, long-standing relationships, and a reputation for unpredictability, as well as complex clients and advocacy partners. Yet, by focusing on project selection, supervision, seminar structure, and project rounds, we have creatively adapted our pedagogy to ensure our students obtain essential lawyering skills while learning how the power to change laws can positively change society.

After many years of teaching legislative advocacy clinics, we hope more law schools and faculty will embrace this clinical model that equips students to become thoughtful, reflective, client-centered attorneys who understand the power of effective legislative advocacy to achieve systemic social justice reform.