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The Capstone Course in Labor and Employment Law: A Comprehensive Immersion Simulation Integrating Law, Lawyering Skills, and Professionalism

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THE CAPSTONE COURSE IN LABOR AND EMPLOYMENT LAW: A COMPREHENSIVE IMMERSION SIMULATION INTEGRATING LAW, LAWYERING SKILLS, AND PROFESSIONALISM

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I. THE PROBLEM

The twenty-first century challenge for law schools in general, and for labor and employment law professors in particular, is truly to prepare students for the practice of law. Diverse voices have criticized the legal academy for how far it has fallen short of meeting that challenge.[1] The most detailed and comprehensive critique of law schools' failure adequately to prepare students for the practice of law was presented by The Carnegie Foundation for the Advancement of Teaching in its 2007 study generally known as the "Carnegie Report."[2] The Foundation's examination of legal education was part of a

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1. *See, e.g.*, AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 4 (1992); ROY STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION 1 (2007); Brent E. Newton, *The Ninety-Five Theses: Systemic Reforms of American Legal Education and Licensure*, 64 S.C. L. REV. 55, 83 (2012); Ethan Bronner, *A Call for Drastic Changes in Educating New Lawyers*, N.Y. TIMES, Feb. 11, 2013, at A11; David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 20, 2011, at 1.

2. *See, e.g.*, WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW (2007) [hereinafter CARNEGIE REPORT].

broader study of professional education that included studies of preparation for physicians, nurses, engineers, and members of the clergy.[3]

The Carnegie Report research team reviewed literature on legal education and general techniques of professional education, met with hundreds of law students and professors, observed all types of courses and clinics at sixteen law schools, and consulted with scholars of law and legal education.[4] The Carnegie Report's conclusion criticized law schools for their "near-exclusive focus on systematic abstraction from actual social contexts" that resulted in two limitations: (1) a failure to teach students "how to use legal thinking in the complexity of actual law practice"; and (2) a "failure to complement the focus on skill in legal analysis with effective support for developing the ethical and social dimensions of the profession."[5]

To remedy these deficiencies, the Carnegie Report proposed that law schools construct a learning environment in which students could experience integration of the three dimensions of professional work—thinking, performing, and behaving.[6] The report further explained:

> For the sake of their future practice, students must gain a basic mastery of specialized knowledge, begin acquiring competence at manipulating this knowledge under the constrained and uncertain conditions of practice, and identify themselves with the best standards and in a manner consistent with the purposes of the profession. . . .
>
> The great problem for professional education is . . . bringing the disparate pieces of the student's educational experience into coherent alignment.[7]

The Carnegie Report suggested that law schools could provide these three dimensions through what it called "apprenticeships" in which students would learn by observation and imitation of expert professionals rather than by articulated instruction because much of what experts know is "tacit" and thus, can only be conveyed by example.[8] The Carnegie Report pointed to medical education as a better pedagogical paradigm. In medical schools and residencies students learn by working with and observing experienced senior physicians as they seamlessly integrate basic science, medical technique, and professional responsibility while caring for patients.[9] Among its recommendations to adapt the medical model to law schools, the report proposed the creation of what it

3. *Id.* at 15; *see also PPP Publications Archive*, CARNEGIE FOUNDATION, http://www.carnegiefoundation.org/publications/ppp-publications (last visited Aug. 13, 2013) (listing the books containing each respective report).

4. CARNEGIE REPORT, *supra* note 2, at 15–16.

5. *Id.* at 188.

6. *Id.* at 27–28.

7. *Id.*

8. *Id.* at 26.

9. CARNEGIE REPORT, *supra* note 2, at 192–93.

called "capstone" courses.[10] A capstone course would offer advanced law students the opportunity "to develop specialized knowledge, engage in advanced clinical training, and work with faculty and peers in serious, comprehensive reflection on their educational experience and their strategies for career and future professional growth."[11]

Traditional clinical education at first appears an obvious answer to the Carnegie Report's challenge to situate a capstone in which students can work with skilled professionals modeling the expert integration of legal knowledge, lawyering skills, and professional judgment. While the Carnegie Report acknowledged the potential of students representing real clients in a supervised law school clinical course as one means to achieve its objectives,[12] it also recognized some disadvantages. Clinical teaching is time intensive, or to put it another way, pedagogically inefficient, because the student's learning tasks will be defined by the client's needs rather than by instructional design.[13] Moreover, clinical education is expensive because the close supervision needed to protect client interests requires a low faculty-student ratio.[14] Unlike clinics, simulations offer the potential for "decomposition" in which larger tasks may be broken down into discrete activities, repeated in light of feedback, and later reassembled to integrate the separate task elements.[15]

The Carnegie Report viewed simulations as having other significant advantages over clinical programs with real clients:

> In [simulations], performance can be rehearsed, criticized, and improved "off-line." This removal from the exigencies of actual practice permits the instructors to focus on particular aspects of the complex ensemble of skills they are trying to teach. The elements and sequence of skills can then be modeled and rehearsed in safety—without real-world consequences or immediate responsibility for the welfare of others. This kind of teaching makes it more likely that students will reach a basic level of competent practice from which expertise can be subsequently developed.[16]

For a number of reasons, implementing the Carnegie model of an integrative simulation-based capstone course seemed a particular challenge for professors of labor and employment law. The labor and employment law curriculum is presented in discrete courses.[17] Although an Employment Law course typically offers an overview of several different statutory and common

10. *Id.* at 195.
11. *Id.*
12. *Id.* at 99.
13. *Id.* at 26.
14. CARNEGIE REPORT, *supra* note 2, at 198.
15. *Id.* at 119.
16. *Id.* at 99–100.
17. *See generally*, Richard A. Bales, *A Data-Driven Snapshot of Labor and Employment Law Professors*, 56 ST. LOUIS U. L.J. 231 (2011).

law regimes, is it not comprehensive, and other courses, including Labor Law, Employment Discrimination, Workplace Alternative Dispute Resolution (ADR), and Employee Benefits typically stand alone. Apart from the ADR course, that focuses on arbitration and mediation skills as well as the substantive law governing those procedures,[18] many of these courses need to address complex statutory and doctrinal systems, leaving the professor little opportunity to devote class time to development of practice skills. It would be very difficult for a substantive course even to address all of the practice skills relevant to that specific course. Consider, for example, a course in employment discrimination. Employment discrimination legal practice alone demands diverse skills, because disputes may be resolved in a variety of settings including negotiation, arbitration, mediation, multiple state and federal agencies, and state and federal courts. Individual professors are unlikely to have expertise and experience in teaching all of the technically diverse courses within the labor and employment law curriculum.[19] Full-time law professors, especially those who have been teaching for many years, are unlikely to have current practice experience that would permit them independently to design a simulation-based course that would accurately reflect the realities of contemporary practice.[20] And, even newer professors are likely to have had only limited experience in legal practice.[21]

II. THE PROCESS

These barriers make it daunting for an individual professor, or a law school acting alone, to develop an integrative capstone simulation in labor and employment law. The Labor Law Group, itself a unique academic organization, decided to try to meet the challenge of the Carnegie Report by constructing an unusual national collaboration of law professors and practicing attorneys. The Labor Law Group was founded in 1953, as a non-profit trust to "provide the best possible materials" for training students about labor law and

18. *See, e.g.*, LAURA J. COOPER, DENNIS R. NOLAN & RICHARD A. BALES, ADR IN THE WORKPLACE (2d ed. 2005).

19. Bales, *supra* note 17, at 241–42.

20. More than half of the professors teaching labor law in 2003–04 had been teaching the subject for more than ten years. *Id.* at 238–39. One small subgroup of labor law professors, however, has a tradition of maintaining currency with legal practice while teaching by being part-time labor arbitrators.

21. Brent F. Newton, *Preaching What They Don't Practice: Why Law Faculties' Preoccupation with Impractical Scholarship and Devaluation of Practical Competencies Obstruct Reform in the Legal Academy*, 62 S.C. L. REV. 105, 129–30 (2010) (study of entry-level, tenure-track, non-experiential professors hired between 2000 and 2009 found a median of three years of practice experience).

labor relations.[22] The Group's members, professors from the United States and some other countries, collaboratively create textbooks and other teaching materials in labor law.[23] Royalties earned from these publications benefit the Group, rather than individual authors, and are used to advance scholarship and pedagogy in labor and employment law.[24] In 2007, the Labor Law Group proposed that the American Bar Association's Labor and Employment Law Section join it to design a capstone course in labor and employment law. The Labor Law Group's participation in such a collaboration was consistent with the Group's origin, at a conference in 1947, in which professors invited practicing attorneys to collaborate in defining the curriculum and materials for law school courses in labor law, and with the Group's history—beginning then and continuing since—of creating skills-based pedagogy including case studies and role playing.[25]

The Group and the Section formed the Capstone Project partnership and each appointed members to participate in designing the simulation. Membership in the Project included six professors from the Group and seven attorneys selected by the Section.[26] The Labor Law Group's appointees to the Project included professors from the law schools in the East, West, and Midwest who taught various labor and employment law courses. Appointees from the Section came from across the country, from large management-side firms, as well as boutique firms representing unions and employment law plaintiffs. They included an independent arbitrator and mediator and a former general counsel of the Equal Employment Opportunity Commission.

The Project's professors and attorneys participated in a two-day workshop in Chicago in 2008, where they were joined by United States District Judge Rebecca Pallmeyer, who had previously been an employment law attorney. The workshop's first task was to identify those substantive law topics, lawyering skills, and ethical and professionalism issues that would be the most important preparation for a recent law school graduate joining a labor and

22. COOPER ET AL., *supra* note 18, at v. For further information on the Labor Law Group, *see* Matthew Bodie, *Collaboration and Community: The Labor Law Group and the Future of Labor and Employment Law Casebooks*, 58 ST. LOUIS U. L.J. 61 (2013); and Laura J. Cooper, *Teaching ADR in the Workplace Once and Again: A Pedagogical History*, 53 J. LEGAL EDUC. 1 (2003) [hereinafter Cooper, *Teaching ADR*].

23. The Labor Law Group currently has nine books in print, published by West and Foundation Press, including traditional casebooks, a treatise, and a book of background stories about famous labor law cases. *Books in Print*, WASH. UNIV. LAW SCH., http://law.wustl.edu/laborlawgroup/pages.aspx?id=8166 (last visited Aug. 13, 2013).

24. *The Labor Law Group*, WASH. U. L. SCH., http://law.wustl.edu/laborlawgroup/index.aspx (last visited Aug. 13, 2013).

25. Cooper, *Teaching ADR*, *supra* note 22.

26. Group members were Professors Richard Bales, Stephen Befort, Laura Cooper, Cynthia Estlund, and Maria Ontiveros. Section appointees were Loretta Attardo, Ellen Martin, Michael Posner, Patricia Costello Slovak, Charles Shanor, Bruce Feldacker and Geoffrey Weirich.

employment law practice. The workshop also identified a hospital setting as an ideal context in which to set the simulation because of the common presence there of both union and non-union employees.

Next, it was my responsibility, as chair of the Capstone Project, to lead the crafting of a scenario for the simulation that would engage students in the diverse legal doctrines, lawyering skills, and issues of professionalism that had been identified by the workshop as the most critical to students' preparation for the practice of labor and employment law. To assure the realism of the scenario's context, as well as its characters and events, I spent months interviewing surgeons and nurses, as well as professors of medicine and nursing, and attorneys with experience representing healthcare clients. Based on these interviews, I wrote what was essentially a short story about a hospital, the people who worked there, and their interactions, that would raise a diversity of legal issues. The interviewees provided personal stories, as well as realistic hypotheticals of workplace interactions, implicating legal issues, which could then be incorporated in the scenario. The scenario went through multiple drafts. Each draft was reviewed by Project professors and attorneys to assure that adequate facts were provided to raise the desired legal issues and that the facts on both sides of disputes would support plausible factual and legal arguments. The drafts were also reviewed by the previously interviewed healthcare experts to make sure that all the facts would be judged realistic by practicing physicians, nurses, healthcare attorneys, and human resources professionals.

III. THE SIMULATION

This process generated a story about Mary Gibson, a circulating nurse at Willow Ridge Medical Center, who believes that she has been sexually harassed by a surgeon, Dr. Rex Brown. After Gibson is discouraged from pursuing a sexual harassment complaint against Dr. Brown and disciplined for her effort by email to learn whether other nurses have had similar experiences, she is disciplined again, this time for attendance issues that she attributes to Dr. Brown's harassment. At this point, Gibson does file a sexual harassment complaint. Pending investigation of the complaint, Gibson is transferred to a less attractive position in the hospital, and subsequently, Dr. Brown is temporarily suspended for the duration of the investigation. During the investigation, an article is published in the local newspaper noting the accusation, the investigation, and Dr. Brown's suspension. After Willow Ridge's investigation concludes that Gibson was not harassed, Brown and Gibson return to work together in surgery. When Gibson, about to begin her first surgery with him after the investigation, thinks Dr. Brown is continuing his pattern of harassment, she walks out of the operating room, although a

patient is about to arrive there from the emergency room. Willow Ridge then discharges Gibson for leaving the operating room.[27]

The scenario is designed so that, depending on the success of the students' fact investigation and their identification of potential causes of action and defenses, the simulation may involve them in diverse statutory and common law claims, including possible violations of discrimination or labor law. As they represent their assigned clients—Dr. Brown, Nurse Gibson, the nurses' union, and the hospital—the students will need to make choices about the appropriate venue for asserting their claims and defenses, potentially looking to negotiation, arbitration, mediation, federal and state courts, and administrative agencies. Depending on the choices made in the course of the simulation by the clients and their attorneys, students may have the opportunity to practice a wide variety of skills, including legal research and writing, client interviewing and counseling, fact investigation, negotiation, mediation, arbitration (under both collective bargaining agreements and individual contracts), discovery, motion practice, and representation of clients in administrative proceedings. Issues of ethics and other questions of professionalism are both included deliberately in the materials and arise spontaneously by the actions and interactions of students in their role as attorneys.

The capstone is designed for ten to sixteen second- and third-year students, all playing the role of lawyers, with each student assigned for the semester to a fictional law firm. Dr. Brown and Willow Ridge are each represented by separate law firms, and the interests of Gibson and the union may be represented by separate law firms or by the same one.[28] The simulation calls for approximately a dozen people who are not students in the course to play the roles of clients and potential witnesses. These include not only Dr. Brown and Nurse Gibson, but also the hospital's director of human resources, various nurses and nursing supervisors, other surgeons, a union business agent, and a newspaper reporter.[29] Each role player receives a detailed personal history explaining that person's background and motivations, a description of the

27. The description of the facts and the potential claims and defenses intentionally is left somewhat vague here in order not to reveal too much information to students who may participate in the capstone course in the future.

28. Depending on how the simulation develops, representation of the union and Nurse Gibson by the same law firm may create pedagogically useful ethical issues related to conflicts of interest.

29. In the three times that the simulation has been conducted, various sources have been used for the role players. An actress has been hired each time to play the role of Mary Gibson. Twice a medical school graduate was Dr. Brown. A retired vice president of human resources from a local hospital has portrayed Willow Ridge's director of human resources. A former union steward was the union business agent. A journalism student has been the reporter. Other roles of doctors and nurses have been played by law students and professors.

incidents in which that person interacted with another character in the simulation, and all relevant documents to which the person would have had access if the events had actually occurred.[30]

To make the students' experience in the simulation as realistic as possible, every entity that would have interacted with the case had it been real is enlisted to play that role in the simulation. The Federal Mediation and Conciliation Service (FMCS), in Washington, D.C., provided a list of potential arbitrators so that students could experience the process of arbitrator selection. The American Arbitration Association's (AAA) Dallas office administered the arbitration between Dr. Brown and Willow Ridge governed by a contract calling for AAA administration, as it would in real life for arbitrations occurring in Minnesota. A discrimination charge filed with the Minnesota Department of Human Rights was processed by the state agency and cross-filed with the Milwaukee regional office of the federal Equal Employment Opportunity Commission. Real FMCS- and AAA-listed arbitrators conducted arbitration hearings in the simulation. Real mediators were used, including a retired federal district judge. To the extent students identified issues that would be appropriately pursued before the National Labor Relations Board or a state or federal court, those entities also were prepared to process claims. Every entity that was asked to participate in the simulation eagerly agreed to do so, some specifically responding that they particularly welcomed the opportunity to have future lawyers better prepared to work with them.

The law firms were created of varying sizes, depending on the number of students enrolled in the course and the likely workload for each law firm. The hospital had the largest legal team, both because employers typically do, and because the hospital would need to defend possible claims brought by all three of the other clients—the union, Dr. Brown, and Nurse Gibson. In assigning the students to law firms, I sought to maximize learning and give each team the best possible chance to succeed.[31]

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30. Overall, the simulation includes more than sixty documents such as a collective bargaining agreement, policies and procedures of the hospital's committee for awarding privileges to physicians, email messages, correspondence, a newspaper article, position descriptions, employee disciplinary records, employee performance evaluations, hospital policies on such topics as attendance and sexual harassment, physician employment contracts, agreements permitting physicians to have hospital privileges, medical records, attendance records, résumés, organizational charts, human resources investigatory reports, and employee earnings statements.

31. I tried to place both men and women on each team and to assure that each team included at least one student who had taken each of the labor or employment law courses most relevant for that team. If I knew a student's past or present work experience or inclination as between representing the interests of employees or employers, I tried to assign students to the opposite side in order to broaden their perspective. I tried to separate, on different teams, students who were close friends or who had previously worked closely together. I sought to divide the students with the best legal and leadership skills, and the most background in labor and employment law,

For the students in each of the law firms, their roles commenced when a client telephoned them to discuss either a legal problem for which the client sought representation (Dr. Brown, the nurses' union and Nurse Gibson) or a claim being brought against the client for which the client needed legal defense (Willow Ridge). The lawyers received no prepared facts and only learned them as lawyers would in real life—from their clients, from investigation, and from formal and informal discovery. From those first phone calls, the case played out in real time outside of the classroom with lawyers interviewing and counseling their clients, making decisions on what claims to pursue and where to pursue them, what interactions to have with other parties, what remedies to seek, what settlement methods to attempt, and when and how to resolve claims.

In addition to the students' work in the simulation, in which they spent hundreds of hours, the students also attended weekly class sessions, maintained the law firm's case file,[32] and submitted biweekly logs in which they cataloged their activities and hours and reflected on what they were learning in the simulation. I co-taught the course with Adjunct Professor Karen Schanfield, an attorney expert in representation of healthcare employers.[33] In addition to interacting with the students in class sessions and responding to their logs, we monitored their electronic case files on a daily basis; met with law firms or individual lawyers as needed to address observed case developments, or as requested; reviewed with students their performance in simulation activities that had been video-recorded, such as client interviews and depositions; reviewed draft documents such as briefs, demand letters, and discovery requests; and provided feedback at the end of day-long mediation and arbitration sessions. We allowed students to make their own decisions (and mistakes) largely without intervention, but on rare occasions we intervened to prevent a serious disaster that might undermine the ability of the simulation to achieve its pedagogical goals. We recognized that allowing students to make most types of mistakes was a powerful learning experience and thus, only after the fact, did we address such errors as missing a statute of limitations, turning

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among the firms so that no law firm had an unfair advantage. Team assignments also had to take into account students' class schedules to assure each law firm possible meeting times.

32. Each law firm maintained a separate confidential case file on The West Educational Network (TWEN) accessible to the instructors so that the professors had immediate knowledge of the law firm's collection of documents, correspondence, memoranda, interview notes, meeting agendas, etc.

33. Having a second instructor with a different background was immensely valuable. We had complementary expertise in subject matter areas and dispute resolution methods. There was another person with whom to consult when decisions needed to be made about whether a team's actions required intervention. It was useful to have separate sources of guidance for the teams on opposing sides of an issue when each sought advice, such as in preparing for a hearing or seeking settlement of a discovery dispute.

over a confidential document without redaction or a confidentiality agreement, or violating provisions of the Rules of Professional Responsibility.[34]

The students' simulation activities were supported by and supplemented by classroom sessions designed to respond to developments in the simulation. A session on professional responsibility came early in the course. To the extent we could anticipate students would be engaged in such activities as client interviewing; deposition preparation, taking, and defense; submitting and responding to demand letters; representing clients in mediation and in arbitration; and dealing with governmental agencies and ADR-administrators; we presented class sessions on those topics, most frequently using practicing attorneys in the community to lecture or provide lawyering skills demonstrations.

IV. CONCLUDING OBSERVATIONS

The capstone course in labor and employment law was experimental in two respects. First, it tested whether a national partnership of law professors and practicing attorneys could overcome the barriers to designing a realistic comprehensive simulation of labor and employment law practice. The design process, as a partnership of the Labor Law Group and the American Bar Association Section of Labor and Employment Law bringing together professors from several law schools, attorneys from different geographical regions with different subspecialties, and physicians and nurses, succeeded in maximizing the simulation's factual and legal realism.

Second, the experiment tested whether implementing a capstone course following the Carnegie Report's guidelines could substantially enhance students' preparation for the practice of law. On this scale as well, the Capstone Project had remarkable success:

- The capstone course truly realized the Carnegie Report's pedagogical paradigm. Playing the role of attorneys in the simulation permitted students to integrate diverse areas of substantive law while learning from experienced attorneys. Students had the opportunity to perform lawyering tasks, to obtain feedback from professionals, and to repeat and reassemble those tasks into more complex ones.
- The students experienced the interrelationship of diverse substantive areas of labor and employment law in ways that were not possible in a traditional classroom course.

34. The rules most commonly violated concerned the limited scope of permitted communications with persons unrepresented by counsel, MODEL RULES OF PROF'L CONDUCT R. 4.3 (2012), and restrictions on communication with persons represented by counsel, MODEL RULES OF PROF'L CONDUCT R. 4.2 (2012). *See infra* note 35.

- The relationship between lawyer and client, sustained over months, achieved for the students a remarkable degree of genuine emotional attachment to clients and their interests. Students observed that even other familiar experiences such as doing legal research gained salience and immediacy when the research would immediately lead to a decision they would be making themselves in consultation with their client.
- Because no real person's welfare was at stake, students could experience the weight of making professional judgments and learn from observing the consequences of their decisions.
- Unlike a case read in a textbook or a hypothetical posed in class in which facts are offered as a predetermined package, these students learned more realistically how to work with clients and witnesses to find and understand the facts of a case piece-by-piece, through accretion and reconsideration.
- The desire to achieve the best result for their client created a competitive spirit that motivated hard work and creative thinking.
- Ethical issues played a surprisingly significant role in the simulation. It became clear that lessons thought to have been learned in professional responsibility classes did not prevent the students from making ethical mistakes when oral and written communication occurred.[35]
- When students were asked to put their classroom-based education in practice, many unexpected gaps and misunderstandings were revealed. Students made mistakes in civil procedure, such as sending interrogatories to non-parties. We found that even advanced law students needed basic instruction about the fundamental elements of an ordinary business letter or on how to offer a document in evidence in the course of a witness's hearing testimony.
- The continuing nature of the simulation, over several months, highlighted the critical skill of timing in legal representation, a skill not learned in more typical ad hoc law school simulations that last for only an hour or two. In the capstone, students realized that they could not make decisions in isolation, but rather that early choices could have

35. For example, one student lawyer contacted the adversary's director of human resources directly believing that the director was not sufficiently high in the corporation to be considered a "person" represented by counsel. Another gave legal advice to a person unrepresented by counsel under the misapprehension that legal information was not advice if unaccompanied by specific advice on how to act on the information. A difficult ethical quandary arose concerning the duty to disclose a witness's lie to a tribunal when the fact of the lie was communicated to the attorney who cross-examined the witness rather than the one who had presented the witness at an arbitration hearing. In another incident, a student disclosed confidential information to an adversary and had to try to negotiate a clawback agreement.

effects and narrow subsequent options. The process made it evident that earlier interactions with opposing counsel affected later actions, both for better and for worse.

- Students were surprised how different it was to make decisions in light of the interests of "real" clients rather than as legal issues are typically analyzed in the classroom, as if lawyers made decisions autonomously.[36]
- A surprising amount of learning involved lawyering styles. Students had an opportunity to test out their own personal style and to decide how they would respond to lawyers with differing styles, including some who were particularly difficult to work with. When there were disagreements within law firms about differing lawyering styles they had to work out their differences within the team.
- Students had experiences foreshadowing their work within law firm groups when they had to figure out when to press a position or change it in the face of alternative perspectives within a team. Students learned that others who expressed the most confidence in their own points of view did not always have the best ideas.
- We have also seen an empirical demonstration that this kind of legal training—that offers students the ability to simulate the practice of law in all its multilayered complexity and reflect upon the experience—truly prepares them for practice. We have seen students who participated in the capstone course in labor and employment law obtain legal jobs they never would have gotten without it, and partners have reported that students with capstone experience were ready to perform legal assignments without the detailed instruction new graduates had typically required.

The capstone course in labor and employment law, providing a comprehensive immersion simulation designed by a collaboration of practicing attorneys and law professors to portray legal practice realistically, can meet the challenge of the Carnegie Report to ready students for the multifaceted practice of law.

36. For example, in one case, the hospital team conducted extensive research to support a position to deny a benefit to a former employee, only to learn that the hospital did not want to deny it because of the disproportionate legal costs of defending the denial and the employer's humanitarian feeling toward a former long-term employee.