THE PEDAGOGICAL VALUE OF CLINICAL AMICUS ADVOCACY

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ABSTRACT

This Essay makes a case for why clinical appellate amicus advocacy is particularly well suited to foster valuable experiential learning in the public interest. First, the Essay explores amicus advocacy in general, including its purposes and effectiveness. The Essay then turns to a survey of the educational benefits of amicus opportunities. Importantly, the process of identifying and pursuing amicus-eligible cases is rife with pedagogical benefits, including maximizing student engagement by broadening the kinds of cases to which students can engage (especially incorporating an element of choice that empowers students to engage with legal questions that carry a personal valence), teaching the logistics of appellate and amicus procedure, and encouraging students to see themselves and the legal system as strategic actors within their respective communities. Once clinic students land an amicus matter, they can begin to reap the pedagogical benefits of developing and implementing an effective strategy: This often involves the ability to advocate outside of blackletter doctrinal strictures (presenting an alternative mode of persuasion that is not often highlighted in law school), and facilitates students' exposure to sources of feedback and client interaction. All of this positions clinical amicus advocacy as a superb vehicle for fostering the integration of clinic students' personal and professional identities while promoting the public interest.

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INTRODUCTION

Law-school clinics writing amicus briefs is nothing new. And amicus advocacy in general has proliferated dramatically in the past few decades.[1] Despite these developments, the pedagogical benefits of amicus advocacy in the law-school-clinic context appear to have received little academic attention.

This Essay seeks to fill that gap and make a case for why appellate amicus advocacy is particularly well suited to foster valuable experiential learning in the public interest. While this convergence of doing good and experiential learning is not unique to amicus advocacy, amicus work is a particularly good medium for it.

Part One explores amicus advocacy in general, including why an amicus might decide to weigh in on a case and whether amicus briefs make a difference. Understanding the purposes and roles of amicus briefing is necessary before exploring its pedagogical virtues in the clinical setting.

Part Two turns to the educational benefits attendant to the exercise of identifying and soliciting amicus opportunities. Even before landing an amicus matter, students must first understand appellate and amicus procedure, including logistical considerations of timing and vehicle issues, to identify amicus-eligible cases. Empowering students to look for cases involving subject matters that carry personal significance can also be an opportunity to maximize engagement and diversify the kinds of cases the clinic handles. Students will also think critically to identify community stakeholders that are well situated to communicate an effective amicus message. Accordingly, students practice the real-world skill of taking inventory of their own personal relationships and connections to pending legal issues. This process facilitates the development of their own

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1. *See generally* Anthony J. Franze & R. Reeves Anderson, *Amicus Curiae at the Supreme Court Last Term and the Decade in Review*, NAT'L L. J. (Nov. 18, 2020), *available at* https://www.arnoldporter.com/-media/files/perspectives/publications/2020/11/amicuscuriae-at-the-supreme-court.pdf?rev=3d5f6c33bb6c4a86bb99eb6ee8e910ee&sc_lang=en&hash=13B0E591D9883DA2000487EA43DDC068#:~:text=In%20the%202019%E2%80%9320%20term,total%20of%20911%20amicus%20briefs.

professional identities as strategic actors within the legal system and their respective communities.

Part Three explores the pedagogical value of developing and implementing an effective amicus strategy. After the clinic lands an amicus matter, one of the first steps will be deciding what kind of amicus brief to prepare. This requires the development of an appellate strategy *plus*: students must not only fully understand the principal parties' arguments on appeal, but they must also say something new to avoid merely duplicating those arguments. Throughout the process, students gain experience interacting with and advising the amicus client, all while navigating the ethical considerations associated with attorney-client communications. In fact, amicus clients may be more likely than other clinic clients to have legal sophistication of their own, which presents another unique learning opportunity for clinical students.

Importantly, amicus advocacy also provides students with a unique opportunity to engage in a less-doctrinal approach to legal research, analysis, and drafting—including through methods that are often not often emphasized in law school. Unless the amicus brief will present alternative merits arguments, students will be able to look beyond the constraints of doctrinal formalism to persuade the court via other channels. In other words, wherever the line between "law" and "policy" may be—if such a line exists—traditional law-school legal analysis and principal-party advocacy typically fall squarely on the "law" side. Amicus briefs (including "voices" briefs and other briefs that centralize the point of view of community stakeholders) present an opportunity to work outside those strictures in ways that can persuade a court in new ways. The process also prompts students to search beyond the tracks of traditional legal research, incorporating a diversity of materials that communicate the amicus brief's message in the client's unique and expressive voice.

I. THE PRACTICE AND PURPOSE OF AMICUS ADVOCACY

A. Why File an Amicus Brief?

Amicus advocacy is now the norm at the U.S. Supreme Court. Amicus briefs before the Court have increased 800% since the 1950s and 95% since 1995.[2] The prevalence of amicus advocacy appears to be spilling over to the courts of appeals and even to district courts, as well—especially in the most high-profile cases.

So what makes an amicus choose to weigh in on a given case? The "dominant narrative" has maintained that amicus advocacy is simply another channel for interest-group lobbying.[3] In other words, amicus advocacy is akin to "providing testimony for a congressional committee, or submitting comments on proposed agency rule making."[4] This makes sense, because "for good or bad, the Court will often be the final arbiter of a policy dispute."[5]

Under this interest-group-lobbying model, "[w]hether an entity files an amicus brief depends on attention (do organizational decisionmakers take notice of a case?) and interests (does the benefit of filing outweigh the cost?)."[6]

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2. Allison Orr Larsen & Neal Devins, *The Amicus Machine*, 102 VA. L. REV. 1901, 1902 (2016) (noting that 98% of Supreme Court cases now have amicus curiae briefs on the docket); *see also* Franze & Anderson, *supra* note 1; Daniel A. Farber, *When the Court Has a Party, How Many "Friends" Show Up – A Note on the Statistical Distribution of Amicus Brief Filings*, 24 CONST. COMMENT. 19, 19 (2007) ("Lawyers also have reason to be interested in amicus briefs, which have gone from being exceptional to being the norm in Supreme Court cases."); *see generally* PAUL M. COLLINS, JR., FRIENDS OF THE SUPREME COURT: INTEREST GROUPS & JUDICIAL DECISION MAKING 38–72 (2008) (tracing history of current amicus advocacy to Roman law).

3. Larsen & Devins, *supra* note 2, at 1903.

4. JULIANNA S. GONEN, LITIGATION AS LOBBYING: REPRODUCTIVE HAZARDS AND INTEREST AGGREGATION 146 (2003).

5. *Id.* at 157; *see also id.* at 2 ("The judiciary in the United States now stands equal to the other branches as at least an expositor if not an actual formulator of policy and law, and groups operate regularly in the courts as well as the more traditional forums.").

6. Farber, *supra* note 2, at 34; *see also* GONEN, *supra* note 4, at 5 ("Groups that litigate do so for a variety of reasons, not only to 'win' the case . . . there are various internal (group type, intensity of commitment, nature of goals, dynamics between leaders and members) and external (growth in rights consciousness, expanded judicial access, changes in the law, existence of other political threats) factors that influence when a group decides to bring a suit or file an amicus brief. These include . . . available resources, including legal expertise.").

Perhaps unsurprisingly, there is a range of benefits to amicus advocacy and different amici will necessarily define success differently. At the most-ambitious extreme, many amici hope to influence a case's outcome.[7] On the more-attainable end, other amici simply hope to feel seen and heard.[8]

The other variable in a potential amicus's calculus is cost. Amicus advocacy is relatively affordable compared to direct litigation, although the latter offers more control and is arguably more influential.[9] Amicus participation can also be more accessible for other reasons. For example, while an amicus must articulate an interest in the case, it need not establish Article III standing.[10] The amicus channel's relatively low cost and accessibility are part of why it is often lauded as an important feature of our democratic society.[11]

But the idealistic conception of amicus advocacy as an organic, democratic channel for interest groups might be "outdated and incomplete," at least at the Supreme Court level.[12] More and more, the pool of Supreme Court advocates appears to be shrinking as an elite cadre of repeat players are coming to dominate Supreme Court practice.[13]

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7. Farber, *supra* note 2, at 23 ("One obvious motive for filing an amicus brief is to influence the result in a case.").

8. *See* Linda H. Edwards, *Telling Stories in the Supreme Court: Voices Briefs and the Role of Democracy in Constitutional Deliberation*, 29 YALE J.L. & FEMINISM 29, 67–68 (2017) ("[B]eing heard may be more important in defeat that in victory . . . if the Court is not persuaded on the merits—in fact, especially then—those affected need to feel heard.").

9. *See* GONEN, *supra* note 4, at 6; *see also* COLLINS, *supra* note 2, at 27–28 ("The amicus curiae brief . . . is much less costly than setting up test cases or sponsoring litigation," but "it also has a downside. Namely, unlike planned litigation, it does not allow groups to control the course of the litigation.").

10. GONEN, *supra* note 4, at 148.

11. *See* Ruben J. Garcia, *A Democratic Theory of Amicus Advocacy*, 35 FLA. ST. U. L. REV. 315, 332 (2008) ("[A]micus participation can serve to level the playing field by providing a relatively low cost option for groups to band together and influence governmental policy," an exercise "at the heart of a representative democracy").

12. Larsen & Devins, *supra* note 2, at 1903 ("Even though the rise of amicus filings is partially linked to interest-group activity, the real story in the growth and especially the influence of amicus filings is the dramatic spike in activity by the so-called Supreme Court Bar. Today, elite, top-notch lawyers help shape the Court's docket by asking other elite lawyers to file amicus briefs requesting that the Court hear their case.").

13. *See generally* Richard J. Lazarus, *Advocacy Matters Before and Within the Supreme Court: Transforming the Court by Transforming the Bar*, 96 GEO. L.J. 1487, 1524-25 (2008); *see also* Jeffrey L. Fisher*, A Clinic's Place in the Supreme Court Bar*, 65 STAN. L. REV. 137, 140 (2013) ("[W]e live in the first era since the one shortly following the country's founding in which a genuine 'Supreme Court Bar' exists and handles a substantial portion of the cases the Court hears."); Katherine Shaw, *Friends of the Court: Evaluating the Supreme Court's Amicus Invitations*, 101 CORNELL L. REV. 1533, 1539 (2016)

This small group of Supreme Court specialists is not only enjoying a larger share of opportunities to directly represent petitioners and respondents; it is also coordinating amicus strategy within its own ranks. Allison Orr Larsen and Neal Devins coined the phrase "the Amicus Machine" to refer to the "orchestrated" and systematic effort by members of the Supreme Court Bar to "wrangle" potential amici to support their cause, and to "pair" those amici "with other Supreme Court specialists to improve their chances with the Court."[14]

These Supreme Court specialists mobilize the Amicus Machine to enlist amici to support their side; then they quarterback out different arguments supporting their side to different amici represented by fellow Supreme Court specialists.[15] This, in effect, expands a party's briefing allowance beyond the page limitations on its principal briefs, and it makes it more likely the Court pays close attention to amicus arguments, since they're authored by Supreme Court frequent fliers.[16]

Intentionally focusing Supreme Court amicus participation on a small cadre of specialists is necessarily "clubby" and "elite."[17] This choreographed strategy between parties and amici belies the "common conception . . . (perhaps folklore, perhaps not), that [amicus] briefs are democracy enhancing because they operate outside of the adversary process."[18] And the more an amicus brief's influence turns on the name recognition of its Supreme Court Bar author, the further amicus advocacy strays from the democratic ideal of being relatively cost-accessible, as the most famous Supreme Court specialists have some of the highest billing rates.[19]

While the trend towards recruiting amici and enlisting Supreme Court specialists to represent them may alter the cost-benefit analysis for would-

("A Supreme Court argument is no longer an experience that top advocates enjoy once or twice in a career, but something a small group engages in on a routine basis.").

14. Larsen & Devins, *supra* note 2, at 1903–04; *see also* GONEN, *supra* note 4 at 65–66 ("[C]oordination between litigants and amici has become a common strategy with significant implications for the process of interest representation in the judiciary."); Matthew L.M. Fletcher, *The Utility of Amicus Briefs in the Supreme Court's Indian Cases,* 2 AM. INDIAN L. J. 38, 69–71 (2013) (discussing the Native American Rights Fund's Supreme Court Project, which began coordinating amicus strategy in high-profile American Indian law cases).

15. *See generally* Larsen & Devins, *supra* note 2.

16. *Id.* at 1903–04, 1906–07; GONEN, *supra* note 4, at 66.

17. Larsen & Devins, *supra* note 2, at 1908.

18. *Id.* at 1913.

19. *Id.* at 1908.

be amici, the reality remains that amicus briefs are more prevalent than ever before.[20] Even if the opportunity to file an amicus brief comes at the invitation of a high-profile Supreme Court advocate rather than out of an organic and self-driven desire to weigh in on a case of interest, would-be amici still have to say "yes" to the invitation. And they do. It follows that individuals and organizations must still believe that amicus briefs are worth pursuing.

B. Do Amicus Briefs Make a Difference?

Despite the ubiquity of amicus briefs, it is notoriously difficult to measure their influence on case outcomes.[21] The Office of the Solicitor General is arguably (and perhaps by far) the most influential amicus—to the point that some commentators call the Solicitor General the "Tenth Justice."[22] But the effect of private and other governmental amici is far less clear.[23]

It is not absurd to think that a persuasive amicus brief could be a difference maker, especially in close cases.[24] As Maureen Johnson points out, "when both sides *could* be correct—why is it surprising that *pathos*

20. *See supra* note 2 and accompanying text.

21. *See, e.g.*, MATTHEW M.C. ROBERTS, ORAL ARGUMENT AND AMICUS CURIAE 21 (2012) ("The literature paints an extremely mixed picture about *amici curiae*. Tradition believes in their value, but actual empirical studies have at various times supported, refuted, and contradicted that wisdom."); Fisher, *supra* note 13, at 149 n.34 (excluding amici from his empirical study of whether representation by a Supreme Court specialist confers an advantage, including because "[t]he consequence of amicus support is too tangential and difficult to assess to warrant inclusion"); Farber, *supra* note 2, at 23 (noting it is "unclear how effective [amicus] briefs actually are" in influencing case outcomes); Edwards, *supra* note 8, at 43 ("[I]nfluence is a much larger and more multifaceted concept than studies have yet captured."); see *generally* COLLINS, *supra* note 2, at 3 (setting out "to scientifically analyze and explain the interest of interest group amicus curiae activity on Supreme Court decision making"); Fletcher, *supra* note 14, at 53 ("It is not easy to measure in any meaningful way the impact or influence that an amicus brief might have on the Supreme Court's decision-making.").

22. Darcy Covert & Annie J. Wang, *The Loudest Voice at the Supreme Court: The Solicitor General's Dominance of Amicus Oral Argument*, 74 VAND. L. REV. 681, 681–82 (2021).

23. *See, e.g.*, Fletcher, *supra* note 14, at 38–39 (noting that in "possibly the highest profile Indian law case in decades," the Supreme Court's decision "cited to exactly one amicus brief—that of the United States. Did the other 31 amicus briefs make no impression on any of the Justices? What's the point of filing an amicus brief in a hot-button Supreme Court case if there's no evidence that the briefs have any impact?"); *see also supra* note 21.

24. Professor Farber found a positive correlation between the number of amicus briefs filed and opinion assignments to swing justices; in other words, opinions assigned to swing justices, on average, involved more amicus filings. Farber, *supra* note 2, at 26.

might tip the scales?"[25] The same could be said about an amicus. And making an impact might be especially likely in areas of the law (such as American Indian law) that are highly policy-driven or dominated by federal common law, especially when clerks and Justices are less likely to have a background or personal experience in that area.[26]

Amicus advocacy can also be influential in the long run. For instance, Justice Ginsburg was notoriously adverse to American Indian tribal interests that came before the Court; but she eventually "flipped," likely because of intentional, long-term efforts to demystify tribal law through amicus advocacy.[27]

And even if an amicus brief does not carry the day, it can effect some damage control by persuading the Court to limit what might otherwise be a more broadly damaging decision.[28]

In any event, amici might be more likely to perceive success if their goal was simply to be heard, rather than changing a case's disposition. It is perhaps less of a stretch that an effective amicus brief could influence an opinion's tone, if not its outcome.[29] And that's not nothing, especially if "being heard may be more important in defeat than in victory."[30]

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25. Maureen Johnson, *You Had Me at Hello: Examining the Impact of Powerful Emotional Hooks Set Forth in Appellate Briefs Filed in Recent Hotly Contested U.S. Supreme Court Decisions*, 49 IND. L. REV. 397 (2016).

26. Fletcher, *supra* note 14, at 40–44; *see also* Edwards, *supra* note 8, at 37 (noting that "voices" amicus briefs can help to "fill the inevitable gap between a Justice's personal experience and the realities of other lives and other perspectives").

27. Frank Pommersheim, *Amicus Briefs in Indian Law: The Case of Plains Commerce Bank v. Long Family Land & Cattle Co.*, 56 S.D. L. REV. 86, 105–07 (2011); *see also* Fletcher, *supra* note 14, at 39 (noting that amicus briefs that provide new historical or other factual information or legal frameworks not raised by the parties are the most impactful in American Indian law cases).

28. *See, e.g.*, Fletcher, *supra* note 14, at 61 ("Although the *Carcieri* [*v. Salazar*, 555 U.S. 379 (2009)] amicus briefs supporting tribal interests did not persuade a majority of the Court, in overall terms the briefs may have been as successful as any in that they offered sufficient support to the concurrence and dissent to limit the import of the decision.").

29. *See* Johnson, *supra* note 25, at 413 ("The fact remains that judicial opinions are crafted in a manner to *convince* the American public that the decision is justified. In some cases, the legal inquiry involves interpretation of evolving societal norms. What better way of convincing the public of the correctness of a decision than by using *pathos* to tap into those norms?"); Edwards, *supra* note 8, at 68 (noting that "voices" briefs "nonetheless may affect the tone and content of an unfavorable opinion, . . . encourag[ing] a Justice to write an opinion that recognizes and respects opposing views").

30. Edwards, *supra* note 8, at 67.

II. THE EDUCATIONAL BENEFITS OF IDENTIFYING AMICUS OPPORTUNITIES

Given those considerations, what makes amicus briefing a worthwhile endeavor for law-school clinics? From start to finish, the process of seeking out, obtaining, and completing an amicus matter is rife with educational opportunities for students.

Susan Bryant, Elliott Milstein, and Ann Shalleck have identified seven potential "learning goals that a clinical program might accomplish."[31] Appellate amicus briefing checks all seven of those boxes.

Indeed, even if an amicus matter never comes to fruition, the process of identifying and pursuing such opportunities presents extensive opportunities for learning. Some law schools have specific Supreme Court clinics directed by members of the elite cadre of frequent fliers in the Court.[32] When a clinic already has a "Place in the Supreme Court Bar,"[33] it can easily tap into the Amicus Machine such that amicus opportunities will often come to *them*.[34] But for other clinics, including appellate clinics that primarily practice in federal courts of appeals and state appellate courts, and specialized clinics (such as First Amendment clinics and environmental-justice clinics and the like), finding an amicus opportunity might take some effort. But the effort is well worth it.

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31. *See* SUSAN BRYANT ET AL., TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY 14 (2014). To paraphrase, those seven goals are (1) developing a professional identity and practicing with a purpose, (2) increasing understanding of how the legal system and other institutions affect the lives of (especially marginalized) people, (3) improving capacity to manage uncertainty and exercise judgment, (4) developing new ways to think like a lawyer, (5) building a lifelong commitment to learning, (6) developing skills for navigating human aspects of legal practice, and (7) building lawyering skills. *See generally id.*

32. *See* Larsen & Devins, *supra* note 2, at 1917–18 (noting that such law-school Supreme Court clinics can "rival an elite firm's Supreme Court practice," especially such as "Stanford's Supreme Court Litigation Clinic, led by giants of the Supreme Court Bar Jeffrey Fisher and Pamela Karlan"); *see generally* Fisher, *supra* note 13 (discussing the educational benefits of clinical participation in Supreme Court advocacy).

33. Fisher, *supra* note 13.

34. *See* Larsen & Devins, *supra* note 2, at 1918 (noting that in the 2015 term, law-school clinics represented ten principal parties and six amici).

A. Finding the Right Case

The task of looking for amicus-eligible cases presents multiple educational benefits, including empowering students with an element of choice to maximize engagement and helping them to integrate their personal and professional identities, fostering a nuts-and-bolts understanding of procedure, and thinking through legal strategy.

i. Interesting Cases and Passion Projects

Perhaps the most exciting aspect of identifying an amicus-eligible case is finding one that involves an interesting or personally significant subject matter. There are many benefits to looking for cases that check this kind of box.

First, the task of looking for exciting, amicus-eligible cases exposes students to a larger breadth of legal issues and areas. Amicus advocacy in particular allows students to work on cases beyond the kinds of cases for which the clinic typically provides direct, principal-party representation.[35] To illustrate, our Appellate Clinic primarily handles cases to which we have been assigned or appointed by federal appellate courts. These tend to be 42 U.S.C. § 1983 cases where the plaintiff was pro se in the district court, criminal compassionate-release appeals, 28 U.S.C. §§ 2254 or 2255 appeals, and the like. But through our amicus work, students were exposed to and worked on cases involving emerging legal issues in American Indian law, privacy law, LGBTQ+ rights, reproductive justice, and other issues beyond the clinic's normal bread-and-butter work. Having a diversity of cases expands the clinic's educational value.[36]

Second, empowering students to look for amicus-eligible cases that align with their passions and values can also have a formative effect and maximize engagement and learning. A common refrain among our Appellate Clinic students is that working on a real-life case for a real-life client was a source of motivation, prompting them to tap into personal

35. *See* Fisher, *supra* note 13, at 164 ("A clinic's educational mission also incentivizes it to have a mixture of cases at any given point across a variety of dimensions," including "a mixture of parties and amici, individuals and (sometimes more sophisticated) institutions").

36. *See id.* (explaining that having a mix of cases and clients helps students see how courts approach statutory cases differently from constitutional ones, private parties from government parties, and the like).

values of justice and equity.[37] In short, students learn more when they invest. And they invest more when they care. Encouraging students to look for and identify amicus opportunities that align with their personal values, incorporating an element of choice, is therefore an excellent mechanism for maximizing student engagement.

The clinical-education literature backs this up. The first learning goal for clinical programs Bryant et al. identify is developing a professional identity and practicing with purpose.[38] The ABA defines "professional identity" as "what it means to be a lawyer and the special obligations lawyers have to their clients and society."[39] Developing professional identity, in turn, involves "intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice."[40] Pursuing personally significant amicus opportunities shows students the possibility of aligning their own values with their legal work.

This Journal's pages have featured important discussions about ways law-school clinics can help students integrate their professional and personal identities.[41] Accordingly, many clinics center the goal of public service, closely after the primary goal of maximizing pedagogical opportunities.[42] And when clinics prompt students to integrate their personal and professional identities, the students can graduate equipped with the skills and awareness necessary to take on meaningful pro bono work in their

37. BRYANT ET AL., *supra* note 31, at 16 (listing "achieving justice" and "access" as core professional values for lawyers and stating that clinics "are ideal sites for inculcating these professional values").

38. *Id.* at 14. AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024 Standard 303(b).

39. AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024 Interpretation 303-5.

40. *Id.*

41. *See, e.g.*, Sarah R. Boonin & Luz E. Herrera, *From Pandemic to Pedagogy: Teaching the Technology of Lawyering in Law Clinics*, 68 WASH. U. J.L. & POL'Y 109, 133 (2022) (noting a primary goal of law clinics is to help students integrate their personal and professional identities and that clinical teaching about technology and attendant ethical questions are useful avenues toward that goal); *accord* Jacqueline Horani et al., *Teaching from the Integrative Paradigm: The Negotiation Clinic at Quinnipiac University School of Law*, 70 WASH. U. J.L. & POL'Y 121, 123–30 (2022) (discussing the ways an integrative-law approach can help expand students' professional identities and ideas about what it means to be a lawyer).

42. *See, e.g.*, Fisher, *supra* note 13 at 142–43 (noting that Stanford's Supreme Court Litigation Clinic's primary goal is to "provide an excellent educational experience for students" through pro bono legal assistance, which invokes a secondary goal: that the clinic "would perform a public service").

legal careers.[43] Amicus participation, especially in a public-interest-related case that is most likely to align with students' passions, provides an excellent avenue for learning while doing good, and for setting students up to take ownership of their legal careers in a way that accords with their values.

Another advantage of amicus participation, even over direct-party representation, is that it can be an access point to participate in the most high-profile cases. As explained above, direct impact litigation is expensive and time-consuming.[44] And as cases rise in profile, especially before the Supreme Court, they are more likely to be handled by an elite group of Court specialists.[45] But amicus advocacy allows broader access to participation in these blockbuster cases. Even if the Amicus Machine focuses Supreme Court amicus advocacy within the same cadre of specialists,[46] other, more organic opportunities to represent amici remain, especially in federal courts of appeals and state appellate courts.

ii. Timing

As vital as finding an engaging case may be, there are other considerations that factor into whether a case presents a viable opportunity for a clinic to do amicus work. For one, the timing must be right. This can be especially difficult when the clinic operates on a semester-based (rather than a year-long) timeline. But even navigating this logistical consideration presents an opportunity for meaningful student learning.

In general, an amicus's brief is due seven days after the principal brief the amicus supports.[47] So if an appeal has already been pending for too long and the parties' principal briefs have been filed, then it is likely too late for amicus briefs. Or if the briefing deadline is around the corner, that might not provide enough time to connect with a client and prepare a brief.

In our Appellate Clinic, students came to understand amicus procedure and timing as they looked for potential cases that could present an amicus opportunity. Their methods for identifying cases ranged from searching

43. BRYANT ET AL., *supra* note 31 at 17 ("We hope their clinical experience inspires students to care about and address inequality and exclusion, whatever their practice setting.").
44. *See supra* notes 9 and 11 and accompanying text.
45. *See* Lazarus, *supra* note 13.
46. *See generally* Larsen & Devins, *supra* note 2.
47. *See* F. R. APP. P. 29(a)(6); SUP. CT. R. 37.3.

federal-appellate dockets to researching news coverage, blogs, and other secondary sources about high-profile cases. Together, we learned that in general, identifying very recent, high-profile decisions at the district-court level will often set us up for the best timing in the appellate court—but only if such decisions are final or otherwise immediately appealable.[48] So this exercise presented its own opportunity to discuss finality and interlocutory appeals, two critical concepts for appellate practice.[49]

In sum, figuring out timing requires students to understand amicus and appellate procedure and real-world litigation timelines—important practical and executive-functioning skills they might not have been exposed to outside the clinical setting.[50]

iii. Vehicle Issues

In addition to timing considerations, vetting cases for amicus opportunities also invites students to consider "vehicle" issues—that is, whether a particular case presents an appropriate and strategic platform for promoting the amicus's message.[51] This process encourages students to grapple with questions such as whether the potential case is a loser for the side they want to support, whether there are other issues that might control the case such that the amicus-eligible issue could be left undecided, and so on.

To illustrate, a team of students in our clinic uncovered an emerging privacy-law issue that was working its way through the federal appellate circuits. The issue involved the proper pleading standard for alleging a certain kind of technological invasion of privacy. The students identified a local case where the timing was right, and even found a client interested in privacy law that was ostensibly willing to weigh in as an amicus. But after looking more into the case, it became clear that other pleading deficiencies

48. *See* 28 U.S.C. §§ 1291, 1292.

49. *See* J. Thomas Sullivan, *Teaching Appellate Advocacy in an Appellate Clinical Law Program*, 22 SETON HALL L. REV. 1277, 1289 (1992) (arguing that appellate clinics are important, in part because they might be the only time law students learn appellate rules and procedures).

50. *See id.* at 1288–89 (extolling the opportunities appellate clinics provide students for real-world skill-building).

51. *See* Farber, *supra* note 2, at 22 (noting that after "the perceived relevance of the case to the organization's goals," the next consideration for an entity deciding whether to become an amicus is "the quality of the case as a legal vehicle").

made it unlikely the local circuit would reverse dismissal and side with the party asserting privacy interests. After conversations with the potential client and additional research, the students identified another set of cases that presented better potential vehicles on the same privacy-law issue. Those were less plagued by other pleading deficiencies and involved stronger complaints in general, making it less likely that the court of appeals could punt on the privacy-law issue. Talking and thinking through these issues presented its own opportunity to practice appellate strategy and client counseling.[52]

B. Finding the Right Client

If students identify a case that is a good candidate for amicus participation, the logical next step is to find a client willing to fulfill the role of amicus.[53] This exercise necessarily requires students to think critically and holistically about the impact a given case can have on the community at large, including diverse stakeholders.[54] Students may have to think quite creatively about how and whether a case could affect various constituent groups, requiring them to assume a systemic understanding of the legal system and its interaction with the community.[55]

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52. Vehicle issues can also come in the form of even bigger questions. For example, Fisher discusses how it can be "an extremely difficult assignment" to determine whether taking a case to the Supreme Court could risk making bad law. Fisher, *supra* note 13, at 190. This facilitates difficult and important conversations about whether a clinic can and should take on a case in the first instance. *Id.* And yet this presents another advantage of representing an amicus over a direct party: the stakes are lower because it is less likely an amicus brief will *lose* a case for a party. *But see* Fletcher, *supra* note 14, at 51 (summarizing an interview with Supreme Court practitioner Doug Laycock and describing the ways amicus briefs can harm a cause, including "by wasting the Court's time, by being duplicative, or by undermining the strategy of the party the amicus is trying to support"). Coordinating with the supported party can avoid these pitfalls.

53. Of course, some clinics assume the role of the amicus, themselves. *See, e.g.*, Brief *Amicus Curiae* of First Amendment Clinics, Citizens, and Journalists in Support of Petitioner, *Lindke v. Reed*, No. 22-611 (U.S.). This model is more common in clinics that specialize in certain substantive areas, such as the First Amendment or environmental justice. While this kind of amicus work certainly has meaningful educational value, this Essay focuses on amicus matters involving outside clients as amici. And I submit that amicus matters that involve an outside client carry with them even more educational benefits, including client-communication skills and aspects of community lawyering, that are lost when the clinic is its own amicus client.

54. *See* GONEN, *supra* note 4, at 147 ("[I]t is quite possible for many different interests to see very different issues at stake in the same case.").

55. *See* Susan L. Brooks & Rachel E. Lopez, *Designing a Clinic Model for a Restorative Community Justice Partnership*, 48 WASH. U. J.L. & POL'Y 139, 149–51 (2015) (describing a

This aligns well with Bryant et al.'s "Goal Four" for clinical education, which is to develop new modes of thinking like a lawyer.[56] As they write, "The capacity to . . . engage in contextual analysis is inextricably connected to building students' capacity to engage in critical thinking. Experiences with clients, communities, and legal actors often provide opportunities for students to examine their assumptions about how the world works."[57]

The process also prompts students to take stock of their own personal networks, including legal and other community contacts. When a student is involved in and has personal connections to an organization that might be a good fit to be an amicus, this provides another opportunity for integrating personal and professional identities. Students reconciling their own position with a potential amicus's in relation to a specific case prompts the students to "see themselves as strategic actors within systems and communities."[58] In that sense, the exercise furthers Bryant et al.'s Goal Two, which is to examine how the legal system affects the lives of people, especially in marginalized communities.[59]

Also, pitching an opportunity to a potential client carries its own educational opportunities. Students are more likely to achieve an amicus engagement if they have already formulated a potential strategy, which involves understanding the principal parties' appellate strategy and how the amicus could supplement—and not repeat—the supported party's arguments.[60] And offering the clinic's expertise pro bono should sweeten the pot.[61]

At bottom, engaging in a systemic consideration of how the law impacts communities, taking stock of one's own contacts and community relationships, developing those relationships, and pitching the clinic's services to a potential client are chock full of educational opportunities for

community-lawyering approach and noting that "community" can broadly encompass concepts of geography, culture, politics, and other characteristics).

56. BRYANT ET AL., *supra* note 31, at 21–23.

57. *Id.* at 22–23.

58. *Id.* at 18–19.

59. *Id.* at 18–19. Of course, if a student already has a contact with a community partner, it could be possible for that partnership to drive the search for an amicus opportunity. In other words, the student could start with the client and then look for eligible cases, rather than vice versa.

60. *See infra* notes 60–66.

61. *See* Larsen & Devins, *supra* note 2, at 1923 (recounting interview with Jeff Fisher that "it is easier to convince an interest group to file an amicus brief if one comes to that conversation with a willing author ready").

students. And even if an amicus engagement never comes to be, the process of looking for eligible cases and clients is itself formative. In that sense, the journey becomes the destination.

III. THE EDUCATIONAL BENEFITS OF DEVELOPING AND EXECUTING AN AMICUS STRATEGY

A. Engaging the Client to Develop a Strategy

Once a clinic has engaged a client as an amicus for a case, the next task is to work with the client to develop an amicus strategy. Before clinic students can effectively draft an amicus brief on behalf of the client, they must first listen and seek to understand the client's relationship to the questions at issue in the case.[62] This, in turn, may present opportunities for meaningful cross-cultural interactions, especially if client communications call on the students (and supervisors) to examine their own biases and cultural backgrounds and experiences that might differ from the client's—especially when the client holds marginalized identities.[63]

Sometimes, the amicus client may be a sophisticated legal actor in its own right. Indeed, it may have its own in-house counsel. This, too, can be educationally beneficial for students. Commonly, the only real-time feedback a clinic student will receive from practicing attorneys will come from the clinic's supervisor(s). Exposing the students to other counsel, and indeed other kinds of legal practices, is pedagogically beneficial.[64] Students become accountable not only to the legal expertise of their supervisors, but also to that of their client. And feedback between those two sources may

62. *See* Tamar Ezer, *Teaching Written Advocacy in a Law Clinic Setting*, 27 CLINICAL L. REV. 167, 189 (2021) ("Meaningful interaction with clients, partners, and affected communities is thus an important component of compelling written advocacy.").

63. *See generally* Antoinette Sedillo López, *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 (2008) (discussing biases and how cultural context and backgrounds can impact clinical students' interactions with clients, and how instructors/supervisors can facilitate self-awareness and effective and culturally competent representation).

64. *Cf.* Fisher, *supra* note 13, at 164 (discussing how "students benefit from interacting with different kinds of co-counsel" and different styles of legal practice).

vary and even conflict, which is a lesson soon-to-be junior attorneys are better off learning quickly.[65]

To illustrate, our Appellate Clinic was fortunate to have worked with a civil-rights organization on an amicus matter. The amicus client had its own attorneys. Since our clinic typically handles court-appointed and assigned matters for clients who were pro se in the district court, the opportunity to work with an institutional client with legal expertise is rare. Students were involved as the amicus strategy developed with the client and prepared an initial draft of the brief. As the supervisor, I reviewed and edited the draft, providing my own feedback to the students. When we received edits back from the client, the draft was substantially slimmer. This begot a valuable opportunity to engage the students in a supervisory discussion about client agency and when it is appropriate to be deferential (especially in the context of an amicus brief, where there is more leeway to be expressive and writing in a client's voice is particularly important).[66]

Regardless whether the amicus client has its own counsel, developing an amicus strategy should be a collaborative endeavor between students, supervisor, and client.[67] Collaboration is itself a valuable skill for legal practice, and while clinic students often have opportunities to work with each other, all the better if they also have an opportunity to work meaningfully with clients.[68]

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65. This accords with Bryant et al.'s discussion about the lawyering and learning skills of being able to view models, templates, and feedback critically. BRYANT ET AL., *supra* note 31, at 24.

66. *See id.* at 20 (discussing the role of supervisors in helping students navigate client relationships and strategy).

67. *See id.* at 22 ("Students engage in ends-means analysis in the planning process . . . . They learn to ask frequently: 'What is my client's goal here?' 'Does this action advance the goal?' 'Are there better or different strategies that will improve the chances?'").

68. *See id.* at 29 (discussing the value of teaching collaborative skills in clinics). Tamar Ezer's observations about the importance of collaborative writing might be particularly true for amicus advocacy, which should center the client's voice: "As writing is subject to revision, it is conducive to collaboration. Collaboration is also common in the professional world and nurtures crucial lawyering skills. Law clinics can thus provide students with vital preparation for future work." Ezer, *supra* note 62, at 185.

B. Choosing What to Say: Beyond Doctrine

Clinics should advise an amicus client to say something new. The Supreme Court's Rule 37.1 says it all:

> An amicus curiae brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. An amicus curiae brief that does not serve this purpose burdens the Court, and its filing is not favored.[69]

Similarly, Judge Posner famously bemoaned that the "vast majority of amicus curiae briefs are filed by allies of litigants and duplicate the arguments made in the litigants' briefs."[70] He calls such briefs "an abuse," because "'amicus curiae' means friend of the court, not friend of a party."[71]

Apart from avoiding an ineffective brief and displeasing the court, saying something new is also more educational for the students than rehashing the arguments a party has already made. To supplement (and not repeat) what the supported party is saying, students drafting an amicus brief necessarily need to understand the parties' arguments—and add to or otherwise complement them. So effective amicus advocacy provides an opportunity for students to learn not only the case's appellate strategy, but an appellate strategy-*plus*.[72]

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69. SUP. CT. R. 37.1; *see also* GONEN, *supra* note 4, at 112 (summarizing former Supreme Court specialist [and now Federal Circuit Judge] Timothy Dyk's opinion that in general, there is an excess of "me too" briefs that are not helpful to the Court).

70. Ryan v. Commodity Futures Trading Comm'n, 125 F.3d 1062, 1063 (7th Cir. 1997).

71. *Id.* He goes on: "[t]he amicus brief does not tell us anything we don't know already. It adds nothing to the already amply proportioned brief of the petitioner. The bane of lawyers is prolixity and duplication . . . . In an era of heavy judicial caseloads and public impatience with the delays and expense of litigation, we judges should be assiduous to bar the gates to amicus curiae briefs that fail to present convincing reasons why the parties' briefs do not give us all the help we need for deciding the appeal." *Id.* at 1064. *But see* Garcia, *supra* note 11, at 315 (arguing that federal rules about sanctions, and not judges' conceptions about whether an amicus brief says something new, should govern whether amicus briefs are allowed, since they are an important channel in a democratic system).

72. In that sense, amicus advocacy is an advanced application of appellate lawyering skills, which might be the very skills that "are of greatest significance for litigators and non-litigators alike: the ability to develop legal issues and marshal supporting facts to support the client's position, the integration of precedent and evaluation of impact of unique fact settings upon application of legal principles, and the need to cogently express the position developed in support of the client's needs and interests." Sullivan, *supra* note 49, at 1282–83.

Assuming the parties have covered all viable alternative merits arguments, finding something new to say will likely require thinking outside the box, including considering nondoctrinal approaches. In law school, students rarely have an opportunity to approach legal issues beyond a blackletter-doctrinal framework. But experience teaches that courts are not mechanical doctrine devices that spit out predictable outcomes based on given inputs. Accordingly, the opportunity amicus briefing offers to embrace indeterminacy and advocate outside of such doctrinal strictures is pedagogically invaluable.[73]

In fact, such an approach is a valuable goal of clinical education:

> In addition to critical thinking, clinics encourage expansive, creative, and imaginative thinking. Teaching students to "think like lawyers" employing legal analytical frameworks alone narrows their problem-solving abilities. For the most part, legal education has narrowed students; thinking about what is possible and what is just by teaching students that clients' problems are resolved and justice is defined by law applied in appellate courts. Through work with other professionals as well as clients and communities, students learn to think beyond the law or the lawyer's role. Creative thinking encourages students to push the law to accept the client's view rather than molding clients to fit the law's view. Creative, imaginative thinking is also required to escape narrow, ethnocentric thinking that is limited by the lawyer's culture and experiences. By thinking creatively and expansively, students see solutions that law may accommodate.[74]

Amicus briefs typically enjoy more latitude for nondoctrinal or otherwise creative arguments than principal-party briefs. This aligns well with community-lawyering models that approach legal questions from a systemic, multidisciplinary outlook.[75] In the same way that "Integrative

73. *See* BRYANT ET AL., *supra* note 31, at 28 ("Real-world encounters enhance skill development because students consolidate their learning, putting many pieces together.").

74. *Id.* at 23.

75. *See* Brooks & Lopez, *supra* note55, at 149–51 ("[C]community lawyering, which has roots in poverty lawyering, recognizes that law alone cannot eliminate the oppressive effects of poverty and discrimination.") (alteration in original); Horani, *supra* note 41, at 132 ("Integrative Lawyers . . . take a

Law" models incorporate but go beyond substantive legal doctrine,[76] effective amicus briefing can transcend traditional blackletter arguments, affording students a valuable opportunity to approach legal advocacy in a new way.

One increasingly common manifestation of beyond-doctrinal approaches to amicus advocacy is the rise of "voices" briefs.[77] This genre of amicus briefs centers (and exposes the court to) the lived experiences of the people, often holding marginalized identities, that are most affected by the legal question before the court.[78] These types of briefs have most notably appeared in high-profile cases involving reproductive rights and LGBTQ+ equality.[79] Working with a client on this kind of brief holds special educational promise, not only because students will have to engage in a new form of legal writing, but also because it will likely expose the students to backgrounds and life experiences different from their own in a way that critically emphasizes the way the legal system privileges and marginalizes communities.[80]

Relatedly, a narrative or storytelling-based amicus strategy might be a particularly effective way to persuade the court. Many professors and practitioners believe that narrative should be a component of all good legal writing.[81] While principal-party briefs will likely focus on more traditional doctrinal analysis, amicus briefs can present a platform for a more narrative mode of persuasion. Indeed, storytelling should not be considered peripheral to good legal advocacy, as it presents a potent mechanism for challenging preconceptions.[82] And it also features prominently in Bryant et

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systemic view, acknowledging that legal problems and controversies do not arise in a vacuum, but are part of complex, interrelated systems."); *see also* Margaret Martin Barry, John C. Dubin & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, 65–67 (2000) (noting a multidisciplinary approach beyond regular legal doctrine is part of a new wave of legal practice).

76. *See* Horani, *supra* note 41, at 130.

77. *See generally* Edwards, *supra* note 8.

78. *See id.* at 36–37.

79. *Id.* at 39. But they can be helpful in any kind of case when presenting the human dimension of the case could be salient to the court. *Id.* at 40.

80. *See id.* at 37; *see also* BRYANT ET AL., *supra* note 31, at 25 (discussing understanding the perspective of another as an important aspect of clinical-education Goal Six, developing skills for the human dimension of practice).

81. *See* Ezer, *supra* note 62, at 188; Johnson, *supra* note 25, at 459–60 (discussing the importance of making an emotional connection in written legal advocacy).

82. *See* Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2413–14 (1989). Professor Delgado explains how storytelling has always been a part of marginalized groups' liberation and that effective narrative can be formative on privileged

al.'s discussion of clinical-education Goal Four, which is to develop new models of thinking like a lawyer.[83]

Whatever the strategy, students drafting an amicus brief will have to assemble some kind of narrative or corpus of facts. This may involve consulting sources that are less common in traditional legal research. Beyond Westlaw and Lexis, students may need to research and prioritize a range of sources, from researching diverse secondary authority to conducting original interviews.[84]

In our Appellate Clinic's seminar, discussing "voices" amicus briefs and the process of building a narrative or factual record for amicus advocacy fostered rich discussion. Students debated the legitimacy of introducing "facts" into a case that were not raised, developed, and tested (as with cross examination) through the adversarial process between the principal parties. While some took solace in recognizing that facts introduced by amici are usually "legislative," (tools for legal reasoning) rather than "adjudicative," (forming the basis of the case or controversy between the parties),[85] others remained concerned about the prospect of misinformation being introduced through freewheeling amicus briefs. In any event, it goes without saying that a clinic should not risk its reputation by playing fast and loose with facts in an amicus brief.[86]

For more unconventional approaches, a clinic could consider working to enlist co-signers on the amicus brief to bolster legitimacy.[87] Such an

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groups. *Id.* at 2436–38.

83. BRYANT ET AL., *supra* note 31, at 21 ("In clinics, students learn that just as they have a role in constructing a legal argument, they have an important role in constructing and presenting narratives. Narrative thinking encourages students to connect facts not just to legal elements but also to stories and to pay attention to how audiences will interact with those stories."); *accord* Ezer, *supra* note 62, at 188–89.

84. BRYANT ET AL., *supra* note 31, at 19 (extolling the educational benefits of students deciding "what information to pursue and how to get it, and once they have it they analyze it and use it to invoke claims of right and wrong. . . . They make choices about fact investigation, including what to search for and how to conduct their searches.").

85. *See* Edwards, *supra* note 8, at 49 ("Voices briefs offer non-party stories as legislative facts, not as adjudicative facts."); *see also* Eugene Temchenko, *Discovering the Truth Behind an Amicus Brief*, 94 N.D. L. REV. 95 (2019) (proposing a rule or statute allowing for limited discovery into certain factual claims made in amicus briefs).

86. *See* Larsen & Devins, *supra* note 2, at 1908 (noting the reputational interests of attorneys who appear frequently before the Supreme Court as a beneficial mechanism for helping to "police unreliable claims made to the Court"); Fisher, *supra* note 13, at 169 (describing the ways a clinic's expertise and reputation can positively affect its clients' prospects).

87. *See* GONEN, *supra* note 4, at 84 (discussing that instead of tempering argument or tone, amici

approach allows students even more iterations of opportunities for interacting with potential clients and again prompts students to think about the interconnectedness of different constituent groups for any given legal issue.

C. Getting it on Paper

Developing an amicus strategy is one thing; executing it is its own skill. The process of drafting and revising the amicus brief affords ample educational opportunities.[88] Written advocacy, of course, is a critical goal of legal education[89]—and it is one that clinical amicus briefing can serve well.

As always, good written advocacy begins with and constantly centers audience and purpose.[90] Students undertaking this exercise must navigate the challenges of drafting what might be an outside-the-box approach. All the while, they must keep the focus on the client's objectives and unique voice. While a more detached, doctrinal tone may be an effective ethos for principal-party briefing, an amicus brief (which is elective) should more expressively convey the client's message and voice.[91] This will require students to listen critically and think deeply about their client's perspective and adopt a tone and voice that will almost certainly diverge from the ones they may have employed in first-year legal writing or when writing law-school exams.

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sought "a diverse set of organizations to support their position, making it seem less radical by its endorsement by a coalition of mainstream groups or groups spanning the political spectrum").

88. AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024 Standard 303(a)(2) (requiring meaningful, faculty-supervised writing experiences in the first and upper years); AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024Interpretation 303-2 (including the number and nature of writing projects, the form and extent of feedback and assessment, and the number of drafts as factors influencing the rigor of a writing experience); *see also* Ezer, *supra* note 62, at 168.

89. *See* Ezer, *supra* note 62, at 167.

90. *See id.* at 175.

91. *See* Garcia, *supra* note 11, at 318 (describing the importance of amicus briefs' "expressive function" as a channel for social movements and other interest groups to communicate their message).

What's more, the process of drafting and revising is especially educational when it is a collaborate endeavor.[92] Students drafting in teams and providing and receiving feedback to and from peers can be a formative experience in itself. And as noted above, receiving feedback from a supervisor (and a client) offers multiple layers of teachable moments, as well.[93]

D. After All Is Said and Filed

After finalizing and filing an amicus brief, supervisory debriefing conversations can deepen the educational value of the entire process. What worked well? What would we do differently next time? What are we most proud of? Such reflection garners the learning benefits of metacognition and helps ensure that the process has a more lasting educational effect.[94]

And the issuance of the court's decision provides students and supervisors with another opportunity to reflect, evaluate the role and effect of amicus advocacy, and critically examine the way the legal system affects communities and stakeholders.

CONCLUSION

The late Justice Sandra Day O'Connor charged Washington University School of Law with teaching "the importance of doing good while doing well."[95] Clinical amicus advocacy is an excellent way to take on this mantle. From start to finish, an appellate amicus matter provides countless learning opportunities to students in a law-school clinic. It fosters the integration of personal and professional identity, prompts students to see themselves as strategic actors within the legal system and within their interconnected communities, offers access to the most interesting cases and issues, encourages new methods of research and drafting, facilitates meaningful client and community-based interaction, and more. All the while, the students contribute to the public interest, and maybe even in an area that

92. *See supra* notes 67–68 and accompanying text.
93. *See supra* note 65 and accompanying text.
94. *See* BRYANT ET AL., *supra* note 31, at 24 (discussing the pedagogical value of reflection).
95. Sandra Day O'Connor, *Professionalism*, 76 WASH. U. L.Q. 5, 13 (1998) (remarks at the dedication of the law school's new building in 1997).

particularly aligns with their unique, personal passions. Amicus advocacy thus provides a superb mechanism for achieving the learning objectives at the center of a law-school clinic.