

**STUDENT APPLICATION FOR
CREATIVE PROBLEM SOLVING CONCENTRATION**

Name _____

Date of Application _____

E-mail _____

Your Current Trimester _____
(third, fourth, fifth or sixth)

Cell Phone _____

Expect to Graduate _____

Other Phone _____

Signature _____

Address _____

- I. **Course Requirements:** Place a check in the box next to courses you have already completed. Specify trimester and year in the space provided for courses you plan to take. If you contemplate taking a summer study course that may satisfy one or more of these course requirements, please see one of the CPS Area of Concentration Co-Directors.

A. Core Courses – Students Must Take Two

- _____ Problem Solving Skills & Theory
- _____ Problem Solving & Preventive Law*

B. Related Courses – Students Must Take Four of the Following

- _____ Advanced Mediation
- _____ Alternative Dispute Resolution
- _____ Business Organizations (Professor Johnson or Dessent)
- _____ Business Planning: Representing Modest Business Enterprises
- _____ Children & Families: Problem Solving & Advocacy through Interdisciplinary Collaboration
- _____ Community Organizing
- _____ Cross-Cultural Negotiation and Dispute Resolution (offered as part of Chile Summer Program and London Summer Program)
- _____ Current Issues in Constitutional Law*
- _____ Entertainment Law
- _____ Health Law & Policy
- _____ International Labor & Employment Law*
- _____ Jurisprudence: Selected Topics
- _____ Law, Medicine & Public Policy
- _____ Mediation
- _____ Negotiation
- _____ Practicum Component (as part of Chile Summer Program)
- _____ Problem Solving & Prevention in Health Care
- _____ Telecommunications Law*
- _____ Women & the Law*

*course may fulfill the CWSL scholarly writing requirement

II. Scholarly Writing Requirement: List the course you propose to satisfy this requirement.

Course _____ Trimester _____ Year _____

Proposed Topic _____

Proposed CPS Approach _____

III. Creative Problem Solving *Pro Bono* Experience: Have your *pro bono* supervisor complete the statement below.

I certify to the Dean of California Western School of Law that _____ has completed 50 hours of pro bono work under my supervision. (name of student)

By _____

Date _____ Phone _____

Firm/Agency _____

- Submit four pages of descriptive instances where creative problem solving was effectively employed or where it could have beneficially been employed in your *pro bono* work

IV. Creative Problem Solving Internship

Trimester & Year Completing Internship _____ Units Taken _____

Faculty Supervisor _____ Work Hours _____

Firm/Agency _____ Phone _____

- Submit a minimum of five pages of reflection on instances of/opportunities for creative problem solving in your internship.

V. Co-Curricular Activities

Although not required, list participation in skills competitions in negotiation, client counseling, mediation, or meetings of groups that advance the goals or methods of creative problem solving.

CREATIVE PROBLEM SOLVING CONCENTRATION

Law has become so enmeshed in our everyday lives that what were once clearly understood as legal problems have begun to lose their distinctiveness. Everyday issues of schooling, employment, health care, transportation, air and water quality, marital relations, and even parenting decisions involve significant legal components. The legal components, however, have become ever more thoroughly melded with the human/emotional/relational aspects of these problems in modern life. Because of the multifaceted nature of contemporary problems, *how* they are resolved may affect people's long term personal and financial relationships, even their self-identity. Today's lawyers need training in skills that demand broader and deeper understanding of people, their problems, and the consequences of confronting those problems in narrow, legalistic ways. Lawyers of the future need training on how to think more broadly, more flexibly, more relationally and more preventively. The creative problem solving concentration is designed to focus students on opportunities for that kind of training at California Western.

Candidates for the Area of Concentration in Creative Problem Solving should file a Concentration Proposal with the academic director of the Center for Creative Problem Solving early in their second year of law school. The proposal must be filed before registration for the student's fifth trimester.

The creative problem solving concentration requires successful completion of course work, scholarly writing, pro bono, and internship components.

I. Course Requirements

In addition to completing all courses required for graduation, candidates for this area of concentration must earn a minimum grade of 79 or higher in *each* of the courses selected from the requirements set out below.

The area of concentration will carry an Honors distinction where the *combined average* of the grades for the six courses is 85 or higher. Candidates must also satisfy the major research paper, internship and pro bono requirements set forth below. All decisions with respect to satisfaction of the requirements for the area of concentration will be made by the academic director of the Center for Creative Problem Solving.

A. Core Courses – Students Must Take Two

Problem Solving Skills & Theory
Problem Solving & Preventive Law*

B. Related Courses – Students Must Take Four of the Following

| | |
|---|---|
| Advanced Mediation | Entertainment Law |
| Alternative Dispute Resolution | Health Law & Policy |
| Business Organizations (Professor Johnson or Dessent) | International Labor & Employment Law* |
| Business Planning: Representing Modest Business Enterprises | Jurisprudence: Selected Topics |
| Children & Families: Problem Solving & Advocacy through Interdisciplinary Collaboration | Law, Medicine & Public Policy |
| Community Organizing | Mediation <u>or</u> Mediation Advocacy |
| Cross-Cultural Negotiation and Dispute Resolution (offered as part of Chile Summer Program and London Summer Program) | Negotiation |
| Current Issues in Constitutional Law* | Practicum Component (as part of Chile Summer Program) |
| | Problem Solving & Prevention in Health Care |
| | Telecommunications Law* |
| | Women & the Law* |

*course may fulfill the CWSL scholarly writing requirement

II. Scholarly Writing Requirement

Each candidate is required to complete a scholarly writing paper in creative problem solving. A scholarly writing produced in any seminar may be counted so long as it applies a problem solving approach derived either from the content of required creative problem solving courses or from a recognized area of creative problem solving literature such as preventive law, therapeutic jurisprudence, etc. The proposed topic and approach must be submitted in writing to the creative problem solving concentration faculty advisor for approval at the same time it is submitted to the seminar professor or law review editor for approval. The completed paper must then be submitted to the concentration faculty advisor for certification that it meets the requirements stated in this paragraph.

III. Creative Problem Solving Pro Bono Experience

To fulfill the community *pro bono* requirement for this area of concentration, students must complete a minimum of 50 hours of *pro bono* work in any placement included in the California Western Pro Bono Honors Program. In addition, students must submit a total of four pages of description of instances where creative problem solving was effectively employed or where it could have beneficially been employed in their *pro bono* work. These descriptions should be submitted to the creative problem solving concentration faculty advisor. Ideally, the descriptions would be submitted in two parts: two pages at approximately the 25-hour mark and another two pages at approximately the 50-hour mark. However, the breakdown and timing of submissions is at the discretion of the concentration faculty advisor. In appropriate circumstances, retroactive descriptions applicable to previously completed *pro bono* experiences may qualify.

IV. Creative Problem Solving Internship

To fulfill the internship requirement, any internship arranged through the California Western Internship Program will qualify so long as the following requirements are met.

- A. Students wishing to have their internship experiences qualify for creative problem solving concentration credit need to notify both the Internship Office and the concentration faculty advisor in advance so an appropriate internship supervisor may be assigned.
- B. Second, students wishing to receive creative problem solving concentration credit need to submit a minimum of five pages of reflection on instances of/opportunities for creative problem solving in their internships. The timing and breakdown of the five pages (i.e., five 1-page submissions throughout the internship or one 5-page submission at the conclusion of the internship) is at the discretion of the internship supervisor. The written reflections are to be submitted to the students' internship supervisors, who will forward approved reflections to the creative problem solving concentration faculty advisor for record-keeping purposes. All creative problem solving internships, both in-town and out-of-town, will be specifically assigned to supervisors who have volunteered to facilitate the creative problem solving aspects of the internship.

V. Co-Curricular Activities

Although not required, students are encouraged to participate in skills competitions in negotiation, client counseling, or mediation. They are also encouraged to attend meetings of groups that advance the goals or methods of creative problem solving.

VI. Faculty Advisor - Professor Katharine Rosenberry

CREATIVE PROBLEM SOLVING: Mixing the Traditional with the Non-traditional

by Katharine Rosenberry

It will come as no shock to attorneys that many areas of the practice of law are changing rapidly. Some clients are rejecting billable hours, requiring lawyers to devise new billing methods. Lawyers increasingly want a more balanced life, requiring firms to recognize that money alone is no longer a sufficient incentive to join or stay with a firm. Courts and legislatures are calling for lawyers to create new procedures for solving problems. And globalization of practice means lawyers have to increase their knowledge of other cultures.

Some areas of the law are developing rapidly, too. While landlord-tenant law developed over hundreds of years, for example, the same luxury is not available for today's complex issues, such as cloning.

Lawyers are responding to these changes by using a variety of methods for preventing and solving problems. The analytical process we all learned in law school is and will remain the foundation of legal problem solving. Other disciplines — such as cultural anthropology, cognitive psychology or business and communications theory — can help us develop creative problem-solving techniques. They can help define clients' problems more broadly, leading to more options for prevention and solution. These disciplines also provide non-analytical problem-solving methods that in some situations may produce more satisfactory results for clients.

I first became interested in the field of creative problem solving when I was working on a project in France. French condominium law is similar to American law. The law permits the homeowners association to impose late charges, record a lien on a condo unit and force a sale when an owner doesn't pay monthly assessments.

A manager of a 456-unit condominium building in Paris gave me an example of the procedures his group used when an owner doesn't pay assessments on time. Instead of immediately resorting to a legal solution when an owner was delinquent, the association inquired about the owner's failure to pay and learned that he had lost his job. The association then loaned the owner money at market-rate interest to pay the assessments so he wouldn't incur late fees. The other owners then contacted friends and relatives and found the man a job, making it possible for him to pay back the loan and pay assessments on time.

By defining the problem in human as well as legal terms, the association not only solved the problem but also prevented it from happening again. The association also created a sense of community, thereby making the condominium complex a better place to live.

I had the opportunity to use this approach when California Western School of Law built its administration building. Because the school needed to build at the lot line to make the project feasible, it was necessary to obtain a temporary easement from the adjoining property owners to construct the building. This property was operated by an order of nuns as a residence for lower-income, single, working women. The nuns explained they were reluctant to grant the easement for the workers to go on their property because they were concerned the women's privacy would be invaded by workers looking into bedroom windows. I saw that conditions in the bedrooms were depressing. The curtains were dilapidated, which is the reasons they didn't provide sufficient privacy to the women residents.

In exchange for the easement, the school provided mini-blinds that the nuns chose for all bedroom windows, and it designed open areas of the building so the view

would be as pleasing as possible from the bedrooms. It also arranged to have furniture donated to the residential facility.

This approach solved the school's problem for a very small sum of money. It also established a sense of community, which prevented problems arising in the future, everyone felt good about the solution.

In addition to defining the problem more broadly, creative problem-solving techniques use both traditional and non-traditional approaches. For example, after unsuccessfully trying traditional approaches for finding additional funding for a legal clinic, those responsible for fund-raising used a method known as random-word association, whereby one randomly picks a word and then associates that word with others. The purpose of the association is to generate ideas for solutions that might not occur to a person using an analytical process.

The group selected the word "toast" and freely associated. Their associations eventually led them to initiate breakfast meetings with the business community to raise funds. What may have begun as a bit of fun ultimately resulted in increased funding.

Obviously, there is no one right way to prevent or solve a problem in the practice of law. Therefore, lawyers who are able to use a variety of techniques are more likely to succeed in the rapidly changing legal environment.

Katharine Rosenberry is a professor at California Western School of Law and academic director of the law school's Center for Creative Problem Solving.