

MEASURING THE IMPACT OF CLINIC PARTICIPATION ON LAW GRADUATES: A SMALL CASE STUDY

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Abstract

In an academic environment where there is an increasing emphasis on impact, it is rather surprising that there is a paucity of studies on the effect (if any) of participation in a clinical legal education programme on the career trajectory of law graduates. In this article, after considering the methodologies behind and outcomes of two such studies conducted in North America, the author describes how he devised a survey, which was sent to a group of law students at the University of Galway's externship-based clinical programme in its pilot year, and analyses the responses. In short, this study – like the other two – suggests that clinic participation has a marked impact on lawyers in terms of enhancing practical legal skills, but a less significant impact when it comes to inspiring graduates to embark upon public interest-oriented legal careers or undertake *pro bono* work. The article acknowledges that there are myriad factors influencing these choices and that it is foolish to extrapolate excessively from these studies. It concludes by arguing that, no matter these “failings” with respect to the social justice imperative that helps define clinical legal education, the capacity of

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programmes to equip future lawyers with key skills and to instil in them, at the very least, a cognisance of the shortcomings of the law and legal system means that our work is still eminently worthwhile.

I. Introduction: Clinic, Then What?

“I was a bit surprised to discover how humane this profession is. On a visceral level, you know that clients are probably the most necessary element of any kind of legal practice. That did not prevent me from being surprised at how intimate the discussions between a solicitor/legal advocate and a client can be. Up until this placement, I had never realised how important being heard was...I imagined that interactions between solicitors and clients would more closely resemble a problem exam question. This placement also gave me a realistic expectation of what a career in the legal profession - with an emphasis on human rights - may look like, as well as helping me to shift my expectations for my potential career trajectory. Through this experience I was able to learn more about the housing crisis and get an on-the-ground glimpse at the people directly affected by it and better understand the failings of the legal system when it comes to providing for people.”²

² Student Reflective Essay, Academic Year 2021-2022 (on file with author).

It is arguably this type of student feedback that makes those of us involved in the enterprise of clinical legal education tick. Especially in programmes where the emphasis is on human rights, social justice and the public interest, our students, like the one quoted above, are exposed to the realities of law practice and of working within the legal system that simply cannot be captured in a seminar room or lecture hall. Albeit in a more advanced context than the externship/placement-based (the two descriptors are used interchangeably from here) clinical programme in my own law school, Stephen Wizner encapsulates the essence of this animating impulse for clinical legal education:

students can engage in faculty-supervised law practice in a setting where they are called upon to achieve excellence in practice and to reflect upon the nature of that practice and its relationship to law as taught in the classroom and studied in the library. It is a method of teaching law students to represent clients effectively in the legal system, and at the same time to develop a critical view of that system. Law students in the clinic learn that legal doctrine, rules, and procedure; legal theory; the planning and execution of legal representation of clients; ethical considerations; and social, economic and political implications of legal advocacy, are all fundamentally interrelated.³

³ Stephen Wizner, "The Law School Clinic: Legal Education in the Interests of Justice" 70 *Fordham Law Review* 1929, 1930 (2001).

Fortunately, more than 15 years on from the foundation of the clinical legal education programme in the School of Law at the University of Galway, the required periodic emails and summative essays from students who undertake placements for academic credit indicate that our students have a cognisance of what Wizner adverts to, as well as of the dissonance between the theory they learn and what “real world law” is ultimately about. A straightforward question has struck me over the years as I have read hundreds of revealing student submissions, often while nodding or smiling ruefully at what they have encountered to their delight or dismay in the clinical experience: What, then, do they do? Stated another way, what impact will their participation in our humble legal clinic have on their career trajectory and professional ethos down the road? Of course, impact is something that all academics are being forced to examine across virtually all aspects of our activity and a central component of any assessment of our labours.⁴

Naturally, when students are fresh from their externships – usually their first exposure to law practice – and memories are unsullied in their minds, they will say that the impact of the clinic has been and will be significant. A cynic might assert it is all well and good, particularly when they understand completely what the goals of the clinical programme are and are seeking the best mark possible, to mouth platitudes about what it has meant to them. But still, the question remains: What

⁴ See generally, Kylie Smith, Ellie Crookes and Patrick Crookes, “Measuring Research ‘Impact’ for Academic Promotion: Issues from the Literature” 35 *Journal of Higher Education Policy and Management* 410 (2013).

difference does clinic make? And a specific sub-query is there for those students emerging from clinics in the human rights/social justice/public interest space: Are they engendering more “lawyers for others” – to borrow a mantra from Jesuit education?

To this end, after undertaking some research to see what, if anything, had been done previously, I decided to survey the first group of participants in the clinical programme in the law school at the University of Galway from academic year 2006-2007. Notwithstanding the delaying and other effects of the pandemic, 9 of the 14 members of that cohort eventually responded. In the main, their responses to the questions posed in the short questionnaire were admirably honest, detailed and considered. They ranged from gratifying to underwhelming to downright disappointing. Part Two of this article will briefly summarise the literature on previous endeavours to measure the impact of clinical participation; Part Three will outline the methodology behind and outcomes of my modest survey; Part Four will ponder “the good, the bad and the ugly” of the mostly unflinching answers that were elicited; and finally, the article will close with a play on a question that inspired the survey and this article: What, then, will *we* do?

II. Past Surveys of Clinical Graduates

The American authors of an article considering the findings of a national, longitudinal survey – “After the JD”⁵ – aimed at early-career attorneys in the United States, who had been sworn in as members of the bar in the previous decade, make an important distinction at the outset between what they envisage as the “skills and civic dimensions of lawyer training.”⁶ The first relates to the nuts and bolts of practising law; the latter is concerned with professional identity and ethics. Both lie at the heart of clinical legal education.⁷ But it is the analysis of the relevant portions of “After the JD” and the findings of another, narrower survey with respect to the second, civic dimension that this article and my own survey are focused on.

Citing what they call an evidence gap, the authors note that, despite roughly 50% of students at law schools in the US being involved in a range of clinical activities, from “live client” to externship, there is a paucity of research “to reveal, explain or otherwise inform our understanding of the relationship between clinical legal education and the practical and professional development of law students.”⁸

Accordingly, the first of its kind “After the JD” opinion poll, and what they were able to distil therefrom, was a badly needed, long overdue resource. On the skills side, a

⁵ Ronit Dinovitzer, Bryant Garth, Richard Sander, Joyce Sterling and Gita Wilder, *After the JD: First Results of a National Study of Legal Careers* (The NALP Foundation for Law Career Research and Education and the American Bar Foundation, 2004).

⁶ Rebecca Sandefur and Jeffrey Selbin, “The Clinic Effect” 16 *Clinical Law Review* 57, 57 (2009).

⁷ Margaret Martin Barry, Jon Dubin and Peter Joy, “Clinical Legal Education for This Millennium: The Third Wave” 7 *Clinical Law Review* 1, 5-32 (2000).

⁸ Rebecca Sandefur and Jeffrey Selbin, “The Clinic Effect” 16 *Clinical Law Review* 57, 78-79 (2009).

majority of those surveyed in it identified clinical training as one of the most useful elements of the formal law school curriculum for making the transition to early work assignments as an attorney.⁹ This is not surprising. As clinical legal education has expanded even to jurisdictions and law schools that were late and somewhat reluctant converts, a big incentive to buy into it was the expectation that clinics would be a valuable complement to pre-existing skills modules.¹⁰

It is undeniably disappointing, though, from a clinicians' perspective, that the authors' detailed study and analysis of "After the JD" – utilising myriad control factors to account for some of the vagaries of the survey, the limited pool of respondents and other inconsistencies – found scant evidence of a relationship between clinical training experiences and new lawyers' civic participation or pro bono service.¹¹ They also "found no consistent relationship between clinical training experiences and new lawyers' active participation in community, charitable, bar-related and political advocacy groups."¹² They did, however, "find a strong relationship between clinical training experiences and public service employment. But this relationship held only for new lawyers who reported they had entered the profession for what might be

⁹ Ibid at 81-89.

¹⁰ See generally, Richard Grimes, "Legal Skills and Clinical Legal Education" [2005] 3 Web Journal of Current Legal Issues available at <<http://www.bailii.org/uk/other/journals/WebJCLI/1995/issue3/resear2.html>> last visited 16 June 2022.

¹¹ Rebecca Sandefur and Jeffrey Selbin, "The Clinic Effect" 16 *Clinical Law Review* 57, 57 (2009). The authors did not have an easy task of extrapolating findings from the "limited" data from and often imprecise, indirect questions in the "After the JD" survey. Drilling down into exactly how they did so would distract unduly from the focus of this article and lies far outside its author's area of competence. The authors of "The Clinic Effect" recommend strongly further research and "hope to encourage more in-depth and sustained inquiry into the clinic effort." Ibid at 102-107.

¹² Ibid at 101.

termed 'civic' reasons: a wish to help individuals as a lawyer or to change or improve society."¹³

Some crucial observations about the clinics themselves, market forces, economic realities and a dearth of public service law jobs are made: "Clinical training's impact...is mediated by the nature of the clinic experience itself, the context of the overall law school experience and forces external to legal education that powerfully shape lawyers' attitudes and behaviour."¹⁴ Nonetheless, many of us believe passionately that clinical legal education has the unique capacity to be a change agent and aren't afraid to say it.¹⁵ For us, then, these are, to put it euphemistically, mixed results.

A more focused survey was undertaken of graduates of the University of Saskatchewan College of Law in Saskatoon, Canada by Professor Sarah Buhler and her research assistant, Janelle Anderson, in 2012.¹⁶ From a pool of 106 potential students, they wound up with 58 total respondents, 23 males and 35 women.¹⁷ The vast majority were under 40 and they had embarked upon a variety of predominantly legal or law-related career paths.¹⁸ The clinical programme at the university – a "not-

¹³ Ibid at 101.

¹⁴ Ibid at 105.

¹⁵ Lucie White, "The Transformative Potential of Clinical Legal Education" 35 *Osgoode Hall Law Journal* 603, 607 (1997); Lawrence Donnelly, *Clinical Legal Education in Ireland: Progress and Potential* (Free Legal Advice Centres/Public Interest Law Alliance, 2015) 46.

¹⁶ Janelle Anderson, "Clinical Legal Education: Perspectives from Former Clinical Law Students" 37 *Manitoba Law Journal* 427, 428-429 (2013); See generally, Sarah Buhler, "I Am Not a Caped Crusader: Clinical Legal Education and Professional Identity Formation" 49 *University of British Columbia Law Review* 105 (2016).

¹⁷ Janelle Anderson, "Clinical Legal Education: Perspectives from Former Clinical Law Students" 37 *Manitoba Law Journal* 427, 429-430 (2013).

¹⁸ Ibid at 430.

for-profit community legal clinic with a mandate to serve low-income clients that are unable to afford legal services and do not otherwise qualify for legal assistance” – has a strong “social justice orientation” and unapologetically teaches students to “challenge the status quo.”¹⁹ Indeed, 63% of the graduates listed an interest in social justice as their primary motivation for attending law school; this was easily the number one factor of eight that they could choose from.²⁰ And their qualitative feedback consistently illustrated that they were moved by the plight of many clients of the clinic and felt a duty to use their own privileged positions to ameliorate the clients’ typically unenviable situations.²¹

In addition to questions about the age and reason for attending law school, survey participants were asked about their motivations for enrolling in the clinic, the nature of their current employment, their extent of their involvement in *pro bono* work, as well as more open-ended questions about the overarching impact of Saskatchewan’s clinical programme on them as persons and professionals.²² There were some very interesting responses. More than 80% opted for the clinic because they felt it would enhance their legal skills and more than 2/3 cited their own orientation toward advancing social justice and the public interest.²³ More than 60% were employed as practicing lawyers and less than 20% were working in the public sector.²⁴ Rather

¹⁹ Ibid at 430-431.

²⁰ Ibid at Appendix.

²¹ Ibid at 433-437.

²² Ibid at Appendix.

²³ Ibid at Appendix.

²⁴ Ibid at Appendix.

discordantly, however, in light of their responses to other questions, more than half either never or rarely undertook *pro bono* work and just 1/4 could readily be defined as active in the area.²⁵ As for impact-related questions, those surveyed generally concurred that their clinical experiences equipped them with legal skills, set them apart from other law graduates and inculcated a cognisance that the “practice of law is related to social justice.”²⁶

III. The Galway Survey

It was the aforementioned emphasis in academia on impact – together with a paucity of similar surveys in Europe and, perhaps above all, a genuine curiosity – that led me to read about “After the JD” and what had been done in Saskatchewan and to then devise my own survey in 2019. I started the clinical legal education programme at the School of Law in the University of Galway in 2006 and decided that an ideal and manageable group to send a questionnaire to would be the pilot class from academic year 2006-2007. Our clinical programme in Galway, like others at Irish law schools, is modest when compared to the “Rolls Royce” models of clinical legal education in operation elsewhere.²⁷ At the University of Galway, final year undergraduate law students undertake part-time, optional placements/externships for which they receive

²⁵ Ibid at Appendix.

²⁶ Ibid at Appendix.

²⁷ See generally Lawrence Donnelly, “Irish Clinical Legal Education *Ab Initio*: Challenges and Opportunities” (2008) 13 *International Journal of Clinical Legal Education* 56; Lawrence Donnelly, *Clinical Legal Education in Ireland: Progress and Potential* (Free Legal Advice Centres/Public Interest Law Alliance, 2015).

academic credit and are evaluated by means of participation in seminars, a reflective essay, feedback from supervisors and, in some instances, non-privileged work product.²⁸ The programme emphasises placements in the social justice/public interest sphere, but there are opportunities available in many areas. In recent years – regrettably, speaking frankly – there has been a marked decline in student interest in placements with non-governmental organisations or community law centres, with placements in commercial law firms being in far greater demand.²⁹

While the amount of students taking this Clinical Placement module rose to the mid-50s prior to dipping to around 30 during the pandemic, 14 brave souls decided to take the plunge and see for themselves what clinical legal education was like back in 2007. They were all excellent, high-achieving students. Because they were small in number and had been pursuing careers for more than a decade, I viewed them as the optimal cohort. Having used the internet – primarily LinkedIn – to find them, 9 ultimately replied. Given that Buhler and Anderson heard back from roughly 55% of those they sought to contact, this seemed a decent rate of response.³⁰

²⁸ Lawrence Donnelly, “Irish Clinical Legal Education *Ab Initio*: Challenges and Opportunities” (2008) 13 *International Journal of Clinical Legal Education* 56, 61-63.

²⁹ This is something of a global trend. See generally, Lynisse Phillips Pantin, “The Economic Justice Imperative for Transactional Law Clinics” 62 *Villanova Law Review* 175 (2017). The author notes that business/commercial/transactional law clinics have proliferated in the US as students demanded more opportunities in the field and asserted that they wanted to be seen “practice-ready” by large law firms. Nonetheless, she argues persuasively that transactional lawyering and the public interest are not mutually exclusive. *Ibid* at 184-192.

³⁰ Janelle Anderson, “Clinical Legal Education: Perspectives from Former Clinical Law Students” 37 *Manitoba Law Journal* 427, 429-430 (2013).

Based in part on what they had done and accounting for the different realities of legal education and practice in Ireland, I composed and put the following 10 questions to them:

- 1) Please provide your age.
- 2) Why did you decide to study law at the University of Galway?
- 3) Why did you opt to take the clinical placement module at the University of Galway?
- 4) What is your current job title? And what is the nature/type and geographic location of your current employment?
- 5) Do you or did you perform any *pro bono*/public interest work in your current or in past legal employment?
- 6) Do you have any interaction with law students in your current or in past employment through clinical legal education programmes? Please provide details if so.
- 7) What was/were the primary difference(s) between your study of law, in general, and your experience of the clinical placement module at the University of Galway?
- 8) In what ways – if any – has your experience of the clinical placement module at the University of Galway influenced your career?
- 9) What ideas did you take away from law study and/or clinical legal education at the University of Galway about the role of law graduates in society and/or the efficacy of the laws and the legal system?

10) Please share any further reflections or thoughts that may have come to mind or struck you about your exposure to clinical legal education at the University of Galway either during the course of your career or while completing this survey?

The students ranged in age from 31 to 37 at the time the survey was completed and 7 of the 9 correspondents were women.³¹ Perhaps unusually, most of them knew back then, at the young age that they would have been making a big life choice, that they wanted to study law. Galway, both as a city and a university, was a place they were very much drawn to for a mixture of factors. Just one referenced what she termed “the clichéd but honest reasons around social justice” as underpinning her decision to study law. Regarding their motivations for taking the clinical placement module, all bar one (who summed it up as “an easy way to get a decent grade”) referenced a desire to gain practical experience because it would give them an understanding of law practice that they were not getting in their mainly theoretical studies and/or it would boost their CV and chances of obtaining employment or traineeships after graduation.

In terms of their career trajectory and current position, four are solicitors in large law firms in Ireland or the UK, three are solicitors in small to medium sized firms in

³¹ The survey was conducted in 2019 and this article was delayed, like so much else, by the onset of Covid-19. The summary of and quotations extracted from the survey responses are all on file with this article’s author.

Ireland, one is a lawyer in the Irish public sector and one is a legal academic at an Irish university. Five of the nine have never performed any *pro bono* legal work; one indicated that she provided a small amount of *pro bono* legal work; two volunteer with the Free Legal Advice Centres, a national legal rights organisation that has a network of volunteer lawyers who give legal information to individuals in need at clinics around Ireland; and one posited that the question was not applicable.³² And seven of the nine have interacted with students through the various clinical legal education programmes that have proliferated in Ireland and the UK. Lastly, in reflecting upon their clinical experiences and campus-based law study, they were unanimous in noting a very noticeable disconnect between the two on multiple different levels and several voiced the opinion that legal education should be more focused on the practical realities that await graduates, especially given that the practice of law is rapidly transforming.³³

The group's answers to the final three, open-ended questions focusing on impact and soliciting broader input were, in many respects, the most fascinating. The feedback from those surveyed can be organised in three rough categories: two were either neutral or incomplete and offered little food for further thought; two were alternatively cynical or negative; five were either broadly or very positive. The first

³² It is worth noting that more of them may now be undertaking *pro bono* legal work since the inception of the "Pro Bono Pledge" was launched in November 2020, is coordinated by the Public Interest Law Alliance and has been signed onto by many firms and solo practitioners. See www.probonopledge.ie for more details.

³³ A telling comment from one respondent about the contrast between law study and law practise: "A person once said to me that being a solicitor is 90% admin and 10% law and they were absolutely right."

in the negative “pile” evidenced what some might describe as the worst of a stereotypical big firm mind set. In short, clinical legal education is a reasonable enough idea, but its goal should be to assist students in getting “proper jobs” with large firms and not on placements with NGOs or small firms that “lack sophistication.” The second felt that the impact of a part-time placement was minimal and regarded a subsequent LL.M. degree at another university which was delivered in large part by non-academics – “barristers, judges, forensic scientists, guardians ad litem, probation officers, journalists, etc.” – as a far more valuable formative pedagogical event.

Most of the positive comments focused on the “real world” exposure – “it was great to see law in practice” – or on how it helped sharpen relevant skill sets: “it was probably the first time I carried out a task that remotely resembled what I do every day in practice.” Others honed in on how it helped their career trajectories and boosted career prospects: “The programme was very helpful from a CV and interview perspective as it showed some real experience and, for the purposes of interviews, it was helpful for providing real life examples. From a practical perspective, it was also good to have some office and law firm experience and to get a reference from a well-regarded solicitor...who was very nice and offered good career insight...this was all notwithstanding the fact that I did placement in a general practice (family law, criminal law and conveyancing), but trained and practice in a corporate law firm.”

There were a couple of “gems” for those of us who contend unwaveringly that the mission of clinical legal education lies in the social justice/public interest sphere. “One take away point was the scale of opportunity for lawyers to contribute in making a difference to the world and that, while results are not always immediate, the effort of law graduates in the various (NGOs, government agencies, international institutions, etc.) can have an impact on our lives and on how our society develops.” And finally:

Although the legal profession gets a bit of a slagging, I think that if we were to get rid of all the lawyers in the morning, it would not be the wealthy and the powerful that would suffer. I have always believed that law is a tool through which we can address an imbalance of power in society. Despite how the legal profession is portrayed in the media as immoral, there are many lawyers who make sure that families are reunited, keep children away from abusive caregivers, protect domestic abuse victims, and fight for their clients’ right to a fair trial or work to ensure that human rights are protected generally. Without these lawyers (of which I don’t claim to be one), the most vulnerable people in our society wouldn’t have a voice or a means to protect themselves and the world would be a more sinister place. Most of us are just trying to represent our clients’ interests to the best of our ability and whilst this isn’t as lofty a goal as the preservation of human rights and may seem like a small thing, to the clients themselves, I imagine it matters a great deal.

These words are equally powerful and gratifying for all of us law teachers trying to keep the faith.

IV. Reflections on the Surveys

In many respects, comparing the results of the “After the JD” and University of Saskatchewan College of Law surveys with my own is a case of apples and oranges. There are plenty of factors distinguishing the respective mind set of law students and lawyers in Ireland and North America. First and foremost, our students are undergraduates whose ideas and ambitions are nowhere near as fully formed as those who are typically a minimum of five years older and pursuing professional doctoral degrees. For one thing, the latter category of student is far less likely to have been influenced by parents in choosing a course of study than the former. Moreover, there are the realities that a legal education costs far more in North America than in Ireland (or anywhere in Europe) and that, unlike in Canada or the US, approximately half of our students opt not to qualify professionally as lawyers and use their law degrees to pursue other lines of work. Finally, clinical programmes across the Atlantic are way more advanced and allocate to their postgraduate students a lot more responsibility than European clinics ordinarily do.

That said, and before considering the responses of University of Galway students “in a vacuum,” there are some similarities among the answers to the three surveys, notwithstanding the contrasting milieu in which each was conducted. “After the JD” obviously involved a much higher number of participants than either of the other two.

Yet when it comes to illustrating the measurable, tangible impact, at least with respect to the civic dimension, of clinical legal education on law graduates, it reflects many of the same truisms. That is, the impact is fairly insignificant. “After the JD” just did not unearth any demonstrably greater rates of participation in charitable, community or political activities, *pro bono* legal practice or public service employment – except for the last among the relatively limited pool who professed to a social justice orientation prior to commencing their studies – attributable to having taken clinics in law school. In this American survey, there were very glowing reports of how clinics had helped early on when completing tasks. The skills-enhancement aspect was enthusiastically endorsed; the civic component did not feature to anywhere near the same extent.

Likewise, and notwithstanding the facts that the questionnaire was more targeted and that the law school’s clinical programme wears its social justice and public interest identity on its sleeve, the results from Saskatchewan were pretty deflating. Graduates repeatedly stated that they still had strong faith in the ideals that led them to enrol in the clinic and moved them profoundly while seeking to achieve justice for the clinic’s indigent clinics. They asserted that these notions and memories continued to inform them in their professional lives. But at the same time, only ¼ are active *pro bono* practitioners, with more than half never or rarely undertaking *pro bono* work. One would expect that the type of commitment these lawyers espouse would translate into more hours and cases. Additionally, a fairly paltry 20 per cent are employed in the public sector. Again, one could be forgiven for anticipating that this number would be higher. It is no secret that working at a private large firm, particularly a large one,

usually comes with a much higher salary than a job as a government or legal services lawyer and that educational debt is a serious burden for the majority in North America, but there are clear advantages to eschewing “big law,” which, in theory, would seem to be a draw for this cadre in western Canada.³⁴ The survey does not bear this out, however.

The “forces external to legal education that powerfully shape lawyers’ attitudes and behaviour” identified by Sandefur and Selbin are manifestly at work not only in North America, but also here in Ireland.³⁵ The career tracks pursued by the pilot group of students at the University of Galway reflect this inescapable truth; in the main, they are lawyers in financially lucrative private practice. And that is entirely understandable at many levels. The cost of living in Ireland – for literally everything, from housing, to child care, to a pint of Guinness – is sky high and far in excess of the European average, particularly in and around Dublin where most of the country’s leading law firms are located.³⁶ As such, despite the fact that Irish law graduates are minimally indebted by comparison to their counterparts in the US and Canada, they need to earn a good salary to afford rent initially and to be able to purchase a home eventually.

³⁴ Katie Taylor, “BigLaw v Public Service: Pros and Cons to Consider for Life after Law School” (24 May 2022) available at <<https://www.nitrocollege.com/blog/big-law-v-public-service>> last accessed 14 July 2022.

³⁵ Rebecca Sandefur and Jeffrey Selbin, “The Clinic Effect” 16 *Clinical Law Review* 57, 105 (2009).

³⁶ Charlie Weston, “Ireland’s cost of living soars above EU average as new report reveals just how much prices are rising” *Irish Independent* (21 June 2022) available at <<https://www.independent.ie/business/personal-finance/irelands-cost-of-living-soars-above-eu-average-as-new-report-reveals-just-how-much-prices-are-rising-41774596.html>> last accessed 19 July 2022.

What's more – even leaving aside some of the comments that are unjustifiably biased in favour of “big law” – the qualitative feedback is revealing when it comes to their professional identity. For instance, as outlined above, one respondent was positive about her clinical placement experience years earlier, but inserted the caveat that it was in general practice whereas she was trained at a corporate law firm and now works in the area. Another praised the efforts of lawyers fighting on the frontline for access to justice, yet was careful to indicate that she was not one of them and, instead, was attempting to secure the best result for her own clients in law practice. It may be over-parsing their words, but they are at least suggestive of what critics might term a “corporatist” professional identity or ethos that most clinical legal educators would either explicitly or implicitly reject. In reading and re-reading my former students' comments, I also had to continually remind myself that these then final year undergraduates were not required to adopt the ideals that animate most clinical legal education instructors. All this pilot group had to do was show a willingness to take a risk on something different and a desire to see how law operates in the “real world.” They did and, to a person, they acquitted themselves very well. I will forever be in their debt for enrolling in the module and getting the programme off to a fine start. That they have done so well since they completed their degrees is testament to their ability.

And again, neither their nor the clinical community's point of view, broadly speaking, is necessarily the right one. Indeed, those who tend to heap scorn on “big law” and use terms only half in jest like the “dark side” to describe working in large commercial

firms are too glib and do not have any legitimate claim on ethical superiority. Still, the common, undeniable thread running through the “After the JD,” Saskatchewan and Galway surveys is that clinicians are having a quite pronounced impact in the skills dimension and a rather negligible impact in the civic dimension of lawyer training. That is definitely affirming, on the one hand, and deeply concerning, on the other, for many of us true believers.

V. Some Concluding Thoughts

To return to a question posed at the outset, then, what difference is clinical legal education making? The surveys detailed herein suggest that clinic participation is equipping graduates with the vital skills and aptitudes needed to work as a lawyer or in a law-related field and are frequently cited by those charged with hiring and recruitment as the most important and most lacking.³⁷ But what one leading clinical scholar would probably call the *sine qua non* of clinical legal education – making students “intensely aware of the mission of lawyers in serving justice, and in representing the weak against the strong”³⁸ – does not seem to be creating the reservoir of “lawyers for others” that many of us would have hoped for, at least if these three surveys are anything to go by. Of course, they represent a tiny sampling and it would be a mistake to extrapolate excessively from them. Yet they are discouraging.

³⁷ Mark Cohen, “Law’s Looming Skills Crisis” *Forbes* (21 May 2019) available at <<https://www.forbes.com/sites/markcohen1/2019/05/21/laws-looming-skills-crisis/?sh=6f59c20e445c>> last accessed 19 July 2022.

³⁸ Richard Wilson, “Western Europe: Last Holdout in the Global Acceptance of Clinical Legal Education” (2009) 10 *German Law Journal* 823, 829.

Above all, it would seem that the very powerful, often corrosive forces – economic, historic, institutional, cultural, et al – that clinical legal education programmes, at their best, are purposed to hold to account militate against clinic participation having a more transformative impact in the longer term, after students have finished and move on. For example, it is easy to decry a lack of correlation between clinic enrolment as a student and public interest or government employment as a lawyer. But it is equally easy to comprehend in a context where these jobs are regularly limited in number and poorly remunerated as inflation continues to soar.

What should we do? Despair is not an option. Although it may be trite to say, we must keep on keeping on and never lose heart, even as we need to be realistic and manage our expectations about what we can and cannot accomplish. Some of the feedback from graduates in the three surveys, albethey in the minority, demonstrate the potential clinic has and will always have. A small initiative I have been pursuing is to identify past students for whom clinic genuinely was impactful and to bring them in – physically or virtually – to speak to present students about what they did then and what they do now. It seems to resonate. And even if it proves fleeting a lot of the time, it is important to remember that, through clinical legal education, many students are obtaining a cognisance, an awakening about the law and legal system, the flaws therein, and the special responsibilities being conferred upon them. As one of them wrote after going above and beyond in her work on a fledgling Innocence Project at the University of Galway, it

allowed me to see how I can provide a voice for those who might not ordinarily have been afforded one...it is important to use our educational privilege in the future to effect change in flawed systems because, in turn, we have the ability to save others from the needless suffering of those who came before them.³⁹

Serious challenges and difficulties aside, the mere prospect that these enlightened sentiments will inform this student's life in the law is why we do what we do – and why it is so gratifying.

³⁹ Student Reflective Essay, Academic Year 2018-2019 (on file with author).