

Capstone Courses

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What is a capstone course?

- Capstone courses “**build on previous learning**, require students to be responsible for their learning, and encourage reflection on legal ethics, professionalism, and what they learned.”

John O. Sonsteng, *A Legal Education Renaissance: A Practical Approach for the Twenty-First Century*, 34 WM. MITCHELL L. REV. 303, 451 (2007).

- “Capstone courses with significant writing, clinics and other practical exercise will **ease the student’s transition to practice.**”

Jeffrey E. Lewis, “*Advanced*” *Legal Education in the Twenty-First Century, A Prediction of Change*, 31 U. TOL. L. REV. 655, 658–59 (2000).

- Integrate Knowledge, Skills and Values

Context Used for Capstone Courses

- Federal Practice-Commercial Litigation, *Roger Williams University*
- Sustainability and the Law, *Drake University*
- Special Education Advocacy, *Ohio State University- Moritz College of Law*
- Discovery Practicum, *University of Denver- Sturm College of Law*
- Civil Rights and Liberties Litigation, *University of Dayton Law School*
- Advanced Family Law, *Washington and Lee University*
- Health Law Compliance Capstone, *University of Minnesota*

ALBANY LAW SCHOOL

Capstones

LEGAL ISSUES IN MEDICINE

- **First capstone?**
- **Interdisciplinary**
Co-teaching with AMC prof./
MD in Dept Ob-Gyn
- **Law students work with Medical Residents**
- **Practice/Problem-based**



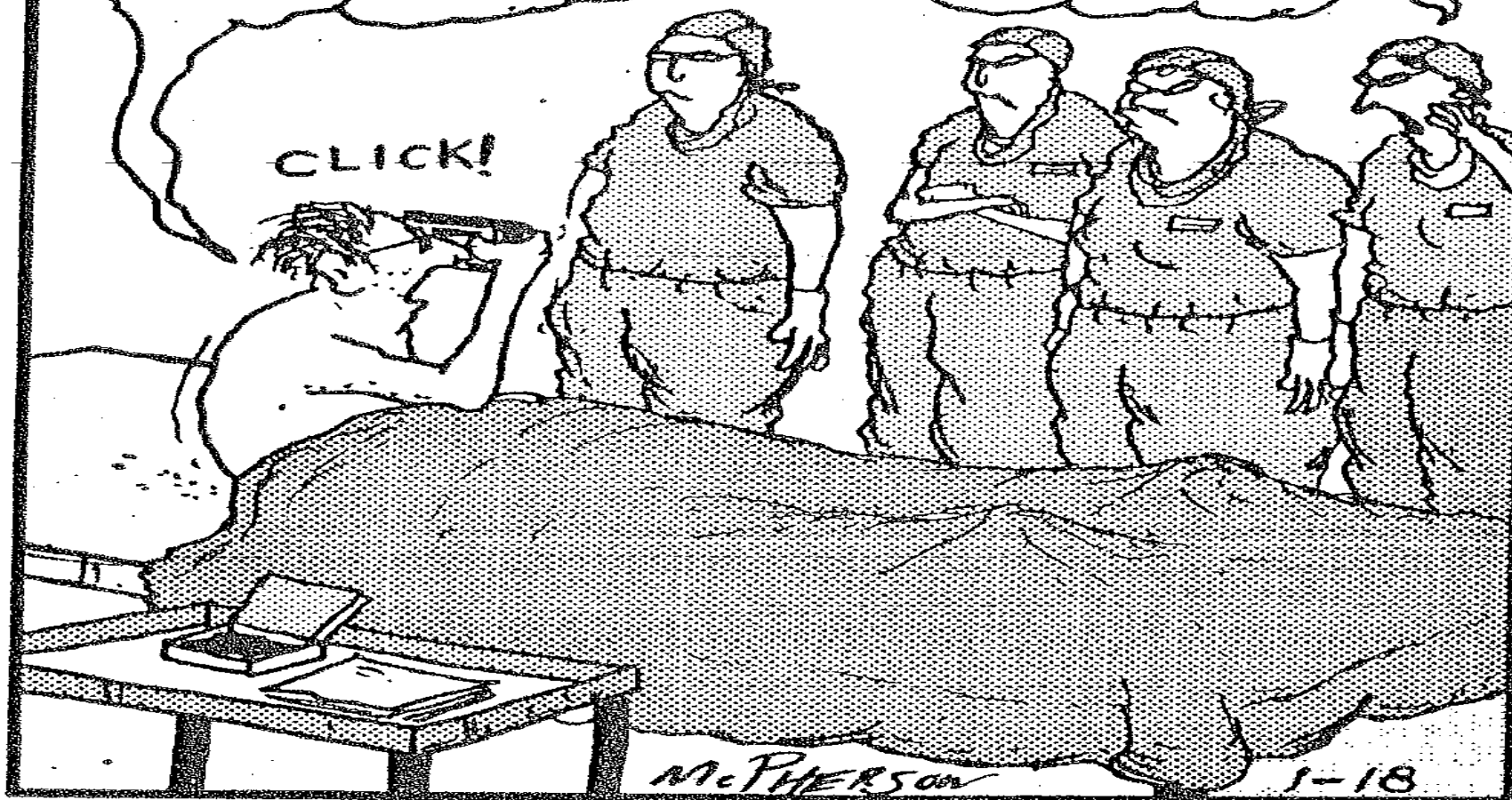
Close to Home

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OK, ONE
MORE PHOTO... GOOD.
NOW IF YOU'LL EACH
STEP OVER HERE,
I'LL GET YOUR
FINGERPRINTS.

I HATE IT
WHEN WE
OPERATE ON
MALPRACTICE
LAWYERS!

CLICK!



Student Experiences

- **Classes – background knowledge**
 - **Assigned reading and discussion, lectures, guest speakers, small group work**
- **Assignment of “real cases” in simulation**
 - **Law Student team work**
 - **Collaboration with doctors**
- **Case presentations using medical experts**
 - **Self assessment**
- **Hospital visits**
 - **Reflection**

A capstone/cornerstone:

- **Integration of doctrine** (torts, health law, medicine) and **theory** (how legal systems work – med mal litigation and other areas of medical-legal concern...bioethics, physician discipline)
- **Skills** (collaboration skills, legal analysis, oral advocacy, communication skills, trial practice)
- **Professionalism, values, and identify** (roles of lawyers/doctors in society)

GOALS

- **Ability to work with another discipline (values/professional identity)**
 - Understand medical profession
 - Understand role of lawyer
 - Communication
- **Application of substantive knowledge to real situations**
 - Identify medical-legal issues
 - Integrate medical and legal information
- **Collaboration**
 - With doctors/experts
 - With lawyers
- **Problem Solving**

Measuring Goals:

Goal: Working w/other profession (values)

Experiences

- **Case Presentation -- Opportunities to work with Doctors in common problem-solving**
- **Hospital observations**
 - **NICU Tour**
 - **L&D Observation**
- **Classes and Materials**

Assessments

- **Pre and Post Course Survey**
- **Case Presentation Grading Rubric**
- **Case Presentation Self Evaluation (rubric)**
- **Observation Reflective Paper (rubric)**

ASSESSMENT: Surveys pre/post course

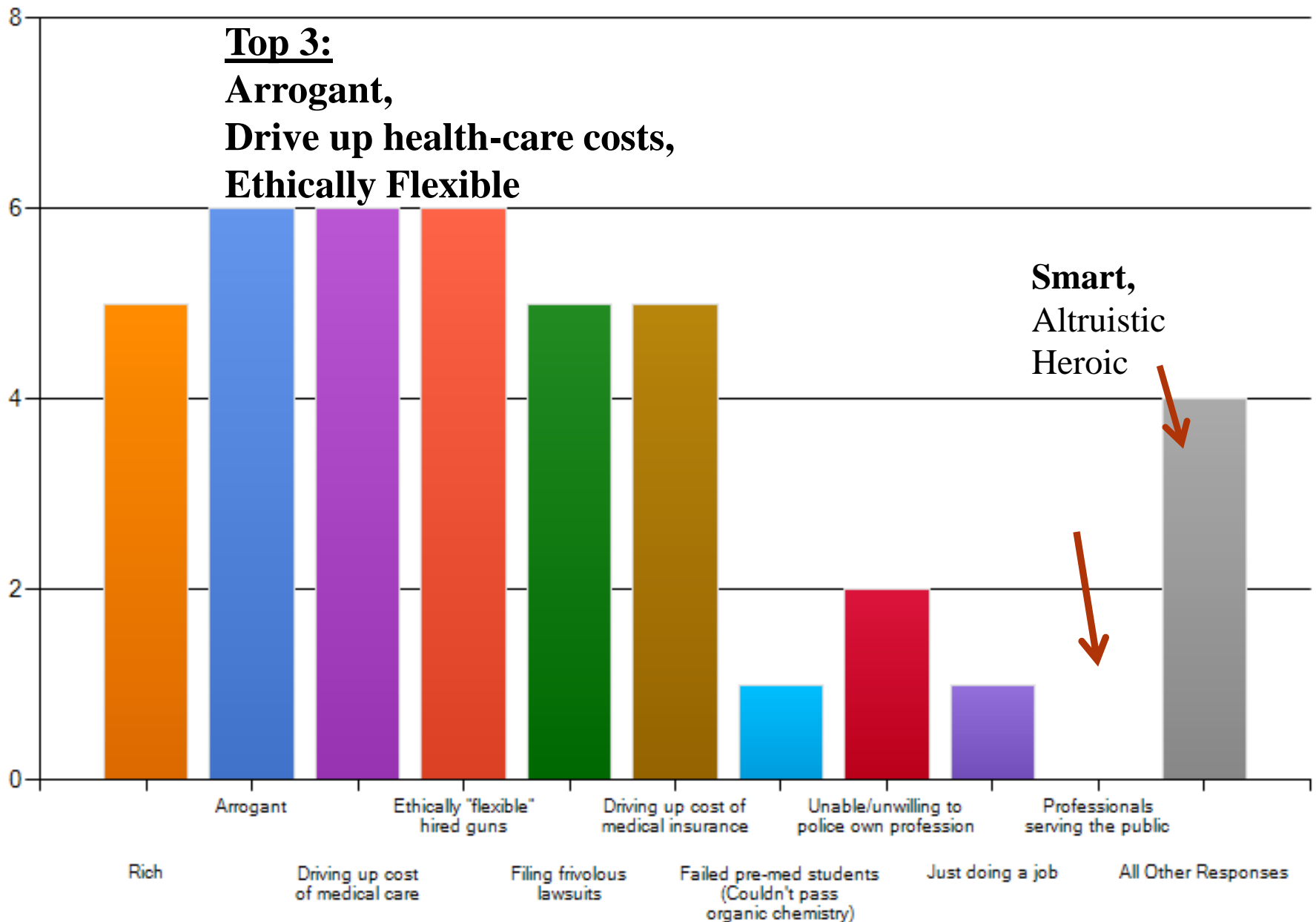
1. Do you think there a medical / legal divide?

- Yes__ No__ I don't know__

2. What do lawyers think of the medical profession generally? (check all that apply)

- Rich
- Arrogant
- Drive up costs of medical care
- Pawns of HMOs
- Unable/unwilling to police their own profession
- Altruistic
- Smart
- Heroic

What do physicians think of lawyers generally? (Check all that apply)



Goal: Application of Substantive Knowledge

Experiences:

- **Case Presentation**
- **Hospital Observation**
- **Classes**

Assessments:

- **Case Presentation (Rubric)**
- **Case Presentation Self-Evaluation (Rubric)**
- **Reflective paper**
(grading rubric for paper includes integration of readings and class material into experience)

Assessment: **Case Presentation Rubric**

- **Preparation**

- Demonstrates understanding medical records, procedures, outcomes of case, understanding of legal process, and trial practice skills necessary for presentation

- **Collaboration with law students and residents**

- Contributes to law student and medical resident understanding, preparation and presentation of case

- **Legal Standards**

- Demonstrates understanding of legal theories / defenses. Establishes all essential elements of claims or defenses

- **Medical Standards**

- Demonstrates understanding of medical issues and applicable standards of care

- **Overall case presentation**

- Effectively communicates medical/legal issues and theme and theory of case through opening/closing statements and expert testimony.
- Demonstrates appropriate analysis and application of facts to theories
- Integrates expert testimony in accordance with case theory and goals

Self –Evaluation of Case Presentation

- **How did you prepare your case?**
- **Describe your legal theories / defenses**
- **What medical issues did you identify?**
- **Did you prove, present, or otherwise address all of the elements of your claims or defenses in your case (e.g., deviation from standard of care, causation, damages, etc.)? Explain. What, if anything, would you do differently to prove your case?**
- **Describe your working relationship with your experts. Did you assist the residents in understanding the legal process? Explain.**
- **Describe your group teamwork: How did you divide responsibilities?**

Success?

Student Reflections:

“[T]he resident that I observed while at the hospital that day was the plaintiff’s expert from the first case. I was very impressed with him at the hospital...I very mistakenly thought that this would easily transfer over to the courtroom. Clearly it does not!...”

As I prepared for my group's presentation, it was very useful for me to see this. In fact, it helped me realize that my job involved so much more than simply asking the expert questions. The expert had to be trained in the law, the trial process and even how to convey information in a way so that the jury understands it."

Legal issues in Medicine student paper

This was one of the greatest experiences of my law school career. Combined with the time I spent with our “expert witnesses,” I learned so much about the medical profession. I think I have a much greater appreciation of the effort they give and the time they spend in pursuit of their profession.... At the same time I think I was able to somewhat debunk the theory that law students are just “baby sharks.”

Legal issues in Medicine student paper

Developing a New Capstone



Developing a Capstone

- Identified desired student outcomes (How do the outcomes build on a 2nd year student's emerging knowledge, skills and values?)
- Developed simulation
- Identified community partners to provide students with meaningful real world context
- Developed formative and summative assessments to measure desired outcomes
- Identify prerequisites

Special Education Law Capstone: Desired Student Outcomes

- Sufficient knowledge of legal issues in special education, administrative law & professional standards.
- Competency in legal skills associated with the practice of law in this area and other types of administrative procedures & litigation
- Professional judgment and identity

Matching Assessment & Outcomes



KNOWLEDGE OF SPECIALIZED SUBSTANTIVE AREA OF LAW TO ENHANCE DEEPER LEARNING

	Research	Client Interview	Retainer Assignment	CSE Meeting	Community Project	Hearing Request	Mock Hearing
Special education law	✓	✓	✓	✓	✓	✓	✓
Administrative law	✓		✓	✓	✓	✓	✓
Due process		✓	✓	✓	✓	✓	✓
Conflict of Law - Knowledge of the law at the federal, state and local levels	✓					✓	✓
Professional Responsibility	✓	✓	✓	✓	✓	✓	✓

COMPETENCY IN LEGAL SKILLS

	Research	Client Interview	Retainer Assignment	CSE Meeting	Community Project	Hearing Request	Mock Hearing
Interviewing	√	√			√		
Drafting	√		√			√	
Communicating	√	√	√	√	√	√	√
Problem Solving	√	√		√	√		
Negotiating				√		√	
Counseling		√	√				
Research	√	√	√			√	
Legal Analysis			√	√	√	√	√
Advocacy	√			√		√	√

Reflection



Challenges and Questions

- Capstone or Cornerstone
 - Should these courses be limited to third year students?
 - Should we open up to 2nd year students (Cornerstone)
- What types of courses?
- What criteria should we have for deciding what types of courses?
- Collaborating with other institutions and other professionals