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Experiencing Experiential Education: A Faculty-Student Perspective on University of Tennessee College of Law's Adventure in Access to Justice Author, 50 J. Marshall L. Rev. 11 (2016)

Robert Blitt

Reece Brassler

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EXPERIENCING EXPERIENTIAL EDUCATION: A
FACULTY-STUDENT PERSPECTIVE ON THE
UNIVERSITY OF TENNESSEE COLLEGE OF
LAW’S ADVENTURE IN ACCESS TO JUSTICE
AUTHOR

ROBERT C. BLITT* AND REECE BRASSLER**

I.	ABSTRACT	11
II.	INTRODUCTION	12
III.	OPENING THOUGHTS ON LAW SCHOOL REFORM, EXPERIENTIAL EDUCATION AND TECHNOLOGY	14
	A. Brief History of the Case Method and Experiential Education in the Context of Legal Education Reform	14
	B. So What is “Experiential Education” Anyway?	17
	C. Enter Technology	19
IV.	ORIGINS: THE HUMAN RIGHTS PRACTICUM AT UNIVERSITY OF TENNESSEE COLLEGE OF LAW TAKES ROOT.....	25
	A. An International Law Professor’s Challenge and a Fortuitously-Timed Email.....	25
	B. Crafting a Syllabus for the Human Rights Practicum	28
	C. The Decision to Enroll: A Student’s Take	31
V.	FROM IDEA TO IMPLEMENTATION: A CANDID REVIEW OF THE HUMAN RIGHTS PRACTICUM A2J COURSE PROJECT.....	33
	A. Student Enrollment and Team Assignments	33
	B. One Guided Interview Rather than Many May Not Necessarily Be Easier: Teamwork Fuels Dividends but Comes with Difficulties Too	34
	C. Scheduling: Classes, Team Meetings, and Work Product Deadlines.....	36
	D. Technology: Programming for Law Students	37
	1. Suiting Up: Understanding HotDocs Developer and A2J Author	37
	2. Getting Our Feet Wet: HotDocs Developer and A2J Author Training	40
	3. Jumping In: A Cautionary Note on Computers and Other Logistical Hazards	42
	4. Learning to Swim: Programming the THRC Complaint Form Using HotDocs and A2J Author.....	43
	E. Getting to the End Product: The Elusive Final One Percent	46
VI.	CONCLUSION.....	49

I. ABSTRACT

This article functions both as a brief history lesson in experiential education and as a case study of an experiential course entitled “Human Rights Practicum” offered at the University of Tennessee College of Law in 2015. After briefly discussing historical and current trends in law school reform, including the rise of experiential education within the law school curriculum and the role played by technology in this context, the article turns to explore

the impetus for the Human Rights Practicum, its development and implementation, as well as the software technology used to develop its final work product, a web-based “guided interview” for completing a legal form.

Specifically, our Practicum sought to train students to use Access to Justice Author (“A2J Author”) a computer programming software that enables the creation of “guided interviews”, which are intended to simplify the filing of complex legal forms and thereby reduce barriers to justice for self-represented litigants. Once trained in A2J Author, students in the Practicum worked to design and implement a guided interview intended to walk pro se litigants through the process of filing discrimination complaints with the Tennessee Human Rights Commission, an independent state agency tasked with safeguarding individuals from discrimination through enforcement and education.

Our experience offers a unique contribution to the growing literature on experiential education for at least two reasons: first, technology-driven experiential courses are a relatively new addition to law school curricula and as such they represent a largely unexplored and developing subfield in the realm of experiential education. Second, because the article is co-authored by a professor who taught the practicum and a student who enrolled in it, our perspective provides a more holistic assessment of the challenges and rewards that can flow from similar undertakings, including suggestions for improvements, that in turn will more fully inform faculty and students contemplating either offering, or enrolling in, similar courses in the future.

II. INTRODUCTION

A chorus of Dell desktops drones conspicuously in a computer lab full of quietly amused law students and professors at the University of Tennessee College of Law, no one aware of exactly what awaits. Our IT team is hurriedly setting up components that will enable us to conduct our first virtual meeting with the Access to Justice Author (“A2J Author”) team at the Chicago-Kent College of Law. After weeks of studying the Tennessee Human Rights Act, reading and discussing human rights and civil rights-related articles, and developing storyboards to help structure the computer-based interview we intended to program, it was at last time to put our freshly amassed knowledge to use. It was time to have a major impact on the justice system as future legal professionals; time to facilitate greater access to justice for pro se litigants across the state of Tennessee; and time to decrease the burden on the Tennessee Human Rights Commission (THRC) by streamlining their complaint process.

The video link to Chicago went live. And in that same instant, it was as if all our worthy aspirations were sucked into a series of tubes,¹ only to be

* Professor of Law, University of Tennessee College of Law, Knoxville, TN. A version of this paper was presented at the 2016 SALT Teaching Conference, hosted by the John Marshall Law School. The authors are grateful to Tess Godhardt, Brian Houlihan, Bill Cook, and the JMLR team for readying this article for publication so quickly and professionally.

**LL.M. Candidate, New York University School of Law. JD, 2017, University of

replaced by a two-hour-long remote PowerPoint tutorial on how to transform our “frequently used documents and forms into intelligent templates that enable superfast production of custom documentation” using HotDocs Developer document automation software (“HotDocs”).² Apparently, the adage that one must learn to crawl before one can walk applies equally to improving access to justice through the application of technological innovation.

HotDocs, together with A2J Author software, embodied the twin technological pillars for our access to justice project. However, these software tools make up only part of the experiential education story that we intend to share by way of evaluating our experiences with the “Human Rights Practicum” implemented at the University of Tennessee College of Law for the first time over the course of fall 2015. The use of “we” here is not intended in the royal sense, but rather to denote the fact that this article pursues its objective of experience-sharing holistically, reflecting the perspectives of both law professor and law student. By co-authoring this article, it is our hope that this collective (dare we say omniscient?) viewpoint will add to the burgeoning literature surrounding experiential education in the law school setting and also help demystify what professors and students can expect by electing to either design or enroll in a similar experiential course offering for the first time.

Before unpacking the practicum and our findings, however, the article begins by establishing some necessary context for the case study. This is done primarily through a brief discussion of traditional legal education and associated reform efforts, including the recent drive to incorporate experiential education in law school curricula. In addition to providing a working definition of experiential education, this section will explain how incorporation of technology can—and perhaps even should—fit into the design of experiential course offerings with an eye towards ensuring law graduates are truly practice-ready.

Following this important front matter, Section IV turns to our case study. Here, we discuss the initial conceptualization and justification for the human rights practicum and provide a walkthrough of the syllabus. In addition to faculty motives for embarking on an experiential education course offering, this section also considers student motives for enrolling in the class. Section V addresses seen and unforeseen organization and implementation challenges—including as they relate specifically to running an A2J Author Course Project. We discuss how some of these challenges were met, and make suggestions for things we might do differently if presented with the same challenges today. The article concludes by providing our overall assessment of the experience, with an emphasis on its professional and societal value within the law school setting and beyond. Ultimately, we hope this reflective case study might serve as a constructive tool for professors to build and

Tennessee College of Law, Knoxville, Tennessee.

1. According to some observers, the Internet is a series of tubes. Fresh Air, *The Internet: A Series Of ‘Tubes’ (And Then Some)*, NAT’L PUB. RADIO (May 31, 2012), www.npr.org/2012/05/31/153701673/the-internet-a-series-of-tubes-and-then-some.

2. HOTDOCS.COM, www.hotdocs.com (last visited Feb. 16, 2017).

implement their own experiential course offerings, and similarly help inspire students to pursue experiential education offerings by managing the expectations that might otherwise obstruct the significant and unique benefits that can flow from such offerings.

III. OPENING THOUGHTS ON LAW SCHOOL REFORM, EXPERIENTIAL EDUCATION AND TECHNOLOGY

A. *Brief History of the Case Method and Experiential Education in the Context of Legal Education Reform*

Experiential education is not a new phenomenon. Indeed, its origins arguably may be traced at least as far back as 384 B.C.E. when Aristotle wrote, “[f]or the things we have to learn before we can do them, we learn by doing them.”³ Despite this storied beginning, the incursion of experiential education into the realm of law school pedagogy is, relatively speaking, a more recent phenomenon. Part of the reason for its late arrival surely stems from the deep entrenchment of the traditional “case method” and Socratic dialogue pioneered by Professor Christopher Columbus Langdell, dean at Harvard Law School in the late 1800s.⁴

Langdell’s introduction of Socratic dialogue and case method as teaching tools broke from the predominant lecture and textbook methodology of the time and instead sought to “engage in the ‘scientific’ study of law by distilling its principles from the study of cases.”⁵ Although Langdell’s original *raison d’être* for this approach has been relegated to the trash heap of history, the methodology itself remains championed by many faculty members for its ability to teach the skill of “thinking like a lawyer”⁶ and continues to be employed as the predominant instructional tool at U.S. law schools.

3. ARISTOTLE, NICOMACHEAN ETHICS bk II, at 1 (W.D. Ross trans., Batoche Books 1999) (c. 350 B.C.E.) <http://classics.mit.edu/Aristotle/nicomachaen.2.ii.html>.

4. See generally William Schofield, *Christopher Columbus Langdell*, 55 AM. L. REG. 273 (1907) www.jstor.org/stable/3307175; see also LAWRENCE M. FRIEDMAN, A HISTORY OF AMERICAN LAW 531 (Simon and Schuster 1973).

5. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND ROADMAP 98, 155-56 (2007) www.cleaweb.org/Resources/Documents/best_practices-full.pdf. The shift in pedagogy also ensured “reorganization of legal education into an academic discipline acceptable to the university community assured law schools of a place in the modern university.” ROBERT MACCRATE, ET. AL., LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT - AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 106 (1992) (also known as the “MacCrate Report”), www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_legal_education_and_professional_development_maccrate_report%29.authcheckdam.pdf.

6. A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 WASH. & LEE L. REV. 1949, 2028 (2012).

Despite its staying power, criticism of the case method has grown steadily since Langdell walked Harvard's hallways. Among other things, its continued use has been blamed for a "range of disastrous outcomes, [including] the severance of supportive social ties, eventual disengagement with academics, and marginalization of women and minorities," as well as the fostering of a culture "of grades-based elitism" and inattention to "non-academic student needs."⁷ Indeed, controversy surrounding the case method transcends the narrow confines of pedagogical debate and has often spilled over into the larger maelstrom surrounding law school reform.

Already in 1983, for example, the American Bar Association's (ABA) Task Force on Professional Competence concluded that although legal education was successful at "teaching substantive law and developing analytical skills" the "problems and issues in American legal education involve chiefly the teaching of other lawyering skills."⁸ This dynamic appeared to persist a decade later, when the ABA's MacCrate Report, prepared by the Task Force on Law Schools and the Profession, essentially decried the Socratic method as antithetical to its newly minted Statement of Skills and Values inasmuch as it emphasized "qualities that have little to do with justice, fairness, and morality in daily practice."⁹

Ongoing calls for law school reform emerging from a variety of outlets,¹⁰ including the Carnegie Foundation for the Advancement of Teaching,¹¹ continued to build on the ABA's concern that law schools were failing to graduate students adequately prepared to practice law. Most recently, these calls for reform have incorporated concerns ranging from skepticism of the value of a law degree "given the deterioration of the traditional legal job market," to growing concerns about escalating student loan debt.¹² Though the context of the debate may have shifted, one common critique persists: while the case method may remain vital to training law students to "think like lawyers," it must yield ground to more practical lawyering skills classes that give "attention to the broader purpose and mission of law in society."¹³

7. Christophe G. Courchesne, "A Suggestion of A Fundamental Nature": *Imagining A Legal Education of Solely Electives Taught As Discussions*, 29 RUTGERS L. REC. 21, 31 (2005).

8. MacCrate et al., *supra* note 5, at 236.

9. *Id.*

10. For example, see John O. Sonsteng, et. al., *Legal Education: A Legal Education Renaissance: A Practical Approach for the Twenty-First Century*, 34 WM. MITCHELL L. REV. 303, 308-319 (2007) (calling for a "Legal Education Renaissance" and reasoning that "Today's method of teaching law students is not a model of maturation and modernization; it is older than the telephone").

11. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) (hereinafter "Carnegie Report"). The Carnegie Report blames law schools' unbalanced emphasis on academic pedagogy, and their inadequate concern with professional responsibility, for creating problems for students as they transition into legal practice. *Id.* at 6.

12. See Spencer, *supra* note 6, at 1951-52.

13. James R. Maxeiner, *Educating Lawyers Now and Then: Two Carnegie Critiques of the Common Law and the Case Method*, 35 INT'L J. LEGAL INFO. 1 (2007).

This general takeaway is reflected in a number of reform proposals. For example, in 2013 the Clinical Legal Education Association (CLEA) petitioned the ABA to “adopt an accreditation standard that requires every J.D. student to complete the equivalent of at least 15 semester credit hours after the first year of law school in practice-based, experiential courses, such as law clinics, field placements, or skills simulation courses, with at least one course in a law clinic or externship.”¹⁴ More dramatic still, other scholars and critics have called for abandoning the third-year of law school entirely, reasoning that the emphasis on theory and case method detracts from time that could be spent acquiring skills more commonly needed by practicing attorneys.¹⁵

In response to these calls for reformation, many law schools have sought to develop and implement experiential education components into their otherwise traditional curriculums—particularly during the second and third years of legal study.¹⁶ This shift was intended primarily to address the twin concerns of training practice-ready professionals and getting out from under the pedagogical cloud of the Socratic case method. Other law schools that opted not to read the proverbial tea leaves, and failed to begin integrating experiential education components into their curricula, are now being pushed. Although the ABA ultimately rejected the CLEA’s proposal, it now requires accredited law schools to ensure its graduates satisfactorily complete at least “one or more experiential course(s) totaling at least six credit hours.”¹⁷ To be certain, the decision cements recognition of the need to formally rebalance the scales between doctrinal instruction and practice skills with an eye “toward developing the competencies [students will require to] deliver services to clients.”¹⁸

14. Clinical Legal Education Association, *Clinical Legal Education Association Comment of Draft Standard 303(a)(3) & Proposal for Amendment to Existing Standard 302(a)(4) to Require 15 credits in Experiential Courses*, CLEAWEBSITE.ORG (July 1, 2013), www.cleaweb.org/Resources/Documents/2013-01-07%20CLEA%2015%20credits.pdf.

15. Karen Tokarz et al., *New Ideas In Law and Legal Education: Legal Education at a crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. U. J.L. & POL’Y 11, 34-36 (2013). The rationale is that three years of theory-based lecture, case method learning, and appellate advocacy training detracts from acquiring skills more commonly needed by practicing attorneys on a day-to-day basis, such as legal writing, research, dispute resolution, and negotiation. See also Brian Farkis, *The Value of Semester Internships*, N.Y.C. BAR ASSOC. COMM. ON CAREER ADVANCEMENT AND MGMT. (2012) www.nycbar.org/images/stories/pdfs/membership/internship%20in%20law%20school.pdf.

16. Sheldon Krantz & Michael Millemann, *Legal Education in Transition: Trends and Their Implications*, 94 NEB. L. REV. 1, 19 (2015) (many schools are now making major changes in course options in the second and third years).

17. Standard 303(a)(3), ABA Standards and Rules of Procedure for Approval of Law Schools 2015-2016.

18. ABA TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, REPORT AND RECOMMENDATIONS 3 (2014) www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf.

B. So What is “Experiential Education” Anyway?

For those wondering what exactly experiential education is, it is useful to begin with the fact that the term evades any succinct, authoritative definition. Responding to this undefined but seemingly desirous component of legal education, Northeastern University School of Law assembled the Alliance for Experiential Learning in Law (“Alliance”) in 2011, seeking to “[d]evelop a shared vision of ‘experiential education’ and offer best practice that can be utilized and adopted by law schools across the country.”¹⁹ In 2012, the Alliance sponsored “the inaugural national symposium on experiential education in law,” which hosted over 250 participants.²⁰ And in 2014, the Alliance’s second symposium culminated in an expansive report that combined all of the knowledge and resources at the event to define experiential education as: “an active method of teaching that ‘integrates theory and practice by combining academic inquiry with actual experience’.”²¹ More specifically, the Alliance adopted the Association for Experiential Education’s definition of experiential education, noting that it “encompasses ‘many methodologies in which educators purposefully engage with learners in direct experience and focused reflection in order to increase knowledge, develop skills, clarify values, and develop people’s capacity to contribute to their communities.’”²² This latter description is endorsed elsewhere in the literature.²³

Although the ABA does not explicitly define “experiential,” law schools seeking to satisfy today’s ABA accreditation standards are required to offer experiential courses. ABA Standard 303 does provide some additional guidance, by stipulating that “[a]n experiential course must be a simulation course, a law clinic, or a field placement.” Further, within this identified subset of courses, the primary focus must:

1. integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;
2. develop the concepts underlying the professional skills being taught;

19. *Alliance for Experiential Learning*, NORTHEASTERN UNIVERSITY, www.northeastern.edu/law/experience/leadership/alliance.html (last visited Apr. 7, 2016) (Alliance for Experiential Learning in Law’s task statement).

20. *Id.*

21. *Experience the Future: Papers from the Second National Symposium on Experiential Education in Law Alliance for Experiential Learning in Law*, 7 ELON L. REV. 1, 15 (2015). This definition mirrors Stuckey’s. Stuckey et al., *supra* note 5, at 121.

22. *Id.* (quoting the Association for Experiential Education’s definition of experiential education); Association for Experiential Education, *What is Experiential Education?* www.aee.org/what-is-ee (last visited Feb. 16, 2017).

23. See, e.g., Christine Cerniglia Brown, *Is Experiential Education Simply A Trend in Law School or Is It Time for Legal Education to Take Flight?*, FED. LAW., Aug. 2013, at 42, 43 (describing experiential education “as those courses where experience is a significant or primary method of instruction and is designed in a manner to produce thoughtful reflection”).

3. provide multiple opportunities for performance; and
4. provide opportunities for self-evaluation.²⁴

From this standpoint, the ABA standard arguably appears to constrain the Alliance's more open ended definition that foregoes required labels such as "law clinic," "simulation," or "field placement." This said, despite the apparent absence of clarity surrounding "the determinant principle by which courses are labeled as experiential,"²⁵ many American law schools have not hesitated to embrace an expansive definition and the bountiful course offerings that come with it. During the 2015-2016 academic year for example, Yale and Columbia together offered over 160 experiential courses, with titles including Advanced Advocacy for Children and Youth, Community and Economic Development: Fieldwork, Lawyering in the Digital Age, Start-Ups and the Law, and Veterans Legal Services Clinic and Fieldwork.²⁶ Yale even allows first-year law students to enroll in clinical studies—a form of experiential education—that permit those students to practice law under the supervision of certified attorneys.²⁷

Although other notable law schools may lack the sheer volume and variety of experiential course options offered by Columbia and Yale, they bridge the gap by broadcasting their commitment to experiential education through other means. For example, Berkeley Law features an "Experiential Education" tab on their Internet homepage;²⁸ Stanford allows students to participate in a full-time, quarter-long clinic in lieu of taking other courses;²⁹ and Georgetown boasts an associate dean of experiential learning and offers a wide variety of practicum courses taught by dedicated practicum faculty.³⁰

24. Standard 303(a)(3), ABA Standards and Rules of Procedure for Approval of Law Schools 2015-2016 (replacing former Standard 302(a)(4) that provided "each student receive substantial instruction in...other professional skills generally regarded as necessary for effective and responsible participation in the legal profession."). See also, Standard 302(a)(4), ABA Standard and Rules of Procedure for Approval of Law Schools 2013-14; ABA Section of Legal Education and Admissions to the Bar, *Managing Director's Guidance Memo: Standards 303(a)(3), 303(b), and 304*, March 2015, 2 (on file with authors).

25. Cynthia Batt, *A Practice Continuum: Integrating Experiential Education into the Curriculum*, 7 ELON L. REV. 119, 123 (2015).

26. YALE LAW SCHOOL, http://courses.law.yale.edu/courses/term/4_ (last visited Mar. 6, 2017), <http://courses.law.yale.edu/courses/term/15>; COLUMBIA LAW SCHOOL, <http://web.law.columbia.edu/courses/search-results?categoryId=47> (last visited Apr. 7, 2016).

27. See *Clinics & Experiential Learning*, YALE LAW SCHOOL, www.law.yale.edu/study-law-yale/clinical-and-experiential-learning (last visited Mar. 6, 2016), archived at <http://archive.is/OSnMh> (updated Apr. 16, 2016) (noting the ability of first-year law students to participate in legal clinics).

28. UC BERKELEY LAW, www.law.berkeley.edu/experiential (last visited Mar. 6, 2017).

29. *Mills Legal Clinic*, STANFORD LAW SCHOOL, <https://law.stanford.edu/mills-legal-clinic/the-curriculum-and-coursework/> (last visited Mar. 6, 2016).

30. GEORGETOWN LAW, JANE H. AIKEN PROFILE, www.law.georgetown.edu/faculty/aiken-jane-h.cfm (last visited Dec. 14, 2016, 12:32 PM); see also GEORGETOWN LAW, PRACTICUM COURSES www.law.georgetown.edu/acad

All of this is to say, if the vast array of skills-based, practice-oriented educational opportunities fails to testify to the mounting traction of experiential education within law school curricula, it should—at the very least—corroborate the definitional flexibility that defines the genre. To borrow the words of one observer, the “decades-old vintage” view of experiential courses consisting of a neatly divided world of either externship placements or in-house clinics is indeed “inadequate for the curriculum reform era that lies ahead.”³¹ At the same time, while the search for a unanimous theory on the content of experiential education may remain elusive,³² the goals associated with experiential education appear to confirm that simulation courses, traditional law clinics, and field placements are simply too narrow a spectrum to effectively capture the omnipresence of experiential opportunities awaiting within the law school setting. As a testament to this, contemplate the broad range of possible experiential education goals identified in one recent law review article:

Engaging students, understanding unequal social structures, advancing social justice, developing lawyering skills, cultivating professional identity, fostering professional ethics, providing culturally competent client representation to a diverse array of clients, developing sound judgment and problem-solving abilities, gaining insight into law and the legal system, promoting lifelong learning, and learning to work collaboratively.³³

C. Enter Technology

“The relentless march of technological change and invention has been affecting lawyers and legal institutions for at least forty years.”³⁴ Contextualizing this fact against the backdrop of law school curriculum reform generally and the flexibility characterizing experiential education opportunities specifically, it should come as no surprise that legal educators and relevant institutions alike are also thinking about how to engage students in practice-oriented experiences in the realm of technology. Already, over fifty law schools offer a concentration in technology,³⁵ and the expansion of these

mics/academic-programs/clinical-programs/practicum/upload/Practicum-Section-2014-2.pdf (last visited Dec. 14, 2016).

31. Deborah Maranville, et al., *Re-Vision Quest: A Law School Guide to Designing Experiential Courses Involving Real Lawyering*, 56 N.Y.L. SCH. L. REV. 517, 518 (2012) (footnotes omitted).

32. Spearit & Stephanie Smith Ledesma, *Experiential Education as Critical Pedagogy: Enhancing the Law School Experience*, 38 NOVA L. REV. 249, 254 (2014).

33. Maranville, *supra* note 31, at 527.

34. Ronald W. Staudt & Andrew P. Medeiros, *Access to Justice and Technology Clinics: A 4% Solution*, 88 CHI.-KENT L. REV. 695, 700 (2013).

35. Blake D. Morant, *Revisiting Langdell: Legal Education Reform and the Lawyer's Craft: The Continued Evolution of American Legal Education*, 51 WAKE FOREST L. REV. 245, 256 (2016); *see also* R. Amani Smather, *The 21st Century T-Shaped Lawyer*, ABA JOURNAL, July 2014/August 2014, www.americanbar.org/publications/law_practice_magazine/2014/july-august/the-21st-century-t-shaped-lawyer.html (noting that a report by a major information technology research firm “estimates that at least 20 top U.S. law schools will

concentrations to incorporate experiential opportunities appears to be a natural next step, not only in response to the perceived need to “provide students with a greater understanding of technology’s impact on the legal profession,”³⁶ but also for the purpose of increasing knowledge, developing skills, and building student capacity to contribute to community.

Undoubtedly, most current students already arrive at law school with a heightened awareness of—and ability to interact with—tech-based social media platforms, search engines, and certain educational resources and databases. However, these skills do not necessarily automatically translate into the types of technological interactions future attorneys will encounter within their practices of law.³⁷

This need to foray into technology—and specifically readying students for its use and application within legal practice—is further supported by the understanding that “[l]awyers need new skills and core competencies to succeed in today’s technology-driven legal practice,”³⁸ and “that understanding and harnessing technology have become basic practice competencies in the legal profession.”³⁹ Ultimately, providing a framework for developing these skills and competencies is also necessary for responding to “employer criticism, which implores law schools to do a better job of training students on the intricacies of technology in the practice of law,”⁴⁰ and can in turn boost law graduates’ marketability to potential employers.⁴¹ In short, as much as deepened exposure to traditional lawyering skills is bound up in the call for curriculum reform, the changing professional landscape simultaneously demands law students develop *new* and emerging lawyering

require legal technology courses by 2018”).

36. See Morant, *supra* note 35, at 256.

37. Simon Canick, *Infusing Technology Skills Into the Law School Curriculum*, 42 CAP. U.L. REV. 663, 665 (2014). These technological interactions include, for example, “technology-assisted review” which enables “litigation support teams quickly and effectively to sort through . . . massive quantities of . . . potentially relevant [data] in the discovery phase of civil litigation”; “computer technologies’ and ‘automated document assembly’ to provide legal information and limited representation to low-income and moderate-income clients”; technology-driven methods for “delivering legal services online” through “‘virtual law offices’ and ‘virtual law practices’”; and “technology-driven templates” for improving office management and marketing, among other possibilities. Krantz, *supra* note 16, at 22-25. As Ronald Staudt observes, “automated document assembly, project management and work flow tools, predictive coding and artificial intelligence tools may be technologies of a different kind. These tools may work significant changes in the practice of law, demanding that lawyers master new competencies and develop new models for delivering legal services.” Staudt, *supra* note 34, at 702.

38. *Welcome to the A2J Course Project*, A2J AUTHOR COURSE PROJECT, <http://a2jclinic.classcaster.net/> (last visited May 5, 2016).

39. Krantz, *supra* note 16, at 21.

40. Morant, *supra* note 35, at 256.

41. Oliver R. Goodenough, *Developing an E-Curriculum: Reflections on the Future of Legal Education and On the Importance of Digital Expertise*, 88 CHI.-KENT L. REV. 845, 874-75 (2013); see also R. Amani Smather, *supra* note 35, at 32.

skills, particularly as they relate to the impact and uses of technology in legal practice.⁴²

From this, it becomes evident that in seeking to define and train practice-ready law graduates, building technology skills relevant to practice should be considered alongside other classic lawyering skills.⁴³ Arguably, the ABA's Model Rules of Professional Conduct already recognize this reality. Under Rule 1.1 (Competence), attorneys are required to maintain professional competence, *inter alia*, by "keep[ing] abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology."⁴⁴ As if to underscore the urgency of developing this capacity, the ABA elsewhere has observed that "although changes in the delivery of legal services have made competence in the use and management of law-related technology important, only a modest number of law schools currently include developing this competence as part of the curriculum."⁴⁵ Scholarship on this issue reinforces the ABA's position, concluding bluntly that "[f]or the most part, law schools are not currently equipped to teach these new skills and technologies,"⁴⁶ and that "[i]f today's law students are going to become effective users of technology tools, law schools need to prepare them for more than just tomorrow's legal practice."⁴⁷

To avoid painting an overly bleak picture, it is important to underscore that thoughtful and positive efforts are being exerted on the technology-related experiential education front. Here, the Center for Computer-Assisted Legal Instruction ("CALI")⁴⁸ and the IIT Chicago-Kent College of Law's Access to Justice Author Course Project⁴⁹ (A2J Author Course Project) are positioned at the vanguard of current efforts to think about and create tools for teaching core competencies related to technology in legal practice.

The A2J Author Course Project is intended "[t]o introduce law students to the skills required by a 21st century law office, and to produce A2J Guided Interviews and other technical resources that statewide legal aid organizations

42. See generally Goodenough, *supra* note 41; see also RICHARD SUSSKIND, THE END OF LAWYERS? RETHINKING THE NATURE OF LEGAL SERVICES (2008) (identifying challenges for traditional educational theory in a modern legal market, citing automated document assembly, online legal guidance, and law firm client management software, among other technological advances, as factors that must be considered moving forward).

43. See Staudt, *supra* note 34, at 699.

44. American Bar Association, MODEL RULES OF PROF'L. CONDUCT, r. 1.1 cmt. 8, www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/comment_on_rule_1_1.html.

45. ABA TASK FORCE, *supra* note 18, at 14.

46. See Krantz, *supra* note 16, at 21.

47. Roger V. Skalbeck, *Tech Innovation in the Academy*, THE NEW LIBRARIAN, www.aallnet.org/mm/publications/products/aall-ilta-white-paper/tech-innovation.pdf.

48. CALI is a "non-profit consortium of mostly US law schools that conducts applied research and development in the area of computer-mediated legal education." CENTER FOR COMPUTER-ASSISTED LEGAL INSTRUCTION, www.ali.org (last visited Aug. 24, 2016).

49. See A2J AUTHOR COURSE PROJECT, *supra* note 38.

can use to lower the barriers to justice for low-income people.”⁵⁰ In turn, the resources generated by A2J courses are intended to be used to “produce course kits . . . [that] will jump start the growth of future A2J Author courses and simultaneously deliver new automated content to legal aid websites across the country.”⁵¹ To be clear, this endeavor is no small feat. As Ronald W. Staudt, a law professor and director of the Center for Access to Justice and Technology at Chicago-Kent College of Law, describes it, the A2J Author Course Project is “a new clinical experience” intended to “help law students to learn core competencies needed in an increasingly technological profession, while they build tools and write content to help low-income, self-represented litigants overcome serious barriers in their pursuit of justice.”⁵²

The access to justice problem in the United States is well documented,⁵³ and the A2J Course Project provides an innovative approach for confronting this issue while offering students the opportunity to learn what may become fundamental skills in the future of legal practice. By harnessing technology, the A2J Course Project demonstrates a keen understanding of the power of the Internet and its capability to reach even the most destitute populations in need of legal assistance.⁵⁴ While many individuals are still unable to afford to have the service in the palm of their hand or at their home,⁵⁵ with free access at public libraries and other public venues, the vast majority of Americans can opt to get online⁵⁶ if something as vital as an infringement on their rights occurs. In this context, A2J guided interviews hold the promise of helping to bridge the access to justice gap by facilitating the completion of legal forms

50. *Id.*

51. *Id.*

52. See Staudt, *supra* note 34, at 698.

53. See generally LEGAL SERVICES CORP., DOCUMENTING THE JUSTICE GAP IN AMERICA: THE CURRENT UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (Sept. 2009), www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf; Roderick B. Mathews and Juan Carlos Botero, *Access to Justice in the United States: Findings from the Newly Released Rule of Law Index of the World Justice Project*, VA. LAWYER, Dec. 2010, at 24, 25 http://worldjusticeproject.org/sites/default/files/486481access_to_justice_in_the_united_states_virginia_lawyer_12-10.pdf; Alan W. Houseman, *Civil Legal Aid In the United States: An Update For 2013*, CENTER FOR LEGAL AND SOCIAL POLICY (Nov. 26, 2013), at 1-2, www.clasp.org/resources-and-publications/publication-1/CIVIL-LEGAL-AID-IN-THE-UNITED-STATES-3.pdf; Lua Kamal Yuielle, Note, *No One's Perfect (Not Even Close): Reevaluating Access to Justice in the United States and Western Europe*, 42 COLUM. J. TRANSNAT'L L. 863 (2004).

54. Monica Anderson & Andrew Perrin, *15% of Americans Don't Use the Internet. Who Are They?*, PEW RESEARCH CENTER (Sept. 7, 2016), www.pewresearch.org/fact-tank/2015/07/28/15-of-americans-dont-use-the-internet-who-are-they/ (finding, as of 2013, only 15 percent of Americans reported not using the internet, with some 74 percent of that subset citing personal reasons unrelated to costs as to why they do not).

55. Kathryn Zuckuhr, *Who's Not Online and Why*, PEW RES. CTR. (Sept. 23, 2013), www.pewinternet.org/2013/09/25/whos-not-online-and-why/ (only nine percent of the 85 percent of adults who use the Internet “lack home access”).

56. *Id.* (noting eighty-five percent of Americans have internet access).

that relate to a vindication of rights on the part of low-income and other pro se applicants. This promise is well-reflected in the fact that, during its brief existence, A2J guided interviews already have been used over three million times and have generated over 1.7 million completed documents for the benefit of self-represented and other end-users.⁵⁷

Unpacking this further, the A2J Course Project initiative is multifaceted: on one hand, it seeks to empower pro se litigants by identifying barriers to justice and then harnessing computer technology to develop software-based solutions aimed at boosting access. At the same time, the A2J project challenges students to think about “how technology tools can be used to disrupt the traditional law firm model and...confront the ethical issues raised by new methods for delivering legal information and services.”⁵⁸ Together with this new skills training, A2J projects also retain the opportunity to build on traditional law school skills such as legal research, writing, and analysis, as well as develop “essential ‘soft’ skills that lawyers need to succeed in law practice,”⁵⁹ including plain English drafting, oral presentations, interviewing and counseling, teamwork and cooperation, to name a few.

Although the objectives associated with the A2J Course Project—and experiential education initiatives in general—are laudable, the implementation of these programs does not come without potential pitfalls. Cost appears to figure prominently among the concerns voiced about further integrating experiential education into the law school curriculum.⁶⁰ A 2009 study conducted by the U.S. Government Accountability Office to determine the driving forces behind law school tuition increases revealed that “increases in resource intensive approaches to education...appear to be [a] primary influence on increased costs”⁶¹ Cost may indeed be a concern, but nothing suggests that experiential education offerings are solely responsible for the increased cost of a legal education.⁶² Nevertheless, the dual pressures of reduced student enrollments and increasingly strained budgets risk exposing the unwillingness of some law schools to make necessary adjustments to their economic structures that would facilitate the commitment of greater resources

57. Alexander F.A. Rabanal, *Bringing Access to Justice to the Classroom through the A2J Author Course Project*, CALICon 2016, presentation June 18, 2016 (on file with authors).

58. Staudt, *supra* note 34, at 711.

59. *Id.* at 715.

60. See generally Robert R. Kuehn, *Pricing Clinical Legal Education*, 92 DENV. U.L. REV. 1 (2014); see also *Experience the Future*, *supra*, note 21, at 37 (categorizing costs associated with initiating an experiential education program, including the costs of configuring classrooms, acquiring technology, creating or sourcing curriculum, and malpractice insurance, among others).

61. See Kuehn, *supra* note 60, at 10-11; U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-10-20, HIGHER EDUCATION: ISSUES RELATED TO LAW SCHOOL COST AND ACCESS 11, 24 (2009).

62. Kuehn, *supra* note 60, at 7-11 (attributing law school tuition increases to increased professorial staff and salaries; new and updated law school buildings; increased efforts to improve national law school rankings; student-subsidized professorial scholarship; and increased mandatory revenue sharing from law schools to universities).

to experiential learning models.⁶³ In the event these budgetary decisions prove less forthcoming, the risk arises that experiential offerings may fall short not only in number and diversity, but also in terms of intellectual challenge and rigorousness as well.

Although financial challenges remain central to the law school reform debate, concerns still linger too over whether an emphasis on building practical skills through experiential course offerings in fact prepares future lawyers any better than traditional doctrinal courses. This position may appear outmoded or indefensible to some proponents of experiential education. However, those championing traditional doctrinal instruction maintain “there is more to training lawyers than merely teaching them practical skills (such as how to draft a Complaint or where to sit in a courtroom).”⁶⁴ Further still, in pursuing “real” experiences for their students, law schools should not lose sight of their overriding pedagogical priority, namely instilling in students the fundamental skills of “[t]hinking critically, processing information, and reasoning analytically,”⁶⁵ that are foundational to any successful practice of law.

While both sides may present compelling views and merit continued scholarly debate, resolving the puzzle of legal education reform falls outside the scope of this article. Rather, with some context established on the topics of curriculum reform, experiential education and the role of technology, our more modest focus now turns to a discussion of the first-time implementation of a technology-oriented experiential-focused course designed and offered at the University of Tennessee College of Law in fall 2015. In putting forward an unvarnished account of our experiences with this journey from the perspective of professor and student, we hope not only to provide a case study in experiential education in the context of law school, but perhaps also to help inspire and improve upon future experiential education offerings both for professors and students thinking about taking a leap of faith and embarking on a similar journey.

63. Debra Cassens Weiss, *Law Dean Hits University Tuition Grab in Widely Distributed Resignation Letter*, ABA JOURNAL (Aug. 1, 2011, 10:30 AM), www.abajournal.com/mobile/article/law_dean_hits_university_tuition_grab_in_widely_distributed_resignation_letter (citing the resignation letter of the former dean of the University of Baltimore School of Law in which he states that the parent university was taking over 40 percent of law school revenue to fund less-profitable programs); see also Paul Campos, *80% - 85% of ABA law schools are currently losing money*, LAWYERS, GUNS & MONEY BLOG (Nov. 12, 2013), www.lawyersgunsandmoneyblog.com/2013/11/80-to-85-of-aba-law-schools-are-currently-losing-money.

64. Patrick R. Hugg and Kathryn Venturatos Lorio, *Experiential Teaching – On Steroids: Unexpected Pedagogical Discoveries*, 15 LOY. J. PUB. INT. L. 195, 205 (2013).

65. *Id.*

IV. ORIGINS: THE HUMAN RIGHTS PRACTICUM AT UNIVERSITY OF TENNESSEE COLLEGE OF LAW TAKES ROOT

A. *An International Law Professor's Challenge and a Fortuitously-Timed Email*

UT College of Law has a long and storied history of being a national leader in clinical legal education. We are “home to the longest-running legal clinical program in the nation.”⁶⁶ Part of the reason for this success flows from the fact that our faculty is a unified one. In other words, both doctrinal and clinical professors are hired on a common tenure track and we deliberate and make decisions related to curriculum together, based on the overall best interests of our institution and students. That said, despite the “big picture” view of faculty and curriculum integration, it would probably be fair to say that on the ground, an invisible wall continues to separate doctrinal and clinical faculty, evidenced by relatively little in the way of practical cross-fertilization and cooperation in the context of legal education.

I arrived at UT College of Law in 2007, with responsibility for teaching mostly upper level international law and human rights-related courses. Other than occasional simulations in class, tie-ins of doctrinal law to practice, and coaching UT's Jessup International Law Moot Court teams,⁶⁷ my personal teaching style would probably best be characterized as sporadically Socratic with an inclination for pushing and testing positions, sparking debates among students, and challenging them to assess and argue issues from the other side. In short, I was firmly situated among the “doctrinal” faculty, and my conventional teaching methodology emphasized substantive law, and building students' analytical and communications skills. Generally, my course offerings remained removed from any purposefully experiential-driven pedagogical objectives.

One of the concerns I have grappled with during nearly ten years of teaching is encouraging students to develop a greater appreciation for the relevancy and importance of international law and human rights. This challenge may, at least in part, be an outgrowth of the reality that many students do not anticipate entering a legal practice that will require going beyond national borders or harnessing international legal norms. Alongside this “particular” pedagogical challenge, our faculty, like many others, carefully watched and debated the far-broader general challenge encompassed by the ABA's decision to move away from requirement that “each student receive substantial instruction in...other professional skills generally regarded as necessary for effective and responsible participation in the legal profession” in favor of mandated credit hours for dedicated experiential courses.

66. *Clinics*, UNIVERSITY OF TENNESSEE COLLEGE OF LAW, <http://law.utk.edu/clinics/> (last visited Feb. 16, 2017).

67. *Philip C. Jessup International Law Moot Court Competition*, INTERNATIONAL LAW STUDENTS ASSOCIATION, www.ilsa.org/jessuphome (last visited Feb. 16, 2017).

As an outgrowth of these particular and general issues, an email sent by CALI in September 2014 and forwarded to our faculty, by our indefatigable then-associate dean for research Professor Gregory Stein, hit me like a proverbial ton of bricks. CALI's request for proposals for its second round of A2J Author Course Projects explained that:

The purpose of the A2J Author® Course Project is to provide tools and assistance to law professors who wish to create a new (or adapt an existing) law school course that will give law students opportunities for experiential learning and technological training. At the same time, students will create tools that will reduce barriers to justice for self-represented litigants and partner with practicing attorneys and legal aid organizations.⁶⁸

From this brief mission statement, the A2J Project appeared to be a *deus ex machina* of sorts—a perfectly timed intervention that promised students a novel and cutting edge experiential experience, while at the same time emphasizing access to justice—something that could readily tie into the overarching theme of human rights. But, alas, how to make the connection between “human rights” and Tennessee more explicit? In a spontaneous brainstorming session triggered by CALI's request for proposals, I quickly typed “Tennessee human rights” into a search engine. Here, I readily confess, Google truly can be your friend.⁶⁹ The top hit led me to the Tennessee Human Rights Commission (“THRC”). A few clicks later, I located the Commission's complaint form—a PDF document that explains “The Tennessee Human Rights Commission is an independent state agency which investigates allegations of discrimination in housing, employment, Title VI and places of public accommodations.”⁷⁰ Nowhere in its eight pages, does the complaint provide a readily understandable definition for the bases of discrimination falling under the Commission's mandate.⁷¹ Furthermore, upon closer inspection, many of the complaint form's seemingly straightforward questions—for example, “[w]hen did the discriminatory act(s) occur?”⁷²—give rise to concerns that, absent further counsel or elaboration of prevailing law, might adversely impact claims, or alternatively, deter potential complainants from filing with the THRC altogether.

From my perspective, I had uncovered the ideal proposal for the CALI A2J project: overhaul the THRC's complaint form by implementing a computer-based “guided interview” using the A2J Author programming

68. *Request for Proposals A2J Author® Course Project 2015-2016*, CALI, <https://gallery.mailchimp.com/74902c4d59ae9e4e263c29082/files/a2jflyer.pdf> (last visited Feb. 16, 2017).

69. *Google is Your Friend, But You Don't Seem to Understand!*, GIYF, www.giyf.com (last visited Feb. 16, 2017). The axiom apparently has its own musical as well. *Google Is Your Friend - GIYF The Musical!*, YOUTUBE (Mar. 4, 2013) www.youtube.com/watch?v=ftQ6A3DKKeg.

70. *Filing a Discrimination Complaint With the Tennessee Human Rights Commission (THRC)*, TENNESSEE HUMAN RIGHTS COMMISSION CENTRAL OFFICE, www.tn.gov/assets/entities/humanrights/attachments/FillableComplaintFormEnglishRevised2013NewAddress.pdf (last visited Feb. 16, 2017).

71. *Id.*

72. *Id.*

software. By replacing the rather intimidating and lengthy PDF form with a reworked web-based guided interview, students could take responsibility for developing a more user-friendly experience that incorporated critical basic information absent in the existing form. Among other things, this guided interview could: enable complainants to completely bypass sections of the existing form irrelevant to their claim; integrate relevant explanations and concrete examples to help clarify and elaborate legal norms where necessary; and replace complex legal language in favor of a plain English approach that would make the entire complaint process more readily understandable and accessible. At the same time, the doctrinal side of me relished the opportunity to expose students to the larger network of U.S. state and municipal human rights commissions, to explore how these commissions differ in makeup and mandate, and further, to frame this national system against the larger backdrop of human rights commissions and human rights mechanisms on the regional and international levels.

At this point, I was struck by two things: first, it would probably benefit the course to bring in a faculty member with experience in the clinical setting; and second, if CALI ultimately accepted the proposal, we would need to start speaking with the THRC to gauge their interest in the project. While the latter issue could be put on the backburner, at least for a little while, on the former issue, my choice was obvious: I reached out to my colleague Professor Valorie Vojdik, not only because she headed the College of Law's clinical programs at the time, but also because of her interest in human rights and access to justice. She enthusiastically embraced the concept, and we began working on the proposal in earnest.

Ultimately, our proposal for a Human Rights Practicum at UT blended some front-end doctrinal work and substantive law—covering the history and function of human rights commissions, the Tennessee Human Rights Act, access to justice problems, and administrative remedies—with a significant experiential component that would require students to: identify and conduct interviews with relevant experts and other interested parties (including THRC staff) as part of an information gathering and investigative process; design and develop the “storyboard” that would shape the guided interview; and be trained on the use of HotDocs and A2J Author software for translating the PDF complaint form into the guided interview. The end result would be a step-by-step custom-tailored computer-based interview that would walk individuals through the process, and at the end of the interview, provide them with a completed complaint form ready for filing with the THRC. In the words of our submitted proposal, we envisioned that the project would accomplish multifaceted objectives: boost our students' access to experiential education offerings at UT Law by exposing students to new computer-based technologies and empowering them to apply these technologies in practice; explore the ongoing challenge of discrimination in the United States and the function of human rights commissions in providing administrative remedies for discriminatory treatment; provide a tangible access to justice-oriented end product to benefit low-income Tennesseans confronting discrimination-driven challenges; and finally, help develop a model for integrating and supporting

doctrinal and clinical faculty collaboration for future expansion of experiential education opportunities at UT College of Law.

Following submission of our proposal, an interview with the A2J team at Chicago-Kent College of Law, and the inevitable anxiousness that comes with waiting for a thumbs up or down, we were elated to learn that our project was selected for the 2015-2016 grant cycle.⁷³ Faculty participating in this second cycle attended an orientation meeting at the AALS conference in January 2015, as well as a HotDocs and A2J Author training workshop which took place during summer 2015.

In addition to these meetings, we also reached out the THRC to pitch our concept. A meeting in early spring 2015 with THRC Executive Director Beverly Watts confirmed that the project would be a welcome addition to the Commission's outreach efforts. Executive Director Watts also signaled that many state HRCs were grappling with similar challenges related to simplifying the filing process and generally boosting accessibility for pro se applicants. Even more important, Watts' enthusiasm and support for the project reinvigorated our motivation and helped legitimize our initial thinking surrounding the potential value of the project. From here, we worked to further refine our proposal and develop the course syllabus. One of the first decisions we reached was to focus on creating a guided interview for three of the four subject areas falling under the THRC's mandate. Here, we opted to set aside employment from the guided interview, at least temporarily, due to concerns over its content and complexity, as well as uncertainty over whether the practicum would attract sufficient student enrollment to ensure the project could be completed.⁷⁴

B. Crafting a Syllabus for the Human Rights Practicum

The three-credit course syllabus refined over the summer of 2015 helped clarify the practicum's objectives:

In the first part of the course, students will learn about the legal and administrative remedies for human rights violations. In the second part of the course, students will conduct interviews with members of the Commission and its staff, legal aid attorneys, and advocacy groups; engage in fact-finding investigation to determine the needs of pro se complainants; and create materials and guided interviews using the latest technology created by CALI for the purpose of enhancing and facilitating access to justice. At the end of the semester, guided interview software and related materials created by students

73. Other faculty selected as 2015-2016 A2J Author Course Project Fellows were: Alyson Carrel (Northwestern Pritzker School of Law); Jennifer Gundlach (Hofstra University Maurice A. Deane School of Law); Carrie Anne Hagan (Indiana University Robert H. McKinney School of Law); Michael Robak (University of Missouri-Kansas City School of Law); and Rebecca S. Trammell (Stetson University College of Law). Rabanal, *supra* note 57.

74. Reece Brassler would go on to complete the employment section as part of a directed research project supervised by Prof. Blitt in spring 2016.

will be distributed to legal aid and advocacy groups in the state and made available for public use.

Like other A2J courses, we envisioned the Human Rights Practicum serving, in Prof. Staudt's words, as "a hybrid course with elements of clinic, legal writing and substantive instruction."⁷⁵ Although students would not be in a courtroom, they were assigned a real "client"—the THRC, as well as virtual clients—namely the future end-users who would, at some point down the road, rely on the guided interview to complete and file a complaint form with the THRC. Additionally, students were expected to identify and interact with additional actors by seeking out input from other relevant experts and stakeholders who could provide valuable input into the project. The legal writing aspect of the practicum required "students [to] perform legal research, draft legal documents and revise those drafts as part of their required performances, [in addition to requiring] students to learn and use advanced technologies like A2J Author and [HotDocs]."⁷⁶ Finally, the substantive aspect required students to gain mastery over aspects of administrative law and discrimination law, as well as exposure to "material on technology as it enables new models of lawyering for clients of all types."⁷⁷ In short, in creating our practicum, faculty attempted to stay within the parameters envisioned by Staudt, while making adjustments necessary for linking the experiential content to substantive law.

The biggest concern that emerged from crafting a syllabus for the Human Rights Practicum was throwing students into the world of human rights commissions and administrative remedies without adequate contextual grounding in doctrine as well as procedure. Thus, we opted to preface the experiential component with a substantive exploration of access to justice and discrimination issues as well as discussion covering the legislative and procedural framework within which human rights commissions operate. For example, through assigned readings and class discussions, we intended to engage students on how discrimination manifests itself across housing, public accommodation, Title VI, as well as other areas. Similarly, we sought to unpack the ongoing challenge posed by the unmet civil legal needs of low-income individuals and others. In addition, we aimed to juxtapose the Tennessee Human Rights Act (THRA) with the mandates extended to other state human rights commissions to highlight the role of the legislature in taking either a narrow or expansive approach to defining discrimination and framing an effective administrative response to its scourge.⁷⁸ Finally, we also

75. A2J AUTHOR COURSE PROJECT, *supra* note 38 (describing Staudt's Justice and Technology Practicum offered in fall 2013 at Chicago-Kent College of Law).

76. *Id.*

77. *Id.*

78. Based on these interactions, students were surprised to discover a wide differentiation among state anti-discrimination measures, including, for example, that in Tennessee, even after the *Obergefell* decision, sexual orientation remained conspicuously absent as a protected class under the THRA. See *Obergefell v. Hodges*, 135 S. Ct. 2584, 2604 (2015) (holding that the right to marry is a fundamental right, and that under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, "couples of the

wanted students to use primary texts including the THRA to identify answers to foundational questions pertaining to the THRC, including for example: who has standing to file a complaint, whether the complaint may be amended, how complaints might be dismissed, and types of relief awardable by the commission.

Faced with the reality of wanting to cover all this ground—and still not having broached the technology component of the course, much theoretical and other traditional front-end material fell to the cutting room floor. For example, here, we abandoned a broader exploration of human rights commissions, including how they interface with regional and international mechanisms and how they may come under political attack or be used as political tools to shield rather than expose violations of human rights. As the course progressed, we would find ourselves needing to trim additional topical readings relating, for example, to housing and the role of technology in law.

Likely a further indication of faculty naivety with respect to what we were about to ask students to embark upon with us, the syllabus also set out no fewer than nine anticipated learning objectives:

1. Understand (a) the relationship between federal and state civil rights laws; (b) the role of state human rights commissions in preventing and redressing civil rights violations; (c) the nature and scope of relief for acts of discrimination available under the Tennessee Human Rights Act; and (d) the procedure for filing and processing complaints with the Tennessee Human Rights Commission (“THRC”).
2. Identify barriers to access to justice in Tennessee with respect to civil rights violations, the role of lawyers in improving access to justice, and strategies to improve access to justice.
3. Identify and analyze relevant strategic considerations that lawyers must use to effectively advocate for clients in redressing civil rights violations.
4. Prepare and conduct client interviews using plain language.
5. Conduct interviews and fact investigations of third parties and experts.
6. Create an effective guided interview to permit pro se complainants to file complaints of discrimination with the THRC.
7. Gain expertise in cutting-edge computer based technology designed to respond to the changing needs of legal practice in the 21st century.
8. Work professionally and collaboratively with other students, lawyers, state agencies, and other stakeholders.
9. Use basic cultural competencies to more effectively interview, counsel, and represent clients from diverse backgrounds and experiences.

same-sex may not be deprived of that right and that liberty.”).

Learning outcomes were based on course content as well as the evaluative components of the practicum. With respect to student work product and grading, we envisioned the practicum offering multiple opportunities for feedback both on substantive law as well as practice-oriented skills in both individual and team settings. To begin, we required teams to devise a scope of work document that we used as a departure point for individual consultations and further brainstorming with each team. Following this, we required students to prepare a brief traditional research memo on their issue areas, as well as draft written summaries of the ongoing interviews they conducted with relevant interlocutors. Students posted these summaries to our course website's discussion board. Using the discussion board functionality, we intended to provide feedback on these interviews—including potential follow up research questions and suggested additional experts—with the aim of having students fully incorporate any relevant issues raised by interlocutors into the final guided interview work product.

In addition, we also required student teams to produce storyboards intended to lay out a roadmap for how the guided interview would function (for example, answering “C” to question 1 moves the user directly to question 5, but answering “B” directs the reader to question 3). Each team would present their respective storyboard to the class. In turn, the class would discuss the merits and drawbacks of the competing approaches and move to synthesize a sort of “idealized” unified storyboard that would serve as the template to be applied across the entirety of the guided interview. Lastly, teams would be responsible for a final oral presentation walking through the guided interview as well as individual reflective reports. Taken together, activities surrounding the practicum would engage students' skills relating to professionalism, expert identification, one on one interviewing, teamwork, legal technology, as well as legal research and writing.

As will be seen in the sections that follow, in hindsight the structure and content of the course could fairly be described as overly ambitious. But before getting ahead of ourselves, faculty turned to the task of publicizing the course among students and trying to build interest for fall 2015.⁷⁹

C. The Decision to Enroll: A Student's Take

Here is a timely place for a student intervention to discuss motivations for enrolling in the practicum. Before diving in, let me provide a little background about myself. I am a third-year Juris Doctor Candidate focusing in advocacy and dispute resolution. My affinity for public interest work led me to volunteer as a clerk at Legal Aid of East Tennessee (“LAET”) during the summer following my 1L year. LAET is a non-profit law firm that serves six East Tennessee areas by “ensuring equal justice for elderly, abused, and low income people by providing a broad scope of civil legal assistance and

79. Besides word of mouth, faculty issued some internal publicity to students through email and the “lawtron” electronic bulletin boards around the College of Law.

advocacy.”⁸⁰ I became acquainted with LAET by volunteering for its Saturday Bar events—monthly advice clinics conducted with the help of student volunteers to provide free consultation from area attorneys to underprivileged persons with legal issues. Because of my familiarity with LAET’s services and staff, signing on as a summer clerk was a natural fit. As a clerk, I worked under staff attorney Kristine Schmidt in the Maryville, Tennessee office, researching client issues and drafting divorces and orders of protections, among other duties. Following this experience, I volunteered to coordinate the same advice clinics I had volunteered for as a 1L. During my time with LAET, it became clear that the program’s lack of funding and limited range of practice areas substantially impeded its mission, underscoring the desperate need for public interest attorneys and expanded access to justice initiatives.

As for my motivations, I knew the Human Rights Practicum would provide an opportunity not only to serve the community, but also to improve the legal landscape throughout Tennessee. I imagined it would amplify the voices of the indigent and oppressed by offering them the access to justice they desire while also equipping them with knowledge to avoid finding themselves in trying legal circumstances in the future. These motivations were not entirely altruistic, however, as I envisioned working for a government entity, such as the Department of Housing and Urban Development, in the future. Accordingly, gaining first-hand experience with the THRC, which works closely with HUD and the EEOC, was too great to pass up. The practicum presented an excellent opportunity to gain experience in the field and to help determine whether the career path was one I wanted to pursue. That said, because I was unaware of the course offering initially, I did not bid to enroll.⁸¹ It was only after a fellow student informed me of an opening that I dropped out of another course to venture on this experiential education journey.

The Practicum’s emphasis on experiential learning also appealed to my interest in engaging with the law while improving my professional skills and increasing opportunities to network with civil rights attorneys. Although I was familiar with the term “experiential learning,” my understanding of it at the time was basic at best. But this basic knowledge, in conjunction with the course description, fueled my belief that students would learn practical skills like interviewing techniques, teamwork skills, and traits of professionalism, while also engaging with legal doctrine, and—in this specific Practicum—exploring the use of technological resources that are becoming increasingly relevant in practice. I also expected to reflect on the experience in an educational setting to better understand and appreciate what it meant for my professional development. I do not think I was alone in holding these expectations, although it is difficult to say whether my classmates entered the Human Rights Practicum with experiential education in mind. If they did, I certainly was not aware. I am sure, however, that their motivations for taking

80. *About Us*, LAET.ORG, www.laet.org/About-Us.aspx (last visited Jan. 25, 2017).

81. At the University of Tennessee College of Law, students place “bids” on their preferred classes to help guarantee a spot in oversubscribed courses.

the course aligned in some sense with mine. Likewise, I am confident that they were similarly unsure of what to expect from the course. Regardless, I think they would abide with the notion that, as a class, we achieved most of the practicum's learning objectives despite not achieving them in the manner expected.

V. FROM IDEA TO IMPLEMENTATION: A CANDID REVIEW OF THE HUMAN RIGHTS PRACTICUM A2J COURSE PROJECT

This section highlights the practicum's major organization and implementation challenges, discusses how these challenges were met, and further explores what might be done differently in the future to meet or better insulate against such challenges. Understandably, while some of these issues may be intrinsic to the development and execution of any first-time course offering, others are undoubtedly unique to the dynamics generated by A2J Author courses.

A. *Student Enrollment and Team Assignments*

Enrollment for the Human Rights Practicum initially came in at eight students on the first day of classes in August 2015. Shortly thereafter, this number fell to seven due to a withdrawal.⁸² The students came from various backgrounds and brought different skillsets and interests to the classroom. Many were interested in public interest and pro bono legal work; others had an interest in the technological and programming aspects of the practicum. From the faculty's perspective, seven was on the low end of our ideal class size. Given the practicum's singular focus in automating the THRC's complaint form,⁸³ we originally estimated that our minimum desired enrollment would be six students, while any enrollment larger than ten or twelve would start to diminish the level of responsibility assigned to students and potentially take away from the experiential component of the course. This ceiling flowed primarily from the decision to shape the practicum around producing a single guided interview rather than separate guided interviews for every student or for each pair of students.

In retrospect, more could have been done in advance to communicate the uniqueness of the A2J course opportunity to students and the law school community at large. Although faculty spoke informally to students about the class, and disseminated a course description and related advertisement on the law school's electronic notice boards, additional tools and techniques for publicity may have been helpful in obtaining higher student enrollment. These measures could have included, for example, internal distribution of CALI/A2J

82. An undergraduate exchange student from Europe opted to withdraw within the first few weeks of the semester. From our understanding, the decision to withdraw stemmed from the challenge of making the leap from undergraduate to graduate level coursework as well as needing to rapidly get up to speed on the U.S. legal system.

83. Other A2J classes have revolved around students working on individual projects.

materials describing the nation-wide effort to boost access to justice through the development of guided interviews, as well as sharing feedback from students who had completed previous A2J courses elsewhere. This type of additional material may have assisted in better explaining, publicizing, and framing the practicum opportunity being presented to our law students.

Based on expressed student interest, we proceeded to divide the class into three teams that would in turn be responsible for covering three claim areas: Housing, Public Accommodation, and Title VI. We assigned three students to the Housing group and two students to each of the remaining groups. This structure was intended to facilitate an equitable workload, and reflected the additional research and programming anticipated for the housing team, considering the higher concentration of housing-related questions in the THRC complaint form. These working groups were maintained for the duration of the semester as students moved through the various course modules and collaborated on various projects, including the scope of work document, identifying and interviewing experts, drafting storyboards, HotDocs programming, and implementation of the guided interview through the A2J author software.

*B. One Guided Interview Rather than Many May Not
Necessarily Be Easier: Teamwork Fuels Dividends but
Comes with Difficulties Too*

Team-based student work was considered an *a priori* component of UT's A2J author course project due to the practicum's premise: producing a single A2J guided interview for the THRC's complaint form. This format also signaled a novel departure from previous A2J Author Course Projects offered elsewhere, which typically revolved around students working on their own individual guided interviews. To recall, the decision to "bake" the THRC complaint form into the A2J course description at UT flowed from the desire to help students draw a tangible and meaningful connection between human rights and Tennessee state law. It also made sense from a practical standpoint: using the THRC's complaint form as a "proof of concept" of sorts, students could test the effectiveness of the guided interview format on a human rights commission complaint form, tweak the process as necessary, and then potentially apply the practicum model to tackle other human rights commission intake forms throughout the country. At the same time, although the THRC complaint form proved to be a deceptively complex document to translate into a guided interview, at least initially the idea of focusing on a single form helped alleviate some of the apprehension that necessarily attaches to the prospect of managing the creation of multiple A2J projects for the first time.

To be certain, the practicum's heavy reliance on teamwork had distinct advantages. Perhaps most notable, students were presented with a dynamic learning opportunity for refining communication skills and building teamwork skills. Specifically, faculty observed students successfully collaborating as groups to problem-solve, draft legal documents, program HotDocs templates

and A2J author, and identify and apportion other team responsibilities, including conducting interviews and preparing in-class presentations. The storyboard assignment serves as a great example of the type of multi-level collaborative work in which the class engaged. Here, faculty first asked students to devise a storyboard, or “flow chart,” for the guided interview within their teams. Following this, teams were required to present their storyboards to the larger class for discussion. After each team presented their storyboard, the class engaged in a vigorous debate about which model best suited the guided interview and why. Discussion was spirited but always civil, and the class emerged with a revised final storyboard that not only was able to incorporate the best elements of each team’s unique approach, but also benefitted from having the buy-in of the entire class. Students also demonstrated the ability to be self-starters, adapting technology tools to facilitate teamwork. For example, the students set up a Facebook group to communicate within and across teams, to divide work assignments, and to share and track work progress.

At the same time, this teamwork-heavy structure also generated workload balance, accountability, and grading challenges for students and faculty alike. From the faculty perspective, it was difficult to consistently attribute work product to specific students. For example, we were often unable to meaningfully discern individual work within various group projects. In part, we anticipated being able to compensate for this by also requiring individual assignments. In retrospect, however, group work made up a significant component of the practicum, and despite requiring students to describe the specific work they were responsible for within the group, we were still left with a nagging sense that we lacked a thorough estimation of the full extent of individual student contributions.

The perception from the student’s side seems to confirm this nagging doubt. For example, with respect to construction of the guided interview, only three or four members of the class gained mastery of the A2J software sufficient to take responsibility for programming the guided interview. This reality not only significantly delayed the ability to meet timelines for completion of the interview, but also had the perverse effect of allowing some team members to “turn off” from the technology aspect and rely on their colleagues to get through the HotDocs and A2J programming sections. Thankfully, the potential for this division of labor to breed discord among students was tempered by the “technophobic” students agreeing to carry a heavier load elsewhere in the class.

Nevertheless, the outcome still created a vacuum of information because those who did learn the software could not rely on other classmates for support when working through programming challenges. As an outgrowth of this diminished support system among team members, students engaged in the task of programming were left struggling to carry the water. Often, this meant falling back on almost constant email correspondence with the IIT Chicago-Kent School of Law A2J support experts. Awaiting answers from the already overworked staff in Chicago, rather than being able to rely upon the more immediate sounding board of a full class capable of thinking through

programming problems, further complicated and slowed the interview development process.

In the end, the team dynamic that emerged on the programming front ultimately resulted in an unbalanced workload, where those who knew how to use the technology shouldered the burden for classmates who did not. There was no real system of checks and balances in place to assure everyone was doing their part, although faculty monitored the situation as closely as they could while also relying on student feedback to understand the group work dynamic.

This critique makes plain that framing an A2J Author course project around a single, shared guided interview runs the risk of exposing participants to a similar undesirable dynamic. Obviously, premising the course on a BYOP, or “bring your own project” model, would do away with this problem altogether, since each student would be individually accountable for learning HotDocs and A2J, and for programming their personal guided interview. However, if a single A2J project remains the preferred route, other additional measures might be taken upfront to reduce the possibility of a similar outcome. For example, faculty could administer formal programming quizzes or tests (graded or ungraded) to check for competency after students complete the relevant training modules. Similarly, directly linking a component of the final grade to programming might incentivize students not to shirk from what they might perceive as daunting or otherwise avoidable.

C. Scheduling: Classes, Team Meetings, and Work Product Deadlines

To accommodate conflicting faculty schedules, the seminar was scheduled to meet for weekly two-hour sessions rather than twice weekly for a shorter time. This longer weekly meeting initially appeared to come with some advantages. First, faculty thought it might encourage students to enroll, inasmuch as it avoided “cluttering” their calendars to the extent of two or three-day a-week class meetings. It also promised the ability for the group to roll up their sleeves and cover more ground over the course of a longer single session. However, it became clear as the semester progressed that a more traditional, twice weekly, meeting time would have worked better.

Bluntly, having two fixed weekly meetings would have kept the practicum on the front rather than the back burner. In other words, deadlines that were abstracted by being “a week away” would instead have been up front and more imminent. This would have helped to sustain student thinking about the practicum throughout the week rather than leaving them (and yes, faculty too!) struggling to recall where we left off at our previous meeting a full week before. Using a twice weekly meeting format, moreover, would have been far more advantageous for addressing issues arising out of the interview/programming phase. On this last point, especially, it seems that having more formal regular meetings would have helped significantly in resolving programming gremlins, as well as other unexpected hiccups, and generally moving the ball forward. Although Blackboard, and other “virtual”

communication (as well as team and individual student meetings), helped to bridge the gap between class sessions, these alternate forms of engagement were by no means a silver bullet or substitute for supplemental weekly class meetings.

In addition to the challenges stemming from meeting once a week, it proved very difficult to coordinate calendars to schedule team meetings between students and faculty. Part of this complexity flowed from co-teaching, and accommodating faculty wanting to fully participate in out-of-class meetings. However, student calendars proved to be equally inflexible in facilitating regular meetings that everyone could attend. To be certain, this is not a challenge unique to A2J Author courses; indeed, it likely arises whenever team-based work is a core component of the class. That said, it would be useful upfront to ensure students understand the added “inflexible” time commitment that may be associated with an experiential education course, so that appropriate expectations—including the need for greater availability and flexibility around team meeting times—are established from the outset.

As noted above, the practicum offered multiple opportunities for the evaluation of work product. Part of this evaluation was based on faculty observation of student brainstorming sessions, or problem-solving engagement to resolve programming glitches, or organizational challenges relating to programming the guided interview. But another significant part of the evaluation came in the form of written work product, submitted by individual students and teams alike, and pegged to various deadlines written into the course syllabus. Because coverage and training often took longer than expected, and assignments—such as the storyboard and the interview memos—proved more complex, we found ourselves moving deadlines back which added some confusion and unpredictability to the semester. More glaringly, looking back, the deadline assigned for production of the final guided interview did not afford students sufficient time to meaningfully beta test and fully stamp out bugs in the guided interview. Although the syllabus attempted to build in time for such eventualities, the underestimated complexity of the interview, and the fact that glitches and inconsistencies continued to arise as the guided interview went through the revision process, resulted in the deadline spilling into the exam period—something faculty had sought to avoid from the outset. Learning (after the fact) that most of the A2J Author courses offered previously elsewhere similarly failed to complete guided interviews within the confines of a single semester provides some cold comfort for failing to meet our own self-imposed deadline. However, moving forward, any A2J Author course project should carefully consider its assignment deadlines to ensure adequate and realistic timeframes (with plenty of padding) are in place.

D. Technology: Programming for Law Students

1. Suiting Up: Understanding HotDocs Developer and A2J Author

Before discussing the technology employed in the practicum, it will be helpful to describe each of the programming tools we used and why we used

them. To convert the THRC's complaint form into a "guided interview," we relied on a combination of HotDocs Developer, a document assembly software, and A2J Author, which was developed in 2004 through a partnership between CALI and the Center for Access to Justice and Technology at IIT Chicago-Kent College of Law to be used as a platform for building "guided interviews."⁸⁴ HotDocs, as briefly noted above, enables PDF and other traditional paper-based forms to be transformed into "smart" templates that produce completed and custom tailored documents based on a user's inputted information.⁸⁵ In more technical terms, the software enables the programmer to insert variables in place of the interchangeable information (e.g. name, address, date, gender, marital status, etc.) used in virtually any type of form (court documents, government documents, clinic intake documents, etc.).

After the form variables are identified, accessing the document through HotDocs prompts the software to ask for the specific information you would like to input in place of those variables.⁸⁶ Once this information is provided, HotDocs will automate the document "to your exact requirements,"⁸⁷ matching the information you input with the corresponding variables. The beneficial aspects of this automation are numerous. For businesses, it removes the headache of constantly retooling forms, saves time, resources, and may even prevent the possibility of public embarrassment.⁸⁸ For end-users, it takes the guesswork out of completing vague or confusing forms—especially when implemented in conjunction with a guided interview created with A2J author software.

A2J Author "is a software tool developed...to deliver greater access to justice for self-represented litigants by enabling lawyers and law students to rapidly build user-friendly web-based document assembly tools called A2J Guided Interviews."⁸⁹ Rather than leave end-users with a "faceless" and unfriendly HotDocs interface for completing the now-automated THRC

84. *History of A2J Author*, www.a2jauthor.org/content/history-a2j-author (last visited Feb. 16, 2017).

85. HOTDOCS, www.hotdocs.com (last visited May 5, 2016) (stating that HotDocs transforms "frequently used documents and forms into intelligent templates that enable superfast production of custom documentation.").

86. *Integrating HotDocs Server*, HOTDOCS, www.hotdocs.com/partners/systems-integrators/technical-documentation (last visited May 5, 2016) (providing a more technical explanation, and detailed screenshot, of the document automation process).

87. *Learn About Document Automation*, HOTDOCS, www.hotdocs.com/learn-about-document-automation (last visited May 5, 2016).

88. Wells H. Anderson, *TechNotes: Automate Your Documents*, GPSOLO EREPORT, February 2012, www.americanbar.org/publications/gpsolo_ereport/2012/february_2012/technotes_automate_documents.html (last visited May 5, 2016) (mentioning that "[b]y automating your documents you minimize the risks caused by the time-honored approach of reusing an old client document to create a new one for another client. Common and embarrassing problems can arise from opening an old document from another client and using 'Save As' to make a similar document").

89. The Center for Computer-Assisted Legal Instruction, *What is A2J Author?*, CALI.ORG, www.cali.org/faq/15690 (last visited May 5, 2016).

complaint form, we limited our use of HotDocs to programming the relevant variables in the various answer spaces and checkboxes provided in the PDF version of the THRC's complaint form. Once we identified and programmed the variables, we generated a HotDocs template and imported it into A2J Author to serve as the basis for the guided interview.

In essence, A2J Author allows unsightly HotDocs templates to be packaged in an infinitely more user-friendly interface. Instead of being confronted by a form, the A2J Author software provides a graphical user interface that presents the end-user with a series of questions, tailoring the route of the interview based on a combination of its programming and the end-user's inputs. Based on the inputs provided, the software completes all the relevant questions and checks all the relevant boxes contained in the HotDocs template form. By completing the guided interview in A2J Author's web browser-based interface, the end-user completes the THRC's PDF complaint form (already converted into a HotDocs template, remember?) "behind the scenes" without ever having seen the THRC's actual form—at least until the user reaches the end of the interview and opts to save or print the completed form for filing. Computer software designed for completing tax returns (such as TurboTax) is a helpful analogy familiar to most for thinking about the functionality of A2J author. Like A2J Author, TurboTax walks the end-user through a series of questions (for the purpose of completing a tax return) using a "friendly" graphical interface. The end-user can get through the entire "interview" without viewing the relevant (and often daunting!) IRS forms until they are saved and/or printed for filing.⁹⁰

Taking the additional step of building a guided interview for the HotDocs template in A2J Author thus has several advantages. Most notably, it permits programmers to offer a far more attractive and less intimidating interface for the end-user. No less important, like TurboTax, A2J Author also allows programmers to include supplemental explanatory information relevant to the form being completed that might not necessarily have appeared in the original form. This supplemental information can be added in A2J Author using "Learn More" fields that users can explore during the course of the guided interview. The "Learn More" fields appear as "pop up" bubbles and function like a "frequently asked questions" (FAQ) section. However, a useful differentiation here is that the "Learn More" pop ups are directly tied to individual questions in the guided interview. In other words, by employing this additional A2J Author functionality, the end-user may be furnished with context-specific, relevant and "real time" help *at each step of the interview* without having to exit the interview to access a traditional FAQ page or conduct a separate web search for the desired information. A2J programmers therefore provide end-users with a valuable service that ordinary forms cannot: relevant, contextual and unobtrusive additional information on every screen, which users can elect to avail themselves of or not. Finally, as noted above, using the A2J Author interface enables the interview to be custom-tailored to the end-user's needs, thereby bypassing unnecessary or irrelevant

90. *How TurboTax Works*, INTUIT TURBOTAX, <https://turbotax.intuit.com/best-tax-software/how-it-works.jsp> (last visited Feb. 16, 2017).

sections from a standard form based on the user's inputted data. For example, in the case of the THRC complaint form, a user filing an employment discrimination complaint never has to see or interact with questions relating to housing, public accommodation, or Title VI unless their specific inputs trigger these other sections.

2. *Getting Our Feet Wet: HotDocs Developer and A2J Author Training*

At this point, it would be perfectly understandable to be incredibly confused, even intimidated. Candidly, faculty and students felt this way as we edged closer and closer to wading into the software and the various programming processes. From the faculty perspective, although we did benefit from an introductory tutorial in HotDocs and A2J over the summer, that brief experience seemed a distant memory by late September. And from the students' view, the overall class experience ended up being greatly influenced by the challenging learning curve presented by having to master the technology necessary for completing the guided interview. More often than not, we use the technologies we're comfortable with and do not need to concern ourselves with the mechanics of precisely how these technologies function under the hood. But as we discovered, being adept in WestlawNext and LexisAdvance and navigating databases to conduct legal research is a far cry from being able to write code—no matter how simple.

To alleviate at least some of this confusion and fear, and help ease us into the practicum's programming module, faculty arranged for the A2J Author team at IIT Chicago-Kent College of Law to provide students with introductory training sessions in HotDocs and A2J Author version 5.0.⁹¹ Although these training workshops could not be done in person, we employed Zoom video conferencing software to “virtually” bring Alexander Rabanal and Jessica Frank into our computer lab in Knoxville.⁹² Using a live video stream, students participated in detailed tutorials introducing them to the distinct functionality of the two software programs, and allowing them to run through programming exercises, while also featuring the ability to ask questions in real-time. For example, the HotDocs training provided students with detailed instructions and walkthroughs they would later use to complete the necessary tasks needed to automate the THRC complaint form. Furthermore, PowerPoint slides used as part of the trainings also proved useful as an *aide mémoire* when students turned to the task of constructing the guided

91. A2J Author version 5.0, released in August 2014, “is a complete rewrite of the authoring platform. Previous versions of A2J Author were written in Flash. A2J Author 5.0 was re-written in HTML/JavaScript. Version 5.0 is also no longer a downloaded piece of software. It is a cloud based web service run off of the www.a2jauthor.org website.” *History of A2J Author*, *supra* note 85.

92. Alexander Rabanal and Jessica Frank are Program Coordinators of the Center for Access to Justice & Technology at Chicago-Kent College of Law. Both provided extensive support in the completion of our project by leading training sessions on how to use HotDocs and A2J Author, as well as by being available almost daily to answer questions and help troubleshoot issues.

interview. For example, it was reassuring to be able to access the (more manageable) slide deck for a quick reminder about how to format something correctly or write logic in the guided interview. Together with these resources, students also had access to an expansive A2J Author Authoring Guide available online.⁹³ This “programming bible” runs nearly 200 pages long and contains a wealth of information on how to interact with the program and construct A2J Author guided interviews.

At the same time, although the students benefited tremendously from the interactive video trainings for HotDocs and A2J, they expressed frustration over the length of the trainings, and more specifically, with the associated challenge of retaining everything covered in each session without having time to process that information and implement it in their projects. This difficulty underscores our earlier conclusion that planning shorter, more frequent meetings would be advantageous for A2J courses. Setting aside the issue of length, we were left with the sense that orienting the trainings around generic sample templates rather than the THRC complaint form represented a missed opportunity. By focusing from the outset on the THRC form specifically, the workshops could have been made even more beneficial, enabling us to identify questions/issues arising from the particularities of our form, alerting us to specific problems and software limitations, and front-ending the technical assistance for devising workarounds as necessary. Finally, although it appears comprehensive and continues to be revised, the Authoring Guide proved at times elusive for providing solutions to impasses we confronted. This may have resulted from our unfamiliarity with the guide, the way the guide was compiled, or both; regardless, resolving issues was rarely as simple as consulting the guide for an answer. In practice, the guide contained more explanations and examples of when certain functions could be used rather than ways to troubleshoot problems encountered during actual programming.⁹⁴ That being said, most, if not all, of these complications ultimately stemmed not from authoring issues that could be resolved by consulting the Authoring Guide, but rather from the limited capabilities of—as well as bugs and glitches with—the new version of A2J Author software we used for programming our guided interview (these software issues are discussed in greater detail below).

As overwhelming as the foray into computer programming appeared at first—and setting aside the minor quibbles outlined above—the fantastic and tireless support provided by Mr. Rabanal and Ms. Frank both during the trainings and throughout the semester proved invaluable for getting over the learning curve, addressing later bumps in the road, and ultimately producing the final guided interview. From the perspective of faculty and students, the A2J Author team went above and beyond in providing extraordinary service and attempting to help resolve the myriad issues we encountered in an extremely expedient manner.⁹⁵ From this experience, though, it is also evident

93. See generally A2J AUTHOR AUTHORING GUIDE, Version 5, https://docs.google.com/document/d/13OGHyqhyJg7CdWqXx_94FXi2Esvvu0ydPjvg0LiVFL/edit (last visited Feb. 16, 2017).

94. *Id.*

95. For example, looking back on email exchanges with the A2J Author team over the course of the semester, typical response times to specific programming

that despite the best of intentions, it would be difficult to envision a novice faculty member developing the necessary “programming chops” to train students and complete a guided interview project without access to the type of support we required. Thus, we would strongly encourage CALI and the A2J Author team to continue making this type of “hands on” help available to the extent possible for all A2J Author Course Projects moving forward.

3. *Jumping In: A Cautionary Note on Computers and Other Logistical Hazards*

Before turning to the task of programming, we needed to confront the elephant in the room: HotDocs is a Windows-only software that does not run natively on Macs. This proved to be a significant disruptor, at least for our faculty and students. In the first instance, both faculty members relied on Macs as their primary computers. After discussing options with our local IT department, we opted to install Parallels, software that enables Apple’s OS X to run a virtualized Windows environment.⁹⁶ But even after reaching this decision, we encountered weeks of internal delay in having the software installed due, among other things, to the renewal of the University’s Parallels contract, waiting on the computer store, and turnaround time with the IT department. Actual installation of the software was, to put it mildly, inconvenient, and required turning over the computer to IT and forgoing any computer-based work productivity for the duration. In their words: “unfortunately the modifications are more time consuming than first estimated and it is unlikely they will be finalized before the end of the day. For fastest service, we will need exclusive use of your computer and we will need you to be available for random logins throughout the [installation] operation.”⁹⁷

Plainly, much of the frustration associated with this workaround could have been avoided by sorting out the software installation as early as possible, and certainly before the beginning of the semester. However, we were motivated to put off HotDocs installation for as long as possible due to the fact that we were relying on the company’s free 120-day educational trial license,⁹⁸ and feared installing the software too soon would not leave us with sufficient time to finish the guided interview.⁹⁹

questions and other miscellaneous requests for help ranged from an uncanny two minutes to a seemingly snail-like, but still blazingly fast, eleven minutes!

96. Within this “virtual” environment created by Parallels, users can launch a variety of Windows applications including HotDocs. We ruled out Bootcamp, another option for running Windows on Mac, because unlike Parallels, it requires rebooting the computer each time you need to switch from OS X to Windows.

97. The prolonged time required for installation stemmed in part from the need to install the entire Windows operating system as well as all relevant updates. Email from IT Department to Prof. Robert Blitt, Oct. 9, 2015.

98. The axiom “if you have to ask how much, you probably can’t afford it” likely applies to the full version of HotDocs. *Pricing*, HOTDOCS, www.hotdocs.com/products/pricing (last visited Feb. 16, 2017).

99. Months after the practicum, we learned this concern was unfounded and it is possible to reinstall HotDocs with another temporary educational license.

In the end, HotDocs was capable of running successfully using Parallels for OS X. Nevertheless, the workaround for students proved even more disruptive still. Half of the students in the practicum had Macs. However, a similar fix could not be secured for them due to the licensing costs associated with obtaining additional copies of Parallels *and* Windows software. Therefore, we settled on installing the free HotDocs software on Windows machines in one of the law library's computer labs. Here, we were fortunate that the computer lab was unreserved during our class meetings and available for the duration of the semester. Still, the decision was a difficult one, because it meant that for students to undertake any HotDocs programming, they would have to be off of their primary computers and tethered to the computer lab in the windowless basement of the law building. Requiring students to be tied to the computer lab was at best an inconvenience; but at worst, it impeded their ability to get comfortable with HotDocs in a timely manner, and thus set back the task of automating the THRC complaint form.

4. *Learning to Swim: Programming the THRC Complaint Form Using HotDocs and A2J Author*

Everyone by now is all too familiar with the following scenario: you're working late into the night on your newest oeuvre. Typing away, your fingers flow effortlessly over the clacking keyboard. But suddenly, all goes awry. Your word processor software decides to seize up because you accidentally pressed shift-command-f instead of control-option-f to drop a footnote. You are left to force quit, panic-stricken that the autosave feature failed to safeguard what you most recently transcribed, and further confounded by the inability to recall the amazing additional *bon mots* that did not make it onto virtual paper. Now, translate this frustration into the programming environment, where you are unexpectedly forced to grapple with software that is often unable to do precisely what you want, or otherwise unwilling to cooperate for one reason or another. With the word processor, you can reboot and start over. However, with a limitation built into the programming software, one is stuck devising an alternate workaround that may require unexpected additional work or a complete rethinking of approach.

As noted above, much of the complexity in working in HotDocs and A2J Author derived from encountering underlying software limitations and usability issues, including bugs and other glitches. While nothing in this section is intended to downplay the potential role these programming tools can play in generating access to justice for pro se litigants, like most software products, room for improvement always remains. HotDocs appeared very confusing initially, and required significant patience to learn. However, after working with the software for a few class periods, its only real challenge stemmed from our general unfamiliarity with identifying icons and locating certain functions.

Unlike HotDocs, the A2J Author software appeared to be straightforward and user-friendly at first. This rosy view, however, quickly eroded as we began the process of applying the advanced logic programming from sample exercises and in-class training to the THRC complaint form.

Indeed, A2J Author proved to be deceptively more difficult to master than HotDocs, and the two three-hour training sessions we completed suddenly felt like inadequate preparation for fully tapping into the underlying programming concepts upon which it was based. This misperception led us to formulate the guided interview in a complex manner, relying on “advanced logic”¹⁰⁰ rather than the more basic interface tools. Although the latter route would have ensured the interview functioned properly, it also would have necessitated compromising our vision for the interview’s flow. What we later discovered was that while interview functionality could be achieved in a variety of ways, using advanced logic for every function was by far the most tedious and bug-prone route to constructing the interview.

For example, while working on the bases of discrimination for the housing section of the interview, we attempted to implement a checklist to limit the number of questions users would be asked.¹⁰¹ The goal was to have users check applicable boxes, and then have them be directed to specific questions concerning the boxes that were checked. To do this, we attempted to apply logic that allowed this type of function for “true/false” questions. However, it did not appear to work as expected with checkboxes. After discussing the issue with the A2J Author Team, they concluded the user would have to be presented with each question individually because the program could not accommodate our preferred approach to structuring the interview. Such an issue may seem petty, but in actuality it limits one’s ability to decide how to conduct the interview. In other words, limitations of the software impact the programmer’s ability to control how the interview is formulated. In our case, this limitation obviated the thoughtful planning regarding how information would be presented to the end-user (identified during the storyboarding process) and instead forced student programmers into using a very simplistic and rigid interview model. Had we understood better the nature of the A2J Author software upfront, we potentially may have saved significant time mistakenly spent on “advanced logic” programming and directed it instead towards other aspects of the practicum.

Issues with A2J Author functionality continued to crop up throughout the project, and the further we progressed, the more issues we encountered. For instance, A2J Author was incapable of expanding the size of its default text boxes to accommodate typing a potentially lengthy “narrative” statement section that the THRC complaint form requires. Similarly, the software did not allow us to format or restrict the way questions could be answered. Adding

100. “Advanced Logic” is an A2J Author function that allows programmers to implement basic code for dictating the functionality of the guided interview. In other words, it enables programmer to create specific conditions according to which A2J Author will respond differently depending on the user’s answers. For instance, in our case, programmers can write simple code that enables the guided interview to recognize if a user fails to input a basis of discrimination and then directs the user to go back and select a basis of discrimination.

101. Initially, we planned to set out all the available bases of discrimination in one field and allow the user to be directed to the relevant questions corresponding to their selection.

to these obstacles was the lack of an intuitive save function,¹⁰² the dysfunctional “enter/return” keys,¹⁰³ and the inability to intuitively redirect users from dead-end “popups.”¹⁰⁴ Much of the functionality we desired seemed necessary—almost basic—given the parameters of our guided interview, and the fact that A2J Author is already over a decade into its development only made the frustration associated with the software more acute.

It is important to contextualize these impediments by acknowledging two things. First, when we were unable to resolve programming issues during class sessions, we added them to a running list of questions for the “A2J Gods” (Mr. Rabanal and Ms. Frank). Even as the semester was winding down, the Gods continued to bestow us answers to even the most inane of A2J questions, despite their own end of semester pressures. Second, the two most glaring shortcomings in A2J Author are inherent in many other software programs: the pressure to get the product to market even before all bugs are stamped out;¹⁰⁵ and the constant quest to balance usability¹⁰⁶ with the inclusion of a more robust feature set.¹⁰⁷ However, in the case of A2J Author, these limitations are magnified by the developer’s lack of deep pockets and the fact

102. We were initially informed that the A2J program “autosaved” every five minutes; therefore, to ensure our changes were saved we had to wait five minutes after the last edit before exiting the software.

103. To achieve the proper spacing within text boxes, one needed to press the “enter” key a seemingly arbitrary number of times. While pressing it once or twice would initially appear to create the desired spacing between paragraphs or bullet points, when previewing the work, the paragraphs or bullet points still ran together in an unwieldy block of text.

104. When users either answered a question that disqualified them from filing with the THRC or reached a page in error, we implemented “popups” that would require the user either to go back or call the THRC for further guidance. These pages had no obvious “exit,” however, which meant the user had to use the “BACK” button built into the guided interview to return to the previous page to change their answer and continue the interview. The concern here is that the user could easily be tempted into erroneously using the web browser’s back button which would result in erasing any progress made in the guided interview to that point.

105. David Pogue, *13 Windows 10 Bugs Microsoft Needs to Fix Right Now*, YAHOO TECH (Sept. 4, 2015), www.yahoo.com/tech/13-windows-10-bugs-micro-soft-c1249735918542902.html (noting “[e]ven Microsoft admits that Windows 10 was put together in a hurry . . . So here we are, a month after its final release, and Windows 10 is still filled with bugs . . . To be fair, there is no such thing as bug-free software. Every software company maintains a prioritized list of known bugs; as the shipping date approaches, they’re forced to draw a line. Anything below the line, they save to fix another day.”).

106. See *User Interface Design Basics*, USABILITY.GOV, www.usability.gov/what-and-why/user-interface-design.html (last visited Feb. 16, 2017); see also Whitney Quesenbery, *Balancing the 5Es: Usability*, CUTTER IT JOURNAL, Feb. 2004, at 4, www.wqusability.com/articles/5es-citj0204.pdf.

107. Adam Dennis, *Usability vs Features: The Ideal Balance*, KANBAN CODING (July 18, 2013) www.kanbancoding.com/2013/07/18/usability-vs-features-the-ideal-balance/ (noting “[o]ne of the major challenges of developing software concerns striking the right balance between features and usability—the degree to which a product helps end-users to utilize offered functions easily and appropriately.”).

that, unlike companies such as Microsoft, A2J Author makes its software “available for free to any legal aid organization, government entity, court, or other non-profit for non-commercial use.”¹⁰⁸ Added to this, our own expectations regarding the capabilities of A2J Author were probably set at an unreasonably high level from the outset, and likely functioned to magnify our disappointment.

In short, although the addition of a particular feature might appear desirable, useful or even elementary, it necessarily must be balanced against other competing priorities, such as releasing the product to the public, focusing on overall usability, and the inevitable task of quashing the most urgent bugs that are revealed only through wider usage of the software.¹⁰⁹ Given that programming already involves navigating numerous complex steps, in the end it seems reasonable that the interface’s first priority should emphasize usability and intuitiveness. Still, given that the developer is currently working on releasing a new version of A2J Author (6.0),¹¹⁰ there would appear to be an important opportunity to incorporate the experiences of users who have programmed guided interviews in A2J Author 5.0, thereby addressing at least some of the functionality concerns alongside efforts to improve the program’s intuitiveness. It is clear that the developers are aware of the need for greater intuitiveness. For example, version 6.0 is expected to include “a simple template automator,” thus potentially doing away with the need to use HotDocs altogether.¹¹¹ But approaching a new release in the manner we propose would not only strengthen usability by further reducing the learning curve for new interview developers, but also go a long way towards building credibility for the program and encouraging veteran developers to implement more advanced options for creating more polished and customized final products.

E. Getting to the End Product: The Elusive Final One Percent

In the end, though the water may have been cold, murky, and at times turbulent, we did learn how to swim. And perhaps this represents the greatest possible compliment that may be paid to the technology underpinning the A2J Course Project—it actually works. The software can be placed in the hands of law students devoid of any computer programming experience, and with the help of training, tutorials, amazing on demand support—and yes, much sweat

108. *A2J Author*, A2J AUTHOR, www.a2jauthor.org/content/a2j-author (last visited Feb. 16, 2017).

109. For example, see *WARNING: Do Not Use Ampersands (&) In Your A2J Guided Interviews*, A2J AUTHOR (Apr. 22, 2016), www.a2jauthor.org/content/warning-do-not-use-ampersands-your-a2j-guided-interviews (stating that typing an ampersand into the A2J software can make files inaccessible).

110. *History of A2J Author*, *supra* note 84 (mentioning “[v]ersion 6.0 will contain a simple template automator, eliminating the need to use additional software tools to automate basic documents. This new version is expected to be released to the full community in summer 2016.”).

111. According to A2J Author, version 6.0 is “expected to be released to the full community in summer 2016.” *History of A2J Author*, *supra* note 84.

and tears—it can produce a product that, though not as finessed as we may have idealized, is functional and gets the intended job done.

The guided interview students produced is both accessible and straightforward. End-users are able to intuitively navigate the interview using “BACK” and “FORWARD” buttons within the interview (not simply the browser arrows) in addition to being able to jump forward and backward to specific pages of the interview using a pull-down menu located in the top-center of the browser window.¹¹² Throughout the interview, users are presented with uncluttered questions that, with the click of a mouse, can be elaborated with additional succinct and relevant information intended to educate and facilitate responses. Moreover, the personalized nature of the guided interview (featuring prompts that incorporate the user’s name) does all of this while sparing users the additional unwanted burden of having to muddle through questions and sections irrelevant to the crux of their claim. Finally, by accessing the guided interview, users can take advantage of a wealth of free and accurate information related to discrimination law that is absent from the paper-based complaint form.

This section of the article also promised a “candid” assessment of our A2J Course Project. To this end, we must recognize that although the students did submit a guided interview by the end of the semester, the consensus was that the work product was not suitable for public release. Undoubtedly, this outcome stemmed at least in part from the complexities, competing priorities, and challenges we encountered throughout the semester. Most immediately here, the deadlines assigned did not build in sufficient time for students to beta test and fully stamp out bugs in the guided interview. Despite this, and faced with the prospect of not being able to turn over to the THRC a complete guided interview, several students rose to the occasion, taking on the task of making additional revisions and incorporating THRC and faculty feedback well after the final exam period.

Frustratingly, even with this additional effort, bugs and other inconsistencies continued to crop up in the interview, preventing us from reaching the now seemingly unattainable “golden master.”¹¹³ We would only learn well after the end of the semester that this was routine for A2J Course Projects. In fact, most semester-long A2J Course Projects fail to achieve a level of completion sufficient to enable their guided interviews to be released for public use. While this information provided some delayed comfort after the end of our practicum, from our experience (and the experience of others), we would advise faculty seeking to implement a similar project for the first

112. From the programmer’s perspective, this functionality is also another testament to the software’s usability. During construction of the guided interview, it allowed authors to jump quickly to a given page requiring editing without having to exit the live interview mode and search for the specific page at issue.

113. A golden master “is the final version of a software program that is sent to manufacturing and is used to make retail copies of the software. The golden master follows several other stages in the software development process including the alpha, beta, and release candidate stages.” *Golden Master*, TECH TERMS, <http://techterms.com/definition/goldenmaster> (last updated Sept. 16, 2009).

time to create a hierarchy of objectives to ensure the most important goals are accomplished as a first priority. The more course objectives we had, the less time we could dedicate to accomplishing each of them. In our case, these multiple objectives had the effect of either diluting each other or laying the groundwork for falling short on another given objective, and indeed, ultimately contributed to being unable to present a finished product to the THRC by the end of the semester.

How could a similar outcome be avoided in the future? Here, faculty and student views differ. From the faculty perspective, with the time we had and the challenges we faced, we simply bit off more than we could chew. Achieving all the course goals as stated, including the elusive “golden master” challenge, required more time. Thus, a format that more definitively separates the doctrinal and experiential objectives into two related classes over two semesters, or alternatively, increases credit course hours from three to four, may have provided a more effective framework, although not without its own drawbacks.¹¹⁴ In contrast, the student viewpoint maintains that though there were many course objectives, class assignments and materials to be covered, it never reached the point of overwhelming. The readings were reasonable and the written assignments were presented clearly with sufficient advance notice on due dates. The major obstacle to success flowed from implementation issues encountered on the technology side. It is conceivable that we could have completed and sufficiently beta-tested the interview such that it could have been released had every student engaged in the programming process. In essence, learning how to use A2J Author on the fly with only six hours of formal training was insufficient for establishing a foundation to fully understand the nature and function of the software, including its built-in limitations. Without deeper training in both HotDocs and A2J Author, future students will likely find themselves in the same position as our class, frequently troubleshooting their way through construction of the guided interview and limiting themselves to whatever aspects of the program they do understand to ensure its completion. This hobbled approach will only serve to restrict the guided interview’s potential structure and formatting, and consequently will impact the final product’s effectiveness and user-friendliness.

In either scenario, anyone planning an A2J author course for the first time can at least take this away from our experience: the actual form selected for conversion into an automated guided interview plays a central role in overall course complexity. Identifying a form that is as short and as straightforward as possible is the first step you can take for facilitating course management and your prospects for completing the project. A more detailed or complex form does not necessarily translate into a programming task of equal complexity; rather, one should proceed from the assumption that the difficulty in automating the guided interview will instead increase by an order of magnitude.

114. Here, for example, student willingness to embrace a two-semester or four-credit commitment lies front and center.

VI. CONCLUSION

Overall, we walked away from the A2J Course Project struck by the capacity of our students to take on unexpected challenges and “roll with the punches” that necessarily come with enrolling in a technology-based experiential education opportunity offered for the first time. Yes, the nature of the class sought to accomplish too much with too little time: faculty wanted to have students engage with larger substantive issues surrounding access to justice challenges in Tennessee and elsewhere, including the framework of administrative remedies made available through human rights commissions. But we also wanted the class to delve into the more practical/experiential aspects of the challenge—including interviewing practitioners, complainants, and administrators—and also fulfill the objective of creating a guided interview to facilitate THRC intake.

While we were able to do some of both, within the time constraints allotted to the practicum, we were forced to make compromises on each of these pedagogical objectives. Here, reframing the class as a larger credit or yearlong commitment might have ensured time necessary to fully explore access to justice, learn about the challenges and opportunities of civil rights law and the relationship between state human rights law and international human rights law, as well as provide skills training to complete the A2J guided interview. That said, such a model comes with its own practical concerns, including whether there would be sufficient interest on the part of students to commit to such a lengthy project. At the end of the day, our experience confirmed that faculty, where plunging in for the first time, must be prepared to embrace “experiential teaching” since much of what transpires in class, despite best intentions of preparing and being prepared, will inevitably be accomplished by “learning by doing.”¹¹⁵

Likewise, students should be “encouraged to experience ‘disorienting moments’ upon which they can reflect.”¹¹⁶ Here we probably should have done more to prepare students for this reality. Nevertheless, despite the overarching challenges, virtually all of the students reported that they had learned important lessons about teamwork and developed their ability to work with others on a project that often proved taxing. Among other things, their assessment comments revealed that the practicum encouraged them to: examine their workplace habits and styles; adapt to work with others effectively; recognize their particular strengths, talents, and skills as well as those of team members; and delegate tasks to maximize everyone’s talents. Many of the students also reported that they had improved their

115. Roy Stuckey, *The American Bar Association's New Mandates For Teaching Professional Skills And Values: Impact, Human Resources, New Roles For Clinical Teachers, And Virtual Worlds*, 51 WAKE FOREST L. REV. 259, 266 (2016).

116. Susan L. Brooks, *Symposium Article: Meeting the Professional Identity Challenge in Legal Education Through a Relationship-Centered Experiential Curriculum*, 41 U. BALT. L. REV. 395, 438 (2012).

communication and listening skills, and at least some of them felt the course had improved their leadership skills, which faculty observed as well.

In addition to teamwork-related skills, students also improved their problem-solving and time management skills. Here, devising the storyboard, learning programming, and developing work-arounds and other solutions for automating the guided interview stand front and center. More generally, many of our classes were taught as problem-solving group brainstorming sessions, and this helped students learn how to identify and evaluate options, strategies, and alternatives. But at least for some students, the engagement with technology may have resonated deeper than simply developing problem-solving abilities. The technology component of the practicum immersed them in a totally foreign subject, one where they were obligated to use all of the knowledge and resources available to accomplish a goal. Translated into the professional world, the overarching lesson of the practicum is that inevitably there will be times in practice where one may find themselves out of their element—whether in a different jurisdiction or different body of law. However, it is possible to surmount these challenges and succeed with hard work, engagement with the subject matter, and guidance from experienced colleagues.

Admittedly, students experiencing this “takeaway” may necessarily be the ones who enrolled with or developed an interest in committing to learn the necessary technologies for the benefit of themselves, their classmates, and ultimately for the benefit of enhancing access to justice. That said, those who do engage are likely to be rewarded with a better understanding of the demands and dynamics associated with a collaborative legal work environment and a unique skill to market to prospective employers. To be certain, while this experience may not be applicable to all forms of experiential education, it is habitually absent from doctrinal coursework. This factor alone may provide a compelling justification for faculty to continue developing such course offerings and for future students to consider enrolling in them.

Because the practicum incorporated a fact investigation component as well, students also developed their interviewing and fact-finding skills. They had the opportunity to identify and network with interlocutors relevant to the THRC’s work, including legal advocacy groups and others that, down the road, might prove to be potential employers. The project also built up the students’ ability to incorporate a client-centered perspective into their work. To develop the guided interview, students had to think carefully about the best way to organize the questions to elicit the most useful information. Here, students honed critical lawyering skills by being forced to think through deceptively complex legal questions and terms and distill them into straightforward explanations grounded in plain English. For example, would a non-lawyer know the threshold age for bringing an age-based employment discrimination claim, the types of disabilities protected against discrimination, or what types of institutions receive federal financial assistance?

Moreover, the structure of the practicum also had students thinking in terms of the THRC’s institutional needs. This latter relationship had additional dividends. For example, by working closely with a state agency, students

learned firsthand the limitations and challenges inherent in administrative law. Moreover, candid discussions with the agency's leaders and staff provided an intimate understanding of the various political and legal challenges human rights commissions may face in carrying out their mandates.

Although the semester ended without a completed guided interview ready for public use, the experiential framework underpinning this practicum allowed students to be "hands on" in exploring the relationship between the aspirations of human rights law and the practical challenges that it faces in Tennessee. Students were not limited to reading the law and discussing access to justice problems. Rather, they experienced the law and related access to justice problems first-hand through their fact investigations, interactions with legal professionals outside the confines of the law school, and by their hard efforts to develop a clearer process for filing claims through the THRC's complaint mechanism. These experiences remain valid and valuable, despite the absence, at least at the time of writing, of a completed, publicly available automated A2J guided interview for the THRC complaint form.

