

**Lessons from the Stone Soup Project and Ideas for the Future**  
**Legal Educators' Colloquium**  
**Annual Conference of the ABA Section of Dispute Resolution**  
**April 7, 2018**  
**Washington, DC**

**John Lande (University of Missouri)** introduced the session and provided background information about the Stone Soup Project (SSP).

**Martha Simmons (Osgoode Hall Law School, York University)** discussed her experience in using a SSP assignment in her Mediation Theory & Practice course. She previously required students to write a reflection paper. This year, she used the reflection paper component as the avenue to introduce the SSP.

Students were asked to interview mediators about specific subjects. Students were paired with mediation coaches. Students were given wide discretion to select interviewees and to select subject matter. The SSP assignment was graded (and she allocated 60% of grade so that the course would qualify as satisfying a writing requirement).

Martha believes that students gained valuable insights about the role of mediator, ethical issues, professional responsibility, interaction with self-represented clients, and the power of mediator.

She said that the assignment added value to the course and created networking opportunities. Because she had to get the University's ethics approval (similar to IRBs in the US), she used it as an opportunity to do a tutorial on ethics on research

Martha noted several things that she will do differently in the future. First, she will apply for the ethics approval process sooner. She noted that there might be a need to educate the ethics board about the mediation process. Second, she would meet with students in advance to discuss questions about interviewing. Finally, she would have allocated time for debriefing in class.

A colleague asked whether Martha allowed students to come up with their own questions and whether she provided students any guidelines. Should one be concerned that students might not know what to ask? Martha noted that SSP had provided a list of questions and that she also suggested some specific questions. John added that some faculty have assigned students to conduct interviews about a specific subject. Some instructors use a class exercise to develop a list of interview questions.

Another colleague said that she started with the SSP template and added questions that focused on the subject matter of the course.

Another colleague asked how many instructors have sought IRB approval. John said that he asked faculty who used SSP assignments in the fall and virtually none of the

faculty in the US did so because under federal regulations, IRB approval is needed for research but not teaching. He noted that in other countries, there may be a greater expectation of getting ethics approval.

**Kelly Browe Olson (University of Arkansas Little Rock)** discussed her experience teaching the Mediation Clinic. The clinic includes a mediation orientation, seminar and simulations, and observations and participation in small claims, child protection, family and special education cases. The SSP assignment was consistent with a mediation report that she previously assigned.

Kelly structured the SSP to allow wide discretion in the selection of interviewees. She met with students in advance to discuss the interview. She thinks this meeting was important and will do it again.

She found that the SSP allowed students to dig more deeply into motivations and actions, than what they did in their more traditional reflective journal. She noted that she has used the information collected through the SSP to get feedback about the clinic's clients. For instance, she indicated that through the SSP, she gained insight into the teachers' concerns in special education cases.

Kelly identified a few things that she will or might consider doing differently in the future. First, she will want to talk to the attorneys before the interviews so that they can understand the project better and might be in a better position to provide useful information to the students. She will also require students to identify the person they are going to interview earlier in the semester. Finally, she is thinking about whether to allow students to interview self-represented clients.

In response to a question from the audience, Kelly said that she did not use SSP in a study abroad program that Arkansas runs in Poland. As an aside, she noted that students in the study abroad program use translators, and that the translators end up providing lot of cultural context to the students.

**Gemma Smyth (University of Windsor)** began by acknowledging the SSP's mentorship and assistance in developing her assignment.

She said that while she typically teaches a clinical course, last year she was asked to teach a doctrinal course, Access to Justice. The course is a mandatory first-year, socio-legal perspective course. It has a theoretical focus, so she saw the SSP as a way of making the course more practical, "more real."

The SSP assignment required students to identify an individual who had worked with a lawyer. They had to submit the questions in advance and address any ethical issues that might be raised in the interview. Finally, they were required to make a presentation and submit a paper.

One person in the audience asked why she required students to limit the interviews to individuals who had worked with a lawyer. She said that because the course involved issues of access to justice, she wanted to explore the relationship between clients and attorneys. She also wanted to explore the role of the lawyer.

Kelly noted that another reason to limit the scope of the interviews as Gemma did, is that lawyer-represented and self-represented clients are likely to have very different experiences.

Gemma said that the SSP assignment resulted in very useful discussion about the role of lawyers; affordability/accessibility to lawyers; complexity of the legal process; ethics of research and ethics of practice; client voice/client as a teacher; and interviewing skills.

John asked Gemma to comment on the using SSP with first-year, first-semester students. She indicated that the first-year course context presented some challenges because students are so new, but that it also had some value for them. Martha suggested that 2L students might serve as mentors for 1L students.

Gemma noted that in future years she would probably include more discussion about ethical issues earlier in the semester. She also noted that she will add additional office hours and one-on-one time with students to help them structure the interviews.

She will probably give students less discretion in the choice of interviewees. In particular, she noted that some students tried to select a client with a “dramatic” situations, perhaps believing that those cases will lead to better interviews. She would advise students that many times the most simpler cases might result in richer interviews.

John commented on the tendency of students to wanting to select the more dramatic or extreme cases. He mentioned that Stetson Prof. Stacey-Rae Cox used a SSP in her Trusts & Estates course. Some students commented that the cases in their interviews were fairly routine and undisputed, which was very different from the cases in their casebook.

**Carrie Kaas (Quinnipiac University)** directs the Externship Program. She decided to do a SSP assignment in this course because she was already doing something like that in the mandatory 1-hour seminar which was already a part of the course. In previous years, she had asked student to write a reflection on “the future of the legal profession” and she adapted this for her SSP assignment

The Externship context provided some opportunities and challenges. Students are placed in both private and public locations and all subject areas, so one challenge was to find a topic that was relevant to many types of placements. She viewed SSP as a way to supplement traditional “rounds” methodology in which students report on their

work in their particular placements. Carrie noted that even if students had taken Client Interviewing, they did not have any background on other kinds of interviewing.

Students conducted two interviews with their supervisors, about (1) significant changes in profession in their area of practice and their reactions; and (2) how lawyers in their area of practice fulfill lawyers' "public citizen" duty, per the Rules of Professional Conduct, in their area? For advanced externs, she added a third question about how their supervisors get long-term satisfaction in their legal practice.

Being part of the SSP forced her to think about the methodology for the course. She adopted the following elements of the assignment:

- Do reading assignment with some background information
- Conduct interview of their placement supervisor
- Write reflection paper describing the interview and student's reactions
- Report to class on their interview and paper

Unlike interviews in other courses, these interviews were not confidential as students had to give class reports.

One advantage of interviewing the supervisor is that it encourages a conversation between students and supervisors on a different subject than their particular work. Carrie didn't alert supervisors about this assignment, which she will do in the future.

Many lawyers discussed changes in technology, which they said had both positive and negative effects. Students found that most lawyers were not sophisticated about changes in technology and haven't thought much about these issues in the course readings, which did not come up much in the interviews. Similarly, the lawyers hadn't thought much about the "public citizen" issue. Students found that most lawyers reported to be pretty happy and gave various explanations for their satisfaction.

Carrie identified the following as major advantages of SSP:

- Great way to compare theory and practice
- Benefit students to enrich their interaction with supervisors
- Systematic way to learn about various practices settings and learn from others

She also learned about what practitioners are thinking and what the Law School can do to support practitioners about things discussed in the interviews.

For the future, she will get feedback from repeated students about what topics to focus on and consider possible additional guidance for students.

## Discussion

John noted that that these four colleagues demonstrated how SSP assignments added practice experiences for the particular contexts of their courses and built on pedagogical approaches that they already had been using.

Question to Carrie: Can you elaborate on what the students reported about the lawyers' experience with technology? Answer: Some firms are harnessing technology but some lawyers are not thinking about what value they can add to the client experience. Since people can get information on the internet, lawyers need to demonstrate why they still may need a lawyer.

There was a question about whether SSP would be appropriate for a bar preparation course. Part of the bar includes a closed universe case and one of the exercises involved students evaluating and analyzing an arbitration case. Probably not, though perhaps creative faculty can think of practical ways that lawyers could effectively and efficiently make this work.

John asked whether SSP added work for students and faculty. Martha thought that it did, but students got more out of the course and that it was worth the extra effort. Gemma noted that while the SSP added more work, in her case it was in part due to the fact that she was teaching first-year students. Kelly noted that over time, faculty will develop some efficiencies. She also noted that doing SSP in the first year provides the benefit of giving students a flavor of practice and a connection to a practical experience.

Several faculty raised concerns that 1L students would be too overwhelmed to make it worth doing SSP in first-year courses. John is not ready to give up on using SSP with 1Ls. He suggested, for example, that in a Contracts class you can ask students to interview friends or relatives about a contract negotiation or dispute they experienced. Students can get a lot of benefit from these interviews without writing papers and the assignments need not be graded.

One colleague noted that he is currently using an SSP assignment in his Negotiation course. He noted John's earlier comment that faculty might require students to do the assignment early semester and he wondered whether students know enough about Negotiation to do the interviews early in the semester.

Another colleague said that she used an SSP assignment early in the semester and that it worked fine. Students interviewed about all kinds of individuals (such as family members). They realized everyone goes through conflict and explored topics that would not have never raised to a legal dispute.

Another colleague noted that she also used an SSP assignment earlier in the semester. Her goal was to have students to explore the difference between interests and positions. The assignment was very effective as students got the takeaway about the

importance of procedural interests. She noted that one advantage of SSP assignments is that they can focus on issues of varying levels of complexity.

Carrie suggested letting students decide. Some people like to move from concrete to abstract and others from abstract to concrete. So there might be room for flexibility.

Reported by **Rafael Gely** (Missouri).