

Moving Law Schools Forward by Design: Designing Law School Curricula to Transfer Learning from Classroom Theory to Clinical Practice and Beyond

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“[T]he best designs derive backward from the learnings sought.”¹

Calls for reform of legal education are long-standing² and have been renewed with vigor and an increasing demand for “practice-ready” lawyers.³ As part of these reforms, changes to the American Bar Association Standards have been made that now require law schools to provide experiential learning opportunities,⁴ to define specific objectives, and to show that students are

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¹ GRANT WIGGINS & JAY MCTIGHE, UNDERSTANDING BY DESIGN 14 (expanded 2d ed. 2005).

² For a description of the history, see, for example, Jerome Frank, *Why Not a Clinical Lawyer-School?*, 81 UNIV. PA. L. REV. 907 (1933); David I.C. Thomson, *Defining Experiential Legal Education*, 1 J. EXPERIENTIAL LEARNING 1 (2015); Gerald P. López, *Transform—Don’t Just Tinker with—Legal Education*, 23 CLINICAL L. REV. 471 (2017). Even Christopher Langdell, the instigator of the now-ubiquitous Socratic method, was a reformer in his time, responding to the lack of respect for legal analysis in the study of law. Ralph Michael Stein, *The Path of Legal Education from Edward I to Langdell: A History of Insular Reaction*, 57 CHI.-KENT L. REV. 429, 451 (1981).

³ See, e.g., GARY S. GILDIN, PRACTICE-READY LEGAL EDUCATION: THE FOUR NEW DEMANDS LAW SCHOOLS MUST SATISFY (2015).

⁴ A.B.A. STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2021–2022 §§ 303(a)(3), 304 [hereinafter A.B.A. STANDARDS]. For a discussion of these Standards, see Thomson, *supra* note 2.

making progress toward those objectives.⁵ A rapidly developing area of study regarding professional identity formation stresses the importance of supporting and guiding students through experiential learning throughout the course of law school.⁶ Additionally, as part of its accreditation process, the ABA will now evaluate whether law schools are effective in helping students progress toward the school's defined learning objectives.⁷

As law faculty and former associate deans of the University of New Mexico School of Law (UNMSOL) clinical law programs, we stood ready to answer the call for reform to better prepare students for the actual practice of law. We have long observed that students entering our mandatory, six-credit clinical law program are often not fully prepared for immersion in live-client representation. Because of our law school's strong history of support for its clinical law program⁸ and its unitary tenure track in which faculty teach both in the clinic as well as "podium courses" throughout the curriculum, we prepared to play an integral part in helping the faculty review our law school's programs of legal education. Our goal was to engage in curricular redesign that would help our students be more effectively prepared for our clinical law programs, and later, their law practices.⁹

Over the years we made many attempts to enhance our students' practice readiness. We spoke directly with our students. We shared ideas with each other. We brought legal writing and legal research professors into our clinic classroom and into discussions. Surprisingly, these efforts did not appear to be effective in improving the students' ability to connect and transfer their prior law school learning to the clinical setting.

As we continued to witness the students struggle on a day-to-day and semester-to-semester basis, the call to action from within and from without the academy grew more pronounced. A front-page article in *The Wall Street Journal*,¹⁰ the ABA standards requiring law schools to provide more focus on the role

5 A.B.A. STANDARDS §§ 301(b), 302, 315.

6 See generally Megan Bess, *Transitions Unexplored: A Proposal for Professional Identity Formation following the First Year*, 29 CLINICAL L. REV. 1 (2022); Neil Hamilton, *The Major Transitions in Professional Formation and Development from Being a Student to Being a Lawyer Present Opportunities to Benefit the Students and the Law School*, 73 BAYLOR L. REV. 133 (2021); David I.C. Thomson, "Teaching" Formation of Professional Identity, 27 REGENT U. L. REV. 303 (2015).

7 A.B.A. STANDARDS § 315.

8 The University of New Mexico was one of the first and few law schools to implement a mandatory live-client clinic requirement for graduation. See J. Michael Norwood, *Requiring a Live Client, In-House Clinical Course: A Report on the University of New Mexico Law School Experience*, 19 N.M. L. REV. 265 (1989).

9 We have many experiential learning opportunities across our curriculum, especially in the second year, but our mandatory clinical law program is generally available only to students who have completed their second year of law school. New Mexico Rules Annotated Rule 1-094.

10 Cameron Stracher, *Meet the Clients*, WALL ST. J. (Jan. 26, 2007), <https://www.wsj.com/articles/SB116978069890288550>.

and obligations of attorneys,¹¹ the Carnegie Report,¹² and other critiques of the legal academy all questioned the entrenched legal education methodologies that had been used for generations.

So, we broadened our efforts, seeking insights from teachers at other law schools and teachers in other disciplines. We found that other disciplines and fields of study had developed conceptual frameworks and tools to help build bridges across curricula and help students transfer their foundational theoretical knowledge from the classroom to use in a clinical framework. These tools include backward design, transfer of learning, and curriculum mapping.¹³ These tools have assisted us in our efforts at every level, from planning each class that we teach, within a course, to the design of each course itself to helping students chart their path across the entirety of their law school experience.

This article describes the tools we used in redesigning parts of our own curriculum to promote our students' practice readiness. It also describes our initial attempts to incorporate these tools into our planning of individual classes, and entire new and aspirational courses, to better prepare students for their live-client experiences in our mandatory clinical programs. We conclude with our thoughts about how using these tools has helped our teaching and, hopefully, our effectiveness in preparing our students to rise and meet the legal challenges facing our community.

I. The Tools: Backward Design, Transfer of Learning, and Curricular Mapping

There is extensive literature from other disciplines and increasing scholarship in legal education journals discussing the educational utility in the concepts of backward design,¹⁴ transfer of learning, and curriculum mapping. These

- 11 A.B.A. STANDARDS §§ 301(b), 302, 303(a)(3), 303(a)(5), 303(a)(6), 304, 315 and new interpretations 303-5 and 303-6.
- 12 WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) [hereinafter THE CARNEGIE REPORT].
- 13 See, e.g., CARWINA WENG, ET AL., LEARNING LAW THROUGH EXPERIENCE AND BY DESIGN (2d ed. 2019).
- 14 See, e.g., Leandro Bitetti, *Activate Business Model Learning through Flipped Classroom and Backward Design*, 7 J. BUS. MODELS 100 (2019); Bradley M. Wright et al., *Innovating Pharmacy Curriculum through Backward Design*, 62 TECHTRENDS 224 (2018); Vishal Shah et al., *Moving Forward by Looking Backward: Embracing Pedagogical Principles to Develop an Innovative MSIS Program*, 29 J. INFO. SYS. EDUC. 139 (2018); Daniela Pusca & Derek O. Northwood, *The Why, What and How of Teaching: An Engineering Design Perspective*, 19 GLOB. J. ENG'G EDUC. 106 (2017); Kate Paesani, *Redesigning an Introductory Language Curriculum: A Backward Design Approach*, 9 L2 J. 1 (2017); Nancy A. Michael & Julie C. Libarkin, *Understanding by Design: Mentored Implementation of Backward Design Methodology at the University Level*, 42 BIOSCENE 44 (2016); Nancy B. Talley, *Are You Doing It Backward? Improving Information Literacy Instruction Using the AALL Principles and Standards for Legal Research Competency, Taxonomies, and Backward Design*, 106 LAW LIBR. J. 48 (2014); Carolyn Grose, *Outcomes-Based Education One Course at a Time: My Experiment with Estates and Trusts*, 62 J. LEGAL EDUC. 336 (2012). This list only scratches at the surface of other disciplines that have written

basic concepts can be used for any aspect of curriculum planning, whether for a single class, a course, or curricular design. There are wonderful new resources to help apply these tools to law school class planning.¹⁵ These basic descriptions are offered here to provide the context for our experimentation with these tools in our curricular planning efforts.

A. Backward Design

Backward design is one of the most helpful tools that we found for planning at every level, though its awkward name belies its usefulness. It calls on teachers to start planning a class, or an entire course, by figuring out what it is that they want students to learn—the end goal—and then working backward to incorporate the concepts and steps necessary to achieve those learning goals in their courses.¹⁶ The principles of backward design direct us to articulate the learning goals and then work backward to determine how to achieve those goals most effectively. This method of planning classes and courses enhances student learning by strengthening opportunities to transfer learning across the curriculum.¹⁷

Like many lawyers or scholars who often have little training in teaching before becoming professors, we had always just given some thought to what we wanted students to learn and then pressed forward, hoping for the best. Backward design requires that we first decide what aspects of an area of substantive law or skill students should learn, then plan the concepts and activities to teach those aspects. This process facilitates learning by design rather than through hope alone.¹⁸

Backward design was initially developed to help improve K-12 education, but this model has been successful in other areas that focus on adult education, including engineering and information literacy instruction.¹⁹ Based on the reports of this success, we believed that the process of backward design would lend itself to law school curricular planning as well—especially as new ABA standards require students to make progress toward *defined learning objectives* through experiential learning.²⁰ This requirement creates a natural incentive

about and embraced backward design.

15 See, e.g., WENG, *supra* note 13.

16 Grant Wiggins, 2014 AALS Clinical Conference Workshop (unpublished workshop materials) (on file with author).

17 WIGGINS & MCTIGHE, *supra* note 1, at vii.

18 WIGGINS & MCTIGHE, *supra* note 1, at 15; L. DEE FINK, CREATING SIGNIFICANT LEARNING EXPERIENCES, REVISED AND UPDATED: AN INTEGRATED APPROACH TO DESIGNING COLLEGE COURSES 70-71, 82 (2013).

19 See Bruce E. Fox & John J. Doherty, *Design to Learn, Learn to Design: Using Backward Design for Information Literacy Instruction*, 5 COMMUNICATIONS INFO. LITERACY 144 (2012); Jacquelyn A. Baughman et al., *Holistic Student Professional Development and Assessment: A Backward Design Approach*, J. TECH., MGMT. & APPLIED ENG'G, Apr.-June 2014 at 2.

20 A.B.A. STANDARDS §§ 301(b), 302, 315.

to work backward from the defined learning objectives to design our classes and overall courses.

The original, seminal work in the area of backward design, *Understanding by Design*, emphasizes that students need to be given learning outcome goals before engaging with the material to be learned.²¹ Wiggins and McTighe outline a three-stage structure for curriculum planning:

1. Identify desired results;
2. Determine acceptable evidence of student understanding and proficiency; and
3. Plan learning experiences and instructions with the desired results and acceptable evidence of student understanding and proficiency in mind.²²

Thus, the backward design process begins with the identification of the major goals—the “big idea”—that the teacher seeks to convey.²³ That big idea is then analyzed for clarification, and to assure that the idea is of the quality and scale to be addressed within the course or class.²⁴ Once the big idea has been vetted, the next step is to determine how to best teach toward that goal, and how to create the best conditions for the transfer of learning.²⁵ Backward design may be thought of, in other words, as purposeful task analysis: Given a worthy task to be accomplished, how do we best get everyone equipped?²⁶

For example, we always knew our clinic students needed to learn how to conduct client interviews to be successful in practice, so we lectured and created exercises and real-life encounters that we hoped would teach them what they needed to know. But we were not always mindful of how the students might approach the exercise, and what they would take from it. In effect, we were focused on learning outcomes and going straight to the assessment of our students, without that vital focus on design. In contrast, backward design frames learning experiences around the *purpose* and *intention* of the lesson, rather than prioritizing activities and methods of learning. In other words, backward design first asks what the desired student learning outcome is and only then considers the most effective way of achieving those desired results.²⁷ Using this model, rather than teaching the overall concepts of client interviewing, we worked backward and broke down the elements of an effective client interview into a rubric for students. It gave them clear goals and intentions for each element and, thereby, a road map for success by making our intentions clear in a granular way.

21 WIGGINS & MCTIGHE, *supra* note 1, at 13–21.

22 *Id.* at 18.

23 *See Id.* at 22.

24 *Id.* at 22.

25 *Id.* at 18–19.

26 *Id.* at 19.

27 *Id.* at 14–15.

Backward design focuses on five different elements of intentionality in education:

1. Importance of what students learn rather than what faculty teach: i.e., the value of student learning outcomes rather than coverage;
2. Designing curriculum to help students achieve these outcomes;
3. Recognition that topic expertise does not necessarily track with course design, thus the need for collaboration;
4. Understanding that different delivery modes may necessitate radically different course designs; and
5. Explicit recognition of the value of education that happens outside of the classroom.²⁸

Keeping these five elements in mind while planning curriculum allows the instructor to develop learning activities and assessments—Step 3 of Wiggins and McTighe’s curriculum planning structure—that are flexible and open to feedback by students. The student learning outcomes will remain the same, but the delivery mode may change depending on a student’s individual need.²⁹ Using this method of intentional teaching, we hope to narrow the gap between what we think we are teaching and what students are actually learning.

We embraced the concept of working backward from our long-established teaching objectives, and we were energized by the promise of being more effective teachers. Thus, we began the process of collaborating with faculty to find a place to “fit” our clinical student learning outcomes within classes already offered outside the clinic, especially in courses which that support effective transfer of learning.

B. Transfer of Learning

*Transfer of Learning, or simply transfer, refers to the use of knowledge learned in one context in some other context.*³⁰

Transferability is not just “plugging in of previously learned knowledge and skill.”³¹ Transfer of learning encourages metacognition and requires students to consciously reflect on newly acquired knowledge as a way to bolster their

²⁸ Fox & Doherty, *supra* note 19, at 146-47.

²⁹ *Id.* at 147.

³⁰ See D.T. Hickey & J.W. Pellegrino, *Theory, Level & Function: Three Dimensions for Understanding Transfer and Student Learning Assessment*, in JOSE P. MESTRE, *TRANSFER OF LEARNING FROM A MODERN MULTIDISCIPLINARY PERSPECTIVE* 252 (2006). The key concept of this book defines the cognitive explanation of transfer and the different transfer theories to help frame the problem. There is an excellent chapter on understanding the components of transfer and student assessment. There are also chapters that frame the issues in transfer across a number of disciplines and provide examples and innovations in teaching.

³¹ WIGGINS & MCTIGHE, *supra* note 1, at 40.

own synthesis and transfer of knowledge across contexts by making different connections in different situations.³²

The founders of the backward design model, Wiggins and McTighe, explain that “[l]earners reveal an understanding of things . . . when they can transfer their abstract knowledge into giving good accounts that provide a useful framework, logic, and telling evidence to support claims.”³³ Students can effectuate two different kinds of knowledge transfer, depending on the level of abstraction.³⁴ Students can transfer their learning from one situation to a very similar situation—a low level of abstraction. For example, a learner can drive a car, then apply that knowledge to driving a small truck.³⁵ Or, in our clinical legal practice, when we teach students how to log a phone call in our case management system, we expect that the student will transfer that learning to logging other types of communication. This is known as “near transfer”—also called “low-road transfer.”³⁶

“Far transfer” (or high-road transfer), in contrast, entails the transfer of learning from one context to a different context—a high level of abstraction.³⁷ For example, transferring the concepts of strategy and planning from a game of chess to a military or political context. Or, in law practice, transferring drafting skills developed in drafting a motion in a family law case to drafting a brief in a capital case or application for an adjustment of status in an immigration matter.

Whether high road or low road, near or far, transfer of learning does not happen automatically. Generally, deliberate efforts to support far or “high-road” transfer have been glaringly absent from law school curricular planning. Thoughtful, deliberate transfer of knowledge tends not to occur unless the learning experience directly encourages students to be thoughtful, i.e., to seek generalizations, to look for opportunities to apply prior knowledge, to monitor their thinking and ponder new strategies for approaching problems and tasks.³⁸

Thus, the bottom line is that we can obtain considerable near and far transfer if we teach in ways that deliberately foster those transfers. We must be

32 Tonya Kowalski, *True North: Navigating for the Transfer of Learning in Legal Education*, 34 SEATTLE U. L. REV. 51, 72 (2010).

33 WIGGINS & MCTIGHE, *supra* note 1, at 87.

34 See ROBIN FOGARTY ET AL., HOW TO TEACH FOR TRANSFER (1992) (exploring why transfer is important and suggesting a framework for teachers by establishing why we are teaching a particular component, identifying where the transfer should occur, and then defining exactly what the students should be taking from that component).

35 *Id.*

36 D.N. Perkins & Gavriel Salomon, *Are Cognitive Skills Context-Bound?*, 18 EDUC. RESEARCHER 16, 22 (1989).

37 *Id.*

38 FOGARTY ET AL., *supra* note 34, at xvi.

intentional in our curricular design if we are going to help students understand why and how each aspect of their learning connects with and builds onto the next aspect, and why each aspect should transfer from one context or course to another.³⁹ Designing for transfer presents opportunities and environments for students to develop a conceptual framework, then scaffold their learning so that they are actually able to apply that framework to new problems with a high degree of insight and skill.⁴⁰ Synthesis and transfer of knowledge are clear priorities for faculty and are also among the main purposes of legal education.⁴¹

As faculty teaching primarily in the clinical law programs, we see students struggle with basic assignments that we know are included in our law school curriculum. For example, all of our law students are required to take Elements of Legal Argumentation in the first year. Each student is required to write a legal memorandum to successfully complete that course. And many students prepare legal memoranda during their outside employment or internship. Even so, many students, if not most, entering our mandatory clinical program in their third year of law school contend (and believe) that they do not know how to write a legal memorandum. Applying the concept of transfer of learning from legal writing courses to clinic classes, we should be able to improve students' knowledge and confidence as they understand that they already have some of the key skills that they need to be successful in clinical practice and in their law practice after graduation.

C. Curricular Mapping

*Curriculum mapping is the process indexing or diagramming a curriculum to identify and address academic gaps, redundancies, and misalignments for purposes of improving the overall coherence of a course of study and, by extension, its effectiveness*⁴²

Mapping a curriculum is a circular process. It starts with gathering what is actually being taught in each course in the curriculum.⁴³ That information is then aggregated, course by course, into a "map" of the curriculum. These results are analyzed to identify strengths, gaps, and overlaps in relation to the

39 MESTRE, *supra* note 30, at 251.

40 See DAVID A. SOUSA, HOW THE BRAIN LEARNS (4th ed. 2011); JOSE P. MESTRE, TRANSFER OF LEARNING FROM A MODERN MULTIDISCIPLINARY PERSPECTIVE 252-53 (2005); VIVIENE E. CREE & CATHLIN MACAULAY, TRANSFER OF LEARNING IN PROFESSIONAL AND VOCATIONAL TRAINING 2 (2000).

41 THE CARNEGIE REPORT, *supra* note 12, at 3-4.

42 The Great Schools Partnership, *Curriculum Mapping*, THE GLOSSARY OF EDUCATION REFORM (Nov. 18, 2013), <http://edglossary.org/curriculum-mapping/>.

43 ASS'N FOR SUPERVISION & CURRICULUM DEV., GETTING RESULTS WITH CURRICULUM MAPPING 3 (Heidi Hayes Jacobs ed. 2004).

institution's student learning outcomes.⁴⁴ Courses and the curriculum are then revised to address these gaps,⁴⁵ and the process then starts anew.⁴⁶

Curriculum mapping based on identified student learning outcomes can be helpful to faculty and students. Faculty can identify gaps, and create sequencing in courses that will be helpful to support student learning. Students can see how the curriculum is designed to foster their learning and understand how courses fit together and how to best sequence and structure their education. The curricular map is the guide to see whether the goals of the backward design have been met and how students can sequence their learning to maximize the transfer of that learning from one context to another.⁴⁷

D. A Few Words about Assessment

Backward design, transfer of learning, and curriculum mapping are all interconnected. They are the primary tools that we used in the curricular efforts described below. Assessment also plays a vital role in evaluating, and then reevaluating, whether students, courses, and curricula are meeting short- and long-term learning objectives.⁴⁸ Successful assessments “are realistic, require judgment and innovation, and allow students to practice in the subject.”⁴⁹ Assessments are intended to be “teaching targets for sharpening the focus of instruction.”⁵⁰ In designing each course, we have planned feedback for the students (the formative assessment) and evaluative assessment (grading). However, given the complexity of the assessment process and literature, and the current state of our planning, we touch only briefly on assessment and the challenges that lay ahead for evaluating the effectiveness of these tools, or any course, in demonstrating that we are improving our success in meeting our student learning outcomes.

44 Debra Moss Curtis & David M. Moss, *Curriculum Mapping: Bringing Evidence-Based Frameworks to Legal Education*, 34 NOVA L. REV. 473, 479–80 (2010).

45 *Id.* at 480.

46 This process was developed in the K-12 educational context. Initially, the process was an effort to determine the allocation of time on each task in relation to curricular and assessment goals. Fenwick W. English, *Curriculum Mapping*, 37 EDUC. LEADERSHIP 558–59 (1980). Since then, it has been further refined and developed as a tool for bringing teachers together to share and analyze their teaching goals and align their curricula with those goals. HEIDI HAYES JACOBS, *MAPPING THE BIG PICTURE* 3 (1997). *See also* ROBERT M. DIAMOND, *DESIGNING AND ASSESSING COURSES AND CURRICULA: A PRACTICAL GUIDE* 49–58 (2d ed. 1998).

47 *See* Univ. of New Mexico School of Law Clinical Program, *Experiential Learning Across the Curriculum: A Student's Road to Self-Concept as Lawyer: Creating Intentional Pathways*, available at <https://lawschool.unm.edu/faculty/common/clinic-aals-tree-poster.pdf>.

48 Useful guides have been developed in the K-12 context, including, SUSAN UDELHOFEN, *KEYS TO CURRICULUM MAPPING: STRATEGIES AND TOOLS TO MAKE IT WORK* (2005); and BARBARA E. WALVOORD, *ASSESSMENT CLEAR AND SIMPLE: A PRACTICAL GUIDE FOR INSTITUTIONS, DEPARTMENTS, AND GENERAL EDUCATION* (2d ed. 2010).

49 Talley, *supra* note 14, at 57.

50 WIGGINS & MCTIGHE, *supra* note 1, at 32.

II. Early Efforts

While our ideas for curricular reform are big and ambitious, our start was not. Before we learned the concepts of backward design and transfer of learning, and had studied more fully the concepts of curriculum mapping,⁵¹ we made several attempts to reach across the curriculum.

A. Collaboration with Legal Writing and Research Classes

Our first attempt to address our frustration with our students' seeming lack of educational preparedness for their clinical class was to identify areas where we consistently observed that the students were not tapping into the learning that they had done in their previous classes. It was clear to us from semester to semester that many students felt unprepared for some of the most basic legal writing skills, even when we knew that they had already learned how to do these tasks.

To address this, we engaged our colleague Steven Homer, who has taught in our clinical program and now serves as the associate dean of academic affairs. We got the format and teaching materials he used in the first year in the hopes that seeing the materials again would help the students remember what they had learned and gain some confidence that they could take what they had learned in a simulated environment and use it in a live-client context. Our hope was that it would speed up their process by helping them tap into their previous performance of a task that they had already attempted and completed in another context.

Our challenge was that we did not have the insight or framework for articulating what we were hoping to achieve, or any means for measuring its efficacy. Even so, we intuited that we needed to help our students bring their learning from previous classes into the clinical program, and we remained determined to help our students use the knowledge and skills they had already learned in this new context. We hoped that by building bridges with our colleagues we might better help our students with that process. But we did not have the sense that the effort was effective.

Our next foray into this bridge-building was to work collaboratively with one of the librarians on our law faculty, Professor Ernesto Longa.⁵² He sought the chance to demonstrate the value of legal research skills by using actual problems for students in his second-year legal research course. He sought to develop an opportunity for students in his legal research class to work with our clinic students to provide research on legal research that arose out of our representation of incarcerated women. During that time, all of our clinic

⁵¹ Professor Organick has been studying curriculum mapping for years and presented to our faculty on that topic in 2014.

⁵² Professor Ernesto Longa, a law librarian, provides faculty research support including empirical support for both quantitative and qualitative research projects. Additionally, he teaches legal research, provides reference, and oversees the library special collections and law school archives at UNMSOL.

students went to the women's prison every semester to provide legal services to the women. After our clinic students interviewed their clients at the prison, students prepared memoranda outlining the facts and legal questions they had identified in trying to answer the legal questions posed by their incarcerated clients. Professor Longa then assigned the legal research questions to his second-year students as a project for his class. The legal research students were required to draft a legal memorandum, which they then provided to the clinic students. The clinic students used what they could from those memoranda to provide client advice letters. Professor Longa hoped that the exercise would be helpful in bringing to life the purposes of legal research and how it affects actual clients. He also sought to help them lay the groundwork for their clinical experience.

The basic idea was that the legal research students would automatically bring that experience to the clinic setting when they started their live-client clinic. We, on the clinical side, did not do any assessment of the efficacy or value of the project. Other than feedback that may have been provided to the research students on their memoranda by Professor Longa, the students received no feedback or opportunity to reflect on the process. Additionally, we did not create any formal structure to help students bring the learning from that experience to the clinic.

We recognized that this was a missed opportunity, but, in hindsight, it was a clunky attempt, because we did not have the analytical tools or framework to help the students learn what we were trying to achieve or to evaluate the efficacy of our efforts. We knew that we had to refine our teaching and our program to help students tap into their strengths, and into the learning that they were already doing at the law school, which seemed to vanish when they stepped through the doors to the clinic.

B. The Epiphany

In 2014, we attended the Workshop on Backward Design at the AALS Conference on Legal Education. Our participation in that workshop led to an epiphany as we became aware of existing educational concepts that effectively articulated what we had been intuiting, and that created a path forward to bring back to our clinical program and our teaching.

Inspired by our exposure to the concept of backward design,⁵³ and seeing the developing ABA standards⁵⁴ as creating an opportunity for meaningful curricular reform, especially in the areas of experiential learning and professional identity formation, we began the process of using the curricular planning tools to envision and build a law school curriculum designed with the clear, unwavering intention to better prepare law students for the practice

53 Special thanks to Carwina Weng, as well as Alicia Alvarez, Susan Bennett, Christine N. Cimini, and Jayesh Rathod for organizing and leading the Clinic Design Workshop at the 2014 AALS Conference on Clinical Legal Education.

54 A.B.A. STANDARDS §§ 303(a)(3), 303(b), 304.

of law. To start the process, we articulated our overall goal, or “big idea.” Our initial articulated goal was to help students prepare for clinic by creating cross-curriculum skills classes that are detailed, transparent, transferrable, and intentionally designed for transfer of learning into our mandatory six-credit live-client clinic.

We then tested this big idea. We determined that it is aligned with the new ABA standards as well as our own goals of helping our students prepare for the practice of law. The first question used to test a big idea is whether it stands the test of time.⁵⁵ Given the long-standing and repeated calls for the reform of legal education to prepare students more effectively for the practice of law,⁵⁶ we sought to work backward from that big idea within the experiential learning framework.

We understand and deeply respect the work that has been done to further clarify, refine, and articulate the overarching learning objectives of legal education. From the enduring list of skills and values set forth in the MacCrate Report⁵⁷ to the many other important efforts to articulate and set the goals and objectives of experiential learning⁵⁸—from the Carnegie Report to the Clinical Legal Education Association Best Practices for Legal Education⁵⁹ and revised Best Practices⁶⁰—these efforts have been instrumental in the reforms already achieved and remain benchmarks by which we can measure our progress going forward. The movement to educate tomorrow’s lawyers also sets ambitious but attainable goals for the growing professional identity formation movement by

55 Wiggins, *supra* note 16.

56 For a review of the history of clinical legal education, see Margaret Martin Barry et al., *Clinical Education for this Millennium: The Third Wave*, 7 CLINICAL L. REV. 1 (2000); Douglas A. Blaze, *Déjà Vu All Over Again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939 (1997); Suzanne Valdez Carey, *An Essay on the Evolution of Clinical Legal Education and Its Impact on Student Trial Practice*, 51 KAN. L. REV. 509 (2003); Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. REV. 1461 (1998).

57 AM. BAR ASS’N SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter THE MACCRATE REPORT]. (We are forever grateful to our friend and mentor, J. Michael Norwood, the reporter for the task force, for his continuing vision, support, and unique ability to let us think that we have discovered the insights into clinical teaching that he has taught us.)

58 See Dubin, *supra* note 56, at 1479 (These goals include “the nine goals of clinical legal education identified in the AALS Report of the In-House Clinic, Bradway’s seven goals, Schrag’s fifteen goals, Barnhizer’s twenty goals, Freamon’s four goals, and thirteen subgoals of a clinical center for Social Justice, to name a few.”) (citations omitted).

59 R.T. STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION (2007).

60 DEBORAH MARANVILLE ET AL., BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (2015).

demanding that law schools do a better job of helping students prepare for the human aspects and challenges faced by legal professionals.⁶¹

At the time, we did not seek to develop a unified theory or otherwise organize the many useful and insightful schema before starting our class planning. Nor did we demand or seek approval of our entire faculty for our curricular designing and mapping project. We just started.

C. Interviewing, Counseling, and Negotiations

With our conceptual epiphany in mind, we applied our new tools for curricular design to redesign our Interviewing Counseling and Negotiations (ICN) course to intentionally build bridges to the clinical expectations for those skills. With Professor Organick teaching the students while Professors J. Michael Norwood and Land were teaching in the mandatory clinical law programs, it was a fruitful opportunity to collaborate and design for transfer. Serving as associate dean of clinical affairs at that time, Professor Land welcomed the ICN to aspects of clinical practice and provided insight into the clients and communities served by the clinical law programs. We provided clinic intake forms, sample engagement letters, and rubrics for all three of the major skills to the ICN students. We then teamed ICN students with current clinic students. The clinic students were required to work with the ICN students in preparing for live-client interviews, and the ICN students were required to attend the live-client interview and prepare a memo that analyzed the effectiveness of the skill set required within the context of an actual case and interview.

The process took place over the course of the entire semester, with student pairs participating in at least one of the three skills on which the ICN course was focused. The ICN students then reported back to the class about their experiences in writing as well as an informal classroom discussion. The clinic students also provided feedback and engaged in a discussion about the pedagogy of legal education as a part of our attempt to help them see the benefits over the long term of such an approach.

The clinic students' reactions to both of those first experiments were mixed. Some reported that the effort was logistically challenging, while others indicated that the logistical challenges were worth it because it helped them to frame the structure of the client interactions or negotiations.

Despite the mixed reactions of the students, and although the efficacy of the transfer is difficult to measure, engaging in the collaborative process of intentionally designing for transfer was essential, as it laid the groundwork for our more recent and more ambitious efforts to reform our law school curriculum.

As we have described, the process for curricular design is circular. We design, we map, we assess, and then we start again. And so, we did.

61 David I.C. Thompson, "Teaching" *Formation of Professional Identity*, 27 REGENT U. L. REV. 303 (2015).

III. Design Across the Curricula

As we focused on how to use our new tools for curricular design and better prepare law students for our clinical programs, so did our law school. Our faculty developed student learning outcomes and began to explore how to reorganize and improve experiential learning opportunities across the curriculum. The School of Law created an Experiential Learning Committee with the intent of helping our students be better prepared for practice in our mandatory clinical law programs and beyond. The committee was composed of faculty from across our curriculum, including legal writing and doctrinal professors, as well as professors who teach regularly in the clinical law programs,⁶² and others. The committee reported: “We have every reason to be proud of our robust experiential learning curriculum. Yet the Experiential Learning Committee is convinced that we can and should do more.”⁶³

The committee recommended that the law school curriculum be modified to include an experiential first-year class called Lab⁶⁴ and a second-year class to “prepare students for rapid immersion in the third-year clinical program.”⁶⁵

The faculty adopted the first recommendation of the committee: that our first-year curriculum include a new first-year class. Since 2018, our law school has required all first-year students to take the Lab class, designed to introduce and prepare students for the role of lawyer and enhance student readiness for practice.⁶⁶

Lab is taught by full-time members of the faculty in conjunction with adjunct professors who are practicing lawyers in the community. The course meets in small-group sections of approximately fifteen students, with each section having a dedicated professor.

Lab examines practice-related topics including client-centered lawyering, cultural competency in practice, professionalism, ethics, case development and theory, fact investigation and development, client interviewing and counseling, problem-solving and prospective lawyering, writing skills for

62 The University of New Mexico School of law has a unitary tenure track for clinical faculty. *Mandatory Clinic Faculty: Core Tenure and Tenure Track Faculty*, THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW, <https://lawschool.unm.edu/clinic/faculty.html> (last visited Feb. 17, 2023).

63 Report of the Experiential Learning Committee: Report and Recommendations (Spring 2017) (on file with author) [hereinafter Experiential Learning Committee Report].

64 Many law schools, including ours, have long histories of innovative courses in the first year. At UNM, there have been several iterations of our first-year curriculum. Courses formerly offered in the first year included Law and Administrative Process, a comparative history course and a pilot section that integrated aspects of all of the first-year doctrinal courses in a problem based format. NYU has a well-known and respected Lawyering Process course. *The Lawyering Program*, N.Y.U. L., <https://www.law.nyu.edu/academics/lawyeringprogram> (last visited Feb. 17, 2023).

65 Experiential Learning Committee Report, *supra* note 63.

66 See Steven K. Homer, *From Langdell to Lab: The Opportunities and Challenges of Experiential Learning in the First Semester*, 48 MITCHELL HAMLINE L. REV. 265, 266 (2022).

law practice, and professional identity formation. In addition, Lab addresses issues related to law student and lawyer wellness, mindfulness, and emotional intelligence. It is intended to build a foundation for students to prepare for our mandatory third-year clinical law programs, creating a starting place for the development of concepts that will grow across the curriculum. With that foundation established, our planning efforts turned to building second-year classes and other experiences that will support the transfer of learning and curriculum mapping efforts.

A. Focus on Second-Year Courses

*The administrative challenge of making large-scale curricular, pedagogical, and cultural change within a law school is far more difficult than claiming leadership in the field by pointing to the clinics, externships, and skills offerings.*⁶⁷

Because large scale curricular changes are so challenging, we have embarked on specific planning of several second-year opportunities for students to extend the changes to our first-year curriculum into a broader, more meaningful institutional change.

1. Constructing a Second-Year Pre-Clinic Class: Foundations for Clinical Practice

Another of the Experiential Learning Committee's recommendations was a mandatory second-year class, Foundations of Clinical Practice. While it has not yet been fully considered or adopted by our faculty, we designed the course as a pilot class to seize the opportunity offered by the Experiential Learning Committee's recommendation.⁶⁸

We have not yet had the opportunity to teach this course, but the process of its design is set forth below, as is the description of how some parts of the planned course curriculum have been and are being used in other contexts.

In the design of the second-year course, we focused on "building foundations" for practice, because "while almost all law schools now offer clinics to their students, and some law schools have adopted apprenticeship years . . . few law schools have experiential programming that make[s] the clinics a culminating event rather than an independent educational component of a law school education."⁶⁹ We focus on the second year because we agree with the literature finding that it is an essential transition period, especially at our law school, where we have mandatory courses in both the first and third years focused on helping students prepare for the practice of law in our Lab course and our mandatory six-credit live-client clinical law programs.

67 Wes Porter, *When Experiential Learning Takes Center Stage—Not Yet*, 1 J. EXPERIENTIAL LEARNING 79, 85 (2015).

68 Experiential Learning Committee Report, *supra* note 63.

69 Myra Berman, *Portals to Practice: A Multidimensional Approach to Integrating Experiential Education into the Traditional Law School Curriculum*, 1 J. EXPERIENTIAL LEARNING 157, 175 (2015).

The periods of transition that the law student may experience stand out as important focal points for purposeful formation support.⁷⁰ Legal education has work to do here. The important transitions need to be identified, and their relationship to the development of the student's professional competencies needs to be discerned. With those understandings in hand, strategies then can be tailored to shape environments that better support the student to and through particular transitions. A good picture of the transition periods and their effect on competencies also can reveal missing developmental experiences that would be worth creating to benefit the student.⁷¹

IV. Using the Tools

A. *Using the Tools for the Pre-Clinic Class Foundations for Clinical Practice*

1. Curricular Mapping: Finding Pathways to Learning Outcomes

We presented our law school's curricular map⁷² at the 2017 AALS Clinical Conference to demonstrate how student learning can be supported by helping students to understand what we are teaching within each class and across the curriculum. We have many experiential learning opportunities in addition to our mandatory drafting classes and a mandatory six-credit live-client clinic.⁷³ However, in mapping our curriculum it became apparent that there are few courses that help students draw the connections to their other classes, and even fewer courses that help students create a path that takes them from law

70 See, e.g., Louis D. Bilonis, *Bringing Purposefulness to the American Law School's Support of Professional Identity Formation*, 14 U. ST. THOMAS L. J. 480 (2018). See also Sarah Fishel, Kellie Wiltsie & David DeMatteo, *Certainly Uncertain: Facilitating Law Student Professional Growth and Well-Being Through Supervision in Light of COVID-19*, 70 J. LEGAL EDUC. 331, 337 (2021); Hamilton, *supra* note 6.

71 Bilonis, *supra* note 70, at 485.

72 See Univ. of New Mexico School of Law Clinical Program, *Experiential Learning Across the Curriculum*, *supra* note 47.

73 UNMSOL offers:

Externships—Students gain valuable practical skills in a real-world setting while working with a supervising attorney. Externs confront actual legal problems and analyze and explore the various roles that lawyers, or legal institutions, play in their communities. Externships are intended to supplement and complement the knowledge and experience students receive in the Law Practice Clinic and in their other law school courses;

Criminal Law in Practice—This class consists of a classroom and field experience component. Law school faculty is assisted by four adjuncts: two who are assigned to the course by the Bernalillo County Public Defender's Office and two assigned by the 13th Judicial District Attorney's Office; and

Appellate Law in Practice—Students work one on one with established and talented New Mexico appellate attorneys in the Appellate Division of the Public Defender. They work on actual pending appeals and prepare pleadings while covering symposium-style topics such as brief writing, oral argument, summary calendar process, appellate ethics, appellate jurisdiction, standards of review, and more.

Experiential Learning, THE UNIV. OF N.M. SCHOOL OF L., <https://lawschool.unm.edu/clinic/experiential.html> (last visited Feb. 17, 2023).

student to professional attorney while they transition from learning to think and write like a lawyer to actually practicing law. We therefore began the process of designing this pre-clinical course in an effort to bridge that gap.⁷⁴

2. Backward Design of the Foundations for Clinical Practice Course

Having identified our overarching big idea of preparing students for practice,⁷⁵ we then reviewed the classroom component of our mandatory clinical programs as well as the areas in which we find that our students struggle in clinic. We came up with an initial list of those areas, including client-centered lawyering, client interviewing, culturally reflective practice, introduction to law office management, fact development, case development, professional identity formation, and other subjects of similar magnitude and importance.

We then worked through each of those ideas and others to determine whether they were the kind of big ideas from which we should be working (backward) to develop the course. Some of the ideas were not of suitable scale or import. For example, in considering student readiness, we realized that even though each of our students has studied civil procedure, it is rare for the students to be ready to know the fundamentals of how to actually serve a civil complaint, so we put it on our possible list of learning outcomes. But, after evaluation, it became clear that the scale and import of that skill did not warrant inclusion in the course syllabus of our pre-clinic class because the learning outcome was too narrow. Motions practice, however, was of the appropriate size and scale and is included in the final design of the course.

Once we had identified the big ideas for each week of the class and had determined that we would need three credits to cover the material, we then broke the big ideas down further to identify the learning outcomes we sought for each particular subject or big idea.

3. Transfer of Learning from First Year to Clinic

Having identified the big ideas, and the specific learning outcomes for the course and each week of the course, we then focused on how we could best teach the material with the specific intention of helping students transfer their learning from our first-year courses to our mandatory clinical law programs. For example, we designed the aspect of the course regarding law office management

74 The full name of the MacCrate Report is “Legal Education and Professional Development—An Educational Continuum, Report of The Task Force on Law Schools and the Profession: Narrowing the Gap,” so we are certain that our big idea stands the test of time, and sincerely hope that we will have made more progress in narrowing that gap over the next twenty-five years. See THE MACCRATE REPORT, *supra* note 57.

75 Many great resources have been developed to teach students within live-client clinics. See, e.g., GARY BELLOW & BEA MOULTON, THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY (1978); DAVID F. CHAVKIN, CLINICAL LEGAL EDUCATION: A TEXTBOOK FOR LAW SCHOOL CLINICAL PROGRAMS (2002); DEBORAH EPSTEIN, ET AL., THE CLINICAL SEMINAR (2014); ALEX J. HURDER ET AL., CLINICAL ANTHOLOGY: READINGS FOR LIVE-CLIENT CLINICS (2d ed. 2011); STEFAN H. KRIEGER, ET AL., ESSENTIAL LAWYERING SKILLS: INTERVIEWING, COUNSELING, NEGOTIATION, AND PERSUASIVE FACT ANALYSIS (6th ed. 2020).

in two parts. The first class will encourage students to identify the rules of professional responsibility underlying law office management and procedures that they have already learned in their other courses, and to then imagine an ideal law office. The second part of the class will build on that foundation and link it to the current law office procedures and management systems used in our mandatory clinical law programs. By intentionally designing the class to help the students transfer their learning into the clinical environment, we hope to better equip our students for their clinical law practice and, ultimately, for their experience as lawyers.

4. Curricular Mapping: We Begin Again

Once we completed the process of backward design for each individual module of the class, and intentionally designed each class to meet the outlined student learning objectives and to create pathways for transfer of learning into the clinical context, we then repeated the process of curricular mapping of this specific course. The process revealed that the overall course lacked enough contact with the clients we serve and with our clinic students, so we revised the course proposal to include more interaction with our live-client clinical program. We designed opportunities for our Advanced Clinic students to collaborate with students in other second-year classes, including the Foundations for Clinical Practice class. Over time, we hope to develop a structured approach to introducing live clients into the Foundations for Clinical Practice class so that pre-clinic students can learn to more fully engage with clients and students engaged in clinical law practice.⁷⁶

B. Using the Tools from the Pre-Clinical Course Curriculum in Planning and Teaching Other Courses: Child Development and Legal Systems

Our proposal to teach Foundations for Clinical Law Practice has stalled in the face of a faculty change, a smaller entering class, and the intervening COVID-19 pandemic. However, the planning that we did for this pre-clinical class has been extremely useful in other contexts. In the spring of 2019, Professor Land taught a course called Child Development and Legal Systems in which students were permitted to work on live-client projects. One of the projects involved a collaboration with a disability rights legal organization that was assisting with the closure of a local behavioral health facility for children. Students conducted interviews with the children regarding their current conditions of confinement in the facility, and their stated goals for future placements. Professor Land used modules from the proposed Foundations

⁷⁶ As Susan Brooks suggested in her article on relationship-based experiential learning, it is best for students to have the opportunity to *increase* their responsibility for live-client matters as they develop their skills. Susan L. Brooks, *Meeting the Professional Identity Challenge in Legal Education through a Relationship-Centered Experiential Curriculum*, 41 U. BALT. L. REV. 395, 413-14 (2012). While exposure to live clients and the communities we serve can be important motivators and help with transfer of learning, full primary responsibility for client matters is a hallmark of clinical representation and should be reserved for the clinical law experience, in which there are more likely to be sufficient supports and supervision for student learning and protection of vital client interests.

for Clinical Practice course to teach the second-year students about client interviewing and case file management. The students explored the reasons for full documentation of all their activities and considered potential conflicts of interest and the need to carefully define the roles and responsibilities given the serious potential consequences of failing to appropriately record and report the children's needs and wishes. Then, they opened a project file in the law office management system that we use in our clinical law programs for live-client cases. The students also drafted a memorandum of understanding with the disability rights organization with which we partnered that included the clearly identified roles and responsibilities.

Fortunately, there were also third-year students in the class who were enrolled in our mandatory clinic class at the time, and they were able to partner with and mentor the second-year students. This helped to demystify the law office management systems while at the same time the clinic files for the project were safeguarded and updated. This helped the second-year students to see how their work for the course would directly transfer to their clinical experiences.⁷⁷

We had the opportunity to supervise only a couple of the second-year students who had taken the child development course when they entered the clinical law programs. Even so, we found, both from our observations and their self-reports, that the students who had taken the child development class were clearly ahead of their peers in case management, understanding the role of the attorney, and in other areas of legal practice as they made the transition to our mandatory clinical law programs in their third year.

Professor Organick also used some of the materials that we developed in our planning for the pre-clinical course as part of the experiential aspect of the Family Law course that she co-taught. She introduced some of the forms that we use in clinic to the family law students, including our mandatory court observation forms. She also constructed drafting exercises drawn from actual clinic cases.

Thus, the time and effort that we spent in developing the modules using the curricular design tools has proved worthwhile.⁷⁸ While our faculty has not yet fully considered or adopted a mandatory Foundations for Clinical Practice class, our focus on developing the course has provided us with a

77 Sadly, the conditions at the facility were extremely troubling. The students were able to experience some of the pain, the joy, and the limitations that the role of attorney entails while having only the limited responsibility of interviewing and reporting the findings to the disability organization, rather than the full weight of professional responsibility for all aspects of pursuing relief for the children they met.

78 Even under the best of circumstances it would be difficult to tell if any given course has an impact on how well students are prepared to step into the role of lawyer as they begin their participation in clinical law programs. With a total law school class of no more than 115 students, and only eight students in every clinic section, it would be difficult to accurately measure or assess the impact of any particular course or map on our students' transfer of learning. Even so, the process itself has been invigorating.

strong foundation for more effective planning for transfer of learning across the curriculum.

*C. Moving Education Forward Beyond Law School to Address Legal Needs
in the Community: The Border Justice Initiative*

As children were separated from their parents at our southern border, an interested funder approached our dean to determine whether the University of New Mexico, the closest law school to the immigration court in El Paso, Texas, would be interested in resources to fund efforts to address the dire unmet legal needs of women, children, and families at the border.⁷⁹ Hoping to deploy whatever resources we could to address the humanitarian crisis, Professor Land, Professor Carol Suzuki, other faculty, our Director of Student and Career Services Bonnie Stepleton, alumni, and clinical law students all jumped at the opportunity. Incorporating the principles of backward design, transfer of learning, and curriculum mapping, we began.

1. The “Big Idea” and the Need for a Pipeline to the Border

One of the first steps was to determine, more specifically, the community needs. While previous efforts at design had been focused on learning outcomes, this opportunity took us a step further in our planning to try to identify where our law school could make a meaningful contribution toward addressing the crisis at the border, and then work backward to determine what resources we, as a law school, could deploy and what we could design to prepare law students and future lawyers to address these overwhelming unmet legal needs.

We were less systematic in applying the backward design process to the development of the Border Justice Initiative than we had been in designing the Foundations for Clinical Practice course. Because of the urgency of the crisis, we used the tools more loosely in our efforts to identify the overall goals, or “big ideas,” that were appropriate in scope, and to then plan a strategy to meet those goals with an intentional focus on the transfer of learning and a curricular map for students of all levels of interest.

In developing the big idea over the course of the initial exploratory trips, we traveled to Las Cruces, New Mexico, and El Paso, Texas, to observe federal and immigration court proceedings and to consult with private attorneys, public defenders, and nonprofit organizations serving asylum seekers and other immigrants. We identified a set of big ideas about how to best approach the complex, ever-changing immigration policies. While the overall big idea is to serve the unmet legal needs of women and children at the border, and to educate law students to become competent practitioners in this area, the scope

79 The initiative was ignited and is generously funded by the Jacqueline Marie Leaffer Foundation and its founder, Karen Schauble, a lawyer, mentor, entrepreneur, and community leader, with a lifelong dedication to serving nonprofit organizations. We are grateful for the financial support and for Karen Schauble’s vision, guidance and partnership in the Border Justice Initiative’s efforts to inspire current and future agents of change to have empathy and compassion, and to serve people who are vulnerable and marginalized for reasons that are often unjust or outside of their control.

and scale of that idea is so broad that further narrowing was necessary. Steered by a collective of faculty, staff, and alumni who practice in this area, we worked with students in our clinical law programs, practicing immigration lawyers, nonprofits at the border, and a federal judge who approached our dean, to refine and focus our guiding big ideas.

For example, as a clinic project, we wanted to develop the research on the law and facts supporting asylum applications by women fleeing domestic abuse in their home countries. We learned that that work involves not only legal research, but factual research on country conditions. So, we then identified the specific learning outcomes that we sought for our students to learn in that area, including a basic understanding of the areas of asylum law and somewhat specific legal and factual research skills. Then, with the help of one of our alumni who is an expert in the area, we taught specifically to those outcomes, making the goals and objectives as clear and transparent to our students as possible. Thanks again to the generous funding, we were able to support two first year Border Justice externs, who, during the pandemic, worked directly under our tenure-track and adjunct faculty on the domestic violence research. Potential law school recruits from local and distant universities, as well as accepted applicants, have also participated in these efforts.

Because of the strong outcry in the larger New Mexico community against some of the draconian immigration measures implemented by the Trump administration, many people outside of our law school community, including our generous funder, religious leaders, and college students expressed interest in volunteering to assist in our efforts. Thus, we realized that to rise to address dire legal needs in our community we would need to create more of a pipeline to the border, starting with efforts to educate volunteers at all levels, from applicants to graduates and beyond. We identified gaps in that pipeline, from gaps in our recruitment efforts to areas of our law school curriculum to gaps in the continuing legal education available in our community. We are trying to address those identified gaps through improvements in our recruiting, educating and training of interested students and lawyers by developing courses, externships, fellowships, and continuing legal education classes using backward design principles. So, while we had started the project with a handful of law students enrolled in our mandatory clinical law programs, we continue to design the Border Justice Initiative in a manner that will welcome learners and volunteers at many levels of experience.

2. Identifying and Filling Curricular Gaps

Our curriculum in the area of immigration and human rights was already relatively robust for a small law school, with offerings of basic immigration, human rights and refugee law, advanced immigration law and practicum classes as well as opportunities to provide direct legal service in several sections of our mandatory clinical law programs.

Yet, as we learned more about the unmet legal needs, we adjusted our curriculum to try to meet those needs. For example, we learned from our local

experts at the border that there are many immigrants living in increasingly dire prison conditions for extended periods while they await the resolution of their immigration matters. Many might be entitled to habeas corpus relief, but very few lawyers in our area are trained to serve their legal needs. With the goal of training lawyers of the future, we designed and co-taught a course called Investigation and Fact Development: Immigration Habeas, which we offered in the summer of 2020 to students at the University of New Mexico and, with Professor Geoff Heeren, to students at the University of Idaho. With a clear focus on the learning goals, which are almost always evident in the face of the suffering of live clients, we designed the course to prepare our students, ourselves, and potentially our alumni and other law graduates to address these legal issues.

As we learned more about the unmet legal needs of immigrants in our community, we further expanded our curricular offerings. In the spring 2021 semester, we developed an advanced immigration practicum course to help students learn many aspects of immigration law with a problem-based approach. In the simulation course based on a problem that raised employment, “crimmigration,” and waiver issues, and culminated in a mock asylum trial. The problem set used our current clinic intake forms, as well as U.S. Citizen and Immigration Services forms, with the intention of helping students transfer their learning from that course to externship and clerkships as well as to their mandatory clinic experience. This semester we are building on that course and integrating a simulated bond hearing.

We are also offering a course called Immigration in Action which is a new experiential learning version of our Advanced Immigration Law and Practice class. In the spring of 2022, in collaboration with local nonprofits New Mexico Immigrant Law Center and Santa Fe Dreamers, we had students drafting state pleadings and request for prosecutorial discretion by USCIS to refrain from removal of minor children who had been abandoned by a parent and were seeking special immigrant juvenile status. In an effort to expand the pathways to immigration law and provide first-year students with live-client service opportunities, the class is open to first-year students as well as upper-class students. We also added to our curriculum a Border Justice Intensive over Spring Break, an immersion course at our southern border. We visit shelters housing immigrants and observe detained, non-detained immigration court and federal courts proceedings. In the past we have accompanied families over the border with Las Americas Immigrant Advocacy Center, and met with Customs and Border Patrol. We also meet with visionary doctors serving immigrant communities and other inspiring nonprofits, immersing the students and faculty in the challenges, systems, and culture at our southern border, with all its beautiful diversity and heartbreak.

Our curricular efforts expanded beyond our clinical law students to first- and second-year Border Justice externs and work-study students within the law school. We have further expanded our educational reach to the broader legal community through our ongoing continuing legal education series in which

we present on specific topics designed to help attract and prepare attorneys and other interested professionals to contribute to the effort to address the human suffering at our southern border through excellence in the practice of law.

Having built these pathways across our curriculum, and into the realm of continuing legal education, in partnership with our funder, we realized that while we could do our best to prepare our students for practice, and we were taking several cases into our clinical law programs within our Community Lawyering section, the number of immigrants that we could serve was still very small. So, with additional generous funding from a private funder and new funding from our state legislature, we have started two new postgraduate fellowships. Our inaugural Border Justice fellow is placed at Las Americas Immigrant Advocacy Center providing direct services to immigrants at the border in cases ranging from asylum to matters of violence against women. Recognizing the need for multidisciplinary approaches to the issues facing immigrants and building on our long-standing medical-legal alliances, our medical-legal Border Justice fellow is focused on holistic representation of immigrants and efforts to address the social and legal determinants of health. Both of these fellowships have been designed using what we have learned about the importance of defining learning outcomes based on community need, an intentional focus on transfer of learning, and our effort to meet the gaps that we have identified as we have mapped our curriculum and their law school training.

Thus, we identified the major goals of our Border Justice Initiative. We designed for intentional transfer, and we mapped a course for students interested in this area of study. Starting with orientation, we offer students mentors in the field of immigration and by offering first-year students the opportunity to participate in the Border Justice Intensive or one version of our Advanced Immigration Law and Practice class. In the summer, we have offered Border Justice externships and our Fact Development and Immigration Habeas class. We have added upper-level courses that meet immediate and changing legal needs in the area of immigration. For our graduates, we offer the possibility of a fellowship or participation in our continuing legal education series. Thus, through backward design, with intention and focus on transfer of learning, we have mapped pathways toward excellence in the practice of law in an area in which our community faces dire unmet needs.

As a collective of faculty and practitioners, we meet weekly to refine our goals, assess our progress, and clarify our objectives. We learn about new developments at the border. We identify gaps. Those gaps become the “big ideas” to which we apply our tools of backward design. Then, we map another route across the curriculum, and further beyond. And then, we begin again.

Conclusion

In our law school, as at many law schools across this nation, there are fantastic opportunities to transfer learning across the curriculum. Many

schools, including our own, have certificate programs and various areas of concentration. Our Law of Indigenous Peoples Program and our Natural Resources Program have robust offerings for our students across the curriculum. And yet even in our small law school, where faculty and staff know and support our students, our specific learning goals are not always evident to the students, nor are they intentionally linked to the material by faculty or specifically designed for effective transfer of learning. For example, our Natural Resource Certificate requires that all students take Administrative Law, and as part of our Border Justice Initiative, we are counseling students to take that course. As faculty, we understand this necessity, but it may be unclear to our students why that class is so necessary to practice in these areas. Providing students with guidance at the beginning of their law school experience that shows how skills and ideas build upon one another across the curriculum supports transfer of learning, and helps them plot their course over the three years of law school and into their careers.⁸⁰

As Professor Organick has said, it can be helpful to think of this broader effort in terms of the weaving of a rug. In legal education, each year of law school serves as the basic vertical structure—the warp of the rug—across which the pattern must be woven and connected. The weaver can visualize the pattern of their design while weaving. Even as the weaver starts, she has a vision of the pattern that will emerge. For years, legal education has had relatively few identifiable strands clearly showing the pattern across the structure. So, students cannot see the path for their transition to practice clearly from the beginning of their law school careers. Even though some strands may be obvious, the overall pattern remains quite unclear.

We can make it clear. We can help students of all levels learn more effectively by clearly laying out our learning objectives and working backward to design courses and opportunities that meet those objectives, and then helping students transfer their learning from one experience to the next through deliberate, intentional design and clear curricular mapping.

As we move forward using these tools to design our individual clinic classes and our courses, and in mapping the curriculum as a whole, we are ever mindful of building on what students have already learned and providing opportunities for students to transfer learning from those contexts to their live-client clinical experience. These tools, and the focus on teaching with the intention of helping students effect that transfer of learning from one context to another, has helped us to improve our class and course designs. Those tools and goals have also proved useful in helping us guide individual students to a new level of understanding their own learning paths and needs. They have also inspired exciting new ideas for collaborations within clinical law programs and helped us envision clearer pathways across the curriculum toward addressing dire, unmet community needs.

80 See Univ. of New Mexico School of Law Clinical Program, *Experiential Learning Across the Curriculum*, *supra* note 47.

It is our broader hope that these tools for curriculum design will inform our class planning across the curriculum, and that second-year courses can be developed to serve as bridges between the important, primarily doctrinal and skill curriculum and the demanding, ever-changing practice of law. As law schools respond to the calls for reform of legal education, and as the ABA demands more outcome-focused planning, our use of the curriculum planning tools makes it clear that second year, pre-clinic courses should become a part of our curriculum, and others across the nation. However, even in the absence of any internal or national movement toward the focus on the second year as a bridge between our doctrinal and experiential learning opportunities, we continue to use parts of the Foundations for Clinical Practice course design, and the tools of backward design, intentional focus on transfer of learning and curriculum mapping in all of our teaching efforts.

Collaborating to develop this new curriculum has been engaging and unifying.⁸¹ We have used and shared the course materials across the curriculum and in our own teaching of second-year courses. We are confident that our explicit focus on working backward from our vision of how lawyers can be of service to our clients and communities will help to create clear paths for the transfer of learning across our law school curricula to prepare students more effectively for their roles as clinical law students, and as lawyers.

81 The process of curriculum mapping has been found to foster an increase in collegiality and collaboration among faculty engaged in the process. Kay Pippin Uchiyama & Jean L. Radin, *Curriculum Mapping in Higher Education: A Vehicle for Collaboration*, 33 INNOVATIVE HIGHER EDUC. 271, 277 (2009).