

# Teaching “Losing” to Clinic Student-Attorneys

*Section on Clinical Legal Education*



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## What is Losing?

- . Must keep clients at the forefront
- . Rare that client will get 100% of relief sought
- . Client’s goals might be achieved even if the case was “lost”
- . Student-attorneys and clients must have a realistic assessment of what is achievable

## “Issues” with Losing

- . Student-attorneys expect they will “win” most, if not all, cases
- . Student-attorneys perceive that “losing” reflects badly on them
- . Student-attorneys become so focused on winning/losing that they might lose sight of client goals
- . How can student-attorneys be motivated when they think the case is a “loser?”
- . How do you deal with a case that has been “lost” even though the student-attorney’s performance was stellar?

## Lessons for Student-Attorneys

- . “Losing” is part of being a lawyer
- . Cannot guarantee what the “trier of fact” will do
- . Some clinics/firms lose a majority of their cases
- . The issue is not how the student feels about “losing” but whether the client’s goals can be achieved

