

## ILTL Hybrid Law Teaching Conference, June 2013

### *Incorporating Practice into Contracts* Workshop 8-B

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#### **Overview**

Legal practitioners, as a collective pool, have virtually every relevant expertise, skill, and level of experience to offer a law school class. The challenge for the professor lies in incorporating the practitioner in a way that effectively serves classroom learning objectives. Through this workshop, participants will develop: (1) a catalogue of potential methods for incorporating practitioners into the classroom (with focus on contracts-related classes) and (2) a better understanding of what is likely to lead to successful (and unsuccessful) incorporation.

#### **Workshop Outline**

##### I. Presenter discussion

- a. My experiences with incorporating practitioners (see written comments below)

##### II. Small-group and group-wide discussions

- a. How have you incorporated practitioners into your classes? What has worked well, what has not, and, in each case, why?
- b. How have you considered incorporating practitioners into your classes? What would you anticipate working well, what not, and, in each case, why?

##### III. Group-wide identification of takeaways

- a. Potential opportunities for incorporating practitioners
- b. Methods of incorporation likely to (and not to) work well
- c. Factors likely to lead to successful incorporation

## My Experiences with Incorporating Practitioners

- Videoconferences in *Transactional Contracts*
  - Overview of class:
    - I teach an upper-level practical contracts class, through which students gain a basic understanding of the structure, provisions, and conventions of contracts as used by sophisticated parties.
    - The curriculum involves reviewing and analyzing actual contracts executed by sophisticated parties.
    - Approximately 40 students took this class last semester.
  - Use of practitioners:
    - As part of this class, I have invited practicing attorneys to guest lecture on relevant topics for portions of classes.
    - I have included practitioners of various seniority levels as appropriate (e.g., a junior corporate associate on performing due diligence).
    - All practitioner presentations have taken place through videoconference for 20-30 minutes.
    - I have discussed presentations with practitioners in advance of each, in part to remind them of the students' level of experience and knowledge (e.g., to avoid jargon and acronyms).
  - What has worked well:
    - Practitioners commonly have reinforced several lessons presented already in lectures and readings.
    - The practitioners' real-world perspective has enhanced student interest and has highlighted the poignancy of class lessons.
    - The use of junior attorneys has been useful to demonstrate the matters and tasks likely to be relevant to the students soon after graduation (at least those going on to transactional practice in big law firms).
    - The limited length of practitioner presentations has allowed for class-wide debriefing and discussion of related topics.

- What has not worked as well:
  - Practitioners at times have discussed complex topics that overwhelmed the students and distracted them from learning the other, more basic lessons. This has been remedied through working with practitioners in advance of their presentation to help calibrate the level of detail and sophistication.
- Co-Development of Case-Study Exercises in *Strategic Drafting*
  - Overview of class:
    - I teach an upper-level simulation class, through which students perform realistic contract-drafting exercises.
    - I developed several of these exercises based on actual matters on which I worked during law-firm or clinical practice.
    - Students complete exercises outside of class and, then, in class, discuss issues and potential solutions. In class, we workshop potential solutions through drafting corresponding documents.
    - 15 students took this class last semester.
  - Use of practitioners:
    - I have worked with practitioners (lawyers and businesspeople) to develop case studies that are informed by actual issues that arose in practice.
    - When available, practitioners have joined the class to partake in the discussion around the mock exercise they co-developed and to share their perspective and experience with the real-world version of the exercise.
  - What has worked well:
    - As a real-time source of case studies and lessons, practitioners have acted as natural partners to keep simulations up to date and relevant.
    - The practitioners' real-world perspective has enhanced student interest and has highlighted the poignancy of class lessons.
  - What has not worked as well:
    - In class, practitioner presentations have veered into discussions that were irrelevant to the purpose and lessons of case-study exercises. I would plan

to address this going forward with some additional discussion with practitioners in advance of their joining the class.

- Participants in the *Transactional Lab* and the *Corporate Lab*
  - Overview of class:
    - I will be directing and teaching an experiential class, the Transactional Lab, where students work on live transactional projects for clients (i.e., in-house counsel) at major, for-profit companies.
    - I co-founded and co-directed a similar program, the Corporate Lab, at the University of Chicago Law School.
  - Use of practitioners:
    - In-house counsel have been clients on actual projects.
    - Practitioners (including lawyers from law firms and corporate law departments and businesspeople) have visited the classroom to guest lecture on relevant topics.
    - Law-firm partners have served as subject-matter experts with whom students consult to better understand project-related issues.
    - Practitioners (including lawyers from law firms and corporate law departments and businesspeople) have served as mentors.
  - What has worked well:
    - As clients, in-house practitioners have presented students with actual projects of real-world relevance to the client corporation through which students develop contract-drafting and general professional skills.
    - As guest lecturers, practitioners have provided real-world perspective that enhances student interest and highlights the poignancy of class lessons.
    - As subject-matter experts, in addition to providing students with helpful substantive support, practitioners have provided students with an opportunity to practice engaging with outside experts and lawyers without disclosing client confidences.
    - As mentors, practitioners have helped students to develop the students' professional networks.

- What has not worked as well:
  - Clients have presented projects that do not serve a worthwhile pedagogical purpose (e.g., 50-state surveys), which has been addressed through sufficient faculty vetting as part of intake.
  - Clients have presented ill-defined, amorphous projects, which at times have proven difficult for students to scope. This has been remedied through coaching students through how to discuss potential projects with clients to determine (and manage) client objectives, concerns, and expectations. (In reality, this is a strength of the program, as a source of real-world learning opportunities to develop these valuable skills.)
  - In-house counsel have not always been responsive and diligent in working with students, which has been addressed by faculty setting expectations with participating attorneys and by not taking on additional projects with non-responsive attorneys.
  - Law-firm practitioners have used guest lectures as opportunities to promote law firms in a manner that distracted from the substance of their presentations. This has been addressed through faculty vetting in advance of prospective presentations.