ABSTRACT

When introspection fails to reveal educational innovation, the professions often look to others’ pedagogies for insights. The legal academy has explored the applicability of methods from programs such as medicine and business schools, but it has largely ignored the lessons from professional design education. The oversight is perhaps due to commonly held beliefs that design is art and requires creativity and that law is order and requires logic. In fact, designers and lawyers must navigate social, political, economic, and spatial systems and processes, with commonalities that require similarities in thinking and doing. The studio is the primary environment of the design professions to understand these worlds. In the studio, professors lead groups of students in studies that balance theory and practice, often at the edge of the profession. The students in turn begin their explorations at the edge of their own knowledge. The adaptations to the studio proposed in this article offer insights that could help law schools reconnect every student into the learning process at a relatively low cost.
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Shared Visions of Design and Law in Professional Education
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American legal building in the modern manner strikes me, thus far, as paying altogether inadequate attention to that engineering discipline on which a permanent magnificence of legal architecture must depend: the creation of adequate traditions and machinery for training and holding and continuously breaking in an adequate supply of right personnel.

— Karl N. Llewellyn

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1. INTRODUCTION

As professions, lawyering and design share a level of creativity that often goes unrecognized in American society. They similarly exhibit a pervasive presence, if not control, over people’s lives. Like urban planners, landscape architects, engineers, architects, and industrial designers, lawyers also have a power to liberate people by removing barriers and shifting resources within a physical world. The shared experience of these professionals is one of designing solutions for people’s problems within physical, political, and economic constraints, yet the ways that the professions teach their crafts are vastly different.

The pressure has grown for the legal academy to find new methods to educate lawyers to make them practice-ready soon after passing the bar. While the applicability of pedagogies in fields such as medicine and business have been explored in depth, design has been largely ignored by the academy. This article introduces the legal academy to the primary learning environment employed by the design professions today: the studio. It examines how this pedagogy could be adapted to advance legal education.

The proponents of a primarily theoretical approach to legal education believe that students should be taught to think so that they can analyze and lead.3 The practice-centric people believe this aim is noble, but leaves students with few marketable skills early in their careers—well before they are leaders—and with vast amounts of debt.4 The studio environment is one of the most intensive and powerful ways of learning how to create solutions to complex problems, drawing on both theory and practice. The primary value of a legal studio would be to release students’ creativity within both realms. While not an exclusive answer to the question of how to teach law students, an adapted studio experience as an element in the overall curriculum could help balance the current pedagogical debates. If implemented properly, the studio format should appeal to public interest activists as much as commercial transaction gurus.

1 Karl N. Llewellyn, On the Good, the True, the Beautiful in Law, 9 U. CHI. L. REV. 224, 244–45 (1941–42).
2 Citations forthcoming.
3 Example(s) forthcoming.
4 Example(s) forthcoming.
Conceptually, the “legal studio” approach would fall somewhere between a clinic and a seminar, with elements of simulations, skills courses, and other teaching variations. The method could be useful to allow students to explore without harm to clients or their own careers and to learn areas of the law that complement and enhance the class’s learning overall.

In this setting, professors and students could work together to expand scholarship, to reconnect practicing lawyers to law schools, to create new ideas for practice, to practice on an academic schedule (not the courts’), and to help fund the education received.

While the setting may be most appropriate for upper-level coursework, the legal studio could become an integral method to advance the many skills that lawyers must master in ways that other approaches cannot match. The studio would be an excellent method through which to examine and solve legal problems as students make the transition into practice.

2. **Shared Visions of Design and Law**

Lawyers and law students are frequently viewed as logical or technical thinkers, not creative beings, but this status may be more a result of the professional acculturation endured in law school than personal capacity and talent. With this status we appear doomed to lives of black letter law and risk aversion. Contrarily, designers in general are perceived as daring aesthetes or, for architects, as artistic engineers—the very people who perhaps inspired the cliché “reaching new heights.”

A comparison of the legal and design professions requires a basic understanding of what designers really do. And while it is easy to expound on the differences, the similarities are more important to meet certain educational goals.

Karl Llewellyn argued that the similarities between architecture, engineering, and law were based in use:

Architecture and engineering strike most closely home—perhaps because both look so directly and so inescapably to use. Indeed, in regard to the rule-structure of a developed legal system, it is fascinating to follow the semi-analogue of one of those medieval cathedrals whose building reached across the centuries. . . . for structured rules and structured stone alike, one finds unit after unit, set up aforetime, in a “style” whose reason has lost meaning to the later user, but whose form will bind him still.

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5 See Marc Laroche, *Why You Might Hate Law School, Brazen Life* (Aug. 30, 2011), http://blog.brazencareerist.com/2011/08/30/why-you-might-hate-law-school/ (“Obviously, this makes for an alarmingly uncreative intellectual environment. This might shock you, but the first year of law school is actually quite similar to being in the military: the least bit of independence is viewed as subversion and is punished.”).


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Lawyers occasionally look fondly upon architecture as a profession lucky enough to revel in beauty and art, but even that vision is frequently disconnected from the realities of the design professions, which extend beyond building monumental attractions.

Llewellyn is correct that the professions use building blocks common across centuries, but the similarities of law and design as professions lie more in the process of envisioning a broad goal and then assessing the physical, social, and legal constraints that rise up as obstacles to that goal. This assessment is a pleasant way of saying what MIT professor Donald A. Schön described as “messy, indeterminate situations” that designers (and lawyers) must assess. While Schön’s work received some attention in the legal world, no in-depth consideration exists of how design education methodologies could be adapted and improved to meet the needs of the legal academy.

This article focuses on the similarities of analysis that the professions employ to reach their goals. More importantly, it addresses the educational processes that are used to teach professionals how to establish shared goals with clients, how to communicate the obstacles that await, and how to activate that profession’s tools to reach the goal.

2.1 What is Design and Who Are Designers?

While most people think first of architects when they hear the word design, the design professions are much broader. The term as it is employed in this article means the professions engaging in and studying human manipulation of our environments: i.e., urban planners, urban designers, landscape architects, and architects. The built environment includes not only buildings, but also natural systems within which designers intervene; it is the opposite of the natural environment. Most of the work of designers is highly visible although not always recognized, especially when done right.

9 An idealized vision of design as monumental architecture and architectural process as working with geniuses is similar to a comparison of strategizing with retired Supreme Court Justices prior to arguing and winning a case with national implications before the Court.
11 See Donald A. Schon, Educating the Reflective Legal Practitioner, 2 CLINICAL L. REV. 231 (1995) (“This [article] is an edited version of Professor Schon's speech at the Mini-Workshop on Theory and Practice: Finding Bridges for the Classroom, held at the 1992 AALS Annual Meeting.”).
12 Rarely are engineers or urban planners viewed as designers, and a minority of schools trains them extensively in traditional design studio environments. [Examples forthcoming.]
13 The focus of this article is primarily on the teaching of the design of the built environment; however, the studio as it is used in industrial design education could be equally valuable to the discussion, particularly with respect to the teaching and analysis of intellectual property law (especially as an interdisciplinary endeavor). The division in the design professions between the two areas is perhaps as arbitrary, and arguably necessary, as the distinction between real and personal property in the law. Finding the line between spatial/environmental design and industrial design can occasionally be as difficult as categorizing fixtures in the law.
Some people might assume that the different outputs of design and law logically require vastly different professional processes to achieve those results. The visibility and tangibility of design products stand in contrast to the written and verbal advocacy of lawyers, and the terms chosen by these professions lead to a further belief in a divide. Yet, in many ways, no such distinction exists. The two are more entangled than we might first have imagined.

2.2 Professional Similarities—Law and Design

In discussing professions, Professor Schön wrote of “indeterminate zones of practice,” including uncertainty, uniqueness, value conflict, that “escape the canons of technical rationality.” Despite the consistent uncertainty in professional practice, the standard law school curriculum tends to treat the legal profession as a series of evolving but knowable decisions to which lists of facts can be applied after carefully eliminating irrelevant components. Yet the field is typically as uncertain as design with numerous possible solutions to any given problem. More concretely, the fields of both design and law wield power over environments that control and channel human activity. Design is largely about the environments that we can see, hear, and touch, whereas law is about the intangible environments that we ignore at our own peril. Both create certain barriers and help people overcome others. Both have the power to shift scarce resources and to liberate people from certain confines of everyday living.

The creation and evolution of design is about understanding how far human beings can and should push their environment within natural and political constraints. The practice of design requires knowing where barriers restrain human manipulation of the environment in order to design spaces and to manipulate systems. The regulation of design is accomplished through physics and law, along with trends in art and fashion.

The creation of law is a process of designing systems, frameworks, and orders of control to facilitate human cohabitation and interrelationships—all within the same political and natural constraints as design. The practice of law focuses on where the boundaries of control exist so that people can navigate them to achieve desired outcomes. The enforcement of law (when the natural world is not more restrictive than the law itself) is about imposing order based on what our political systems and our communities, at varying scales, perceive. Moreover, legal trends are as disruptive as design trends to the profession. The fields thus share many similar structures.

Because of these structures, problems in both law and design are typically first set within a geographic location (i.e., a site, a jurisdiction, or a community). Professionals in either field must assess the context of that setting, the overlapping power structures, the stakeholders’ myriad goals, the resources and tools at-hand to accomplish them, and the current state of knowledge surrounding the problem.

The value of studio learning is activated by these commonalities. For the studio to work, proper framing of the question is essential to obtain the right substantive, procedural, and

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15 Citation forthcoming.
eductional outcomes. Posing the question motivates involvement by the instructor, the students, and others in the community and provides a starting point from which students build knowledge.

These shared elements lead to the conclusion that an adapted legal studio should follow the essential spirit of the design studio. But, at the same time, the physical products that are produced and the clients for whom we might produce them necessitate some variation. Ethical considerations should also guide the framing of studio problems, the implementation of processes within the studio itself, and the extent to which the work product is allowed to leave the safe confines of the studio.

3. **THE DESIGN STUDIO**

The design studio provides a unique ecosystem of resources, tools, communications media, and community in which students challenge themselves starting at the edge of their own knowledge and interests. Today’s design studio has a foundation dating back to the same time period as the Langdellian Socratic method. Yet it has evolved to meet the realities of today’s professional design practices. The method has a lot to teach to the legal academy.

3.1 **The Need for Studio-Based Design Education**

Design seeks physical order among complex systems and chaos. Design professionals are tasked with multi-scale problems and may consider contexts ranging from the microscopic to the global. The realm of possibilities requires freedom of thought. No professor could comprehensively teach each student to perceive those possibilities and to draw from a surrounding knowledgebase. Guidance is the key.

The design studio strikes a balance between academic learning and real-world design thinking at a reasonable cost. The setting is essential to allow students the opportunity to explore big ideas and to make mistakes without consequence. The work is experiential, but at the same time students are allowed to come to their own conclusions based on their research and imaginations. At the same time, acculturation takes place, including the transfer of the vocabulary of the profession and the manner in which people collaboratively address problems and opportunities.

Self-exploration, peer feedback, and frequent instructor critique are the pillars of studio pedagogy. The setting feels loose and uncontrolled at times for people who have never learned in this way. The students in the studio become active learners and teachers, acquiring the skills necessary to identify a lack of knowledge and to critique appropriately the work of others. Reality returns during the critiquing process, which pares back some of the big thinking.

A key risk is that some students may feel that they have not gained core skills because the learning that takes place is not neatly packaged and presented to them. The students soon learn

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that this anxiety carries over into the real world, and finding a way out is a professional’s life challenge.

As discussed in greater detail in Section 7, every design studio starts with a defined, but not narrow, problem based on design domain, process, scale, and place. Multiple people may be engaged in its framing. The instructors introduce it and the relevant theory surrounding the profession’s understanding(s) of it. As the group begins their task, the studio’s people, space, and process become invaluable.

With the problem and basic understanding of its context established, the instructors lead an initial exploration of possible interventions and solutions. The instructors may divide initial research among the group to examine in greater depth the current state of understanding on the topic. After exploring the broad issues together, with individuals or teams collecting research and initial ideas, the students then choose and explore their own projects. They may work in small teams. The studio regularly reconvenes as a group and with outside professionals at major milestones to critique, and perhaps to celebrate, the substantial work.

4. **Adapting the Studio Approach to Law School**

Like design studios, a legal studio experience could stand out among other pedagogical methods in the transfer of key legal skills. It would not replace other types of learning, but the cost-benefit analysis is compelling. This section addresses several key benefits that a legal studio setting would bring. Later sections discuss how these benefits play out and how the process could specifically be adapted to law.

4.1 **Bringing Students to the Edge of Their Own Knowledge and Interests**

Metaphorically speaking, most law school courses elevate instructors on platforms from which they reach down and pull students up to each successive level of knowledge. Everyone is expected to fit on the same platform, despite her or his interests and relative level of understanding of the topic. If the academic period ends before the professor can pull everyone up, the schools give the students their below-average grades, and the process begins anew. Contrarily, the studio helps the students to imagine the platforms on which they would like to stand, and the instructors clasp their hands together to give the students a boost up.

No other profession draws from such a wide variety of academic accomplishments than law. Students arrive in law school with backgrounds ranging from ballet to organizational behavior. Yet the schools funnel them all through a formulaic professional program that is (strangely) uniform throughout the country. Students are allowed, and indeed desire, to specialize in certain legal topics, but the processes used to teach each of those topics varies little.

The increase in demand for specialized programs is often counteracted by some students’ need to start at a much more basic level. Schools buckle under pressure to increase the number

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18 Citation critiquing the process as a celebration forthcoming.
of specialty course and skills courses, and yet their contracts courses still contain no contracts.\(^{19}\) A key question is whether teaching specialties and skills as isolated endeavors is beneficial. Legal studios, as integral complements to the rest of the curriculum, would allow students to specialize in areas that interest them, but to begin that educational exploration at their own level of knowledge, not what the instructor assumes that they know after they have completed various doctrinal courses.

### 4.2 Going Beyond Theory in Big-Picture Thinking

Studio can teach theory through practice. It provides the opportunity not only to learn about different theories, but also to imagine how the theories would affect a specific situation. Moreover, certain studios might focus additionally on effecting change to implement the proposed legal theories and public policies through, for example, legislative action, political advocacy, or strategic litigation. In this manner studios can help students become “justice-ready.”\(^{20}\) The studio is a fantastic place to investigate strategies for advocacy, legislative change, and improved practice that students would otherwise be precluded from addressing in a practice-centric model.

### 4.3 Putting Studio Work to Use

A legal studio offers the opportunity to produce scholarship, but it may emerge initially in forms unknown or initially strange to the academy. Questions will arise as to whether the intermediary findings of studio-based research are “real” scholarship or if it needs to be further transformed into traditional law-review articles. At the same time, because law-review-based legal scholarship in the U.S. is so different from other academic disciplines, law schools may be better equipped to accommodate new ways of pushing the boundaries of the profession. The extent to which the students’ studio work should be attributed to the instructors will become an important topic for the academy to have.

### 4.4 Creating a Safe Space for Mistakes

Unfortunately, law school rewards memorization of case law (often a majority and a minority view) with the strict application of “make-believe” fact patterns. Straying is unwelcome. In a legal studio, students would spend more of their time learning about the law and less time dealing with the dangers of stumbling over bad or irrelevant law in a room full of

\(^{19}\) When the amount of knowledge is insufficient to meet the needs of a particular field, many schools establish and maintain relationships with other schools and programs, such as dual-degree programs. Students end up with JD/MBAs, JD/MPHs, and JD/MPAs. They also leave with even more educational debt and perhaps still with questionable professional capacities.

people. If law schools should promote “exploration and discovery,”21 then law schools need some learning environments like studio in which students can safely make mistakes.

The studio environment avoids many of the ethical issues that arise directly in other experiential learning environments as well. Without these ethical issues, students will be forced to confront them later in other areas of learning and practice. Studio instructors will need to be aware of ethical issues as they arise and be prepared to address and discuss them when they have the opportunity.

4.5 Multi-Disciplinary Teaching

The fact that legal problems are almost always inherently multi-disciplinary makes the studio an excellent form within which to convey lessons from a variety of critics and areas of law. Studios provide opportunities for instructors to co-teach complex problems. Two people could share the workload. Moreover, when instructors, especially practitioners, are taken away at the last minute due to court hearings or emergency client meetings, other instructors or outside critics can somewhat easily step in for a day of presentations and critique of the students’ work.

The perspectives of non-lawyers have a place in a studio during reviews and perhaps at other moments during the academic period. The outcomes of the studio’s work can further demonstrate to non-lawyers where the law interacts with projects relevant to their work.

4.6 Enhancing Learning to Enhance Practice

The workings of a legal studio could reflect major issues in the practice of law itself. If more and more legal issues are being worked out in negotiations and not in a formal legal forum, then learning to collaboratively develop creative solutions to complex problems will benefit the profession as a whole. Learning to work well with other lawyers and professionals and to understand better the constraints and stresses that they are under will enhance the legal profession.

5. Teaching and Learning Methods in Legal Academia

This section explores briefly the current state of the predominant teaching methods in law schools. The overview provides the map on which law schools should consider the integration of studio or studio-like experiences. The methods have been divided into categories that help explain the context within which a studio course or curriculum would sit.

5.1 Instructor-Centric, Guided-Discussion Models

21 For a discussion on attempts by other rigid disciplines to promote exploration and discipline (in French schools), see Tom Hardy, De-Schooling Art and Design: Illich Redux, 31 INT’L J. OF ART & DESIGN ED. 2, 153–165, 156 (2012).
Law school is famous for the discussions that take place in lectures and seminars. The formats rely on the guidance of the instructor, who delivers a comprehensive syllabus and sits at the center of the discussion for the entire academic period. In the implementation of legal studios, schools and instructors will need to determine the extent to which certain knowledge delivered in a lecture or seminar format must precede or accompany a studio project.

5.1.1 Lecture

Lecture has been the heart of law school for a century and a half. It provides opportunities to learn doctrine, analysis, reasoning, and legal culture (or at least law school culture). Its main benefits include decades of established techniques and relatively low-cost structures. It is primarily a listening exercise for the students, who are occasionally paralyzed at moments when it becomes a discussion in a lecture hall, which can stunt learning in some situations for many people. Legal studio professors will need to prepare lectures occasionally, but the intimate setting can relax the atmosphere and facilitate better discussion with more student engagement.

5.1.2 Seminar

Seminars serve as scaled-down lectures with greater opportunities for communication among the students and the professor. The intimate settings tend to make students more responsible for the material, particularly in seminars with mandatory participation. Seminars may be seen as a perquisite to professors with seniority who prefer to teach topics more in line with their interests than large lecture courses on more mundane topics.

Studios could have some seminar elements. For example, the instructors may commence the studio with a series of articles or resources and discussion on those pieces in initial meetings with the group. In the weeks that follow, however, students become more responsible for gathering their own information and research and for presenting their findings in interesting ways that are relevant to the broader questions being asked.

5.2 Individual Practice Models

This category explores methods to transfer research and practice skills for use by individual lawyers in their future work. They can be contrasted with the collaborative models in Section 5.3 below.

5.2.1 Legal Skills Courses

Legal skills courses teach a variety of topics, often through both individual and group exercises. Legal skills courses teach a variety of topics, often through both individual and group exercises. Legal

SKILLS COURSES MAY USE A SIMILAR SMALL-CLASSROOM DISCUSSION FORMAT AS SEMINARS WITH ADDITIONAL ELEMENTS OF INDIVIDUAL OR GROUP SIMULATIONS DISCUSSED BELOW.

LEGAL SKILLS INSTRUCTORS MAY STRUGGLE WHEN CHOOSING BETWEEN TEACHING SPECIFIC SKILLS AND FRAMING PROBLEMS THAT TEACH SKILLS INDIRECTLY THROUGH CREATIVE EXERCISES. STUDIOS MAY STRUGGLE TO FIND THIS BALANCE AS WELL. INSTRUCTORS MAY NEED TO IDENTIFY AND TEACH SKILLS ON OCCASION DURING THE STUDY PROCESS, JUST AS LEGAL SKILLS COURSE INSTRUCTORS MAY NEED TO ADDRESS UNANTICIPATED STUDENT NEEDS.

5.2.2 INDEPENDENT STUDIES

INDEPENDENT STUDIES ARE A SOMEWHAT FREQUENT TEACHING METHOD IN LAW SCHOOL. THE STUDENT-DRIVEN TOPICS AND RESEARCH WITH CLOSE GUIDANCE AND FEEDBACK FROM PROFESSORS MAKE THEM IN SOME RESPECTS THE MOST STUDIO-LIKE TEACHING METHOD IN LAW SCHOOLS. STUDENTS MAY PRODUCE MORE WRITTEN WORK IN SOME INDEPENDENT STUDIES, BUT STUDIOS ADVANCE THE LEARNING ENVIRONMENT BY INTRODUCING AN ADDITIONAL ELEMENT OF STUDENT-TO-STUDENT TEACHING AND CRITICISM THAT IS UNMATCHED. THE STUDIO ALSO RECOGNIZES THAT NOT EVERY MOMENT OF LEARNING IN LAW SCHOOL NEEDS TO RESULT IN THE DEMONSTRATION OF THAT KNOWLEDGE IN A PIECE OF WRITING (OFTEN WITH PERFECT LEGAL CITATIONS).

5.2.3 SIMULATIONS FOR INDIVIDUALS

MORE SCHOOLS ARE OFFERING PROBLEM-SOLVING SIMULATIONS.23 THEY OFFER AN OPPORTUNITY FOR STUDENTS TO BEGIN TO APPLY THEIR KNOWLEDGE TO LIFE-LIKE SITUATIONS, BUT THEY PRESENT NUMEROUS ISSUES AS WELL. THE SIMULATIONS CAN BE TIME-CONSUMING TO CREATE, AND PROBLEMS ARISEoccasionally if unanticipated, but necessary, facts are left out, documents disappear, laws change, or errors in data surface. STUDENTS CAN ALSO GROW FRUSTRATED WITH SIMULATIONS WHEN THEY FEEL THAT THEY HAVE LEARNED THE LESSON BUT ARE BEING FORCED TO COMPLETE THE EXERCISE.

THE GREATER ISSUE WITH SIMULATIONS IS THAT THEY ARE, BY DEFINITION, NOT ACTUAL PROBLEMS. THEY ARE CAREFULLY CRAFTED VISIONS OF A LEGAL SITUATION THAT THE PROFESSOR HAS DEVELOPED TO ADVANCE A PEDAGOGICAL OBJECTIVE. THEY DO NOT TYPICALLY REQUIRE STUDENTS TO SIFT THROUGH PILES OF MATERIALS OR TO INTERVIEW PEOPLE TO GARNER RELEVANT FACTS. THE SETTING IS MORE CAREFULLY CRAFTED TO GET RIGHT TO THE POINT, A BENEFIT IN SOME SETTINGS.24

FOR LEGAL STUDIOS, THE PROBLEMS SHOULD MORE CLOSELY REPRESENT REAL-WORLD SITUATIONS. IF THEY DO NOT, THE OPPORTUNITIES TO INVESTIGATE A GREATER VARIETY OF POSSIBILITIES AND OUTCOMES OR TO

24 As a point of comparison, consider language-teaching techniques. The benefits of students’ listening to an actual dialog in the target language are likely to be greater than listening to a carefully crafted dialog. The latter lacks the natural speed, intonation, accents, and word choice of an ordinary conversation. The carefully crafted dialog can, of course, be more useful if the students need to learn vocabulary or sentence structures that do not arise frequently in authentic material. The same can be said for legal simulations.
allow students to explore their own interests may outweigh the lack of a “real” legal challenge with consequences to clients and other stakeholders. The main point of the studio is that the group starts out with a base of information and data, not dissimilar to the simulation, but students must then strike out to gather additional materials and to determine a direction in which to head.

5.3 Collaborative Practice Models

Law schools struggle to create and implement models that teach students to practice collaboratively to advance the interests of individual and organizational clients. Group writing exercises, are a common first step used in many schools, and simulations are gaining in popularity as well. Certain clinics provide a setting in which clinic instructors and students collaborate to solve complex problems for clients (a “hybrid” individual/collaborative practice model discussed in the next section). Other collaborative opportunities exist as well. Northeastern University School of Law has been a leader in exploring these differences.

5.3.1 Simulations for Groups

Simulations for groups are very similar to simulations for individuals. They may be easier to establish for a larger group because individual scenarios are not required for each person, but other risks are magnified. For example, an error in the data can leave an instructor scrambling to get the students back on track. Students may find the process frustrating if the scenario is unrealistic, if they have to meet with too many different people, or if they are forced to explore an issue that does not interest them.

As discussed in greater depth below, studios will at times incorporate elements of simulations depending on the framing of the studio problem. The same critiques will apply in that setting. Instructors should consider how much time it will take to create these elements of the studio and whether they are detrimental to the goals for employing the studio method.

5.3.2 Organizational Client Project Model

Northeastern University School of Law has created a unique collaborative practice model for first-year students, which focuses on advancing social justice through a project for an organizational client.25 The team-oriented Social Justice Program is part of a broader program called “Legal Skills in Social Context” (LSSC).26 It complements the parallel “Legal Research and Writing” Course, which is focused on skills transfer to individual students.27 The program is in its 15th year.28

28 Interview with Susan Maze-Rothstein, Director of the LSSC Social Justice Program (Aug. 2, 2012).
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The law offices’ clients range from international human rights groups to local shelters. They submit proposals to accomplish work that they may not have the resources to carry out themselves or to learn about topics that they perceive are forcing their work to evolve. Outputs range from lengthy reports to manuals for laypeople to navigate complex legal issues that affect their lives.

Each year in the Social Justice program, the program divides the incoming class into teams of 12 to 15 students and assigns them to a project for an organizational client. The teams are referred to as law offices. In this model, a secondary learning experience takes place for upper-level students who serve as student instructors called Lawyering Fellows who guide the first-year teams through the process and lead seminar-style discussions on important social-justice topics.

The law offices engage in conversations with the clients and other outside professionals to help frame the research and writing that they do on the project issue. The students then set out to learn how to research the relevant legal issues—perhaps through online research services, government publications, international human rights documents, books, and legal treatises. They then work together to write a large, practical document for the client.

The law office model differs from studios in several important ways that should inform the choice to choose or reject the studio. First, similar to real-world practice, the students are not given a choice as to whom they represent or the project they build for the client. Second, the students must work together as a full team on a single project; they may do individual research, but the parts must fit together in the end. Third, the law office model introduces students to areas of the law that they may not otherwise investigate in law school.

5.4 Hybrid Models

Some teaching methods offer hybrid models of individual and collaborative practice. They are some of the most powerful and occasionally controversial methods employed. It is in this category that legal studios fall.

5.4.1 Clinic

Clinics are the current preferred experiential model in many law schools. They provide students with first-chair experiences working with clients and with instructors to formulate

31 The research typically varies from the Legal Research and Writing course, which focuses primarily on case law and brief writing for simulated legal cases.
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solutions to a variety of problems. Clinical formulations address a greater variety of topics than in any other time in history. They often involve individual students representing individual clients, but many studios will incorporate collaborative problem solving and even team lawyering into their pedagogical goals for the clinic.

Clinics provide a glimpse at a non-episodic work environment, which a legal studio could not match, unless the learning environment were configured to do so. Instructors will struggle to replicate the “first-chair” experiences of clinic in a studio. Clients may not be as patient with studio work because the students’ output likely will not have immediate real-world implications for the clients’ lives.

### 5.4.2 Law Firm

The academy has long considered implementing medical school models in law schools. Some schools have begun to take these ideas seriously and are building Law Firms at their schools. They provide recent graduates with actual legal experience for actual clients—sometimes low-cost services for individuals or companies who would otherwise not have access to the legal community.

The fact that the students have already graduated makes the relevance of this category somewhat suspect. Moreover, law schools should question whether their purpose should be expending large amounts of capital to create firm-feeding programs when there are so many other unmet legal needs outside of firm practice in society. Adding to the potential problems with this model, the firms themselves may not be supportive of these lower-cost legal services due to the competition.

### 5.4.3 Studio

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33 Sandra Kaji-O’Grady, *Intensive Studios*, 95 ARCHITECTURE AUSTL. 6, 44 (Nov. 1, 2006) (“No architectural practice tackles just two consecutive projects a year, each of around thirteen weeks’ duration, with long breaks between. Nor does any practice assume a cumulative and gradual process from conceptualization to a crescendo hovering importantly at the edge of resolution. Yet this is what the requirement of equitable assessment in a semesterized timetable establishes as a normative design process in the universities. The consistency and singularity of the university design project does not mirror the irregularity of practice, but this is not a problem of reality versus inferior artificiality. With students working increasing hours in practices, knowledge of the ‘real world’ is less an issue than is intensity of engagement.”).


35 Examples forthcoming.
Legal studios could address many of the shortfalls of the methods listed above, and the cost savings may outweigh the inherent problems and disadvantages of studio. Great studios have buy-in from a variety of people who will at times review and critique the students’ work. The studios could share elements of both collaborative and individual practice, but their primary strength is in the latter.

5.5 Comparison of Methods Based on Their Ability to Transfer Legal Skills

Many of the skills necessary for successful lawyering could be addressed in a legal studio setting. The table below compares law school pedagogical methods based on the effectiveness factors, within the eight umbrella categories, as outlined by Shultz and Zedeck. The examination of the methods is not objective. The variations within each method could very well produce a superior learning medium for any given factor. The assessments are therefore best viewed side by side to reveal the relative strengths of the common forms of each method. The comparison reveals a better understanding of the best role for each method in an integrative law school curriculum.

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### Table 5–1: Skill Development by Method

<table>
<thead>
<tr>
<th>SKILL DEVELOPMENT BY METHOD ASSESSMENT KEY</th>
<th>Lecture</th>
<th>Seminar</th>
<th>Legal Skills Course</th>
<th>Clinic</th>
<th>Law Office Model</th>
<th>Part-Time Externships</th>
<th>Full-Time Internship</th>
<th>Studio</th>
</tr>
</thead>
<tbody>
<tr>
<td>√ Good method</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>√√ Very good method</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>√√√ Outstanding method</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>◊ Specifically designed for stated purpose</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adapted from Shultz and Zedeck’s 26 Effectiveness Factors and 8 Umbrella Categories</td>
<td></td>
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</tr>
</tbody>
</table>

#### Intellectual & Cognitive
- Analysis and Reasoning
- Creativity/Innovation
- Problem Solving
- Practical Judgment

#### Research & Information Gathering
- Researching the Law
- Fact Finding
- Questioning and Interviewing

#### Communications
- Influencing and Advocating
- Writing
- Speaking
- Listening

#### Planning and Organizing
- Strategic Planning
- Organizing and Managing One’s Own Work
- Organizing and Managing Others (Staff/Colleagues)

#### Conflict Resolution
- Negotiation Skills
- Able to See the World Through the Eyes of Others

#### Client & Business Relations—Entrepreneurship
- Networking and Business Development
- Providing Advice & Counsel & Building Relationships with Clients

#### Working with Others
- Developing Relationships within the Legal Profession
- Evaluation, Development, and Mentoring

#### Character
- Passion and Engagement
- Diligence
- Integrity/Honesty
- Stress Management
- Community Involvement and Service

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While there are many more skills that teaching methods address, this chart is informative. It expresses that real-world work experience in offices and first-chair experiences in clinic are superior to most other methods in a variety of areas. Where the studio format stands out as well is in analysis, reasoning, creativity, innovation, problem solving, research, speaking, listening, strategic planning, organizing one’s own work (and that of others if the studio is formulated for group work), networking, evaluation, development, mentoring, passion, engagement, stress management (assuming that students will learn to manage stress by experiencing it), and self-development.

Based on this analysis, if the cost of studios is significantly less than clinics, the studio could serve a parallel role to the clinic to address skill transfer in many areas. Clinics should continue to serve their important role of providing first-chair experiences, advancing social justice for individuals, helping students learn to listen and interview, and engaging the students’ diligence, integrity, and ability to see the world through the eyes of others.

6. **PEOPLE, PROBLEM, AND PROCESS IN THE STUDIO**

The studio is a somewhat complex environment in which people, problems, and processes converge to teach students and to advance interesting topics in the field. This section provides an overview of these elements and how they potentially relate to the implementation of the legal studio.

6.1 **People Engaged in the Studio Experience**

Design studios contain a very specific vocabulary. Some of these words could easily be adapted to law school curricula to help distinguish the new type of learning in the academy.

6.1.1 **Critics and Students**

*Critics* are the instructors in a design studio for a small group of *students*. Studio critics are as likely to be outside practitioners (essentially adjunct professors, often paid as little as in legal academia) as they are to be associate or tenured professors. They find motivation to teach and lead a studio from a variety of sources. Many outside critics may want to reconnect with their alma mater, to expand their career options, to conduct a semester-long interview of possible employees, or to explore new design ideas. Associate and tenured professors share the same passion for teaching and research that drives academics in other fields.

Some design schools veer away from other academic programs in that they grant tenure to some instructors as *professors in practice*, a status that may entail teaching studio courses exclusively, or a combination of lecture, seminar, or studio courses. The status removes the traditional requirement of research and writing for academic publications and confers many, if

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39 In this sense, the critic is able to not only explore intellectual areas of interest, but also to teach potential employees some of their preferred methods of practice.
not all, of the same job protections as “regular” tenure. The “academic” contribution of these professors in practice is usually the design projects in which their firms engage and the work they produce with their students in a studio setting, rather than pure written research findings.

Critics often choose to teach a studio based on trends in design or interesting design problems that they want to explore or that they have encountered in their practices. The problem could be based on technology, geographic location, project scale, multi-disciplinary collaboration, or integration of natural systems, among other topics. They take ownership over the studio as if they were the authors of its outcomes and frame the problem based on their professional interests and connections.

By exploring cutting-edge topics, the studio experience can be very engaging for both the students and the professors. If the issue is framed properly, the critics as well as the students are likely to learn from the experience. The discussions can drive the critic to see new connections, and the students’ research and ideas may be new to everyone involved. The complexity of the design problems posed in a studio, which can be magnified by the students’ choice of design intervention within the framed problem, typically means that students are introduced to complex topics and may need to “backfill” with common or ordinary knowledge or doctrine.

Based on this structure, students in a design studio are actively engaged in their own learning and the learning of their fellow students. They are in charge of uncovering the information that they absorb or seeking out help when they recognize a need to fill a gap in their knowledge.

The learning moments typically happen at times when the students’ interest in the topic is high or when they recognize a need to fill that gap in their understanding. They also unfold when students recognize issues in their peers’ work and provide either solutions or feedback on possible processes to find solutions.

In addition to leading a studio, critics may also work with the students or their own firms to produce a publication of their work. Given the graphic nature of the design professions, the studio publications may appear not to contain “scholarship,” but they are generally well regarded for their ability to advance conversations in design, to engender solutions to other problems, and to serve as publicity tools for the schools. These publications complement the more rigorous “article scholarship” in academic publications and “book scholarship” by publishers that full-time design professors pursue, similar to their counterparts in other fields. The output from legal studios could include academic articles, but is more likely to amount to shorter works such as research compilations (perhaps for future academic articles), strategic plans, or practice guides.

6.1.2 Clients

Clients may or may not play the same role that they would in a legal setting. They often provide a site location, project information, and funds to run the studio—perhaps including funding for travel to the site. They may be the actual clients of the critics’ firms, or the critics

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40 The main “client” may not be a funder or may not be the sole funder of a studio. Critics will seek out funding from foundations, professional firms, and corporations with a potential stake in the outcome (e.g., a software company could supply a new tool for the students to explore and critique).
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may have been assigned by the school to work with a particular client to explore an issue. Occasionally, the critics themselves act in the role of the client, or they may create an imaginary problem—in what could be likened more to a legal simulation course.

Clients participate in a studio for a variety of reasons. Most hope that the students will produce a creative and innovative body of ideas that may influence the clients’ own work. Some want to better develop a connection with a school, to network (with professors and possible employees), or to gain charitable tax deductions that may help them explore and advance their other interests.

Clients who have never been through the studio process before may find that the outcomes are not what they had anticipated. Schools must clearly communicate that the work product is that of students and that the explorations are academic in nature. The work of some students may be very basic if they start with less knowledge, experience, or raw talent relative to the other students; others are just not as committed to the work. Schools should inform the clients that they might not be able to rely on the work at all.

6.1.3 Juries

Law and design share at least one common word: jury. In design schools, the jury is a panel of practicing professionals, from both the private and public sectors, along with academic professionals in the same or related fields. Juries sit at reviews, typically known as mid-term and final reviews. Some jury members who sit on a mid-term review may return for a final review. Although the final review, which is meant to showcase the final work product from the entire academic period, often attracts even more highly accomplished professionals with a greater variety of interests.

Many of the same benefits and interests that motivate critics and clients also motivate jury members to become involved. In fact, the jury is usually made up of at least one person representing the client. For others, the setting is a great way to connect to exciting learning environments with interesting students and occasionally extraordinary and artful work. It is a great place to debate current topics with other professionals. In fact, many design professionals include sitting on juries as credentials on their curricula vitae. Moreover, academics often see sitting on a jury as a duty to support their colleagues at their own schools or elsewhere, with the expectation that they can rely later on their colleagues to critique their studios.

If a studio is funded, the school will usually cover the travel expenses of the non-client jury members from those funds. Clients may agree to fund their own trips. Given the possible complications of arranging schedules and travel, schools must seek commitments from busy jury members for these important events as early as possible. Final reviews are planned out well in advance, just as final exams are in most disciplines. On the day of the review, given that a mid-term review is often scheduled for four to eight hours and final reviews are often six to eight hours, the schools should additionally expect to provide food, snacks, and breaks.
6.1.4 Studio Administration

The curriculum planning roles of studio administration and support staff differ slightly from other professional schools, based in part on the fact that studio courses are smaller in size than lecture courses. The popular studio options present a classic allocation problem with multiple ways of addressing their scarcity. Some schools simply allow students to rank the studios, offering three or more choices. They then fill slots at random from among students who ranked a particular studio highest, stepping down from those who chose the studio as their first choice to those who chose it as a second (and then third) if spots remain. This system is flawed because it does not allocate based on the real level of interest students have in a studio. For example, a student who only wants a particular studio because it is in her core interest or geographical area would rank that studio first, while a person who is split between two studios equally will have to pick one of the two to rank first. The latter is equally likely to get the studio. The common method of allowing upper-level students priority in choosing courses is not likely to work well for studios because the option studios are almost never repeated. Administrators must balance these issues with the overall course plan, an issue explored more in-depth below.

A secondary problem is that design studios are the dominant pedagogical element in a design school, and other courses are expected to bend around the needs of studio. The fact that studios often meet two or three times per week and typically require four hours per session exacerbates this influence. Administrators will find that interdisciplinary lecture and seminar courses with broad appeal can be difficult to coordinate.

In any event, administrators and support staff must be prepared to deal with the anger of students and perhaps even the low-level injustice that the selection process causes. Schools comprised of more privileged, consumer-driven student bodies will find this process especially challenging.

6.2 Physical Learning Environments

Ironically, space in the design education can appear to be less well thought out than in other professional schools, whose leaders, consultants, and designers obsess over wood finishes, classroom hierarches, and the technology of the moment—derived from trends that may leave schools trying to maintain the opulence and the illusion of quality interaction. The goal of space for design school studios is to recede to allow the students’ work to be the center of attention. Fluidity and process in a realm of spatial freedom allow the constant turnover of ideas to rein. Obsessions over materials, student-critic interactions, and technology pervade design education as well, but these media are the message in design school, comprising some of the core goals of design education.

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41 Example forthcoming.
42 Example forthcoming.
43 Citation to relevant H. Marshall McLuhan work forthcoming.
6.2.1 Studio

The physical setting is almost as important as the studio’s people and its problem definition. Studio is usually an actual place where students have permanent seating for the academic period. In most if not all design schools, the studio is a place for exploration, with space to pin up drawings almost anywhere fire codes will allow. The spaces are used repeatedly, with thousands of pins and mounds of adhesives being stuck to the walls and removed every week. What would appear worn and abused to other departments and schools in the university—particularly those like law and business that tend to prefer an air of untarnished perfection (and even wealth)—is refreshed by the ideas and freshly plotted drawings that make blanket every plane in the building.

The spaces are often available to the students twenty-four hours a day for most of the year, and not infrequently they use the studio into the night and morning hours. Given the encouraged abuse of the spaces and the amount of work produced after sunset, the studio space does not need to be prominent or sundrenched. Schools frequently transform basements and back rooms into studio space. While the students may find the setting miserable on occasion, due primarily to their workload, they often look back fondly on the long hours they spent together learning their craft.

Figure 6–1: Common Studio Desk Layout and Variety of Interactions Based on Spatial Arrangement

This diagram depicts a full studio during an ordinary session in which students are working and discussing issues. The critic is available to the students and may begin making
rounds to individual desks to discuss that student’s progress and process. Outside of meeting times, individuals come and go throughout the day and night, working on studio work or projects for other classes in their designated desk space.

6.2.2 Desk Crits

Opportunities for critic interaction are numerous in a studio, but most important during individual critiques or Desk Crits. Critics must manage their time carefully to ensure that they give adequate attention to everyone. They should also be aware of the hierarchy that is created simply by their physical proximity, or lack thereof, to the students. Some critics might hold desk crits via teleconferencing using readily available screen sharing and video chat tools. This offsite model could be especially useful for critics with busy practices.

Figure 6–2: Desk Crits and Other Student-Instructor Interaction

6.2.3 Group Crits and Pin-Ups

Fluidity and loose hierarchies spill over from the studio into other spaces occupied by the studio participants. Group crits or Pin-ups. In this model students pin-up graphical displays of their work that they plotted and the critic and other students have a discussion during a brief presentation. An individual’s pin-up can last for 10 to 30 minutes, depending on how much time has been set aside for each presentation.

For pin-ups to be effective in a law school studio, the students would need to learn to present their ideas graphically or perhaps learn to produce informative and interesting projected presentations, or both. The hierarchy that is created in this pin-up model can be useful, but it can also cause some anxiety among students. At the same time, the frequent presentations help students to improve their speaking and defensive argumentation skills.
Figure 6–3: Common Hierarchy of Pin-Ups and Group Crits
6.2.4 Charrettes and Client Meetings

Charrettes and Client Meetings provide opportunities to collaborate with other people on interesting topics. The students may find themselves competing for client time, but the events are usually planned to be long enough to allow multiple interactions with time to begin to implement some of the ideas at that time. For traveling studios, the meetings can be an important moment for the critic to show the progress that is being made and to manage client expectations if some of the students have taken their projects in directions that no one anticipated, perhaps fortuitously.

Figure 6–4: Possible Studio-Client Interaction

6.2.5 Final Presentations

Almost every design studio experience culminates in a presentation before a jury who evaluate months of the students’ hard work, often in highly critical (and occasionally demoralizing) ways. Despite this single shared legal word, the many valuable elements of a design studio are largely missing from a legal education. The opportunity to present frequently an evolving project with the culmination in a final presentation can provide the students with plenty of practice in assembling arguments and defending their work, invaluable skills for a future lawyer.
Figure 6–5: Common Gathering and Hierarchy of Mid-Term and Final Studio Reviews

This diagram portrays two bi-directional conversations with jury critics and one unidirectional conversation with a particularly aggressive jury critic who lob frequent comments at the student. An in-depth discussion of the beneficial and detrimental aspects of the jury experience is beyond the scope of this article, but discussion of the topic is explored in-depth in academic literature. The most important lesson for the legal studio is the notion that presenting and defending ideas is very useful for students, but schools must be prepared to rein in unruly jury critics who use the forum to display their own prowess in the field.

44 Examples forthcoming.
7. **Lessons for Law Schools from Design Studio Formulation**

Critics, clients, administrators, and others will be involved in defining the studio problem. Examples from design studios are elucidating. One or two of the topics below typically frame the primary studio question; however, it is not uncommon to have secondary or tertiary frames that guide the discussion, particularly during the initial exploration phase of the project. Students may additionally choose to limit the peripheral frame and to narrow the scope of their individual or group projects on those topics.

7.1 **Professional Domain**

A primary studio frame, usually taken as a given, is the design domain: e.g., urban planning, urban design, landscape architecture, and architecture.\(^{45}\)

The term “design domain” is slightly easier to define than “legal domain.” In law school, the more apt term addresses the doctrinal divisions that law schools have been using for the greater part of a century and a half: civil procedure, property, criminal procedure, etc. The utility of migrating these same divisions into a legal studio format is limited, and a pure such approach could negate many of the benefits of the legal studio.

In planning the studio, the goal is not to be ready to teach every substantive issue or skill, but to locate resources from which students can teach themselves. The greatest risk is that critics who do not properly plan to critique, rather than teach, may instead create a mini-lecture course format in which the professor spends more time teaching students specific doctrine and skill and less time guiding the students in their own projects.

Teaching students traditional law school topics in a small group or one-on-one can be very beneficial to them personally, but it can be a costly and time-consuming approach. Nevertheless, it will be impossible for the critics to break entirely from these divisions. At a minimum, studio instructors should resist the temptation to relay substantive, doctrinal, and skills course themes into the studio framework directly, at least initially. Thinking through these topics cannot be avoided, and they will inject themselves at opportune times in unanticipated ways.

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45 Some people may not question this frame, but issues may arise if a student from another discipline (even within the same school) wishes to take a studio. The program’s students and the critic may perceive that the student took a coveted spot or lacks the necessary skills to engage seriously in the project. Contrarily, some studios offer opportunities for students from multiple disciplines within the school to collaborate. Because the studios make up the core of design education, many design schools do not allow students from other parts of the university to participate in them. Contributing factors to this exclusion include: the difficulty of sharing costs across schools, the need to create a studio-centric academic calendar, and the distribution of even scarcer resources (both physical studio space and the number of students a single critic can meaningful guide), which hinder schools’ ability to help students achieve their degree requirements. Law school studios may benefit from allowing students from outside disciplines participate in a legal studio.
7.1.1 Traditional Substantive Law and Doctrinal Divisions

Upon learning about the studio approach, open-minded administrators and instructors may initially think, “Let’s teach an intellectual property or a bankruptcy studio!” Insert the name of a common law school course in place of either topic. This framing fails to respond to some of the criticisms of law school today: i.e., that the practice of law is not so easily divisible into tidy categories.46 The studio is an excellent forum in which to overcome these problems.

In the case of a so-called “bankruptcy” studio, what the critic would really be teaching is the situation of a debtor or a creditor seeking help from the court in a non-Article-III federal forum for issues that may largely turn on complex issues of state law and federal pre-emption—perhaps even on the local rules of the court. The critic could enrich the studio even more by introducing state-court decisions, choice-of-law questions, and even non-legal analyses (such as finance).

“Bankruptcy” is merely a forum to escape or vindicate property rights. This type of studio is better projected as an adversarial project with the opportunity perhaps to enter a negotiated realm. Such a studio would be remiss if it ended with teaching the process and procedure of bankruptcy without a greater discussion on the impact of debt on society and the morality of the American cultural imperative to pay debts.47 This formulation provides an excellent example of how the studio can address both theory and practice.

7.1.2 Professional and Technical Skill Divisions

Establishing a studio theme based on either professional or technical skills could be beneficial. The most important factor will be to place the skills in a real-world not a simulated context. A better approach would be to have resources available to students who find that their research or project necessitates a new skill.

Critics could either bring in outside instructors to help the students through the process or could provide them with shorter printed materials that they could easily consume.48 As mentioned above, the role of the critics should not become to provide mini-lectures to individual or small groups of students.

7.2 Core Studio vs. Option Studio

A studio’s designation as a core studio or an option studio influences the other frames below. Core studios are similar to the first-year doctrinal courses of law school; they aim to introduce to students key concepts of that particular design profession—both theoretical and technical skill frameworks.49 The instructors may package the transfer of skills within one of the

46 Citation forthcoming.
48 Citation to business school note examples forthcoming.
49 See, e.g., Cristina Parreño Alonso, Joel Lamere, and Ana Miljacki, 4.152 Architecture Design Core Studio II, MIT Architecture (Spring 2012)(“The Core 2 studio builds on the Core 1 skills . . . of geometry, representation, abstract structural and inhabitation issues . . . and expands the constraints of the architectural problem to include issues of
other frames to acculturate the students to what lies ahead in option studios and to make the process more interesting and engaging.\textsuperscript{50}

The skills-based frameworks scorned somewhat in the preceding section may play a greater role if the studio format is adapted to core law school courses. A more likely near-term scenario will keep some skills and doctrine in traditional lectures and seminars. These courses could be adapted to better respond to the questions arising in more involved option studios in more complex areas of the law.

7.3 Physical Scale

Each of the design professions embodies inherent conceptions about the scale at which they work. Some professions straddle more than one scale.\textsuperscript{51} Closely related to framing by design domain, many instructors consider carefully the scales across which the students will engage. In fact, the physical scale of the design studio project is often the driving element, but most studios will transcend scale, zooming in and out at least peripherally to answer various questions pertaining to the project site or specific frame. Legal studios should be no different.

When lawyers think of scale, they often think of federalism and the interplay or divisions between governments at various levels of society. They may additionally consider the number of clients in a particular case or the size of an organizational client. The studio could environment could provide a more in-depth vision of these scales than simply studying jurisdictional splits in case law or the nuances of federal and states courts. The formulation of a project that has complex relationships among various individual and group stakeholders could benefit students.

7.4 Place

The most memorable part of studios for many students is the locations in which they are set, and critics pick them deliberately. The context of the people, infrastructure, architecture, and natural systems of that place inform the design interventions. Being in the “Detroit studio,” the “Battery Park studio,” or the “Senegal studio” becomes shorthand for how students are spending their academic period. These labels convey images of what a studio is about regardless of the urban site logistics, cultural and programmatic material, and long span structures. . . . The site remains the same for both design problems ensuring that the students' understanding of the urban context (cultural and formal) builds up over the course of the semester.”), http://architecture.mit.edu/architectural-design/course/architecture-design-core-studio-ii (last accessed Aug. 7, 2012).

\textsuperscript{50} Because the professions perceive this knowledge to be core to the profession, schools may repeat core studios from year to year and evolve them slowly. Because the knowledge is indeed common, associate and adjunct professors are perhaps more likely to teach them—unlike in law school where tenured professors often guide first-year doctrinal courses. Option studios, on the other hand, are rarely repeated, and tenured faculty and notable outside professionals tend to lead them more than associate professors. The similarity to law school would be to have judges lecture on major topics and adjuncts teach first-year legal skills courses.

\textsuperscript{51} For example, landscape architects work at the residential scale and at the regional scale. Urban designers may work on piecing a single urban lot into the greater fabric of the city. Urban planners may work regionally or within a neighborhood. [Citation forthcoming.]
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design domain or scale—which could be a regional landscape architecture study in the Detroit metropolitan area or a neighborhood urban design project in Dakar. Like the design studio, place matters to law. Choosing a jurisdiction, and perhaps switching jurisdictions halfway through the academic period (even the state of residence of one party), can be one of the most powerful teaching methods in the studio. Critics could steer the project away from the familiar realm of the students’ own region to a drastically different place with unique laws that could overturn the entire project. The implications of justice may become especially apparent in a situation like this one. If many of the facts remain the same (e.g., the location of assets), but some other element of jurisdiction changes, the studio gives the students the opportunity to explore intricate multi-jurisdictional issues in ways that memorizing the minority and majority rules that arise in the casebook-driven podium courses.

7.5 Systems

The influence and manipulation of natural and human systems (including the legal system) are often as important in the studio problem as are the static design solutions that are proposed at any scale. And with the introduction of systems into the definition of the studio, time necessarily becomes a key factor as well. A regional studio could focus on reconnecting waterways and riparian corridors, and a city-scale studio could focus on transportation needs. The two could overlap. The temporal analysis of these systems could explore seasonal changes in the systems, what the systems once were and may become, and how they can be repaired over time through integral interventions.

Design and law share systems. The law creates and protects them—both natural and social. Framing a studio based on a system that affects people’s lives could be interesting and beneficial for students and stakeholders. For example, the federalist systems through which people in need seek food, housing, and financial assistance have major implications on law and society. Both the rights and the processes through which people obtain rights have the ability to efficiently and effectively change people’s lives. A studio could explore those processes and envision paths to improve them. The opportunity to explore constitutional government frameworks and restraints on government power would be ideal. The difference between a “law office” model, like that at Northeastern University, and a studio would be in the choice that students make in exploring a particular system or a particular aspect of a critic-chosen system.

52 The labels may signify an option studio if the core studios typically lack exciting locales. They could mean that the students will travel or have traveled to the site, which typically makes the studio even more realistic and memorable.

53 Such a switch could be likened to a design studio in which the city is changed (and thus all of the zoning and other regulatory mechanisms) or some physical element of the site is altered (such as a steep slope on part of the site the students initially explored as a flat space).

54 Northeastern University School of Law has performed many similar projects over the years in their Social Justice Program. See Social Justice Projects Abstracts by Category, NORTHEASTERN UNIVERSITY SCHOOL OF LAW, http://www.northeastern.edu/law/academics/curriculum/lssc/abstracts.html (last visited Aug. 10, 2012).
7.6 Theoretical and Historical Foundations

Studios often explore even greater time scales through introspective and retrospective analyses of the profession. Like all professions, design follows trends, with new theories and revisited histories cycling through the decades. Studios may seek to explore the implications of one or more of these theoretical approaches. Students studying conflicting theories such as landscape urbanism and new urbanism enter their profession with a clear idea of the political challenges that await them in the real world. In many ways, theories are the history of design and of law, and the remnants of those theories are found scattered throughout our cities, our laws, and our institutions.

Many of the theoretical and historical movements that have shaped law began in other disciplines, particularly the social sciences such as psychology, economics, and public health. Studios that study these same movements and apply them to real-world thinking about the practice of law will meet the goal of teaching theory through practice. An excellent example would be to examine the outcome of a studio project through the lens of a movement such as law and economics and then to critique that movement’s understanding of the issues.

7.7 Big Thinkers and Leaders

Related to the theoretical and historical frames are studio themes based on the work of famous design professionals and leaders who influenced the fields. The work of these people is occasionally considered to be its own theory or history. As examples, Frank Lloyd Wright, Robert Moses, Frank Gehry, Jane Jacobs, and le Corbusier are famous in their own right, and their work, theories, and legacies continue to affect design. Studios may draw substantially or peripherally on their influence.

Law has its own share of stars. A studio could examine the methods and styles of one or two big thinkers and then apply the same style to the students’ practical work. The studio approach would begin with the exploration of the styles of one legal star; students would then try to advocate in the same manner. A subsequent step in the studio could be to respond to that approach through the eyes of another legal star. Think of David Boies debating Ted Olson on a complex family or election law issue.

56 Law contains similar trends, which larger trends in other professions have influenced. See, e.g., [Citation forthcoming.]
57 Citations forthcoming.
58 The idea behind this approach is demonstrated in part in a recent legal writing book. Ross Guberman, POINT MADE (2011). Guberman categorizes writing styles into punchy themes and then provides examples from the briefs of many famous advocates.
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7.8 Experiences of People

Design schools are naturally inclined to focus on spatial and temporal explorations. The activities that take place on those sites, which usually address the needs of people, are often referred to as Program.59 By zooming in or out on a site or by exploring a site throughout its history, the focus on actual people can get left behind. The usual lack of a real-world client whose circumstances are directly and immediately affected by the students’ work further distances students in a studio from the human elements. Urban planning and urban design studios are often more engaged in exploring and addressing the needs of current and future stakeholders.

Far more than the design studios do, law studios must focus on the experiences of people. Studios should investigate injustice, advocate for fairness, and distribute legal knowledge to greater numbers of people in society.

7.9 Examples of Design Studios

Three design studio examples follow. The first provides an idea of the vast scale differences a single studio can address.60 The second explores a site of historical importance that has experienced an evolution based on its ever-evolving context. The third provides a people-centric studio at several urban scales that is specifically formulated to force the students to grapple with each other’s ideas and to collaborate on a solution.

7.9.1 Example 1: Large-Scale Understanding of a Region Leading to Small-Scale Intervention

An example of one option studio with possibilities for students to explore multiple scales was called “Tools for Conviviality,” led by critics Lionel Devlieger and Lucia Phinney at the University of Virginia School of Architecture in 2011.61 The project had a broad theoretical ecological/industrial component and a smaller scale public interest goal. The project “sought to understand the wood industry in Virginia and how its waste products might be reused.”62 The studio drew from research on two industries involved in the reuse, recovery, demolition, and processing of wood and “mapped various flows of wood between initial states, used products, and disposed ends.”63

59 Citation to definition forthcoming.
The project’s results were surprising in that the team found that the two industries did not discard substantial amounts of wood waste in landfills. Understanding the regional impact could improve specific materials used in construction and other industrial products, particularly when they are discarded or processed for recycling. Several students put microelements of this new knowledge to specific use by designing and building “a new wheelchair-accessible picnic table and a wood screen that separates the patios from cars approaching the loading dock” for the Mountainside Senior Living facility.

7.9.2 Example 2: Medium-Scale Project on a Cultural and Historical Timescale

In the Fall of 2012, critics Eelco Hooftman and Bridget Baines at the Harvard University Graduate School of Design led an option studio called “A Parallel Walden? A Landscape of Civil Disobedience.” The problem definition stemmed from starchitect Remment Koolhaas’s recent remarks that he was going to abandon his study of urbanism to focus on countrysides. The critics of this option studio chose to begin their retro-flection at their “base-camp” at the historic Walden Pond near Boston, Massachusetts, which was made famous by Henry David Thoreau. The broad goals to explore de-urbanization and to understand the cultural context at this edge—of not just urbanity/nature but also of time marked by Thoreau’s poetic documentation of a point of no return—are further refined further by the specific goals of the project. As the course description states:

After a forensic autopsy of Walden Pond and environs students are invited to produce a new manifesto for a parallel Walden and transform a 35-acre former landfill adjacent to Walden to act as catalyst for change. The intent of the studio is to re-activate the notion of Walden as cultural manifestation and provide expression of new emerging concepts of hyper ecology.

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67 Id. [Harvard University Graduate School of Design, GSD Course Bulletin – Fall 2012 – STU-01402-00, http://www.gsd.harvard.edu/cgi-bin/courses/details.cgi?term=201220&course=STU-01402-00 (last accessed Jul. 18, 2012).]
68 Id. [Harvard University Graduate School of Design, GSD Course Bulletin – Fall 2012 – STU-01402-00, http://www.gsd.harvard.edu/cgi-bin/courses/details.cgi?term=201220&course=STU-01402-00 (last accessed Jul. 18, 2012).]
69 Id. [Harvard University Graduate School of Design, GSD Course Bulletin – Fall 2012 – STU-01402-00, http://www.gsd.harvard.edu/cgi-bin/courses/details.cgi?term=201220&course=STU-01402-00 (last accessed Jul. 18, 2012).]
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The historical setting was therefore intended to influence the results of the studio, but with the goal of transforming a large landfill nearby to complement the importance of the site.

[OUTCOME TO BE ADDED PRIOR TO PUBLICATION]

7.9.3 Example 3: Examining Urban Scales to Explore Perceived Edges

The descriptions of the preceding studios as they are exhibited to the world focus more on substance than studio process and pedagogy, but a legal studio should necessarily draw on the impact of the law on people’s lives to help students understand their own assumptions about the state of society. Professor Thomas A. Dutton of the Department of Architecture at Miami University developed in the 1980s a studio project that attempted to address the layers of education from substantive design and course content to the “unstated values, attitudes, and norms [that] stem tacitly from the social relations of the school and classroom as well as the content of the course.”

His theories examined the ideology of the substantive course knowledge and “the social practices [that] structure the experiences of students and teachers.” The studio plan is still relevant to pressures faced by communities today.

The studio deals with a mixed-income residential development in a diverse urban neighborhood at the edge of relatively high- and low-income communities. Dutton chose housing because of the multiple assumptions that people make “about shelter design and its provision and linkages to the workings of society, but the organization and direction of society itself.” His hope is that students will realize that they play a role “as active agents in the production of meaning and knowledge.” He welcomes conflict and deliberation that follows from working on a project on a complicated site with existing development and gives each student veto power over any decision so that they must all come to consensus decisions about the future of the site and the residential development.

This particularly studio has the potential to be repeated in subsequent years. A version of it could even be adapted for a law school studio on the topic of real estate development, local governance, state/local regulation, tax incentives, and other topics.

8. COMMON ELEMENTS IN LEGAL STUDIOS

8.1 Collaborative Space

One of the key benefits of studio pedagogy is the environment in which students work. It provides opportunities for them to teach one another, to debate tough issues, and to form bonds.

71 Id. [Thomas A. Dutton, Design and Studio Pedagogy, 41 J. of Architectural Ed. 16, 16 (1987).]
72 Id. at 20. [Thomas A. Dutton, Design and Studio Pedagogy, 41 J. of Architectural Ed. 16, 20 (1987).]
73 Id. [Thomas A. Dutton, Design and Studio Pedagogy, 41 J. of Architectural Ed. 16, 20 (1987).]
74 Id. [Thomas A. Dutton, Design and Studio Pedagogy, 41 J. of Architectural Ed. 16, 20 (1987).]
75 Id. at 21. [Thomas A. Dutton, Design and Studio Pedagogy, 41 J. of Architectural Ed. 16, 21 (1987).]
76 Id. at 20. [Thomas A. Dutton, Design and Studio Pedagogy, 41 J. of Architectural Ed. 16, 20 (1987).]
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The environment is the antithesis of the quiet reading environments that most people would consider essential for the study of law.

8.2 Limited Class Size

Studios are necessarily limited in the number of students critics can effectively guide. They can accommodate up to approximately fifteen students, but to do so would be mad for a single critic. Contrarily, with fewer than six students, the studio may not be able to explore as many issues as the critic would like. A more sensible number of students would be eight to twelve. This figure is based on the critic’s ability to address each student’s work individually during desk crits and also the ability of the students and juries to respond to presentations by all of the students in a single sitting.

8.3 Outside Expert Engagement

The engagement of outside experts is essential to the studio experience. At a minimum, they should be a part of review presentations to give the students exposure to the opinions of a diverse group of people. A legal studio may choose to avoid the critical jury model of review, but the experts should still play a regular role in the studio.

9. STRUCTURAL DIVERGENCE AMONG LEGAL STUDIOS

This section explores some of the common decisions that legal studio critics will need to make to establish a studio project. The first section deals with the continuous and discontinuous relationships that cascade through and direct the work of lawyers, particularly in western society. If a studio problem flows into more than one of the relationship categories, the critic has an opportunity to show students how descending into the lower of the four categories can be damaging to a client, hindering progress made at higher levels. Beyond these relationships, whether the studio has a client, real or imagined, will guide the relationship and learning experience.

9.1 Divisions Based on Continuous and Discontinuous Relationships

Continuous relationships are those “extending beyond the moments when the partners are in face-to-face interaction with each other.”

77 Stuart J. Sigman, Handling the Discontinuous Aspects of Continuous Social Relationships: Toward Research on the Persistence of Social Forms, 1 COMMUNICATION THEORY 106–127 (1991) (“This essay describes selected features of the behavioral construction of long-term relationships. A distinction is advanced between the life history of [sic] a social relationship and the interactional co-presence of the relationship partners. The logics of relationship-based behavior and interaction-based behavior are thus contrasted. Some social relationships are defined by their communities as continuous, that is, as extending beyond the moments when the partners are in face-to-face interaction with each other. Three spatiotemporal frameworks, in which devices for constructing the continuity of social relationships in anticipation of, during, or subsequent to periods of physical and interactional non-co-presence, are discussed. The implications of this perspective for the study of strategic communication and of the

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litigants, they have continuous relationships. Their goals and methods for achieving them may align, or they may enter into complex negotiations to balance competing aims.

Discontinuous relationships are those that cease after the completion of a necessary interaction. They can be adversarial with face-to-face conflict, or they can involve a third-party adjudicator or mediator who sorts through the issues and makes or guides a decision before ending the relationship.

These designations are used in place of common inertial terms such as “deal-making,” “transactional work,” “dispute resolution,” “litigation,” and “judgment,” which are both narrower in their topics and broader in that they encompass greater bundles of skills and norms than simply an understanding of the relationship the client has with the third parties. They also tend to focus, perhaps unnecessarily, on traditional firm models of work, which can impede the students’ understanding of the many ways in which lawyers do or could work.

By framing a studio in part based on the types of relationships that are involved, the instructor can help guide the students through a greater range of outcomes than simply conveying pre-packaged information about how to “win in court” or to “get the deal done.” In fact, the categories that follow can cascade into one another when aligned goals diverge. The parties may fail to reach agreement and enter a dispute-resolution process. An outsider may then need to help resolve the conflict.

Lawyers may have continuous relationships with clients, but the particular legal problem posed typically concerns a continuous or discontinuous relationship that the client has with a third party. The following sub-sections address continuous cooperative and negotiated legal projects along with the discontinuous adversarial and adjudicatory relationships that make up much of the work of lawyers.

9.1.1 Continuous Cooperative Projects

Continuous-relationship cooperative projects are those in which parties seek the same larger goal and assemble legal strategies to attain it. No party fixates exclusively on a single way of reaching an agreement (which could end the studio experience if a real-world client insists on that sole path). The goal of the critic is to help students to identify common solutions, to build effective legal strategies, and to communicate and sell the best and highest path forward.

These projects could perhaps be characterized as “aligned-goal” projects, whether a single aim or a comprehensive agenda, often in the realm of advocacy. The projects begin to overlap with negotiated projects when the aims of the parties begin to diverge. Politics, resources, leadership succession, law changes, and sufficient sub-goal attainment can all lead to rifts that shift the parties into negotiated roles or end the continuous relationship.

9.1.2 Continuous Negotiated Projects

Lawyers help clients develop strategies for the negotiation of projects that are not necessarily adversarial. Continuous-relationship negotiated projects offer some of the best opportunities around which to frame a studio problem. This type of studio would allow students to explore topics and to apply new or unknown strategies to complex problem solving that even the clients may not envision. Critics could help students identify zero-sum scenarios alongside “both/and” options, in which both sides’ needs are assessed and positive synergistic outcomes are sought.78

Because people will have a specific stance that may not be in line with others’ expectations, issues will arise during these types of studios if multiple actual parties are not available to serve in the roles of stakeholders. If their roles are simulated, the same problems discussed above in sections 5.2.3 and 5.3.1 may arise as well.79

Negotiated projects could range from complex business deals to custody/property disputes in families. They could explore the law-making functions as well, in an examination of how multi-part legislation is advocated for, crafted, passed, and approved. These types of projects could be used to build strategies for stakeholders not directly involved in the studio.

9.1.3 Discontinuous Adversarial Projects

Discontinuous adversarial projects include cases, disputes, and problems.80 To build a studio project around these adversarial issues, the project must either be with a real client on an actual problem with a real adversary, or some of the parties must be simulated. Deciding how much control the critic wants a simulated adversary to have will affect the outcomes and may defeat the real-world exploration the studio is meant to engage in. Despite the approach to incorporating parties’ interests, the studio becomes a win-lose format, unless at some point the relative bargaining positions of the parties motivate them to re-enter the negotiation stage to end the conflict.

Clinics may provide a better setting in which to deal with these projects, but there are some exceptions. The studio could brainstorm and work with practitioners on pre-trial strategies, even with the clinics themselves if ethical considerations permit such an interaction. The studio could even start by examining an adversarial case, dispute, or problem and then zoom out to explore some of the broader implications of that type of conflict.

78 Relevant citation forthcoming.
79 For these types of negotiated simulations, the critic must carefully define what the parties want and what they are willing to give up if receive something in return. The studio version of a negotiated simulation should differ from common negotiation simulation courses in that real-world problems with authentic materials should serve as the basis of the project.
80 See John M. Conley and William M. O’Barr, RULES VERSUS RELATIONSHIPS: THE ETHNOGRAPHY OF LEGAL DISCOURSE 29 (1990) (discussing the need to think about certain legal problems based on their informal or formal inceptions).
9.1.4 Discontinuous Adjudicatory Projects

Cases, disputes, and problems often involve people, other than client advocates, not directly in conflict with one another.81 These people can be mediators, arbitrators, judges, and less formal dispute managers. These roles can vary depending on the cultural context and the resources of the clients.

These projects could take on various forms. For example, in Massachusetts, the Supreme Judicial Court is required by statute to examine the entire record of first-degree murder appeals and may raise issues sua sponte that the defendant’s counsel did not address.82 Students could work on a project reviewing these types of cases in approximately the same manner as the Supreme Judicial Court does. Such a studio could teach substantive and procedural criminal law, appellate advocacy approaches, evidentiary standards, court rules, complex legal research, and opinion writing. A second or parallel activity in this studio could discuss the impact of the criminal law on social justice.

Critics have an opportunity in these types of projects to address the idea that many interactions in the law are not formally recorded in the judicial system83 and that clients may seek resolution outside the formal system.84 Moreover, for clients in the judicial system, relevant facts get left out of the record based on the rules of the court, laws of evidence, and the lack of access to full knowledge.

9.2 Client Involvement and Immediacy of the Studio Project

The client-based model could introduce real-world needs into the studio problem. It also has the potential to attract funds to help advance project goals. With real clients and real facts, the studio would avoid the issues of simulations, which will still appear in studio projects without actual clients. The students will also be exposed to more of the ethical issues that may arise during representation.

The legal community’s receptiveness to the method may affect how involved the client is or can be in the process. Having actual clients can complicate the formulation of a studio. If the work were not meant to be “legal” work, careful communication and structural barriers would need to be established between the clients and the students. Otherwise, schools may need to deal

82 MASS. GEN. LAWS c. 278, § 33E (“In a capital [first-degree murder] case . . . the entry in the supreme judicial court shall transfer to that court the whole case for its consideration of the law and the evidence. Upon such consideration the court may, if satisfied that the verdict was against the law or the weight of the evidence, or because of newly discovered evidence, or for any other reason that justice may require (a) order a new trial or (b) direct the entry of a verdict of a lesser degree of guilt, and remand the case to the superior court for the imposition of sentence.”)
with malpractice liability and conflicts of interest, a situation no different from many other types of experiential pedagogies.  

Client expectations will need to be carefully managed. Funding of the studio could complicate these expectations. Schools must clearly set out that most of the work done will be that of students and that it should be informative, but not a conclusive answer to the problems they seek to solve. In fact, the projects occasionally veer from the vision of the clients due to the nature of the method.

9.2.1 Actual Clients with Current Projects

The formulation would be closest to Northeastern University’s Law Office Model discussed in Section 5.3.2 above for organization clients. It would parallel in some ways the clinic model for both individual and organizational clients. The immediacy of the outcomes is the main motivating factor in the framing of these projects. This client-studio formation could be labeled as the “expertise” model.

The key difference of the studio is that it allows the students, as individuals or small groups, to explore multiple options based on the clients’ facts, rather than answering a specific legal question and presenting if-then paths. It asks the students to imagine a realm of possibilities, with responses the client may not have considered. The work product is likely to contain more strategic options than a comprehensive vision.

Some clients may be willing to fund studios in this realm, but the fact that the students are working on different ideas and at differing levels of competency, clients could feel that they did not receive adequate value for their money. Schools and critics need to manage these expectations.

9.2.2 Actual Clients with Prospective Projects

This formulation will probably be the most common for client-based studios. The immediacy is largely removed, and the client can be more forgiving. It is here that the students are allowed to explore and make mistakes. It is also the formulation in which the clients will be most engaged in exploring the outcomes, which might be novel and will help the client move forward with a vision. It is the creativity, not necessarily the expertise, that the clients seek out, making this client-studio formation perhaps the “visionary” or the “unforeseen options” model.

9.2.3 Actual Clients with Past Projects

Some clients may be willing to provide actual facts, documents, and firsthand knowledge to a studio for a pedagogical exploration, even interviewing with the team during the process.

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85 Clinics that focus on providing services to people of little financial means can rely on the student-practice rules in many jurisdictions, whereas the studio’s work might need to be carefully funneled through the critics and licensed attorneys for studios that are formulated for organizational clients or clients with means. These issues are not insurmountable, and schools like Northeastern have been successfully taking them on for more than a decade.
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The main benefit of this approach is to avoid the need for a critic to simulate client interactions and desires. A drawback is that the client may be less engaged than she would be in a project with future implications. The client’s perception of the past event may also change over time. She may even forget certain aspects of what happened.

This formulation could still be highly useful for the opportunity to hear real stories and assemble actual materials. The client-studio formulation could perhaps be referred to as the “look back” or the “what if” model.

9.2.4 Projects with Imagined Clients

Studios can use imagined clients as well, but the critic must take care to mitigate some of the issues that arise with simulations. The critic could relay the client information, but should refrain from creating facts without knowing the record or documenting new information that is simulated. Making students stick to an actual record of information is probably far more realistic in many ways, and if there are missing facts, critics can have the students substitute imagined facts that take them down a more interesting or challenging analytical path.

Another option would be to have someone act as the client throughout the academic period. Critics would perhaps unfairly manipulate the students if they withheld that the client was imagined or that this person was a stand-in for an actual person. It might not be in the students’ best interest if they fear making mistakes or spend more time worrying about issues such as strict diligence than legal exploration. Clinics and other models are better suited for these necessary learning experiences. To avoid the problems of simulations, the most important aspect for a studio of this nature is to have adequate authentic client materials “on the studio record” to make the work life-like and to force the students to seek out relevant information.

9.2.5 Critic as Client

Another possible client exists for legal studios: the critic herself. In this formulation, the critic poses a problem of interest to her and her particular field and uses the studio as a sort of “research seminar.” The studio could produce a publication on their findings, or the critic could take the research and employ it into her own academic scholarship or professional practice. These studios are more likely to be policy or advocacy based, but they could offer the students a chance to delve into important doctrinal and substantive areas of law that they will encounter in their careers. By placing the critic in the role of client in the eyes of the students, she will have authority to make decisions and to guide the group. She can also address various ethical issues that arise or could arise with a real-world client in similar situations.

86 An example could be a client who lost her home in foreclosure due to a particularly egregious loan product who wants to contribute to the movement to keep others from going through the same process.
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10. **Comparative Cost of Studio Instruction**

   Studios would be neither the most expensive nor the least expensive teaching method in a law school, but they would provide good value in the teaching of core skills. Even with the current cost structures, legal studios could be beneficial, but their benefits could carry over into a new realm of sponsorship. For the reasons discussed in the client overview of Section 6.1.2, some organizations and individual may be willing to sponsor studios to answer complex questions.

   In the design professions, funding can range from several thousand dollars per studio to $50,000 or more, with a median perhaps in the $10,000 to $20,000 range. In balancing the need for funds with the academic freedom to use them as the critics and students see fit, the schools will need to track how any sponsorship influences the outcomes of the studio. On the whole, the academy will likely find that the funding mechanisms are beneficial.

   The cost of legal studios may reduce the cost of educating students in certain legal skills. The changes in the demands of the instructors during a studio are different and may provide opportunities for low-cost or pro bono teaching. A well-managed studio could reduce or eliminate certain teaching burdens on professors and adjuncts, including, traditional exam grading (especially time-consuming final exams, which require written evaluations at some law schools), office hours, and rigid schedules. By reducing these burdens, more professionals could play an active role in teaching students, whether for an entire academic period or simply during major project reviews.

10.1 **Cost of Instruction Comparison**

   Law schools spend the majority of their budgets on instruction. A figure of 70% is not abnormal. The table below explores the range of costs for instruction for the predominant law school teaching models: clinics, lectures, and seminars. It compares them to studios. The findings show that the vast improvement that a studio could make in teaching many necessary legal skills is worth the cost, which is relatively low in many regards.

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Table 11–1: Comparative Costs of Key Pedagogical Methods

<table>
<thead>
<tr>
<th>Key Inputs</th>
<th>Number of Students per Course</th>
<th>Median Credit Hours per Course</th>
<th>Cost per Instructor per Course</th>
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<th>Small Class Sizes</th>
<th>Cost per Credit per Student</th>
<th>Studio Cost Comparison</th>
<th>Lecture Cost Comparison</th>
<th>Clinic Cost Comparison</th>
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<tr>
<td>Clinic</td>
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<td>High</td>
<td>Low</td>
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<td>3900%</td>
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<th>Median Class Sizes</th>
<th>Cost per Credit per Student</th>
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<th>Lecture Cost Comparison</th>
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</tr>
<tr>
<td>Lecture</td>
<td>$100</td>
<td>$333</td>
<td>860%</td>
<td>-20%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Large Class Sizes</th>
<th>Cost per Credit per Student</th>
<th>Studio Cost Comparison</th>
<th>Lecture Cost Comparison</th>
<th>Clinic Cost Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinic</td>
<td>Low</td>
<td>Average</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>$208</td>
<td>$694</td>
<td>$1,042</td>
<td>2400%</td>
<td>108%</td>
</tr>
<tr>
<td>$8</td>
<td>$333</td>
<td>$1,250</td>
<td>-71%</td>
<td>250%</td>
</tr>
<tr>
<td>Seminar</td>
<td>$200</td>
<td>$667</td>
<td>2300%</td>
<td>100%</td>
</tr>
<tr>
<td>Lecture</td>
<td>$29</td>
<td>$95</td>
<td>243%</td>
<td>-71%</td>
</tr>
</tbody>
</table>

This table seeks a common, if somewhat overly simplified, metric for comparison of several key pedagogical methods. It estimates the range of instructor salaries from high to low and assesses the distribution of that cost over the number of students in a particular course based on a common number of credit hours per course. While law schools’ structures will vary, a few key lessons emerge.

First, lectures are clearly inexpensive when large numbers of students are assembled or when instructor costs are high. Unfortunately, many students do not learn effectively in lectures, which shifts the cost of educating them into other areas of the law school or into the private sector.

Second, clinics are expensive, but are more cost effective when class sizes remain small. Beyond costs, they are worth pursuing for a variety of reasons. The most important reasons not

88 These data are based on a number of conversations with administration officials at Northeastern University School of Law. The figures are meant as a baseline discussion point and will be updated with more reliable figures when the article goes to publication.
to supplant clinics with legal studios include providing a first-chair experience to students and addressing the needs of underserved populations in a community.

Third, studios appear to be more cost effective than all of the other methods except in three areas: (1) lectures with median or large class sizes and average to high salaries, (2) clinics employing the most expensive instructors, who tend to cost less to employ than the most expensive studio instructors, and (3) seminars with large class sizes and high instructor salaries.

Studios are a great way to teach smaller groups of people using average to low-cost instructors. As discussed in Section 5, they could be better than lectures and clinics at teaching several important skills and could complement the other methods in certain ways. In doing so, the cost savings are great enough to warrant exploring them as an option. The cost of the studios could be reduced even more through outside funding, which could make them one of the most attractive options from a cost vantage point. They simply will never give students the first-chair experiences of advising clients dealing with immediate real-world legal issues in a clinic setting.

10.2 Facility Cost Comparison

The cost of renovating or constructing studio space—if a school were to choose to provide students with static space for their projects—and the expenses associated with larger instructor-to-student ratios will be the primary hurdles when integrating studio-based curricula into law schools. These expenses could preclude the use of studios as an integrative part of the core curriculum, relegating them to an upper-level feature.

Schools that feel pressure to expand their facilities for current law school pedagogies will do so at a cost in excess of what building studio space would cost. This question will not disappear no matter what methods are chosen. Clinics will continue to be the most expensive model for instruction and for facilities. Studio provides a cost-effective alternative for some but not all skills taught in clinics.

11. Building Institutional and Cultural Infrastructure for Studios

Law schools have most of the resources they need to implement studios in some form. The real challenge will be in dealing with some of the administrative and cultural aspects of the medium in a law school context.

11.1 Power Dynamics and Professor-Student Hierarchy

Critics will need to be even more aware of the power and control they wield over this small team of people. Many students will be nervous, especially in the beginning, about presenting their nascent legal knowledge to experts in the field. The instructors and any juries should take great care in discussing topics fairly with students and should help the students to feel safe in an unfamiliar environment without being condescending. Schools should seek out instructors from diverse backgrounds to lead these teams to help students experience and understand how power dynamics affect the practice and learning of law.
SHARED VISIONS OF DESIGN AND LAW IN PROFESSIONAL EDUCATION

11.2 Student Competition

Design studios are known for their competition, which is based in part on the design professions themselves (and some designers’ obsession with fame). Lawyers have some of these problems, but the types of competition are different. In a studio, competition among law students will likely be greater if the students’ projects are too similar. Critics should be careful to allow students enough variation in their own processes and project choices to provide safe places for students to explore their own interests at their own pace.

11.3 Jury Selection and Interactions for Presentations

Similar to the instructor issues in the preceding section, schools should take care in selecting jury members and should provide the juries with a handbook on preferred interactions and general idea of where the students are in their work and their law school careers. Schools may want to consider foregoing the jury presentation process altogether, opting instead for more frequent meetings with outside critics through the academic period.

11.4 Teaching Students to Speak Graphically

Lawyers’ products may be their words, but lawyers are not forbidden from communicating graphically in most instances (other than in court briefs and memoranda). In all other instances, conveying visual messages can greatly improve outcomes for clients and help lawyers advance their careers.

To convince law students to want to learn to speak graphically should not be difficult, but to convince law school administrators that it is a valuable skill for lawyers will be. Schools should consider teaching basic graphic design software including, Adobe Creative Suite products, especially InDesign, Illustrator, and Photoshop. These tools can help the students present their written work better, giving them a sense of the importance of design to readability and comprehension in briefs.

11.5 Bidding for studios

Allocating scare studios can be a difficult problem. A better system than having students rank their choices or letting them race to register would be allowing them to weight their interest in various studios. Many options exist for this type of allocation. Naturally, students will seek ways to game any of these systems, and allocation is never perfect.

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89 In one such system, a “currency” of sorts could be used to allocate studio resources. Students could be given 100 points to allocate among their choices, and the administrators would give the choices to the students at whatever “price” they put down from the largest amount set on down, until the studio is full. Schools offering studios to more than one class year of students would have to choose whether to use the same diminishing basket of points over several years or to renew the basket each year to put students at different year levels on par with one another. The former system would likely disadvantage the students in their final year most because they would have already spent some of their points—at least in the first year the program is implemented. After the system is established, the
Managing Stress and Maintaining Health Can Be Difficult

It cannot be overstated that the studio approach to education is one of the most rigorous, demanding, and rewarding learning environments. Students realize quickly that they may not sit idly or quietly. They must work and engage in conversation about their ideas constantly. The stress in this environment, if not managed well, can cause health problems. In addition to the stress levels, the communal environment within which studio students typically work may increase the spread of communicable illnesses. These public health issues should be part of the dialog on how to proceed.

Evaluation Options are Numerous, Subjective, and Rarely Uniform

Opportunities for evaluation are plentiful in a studio environment. They are one of its greatest strengths. Students will evaluate each other in studio throughout the academic period. The instructor should provide feedback along the way and at the end of the course, after the jury critique is completed. Schools should encourage the development of narrative evaluations, perhaps as part of the students’ permanent records.

From the reverse perspective, student evaluation of instructors can cause issues as well because of the small number of people evaluating the instruction at the end of a studio. Anonymity can be difficult to maintain. The weight that schools attribute to the assessments must be examined. Having two bad reviews in a class of 50 students will not seem as surprising as having two bad reviews in a studio of ten students. New methods for evaluating instructors appropriately should also be developed based on a particular law school’s culture.

CONCLUSION

The analyses underlying law and design are more common than most people realize. Yet the two professions teach their crafts very differently. While the legal academy has seriously considered adapting other professions’ teaching methods, such as medicine and business, design has remained a distant thought. Yet the design studio format could provide an excellent alternative to teach many core lawyering skills. While not a pure replacement for lectures, seminar, and clinics, the studio could serve as an integral component on the broader curriculum. This article has demonstrated that both the greater benefits in certain areas and the lower costs make the studio a viable option. For schools that want to engage students in self-exploration and creativity in a safe zone before they step into a world of obstacles, the studio is an excellent option.