

Reviewed Article: Teaching and Learning in Clinic

Community Projects: Extending the Community Lawyering Model

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PART I INTRODUCTION

Law schools in Australia and the United Kingdom are increasingly adopting clinical legal education (CLE) as an important part of their curriculum. Models of CLE are emerging in those jurisdictions which draw on local experience and the strong tradition of CLE and community lawyering in the United States. The purpose of this article is to examine the pedagogy that underlies CLE and to consider how it can be applied to newly emerging models of CLE. In particular, it will evaluate a community project legal clinic in which students work on social justice projects in partnership with a range of community organisations, not limited to legal centres, with a view to determining whether pedagogical goals are being met in the way that

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the course is being delivered. This article argues that community project legal clinics can result in positive student learning outcomes in relation to the development of a *pro bono* ethos and commitment to social justice, lawyering skills including client communication, and the development of a positive professional legal identity. Part II of the article provides a brief overview of the history of CLE in Australia, the United Kingdom and the United States, noting the trend towards the development of community lawyering clinics. Part III examines the benefits of community lawyering clinics focusing on the benefits for student learning and the service-learning pedagogy applied in community lawyering clinics in the United States. Finally, part IV looks at a case study of a new community project clinic in Australia that draws upon the service-learning pedagogy of community lawyering CLE. In the community project clinic, students engage in service-learning through undertaking projects with not-for-profit community organisations. Community partners identify relevant issues and needs, and the students work in interdisciplinary teams to address these. Law students working in these teams are often exposed to a broader social problem or issue than they would experience in a traditional 'in-person' legal clinic. Initial evaluation suggests that this model for community clinics in law schools assists students to develop lawyering skills and a positive legal identity including awareness of and support for *pro bono* legal work and a sense of belonging in the legal profession.

PART II: OVERVIEW OF THE DEVELOPMENT OF CLE

CLE in Australia

The first legal clinic in Australia was established at Monash University in the mid-1970s.⁴ Since then, the development of CLE has been a somewhat slow process.⁵ Giddings attributes the lethargy to an 'uneasy relationship' between academics and practicing lawyers and a reliance on 'apprenticeships' as the main method of preparing junior lawyers for the profession.⁶ In the last few decades however, the uneasy relationship between the academy and the profession has been substantially mended. Almost every law school in Australia now offers CLE or a similar practical experience to their students. Some, like the University of Queensland, offer several clinics per semester in partnership with a variety of external community legal centres.⁷ Others, like Monash University and the University of New South Wales (UNSW) maintain long established centres which form part of the law school itself (Monash-Oakleigh Legal Service and Kingsford Legal Centre respectively).

Clinics in Australia have continued to maintain a strong focus on access to justice and providing 'service' to the community.⁸ Whilst these goals haven't changed, the methods for delivering CLE have evolved significantly. A general trend is now being

⁴ Jeff Giddings, 'Promoting Justice through Clinical Legal Education' (Justice Press, 2013) 9

⁵ Ibid.

⁶ Giddings, above n 2.

⁷ University of Queensland, *Pro Bono Centre submission to Productivity Commission on Access to Justice Review* <http://www.pc.gov.au/data/assets/pdf_file/0005/129740/sub074-access-justice.pdf>

⁸ Giddings, above n 2, 10.

observed away from traditional 'on-site' models towards clinics that are joined, or, as Giddings describes it, 'grafted', onto existing community organisations.⁹ One major advantage of grafting models is that they can be less expensive because infrastructure costs can be shared between the partners.¹⁰ Further, such models are seen to be flexible and don't necessarily "tie the law school to the provision of a year-round service."¹¹

Recently, Australian clinics have even experimented with interdisciplinary models where students from different disciplines assist in resolving complex socio-economic issues faced by disadvantaged clients.¹² At the Monash-Oakleigh Legal Service (MOLS) in Victoria, for instance, finance and social work students work alongside law students to provide a broader range of assistance to clients.¹³ Pedagogical outcomes achieved through the MOLS model include: a 'lateral analysis' of problem solving, opportunities for collaborative team work, and a better understanding of the non-legal aspects of legal work.¹⁴

⁹ Ibid.

¹⁰ Giddings, above n 2, 10.

¹¹ Ibid, 104.

¹² The United States has led the way in interdisciplinary CLE. There are, in fact, a variety of models of interdisciplinary collaboration now recognised in the United States. See Karen Tokarz, Nancy L. Cook, Susan Brooks and Brenda Bratton Blom, 'Conversations on "Community Lawyering": The Newest (Oldest) Wave in Clinical Legal Education.' 28 *Journal of Law & Policy* 359-402, 382.

¹³ Foster, Richard 'Multi-Disciplinary Practice in a Community Law Environment: New Models for Clinical Legal Education' (2013) 19 *Int'l J. Clinical Legal Educ.* 413, 419.

¹⁴ Ibid.

CLE in the United Kingdom

Like Australia, the growth of CLE in the United Kingdom (UK) has been relatively slow.¹⁵ The UK's first legal clinic established at the University of Kent in 1973 was closed just three years later. The closure of the clinic left an indelible impression on both UK law schools and the legal profession.¹⁶ Adrian Taylor, the original founder and supervisor of the Kent clinic,¹⁷ seemed to attribute the clinic's failure to an uneasy relationship between lawyers and academics (like in Australia) and a degree of confusion as to what strategic direction the clinic should take: a social or legal emphasis.¹⁸ After the University withdrew funding in 1977, Taylor reflected on the challenges the clinic had faced:

*'My own view was that a failure to connect was basic to the existing situation. Our students seemed to me to be confused by conflicting demands to think like lawyers and to undertake social critiques.'*¹⁹

Taylor also noted that in the UK at the time: *"the prospect of expansion of higher education in the early 1960's [had] caught academic lawyers in a state of unpreparedness."*²⁰

It was likely this 'unpreparedness' which led to strategic confusion and disconnect which brought on the ultimate demise of the Kent clinic.²¹

¹⁵ Giddings, above n 2, 126

¹⁶ Ibid.

¹⁷ Sadly, Adrian Taylor passed away in January 2014. See University of Kent, *News* <<http://www.kent.ac.uk/giving/lawcampaign/news/index.html?view=173>>.

¹⁸ Adrian Taylor 'Clinical legal education' (1977) 2(2) *Studies in Higher Education* 137-147.

¹⁹ Ibid, 144.

²⁰ Taylor above, n 16, 138.

²¹ The Kent Law Clinic was re-established in 1992. See University of Kent, *News* <<http://www.kent.ac.uk/giving/lawcampaign/news/index.html?view=173>> For further analysis of the Kent Clinic see William M Rees, *Clinical Legal Education: An Analysis of the University of Kent*

Recently however, CLE in the UK has experienced a surge of popularity. Law schools have realized the enormous benefits to students (and society) and have now embraced clinical programs as a regular and routine part of training their junior lawyers.²² The UK approach to CLE is strongly connected to the *experiential learning model*:²³ a method of learning which is driven by students engaging in 'reflective practices' which helps to promote change in the student's attitudes to their future career.²⁴ As Clubb writes:

*"Experiential learning is recognised as promoting more effective, deeper and contextualised learning, promoting insight into the professional values, and can illuminate as to the impact of 'policy' and the concepts of what some term 'social justice issues' "*²⁵

The concept of experiential learning is neither new nor specific to the UK. Writing in the *Journal of Professional Legal Education* in 1989, Downs pointed out:

*"a movement [resembling experiential learning] has been evident from as early as the mid-nineteenth century as a means of redressing the balance between abstract learning and practical experience."*²⁶

Model (1975), 9 *Law Teacher* 125. Professor Avrom Sherr also wrote an account of a similar clinic at Warwick established in the 1970s. See Avrom Sherr, *Clinical Legal Education at Warwick and the Skills Movement: Was Clinic a Creature of its Time?* in G Wilson, (ed) *Frontiers of Legal Scholarship* (John Wiley & Sons, 1995).

²² Karen Clubb, 'Masters of Our Destiny - The Integration of Law Clinic into Post Graduate Masters Provision.' (2013) 19 *Int'l J. Clinical Legal Educ.* 395.

²³ *Ibid*, 398.

²⁴ Clubb, above n 20, 398.

²⁵ *Ibid*, 397.

²⁶ R Downs, 'Experiential Learning: In a Practical Legal Training Course' (1989) 7(2) *Journal of Professional Legal Education* 141-147, 142

Like Australia, the UK has experimented with different approaches of delivering CLE. Recent research, for instance, has looked at the use of CLE in the UK at the postgraduate level.²⁷ It is thought at the masters level, perhaps due to their own life experiences, students can engage in a wider appreciation of the socio-economic factors which underpin the client's concerns.²⁸ Postgraduate students are expected to offer creative and original responses to issues and of both procedural and substantive justice that face those disadvantaged in the community.²⁹

CLE in the United States – trends in community lawyering

In contrast to the UK and Australia, the development of CLE in the United States (US) has enjoyed a rich history. Early clinical programs emerged in the first half of the twentieth century and although pedagogical outcomes were not the original goal, the benefits of face-to-face client contact were still recognised.³⁰ The 1960s saw a 'blossoming' of legal clinics in the US aiming to provide greater social justice outcomes for communities.³¹ As Brodie remarks, this was largely in response to increased "demands for social relevance"³² likely influenced by the US civil rights movement of the time.

²⁷ Clubb, above n 20.

²⁸ Ibid, 398.

²⁹ Clubb, above n 20, 398.

³⁰ Juliet M. Brodie, 'Little Cases on the Middle Ground: Teaching Social Justice Lawyering in Neighborhood-Based Community Lawyering Clinics' (2009) 15 *Clinical Law Review* 333, 335.

³¹ Ibid.

³² Brodie, above n 28, 335.

In the last few decades, a particular ‘resurgence’ or ‘theme’ of CLE experiences has emerged in the US known as ‘community lawyering.’³³ Karen Tokarz and other researchers self-identify as ‘community lawyers’ and “teachers of community lawyering clinics.”³⁴ The community lawyering model can be neatly summarized as:

*“an approach to the practice of law and to clinical legal education that centers on building and sustaining relationships with clients, over time, in context, as a part of and in conjunction with communities.”*³⁵

Community lawyers in the US have been involved in a wide variety of projects including litigation, mediation, transactional work, law reform and legal education, all of which aim to benefit the community.³⁶ Their response to issues of injustice is predominately at a local level rather than broader national or regional responses.³⁷ Interdisciplinary collaboration is also at the core of the approach with participants often partnering with professionals from other disciplines including social work, urban planning and business administration.³⁸

Ultimately, however, what really sets US community lawyering apart from more traditional CLE models is the emphasis on longer term community change. Tokarz writes of community lawyering “transcending individualized claims” in order to

³³ Ibid, 334.

³⁴ Karen Tokarz, Nancy Cook, Susan Brooks and Brenda Bratton Blom ‘Conversations on Community Lawyering: The Newest (Oldest) Wave in Clinical Legal Education’ (2008) 28 *Journal of Law & Policy* 359-402, 360.

³⁵ Ibid, 363.

³⁶ Tokarz *et al.*, above n 32, 363.

³⁷ Brodie, above n 28, 344.

³⁸ Tokarz *et al.*, above n 32, 363.

achieve real “structural change” in the community.³⁹ The method involves working *with* rather than *for* the community to deliver lasting change. It is this deeper level of collaboration and promotion of self-determination in society that can yield real and sustained benefits for communities not to mention life changing experiences for students involved. In this way, community lawyering models have made a unique contribution to CLE in the US.⁴⁰ The emphasis on the interdisciplinary context of social problems has led US lawyers (and students) to deeply appreciate and even take on roles that fall outside of conventional legal work – such as community organizers, anthropologists, or social workers.⁴¹

PART III: THE BENEFITS OF COMMUNITY LAWYERING CLINICS

Community lawyering clinics can improve law teaching and learning, raise social justice awareness of law students and enhance the role of law and lawyers in society by helping law students to develop their social justice consciousness and take on the challenges of addressing social issues in systematic ways.⁴² Karin and Runge assert that community lawyering clinics have an important role in teaching students about

³⁹ *Ibid.*

⁴⁰ Brodie, above n 28, 334.

⁴¹ Tokarz *et al.*, above n 32, 379.

⁴² *Ibid.*

social justice and the role of lawyers in creating social change, and instilling a community service/*pro bono* ethos:

*"We believe that law clinics can be designed to teach students that lawyers have a variety of strategies and legal tools at their disposal to create social change, including individual representation, organizational representation, community education, and policy advocacy."*⁴³

Further, Goldfarb argues they can provide a real sense of professional purpose; "the prospect that professional identity can serve a public good greater than oneself ... that can enable law graduates to thrive in their professional lives and to contribute at the same time to the thriving of others."⁴⁴ A sense of professional identity is the 'third apprenticeship' of identity and purpose identified in the Carnegie Report.⁴⁵

Community lawyering models can thus provide a meaningful experiential learning opportunity where students can make an impact outside the classroom. Importantly, they bring students out of the protective environment of the university and, as Barry remarks, "into the community – often to physical locations and social situations that students have not encountered before."⁴⁶ Such experiential learning enables students to develop a more holistic professional identity by creating opportunities for self-

⁴³ Marcy Karin and Robin Runge, 'Toward Integrated Law Clinics That Train Social Change Advocates' (2011) 17 *Clinical Law Review* 563, 570.

⁴⁴ Phyllis Goldfarb, 'Back to the Future of Clinical Legal Education' (2012) 32 *Boston College Journal of Law & Social Justice* 279, 283.

⁴⁵ William M Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law: The Carnegie Foundation for the Advancement of Teaching*. (Jossey-Bass, San Francisco, 1st ed, 2007).

⁴⁶ Margaret M Barry, A Rachel Camp, Margaret Ellen Johnson, Catherine F Klein and Lisa V Martin, 'Teaching Social Justice Lawyering: Systematically including Community Legal Education in Law School Clinics' (2012) 18 *Clinical Law Review* 401, 444.

reflection and for the development of “a deeper and more nuanced understanding of social issues confronting their clients and the broader community.”⁴⁷

In addition to the benefits for student learning, community lawyering clinics also provide significant benefits in addressing social justice issues by allowing students, academics and communities to work together to address social problems. Golden argues that complex social problems can more readily be solved by lawyers working collaboratively with community and with other disciplines.⁴⁸

The inclusion of interdisciplinary work is a crucial innovation as it “deepens the ability of lawyers and law students to speak languages outside their comfort zones and enhances their ability to identify and cultivate additional resources and partners.”⁴⁹ As noted above, the community lawyering model which emerged from the US is uniquely suited to students engaging in interdisciplinary work. Its focus on broader problem solving (rather than strict legal analysis and application) encourages a holistic approach to community empowerment spanning non-legal disciplines like social work, mental health, information technology, design and business administration.⁵⁰

Lastly, as Barry remarks, community lawyering clinics can reach “segments of community not necessarily reached by traditional legal services, provides support

⁴⁷ Ibid 445.

⁴⁸ Robin S Golden, ‘Collaborative as Client: Lawyering for Effective Change’ (2012) 56 *New York Law School Law Review* 393.

⁴⁹ Tokarz, above n 33, 380.

⁵⁰ See for instance: Foster, Richard ‘Multi-Disciplinary Practice in a Community Law Environment: New Models for Clinical Legal Education’ (2013)19 *Int’l J. Clinical Legal Educ.* 413.

for individuals not involved in litigation, responds to non-legal concerns or concerns unable to be redressed by the law, develops leadership skills within the community, and transfers knowledge and encourages collaboration within and among communities".⁵¹

Service-learning pedagogy

Generally, CLE adopts an experiential model that involves four stages: experience, reflection, theory and application.⁵² Community lawyering clinics apply the clinical pedagogy focussing on personal and professional values of service in the context of working with and for the community. Service-learning therefore provides an opportunity for law schools to adapt the experiential pedagogy of CLE to the community lawyering context.⁵³ In service-learning, students undertake community service while engaging in reflective practice in relation to their learning during the service.

Service-learning has been defined as:⁵⁴

"... a course-based, credit bearing educational experience in which students (a) participate in an organized service activity that meets identified community needs and (b) reflect on the service activity in such a way as to gain further understanding

⁵¹ Barry *et al.*, above n 49, 406.

⁵² Roy Stuckey, *Best Practices for Legal Education: A Vision and A Road Map* (2007) <http://cleaweb.org/documents/Best_Practices_For_Legal_Education_7_x_10_pg_10_pt.pdf>.

⁵³ For an in depth discussion of the role of service-learning in the Law School curriculum and the relationship between service-learning and legal clinics see Laurie A Morin and Susan L Waysdorf 'The Service-Learning Model in the Law School Curriculum' (2012) 56 *N.Y. L. Sch. L Rev* 561, 567.

⁵⁴ R G Bringle, J A Hatcher and R MacIntosh, 'Analyzing Morton's typology of service paradigms and integrity' (2006) 13(1) *Michigan Journal of Community Service-learning* 5, 12.

of course content, a broader appreciation of the discipline, and an enhanced sense of personal values and civic responsibility.”

In the law school context, service-learning has been said to be “related [to], yet distinct from clinical legal education.”⁵⁵ It enhances both doctrinal learning of law and CLE by providing an authentic setting for students to engage in social change lawyering and to develop their sense of professional identity. Accordingly, the service-learning pedagogy can be seen as ideal for community lawyering clinics. According to Morin and Waysdorf:⁵⁶

“Within service-learning, every experiential second is a teachable, if not also disorienting, moment. In short, what is “learned” in the process of effective service-learning is more than deeper subject matter knowledge or retention of clinical practice skills. More importantly perhaps, students gain self-knowledge brought on by intentional learning through collectivized social justice action. The notion is that becoming a ‘better person’ will lead to becoming a better, more empathetic, and, therefore, more effective attorney.”

While the focus of Morin and Waysdorf’s work is on responses to crisis situations (e.g. Hurricane Katrina and the Gulf oil spill) their comments can also be extended to more immediate ‘local’ issues. In such a case, the community issue is often more localised and likely less dramatic but with the same potential for significant community harm if left unaddressed. The Queensland University of Technology

⁵⁵ Laurie A Morin and Susan L Waysdorf, ‘The Service-Learning Model in the Law School Curriculum’ (2012) 56 *N.Y. L. Sch. L Rev* 561, 594.

⁵⁶ *Ibid*, 595.

(QUT) and Environmental Defenders Office, Queensland (EDO Qld) clinic,⁵⁷ now in its third year, is a good example of service learning in this context. Significant mining and coal seam gas extraction in Queensland, if left substantially unaddressed by governments and civil society, could result in severe long-term community (and environmental) impacts. Ultimately, it is the 'flexibility' of service learning which allows it to respond to emerging issues – whatever the scale.⁵⁸

An element of service-learning that is essential to student learning outcomes is reflective practice. Through reflection, the legal clinic pedagogy of personal and professional service is retained and becomes the focus of student learning. The reflective process allows students to identify their values and beliefs, confront prejudices and bias, question their assumptions, consider alternative perspectives, and ask 'why'.⁵⁹ Service-learning may prompt students to more fully understand social problems and lose their previously held beliefs in their individual capacity to effect social change. They develop their critical thinking skills and also identify areas for personal change and career goals. In documenting their learning, they can evaluate their reflections and observe change over time. Guided reflection tasks make explicit links between academic learning (discipline-based content) and civic

⁵⁷ For analysis of the EDO-QUT partnership see Evan Hamman, Rowena Maguire and Judith McNamara (2014) 'Pro bono partnerships in environmental law: enhancing outcomes for universities and CLCs' 39(2) *Alternative Law Journal* 115-119.

⁵⁸ Morin and Waysdorf, above n 58, 565.

⁵⁹ E T Pascarella and P T Terenzini, *How college affects students: A third decade of research*. (Jossey-Bass, San Francisco, 2005).

learning by “calling attention to the public dimensions and responsibilities of professional practice.”⁶⁰

A final point to note is that, in service-learning, it is not necessary that the community partner is a legal organisation or that students work under the supervision of a legal practitioner. This increases the range of projects and community organisations that students can work with which in turn enables more students to undertake valuable clinical experiences. This accords with Giddings’ suggestion that law schools should develop methodologies beyond traditional legal clinic models,⁶¹ and that “[p]roviding an intense and productive clinical experience for students needs to be balanced with making such experiences available to as many students as possible.”⁶²

PART IV: CASE STUDY

In 2013, the QUT law school introduced a new legal clinic subject which includes a range of clinical experiences from the live client model to community projects. This case study is limited to an evaluation of the community project experiences which are based on the community lawyering model. The range of projects undertaken by

⁶⁰ Bringle, above n 51, 112.

⁶¹ Jeffrey Giddings, ‘Contemplating the Future of Clinical Legal Education’ (2008) 17(1) *Griffith Law Review* 1.

⁶² *Ibid*, 5.

students include community based research,⁶³ community empowerment activities⁶⁴ and street law projects. The projects were developed through a series of community forums involving members of community organisations, academics working across various disciplines and students.⁶⁵ Participants in the forums workshopped “wicked problems” that had been identified by the community organisations for which there was no ready solution and which they believed students could be of assistance in addressing. The forum organisers had posited that students undertaking such projects could attain valuable learning outcomes through a service-learning approach. Given this approach was relatively novel in the institution and that there is limited literature examining service-learning in legal education in Australia, the authors chose to undertake a thorough evaluation of the impact of the service-learning on student learning. This case study is the result of that evaluation.

As in other clinical and internship/externship programs, community projects promote understanding and awareness of social justice issues and the notion, as noted above, that ‘becoming better people makes [for] better lawyers’.⁶⁶ Community partners can identify relevant issues or needs and clinical models can then be adapted according to the issue or problem being addressed. Students address a

⁶³ James Backman, ‘Law Schools, Law Students, Civic Engagement, and Community-Based Research as Resources for Improving Access to Justice in Utah’ (2006) 4 *Utah Law Review* 953.

⁶⁴ See Barry *et al.*, above n 49, 404 for examples.

⁶⁵ Motivation to hold the forums was in part due to the requirement of the Council of Australian Law Deans (CALD) that law schools should seek to engage with the community through programs such as legal clinics, law reform projects, public education, and other forms of pro bono service. See Council of Australian Law Deans, *The CALD Standards for Australian Law Schools*, (adopted 17 November 2009), 9.6.2. <<http://www.cald.asn.au/resources>>

⁶⁶ Morin and Waysdorf, above n 58.

broader social problem or issue than they might be exposed to in clinics or internships. This can include client work, but does not have to be client-based.⁶⁷ They are also required to be more creative in identifying solutions to address the community issue, and have more control of the project outcome than in traditional clinical programs.

This community project model at QUT goes beyond the traditional field model where students are always supervised by a legal practitioner. Instead students may be supervised by non-practitioner academics working collaboratively with the community organisation. The size and composition of the student groups working with each community partner varies and is dependent on the capacity of the organisation, the nature of the project and the degree of student interest. Some groups consist entirely of law students and others involve students from a mix of disciplines, including students from social work, creative industries, information technology, science and psychology. The mix of student disciplines helps to develop a broader range of project ideas and influences project processes and outcomes. Particular skills from different disciplines enable students to incorporate a wider range of ideas into their project. Working in interdisciplinary teams also strengthens students' understanding of social issues. Working with community organisations in teams to address real problems which are complex and have multiple layers helps

⁶⁷ Ibid, 593.

students to understand that legal issues never occur in a vacuum and cannot be isolated from other social issues.⁶⁸

The opportunity to participate in community-based research is an important aspect of the *Legal Clinic* subject. Students, academics, and community members work collaboratively on research that is useful to the community partners.⁶⁹ In such a model, the community partner “serves as an active contributor and agent of change by participating in the design, execution, evaluation, and dissemination of academic research.”⁷⁰

In addition to their placement requirements (which include meetings with their community partner), students attend workshops on campus which address issues relevant to their placement experiences and their development as future legal professionals. The workshops focus on the fostering of a sense of social responsibility and a *pro bono* ethos. Topics covered in the workshops include reflective practice, alternative dispute resolution (ADR) and wellness, cultural competency, collaborative practice and ethical and professional obligations, including *pro bono* work. It has been argued that lawyers’ professional obligations

⁶⁸ Spencer Rand, ‘Teaching Law Students to Practice Social Justice: An Interdisciplinary Search for Help through Social Work’s Empowerment Approach’ (2006) 13 *Clinical Law Review* 459.

⁶⁹ The community projects which have been undertaken in the subject include research for a handbook on mining law for the Queensland Environmental Defender’s Office, Queensland (EDO Qld), research for the Refugee and Immigration Legal Service (RAILS) in relation to the impact of a High Court decision on refugees and family reunion applications, a community health project with the Legal Services unit at the Royal Brisbane and Women’s Hospital on the use of Advanced Health Directives, a website and DVD on tenancy issues for Kyabra Community Association which assists people at risk of homelessness, and preparation of a report on privatisation of prisons for the Catholic Prisons Ministry.

⁷⁰ Backman, above n 66, 954.

extend to active engagement in public debate about society, renewed focus in legal education on legal ethics, engagement in dialogue about law firms' position as corporate citizens and commitment to access to justice and equality under the law.⁷¹ QUT students are encouraged to engage with these concepts through listening to guest speakers (including academic specialists and members of the legal profession), participation in workshop activities and completion of readings and reflective writing tasks.

An important component of the assessment in the legal clinic subject is reflective assessment. As has been reported elsewhere,⁷² the authors' experience has been that students find the process of reflecting challenging, and reflective assessment is resisted by some students. Accordingly, care is taken to ensure students are taught reflective practice, receive feedback on their reflective writing, are provided with resources to guide their reflection and that reflective activities are undertaken in class to develop students' skills. Students are required to adopt the *4R's Model of Reflective Thinking* which involves four stages of reflection developed by Carrington and Selva;⁷³ reporting, relating, reasoning and reconstructing. The levels increase in complexity and move from description of, and personal response to, an issue or

⁷¹ F McLeay, 'Pro bono lawyering in the 21st century' (2001) 19 *Law In Context* 16.

⁷² Morin and Waysdorf, above n 58.

⁷³ S Carrington and G Selva, 'Critical social theory and transformative learning: Evidence in pre-service teachers' service-learning reflection logs' (2010) 29 *Higher Education Research & Development* 45. The 4R's model of reflection was further developed by the Australian Learning and Teaching Council funded DRAW project. Further information in relation to the model and teaching resources see Queensland University of Technology, *Developing Reflective Approaches to Writing* (2011) <<https://wiki.qut.edu.au/display/draw/Home>>.

situation; to the use of theory and experience to explain, interrogate, and ultimately transform practice.⁷⁴ Students are also assisted in workshops to consider the concept of “privilege” and challenged to “unpack their personal backpacks” which helps them to identify their own values and beliefs and how these impact on their understanding of issues raised by their respective community partners.⁷⁵

For the first reflection task of the semester (out of two total) students are provided with relevant readings and guiding questions for each of the stages of reflection specifically relevant to the topic. A developmental approach is taken with more guidance given for the first reflection and a more open ended approach taken to the final reflection due at the end of semester. The assessment is rigorous, and is graded on the usual scale, with set criteria for marking which relate to the *4R's Model of Reflective Thinking*.⁷⁶

Methodology

The community projects were evaluated qualitatively through focus groups conducted by an independent researcher. Focus groups are a method of qualitative

⁷⁴ J D Bain, R Ballantyne, C. Mills and N C Lester, *Reflecting on practice: Student teachers' perspectives* (Post Pressed, Flaxton, 2002).

⁷⁵ Feminist scholar Peggy McIntosh argues that white [male] privilege is carried around with us “like an invisible weightless backpack of special provisions, maps, passports, codebooks, visas, clothes, tools and blank checks.” See: McIntosh, Peggy. "White privilege: Unpacking the invisible knapsack." (1988): 31-36 <<https://www.isr.umich.edu/home/diversity/resources/white-privilege.pdf>>

⁷⁶ For examples of criteria used see Judith McNamara, Tina Cockburn and Catherine Campbell, *Good Practice Guide (Bachelor of Laws), Reflective Practice* (2013) <<http://www.lawteachnetwork.org/resources/gpgreflection.pdf>>.

analysis which typically involve 6–12 people responding to informal questions posed by an interviewer.⁷⁷ They have been described as:

*"...performances in which the participants jointly produce accounts about proposed topics in a socially organised situation."*⁷⁸

The use of focus groups emerged from the study of sociology in the 1920s.⁷⁹ Since that time, they have been used predominately for market research purposes to serve the needs of business (particularly the retail sector).⁸⁰ More recently, however, they have been found to be a useful tool in gathering opinions on a range of political issues.⁸¹

One of the biggest advantages of focus groups is that they permit researchers to "observe a large amount of interaction on a specific topic in a short time."⁸² Several perspectives on an issue can be raised and participants have an opportunity to qualify their answers. The interviewer can also seek to clarify participant responses and direct the emphasis of their questioning accordingly. Focus groups can also facilitate discussion of sensitive issues and can elucidate more honest responses than might otherwise be forthcoming in a more formal, structured and 'routine' method.⁸³ Moreover, the face-to-face nature of focus groups allows non-verbal communication

⁷⁷ Janet Smithson, 'Focus Groups' in Pertti Alasuutari, Leonard Bickman and Julia Brannen (eds), *The SAGE Handbook of Social Research Methods* (SAGE Publications Ltd, 2008) 358.

⁷⁸ Ibid, 363

⁷⁹ Smithson, above n 81, 357.

⁸⁰ Ibid, 357.

⁸¹ Smithson, above n 81, 357.

⁸² Ibid, 358.

⁸³ Smithson, above n 81, 364.

to play a role in influencing data outcomes, a role often overlooked in purely written methodologies.

In addition to the above (more general) benefits, a focus group methodology was deemed appropriate because it would produce the best type of data for the research question being: whether pedagogical goals are being met in the way that the course is being delivered. Course designers are constantly searching for creative ways of addressing needs of their students through the structure and delivery of the course. Focus groups provide an opportunity to explore several possible ideas during the session itself and 'test the waters' with the idea against the other students in the group. Lastly, the methodology was deemed appropriate due to the small group size of the clinics themselves (4-6 students) such that students felt comfortable collaborating and sharing ideas in that environment. Similarly, focus groups also align with 'reflective practice' and 'participatory action research' techniques which are familiar to the students as part of the required assessment in the course and elsewhere at QUT.

Participants were recruited for the study via a notice on the subject's learning managing system website⁸⁴. Two focus groups were conducted, each lasting approximately 1.5 hours. The first group included 5 participants. The second group

⁸⁴ Eight individuals participated in the qualitative study ($F = 4$; $M = 4$). Participants ranged in age from 22 to 39 years ($M. \text{ age} = 26.25\text{years}$). The majority of the sample were not married ($N = 7$) and did not identify with an ethnicity other than Australian ($N = 5$). Participants were enrolled in a range of courses including a number of double degrees Bachelor of Laws/Business ($N = 3$), Bachelor Laws/Graduate Diploma Legal Practice ($N=1$), Graduate Diploma Legal Practice ($N = 2$) and Bachelor of Laws ($N = 2$). The majority of students ($N=6$) were in the later stages of their degree (i.e., fourth year or beyond). Five of the eight participants had prior volunteering experience.

included three participants. Prior to commencing the group discussion, participants were provided with an information sheet detailing the purpose of the research, the voluntary nature of their involvement, and the measures put in place to ensure their anonymity/confidentiality. All students signed a written consent form indicating their approval to participate and were provided with a \$25.00 gift card to thank them for their time.

Focus groups were conducted using a semi-structured discussion guide. The facilitator used prompts and member checking (e.g., what do you mean by that, can you explain further, do others agree?) during discussions to clarify understanding of participant responses and to gain a deeper understanding of the point at hand. Both discussion sessions were audiotaped and were transcribed verbatim by a professional transcription company. Once transcribed, the audiotapes will be destroyed.

A thematic data analysis was completed by a sole researcher. The analysis process was achieved through a number of steps and with the aid of the program Nvivo (QRS). Data were initially coded according to the overarching research questions (e.g., why did students choose to enrol in the subject, what did they like best about the subject). A second round of coding was then undertaken based on the emerging themes within each of these initial categories. For example, two strong themes were identified within the realms of why students chose to undertake the subject, these being to build their resume and to explore work options. Where sub-themes within

these key themes emerged, they were also identified. Prominent themes were identified based on both the number of students raising the point as well as the depth of discussion around the particular concept or issue.

Results of the Research

The purpose of the research was to ascertain whether student learning in community projects adopting service-learning pedagogy are similar to learning outcomes resulting from other CLE experiences, particularly community lawyering clinics. The analysis of the focus groups suggested student learning outcomes were contained within three overarching themes: legal skills including technical skills and broader skills around the lawyer/client relationship; transferable generic skills; and raised awareness of *pro bono* work and helping individuals to access legal services. In addition, a strong theme also emerged in relation to the transformational impact of the subject in relation to career direction and the development of professional identity.

Did students develop legal skills as a result of undertaking community projects?

While literature in relation to CLE often reports the development of practical legal skills as a significant outcome of a clinical experience, this has not been the focus of the literature in relation to community lawyering clinics. As might be expected, the focus groups revealed that the extent of the development of legal skills during the projects varied significantly between projects. Some projects such as the Refugee and

Immigration Legal Service (RAILS) project involved students using particular legal skills such as legal research and writing and file analysis; however others involved little direct legal skill development. While students expressed that they did not always learn or extend their legal knowledge or skills directly during their placement, they identified that they developed broader skills around the lawyer/client relationship including effective client communication. In addition, they acknowledged the value of this complementary skill set and having their level of awareness around what comprises effective lawyering broadened:

'We had to get across a certain sort of body of information that was really important because we were trying to get support for our event. And that was like we went from talking to people like [former Australian High Court Judge] Michael Kirby to just people we wanted to come along. Organisations, community really grass roots people. So we needed to be really across the information... And then the other stuff was sort of like event management, just keeping a really like constant professional communication with the organisation. ... To kind of maintain that professional relationship and I felt really good about that actually. Because I thought okay I can do this now, I know, I'm confident that you know all the work that I've done and that I've sort of made this network.' (Female)

The research reveals that while the development of practical legal skills might not be as significant in community projects as in live client and other more traditional legal clinics, students do develop transferable skills that will make them more effective lawyers.

Was student learning affected by the autonomy of the projects?

Students had varying reactions to the level of autonomy provided to them in the projects. In most projects, community partners presented students with a social issue or problem to respond to. Generally, partners did not have a set project or approach they required students to follow; it was for the group of students to work together to develop a plan to respond to the issue. It was not expected that the group would “solve” the problem in a single semester. Rather it was hoped that students would make a contribution towards understanding of the problem and progress towards a solution. In some instances projects carry over from groups of students in one semester to another. This autonomy and what might at times be seen by students as a lack of clear direction led to mixed responses from students. For example one student noted;

‘I like that you had some autonomy with what you were doing. It had to obviously meet the needs of your community partner or whoever you were with but there was a bit of scope to just run your own project.’ (Unidentified respondent)

Other students commented on the fact that the projects they ended up completing often differed to those initially detailed to them or to what they had expected to be doing. A few students noted this change as a frustration while others saw it as part of the learning experience.

‘But basically when we met with the community partners again it was like well what do you want to do? They were asking us you know like this is the issue and so we’re like oh, okay. It was so, but I mean that’s a good experience in itself I suppose that

kind of autonomy and they definitely supported us. But we had to come up with the ideas and deliver yeah.'(Female)

While the autonomy was an important aspect of the overall design of the projects leading to transformational experiences for many students, a clear learning early on for subject coordinators was that students need clear support during the project scoping phase and it may take time for the value of the learning experience in the project to be clear to them.

There was substantial support within the sample for undertaking pro bono work as legal professionals. While some students simply identified that the subject reinforced their existing, positive beliefs about completing pro bono work, others articulated that their level of awareness about pro bono work was enhanced as a result of their involvement in the subject.

While discussion around pro bono work was somewhat more explicit and dominant during the discussions than that pertaining to social justice, there was some evidence that participation in the subject expanded student's knowledge of the challenges some people may face in society, their understanding of social justice, and the important role of social justice within the legal profession. Again, a significant proportion of students agreed that they would endeavour to perform social justice oriented work in the future.

"Yeah I do think I was very naive in terms of a lot of the issues like the social justice. Like it's kind of sad if I only realise that in my final year.' (Female)

Students reported that their understanding of social justice had deepened as a result of undertaking the subject.

'I suppose I kind of just thought that if I had to really define social justice it's sort of just one of those floaty concepts and it was interesting to kind of think about it in a different way and it's not just you know what you sometimes think of you know access to courts and you know fair trial. ... It's kind of a way of thinking and a way of living as well. It's sort of just I suppose cemented my values, it made me kind of think about them and articulate them. It's also about the way they interact with everyone and it's about sort of thinking about our institutions and how they affect different people and stuff like that.' (Female)

While it is not possible to draw definitive conclusions in relation to social justice awareness-raising, the research suggests that undertaking community projects does contribute to increasing such awareness. However it should be noted there may be a bias in students selecting the subject having a prior interest in social justice issues and the causal connection is not clear. It is also not clear whether students' initial positive reaction to social justice issues and commitment to future community service will result in changed behaviour in their future professional lives.

Did students have any personally transformational experiences?

In addition to learning outcomes in relation to lawyering and generic skills and the development of a pro bono and social justice orientation, over half of the sample identified that their involvement in the subject had resulted in a substantial 'transformation' for them, personally. The subject had provided individuals with

substantial career direction. For some students the career transformation related to individuals identifying an area of law that they felt passionate about or were unaware of previously.

'I'm interested in a few areas like commercial law and also family. But I'm currently also volunteering at a family law firm and they're a non-profit law firm. So that combined with doing legal clinic kind of just changed what I could do in my legal career. Like before then I just had what everybody else would be trying to do which is you know get into a big firm and get into commercial and that sort of thing. But both of them the volunteer experiences really opened up my eyes how I could really serve the community with law. Like I never knew it was possible so....' (Female)

In addition to helping students to identify a preferred area of law they wish to pursue in the future, for other individuals the subject played an important role in reassuring them that they would be able to find a 'home' or 'fit' within the legal profession.

'I suppose I was a little bit lost because I thought although I kind of enjoyed a few of the intellectual aspects of law I thought that I was a bit of too much of a softy. ... and I thought apart from the advocacy I'm very out of place. And I hadn't really made any friends or anything like that and I thought I'm sort of was at the point where do I change and do something else or do I stay here? And I thought I'd finish the degree but I wasn't confident that I would find something I'd be able to give to the ...like offer the legal community. ... But there's so much of like of variety in the legal profession and I think that was really good to know....And also the people that I was working with in the charity they were people who'd finished law and thought you know what? I don't want to practise, I want to do something else. And so they've

carved out their little niche and they wrote submissions to the Australian Human Rights Commission and all those sorts of things on policy changes ... (Female).

Indeed it seems one of the most transformative effects of the community project work on students related to their sense of belonging as future lawyers and the opening of career options in the legal profession. Student comments in the focus groups about the impact of undertaking the subject on their sense of professional belonging is also consistent with reports in their reflective assessment and other feedback provided to the teaching staff. One student commented in the focus groups:

'I think until this year I was really starting to worry like approaching my last year, worry about how I would use my law degree. What I was just going to do after graduating because I felt like the culture at uni you see ... like law students in general and the legal profession you get this I don't know sort of perception that it's really aggressive. So I thought oh no I have to become this different person to practice as a lawyer and it was scary and depressing sort of. And yeah this unit just really changed that. I think they really give you an opportunity that you can be a real person and you can relate to people as a person. And it's not a weakness to be a person it's, I don't know an advantage because you're really connecting with someone. And you can use your legal skills and help someone holistically yeah.' (Female).

The reported developing sense of professional identity is also consistent with the literature in relation to community lawyering clinics. However, this research suggests the development of professional identity goes beyond what has been previously reported, which tends to focus on inculcating values of pro bono service and social justice. Given students the subject of this research often reported being

pre-disposed towards a social justice orientation, the impact of undertaking community projects on students who were becoming disillusioned with the law towards the end of their degrees in finding a fit within the profession is arguably more profound.

Conclusion

The case study provides evidence that law students who undertake service-learning while engaging in community projects develop a range of transferable skills that will enable them to be more effective lawyers. In particular, client skills in relation to communication and cross cultural competency can be developed. Accordingly, the overall design of any service-learning experience for law students should include a focus on client skills (interviewing, dispute resolution and cultural and emotional intelligence). Further, subject design should assist students to see the connection between the project, the development of these skills and their future careers. If these skills are not taught during the experience, students may miss the unique opportunity to reflect deeply on issues such as their ability to deal with diversity and to develop empathy while exercising an appropriate degree of professional detachment.

In addition to an emphasis on client lawyering skills, the overall subject design needs to address the high levels of support required during the initial scoping phase of the project. This is particularly so where there is a high degree of autonomy in the

development of the project, as students may undergo a period of disorientation which in itself is a valuable learning experience.

In addition to the development of effective client skills, students undertaking service-learning reported significant personal transformation leading to the development of a positive legal professional identity. This transformation related both to their understanding of social justice and values of community and pro bono service and, arguably more importantly, to their own commitment and sense of belonging to the legal profession. This paper argues that given the current emphasis in legal education on the development of professional service-learning should be considered as an ideal means of achieving this goal.

While further research is needed, the initial evaluation of the community projects in the Legal Clinic unit suggests that community project legal clinics have a similar positive impact on student learning in relation to the development of technical skills, broader skills around the lawyer/client relationship and raising awareness of pro bono work and helping individuals to access legal services as has been reported in other community lawyering clinics. Further, they can have a transformational impact on career direction and the development of students' professional identity. It is suggested that a longitudinal study of the impact of community lawyering clinics on values, and future action in relation to the provision of pro bono and community service, would further contribute to an understanding of the extent to which a *pro bono* and social justice ethos can be inculcated in students.