

Weaving a Tapestry: Providing Context Through Service-Learning

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I. THE LIMITATIONS OF “TRADITIONAL” PEDAGOGY

More than thirteen years ago I began teaching an upper-class elective law school course on women and the law at Gonzaga University School of Law.¹ I have since taught a variation of this course at two other law schools and as an adjunct undergraduate instructor in Gonzaga University’s political science department.²

Initially, I focused on gathering appropriate teaching materials that would combine the theoretical and the practical. I wanted students to be familiar with the philosophical underpinnings of feminist political and jurisprudential theory. I also believed it was critical that law students have some ability to appreciate the concrete problems their future clients encounter.

The first section of the course included readings from feminists with

*. Professor of Law, Gonzaga University School of Law. An earlier version of this work was included in the American Association for Higher Education Monograph Series on Service-Learning in the Disciplines titled *The Practice of Change: Concepts and Models for Service-Learning in Women’s Studies* (Barbara J. Balliet and Kerrissa Heffernan eds. 2000). Thanks to the staff members of *Gonzaga Law Review* for their assistance. My involvement in service-learning was inspired by Professor John Kohls, of Gonzaga University School of Business, who died in June 2001. This article is dedicated to him.

1. Gonzaga University School of Law is a day division law school located in Spokane, Washington. It has an express commitment to public service.

2. The two other law schools are Golden Gate University School of Law and the University of San Diego.

contrasting theoretical approaches. The remaining two-thirds of the course highlighted significant women's legal and public policy issues. The issues included: discrimination in education, the workplace, and public entitlement systems; violence against women (rape, pornography, prostitution, and intimate partner abuse); reproductive freedom; and mothering and family life.

From year to year, the composition of the class differed in terms of sex, age, race, ethnicity, and sexual orientation. The course was purposely designed to be flexible, allowing maximum student input. I established the parameters for the initial phase of the course that explored feminist theory; the students then selected the topics for discussion for the rest of the semester. Each student was expected to facilitate at least one class discussion, chosen by the student, during the semester. One of the three graded assignments was a collaborative project. These teaching methodologies comported with my perception of good feminist pedagogy.³

The emphasis of the course varied greatly from year to year. Sometimes it seemed as though our perspective was removed and detached; other semesters, our enterprise resembled something decidedly "unlawyerlike." I knew that additional focus—if not structure—was warranted when I overheard one of my students ask a colleague in reference to the class, "Are you going to 'group' today?" While I recognize the value of group therapy, I had clearly lost

3. One assessment, with which I agree, concludes:

Feminist pedagogy is based upon five elements: (1) a collaboration of teaching and learning to narrow the gap between professors and students, (2) a cooperative communication style to decrease adversariness, (3) a holistic approach to learning which incorporates many styles and disciplines, (4) strategies for theory building that encourage students to introduce theories in opposition to, or in support of, existing ones, and (5) action projects to incorporate clinics or projects with classroom learning.

Sarah E. Thiemann, *Beyond Guinier: A Critique of Legal Pedagogy*, 24 N.Y.U. REV. L. & SOC. CHANGE 17, 25 (1998) (citing Elisabeth Hayes, *Insights from Women's Experiences for Teaching and Learning*, in EFFECTIVE TEACHING STYLES 56-65 (Elisabeth Hayes ed., 1989)). My views were influenced by articles from the *Journal of Legal Education* and various issues of the *Feminist Teacher, A Journal of the Practices, Theories, and Scholarship of Feminist Teaching*. From my perspective, feminist pedagogy should focus on values Deborah Rhode has characterized as those "that traditionally have been central to women—care, connection, context—[which] are not the values that have been central to law school teaching." Deborah L. Rhode, *Whistling Vivaldi: Legal Education and the Politics of Progress*, 23 N.Y.U. REV. L. & SOC. CHANGE 217, 224 (1997). See also Carrie Menkel-Meadow, *Women's Ways of "Knowing" Law: Feminist Legal Epistemology, Pedagogy, and Jurisprudence*, in KNOWLEDGE, DIFFERENCE AND POWER: ESSAYS INSPIRED BY WOMEN'S WAYS OF KNOWING 57-84 (Nancy Rule Goldberger et al. eds., 1996); Mary Irene Combs, *Non-Sexist Teaching Techniques in Substantive Law Courses*, 14 SO. ILL. U. L.J. 507, 519-23 (1990); Deborah L. Rhode, *Missing Questions: Feminist Perspectives on Legal Education*, 45 STAN. L. REV. 1547, 1563-65 (1993); Morrison Torrey et al., *Teaching Law in a Feminist Manner: A Commentary from Experience*, 13 HARV. WOMEN'S L.J. 87, 89 (1990).

my way as a legal educator in this course.

Abandoning the photocopied materials that I had carefully compiled, I adopted a newly published textbook⁴ and used film excerpts to make specific points.⁵ I asked speakers with certain areas of expertise to make presentations to the class.⁶ The stories of battered women in particular were very powerful in helping students gain greater insight into the problem of violence against women. I retained student input on the course design, but established a more limited universe of choices. While these changes brought greater structure to the course, I sensed that it still lacked context.⁷

When surveyed, many women law students reported feeling alienated in the typical large classroom setting where casebooks place the review of legal concepts in a context ostensibly devoid of the reality of people's lives.⁸ I

4. See MARY BECKER ET AL., *CASES AND MATERIALS ON FEMINIST JURISPRUDENCE: TAKING WOMEN SERIOUSLY* (1994). There is now a second edition of this text. While there are other excellent texts for a course on Women and the Law, this particular book examines the subject matter in a manner best suited to accomplish my goals of introducing students to feminist jurisprudence while concentrating on concrete problem areas. The text includes case excerpts interspersed with narrative explanations drawn from legal and nonlegal materials, as well as questions for class discussion.

5. Two well-received documentary films are *DEFENDING OUR LIVES* (Cambridge Documentary Films 1993), about battered women who killed their batterers, and *THE LIFE AND TIMES OF ROSIE THE RIVETER* (First Run Features 1980), which examines the impact made by women working in non-traditional jobs during World War II. On occasion I use the Marleen Gorris film *A QUESTION OF SILENCE* (Quartet Films 1984), which tells the story of the bond that develops among three women accused of jointly murdering a shopkeeper and the female psychiatrist appointed to evaluate their sanity. At the end of the semester, I usually invite the students to dinner at my home where the highlight is access to the big screen television that graces our living room, courtesy of my movie-reviewer husband. We generally watch a fun women's theme movie selected by the class.

6. These speakers included service-providers from the local sexual assault center and the domestic violence shelter. A psychotherapist whose practice focused on working with incest survivors also visited the class and a birth mother who had surrendered her child told us about her experience. On one occasion, a "pro-life" feminist made a presentation to the students about different ways to be a feminist.

7. The importance of providing context to enhance student learning has been recognized by other legal educators. Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL EDUC. 51, 56 (2001) (citing Gerald F. Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L. REV. 941 (1997); Paula Lustbader, *Teach in Context: Responding to Diverse Student Voices Helps All Students Learn*, 48 J. LEGAL EDUC. 402 (1998)).

8. See Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1, 3-5 (1994); Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311, 314 (1994); Martha Minow, *Keeping Students Awake: Feminist Theory and Legal Education*, 50 ME. L. REV. 337, 337 (1998); Morrison Torrey et al., *What Every First-Year Female Law Student Should Know*, 7 COLUM. J. GENDER & L. 267, 280 (1998); Catherine Weiss & Louise

wanted students to feel more connected to the course material and to gain a greater real-world understanding of the difficulties faced by numerous women. As a former legal services program director, I had some awareness of the day-to-day problems confronting low-income women and women in transition.⁹ I realized that many law students had few opportunities to deal directly with people whose life experiences differed dramatically from their own.

I was not interested in duplicating the work of the law school's existing clinical program, where students have the opportunity to give advice and serve as legal counsel on behalf of clients. Along with a female colleague, who is now a judge,¹⁰ I had previously established a clinical program to provide advocacy and legal representation to battered women at their civil protection order hearings. This work, from a faculty point of view, is labor-intensive due to the close supervision required to promote a beneficial learning experience for the students, to ensure competent and zealous representation of the clients, and to comply with professional ethical obligations.¹¹ Furthermore, the low faculty to student ratio necessary to achieve clinical program objectives is prohibitive in a classroom setting.¹² I thought there must be a mechanism by which I could achieve my objective of infusing a dose of the real world into the classroom of "paper people" and "paper cases," but I had yet to devise it.

II. THE EPIPHANY

As I was struggling to resolve this ostensibly intractable problem, fate intervened in the form of a professor from the Gonzaga University Business School. Acting as an emissary on behalf of the university's service-learning committee, he informed the law school faculty about the benefits of service

Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299, 1346-47 (1988).

9. I worked as the staff attorney and director of Warren County Legal Services in Belvidere, New Jersey, from 1979-1985. About one third of my practice concerned family law and domestic violence issues; women comprised my primary clientele. In 1987-88, I was a clinical supervising attorney at Washoe Legal Services in Reno, Nevada, in the area of family law. From 1988 through 1991, I served as a researcher and consultant to the National Center on Women and Family Law in New York.

10. The Honorable Tari Eitzen who is currently a Superior Court Judge in Spokane County, Washington, provided the impetus for this mini-clinic program offering. In 1990, I was admitted to practice in Washington for the limited purpose of working in a clinical capacity. I typically accompanied students to court, helped students prepare for contested hearings, and assisted students in drafting relevant documents.

11. See George Critchlow, *Professional Responsibility, Student Practice, and the Clinical Teacher's Duty to Intervene*, 26 GONZ. L. REV. 415, 416 (1991).

12. See Ann Shalleck, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 N.Y. U. REV. L. & SOC. CHANGE 109, 148 (1994).

learning.¹³

Law faculty are often isolated, geographically and psychologically, from mainstream campus life. Formalized service-learning programs had existed at the college level for more than a decade,¹⁴ but the concept of service-learning was novel for the law faculty. For me, it was much more than that; it was an epiphany. Eschewing the caution of my colleagues, who were reluctant to get involved in a new venture three months prior to the beginning of the fall semester, I decided to incorporate a service-learning component into my Women and the Law course.

Fortunately, law faculty have almost unfettered discretion and autonomy in the classroom. There was no hesitant or skeptical department chair for me to persuade about the wisdom of my plan. At least one friend on the faculty questioned my judgment in experimenting with an unfamiliar teaching methodology—at least by law school standards—just as I was applying for tenure. Since my student course evaluations in Women and the Law, both numerical and narrative, had been consistently superior from year to year despite all the other variables, she wondered why I was inclined to jeopardize that success. I had the fervor, however, of the newly converted and would not be deterred.

III. THE CONCEPT

Despite the availability of numerous resources that contain information about service-learning, it is difficult to provide a brief definition of the concept.¹⁵ One prominent researcher found nearly 150 different terms used to

13. See "The Concept," *infra* Part III.

14. A broad interpretation of the concept might reach back to the establishment of the Cooperative Education Movement initiated at the University of Cincinnati in 1903. Nat'l Serv.-Learning Clearinghouse, *Welcome to Service-Learning: History*, at <http://www.servicelearning.org/welcome/history/index.html> (last visited Nov. 11, 2002). The term service-learning was applied to a TVA funded project in the mid 1960s that connected university students and faculty with community organizations in east Tennessee concerned about the tributary area. *Id.* National service-learning efforts began in the 1970s with the establishment of the National Student Volunteer Program and were in full-swing by the beginning of Campus Compact in 1985 which was designed to promote service programs in colleges and universities. *Id.*

15. A selected resource list of books in the area should include: ROBERT COLES, *THE CALL OF SERVICE: A WITNESS TO IDEALISM* (1993); BARBARA JACOBY AND ASSOCIATES, *SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES* (1996); JANE C. KENDALL AND ASSOCIATES, *COMBINING SERVICE AND LEARNING: A RESOURCE BOOK FOR COMMUNITY AND PUBLIC SERVICE* (1990); RAHIMA WADE, *COMMUNITY SERVICE-LEARNING: A GUIDE TO INCLUDING SERVICE IN THE PUBLIC SCHOOL CURRICULUM* (1997). The American Association for Higher Education has a multicolumn series, "Service-Learning in the Disciplines," for which information is available at www.aahe.org/service/events.htm (last

describe something akin to service-learning.¹⁶ One succinct description states, "Service-learning is a form of experiential learning where students and faculty collaborate with communities to address problems and issues, simultaneously gaining knowledge and skills and advancing personal development. There is an equal emphasis on helping communities and providing valid learning experiences to students."¹⁷

There are characteristics common to the concept of service-learning; namely, the emphasis that service-learning places on the reciprocal nature of the endeavor: giving to individuals, organizations, and the community, while reaping the benefits of enhanced knowledge.¹⁸ Another critical aspect of the

visited Oct. 30, 2002). Helpful service-learning websites are: *The Big Dummy's Guide to Service-Learning: 27 Simple Answers to Good Questions on: Faculty, Programmatic, Student, Administrative, & Non-Profit Issues*, at <http://www.fiu.edu/~time4chg/Library/bigdummy.html> (last visited Oct. 30, 2002); Campus Compact, at <http://www.compact.org> (last visited Oct. 30, 2002); Mich. Journal of Cmty. Serv. Learning, at <http://www.umich.edu/~mjcs/> (last visited Oct. 30, 2002); Nat'l Soc. for Experimental Educ., at <http://www.NSEE.org> (last visited Oct. 30, 2002); Serv. Learning Network, at <http://csf.colorado.edu/sl/benefits.html> (last visited Oct. 30, 2002); The Nat'l Comm'n of Serv. Learning, at http://www.servicelearning.org/welcome/SL_is/index.html (last visited Oct. 30, 2002); Va. Tech Serv. Learning Ctr., at <http://www.majbill.vt.edu/SL/index.html> (last visited Oct. 30, 2002).

16. KENDALL, *supra* note 15, at 22-23. These descriptions include action research; altruism; citizen involvement; citizenship; civic awareness; civic literacy; collaborative learning; community-based education; community education; community service; cooperative education; cross-cultural learning; education for social responsibility; experiential education; field experiences; field studies; global awareness; intergenerational-development; international experiences; internships; leadership; national service; public service; reciprocal learning; service-learning; social action; study-service; voluntary action; volunteerism; youth involvement; youth participation; youth service. *Id.*

17. UCLA Higher Educ. Service-Learning Clearinghouse, *Service-Learning Basics*, at <http://www.gseis.ucla.edu/slc/basics.html> (last visited Oct. 6, 2002) (citing NEW DIRECTIONS: TEACHING AND RESEARCH 5 (Ruth Marcus Bounous ed., 1997)).

18. The National Commission of Service Learning identifies service-learning as being characterized by

[l]inks to academic content and standards[,] [i]nvolves young people in helping to determine and meet real, defined community needs[,] [i]s reciprocal in nature, benefitting both the community and the service providers by combining a service experience from a learning experience[,] [c]an be used in any subject area so long as it is appropriate to learning goal[,] and] works at all ages, even among young children.

National Service-Learning Clearinghouse, *Service-Learning Is . . .*, at http://www.servicelearning.org/welcome/SL_is/index.html (last visited Oct. 30, 2002). The Commission emphasizes that service-learning is *not*

An episodic volunteer program[,] [a]n add-on to an existing school or college curriculum[,] Logging a set number of community service hours in order to graduate[,] Compensatory service assigned as a form of punishment by the courts or by school administrators[,] Only for high school or college students[,] or] One-

experience, in order to differentiate it from other volunteer activities, is making certain there is a means for critical reflection by students.¹⁹ Finally, a leader in the field has observed that in any discussion of service-learning “it is particularly important to distinguish between two levels of learning here—learning to give service and learning how to learn (i.e., learning how to extract learnings) from the giving of service.”²⁰

According to its proponents, service-learning is beneficial to students because, among other things, it

increases retention; provides quality education; increases the relevancy of education to students ‘living in a real world;’ enhances personalized education for students; teaches positive values, leadership, citizenship and personal responsibility; empowers students as learners, teachers, achievers and leaders; invites students to become members of their own community; [and] teaches job skills. . . .²¹

I was not certain at the outset whether these benefits would actually result, but the possibility of enhancing student learning warranted experimentation with a group of willing participants.

sided: benefiting only students or only the community.

Id.

19. UCLA Higher Educ. Service-Learning Clearinghouse, *supra* note 17.

20. Allen Menlo, *Preparing Students to Learn From the Experience of Community Service*, in *PRAXIS I: A FACULTY CASEBOOK ON COMMUNITY SERVICE LEARNING 14* (Jeffrey Howard ed. 1993). The University of Michigan is the publisher of *PRAXIS I* and *II*, which are required reading in the field along with the other sources cited above in note 15, *supra*. As an acknowledged leader in the area, the Office of Community Service Learning at the University of Michigan has established a set of ten principles of good pedagogical practice for service learning:

Principle 1: Academic Credit is for Learning, Not for Service; Principle 2: Do Not Compromise Academic Rigor; Principle 3: Set Learning Goals for Students; Principle 4: Establish Criteria for the Selection of Community Service Placements; Principle 5: Provide Educationally-Sound Mechanisms to Harvest the Community Learning; Principle 6: Provide Supports for Students to Learn how to Harvest the Community Learning; Principle 7: Minimize the Distinction between the Student’s Community Learning Role and the Classroom Learning Role; Principle 8: Re-Think the Faculty Instructional Role; Principle 9: Be Prepared for Uncertainty and Variation in Student Learning Outcomes; Principle 10: Maximize the Community Responsibility Orientation of the Course.

Id. at 5-9.

21. Communications for a Sustainable Future, *Benefits of Service-Learning*, at <http://csf.colorado.edu/sl/benefits.html> (last visited Oct. 30, 2002).

IV. THE PREPARATION

Through my own work as a volunteer, I developed contacts with agencies I thought might be willing to act as community partners for my students. I concentrated on organizations that provided services to women and girls. Once I made a few phone calls, the process was under way. Shortly before the semester began, the university volunteer services office (now named the Center for Community Action and Service-Learning, or "CCASL") assumed responsibility for arranging appropriate placements for my students.²² I worked with the service-learning coordinator to determine the suitability of the community partners.

Although a few students had undoubtedly been exposed to service-learning as undergraduates, I assumed many students would be unfamiliar with the concept.²³ Because I had not added it to the curriculum at that point, prospective class members were not aware that service-learning would be an integral course component at the time they registered. I wanted to differentiate service-learning, not only from the aforementioned clinical program but also from the law school's externship program, which placed students in law offices, public service and government agencies, and public interest organizations to perform legal work. I trusted my ability to set the stage for this aspect of the experience.

Another difference is the connection in most externship programs to a student's primary field of study—in our case, the law. Although my intuitive sense was to separate service-learning from legal work, I had three concerns. First, public interest legal organizations were desperate for assistance, and their orientation was on serving the needs of the client community, albeit with a specific legal focus.²⁴ Second, the Association of American Law Schools ("AALS") in its 1999 study aimed at encouraging pro bono activity in law schools chose to emphasize legal service.²⁵ Finally, even if I required only a minimal number of hours during the fourteen week semester, I was uncertain

22. According to a 2001 survey conducted by Campus Compact, a national organization that promotes service-learning in higher education, 44% of the 327 responding universities had a service-learning center. Campus Compact, *2001 Members Survey: Executive Summary*, at <http://www.compact.org/newscc/stats2001/exec-summary.html> (last visited Oct. 30, 2002) [hereinafter *2001 Members Survey*].

23. The number of students at all levels who participate in service-learning is increasing. During the 2000-2001 academic year, it is estimated that 28% of college students at responding universities had participated in student service programs. *Id.*

24. See Deborah L. Rhode, *Access to Justice*, 69 *FORDHAM L. REV.* 1785, 1788 (2001) (estimating the unmet legal needs).

25. Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 *FORDHAM L. REV.* 2415, 2417-33 (1999).

whether busy law students would be willing to juggle studies, paid employment, and other obligations with a service-learning experience.

I resolved the first issue by reaching a compromise. A few of the community partners would be organizations that provided legal services, although most of the suggested placements would be nonlegal. In addition to ensuring demarcation from the externship program, there were several justifications for encouraging the selection of a nonlegal placement: (1) allowing students to recognize that social justice is broader than legal justice; (2) fostering a sense of volunteerism in students apart from their identity as lawyers; (3) providing a broader linkage with the community in which students live; (4) enabling students to value the professionalism of non-lawyers who staff nonprofit and public agencies; and (5) avoiding infringement of rules governing the practice of law by students. Since I had a principled basis for disagreeing with the conclusions of my colleagues, these justifications addressed my second concern as well.

An additional motivating factor for including a service-learning component emanated from our Jesuit university's mission statement emphasizing justice.²⁶ Although the meaning of that term has been vigorously debated, it clearly implies social justice to many faculty members and administrators.²⁷ An ad hoc committee of faculty and administrators began exploring this precise issue in preparation for a national conference of Jesuit colleges and universities on social justice.²⁸ When Gonzaga University students were informally polled, they defined justice more narrowly, focusing on the legal system and notions of procedural justice, regardless of their field of study.²⁹ Committee members

26. GONZAGA UNIVERSITY, MISSION STATEMENT, <http://www.gonzaga.edu/About/Mission/university+Ministry/mission.htm> (last visited Oct. 30, 2002). The Law school's mission statement is more expansive than that of the University. GONZAGA UNIV. SCH. OF LAW, CATALOG 2003-04, at 44, available at <http://law.gonzaga.edu/about/lawmiss.htm> (last visited Oct. 30, 2002).

27. The Dean of Villanova University School of Law, Mark Sargent, has noted that service to the poor is not a "uniquely 'Catholic'" attribute, but [t]he Catholic law school...must commit to such service learning because it is Catholic. The providing of service to the poor, and, perhaps more significantly, the attempt to persuade students that they as lawyers should serve the poor, is, in essence, an essential part of the law school's Catholic mission.

Mark A. Sargent, *An Alternative to the Sectarian Vision: The Role of the Dean in an Inclusive Catholic Law School*, 33 U. TOL. L. REV. 171, 187 (2001).

28. The national conference was held at Santa Clara University on October 5-8, 2000. More than 300 faculty, staff, and administrators representing the twenty-eight U.S. Jesuit colleges and universities attended the conference with the goal of promoting justice in the participating schools. Santa Clara Univ., *Justice Conferences*, at <http://www.scu.edu/BannanInstitute/IndexConference.html> (last visited Oct. 30, 2002).

29. Conversation with Sima Thorpe, Director, Center for Community Action and Service-Learning, and ad hoc committee member, in Spokane, Wash. (October 17, 1999).

were chagrined that the students made virtually no connection with other issues such as peace and justice, gender and race equity and justice, or poverty and justice. I hoped that service-learning would aid students in understanding some of these interrelationships.

When teaching the Professional Responsibility course, I tell students that their legal proficiency will be in demand in the future on a pro bono basis. While the Model Rules of Professional Conduct do not require lawyers to offer pro bono legal services, the language of the applicable rule and the accompanying comments indicates it is strongly encouraged.³⁰ While providing service in their area of professional expertise might be the best way to give back to the community, I want students to understand that it is not the only way.

Students are often temporary residents in the areas where their schools are located. Many have been active volunteers in their home communities. Even interested students are deterred from making a new community connection due to barriers that should be readily surmountable, such as uncertainty about service providers or lack of transportation. Service-learning might prompt those more civic minded students into action because an organized program would remove a few of the logistical hurdles.

Lawyers and law students sometimes develop a sense of elitism about the importance of the work that they do. Legal and analytical skills are essential in certain circumstances; indeed, a license to practice law is required by statute in almost every jurisdiction to do specific tasks such as representing another individual in court or dispensing legal advice.³¹ At the same time, it is helpful for students to gain an appreciation for the knowledge and capability exhibited by professional and support staff in other fields. Increased awareness of community resources and the development of ties to reliable contact persons can benefit students who may have an ethical duty as lawyers to advise clients not only about the law, but also to refer to "other considerations such as moral, economic, social, and political factors, that may be relevant to the client's

30. MODEL RULES OF PROF'L CONDUCT R. 6.1 (2002).

31. Some critical commentary suggests that the regulations governing the unauthorized practice of law are too strict. See, e.g., Russell Engler, *And Justice for All – Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks*, 67 FORDHAM L. REV. 1987 (1999); Alex J. Hurder, *Nonlawyer Legal Assistance and Access to Justice*, 67 FORDHAM L. REV. 2241 (1999); Deborah L. Rhode, *Too Much Law, Too Little Justice: Too Much Rhetoric, Too Little Reform*, 11 GEO. J. LEGAL ETHICS 989 (1998). For an examination of the history, case law, statutes, and reform proposals concerning the unauthorized practice of law, see Jacqueline M. Nolan-Haley, *Lawyers, Non-lawyers and Mediation: Rethinking the Professional Monopoly from a Problem-Solving Perspective*, 7 HARV. NEGOT. L. REV. 235, 259-69 (2002).

situation.”³²

Finally, limitations are placed on the practice of law by those who are still in law school.³³ Supervision by an on-site licensed attorney is essential. While students are allowed to perform a myriad of law-related tasks under supervision, they generally must complete a designated number of credits before they are permitted to do so, even under the auspices of an externship or clinical program.³⁴ Non-legal service-learning placements avoid these particular restrictions.

One potential problem surfaced relatively early in the placement process. Community partners were eager for law students to participate. Staff perceived that law students would bring a level of skill along with a sense of maturity and professionalism that might surpass that of the typical undergraduate student. It was clear, however, that some agencies were interested in using the legal talents of the students in my course. Fortunately, the Director of CCASL, Sima Thorpe, was a former legal services paralegal who had developed excellent relationships with the community partners with whom she had previously worked. We were successful in explaining the strict boundaries of law student involvement with their respective organizations.

V. THE IMPLEMENTATION

The third dilemma I faced, that of student receptivity, would depend on my effective presentation of service-learning's benefits to my audience. Since lawyers—and their law student counterparts—usually take the concept of advance notice very seriously having been schooled in the principles of due process, I had concerns about the lack of forewarning to class members about the addition of a service-learning component. Again, I enlisted the aid of Sima by inviting her to my class. In her role as CCASL Director, she was accustomed to providing background information in an eloquent and upbeat fashion. As I had hoped, our shared enthusiasm for the proposed undertaking was contagious, and the initial student response was positive.

In light of my course objective to increase student awareness, I decided to require service-learning of all students. Although mandatory, I specified that students commit only twenty to twenty-five hours in total to actual on site

32. AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATION CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP 268-72 (1992) [hereinafter MACCRATE REPORT].

33. For a comprehensive survey of student practice rules see David F. Chavkin, *Am I My Client's Lawyer?: Role Definition and the Clinical Supervisor*, 51 SMUL REV. 1507, 1546-54 (1998).

34. See WASH. COURT R. 9 (West 2002).

involvement with their community partners. There was a broad spectrum of placements. Two students out of the original twenty-eight who were enrolled did drop the course due, in part, to the newly imposed obligation. In previous semesters, I assigned three papers of varying lengths to the students for evaluation purposes. I announced that I would substitute the service-learning experience and their assessment of it for the midterm paper. I asked the students to complete journal entries that would be submitted periodically for my review. I planned to use a form of contract or blanket grading; that is, students would receive the maximum point allocation if they responded fully to the questions I posed to them for each journal submission. Although some law teachers might use this approach, it is unusual at Gonzaga.³⁵ The students were enthused that it was theoretically possible for everyone to receive an “A” for this portion of the course.

My service-learning goals for Women and the Law were to: (1) provide students with an alternative, hands-on approach to learning course concepts; (2) familiarize students with the day-to-day problems of women and girls, particularly those who are low-income or in transition; (3) assist non-profit service providers in the community through the use of student volunteers; (4) promote a longer term commitment to public interest work by students; and (5) integrate the social justice mission of the University into the substantive course work at the law school. This was memorialized in a formal contract with each student.³⁶

The 26 class members (21 women and 5 men) were placed with 15 different agencies that ran the gamut from more traditional legal work to activities completely unrelated to the law. The two legal placements involved assisting women litigants in domestic relations cases³⁷ and advising unmarried new mothers of their legal rights.³⁸

Non-legal placements included such organizations as the Spokane Sexual Assault Center,³⁹ the Alternatives to Domestic Violence Program sponsored by

35. See Kan. State Univ., *Alternatives to Traditional Grading*, at <http://www.ksu.edu/catl/altgrade.htm> (last visited Oct. 30, 2002).

36. See Gonzaga Univ., *Center for Community Action and Service-Learning (CCASL)*, at <http://www.gonzaga.edu/Student+Life/Get+Involved/Community+Action+and+Service-Learning/default.htm> (last visited Feb. 26, 2003).

37. This was under the auspices of the local bar association’s Volunteer Lawyer Project. See Spokane County Bar Ass’n, *Volunteer Lawyers Program*, at <http://www.spokanebar.org/vlp/menu.html> (last visited Oct. 30, 2002).

38. Part of the Childbirth and Parenting Alone program sponsored by Catholic Charities and headed by a law school alumna.

39. Assistance and support to rape survivors.

the YWCA,⁴⁰ the YWCA Multi-Cultural Center,⁴¹ the Children's Ark,⁴² the Women and Children's Free Restaurant,⁴³ and the Women's Drop-In Center.⁴⁴ I did not select community partners with an adult male client base; however, three of the placements provided services to both girls and boys: Odyssey,⁴⁵ Crosswalk,⁴⁶ and Campfire Boys and Girls.⁴⁷ While students at these placements were not forbidden from interacting with males, their primary focus was on working with the girls. A few students developed their own placements with my approval at agencies such as the Indian Community Center and Big Brothers/Big Sisters.

In the placement process, one unexpected occurrence underscored the issue of gender discrimination, which is a basic theme of the Women and the Law course. Some of the community partners were unwilling to accept male volunteers because of the sensitive nature of the work those agencies do, such as dealing with victims of sexual assault. As a result, it was more difficult to place the five male students, who discovered firsthand how it feels to have options limited solely because of their gender. This provided the basis for a fruitful class discussion.

Another obstacle in student placement concerned the length of time that it took to get students established in the organizations of their choice. Most students had their placements squared away by the third week of the semester. A few of the community partners required background checks for all volunteers. Although I was assured that this would be handled expeditiously, the state police, who were conducting the background investigations, defined that term more loosely than did I. As a result, the enthusiasm of the students whose applications were delayed did wane a bit. A couple of the placements required training as a prerequisite, which was not scheduled to comport with the semester-long time frame under which we were operating. In a few instances, we were penalized by setting up the placements with designated agency representatives who subsequently left without notifying their successors. Naturally, solutions to these problems are readily apparent in hindsight: Get started early, eliminate placements with onerous up-front requirements, and create a paper trail for future reference. At the time, it was

40. Services to battered women and their children.

41. Information and other resources for non-English speaking and immigrant women.

42. Residential program for teen moms.

43. Preparation and service of meals to families recovering from domestic abuse.

44. Information, referral, and activities for women including the homeless and those with disabilities.

45. Support group for gay and lesbian teens.

46. Temporary housing and other necessities for street kids.

47. Service projects, educational and leisure activities for older elementary and at-risk schoolchildren.

a bit frustrating.

VI. THE ASSESSMENT

I, along with most of my law school faculty colleagues, have no formal training in education. My octogenarian parents are still somewhat amazed that anyone allows me—without a teaching certificate—to teach anything. I must concede there are times when having greater awareness of terminology and techniques would be advantageous. Whenever I see the word “assessment,” I am uncertain whether it means classroom assessment (feedback from students about their learning), student assessment (evaluation and grading of students), program assessment (gauging program quality), or teacher assessment (student evaluation of teaching performance).⁴⁸ I purposely use that term here in all its ambiguity because the student journal submissions touch on each of these meanings of assessment.

I gave questionnaires to the students and to their agency supervisors to get overall feedback at the end of the semester. I was uncertain how to monitor student learning on an on-going basis. Journal writing seemed a natural way to receive periodic input. While this could be characterized as classroom assessment because it emphasizes student learning, in effect I was gauging the effectiveness of their out-of-classroom experience.⁴⁹

To formalize the project and differentiate their journal writing from keeping a personal diary, I requested that the journal entries be typewritten. Students handed in copies of their journals for my review every three weeks. For the first journal entry, I asked the students to provide basic background information about their placements and to address three basic questions: (1) What new information have you acquired as a result of your work thus far?; (2) How do you *feel* about your experience?; and (3) Have you had any specific problems in your placement?⁵⁰ For the second submission, I repeated the initial questions and added two more: What is your most memorable experience to date? and In what ways has your placement resulted in your exploring course issues from a different perspective? For the final report, I wanted to know what changes they would make in the availability of services or the way services were delivered to the specific population with which they

48. See Gerald F. Hess & Steven Friedland, *TECHNIQUES FOR TEACHING LAW* 261-62 (1999).

49. See Harriet N. Katz, *Personal Journals in Law School Externship Programs: Improving Pedagogy*, 1 T.M. COOLEY J. PRAC. & CLINICAL L. 7 (1997); J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. 55 (1996) (discussing the teaching and learning benefits of journal use in the law school setting).

50. I asked this in order to make adjustments if needed.

were working. I also requested feedback on whether they believed service-learning, as well as their particular placement, was appropriate for the Women and the Law course. The last question I posed was: What changes, if any, would you make to any existing laws, policies, or regulations that affect the population group with whom you have been working?

The journal entries were not submitted anonymously. Students did use exam numbers on the other two assigned papers for the course. The first submissions varied greatly in terms of format, content, and length. Because I did not dictate the use of a particular format, some submissions read like stream-of-consciousness musings, while others resembled legal briefs. The individual personalities of the students emerged in a way that is uncommon in the law school setting. For once, they were given the opportunity to express themselves creatively, albeit with some structure provided by the questions posed. At the same time, content—apart from the manner of presentation—was important to me.

I received a detailed log of activities from some students that really did not address any of the questions I asked. It was difficult for some students to get in touch with their feelings about their experience while others emoted on each page. I hoped for a balance and indicated such in my comments. Although I had heard some horror stories about teachers receiving 400-page journals, I did not place a minimum or maximum page limit. Most students wrote about ten pages. I did receive a few in excess of twenty pages, and a couple of students wrote only four or five pages the first time. In retrospect, it seems reasonable to provide information up-front on the page length expected. I made detailed comments at the end of each submission. I focused on ways the students could better respond to the questions posed because that was the part of the exercise that I was actually grading. I was a bit more lavish in my praise than is usual for law school assignments because I was convinced that almost all the students were trying hard to make their service-learning experience a positive one for their community partners, the clients, and themselves. Grading was somewhat of a challenge, but I tried to do as promised and concentrate on assessing their answers to my specific queries.

There were other minor quandaries to address. Two of the agencies were quite concerned about confidentiality issues. I assured them that the journals would be read only by me and that students would not reveal anything that would identify specific clients. For the handful of students who did not get started in a timely fashion, adjustments had to be made in the due dates for their journal submissions. The other issue I faced was student work that—even factoring in the informal presentation style—evidenced writing problems, such as poor grammar and sentence structure. I was apprehensive about correcting these mistakes, particularly where the content was good. If I noticed some writing difficulties, I wrote a brief comment to that effect at the end of the

journal entry and offered assistance. I decided to allow the student to make the call whether additional input from me was desired. Only one student sought my help with writing problems.

Most of the submissions I received were thoughtful and reflective, some were quite amusing. Many were extremely heartfelt and touching. Their own words are the best expression of their sentiments:

Although we didn't have specific tasks to perform at the Women's Drop-In Center, it was still exhausting in an emotional respect. I'm so used to socializing and being surrounded by law students, law professors and lawyers. Hanging out with women at the Center involved stepping out of my comfort zone and talking about things that aren't part of my every day world such as drug use, abuse, children who are in jail or who have been taken away. Sometimes it took a lot of effort not to look shocked or weirded out by what I saw or heard. I am truly happy that I got to know these women because it reminds me that the world is made up of different people, not just the people who go to school with me. *(3rd year female student)*

At first it seemed as though this would be a pretty easy volunteer job, but in actuality I learned that providing service is much more difficult than trying to solve someone's legal problems. This experience has taught me that some problems may have no ready solution and then may be the best thing that one can offer someone else is just a willingness to listen. Sometimes I do feel sorry for the women here at the domestic violence program because their lives are so hard. Many of these women do not feel empowered but they gain strength in themselves by talking to one another. They empathize with one another and give practical advice in dealing with similar problems they've experienced. It's cathartic. This service project has educated me better in humanity than any other I've taken in law school. I know I may have clients with the same concerns and if I cannot relate to them, I will not be an effective advocate. *(3rd year female student)*

I am struck by the girls here at Crosswalk. It must be so scary. I think back about dealing with problems when I was in high school and my biggest concern was whether I was having a bad hair day or which would be exactly the right college for me. These girls are so vulnerable, yet so experienced at the same time. Many didn't spend the night after eating dinner. I wondered where they went, where did they sleep? Was it wet? Were they cold? Were they lonely? I've learned so much in such a short time. Public service seems like

such a vital part of education. I'm always complaining that law students don't have enough time to do everything but some things are too important to put off until later. (*3rd year female student*)

VII. THE ENCORE

When I prepared to offer a service-learning component in my class the second time, I felt apprehensive in contrast to my somewhat cavalier approach during the first go-around. Was the initial success merely a fluke? A novelty whose appeal might wear off? I was not certain. I knew that I would have some advantages.

First, student reaction was no longer a major concern because students knew about the service-learning requirement at the time of enrollment. They also had the benefit of the "good buzz" about the experience from their predecessors.

Second, I was now aware that the placement process took longer than expected. Fortunately, technological advancements allowed necessary background checks to be handled in a manner that was expeditious by anyone's standard. The service-learning coordinator and I also began making the placement arrangements several months in advance, unlike the last-minute approach used previously. This allowed us to make the placements as congruous as possible with the objectives of the course.

Third, I steered a greater number of students toward those placements where, based on past feedback, there were the best opportunities for service and for learning. I relied not only on the input I had received from the students in my course, but also on the growing body of collective wisdom that resulted when other faculty in the University's Women's Studies program added or expanded service-learning components in their courses.⁵¹

Fourth, I now had familiarity with the community partners and would be able to better assist students in choosing an appropriate placement based both on their interests, and temperaments. For example, two students had been placed with a certain organization; one had a particularly meaningful experience while the other student sometimes experienced frustration with her immediate supervisor. By reading the journal entries, I knew it was a dramatic difference in working styles that created this occasional tension. With this knowledge, I was able in some instances, to screen for compatibility, as well as interest.

Finally, I perceived that I might be able to help students make the linkages more readily between the work of their organizations and the course materials. With increased knowledge of the range of services offered and the client base

51. See "The Connection," *infra* Part IX.

of the various community partners, I could segue from the theoretical to the practical and invite students to get involved in class discussions related to their specific placements.

The second experience, although not perfect, was an unqualified success: high level of student satisfaction as evidenced by the journal entries and the teacher evaluations, spirited class discussions, much appreciation on the part of the community partners, and greater consistency. My third experience involved a very small class of only nine students because the scheduled meeting time conflicted with a required course. That allowed me to explore the student placements in greater depth with the students individually throughout the semester and also permitted students to share more information with one another during class time.⁵²

So, all's well that ends well, right? Yes . . . and no.

VIII. THE RECRUITMENT

What of my colleagues in the law school? I wish I could report that a significant number of law teachers were so impressed by the successful integration of service-learning into my course that they were convinced immediately to follow suit. In actuality, one other female professor on my faculty has added an optional fieldwork component to her upper-class elective Education Law course.⁵³

A growing number of law schools are implementing some form of a pro

52. Meeting with students one-on-one obviously allows for more in-depth discussion and helps students place their experiences in a more meaningful context. For example, from reading the journal entries of one female student, I was concerned that she might be getting too involved with a particular client, but I wanted the student to explore that issue. During our discussion, the student recognized that it might be important to set some clearer boundaries with the person whom she was assisting but acknowledged the difficulty of doing so. She enlisted the expertise of her agency director to help her work more effectively with the client. One cautionary note for faculty: It is sometimes challenging to avoid overreaching. Helping the student to process the experience and to make decisions should be the faculty member's goal rather than direct problem-solving, which is often the natural inclination for many of us who are legally-trained. It is critical to remember that the students are working under the auspices of other professionals who are usually the best resources. I favor the view of Glenn Omatsu, a college professor using service-learning in his courses, who characterized the professor's role "not so much an authority as a facilitator, or more accurately, a coordinator or organizer in the learning process." Glenn Omatsu, *Teaching for Social Change: Learning How to Afflict the Comfortable and Comfort the Afflicted*, 32 LOY. L.A. L. REV. 791, 792 (1999). Meeting with class members face-to-face permits a more honest appraisal of their placements, particularly if there are problems. Students are sometimes reluctant to create a paper trail with details about negative interactions or experiences but they were usually relatively forthcoming in their oral communications.

53. Professor Lynn Daggett, who teaches the course, permits students to select among a number of different experiential learning opportunities.

bono or public interest requirement for students and faculty.⁵⁴ While the emphasis at many institutions is on volunteer legal work only, our law school has implemented a public interest mandate that is not strictly legally focused. Service-learning courses do satisfy the public interest obligation for law students at Gonzaga.⁵⁵ As a result, our faculty now has an added incentive to offer these courses that will undoubtedly be in demand by students.

All tenure-track faculty at my law school are experienced classroom teachers with a command of the subject areas they teach. I queried members of this group of established legal educators about their reluctance to incorporate service-learning into their courses. The deterrents they mention are the standard ones: time constraints, course coverage, logistics, evaluation of students, academic rigor, and personal commitment.⁵⁶ I would add the personality of the faculty members as well. There may be an overabundance of Myers-Briggs "TJ" types among law teachers who are less appreciative of the value of affective learning and are more reluctant to cede control of any aspect of their courses.⁵⁷

Others have commented at greater length and in greater depth in scholarly works about ways to address faculty concerns.⁵⁸ Sometimes a personal one-to-one testimonial can be more convincing, or so I continue to tell myself. I can certainly allay my colleagues' concerns by providing practical advice about the ways in which I have surmounted some of these barriers.

IX. THE CONNECTION

Even if I have been unsuccessful at proselytizing, you will remember that my awareness of service-learning came from a faculty member in another department who was involved in the University's Faculty Service-Learning Committee. One highlight of the service-learning experience for me has been

54. See Rhode, *supra* note 25, at 2436-37.

55. Gonzaga Univ. Sch. of Law, STUDENT HANDBOOK 22 (2002-2003).

56. The public service requirement at Gonzaga applies to faculty as well as students. It is desirable for faculty members who encourage service to be involved in service work themselves. One distinguished commentator in discussing the creation of "a culture of commitment to public service" and reinforcement of a service ethic through mandatory law school programs observed that "exempting faculty role models is counterproductive." Rhode, *supra* note 25, at 2443.

57. See generally Vernellia R. Randall, *The Myers-Briggs Type Indicator, First Year Students, and Performance*, 26 CUMB. L. REV. 63 (1995). Randall's research suggests that traditional legal education teaching and testing methods favor individuals with particular personality types. *Id.* at 102.

58. See, e.g., Myron Levine, *Seven Steps to Getting Faculty Involved in Service-Learning: How a Traditional Faculty Member Came to Teach a Course on 'Volunteerism, Community, and Citizenship,'* 1 MICH. J. OF CMTY. SERVICE-LEARNING 110-14 (1994).

the opportunity to connect with like-minded faculty members across the University who are involved with the work of this committee. The purpose of the committee is to provide resources, mentoring, support, and recognition to faculty involved in service-learning. The committee meets monthly for two hours with a longer planning meeting once a semester and intermittent sub-committee meetings.

There are two notable differences between these meetings and the other seemingly endless schedule of other meetings on campus: about seventy-five percent of the participants are women, and there is an attempt to make the time spent on committee work not only productive but also enjoyable. The largely female committee composition is a departure from the norm in an institution where women faculty members are a distinct minority. Greater emphasis is placed on collaborative projects and problem-solving while maintaining structure. There is heightened awareness of different communication styles. Simply put, it is a more comfortable atmosphere for me to do good work. Following the committee chair's marketing strategy "[i]f you feed them, they will come," we have benefitted from the cooking skills of the CCASL staff. The committee has enjoyed Persian delicacies, rustic Italian cuisine, and indescribably wonderful desserts while engaging in long-range planning.

CCASL is striving for widespread, interdisciplinary involvement of the various departments. Even if women faculty are initially more willing to adopt service-learning, the aspiration is certainly that a greater number of colleagues, male and female, will be open to the possibilities when they discover the benefits to student learning. CCASL has twenty-five faculty participants in fourteen departments and the law school. The program has been an integral link to what is happening state-wide, regionally, and nationally in the area of service-learning. The availability of information through the CCASL website and the service-learning listserv has enabled faculty to locate resources with greater ease.⁵⁹ For those of us who are less skilled in ferreting out this information, CCASL's facilitation of the process has been invaluable.⁶⁰

59. See Gonzaga Univ., *Center for Community Action and Service-Learning*, at <http://www.gonzaga.edu/Student+Life/Get+Involved/Community+Action+and+Service-Learning.html> (last visited Nov. 11, 2002).

60. Similar resources are available on many campuses. According to a 2001 survey conducted by Campus Compact, a national organization that promotes university service-learning, forty-four percent of universities responding to its annual survey reported the existence of a service-learning center. *2001 Members Survey*, *supra* note 22. CCASL was enthused about including the law school as evidenced by the assistance I received in securing student placements and in accessing useful documents such as student contracts and community partner agreements.

X. THE CONCLUSION

Despite my lack of immediate success with the faculty at my school, there is growing interest in service-learning among law teachers generally. This is evidenced by the topic's inclusion on the programs of national legal education conferences and in law review articles during the past few years.⁶¹ There has been greater emphasis placed on preparing law students to face the challenges of law practice through skills training of various sorts.⁶² Service-learning creates a deeper understanding of client needs and fosters commitment to changing social conditions that may affect clients. It is ideally suited for preparing law students to be members of a profession that purports to value service in the public interest. Service-learning is an effective means of reconnecting substantive course work to human experience in a way that is meaningful for all students—women law students in particular—who lament the lack of connectedness in the traditional law school curriculum. For me, it has been the answer to the conundrum that previously perplexed me in my teaching. For my students, I hope it continues to be a pivotal learning opportunity that encourages them to make service an integral part of their future lives.

61. Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. REV. 1462, 1481-82 (1998); Maranville, *supra* note 7, at 66; Omatsu, *supra* note 52, at 791-97.

62. *See generally* MACCRATE REPORT, *supra* note 32.