

Lessons From the Stone Soup Project and Ideas for the Future

**Legal Educators' Colloquium
ABA Section of Dispute Resolution
Washington, DC
April 7, 2018**

Thanks for Coming



**This program should be informative and fun
... and help you make your courses better
... and help us plan Stone Soup for next year**

Our Panel

- **John Lande (Missouri) – Co-Director, Stone Soup**
- **Martha Simmons (Osgoode Hall) – Mediation**
- **Kelly Browe Olson (Arkansas-Little Rock) – Mediation Clinic**
- **Gemma Smyth (Windsor) – Access to Justice**
- **Carrie Kaas (Quinnipiac) - Externship**

Today's Agenda

- Generally describe Stone Soup Project
- Presentations about panelists' SSP experiences and advice for colleagues
- Really important – conversation with you
 - Your experiences with SSP (or similar techniques)
 - Concerns about using SSP in your courses
 - Possible future directions for the project

Stone Soup Process - Today

- We will use SSP process of eliciting and disseminating knowledge from this program
- Notetaker will type answers without your name
- We will post summary on Indisputably blog
- If you don't want your statements to be included, let notetaker know
- Questions?

Brief Background About SSP

- This will be very brief as we recently circulated a status report with lots of details
- Collaboration to produce and disseminate knowledge about actual practice
- In courses and continuing education programs
- Being more systematic about things people have been doing a long time

SSP Activity in Law Schools

- Law school courses
 - almost 1000 students
 - in 40 classes covering 12 subjects
 - taught by 32 faculty from 25 schools
 - in 3 countries
- So far, we know of 25 classes next year
- Most courses are traditional ADR courses, but also Access to Justice, Evidence, Externship, Trusts & Estates, and others

Interviews and Observations

- **Most assignments involve interviews of lawyer-advocates, neutrals, and/or parties**
 - **Some faculty used SSP model documents with little or no modification**
 - **Some created their own materials**
- **Some observations of mediations or court**

Flexible Assignments

Faculty have great flexibility:

- **Interview and/or observation**
- **Type of case, subject, substantive focus**
- **Whether assignment is required, an option, or extra credit**
- **Paper length, if any**
- **Due date**
- **Percentage of grade, if any**
- **Whether discussed in class**

Benefits of SSP Assignments

Based on faculty assessments, benefits include:

- **Exposing students to real world of practice**
- **Developing interviewing and analysis skills**
- **Identifying how theory does -- and doesn't -- map onto actual practice**
- **Supplementing faculty's knowledge**
- **Increasing students' and faculty's enjoyment**

It's A Great Idea, But . . .

- **Some colleagues like idea but feel hesitant, often saying SSP wouldn't fit their courses**
- **Blog post last week re fears and misconceptions:**
 - **Need not add much, if any, workload**
 - **Students generally can find interview subjects without faculty help**
 - **Can work in almost any course**

Martha Simmons - Mediation

- **Osgoode Hall Law School in Toronto**
- **Upper year elective – Mediation Theory & Practice**
- **Course structure**
 - **Mediation training**
 - **Seminar**
 - **Small Claims Court**
 - **Reflection**

Interviews and Grading

- Interview subjects – mediators
 - Subject-specific
 - Mediation coaches
- Grading Scheme
 - Participation (20%)
 - Mediation Assessment (20%)
 - Stone Soup Assignment (60%)

Lessons for Students

- **Role of mediator**
- **Ethical issues faced**
- **Professional responsibility**
- **Interaction with self-represented clients**
- **Power of the mediator**

Next Time

- **What I would keep the same**
 - **Ethics tutorial for all students**
 - **Wide choice of interviewee**
 - **Wide choice of subject matter**
- **What I would do differently**
 - **Ethics approval process**
 - **Meet with students in advance**
 - **Debrief in class after interviews**

Kelly Browe Olson – Mediation Clinic

- **UA Little Rock Bowen in Arkansas**
- **Second or third year clinical elective**
 - **Mandatory experiential requirement**
- **Course structure**
 - **Mediation orientation**
 - **Seminar & simulations**
 - **Observations and participation in small claims, child protection, family, and special educ. cases**
 - **Case reports and final project**

Stone Soup in Case Reports

- Interview subjects – mediators and lawyers (if participants)
 - Questions added to case reports in fall 2017
 - Deeper queries into motivations, actions
 - If possible, talk to attorneys before mediation
 - Follow up with attorneys post-mediation
- Reflections on interviews and connection to theory and class discussions

Lessons for Students

- **Role of mediator & attorney in different types of mediations**
- **Ethical issues faced by attorney /mediators**
- **Issues with self-represented clients**

Next Time

- What I will do again
 - Allow students to pick which interviews to include
 - Meet with students in advance
- What I will do differently
 - Have students decide before mediation to interview either mediators or attorneys, not both
 - Shorten parts of case report assignment
- What I may do differently
 - Allow / encourage students to meet with self-represented parties

Gemma Smyth - Access to Justice

- **University of Windsor, Ontario**
- **First year, mandatory, sociolegal perspectives course**
- **Assignments**
 - **Autoethnography**
 - **Stone Soup**

Stone Soup Assignment

- Identify interview subject (P / F)
 - Client who had access-to-justice issue and worked with lawyer
- Submit questions and ethical issues (P / F)
- Presentation (20%)
- Paper (40%)

Lessons for Students

- **Role of lawyers**
- **Affordability / accessibility of lawyers**
- **Complexity of legal process**
- **Ethics of research and ethics of practice**
- **Client voice / client-as-teacher**
- **Interviewing skills (questioning techniques, setting role expectations, process, plain language communication, emotional realities, establishing client supports, etc.)**

What's Stone Soup Good For?

- A survey course (and DR)
- First year students (with more supports)
- A one-term course (start early)
- Almost any area of law
- Interviewing clients, lawyers and/or other legal actors

What I Would Do Differently

- More on ethics earlier in the course
- Research ethics board approval for students and me
- More office hours / one-on-one student time
- Less lenient about choice of client (not “the more dramatic the better”)
- A “Stone Soup” course?

Carrie Kaas - Externship Seminar

- **Quinnipiac, in North Haven, CT**
- **Mandatory 1-credit Externship seminar for general Externship course, “Examining The Practice of Law”**
 - **Placements in public and private sectors**
 - **All subject areas**
 - **Goal to learn beyond each student’s placement**
- **Focus on topics relevant to many placements**
- **Supplements traditional “rounds” methodology**

Builds on Predecessor Course

- **In “The Future of the Legal Profession” assignment, previously used interviews**
- **Students asked supervisors about changes in their area of practice**
- **Assignment now formalized and expanded in Stone Soup**

Questions in Current Course

- **Students conduct two interviews of supervisors**
 - **Interview #1: Significant changes in profession in your practice area, and your reaction?**
 - **Interview #2: What is lawyers' "public citizen" duty, per RPC Preamble, in your area? How do you and other lawyers fulfill this obligation?**
- **Advanced extern interview: How do you get long-term satisfaction in practice of law?**

Stone Soup Process

- **Do reading assignment**
- **Conduct interview**
- **Write reflection paper describing interview and student's reactions**
- **Report to class on interview and paper**

Lessons From Interviews

- Future of Legal Profession
 - Lots on technology; positive and negative
 - Most lawyers not sophisticated about changes
- Public Citizen Role
 - Some lawyers haven't thought deeply about this, especially in private sector
 - Push students to understand how and why their duties are more than what is usually done
- Long-term Satisfaction
 - Advice and stories of why lawyers are happy and how to be satisfied - passion, balance, pride in work

Value of Stone Soup

- Expected Value to Externship
 - Compares theory and practice
 - Requires students to interact with supervisors beyond work projects
 - Systematic way to learn about various practice settings, and learn from each other
- Unexpected Value
 - Things that practitioners don't notice or remember
 - Duty to notice trends and prepare for change, continually improve practice, and defend Rule of Law

Share Your Experiences

Could be assignment identified as “Stone Soup” or something similar

- What worked well?
- What was hard or didn't work as you wanted?

Concerns About Using SSP

- **Why might it be hard for you to use SSP in your courses?**
- **What could you do to make it work well?**

Possible Next Steps

Should we:

- **Develop new materials (about what?)**
- **Recruit faculty from other disciplines and countries**
- **Encourage some faculty to use same assignments**
- **Encourage focus on parties' perspectives**
- **Develop system for sharing SSP papers**
- **Encourage collecting perspectives from competitions**
- **Encourage use of SSP in continuing ed. programs**
- **Other?**



Thank you very much!