LEARNING FROM AN INTELLECTUAL PROPERTY CLINIC

Peter Jaszi
Professor and Director, Glusko-Samuelson Intellectual Property Law Clinic
Washington College of Law, American University, Washington, D.C.
www.ipclinic.org

1. Opening disclaimers and ritual apologies

- The spreading IP clinic movement in American legal education
- This presentation as a partial and unabashedly personal account of the development of one clinic and some lessons partially learned
- The history of the WCL clinic -- a reckless bluff and its consequences

2. What we knew going in (thanks to our clinical colleagues)

- Clinical legal education at the Washington College of Law – promoting skills training and reflectiveness for 30 years
- The learning model -- students as lawyers, professors as coaches, clients as teachers
- Promotion of client-centered lawyering
- Serving the underrepresented and promoting the public interest

3. A fit or a stretch – adapting the clinical model to IP subject-matter

- Some mechanics – credit hours, grading, etc.
- Staffing an IP clinic – the importance of subject-matter expertise
- Student selection – valuing experience v. providing opportunity
- Assigning students to cope with a diverse case load
- Where do the cases come from, anyway?

4. The good, the bad and the ugly -- mysteries of balanced case election

- Small matters and large matters – a hard-won organizing principle
- Unlike politics, not all IP clinic representation isn’t local
Rights acquisition – a clinic mainstay

Client counseling and the mysteries of fair use

Early hubris and limits on litigation capacity

Making the most of amicus opportunities

Joys and terrors of legislative advocacy

Special projects (and when our reach exceeds our grasp)

5. The heart of the heart of the matter – supervision and rounds

What happens (or should happen) in supervision

Student agenda-setting

Status memos as an essential tool

Weekly rounds and working as a firm

From rounds to informal cooperation

6. And now for something completely different -- the classroom component

Simulation – sometimes more real than real

Developing skills and self-confidence through simulation exercises

Our wonderful scenario – an eternal work-in-progress

7. What’s it all about, anyway? (Answer: Training the next generation of self-conscious IP practitioners)

Promoting honest self-assessment – while there’s still time

Building story-telling skills

Inculcating respect for facts, however refractory

Teaching collaboration

Coping with time-management issues

Helping students to develop personal visions of the public interest