



# UCLA CLINICAL PROGRAM

BRIDGING THE GAP BETWEEN  
THE CLASSROOM AND THE COURTROOM

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**Since its inception in 1970, the UCLA clinical program has developed the most fundamental learning concepts that have been used in law school clinical programs across the country. While today it seems like second nature to bridge the gap between the traditional classroom and the real world, THIS IDEA WAS GROUNDBREAKING THIRTY-FOUR YEARS AGO.**

**T**oday, UCLA's Clinical Program continues this path of innovation and excellence. The program now offers a remarkable array of live-client litigation clinics ranging from teaching deposition, trial, and appellate advocacy skills to more specialized practice areas such as Environmental Law, Indian Tribal Law, Employment Law, and community organizing. In addition, the law school is leading the way in transactional clinics, focusing on drafting, deal making, negotiation, and even the world of Sports Law practice. A clinical program that began strong and innovative is now even more diversified, as it builds upon basic concepts to produce the finest clinical program in the nation.

The conceptual contributions of the UCLA clinical faculty cannot be overstated. In a groundbreaking series of clinical texts and articles Professors David Binder, Paul Bergman, Albert Moore '78, and Gary Blasi formulated concepts that are now central to clinical teaching in law schools throughout the country. These seminal works have paved the way for a new generation of faculty members such as Professors Ann Carlson, Timothy Malloy, and Scott Cummings, who are making their own original works and creating their own tradition of scholarly excellence.

### **The UCLA Approach**

The UCLA Clinical Program is built upon three key principles:

- most legal skills are transferable across practice areas;
- such skills are best learned through multiple experiences in increasingly more complex settings, and;
- clinical programs should focus their effort on teaching

important skills that are not well taught in practice.

These ideas are startling in their simplicity, yet profound in their ability to provide a conceptual foundation that student lawyers who begin their practice in a UCLA legal clinic take with them through their legal careers.

Professor David Binder explains the reasoning behind the UCLA approach. "The UCLA clinical program focuses on teaching important lawyering skills that are crucial to effective lawyering and are not taught in practice. Clinical programs have to choose where to focus their resources. In one semester or even two, you just can't teach every lawyering skill. So we do not focus on skills that are well taught in practice such as how to draft a complaint. This means that our clinics focus first and foremost on teaching students specific, important skills that they can employ across substantive areas after graduation."

Starting from the first year, students are introduced to conceptual models that underlie the particular lawyering skill being taught, so that students can apply those models across substantive areas. Students are taught specific techniques that flow from these conceptual models for performing important lawyering skills such as identifying evidence to support the elements of a particular legal theory, interviewing a client in a new matter, questioning an adverse witness at trial, or counseling a client who may be making a questionable decision.

The Clinical Program now offers more than twenty-five upper division clinical courses including eleven in-house live-client clinics, nine transactional courses, and a range of sophisticated simulated skills courses.



Professor Gary Blasi and students observing focus group in 2004.

## THE SKILLS CLINICS

UCLA began in the early 1970s with litigation-focused skills clinics and these remain the bedrock of the program. Today, they have evolved to include an increasing focus on live-client work where, in combination with extensive classroom simulation exercises, students represent real clients in a wide variety of settings.

One of our first clinical offerings was a live-client **Trial Advocacy Clinic**. As many students who took this clinic agree “you never forget your first trial and the skills you learned then remain with you forever.” Today, students represent real clients in a variety of hearings. In three of the last four years, the students were successful in every case they took to hearing, and the students’ record over the years has consistently been excel-

PROFESSOR GARY BLASI describes the goal of the Public Policy Advocacy clinic and its work as follows:

“Most clinical legal education works with the law as it is and facilitates students learning how to be effective, ethical counselors and advocates. The Public Policy Advocacy Clinic is, to my knowledge, the first clinical course in the country to focus not on the law as it is, but on law and policy as clients and communities want them to be.

Many of the students in the clinic have gone on to be exceptionally effective public policy advocates in areas completely unrelated to the issues we worked on in the clinic. They, and the often innovative policy solutions we have helped achieve, are the best measure of our success.”

lent. Professor Steven Derian who heads the Trial Advocacy Clinic explains that “the students’ success results from their meticulous preparation and their ability to apply the concepts and skills they’ve learned to a variety of circumstances.”

UCLA is the only top law school in the country to offer a **Depositions and Discovery Clinic** in which students learn one of the most important and difficult skills a litigator must develop. Over the past six years, students have taken depositions in a variety of contexts, including a sex discrimination case against the Los Angeles Fire Department, fraud cases on behalf of elderly homeowners bilked out of equity in their homes, and an action challenging poor conditions at an INS detention facility.

Director of Litigation Stefano Moscato ‘96, who currently teaches the Depositions Clinic, understands how lucky he was to have had the opportunity to receive deposition skills training as a UCLA law student a decade ago. “These are skills that every law student interested in pursuing a career in litigation must develop, and I quickly learned that most of my peers first gained exposure to those skills on the job, and not in law school.”

Not all skills-based clinics are organized around traditional litigation skills such as counseling, trial advocacy, or depositions. **Public Policy Advocacy**, a clinic developed and taught by Professor Gary Blasi, trains students on using advocacy skills to affect public policy decision making. Following the UCLA clinical approach, the focus is on teaching the students advocacy skills that they can apply to any area of public policy.

Last year, UCLA introduced a live-client **Mediation Clinic** which culminated with the students actually participating as co-mediators of a Superior Court case at the Los Angeles downtown courthouse. The clinic instructor, nationally known mediator Forrest Mosten ‘72, worked with the Alternative Dispute Office of the Los Angeles Superior Court to arrange the co-mediations in actual court cases. Moreover, upon completion of the course, the students qualified as mediators for the Superior Court Professional Mediator Panel.

This year we are introducing a new year-long skills-oriented live-client clinic, **Appellate Advocacy**, where students will write appeals in the fall and represent clients in the spring. In this inaugural year, students will work on behalf of the Los Angeles County Department of Children and Family Services in cases of child abuse and neglect.

“During my third year of law school in 1971, I was fortunate to be a student in the inaugural clinical program. The professor of our trial advocacy class was David Binder. He was assisted by Paul Bergman and Paul Boland. All three were smart, dedicated, and talented. I prepared a civil case for trial representing the defendant; the case was dismissed on the day of trial because we were prepared to go forward and the other side was not. I also tried a case with another student in which we successfully represented a mother at trial in a child dependency proceeding. We learned valuable trial and other litigation skills in these cases and during classes. I remain grateful for how much we learned about ethical, effective, and relentless representation of clients and respect for the legal process.

– RICH FYBEL '71 is a judge on the California Court of Appeals.

## THE TRANSACTIONAL CLINICS

In 1997, UCLA School of Law began its Program in Business Law and Policy. As part of that effort, the law school has developed an impressive and growing range of transactional clinical courses. We hired a notable group of seasoned transactional lawyers to teach in the program including bankruptcy and deals expert Ken Klee, experienced environmental lawyer Timothy Malloy, veteran corporate attorney Iman Anabtawi, and public interest corporate specialist Scott Cummings.

Professor Anabtawi teaches transactional clinical courses in the fields of Mergers and Acquisitions and Venture Capital Financing. In 2002, she was named by *Corporate Board Member* magazine as one of “America’s top 40 Up-and-Comers” in the legal profession for helping to pioneer transactional clinical courses in academics. She explains, “In my view, a well developed clinical component to a law school’s business curriculum is essential to success in today’s legal environment.”

Under the guidance of faculty such as Professor Anabtawi, students are offered a range of sophisticated courses tailored to the business law practice, in either private or public settings, that give them a broad exposure to the relevant substantive law, an understanding of what business lawyers do, and how they go about doing it ethically and competently. In these courses students learn to identify the objectives of the business or organizational client that wants to enter into a particular transaction, as well as how to structure, negotiate and draft appropriate documents. And such training can make all the difference when it comes to entering practice after graduation. As Paul Rose '02, attests, “Professor Anabtawi’s Mergers and Acquisitions Transaction Planning was, quite simply, the ideal preparation for a corporate transactional practice....Any student considering entering corporate practice should consider UCLA’s transactional classes required coursework.”

A list of present course offerings demonstrates the breadth of

coverage that the UCLA transactional program offers students. Courses range from the in-depth, highly challenging, **Renegotiating Basic Business Contracts** in which Professor Kenneth Klee teaches the art of renegotiating, to the specialized clinical **Doing Business in China** that brings an international focus to the transactional clinical program and is taught by China specialist Professor Randall Peerenboom. **Venture Capital Formation and Financing** takes students through the life cycle of a start-up company, from the concept stage through an early round of financing. And Professor Timothy Malloy’s **Environmental Aspects of Business Transactions** introduces students to the host of environmental issues that are raised in business transactions, such as the sale of a manufacturing facility.

As Professor Malloy explains, “Our transactional courses apply principles of ‘repetition’ and ‘transference’ used in our more traditional clinical courses to new contexts. In my course, students are exposed to a series of increasingly complicated and sophisticated scenarios, allowing them to apply and develop their drafting, negotiating, and strategic skills over and over again in a structured environment with almost immediate feedback. By focusing on the lawyering techniques as well as the substantive context, we aim to equip the students with skills that can be deployed in a variety of areas, whether it be envi-



Professor Timothy Malloy

PROFESSOR SCOTT CUMMINGS describes the UCLA approach to transactional clinical training:

“Law school is built around the mythology of the court. But most lawyers will never see a courtroom in their entire career. Our transactional clinics are at the forefront of the national movement to expand clinical education to promote skill training in the non-litigation arena, teaching students how to advise and counsel organizational clients, negotiate complex business transactions, and draft intricate agreements. What is unique about UCLA’s clinical program is that students can learn critical principles of transactional lawyering in such diverse practice arenas: they can structure corporate mergers, work up bankruptcy documents, negotiate affordable housing developments, and close environmental deals. It is this diversity, combined with the strength of our clinical faculty in the transactional area, that sets UCLA apart.”



*UCLA clinic students work on-site with clients.*

ronmental, telecommunications, mergers and acquisitions, or something else.”

Finally, UCLA School of Law offers a unique **Sports Law Clinical** in which students prepare for and conduct a sports related clinical simulation that puts them squarely into the real world of Sports Law practice. Students have prepared for and engaged in mock contract negotiations involving players for the Los Angeles Lakers, Los Angeles Dodgers, and the Anaheim Angels. The most remarkable aspect of this clinic is that Professor Steven Derian has persuaded an outstanding group of experienced sports agents, team representatives, and lawyers to participate in the projects in much the same way they would in the real world.

#### **INTERDISCIPLINARY LIVE-CLIENT CLINICS**

Alongside the clinics that teach specific lawyering skills, UCLA now offers a range of live-client clinics organized around

substantive areas. These clinics achieve two pedagogic objectives: to train students in a particular substantive law practice, but to do so in such a way that students learn transferable skills that can be used across practice areas. Many of these clinics are interdisciplinary in nature and teach students how to work in the real world with experts from other fields. These clinics also meld with our Program in Public Interest Law and Policy in teaching students the importance of providing service to the poor and to under-represented groups.

In the **Frank G. Wells Environmental Law Clinic** students learn pragmatic lawyering skills and strategies for use in regulatory and litigation practice. In fall 2004, Wells Clinic students are working on a cutting-edge challenge to oil refinery permit modifications on behalf of a low-income community situated near the facility. Clinic students are performing high-level legal research and gathering and analyzing evidence to prepare for hearings in state court and before the South Coast Air Quality Management District’s Hearing Board as they work with Communities for a Better Environment on this case.

The **Tribal Law Development Clinic** provides unique clinical training to students who are interested in working with Native Nations located within the United States on their legal development projects. Typical clinic projects include constitution drafting and reform, drafting and amendment of statutes, creation of both western-style, traditional, and hybrid dispute resolution processes, and providing law clerk services to such forums. Students work with councils (legislatures), judiciaries, administrators, native organizations, and native communities to build, enhance, and/or reform their legal institutions and laws.

Offered jointly by the School of Law and the Department of Psychiatry, Educational Advocacy trains law students and psychiatry interns to provide educational advocacy on behalf of children with learning disabilities, behavior disorders, emotional disturbance, autism, and mental retardation.

The **Community Economic Development Clinic** trains

law students to provide transactional legal assistance to non-profit and for-profit organizations engaged in efforts to provide housing, jobs, and social services to Los Angeles low-income communities. Students provide transactional assistance in the areas of corporate, real estate, and tax law.

The **Low-Wage Workers Clinic** is a joint venture between UCLA School of Law and the Legal Aid Foundation of Los Angeles. Clinic students represent low-wage workers on a variety of employment issues in hearings before Labor Commissioners. The students of the first Low-Wage Workers Clinic represented thirty-five workers during the course of the semester. Students are truly energized by their experiences, commenting that: "This was one of the most interactive and fulfilling courses I've taken in my entire three years;" "This class or type of class should be mandatory for all law students;" and "This is the first time I have seen what my career could be like and what I will actually do and it has left me very excited."

In the **Street Law Clinic**, students teach law in a variety of high school classrooms throughout the Los Angeles area. Street Law focuses on how law students can communicate legal concepts to non-lawyers and on teaching such necessary legal skills as establishing trust and confidence, and building rapport. In a weekly seminar, students practice teaching and are instructed in various teaching methods. They then apply that training in their own classrooms as they devise a curriculum. Each student, in consultation with the clinic instructor and high school teachers, has the opportunity to develop his or her own individual curriculum.

"UCLA's clinical programs in civil depositions and discovery afforded me the opportunity to learn and practice critical lawyering skills traditionally absent from the law school curriculum. The skills taught, and the opportunity to utilize them in an actual deposition, provided the necessary background for my entrance into a litigation practice with competence and confidence. Consequently, I have been able to add value to my firm in both discovery and at trial, all within my first year of practice. UCLA's clinical programs are some of the best opportunities the law school has to offer."

-DYLAN P. SIMON '03 is an associate at Fish & Neave LLP.



"Much of my time during the third year of law school was spent working closely with fellow students in the beginning clinical program. We learned from each other, but we especially learned about ourselves, the law, and the practice from the caring and thoughtful Dave Binder, our professor. I remember one case in particular, involving a Cuban family who had moved from south Florida to Los Angeles and had run into a dispute with the moving company about the costs of shipment. Because of this dispute, the company would not turn over the furniture—including beds for the children—to the family. We [Ken Kraus '71 and I] represented this wonderful family and we believed that the company was grossly inflating the charges. We worked long and hard with Dave to figure out the law on point, then went into court to litigate the matter. We two students handled the entire matter, under the careful watch of our professor. The trial court agreed with us fully, ordered the furniture delivered immediately to the family, and gave the family substantial money damages as well.

A few days after the award, the family invited Dave and his wife Melinda, Ken, and my wife Becca and me to their home for dinner. Unknown to us, the grandfather had been a great chef in old Havana. The evening at the client's home was magical with many courses of spectacular Cuban food (to this day, I adore that cuisine), and multiple toasts throughout the night praising and thanking their lawyers, us! What a great lesson it was to apply our substantive legal education to help needy and deserving people. I have never forgotten that case, that family, or the superb training given to me back then by Clinical Law Professor David Binder. Nor have I forgotten the joy we all had at being able to use the law to achieve justice for deserving individuals."

-PAUL MARCUS '71 is now the Haynes Professor of Law at the College of William and Mary.