

THE SERVICE-LEARNING MODEL IN THE LAW SCHOOL CURRICULUM: EXPANDING OPPORTUNITIES FOR THE ETHICAL-SOCIAL APPRENTICESHIP

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*And so, my fellow Americans: Ask not what your country can do for you - ask what you can do for your country. My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man.*²

*What is required of us now is a new era of responsibility -- a recognition, on the part of every American, that we have duties to ourselves, our nation and the world; duties that we do not grudgingly accept but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit, so defining of our character, than giving our all to a difficult task.*³

I. INTRODUCTION

Law school clinics have a long and respected history as the professional skills-social justice laboratories of legal education.⁴ In a recent report [hereinafter “The Carnegie Report”], the

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² President John Fitzgerald Kennedy, Inaugural Address, January 20, 1961.

³ President Barack Obama, Inaugural Address, January 20, 2009.

⁴ See, e.g., Margaret Martin Barry, Jon C. Dubin, and Peter A. Joy, *Clinical Education For This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, 12 (2000)[hereinafter “*The Third Wave*”], and sources cited. At the turn of the century, the authors were invited by the Clinical Law Review to write an article discussing issues important to the future of

Carnegie Foundation for the Advancement of Teaching acknowledged clinics as the primary “third apprenticeship” of legal education – the place where knowledge, skills, and the social-ethical dimensions of lawyering come together to help students bridge the gap from law school to practice.⁵

For at least a decade, clinical legal scholarship has advocated the need for the kind of experiential learning that takes place in clinics to permeate the law school curriculum.⁶ Although some progress has been made in that direction, much remains to be done to give every law student an opportunity for a meaningful third apprenticeship.⁷

This paper proposes a new model for expanding opportunities for law students to engage in a third apprenticeship, outside of the traditional law school clinic or externship program. It is based on our experience developing a doctrinal course with a service-learning component in response to Hurricane Katrina and its aftermath.⁸ Our experiences over the past four years with

legal education. *Id.* At 1. Their article began with a detailed history of clinical legal education, a discussion that will not be repeated here. *Id.* At 17. According to the authors, clinical legal education experienced a “second wave” from the 1960’s through the late 1990’s, during which it solidified and expanded its foothold in the academy. *Id.* At 12. It was during this second wave that the dual missions of skills training and cultivating social justice took hold. *Id.* At 12-13.

⁵ WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, AND LEE S. SHULMAN, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007)[HEREINAFTER “THE CARNEGIE REPORT”]. The Carnegie Report proposes that professional schools much expose students to three “apprenticeships” to prepare them for professional practice: the first (cognitive) apprenticeship focuses on knowledge and ways of thinking; the second apprenticeship is to the shared forms of expert practice through experience; and the third apprenticeship of identity and purpose. *Id.* at 5. See discussion at Section II.A., *infra*.

⁶ THE THIRD WAVE, *supra* note 2, at 15.

⁷ See, e.g., the Association for American Law Schools Section on Pro Bono and Public Service Opportunities, Call for Papers for 2011 Annual Meeting: Beyond Externships and Clinics: Best Practices for Integrating Access to Justice Education, available on the Section’s list-serv at <http://aals-probono@mailman.lls.edu>. This program will present best practices “for a wide range of curricular and co-curricular models to ensure all students graduate with an understanding of the justice gap and a commitment to justice and public service – particularly in these challenging times. It explores the question of how experiential access-to-justice education can be integrated into legal education – with faculty involvement – beyond in-house clinics and externship programs.” *Id.*

⁸ KATRINA AND BEYOND: DISASTER PREVENTION AND RECOVERY, SOCIAL JUSTICE AND GOVERNMENT ACCOUNTABILITY, [hereinafter “KATRINA AND BEYOND”], course adopted by the UDC-DCSL faculty in the Fall of 2006, and first offered during the Spring 2007 semester. Syllabus available from the authors. The course has been offered each Spring since 2007, with a number of different faculty members teaching and supervising the Spring break service-learning component.

the course's service-learning pedagogical approach have been transformational for us as law professors, and we believe for the students we worked with as well.⁹

There is no question that Hurricane Katrina was a defining moment in our nation's history. Images of people stranded on rooftops, bodies floating in the streets, and hordes of people herded into the Superdome with inadequate food, water and medical attention haunted our national psyche.¹⁰ As the days stretched on, and conditions continued to deteriorate, we were faced with the stark reality of lingering poverty, racism, and a government that seemed unwilling or unable to respond.¹¹

This message was especially disorienting for our Millennial generation law students, who came of age in an era of unparalleled prosperity.¹² Law students around the country were galvanized

⁹ There are multiple and varied definitions of "service-learning," as well as a long and complex history of its development in the United States educational system. In the last several decades it has flourished and expanded throughout high school curricula and undergraduate programs. As one service-learning educational expert has noted, "Finding a single, firm, universally acceptable definition of service learning is like navigating through fog." ("Service learning: Groping Toward a Definition," Timothy Stanton, in *Combining Service and Learning: A Resource Book for Community and Public Service*, 1990). While this paper does not attempt a comprehensive review of the literature, or of the history of service-learning, some fundamentals can be stated. These principles will provide the language we use throughout this article. Most notably is the emphasis on service to others and the virtues of civic engagement as part of the learning process. "A review of the literature on the subject suggests that service learning is more of a *program emphasis*, representative of a set of educational, social and sometimes political values, rather than a discrete *type* of experiential education. ... First, you would sense in a program's structures, objectives and processes a profound emphasis on *service to others*. While other forms of experiential education emphasize career development, academic knowledge, skill development or some combination of those objectives, programs described as service learning place primary value on the service performance of students and on the outcomes of their activities for those off campus who are recipients of the service. (Stanton, pp. 65-66). While there are multiple and overlapping definitions of service-learning, we adopt the following for purposes of this article. "Service-learning is a form of experiential education in which students engage in activities that address human and community needs together with structured opportunities intentionally designed to promote student learning and development. Reflection and reciprocity are key concepts of service learning." Jacoby at 5). Moreover, the hyphen in the term *service-learning* "is critical in that it symbolizes the symbiotic relationship between service and learning." (Id). For this reason, we use the hyphen in the term "service-learning" throughout our article.

¹⁰ For a more thorough description of the harrowing conditions following Hurricane Katrina, see, e.g., Susan L. Waysdorf, *Returning to New Orleans: Reflections on the Post-Katrina Recovery, Disaster Relief, and the Struggle for Social Justice*, 12 UDC L. REV. 3, 15-21; Laurie Morin, *A Tale of Two Cities: Lessons Learned From New Orleans to the District of Columbia for the Protection of Vulnerable Populations from the Consequences of Disaster*, 12 UDC L. REV. 45, 46-49 (2009).

¹¹ See, e.g., Waysdorf, *supra* note 10, at 23-26; Morin, *supra* note 10, at 46-54. See also, William P. Quigley, *Thirteen Ways of Looking at Katrina: Human and Civil Rights Left Behind Again*, 81 TUL. L. REV. 955, 956 (2007).

¹² See, e.g., ERIC GREENBERG WITH KARL WEBER, *GENERATION WE: HOW MILLENNIAL YOUTH ARE TAKING OVER AMERICA AND CHANGING OUR WORLD FOREVER* (2008)[hereinafter "GENERATION WE"].

to action, descending on the Gulf Coast in droves to clean up debris, rebuild houses, and provide pro bono legal services to victims of the disaster.¹³

Our motivation to institutionalize a course in response to the disaster was two-fold: our own humanitarian desire to respond to one of our country's worst natural and man-made disasters in decades, and our interest in engaging our students in a discussion and experiential learning experience organized around an event that clearly resonated with our collective notions of social justice and civic engagement.¹⁴

We chose to adopt a new hybrid form of third apprenticeship – a doctrinal course with an experiential learning component. During the process of four years of planning, evaluating and revising the course, we have come to realize that our model is a “service-learning” paradigm – an approach to apprenticeship that is widely accepted in other academic disciplines.¹⁵ Service-learning as a pedagogical approach and educational philosophy has a rich legacy and history in the United States.¹⁶ This approach integrates hands-on social action, volunteerism and learning

¹³ The Student Hurricane Network was a national network of law students founded in the immediate aftermath of Hurricane Katrina by students at Loyola-New Orleans College of Law and Tulane Law School. The network organized over 4500 law students from many of the nation's law schools to travel to New Orleans and the Gulf Coast area to provide pro bono legal services to survivors of the hurricane and floods. See, Waysdorf, *Returning to New Orleans*, *supra* note 10.

¹⁴ See, e.g., GENERATION WE, *supra* note 12, at 30-40. The Millennials have a strong sense of social justice, but have their own views about what are the most pressing issues and how we should address them. *Id.* At 40. They are more involved in volunteerism than previous generations, and believe strongly in collective social action as a strategy for addressing problems. *Id.* At 30-31.

¹⁵ Sandra L. Enos and Marie L. Troppe, “Service Learning in the Curriculum,” in “Service-Learning in Higher Education: Concepts and Practices,” (edited, by Barbara Jacoby, 1996). (“A growing number of institutions and faculty are responding to the call for service-learning in the curriculum. Although service has been increasingly visible on campuses in the past twenty years, moving service-learning into the curriculum marks it as central rather than marginal to an institution. ... Service-learning represents both a return to the foundations of American higher education and a push into the future.”)

¹⁶ For a review of the history of service-learning in the United States, see “Annotated History of Service-learning, 1862-2002” by Peter Titlebaum, Gabrielle Williamson, Corinne Daprano, Janine Baer & Jayne Brahler, University of Dayton, Dayton, OH, May 2004. The project is a combination of two excellent websites: The University of Minnesota, Career and Community Learning Center (http://www.servicelearning.umn.edu/faculty/History_of_ServiceLearning_Nationally.html) and The National Service-Learning Clearinghouse (<http://www.servicelearning.org/article/archive/36/Chronology> at <http://www.servicelearning.org>).

As these materials explain, service-learning first grew as an educational service movement in the 1960s with government-sponsored programs, including VISTA and the Peace Corps, and expanded more recently with Americorps and the Corporation for National Service. However, in the last several decades service-learning also has secured a viable foothold within institutions of higher education, both public and private. See generally, “Service-Learning in Higher Education: Concepts and Practices,” Barbara Jacoby and Associates (Wiley & Sons, 1996). See also, Jacoby, “Service-learning in Higher Education,” for more on the history of service-learning as both a pedagogical model and an expression of civic engagement and social-activism in the United States. (pp. 10-19) Of note, according to the author, service-learning actually began in 1862 with the passage of the Land-Grant Act,

objectives into a third apprenticeship model that resembles, but is not identical to, clinical legal education.¹⁷

One great advantage of the service-learning model is its flexibility and capacity to respond quickly to emerging issues. We had always envisioned that our emphasis on Hurricane Katrina would evolve to encompass other man-made and natural disasters. Now the Gulf Coast has experienced yet another catastrophe – the largest oil leak our country has ever witnessed – wreaking environmental and economic havoc on an already traumatized region. We have no doubt that our students will be involved in helping to resolve some of the legal issues caused by the BP oil spill during Spring break 2011 and the years to come.

Service-Learning: the Legacy of “Baby Boomers”

On January 20, 1961 when President John F. Kennedy spoke those now famously ubiquitous words at his Inauguration, many of us who now teach law were adolescents. Hearing his words, we in the Baby Boomer generation were changed forever. We truly believed that the new President was actually speaking to us directly and personally. We embraced his message as our generation’s call to action, a challenge to help change and heal the world. When we came of age, many of us joined the Peace Corps which his Administration created,¹⁸ and later we joined the War on Poverty,¹⁹ to build the Great Society²⁰ called for by Kennedy’s successor, President Lyndon Johnson. We marched for the civil rights of African-American people, we rallied against nuclear bombs, and later we protested against the U.S. invasion and war in Vietnam.

For decades, many of us in the Baby Boomer generation took up President Kennedy’s call to ask “*what we could do for our country ... and for the freedom of man,*” and we went about doing just that. Whether teaching children to read, as a Peace Corps member in a Peruvian village, joining the ranks of the Freedom Riders to help register Black people to vote in the Southern states, or marching on Washington, DC in protest of the war in Vietnam, we were a generation of volunteers and healers, trying to right the wrongs, to repair the world. We believed that our actions could achieve this. We understood the importance of sacrifice, of camaraderie and

which “inextricably linked higher education and the concept of service, specifically related to agriculture and industry.”

¹⁷A set of service-learning principles, first drafted in 1979 by educator Robert Sigmon, and generally accepted across the discipline, highlights three fundamental principles which may or may not intersect with principles of clinical legal education. The Sigmon principles are: (1) Those being served control the service(s) provided; (2) Those being served become better able to serve and be served by their own actions; and (3) Those who serve also are learners and have significant control over what is expected to be learned.” (Jacoby at 28-29),

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collaborative action, and of selfless purpose and authentic experience. We looked to role-models within our borders and around the world for inspiration and guidance, as “*citizens of the world*,” from the prisons of apartheid South Africa, to the rice fields of Vietnam and the streets of Selma, Alabama.

We volunteered not primarily or even at all because the government itself failed to provide for the American people, or the people of the world. We volunteered because it was our moral and ethical responsibility to do what we could to change and repair the world. With the escalation of the U.S. war in Vietnam, our volunteerism moved to protest, against war and for peace, against imperial aggression and for world unity and respect. We were driven by this set of values to engage in *Tikkun olam*,²¹ and we put aside professional goals and aspirations for the common good. These values carried us forward in a seemingly effortless way. They became second-nature as the ethos of our generation.

Today, many of us who came of age inspired by President Kennedy’s call to service and who organized our lives around that call are teaching law students, most of whom emerge from the Millennial generation. The values that motivated us in the 1960s and the following decades moved many of us to become teachers, and more specifically to teach a new generation of activist lawyers who could utilize their skills to serve the public interest. We embraced the ethical-social apprenticeship model of law teaching as the clearest way to share the values we had grown up with. Increasingly, we chose clinical education, a derivative model which we imported from legal service and criminal defense practice, and which we believed to be the most effective way to achieve ethical, social justice oriented law teaching.

Some fifty years after President Kennedy’s call to service, and while teaching law at the nation’s public interest law school, several of us at the University of the District of Columbia, David A. Clarke School of Law set out to apply the ethos of “healing through volunteerism” to our law school curriculum. Over the course of four academic years, we have evolved from what was originally a “practicum” model to embrace and adapt the pedagogy of service-learning as an innovative methodology for encouraging and growing social justice values within the law school context.

An irony exists in the fact that so many law teachers today are baby boomers who came of age committed to the notion of personal and professional growth through social justice service; yet,

²¹ The Hebrew term meaning, to connect with the human responsibility for fixing what is wrong with the world, or quite literally, “to repair the world.” See, for example, *Tikkun Magazine*, a social commentary magazine dedicated to improving the world through advancement of social justice.

we have lagged behind other academic disciplines in bringing the pedagogy and philosophy of service-learning to the legal academy. The reasons for this are varied and multi-layered. But more importantly, it is time to seize the moment and change this reality.

This paper proposes that it is time for the legal academy to embrace the service-learning model as an effective and innovative methodology for imparting humanitarian values into the legal profession. We need to shed our view from the legal academy, clinicians and doctrinal teachers alike, that we have little to learn from undergraduate and graduate school professors, as well as high school teachers, on many pedagogical approaches, but particularly on the matter of service-learning.

Section II describes the dual roles of legal education in combining hands-on training in lawyering skills with the provision of access to justice for under-represented clients. It also advances the argument that this kind of experiential education needs to be integrated throughout the curriculum, and documents some of the recent legal reform initiatives that do so.

In Section III of this paper, we document the generational characteristics of the Millennials, a group born from roughly 1978 to 2000 who constitute the majority of our current law students. It examines the defining characteristics, attitudes and experiences that underlie the Millennials' views on what are the most pressing social justice issues, and how best to bring about social change. The service learning model resonates with our Millennial generation law students, who (like the Boomers) came of age in an era of public service and volunteerism.

Section III also describes the disorienting effect of Hurricane Katrina on the Millennials' world view, and their outpouring of spontaneous volunteerism in response to the disaster. It provides a pedagogical theory for seizing on such disorienting moments to lead students through a process that transforms their world views about social justice.²²

Section IV discusses selected aspects of the history and pedagogy of service-learning in academia, particularly as applicable and relevant to the law school curriculum. We also discuss how we concretely incorporated that approach into our course design. It also describes our experience with the four groups of law students who have taken the course and spent their Spring breaks with us in the Gulf Coast, and lessons we have drawn from that experience.

²² See, Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 CLINICAL L. REV. 37 (1995)[hereinafter "*Seizing the Disorienting Moment*"].

II. BEYOND CLINICAL LEGAL EDUCATION: INTEGRATING ACCESS TO JUSTICE EDUCATION ACROSS THE CURRICULUM

A. THE DUAL ROLES OF CLINICAL LEGAL EDUCATION

Clinical legal education has long been regarded as the primary vehicle for the law school curriculum to combine hands-on training in lawyering skills with the provision of access to justice for traditionally unrepresented clients.²³ These dual goals are regarded as important, not just because of their social justice impact, but also because of their pedagogical value.²⁴

Clinical courses expose students not only to lawyering skills but also the essential values of the legal profession: provision of competent representation; promotion of justice, fairness, and morality; continuing improvement of the profession; and professional self-development. These professional values are taught and at the same time thousands of clients receive access to justice through clinical programs. In this way, clinical programs meld legal theory with lawyering skills, and students learn lawyering values by providing legal assistance to clients who would otherwise lack access to justice.²⁵

The most recent support for the view that clinical legal education plays a pivotal role in the curriculum came from The Carnegie Report,²⁶ which proposes that professional schools must expose students to three “apprenticeships” to prepare them for the complex demands of

²³ Barry at als, supra note 4, at 12.

²⁴ Id. At 13.

²⁵ Id. At 13-14.

²⁶ THE CARNEGIE REPORT, supra note 5, at 22. The report compares legal education with other forms of professional education, including medicine, nursing, and engineering. It observes that all professional education involves six tasks:

1. Developing in students the fundamental knowledge and skill, especially an academic knowledge base and research
2. Providing students with the capacity to engage in complex practice
3. Enabling students to learn to make judgments under conditions of uncertainty
4. Teaching students how to learn from experience
5. Introducing students to the disciplines of creating and participating in a responsible and effective professional community
6. Forming students able and willing to join an enterprise of public service. Id. At 22.

professional work – “to think, to perform, and to conduct themselves like professionals.”²⁷ The first apprenticeship (the “cognitive apprenticeship”) focuses on knowledge and ways of thinking (i.e., learning to think like a lawyer).²⁸ A vast majority of the law school curriculum is focused on this apprenticeship, primarily through law school’s “signature pedagogy” – the case dialogue method.²⁹

The second apprenticeship is “to the forms of expert practice shared by competent practitioners,”³⁰ which “students learn by taking part in simulated practice situations, as in case studies, or in actual clinical experience with real clients.”³¹

The third apprenticeship – the “apprenticeship of identity and purpose”³² – “introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible.”³³ This dimension of lawyering is also taught primarily through simulation and experiential education.³⁴

THE CARNEGIE REPORT critiques legal education for over-emphasizing legal analysis (the first apprenticeship) at the expense of developing practice skills and professional identity (the second and third apprenticeships).³⁵ The authors implore legal educators to find ways to forge a stronger connection among the cognitive, practice and professional identity aspects of becoming a lawyer.³⁶

The report also highlights the potential of clinical legal education (along with other experiential courses, such as externships) “for bringing together the multiple aspects of legal knowledge, skill, and purpose.”³⁷

Taking the role of the lawyer in real cases makes visible the ways in which the lawyer’s decisions and actions contribute to the larger functioning of the legal order. At the same time, it reveals the value of that activity as part of the larger

²⁷ THE CARNEGIE REPORT, *supra* note 5, at 27.

²⁸ *Id.* At 28.

²⁹ *Id.*, Chapter 2, 47-86.

³⁰ *Id.* At 28.

³¹ *Id.* At 28.

³² *Id.* At 28.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* At 77-82.

³⁶ *Id.* At 58.

³⁷ *Id.* At 120.

function of the law in securing justice and right relations for actual persons in society.³⁸

Moreover, the CARNEGIE REPORT identified clinic as the capstone experience in a continuum of pedagogies that contribute to the formation of professional identity.³⁹ This professional identity encompasses not only competence in service to clients, but also “ethical conduct” and “dedication to justice and the public good.”⁴⁰ According to the report, an apprenticeship of professional identity involves not just professional ethics, but also “the wider matters of morality and character.”⁴¹

Others who have studied legal education also embrace the social justice mission of law schools. As long ago as 1992, the MacCrate report “called not only for the explicit teaching of a wide range of legal skills, it also prominently counted among its priorities ‘four fundamental values of the profession,’ including ‘striving to promote justice, fairness, and morality.’”⁴²

In 2007, a group of prominent legal educators released the fruits of several years of study by the Clinical Legal Education Association, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP [hereinafter “BEST PRACTICES”].⁴³ BEST PRACTICES explicitly adopted “a commitment to justice” as one of the most important goals of legal education.⁴⁴

³⁸ Id. At 121.

³⁹ Id. At 158. “The strategies for such integration range from bringing ethical reflection and the concerns of professionalism to bear in the simulation pedagogy of lawyering courses, to engagement with actual cases and clients in supervised externships and, most important, in clinical-legal education.” Id.

⁴⁰ Id. At 126, citing the Report of the Professionalism Committee of the American Bar Association’s Section of Legal Education and Admissions to the Bar (1996) at 6-7.

⁴¹ Id. At 129. THE CARNEGIE REPORT raises a question it calls “central to the profession”: “Does the responsibility to pursue substantive justice in individual cases and to consider the broader impact of one’s actions conflict with advocacy on behalf of one’s client?” Id. At 131. In other words, should legal education confine itself to teaching procedural justice for individual clients, or should it seek to engage students in discussion about the broader dimensions of social justice? The authors acknowledge that this is a question of considerable debate, with many attorneys coming down on the side of procedural justice, while others argue for a more nuanced role. Id. At 131-132. They argue that, at a minimum, students should be exposed to both points of view during their law school apprenticeship. Id. The authors also cite with seeming approval efforts by the MacCrate Commission and the American Bar Association Professionalism Committee to teach the fundamental values of the profession, including “striving to promote justice, fairness, and morality.” Id. At 136. They conclude that a moral apprenticeship takes place in law school, whether or not it is intentional, id. At 139, and urge that moral-ethical issues be integrated with the cognitive and skills dimensions of legal education. Id. At 145-147.

⁴² Id. at 136.

⁴³ Roy Stuckey and Others, BEST PRACTICES FOR LEGAL EDUCATION (2007)[hereinafter “BEST PRACTICES”].

⁴⁴ Id. At 84.

Not surprisingly, many (if not most) clinical legal educators passionately embrace the goal of teaching social justice. Clinical Professor Fran Quigley cites two main categories of arguments that support the notion that lessons of social justice are a necessary part of legal education generally, and clinical legal education in particular.

First, it is part of the law schools' overall educational mission to provide opportunities for the learning of social justice concepts. Such learning is not only essential for an accurate portrayal of the adoption and application of the law, it is also necessary preparation for law school graduates' likely roles in shaping public policy and anticipated role in providing pro bono representation of members of oppressed groups. Second, it is part of poverty law clinics' educational mission to provide opportunities for the learning of social justice concepts, since such learning is necessary preparation for the empathic representation of both clinical clients and future clients.⁴⁵

Jeffrey Ward, writing from the perspective of a former clinic student, also embraces the notion that "clinics should promote visions of justice, which students are free to accept or reject."⁴⁶ He rejects the notion of complete neutrality as both impossible and undesirable in clinical legal education, arguing that law schools play a critical role in educating students for social justice, and also bear some responsibility for contributing to the solutions to injustice.⁴⁷

Needless to say, we agree with the underlying premise that law schools should be laboratories of social justice. When we conceived of our experimental Katrina & Beyond course, one of our primary motivations and articulated goals of the course was "to seek social justice for Gulf Coast residents in the face of chaos, destruction and government failure to respond effectively."⁴⁸ For

⁴⁵ *Seizing the Disorienting Moment*, supra note 22, at 38.

⁴⁶ Jeffrey Ward, *One Student's Thoughts on Law School Clinics*, 16 CLIN. L. REV. 489, 512 (2010). Ward espouses five related "directives" that he believes will make the most of the opportunity for clinical legal education to "learn how law really works witness its power and its shortcomings, and ideally begin to envision what shape the law ought to take." Id. At 489. In addition to promoting visions of social justice, he advocates that clinics should immerse students in an intense experience; balance hubris and humility; challenge legal structures; and expect the whole law school to join in confronting issues of social justice. Id. Ward sought input from clinical legal educators around the country, and included their insights in his analysis. He also cited the writings of a diverse array of clinical educators, including Philip G. Schrag, *Constructing a Clinic*, 3 CLIN. L. REV. 175, 179 (1996), id. at n. 9; Jane Harris Aiken, *Striving to Teach "Justice, Fairness, and Morality,"* 4 CLIN. L. REV. 1, 47 (1997), id. at n. 28; Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law Schools*, 2 CLIN. L. REV. 37 (1995), id. at n. 38; William P. Quigley, *Revolutionary Lawyering: Addressing the Root Causes of Poverty and Wealth*, 20 WASH. U. J.L. & POL'Y. 101, 161 (2006), id. at n. 44; Stephanie M. Wildman, *Democracy and Social Justice: Founding Centers for Social Justice in Law Schools*, 55 J. LEGAL EDUC. 252, 253 (2005), id. at n. 58.

⁴⁷ Ward, supra note 46, at 517.

⁴⁸ Course Description and Syllabus, *Katrina and Beyond: Disaster Prevention and Recovery, Social Justice and Government Accountability* (on file with the authors).

a variety of reasons that will be discussed in the next section, we chose to do so within the context of a service learning component added to a doctrinal course, rather than starting a new legal clinic.

B. THE THIRD APPRENTICESHIP: MOVING BEYOND EXTERNSHIPS AND CLINICAL LEGAL EDUCATION

Many clinical scholars and legal educators have recognized that the goal of educating students about their social justice responsibility would best be met if it permeated the curriculum.⁴⁹ At the beginning of the 21st Century, a prominent group of clinical scholars eloquently argued that opportunities for students to experience the benefits of the third apprenticeship need to be expanded beyond law school clinics.

In the new millennium, law school clinics cannot continue to be the repository for the many aspects of lawyering that are excluded from substantive law courses with the casebook method. The aim, already expressed by some, should be to incorporate clinical teaching methodology into nonclinical courses to teach lessons that will be further developed and reinforced by in-house clinic and externship experiences.⁵⁰

The authors cited a number of new and emerging models for integrating clinical methodology throughout the law school curriculum,⁵¹ including a creative “parallel integrative curriculum” at the University of Seattle School of Law.⁵² In this program, students can opt to take a one-credit, real client or simulation course that runs parallel to the related substantive courses.⁵³ According to the school’s website, this program remains in effect today; a wide array of one-credit clinics and labs are offered in subjects including bankruptcy, corporate law, arts and intellectual property, evidence and drafting labs.⁵⁴

⁴⁹See, e.g., *The Third Wave*, supra note 4, at 15. The authors proposed that every law school course should raise issues of access to justice, “with clinical courses exposing students to the reality of how these issues play out in the lives of indigent clients and the systems currently used to address their needs.” See also, THE CARNEGIE REPORT, supra note 5, at 147-160 (advocating a continuum from courses in Legal Ethics to the Pervasive Method, and from simulated Lawyering Courses to Clinical Education); Best Practices at 100-104 (law schools should teach professionalism pervasively throughout all three years of law school).

⁵⁰Barry et als, supra note ... at 38.

⁵¹Id. At 39-49. These models include the addition of simulation exercises in doctrinal courses, id. at 39-40; an increase in casebooks that emphasize problem-solving, id. At 40; and the introduction of live-client model clinics and simulation courses in the first year of law school, id. At 41-44.

⁵²Id. At 45-46.

⁵³Id. At 45.

⁵⁴See the Course Offerings listed on the law school’s website at http://www.law.seattleu.edu/Academics/Curriculum/Course_Offerings.xml (last visited 6/10/2010). For a list of

The authors argue that “[the most effective approach to clinical studies is to integrate clinical methodology throughout the law school’s course offerings while at the same time constructing a series of progressive clinical experiences.”⁵⁵

In the intervening decade, and following on the heels of The Carnegie Report and Best Practices, literally dozens of law schools have recognized the need to bridge the gap from law school to legal practitioner.⁵⁶ A significant number of law schools are adopting creative approaches for adding third apprenticeship opportunities to their curricula.⁵⁷ For example, the University of New Mexico Law School has adopted a required first-year practicum on “legal ethics, professionalism and the life and work of the lawyer”; and has added elective “advanced practicum” courses that combine doctrine, practical applications and representation to its upper division curriculum.⁵⁸ Washington & Lee University School of Law has adopted a new third-year curriculum “based on learning through engagement - combining practicum courses, practice simulations, client interactions, the formation of professional identity and the cultivation of practice skills.”⁵⁹ The third year curriculum was intentionally designed to prepare students for the transition from law school to professional practice.⁶⁰

We believe that our law school offers one of the most coordinated, sequential approaches to experiential education in the country.⁶¹ However, when Hurricane Katrina struck the Gulf Coast

other law schools that require experiential experiences, see the Center for Excellence in Law Teaching website at http://www.albanylaw.edu/sub.php?navigation_id=1737 (last visited 6/10/2010).

⁵⁵ Id. At 46. The authors note that this may seem aspirational, “but some law schools have taken significant strides in that direction.” Id. At 46. They cite the City University of New York (CUNY) and Antioch School of Law as the schools that have come closest to embracing this approach. Id. At 47. Our law school, the David A. Clarke School of Law at the University of the District of Columbia (UDC-DCSL), is the successor to Antioch and has continued its tradition of pervasive, sequential clinical studies.

⁵⁶ See, e.g., “Chart of Legal Education Reform,” the results of the Institute for Law Teaching’s survey of efforts at curriculum reform and contact information for leading innovators at <http://lawteaching.org/publications/ILTLchartoflegaleducationreform200905.pdf> (last visited 6/10/2010).

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ See a description of their curriculum at <http://law.wlu.edu/admissions/page.asp?pageid=311> (last visited 6/10/2010).

⁶⁰ Id.

⁶¹ The University of the District of Columbia David A. Clarke School of Law (UDC-DCSL) combines theory with practice and pro bono service throughout the J.D. program. All first year and transfer students are required to take a 1 credit Law and Justice course, then perform 40 hours of pro bono legal service. First year also includes a 2 semester Lawyering Process class (3 credits first semester, 2 credits second semester) followed by Moot Court (2 credits) in the second year. Over the course of second and third year students are required to participate in two 7 credit (350 hour) legal clinics, (a total of 700 hours) which is more than any other law mandates. Students may also earn up to 2 additional credits (100 hours) in one or both clinics with special approval from their clinic supervisor and the Associate Dean for Academic Affairs. After three semesters, students may enroll in our Internship Program; qualifying sites are limited to public interest organizations, government agencies and the judiciary and must be in the metro DC area. In the spring, students may enroll for 4 credits, which include at least 180 hours of

in 2005, we were moved to engage our law students in responding to one of the most pressing legal and humanitarian crises that our country had experienced in decades. As we considered options for doing so, we decided not to adopt a traditional clinic model for a number of reasons:

- (1) We wanted to develop an approach that was easy to adopt and flexible enough to respond to changing needs in the world. Because it places far smaller demands on faculty time and institutional resources than would a 7-credit clinic, it was more politically feasible to move a traditional course with a practicum component through our Curriculum Committee. Moreover, by expanding the course description to cover not just Hurricane Katrina, but all kinds of natural and man-made disasters, we would be in a position to respond to changing world events. For example, in the coming semesters, we could easily re-focus our course and practicum to respond to the needs of Haiti's earthquake victims, or to seek environmental justice in the wake of the BP oil spill.
- (2) We wanted to expand the focus of our legal service mission to encompass a national (or even global) community. Like most law schools, the mission of our clinical law program is to provide pro bono services to underserved residents of our own city and the surrounding metropolitan area. However, we live in an increasingly global society, and the boundaries of poverty, racism and other social injustices transcend narrow geographic boundaries.⁶²
- (3) We wanted to be able to offer this experience to as many students as possible. Unlike the traditional 7-credit clinic which requires an 8:1 student-faculty ratio, with a 1-credit practicum we are able to draw on the services of our colleagues who are more than willing to volunteer a week of their time during spring break to supervise students in their service-learning experience in New Orleans, Biloxi or other venues.
- (4) We wanted to be able to connect with our students in real time on pressing world issues that resonated with their sense of social justice. We recognized that, to some extent, our existing clinics reflect the traditional poverty law focus of the late 1960's.⁶³ Though that perspective is still relevant, and though our focus has evolved with the times, we are aware that our clinics do not always resonate with the issues and approaches students care most deeply about.

work at the placement (approximately 14 hours a week). They also participate in a weekly tutorial. In the summer, students may take the class for four or eight credits. To earn 8 credits, students must work for at least 270 hours at the placement (approximately 30 hours a week), participate in the weekly tutorial, and also enroll in the 2 credit class, "Civil Rights in the 21st Century." As a practical matter, because of clinical requirements, the internship program is limited to third-year students, either taking the class in the summer after their second year or in the spring of their third year. See description on Center for Excellence in Law Teaching website at http://www.albanylaw.edu/sub.php?navigation_id=1737 (last visited 6/10/2010).

⁶² See, e.g., *The Third Wave*, supra note 4, at 58, discussing the need to "expand our frame of reference beyond the world of service-eligible client groups that we have traditionally represented in poverty law practices." Id. At 58.

⁶³ See, e.g., Sameer M. Ashar, Law Clinics and Collective Mobilization, 14 *Clinical L. Rev.* 355, 358-359 (2008)(arguing that the kinds of advocacy currently taught in most law school clinics does not adequately serve the conditions that poor people face today, and that clinics should be more responsive to the needs and priorities of organized activists in the communities they serve).

The next section of this paper explores the generational attitudes, beliefs and values of our Millennial law students, and how that impacts their perspectives on social justice.

III. TEACHING TO THE MILLENNIAL LAW STUDENT

Why should legal educators consider the generational characteristics of their law students? Clinicians have long known, and the scholarship of teaching and learning recognizes, that it is important to incorporate varied teaching methodologies to reach students with different learning styles.⁶⁴ Learning styles have generally been discussed as the unique characteristics of individual students, but some commentators have recognized that generational groups may also have distinguishing characteristics that are relevant to the learning experience.⁶⁵

Generational differences arise from three interrelated processes that are impossible to completely disentangle:

- 1) **Life cycle effects.** Young people may be different from older people today, but they may well become more like them tomorrow, once they themselves age.
- 2) **Period effects.** Major events (wars; social movements; economic downturns; medical, scientific or technological breakthroughs) affect all age groups simultaneously, but the degree of impact may differ according to where people are located in the life cycle.
- 3) **Cohort effects.** Period events and trends often leave a particularly deep impression on young adults because they are still developing their core values; these imprints stay with them as they move through their life cycle.⁶⁶

⁶⁴ Learning styles

⁶⁵ See, e.g., Susan K. McClellan, Papers Presented at the “Externships 4: A Bridge to Practice” Conference: Externships for Millennial Generation Law Students: Bridging the Generation Gap, 15 *Clinical L. Rev.* 255 (2009)(reviewing how identified generational problems might arise in externship field placements); Leslie Larkin Cooney, Giving Millennials a Leg-Up: How to Avoid the “If I Knew Then What I Know Now” Syndrome, 96 *Ky. L.J.* 505(2007-2008)(utilizing therapeutic jurisprudence to meet the particularized learning needs of Millennials).

⁶⁶ Millennials: Confident. Connected. Open to Change., Pew Research Center May 2010, available at www.pewresearch.org/millennials (last visited June 3, 2010)[hereinafter Pew Research Center Report on the Millennials]. This was the latest in a series of reports the Pew Research Center has conducted since 2006, comparing the values, attitudes and behaviors of the Millennials with those of today’s older adults. Findings in this study were based on the results of a telephone survey conducted in January 2010 with a nationally representative sample of 2,020 adults, with an oversample of respondents ages 18-29. Those data were supplemented by findings from previous Pew Research Center surveys, analysis of census data, and polls conducted by other organizations. The Preface to the report points out that the various components of generational differences are difficult to unpack and analyze, and may change over time. Id.

Of course, describing the characteristics of an entire generation requires one to generalize and gloss over individual differences.⁶⁷ Despite the challenges, however, most commentators agree that the Millennial Generation (those born from 1978 to 2000) has a distinctive personality and set of characteristics that is worth examining.⁶⁸

What is more, the young people who make up the Millennial generation see themselves as a distinctive group.⁶⁹ They point to their use of technology as a defining characteristic, along with their music and pop culture, and liberal to tolerant cultural attitudes.⁷⁰

Previous generations also tend to see themselves as unique. About half of Gen Xers (born between 1965 and 1980) and 58% of Baby Boomers (born between 1946 and 1964) also have strong generational identities.⁷¹ Like the Millennials, 12% of Gen Xers point to technology as a defining characteristic, but another 11% say that their work ethic sets them apart.⁷² Boomers are most proud of their work ethic (17%), respect for others (14%), and moral values (8%).

Demographers have charted many other significant distinctions among the generations. For our purposes, the most important are differences in world view about the economy,⁷³ the role of government in solving societal problems,⁷⁴ and political ideology⁷⁵--all of which may lead to different perspectives on the meaning of (and best way to achieve) social justice.

Awareness of these generational differences can provide legal educators with another lens through which to intentionally construct a meaningful third apprenticeship for their Millennial

⁶⁷ See, e.g., Pew Center Report on the Millennials, *supra* note 66, acknowledging that generations are not monolithic, and there are as many differences within generations as there are among generations.

⁶⁸ *Id.*

⁶⁹ *Id.* at 5, 13, 61% of Millennials say that theirs is a unique generation.

⁷⁰ *Id.* At 13. 24% say that their use of technology sets them apart from other generations; but they also see themselves as unique for their music, pop culture and style (11%), and their liberalism and tolerance (7%). *Id.*

⁷¹ *Id.* At 13.

⁷² *Id.*

⁷³ See, e.g., David Madland and Amanda Logan, *The Progressive Generation: How Young Adults Think About the Economy*, Center for American Progress May 2008, available at <http://www.americanprogress.org> (last visited June 3, 2010)[hereinafter *The Progressive Generation*] at 1 (Millennials have decidedly progressive views on economic issues). This report relied on analysis of data from the National Election Survey and the General Social Survey, supplemented with poll data from other sources, including surveys by the Pew Research Center for People and the Press.

⁷⁴ *Id.* (Millennials believe that “government can be a force for good in the economy, and that increased investments in healthcare, education, and other areas are necessary to ensure strong and sustainable economic growth”).

⁷⁵ See, e.g., John Halpin and Karl Agne, *The Political Ideology of the Millennial Generation: A National Study of Political Values and Beliefs Among 18- to 29-Year-Old Adults* (Center for American Progress May 2009)(analysis of the 2008 election and the Millennials deeply held progressive beliefs underlying their voting preferences).

law students.⁷⁶ The sections that follow will further delineate the defining characteristics of Millennial law students, compare them with the Gen Xers and Baby Boomers who are likely to be their clinical professors, and lay out some of the possible ramifications for constructing a social justice component of the curriculum.

A. DEMOGRAPHICS AND CHARACTERISTICS

Demographers do not agree on exactly when the Millennial generation begins or ends, but most definitions focus on people who were born in the 1980's and 90's.⁷⁷ Although the earliest members of this cohort have now reached thirty, most are still in their early to late 20's, meaning that our law schools are largely populated by Millennial students.

By some definitions, the Millennials include 95 million young people, the biggest age cohort in the history of the nation.⁷⁸ They are also more ethnically and racially diverse than previous generations,⁷⁹ and on track to become the most educated generation in American history.⁸⁰

The Millennials have been severely impacted by the recent economic downturn, dubbed by some as "The Great Recession."⁸¹ Millennials between the ages of 18 and 29 are less likely to be employed (63%) than Gen Xers (70%) or Boomers (66%) were at the same age.⁸² Even those

⁷⁶ See generally, McLellan, supra note 65; Cooney, supra note 65, and sources cited therein.

⁷⁷ See, e.g., *The Progressive Generation*, supra note 73, at 4; Pew Research Report on the Millennials, supra note 66, at 9; *Generation We*, supra note 12, at 13; Neil Howe and William Strauss, *MILLENNIALS RISING: THE NEXT GREAT GENERATION* (2000) at 4 [hereinafter *MILLENNIALS RISING*].

⁷⁸ *Generation WE*, supra note 12, at 20. This figure is based on a definition of the Millennial Generation that includes those born from 1978-2000. Even if one narrows the definition to an 18-year time span (1978-1996), the Millennials would still out-number the Boomers, 80 million to 78 million. *Id.* Using the Pew definition, which encompasses everyone born over an 18 year span starting in 1981, the two generations would be about equal in size. Pew Center Report on the Millennials, supra note 66, at 9. This is not due to high fertility rates, but rather to population growth that includes a large wave of immigration that added more women of child-bearing years. *Id.* at 9.

⁷⁹ Pew Center Report on the Millennials, supra note 66, at 9. Only 61% of Millennials are non-Hispanic whites, similar to Generation X (62%), but significantly lower than Baby Boomers (73%). On the flip side, racial minorities make up 39% of Millennials and 38% of Gen Xers, compared with just 27% of Baby Boomers. Much of the growth in racial minorities has been fueled by the rapid growth of the Hispanic population (from 10% in the Boomer generation to 19% in the Millennial generation).

⁸⁰ *Id.* at 10. "Millennials are more highly educated when ranked with other generations at comparable ages." More than half (54%) have some college education, compared with 49% of Gen Xers and 36% of Boomers.

⁸¹ Ronald Brownstein, *Children of the Great Recession, The Next Economy* (Summer 2010)(describing the struggles of young college graduates to find employment in today's job market and some innovative solutions, including soaring applications for public service and military jobs, and increased entrepreneurship among Millennials unable to find traditional employment).

⁸² Pew Center Report on the Millennials, supra note 66, at 39. "As jobs vanished and businesses closed, America's newest entrants into the labor force have often found themselves among the last hired and the first to lose their

who are employed report that they are having trouble making ends meet, and more than a third depend on financial support from their families.⁸³

Despite their financial difficulties, the Millennials remain optimistic about their life prospects. The vast majority (88%) say they expect to earn enough in the future to live the kind of life they want.⁸⁴ But some commentators speculate that the repercussions of getting a late start on their careers will follow the Millennials throughout their lifetimes.⁸⁵ Others believe that their seminal experience in the job market will continue to fuel progressive attitudes toward economic issues for decades to come.⁸⁶

Beyond their demographic characteristics, Millennials share a wide array of beliefs, values and behaviors that may be relevant to the learning experience. In their seminal work, *MILLENNIALS RISING*, Neil Howe and William Strauss described the Millennials as the “next great generation” – on track to be celebrated as the G.I. Generation of the twentieth century.⁸⁷ They identified seven distinguishing traits that have remained relatively constant in the literature: the Millennials are special, sheltered, confident, team-oriented, achieving, pressured, and conventional.⁸⁸

jobs.” In 2006, about half of this age group was employed full-time; by 2010, that number had declined to only 41% (a decline of 9 percentage points). *Id.*

⁸³ Pew Center Report on the Millennials, *supra* note 66, at 39. Among those who work full time or part time, less than one-third say they earn enough money to lead the kind of lives they want; compared with 52% of workers 46-54 who say they are satisfied with their current incomes. *Id.*

⁸⁴ *Id.* at 40.

⁸⁵ Continuing repercussions of unemployment

⁸⁶ *The Progressive Generation*, *supra* note 73, at 16. “It is possible that the difficult financial situation of young adults today compared to recent generations is driving their progressivism. The relatively bleak performance of the economy for young people – such as lower rates of healthcare coverage, worsening job prospects, and higher levels of student loan debt – during a period of economically conservative policy-making could also be leading Millennials to reject the conservative agenda and support progressive alternatives.”

⁸⁷ *Millennials Rising*, *supra* note 77, at 4-5. Howe and Strauss argue that the Millennials are an “upbeat and engaged” generation, destined to become a “powerhouse generation, full of technology planners, community shapers, institution builders, and world leaders.” *Id.* He praises the G.I. Generation as the group that “cut trails and built dams during the Great Depression, landed on beachheads in Normandy and Iwo Jima, built Levittowns, conquered polio, built gleaming suburbs and interstate highways, landed astronauts on the moon, and held the White House for a record thirty-two years.” *Id.* At 325. “Collectively, the G.I.’s comprise a “Hero” archetype, the kind of generation that does great deeds, constructs nations and empires, and is afterward honored in memory and storied in myth.” *Id.* At 326.

⁸⁸ *Id.* at 43-44.

As this generation has come of age, other characteristics have emerged. In 2008, Eric Greenberg and Karl Weber⁸⁹ described the Millennials as:

- “a wired generation” – deeply involved in using new technologies and optimistic about their social and economic impact⁹⁰
- “a hopeful generation” – convinced that they have better educational opportunities, access to higher paying jobs, and better opportunities to bring about social change⁹¹
- “a responsible generation” – shying away from drugs, unsafe sex, and other high-risk behaviors that harmed the two preceding generations⁹²
- “ready for change” – noncynical and civic-minded, embracing technological, social and political innovation to transform the world⁹³
- “politically engaged” – embracing collective political activism as an effective way to solve the world’s challenges⁹⁴
- “strongly progressive” – open-minded and overwhelmingly embracing the greater good⁹⁵
- “a tolerant generation” – remarkably open-minded and tolerant on social issues such as gender equality, gay rights, racial blending and immigration⁹⁶
- “overwhelmingly pro-environment” – worried about global warming and highly supportive of ambitious ideas for changing our energy paradigm⁹⁷
- “deeply concerned” about the economy – health care, education, inequality, the decline of middle-class jobs, and the national debt⁹⁸
- “for a peaceful world” – believing in a cooperative, multilateral approach to foreign policy and solving global problems⁹⁹
- “idealistic about government, yet frustrated” – believing in the potential of the government to do good, but deeply distrustful of political leaders ability to meet those responsibilities¹⁰⁰

⁸⁹ Generation WE. Supra note 12. The findings in this book are based on a research study into the characteristics of the millennial generation conducted by Gerstein/Agne Strategic Communications, the Greenberg Millennials Study [hereinafter the “GMS”].

⁹⁰ Id. at 24-25. See also, Pew Center Report on the Millennials, supra note 6, at 25-27.

⁹¹ Id. At 26-27.

⁹² Id. At 28-29

⁹³ Id. At 29-30.

⁹⁴ Id. At 32-35.

⁹⁵ Id. At 36-37.

⁹⁶ Id. At 38-39

⁹⁷ Id. At 40-42

⁹⁸ Id. At 44-48

⁹⁹ Id. At 48-51

¹⁰⁰ Id. At 51-55

- “post-ideological, post-partisan, post-political” – believing that they can find their own solutions to the major problems our country faces without the polarization, partisan bickering and culture wars of previous generations.¹⁰¹

At the time of the 2010 Pew Research study, despite a staggering economic downturn, the Millennials continued to remain “confident, self-expressive, liberal, upbeat and open to change.”¹⁰² Although they believe there is a generation gap, the Millennials respect their elders and agree that older adults have a stronger work ethic, moral values and respect for others.¹⁰³ This is a “gentler” generation gap than that which divided the Baby Boomers from their elders; one based largely on the different ways that old and young use technology.¹⁰⁴ Rather than being a source of conflict, it is an opportunity for the older generation, including legal educators, to serve as role models and mentors to help the Millennials bridge the gap from law school to professional.

Many of the Millennials’ defining traits serve them well in law school, particularly in a clinical setting. They are bright, energetic and motivated to achieve.¹⁰⁵ They enjoy teamwork, and can harness the power of technology and the internet to find information quickly.¹⁰⁶ Even more importantly, for our purposes, they are idealistic and want to use their skills to improve the world.

Yet, the largely positive characteristics of the Millennials do present some challenges for legal educators. The attention showered on this generation by doting parents has led some to describe them as excessively self-focused and entitled, unable to respond well to constructive criticism.¹⁰⁷ Some Millennials believe they should be treated as equals by their supervisors, and expect individualized attention, instant communication, and immediate feedback on their work.¹⁰⁸ Their preference for teamwork sometimes translates into a lack of confidence when working independently.¹⁰⁹

¹⁰¹ Id. At 55.

¹⁰² Pew Center Report on the Millennials, *supra* note 66, at 1.

¹⁰³ Id. at 6-7.

¹⁰⁴ Id.

¹⁰⁵ See, McClellan, *supra* note 65, at 262.

¹⁰⁶ Id.

¹⁰⁷ Id. at 263. McClellan says that the combination of feeling special and sheltered may lead students to feel entitled; excessive praise and grade inflation may make it difficult for them to receive constructive criticism; and their belief in their own ability may lead them to challenge the way things are done and disrespect their supervisors. Id.

¹⁰⁸ Id.

¹⁰⁹ Id. At 265-266. McClellan says that Millennials are often unwilling to be “creatively different.” This may lead Boomer and Gen Xer supervisors, who value independent work, to see them as wanting “hand-holding.” Id.

Millennials may also clash with their Boomer supervisors over the appropriate tactics for social change. Whereas many Boomers demonstrated in the streets and challenged authority, most Millennials are more conventional and prefer to abide by the rules.¹¹⁰ Rather than figuring out a problem on their own, they expect to receive highly structured assignments with clear instructions and deadlines.¹¹¹ Because of their tight schedules, Millennials may be unwilling to put in extra time to complete a project, clashing with Gen X and Boomer supervisors who pride themselves on their work ethic.¹¹²

As others have pointed out, legal educators can not only overcome these challenges; they can assist Millennials to understand and incorporate the skills, attitudes and behaviors they will need to make the transition from law student to lawyer.¹¹³ Although this paper will focus on the social justice aspects of generational differences, bridging the gap in skills and behaviors is also an important part of planning a third apprenticeship experience.

B. DEFINING EXPERIENCES AND ATTITUDES

Each generation experiences major events that help define their world views. Boomers grew up during a time of dramatic social change and political pushback. They experienced a decade of violence, including the assassinations of President John F. Kennedy, Robert Kennedy, and Martin Luther King, Jr.; the Vietnam War; and the killing of student protestors at Kent State University in Ohio and Jackson State College in Mississippi, in the spring of 1970. At the same time, they fought for a better world with a War on Poverty, the Civil Rights Movement, Women's Liberation, and the Sexual Revolution. This generation was intent on changing the world, and when government did not respond, Boomer lawyers flocked to the court system to challenge the status quo.¹¹⁴

The "second wave" of clinical legal education arose during the Boomer years, due in part to the "zeitgeist of the 60's," when students were demanding that education be relevant to their concerns about the world.¹¹⁵ During the period from the 1960's through the late 1990's,

¹¹⁰ Id. At 266.

¹¹¹ Id. At 268.

¹¹² Id. At 267-268.

¹¹³ Id. at 270-281 (examining ways to help both externs and supervisors understand their generational differences); Cooney, *supra* note __ at 509 ("We can enhance the communication skills these students bring into our clinical settings, and by recognizing the modes in which they have already honed their existing skills, we can address the particular areas in which they may need to develop additional skills to deal with actual clients and the legal work environment.")

¹¹⁴ See, e.g., The 2006 Cone Millennial Cause Study: The Millennial Generation: Pro-Social and Empowered to Change the World at 4 (hereinafter The Cone Study); Millennials Rising, *supra* note 77, at 49-50.

¹¹⁵ The Third Wave, *supra* note 4, at 12.

“clinical legal education solidified and expanded its foothold in the academy.”¹¹⁶ Not surprisingly, given the experience of the Boomers, an emphasis on serving the legal needs of the poor and using the law to solve social problems permeated the design of clinical programs during that period.¹¹⁷ The second wave expanded clinics “to demystify law for students and to represent client communities with claims that thrust clinical programs into the civil rights, consumer rights, environmental rights, and poverty rights movements.”¹¹⁸

The Millennials’ defining experiences have been quite different from the Boomers. They came of age during a time of terrorism, natural and man-made disasters, including Columbine, the terrorist attacks of 9/11, global climate change, Hurricane Katrina, the wars in Iraq and Afghanistan, and the great recession of the late 2000’s.¹¹⁹ The Civil Rights Movement and Women’s Liberation are ancient history to them; they tend to view race and gender as “non-issues,” and “believe divisive social issues will have far less effect on their generation than on previous generations.”¹²⁰

Like the Boomers, the Millennials are idealistic and committed to social justice. But they have their own views about what issues are most important and how to bring about social change. Having grown up with images of dying polar bears and melting ice caps, “the Millennials have a more profound environmental consciousness than earlier Americans.”¹²¹ They believe we should do “whatever it takes” to protect the environment, and are willing to pay the cost of stricter environmental laws and regulations.¹²² Not only do they embrace the cause of environmental protection and a new energy paradigm, “they have a real sense of urgency about it.”¹²³

Like most Americans, the Millennials are also deeply concerned about the economic issues affecting the country, including health care, education, income inequality, the decline of middle-class jobs, and the national debt.¹²⁴ They are more supportive of an activist government role in

¹¹⁶ Id.

¹¹⁷ Id. At 12-13.

¹¹⁸ Id. At 13.

¹¹⁹ The Cone Study, *supra* note 114, at 4.

¹²⁰ Generation We, *supra* note 12, at 38-39.

¹²¹ Id. at 40

¹²² Id. At 42, citing Pew Research Center, Report: A Portrait of Generation Next (January 2007), available at <http://people-press.org/reports/pdf/300.pdf>.

¹²³ Id. At 43. Responding to the GMS survey, 74 percent agreed that “We must make major investments now to innovate the next generation of nonfossil fuel based energy solutions,” and 94% agreed that “our country must take extreme measures now, before it is too late, to protect the environment and begin to reserve the damage we have done.” Id. 74% agreed that the situation is either a “crisis that our country must address immediately” or a major problem. Id.

¹²⁴ Id. At 44.

solving social problems than other age cohorts.¹²⁵ They are also significantly less critical of government efficiency; only 42% agree with the statement that “government is often wasteful and inefficient,” compared with 55% for Generation X and 66% for Baby Boomers.¹²⁶

However, the Millennials’ support of an activist government does not lead them to be any more supportive of an expanded government social safety net than other generations.¹²⁷ Since 2007, there has been a decline in support for more generous assistance for the poor among all age cohorts, including the Millennials.¹²⁸ Only a slight majority of Millennials support statements that the government has a responsibility to help those in need, and should help more needy people even if it means going deeper in debt.¹²⁹ Although their views are similar to a majority of the Boomers, they may not resonate with the poverty law model adopted by many second wave clinics and the professors who teach them.

Another interesting difference is the extent to which Millennials view business as a positive force in society. Forty-four percent of Millennials agree with the statement that “business corporations generally strike a fair balance between making profits and serving the public interest,” compared with 35% for Gen X and Boomers.¹³⁰ Of course, the Millennials grew up eating Ben & Jerry’s ice cream and Newman’s Own salad dressings, so their experience with big business is decidedly different from previous generations. In fact, the Millennials enthusiastically embrace innovation and entrepreneurship as a strategy for confronting the nation’s challenges.¹³¹

Even more than government and business, though, the Millennials believe in collective social action as a strategy for addressing problems.¹³² Millennials are willing to step forward and take a stand, even if it involves self-sacrifice.¹³³ Consistent with these views, Millennials are more

¹²⁵ Pew Research Center Report on the Millennials, *supra* note 66, at 71.

¹²⁶ *Id.*

¹²⁷ *Id.* at 76.

¹²⁸ *Id.*

¹²⁹ *Id.* In 2009, 51% of Millennials agreed that “the government should help more needy people even if it means going deeper in debt”; compared with 59% two years earlier. Among Gen Xers, support declined from 55% in 2007 to 45% in 2009. The Millennials’ views on this measure came closest to those of the Boomers.

¹³⁰ *Id.* at 74.

¹³¹ Generation WE, *supra* note 12, at 30. On the GMS, 87% of the Millennials agreed with the statement, “Throughout our history, America’s success has been built on innovation and entrepreneurship. As we confront the many challenges facing us today, it is that same spirit of innovation and entrepreneurship that is needed to maintain America’s strength in the 21st Century.” *Id.*

¹³² *Id.* At 30. When asked about the best way to address the challenges facing the country, 60% made “through a collective social movement” their first or second choice, compared with 35% for individual action and entrepreneurship, 33% for media and popular culture, 40% for government action, or 30% for international cooperation.

¹³³ *Id.* At 31. 80% of Millennials agreed with the statement that “addressing the big issues facing my generation starts with individuals willing to take a stand and take action.” *Id.* 78% say they are willing to make significant

involved in volunteerism than any other generation.¹³⁴ And with the dwindling job prospects facing college graduates, more and more graduates are turning to service-oriented institutions like AmeriCorps, Peace Corps and Teach for America for their entry into the professional world.¹³⁵

The Presidential elections of 2008 ignited the Millennials' engagement in collective social action. Captured by Barak Obama's message of hope and change, and his embrace of innovative communication technologies, the Millennials turned out in record numbers to propel Obama's grassroots campaign to victory.¹³⁶ Although the partisan leanings and political activism of Millennials has flagged since the election,¹³⁷ they remain significantly more liberal than members of other generations.¹³⁸

Greenberg describes the Millennials as a "post-ideological, post-partisan, and post-political" generation.¹³⁹ They reject traditional labels of "conservative" or "liberal," preferring to be thought of as "progressive."¹⁴⁰ They are pragmatic and innovation-oriented, open to new solutions no matter where they come from.¹⁴¹ Although they lean Democratic, they reject the narrow, bitter sniping of traditional politics. They are ready to call a halt to the "culture wars" and find ways to work together for the common good. As Greenberg says, they are

sacrifices in their own life "to address the major environmental, economic, and security challenges facing our country." *Id.*

¹³⁴ *Id.* At 31, based on UCLA's American Freshman survey has been conducted for the past 40 years with several hundred thousand respondents each year. In 2005, 83% of entering freshman volunteered at least occasionally during their high school senior year, the highest ever measured in this survey. 71% said they volunteered on a weekly basis.

¹³⁵ Brownstein at 10. The trend toward public service was apparent even before the economic downturn, but has accelerated since 2008. *Id.* AmeriCorps received nearly 250,000 applications in 2009, more than double the previous year; Teach for America's applications nearly doubled to more than 46,000; and application to the Peace Corps jumped almost 20%, to their highest level in the program's nearly 50-year history. *Id.*

¹³⁶ See, e.g., John Halpin and Karl Agne, *The Political Ideology of the Millennial Generation: A National Study of Political Values and Beliefs Among 18- to 29-Year-Old Adults* (Center for American Progress May 2009); Pew Report at 3 (Millennials were among Barack Obama's strongest supporters in 2008, backing him by a 66% to 32% margin, while older adults gave him just 50% of their votes).

¹³⁷ Pew Center Report on the Millennials, *supra* note 66, at 63. Voter turnout of Millennials in recent elections in Virginia, New Jersey and Massachusetts was notably low, and the Democratic Party's advantage among Millennials has been cut from 62% to 54%. *Id.* "Millennials are evenly split on whether Obama has changed the way Washington works, and his job approval rating has fallen considerably, just as it has among older adults."

¹³⁸ *Id.* at 63. "This is reflected not just in their partisan identification and voting patterns, but also in their overall views about the role of government and about a range of social and national security issues," as well as in their socially tolerant views on gay marriage, interracial dating, and immigration. *Id.*

¹³⁹ *Generation We*, *supra* note 12, at 55.

¹⁴⁰ *Id.* at 54.

¹⁴¹ *Id.*

“[d]etermined to find their own solutions to the major problems we face, and convinced that their unprecedented levels of education and technological prowess will enable them to do so...”¹⁴²

In many ways, the Millennials are a “dream team” for legal educators. They care about social justice issues, and are eager to do something worthy with their lives. Our challenge is to bridge the gap between different world views, and to intentionally construct a learning experience that resonates with their passions. This article focuses on one approach that we have experimented with in our law school: tapping into one of the Millennial generation’s most defining experiences to construct a third apprenticeship of service learning.

C. HURRICANE KATRINA: SEIZING THE DISORIENTING MOMENT

Millennials have grown up in an era where “[n]ews and information travel freely across continents, with recent acts of terrorism and natural disasters touching more than the people directly involved. As a result, Millennials have been instilled with a far-reaching, global social conscience.”¹⁴³

When Hurricane Katrina descended on the Gulf Coast in August 2005, many Americans sat transfixed in front of their televisions as one of the worst man-made disasters in modern history unfolded in front of their eyes.¹⁴⁴ Literally hundreds of thousands of people watched videos of the storm on You Tube and other internet sites.¹⁴⁵ As a nation, we were forced to confront the extent to which poverty and discrimination continue to plague our country.

If we thought that poverty, despair and marginal existence was a phenomenon of the past, or of distant underdeveloped countries, this incident demonstrated in dramatic fashion that these evils are alive and well in America. We may have pushed them out of sight, and thus out of mind, but they do exist. For some in America, including those who choose to become lawyers, there is this belief that the major social ills of this country have been cured, or at least contained. We have been lulled into believing that we have won the war on poverty by making the poor and the homeless our enemy. Katrina was like a spiritual operation that

¹⁴² Id. At 55.

¹⁴³ The Cone Study, *supra* note 114, at 4.

¹⁴⁴ See generally, Waysdorf, *supra* note 10; Morin, *supra* note 10.

¹⁴⁵ See, e.g., Hurricane Katrina on You Tube at

http://www.youtube.com/results?search_query=hurricane+katrina+&aq=f; and Google at <http://video.google.com/videoplay?docid=-7392209151146546355#>.

not only revealed the problems of the patient, but also the weakness of the surgeon.¹⁴⁶

Nobody took this message more to heart than the Millennials. In response to a survey conducted in 2007, 90% of the Millennial respondents agreed with the following statement: “Hurricane Katrina revealed the extent to which our country is divided into two Americas, one of which lacks many basic needs and is largely ignored by our government. The growing gap between the wealthy and the rest of us must be addressed, because no democracy can survive without a large, vibrant middle class.”¹⁴⁷

Consistent with their preference for collective action, Millennial law students quickly organized to form the Student Hurricane Network (SHN), “a national network of law students dedicated to advancing the cause of social justice in communities affected by Hurricanes Katrina and Rita by coordinating volunteer efforts, aiding public interest organizations, and educating members of the legal community about legal crises in the region.”¹⁴⁸ During the period from December 2005 through Spring break 2009, SHN coordinated more than 5500 student volunteer trips to do everything from gutting homes and clearing rubble to community advocacy to legal representation of people affected by the storm.¹⁴⁹

SHN is not the only Millennial movement responding to the aftermath of Hurricane Katrina. Millennials with an entrepreneurial bent have been flocking to New Orleans and surrounding cities to identify and implement creative solutions to the area’s social challenges.¹⁵⁰ One such

¹⁴⁶ David Hall, *Katrina: Spiritual Medicine for Political Complacency and for Social Activists Who are Sleepwalking*,

¹⁴⁷ Generation WE, *supra* note 12, at 45. 30% of the respondents classified this as a “crisis,” and another 40% called it a “major problem.” Only 9% of the respondents totally disagreed with the statement.

¹⁴⁸ Student Hurricane Network Mission Statement, available at <http://www.studentjustice.org/about/> (last visited 6/5/2010). Although the group formally dissolved in 2010, information about its activities continues to be available on their website at <http://www.studentjustice.org/>.

¹⁴⁹ For a comprehensive list of projects SHN volunteers have participated in, you can read their annual reports at http://www.studentjustice.org/library/folder.201076-SHN_Annual_Reports (last visited 6/5/2010).

¹⁵⁰ See, e.g., Abby Ellin, *Entrepreneurs Leverage New Orleans’ Charm to Lure Small Businesses*, *The New York Times* (July 30, 2009), available online at <http://www.nytimes.com/2009/07/30/business/smallbusiness/30sbiz.html> (last visited September 1, 2010); Amy Cospers, *Editor’s Note: After the Storm: A new business culture breathes life into New Orleans*, *Entrepreneur* (July 9, 2009), available online at <http://weekend.entrepreneur.com/article/printthis/202546.html> (last visited September 1, 2010); John Tozzi, *New Orleans: A Startup Laboratory: Entrepreneurs are finding fertile ground for new ventures they think will help bring the devastated city back to life*, *Bloomberg Businessweek* (August 27, 2007), available online at http://www.businessweek.com/smallbiz/content/aug2007/sb20070823_490984.htm (last visited September 1, 2010).

One example of the renaissance is the Nola Yurp Initiative, an online social networking site whose mission is “to build a support and resource network to connect, retain and attract young professionals from diverse backgrounds

group, Social Entrepreneurs of New Orleans (SENO), runs an incubator that helps to launch promising early-stage social entrepreneurs with mentorship, pro bono legal and financial support, media exposure and volunteer management consultants.¹⁵¹

SENO's mission statement and philosophy are deeply reflective of Millennial Generation values:

SENO's mission is to systematically advance solutions to our city's most pressing social challenges by identifying and incubating the social entrepreneurs who tackle these high-priority challenges...

We deeply believe in individuals and the power of community members to bring forth significant and systemic social change. We also believe that social innovation comes from a deep understanding of problems and people. Social entrepreneurs have been and will continue to be instrumental in the rebuilding of New Orleans, as new challenges call for new solutions. Of particular concern to SENO is how long the catalyzing effect of Katrina and the entrepreneurial environment will last. We believe that it is critical that the city has a strategy to continue to catalyze, inspire, and empower committed individuals with innovative ideas for social change.¹⁵²

There is no doubt that Hurricane Katrina was a seminal event in the Millennials' lives, galvanizing them to immediate and sustained action in pursuit of their vision of social justice. Moments like this provide an invaluable opportunity for legal educators to create a meaningful educational experience for their students, one that goes beyond discussing it as a "current event" in the context of an existing course.¹⁵³

Fran Quigley has described an educational phenomenon that most clinicians are all too familiar with – the moment when dealing with a client causes a student to question their prior notions of

for a sustainable New Orleans." Nola Yurp mission statement, available at <http://www.nolayurp.groupsites.com/main/summary>. Nearly 3500 members share links, discuss news and ideas, and share job information on the site.

¹⁵¹ Information about Social Entrepreneurs of New Orleans (SENO) is available on their website at <http://www.seno-nola.org/index.php> (last visited 6/5/2010). "SENO's mission is to systematically advance solutions to our city's most pressing social challenges by identifying and incubating the social entrepreneurs who tackle these high-priority challenges." SENO, Mission Statement, available at http://www.seno-nola.org/index.php?option=com_content&view=article&id=1&Itemid=7 (last visited 6/5/2010).

¹⁵² SENO, About Us, available at http://www.seno-nola.org/index.php?option=com_content&view=article&id=1&Itemid=7 (last visited 6/5/2010).

¹⁵³ Even the current event approach would be preferable to what many law students experience in law school. At the time the Rodney King verdict came down, I was teaching Legal Writing at another institution, and was incredulous when my students told me I was the only professor who talked about the controversy in all of their law school classes. This was an issue that clearly illuminated the racial divide in our country, yet law students were being left to figure out its social justice implications in the hallways rather than in the classroom.

social justice.¹⁵⁴ In individual representation, these “disorienting moments” may happen when the student recognizes that a poor client does not have enough money to survive, or is treated poorly by the judge or opposing counsel.¹⁵⁵ Quigley argues that legal educators, especially those who teach in clinics, should seize the opportunity presented by these moments to take an active role in facilitating the students’ learning lessons of social justice.¹⁵⁶

Just as individuals may experience a disorienting moment when faced with a particular incident of injustice, we believe that seminal events like Hurricane Katrina can trigger a “disorienting moment” for an entire generation. At the time Katrina struck, the Millennials were one of the most sheltered and affluent generations since the early 1960’s.¹⁵⁷ Until the great recession of 2008, Millennials as a whole had never witnessed economic trouble.¹⁵⁸ Their childhoods coincided “with the most monumental financial boom in American history.”¹⁵⁹ No doubt, for many young Millennials, the images of Hurricane Katrina they saw on television, YouTube and the internet collided with the sheltered world their parents had tried to construct for them.¹⁶⁰

The question is, what should legal educators do to transform that disorienting moment into a meaningful learning experience for Millennial law students? According to Quigley, legal educators cannot just assume that students will draw the relevant meaning from their experience. They need to take an intentional approach to constructing a learning experience grounded in

¹⁵⁴ Seizing the Disorienting Moment, *supra* note 22, at 38-46. Quigley makes an impassioned argument why law schools should make explicit efforts to teach lessons of social justice. *Id.* at 38-46. For purposes of this article, I am going to assume that the academy has accepted the wisdom of those arguments and that there is widespread agreement, reflected in the Carnegie Report, among other sources, that social justice is a legitimate goal of legal education.

¹⁵⁵ *Id.* See examples cited at p. 37.

¹⁵⁶ *Id.* At 38.

¹⁵⁷ Millennials Rising, *supra* note 77, at 43-44, 49-50. The Millennials came of age during a long boom period in American’s financial history; and the country’s programs and resources were directed more to youth than in previous generations. *Id.* At 49-50. In contrast to the previous era, “child issues have risen to the top of the nation’s political agenda,” *id.* At 13. The 1990’s was the first decade since the 1920’s in which federal spending on kids rose faster than spending on working age adults or elders. *Id.* At 111.

¹⁵⁸ *Id.* At 100.

¹⁵⁹ *Id.* At 100.

¹⁶⁰ *Id.* at 112-119. The late 1990’s saw an immense increase in the number of federal program aimed at protecting children against physical and moral dangers. *Id.* At home and at school, the Millennials got more supervision and more time with their parents than the previous generation. *Id.* At 134-142. Throughout the 1990’s, parents tightened the security perimeters around Millennial kids in every possible place, for every possible occasion, through every possible means, and against every imaginable danger. *Id.* At 176.

adult learning theory.¹⁶¹ This approach resonates well with clinical legal education, because “adult learning theory focuses on democratic teaching and experiential learning.”¹⁶²

For a disorienting moment to result in transformation, the learner must engage in critical thinking focusing on reassessment of society and personal beliefs, values, and norms.¹⁶³ The process has at least three stages: “First, the ‘disorienting experience,’ second, the ‘exploration and reflection,’ and finally, ‘reorientation.’”¹⁶⁴ The role of the facilitator is to provide a proper environment for the three stages to occur.¹⁶⁵

Quigley asserts that live-client clinical settings are ideal for providing disorienting experiences, because most law students come to clinic without significant exposure to victims of systemic injustice.¹⁶⁶ For our purposes, Hurricane Katrina and its aftermath had already provided the disorienting moment; our only role in the first step of the process was to construct a learning experience around it.

A crucial part of the process is to provide the environment for exploration and reflection about the triggering event, and how it conflicts with the learner’s prior understanding.¹⁶⁷ Reflection can be encouraged through a variety of mediums, including classroom discussions, journals, self-evaluations, and supervisor-student conversations.¹⁶⁸

After a period of reflection, learners must “reorient” their beliefs about social justice, broadening their perspectives and acting upon their new understanding.¹⁶⁹ Educators can assist in this process by providing access to other perspectives on justice through readings, discussion and additional experiential opportunities such as “field trips” to housing projects, homeless shelters, jails, and other places of concentrated poverty.¹⁷⁰

Most of the tools Quigley describes are quite familiar to clinicians and others who teach experiential courses. What is compelling about her approach is its explicit focus on melding adult learning theory with social justice goals. Though the article was written 15 years ago, it

¹⁶¹ Id. At 38. “To perform adequately this role, clinical teachers must understand the dynamic that causes the students’ justice perspective to be transformed by their clinic experiences, and then design a methodology inspired by adult learning theory that will nurture the social justice learning opportunities a clinical course uniquely provides.”

¹⁶² Id. At 48.

¹⁶³ Id. At 51-52, citing psychologist and adult learning theorist Jack Mezirow.

¹⁶⁴ Id. At 52.

¹⁶⁵ Id.

¹⁶⁶ Id. At 53.

¹⁶⁷ Id. At 54. The literature refers to the learner’s pre-existing ideas about the situation as a “meaning scheme,” and suggests that it is important for the learner to reflect on why the new experience did not fit into those meaning schemes. Id.

¹⁶⁸ Id. At 55.

¹⁶⁹ Id. At 55.

¹⁷⁰ Id. At 56, 67-70.

continues to provide thoughtful guidance to legal educators seeking to construct a meaningful learning experience for their Millennial law students.

IV. SERVICE-LEARNING: EXPANDING OPPORTUNITIES FOR THE THIRD APPRENTICESHIP

A. SERVICE LEARNING AS A CORE PEDAGOGY

Building on the lessons of clinical legal education over the last four decades, service-learning may be just the pedagogical construct we have been looking for. It is an adult-learning paradigm that can bring the experiential component of legal education further into the twenty-first century. From our own recent experience, we believe that service-learning provides the most effective vehicle for the “third apprenticeship.” We have learned that effective service-learning brings together the values of the baby boomer generation with the concerns of the Millennial generation. It achieves this through a mix of adult learning theory and collective social action. When people are actively engaged in helping to change the world and improving peoples’ lives, they are more open to embracing the analytical and doctrinal context of their actions.

At its essence, service-learning is a teaching and learning strategy that integrates meaningful community services with instruction and reflection.¹⁷¹ Typically, the results are enrichment of the learning experience, the teaching of civic responsibility and the strengthening of communities.¹⁷² Service-learning as a pedagogical approach and educational philosophy has a rich legacy and history in the United States. Throughout the last century and a half, service-learning at times has been strongly supported, and funded through public education, vigorously promoted by government entities, and embraced by private educational institutions as well.¹⁷³

Typically, service-learning combines education with hands-on social action, and merges volunteering with a learning component.¹⁷⁴ By combining service objectives and learning objectives, both the recipient and the provider of the service measurably evolve and change,

¹⁷¹ <http://www.servicelearning.org/what-service-learning>ServiceLearning. Also see, Timothy Stanton, Dwight Giles, Jr. and Nadinne I. Cruz, “Service Learning: A Movement’s Pioneers Reflect on Its Origins, Practice, and Future,” at 2 (Wiley & Sons, 1999) (“Service-learning joins two complex concepts: community action, the “service,” and efforts to learn from that action and connect what is learned to existing knowledge, the “learning.”

¹⁷² <http://www.servicelearning.org/what-service-learning>ServiceLearning

¹⁷³ *Supra*, footnote >>>; also see, Stanton et al, “Service Learning: A Movement’s Pioneers Reflect on its Origins, Practice and Future,” at 2 (“Although the genealogy of existing practice-what we came to term its DNA-can be traced back to the 1960s, its conceptual antecedents can be found in the philosophy and practice of extension education programs spawned by the land grant movement of the 1860s, in progressive education and settlement house activities early in this century, in work programs of the New Deal, in immigrant education and civil rights organizing efforts. As we shall learn, many early practitioners had experience in the Peace Corps or VISTA.”)

¹⁷⁴ *Id.*, footnote 171.

resulting in a radically effective and transformative method of teaching.¹⁷⁵ Volunteer activities and civic engagement without a learning component are equally valuable, but are different activities with different objectives from service-learning.¹⁷⁶ Linking service to education is a key way that educators are able to engage students in social change while organizing it across multiple age groups and demographics. Whatever the setting, age or context of the experience, the core element of service-learning is the intent that both providers of the service, the leaders or facilitators, i.e., teachers, and the service recipients find the experience beneficial, and even transformative.¹⁷⁷

Service-learning is more than acquiring clinical skills or engaging in volunteer action, both of which are highly valued and important components.¹⁷⁸ Instead, the service is combined with analysis and collaboration with the recipients of the service, joint problem-solving for the future, and student reflection about what they have learned and their future roles in the problem-solving. In this way, service-learning intentionally combines service with learning. It is constructed from an innovative pedagogy which combines academic knowledge and skills with community experience, using the process of self-reflection as a powerful conduit for learning.¹⁷⁹ Indeed, the dual principles of reflection and reciprocity between the server and the person or group being served are the touchstones of the service-learning paradigm.¹⁸⁰

¹⁷⁵ <http://www.servicelearning.org/what-service-learningServiceLearning>

¹⁷⁶ Stanton, et al, "Service Learning: A Movement's Pioneers Reflect on Its Origins, Practice and Future," at 3 ("Service-learning advocates differentiate their practice from volunteer service by evoking the concept of reciprocity between server and served as well. Such an exchange "avoids the traditionally paternalistic, one-way approach to service in which one group or person has resources which they share 'charitably' or 'voluntarily; with a person or group that lacks resources" (Kendall, 1990, p. 22).

¹⁷⁷ <http://www.servicelearning.org/what-service-learningServiceLearning> (commentary is based on Eyer & Gilles, "Where's the Learning in Service-Learning?" 1999).

¹⁷⁸ Timothy Stanton, "Service-Learning: Groping Toward a Definition," at 66. ("Students' career goals, developmental needs and intellectual curiosity, while relevant and integrated into their activities, still must be defined and operationalized in the context of their service performance and the needs of those being served.")

¹⁷⁹ For discussion of the role of self-reflection in the service-learning process, see Gail Albert, "Intensive Service-Learning Experiences," in "Service-Learning in Higher Education," edited by Barbara Jacoby ("Reflection in intensive service-learning programs can be both structured and unstructured, but it should be continuous. ... Reflection should be designed to help students recognize and integrate their learning, work on personal developmental issues, define their personal service ethic, and dealt with their discomfort and dissonance."). For more on the central importance of reflection to the service-learning process, also see Keith Morton, "Issues Related to Integrating Service-Learning into the Curriculum," in "Service-Learning in Higher Education, edited by Barbara Jacoby ("No matter what the role of service is in a course, no matter whether a course is service based or content based, reflection is central to achieve student learning and developmental outcomes.")

¹⁸⁰ See, Barbara Jacoby, "Service-Learning in Today's Higher Education," As noted above, student reflection is key to the learning process ("As a form of experiential education, service-learning is based on the pedagogical principle that learning and development do not necessarily occur as a result of experience itself but as a result of a reflective

Service-learning enhances student learning and development through service in part because its emphasis is on service to others.¹⁸¹ Pedagogically, it involves intensive immersion learning and is both a form of experiential education and a philosophy of experiential education.¹⁸² Experts have reported that in the service-learning experience, those who are being served control the service that is provided, while those being served become better able to serve through empowerment. Those who serve are also learners who have significant control over what is learned, which is different than the norm in traditional educational paradigms.

Civic engagement is another important component and motivator in the service-learning model.¹⁸³ It comprises a movement beyond individual classrooms, and pushes toward a fully-engaged university or law school as a whole. This usually results in active, vibrant partnerships of scholars, students and citizens who have the support and resources of their institution to achieve phenomenal things in education, while transforming communities nationwide.

Service-learning is intended to be an authentic learning experience - positive, meaningful and real to the participants - with specific "learning and developmental outcomes."¹⁸⁴ It involves cooperative, rather than competitive experiences and thus promotes skills associated with the value set of teamwork, friendship, collegiality, citizenship and community involvement.¹⁸⁵ Service-learning addresses complex problems in complex settings, rather than simplified

component explicitly designed to foster learning and development. ... The other essential concept of service-learning is reciprocity between the server and the person or group being served.")

¹⁸¹ Timothy Stanton, "Service-Learning: Groping Toward a Definition," (In service-learning there is a "profound emphasis on *service to others*. While other forms of experiential education emphasize career development, academic knowledge, skill development or some combination of these objectives, programs described as service learning place primary value on the service performance of students and on the outcomes of their activities for those off campus who are recipients of the service.")

¹⁸² Barbara Jacoby, "Service-Learning in Today's Higher Education" at 9 ("It is the element of reciprocity that elevates it to the level of philosophy ...")

¹⁸³ For a discussion of the relationship between civic engagement and service, see Sharon Rubin, "Institutionalizing Service-Learning," in "Service-Learning in Higher Education," Barbara Jacoby, editor ("What makes the institutionalization of service-learning so crucial as the twenty-first century approaches is the part it plays in fostering student commitment to active participation in public life and civic processes. As citizens' cynicism about the possibility of achieving a just society grows, higher education must find ways to help students overcome their feelings of helplessness about making a difference and their withdrawal into private interests.")

¹⁸⁴ See Marilyn K. McEwen, "Enhancing Student Learning and Development Through Service-Learning," in "Service-Learning in Higher Education," edited by Barbara Jacoby ("Service-learning can have a variety of anticipated learning and developmental outcomes. In the area of learning and cognitive development, students who engage in service-learning may develop greater complexity in their thinking; ethical commitments regarding themselves, their lifestyles, and what they know and believe; movement toward higher levels of moral reasoning; and development and clarity about their faith and spirituality.")

¹⁸⁵ <http://www.servicelearning.org/what-service-learningServiceLearning>

problems in isolation.¹⁸⁶ It offers an opportunity to engage in critical thinking, that is, the ability to identify important questions or issues within a real-world situation.¹⁸⁷ Service-learning involves “big picture” problem-solving, by requiring participants to gain knowledge of the specific context of their service-learning activity and the actual community challenges they will be engaging with, rather than abstract knowledge from a textbook.

As a result, service-learning provides deeper learning that is geared toward life-long internalization of value sets. At the same time, deeper listening skills are promoted through service-learning because the results are immediate and uncontrived. It is based on the immediacy of experience, and is more likely to be personally meaningful to participants. Service-learning is likely to generate emotional and moral consequences, to challenge values as well as ideas, and therefore to support social, emotional and cognitive learning and development in ways that have a life-long impact.¹⁸⁸

Service-learning is not an episodic volunteer program, such as logging a set number of community service hours in order to graduate.¹⁸⁹ Neither is it an add-on to an existing curriculum, or compensatory service assigned as a form of punishment by the courts or school administrators.¹⁹⁰ In sum, service-learning is a dynamic process, through which students’ personal and social growth is tightly interwoven into their academic and cognitive development.

B. SERVICE-LEARNING IN THE LAW SCHOOL CONTEXT

Within the legal academy, we have sparse collective experience with the service-learning model. We lag markedly behind undergraduate and graduate programs, as well as many high school programs that have embraced the service-learning paradigm. In the law school context, service-learning can act as a capstone educational experience, following up on the continuum of doctrinal course work, clinical practice and externship programs. In service-learning, law students have to address a broader social problem or crisis than they are traditionally exposed to

¹⁸⁶ <http://www.servicelearning.org/what-service-learningServiceLearning>.

¹⁸⁷ Marilyn K. McEwen, “Enhancing Student Learning and Development Through Service-Learning,” in “Service-Learning in Higher Education,” edited by Barbara Jacoby (“Carefully designed service-learning experiences can lead to profound learning and developmental outcomes for students, the primary reason that institutions of higher education engage in service-learning.”)

¹⁸⁸ In his seminal work, “The Call of Service,” (1993), educator and social philosopher Robert Coles explores the transformational power of idealism and service to others in the educational context. (“No question that for many volunteers the considerable satisfaction that goes with making a connection with a fellow human being is enhanced by the overall context of the service being rendered. The have sought, found, and fulfilled a moral purpose. ... But all service is directly or indirectly ethical activity, a reply to a moral call within, one that answers a moral need in the world.”) Cole, at 74-75.

¹⁸⁹ <http://www.servicelearning.org/what-service-learningServiceLearning..>

¹⁹⁰ <http://www.servicelearning.org/what-service-learningServiceLearning>.

in clinics or externships. This can include client work, but does not have to be client-based.

Service-learning in the law school context can build on, benefit from and utilize skills acquired by students in clinical programs. But as in the undergraduate and graduate level programs, service-learning provides a uniquely authentic learning experience, based in problem-solving and more student control than is often offered in clinical programs. As in clinical and externship programs service-learning in law school is intended to promote humanitarianism, with the notion that becoming better people makes better lawyers. Indeed, our experiences with service-learning, as we witnessed our students' transformation in the process, have confirmed our belief that promoting humanitarianism through service is a central goal of our educational efforts.¹⁹¹

An added aspect to service-learning is the philanthropic dimension, in which students learn the importance of raising funds and charitable giving as a legacy of a specific service mission. Furthermore, service-learning in the law school curriculum requires hybrid supervision, not micro supervision. It promotes professional identity development through a combination of doing service, inspirational role-modeling, and the promotion of camaraderie, rather than competition. Service-learning in law school as a capstone activity, can promote the fusion of (1) clinical practice and pedagogy; (2) service-learning; (3) social justice issues; (4) doctrinal course work; and (5) externship experiences.

For those of us who teach law school as an expression, at least in part, of our own social and legal activism, we carry with us the enduring set of values that defined our generation. This is in large part the attraction that has compelled many of us to teach in our law school clinics. Serving the people, while also teaching the next generation of lawyers is a familiar way to be academics while also continuing to service the public interest. However, clinic pedagogy and teaching are not the only way, perhaps not even the best or most effective format for instilling ethical-social values of service and civic engagement among our students and new lawyers.

Service-learning is related, yet distinct from clinical legal education. Indeed, as noted earlier, it is another important methodology for bridging the gap between the theory of law and the practice of law. As a teaching and learning practice in law schools, it bridges the divide between studying law to become an agent of change and being an attorney who achieves change in people's lives. More specifically, law students undertaking humanitarian action through service-learning are engaged in a critically important way to enhance doctrinal classroom learning as

¹⁹¹ On the role of service in promoting humanitarianism among our students, see Robert Coles, "The Call of Service," at 148 ("Our institutions of higher learning might certainly take heed, not only by encouraging students to do such service, but by helping them stop and mull over, through books and discussions, what they have heard and seen. This is the purpose, after all, of colleges and universities – to help one generation after another grow intellectually and morally through study and the self-scrutiny such study can sometimes prompt.")

well as clinical practice. This is because the essence of service-learning is helping and working with others, to repair the world that exists in crisis. It is *authentic learning*, both self-less and self-motivated at the same time.

The central focus of service-learning, particularly in the law school curriculum, is not to develop one's professional identity by growing a legal knowledge base and set of clinical skills, though that will likely be a result of the experience. Rather, personal growth is achieved through humanitarian, collective action and the embracing of a set of iconic ethical-social values. 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, what is gained is 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.

C. CASE STUDY IN SERVICE-LEARNING: THE UDC DISASTER LAW: KATRINA AND BEYOND COURSE

In the fall of 2006, we began to plan a new course on Disaster Law,¹⁹² in response to the devastation of Hurricane Katrina, which hit the Gulf Coast and City of New Orleans on August 30, 2005. The ensuing breaking of the levees and floods nearly destroyed New Orleans, and the wounded city and region continue to struggle back from the devastation, now almost five years later. In part we were motivated by our desire to expose and teach about the failure of federal, local and state governments to preparation for and response to the disaster. We believed that the lessons culled from the Katrina disaster experience would inform our students about the role we could play as lawyers in preventing repeats of this scenario, and in forcing the government to respond to and protect the people, particularly the most vulnerable.

As professors, we were each driven by our personal desire to assist the people of New Orleans and the Gulf Coast region. We wanted to bring our law students along with us in embracing the collective act of volunteerism and *service values*. We held the course for the first time in the Spring 2007 semester. We planned a voluntary "alternative spring break" in post-Katrina New Orleans as a part of the course work.¹⁹³ Rather than send our students off on their own, in March

¹⁹² The course is called, *Katrina and Beyond: Disaster Prevention and Recovery, Social Justice and Government Accountability*.

¹⁹³ The semester-long class itself was a 3-credit course offered in the spring semester. If students chose to participate in the spring break service week, they received an additional 1-credit. We adopted this approach because we wanted the service week to be entirely voluntary. We also did not want to pressure students who had family or other responsibilities and who could not easily travel for that week. Approximately 88% of the enrolled

2007 we traveled with nearly forty of our law students to New Orleans, to provide assistance to the people of that devastated city. Collectively we would engage in what we called “Katrina service.”

We have further developed the course and traveled to New Orleans in the three subsequent academic years. Each year, we shared the experience with our students, working alongside them in a variety of projects on the ground in New Orleans and in St. Bernard Parish. We became part of the unprecedented movement of law students involving thousands of students from around the country who assisted the people of post-Katrina New Orleans and the Gulf Coast of Mississippi. Together we immersed ourselves in the legal laboratory of the post-Katrina Gulf Coast, with countless “teachable moments.” But for us from UDC, we did this as part of a course which we planned, reflected on and carried out with intentional teaching goals and aspirations.

From the outset in creating and structuring the course we had to address a number of theoretical and pedagogical questions. First, would law students be motivated to volunteer for service in post-Katrina New Orleans? How is the response to Hurricane Katrina the same as and also different from *pro bono* legal service? What is it about the devastation of Hurricane Katrina that has triggered the mass movement of law students around the country to travel to the Gulf Coast on their winter and spring breaks to do volunteer service? What did we all learn about the value of volunteering in the face of government inaction, neglect and in many ways, failure to prevent and to respond to the devastation? What is the longer-term impact of this volunteer experience on law students and on us as teachers? What are the *volunteering values* that participants embrace by doing Katrina service? What lessons does this experience communicate to our students?

When we first taught the course in spring 2007, we intended to bring some aspects of clinical or experiential education into what we planned to be a primarily doctrinal course, specifically through the practicum service week over Spring Break. Our faculty had discussed over the course of years the importance of integrating theory and practice, not only in our clinical courses but also in the wider curriculum. This was not a novel or unique approach, but nonetheless something we took very seriously. Indeed, faculty in many law schools, motivated by the findings of the Carnegie Report and the impact of clinical education, conferences and scholarship had explored and crafted this cross-curricular development over the last decade.

Yet, even as faculty in our clinical based law school, where we require all students to complete fourteen credit hours of clinic, in two separate semesters during their second and third years, clinic is not necessary seen as primary or even preferred in all contexts and settings. So, as we

students participated in the service week in New Orleans during the first course offering in the Spring of 2007.

embarked on the new *Katrina and Beyond* course, we did not see the one-week of volunteer service in New Orleans as the primary aspect of the course. As a result, during that first course offering, we did not require students to participate in the New Orleans service week over Spring Break. We did not want to discourage students from enrolling who might not want to go to New Orleans, and we did not stress the importance of the service week. With no pressure from us that first year, about 80% of the first class's students did travel to New Orleans and participate in the service week over Spring Break.

Soon it became apparent that rather than being a practicum add-on, the service week was the central focus of the course. Again, we had intended to inject some experiential learning components into what was otherwise a doctrinal course, experimental and reactive to real-life crisis, but nonetheless doctrinal. However, the students and the reality of the volunteer service re-focused the course, placing the practicum well within the center of the experience. The importance and centrality of the service week evolved from there, and we struggled to catch-up, to understand why the service week had played such a transformative role, not only for the students but for the faculty as well. That evolution of the service week as a transformative and central feature of the course became *teachable moments* for us as teachers.

We were challenged to understand and to analyze the role of the volunteer service week. In the process, we began to see from a pedagogical perspective that what we were doing was in fact service-learning and service-teaching. *In other words, we backed into the service-learning model.* Rather than have the experiential or clinical components inform the doctrinal context of the course, we came to recognize that the entire offering was an innovative type of pedagogy and learning-teaching paradigm. We soon identified that service-learning was the central component of the course, and that this new learning-teaching paradigm defined the entire venture.

As noted earlier, when we began the *Disaster Law: Katrina and Beyond* course in the spring semester of the 2006-2007 academic year, we intended to bring a volunteer service component into the course. We viewed the one-week service as an experiential practicum component of the course in large part because that type of practical model was the approach we were most familiar with. Over the March spring break, we would travel to New Orleans in an "alternative spring break" with those students who elected to join us. While there we would volunteer with a variety of legal services agencies and a humanitarian home rebuilding non-profit in adjacent St. Bernard Parish. We developed a Syllabus covering twice weekly two-hour class sessions, consistent with a three-credit classroom course offering. Those students who participated in the alternative spring break would receive an additional one-credit upon completion of the course.

During Spring break, we divided the students into three sections and assigned each section to one of three projects. Those students who worked with The Pro Bono Project assisted with a variety

of legal services, including succession cases,¹⁹⁴ and Katrina-related family law matters.¹⁹⁵ Another group of students worked with an advocacy organization representing immigrant day laborers and helped to secure the laborers' rights to pay and decent working conditions.¹⁹⁶ The third group of students volunteered with the office of the Orleans Public Defenders (OPD), where they helped to win the release of prisoners illegally held since the storm, including many who were lost in the criminal system.¹⁹⁷

On Friday of the volunteer week, students volunteered with the St. Bernard Project and helped to rebuild a family's home that had been destroyed by Hurricane Katrina.¹⁹⁸ In light of the massive physical devastation of New Orleans and the surrounding area, we had opted to include an opportunity for students (and us) to engage in "hands-on," non-legal humanitarian action such as home-rebuilding. After all, we were traveling to New Orleans as people first, law students, lawyers and law professors second, a notion which subsequently became the basis for the service-learning approach. For logistical reasons, only one-third of the students participated in the home re-building work with the St. Bernard Project that first year. Notably, those students who worked with the project uniformly reported that the home re-building was the highlight of their week. We of course took note of their reaction and decided that in the future all of us would volunteer with the St. Bernard Project on the Friday of the service week. As a result, we began an enduring relationship with that non-profit that continues to grow and diversify with each subsequent year.

The importance of the home re-building work that first year more than any other single factor led us to understand that humanitarian based service should become a more central component of the course over the next three years. We noted but did not fully understand why the work in St. Bernard Parish had such a uniquely personal and deep impact on the students. Most, but not all of the legal work we did that week, both civil and criminal also had involved direct client contact

¹⁹⁴ In Louisiana, heirs to an estate must open a succession to gain possession of the property. See, e.g. Louisiana Probate Law Practice Ex Parte Petitions for Possession, Southeast Louisiana Legal Services (July 17, 2006), available online at <http://www.wcsr.com/resources/pdfs/SLLSSuccessionManualJune2006.pdf> (last visited September 1, 2010). When Katrina landed, many families were living in properties that had been passed down from generation to generation without going through a formal succession process. In order to be eligible for the federal Road Home program or to receive insurance money, the estates had to be cleared through the succession process. This resulted in horrendous delays and a huge backlog of succession cases in the years immediately following the disaster.

¹⁹⁵ See, McCarthy-Brown and Waysdorf, *Katrina Disaster Family Law: The Impact of Hurricane Katrina on Families and Family Law*, 42 Ind. L. R. 721 (2009).

¹⁹⁶ For more information on the plight of immigrant day laborers in post-Katrina New Orleans, see _____, published by the Advancement Project (2007).

¹⁹⁷ See www.opdla.org

¹⁹⁸ For more information on The St. Bernard Project, see www.stbernardproject.org.

and had produced measurable results. Students developed a blog and each was required to enter at least two entries about their experience in New Orleans. To encourage reflection, students were required to share their New Orleans experience by contributing to a collective blog. Some wrote poems, others wrote about their volunteer service, but virtually all commented on the transformational nature of their experience.

Over the next two academic years, 2007-08 and 2008-09, we ran the course in essentially the same way as the first year. We continued the service week component, again volunteering with the Pro Bono Project and the Orleans Public Defender. From the second year forward, however, we required all the students to participate in the volunteer service week. Also, all those who traveled to New Orleans with the class engaged in home re-building with the St. Bernard Project on Friday. The students continued to rank that work among the most inspirational and meaningful of the week.

Those first three years *Disaster Law: Katrina and Beyond* was a doctrinal course with an experiential component, a one-credit practicum injected into it, which occurred during the spring break. As in the first year, the classroom sessions both before and after the spring break trip focused on Disaster Law, a field of growing importance, as well as the history of New Orleans and the Gulf Coast area, including racial and economic disparities and other demographic developments. The syllabus also directly addressed the government's role in failing to prevent and mitigate the disaster, failing to protect and evacuate residents, and neglecting to lead recovery of the devastated areas.

Each year we developed and revised the course syllabus, brought in guest lecturers, and viewed documentaries on the disaster. Beginning with the first year, we required a textbook that had been published within the first year after the storm, and we added supplemental readings from journals and newspapers and other periodicals.¹⁹⁹ We developed a Katrina Law Reference Library, ordering and purchasing every book we could find related to Hurricane Katrina, and we encouraged the students to undertake additional reading. We assigned students to write research papers on topics related to the Katrina disaster and recovery, and the papers served as one important basis for their final grades in the course.

However, we began to ask ourselves, was the service week a mini-clinic or more like an externship program? Neither definition seemed to fully describe the experience, or to clearly explain the breadth of self-growth and inspiration the students appeared to derive from the service week. By the fourth time we offered the course, in academic year 2009-2010, it was clearly time to make some essential changes to the structure of the course and its focus. As

¹⁹⁹ See, Daniel A. Farber and Jim Chen, *Disasters and the Law: Katrina and Beyond* (Aspen 2006), and the second edition, Farber, Chen, Verchick and Sun, *Disaster Law and Policy* (Aspen - Wolters Kluwer 2010).

noted earlier, when we had conceived of the course, we had envisioned that its focus might shift to different disasters as they occurred over time, and that we were only starting with Hurricane Katrina. Yet, as the fifth anniversary of the storm and floods approached, it was evident that the recovery of the city of New Orleans and its surrounding parishes, most notably St. Bernard Parish, was agonizingly slow and clearly incomplete. While most Americans and the media had forgotten New Orleans and its near complete destruction, we had not. Moreover, the relationships we had built over the prior three years with The Pro Bono Project, the St. Bernard Project and a number of other non-profit service agencies remained vital and productive.

Therefore, we decided to continue the focus on post-Katrina New Orleans in academic year 2009-1010. However, we did make several essential changes, including a decision to center the course on what we began to call the *service-learning experience* in New Orleans, during the spring break. We changed the doctrinal component of the course to a two-credit seminar that met once a week, rather than a three-credit course. We revised the syllabus to reflect this change, and put the service-learning experience in the center of the course. In place of research projects we assigned students to write out journal entries and to create a project that would make a concrete contribution to the ongoing work in the Gulf Coast. The work could be a legal manual for one of the agencies, a video documentary, or a written policy proposal or other written product to advance the recovery.

The syllabus reading assignments were laid out in detail as in prior years. But we presented the overall assignment in the following way as we began the spring 2010 semester:

Read, learn and ingest as much as you possibly can about New Orleans, St. Bernard Parish, their histories and current situations, and about Hurricane Katrina and its aftermath -- between the beginning of the semester and spring break. Pace yourself and work together; set your individual and collective goals to be as prepared as you need to be, in order to be as effective as you possibly can while in the Gulf Coast over spring break. Here are the videos, the documentaries, the books and journals ... take whatever you need, share the materials among yourselves and embrace the information so that it works for you and makes you a more effective advocate.

Moreover, by the spring of 2010 we tried to inject components of service-learning into the course as a whole. We struggled to see service-learning more broadly, as more than just the week in New Orleans. The clearest expression of this was a philanthropic project in which students held several fundraisers and did direct appeals in order to raise money. They then collectively discussed how to distribute the funds. By the end of the semester, we were able to send substantial checks to the various non-profits we had worked with, as well as an earthquake recovery project in Haiti. Furthermore, we significantly diversified the type of volunteer work

that we engaged in while in New Orleans. During the March 2010 service week, we volunteered at The Pro Bono Project, the New Orleans Juvenile Regional Services, and the General Counsel's office of the Make It Right NOLA home building project in the Lower Ninth Ward. A group of students also created and staffed a legal services intake clinic at the St. Bernard Project throughout the week. Then, as in prior years, all the students engaged in home re-building with the St. Bernard Project on Friday. This time, some students also worked to reforest the cypress marshlands by replanting the decimated areas of St. Bernard Parish.

As professors, we also shifted our own role to adjust to these changes in the course structure and focus. We began to intentionally view ourselves more as *facilitators* than as clinical supervisors, externship advisors, or certainly as classroom lecturers. In the classroom seminar sessions we encouraged and led the call to self-paced peer learning and studying, and kept the group organized along the path of preparation for the service trip. Mindful of the trip's transformative impact that many students wrote and spoke about in prior years, we responded by adjusting our own roles while in New Orleans. We were particularly mindful about not being "directive" as supervisors while in New Orleans, but instead took on the challenge of acting as experienced colleagues and mentors to our students. In these ways, we ourselves experienced service-learning, in part because we too participated in the voluntary service, but also because our roles as teachers were dramatically shifting as the pedagogy of service-learning took hold. Some of our students also intentionally and gently moved us in that direction. In this way, redefining and reflecting on our roles as law teachers was a reflection of the lessons we learned from the course, in addition to those discussed below.

D. LESSONS LEARNED: THE IMPORTANCE AND EFFECTIVENESS OF SERVICE-LEARNING IN LAW SCHOOLS

The lessons we have learned from the *Disaster Law: Katrina and Beyond* course in large part have come from the students themselves. Each time we returned from New Orleans with our students, from the first time in spring 2007 to the most recent trip in Spring 2010, we received a resounding response from our students about the transformative impact of the service-learning experience on their personal and professional growth. The responses grew louder and more assertive as each year passed, and the demand for the course grew stronger. Soon we had to limit enrollment due to logistical challenges. We spread the impact among students who did not participate by holding "report-back" school-wide events after each trip, and these events were widely attended.

A repeating theme that we heard from alums of the course was that the New Orleans experience was unlike any other experience they had while in law school. Many reported that the service trip was the most positive and vivid experience they had during their three years of law school,

and distinctly different from their clinics and externships.²⁰⁰ Indeed, students emphasized that the work they did in New Orleans was quite different from their clinical courses, for a variety of reasons. At the same time, most recognized that they were as effective as they were because of the clinical skills they had previously gained. Experience, we were repeatedly told, is the best teacher. With no offense taken, this past year, as noted above, we asked students to journal their reactions not only to New Orleans and the work we engaged in, but to reflect on this transformative aspect of the experience. The responses that we received were profoundly personal, reflective, wise and honest.

Although anecdotal, the following excerpts from these journals outline the lessons learned about the role of service-learning better than we could summarize the results. Quite simply, our students have provided us with the lessons learned. One student wrote,

In some sense, service-learning is the only real learning there is. Until you've put your learning to work, you only think you've learned something. You don't know it until you see how it impacts others. You also don't know what it's worth until you see how it impacts you."

From this student we learn that experience in fact is the best teacher, particularly for mature and returning students. Service-learning is affirming and inspiring because it counters the infantilism that runs throughout the law school experience. Students are asked to rise to the challenge by taking into account the full picture of the problems or crisis faced by the community members. There is give-and-take between the "impact" and the student, and between the student and the "impact" of authentic learning. This is a dialectic that can only truly be identified during the course of real experience. Of course much of this can be said about most clinical learning as well, but it is always the result in effective service-learning.

Another student, who admittedly wandered through law school uncertain of how he would ultimately use his legal education had a particularly intense response to the week in New Orleans. We quote his journal at length because he pinpointed the precise impact the service-learning experience had on him as a lawyer-in-training.

Having already completed a few clinic experiences in law school, I felt actively prepared for what I was about to experience. I know how to handle myself professionally. I know how to ask questions directly to the client to discover the possible

²⁰⁰ In spring 2009 and spring 2010 we limited enrollment in the course to 3Ls, all of whom had already taken two clinic courses by the spring of their third year. Many had already taken an externship course by the spring of their third year.

cause, and perhaps solution, of their legal issue. I knew how to transcribe it all into a clear and concise brief so that their actual attorney could easily skim over the facts and direct themselves to the next step of action. However, as soon as I stepped through the door of the [New Orleans community center] all of my assumptions about what I was about to experience were quickly disappeared . . . It was unlike anything I had ever experienced: they were promoting change in their neighborhood on a day to day basis with focused and innovative efforts.

For the last three years, I've struggled with the idea of becoming a lawyer. Classes and clinics can sometimes be discouraging experiences that have left me wondering. What am I doing here? Taking Disaster Law and the subsequent trip to New Orleans was not only a chance for me to return and give back to a city that I love but also to test the water in public service . . . and left me with the notion that I CAN give back and that I CAN be an attorney . . .

Meeting with each of the clients, I was struck by the fact that I was doing this on my own. There was no professor sitting beside me to guide me through the interview. There was only me, my legal pad and the skill that I attained from my previous clinics. While it should have been my main priority, seeking out the potential legal issues was truly secondary. The primary need for each of these clients was for an individual to sit there and listen, truly listen, to their story. These were the stories of the real citizens of New Orleans unfolding in front of me and delivered with such grace. After the initial meetings, I yearned for more. I told myself that I could do this every day if I was afforded the opportunity. Assisting these individuals. Helping them find answers to their dire questions. And above all else, listening with an open ear.

From this student we learn that effective service-learning builds upon prior clinical work, and that clinic is in many ways quite different from service-learning. Optimally, service-learning can be seen as a capstone experience for law students who have had the benefit of clinical courses, as well as doctrinal and externship courses. This student was transformed, in this case almost immediately upon contact, by the community members-clients themselves. In clinical teaching, we give much attention to the importance of client-centered lawyering. In the service-learning paradigm, the reality of client centeredness appears almost immediately and naturally from the core of the community-based experience. The community of clients informs and educates the students, defining and interpreting their needs and issues to the students.

We also learn from this student that the nature of his experience at the New Orleans community center not only tells him, but also inspires him into believing for the first time that he can in fact be a lawyer. Why? Because it is a different role than the one he has heard about in law school up until this point. He does not have to have all the answers on hand at the outset; he can serve a

purpose by being truly empathetic and by listening at the outset. This is incredibly self-affirming. It is something he now “yearns for more.” He can see himself developing his own professional identity within this newly understood role. He feels that he is good at what he is doing, that he is competent. He can trust himself in this role, and no longer sees himself as a B- or C+ law student.

Finally, as he reports, there was no professor sitting next to him for the first time, yet he was effectively assisting and participating in the post-Katrina reality. Armed only with his legal pad, his pen, his open ear and the cumulative experience of his clinics and courses, he was standing firmly on his own. We realize that our challenge as teachers is to not over-romanticize this student’s revelations, nor to over-emphasize the attractively warm and fuzzy aspects of his perceptions. Rather, our goal is to place his reflections in context, for indeed it takes the whole student to become an ethical-social lawyer apprentice. This includes enhancement of his self-identify, his sense of worth, his humanistic values, the empathy he feels for these people who have lost so much, his belief that he is helping them as much as they have helped him by giving him this opportunity.

A third student, who had been active in volunteer causes, in a homeless and domestic crisis shelter before entering law school wrote the following about her participation in the Katrina Disaster Law class.

I was raised in a family with a father [who] emphasized “good works” and helping others. Prior to law school, I made time in my busy schedule as a single mom with two jobs and attending college to volunteer whenever I could. I entered law school with a passion for public service, determined to use my law degree to assist those that traditionally have had no voice, like women, children, prisoners and the poor.

I ended my work with the crisis center the first year of law school due to academic demands. By the end of my first year I had already become disillusioned and lost any idealism I had about making a difference. The study of case law and the legal process, and the law school teaching method contributed to my change in attitude. I decided to take the Katrina course for these reasons: 1) to gain an understanding of how the richest country in the [world] has failed to restore entire communities four years after Hurricane Katrina; 2) to have a chance to do some “good works” and help those in need; and, 3) to restore my passion for public service and commitment to making a difference.

Whether these goals are met will not define my success or failure in this seminar, in New Orleans or in law school. What matters is whether my growing apathy is redirected into something constructive and valuable to those in need.

What we learn from this student is profoundly moving. Indeed it is a gift for any teacher who is open to reflection and to reexamining the teaching role. Many of us are painfully aware that law school can be a totally discouraging and disillusioning experience for students. Indeed the traditional law school teaching methodology can turn formerly public service oriented students to an entirely different direction, as apparently was the case with this student. From her self-reporting, the service-learning experience in New Orleans gave this student hope and a renewed sense of purpose in serving those in need. She went through more than disorienting learning moments while in New Orleans, for she circled back to her original focus and purpose in going to law school. She reconnected to what is most important to her. She has come to realize that she can validly measure her success as a person not by her academic success in the seminar or in law school. Rather, she will now measure her success by whether she can redirect her “growing apathy” into “something constructive and valuable to those in need.”

Again, the lesson we see here is that through the service-learning paradigm, students become self-motivated to affirm their passions for justice, to reset their goals, to re-imagine themselves in ways that take their entire beings into account in a holistic and authentic manner. They are no longer entirely dependent on identifying themselves through the ways we see them as their teachers, or by the grades or written evaluations we give them.

A fourth student had several other lessons for us. She wrote about the values of friendship, collegiality and collective action that she saw in action for the first time as a law student, while in New Orleans. She was also visibly moved and inspired by the role-modeling of the young New Orleans attorneys that she and her classmates worked and met with during the week.

Every experience I had was incredibly educational and personally fulfilling, and I feel renewed in my aspiration to practice public interest law. ... Some of the lawyers with whom we worked could have had high paying corporate legal careers, rather than choose to live on food stamps and without cable television. Although this seemed ridiculous to me during the first evening's panel discussion, I came to understand their passion and drive through my experiences in New Orleans throughout the week. ...

Although we were only in New Orleans for a week, I know collectively we all contributed greatly. What time did not allow for us to do physically, we made up for in passion and spirit. Additionally, I think we all grew in our friendships with each other, and in our confidence in our abilities to practice as attorneys. We challenged each other and ourselves to push beyond our boundaries in our fight for social justice. I know we all grew to be stronger and more passionate in our mission to help others. ... Not all of us were born to be leaders, but from this experience, I believe we all learned how to become them.

What we learn here is that role-modeling and the importance of normative and iconic *values* such as comradeship, collegiality, leadership, collaboration, and sacrifice for the greater good are tangible fruits of service-learning. Although we certainly attempt to “teach” these values in clinical education, in service-learning these values emerge from the experience and are embraced by participants, both those providing the service and those receiving the service.

Finally, another student offered these reflections on the New Orleans experience.

I think I can truly say that when I look back on my time at UDC law school this seminar and our trip to New Orleans will be one of my most satisfying memories. I can't say this experience necessarily increased my commitment to work in public service because I felt quite certain that was where my interest lay before going to new Orleans ... however, meeting as many accomplished and dedicated people as we did was certainly energizing and inspiring. ... While it may not be one of the stated goals of this course, one of the benefits I most value from taking this seminar was that it gave me the opportunity to spend time, work with, have conversations with and just get to better know a group of people I learned to enjoy and respect working with.

The lessons learned from these reflections are that students do seek out avenues that will expose them to the values of collaboration, team work, camaraderie, friendship and opportunities to work with others to heal the world. In fact they thirst and yearn for them during the law school experience. While some students may gain some exposure to these values during a clinic or externship, that is not always a stated goal of those pedagogical approaches.

However, with service-learning the centrality of these values is what makes the approach more than experiential learning. In service-learning, we do not have to *teach* the values. The central importance of these values in the service-learning model moves the pedagogy from experiential learning to a capstone law school experience. Law students can learn what it means to live their passion and to recognize that a passion can be transformed into a career. They learn the importance of loving what one does in their legal career. In the process, not only are our students so inspired, but we also are reminded that the possibilities exist for creatively growing this passion in the legal profession.

V. Conclusion

We have much to learn within the legal academy about the importance and role of service-learning as a valuable third apprenticeship opportunity. As we have described throughout this paper, the service-learning paradigm integrates hands-on social action, community service, and learning objectives based on the principles of reflective practice and reciprocal action. As a pedagogy rooted in experiential education, service-learning is a socially powerful, value-driven approach that can dramatically enhance the learning and moral development of our students.

We have found service-learning to be a particularly good fit with our Millennial generation law

students, for a number of reasons. The service learning model resonated with their past educational experiences and commitment to the spirit of volunteerism. As described above, Hurricane Katrina was clearly a disorienting moment in their collective consciousness, and therefore provided the ideal environment for engaging students in a process to reflect upon, challenge and ultimately transform their perspectives on social justice. Over the years, we intentionally structured the course to facilitate and encourage that transformative process.

As the course evolved, we embraced the service-learning model as an innovative methodology for promoting social justice values within the law school, through our *Disaster Law: Katrina and Beyond* course. This educational approach also allowed us the opportunity to engage in valuable post-Katrina recovery work and to build enduring and complex relationships with multiple community groups and legal services agencies in New Orleans, St. Bernard Parish and the surrounding Gulf Coast area.

As law professors, we became part of and witnessed a learning experience that had a transformative impact on our students. We and our students experienced these measurable effects in ways that differed from prior clinical experiences, internships and doctrinal classes. Throughout this paper, we have shared the descriptions, history, motivations and lessons learned with the intention to further nudge law professors out of the ivory tower of legal academia, beyond the classroom and yes, even beyond our clinics. We can play an important role within our law schools, by seizing the moment and joining with educators from across other disciplines in exploring and pursuing the power of service-learning.