

What Works for Me

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For those Fellows interested in law school adjunct faculty positions, practical education is hot. For more than a decade, I have been successful in teaching upper-level doctrinal courses imparting practical, rather than theoretical, knowledge to my students. There are plenty of law schools today that rely on this type of pedagogy, not just to satisfy ABA requirements, but also to meet market demands (those from students and law firms alike). It is incumbent upon all faculty to keep in mind that once a theoretical base is instilled in our students, that they will need to have basic practical skills to hit the ground running when they begin their practice.

Although my day job is working in-house as Vice President, Legal, for Cohen Brothers Realty Corporation which owns approximately 15 million sq ft of office and design center buildings, for the past ten years I have also been an adjunct professor of law. I teach at Brooklyn Law School, Benjamin N. Cardozo School of Law, Fordham University School of Law and New York Law School. The courses I teach (depending upon the semester and the school) are Sustainable Building Law, Real Estate Transactions/Practice, Commercial Leasing, and Condominiums and Cooperatives. Since in my courses I focus on the practitioner's perspective, my curricula is mostly document-intensive and there is very little legal theory involved.

When teaching upper-level law school substantive courses, I am constantly reviewing my lecture notes and class materials to make sure that they are up-to-date. But I would be remiss if, as a professor, I only paid attention to the documents that my students and I use in the course. For the past seven years, I have expanded my courses to incorporate simulation sessions into the curriculum. Although the simulations use up my lecturing time, I believe that they afford my students the opportunity to utilize what I teach them in class in a practical way. Depending upon the course I am teaching, my students engage in negotiation sessions, mock arguments, and board meetings.

Most of the time, I ask my students to prepare extensively for the simulation classes. For example, if there are mock-arguments relating to green building causes of action, students need to review what was discussed in class and relevant cases to distill what they will use as valid arguments. They also meet with their adversaries before the session to review each other's claims. When students are negotiating an office lease, I assign them as either landlord's or tenant's counsel. The office lease is distributed prior to the simulation class and I have the tenant's attorney come up with seven provisions they wish to negotiate. In that session, landlord's counsel needs to know the lease intimately as they are not provided any advance notice of what tenant's counsel will want to modify in the lease.

With simulation sessions, although the students are doing a lot of the heavy lifting, my job as the professor is to make sure that they serve the purpose for which I designed the class. The goal is always the same. I want to see if what I taught them has been internalized and processed to the point at which they can cogently articulate a position relating to the subject matter.

However, it does not always work. Not all students are able to distill the material taught them and work with it “on their feet”, i.e., respond to an issue presented to them almost immediately. However, in most cases, my students perform very well and really enjoy the experience as evidenced in class evaluations. Even the students that are not high performers are able to learn from the experience, and that, in and of itself, is a good pedagogical tool.

The one thing that I have learned about these types of classes is that it is an ever-evolving process. As a professor, I learn from almost every class what is successful and where I can improve the experience for my students. Therefore, in any course I teach, I constantly re-evaluate and modify the materials, assignments, and even the structure of the simulation sessions so that my students can learn that much more from the process. One last pedagogical approach I use (which may or may not work for everyone), and was likely a product of the year I spent as a law-clerk intern for a New York Supreme Court judge who would often question witnesses himself. I interrupt my students during each and every simulation session to point out certain issues that may have been overlooked or to provide to the rest of the class additional clarity to the point being made. It is my chance to squeeze that little bit of extra teaching out of the class.