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EDUCATING THE INVINCIBLES: STRATEGIES FOR TEACHING THE MILLENNIAL GENERATION IN LAW SCHOOL

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Each new generation of law students presents its own set of challenges for law teachers seeking to develop competent and committed members of the legal profession. This article aims to train legal educators to recognize their students' generational learning style and to deliver a tailored education that supports the development of skilled attorneys. To help legal educators better understand the newest generation of law students, this article explores the traits associated with the Millennial Generation of law students, including their perspective on themselves and others, on education and on work. It then provides detailed and specific strategies for teaching millennial students. Though we developed these strategies in a clinical setting, they apply in both the clinical and classroom setting. As this article demonstrates, if well supported and motivated, the Millennial Generation will include extraordinary attorneys who advance the legal profession to new heights.

I. INTRODUCTION

The Millennials are capable of achieving great things, as demonstrated by the example of the "Young Invincibles." In 2009, still invigorated by the 2008 election and the influence of young adults in that election, millennial law students Ari Matusiak, Aaron Smith, Rory O'Sullivan and Jen Mishory wanted to ensure that the voices of young people were heard in the national debate over health care reform.[1] In

[1] Young Invincibles was co-founded by Ari Matusiak, Aaron Smith, Julia Smith, Jacob Wallace, Jennessa Calvo-Friedman, and Scott Brainard. Jen Mishory and Rory O'Sullivan

just over a year, the group of millennial students went from their law school cafeteria to the founding of the Young Invincibles, a reputable, well-respected and well-funded[2] national organization that represents the economic interests of their fellow Millennials in policy debates in Washington. They have a staff of twenty-four Millennials, with offices in D.C. and L.A., and they are one of the few non-profits that is expanding in this economy. Representative of the Millennial Generation, the group had a vision and worked toward achieving it no matter how many times they heard "no." In fact, the more congressional doors that slammed in their faces, the more emboldened they became, the harder they worked and the more allies they gathered. The result of the "can do" attitude and perseverance: over one hundred partner organizations and the trust of over 50,000 peers in the Young Invincibles' ability to represent their best interests.

Their initial advocacy campaign—focused on healthcare reform—was so successful that they added youth unemployment and jobs, higher education, and entrepreneurship to their agenda. The organization has written four amicus briefs in the past two years, published ten well-regarded policy briefs and reports, and authored countless factsheets on issues that affect the Millennial Generation. They travel the country to get the facts and engage their peers. They completed a National Youth Bus Tour in Spring 2012, visiting 20 states and hosting over 100 youth roundtables, to help craft their policy agenda.[3] Young Invincibles staff have testified before Congress and appeared in the New York Times, Wall Street Journal, Washington Post, LA Times, MSNBC, CNN, Fox News, NPR, Politico and many other national outlets highlighting the issues facing Millennials. And they do it all in a modern, tech savvy way, as evidenced by their interactive website.[4]

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are founding staff members. Rory O'Sullivan was a student of author Emily Benfer's in the Georgetown Law Center Federal Legislation & Administrative Clinic.

[2] Foundation funders include the Gates Foundation, Atlantic Philanthropies, Packard Foundation, Kauffman Foundation, Nathan Cummings Foundation, California Endowment, Annie E. Casey Foundation, Joyce Foundation, California HealthCare Foundation, California Community Foundation, Lumina Foundation, Kresge Foundation, Rappaport Family Foundation, Arthur Blank Foundation, Ford Foundation, Robert Wood Johnson Foundation, Boston Foundation and the Seattle Foundation. *See* http://younginvincibles. org/about/our-partners/.

[3] The tour was featured in the New York Times. Hannah Seligson, *The Jobless Young Find Their Voice*, N.Y. TIMES, May 5, 2012, http://www.nytimes.com/2012/05/06/business/for-jobless-young-people-new-advocacy-groups.html?pagewanted=all.

[4] DELOITTE MILLENNIAL MODEL: AN APPROACH TO GEN Y READINESS 4 (2010) [hereinafter GEN Y READINESS], *available at* http://www.deloitte.com/assets/Dcom-United States/Local%20Assets/Documents/Federal/us_fed_DeloitteMillennialModelAnapproach toGenYReadiness%20_112410.pdf. ("Gen Y is a globalized, tech-savvy and networked workforce that is naturally at ease with sharing information, functioning collaboratively

As the Young Invincibles demonstrates, Millennials welcome being held to high standards and pursuing ambitious goals. They want ownership in the process and want to work on things that matter and are valuable. Most importantly, they want a voice in the decisions that affect them, including their education. If well supported and motivated their potential is seemingly limitless.

Yet, as discussed in greater detail throughout this article, the Millennial is often described in negative terms, such as self-entitled and placed on pedestals by their doting Baby Boomer parents. They have been described as narcissistic, overly ambitious dreamers who believe they are special and do not want to pay their dues.[5] These traits are not new to Millennials[6] and, as the Millennials describe it,[7] they are the product of generations before them. As Baby Boomer writer, Joel Stein, at Time Magazine put it, "Whether you think millennials are the new greatest generation of optimistic entrepreneurs or a group of 80 million people about to implode in a dwarf star of tears when their expectations are unmet depends largely on how you view change."[8]

The wholly negative characterizations and explanations miss the bigger picture: Millennials are a hidden "powerhouse" of potential.[9] For example, in evaluating the Millennial Generation's role in government positions, Deloitte found that "Gen Y can do more than just fill the impending talent gap. It can reenergize government and be the catalyst to help transform it into a high-performing twenty-first century organization with model workforce practices."[10] In fact, this is a

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and nimbly adjusting to emerging challenges.").

    [5] *See* Joel Stein, *The New Greatest Generation: Why Millennials Will Save Us All,* TIME, May 20, 2013. The name "Young Invincibles" itself is an unintentional play on this characterization as illustrated in the Pixar movie, "The Invincibles," which asks: "If everyone is told they are special, doesn't that mean no one is special?" In fact, according to founder Aaron Smith, the name "Young Invincibles" was intended to redefine a health insurance industry term. The term was originally used to explain why young adults were so frequently uninsured. Namely, young people foolishly thought they were "invincible" and therefore chose not to buy coverage. The truth, however, is that less than 5% of young adults choose not to have health insurance, with the cost being the biggest reason for a lack of coverage. To counteract the myth, the group took the name and the tagline, "Because no one is invincible without health care." Email correspondence with author Emily Benfer (May 21, 2013).

    [6] Stein, *supra* note 5 at 31.

    [7] *Open Letter from a Millennial: Quit Telling Us We're Not Special,* THE PHOENIX AND OLIVE BRANCH, June 25, 2012, http://www.patheos.com/blogs/phoenixandolivebranch/2012/06/open-letter-from-a-millennial-quit-telling-us-were-not-special/ [hereinafter Open Letter].

    [8] Stein, *supra* note 5 at 34.

    [9] DELOITTE, GENERATION Y: POWERHOUSE OF THE GLOBAL ECONOMY (2009), *available at* http://www.deloitte.com/assets/Dcom-UnitedStates/Local%20Assets/Documents/us_consulting_hc_GenerationY_Snapshot_041509.pdf

    [10] GEN Y READINESS, *supra* note 4.

generation that is already leaving a lasting impression on the world and presenting unparalleled opportunity.[11] The challenge is "how to harness the energy" of Millennials to take advantage of the opportunity.[12] As clinical teachers, we are responsible for providing a legal education to each of our students based on their own unique strengths, challenges and personal goals, which can be informed by an understanding of each student's generational context. By understanding the context and complexity of the millennial student, legal educators can use strategies, including those described in this article, to more intentionally and successfully teach millennial students to become transformational lawyers.

The aim of this article is to enable clinical teachers to recognize their current students' worldview and generational learning style so that they can better deliver an individualized education.[13] Its lessons also apply to legal education generally. The article provides a bird's eye view of the traits associated with the Millennial Generation of law students, as well as detailed strategies for supporting their development as students and aspiring attorneys.

By way of background, in an earlier Clinical Law Review article we described the Adaptive Clinical Teaching ("ACT") methodology.[14] ACT is a structured method of guided analysis that allows the clinical teacher to make teaching choices based on as much knowledge and with as much intentionality as possible.[15] In applying the ACT model to the situations created by the entrance of millennial students into

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[11] *See* NEIL HOWE & WILLIAM STRAUSS, MILLENNIALS RISING: THE NEXT GREAT GENERATION 5 (2009) ("Millennials have a solid chance to become America's next great generation.").

[12] John Yuva, *Corporations Should Know Y,* INSIDE SUPPLY MANAGEMENT, (July 2007), *available at* http://www.deloitte.com/assets/Dcom-UnitedStates/Local%20Assets/Documents/us_mfg_GenY_210907.pdf. *See also* Tricia Kasting, *The Millennial Law Student Generation,* 186 N.J.L. J. 57 (2011).

[13] The Millennial Generation, making up 36% of the United States population, has been enrolling in law school for the past ten years and, today, makes up the majority of law students. By 2025, 75% of the global workforce will comprise of Millennials. The Millennial Generation is also referred to as Generation Y, Generation Next and Echo Boom. Steven K. Berenson, *Educating Millennial Law Students for Public Obligation,* 1 CHARLOTTE L. REV. 51, 53 (2009). For extended definition of Millennial Generation, *see* Aliza B. Kaplan & Kathleen Darvil, *Think (and Practice) Like a Lawyer: Legal Research for the New Millennials,* 8 LEGAL COMM'N & RHETORIC: JAWLD 153, 154 (2011). *See also* Carolyn Woempner, *Teaching the Next Generation,* MID-CONTINENT RESEARCH FOR EDUCATION AND LEARNING 1 (2007), http://teachingfsem08.umwblogs.org/files/2008/05/teaching-the-next-generation-april-2007-millennials.pdf; Dan Schawbel, *The Beginning of the End of the 9-to-5 Workday?* TIME MAGAZINE, Dec. 21, 2011, http://business.time.com/2011/12/21/the-beginning-of-the-end-of-the-9-to-5-workday/.

[14] Colleen F. Shanahan & Emily A. Benfer, *Adaptive Clinical Teaching,* 19 CLINICAL L. REV. 517 (2013).

[15] *Id.*

our clinics, we quickly realized that 1) the tried and true clinical teaching methods were not always effective with millennial students and 2) strategies had yet to be developed to respond to the myriad of factors—generational and otherwise—contributing to our "generational crossroads."[16] By using ACT, which is designed to allow clinical teachers to systematically address new issues, we gained the knowledge of and insight into this new generation of students that is reflected in this article.

Good clinical teachers respect the individuality of our students and believe in each student's capacity to become her own best lawyer. This dedicated focus is one of the reasons why many students credit their clinical practice as a pivotal experience in their legal education.[17] Nevertheless, sometimes we need to pull back from our tailored approach to see the forest for the trees. As a matter of simple demographics, most clinical teachers will not be the same generation as most of their students. The current population of law students differs greatly from its predecessors.[18] In order to "meet each student where she is," we sometimes need to widen our lens and consider some broad generational traits.

Legal educators who are attuned to generational shifts will be better teachers and will help produce better lawyers. It is important to respect the generations before us, especially those that founded and developed clinical education, while adapting our approach to meet the

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[16] *Clinical Legal Education at a Generational Crossroads Series*, 17 CLINICAL L. REV. 1 (2010).

[17] *See, e.g.*, David A. Binder & Paul Bergman, *Taking Lawyering Skills Training Seriously*, 10 CLINICAL L. REV. 191, 194 (2003) (stating two goals of clinical education: to improve professional skills and to imbue desire in students to devote their professional lives to legal and social reform); Tonya Kowalski, *Toward a Pedagogy for Teaching Legal Writing in Law School Clinics*, 17 CLINICAL L. REV. 285 (2010) (describing methods that clinical programs can use within individualized teaching methods to leave students better-prepared for clinical and professional law practice); Rebecca Sandefur & Jeffrey Selbin, *The Clinic Effect*, 16 CLINICAL L. REV. 57 (2009) ("Decades of pedagogical experimentation in clinical-legal teaching, the example of other professional schools, and contemporary learning theory all point to toward the value of clinical education as a site for developing not only intellectual understanding and complex skills of practice but also the dispositions critical for legal professionalism. In their modeling of and coaching for high levels of professionalism, clinics and some simulations exemplify the integration of ethical engagement along with knowledge and skill.") (citing the Carnegie Report).

[18] Teaching millennial students is the subject of much discussion among legal educators. *See* Paul Campos, *Don't Trust the Boomers*, THE SALON (2012), *available at* http://www.salon.com/2012/07/31/dont_trust_the_boomers/; Jim Gardner, *Professionalism and Self-Denial*, THE FACULTY LOUNGE (2012), *available at* http://www.thefacultylounge.org/2012/07/professionalism-and-self-denial.html; Jim Gardner, *Self-Service Education*, THE FACULTY LOUNGE (2012), *available at* http://www.thefacultylounge.org/2012/07/self-service-education.html; Jim Gardner, *Self-Service Education (2)*, THE FACULTY LOUNGE (2012), *available at* http://www.thefacultylounge.org/2012/08/self-service-education-2.html.

needs of new generations.[19] If educators are cognizant of generational differences and traits, they can better identify the strengths of a student that are related to her generation, orient learning goals to these strengths, anticipate situations and intentionally choose strategies to guide a student's development.[20]

It is important to note at the outset that discussions of generational traits like this one inherently involve generalizations and that the current data sources, for the most part, report on people who are above the poverty line. Thus, the traits and strategies discussed in this article are not intended to, and will not necessarily, apply to every Millennial law student.[21] Nevertheless, generalizations can be helpful when used appropriately and can help a teacher see when unfamiliar student learning trends are a result of a generational shift.[22] Ultimately, the utility of these generalizations and the strategies we propose depend upon the clinical teachers' ability to adapt the strategies to each unique student she encounters, in the same way clinical teachers do with all clinical teaching methodologies.

II. DEFINING "GENERATIONS"

New generations often develop in response to the generation that preceded them, making generational shifts a primary contributor to historical and social advancement.[23] A generation is typically defined by a common range of age and shared formative experiences, such as significant life, political and cultural events.[24] For example, the Greatest Generation bonded through the World Wars and the Baby Boomers experienced the post-war surge.[25] As a result of common

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[19] *See* Praveen Kosuri, *Generational Crossroads: X Marks the Spot*, 17 CLINICAL L. REV. 205, 207-08 (2010); *see also* Alistair Newbern & Emily Suski, *Translating the Values of Clinical Pedagogy Across Generations*, 20 CLINICAL L. REV. __ (2013).

[20] Shanahan & Benfer, *supra* note 14.

[21] *See* Karla Mari McKanders, *Generational Crossroads: Shades of Gray*, 17 CLINICAL L. REV. 1, 241 (2010) (*citing* Susan K. McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 CLINICAL L. REV. 255, 258 (2009) (stating that "[g]eneralized traits for any generation are just that: generalized. Any young law student might exhibit some of Millennial traits or none at all.")).

[22] Shanahan & Benfer, *supra* note 14.

[23] *See* NEIL HOWE & WILLIAM STRAUSS, GENERATIONS: THE HISTORY OF AMERICA'S FUTURE 1583-2069 (1992). The first study of generations was by Auguste Comte between 1830 and 1840. In *Course de philosophie positive*, August Comte suggested that social change and progress is determined by generational shifts and divergence between successive generations. *See* Hans Jaeger, *Generations in History: Reflections on a Controversial Concept*, Translation of "Generationen in der Geschichte: Uberlegungen zu einer umstrittenen Konzeption," originally published in GESCHICHTE UND GESELLSCHAFT 3 (1977), 429-452 (*citing* A. Comte, *Cours de philosophie positive* (Paris, 1849), IV, 635-641)). .

[24] Woempner, *supra* note 13, at 1. For a discussion of the Baby Boomer, Gen X and Millennial Generations, *see generally* Newbern & Suski, *supra* note 19, at Part II.

[25] *Id.*

experiences, a generation often shares specific attributes and a unifying culture.[26] Different generations vary in their outlook, ideology, views on events, and interpretations of interactions. This means that a generation of students may be shaped by characteristics that are very different from the generations who are teaching and raising them.[27]

The Traditionalists, born between 1901 and 1945 (over 68 years old), are considered loyalists and share characteristics that include putting aside individual needs and wants in order to work together for a common goal to accomplish great things.[28] They have faith in institutions such as church, government and military, and support a top-down management style.[29]

The Baby Boomers, born between 1946 and 1964 (49 to 67 years old), are considered optimists and share traits that include growing up with opportunity, having competed with 80 million peers, and identifying who they are with what they achieve at work.[30] They expect information sharing and interpersonal communication and are focused on righting wrongs.[31]

Generation Xers, born between 1965 and 1980 (33 to 48 years old), are considered skeptics and participated in the technological revolution.[32] They have less faith in institutions and more faith in themselves as individuals.[33] They are resourceful and independent and count on their peers and themselves to get things done.[34]

As the next section discusses in detail, the Millennials were born between 1981 and 1999 (14 to 32 years old), are considered realists,[35] are comfortable in both virtual and physical space, and list personal safety as the number one workplace issue.[36] They appreciate and expect diversity and are collaborative.[37]

III. The Millennials

The Millennial Generation is unique and will require some re-

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[26] *Id.*
[27] *Id.*
[28] *Id.* at 2.
[29] *Id.*
[30] *Id.* at 3.
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.*
[35] David Brooks, *The Empirical Kids,* NY Times, March 28, 2013, http://www.nytimes.com/2013/03/29/opinion/brooks-the-empirical-kids.html?_r=0 ("We are deeply resistant to idealism. Rather, the Cynic Kids have embraced the policy revolution; they require hypothesis to be tested, substantiated, and then results replicated before they commit to any course of action.").
[36] Woempner, *supra* note 13.
[37] *See id.*

thinking of law school teaching.[38] They are fundamentally different than other iconic generations. In contrast to Ernest Hemingway's "Lost Generation," the Millennial is confident and optimistic; unlike Jack Kerouac's "Beat Generation," the Millennial is eagerly engaged with society; and contrary to Timothy Leary's Vietnam-era Generation, the Millennial is trusting of people over 30 and eager to learn from and work with older mentors.[39]

The Millennial Generation experienced a common era "of prosperity, protective parenting. . .and innovation."[40] Their formative years occurred against the backdrop of defining events such as the September 11, 2001 terrorist attacks, Hurricane Katrina, wars in Iraq and Afghanistan, a booming and busted economy, and major advances in the Internet and electronic forms of communication.[41] To understand how the societal context of this generation translates to teaching Millennials in law school, this discussion describes the positive and negative attributes of the generation using three lenses: Millennials' views 1) of themselves and others; 2) of education; and 3) of work.

A. Millennials' View of Themselves and Others

Millennials are confident, team oriented, conventional, achieving, and ambitious.[42] They are earnest, optimistic and pragmatic.[43] The millennial student has high expectations of her ability to succeed and achieve greatness.[44] In addition to believing in their own value, Millennials are service and cause-oriented and want to contribute to the greater good.[45] They are forward looking, opportunity driven, ready

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[38] For additional information and perspectives on Millennial Generational traits, see Kassandra Barnes, Raymond C. Marateo & S. Pixy Ferris, Teaching and Learning with the Net Generation 3 INNOVATE: J. OF ONLINE EDUC. 1 (2007), available at www.innovateonline.com; PEW RESEARCH CENTER, MILLENNIALS: A PORTRAIT OF GENERATION NEXT (February 2010), available at http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf; JOHNSON CONTROLS, GENERATION Y AND THE WORKPLACE ANNUAL REPORT (2010), available at http://www.johnsoncontrols.com/content/dam/WWW/jci/be/global_workplace_innovation/oxygenz/Oxygenz_Report_-_2010.pdf; Newbern & Suski, supra note 19, at Part II.C.

[39] DELOITTE, GENERATION Y: POWERHOUSE OF THE GLOBAL ECONOMY, supra note 9.

[40] Woempner, supra note 13. .

[41] Janelle L. Wilson, The Millennials: Getting to Know Our Current Generation of Students, 5 MOUNTAINRISE: INT'L J. FOR THE SCHOLARSHIP OF TEACHING & LEARNING 2 (2008).

[42] Kaplan & Darvil, supra note 13, at 154.

[43] Stein, supra note 5, at 34.

[44] Jackie L. Hartman and Jim McCambridge, Optimizing Millennials' Communication Styles, 74 BUS. COMM. Q. 22, 24 (2011),

[45] Andrea Stone, Civic Generation Rolls Up Sleeves in Record Numbers, USA TODAY, Apr. 19, 2009, available at http://usatoday30.usatoday.com/news/sharing/2009-04-13-millenial_N.htm.

to contribute, optimistic in the midst of the current economic turmoil, know what they want and believe they can achieve it.[46]

As an outgrowth of their inclusive upbringing, the Millennial Generation has a greater awareness of and comfort level with diversity of all kinds than previous generations. They have difficulty understanding why others struggle with issues around difference and may not think discussing difference or developing cross-cultural skills is necessary.[47] Poll results also show that Millennials are a generation of change – with a more rapid shift in opinion than any other generation on topics including legalization of marijuana, gay marriage, and gun control.[48]

At the same time, they have been described as pressured, impatient, sheltered and privileged.[49] Millennial students, who have been told that they are special, can have a sense of entitlement[50] and believe "the world is their oyster."[51] Millennial students "tend to think that short-term achievement equals long-term success; therefore they focus on grades and not on the processes by which grades are achieved."[52] For Millennials, their goals are more easily achieved by "playing by the rules" than "thinking outside the box."[53] For the Millennial, failure is a foreign concept and a millennial student may be stunned when her performance does not result in high praise.[54] In part, this is because millennial students were taught as children that they are "winners" for participating and are accustomed to receiving awards for participation.[55]

Millennial students relate to the world through technology and are inseparable from the Internet.[56] As a result, Millennials are able

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[46] DELOITTE, GENERATION Y: POWERHOUSE OF THE GLOBAL ECONOMY, *supra* note 9; GENERATION Y: CHANGING WITH THE TIMES, DELOITTE (2011), *available at* http://www.deloitte.com/assets/Dcom-Ireland/Local%20Assets/Documents/Consulting/IE_Con_Generation_Y_Report_0311_final.pdf.

[47] Society for Human Resource Management, *Generation Y's Impact on the* Workplace (Apr. 1, 2001), *available at* http://www.shrm.org/Research/FutureWorkplaceTrends/Pages/0301b.aspx.

[48] Charles M. Blow, *The Young are the Restless*, N.Y. TIMES, April 5, 2013 (analyzing Pew and Gallup polls).

[49] Kaplan & Darvil, *supra* note 13, at 154.

[50] Michel Monaco & Malissa Martin, *The Millennial Student: A New Generation of Learners,* 2 ATHLETIC TRAINING EDUCATION J. 42-46 (2007).

[51] Eliza Krigman, *Millennials Defined by Technology Use,* NATIONAL JOURNAL (2010), *available at* http://www.nationaljournal.com/njonline/no_20100225_3691.php. *See also* Berenson, *supra* note 13, at 54.

[52] Kaplan & Darvil, *supra* note 13, at 175.

[53] *Id.*

[54] Monaco, *supra* note 50, at 43.

[55] *Id.* at 42. *See* Open Letter *supra,* note 7.

[56] Kaplan & Darvil, *supra* note 13, at 154. *See also* Shailini Jandial George, *Teaching the Smartphone Generation: How Cognitive Science Can Improve Learning in Law School,*

to take in massive amounts of information from multiple sources simultaneously.[57] They consider themselves to be technologically savvy and efficient multi-taskers.[58] Similarly, millennial students are accustomed to instantaneous answers that do not require deliberation or examination.[59] As a result, they may not have developed the tools to extract the depth of information necessary to develop critical thinking.[60] Millennial students often maintain that the problem is lack of time, and not lack of attention span or ability, that prevents them from slowing down, focusing and contemplating material deeply.[61]

B.   *Millennials' View of Education*

Employing a consumerist attitude toward education,[62] millennial students ask for "self-directed learning, interactive environments, multiple forms of feedback, and assignment choices that use different resources to create personally meaningful learning experiences."[63] Millennial students "want more hands on, inquiry-based approaches to learning and are less willing simply to absorb what is put before them."[64] Multi-media is the favorite mode of learning. They are more engaged if the lesson is entertaining and exciting.[65] Millennial students respond best to simulations and real life opportunities.[66]

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[57] Multitasking is an integral part of Millennial lifestyle. On average the millennial student conducts the equivalent of 8.5 hours of media usage in 6 hours and media use is almost always simultaneous. Barnes, *supra* note 38, at 3 (*citing* Kaiser Family Foundation 2005). *See also* Jeffrey Zaslow, *The Greatest Generation (of Networkers)*, THE WALL STREET JOURNAL, November 5, 2009, http://online.wsj.com/article/SB100014240527487047 46304574505643153518708.html.

[58] Kaplan & Darvil, *supra* note 13, at 174; Hartman, *supra* note 44, at 23.

[59] Berenson, *supra* note 13, at 55.

[60] Monaco, *supra* note 50, at 43. George, *supra* note 49, at 18 ("Even more troubling is the evidence that all of this multitasking is having an effect on our cognitive abilities. . . Lawyers and law students need to be able to engage in in-depth thinking and sophisticated legal work. Yet multitasking may be having a detrimental effect on the area of the brain that engages in this deep thinking, since the part of the brain which is activated by distractions and task switching is the part that is not meant for deep focus.")

[61] Barnes, *supra* note 38, at 3.

[62] Woempner, *supra* note 13. (Millennials are consumer driven and see little relevance in traditional instructional delivery of content to their own experiences and reality in school and expect it to change); Berenson, *supra* note 13, at 54 (Millennials see themselves as buyers of a transaction and bring customer service orientation to the classroom; they pay a lot of money for education and expect to have goods delivered; they view education as a means to an end rather than an experience with intrinsic value; law students seek a degree that will lead to a high paying job; they are receptive to educational practices that lead directly toward attainment of goal; they are skeptical of the Socratic method, essay exams, and legal writing assignments that are not directly related to attainment of goal).

[63] Barnes, *supra* note 38, at 2.

[64] *Id.*

[65] Yuva, *supra* note 12.

[66] *Id.*

Millennial students often have very specific views of teachers and supervisors. Namely, they expect a collaborative learning environment.[67] Millennial students are accustomed to a model of education that is a "co-partnership" with supervisors and teachers.[68] These students may expect teachers to consult with them and to include them in any goal setting and major decision-making conversations.[69]

There are multiple explanations for this expectation. Millennials have difficulty distinguishing between opinion and authority due to their upbringing and reliance on the Internet (where anyone can publish and become an immediate authority) for research and information gathering.[70] As a result, students reject the "top down authoritative model" of education, in which the teacher determines the important information for the student to absorb, in favor of a facilitative model of education.[71] In great part, supervisors and teachers are transformed from experts to guides who are expected to help students learn from outside sources and each other and not the teacher's own knowledge.[72] The teacher-centered classroom is replaced by one in which the student is the focus.[73]

Millennial students prefer to learn in networks or teams.[74] Throughout their education, millennial students were taught in a team environment, using peer-to-peer and cooperative learning strategies.[75] As a result, they are skilled in teamwork and collaboration, but may be uncomfortable working independently, perhaps due to the higher risk of personal failure.[76] At times, Millennials' team orientation means they struggle with assertiveness and standing out as leaders.[77]

How did they develop this perspective and approach to learning?

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[67] Barnes, *supra* note 38, a 2.

[68] Monaco, *supra* note 50, at 43.

[69] Woempner, *supra* note 13, at 2 ("[T]his is a generation used to being consulted by adults, used to participating in decisions that affect them, and used to being protected by their elders.").

[70] Berenson, *supra* note 13, at 54. "The Millennial Generation's almost exclusive reliance on the Internet for research purposes has led to an inability to distinguish relative expertise and authority within published materials." *Id.* at 61.

[71] *Id.*

[72] *Id.* (*citing* NEIL HOWE & WILLIAM STRAUSS, MILLENNIALS RISING: THE NEXT GREAT GENERATION (2000)).

[73] Kaplan & Darvil, *supra* note 13, at 155.

[74] DELOITTE, CONNECTING ACROSS THE GENERATIONS IN THE WORKPLACE (2005), *available at* http://blog.penelopetrunk.com/wp-content/uploads/2007/07/deloitte-generations.pdf.

[75] Hartman, *supra* note 44, at 23, 26; Barnes, *supra* note 38, at 2 (*quoting* McNeely 2007 ("like the social interaction that comes from being in class with their peers. . .relationships are a driving force in the learning process. . .learning through social interaction is important")).

[76] Monaco, *supra* note 50, at 43.

[77] Society for Human Resource Management, *supra* note 47.

They are the children of the protective, watchful "helicopter parents."[78] The Millennial Generation is accustomed to adults being extremely involved in their lives. During their upbringing, Millennials were an integral part of decisions concerning academics, activities and major family events.[79] Millennials were raised in an environment in which they were protected by their elders,[80] handheld throughout the educational process and assisted often when the task required independent, creative thinking and decision-making skills.[81]

Millennial students are extremely goal oriented and recognize that achieving their career ambitions requires obtaining an education.[82] However, they typically focus on the achievement of a degree and not on the process through which it is achieved.[83] They feel pressured to spend as little time on a task as possible and are accustomed to achieve success effortlessly and to be recognized with praise.[84] As a result of the time crunch, the millennial student tends to forgo the time intensive development of critical thinking and independent problem-solving skills.[85] At the same time, millennial students are eager to solve problems, be innovative and build learning relationships and marketable skills.[86]

C. *Millennials' View of Work*

Millennials bring many admirable and desirable traits to the work environment. Millennials expect a friendly culture with positive people.[87] They are eager to contribute and take on responsibility earlier in their careers.[88] They are ready to work toward ambitious goals.[89] They are a diverse and inclusive generation that has been taught to collaborate and work with teams.[90] They bring fresh insight into is-

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[78] Wilson, *supra* note 41, at 2 (relating a story about phone calls from parents to college faculty and administrators inquiring why their children are not receiving better grades or why the school did not provide wake up calls for a child who slept in and missed class.).

[79] Monaco, *supra* note 50, at 43.

[80] Woempner, *supra* note 13.

[81] Monaco, *supra* note 50, at 43.

[82] Barnes, *supra* note 38, at 1.

[83] Kaplan & Darvil, *supra* note 13, at 175.

[84] Monaco, *supra* note 50, at 42; Society for Human Resource Management, *supra* note 47.

[85] Kaplan & Darvil, *supra* note 13, at 175 (*quoting* REYNOL JUNCO & JEANNA MASTRODICASA, CONNECTING TO THE NET GENERATION: WHAT HIGHER EDUCATION PROFESSIONALS NEED TO KNOW ABOUT TODAY'S STUDENTS (National Association of Student Personnel Administrators (2007)).

[86] Yuva, *supra* note 12.

[87] Society of Human Resource Management, *supra* note 47.

[88] DELOITTE, GENERATION Y: POWERHOUSE OF THE GLOBAL ECONOMY, *supra* note 9.

[89] *Id.*

[90] *Id.*

sues.[91] They welcome the opportunity to partner with older, more experienced colleagues.[92] They expect to learn new knowledge and skills quickly instead of repeating tasks.[93] They expect to be challenged and can often learn more quickly and take on more responsibility earlier than senior colleagues might think.[94] The Millennial desires flexibility and independence, but within the confines of guidelines, structure, clear rules, well-defined policies and explicit responsibilities.[95]

Members of the Millennial Generation have specific expectations of how they are managed. They expect to work with supervisors who treat them as equals rather than with supervisors who act in an authoritarian manner or enforce a hierarchical structure.[96] Raised to feel valuable and positive about themselves, they want to be treated respectfully and may view any requirement to "pay one's dues" as disrespectful.[97]

Millennials feel constant pressure to perform before people they believe are judging them and yearn for frequent feedback on their performance.[98] Typically, millennial students are accustomed to and crave praise from supervisors.[99] As one author put it, millennial students are uncomfortable with criticism and can become "aggressive and even caustic when criticized."[100] For millennial students, who thrive on instant gratification and frequent reward systems, the provision of quality feedback is crucial to their continued investment in the work and their learning experience.[101]

Like the millennial student, the millennial worker wants to be included in major decision-making and goal setting.[102] However, as a result, the millennial employee feels an enormous amount of pressure to make the right decision and may be worried about making a mistake. As adults, Millennials rely on their parents and other adults for

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[91] *Id.*

[92] *Id.*

[93] DELOITTE, CONNECTING ACROSS THE GENERATIONS IN THE WORKPLACE (2005), *supra* note 74.

[94] Society of Human Resource Management, *supra* note 47.

[95] Hartman, *supra* note 44, at 24; Kaplan & Darvil, *supra* note 13, at 175.

[96] *Id.*

[97] DELOITTE, CONNECTING ACROSS THE GENERATIONS IN THE WORKPLACE (2005), *supra* note 74.

[98] Monaco, *supra* note 50, at 43.

[99] Hartman, *supra* note 44, at 23.

[100] *Id.* at 24.

[101] Paula Brown, *Teaching the Millennial Students,* 18 PROCE. OF ASBBS 123 (2011). *See also* Jeffrey Zaslow, *The Most-Praised Generation Goes to Work,* THE WALL STREET JOURNAL, April 20, 2007, *available at* http://online.wsj.com/article/SB117702894815776259.html.

[102] Woempner, *supra* note 13.

guidance as they attempt to make decisions.[103] This indecision and reliance on others often leaves members of other generations to question the millennial student's ability to think critically or independently.[104]

IV. Strategies for Teaching the Millennial Student

The traits described in Section III suggest that there is value in generation-specific strategies that motivate millennial students and support the achievement of student learning goals in the clinical setting. The strategies described in this section include both new approaches to clinical and classroom teaching and new applications of well-known and longstanding approaches. These strategies are simply good clinical teaching regardless of the student's generational traits, but are particularly useful for teaching millennial students.

Below we discuss a number of common learning goals for clinic students and then attach Millennial-specific teaching strategies to these goals. The goals are to encourage: 1) a positive clinic experience and commitment to clinical work, 2) life long learning, critical thinking, and problem solving, 3) self-awareness and reflection, 4) timeliness and professionalism, and 5) enhanced communication skills. Using the ACT method to frame the discussion, each section will address 1) the clinical situation that may present itself, 2) the clinical teacher's expectation or goal, 3) the potential causes of the situation, and 4) strategies to address the situation in order to meet clinic goals.[105]

As a general matter, several strategies are likely to be successful with millennial students and to translate to a variety of learning goals.[106] First, millennial students require variety and engaging experiences that develop transferable skills. They are motivated by knowing how their work fits into the larger goal, making it important for clinical teachers to provide context, a rationale for the work asked of students and the value it adds. If invested in the work, millennial students will dedicate the time and effort required to succeed. Second, Millennials want expectations, accountability measures and responsibilities defined early on. If the expectations are not set early on, the student cannot be expected to achieve. Where possible, clinical teachers should reward extra effort and excellence. Third, in turn, if students make mistakes, clinical teachers should engage in a candid,

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[103] Hartman, *supra* note 44, at 23.

[104] *Id.*

[105] Shanahan & Benfer, *supra* note 14.

[106] For an additional discussion of goals and strategies for teaching Millennials in the clinic, see Newbern & Suski, *supra* note 19, at Part IV.

transparent, reflective conversation about it and involve the student in the response. It is important for the clinical teacher to always ask what aspect of a student's mistake is the clinical teacher's responsibility. Fourth, where possible, millennial students should be prepared to navigate work and life balance through discussions and trainings.[107] Fifth, the creation of teams and networks should be done with great care.[108] Finally, clinical teachers must honor the individuality of each student by catering to her strengths—generational or otherwise—in order to improve upon areas of challenge.

A. Goal: Positive Clinic Experience and Commitment to Clinic Work

In my clinic, I try to be non-directive so that students can develop their own strategies and conclusions, and I act as their guide. Last semester, one student was discouraged by this approach. I always had the sense that she thought I was playing a game or hiding an answer from her. In one situation, I asked the student to write a letter to her client. I wanted her to think through the letter and learn how to address clients. After realizing the time commitment required to write the letter, she became extremely frustrated and questioned, "why isn't there a boiler plate for this?!" About half way through the semester, when the student's frustration was becoming counterproductive for her client, I decided I would be directive and tell her what steps to take. Instead of resolving the issue, the student seemed to think I was bossing her around. After that, the student stopped completing her work. I had to push her to provide adequate representation for her client. It was like she had completely disengaged from the clinic experience.

Clinical teaching provides students with a guided experiential learning opportunity and often has the dual goal of serving both the student and the client. These goals are inseparable and the student's experience almost always affects the quality of client representation and client outcomes. Students are given responsibility for decisions of critical importance to clients and the opportunity to apply their legal education to a real life context. If a teacher loses the commitment of a clinic student, it is likely to have direct consequences for the student and professor, but most importantly, the client. Conversely, students who "buy in" often reap greater benefits from the experience than

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[107] Emily Matchar, *How Those Spoiled Millennials Will Make the Workplace Better for Everyone,* WASHINGTON POST, August 16, 2012, *available at* http://articles.washingtonpost.com/2012-08-16/opinions/35490487_1_boomerang-kids-modern-workplace-privileged-kids (discussing the millennial view of the workplace and importance of maintaining personal life).

[108] DELOITTE, CONNECTING ACROSS THE GENERATIONS IN THE WORKPLACE, *supra* note 74.

those who are skeptical. Clients are always better served by a student who is committed to the work and has a positive attitude about the clinical experience.

These are multi-factor situations involving several different perspectives. Generational factors matter when traditional teaching approaches may fail across generations and result in a greater divide. In the example above, it is likely that the clinical teacher believes that students must prioritize and commit to clinic work and understand the consequences of their decisions. If the student was a millennial student, the teacher's first approach may have been in conflict with the student's need for clarity and knowing the purpose of an assignment. And the teacher's second approach may have been in conflict with the student's desire for independence, but within the confines of explicit responsibilities. In order to meet the needs of millennial students while still achieving clinical goals, clinical and classroom teachers may benefit from incorporating strategies for teaching and clinic design including facilitation, learning contracts, and transparency.

1. Strategy: Facilitation

The facilitation model of teaching is designed to help students learn to "understand, apply and critique the subject matter."[109] The model engages students in the "value of the content," rather than acquisition of the content.[110] Because the clinical model is experiential by design, facilitation techniques are often easily incorporated into supervision and course design.[111]

Facilitative Course Materials. Facilitative course materials should provide enough guidance to allow students to decide for themselves how to engage in successful behaviors.[112] For example, learning-centered clinic handbooks and syllabi provide direction for course assignments, describe expectations of student behavior, and outline rules, regulations and the costs for violating them.[113] Learning-centered materials should include assignment expectations along with descriptions of the evaluation tools that will be used by the student and teacher to measure student work.[114] Although millennial students

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[109] Monaco, *supra* note 50, at 45.

[110] *Id.* at 43-45 ("As a facilitator, teaching students to learn, understand, apply and critique the subject matter by engaging the student in the value of the content rather than repetition.").

[111] *See* Margaret Martin Barry, Jon C. Dubin and Peter A. Joy, *Clinical Education for this Millennium: The Third Wave,* 7 CLINICAL L. REV. 1 (2000)(discussing history and goals of clinical teaching).

[112] Monaco, *supra* note 50, at 43; Brown, *supra* note 101.

[113] Monaco, *supra* note 50, at 43.

[114] *Id.*

may expect it, to avoid reinforcement of dependent learning habits, learning-centered handbooks and syllabi should not be a step-by-step guide for students.[115] Faculty should schedule frequent and learner-centered contact with students on an individual and group basis throughout the semester in the form of one-on-one meetings, team meetings, e-mail communication, office hours, presentations, client meetings, and seminar classes.[116]

Line of Sight. Students who respond to the facilitative, student-centered model of teaching benefit from a clear "line of sight." In physics, line of sight refers to a simple principle: in order to view an object, light travels along a line from that object to your eye.[117] A similar principle applies to clinical teaching. Millennial students, who are goal oriented, value knowing the objective at the "end of the line" and are receptive to educational practices that lead directly toward attainment of the goal.[118] They are less patient with lessons and assignments that do not clearly apply to their goals, including their chosen careers.[119] In order for them to commit to clinical work, they must know what it will entail, how it fits into a larger and meaningful goal, what is expected of them, and how they will be evaluated. Millennial students often appreciate guidelines that set clear goals and expectations for students through the provision of rules, regulations and explicit directions, as well as the consequences for not following them.[120] For a generation that prefers "doing," providing millennial students with a clear view of the end goal allows them to meet expectations and quickly move on to other pursuits.

Strategic Planning. To further increase commitment and motivation, students and faculty should meet to develop a shared vision for learning outcomes and expectations.[121] For example, clinical teachers could facilitate a strategic planning session during which the clinic as a whole discusses the clinic mission and goals and sets priorities for the semester. This level of involvement directly responds to the millennial student's desire to be included in major decision-making and goal setting[122] and provides them with a clear line of sight to work toward to achieve their goals for the semester. The result is often a clear sense of the "point" of the individual student's and larger team re-

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[115] *Id.*; Barnes, *supra* note 38, at 3 (arguing that you cannot cater to those who seek to complete work with minimum amount of effort).

[116] Monaco, *supra* note 50, at 43.

[117] JOHN AVISON, THE WORLD OF PHYSICS 8 (Nelson Thornes 2nd ed. 1989).

[118] Berenson, *supra* note 13, at 54.

[119] Barnes, *supra* note 38, at 3

[120] Hartman, *supra* note 44, at 24; Kaplan & Darvil, *supra* note 13, at 175.

[121] Monaco, *supra* note 50, at 43.

[122] Woempner, *supra* note 13.

sponsibilities. This creates a sense of ownership, an immediate invest-
ment in the work of the clinic and increased motivation.

With the clinical teacher facilitating and involved in the discus-
sion, the mission and goals identified by students are unlikely to di-
verge greatly from the clinical teacher's baseline, especially if the
students are given a template from which to brainstorm. Rather, stu-
dents often affirm and commit to an overarching clinic mission and
goals. The process also gives faculty insight into the students' values,
expectations and perspectives on the clinic experience. For example,
some students may prioritize quality client representation over the ac-
quisition of lawyering skills, which may indicate a commitment to the
client and an appreciation of the real lives they will affect throughout
the course of the semester. It may also indicate a misunderstanding of
how many lawyering skills they have or have not mastered. With ap-
propriate supervision, the students' stated goals and the teacher's can
be met. To guarantee accurate inferences are made about students,
faculty facilitators should ensure that the discussion includes the stu-
dents' reasoning for any decisions. This open discussion can lay the
groundwork for an even more individualized educational experience
and more effective clinical teaching.

2. Strategy: Modified Rubrics and Learning Contracts

Clinical teachers often use "rubrics" to define learning goals and
evaluation criteria.[123] To further engage the millennial student, learn-
ing outcomes and expectations should be discussed in detail by the
faculty and individual student. The millennial student, who expects to
be consulted by adults on major decisions that will affect them,[124] will
be receptive to an invitation to think critically about the components
of each goal and how they will be evaluated in mastering them. Al-
igned with transparency, discussed below, these rubrics can set clear
expectations for students and become the benchmark for
evaluation.[125]

Another method of involving students in their own learning is to
allow students to select or prioritize the goals they will primarily focus
on throughout the semester. Once students and faculty have agreed
upon the student's goals for the semester, the student can memorialize
it in a "learning contract."[126] A learning contract is "a document

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[123] Sophie M. Sparrow, *Describing the Ball: Improve Clinical Teaching by Using Rubrics
–Explicit Grading Criteria,* 2004 MICH. ST. L. REV. 1 (2004). For another perspective on
rubrics, *see* Newbern & Suski, *supra* note 19, at Part IV.D.

[124] Brown, *supra* note 101.

[125] Jane H. Aiken, David A. Koplow, Lisa G. Lerman, & J. P. Ogilvy, The Learning
Contract in Legal Education, 44 MD. L. REV. 1047 (1985).

[126] *Id.*

drawn up by the student in consultation with [an] instructor specifying what and how the student will learn in a given period of time."[127] The goal of the learning contract is to "encourage individualized learning by tailoring the educational experience to the objectives of the individual student."[128] Learning contracts are an ideal way to meet the millennial student's need for autonomy, freedom and flexibility within the confines of clearly defined guidelines and expectations. The learning contract sets clear expectations and criteria, which they can refer back to throughout the semester and, especially, during any point of evaluation.[129]

3. Strategy: Transparency

Transparency is critical to a millennial student's investment in the clinic. Transparency clarifies expectations, motivations and necessary actions. It requires operating in a way that allows for candidness, open communication and accountability.[130] The millennial student and clinical teacher should always be able to answer "why" an assignment or task is relevant, important and necessary to the long-term goals. Questioning "Why?" is important to one's ability to think critically and is a good habit for Millennials to develop. It also provides an internal check for the clinical teacher, ensuring policies, assignments and practices have and fulfill an intended purpose. In addition, transparency in supervision allows the student and supervisor to discuss their expectations and underlying motivations and reasoning. The communication of different expectations allows for understanding and makes negotiation possible.[131] For the millennial student, it provides insight into pedagogical approaches and includes them in deci-

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[127] *Id.* at 1048.

[128] *Id.*

[129] *Id.*

[130] Transparency is common practice in a variety of professional settings that students may encounter, from the law to nongovernmental organizations to the media to politics. *See, e.g.*, Mohamed Agati, *Undermining Standards of Good Governance: Egypt's Ngo Law and Its Impact on the Transparency and Accountability of Csos*, 9 INT'L J. NOT-FOR-PROFIT L. 56, 66 (2007) (The Egyptian NGO Law closely regulates the internal governance of civil society organizations. The law intermingles proper transparency and accountability measures with overreaching controls and modes of interference.); James McGann and Mary Johnstone, *The Power Shift and The NGO Credibility Crisis*, 8 INT'L J. NOT-FOR-PROFIT LAW 2 (2006). Cary Martin, *Private Investment Companies in the Wake of the Financial Crisis: Rethinking the Effectiveness of the Sophisticated Investor Exemption*, 37 DEL. J. CORP. L. 49, 108 (2012); Ellen P. Goodman, *Stealth Marketing and Editorial Integrity*, 85 TEX. L. REV. 83, 133-34 (2006); Ciara Torres-Spelliscy, *Has the Tide Turned in Favor of Disclosure? Revealing Money in Politics After Citizens United and Doe v. Reed*, 27 GA. ST. U. L. REV. 1057 (2011). Newbern & Suski, *supra* note 19, at Part IV.B, offer another thoughtful take on transparency.

[131] Wilson, *supra* note 41, at 9.

sion-making.

B. Goal: Capacity for Future Learning, Critical and Independent Thought and Problem Solving

> Our clients often have multiple legal issues and crises are common during the course of representation. I vividly remember one student bursting into my office in a panic after speaking to her client over the phone. The landlord had just given the client a day to vacate the apartment. The student was speaking so quickly that I had difficulty following her. She had trouble focusing and breaking down the issues. Instead of being objective and analytical, she was emotional, stressed and feeling a great amount of pressure. She asked me over and over again, "What do I do?" I suggested she map out all of the issues and all of the possible decisions to organize her thoughts and then present her "decision tree" during case rounds with the rest of the clinic students. By the time we met as a group, her thought process was much more organized and she appeared comfortable talking through various strategies with her clinic colleagues.

Many clinics seek to develop critical and independent thinkers who are adept at problem solving and have the capacity for lifelong learning.[132] A hallmark of a good attorney is the ability to engage in critical, independent and creative thought. This requires the ability to "(1) recognize those occasions when doing a task by the book is not likely to achieve satisfactory results, (2) figure out a creative alternative, and (3) find the courage to deviate from the accepted norm of practice."[133] Clinical teachers hope that clinic students learn about their own decision making process and how to apply it in complicated scenarios.

By design, attainment of these goals often requires students to slow down and scrutinize their decisions and subsequent actions. Millennial students may be inclined to spend as little time as possible to successfully complete a single task. A measured approach may be frustrating.[134] The reflective learning process itself, which requires the student to pause and reflect, is often a foreign practice. The requirement that a student take the "steering wheel" and make major decisions independently, may run counter to the millennial students' experience of constantly consulting with adults and working on teams. A millennial student may reject or resist attempts by the clinical teacher to force the student to reason through the situation herself.

The factors related to generational differences suggest that while the clinical teacher's goals are laudable and the skills imparted neces-

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[132] Phillip G. Schrag, *Constructing a Clinic*, 3 CLINICAL L. REV. 175, 181 (1996).

[133] *Id.* at 185.

[134] Kaplan & Darvil, *supra* note 13, at 175.

sary for successful legal careers, they are extremely challenging for millennial students to master. As a result, students may not reap the full benefit of the clinical experience. Three millennial factors may interfere with the development of critical and independent thought and the ability to become a lifelong learner and problem solver. The first factor is orientation toward group work, as Millennials' strength as a team player and orientation toward group work may hinder their ability to think independently. The second factor is millennial students' ability to efficiently multi-task and digest massive amounts of information simultaneously, which may not be conducive to thoughtful contemplation or critical analysis of information.[135] In clinic students, this may present as a lack of focus or a difficulty linking ideas or forming conclusions. The third factor is dependence on supervisors and parents as consultants, which may lead to millennial law students being worried about making a mistake and feeling an enormous amount of pressure to make the right decision.[136] In the clinical setting, when asked to make decisions independently and to dissect their decision making process, the student may become frustrated and resentful of the supervisor who placed the burden on them.

As evidenced by the traits described above, many millennial students do not arrive at the clinic door prepared to exercise critical, independent, reflective thought and may be inclined, out of habit, to do the opposite. At risk are not only the student's long-term propensity for success, but also the client's well being. It is imperative that clinical teachers develop strategies for training millennial students to improve their critical thinking abilities.[137]

Clinics can promote lifelong learning by supporting students in the examination of their own learning process, the techniques that are most effective for each individual, as well as the reasons why they are effective. Clinical faculty should create an environment in which it is safe to take risks in order to explore new ways of learning. If done in a supportive environment, the application of learned skills to real life situations supports the transfer of knowledge.[138]

Clinics can support the development of critical thought processes and problem-solving skills through models, such as decision trees and case planning methodology. These models help millennial students identify expectations and the work product desired. In addition, the following strategies of (1) cross-cultural lawyering, (2) electronic resources and (3) group work are designed to support millennial stu-

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[135] George, *supra* note 49, at 8-9.

[136] Monaco, *supra* note 50, at 43.

[137] Barnes, *supra* note 38, at 2.

[138] *See* Monaco, *supra* note 50, at 43.

dents in developing problem solving, decision-making and critical thinking skills.

1. Strategy: Cross Cultural Lawyering Skills to Develop Critical Thinking

As demonstrated by the millennial student's willing acceptance of Internet-based sources as authoritative, many millennial students have developed a thought process premised on multiple assumptions. Combined with a fast paced approach, millennial students rarely give themselves the opportunity to pause and dissect their own assumptions or findings. Teaching students to think on their own and communicate their ideas requires them to understand the information they have received[139] and their own reaction to it. Millennial students require practice slowing down, focusing, and contemplating material and information deeply.[140]

Cross-cultural lawyering skills, such as the ability to challenge assumptions, require deliberation and focus and are ideal for helping students develop critical thinking.[141] As Susan Bryant, who developed the cross-cultural lawyering methodology with Jean Koh Peters, states, "by teaching the students about the influence of culture on their practice of law, we give them a framework for analyzing the changes that have resulted in their thinking and values as a result of their legal education."[142] Cross-cultural lawyering provides students with self-awareness and perspective and requires that students examine differences in order to improve their ability to predict, interpret and make choices.[143] This type of structured thinking can be taught by the use of comparing and contrasting, classification and organization, and the use of analogies.[144] Because the Millennial Generation is accustomed to and comfortable with diversity, what clinical teachers refer to as "cross-cultural" skills may be more accessible to millennial students when labeled as "structured thinking" or "surfacing assumptions."[145] Each of these practices requires the millennial student to slow her pace and carefully contemplate her own thought process in order to make conscious, deliberate choices. This practice trains the

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[139] Barnes, *supra* note 38, at 3.

[140] *Id.*

[141] For another discussion of the use of cross-cultural competence tools to teach millennial students *see* Newbern & Suski, *supra* note 19, at Part IV.

[142] Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers,* 8 CLINICAL L. REV. 33, 40 (2001).

[143] *Id.* at 41.

[144] Brown, *supra* note 101.

[145] Muneer I. Ahmad, Susan J. Bryant, Jean Koh Peters, *Teaching Our Students to Challenge Assumptions: Practices for Surfacing and Exploring Assumptions, and Designing Action,* Georgetown University Law Center Graduate Teaching Fellows Program (2007).

student in critical thinking, making it easier to practice the skill in other settings, such as decision-making or problem solving. Three of the six practices are especially useful in developing critical thinking habits.

Methodological Doubt/Methodological Belief. Methodological doubt requires the student to question "every statement, every assumption, every inference, every implication" of the information they are receiving.[146] This prevents the student from automatically accepting a claim as a reliable truth. Methodological doubt is often employed when cross-examining a witness, listening to an untrustworthy individual, mooting a client, and other common situations in the law.[147] In contrast, methodological belief requires experiencing an idea or statement as true without challenging the source of the information.[148] Belief is distinguishable from unquestioning acceptance, something the millennial student may be prone to. Clinical faculty should encourage students to make conscious choices about how to listen and whether they will chose to listen as a doubter or believer. Then, the student should reflect on the experience.

Except When/Especially When. "Except when/especially when" encourages the student to identify generalizations they rely upon and to determine their validity.[149] The student may require the teacher's assistance in identifying a generalization on which the student is relying. Once a statement is identified, the student should be encouraged to explore exceptions to the generalization by adding "except when." They can also determine the likely validity of the generalization by adding "especially when."

Parallel Universes. Similarly, "parallel universes" requires discovering multiple explanations for a person's behavior before deciding upon a single interpretation.[150] The practice requires a non-judgmental approach toward the client and oneself and isomorphic attribution (described below).[151] For the millennial student, this practice requires exercises in creativity and thinking outside the box, and ideally demonstrates the usefulness of this type of critical thought.

2. Strategy: Electronic Resources

Millennial students expect faculty members to incorporate technology into their teaching.[152] Typically, faculty members are adept at

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[146] Ahmad, *supra* note 145, at 1.

[147] *Id.* at 2.

[148] *Id.* at 2.

[149] *Id.* at 2.

[150] *Id.* at 8.

[151] *Id.* at 8.

[152] JUNCO, *supra* note 85, at 146.

course shells, such as WebCT and Blackboard, that add an online element to the class, but technology should also be used to enhance interaction.[153] To help millennial students organize information and increase the depth of their analysis, teachers should harness the millennial student's dependence on electronic and web-based resources and social media.

There are multiple web-based resources that model or facilitate outlining and the structuring of ideas. This combination of electronic format and structured thinking mechanisms is ideally suited for millennial students. For example, LexisNexis Case Map assists with case planning and allows students to link data together in order to see relationships between disparate information.[154] Wiki Spaces, designed specifically for teachers and students, allows students to write, discuss and build web pages together.[155] It provides a familiar forum for discussion. During the instruction stage of the clinic, WebQuest allows teachers to create an "inquiry-oriented lesson format in which most or all of the information that learners work with comes from the web."[156] These programs and websites allow teachers to engage students and challenge them to think independently in a comfortable medium. In this setting, they are less likely to reject new thought processes and methodologies.

Clinical teachers may also elect to take advantage of the millennial student's reliance on social media. The majority of Millennials are linked to Twitter, Facebook and other forms of social media throughout the day and, perhaps, during class time. Teachers can challenge students to use these forums to think through and promote important issues. For example, after a thoughtful discussion on the subject, how many "likes" can a student obtain on Facebook for posting an update about the lack of access to justice for low-income individuals. This type of strategy could complement larger discussions and themes throughout the semester, spreading awareness and focusing the student. To prevent ethical breaches, it is important to bookend any use of social media or digital strategies in the clinical setting with a detailed discussion on professional responsibility and obligations.

3. *Strategy: Group Work*

As previously discussed, millennial students prefer to work in group and team learning settings and to participate in group discus-

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[153] *Id.* at 152.

[154] http://www.lexisnexis.com/casemap/casemap.aspx.

[155] http://www.wikispaces.com/.

[156] http://webquest.org/

sions during class.[157] Millennials value socialization and groups are a safe environment.[158] This is not to say that students must work together to represent clients or complete tasks. Rather, independent learning elements and experiences should be integrated into group work so that independent thinking skills are developed in a comfortable setting.[159]

If students are assigned individual cases, they should also be assigned to a case team in which all members are working on a similar subject matter.[160] Faculty can also promote a team atmosphere by creating affinity groups.[161] For example, in a direct services clinic where each student carries her own housing, public benefits or disability case, the students working on housing cases are assigned to the housing team, the students working on public benefits cases are assigned to the public benefits team and the students working on disability cases are assigned to the disability team. In this way the students are allowed to define their expectations, enhance creative and critical thinking to develop individual ideas, and are motivated to learn in the comfort of the group setting.[162]

C. Goal: Self-Awareness, Reflection and Acceptance of Feedback

One summer, I asked a student to conduct initial client intake and manage case files. During each weekly check in, the student gave me a few highlights from intake, showed me a sampling of case files and reported that he enjoyed the work and was completing all of the assignments with ease. I was thrilled and praised him for his efforts. After the student had worked on the project for a few weeks, I opened the file cabinet the student was responsible for maintaining to retrieve a client's file. Instead of the rows of neatly organized client files that I expected to find, there was a large pile of intake forms and client documents strewn across the bottom of the drawer. None of the intake forms had been completed and many of the clients had not been called. When I asked the student about it, he denied any wrongdoing and acted as though this was an appropriate way to maintain client information. It wasn't until I assured him that I wasn't upset and that I wanted to help fix the situation that he explained. He said he feared letting me down. He was so worried about negative feedback that he couldn't tell me about the difficulty he was having. It became clear through our conversation that he found the client's stories over-

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[157] Monaco, *supra* note 50, at 43.

[158] *Id.*

[159] Brown, *supra* note 101.

[160] The ideal group size is 2-6 students. *See* Brown, *supra* note 101; Monaco, *supra* note 50, at 43.

[161] JUNCO, *supra* note 85, at 145.

[162] Monaco, *supra* note 50, at 43.

*whelming and he had become paralyzed without the tools to process
the upsetting information he was gathering.*

A common clinical teaching goal for students is the ability to engage in self-reflection and self-evaluation of one's own performance on a regular basis. The clinical teacher likely believes that these skills are critical to a student's ability to become a lifelong learner and critical thinker. Further, the clinic is one of the few legal settings in which time is set aside to analyze and critique performance in order to improve a student's skills. Clinical teachers expect students to reflect on their experiences and to begin to develop their own personal philosophy and style of lawyering.

When a clinical teacher encounters a student, as in the example above, the teacher may identify several potential reasons for the behavior. The teacher may assess the student as lazy, defiant, lacking in organizational skills, or suffering from anxiety.[163] Another explanation may be that the clinical teacher's traditional approaches are not effective with a millennial student, who may find the practice of reflection and the acceptance of constructive criticism very challenging. Self-reflection, which requires pausing to take stock of performance, is challenging for millennial students who demand immediacy and have short attention spans.[164] For many, the exercise of reflection may seem like "busy work" without a purpose or relationship to the end goal. Millennial students' main objective is to complete the assignment as quickly as possible. The tendency toward a fast paced approach to assignments, coupled with a perceived lack of purpose in the exercise of reflection, can lead to a lack of self-awareness.

These factors require unique strategies in order to meet the goals of reflection and acceptance of feedback. In addition to the cross-cultural lawyering skills discussed above, strategies such as the incorporation of regular and structured feedback, pre-review sessions, and critical, guided reflection may be effective.

1. Strategy: Regular and Structured Feedback

Millennial students thrive on instant gratification and frequent reward systems. The provision of quality feedback is crucial to their continued investment in the work and their learning experience.[165] For these students, regular and structured feedback is extremely important and will lay the foundation for self-reflection and critique. Feedback should take place at set points throughout the semester,

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[163] *See* Shanahan & Benfer, *supra* note 14.

[164] Hartman, *supra* note 44, at 25; Barnes, *supra* note 38, at 2; Wilson, *supra* note 41, at 9; Berenson *supra* note 13, at 54.

[165] Brown, *supra* note 101. *See also* Zaslow, *supra* note 57.

such as mid-semester and end of semester, and in real time immediately following a performance or task.[166] The timely and regular feedback will keep millennial students engaged and motivated. However, clinical teachers should only provide positive feedback when it is warranted and coupled with substance and structure. Otherwise, a "trophy" mentality may be reinforced and students may grow suspicious of the value of the feedback.

The goal of feedback should be to shift the discussion from one in which the faculty member shares information on the performance to one in which the primary goal is for the student to learn and practice self-critique in order to deepen and expand learning through "self-generated observations."[167]   The student should assume the role of critical observer with the teacher.[168]   This role requires the student to self-critique and to lead the evaluation in order to encourage self-reflection, self-awareness, and patience.[169] Structure in the feedback process is important because it makes the self-assessment a primary focus of the work and assignment, as opposed to an afterthought.[170]

As an example of feedback that encourages self-critique and self-awareness, Beryl Blaustone proposes a six-step model of feedback.[171] The model can be applied to isolated performances, such as a client interview, or to an evaluation of the student's entire semester. The evaluation can be divided into an evaluation of strengths and an evaluation of challenges. The student takes ownership over the discussion and controls the content of each stage. Ideally, the student begins the evaluation by identifying strengths in their performance and the clinical teacher responds solely to the items raised by the recipient. Once agreement is reached on the strengths the student raised, the clinical teacher may identify additional strengths. Next, the student identifies difficulties he or she has encountered and proposed changes to overcome them. The clinical teacher responds solely to the difficulties raised. Once agreement has been reached, the clinical teacher can indicate additional challenges for discussion.

Throughout feedback sessions, it is critical that both the clinical teacher and student be precise. Participants should use concrete ex-

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[166] Monaco, *supra* note 50, at 43.

[167] Beryl Blaustone, *Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 CLINICAL L. REV. 143, 152 (2006-2007).

[168] *Id.* at 153.

[169] George, *supra* note 49, at 29 ("Self-assessment also plays an important role in the learning process. Self-assessment requires students to be aware of their learning and monitor it to make adjustments. It also forces students to consider metacognition as it applies to a particular class and learning process, rather than on a general level. . .")

[170] *Id.* at 153.

[171] *Id.* at 155-159.

amples to describe behavior. For example, the participants should attempt to quote statements made or describe behaviors in details.[172] Clinical teachers should obtain agreement on the accuracy of statements before discussing ways to improve and identify next steps.

2. Strategy: Performance Pre-review Sessions

For some millennial students, whose sense of worth is closely linked with positive feedback and reward, negative feedback may be devastating. Similarly, self-critique before a supervisor who is evaluating the student may be extremely difficult and not feel "safe." In these situations, it may be beneficial to allow the students to participate in a "pre-review session" prior to a mid-semester or final-semester evaluation. This model of evaluation is derived from the mentor programs in the business setting, in which employees meet with their mentors in preparation for their performance evaluation. As in the business setting, during the pre-review session in the clinic, the student can practice self-evaluation and air any frustrations they have about the clinic experience.[173] A neutral third party (for example, a clinical teacher from another clinic, a mentor or a faculty member with whom students identify) who agrees not to disclose any identifying information to faculty holds pre-review sessions. During the session, the third party plays the role of an evaluator and provides feedback to the student on their ability to self-critique. The third party may also help the clinic student process any frustrations they might have with the clinical experience. This exercise often shifts student attitudes about evaluation and increases comfort with self-evaluation.

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[172] David Binder and Carrie Menkel-Meadow, *Critiquing a Participant's Performance* (1980) (When providing negative feedback, obtain agreement about what happened, obtain agreement about what would be effective, inquire about the deviation from the standard, correct the performance.) For additional recommendations on providing feedback specific to millennial students, *see* Monaco, *supra* note 50, at 43.

[173] Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 CLINICAL L. REV. 37, 60 (1995). *See also* Jennifer Howard, *Learning to "Think Like A Lawyer" Through Experience*, 2 CLINICAL L. REV. 167, 185 (1995) ("What many of us finally settled on was the equivalent of 'no feedback meant good feedback' and the assumption that they (the supervisors) would step in if we were about to commit malpractice. The trouble with this line of thinking is that I suspect it is not entirely accurate."); Susan K. McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 CLINICAL L. REV. 255, 278-79 (2009) (As the deadlines approach, supervisors could ease pressure by checking with the Millennials about their progress. Sometimes externs think they will meet deadlines, but they are not factoring in time for sufficient editing and proofing. Faculty and site supervisors should talk to Millennials about checking details carefully, including mechanical aspects of writing such as grammar, typos, punctuation, spelling, and citation.).

3.   Strategy: Critical Reflection

A student's "capacity for self-direction is dependent on their ability to be self-aware and to reflect on the implications of their experiences for future actions."[174] Through critical self-reflection, the student gains insight into the experience reflected upon and lessons to apply in the future.[175] Critical reflection, as described by Jane Aiken and Fran Quigley, is designed to assist adult learners in confronting "disorienting moments" that do not conform to the student's pre-existing understanding of life experience, how the world operates and how people behave.[176]

A structured exercise, such as journals or critical experience assessments, that guide the student through the reflective process, can provide millennial students with guidelines and expectations for "self-reflection," unlike an abstract request. The reflection helps students to identify "disorienting moments" by first describing the activity that may have surprised the student or an event that did not happen as expected. Once the student has identified the "who, what, when, where, and how" with specificity, the student should discuss their thoughts and any questions they had during the moment described. Then, the student should discuss anything that surprised him, any deviation from his expectations, and any feelings experienced during the activity or moment and why. The student should be asked: what made the moment disorienting? For example, what about the student's own experience led him to expect something different than what happened and what were his assumptions? The student should be encouraged to juxtapose his assumptions against the lived experiences of the other participants. Finally, the student should discuss how he might apply the lessons from the experience.[177] This critical reflection exercise coaches the millennial student through reflection and provides the student with a framework for future reflection.

D.   Goal: Timeliness and Professionalism

> *Over the last few semesters, I can think of at least five students who had difficulty meeting deadlines. The first student was overextended, prioritized other obligations over clinic work and underestimated the amount of time clinic work would take. The second student, who was extremely committed to her clinic work, put a great*

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[174] Quigley, *supra* note 173, at 50. For an additional discussion of reflection, *see* Newbern & Suski, *supra* note 19, at Part IV.C.

[175] *Id.* at 51.

[176] *Id.* Jane Harris Aiken, *Striving to Teach "Justice, Fairness, and Morality,"* 4 CLINICAL L. REV. 1 (1997).

[177] This process is described in Ahmad, *supra* note 145, at 5-6.

*amount of pressure on herself to produce perfect materials and work
product. I often had to tell her to stop working and turn in the docu-
ment as is. The third student did not know where or how to start and
procrastinated until just before the deadline, which almost always
meant he wouldn't finish on time. The fourth student thought he was
turning in completed assignments at the deadline, even though they
were not up to professional standards. The fifth student met the first
and second draft deadlines but after I heavily edited the second draft,
she missed the third deadline and then turned in a version of the doc-
ument that was, for the most part, unchanged. Each of these students
lacked timeliness and professionalism but for very different reasons.*

Clinics cannot represent clients, contribute to public policy or
plan appropriately if the primary representative—the student—is not
dependable and timely. The consequences of unplanned delay could
be devastating to clients and the reputation of the clinic. Moreover,
an untimely and unprofessional lawyer will not likely advance in his or
her legal career. Thus, timeliness and professionalism are critical
traits among clinic students and often among the desired student goals
identified by the clinical teacher.

Yet, as discussed above, millennial students may become over-
whelmed by the great responsibility and independence of the clinic.
They may find it impossible to meet deadlines or become apathetic
and chafe at deadlines.

Among the generational factors at play in the example above is
the millennial student's tendency toward multitasking and moving
quickly through the task at hand without thinking about her long-term
plan or anticipating variables that could prevent her from meeting
deadlines. The Millennial is accustomed to receiving frequent remind-
ers and guidance from adults and may expect such time tracking from
supervisors. The millennial student also has high expectations of her
ability to succeed and achieve greatness.[178] Thus, failure is a foreign
concept and a millennial student may be stunned when her perform-
ance, even if it includes lack of timeliness and professionalism, does
not result in high praise.[179]

Further, the clinical teacher's response to the student's lack of
timeliness and professionalism may be a contributing factor to the sit-
uation.[180] For example, if the clinical teacher intervenes or removes
the case from the student in order to meet external deadlines and
avoid harm to the client or community the clinic serves, the student
may become devastated, see the intensive supervision as punitive, and

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[178] Hartman, *supra* note 44, at 24.

[179] Monaco, *supra* note 50, at 43.

[180] Shanahan & Benfer, *supra* note 14.

"shut down" or resist the supervisor's assistance. Similarly, the student may find fault in the supervisor or clinic structure and share his or her views with other clinic students, thereby "poisoning the well." This combination of factors leads to a situation that may be counterintuitive for many clinical teachers, who instinctively act to protect a client. Further, this combination of factors, and especially the particular millennial traits, may suggest a strategy contrary to those suggested by previous clinical teaching analyses.[181] Thus, generational understanding may help identify more effective strategies for the situation.[182]

1. Strategy: Gateways and Coaching

One strategy is for the clinical teacher to replace deadlines, which students may view as arbitrary if frequent explanations are not provided, with "gateways." Gateways create opportunities for multiple "awards" throughout the semester, provide for expectation setting and are a recognizable frame for millennial students. Millennial students are taught they are "winners" for participating and are accustomed to receiving awards for participation.[183] Gateways and coaching are a way to teach students to self-reward.[184] In this strategy, early on in the semester, clinical teachers describe deadlines in the form of "gateways." Each gateway has clearly defined and understood criteria and rules that must be followed prior to "passage." For example, a gateway might include "interviewing the client" and prior to passage through the gateway, the student must complete a post-interview memorandum and debrief with the supervisor. The student may not skip a gateway and must pass through each gateway in order to move onto the next. Thus, a student cannot pass through the "submit case plan" gateway without passing through the "conduct legal research" gateway first. Each gateway is coupled with a date or a set number of days by which time it must be completed. If the deadline arrives without passage through the gateway, supervisors can intervene with "coaching," (another familiar term for millennial students) as opposed to supervision.[185] Coaching requires that there be a teach-

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[181] For example, the Diagnostic Model for Adaptive Supervision might analyze this situation as a behavior of missing deadlines, and identify the contributing factor of nondirective supervision as a crucial one, leading to the strategy of being more directive with the student about deadlines, and this strategy may backfire when the millennial student perceives it as criticism and shuts down. *See* Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 CLINICAL L. REV. 505, Appendix A (2012).

[182] Shanahan & Benfer, *supra* note 14.

[183] Monaco, *supra* note 50, at 42.

[184] *Id.* at 44.

[185] Students are familiar with coaches due to their extensive participation in extra-cur-

ing relationship in which the supervisor "knows the team, identifies the strengths and skill gaps, places people in proper roles, lays out the game plan and gives feedback constantly and consistently for improvement."[186] This differs from traditional supervision because it is a team mentality as opposed to a top down authoritative approach.

2. Strategy: Setting Expectations

The millennial student needs to know the "why" behind any assignment, policy and practice. It is important to set clear expectations throughout the semester by communicating the ultimate outcome, the purpose of their work and how it fits into the larger goal.[187] This responds to the Millennial's need for clarity, shared ownership and independence within the confines of boundaries and guidelines.

Many of the strategies described above effectively set expectations. The use of gateways helps to set explicit expectations early on in the semester. The strategy of transparency, especially when discussing the reasoning behind the expectation and the consequences for not meeting it, is an effective corollary strategy.

Expectation setting requires explicit communication of expectations at the outset of the semester. This may be done through course materials, the clinic manual, an orientation session, and feedback at "gateways" in the student's case representation. The transparency strategy discussed earlier is layered on top of setting expectations: as a general matter, the clinical teacher is explicit about why she is doing what she is doing. For example, the clinical teacher could set the expectation that issues arising in a case team must be discussed among the students before they are discussed with the supervisor. In addition, the clinical teacher could explain in the orientation session that she is doing this because a goal for the clinic is for students to develop collaboration skills, and requiring them to attempt to resolve their own issues will develop these skills.

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ricular activities. RON ALSOP, THE TROPHY KIDS GROW UP: HOW THE MILLENNIAL GENERATION IS SHAKING UP THE WORKPLACE (2008). For information on coaching strategies, *see* BRUCE TULGAN, NOT EVERYONE GETS A TROPHY: HOW TO MANAGE GENERATION Y 162 (2009). *See* Simone E. Volet, *Modelling and Coaching of Relevant Metacognitive Strategies for Enhancing University Students' Learning*, 1 LEARNING AND INSTRUCTION 319 (1991); Karla Mari McKanders, *Clinical Legal Education at a Generational Crossroads: Shades of Gray*, 17 CLINICAL L. REV. 223, 226 (2010); Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the MTV/Google Generation*, 54 LOY. L. REV. 775 (2008); Susan K. McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 CLINICAL L. REV. 255 (2009).

[186] Yuva, *supra* note 12, at 23.

[187] *Id.*

D. Goal: Enhanced Communication Skills

> *Prior to meeting the client, my student conducted extensive re-*
> *search on the information he would need to gather from the client in*
> *order to meet the burden of proof in the case. When he met his client*
> *for the first time, he was very focused on obtaining that information*
> *and started the interview by immediately asking pointed questions.*
> *The client, who seemed uncomfortable and uncertain about the stu-*
> *dent, changed the subject to baking and her favorite recipes every*
> *time the student asked a question that required discussing personal*
> *information. The student became frustrated and didn't know how to*
> *communicate with the client who was—for him—becoming increas-*
> *ingly difficult to work with.*

The ability to communicate effectively underlies every aspect of clinic participation and effective legal practice. Effective communication skills, including oral, written and interpersonal skills are foundational to individual and organizational success.[188] When representing clients, students must be able to understand their client's concerns and engage in isomorphic attribution[189] in order to develop the attorney-client relationship. They must be able to listen carefully to the client and other parties in order to conduct fact investigation and interviewing; they must know their audience and alter their writing and presentation style accordingly; and their oral advocacy must be persuasive, thoughtful and on point. When speaking to a group, students must be able to clearly explain the purpose of their presentation, present in a style familiar to the audience, communicate major points in a concise fashion, listen to reactions and tailor responses to meet concerns.

Yet, the clinical teacher is likely to encounter situations where a student is not effectively communicating, such as the one described above. The situation may include misunderstandings between the client and the student, between multiple students, or between the student and the clinical teacher. If the student is a Millennial, the teacher's response to the situation may be guided by an understanding of millennial traits and strategies.

Oral communication can be extremely challenging for millennial students, who are accustomed to communicating briefly and spontaneously via instant messenger, e-mail or text message. Many members of the Millennial Generation describe electronic communication as more comfortable and preferable to in person interactions because they are sheltered from the visual reaction of the recipient.[190] As a

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[188] *Id.* When asked, "what are the three most important things you have learned to perform your role as an executive?" CEOs from 5000 US companies across a wide range of industries and sizes ranked communication as number one. *Id.*

[189] Bryant, *supra* note 142.

[190] JUNCO, *supra* note 85, at 56. Newbern & Suski, *supra* note 19, at Part IV.E offer

result, they may not be attuned to non-verbal communication cues and may have difficulty with interpersonal communication. These factors may result in a breakdown in communication or a misunderstanding between the clinical teacher and student, the student and client, or between students.

Clinical faculty are left with the task of teaching millennial students to communicate more effectively by helping them process information in a variety of ways. This training is foundational to a student's ability to navigate the diversity of communication styles and cultures that exists in the workplace and legal system.[191] Teachers must help Millennials move "toward a more audience-focused orientation and away from a primary focus on themselves."[192] Strategies for accomplishing this goal include style-flexing, isomorphic attribution, public performance and detailed feedback on written materials.

1. Strategy: Style-Flexing and Style-Typing

Ambiguity is inherent in language and communication.[193] Meaningful communication and linguistic understanding only occurs when individuals interact and assign the same meaning to language.[194] "Style-flexing" and "style-typing"[195] is premised on the idea that communication is an interactive process that can be "accomplished by improving the 'fit' between communication styles of senders and receivers. Ideally, one should adapt his or her communication style to the various communication styles present."[196] By teaching millennial students to understand their own communication style and the preferred style of others, which may not be the same as their own, clinical faculty can deepen the student's understanding of the communication process and increase their comfort level.

The strategy of style-flexing and style-typing is premised on key assumptions: everyone uses a blend of communication styles, most people have a dominant style, styles are observable and identifiable,

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some additional communication strategies.

[191] Hartman, *supra* note 44, at 25.

[192] *Id.*

[193] Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. Rev. 999, 1032 (2007) (*citing* Ron Scollon & Suxanne Wong Scollon, Intercultural Communication 6-10 (2d ed. 2001).

[194] Ahmad (UCLA), *supra* note 193, at 1032 (*citing* John J. Gumperz, Discourse Strategies 5 (1982)).

[195] The style-typing and style-flexing concepts were first developed in 1975 and have been modified for use in business and other highly communicative settings. *See* Hartman, *supra* note 44, at 29 (*citing* Mok, P., *Interpretation manual for communicating styles and technology* (Training Associates Press 1975)). For a sample communication survey and exercises to administer in the clinical setting, *see* Hartman, *supra* note 44.

[196] Hartman, *supra* note 44, at 27.

most people respond to communication in their dominant style, it is possible to alter one's own style to another's, and there is not a best style of communication.[197]

Communication styles are divided into four categories: analytical, driver, amiable, and expressive.[198] The analytical communicator is not very assertive or responsive and is often in the background. The analytical communicator asks "why" questions with the goal of working within a system.[199] The driver communicator is assertive and not responsive to differing viewpoints. The driver asks "what" questions with the goal of obtaining results.[200] The amiable communicator is supportive and respectful. The amiable communicator asks "who" questions with the goal of cooperation.[201] The expressive communicator is social, assertive and responsive and asks "how" questions with the goal of creating alliances.[202]

A dimension modifies each category: assertiveness, responsiveness, priority, and pace.[203] Everyone uses a combination of communication styles and dimensions.[204] Through style typing, an individual learns how to recognize his or her preferences and tendencies to determine the dominant communication style.[205]

Style flexing emphasizes reciprocity, mutual understanding and appreciation for another's communication process.[206] If the student can assess the communication styles of her listeners, she can adjust her own style in order to effectively communicate or "flex" to another style.[207] The clinical teacher can train the student to recognize styles and deliberately cater their method of communication to the listener. The clinical teacher's use of this strategy can improve the millennial student's communication skills by providing a structure for the student to understand her own communication style and others.

2. Strategy: Isomorphic Attribution

In order to effectively style-flex and communicate with multiple audiences, students must develop the ability to make isomorphic attri-

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[197] *Id.* at 29.

[198] *Id.* at 29.

[199] *Id.* at 31 ("Why do you do it that way?" "Why didn't you use this process?").

[200] *Id.* at 31-32 ("What can I do for you?" or "What is the purpose of your plan?").

[201] Hartman, *supra* note 44, at 32. ("Who agrees with your plan?" or "Who have you considered when making this proposal?").

[202] *Id.* at 32. ("How can we work with other departments to achieve our goals?" or "How can we make this happen within our allotted time frame?").

[203] *Id.* at 29.

[204] *See id.* for sample quizzes that determine style-type.

[205] *Id.* at 27.

[206] Hartman, *supra* note 44, at 27.

[207] *Id.* at 27.

butions. When two people (such as two student or a student and a clinical teacher) working on the same case differ, they have the opportunity to explore why they are giving different meaning to the same behavior and words.[208]

Isomorphic attribution is the practice of attributing "the same meaning to behavior and words that the person intended to convey."[209] To attribute meaning correctly, students must be able to identify multiple possible meanings for behavior and language.[210] At the core of this ability is the observation of nonverbal cues, which are fundamental to assigning meaning to language. Tone and physical gestures often provide us with insight into the intended meaning. An isomorphic attribution of meaning also depends on the extent to which the communicators share each other's understanding and past experiences, which give meaning to paralinguistic features (gestures/intonation).[211] Encouraging students to question whether the speaker and listener share an understanding of the meaning of a communication can lead to self-reflection and parallel universe thinking that improves their ability to communicate.

3.   Strategy: Public Performance

Millennial students are more likely to invest in their ability to communicate if they are asked to "perform" before their peers or publicly. Millennial students care deeply about their peers' impression of them. Asking students to present their work to their colleagues encourages investment in the work product and, with the support and guidance of a clinical teacher, enhances oral advocacy skills. It also provides a forum for feedback from both the supervisor and peers. Possible forums for public performance include case rounds, moots, and opportunities to run meetings or present to community members, stakeholders or collaborators.

4.   Strategy: Detailed, Written Feedback

To assist millennial students in improving their written communication skills, it is important that feedback be in writing and very explicit. Clinical teachers should connect the feedback to previously articulated and agreed upon goals, objectives and expectations. Clinical teachers using this strategy present an overarching theme in their edits and feedback in order to make it easier for the student to process and implement suggestions for improvement going forward.

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[208] Bryant, *supra* note 142.
[209] *Id.* at 56.
[210] *Id.* at 56.
[211] Ahmad, (UCLA) *supra* note 193, at 1037.

Feedback should also direct students to work on improvements one objective at a time.

I. CONCLUSION

Millennial students are drawn to the clinical setting because they want, and flourish under, individual attention and support.[212] As clinicians, we have both the responsibility to meet the challenges presented by new millennial learners and the duty to impart what we have learned—and how we have become successful—to the next stewards of social justice and society, our students. To meet this responsibility, we must be intentional in our teaching, which includes understanding the factors in the clinical environment.[213] To achieve this structured, intentional approach to teaching, we should consider the generational traits of our millennial students and follow tailored strategies that will reach these students.

With an understanding of generational traits and the strategies presented in this article, legal educators can harness the extraordinary potential of the millennial student. In the words of the Millennials themselves, "These are difficult times. But this is also our time."[214] As legal educators, we must challenge ourselves to train this generation of lawyers to become the best legal minds of our time and to apply their visionary capacity and leadership to achieving a future free of social injustice and inequality. After all, if any generation can do it, the invincibles can.

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[212] Kosuri, *supra* note 19, at 218-219.
[213] Shanahan & Benfer, *supra* note 14.
[214] http://younginvincibles.org/about/