HEINONLINE

TRANSLATING THE VALUES OF CLINICAL PEDAGOGY ACROSS GENERATIONS

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Clinical teaching is a Baby Boomer. After an extended infancy, it came of age in the 1960s. It challenged the entrenched isolation and aloofness of law school by questioning the very methods by which law is taught. Channeling the Boomers' cultural tenets of dismantling hierarchy, fostering collaboration, and advocating for social change, it shook off legal academia's suit and tie and rolled up its sleeves, bringing the community into the classroom and putting the university to work. These Boomer-era values are reflected in clinical teaching's enduring core principles of non-directive teaching, reflective practice, close and immediate supervision, learning from experience, and a commitment to social justice.

In clinical education's formative years, teachers, students, and pedagogy were sympathetically aligned. All came from the same generational neighborhood and brought similar perspectives on the purposes of education, work, and advocacy to the clinic. Today, generational diversity is the norm. Baby Boomers mentor Generation X colleagues in the teaching of Millennial students. Generational variety brings a multitude of differing approaches to clinical pedagogy. There is no longer a presumptive unity between social and pedagogical perspectives. Clinical teachers and students must now mind the generational gap.

INTRODUCTION

Modern clinical legal education was born "in the social ferment of the 1960s"[1] and "challenged the previous isolation and aloofness of

1 PHILIP G. SCHRAG & MICHAEL MELTSNER, REFLECTIONS ON CLINICAL LEGAL EDUCATION 3 (1998).

campus life" by bringing the outside world into the classroom.[2] Many of the most basic tenets of clinical education – non-directive teaching, reflective practice, close and immediate supervision, learning from experience, and a commitment to social justice – were a natural fit for teaching by and for Baby Boomers. Time waits for no one, however, and we are now more than one generation past the 1960s. With the arrival of Generation X and Millennial students and professors, clinical legal education is now a generational potpourri, reflecting a multitude of different approaches to teaching and learning.[3]

This article argues that effective clinical teaching now requires consideration of generational difference as a category of cultural difference that—like other forms of diversity—can influence the effective communication of ideas. It is based in the authors' shared experience as members of Generation X, but when presenting this material we have found that it resonates with members of every generation. Some clinicians of every age are feeling a breakdown in relationships with today's law students and are wondering whether clinical teaching simply does not resonate with the Millennials.[4] This article concludes that any perceived clash over the core values of clinical pedagogy is at heart only miscommunication about values about education and work that are likely shared. To overcome this potential source of miscommunication, clinical teachers must understand the generational assumptions at work and treat generational difference like other forms of cultural diversity, i.e., carefully and thoughtfully.[5]

The article proceeds in four parts. Part I draws on cross-cultural lawyering literature to define "culture" and locates generational difference within that construct. This part also considers the difficulties of assigning values and traits to a group of people united only by their

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[2] Michael Lounsbury & Seth Pollack, *Institutionalizing Civic Engagement: Shifting Logics and the Cultural Repackaging of Service-Learning in U.S. Higher Education*, 8 OR-GANIZATION 319, 323 (2001).

[3] Emily A. Benfer & Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 CLINICAL L. REV. (2013); Praveen Kosuri, *Clinical Legal Education at a Generational Crossroads: X Marks the Spot*, 17 CLINICAL L. REV. 205, 215 (2010); Minna J. Kotkin & Dean Hill Rivkin, *Clinical Legal Education at a Generational Crossroads: Reflections from Two Boomers*, 17 CLINICAL L. REV. 197, 199 (2010); Karla Mari McKanders, *Clinical Legal Education at a Generational Crossroads: Shades of Gray*, 17 CLINICAL L. REV. 223 (2010); Stephen F. Reed, *Clinical Legal Education at a Generational Crossroads: A Self-Focused Study of Self*, 17 CLINICAL L. REV. 243, 252 (2010).

[4] The ideas in this article were presented at the 2012 AALS Clinical Legal Education Conference, the 2012 Tennessee Alliance for Legal Services Equal Justice University, and a faculty workshop at Mercer University Law School. In all three settings, the audience response was overwhelmingly something along the lines of, "I thought I was the only one who felt this way!"

[5] These observations are equally relevant to the attorney-client relationship.

birth years and shared historical experience. It concludes that, despite many necessary caveats, there is value in considering generational perspective, particularly in the areas of education and work. Part II identifies some of the perspectives of the three generations teaching and learning in law school clinics today—the Baby Boomers, Generation X, and the Millennials—specifically with regard to education and work. Part III describes how these differing perspectives may appear to conflict with five core values of clinical pedagogy: a commitment to social justice,[6] learning from experience,[7] non-directive teaching,[8] reflective practice,[9] and the close and immediate supervision relationship.[10] It concludes that this apparent clash is rooted in inaccurate generational assumptions and not in a conflict over the values themselves. Part IV offers strategies for communicating clinical values in a way that overcomes these misunderstandings, with some special tools for Millennial students. Drawing on the influential work of Sue Bryant and Jean Koh Peters on the habits of cross-cultural lawyering, this Part advocates for applying the habits to generational differences in the teacher-student relationship.

I.   GENERATIONAL DIFFERENCE AS CULTURAL DIFFERENCE

Generational difference falls within the construct of culture discussed in cross-cultural laywering literature. Cross-cultural lawyering literature defines culture, "not in the anthropological sense, but rather, in the sense of differences between individuals that are related to different backgrounds, value systems, religions, classes, ethnicities, races or other factors that contribute to a person's experiences of the world."[11] Culture is what imbues us with "values, attitudes, and norms of behavior."[12] This concept of culture is intentionally broad.[13] It reflects the notion that personal norms may derive from sources as va-

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[6] *E.g.*, David Barnhizer, *The Justice Mission of American Law Schools*, 40 CLEV. ST. L. REV. 285 (1992).

[7] *E.g.*, Ann Shalleck, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 N.Y.U. REV. L. & SOC. CHANGE 109 (1993–1994).

[8] *E.g.*, Harriet N. Katz, *Reconsidering Collaboration and Modeling: Enriching Clinical Pedagogy*, 41 GONZ. L. REV. 315, 319 (2005–2006).

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

[10] Kathleen A. Sullivan, *Self-Disclosure, Separation, and Students: Intimacy in the Clinical Relationship*, 27 IND. L. REV. 115, 118–29 (1993).

[11] Antoinette Sedillo Lopez, *Making and Breaking Habits: Teaching (and Learning) Cultural Context, Self-Awareness, and Intercultural Communication Through Case Supervision in a Client-Service Legal Clinic*, 28 WASH. U. J.L. & POL'Y 37, 39 (2008).

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

[13] *Id.* at 41; Lopez, *supra* note 11, at 39.

ried as birth order, sexual orientation, gender, and ethnicity.[14] It also recognizes that "no two people can have exactly the same experiences and thus no two people will interpret or predict in precisely the same ways. Culture is enough of an abstraction that people can be part of the same culture, yet make different decisions in the particular."[15]

The cultures with which we identify "give [us] the tools to interpret meaning from behavior and words,"[16] often unconsciously.[17] Culture is an "invisible lens" through which we measure people, communication, and behavior.[18] Therefore, many scholars—including Sue Bryant, Jean Koh Peters, Antoinette Sedillo Lopez, Michelle Jacobs, and Carwina Weng—stress the need for students first to become aware of their own cultural assumptions before beginning to assess their lawyer-client interactions.[19] As Weng writes, "[c]ultural self-awareness is the key because it enables us to 'recognize that as cultural beings, [we] may hold attitudes and beliefs that can detrimentally influence [our] perceptions of and interactions with individuals who are ethnically and racially different from ourselves."[20] Developing cultural self-awareness makes the "invisible more visible."[21] Recognizing cultural influence allows us to correct assumptions and avoid misjudgment.[22]

Generational membership falls into this understanding of culture. A generation is a "group, or cohort, who shares birth years, age, location, and significant life events at critical developmental stages."[23] Just as we may develop distinct points of view because of our experiences as members of a particular ethnic or social group, so too may our worldviews be shaped by the age at which we experience signifi-

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[14] Bryant, *supra* note 12, at 41.

[15] *Id.*

[16] Sue Bryant & Jean Koh Peters, *Five Habits for Cross-Cultural Lawyering, in* RACE, CULTURE, PSYCHOLOGY, & LAW 47, 48 (Kimberly Holt Barrett & William H. George eds., 2005).

[17] Bryant, *supra* note 12, at 40.

[18] *Id.*

[19] *Id.*; Bryant & Peters, *supra* note 16, at 47; Michelle S. Jacobs, *People from the Footnotes: The Missing Element in Client-Centered Counseling*, 27 GOLDEN GATE U. L. REV. 345 (1997); Jean Koh Peters, *Habit, Story, Delight: Essential Tools for the Public Service Advocate*, 7 WASH. U. J.L. & POL'Y 17 (2001); Lopez, *supra* note 11; Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 CLINICAL L. REV. 369 (2005).

[20] Weng, *supra* note 19, at 372 (quoting AM. PSYCHOLOGY ASS'N, GUIDELINES ON MULTICULTURAL EDUCATION, TRAINING, RESEARCH, PRACTICE, AND ORGANIZATIONAL CHANGE FOR PSYCHOLOGISTS 17 (2002), *available at* http://www.apa.org/pi/oema/resourc es/policy/multicultural-guideline.pdf).

[21] Bryant, SUPRA note 12, at 40.

[22] *Id.* at 43.

[23] Betty R. Kupperschmidt, *Multigeneration Employees: Strategies for Effective Management*, 19 HEALTH CARE MANAGER 65 (Sept. 2000).

cant cultural, political, or social events. People who lived through the Great Depression likely have a different perspective on wealth and economic responsibility than do those whose peak working years fell in the economic boom of the 1990s. Those who were children on September 11, 2011, recall its events and aftermath differently than those who were adults. Experiences like these form generational perspective and influence and affect perception subconsciously. Like other aspects of culture, generational perspective may cause us to identify more readily with others who share our view and may cause us to misunderstand the behaviors and words of other generations' natives.

Some scholars have voiced reservations about whether generation is a definable social category with attributable traits.[24] "To accept generational thinking, one must find a way to swallow two large assumptions. That tens of millions of people, born over about 20 years, are fundamentally different from people of other age groups—*and* that those tens of millions of people are similar to each other in meaningful ways."[25] It may be that what we perceive as generational characteristics are really just the characteristics of age. If each generation takes on a particular identity, is that the result of its members' place in history or because cultural reporters have reached the life stage at which they are intrigued by comparison of their own cohort to the one that follows? More significantly, even if one accepts that a generation is a definable social category, most generational studies are flawed by their focus on a generation's white, middle-and-upper-class members to the exclusion of racial minorities and persons of lower socioeconomic status.[26]

Yet these same problems of attributing traits may exist when applied to any cultural category. The individual impact of gender, race, or ethnicity is not the same for everyone. Multiple distinct aspects of cultural difference shape each individual. Understanding cultural difference in a meaningful way requires a nuanced and individualized inquiry.[27] Including generational perspective as an element of culture provides another lens for that task.

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[24] Eric Hoover, *The Millennial Muddle: How Stereotyping Students Became a Thriving Industry and a Bundle of Contradictions*, CHRON. HIGHER EDUC., Oct. 11, 2009, *available at* http://chronicle.com/article/The-Millennial-Muddle-How/48772/.

[25] *Id.*

[26] Virtually all generational studies focus on people who go to college and pursue white collar jobs. THOMAS C. REEVES, DO GENERATIONAL DIFFERENCES MATTER IN INSTRUCTIONAL DESIGN? 4 (2008), *available at* http://it.coe.uga.edu/itforum/Paper104/Reeves ITForumJan08.pdf.

[27] Bryant, *supra* note 12, at 41.

II. Generational Perspectives on Education and Work

Schools and the workplace provide fertile ground in which to consider generational perspective. People tend to advance through school and work with their generational cohorts, and both areas offer certain constants that allow for comparison across generations. Looking at generational perspective in the areas of education and work is also particularly relevant to the context of clinical pedagogy, which combines the two as a discipline.

A. The Baby Boomers

Of all the generations, the Baby Boomers are the most studied, the most consistently identified with particular generational characteristics, and the most willing to promote their own generational categorization.[28] The Boomer story is well-known and widely (self-) propagated. Boomers are the more-than-seventy-six-million babies born in the post-World-War-II economic expansion. Despite the necessary heterogeneity of a generation so large—and a generation defined, in part, by unique self-expression—the Boomers self-identify with a relatively uniform cultural portrait. They define themselves by coming of age through the Civil Rights movement, the Kennedy and King assassinations, and the Vietnam War.[29] They are hippies turned

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[28] Researchers hypothesize that, because of the sheer number of their cohort and because of the easy economic times in which they were raised, Boomers "think of themselves as the stars of the show," and "pursue[ ] their own personal gratification uncompromisingly, and often at a high price to themselves and others." ZEMKE ET AL., GENERATIONS AT WORK: MANAGING THE CLASH OF VETERANS, BOOMERS, XERS, AND NEXTERS IN YOUR WORKPLACE 66–67 (1999). This includes a devotion to self-advancement of all forms, vesting personal identity in work and working with unusual drive and dedication. Susan A. Johnson & Mary L. Romanello, *Generational Diversity: Teaching and Learning Approaches*, 30 NURSE EDUCATOR 212, 213 (2005). As young adults, they challenged authority on every level, fighting to dismantle hierarchy and create community in personal and professional relationships. ZEMKE ET AL., *supra*, at 81. As professionals, they have taken both that belief in the possibility of creating positive change and the drive that accompanies working for such change into the workplace. Boomers are also devoted to self-improvement, focusing on spirituality and self-reflection, and connecting daily work to a larger societal goal. *Id.* at 68. They still believe that they can change the world and, even as they become the authority figures against whom they once rebelled, still believe it is their leadership that is needed to effect this necessary change. Johnson & Romanello, *supra*, at 213. For a discussion of the Baby Boomer, Gen X and Millennial Generations, *see generally* Benfer & Shanahan, *supra* note 3, at Part II.

[29] PEW RESEARCH CTR., FROM THE AGE OF AQUARIUS TO THE AGE OF RESPONSIBILITY 6 (2005). Baby Boomers spent their childhoods in the economic optimism of the 1950s and 60s, an era in which children were, for the first time, "in the spotlight," prized as the tangible fruit of military victories and national strength. ZEMKE ET AL., *supra* note 28, at 66. From the two major events of social upheaval marked their coming of age, the Civil Rights Movement and the Vietnam War, they took on political activism as a generational talisman, realized, in part, through the national student protest movement and its eruptions in conflict at Kent State, Berkeley, Chicago, and elsewhere. Johnson & Romanello, *supra*

yuppies, the Me Generation marching from the sit in to the yoga retreat, the ones who did not trust anyone over thirty until they got there themselves.

1. The Baby Boomers in Higher Education

Boomers see the university as a convening point for their generation and a locus of action for social change. From The Children studying nonviolent protest in Tennessee[30] to students sitting in for academic freedom in California, Boomer activism began on campus. The university was both laboratory and headquarters for bringing change to the world.[31]

These movements were based on a fundamental belief in student independence and leadership. Boomers wanted their universities to support them in achieving their own goals in their own ways, not to impart wisdom and direction through traditional academic channels. Boomer students rejected the guidance and support of the "old left," chalking up their teachers' prior efforts toward similar social goals as failed academic experiments. Instead, the students prized experience over theory and sought to bring the struggles of groups "outside the system" into the classroom,[32] turning educational energy to working for the "truly dispossessed."[33] They deconstructed hierarchies, put their bodies upon the gears of education, and demanded the tools they needed to effect immediate and meaningful social change.[34]

2. The Baby Boomers at Work

As Baby Boomers left school and moved into the workforce, they

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note 28.

[30] "Because there were four black schools in the Nashville area, the students' links were to each other rather than to their schools, and years later they would not identify themselves as graduates of Fisk or A&I, or Meharry or American Baptist, but first and foremost as sit-in kids." David Halberstam, THE CHILDREN 7 (1998).

[31] The work of students in the Civil Rights Movement through groups including the Student Non-Violent Coordinating Committee (SNCC) and the Congress of Racial Equality (CORE) laid the framework for student protest, emphasizing non-violent civil disobedience as the most effective way of challenging unjust laws and policies and promoting the radicalization of students by getting them out of the university and into the "field" through participation in sit-ins and protests. Seymour Martin Lipset & Philip G. Altbach, *Student Politics and Higher Education in the United States*, 10 COMP. EDUC. REV 320, 321 (1966).

[32] *Id.* at 335.

[33] *Id.*

[34] Mario Savio's famous speech at the University of California at Berkeley was a call to action for the Boomers in changing higher education: "There is a time when the operation of the machine becomes so odious, makes you so sick at heart that you can't take part; you can't even tacitly take part and you've got to put your body on the gears and upon the wheels, upon the levers, upon all the apparatus, and you've got to make it stop." Harry Mitchell Caldwell, *The Wrong Man*, TRIAL, July 2001, at 88 (book review) (quoting Mario Savio, Address at Sproul Hall, University of California, Berkley (Dec. 2 1964)).

brought along many of the values they had cultivated on campus. The fierce drive they had once applied to student activism turned Boomers into workaholics, as committed to achieving professional excellence as they had once been to changing the world. Professional achievement is central to the Baby Boomers' sense of personal identity. Boomers were expected to do better than their parents economically and did, fueled in part by the message that their success was paid for by great sacrifice from their parents' generation.[35] Their generational quest is to prove themselves worthy of that sacrifice.[36]

Boomers believe in their ability to effect change and are competitive in seeking ways to do so.[37] Striving for personal excellence in all areas, Boomers work to "build a stellar career" and attain a "title and corner office."[38] They are "confident of [themselves,] not [of] authority," and most strive for "taking charge" in the workplace, even if they want to take charge for the purpose of dismantling workplace hierarchy.[39] Boomers prize their generational work ethic, respect long hours at the office, and expect to be rewarded for personal sacrifice toward professional demands. But they also approach work with a new expectation of personal fulfillment that their parents had not assumed. Boomers wanted to "rise far and fast, but they also wanted to do great things. The opportunity to work on exciting projects that might change society or alter the future of the company is a very important reward to Boomers."[40]

Boomers sought to reshape the workplace institution just as they had upended the university. They prize excellence among equals, an idea that draws from two important premises: first, that Boomers had important contributions to make in the workplace from Day One, despite their inexperience; and, second, that their equal voice was earned and justified by their hard work and excellent job performance even as junior employees. Now, as the senior voices in the workplace, Boomers want to create a warm and humane work environment with-

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[35] ZEMKE ET AL., *supra* note 28, at 77.

[36] *Id.* at 228.

[37] *Id.*

[38] Robert Debard, *Millennials Coming to College, in* SERVING THE MILLENNIAL GENERATION: NEW DIRECTIONS FOR STUDENT SERVICES 33–45 (Robert Debard & Michael D. Coomes, eds. 2004).

[39] *Id.* This drive for personal achievement has been identified as the natural result of having to distinguish oneself among an exceptionally large peer group, but also as the manifestation of "the deep identification Boomers feel with who they are and what they achieve at work." LANCASTER & STILLMAN, WHEN GENERATIONS COLLIDE: WHO THEY ARE. WHY THEY CLASH. HOW TO SOLVE THE GENERATIONAL PUZZLE AT WORK 22 (2003).

[40] *Id.* at 83.

out obvious hierarchies.[41] They love nothing more than team work, conversation, and rolling up sleeves together to conquer a common goal.[42] But they are irritated by apparently lazy subordinates who do not share their drive for professional growth.[43] They work to foster open communication among colleagues and attempt (at least in theory) to empower their junior colleagues as they had wanted early responsibility.[44] But the Boomers trust themselves over anyone else to do the job right the first time.[45] Their junior colleagues should learn from their excellent example.[46]

B.   Generation X

In contrast to the Baby Boomers, members of Generation X have little acknowledged generational cohesion. This is, perhaps, due to the unflattering portrait painted of their group since they first arrived on the generational scene. Dubbed "Generation 13," or the "'lost,' 'ruined,' even 'wasted' generation," by elder generational theorists (read: Boomers), Xers find little in their labels to inspire self-identification.[47] Researchers describe them as a "splintery" generation, "with myriads of regional subgroups, ethnic minicultures, each thinking its own thoughts, listening to its own music, laying its own plans, and paying little heed to each other."[48] In the words of one Xer, "[w]e don't even consider ourselves a generation."[49]

The most-identified unifying characteristic of Generation X is its skepticism, largely directed at institutions from government to religion; heroes of all stripes, whom Xers have seen debunked by scandal and corruption; and Boomers.[50] As children, they watched the Challenger disaster and the Iran Contra hearings. As teenagers and young adults entering the economy, they were met with recession.[51] In their

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[41] ZEMKE ET AL., *supra* note 28, at 21.

[42] *Id.* at 243.

[43] Molly O'Leary, *Into the Future*, 55 ADVOC. 10, 11 (2012).

[44] Phyllis Weiss Haserot, *Gengagement: A Multigenerational Approach to Engagement and Retention*, L. PRAC., September/October 2012, at 44, 46.

[45] ZEMKE ET AL., *supra* note 28, at 20.

[46] Laurie Morin & Susan Waysdorf, *The Service-Learning Model in the Law School Curriculum*, 56 N.Y.L. SCH. L. REV. 561, 567 (2012).

[47] STRAUSS & HOWE, GENERATIONS: THE HISTORY OF AMERICA'S FUTURE, 1584 TO 2069, 319 (1992).

[48] *Id.* at 330.

[49] Douglas Brinkley, *Educating the Generation Called "X,"* WASH. POST EDUC. REV., Apr. 3, 1994, at 1.

[50] LANCASTER & STILLMAN, *supra* note 39, at 25.

[51] The popular ethos of Generation X is captured succinctly by the opening lines of the 1994 movie *Reality Bites*. Playing the valedictorian of her college class, Xer icon Winona Ryder addresses her peers:

And they wonder why those of us in our twenties refuse to work an 80-hour week

families, Xers were latchkey children of single-parent homes and responsible parties in families where Boomer parents worked late and shunned the hierarchy of parenthood.[52] "As a result, Generation Xers are an extremely resourceful and independent generation who count on their peers and themselves to get things done and don't hold out too many false hopes that any person or institution is going to swoop down and save them from reality."[53] They are pragmatic lone rangers, out to get what they need to succeed at work and in school on their own terms.[54]

1. Generation X in School

Generation Xers do not share the idyllic Boomer vision of the university. Generation X students came to college as consumers, intent on learning the skills they needed to create their own careers and take care of themselves in the world. "While previous generations viewed college in optimistic, humanistic terms, Generation X [was] pragmatic, and consider[ed] college to be a means to get a job."[55] Instead of a focus on larger social issues, scholars theorized, Gen X "developed an almost myopic concern with survival, both economic and psychological."[56] "They sensed early on that no one was going to hand it to them, so they must take care of themselves."[57] This sense of independence from a larger movement led to the rise of so-called "identity politics" and a focus on diversity on campus.[58]

With Generation X's self-reliance comes the expectation of freedom to work and learn on their own terms. Gen Xers are "independent problem-solvers and self-starters," who "want support and feedback, but don't want to be controlled."[59] As skeptical learners fo-

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just so we can afford to buy their BMWs. Why we aren't interested in the countercul-
ture they invented, as if we didn't see them disavow their revolution for a pair of
running shoes. But the question remains, what are we going to do now? How can we
repair all the damage we inherited? Fellow graduates, the answer is simple. The an-
swer is, I don't know.

[52] Gen Xers were uniquely left to their own devices as the first children of dual-income homes with parents who worked late and, in nearly half their families, divorced. ZEMKE ET AL., *supra* note 28, at 98.

[53] *Id.* at 26.

[54] *Id.* at 21.

[55] Jill M. Bale & Donna Dudney, *Teaching Generation X: Do Andragogical Learning Principles Apply to Undergraduate Finance Education*, 10 J. FIN. PRAC & EDUC. 216, 217 (2000).

[56] LANCASTER & STILLMAN, *supra* note 39, at 94.

[57] *Id.*

[58] Robert A. Rhoads, *Student Protest and Multicultural Reform: Making Sense of Campus Unrest in the 1990s*, 69 J. HIGHER EDUC. 621, 631 (1998).

[59] BETTINA LANKARD BROWN, NEW LEARNING STRATEGIES FOR GENERATION X (ERIC Digest No. 184. 1997), *available at* http://www.calpro-online.org/eric/textonly/docgen.asp?tbl=digests&ID=37.

cused on efficiency, "they don't want to waste time doing quantities of school work; they want their work to be meaningful to them. 'They want to know why they must learn something before they take time to learn how.'"[60] "Generation Xers want to see value and relevance in education, or they are not motivated to learn new skills. They prefer experiential learning using as many of the five senses as possible; they are independent and want to have more control over what they learn."[61] They are ambitious, but seek success on their own terms and in their own initiatives.[62] Ultimately, they focus on the educational bottom line.

2. *Generation X at Work*

Generational observers often describe Generation X's workplace values as in conflict with those of their Boomer colleagues. Where Boomers are seen as prizing collaboration and dialogue, Gen Xers are self-reliant and believe they can meet and exceed the demands of their jobs on their own schedules, without direct supervision.[63] Like Boomers, they are informal in the workplace and have a casual approach to hierarchy.[64] Unlike Boomers, this is not because they want to tear down hierarchy, but simply because they do not respect its preferences.[65] They want to be involved, they want to have a say, but they have no use for the trappings of authority.[66]

Gen Xers grew up during periods of high inflation, recession, or both, and "learned that work is no guarantee of survival, that corporations can throw you out of your job without warning, logic, or even an apology, and that entry-level work is often mindless, dull, and exhausting."[67] As young employees, Gen Xers are described as "experiencing social insecurity, rapidly changing surroundings, and a lack of solid traditions . . . distancing themselves from companies, distrustful of organizations, cynical towards the older generation."[68] They do not share the Boomers' equation of work and identity or professional success and personal fulfillment.[69]

Instead, Gen Xers are motivated to excellence by freedom, flexi-

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[60] *Id.*

[61] Bale & Dudney, *supra* note 55, at 217.

[62] BROWN, *supra* note 59.

[63] ZEMKE ET AL., *supra* note 28, at 100.

[64] *Id.* at 111.

[65] *Id.* at 101.

[66] *Id.*, at 169.

[67] *Id.* at 111.

[68] Ian N. Barford & Patrick T. Hester, *Analysis of Generation Y Workforce Motivation Using Multiattribute Utility Theory*, DEF. ACQUISITION RES. J., January 2011, at 66.

[69] ZEMKE ET AL., *supra* note 28, at 111.

bility, and independent responsibility for meaningful work.[70] Having seen their parents' long hours at the office wreak havoc on the family, Xers work hard but do not put in long hours for the sake of face time. They seek work-life balance and are not willing to sacrifice the personal for the professional. They achieve this balance by prizing efficiency in the workplace, aided by their embrace of technology. Gen Xers expect independence because they know they will get the job done. No need to talk about it further.

C. The Millennials

Then there are the Millennials.[71] Where Generation X debuted to almost universal disparagement, the Millennials swept in on a wave of unbridled acclaim. This generation would innovate, create, and, while they were at it, save the world. Their Boomer parents had raised these children with the same kind of drive and self-identification they brought to their careers.[72] Surely the result would be an exceptional generation of young people, ready to join their parents at center stage.

As they have matured as a generational cohort, however, the Millennials have slipped somewhat in the view of their elders. They are now as often portrayed (again frequently by Boomers) as over-wired, shallow thinkers, guarded from maturity by overprotective parents and approaching work with an unearned sense of entitlement, the product of an education that promoted self-esteem over actual learning.[73]

Sixty percent of Millennials believe that theirs is a unique generation, and the internet and technology are much of what define their generation's character.[74] Unlike any generation before them, Millennials can communicate entirely through the ether. Moreover, they have the world at their fingertips, all the information that the internet can contain only a Google search away. They are "digital natives," a new breed of thinker and learner coming into the professional world.[75]

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[70] *Id.* at 112.

[71] For another perspective on the Millennials, see Benfer & Shanahan, *supra* note 3, at Part III.

[72] ZEMKE ET AL., *supra* note 28, at 23.

[73] Ellen Greenberger, Jared Lessard, Chuansheng Chen & Susan P. Farruggia, *Self-Entitled College Students: Contributions of Personality, Parenting, and Motivational Factors*, 37 J. YOUTH & ADOLESCENCE 1193 (2008).

[74] PEW RESEARCH CTR., MILLENNIALS: A PORTRAIT OF GENERATION NEXT 13 (2010) [hereinafter PEW MILLENNIALS STUDY], *available at* http://www.pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf. Six-in-ten (61%) say they think of their own age group as unique and distinct from other generations. *Id.* at 5.

[75] JOHN PALFREY & URS GASSER, BORN DIGITAL: UNDERSTANDING THE FIRST GENERATION OF DIGITAL NATIVES 5 (2008).

1. The Millennials in School

Millennials' outlook on education is heavily informed by their relationships with technology, a self-esteem and outcome-based grade school curriculum, and their parents.[76] Technology is ever-present in their lives. Millennials are constantly connected to classmates, friends, and parents—even in the classroom—and communicate with them in an ongoing stream of sound bites provided by text messages, instant messaging, and e-mail.[77] Millennials have a similarly fluid and immediate relationship with information. As easily as they can text a friend to say hello, they can search for any fact they need on a moment's notice. This has caused a shift from "just in case" learning, with the goal of being prepared for any contingency, to "just in time" learning, or being able to ask the right question of a search engine to find information when it is needed. In other words, rather than learning for future contingencies by synthesizing old and new information, Millennials look for specific information when they need to have it, with the faith that it will be easily at hand.

Drawing upon the immediacy of information, Millennials cultivate wide (and perhaps shallow) bases of knowledge. They will retain information if they understand why it is immediately applicable. If it is not immediately relevant, they will note it and trust that they can find it later, when it's needed. This creates an efficient, practical learning style based in clear goals and expectation. Raised in a lower-school educational system geared toward "teaching to the test," Millennials want to know "exactly what they have to do to get an A, demand straightforward grading policies, and often will not exceed the minimum stated requirements."[78] They expect praise for effort, rather than result,[79] and believe that everyone can achieve equally, given opportunity and clear direction. They are "independent, confident, and self-reliant,"[80] but also like working in teams because working with others is efficient and fun.

Instead of challenging authority in the classroom, Millennials often seek out close mentoring relationships with teachers. They see

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[76] Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the "MTV/Google" Generation*, 54 LOY. L. REV. 775, 790 (2008).

[77] *Id.*

[78] Susan K. McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 CLINICAL L. REV. 255, 268 (2008). McClellan continues, "In class, they want to be taught to the test; at work, they want projects completely laid out for them with precise instructions for completing the work. They want rubrics." *Id.*

[79] Greenberger et al., *supra* note 73, at 1196 (noting that 66% of surveyed Millennials agreed with the statement that, if a student has "explained to the professor that she is working hard," that should be taken into account in awarding a grade).

[80] Barford & Hester, *supra* note 68, at 67.

their parents as respected friends and view teachers in the same
light.[81] They interact with teachers (and parents) as peers, with the
expectation that they are equal contributors in dialogue. Perhaps be-
cause they trust their elders, Millennials tend to work for social
change within existing systems instead of upending hierarchies. Where
Boomers might protest, Millennials are more likely to volunteer.[82]
They are also more likely to trust that authority figures tell the truth
and share their belief in working for the common good.[83]

Millennials have the same desire as Gen Xers for freedom to
work on their own terms, but they seek clear direction from their
teachers in a way that Xer predecessors did not. They ask for reassur-
ance and depend upon positive feedback to sustain motivation. How-
ever, that feedback need not come by way of face-to-face
communication. Millennials are happy to interact with teachers by e-
mail and instant message and to relegate discussion to those abbrevi-
ated formats.

True to their up-to-the-minute lifestyles, Millennials vastly prefer
action to talk in the classroom.[84] However, "active" learning by Mil-
lennials does not necessarily achieve the kind of "deep" understand-
ing—"consistent with an intention to achieve a robust, personal
understanding of the ideas and methods involved"—that a Boomer
might associate with learning through experience.[85] Instead, Millenni-
als more frequently engage in "strategic" or "surface" learning.[86] This
surface-learning strategy can be traced to two root causes, both cor-
nerstones of Millennial education. The first is the idea of teaching to
the test, or teaching Millennial students what they need to know to
achieve success through common achievement measurements.[87] The

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[81] ZEMKE ET AL., *supra* note 28, at 23.

[82] Volunteerism rose 20% among college students between 2002 and 2005. LILLIAN
DOTE, KEVIN CRAMER, NATHAN DIETZ & ROBERT GRIMM, CORP. FOR NAT'L AND CMTY.
SERV., COLLEGE STUDENTS HELPING AMERICA 3 (2006), *available at* http://www.national
service.gov/pdf/06_1016_RPD_college_full.pdf.

[83] McClellan, *supra* note 78, at 267.

[84] *Id.* at 260.

[85] Peter Goodyear & Robert A. Ellis, *Expanding Conceptions of Study, Context and
Educational Design, in* RETHINKING LEARNING FOR A DIGITAL AGE: HOW LEARNERS
ARE SHAPING THEIR OWN EXPERIENCES 100, 106 (Rhona Sharpe, Helen Beetham & Sara
de Freitas eds., 2010).

[86] Strategic learning is designed to ensure the best balance between grades and effort.
Surface learning "occur[s] when students only engage with the most immediately apparent
requirements of a task—typically, surface approaches reveal a failure to understand the
educational intentions of the teacher." *Id.* at 106. In Goodyear and Ellis's study, 16% of
the surveyed students engaged in "deep" learning; 19% engaged in "strategic" learning;
and the remaining 65% engaged in different categories of "surface" strategies. *Id.*

[87] Goodyear and Ellis point to a sense of an excessive workload and over-reliance on
"formal examination and other tests of rote learning" as common triggers for students'
surface learning, encouraging habits that are "of little use outside the academy." *Id.* at 107.

second is the prevalence of technology in Millennials' education.[88] Information is valuable to Millennials because of its "speed, accessibility, and how well it has been sorted," not its substance.[89]

Thus, teachers cannot rely on active learning itself to inspire deep thinking in their Millennial students. While Millennials crave active learning, they paradoxically also require a more directive pedagogy to reap its full benefits. This requires a delicate balance, the challenge to "scaffold but not stifle" students' abilities to structure their own learning.[90]

2. The Millennials at Work

The entry of Millennials into the workforce has spurred a cottage industry of despairing scholarship looking for rhyme or reason in this new, seemingly alien generation of employees. Boomer bosses cry that Millennials are not "willing to roll up their sleeves," have "high expectations of employers and high opinions of themselves," "require constant feedback but do not respond well to criticism," and put too much emphasis on the "life" aspect of work-life balance.[91] Millennials do not necessarily disagree with this assessment. "Nearly six-in-ten respondents cited work ethic as one of the big sources of differences between young and old. Asked who has the better work ethic, about three-fourths of respondents said that older people do."[92] Millennials are happy to work hard during working hours, but aspire for a "work/ life balance to achieve professional satisfaction and personal freedom."[93] In other words, they work to live.

In the office, Millennials are "optimistic" and "tenacious," with a

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[88] Nicholas Carr points to the "constant distractedness" that the Internet—which has always been a part of Millennials' learning—encourages as a third cause. Carr theorizes that "the Net's cacophony of stimuli short-circuits both conscious and unconscious thought, preventing our minds from thinking either deeply or creatively. Our brains turn into simple signal-processing units, quickly shepherding information into consciousness and then back out again." NICHOLAS CARR, THE SHALLOWS: WHAT THE INTERNET IS DOING TO OUR BRAINS 119 (2010). Carr also notes that hypertext, once heralded as a true innovation in Millennial learning and now omnipresent on the Internet, "substantially increases readers' cognitive load and hence weakens their ability to comprehend and retain what they're reading." *Id.* at 126. Similarly, a study in *Science* magazine found that Internet use has led to "a weakening of our capacities for the kind of 'deep processing' that underpins 'mindful knowledge acquisition, inductive analysis, critical thinking, imagination, and reflection.'" *Id.* at 141 (citing Patricia M. Greenfield, *Technology and Informal Education: What Is Taught, What is Learned*, 323 SCIENCE 69 (2009)). This results in a greater need to rely on the internet, to access again the information users do not remember.

[89] PALFREY & GASSER, *supra* note 75, at 242.

[90] *Id.* at 108.

[91] Lauren Williamson, *Mind the Gap*, INSIDE COUNSEL, Feb. 2010, at 46.

[92] PEW MILLENNIALS STUDY, *supra* note 74, at 6.

[93] *Id.*

"heroic spirit."[94] Combining the independent streak of their Generation X predecessors with their own unique desire for feedback and instruction, Millennials need supervision and structure but also expect the freedom to get the job done on their own.[95] The influence of ever-present technology shapes the Millennial's workplace. Technology helps create an "anywhere-everywhere" work habit spurred by an instinct to "treat technology as a trusted partner in life."[96] This "always-on" approach allows Millennials to engage in "bursty work," or short, sustained periods of intense productivity, interspersed with leisure activities, often including Facebook, instant messaging, and other kinds of digital "coffee breaks."[97] Millennials are "almost automatic at multitasking with technology" and are confused by the idea that multitasking might be seen as inattention to the task at hand. Often, work and leisure activities take place in a continuous flow of multitasking, just as, when they were students, Millennials took notes and instant messaged simultaneously in the classroom.[98]

III. APPARENT GENERATIONAL CONFLICT OVER THE VALUES OF CLINICAL PEDAGOGY

Drawing upon these broad-strokes generational perspectives on education and work, this Part examines some of the points at which those perspectives may clash in the setting of legal clinics. When education and work come together in the law school clinics, there can appear to be conflicts among generations over core tenets of clinical pedagogy: learning from experience, non-directive teaching, reflective practice, the close and immediate supervision relationship, and social justice. This Part will describe the conflicts with an illustrative example. It will then argue that the clash is not over the values themselves but is rooted in erroneous generational assumptions that, if recognized as a matter of cultural difference, can be overcome.

A. *Conflict in the Clinic: A Hypothetical*

Imagine a Boomer clinical teacher, Barbara, and her Millennial student, Madison.[99] Barbara has had a hard time getting through to

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[94] ZEMKE, ET AL., *supra* note 28, at 144.

[95] *Id.*

[96] Brynn Evans, *When Facebook Comes to Work: Understanding the Work Practice of the Digital Native, in* DANCING WITH DIGITAL NATIVES: STAYING IN STEP WITH THE GENERATION THAT'S TRANSFORMING THE WAY BUSINESS IS DONE 3, 7 (Michelle Manafy & Heidi Gautschi eds., 2011).

[97] *Id.* at 8–9.

[98] PALFREY & GASSER, *supra* note 75, at 244.

[99] This Section will focus on apparent conflicts over these values by providing an illustrative example, involving a Baby Boomer teacher and a Millennial student. The focus is

Madison in the clinic this semester. When classes began, Barbara asked Madison to prepare for an initial interview with a client who had ongoing problems getting her landlord to make repairs in her apartment. Barbara tried to engage Madison with a series of non-directive questions to help Madison determine how best to prepare for the interview. Specifically, Barbara wanted Madison to think about what legal research Madison needed to do before she met with the client.

But non-directive questioning did not seem to work with Madison. First, Madison told Barbara she would do legal research if Barbara thought she should, then asked what search terms Barbara might use on Westlaw to get started. After Barbara returned the question to Madison in several different ways, Madison finally said with irritation that she thought legal research prior to the interview would be busy work. How could she know what to research before she knew what the client needed from her? At this point, Barbara abandoned non-directive questioning and helped Madison put together a research plan to prepare for the client meeting. Barbara was satisfied that the research would get done, but worried that she had overreached in helping Madison (and also that Madison did not seem to be motivated to prepare for the meeting herself).

Later in the semester, the case was set for a hearing. Barbara and Madison worked together to create a preparation checklist.[100] Barbara made plans to stay late at the clinic the night before the hearing. Barbara expected that she and Madison would work late into the night to refine their arguments and plan for every contingency. Barbara looked forward to brainstorming with Madison about the final

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on these two generations is not in disregard of Generation X. Instead, the focus is on Boomers and Millennials because Generation X stands largely as a transition generation, with one foot in the Boomer values of hierarchy change and social justice (though with an emphasis on diversity and identity politics) and the other in the independence and immediate communication styles of the Millennials. Xers' own clinical teachers were probably Boomers, and so their first exposure to clinical pedagogy was likely through the Boomer lens. On the other hand, they came of age (or went to graduate school) with the internet and have met each new form of technology with their disposable income dollars. Importantly, when Xers were clinic students, the clinics in which they enrolled were increasingly recognized as integral parts of the law school curriculum, no longer outposts of radicalism in the academy but tasked with imparting valuable lawyering skills to students. In varying degrees, therefore, Boomer and Millennial values may resonate or be in discord with the values of Generation X. As clinical teachers, Xers are vulnerable to generational miscommunication on all sides, with their senior colleagues and their students. Conversely, they are also most easily able to serve as "interpreters" between the Boomers and the Millennials. Gen Xers hold a unique place in today's clinics as a potential conduit for transmitting the core values to the next generation of students.

[100] Prof. Dan Nagin added his teaching experience to the construction of this hypothetical.

details of the case and sharing in the experience of preparing to fight the good fight. Such meetings were among Barbara's favorite aspects of being a clinical teacher.

Barbara was sorely disappointed, then, when Madison announced at 6:00 p.m. that she had completed everything on then checklist and was leaving to go for a run and get a good night's sleep. Barbara again tried non-directive questioning to spur what she saw as Madison's flagging enthusiasm about the case. She offered a series of hypotheticals about what the judge might ask, trying to inspire Madison to be ready for any potential pitfalls. Madison answered each question by pointing to the preparations she had made from the checklist, indicating what resource she could consult if the hearing went any of the ways Barbara proposed. Finally, after a few rounds of hypotheticals, Madison gently told Barbara that she could contact her by e-mail or text if she thought of any other work that needed to be done. Madison would just do it from home. This approach to working with Barbara has been Madison's practice throughout the semester. She would make a plan with Barbara for her case work in their weekly meetings then e-mail throughout the week with questions, often sending Barbara drafts to review or asking for confirmation that her research was going in the right direction. Barbara found herself spending too much time responding to Madison's e-mails, trying to fit everything she would raise in conversation into that one-sided format. Madison's replies, however, did not engage in the dialogue Barbara wanted. Barbara was also frustrated that Madison's journals—meant to be personal reflections on her clinic work—were nothing more than summaries of her assignments, sometimes including an observation that a task was difficult or that the client had been uncooperative or late to a meeting, but never going beyond the four corners of a particular task.

As Madison left that evening, Barbara despaired. Where had she gone wrong with this student? How had she so utterly failed to light a fire in her? The case was compelling, the client sympathetic, the issue indicative of larger systemic wrongs. Madison seemed to understand all of these things on an intellectual level, but treated clinic like just another law school class. Frustrated, Barbara resolved to engage in her own self-reflection to understand how she might better connect with Madison.

B. Getting to the Root of the Problem

To Barbara, it seems as though Madison has rejected all of the values of clinical teaching. Madison seems to have no interest in seizing the opportunities Barbara gives her to take charge of her case and direct her own learning. She is wholly uninterested in reflecting with

Barbara about her professional identity as a lawyer or the role of law-yers in society. She does not want to talk about the social justice issues involved in her client's case. And she seems to have no interest in forging the kind of close and immediate supervision relationship that Barbara found so valuable when she was a student. But perhaps the situation is not so dire. Seen through the lens of generational differ-ence, Madison's approach to the clinic may not be a rejection of the core values Barbara wants to impart. Instead, the problem may misun-derstanding on both sides as to what Barbara wants to teach and what Madison is taking from her clinic experience.

1. Generational Miscommunication About the Value of Learning from Experience

The clinical movement's central mission at its birth was for stu-dents to study cases, not opinions.[101] Thus, "act[ing] the answers to legal questions"[102] and giving students the chance to learn from their own decision-making is a primary value of clinical teaching. As a Boomer, Barbara believes deeply that she succeeds as a teacher when a student comes to her, not to be told what to do next, but to share what she has already done and to strategize with Barbara about next steps. Barbara sees her chief goal as a teacher to be reaching the mo-ment of transformation where a student has worked through a case all on her own and sees herself, not Barbara, as the client's advocate. Barbara remembers how empowered she felt as a clinic student when she realized that, finally, she was trusted to make her own decisions. She can hardly conceive that any student would not seize the opportu-nity to do as she did when given the chance. When Madison asks Bar-bara to set out concrete steps for her work and seems to reject the idea that she should take charge of the case, Barbara sees Madison as rejecting this central part of her teaching.

Madison would be surprised to hear Barbara's conclusion. Madison, as a Millennial who seeks immediately applicable education, deeply values the chance to learn by doing. Throughout law school, she has sought out pro bono work and volunteer with legal services organizations, wanting to apply her classroom studies in hopes of bet-ter understanding the theory of her lecture classes. She was thrilled to

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[101] Jerome Frank, *Why Not a Clinical Lawyer-School?*, 81 U. PA. L. REV. 907, 910 (1993).

[102] William Pincus, *Legal Education in a Service Setting*, *in* CLINICAL EDUCATION FOR THE LAW STUDENT 3 (1973). Learning from experience is a value as much embedded in the history and reason for the existence of law school clinics as social justice. As Jerome Frank pointed out in his 1933 article advocating for law school clinics, although students in law school under the case method approach have been said to study cases, they do not study the cases as "living processes." Frank, *supra* note 101, at 910.

be accepted into clinic and has been looking forward to the opportunity to learn from Barbara, whom she deeply admires as an attorney. But her past educational experiences have led Madison to expect that her teacher will mentor her through direction and clear guidance. When Madison does not get that kind of direction, she feels that Barbara is not engaged with her case or interested in teaching her. To Madison, working with Barbara is like playing tennis against a wall; the ball is always right back in her own court, and she might as well be playing alone. Madison really wants Barbara to sit down and work through the case with her so that she can learn from seeing how Barbara approaches the issues. This is why she enrolled in the clinic, after all—to have the experience of working with someone as talented as Barbara. She does not see a point to working out a research plan without Barbara's guidance when Barbara is going to end up showing her the right way to do it anyway. She also does not understand why Barbara acted like she was not prepared for the hearing when she had done everything on the preparation checklist. Barbara left her feeling bad for wanting to go for a run and get a good night's sleep before the hearing, which she thought were responsible ways to prepare.

Barbara and Madison share the value of learning from experience. Where they differ is in the execution of that value. Madison does not see Barbara's hands-off approach as empowering. Barbara does not see Madison's desire for her guidance as seeking out a strong mentor to help her gain independence. But they both want the same ultimate goal of Madison learning through casework.

2. *Generational Miscommunication About the Value of Non-Directive Teaching*

The heart of Barbara and Madison's communication gap is their different perception of non-directive teaching.[103] From her Boomer

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[103] Non-directive teaching is also differently perceived among clinical faculty. On one end of the non-directiveness continuum is the teacher who avoids almost any intervention in students' decision making. This teacher might not sit at counsel table with a student in order to avoid intervening in the student's task performance and decision-making. Transcript of Oral History of Phillip Schrag at 29 (2001), *available at* http://lib.law.cua.edu/nacle/Transcripts/Schrag.pdfhttp://lib.law.cua.edu/nacle/Transcripts/Schrag.pdfhttp://lib.law.cua.edu/nacle/Transcripts/Schrag.pdfhttp://lib.law.cua.edu/nacle/Transcripts/Schrag.pdf. Further along the continuum is the teacher who believes that some students require more directive teaching and makes the determination about when and how to direct learning on a case-by-case, student-by-student basis. Carolyn Grose, *Flies on the Wall or in the Ointment? Some Thoughts on the Role of Clinic Supervisors at Initial Client Interviews,* 14 CLINICAL L. REV. 415, 432 (2008). Some clinical teachers advocate for movement along the continuum from a more directive point to a less directive point as students progress. Peter Toll Hoffman, *The Stages of the Clinical Supervisory Relationship,* in CLINICAL ANTHOLOGY READINGS FOR LIVE-CLIENT CLINICS 72–73 (Alex J. Hurder, Frank S. Bloch, Susan L. Brooks & Susan L. Kay eds., 1997).

perspective, Barbara sees non-directive teaching as the manifestation of her belief in a non-hierarchical teacher-student relationship. She assumes that her students feel the same relief she did at finally not being told what to do by a professor and having her decisions valued as the primary course of action. Her teaching method relies heavily on long one-on-one conversations with her students in which her objective is to create space for her students to articulate their thoughts and visions for their cases. Her instinct when a student resists non-directive teaching is to back off even further to show that her expectation truly is for the student to take the reins. If the student still does not take charge, she is disappointed and assumes a lack of investment in or enthusiasm for the work.

As a Millennial, Madison is used to learning by being set to a task, asking questions for direction as she completes it, then being given feedback on her results.[104] Since grade school, she has always gotten clear and specific instruction on the expectations for an assignment and detailed evaluation of what she did well and how she could improve. Unlike Barbara, Madison does not chafe at this kind of instruction. Instead of seeing it as the controlling hand of a teacher trying to impose a course of action, she sees it as valuable knowledge imparted from a trusted expert. Madison expects that Barbara will hear and value her contributions to the case, but also recognizes there are things Barbara knows that she does not. She wants Barbara to respect her as a peer, ready to learn what she does not know. When Barbara refuses to answer her questions or give her direction, it makes Madison feel like Barbara is rejecting a peer relationship in favor of emphasizing that she is the teacher by hiding the ball.

Ultimately, Madison wants the learning experience that Barbara is trying to create with her non-directive teaching style, but she does not understand the path Barbara is taking to get there. This miscommunication prevents Madison from realizing the opportunity Barbara is creating because she expects a kind of instruction that Barbara will not employ. The miscommunication causes Barbara frustration over Madison's apparent lack of initiative in responding to her non-directive approach.

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[104] Discussing Gen Xers and Millennials, Wally Mlyniec notes this trait. "[I]f your goal in teaching clinical education is the reflection on the practice as opposed to just the practice, that's a much harder thing to do, in part because the students, they don't want that. They don't want to take the time. They want another case." Transcript of Oral History of Wally Mlyniec at 23 (1999) [hereinafter Mlyniec Oral History], *available at* http://lib.law. cua.edu/nacle/Transcripts/Mlyniec.pdfhttp://lib.law.cua.edu/nacle/Transcripts/Mlyniec.pdf http://lib.law.cua.edu/nacle/Transcripts/Mlyniec.pdfhttp://lib.law.cua.edu/nacle/Transcripts/ Mlyniec.pdf.

3. Generational Miscommunication About the Value of Reflective Practice

Barbara's Boomer culture has steeped her in the value of her own self-understanding. She prizes open communication and reflection as a means of self-discovery and improvement. In her teaching, she tries to help her students "take the client and his case and study it from five different levels of abstraction, do the case and see what comes of it."[105] She hopes to instill in them a practice of reflection that will inspire life-long learning and growth from their work. When Madison fails to use her journals to do more than summarize the work she has done in the clinic, Barbara thinks Madison has failed to embrace the important value of self-reflection.

Madison, on the other hand, is a doer, not a talker. She prefers concrete experience and results, and she resists exercises that she does not see as teaching her something she can use immediately. When Madison recounts her case work in her journals, it is because she is looking for points that will be relevant to her next assignment. She enjoys thinking about her cases and talking about them with her classmates, but does not see a point to reflecting in a structured fashion. She would rather just put what she has learned to use in the next case.

Here, again, there is a breakdown in purpose, not in the underlying goal. If Madison understood that Barbara saw journaling and reflection as a means of capturing things Madison has learned that might not be immediately apparent, but will be useful as she moves to the next case, Madison might be less resistant to the practice. If Barbara understood that Madison likes to think about her cases in broader context and frequently does so with her friends, if not in her journal, she might be willing to consider offering directed self-reflection that would help Madison see the immediate benefits of her work.

4. Generational Miscommunication About the Value of a Close and Immediate Supervision Relationship

When Barbara was a student, she was in constant contact with her clinic supervisor, working in her office until late at night, wrapped up in an ongoing conversation about her cases.[106] Barbara loved the in-

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[105] *Id.* at 23.

[106] Wally Mlyniec paints a vivid picture of this dynamic in recalling his early years as a clinical teacher in the 1970s:

> We were all young, we were all single. There was no line between our work and our life, because we hung around with people doing the same thing. I mean, we all knew each other from the different law schools. We were all doing some sort of public interest work, whether we were doing it in law schools or not. And so there were no lines, you know. You'd be working, and you'd take your work and your student over to whoever's house you were going to that night for dinner. They'd be welcome at

formal openness of this relationship, which was the polar opposite of her relationships with her other law school professors. Her conversations with her supervisor were some of the first moments when she could really see herself as a lawyer, standing shoulder-to-shoulder with other attorneys she admired.

Barbara tries to impress upon her students that her door is always open, and she invites them to work in the clinic space so that they can talk through questions or ideas as they arise. Barbara has been sorry to see in recent years that many of her students choose to work elsewhere, at home or in a coffee shop, and send her e-mails instead of dropping by to talk. She answers their e-mails, but thinks something is really lost by having a contained exchange over questions instead of a free-flowing conversation. Barbara thinks that Madison and other Millennials do not see the value in conversation and have not experienced the thrill of talking your way to an unexpected conclusion.

Because she expects a lot of feedback and guidance from her teachers, Madison loves Barbara's open-door policy and takes advantage of it as often as she needs to by sending Barbara e-mails. In fact, Madison tries to have this kind of open communication with most of her law school professors, whom she does not hesitate to e-mail when she needs clarification on an idea from class. Sometimes they are not as responsive as she would like and she has to wait for a day to get the information she needs, but they usually eventually get back to her. She thinks it is great to be able to have such open access to her professors and appreciates the out-of-class exchange of ideas.

Here, again, the conflict is over form, not substance. Madison perceives her ability to e-mail Barbara with thoughts and questions as the same kind of relationship Barbara prized by haunting her clinical supervisor's office door. Madison's primary means of communication is through e-mail and texting; Barbara's is through face-to-face interactions. Nevertheless, they both value open and immediate exchange.

5. Generational Miscommunication About the Value of Social Justice

Finally, Barbara's choice to teach in the clinic is rooted in her deep commitment to social justice, a commitment shared by many in Barbara's Boomer generation. That commitment is what drives her

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the table. People would all talk about the case, and then the two of you would go off in the other room and work on the case and come back the next morning at 9 o'clock.

Interview by Charles W. Hall with Wally Mlyniec, Assoc. Dean, Georgetown Univ. Law Ctr. Clinical Program (Dec. 15, 1999) [hereinafter Mlyniec Interview], transcript *available at* http://lib.law.cua.edu/nacle/Transcripts/Mlyniec.pdf.

practice and scholarship, and it is a value that she believes is central to the legal profession. She sees it as directly tied to the advocacy work that has been her passion since college.[107] She is proud that the legal clinic is a place where her university puts its resources to work in the community, and she is proud to serve those who need legal services most.[108] She believes it is her ethical obligation as a lawyer and her personal moral obligation to help her students recognize the justice implications of their work outside of the classroom,[109] the places in which the law fosters inequality, and their place in the line of lawyers who have fought to use the law as a tool for positive change.[110] When Madison will not stay late into the night to work with Barbara before her hearing, Barbara sees her as rejecting an opportunity to work side by side, committed to fighting the good fight.[111]

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[107] Indeed, asked to define clinical education, Mlyniec called it a "movement." Mlyniec Oral History, *supra* note 104, at 23.http://lib.law.cua.edu/nacle/Transcripts/Mlyniec. pdfhttp://lib.law.cua.edu/nacle/Transcripts/Mlyniec.pdfhttp://lib.law.cua.edu/nacle/Trans cripts/Mlyniec.pdf

[108] Through their student practice rules, thirty-seven states either encourage or require law school clinics to provide services low-income individuals. ALA. R. LEGAL INTERNSHIP R. I; ARIZ. SUP. CT. R. 38; ARK. JUDICIARY, RULES GOVERNING BAR ADMISSION, R. XV-STUDENT PRACTICE; COLO. R. CIV. P. 226.5; CONN. PRAC. BOOK , § 3-17 (1998); RULES OF THE SUP. CT. OF THE ST. OF DEL. R. 56; RULES REGULATING THE FLA. B., R. 11-1.1; GA. CODE ANN. § 15-20-1 (2011); ILL. SUP. CT. R. 711; IND. FED. CT. R. 83.9; KAN. SUP. CT. R. 719; KY. SUP. CT. R. 2.540 ; LA. SUP. CT. R. XX ; ME. R. CIV. P. 90; U.S. DIST. CT. R. D. MASS., LR 83.5.1; MICH. COMPILED R. ANN., R. 8.120; 52 MINN. STAT. ANN., STUDENT PRAC. R. 3.04 (2011); MO. SUP. CT. R. 13.02; MONT. FED. CT. R. 2091-1; NEV. SUP. CT. R. 49.5; N.H. SUP. CT. R. 36; N.J. CT. R. 1:21-3; N.Y. CT. R. § 805.5; N.C. ST. B. R. ch. 1, subch. C, § .0200, Reg. .0202 ; N.D. ST. CT. R. 1; OHIO ST. GOV'T B. R. 2; OKLA. STAT. ANN. T. 5, CH. 1, APP. 6, R. 3.1; OR. ATT'Y ADMISSION R. 13.05; PENN. B. ADMISSION R. 322; R.I. SUP. CT. R. ART. II, R. 9; S.C. APP. CT. R. 401; S.D. CODIFIED LAWS § 16-18-2.1 (2011); TENN. SUP. CT. R. 7, § 10.03; TEX. R. ANN., R. I; WASH. ADMISSION TO PRAC. R. 9 (2011); W. VA. ADMISSION TO THE PRAC. OF L., R. 10.0; WY. STAT. ANN. R. 12 (2011). As has been acknowledged, "many in-house clinical courses and internships give students opportunities to meet and serve people who have few other resources for resolving legal problems and seeking justice. The process of providing services to under-represented segments of society helps develop positive professional characteristics." Roy Stuckey, BEST PRACTICES FOR LEGAL EDUCATION 190 (2007). *See also, e.g.*, Jon Dubin, *Clinical Design for Social Justice Imperatives,* 51 S.M.U. L. Rev. 1461, 1475–78 (1998).

[109] Mlyniec recalls, "Well, you have to remember that the classroom experience was essentially a lecture in half the classes and a Socratic method in the other half of the classes . . . And so the classes were not particularly interesting, especially when the world was going on around you, with great issues being debated right down the street in Congress or right across the street in the courthouse." Mlyniec Interview, *supra* note 106.

[110] In this way, Barbara's teaching embodies what Jane Aiken terms the "mission of justice readiness." Jane H. Aiken, *The Clinical Mission of Justice Readiness,* 32 B.C.J.L. & SOC. JUST. 231 (2012).

[111] New York University Law School Vice Dean and Director of Clinical and Advocacy Programs Randy Hertz recalls the simulation course he took with Tony Amsterdam in the late 1970s, where students worked with this drive even though they did not have an actual client:

> [W]e would meet round the clock. We would write memos constantly, plan out a

In truth, Madison sees her case work as a vehicle for her own education more than for advancing social justice. The case itself may have larger justice implications and to Madison, that's all the better. But that is a secondary benefit. For Madison, social justice work has always taken place outside the university. When she was in high school, she started an organization that raised money to build latrines in Guatemala, and she organized alternative spring break trips to go help with their construction. In college, she volunteered with a local ESL program and worked on a city council campaign. In law school, she has been an ardent follower of the Occupy Movement and has gone to a few protests in neighboring cities when she can get away from her classes. Madison is deeply committed to social justice, but she does not consider it part of her education. It is an extracurricular activity, something she pursues on her own time because of her own beliefs, not because it is assigned in a classroom.

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These conflicts illustrate the assumptions each generation may bring to the clinical experience. If exchanges like these examples go unexamined, it may seem that the values of clinical pedagogy have lost their meaning for newer generations of clinic students. As Barbara and Madison show, though, the conflict is not about the values of clinical pedagogy, but is in miscommunication about how the values are conveyed. Part IV considers tools that a clinical teacher may use to uncover these points of conflict and to translate the values of clinical legal education for use by a different generation.

IV. CONSIDERING GENERATIONAL DIFFERENCES IN TEACHING CLINICAL PEDAGOGICAL VALUES: A FEW CONCRETE STEPS

Given that the points of conflict in teaching across generations are a result of misunderstanding the perspectives of others, effectively transmitting clinical values requires teachers to consider their audience and the audience members' unique perspectives and needs. This Part offers concrete ideas for teaching new generations of students by drawing on and adapting the work of Sue Bryant and Jean Koh Peters in the area of cross-cultural lawyering. This Part then identifies additional tools for effectively communicating the values of clinical pedagogy across generations. Although this Part focuses on the needs

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strategy for handling these cases, which were all first-degree murder cases in which there was some kind of mental defense.
Interview by Sandy Ogilvy with Randy Hertz, Professor of Clinical Law & Dir., Clinical and Advocacy Programs, NYU Law School (Jan. 5, 2007), transcript *available at* http://lib.law.cua.edu/nacle/Transcripts/Hertz.pdf.

of the Millennial Generation, many of the ideas can apply to the generations beyond, the characteristics and outlooks of which we have yet to learn.[112]

A. *Habit as a Tool for Understanding and Addressing Generational Differences*

The literature of cross-cultural lawyering emphasizes the need for lawyers, including student-lawyers, to consider the impact of culture on lawyer-client relationships. Just as lawyers have a responsibility to understand the role culture plays in attorney-client communication, teachers should understand the cultural generational perspectives of their students. Errors in understanding and misattributions of behavior can lead the teacher to incorrectly evaluate a student or fail to help a student develop as a professional. At their worst, these kinds of problems have the potential to create such tension in the student's clinical experiences that they turn the student away from the clinical enterprise or lawyering.

Consistently considering the possibility that generational difference plays a role in teaching, both generally and in specific teacher-student interactions, requires the teacher to engage in a high degree of self-reflection. Adapting Bryant and Peters's habits of cross cultural lawyering for use by clinical teachers seeking to address generational differences provides a framework for the necessary self-reflection.[113] The habits "prepare[ ] lawyers to engage in effective, accurate, cross-cultural communication and to build trust and understanding between themselves and their clients."[114] The concept of habit is relevant and highly useful to the self-reflection needed by the teacher because positive habits happen almost without thought. They are reflexive.

Like any cultural understanding, generational perspectives are ingrained. They easily go unquestioned, and questioning them takes conscious, intentional effort. In order to consistently reflect on and consider the role of generational difference, then, teachers need to first make conscious intentional efforts to do so. Over time, those intentional efforts become habit. Once a general habit of reflecting on the role of generational differences is established, teachers will consistently consider generations along with other cultural differences like race, gender, and class status. In addition to developing the habit

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[112] For an additional discussion of goals and strategies for teaching Millennials in the clinic, see Benfer & Shanahan, *supra* note 3, at Part IV.

[113] Peters, *supra* note 16, at 51-60. For an alternate discussion of the use of cross-cultural competence tools to teach millennial students *see* Benfer & Shanahan, *supra* note 3, at Part IV.B.1.

[114] *Id.* at 47.

of reflecting on generational differences generally, two specific habits Bryant and Peters developed are particularly relevant for teachers' generational inquiry: "parallel universes" and "red flags and remedies."

1. First Habit: Parallel Universes

The habit of parallel universes has the student or lawyer "imagine multiple explanations" for the behavior of the client when the client behaves in a way that confuses or does not make sense to the student or lawyer.[115] The habit embraces non-judgment and "prevents lawyering based on a misguided certainty about a reality we do not yet grasp."[116] It requires the student or lawyer to "acknowledge the limits of [their] knowledge."[117]

The clinical teacher can use this habit to address generational assumptions. When a student behaves in a way that confuses or frustrates a teacher, the teacher should reflect and imagine multiple generational explanations for the student's behavior. Doing so will allow the teacher to consider the role of the teacher and the student's generational perspectives and to craft a response to the student. In the Barbara/Madison example, for instance, Madison strongly resisted doing case-related legal research. Barbara could reflect on this resistance and develop multiple generational and non-generational explanations for Madison's behavior. The teacher can then ask Madison open-ended questions to determine the basis for her resistance. These steps will prevent the teacher from making generational assumptions and will allow for a better understanding of Madison's behavior. Having a better understanding of Madison's reticence to do legal research that is not based in an assumption—perhaps generational—of laziness or lack of motivation will likely allow the teacher to better address Madison's concerns and encourage her to do the research.

2. Second Habit: Red Flags and Remedies

The habit of "red flags and remedies" focuses on communication.[118] It "requires mindful communication where the lawyer remains cognitively aware of the communication process and avoids using routine responses to clients."[119] The lawyer must "listen deeply, carefully attuned to the client and continuously [monitor] whether the

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[115] Bryant & Peters, *supra* note 16, at 47–48 (2005).

[116] Peters, *supra* note 19, at 19–20.

[117] *Id.* at 20.

[118] Bryant & Peters, *supra* note 16, at 57.

[119] *Id.*

interaction is working and whether adjustments need to be made."[120]
In the process, "red flags" will indicate to the lawyer if and when the
communication is not working.[121] If a red flag occurs, such as the cli-
ent appearing angry, distracted, or bored, the lawyer should develop
the habit of recognizing it and realize that something needs to be done
or changed in the communication.[122]

The clinic teacher can use this habit to ensure that generational
assumptions do not creep into communication with the student. It pro-
vides the teacher with ways to carefully listen to student communica-
tions. If a student responds in a negative or apathetic way to the work
of the clinic, the teacher should develop the habit of recognizing this
behavior as a red flag. The teacher can then engage in the parallel
universes habit to try to understand whether the student's response is
based in a generational misunderstanding. The teacher then can again
give the student the opportunity to explain the response.

B.   Transparency in Teaching

Some of clinical legal education's teaching methods and values
can confound Millennial students and inhibit their learning. The
clinical insistence upon non-directive teaching may frustrate Millen-
nial students. They may interpret a teacher's refusal to simply answer
their question as "hiding the ball." They may also interpret the re-
fusal to answer as a waste of their time. They may not understand why
they have to spend time figuring out an answer to a question that they
firmly believe is readily available in the head of the teacher.

These kinds of reactions from Millennial students leave the
teacher with a quandary. Approached too narrowly the clinical
teacher faces two unpleasant options. She could forge on, forcing
Madison and others like her to stay long into the night for hearing
preparation, using non-directive questions without any accommoda-
tion for Millennial Generation students. Alternatively, the teacher
could just tell the student what to do and allow the student leave as
soon as the student wants to leave during hearing preparation, desert-
ing non-directiveness as a teaching method and value. In other words,
the teacher could continue with unchanged approaches, or the teacher
could abandon them.

Fortunately, there is a third option. The clinical teacher could em-
brace the role of transparency in teaching. Transparency calls for
teachers to explain both why they are doing what they are doing and
its relevance for the student learner. For example, the teacher could

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120 *Id.*
121 *Id.*
122 *Id.* at 58.

explain what additional preparation needs to be done instead of as-
suming the student understands intuitively what needs to be done and
the value in refining the hearing preparation. The teacher should also
be willing to listen to the student's concerns about doing more.

In the same way, the teacher could explain to the student the use
of non-directive teaching. The teacher could explain the theory behind
the value placed on non-directiveness and that the teacher is not an-
swering the student's questions in part because she wants to hear the
student's ideas. The teacher should acknowledge that students some-
times assume that if their ideas are different from those of the teacher,
then they are wrong or not worthy of airing. The teacher could explain
that she understands that the authority inherent in the role of teacher
can prevent the student from expressing her own ideas and stifle
them. The teacher could also explain that she is using non-directive-
ness to prepare the student for work in a post-law school world where
the student will not always (or even often) be able to find someone to
readily answer questions. By taking these steps towards transparency,
the teacher may go a long way toward more effectively transmitting
lessons about the necessary hard, careful work involved in hearing
preparation; the substantive law; and the value of non-directive-
ness.[123] Transparency can also help explain clinical pedagogy to fu-
ture generations.[124]

C.   Frameworks for Student Self-Reflection

Like transparency, focused self-reflection can help students en-
gage in more meaningful self-reflection. Millennial students may not
readily see the applicability—immediate or otherwise—of engaging in
self-reflection. Self-reflection by its very nature is abstract, and so its
applicability to hands-on casework can be challenging to discern. Mil-
lennial students who struggle with instinctively understanding the
value of self-reflection may treat it as busy work and not take it seri-
ously. Providing students with frameworks for their self-reflection can
help address these problems. These frameworks include topical as-
signments for journaling. Teachers can provide a general topic or list
of topics for students to reflect on, such as asking the students to write
about a time when they did not understand a client's actions and then
identify as many of the possible explanations, or "parallel universes,"
for the client's behavior as they can think of.[125]

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[123] Transparency is also a best practice for legal education. *See* Roy Stuckey, Best
Practices for Legal Education 138, 168 (2007).

[124] Benfer & Shanahan, *supra* note 3, at Part IV.A.3, offer another thoughtful take on
transparency.

[125] Bryant & Peters, *supra* note 16, at 56-67.

Similarly, rounds classes can provide opportunities for collective and focused self-reflection. Teachers can plan to have students review a video on a topic that serves the pedagogical goals of the clinic, such as understanding cross-cultural exchange, and plan the discussion around that video. Alternatively, teachers may see that a number of clinic students are grappling with the same issues, such as judgment of clients' behavior. The teacher can provide the students with a number of questions for reflection directed at that issue prior to rounds. Then the teacher can use those questions as a jumping off point for a discussion.

Focused self-reflection serves a dual purpose. It gives students of any generation an introduction self-reflection, which they may not have seen value in prior to clinic and may not fully understand how to do. Once students are given an entrée to self-reflection and begin to self-reflect in a meaningful way, they will be more likely to see its use. These methods also keep students from superficially self-reflecting, creating a deeper engagement with a skill they can use throughout their lives and careers.[126]

D. Rubrics and Learning Contracts for Evaluation

Although Millennial students particularly crave feedback and clear learning expectations, all students benefit from clear expectations.[127] For these reasons, teachers in clinics should consider using rubrics to clearly articulate both the learning goals grounded in the values of clinical pedagogy and other learning goals of teachers in clinics.[128] Sophie Sparrow explains rubrics as "sets of detailed written criteria used to assess student performance."[129] They explain what students "should learn by the end of a course" and give a means by which teachers and students can evaluate whether students have in fact learned those concepts.[130] Rubrics provide students with clear expectations about the course in multiple ways. First, rubrics break down the elements of the course into the component parts students should be learning.[131] Rubrics should also provide students a sense of what constitutes not just A-level work but also what constitutes B, C,

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[126] Benfer & Shanahan, *supra* note 3, at Part IV.C.3, also consider self-reflection and Millennials.

[127] Sophie M. Sparrow, *Describing the Ball: Improve Clinical Teaching by Using Rubrics—Explicit Grading Criteria,* 2004 MICH. ST. L. REV. 1, 6 (2004).

[128] Such as learning goals centered on learning particular substantive areas of law or particular procedural law.

[129] Sparrow, *supra* note 127, at 7.

[130] *Id.*

[131] *Id.* at 14.

D, and F level work.[132] Second, when used prior to the end of the semester, rubrics also provide students clear guidance on areas for improvement in their work.[133] Finally, rubrics help students "become aware of their own learning."[134] Rubrics encourage students to reflect on their learning, to see for themselves where they need to develop more, and in that process, to understand their own learning styles better.[135]

Rubrics can respond to the learning needs of Millennial students by clearly articulating the learning goals of the course. They can also improve all students' ability to self-reflect on their learning, irrespective of their generation. Rubrics do so by clearly articulating the component values and goals of clinical pedagogy. If teachers in clinics value the role of learning from experience, then rubrics in clinics should be explicit about this goal. Students should know that they are evaluated on their ability to issue spot, conduct necessary research, and develop strategies for their cases independently. Rubrics should then be used in clinics at least once prior to the end of the semester to provide students detailed, concrete feedback on where they need to strengthen their work. Teachers should have students complete self-assessments using the rubric before they see their teachers own assessments on their rubrics. In this way, students will be forced to reflect on their own learning styles and understand where they can improve in their work.[136]

E. Reconceptualizing the Close and Immediate Supervision Relationship

Millennials, like the Baby Boomers who came two generations before them, value a close and immediate supervision relationship. However, members of the Baby Boomer generation fought to dismantle hierarchy and achieve a more egalitarian structure of work, and Millennial students expect a close and immediate relationship without the concerns over hierarchy. They want to engage in close communication with their teachers, though they may be more inclined to do so over e-mail, instant message, or in other virtual ways. At the same time they expect a certain degree of hierarchy in the supervision relationship.[137]

These expectations about the supervision relationship require

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[132] *Id.* at 8–9.

[133] *Id.* at 9–10.

[134] *Id.* at 24.

[135] Sparrow, *supra* note 127, at 24–25.

[136] For an alternative perspective on rubrics, see Benfer & Shanahan, *supra* note 3, at Part IV.A.2.

[137] *See* discussion *supra* Part II.

some consideration and intentionality on the part of the teacher. For example, incorporating more transparency in teaching can address any frustrations students might have because they expect answers to questions they would be better served by answering themselves. Teachers may also need to allow room for some flexibility in the ways they communicate about cases with students of the Millennial generation. They may consider using more virtual forms of communication for day-to-day updates about smaller aspects of case and clinic work afforded by web-based case management systems and e-mail. Allowing for some degree of communication in the virtual world with which Millennial generation students are so comfortable may very well increase the likelihood that they will hear the lessons their teachers are trying to impart.[138]

F. *Drawing Upon Millennials' Values of Social Justice*

Praveen Kosuri has observed that Generation X "came into clinical legal education without a movement," and the same is true for the Millennials.[139] Millennial students come into the clinic at the height of the skills-based curriculum's rise, with the narrative that the clinic is the place for them to become "practice-ready," not that it is the place for them to work for social change.[140] This is in keeping with their view of the university as a place for them to gather the information they need to create their own success, not as a headquarters for student organizing and mobilization. Students may not be expecting a social justice component to their clinic education and, in fact, may resist contemplating the systemic impact of their work if they see it as detracting from their "practical" learning.[141] This may be extremely disorienting to clinicians who hold social justice as the guiding principle of their work and who expect that their students enroll in the clinic at least in part because of their passion for the social justice mission. They may despair at a student who seems to have joined the clinic only for the experience of drafting a complaint, regardless of the wrong that complaint seeks to remedy.

As Jane Aiken points out, however, the perceived divide between

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[138] Benfer & Shanahan, *supra* note 3, at Part IV.A.1 consider some additional supervisory strategies.

[139] Kosuri, *supra* note 3, at 215.

[140] This perception is enhanced by the fact that they view clinics as a necessary and integral part of the law school and not an outpost of radicalism on campus, a change in perspective that has also impacted clinical faculty's perception of its own role. Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 FORDHAM L. REV. 997, 1001 (2004).

[141] Reed, *supra* note 3, at 252.

skills and justice is a false one.[142] Students cannot learn to practice law without participating in law's relationship with injustice. Instead, "[t]he only question is whether to ignore justice issues that constantly emerge or prepare students to identify injustice when they see it and develop the skills and strategic thinking to remedy it."[143] Clinicians should not minimize their teaching of social justice as an integral part of legal practice. Remaining effective teachers of "justice readiness," however, requires recognizing the different perspective from which Millennial students may approach social justice themes.[144]

Teaching social justice in the clinic is the culmination of all of the clinical values. To convey it effectively, clinicians cannot "ram [the social justice message] down their [students'] throats."[145] Students, particularly Millennial students, must be guided in their own discovery of justice themes and the implications of their case work. They must understand the justice impact of their work as an immediate application of their practice, with the same consequences as an effective deposition. Recognizing the cultural perspectives of Millennial students and communicating the values of clinical teaching across the generation gap readies students to take on this vital part of their learning.

V. Conclusion

Although the Boomers may have been the first to articulate, develop, and implement the values of clinical pedagogy, those values are not exclusively of their generation. Because clinical teaching now occurs across multiple generations, teachers cannot assume that decades-old methods for imparting those values will work without adjustment. Effectively transmitting the core values of clinical pedagogy, therefore, requires a thoughtful approach to the causes of generational conflict and reconsideration of teaching methods.

Understanding generational difference as an element of cultural difference allows for reconceptualization of the conflicts that can arise and rethinking how to teach the values of clinical pedagogy. Adopting the tools proposed here (surely not an exclusive list) helps to preserve core clinical values by allowing them to be more effectively taught to the next generation of students, lawyers, and clinical teachers. Finally, rethinking approaches to teaching and considering the perspectives of the members of other generations in doing so also fittingly embraces the very Boomer value of letting students find their own meaning in education, work, and life as fits their new, unique generations.

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[142] Aiken, *supra* note 110, at 236.
[143] *Id.*
[144] Kosuri, *supra* note 3, at 214.
[145] Reed, *supra* note 3, at 252.