

1. SURVEY OF THE IMPACT OF RISK OF LOSS IN THE SELECTION AND LITIGATION OF CAS...

In order for clinical teachers to stay interested, for students to be challenged and for a clinic to remain viable, a clinic must take risks. The cases with the biggest risks often bring the most rewards to the students, the professor, and the clinic. Loss, however, is a necessary part of taking risks.

With this survey, we wish to explore how loss is defined across by different legal and clinical practices and the impact that loss has on the clinical experience. We would also like to identify and explore the pedagogical opportunities that arise from loss and the teaching methodologies used to teach about loss. We will be presenting the preliminary results of this survey at the AALS Clinical Conference in May in a concurrent session dealing with the impact of loss. Your responses to this survey will greatly assist us. Thank you very much for taking the time to respond to this.

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2. Survey

1. What type of law does your clinic practice?

2. When you consider accepting a case, do you consider the risk of losing?

- a. never
- b. sometimes
- c. always

3. How do you define loss in a case in your area of practice?

4. What are the consequences to clients of loss in the type cases in the field that your clinic practices?

5. All other factors being equal, how does the risk of loss of a case affect your decision to accept it?

6. Has your clinic accepted a case or cases that in your consideration had a significant possibility of loss?

7. If so, was the possibility of loss a topic of supervision or a topic in the seminar?

- a. yes
- b. no

8. What methodology or materials, if any, did you or do you use to teach about the possibility of loss and the assessment of risk in supervision or in the seminar?

9. From a pedagogical standpoint, is it important whether a case is won or lost?

- a. yes
- b. no

Please elaborate

10. With a risky case or cases, what has been or is usually the outcome of the case?

- a. win
- b. loss
- c. other

other (Please elaborate)

11. When a case has been lost do you assess the reason that the case lost?

- a. yes
- b. no

12. If so, what was the reason or were the reasons for losing? (you may choose more than one)

- a. difficult case
- b. difficult judge
- c. attorney error
- d. client misrepresentation
- e. poor client performance
- f. poor preparation
- g. other

Please elaborate.

13. Are you aware whether the loss or losses affected the students' commitments or beliefs regarding the type of law practiced, or their professional goals?

- a. yes
- b. no

If yes, please explain

14. What teaching opportunities arose or arise from the loss or losses?

15. Did the loss or losses affect enrollment in the clinic?

- a. yes
- b. no
- c. unsure

16. Please describe the difference in the impact on the professor and/or the clinic of winning cases and losing cases.

17. Did the loss or losses affect your decision on intake in future case?

- a. yes
- b. no
- c. unsure

How?

18. Did the loss or losses affect your perception as to whether risky cases are appropriate for clinics?

- a. yes
- b. no

19. If your perception was affected, how was it affected?