



Alison Monahan: Welcome to the Law School Toolbox Podcast. Today we're excited to have Allison Pincus here with us to talk about experiential learning in law school. Your Law School Toolbox host today is Alison Monahan and typically I'm here with Lee Burgess. We're here to demystify the law school and early legal career experience so that you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#) and the career-related website [CareerDicta](#). I also run the [Girl's Guide to Law School](#). If you enjoy the show please leave a review or rating on your favorite listening app, and if you have any questions don't hesitate to reach out to us. You can always reach us via the [contact form](#) on [Lawschooltoolbox.com](#) and we would love to hear from you. With that, let's get started.

Welcome back to the Law School Toolbox podcast. Today we're excited to have Allison Pincus here with us to talk about experiential learning in law school. Well welcome Allison.

Allison Pincus: Thanks Alison. So confusing.

Alison Monahan: Well first off could you tell us a little bit about your background so people have an idea of where you're coming from?

Allison Pincus: Yeah, definitely. I went to Berkeley Law School, UC Berkeley School of Law and I before that attended Brown University for college. In between I worked for a year at a charter school outside of Boston and then for two years at a civil rights law firm in DC. By the time I started at Berkeley I already had some work experience. I think that was part of why I wanted to have some experiential learning during law school, because I'd already been part of the work force.

Alison Monahan: It's interesting, some people go to law school and it's like, "I just sit in the library." And then you get out and you're like, "I have no idea how to talk to a client."

Allison Pincus: Right, exactly.

Alison Monahan: Before we get too deep into this let's just talk a little bit about what we're even talking about. What are we talking about when we say experiential learning? I guess in some sense all learning is experiential right?

Allison Pincus: That's true. I think experiential learning in law school means rather than sitting in a classroom with a professor throwing hypotheticals at you and asking you questions about specific cases that you've read, instead you're getting hands-on experience in different kinds of settings. Direct legal services, or it could be someone that did an externship at SFMOMA drafting contracts there. You can do all kinds of different things but you're in an organization doing legal work and you're having supervision there.



Alison Monahan: As I understand it it's basically things like clinics where you are working with an actual client of some type, internships, externships like you've described. Also these sort of simulation courses, so things like actually drafting contracts or that type of thing. Sometimes mock trial might even qualify if it's trial advocacy type things. I guess for me the distinction is between working with a client and not working with a client, so the simulation course is set up to give you practical, hands-on experience because you don't have an actual client. Whereas at a clinic or presumably most externships you're going to have some type of client that you're actually interacting with.

Allison Pincus: Exactly.

Alison Monahan: So anyways, basically the things that get you out of the classroom and learn how to actually be a lawyer. Interestingly enough, I didn't really realize this but the ABA has actually recently increased the amount of experiential learning that you're going to have to do to graduate from law school which I think is fantastic. So they're requiring six credit hours, starting with the class graduating the spring of 2019. Do you have any thoughts on this?

Allison Pincus: I think it's great. I learned so much in my clinic and my externship in law school. When you said you're getting out there and actually seeing what it's like to be a lawyer, it has been kind of surprising that there isn't more of an emphasis I think on that in law school. Because if you get out there and you haven't had any of these experiences it can be pretty surprising I think and also you just aren't as ready to hit the ground running.

Alison Monahan: I think that's true. It's interesting to me because I did a different graduate degree before I went to law school actually at Berkeley. Right next to the law school, I was in the architecture building. The pedagogy there could not be more different than the pedagogy in law school because the whole experience of architecture school is really revolving around your studio course. In your studio course what you're basically doing is a project. You're getting really detailed feedback several times a week from your professors, sometimes more detailed and more feedback than you might want. I mean when I started we had a class of say 25 people and we had three professors. They would do an hour-long critique at your desk so you really ... That was really where you learned to do architecture and then at the end you put it up and presented it to a bunch of people.

But it's so different from law school. I just was always imagining, what if all of my classes had been 20 people and the professor really dug into how to do this stuff? Which is kind of the part you don't really learn.

Allison Pincus: Definitely, that emphasis on feedback was something that was so helpful to me and all the different kinds of experiential learning that I got to do in law school



makes such a difference. That does help you hit the round running where you know where your strengths are, you know what your weaknesses are because somebody has paid attention to what you've been doing and has helped you already grow and change.

Alison Monahan: I think that's absolutely right. That's actually even part of the ABA standards for what qualifies as these experiential learning is you have to have an opportunity for feedback. So they recognize, "Look, this is really important. You have to have the opportunity to try things and then get feedback on them," because that's kind of how we learn best I think anyway.

Allison Pincus: Which is pretty different than study for an entire semester and then take an exam at the end with little or not feedback throughout.

Alison Monahan: Right, let's be honest, most of us never picked up our exams. If we did they probably didn't have anything other than a few check marks on them. It's not that sort of really detailed, really personalized feedback that is I think ... Can really move the ball forward on things that you're not so comfortable with. Even without that I guess for me, this isn't exactly experiential learning as it would qualify under these standards but I did a decent amount of pro bono work in law school. That you definitely realize pretty quickly like, "Oh wow, I really don't know what I'm doing here." But you have to find ways to get better. That's another thing people can think of. Let's shift gears a little bit. Tell me a little bit about the type of experiential learning experiences you personally had in law school.

Allison Pincus: Sure. My second year of law school, I did a clinic and I worked in the Community Lawyering Clinic at Berkeley doing direct legal services work helping clients avoid eviction. Then my third year I did an externship with the ACLU in San Francisco doing litigation and policy work. So my first experience was connected with the law school. It was a different kind of experience because it was direct services rather than a lot of reading and writing, but also it was right at school. It was in the community but there were people ... The lawyers there, I had a meeting every week with my supervisor which is something that you probably wouldn't get if you were starting out in practice. You might but it would be less likely because people are really busy once you're practicing. Then the second experience, my externship I went to the organization in San Francisco and then we had a weekly seminar at the law school taught by two people that were lawyers in the community but were not part of the ACLU as an organization.

Alison Monahan: What do you feel like you got out of these experiences and how were they the same or different? What might you have gotten out of them that you didn't necessarily get out of just a class say about litigation or something like that?



Allison Pincus: Sure. We talked already about feedback and how valuable that is and the supervision that I received in both experiences, my clinical supervisor and the person that ran the program at the ACLU. Their focus was on running the organization at the ACLU and the externship program and then at the East Bay Community Law Center certainly focus on the clients but they also were focused on helping me learn, meeting with me, giving me feedback, looking at my writing, making sure that there were other people to look at my work that also worked in the organization. And then they would also have seminars for us and teach us a little bit about the substantive areas of the law that I was working in. Those are both great. I felt like I had some emphasis on specific skill building as well. In my clinic I learned how to work with people, learned how to work with people that were really different than me and from different backgrounds.

I also had the opportunity to practice some negotiation skills because I would be talking a lot with the lawyers who represented landlords and I was representing tenants who were close to being evicted. So those were some concrete skills that I got to work on. Something nice about it was that I was told these are the skills that you're getting to work on. Because it was a clinic they had an emphasis on teaching and that was interesting. At the ACLU there was a focus on research and writing, I worked with several different lawyers, I got feedback from different lawyers and my supervisor there facilitated all of that. Different kinds of experiences.

Allison Monahan: I assume that you also had summertime legal jobs. Is that right?

Allison Pincus: I did, yep.

Allison Monahan: How do you feel this experience was different from that? Because I can see someone listening to this and being, "Okay, this sounds great. But I'm just going to get experience over the summer, I don't need to be bothered with doing this in law school. Like there are other things I can take."

Allison Pincus: Well something that's interesting is that typically I think when you're in an experiential learning either class or you're working in the community it's for a certain number of credits. But at the same time you're also in classes, and there's something interesting about taking classes that are focusing on legal theory and where you're developing your skills and thinking things through and problem-solving which are what some of the black letter law classes teach you to do. And then at the same time working in the community as a law student and beginning to practice as a lawyer, when you're doing those things at the same time you can draw some comparisons between what you're learning in the classroom and what you're seeing play out in real life. That can be interesting.



Alison Monahan: I think that's right. I guess for me because I also did a clinic in law school which kind of ironically was also about landlord tenant issues but the clinic itself was called lawyering in the digital age. So instead of doing any type of direct representation of a client what we ... It was actually a partner class so me and my partner, we were working with the head judge of the New York City Housing Court who was actually very interested in, as I'm sure you know from your experience, most of the people who show up as tenants in housing court all over the country are not represented. Almost all the landlords are represented. Obviously this is a huge power imbalance. This was interesting because this was coming from the actual chief judge of the court who will say, "Look, this is not fair. This is not ...

"I can't go and hire lawyers for all of these people but maybe there's some way we can at least facilitate them understanding their rights a little bit better and being on more of a level playing field." So what we ended up really doing was going through essentially all of the affirmative defenses and things like that. I don't know if this is the same in California, similar. But in New York you could ... If you're being evicted you can come and say, "Well look, I haven't had hot water," or there are issues with habitability, maybe there're rats, maybe there're insects, whatever it is. Frankly almost everyone had some sort of defense along these lines. So the idea was that they would come in and actually go through a very simple checklist that could be translated into multiple languages or whatever.

In answer to these question, does your apartment have this issue? Does your apartment have this issue? Does your apartment have this issue? Hit the button, do a printout, and then at the end when they go in front of the judge the judge is more able to understand the full scope of the situation and probably make a better decision. So it was super-interesting.

Allison Pincus: It was similar in California and it was also interesting. I mean I guess this is something that could happen over the summer as well but if you had learned about those different affirmative defenses in your property law class and then the next semester you're there seeing it play out on the ground and putting those things into practice, that can also make law school more interesting. Because you're seeing some of these that you discussed are tangible, they're real issues for real people.

Alison Monahan: I think that's right, and I think it also really opens people's eyes sometimes to the reality of the actual system on the ground. I mean it was interesting because a friend of mine was in this same clinic. Everybody was doing different projects but he was in the same clinic and super libertarian, very strict about these things. Actually he says it was a fundamentally life-changing experience for him to go into this organization, I forgot who he was working with and really see how these things worked out and realize it's not that simple. We can't just be,



"Well, we've got this law that says this, or everything's good. Why worry about it?" He said it really actually fundamentally changed his world view to get this experience of working with these people that he would not have otherwise interacted with in a real-life situation.

Allison Pincus: Right. I mean when you said, "Could you go out and do these things over the summer," you could but there aren't that many ... There are only two summers and so if you're looking to have a lot of different kinds of opportunities to see what kind of environment you want to work in and to see what work you actually like to do these experiential learning opportunities can be additional ways to see things from new perspectives, try out new areas of the law and see where you might fit in and what you might like to do after law school.

Allison Monahan: I think that's right. For me, and I don't know if this is true for you, but I had a lot of trouble deciding what kind of clinic I wanted to do. It's ironic because now it seems really obvious. I was a programmer before law school, now I work in legal, digital, tech stuff. Everyone's like, "Of course you did that clinic." It was deciding between that and three other options that all seemed pretty good.

Allison Pincus: Yeah. So I had worked at a civil rights firm that did a lot of fair housing impact litigation and I knew I was interested in housing, so eviction defense made sense for me. But it was also great to work on an area that I cared about but in a very different way because I was doing direct services this time instead of impact litigation. I think when students are trying to figure out how to navigate all the different options there are a couple of different things to focus on. One is, is there an issue area that you're passionate about? And it seems like that guided both of our decisions. But then there's also what skills are you looking to develop and have you heard anything ... In the same way you hear about different professors and some professors are amazing. There can also be amazing supervisors, there was one at Berkeley that everybody talked about.

She was just incredible and maybe you haven't had great supervision before or you have and you want more of it, you want more of that feedback. Those are some different ways that you can think about the next opportunity that you want to try to get.

Allison Monahan: I think that's right. If people are listening to this and they're saying, "Oh, this sounds great. I'm interested in finding out more about my opportunities," I think the fact that now this is a requirement is really going to force schools to offer more opportunities which is fantastic. Because I think for a lot of people, particularly 2Ls, where I went to school, is frustrating because they couldn't necessarily get into the clinic they wanted to do and then it becomes this thing of, "Well, do you try to wait for the third year when you're going to have higher priority but maybe then you still don't get into it." There's always going to be ones that are oversubscribed. But I think people do need to really figure out



what the options are and think about what seems appealing to you. Do you want to work directly with clients? Do you not want to? Those are both fair choices.

And what type of clients? Who do you want to be interacting with? Who do you want to be helping out? I think your point about what kind of skills you want to develop is a really good one. For me for example, I kind of wish now that I'd taken some simulation-type class on contract drafting in law school because I hated contracts as a subject. It was like, "I don't want anything to do with this." But now you realize that's actually a real life skill.

Allison Pincus: And the learning about the theory can be very different than actually working on drafting a contract.

Alison Monahan: I mean I think of all the things law school theoretically should have prepared me for drafting contracts is probably one of them. I don't know, what are some other skills I'm thinking of? Interview skills I think are really fundamental, I think-

Allison Pincus: Definitely. Interview skills are so important. I took a class on a whole semester of negotiations class and that was incredible. It wasn't a full clinic but it was ... We broke into groups every week, we had different partners, we learned what our negotiation styles were. Everyone uses negotiation in some way or another so it was really helpful to just feel more comfortable with that because everyone has to do it. But not everyone feels comfortable so that was great.

Alison Monahan: I think that's another really key one that I wish I had developed a little bit more in law school. A friend of mine who did do the negotiations class at Columbia actually gave me a book, I'm sure you probably read it too. I don't remember what it was, it was kind of like the Bible of negotiations. I actually read it later because I thought, "Oh, this is something that I missed the boat on. I really should have taken this class and had that experience." I mean do you think ... I guess if you had to pick your favorite out of all those different experiences you've done, the clinic, with direct services, you've done the externship, you've done some simulation-type things, what did you like best?

Allison Pincus: That is a good question. It's interesting too because the ... My clinic was so well-run and I learned so much there, direct legal services work is really hard. It probably was my favorite but it also just took so much out of me because I was learning a lot and I was also working directly with clients for the first time. It was a great learning opportunity, it was hard work. So the negotiations class I also really enjoyed, I felt like that came pretty naturally. And it just didn't feel as draining as I was learning how to do that. So I liked both of those but for very different reasons.



Alison Monahan: I think actually what you say about the intensity of the clinic experience is actually a really good point for people to keep in mind. I mean it sounds like my clinic was not quite as intense as yours but I think a lot of them are really, really intense. I think for a lot of people that can be probably their most intense semester of law school. I think people need to really consider what other classes they're taking.

Allison Pincus: Definitely. So experiential learning is great but if ... And you want to be able to really focus and have the energy to bring to the work that you're doing so you want to balance out the other classes that you're taking prior to that can be maybe you take two black letter law classes and they're challenging in different ways and you have to really prepare for those too. But you wouldn't want to be doing a skills class and a experiential learning and a clinic or an externship necessarily because it might just be too much time or it might be too draining. So balancing your course load is really important.

Alison Monahan: I'm thinking you probably don't want to take fed courts that semester or any of these other classes that were really intellectually demanding as well just because you're not going to do as well in any of them and you're not going to get as much out of the experience. I think that semester, whatever that you're doing, the clinic, or you're doing the externship it's just important to be realistic about your time and your commitments so that you do get the most out of it. Because throughout it, particularly if you're working in direct legal services you have real responsibilities. People are depending on you. What was that experience? Like having that experience for the first time?

Allison Pincus: It felt really good. I mean that was why I had gone to law school, to try to be useful to people. So it was great to feel like I was doing that and to actually see the people that I was working with and working on behalf of, even though in the beginning it was draining because it was so different than being in these theoretical classes. By the end it was incredibly rewarding as I felt like I knew what I was doing more and I saw that I was actually able to help people and that at the same time I had the safety net of an incredible supervisor who was watching over the work that I was doing. I had responsibility but then I also had someone that was helping me make sure I got things right.

Alison Monahan: I think that's critical. I mean I think back to, I took on a bunch of pro bono cases my first semester in law school which in retrospect maybe wasn't the greatest idea. I mean it was great in one sense because it did really give me that feeling of, "Oh, I can do something to help someone," and that was great. But at the same time to be honest it wasn't really that supervised and obviously I had no idea what I was doing because I'd been in law school like three weeks or something at that point. There were definitely these moments of, "I am 100% not qualified to answer the questions that this person is asking me."



Allison Pincus: That can be scary.

Alison Monahan: It was really scary. On the other hand it did make me realize like, "Okay, even though I don't know the answer at least I do have resources." But I think that's one of the benefits of doing this sort of work in more of a clinical setting or an externship is that you do have these people besides just the pro-bono supervisor who may or may not be around who can actually walk you through a difficult issue. I mean sometimes frankly like ethical issues come up in a lot of these situations that you may not really be totally prepared to handle.

Allison Pincus: Definitely. And you also have other students who are going through something similar and the environment is one in which you're not expected to know all the answers. And so when you don't you can ask and you could feel comfortable doing that and there are other people there that are in the same boat as you and that creates a nice environment for being able to learn and being able to help people too.

Alison Monahan: Did you find in the clinic setting where it's only really a few months, I mean were you able ... How did that work? Did you have your own clients, did you take a case from end to end? How was it?

Allison Pincus: In California at least eviction defense cases moved really quickly so I did get to see a lot of my cases from start to finish. It's not like impact litigation where you're working on a case for several years before the conclusion. That was nice, to be able to be really involved. I think I went maybe two or three days a week and my supervisor, if things came up on my cases that were urgent when I wasn't there my supervisor would handle them. But otherwise I would meet with a client, I would be working with that person, I would do any research or writing that needed to be done. I went to court a few times although I couldn't appear in court and so my supervisor would handle those pieces for me. But I was definitely very involved in the cases, knew what was going on. And that meant I felt like they were my cases for sure.

Alison Monahan: No, I think that's super interesting. In terms of the clinic different types of experiences, so you've got the direct legal services which literally you and the client solving their problem hopefully. And then you also mention impact litigation. What do you mean by that?

Allison Pincus: For example in the work that I did before law school I was a paralegal, but I worked for a civil rights firm. They focused on housing law and the firm would take cases with the goal of certainly helping individuals that they were representing if they had an issue they had been discriminated against. But then they also were looking at the law as a whole and fair housing and trying to make sure that the laws were fair and changing them if necessary.



Alison Monahan: I think that's a key point to be thinking about when you're considering what type of clinic you might be interested in. I know at my school for example there was a really well-regarded environmental clinic and so they would do ... I mean I think they would do these cases that might go on for years and each saying ... I mean some sort of impact litigation involving the environment. So it was a different experience to jump into the middle of a case like that and maybe just do one piece for a few months versus having a client that you see from the beginning of their case to the end. Neither one of them is better or worse, it's just a question of which do you think would be the best fit for what the experience you're looking for? You've got cases that do a ... or clinics that do appellate cases sometimes and things like that. There are all these different options.

I think really considering what are you trying to get out of it, what are your interests, how might this position you for a job, that type of thing, that can be really critical. But you could also just do, "It seems kind of fun," which is sort of what I did.

Allison Pincus: Definitely. You can learn about a new area of the law that you didn't know anything about before or you can, exactly as you said, be thinking about what might be coming next and getting to know ... That's another thing, you get to know your supervisors really well and they probably later can speak to the work that you've done in a different way than when you're sitting in class answering questions too.

Alison Monahan: Absolutely. I worked with one of our tutoring students who was really interested in doing appellate work and he managed over the course of several externships in clinics and that kind of thing to really position himself as someone who had a portfolio in that area. I mean he hasn't quite gotten that job yet but he's only a year out of school. So anyway, I have no doubt that he has positioned himself to at least have a shot at having that type of job in a way that he probably wouldn't if he had not had that practical experience.

Allison Pincus: Right, and especially in public interest organizations where there aren't as many resources to be able to train new lawyers if you come in and you've already had some of those experiences. That can be really helpful when you're looking for a job too.

Alison Monahan: For sure. Something's going on in the background there, seems to have stopped. All right, well we're almost about out of time. But do you have any tips for people if they don't immediately get into their first choice clinic or externship? I mean I know in a lot of cases you do have to apply for these, they can be very competitive. What should people do?



Allison Pincus: Sure. One thing is if you haven't waited until your last semester, the spring of 3L year you certainly can apply for a second time and something that is great as we've said about these clinics and externships is that they're very feedback and teaching-oriented. So I wouldn't be afraid to ask for feedback after you've applied and say to whoever it is that's choosing students, "Is there something missing from my resume that would be helpful background experience for me to have before I'm in the clinic?" I mean hopefully you don't want to have to have too much experience already because the point is to learn. But maybe there's something that they're looking for that you could do not necessarily in a semester-long course but pro bono work or take a class that you have a little bit of background and then you're a more attractive candidate for the clinic.

Allison Monahan: I think that's right. I think applying the second time obviously makes it look like you're more serious. And yeah, talking to people who are in charge of it. Just saying, "Hey, you know I really truly am very interested in this. I just want to let you know that." And I think your advice on asking for a way to become a stronger candidate is great. Maybe they're just one class where like, "Oh, we'd feel a lot more confident letting you do this if you'd take an evidence." It's like, "Okay," you go take evidence. Done. Problem solved, good thing you asked. Do you think you can do too much experiential learning in law school? I mean this all sounds awesome. I just want to do some briefs, do some negotiations, have some clients.

Allison Pincus: I think experiential learning is great. I did a lot of it between the clinic externship and then a couple of hands-on classes. I guess you do want to be taking these other kinds of classes that train you to think in a certain way and it's also important to have a basic understanding of different areas of law. So a balance is good. You also I guess you want to be preparing for the bar exam so there's not necessarily too much throughout law school. But there are some courses that you can take to help with that as well so it is a balance. And then as we said earlier that these experiential learning opportunities are very demanding of your time and your energy. And so when you're focusing on those you really want to be able to focus and you might not be able to sustain that all throughout law school doing it all the time. So there's that balance as well.

Allison Monahan: I think that's right. I mean clearly it's a balance. You can't just totally blow off every doctrinal class because you think this sounds more fun. It's like, "Sorry, there are a few things you probably need to know before you get out of law school." Well Allison, thanks so much for joining us. Any final thoughts on this topic?

Allison Pincus: I think we talked a little bit about trying out a new area, that sounds good. Maybe taking a risk, whether it be a new area of the law that sounds interesting or building a new skill clinic or an externship or a class where you have an opportunity to really practice something can be great. And being able to do it



for a relatively short amount of time, just take a risk and go for it because the payoff could be huge.

Alison Monahan: I think that's right. I mean if you really hate it it's only a few months of your life. You'll survive. Well with that we are out of time. Thanks so much for joining us.

Allison Pincus: Thanks for having me.

Alison Monahan: Our pleasure. If you enjoyed this episode of the Law School Toolbox Podcast please take a second to leave a review or rating on your favorite listening app because we would really appreciate it and be sure to subscribe so you don't miss anything. Typically our episodes are out on Monday. If you have any questions or comments please don't hesitate to reach out to me or Lee at Lee@lawschooltoolbox.com or Alison@lawschooltoolbox.com. Or you could always contact us via our website [contact form](#) at, you guessed it, Lawschooltoolbox.com. Thanks for listening and we'll talk soon.

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