

NEW MEDIA RIGHTS' INTERNET & MEDIA LAW CLINIC:

California Western School of Law

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Consider the following client situations:

- A documentarian making a film about LGBTQ history needs to incorporate archival photos and video into their film.
- A small business that created an educational website and app for K–12 students needs to understand how to comply with state and national privacy laws.
- An individual writing their first graphic novel needs a collaboration agreement with an illustrator.
- A pop culture media critic challenging gender stereotypes on YouTube needs assistance responding to an overreaching copyright DMCA takedown notice from a large movie studio.

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Each of these clients needs intellectual property (IP), privacy, and technology-related legal assistance, yet they cannot afford legal services. The documentarian went on to a successful release of their film at film festivals and on public television. The small business added schools and school districts as clients and grew their business. The graphic novelist received a publishing deal. The pop culture critic successfully fought back and saw their video restored. These are examples of the types of cases addressed by New Media Rights' Internet & Media Law Clinic at California Western School of Law (New Media Rights) in San Diego.

This article will discuss New Media Rights in four parts:

1. Why do we have IP, arts, and technology clinics like New Media Rights?
2. What is New Media Rights, and how do we benefit the students and the community?
3. What is the structure and pedagogy of the clinic?
4. What are our hopes looking forward?

1. WHY DO WE HAVE IP, ARTS, AND TECHNOLOGY LAW CLINICS LIKE NEW MEDIA RIGHTS?

In the last twenty-five years, the internet has become the central crossroads for cultural, political, and social interaction. IP, privacy and media law services are expensive, and they are not typically addressed by direct legal services organizations. Indeed, a visit to the Legal Services Corporation that supports local legal aid organizations only describes the legal needs of low-income individuals within the categories of family, housing, employment, consumer, military, and disaster-related legal issues. However, the use of the internet for sharing goods, services, and ideas naturally leads to an increased need for specialized legal services. Intellectual property and technology-related clinics were one of the fastest-growing types of legal clinics in the United States over the last decade. Yet there is still a need for intellectual property and technology-related legal services and educational resources regardless of a client's ability to pay.

The work of IP, arts, and technology clinics serves a variety of important public interest goals. First, the services cultivate and encourage freedom of speech. When a pop culture critic on YouTube receives a fair use

analysis and assistance writing a DMCA counternotice from our clinic to fight back against efforts to silence their otherwise legal speech online, the clinic directly impacts the overall cultural dialogue. These clinics can provide an opportunity to push back against online harassment and marginalization, and relatively obscure areas of copyright law and platform terms of service can become integral to freedom of speech and civil discourse in our democracy.

In addition to the legal services gap this type of clinic fills, it also provides an opportunity to expose students to the public interest values in tech law. After being in the clinic they can “see” the public interest values where they couldn’t before. We equip them to consider the public interest as they go into practice as lawyers.

Also, areas such as intellectual property, privacy, and technology-related law are some of the fastest growing areas for employment opportunities for law graduates.¹ Incoming students are interested in and even demand this type of subject matter clinic. Being located in California, a center for culture and technology production, makes such a clinic an obvious addition to a law school curriculum. So, in this way, we are meeting the demands of our current and prospective students.

2. WHAT IS NEW MEDIA RIGHTS, AND HOW DO WE BENEFIT THE STUDENTS AND THE COMMUNITY?

Now that we’ve talked about the big picture need for intellectual property, privacy, and technology law clinics, let’s take a deeper look at New Media Rights in particular. New Media Rights is a program of the nonprofit law school California Western School of Law, based in San Diego. We offer legal services, education, and policy advocacy to underserved creators, entrepreneurs, organizations, and internet users in the areas of intellectual property, media, free speech and internet law.

¹ See, e.g., <https://lawschooltoolbox.com/how-to-develop-a-career-in-technology-law-and-policy>; <https://www.alanet.org/career-center/career-resources-and-articles/articles-from-robert-half/2022-forecast-in-demand-practice-areas-and-jobs>; <https://www.clio.com/blog/emerging-areas-law>.

Our clients include journalists, freelance writers, photographers, artists, filmmakers, nonprofits, researchers, and technology businesses, among others. These clients represent free speech, nonprofit services, and business ideas that may die on the vine or be the victims of improper censorship without access to these services. Over the years we've provided services on thousands of matters to our clients.

New Media Rights has been a program of California Western School of Law in San Diego since 2012, but began in 2007 as part of San Diego-based Utility Consumers' Action Network. The program started as a confluence of my own interests that developed in law school in the early 2000s, as social media, blogging, and podcasting were just beginning. Through my practice as a consumer rights' attorney and background with music and technology, I saw a growing demand at the point where creativity and technology intersected with the law: specifically, the need for public interest legal services related to the internet and new media.

The program has raised funds from foundations (including the California Consumer Protection Foundation, Rose Foundation, Mozilla Foundation, Prebys Foundation), government (City of San Diego), and individual donors.

Each semester, eight to ten students participate in the program. Six are new clinic students, and the rest are returning student fellows who get a chance to work on new and more advanced types of client matters, as well as on educational and policy projects. The clinic is engaged in teaching students to practice transactional law, more specifically internet and media law.

Our staff consists of an executive director, assistant director, and staff attorney. All three are attorneys licensed in the state of California. This allows us to work on California state matters, but also United States federal matters, including copyright and trademark law.

Our services can be divided into three parts: direct legal services, legal education, and public policy advocacy. Students are involved in all three of these aspects of the services we provide.

A. DIRECT LEGAL SERVICES

We offer full-service legal assistance within our areas of expertise rather than serving solely as a referral organization. Clients receive legal services

regardless of ability to pay or any other criteria, with a particular focus on clients who:

1. Are in financial need;
2. Provide a public interest benefit to the San Diego region or California;
3. Would not have access to legal assistance otherwise;
4. Provide a significant community or public benefit, rather than a simple profit motive (examples of public benefit include qualities like providing (a) better access to public information, (b) more business and government accountability, or (c) new perspectives to the cultural landscape); and
5. Use the internet to fill unmet needs in media, arts, information and culture.

As discussed, our clients include a broad variety of creative and technology-focused clients. Here are a few historical client examples of the nearly 3,000 client matters we've worked on over the years:

■ Anita Sarkeesian, the founder of the *Feminist Frequency* website, is now one of the most well-known cultural commentators in the world, including being named among *Time* magazine's most influential women. Anita started out with a YouTube channel, and her effort to launch a series discussing gender stereotyping in gaming received vicious, misogynistic harassment in the form of takedowns of YouTube content, death threats, vandalism of her Wikipedia page, and efforts to flag her successful Kickstarter as terrorism. New Media Rights successfully supported some of Anita's efforts to defend her rights online, specifically related to YouTube harassment.

■ Nanome, Inc., created virtual reality software that allows users to build and interact with molecules such as carbon, oxygen, nitrogen and hydrogen by reaching out and grabbing the component atoms. Originally educational-focused software, today Nanome's VR tools aid in drug discovery, molecular modeling, rational protein design, VR learning experiences, COVID-19 spike protein exploration, and more. In their early stages, Nanome sought services from New Media Rights.

■ *Painted Nails*, a film by Erica Jordan and Diane Griffin, is about a Vietnamese nail salon worker, Van Hoag, whose health deteriorates after being exposed to various chemicals at her job. The film follows Hoag's family, but also the broader effort to pass legislation at the California Legislature

to protect cosmetic workers from toxic chemicals. New Media Rights provided legal services, and *Painted Nails* later screened at film festivals and on PBS all over the country.

■ *Adios Amor*, a film by Lori Coyle and Jane Greenberg, tells the story of farmworker advocate Maria Moreno, a predecessor of Cesar Chavez. After working with New Media Rights, the film was distributed through *Voces* on PBS and many film festivals, including the San Diego Latino Film festival.

B. LEGAL EDUCATION

Demand for our types of specialized legal services vastly outpaces supply. To reach additional individuals the program can't take on as clients, New Media Rights has created a vast array of innovative educational resources. We distribute video, text, and software guides we create through our website, on YouTube, in-person as workshops, and through media outlets. We aim to expand the public availability of easy-to-understand legal resources regarding intellectual property, media, free speech, and internet law.

These materials are intended to help creators, entrepreneurs, organizations, and internet users (1) understand their rights, (2) engage in self-help, and (3) empower themselves to be more discerning consumers of legal services.

Content development is based on our actual experience serving creators, entrepreneurs, organizations, and internet users.

We openly license many of our educational resources. In cases where we do not openly license resources, there must be some nexus to other organizational goals such as sustainability (for example, we charge a reasonable price for our book to ensure there is money to keep it updated with new editions). Additionally, the resources we develop sometimes incorporate existing openly-licensed content with the goal of adding value to that existing work.

Examples of our educational work include the following:

Website

The New Media Rights website welcomes hundreds of thousands of visitors each year, now totaling millions of users who have accessed our website and educational resources.

Fair Use App

We spend a lot of time at New Media Rights advising filmmakers, creators, and technology startups about copyright, fair use, and when they can and can't reuse content. We find that education about fair use prevents unnecessary legal disputes, helping creative projects and new businesses flourish. But what if there were an interactive way to teach even more filmmakers, creators, and technology startups about fair use?

Enter the *Fair Use App*. To create this app, New Media Rights filtered down many years of experience to create an app that can help video creators better understand:

- When they can reuse content;
- How their choices affect a fair use argument; and
- When it's time to talk to a lawyer.

Work on the app began in 2012, and it launched in 2015. Today, some law schools have courses or clinics that produce apps, but New Media Rights was an early pioneer in this space.

While the app isn't intended to provide automated answers on specific fair use questions, it is helpful as a tool for individuals to make better decisions about when and how to reuse content.

The app can be accessed freely at <http://newmediarights.org/fairuse>.

New Media Rights also licensed the app to the University of California, which adapted it for use internally to help train UC faculty and staff on copyright and fair use matters.

The Fair Use App was years in the making and is the result of work by dozens of individuals. I led the project, which involved many team members working directly with local San Diego design firm FYC Labs to develop the app. The team also included Staff Attorney Teri Karobonik; Advisory Board members and former legal interns Shaun Spalding '11, Lauren Brady '14, and Kyle Welch '14; Advisory Board members Hani Anani, Jonathan McIntosh, Phelan Riessen and Cy Kuckenbaker; alumni Alex Johnson and Ashley Gray as well as current New Media Rights Assistant Director Erika Lee.

Don't Panic Book

Our book, *Don't Panic: A Legal Guide (in plain english) for Small Businesses and Creative Professionals* covers the legal issues a creator or entrepreneur

may encounter and when to reach out to a lawyer. The book has been adopted in over twelve undergraduate and graduate courses (at Berklee College of Music, San Diego State University, San Diego City College, Seattle University and more) to teach legal concepts to students.

Don't Panic covers a range of legal situations that may arise, from the inception of a business, or the creation of a work, to that dreaded moment (that hopefully doesn't happen) when one receives a demand letter from an attorney for the first time. The book serves as a valuable guide to preventing and resolving legal issues. The book is organized to help readers quickly jump to specific information that will help them understand legal issues associated with a particular stage of work/production.

Community Presentations and Collaboration

We also frequently:

1. Organize and participate in community engagement events, panels and legal advice nights with local arts and technology education groups; and
2. Speak to classes at local universities, community colleges, and even high schools on intellectual property and privacy related issues.

We have collaborated with local groups and institutions like San Diego Media Pros, the San Diego Press Club, the San Diego Film Consortium, KPBS, San Diego State University, San Diego City College, and Arts for Learning San Diego. We are also connected with and/or have collaborated with state and national organizations, including the Alliance for Community Media, American Society of Journalists and Authors, the Investigative News Network, the Digital Media Law Project at Harvard University's Berkman Center for the Internet and Society, the Organization for Transformative Works, the Media Law Resource Center, the Electronic Frontier Foundation, California Lawyers for the Arts, and many other legal clinics and organizations that work in this area of law.

YouTube Channel

We have produced dozens of YouTube videos on legal topics that have been viewed over 650,000 times. Law students participated in the creation of the videos, from writing scripts to appearing on camera.

C. PUBLIC POLICY ADVOCACY

To help regulators and legislators understand the practical implications of policy decisions, we engage in public policy advocacy in our areas of expertise. We've filed comments, testified, and participated in regulatory proceedings at the U.S. Copyright Office, the Federal Communications Commission, the California Public Utilities Commission, the Department of Commerce, and the Office of Technology and Science Policy. Topics have included Net Neutrality, DMCA Anti-Circumvention Proceedings, copyright reform, technology policy, and the copyright small claims court proceedings. I also served three terms on the Federal Communications Commission's Consumer Advisory Committee, where I co-chaired the Broadband Committee.

We collaborate and coordinate our advocacy efforts with other groups where possible. As an example, we consulted with a coalition of writers and journalism organizations working to shape state legislation that affected the employment status of freelance writers.

Since 2009, the clinic has been part of DMCA Anti-Circumvention Proceedings at the Copyright Office. Through this process, we've helped achieve exemptions to the copyright laws that apply to filmmakers and video creators nationwide. These exemptions allow them to break encryption on DVDs, Blu-ray, and online media in order to make a fair use. Fair use is a doctrine that allows content reuse without permission for narrow purposes, such as commentary and criticism. However, most digital content is encrypted in today's media ecosystem, and since federal law prohibits breaking encryption, it is difficult for content creators to engage in fair use without the ability to also break this encryption. Although one has every right to make a fair use of third-party content under the law, without access to the content, that right is meaningless.

Recently the clinic made multiple filings regarding the Copyright Small Claims Board, which is the new federal copyright small claims forum. Many of the clinic's clients will be drawn into this new small-claims-court-like process, and we made a number of recommendations to help achieve a fair process for all parties.

We've even contributed to various amicus briefs over the years that have helped ensure a balance in copyright law that works for independent creators who use the internet to distribute their work.

Whether it's ensuring freedom of speech for video creators, advocating for net neutrality, or helping to shape a fair copyright small claims board, our advocacy is informed by what we learn through the provision of direct legal services. It is also a meaningful way for students to understand the role of the lawyer in shaping the law and informing policy makers about how policy is working (or not working) on the ground.

Policy Work Examples

Here is a list of our policy and amicus briefs over the years:

- *Comments of Technology and Intellectual Property Clinical Law Professors*, Docket No 2021-9 (filed February 3, 2022).²
- *Copyright Claims Board: Initiation of Proceedings and Related Procedures*, Docket No 2021-6, Comments of New Media Rights (filed November 30, 2021).³
- *Petitions for renewal of DMCA exemption classes for computer programs (digital jailbreaking)*,⁴ noncommercial video,⁵ and documentary films⁶ (July 2020).
- *In the Matter of Registration Modernization*, Docket No 2018-9, Comments of New Media Rights (filed January 15, 2019).⁷
- *SB 822 NMR Letter of Support for California Net Neutrality Law* (April 11, 2018).⁸

² <https://tlpc.colorado.edu/wp-content/uploads/2022/02/2022.02.03-Tech-and-IP-Clinical-Law-Professors-Comment-on-CCB-Law-Student-Attorney-Participation-NPRM-final.pdf>.

³ <https://www.regulations.gov/comment/COLC-2021-0004-0127>.

⁴ <https://www.copyright.gov/1201/2021/petitions/renewal/Renewal%20Pet.%20-%20Jailbreaking%20-%20New%20Media%20Rights.pdf>.

⁵ <https://www.copyright.gov/1201/2021/petitions/renewal/Renewal%20Pet.%20-%20Noncom.%20Videos%20-%20New%20Media%20Rights.pdf>.

⁶ <https://www.copyright.gov/1201/2021/petitions/renewal/Renewal%20Pet.%20-%20Documentary%20Films%20-%20New%20Media%20Rights.pdf>.

⁷ <https://www.newmediarights.org/sites/newmediarights.org/files/New%20Media%20Rights%20Registration%20Modernization%20FINAL.pdf>.

⁸ <https://www.newmediarights.org/sites/newmediarights.org/files/SB%20822%20NMR%20Letter%20of%20Support.pdf>.

- *In the Matter of Restoring Internet Freedom*, WC Docket No. 17-108, FCC 17-60, Comments of New Media Rights July 17, 2017.⁹
- *Petitions for renewal of DMCA exemption classes for computer programs*,¹⁰ noncommercial video,¹¹ and documentary films¹² Docket No. 2017-10 (July 2017).
- *Press Freedom Groups Letter to Federal Communications Commission in support of Title II Net Neutrality* (2017).¹³
- *In the matter of Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies*, Docket No. RM 2014-07, Comments of New Media Rights (Filed February 6, 2015).
- *In the Matter of Protecting and Promoting the Open Internet*, Comments of New Media Rights, GN Docket No. 14-28 (Filed July 15, 2014).
- *Guide to Intellectual Property & Fiscal Sponsorship Agreements for Scientific, Research, and Archival Projects*. (September 3, 2014) (with Marko Radisavljevic).¹⁴
- *Garcia v. Google*, No. 12-57302 (9th Cir. 2014) *Brief of Amici Curiae Electronic Frontier Foundation, American Civil Liberties Union, Public Knowledge, Center for Democracy and Technology, New Media Rights, American Library Association, Association of College and Research Libraries, and Association of Research Libraries in Support of Defendants-Appellees* (Corynne McSherry, Nathan Cardozo, Lee Rowland, Brian Hauss, Michael Weinberg, Teri Karobonik, David Sohn, Jonathan Band).¹⁵
- *In the Matter of the Public Comment on Intentional Interruption of Wireless Services*, GN Docket No. 12-52, Comments of New Media Rights (Filed April 30, 2012).

⁹ <https://www.newmediarights.org/sites/newmediarights.org/files/New%20Media%20Rights%20Open%20Internet%20Comments%20FINAL%2007.17.2017.pdf>.

¹⁰ <https://www.copyright.gov/1201/2018/petitions-073117/Renewal%20Pet.%20-%20Jailbreaking%20-%20New%20Media%20Rights.pdf>.

¹¹ <https://www.copyright.gov/1201/2018/petitions-073117/Renewal%20Pet.%20-%20Noncom.%20Videos%20-%20New%20Media%20Rights.pdf>.

¹² <https://www.copyright.gov/1201/2018/petitions-073117/Renewal%20Pet.%20-%20Documentary%20Films%20-%20New%20Media%20Rights.pdf>.

¹³ https://www.newmediarights.org/sites/newmediarights.org/files/press_freedom_net_neutrality_letter.pdf.

¹⁴ http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2567848.

¹⁵ <https://lca.x0x8kvd0-liquidwebsites.com/wp-content/uploads/2018/04/lca-amicus-garcia-v-google-17apr14.pdf>.

- *Remedies for Small Copyright Claims*, Docket Number RM 2011-10, Comments of New Media Rights (Filed January 17, 2012).¹⁶
- *The matter of Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies*, Docket No. RM. 2011-7, Comments of New Media Rights (Filed February 10, 2012).
- *In the Matter of Applications of AT&T, Inc. and Deutsche Telekom A For Consent to Assign or Transfer Control of Licenses and Authorizations*, WT Docket No. 11-65, Petition to Deny of New Media Rights, Utility Consumers' Action Network, and Privacy Rights Clearinghouse. (Filed May 11, 2011).
- Additional publications.¹⁷

STUDENT BENEFITS

Student results are how this clinic measures success. Having a well-established program brings candidates interested in this field to our school. We train students to be ready to hit the ground running when they start working as an attorney. Their experience with cutting-edge legal issues from artificial intelligence, to virtual reality, to drones, to NFTs, prepares them for practice in an ever-evolving technological landscape. New Media Rights' graduates have held positions at entertainment companies like Netflix, Lionsgate, and William Morris, global nonprofits like Wikimedia Foundation and the Free Software Foundation, as well as law firms large and small.

COMMUNITY BENEFITS

New Media Rights takes pride in having a significant impact locally in its home city of San Diego, California. The program has deep roots and significant impact in both the technology and arts communities.

In the technology community, we are a resource for legal services, free clinics, and educational presentations. We collaborate with community events like TechCon San Diego, Startup San Diego, March Mingle, and partner with local tech organizations like the Miramar College REC Innovation Lab. While we've worked with startups across San Diego, this

¹⁶ https://www.copyright.gov/docs/smallclaims/comments/noi_10112012/new_media_rights.pdf.

¹⁷ <http://ssrn.com/author=1346806>.

particular relationship with Miramar College offers law students access to a more diverse array of tech startups, as the incubator is located at a local community college.

In the creative community, New Media Rights partners with our local PBS affiliate, KPBS, on their Explore Local Content Project. Each year, we provide a Law 101 presentation for local producers in the KPBS Explore program. Many local television shows, radio shows, and podcasts have worked with our clinic from the pre-production stage to distribution.

We also partner with San Diego City College, San Diego State University, San Diego Film Consortium, and many more community groups.

3. WHAT IS THE STRUCTURE AND PEDAGOGY OF THE CLINIC?

Our purpose is to train future lawyers. The clinic course consists of our learning outcomes, learning experiences, and assessment of both students and the course itself. This is how we provide value for our students. New Media Rights instructors know that it's extremely important to approach teaching with intentionality — and to build on the huge amount of scholarship from the clinical community regarding how to teach in a clinic.

The general philosophy in our program is that students learn well by doing. We aim to give students legal frameworks that they can then apply to real-life factual scenarios. So, while we do directly teach more traditional lectures that establish legal frameworks for students, we're looking for as many chances as possible during the semester where the student can actually be the lawyer.

A. LEARNING OUTCOMES

Learning outcomes begin with alignment with the relevant ABA standards. New Media Rights' outcomes align with ABA Standard 302 which establishes the goals of developing law students' legal knowledge, ability to communicate legal concepts, and ethical understanding, among others.

The clinic also is aligned with the larger mission and institutional goals of our law school, California Western School of Law. In addition, our clinic design is informed by clinical best practices as published by CLEA, and by many years of attending AALS national, entrepreneurial, and tech clinic

gatherings, where we have also spoken and helped shape the field (particularly in the area of working with students on public policy advocacy and building legal technology, such as our fair use app).

Our big picture goal for the clinic is to familiarize and help students become proficient in internet and media law practice for creative and technology clients, with an emphasis on intellectual property, privacy, and media law.

The key learning objectives for students are to gain skills, knowledge and values through their work with creative and technology clients. The experiences we provide to reach these learning objectives are critical to the clinic experience.

Skills

During their time in the clinic, students will be able to provide practical, actionable legal services and deliverables, including writing communications, conducting real-time client interviews, and drafting memos and contracts. This means that students need to perform legal analysis and produce deliverables (contracts, memos, etc.). In addition, students need to be able to communicate to clients the business implications of their legal advice. How does a filmmaker need to change their film based on your analysis? How does a business owner need to change their business practices? It can also often be critical that the client actually knows how to use the deliverable. For a contract, the student needs to explain to the client both what the agreement does, and what the client needs to do to make it effective. This may mean explaining which fields of the document the client will need to fill in, and how to figure out who the authorized signer is for the other party.

We also aim to develop less visible lawyering skills. The clinic is an ideal setting for students to identify big picture and more immediate goals in the representation, to prioritize tasks, plan, and consistently review progress and revise their approach as necessary in shifting factual scenarios.

By learning these skills, we want students to come away more confident in being someone's lawyer. They will be practicing soon enough, so this is an opportunity for them to get the feel for the multi-dimensional aspects of real-life client representation. We work to foster an environment to develop problem-solving, creative lawyers.

Knowledge

As far as legal knowledge, we want students to gain a deeper understanding of internet, media, and intellectual property law issues, and apply this knowledge to client representations. We focus particularly on the application of copyright law and contract drafting to new technologies and creative industries.

Values

Students will also develop values that can guide them in any area of law practice. The values relate to their responsibilities to themselves, others, and the larger legal system. We want students to develop integrity, as well as respect for themselves, their clients, and other parties. Students should learn the level of competence it takes to represent an individual client, which they can use as a reference for competence in their practice. They should also commit to unbiased behavior. We want to develop empathy, hard work, and commitment. In addition, students learn about zealous advocacy in the transactional world, which is often not so much a zero-sum game, or nearly as adversarial, as in litigation. Lastly, we want students to develop values that relate to creating a just legal system and ensuring access to legal information and services through pro bono work.

B. LEARNING EXPERIENCES

The basic components of clinics are classroom work and supervision. But first, a few practical notes about how the clinic functions:

Before we ever get to class or start work with a client, we are transparent with the students about what is expected.

Students receive a syllabus, detailing the learning objectives, course readings, and other expectations for the course. They also receive a clinic handbook that covers everything from how to check in with their supervisor and teammate each day, to file naming conventions, to how and when to track changes. Clinic documentation is extensive and includes guides on memo and email drafting, as well as how to approach a new assignment. We've deconstructed the lawyering process so that students can start to see lawyering as a process, helping them develop their own style and approach.

Students meet with supervisors and with their partners before the first class and before they receive their first case, and during those initial meetings we discuss expectations as far as teamwork, communication, taking ownership of cases, and how they will be assessed.

Students typically work with two or three clients on a total of three to five matters during the semester. Clients are usually in a creative or technology industry, and could be an individual, small company, or nonprofit, usually with a nexus to the internet. Students work in teams of two, and they have a classroom component as well as clinical hours where they do the work for their clients.

Classroom work

The classroom experience consists of four elements: interactive lectures, case rounds, simulations, and final presentations:

Interactive Lectures

At the first class we provide an introduction to the clinical experience as well as the classroom seminar. We identify our expectations, explain how students will be assessed, and highlight important resources available to students during their time in the clinic.

We then move to our substantive interactive lectures, which are front-loaded in the first half of the semester. These center around specific copyright and contract drafting topics. While these are lectures, they are highly interactive and relate directly to the work the students are doing. Typically, we follow the pattern of establishing a legal framework, such as copyright analysis or contract drafting, and then have students immediately apply that framework through problems developed based on actual clinical client situations.

Throughout the semester, we connect these interactive lectures with their actual cases again and again, scheduling case rounds for groups working on casework to discuss elements of their cases that are directly relevant to that class's interactive lecture.

Case Rounds

Here, facilitated by supervisor questions, students reveal how well they understand a client's case (who is the client, what is their industry/tech,

what legal services they need, what are the paths available to the client), discuss key lawyering decisions they are making, and explain how the legal knowledge they've learned in lectures is applying to their casework. Students reveal their assumptions, beliefs and other learning about the process of lawyering. Rounds often touch on reflection and discussion about case planning, including analysis of the client's goals, identification of the decision-makers who affect the clients, different alternatives that clients have to achieving their goals (there are often multiple paths), and the consequences that follow from certain decisions.

Case rounds provide the other students in the class the opportunity to learn vicariously about other types of clients, industries, and aspects of different representations, and sometimes provide input on how to proceed. Rounds not only enrich students' experience at the clinic, but also provide the students who aren't in the group on call with an opportunity to participate in decision making on cases for which they are not directly responsible.

Overall, case rounds are a chance for students to step away from the actual representations and reflect on their work as lawyers facilitated by a professor. It is a unique and productive part of a clinic as a moment for reflection and learning.

Simulations

Toward the end of the semester, students have finished substantive lectures and represented clients on multiple matters.

To help them put it all together, we present them with real-life past clinic cases, where students read all the background facts. Then, in class over the course of a few hours, we work through a case from start to finish. Students must elicit and analyze facts, do the legal analysis, and figure out how we're going to advise and help the client.

This is a chance to put all their knowledge and skills to use in real-life scenarios, and again, assume the role of the lawyer.

Final Presentations

During the last class, students give a 35-minute presentation for the class where they summarize their casework. The students must distill many hours of client representations and class into one presentation. The best

presentations go beyond a summary of case work, reflecting on the challenges, and even failures experienced during the semester, and sharing practical takeaways the students will take into their legal careers.

Supervision

Clinical work is all about learning by doing. This is a chance to work with real clients — but to be students while doing the work — and have a supervisor there to facilitate. Supervision is where we guide students who are engaged in the two-pronged efforts of representing clients and learning to be lawyers. In preparation for working with actual clients, students are presented with client cases, basic facts, resources, and some guidance.

Then, week in, week out, students are expected to represent the client. The aim is really to cultivate the students' confidence in representing clients, as well as their understanding of why they are doing what they're doing. To this end, more thorough guidance is given on the first assignment, while later assignments are given to students in a more raw form. These later, more "raw" assignments, allow them to participate in the earliest stages of considering the potential client, case planning, etc.

During the supervision, supervisors are there every step of the way, but encouraging the students to find the answers for themselves. If students draft an email, the supervisor will discuss the tone and content, and work with students on ways they can improve their communications with the client. When students put together client interview questions, they must be able to explain why they are asking the questions and how each relates to the representation. When drafting a contract, students must review and learn about the industry, relevant areas of law, gather examples of relevant contracts and put together an outline of what goes into such a contract. Then they must explain why they've chosen this language, what the default rule is without the language, how the language affects their client and relates to client goals, and how the language relates to industry norms.

So, for work throughout the semester, the supervisor provides real-time feedback and is consistently requiring that the students be able to explain why they made a certain choice.

C. ASSESSMENT

This clinic is graded. We have a structured rubric, and students are graded at midpoint and end of semester on professionalism, class participation, responsiveness to feedback, learning in substantive areas of law, learning in business and technology, teamwork, and demonstrated ethical understanding.

Students can demonstrate achievement on these criteria in class and in work with clients throughout the semester.

Mid-semester and final exit interviews allow us to touch base with students, get the most out of the student's time in the clinic, and help the student think about their future path.

At the end of each semester, clinic professors revisit the semester, talk about what we could do better, and then make adjustments to the next semester's clinic. In this way, the clinic is always evolving.

4. WHAT ARE OUR HOPES LOOKING FORWARD?

In the future, our clinic looks to continue to distinguish ourselves and grow our law school's reputation even further in this field. We are known for our work on fair use defense of online speech, content clearance work, and advocacy at the Copyright Office. We want to be the first stop for pro bono legal services and cutting-edge issues, provide enriching client experiences for students, and excellent services to our clients. Right now, we're working with clients on issues related to new web monetization technologies, NFTs, artificial intelligence, virtual reality, and drones. As new frontiers arise, our clinic will be there, with our students, to meet the challenge.

Our law school has many courses on intellectual property, entertainment, and privacy law, and we plan to continue being part of the rich set of offerings available to California Western students.

Our clinic has created a positive loop, where students participate in the clinic, they gather skills and knowledge, they are successful in practice, and then many go on to hire more recent graduates from our program. Along the way, clients from cutting edge fields, who often would go without legal services, have access to high quality legal services.