

**FORMER LAW STUDENTS' PERCEPTIONS OF A  
LAW SCHOOL'S CIVIL ADVOCACY CLINIC**

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## DEDICATION

This dissertation is dedicated to my mom, the strongest person I have ever known!

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## **CHAPTER 1: INTRODUCTION**

### **Introduction**

The introduction of this dissertation details the purpose of the study, the significance of the study, and the research design. Also, it explains the research questions, provides an overview of Saint Louis University School of Law (SLUSL), defines key terms, and outlines specific limitations.

### **Purpose of the Study**

The purpose of this study was to examine whether SLUSL's civil-advocacy clinic adequately prepared former participants for the practice of law. With the establishment of law schools, the approach to legal education changed from teaching practice to theory (Segal, 2011). Employers are growing concerned with the lack of practical skills law students have upon graduating law school and entering the profession (Segal, 2011). The study examined programs within the civil-advocacy clinic at SLUSL and whether those that participated in the clinic were prepared, as new attorneys, for the practice of law.

This qualitative research study examined the effectiveness of SLUSL in preparing new attorneys for the practice of law from the perspective of students who have graduated from SLUSL within the last five years. For more than a century, a debate has existed as to whether legal academia has effective learning processes and strategies necessary to prepare students to practice law (Stein, 1981). While numerous books and research projects have investigated whether employers and others in the legal profession believe law schools should prepare students to practice law, there has been little research which has focused on the views of new attorneys

that have graduated from specific law schools and how they chose classes that were necessary to help them gain the skills and experience many believe new attorneys often lack.

Although additional courses beyond those in the core curriculum were not required, as a former student at SLUSL, most former classmates of the researcher seemed to have a favorable opinion on the classes they felt were necessary to help them achieve their career goals. However, the researcher does understand the argument, as noted in the literature, that most law schools do not emphasize practical and professional skills, and as a result, new attorneys are entering the profession without the necessary legal experience. This argument haunts legal education until a curriculum is instituted that requires students to learn how to practice law instead of focusing so much on theory. Although not required, courses are available at SLUSL to help students gain practical skills and experience.

### **Significance of the Study**

This study focused on the practical courses and experiences law students enroll in once required classes are completed. Understanding how former students feel about their legal education is extremely valuable. This valuable information will contribute to the legal education literature as well as provide information on how former students view the legal education provided at SLUSL and if they believe the current legal education format should change. The results of this study should be of great interest to SLUSL and those within the legal community who continue to search for ways of improving the curriculum. In addition to SLUSL, other law schools can use this information when deciding which courses are most beneficial to students, what does and does not work in their respective curricula, and whether or not students think that requiring practical experience while in law school is beneficial.

## Research Design

A qualitative study can be more flexible and responsive to change (Keegan, 2009) than a quantitative study. As a result, a qualitative methodology was better suited for the purpose of this study. Qualitative research should represent the complexity of a phenomenon under study within the target population. For this study, purposeful sampling was used because it allowed the researcher to get important information that can only be obtained from a select group (Marshall & Rossman, 2011). The chosen population for this study was graduates of SLUSL within the last five years who also participated in the civil-advocacy clinic. The researcher did not consider selecting subjects representative of the entire population because, as with all forms of research, although it would have been ideal to access the entire population, in this case, the population was too large, and some of the population was difficult to locate, which made it impossible to include every individual (Marshall & Rossman, 2011). Additionally, a random sample from the population is rarely used in a qualitative method.

Face-to-face semi-structured interviews were used to conduct this study to allow more freedom to explore each participant's unique experiences while working with the civil-advocacy clinic. Open-ended questions were used in the hope that each participant would likely have unique answers.

In addition to asking about the unique experiences of each participant, each was asked structured questions with a limited number of responses, such as gender, race, current area of practice (if practicing), whether they were practicing in Missouri or another state, and if they attended law school full or part time.

## **Research Questions**

The central research question that this study seeks to answer is whether the SLUSL Civil Advocacy Clinic helped prepare former participants for the practice of law. This study addressed the following research sub-questions:

1. Do students who enter law school with an idea of the type of law they want to practice enroll in more practical and skill-based courses?
2. Did the practical and skills-based courses help them learn what to expect and how to practice in their chosen field of practice?
3. Did SLUSL offer courses that provided students with the experience and skills necessary to adequately practice in their chosen fields of law?

## **Timing and Number of Interviews Compiled**

Participants who expressed an interest in participating in the study did so by responding to an email received from the interviewer. Other criteria included the following two components:

- Having passed the bar
- Currently, or at one time, being a practicing lawyer

The researcher conducted face-to-face interviews with 11 participants. At this point, saturation was reached. Saturation is not a hard and fast number; instead, the researcher continued to do research until no new information was discovered (Mason, 2010).

## **Data Analysis**

The interviews were audiotaped, and then the recorded interviews were transcribed. Coding is the process of assigning labels to the interview responses to classify and assign meaning to the data. These codes helped the researcher organize the answers and data, discover trends and patterns, and make sense of qualitative data. For closed-ended questions, each answer

choice was assigned a separate code that allowed the researcher to view what percentage of participants chose a specific answer.

Open-ended interview responses required significant input from the participant, and the researcher identified general themes and noteworthy exceptions to trends to develop codes (Instructional Assessment Resources, 2007, p. 1). If there was a large amount of data, the researcher coded the response to “organize the text and reveal patterns” (Instructional Assessment Resources, 2007, p. 1). After initial coding, the researcher reviewed the codes and “eliminated less useful ones, combine smaller categories into larger ones, or if a very large number of responses were assigned the same code, subdivide that category” (Instructional Assessment Resources, 2007, p. 1). If repeating ideas began to emerge after this process, the researcher “began organizing codes into larger themes that connect different codes” (Instructional Assessment Resources, 2007, p. 1). Once this process was complete, the researcher was ready to start using the data to establish findings from the research.

### **Saint Louis University School of Law Program Description**

Saint Louis University School of Law, founded in 1843, is part of Saint Louis University’s Catholic Jesuit colleges (SLUSL, 2012). The program offers concentrations in nine areas of the law, a part-time program, legal clinics, and has students represented from all 50 states and 30 countries. Accredited by the American Bar Association (ABA) since 1924, the law school enrolled about 248 full-time and 27 part-time students in 2012 (SLUSL, 2012).

According to SLUSL’s website, the goal of the curriculum is to:

Provide a quality legal education in the Jesuit tradition of academic excellence and concern for the development of individual students, expose students to the interaction of law and other disciplines in the development and application of the law, and sensitize students to legal ethics and norms, including the obligation to engage in public service. (SLUSL, 2012)



Students must complete a total of 91 credit hours to graduate. Of those 91 credit hours, 30 hours represent the required core courses of Torts, Property, Contracts I and II, Legal Research and Writing I and II, Criminal Law, Criminal Procedure I and II, and Constitutional Law I. Within the remaining 61 credit hours, students are required to complete one humanities course, a seminar of the student's choice, Legal Profession, and a professional skills course. Students can choose from a selection of upper division courses in order to complete the remaining credit hours. Also, there are clinics available to all third-year students, and all students can seek internships and externships. The SLUSL website notes that

Students who have completed the core curriculum select classes ranging from foundational bar preparation classes to highly specialized legal topics to supervised clinical practice. This allows students to custom design the majority of their law school education. Students may sample courses from a variety of subject areas or specialize based on their individualized needs and interests. SLUSL LAW also offers opportunities for students...to develop critical legal skills in areas such as appellate advocacy, trial practice, and client counseling. Students may choose to complete a certificate program in employment law, health law, international law, or legal advocacy or choose from one of five concentration programs. (SLUSL, 2012)

Because the only required courses are the core subjects, students can tailor their law school courses to meet their professional goals or to get a feel for distinct areas within the legal profession. Regarding professional skills, SLUSL's website notes that

Much attention has been devoted to the development of professional skills courses that focus on the application of knowledge to "real world" legal issues. Unlike other law classes that are purely exam-based, professional skills classes test students' ability to engage in practice skills ranging from drafting and reviewing contracts to arguing a case before a judge. Professional skills courses are offered every semester and include offerings ranging from Trial Advocacy to Negotiations to Advanced Real Estate Transactions. (SLUSL, 2012)

## **Clinical Education at Saint Louis University School of Law**

Students have many opportunities for developing practical skills at SLUSL. The clinics were designed to help students develop the skills needed to succeed in the legal profession. Students perform many types of legal services, including transactional work, writing pleadings, and arguing cases. Although not required, students can participate in any of the clinics, provided they have completed at least 46 hours, or one-half, of their legal education.

### **Civil Advocacy Clinic**

The SLUSL offers students opportunities to work in the in-house civil-advocacy clinic, which serves as an umbrella for many practice areas within the law. For example, students can represent abused children in juvenile court, litigate fair-housing cases in federal court or draft wills for elderly clients. Students are also able to appear in court on cases under Missouri's Student Practice Rule, under which a student can appear before a judge as long as the supervising attorney accompanies the student. A full-time faculty member supervises the in-house students. Students must also enroll in the civil advocacy companion classroom course (LAW 981). This clinic is open to students who have completed at least 46 credits, or one-half, of their legal education.

The civil-advocacy clinic, or in-house clinic, is composed of several separate clinics, each focusing on different areas of practice and skills. Students who work in the civil-advocacy clinic are assigned cases to prepare under the supervision of full-time clinical faculty. As of 2012, the in-house clinics include litigation, appellate practice, elder law, child advocacy, and community development. There are also placements available with Catholic Legal Assistance Ministry, Catholic Immigration Law Project, the St. Louis Zoo, and the Children's Health Advocacy Project.

Opportunities for students interested in litigation include representing defendants before landlord-tenant courts and representing homeless and foster kids in municipal courts. Opportunities for students interested in transactional work include preparing for and conducting real-estate closings, drafting estate-planning documents, and providing counseling for small businesses and nonprofit organizations. Students interested in administrative law practice have the opportunity to represent clients in administrative cases, including immigration, unemployment compensation, welfare, food stamps, Medicaid, Medicare, and special education for children with disabilities. Students may enroll in civil-advocacy clinic for three or four credits. For each clinical credit hour, a student must work three hours each week for a total of 126 or 168 hours per semester.

Supervised by professors John Amman and Brendan Roediger, students handle a variety of lawsuits in state and federal court, including civil rights, consumer protection, real estate fraud, and landlord-tenant disputes. Students have the opportunity to litigate some cases themselves and also participate in large class actions and other complex litigation with lawyers from larger firms and legal service offices. The clinic has engaged in litigation under the federal Americans with Disabilities Act and under Missouri's new foreclosure rescue fraud legislation. Students represent hundreds of homeless persons each year with a variety of legal needs, from routine ordinance violations to federal civil rights litigation. Students also have the opportunity to argue cases in the Missouri Court of Appeals by representing claimants in unemployment compensation cases. The cases provide an opportunity for students to meet with clients, write appellate briefs, and argue before the Missouri Court of Appeals.

In the transactional law clinic, supervised by Dana Malkus, students provide transactional representation to both for-profit and non-profit organizations that seek to impact disadvantaged

communities positively. Students serve as the primary counsel to clinic clients on a range of matters, including business and nonprofit structuring and formation, internal operational issues, contract drafting and review, loan document review, employee management issues, regulatory compliance issues, and real estate matters. Also, students provide significant legal assistance to Habitat for Humanity of St. Louis, assisting with various operational issues and helping Habitat for Humanity provide environmentally responsible homes to first-time homebuyers.

Within the child advocacy clinic, supervised by Tricia Harrison, students handle delinquency, education matters, housing, and social security disability challenges by serving as the lawyer for the child and family. Students work with the St. Louis Children's Health Advocacy Project, a medical-legal partnership intended to improve access to medical and legal services for disadvantaged St. Louis children. Also, students handle juvenile delinquency cases in St. Louis City and County, as well as pursue appellate litigation in the eastern and western districts. Students also handle systemic issues affecting medical care issues related to children in foster care.

Tricia Harrison also supervises the legal clinic's partnership with Lewis, Rice & Fingersh, where students are introduced to the inside workings of the Saint Louis Zoo. Students gain practical experience in the areas of employment law, taxation, nonprofit law, and animal regulation.

In the elder clinic, supervised by Barbara Gilchrist, students provide services to older clients and their family members. Students assist clients with estate planning, powers of attorney, wills, living wills, and beneficiary deeds. Students interview clients, prepare pleadings, and request medical reports. Once a case has been filed and set for hearing, students prepare clients for the hearing and counsel them on how to testify adequately.

In the family-law clinic, supervised by Professor John Amman, students interested in family law have the opportunity to work with attorneys from the Catholic Legal Assistance Ministry, a project of Catholic Charities of the Archdiocese of St. Louis. Students represent abused women in custody and support matters and serve as guardians' ad litem for abused and neglected children.

Each semester, students who decide to participate in the civil-advocacy clinic are given a choice of which clinic they would like to participate with. Once a clinic has the maximum amount of students allowed per program regulations, those students who were not chosen for their selected clinic are given a choice of other clinics that still have availability. Students are placed on a rolling basis until the clinic is full or until the semester starts, whichever comes first. Once placed, students remain in their chosen clinic for the entire semester.

### **Definition of Terms**

*American Bar Association:* Congressional and Department of Education approved accrediting agency for US law schools.

*ABA Standards:* American Bar Association's standards and rules for approval of law schools.

### **Limitations of the Study**

Limitations of the study include:

1. Researcher bias.
2. Only students who graduated from SLUSL within five years were asked to participate.
3. Some of the participants did not practice law immediately upon passing the bar and might not have been actively practicing at the time of participation.

4. Graduates of law schools other than SLUSL were not contacted to participate in the study.
5. Participants might not have practiced within the area of law they participated in while working in the civil-advocacy clinic.

### **Chapter Summary**

Law school curricula remain unchanged much over time, and the core courses are uniform throughout most law schools. The core courses are theory based and teach students how to interpret and understand black-letter law. After the completion of the first year, students are free to choose classes as they see fit, whether it is to explore different areas of law or to tailor classes to their specifications based on their career goals or the area of law of interest.

Employers have become increasingly concerned about the type of education law students are receiving. Many law schools offer practical and professional-skills courses but do not require students to participate in these courses. As a result, many law students are graduating, passing the bar, and entering the profession with next to no experience in practice and little knowledge of what it means to be an attorney. However, it is important for students to consider their career paths and choose the courses that will assist them in achieving their goals. Chapter 2 provides an overview of the research on legal education.

## CHAPTER 2: LITERATURE REVIEW

### Introduction

With the establishment of law schools, the approach to legal education changed from teaching practice to teaching theory. Employers are growing concerned with the lack of practical skills law students have upon graduating law school and entering the profession (Segal, 2011). As a way to ensure a better chance of securing employment after graduation, students are participating in law school-sponsored legal clinics and seeking out internships and externships.

For more than a century, a debate has existed as to whether legal academia has the effective learning processes and strategies necessary to prepare students to begin practicing law (Stein, 1981). While numerous books and research projects have investigated whether employers and others in the legal profession believe law schools prepare students to practice law, there has been little research focusing on the views of new attorneys that have graduated from specific law schools and how they chose the necessary classes to help them gain the skills and experience many believe new attorneys often lack.

This chapter reviewed the literature on legal education and how it has evolved to where it is today. Because American legal education, like the American law, has roots deep in English law (Moline, 2002, 2003; Chroust 1956, 1957), the review begins with a historical view of legal education's framework, starting with the legal education systems in Britain and America. Next, the establishment of American university law schools is discussed, followed by an overview of the purpose of the American Bar Association, starting with the law school standards and bar admittance and examination. The emergence and importance of clinical and practical skills education and preparation for the practice of law are discussed. Finally, this chapter examines

research on the importance of clinical and practical skills development and whether or not it is most beneficial for these skills to be taught in law school.

## **A Review of the Legal Framework**

### **British Legal Education**

Before the thirteenth century, there were no formal education requirements for admission to the bar and practice within the legal profession. It was not until the reign of Henry II that a formal legal education requirement became established because property laws had become increasingly complex (Hamlin, 1939). In 1292, King Edward I directed the judges of the common bench to “seek eager students representatives of each county in the realm to learn the business of the court” (p. 13). The chosen students met daily in the courts of Westminster, and the instruction was no more than observing cases, followed by a discussion (Barton, Benham & Watt, 1924; Stein, 1981; Chroust; 1956, 1957). The students who participated in these court observations and discussions at Westminster began to organize outside of the courts to discuss the cases (Barton et al., 1924; Chroust 1956, 1957). These small gatherings helped establish the Inns of Court (Barton et al., 1924; Chroust 1956, 1957). Moline (2002, 2003) noted:

The Inns of Court are a unique learning tradition, a combination of an educational institution, boarding facility, and professional association. For almost eight hundred years, the Inns have been the method of educating barristers - the litigation specialists with exclusive privilege to appear in the Royal Courts of Justice. (p. 775)

“The four Inns of Court-Lincoln's Inn, Gray's Inn, the Middle Temple and the Inner Temple-may well be called one single legal university composed of four relatively independent colleges” (Chroust, 1956, p. 79). “The Inns of Court are and for centuries have been, governed by the Benchers, or Masters of the Bench, who renew and reinforce themselves by co-optation”



(Barton et al., 1924, p. 10). These benchers had the sole responsibility of teaching students the practice of law (Barton et al., 1924; Chroust, 1956, 1957).

Students were classified into one of three categories, which included experienced students, known as readers (who acquired the status of modern-day law school teaching assistants); the outer barristers (the equivalent of today's second-year law school class), whose studies were dominated by participation in the moots; and new students (who were taught mainly by lectures and observations), who were assigned to the inner barristers (Chroust, 1956, 1957). The method of legal education available, and prevalent, at the Inns of Court at any given time depended on whether or not court was in session (Chroust, 1956, 1957; Stein, 1981).

When the Inns of Court were not in session, there were many lectures given on a variety of topics. Participants would also conduct moots, which were educational exercises intended to teach students how to litigate cases (Barton et al., 1924; Chroust, 1956, 1957). When the court was in session, judges and lawyers, as well as the students, occupied the Inns of Court in which cases on current questions of law were presented and argued by admitted and skilled litigators with the help of the students (Barton, et al., 1924). After practice courts, discussions were held, and students discussed the results of the cases with the litigators and benchers (Barton et al., 1924; Stein, 1981).

By the nineteenth century, with the decline of the Inns of Court, many of the moots and practice cases were no longer taught, and students were left to learn the law independently. Because there were no formal education requirements for admittance to the bar, this loss was not a problem for those seeking admission to the bar because "admission to the bar was fully in the hands of the benchers and the readers" (Stein, p. 431). Besides paying the required fees and

completing the required terms of attendance at one of the Inns or an independent program, attendance at a required number of meals was the only formal requirement (Moline, 2002, 2003).

For some, the decline of the Inns left a void. As a result, many began to seek clerkships with other barristers (Stein, 1981; Moline, 2002, 2003). Unlike studying at the Inns, there was no set amount of time required to spend in the office while clerking with a barrister, there were no study time commitments, and although there was some reading required, most of the apprenticeship learning occurred in the courtroom (Stein, 1981). Each apprenticeship carried with it a different way of learning. The amount of knowledge students acquired depended on how much experience the barrister had and how well taught he was, and the quality of the apprenticeship was not “subject to objective evaluation” (p. 435).

As the desire to obtain an apprenticeship increased amongst those seeking admission to the bar, the need for the Inns quickly seemed like a need of the past (Stein, 1981). As a result, the Inns revived their entrance requirements and reduced the period “between admission to an Inn and the call to the bar from five to three years for university graduates” (p. 436). However, the educational functions of the Inns, as well as the requirements to sit for the bar, remained unchanged, and admission to the bar still required no educational or examination requirements (Stein, 1981).

### **American Legal Education**

Although some colleges offered courses on subjects such as natural law, philosophy, and government theory, there were no courses that taught would-be lawyers how to prepare legal documents, prepare for a trial, or convey property (Stein, 1981). There were three ways a person seeking to practice law gained the knowledge necessary to enter the profession (Chroust, 1957, 1958).

First, there was the self-study method. Under this method, would-be lawyers would read and study the law themselves using whatever legal books and commentary they could find (Chroust, 1957, 1958; Stein, 1981). With this knowledge, many attempted to put into practice what had been studied. Attempting to learn the law in this type of self-study method was not particularly successful because the person was usually ignorant of the law (Chroust, 1957, 1958; Stein, 1981). The second method was to become an assistant in a governmental office, supplemented by reading all legal materials the assistant could find (Chroust, 1957, 1958; Stein, 1981). This method was preferred by those who could not afford to understudy in the office of a distinguished attorney (Chroust, 1957, 1958; Stein, 1981). The third and most notable was to become an apprentice to an already established lawyer (Chroust, 1957, 1958; Stein, 1981).

Stevens (1983) noted, “one of the difficulties of analyzing the controversy about apprenticeship (or clerkship) is that there are relatively few descriptions about how the system worked in the nineteenth century that can be regarded as typical” (p. 24-25). It is ideal to conclude that the mentor’s level of experience often dictated the extent of learning that the apprentice received (Stevens, 1983). However, this method of learning the law did have some defects, as Chroust (1957, 1958) noted: “The senior lawyer frequently was too busy and, in some instances, too haughty to pay much attention to the younger men who as often as not were completely left to their own devices” (p. 61). William Bailey (2004) noted that William Smith, a barrister mentor in the 1750s, “set an apprenticeship curriculum that was followed well into the 19<sup>th</sup> century” (p. 323). More specifically, Smith's curriculum included:

Reports of cases in common law and equity, precedents, and entries...general treatises ... [on the common law] ... as well as works on natural and civil law...an introduction to a general knowledge of law, and finally an in-depth study of both the theory and practice of law. (p. 323)

Once America gained its independence from England, there was no longer a need to abide by the English way of educating those seeking to enter the legal profession (Moline 2002, 2003; Stein, 1981). As a result, two of the most notable innovations appeared on the American scene: the rise of private law schools and the teaching of the law in the university framework (Moline 2002, 2003). During this time, many private or independent law schools began to open (Hepburn, 1921, 1922; Stein, 1981; Moline 2002, 2003). The first and most famous independent law school, the Litchfield School Law, was established in 1784 in Connecticut and remained open until 1833 (Stevens, 1979, 1980, McManis, 1981; Stein, 1981; Moline 2002, 2003). There were other independent law schools established between 1784 and 1835, such as Ashmun in North Hampton; the Louisiana Law School, which was later acquired by Tulane University; and Yale (Stevens, 1979, 1980).

### **The Development of Law Schools and Curricula**

#### **The Establishment of University Law Schools**

One of the major steps in legal education came about with the establishment of law schools within universities (Ribstein, 2011). With the establishment of law schools, Ribstein (2011) noted that the apprenticeship way of teaching law declined, and “there became a division between law school and practice” (p. 5). Endowments for professors were created for both graduates and undergraduates and focused strictly on teaching the theory of law, and in 1777 and 1779, respectively, two of the most notable endowments were created at Connecticut’s Yale University and Virginia’s William and Mary College (Stein, 1981). Yale’s focus was strictly tailored to undergraduates, while William and Mary College’s focus was on teaching graduate students (Stein, 1981). In fact, William and Mary’s law professorship was the only one of its kind at the time to focus only on students who were not undergraduates (Stein, 1981).

During the time of the establishment of university law professorships, there were two schools of thought on how legal education should be taught (Ribstein, 2011). First, there was the belief that legal education should be taught as a separate vocational program outside of the university setting, where more practical skills could be taught (Stein 1981; Ribstein, 2011). Others believed that legal education should be taught in a university setting and “the teaching focus should be on the theoretical approach with exposure to principles and legal methods” (p. 5).

When Harvard Law School was established in 1817, although no set times of attendance were required, it required students to attend lectures on broad topics of the law (Stein, 1981). Also, students were expected to participate in moot court exercises, write dissertations, and take examinations to test their knowledge of the materials studied (Stein, 1981). By 1836, now under the leadership of United States Supreme Court Justice Joseph Story, who was named dean professor in 1829, a narrow curriculum was instituted that focused on common law and the Constitution (McManis, 1981). Further, lectures became sequenced, a regular curriculum of courses became required, regular times of attendance were set, and eighteen months of attendance was required to complete the degree (Stein, 1981).

The successful establishment of Harvard Law School served as a model for other law schools. Stevens (1983) reported that some law schools were founded during this time that modeled their law programs after the Harvard Law School format. Some of these included Cincinnati (established 1833), Carlisle Law School in Pennsylvania (established 1836), Yale (granted its first law degrees in 1843), the University of Louisville in Kentucky (established 1846), Lebanon Law School in Tennessee (established 1847), New Orleans (established 1847), the University of Pennsylvania (established 1850), and Albany (established 1851).

In 1870, Christopher Columbus Langdell was named dean of the Harvard Law School (Chroust, 1957, 1958; McManis, 1981; Stein, 1981; Alton, 2010). Langdell, who was not a judge or practicing attorney, explained that his appointment as dean was important because “law professors must be proficient in the method of teaching” (Stein, p. 448). Langdell noted, as cited by Stein (1981):

What qualifies a person, therefore, to teach law is not experience in the work of a lawyer's office, not experience in dealing with men, not experience in the trial or argument of cases-not experience, in short, in using law, but experience in learning law. (p. 448)

Langdell believed that “if law school is a science, the law should only be taught in a university setting” (Ribstein, p. 6). Additionally, Langdell noted, as cited by Stein (1981):

Law, considered as a science, consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the ever-tangled skein of human affairs is what constitutes a true lawyer; and hence to acquire that mastery should be the business of every earnest student of law. Each of these doctrines has arrived at its present state by slow degrees; in other words, it is a growth, extending in many cases through centuries. This growth is to be traced in the main through a series of cases; and much the shortest and best, if not the only way of mastering the doctrine effectually is by studying the cases in which it is embodied. (p. 448)

Therefore, he developed an approach to law teaching based on doctrines from cases published in books. This innovative approach to teaching the law became known as the casebook method (McManis, 1981; Stein, 1981; Moline 2002, 2003; Alton, 2010; Ribstein, 2011). This clarified the distinction between legal education and apprenticeship and “created a theoretical basis for later rules, making formal legal education a requirement for entering law practice” (p. 6). During this time, Langdell also implemented the Socratic dialogue to engage students and required students to “extract the applicable rule of law from the facts of the case” (Sonsteng, 2008, p. 324).

Students did not quite understand the approach, and most students eventually withdrew from Langdell's courses because they believed that the purpose of law school was for the professors to teach them the law, and not to ask questions of the professor (McManis, 1981). Professors and members of the Bar believed that adopting the casebook method would eventually have a negative impact on the law school. However, the method has become the main approach to teaching the required courses established by the American Bar Association (McManis, 1981; Sonsteng, 2008).

### **The Importance of the American Bar Association**

#### **Law School Standards**

The American Bar Association was established in 1878 in Sarasota Springs, New York and one of its purposes is to determine the standards that all law schools must abide by to become and remain accredited (ABA, 2012). Today, there are a total of 202 American Bar Association (ABA) approved law schools in the United States (ABA, 2012), and they must all abide by the Standards and Rules for Approval of Law Schools. The section titled *Program of Legal Education (2011/2012)* outlines the curriculum requirements that every law school must have to obtain, or maintain, ABA accreditation. First, to maintain accreditation, law schools must administer 58,000 minutes of instruction in a given year, which can be achieved by offering at least 83 semester hours of coursework to obtain the law degree (ABA, 2012). The objective is that every law school should provide students with an educational program that will prepare them for the bar exam and effective participation in the legal profession (ABA, 2012). Standard Rule 302 notes that all law students must receive substantial instruction in:

The substantive law generally regarded as necessary for effective and responsible participation in the legal profession, legal analysis, and reasoning, legal research, problem-solving, and oral communication, writing in a legal context, including at least

one rigorous writing, experience in the first year and at least one additional rigorous writing experience after the first year, other professional skills generally regarded as necessary for effective and responsible participation in the legal profession, and the history, goals, structure, values, rules and responsibilities of the legal. (p. 4)

The ABA also notes that opportunities for live client interaction, seminars, and pro bono work should be offered at all ABA-approved law schools (ABA, 2012). The ABA does not specify the types of courses that should encompass law school curricula, and as a result, law schools are free to develop courses they believe will meet the stated objectives. Law schools are encouraged to be creative when deciding on the curriculum to offer their students (ABA, 2012). The Standards note the various ethical issues lawyers will face once in practice; teaching adequate research and writing skills, alternate dispute resolution, trial advocacy courses, client counseling and interviewing, negotiating, problem-solving, management of legal work, fact-finding investigations, practical skills development, and legal drafting should all be considered by law schools when developing a curriculum (ABA, 2012).

According to a *Survey of Law School Curricula*, a survey conducted of law schools by the ABA from 1992-2002, most accredited law schools require a three-year course of study for full-time students and between four to five years for part-time students. Since 1975, the standard courses taken by every law student, usually during the first year, have not changed (Survey of Law School Curricula, 2004). These courses included contracts, torts, property, civil procedure, criminal law, constitutional law, and legal research and writing. Full-time students complete these courses during the first year by taking at least fifteen credit hours per semester and, part-time students complete the required courses in two years (Survey of Law School Curricula, 2004). The second and third years can be spent taking courses for a specific concentration, other upper-level courses, or clinical work (Survey of Law School Curricula, 2004).



## Overview of Bar Admittance and Examination

Although there were boards established in states that conducted a written examination of those seeking to practice law, there was still no uniformity in bar admission standards. This changed in 1878 when the American Bar Association was established in Sarasota Springs, New York, by 100 lawyers (Alton, 2010; ABA, 1978). The ABA began working to bring some uniformity to the profession by working to improve the bar admission process (Alton, 2010).

In 1931, the chairman of the Council of Legal Education “appointed a committee of bar examiners from several jurisdictions to investigate the idea of a national organization of bar examiners” (Melli, 2005, p. 3). That same year, The National Conference of Bar Examiners (NCBE) was founded, and its early purpose was to help the states establish uniform requirements for admission to the bar (Melli, 2005). The type of uniform exam promoted by the NCBE was the essay approach (Melli, 2005). This approach would test the examinees’ ability to analyze the facts and interpret the applicable laws.

Although the above method was advocated, it was not until 1958 that the NCBE and the ABA both developed recommendations that the bar examination should be a series of hypothetical questions that should be answered in essay format. Melli (2005) noted the recommendation of Standard 16, Purpose of Examination:

The bar examination should test the applicant's ability to reason logically, to analyze accurately the problems presented to him, and to demonstrate a thorough knowledge of the fundamental principles of law and their application. The examination should not be designed primarily for the purpose of testing information, memory, or experience. (p. 2)

Although these changes were recommended in the 1950s, it was not until the 1970s that today’s version of the bar examination began to take form (ABA, 1978; Melli, 2005). During this time, with a grant from the American Bar Foundation, the NCBE developed what is now known

as the Multistate Bar Examination (MBE; ABA, 1978). This machine-graded examination is a series of multiple choice questions given over a six-hour period, and it can be given by all jurisdictions (ABA, 1978). The need for this type of test was based on several factors. One of the most important factors was the increase in the number of applicants sitting for the bar. Because of the increase in applicants, some states lacked the resources needed to grade the exams in a reasonable timeframe (ABA, 1978). Between 1960 and 1980, the number of applicants sitting for the bar examination increased from about 16,000 to about 58,000 (ABA, 1978). Frustration due to the time delay of the test grading was expressed by bar examinees and examiners alike (Melli, 2005). Another factor was that the NCBE recognized that most other professions required a uniform test, a test in which national minimum standards were required (ABA, 1978). Although this requirement was explored as early as the 1940s, it was not implemented because there was a fear that such a national program would take the power to regulate state bars away from the states (ABA, 1978). When finally implemented, the NCBE decided that the MBE could be given in every state, but the states would retain control over who would administer the test and the determination of what constituted a passing grade (ABA, 1978).

Technological advances also played a role in the development of the MBE. The development of machines able to grade multiple choice examinations at a speed that could not be duplicated by hand made it easier to test legal concepts (Melli, 2005). The NCBE decided that, with this form of uniform testing successfully being used by the medical, engineering, and nursing professions, it was time for the bar to advance with the times and adopt the method (Melli, 2005).

The MBE is a total of 200 multiple-choice questions that test six areas of law: constitutional law, contracts, real property, torts, evidence, and criminal law and procedure

(ABA, 1978; Melli, 2005). Given that the exams are graded quickly by machine, more validity was added to the exam because the approach to grading was objective instead of the subjective method used to grade essays. Forty-six jurisdictions, including the District of Columbia, have adopted the MBE (ABA, 1978). The MBE is tested on one full day of the bar exam in two 4-hour periods (ABA, 1978; Melli, 2005).

As a result of the bar examiners' concerns with examinees' knowledge of the ethical rules that governed the profession, the Multistate Professional Responsibility Examination (MPRE) was adopted by the NCBE in 1980 (ABA, 1978; Melli, 2005). Unlike the MBE, the MPRE is not administered by the state bar association. Instead, it is administered by the NCBE (Melli, 2005). The MPRE is a two-hour, 50-question multiple-choice test given to measure the examinee's knowledge of the rules that govern the profession and to determine if the examinee could adequately apply the law to a given fact pattern. There are two sets of professional ethical rules: the American Bar Association's Code of Professional Responsibility and the American Bar Association's Rules of Professional Conduct (ABA, 1978). The questions were designed in such a way that the correct answer was the same under both ethical rules. "Thirty-eight American jurisdictions, the District of Columbia and two U.S. territories currently require that applicants to the bar pass the MPRE" (Melli, p. 3), and each jurisdiction determines the passing score.

The most recent change by the NCBE is the implementation of the Multistate Essay Examination (MEE) in 1988 (Melli, 2005). Unlike the MBE and MPRE, the MEE is a draw from the old essay method of testing. The purpose of the MEE's implementation is to improve the quality of the bar examination process and the quality of the essay question (Melli, 2005). The test is given during a half day-session, and the tests cover civil procedure, constitutional law, contracts, evidence, torts, real property, wills, estates, and trusts (ABA, 1978; Melli, 2005). The

exam gives the states the advantage of essay questions that have been reviewed by two groups of experts with a specialty in the areas under examination and that have been pretested under conditions similar to an actual bar exam (Melli, 2005).

The bar exam is designed to test the examinee's knowledge of the law and whether he can adequately apply the principles to the simulated fact questions. However, knowing the law is not enough to ensure that the students will be ready to practice law upon passing the bar. Practical skill development is an area that, although it is not new, is the only way students will be prepared for the practice of law after finishing law school and passing the bar. The next section discusses the historical development of clinical and practical skill development and its importance in the past and today.

### **The Emergence of Clinical Education and Practical Skills Development**

#### **Clinical Education**

Shortly after the case method began to garner acceptance in the legal education community, the clinical approach to legal education started to take shape in the early 1890s (New York State Judicial Institute, 2005). Students at various law schools began to create legal clinics known as legal aids. These legal aids were established to provide hands-on opportunities for students to learn and practice lawyering skills and legal analysis. Although the students were adequately learning the law, they were not taught how to apply the law to real-life legal problems, thus making them unprepared to practice law upon passing the bar (New York State Judicial Institute, 2005; Segal 2011).

There is a vast difference between teaching from books and teaching by practice. Teaching by practice is the only way that students see the law in action and learn what should,

and should not, be done (New York Judicial Institute, 2005). This method of teaching is a glimpse of the past in Britain and America when students participated in apprenticeships, met in the courts to watch attorneys argue actual cases, and, upon completion, asked questions (New York Judicial Institute, 2005). As the clinical approach picked up momentum, clinical advocates began to explore the question of how much clinical education students should obtain in law school (Sonsteng, 2008).

In 1959, the Conference on Legal Education met in Ann Arbor, Michigan, to discuss the future of law schools. During this conference, many professionals within the legal community discussed the state of law schools and how the curriculum needed to change to produce competent professionals upon passage of the bar. During this meeting, Justice Eugene Black expressed that “a lawyer who, training in law school, has been stressed academic will find himself, no matter the path of practice he may pursue, well behind his competing brother whose schooling has been at least as much to the vocational as to the academic” (Conference on Legal Education, 1959, p. 97).

This thought is still prevalent today, as there is a wide belief that those who have clinical and practical skills training while in law school will be better equipped to do what is expected of lawyers (Segal, 2011). Without these skills, it will be hard for an attorney to meet the needs of the client (Fischer, 1990). To this, many legal professionals have responded that the law school is not a place to teach skill but a place for students to learn the law and after a law school graduate has passed the bar and entered the profession is he to cultivate his skills as an attorney (Conference on Legal Education, 1959). The legal community responded that law schools should not have to choose between teaching theory and practice, but teach both (Conference on Legal Education, 1959). As noted by Casner, “there is room in the catalogue for specialized courses

with strong practical orientations, for courses in narrow fields taught with an eye on the most recent advance sheets and practitioners' gadgets" (p. 99). To counter the above argument, there are legal professionals who believe the push for more practical skills to be taught in law schools "will transform the law into a vocation, rather than a learned profession" (De Jong, 1979, p. 11).

From the 1960s to the late 1990s, clinical education expanded the academy in ways that were envisioned by early advocates (Wizner, 2002). Some of the most influential factors that contributed to the growth of legal clinics included the growing demand for social relevance in law schools; the push for clinical teaching methodology; increased funding, which provided the means for developing clinics; and an increase in the number of faculty members who were capable of, and interested in, developing and leading legal clinics (Wizner, 2002). Many law schools during the mid-1960s and 1970s established legal clinics that advocated on behalf of the poor and provided indigent clients with free legal representation (Wizner, 2002; New York State Judicial Institute, 2005). Professor Author Kinoy (1969) noted that law school clinics needed to

Take on major cases and situations involving the relationship of the processes of the law to the fundamental problems of contemporary society . . . [so as to] provide a fascinating teaching tool for probing into the most fundamental theoretical, substantive, and conceptual problems, all within the context of the throbbing excitement of reality. (p. 7)

Law clinics were expanding to include many different types of law practice areas, such as civil rights law and consumer rights (Kinoy, 1969), and combined legal theory with lawyering practice to teach students professional values, while clients received access to legal services. Another wave of clinical instruction, clinical methodology began in the 1970s and continues today (Wizner, 2002). Until this time, there was not a universal understanding of what a clinical education should entail. Legal scholars began to attempt to define what students should be taught in clinics, what the goals of the clinics should be, what the clinical instructors should be doing to

ensure students were adequately taught, and how clinics should become a permanent part of the legal curriculum (New York Judicial Institute, 2005). Some of the early examples legal scholars focused on were “what it meant for students to assume, and perform, the lawyer's role in the legal system, how to identify and teach the elements of various lawyering skills, and how to incorporate experiential learning theory into clinical law teaching” (p. 13).

Clinical instructors began to work with, and critique, the students and encourage them to employ self-critiquing, which was defined by Donald Schon as “reflective practice or reflection in action” (p. 14). In a report released in 1992, the Committee on the Future of the In-House Clinic (1990) concluded that:

Clinical education is first and foremost a method of teaching. Among the principal aspects of that method are these features: students are confronted with problem situations of the sort that lawyers confront in practice; the students deal with the problems in role; the students are required to interact with others in attempts to identify and solve the problems; and, perhaps most critically, the student performance is subjected to intensive critical review. (Dinerstein, 1992, p. 511)

Now, with a definition of clinical methodology, scholarship concerning clinical teaching blossomed from the late 1980s to the 1990s, and clinical legal education gained a more permanent place in law schools (New York State Judicial Institute, 2005).

### **The Importance of Practical Education**

If the first year of law school is designed to teach students to think like a lawyer, it is proper to ask, “How does a lawyer think, and how should he think?” As cited by the New York State Judicial Institute (2005), Professor Richard Neumann observed that:

Effective lawyers do not practice law. They solve problems, using the law as one among many professional tools. Thinking like a lawyer is not the same thing as solving problems like a professional. Thinking like a lawyer is a label used by doctrinal teachers for a collection of textual interpretation skills and heightened forms of skepticism. (p. 16)

The result is a lack of qualified lawyers entering the profession once passing the bar because some graduates do not know how to solve legal problems, file documents with the court, write a brief, or perform an adequate client interview. These are all skills that are not learned by studying the casebook method but through experience in a legal environment (New York State Judicial Institute, 2005).

Bard (2012) noted, “medical schools are slightly ahead of law schools in that their accrediting agency and the overseers of the medical licensing exams have mandated that medical students possess professional skills before proceeding to treat patients without supervision” (p. 151). As a result, medical schools have come to realize the importance of clinical education (Bard, 2012). In the early years of medical education, students accompanied doctors in making house calls and “joining him in his bedside inspection of the patient” (Sheppard, 1999, p. 876). Now, medical students spend the last two years of study in clinics within hospitals. These hospitals are affiliated with the medical schools for the purpose of providing medical students with real-life cases under the supervision of practicing doctors (Bard, 2012). Students rotate through the different practice areas within medicine, spending two months getting to know a little about the different practice areas (Bard, 2012). Upon graduating medical school and choosing an area of practice, graduates spend two to six years in residency hospitals learning from actual cases and practitioners (Bard, 2012).

Just as medical schools have become affiliated with hospitals as a way to teach students how to practice medicine adequately and as the medical bar requires a predetermined amount of years in residency after graduating, advocates of law clinics believe this same practice needs to be adopted within all law programs (Sheppard, 1999). Bernard C. Steiner, the former dean of the



Baltimore Law School, noted that law schools need to advance to the point reached by medical schools. In his words:

First a man entered a physician's office, then he took lectures from a medical school and had a physician as a preceptor, and lastly he received all instruction, chemical, and laboratory work, which corresponds to laboratory work and clinics, it will be so much more systematic and comprehensive than work in a lawyer's office that will entirely supersede it. (Sheppard, p. 882-883)

Making legal clinics a required part of curricula is the only way to ensure that students are adequately prepared to practice law upon passing the bar. John Wigmore, in his 1917 article, *The Legal Clinic* observed that using the casebook method as the main source of teaching legal education would be a great detriment to law schools and that they would become irrelevant (p. 876-877).

Dental students also get adequate practical development while in attendance at dental school. The American Dental Association (ADA, 2009) reported that as part of their formal dental school education, dental school students spend a significant portion of their time in laboratory instruction and provide highly supervised dental school-based patient care. Over a four-year course of study, dental students spend 50.9% of their time in dental-based patient care, 24.9% in didactic instruction, 17.6% in laboratory instruction, and 6.7% in community-based patient care (ADA, 2009). This equates to less than 25% of lecture style education and just over 75% of actual patient and laboratory-based education. As a result, like medical graduates, dentists enter their profession capable of practicing (ADA, 2009). This same successful educational method is also used in business and engineering programs (Bard, 2012). With the success these students have after completing these programs, why have law schools been reluctant to implement programs that will enable law students to be ready for practice upon passing the bar?

Some in the academy of legal education believe that law schools were not created to make legal practitioners but to lay the foundation for legal practice (Sheppard, 1999). But if the purpose is not to make legal practitioners, can law schools be considered anything more than a regular university graduate program? In describing legal education in the twentieth century, Professor Anthony Amsterdam (1984) believed that it is:

Too narrow because it failed to develop in students ways of thinking within and about the role of lawyers--methods of critical analysis, planning, and decision-making which are not themselves practical skills but rather the conceptual foundations for practical skills and for much else, just as case reading and doctrinal analysis are foundations for practical skills and for much else. (p. 612)

To put this into perspective, the goal of the legal educator is to not only teach cases but to teach students the role they will undertake once they pass the bar. There should not be a difference in teaching the law and professional application because teaching students the law without also teaching proper professional application of these laws to clients' needs creates a fractured understanding of how to approach and apply legal problems (New York State Judicial Institute, 2005). Teaching a self-contained body of law as the main method of learning will not adequately prepare a student for practice. As cited by the New York State Judicial Institute (2005), Menkel-Meadow believed that law schools that have not incorporated clinical studies as a required part of the curricula pay little attention to:

Synthesis, either of bodies of substantive law or lawyering techniques that might help the student understand how the law lives and the lawyer's role in bringing it to life... or teach them how to determine how best to work within that forum; counsel a client; and negotiate with an opponent. (p. 18)

These are the skills that teach law students what it means to be a lawyer.

A lawyer is supposed to be able to service the needs of clients adequately and interpret the law (Menkel-Meadow, 1980). Having this experience will allow students to garner an

understanding of legal problems, the challenges that could be faced during practice, and how to confront these challenges using both the rule of law and practical skills (Menkel-Meadow, 1980). Students who are taught a strictly theoretical approach to the law will not graduate with the skills necessary to engage in the practice of law. In the article, *And Then Suddenly Seattle University Was on its Way to a Parallel, Integrative Curriculum* (1995), Professor Barbara Woodhouse noted “perhaps one of the most serious failings in contemporary legal education is that all too many students graduate with a vast doctrinal base of knowledge sealed within a context that is not translatable into practice” (Clark, Hollingsworth, Lidman & Mitchell, 1995, p. 21).

Numerous reports and surveys have outlined the state of legal education and recommendations for improvement. All of these reports share a common theme: law schools are not adequately preparing students to practice law. The Task Force of the ABA Section of Legal Education and Admissions to the Bar (1979) recommended that:

Law schools should provide every student instruction in those fundamental skills critical to lawyer competence. In addition to being able to analyze legal problems and do legal research, a competent lawyer must be able to effectively write, communicate orally, gather facts, interview, counsel, and negotiate. Certain more specialized skills are also important for many law graduates. (De Jong, p. 3)

At the time the report was published, practical-skills courses and clinics were not as widespread in law schools as they are now. For example, in 1986, although more than 80% of law schools offered clinical practice or practical-skills courses, only 1% of law schools required clinical-skills practice courses as a requirement for graduation (ABA, 2004). Even as law schools have begun to make some strides in requiring practical skills or clinical education, many law schools still have not incorporated these requirements into the curriculum. Fischer (1990), concluded that more than a decade since *Lawyer Competency* was published, it is still just as important today that law schools:

Make an attempt to provide some sort of clinical experience for every graduating student, since these programs train new attorneys in the practical application of classroom learning and cultivate the skills they will need to deal with clients, witnesses, juries and the . (p. 51)

The 1992 Report of the Task Force on Law Schools and the Profession, “Narrowing the Gap, Legal Education Professional Development - An Educational Continuum” (the “McCrate Report”) is one of the most ambitious pushes for legal education reform. The McCrate Report focused on lawyering skills and how law schools could ensure that students are prepared to practice law upon graduating and passing the bar. This focus set in motion a clinical education movement that is still relevant today. The three elements that every lawyer should have that are essential to competent representation are: “(1) attaining a level of competence in one’s own field of practice; (2) maintaining a level of competence in one’s own field of practice; and (3) representing clients in a competent manner” (p. 140).

The McCrate Report (1992) emphasized that practice-oriented instruction is valuable to law students and that part-time legal employment should be encouraged during the academic years because it will compliment classroom instruction. Also, noted in the report is the “disfavoring of apprenticeships in the United States, but other jurisdictions in the Commonwealth require apprenticeships while transitioning into practice” (p. 287).

In 2004, the ABA released a report titled, *The Survey of Law School Curricula: Section of Legal Education and Admissions to the Bar*. The purpose of the report was to “produce a comprehensive survey of law school curricula at ABA-approved law schools, with special attention to changes innovations and trends in legal education that occurred from 1992-2002” (ABA, 2004, p. 6). Within this report, the ABA noted that “of 146 law schools that released information on whether skills, simulations, and clinical externships were required, only 36, or

24.6 percent of, law schools reported some required skills courses for graduation” (p. 20). In 2002, “of the 152 schools that responded to the same question, only 45 or 29.6 percent required skills courses for graduation” (p. 20) which represents an increase of 5% within ten years.

In 2007, the Carnegie Foundation for the Advancement of Teaching released the latest in a series of reports on legal education. The report, entitled *Educating Lawyers: Preparation for the Profession of Law* (The Report), was based on visits to 16 public and private law schools in the United States and Canada and conversations with legal educators and experts. The Foundation concluded that “law schools need to do a better job integrating the teaching of legal doctrine with a much stronger focus on helping students develop practical lawyering skills and understandings of ethical and moral considerations” (Bond, Colby, Shulman, Sullivan & Wegner, 2007, p. 3). Law schools do a decent job of teaching students analytical skills, but they have fallen short of adequately teaching students the practical skills that every new attorney should have upon passing the bar (Bond et al., 2007). Speaking of other professional schools, The Report noted that:

While medical, business, and other professional schools frequently reinvent their curricula to require that students get hands-on practice before beginning their careers, law-school teaching has remained remarkably unchanged over the past century. As a result, many students graduate with little experience working with real clients and an inadequate grounding in ethical and social issues...the Socratic “case dialogue” method that dominates law-school teaching does a good job of teaching students legal-reasoning skills but does little to prepare them to work with people or juggle morally complex issues. (p. 191)

Even as new courses and clinics are added to the curriculum in many schools, there are still many students who graduate from law school with next to no practical-skills training because these courses and clinics are optional (Bond et al., 2007). Although the Socratic-case dialogue method is still the dominant method of teaching in law schools, one of the main

problems with this method is that the focus remains on cases, rather than clients (Bond et al., 2007).

As a result, The Report recommends more emphasis on clinics and simulations of practice or trials because these approaches teach students how to apply abstract theories to real people and realistic situations and help prevent new lawyers from thinking that their law school experience was a waste of time. The Report also noted that most law school curriculum lacked clear shape or purpose and proposed that an integrative model should be adopted in law schools that would “addresses the problem of the larger curriculum, particularly what should happen in the third year” (p. 194).

New York University School of Law and City University of New York are making an effort to emphasize practical skills (Bond et al., 2007). At New York University School of Law, all students participate in simulations and clinical experiences (Bond et al., 2007). Upon completion, the students receive feedback on how well they performed on the case, as well as whether they adequately addressed any ethical issues (Bond et al., 2007). All first-year law students at the City University of New York participate in small-group seminars in which they act out cases and compare their performances with films that dramatize similar court arguments (Bond et al., 2007).

Roy Stuckey et al. (2007) authored “Best Practices for Legal Education” (The Stuckey Report). The authors noted that:

There is a compelling need to change legal education in the United States in significant ways. That need is demonstrated by the reality that most law school graduates lack the minimum competencies required to provide effective and responsible legal services. The primary goal of legal education should be to develop competence, that is, the ability to resolve legal problems effectively and responsibly. (p. 2-8)

The Stuckey Report set developed a model Best Practices Curriculum that law schools could follow. With this model, law schools can achieve the goal of preparing their students to enter the legal profession. To achieve the aforementioned goal, law schools should provide mandatory training to every student to include:

Working with clients to identify their objectives, identify and evaluate the merits and risks of their options, and advise on solutions; progress civil and criminal matters towards resolution using a range of techniques and approaches; draft agreements and other documentation to enable actions and transactions to be completed; and plan and implement strategies to progress cases and transactions expeditiously and with propriety. (p. 59)

There are many reasons why law schools have been slow to change. In the article, "A Plea for Real-World Training in Law Schools: Carnegie Foundation report suggests more focus on clients, and less on Socratic dialogue," Mangan (2007) noted that:

One of the reasons law schools are slow to change is that most faculty members are drawn from a small number of elite law schools and are groomed along similar paths as law-review editors, law clerks, and legal scholars, the authors say. Schools have little incentive to introduce practical skills or clinical experience in the first year because large case-study classes are much cheaper to offer. The result is a tendency to turn out legal technicians (p. 2).

This leads to the financial concern of implementing new required courses or programs at law schools. Many law school administrators have argued that the cost of implementing such programs can be astronomical and that law schools simply do not have the funds (Mangan, 2007). The next section discusses the debate on whether clinical and practical skills should be taught in law schools.

## **Preparation for the Practice of Law**

### **Preparing Students for the Practice of Law**

During the early years of legal education, many legal professors and deans argued that law schools should only teach theory because students do not have time to practice in an office

and keep up with their studies. In 1909, professors and deans of law schools were asked their opinions on whether students should engage in some form of legal training while attending law school. Sheppard (1999) discussed some of these opinions, and most came to the same conclusion: that law students should not engage in law practice or apprenticeships while in law school because they need to give their full attention to their academic studies, and clinics or apprenticeships would be an academic detriment. Students should learn the practice upon graduating (Sheppard, 1999).

In 1909, former professor of Yale's law school, Henry Rogers believed that students go to law school to learn the law and that practice should be learned upon graduation (Sheppard, 1999). Rogers' advice to students was to "spend three years in the best law school he can afford to attend, and then after graduation for six months or years in the best office into which he can be admitted in the state in which he proposes to practice" (Sheppard, p. 881). Taking a slightly different view, former dean of the University of Minnesota, College of Law, W.S. Pattee, suggested that moot courts more than adequately provide students with the type of cases to be expected once a law student enters the legal profession (Sheppard, 1999). Pattee also believed that "because of the changing role of attorneys and the increasing case load, attorneys simply do not have the time to supervise students, and as a result, students are often left without adequate supervision and as a result, legal practice while in law school could be more of a waste of time" (p. 881). As cited by Sheppard (1999), George E. Gardner, former professor at Boston University Law School, commented:

In my judgment apprenticeship in a law office while a student is pursuing his studies in the law school is strongly to be depreciated. The three years in the school should be spent in strenuous and unremitting toil over the books. The period is for study and study only. The student ought, with Lord Eldon, to live like a hermit and work like a horse. Even with the most diligent applications, this time is all too meager for the



obtaining of that grip upon and mastery over the controlling principles of the law which is the chief qualification of the lawyer, and in the acquisition of which the law school is the student's most efficient aid. If the student is in an office where there is little or nothing for him to do, he had much better be elsewhere. If the apprenticeship is a good one, it can only result in certain mental distractions which most affect unfavorably his work in the school. In a word, the law student should be a student or nothing else. The practice can take care of itself later... (p. 884)

The above way of thinking concerning the importance of practical-skills development while in law school is almost non-existent. Most of the legal community has come to understand the importance law schools have in helping students develop practical skills. However, new questions have now emerged: How can law schools help strengthen the skills of new attorneys? Should students be required to take practical-skills training after law school to be admitted to the bar?

After law school, students who take and pass the bar enter a world they have been studying for three to five years. At law schools across the United States, there are many courses, clinics, internship, and externship opportunities for every student. So why do employers feel that most new attorneys are lawyers, in the sense that they have law degrees, but that they are not ready to be providers of services? Law schools are aware of the harsh conditions that await graduates, and many have added or expanded programs that provide practical training through legal clinics (Segal, 2011). The problem is that law schools do not make the practical-skills courses and clinics a required part of the curriculum (Segal, 2011). Law school curricula need to be updated to reflect the law as it is today and not the way it was back in the 1800s, when most of the legal curriculum was adopted (Segal, 2011). One way law schools can accomplish this is to include practical skills in courses that are already a required part of the first-year curriculum. For example, while teaching first-year contracts, professors can also introduce actual contract drafting to students (Segal, 2011). Professor Edward Rubin noted that the problem with this

approach is that the new method would need to be sold to the faculty, and most are not likely to want to move away from their teaching comfort zones (Segal, 2011). Law schools are in fear of developing a curriculum that is vastly different from other law schools (Segal, 2011).

Another approach to practical-skills integration in law school is to reinvent the entire third year of law school to focus more on practical skills (van der Pool, 2012). This model, which has been recommended for all Massachusetts law schools by the Massachusetts Bar Association, (MBA, 2012) has already been successfully put into practice at some law schools. Since 1968, Northwestern Law School in Massachusetts has offered the Cooperative Legal Education Program (MBA, 2012). In this program, all students who have completed their first year of study alternate each quarter between being full-time students or full-time interns (MBA, 2012). Students intern with one of the 900 cooperative jobs within the United States and foreign countries. After the students graduate, they have at least a full year of real-world law experience (MBA, 2012) and have gained all, or some, of the skills necessary for practice.

The California Bar Association (CBA) is considering requiring all graduates of law school to participate in some practical skills requirement as a condition for practicing in the state (Yarbrough, 2012). The new Task Force on Admissions Regulation Reform held the first of three hearings on June 11, 2012, to consider whether to adopt a practical-skills training requirement to practice law and, if so, how long that training should be and what it would entail (Yarbrough, 2012).

Law school professors and deans of California law schools are very welcoming of the proposal and believe that, although law schools might be slow to change, there are always numerous practical-skills courses that are developed at law schools (Yarbrough, 2012). Implementing the suggested requirement would become political and stifle innovation

(Yarbrough, 2012). Without going into specific detail, the dean of Stanford Law School, Larry Kramer, believes that the implementation will interrupt the practical skills education offered at Stanford (Yarbrough, 2012).

UC Berkeley School of Law Dean Christopher Edley Jr. applauds the approach, but he thinks the Task Force must use caution when deciding the requirements of such a program because not everyone wants to practice in the same area of law, so the program must cater to all areas of the law and not just a select few (Yarbrough, 2012). Admitting that Edley's concern is a valid one, CBA's President John Streeter noted that "the task force could ultimately figure out a way to group certain skills sets together or simply conclude it's too ambitious to try to dictate the content of the training" (Yarbrough, 2012). However, with careful planning, the CBA believes the approach could work because other states have similar requirements that have been successful. For example, the ABA reports that 25 states and the District of Columbia have pre-bar practical-skills courses and training requirements (Yarbrough, 2012), so the concept is not new.

### **Chapter Summary**

Legal education has evolved over the past century from being practice based to theory based, and now it is a combination of both. In the beginning, practical-skills development was the most important part of learning to practice law, as most students learned by way of an apprenticeship or through a government-run office. While participating in the apprenticeships, students received first-hand experience on how a lawyer is supposed to conduct business, interact with clients, and maneuver the court system. A different path to teaching was developed once university law schools were established and the cases of law using the Socratic Method became the main approach to learning. The students read the cases, and the professor explained the law

and answered students' questions. This method of teaching has survived today and is still the dominant approach to teaching law; however, as the profession has evolved, there has been a concern from employers that many new lawyers do not have the skills necessary to practice law. A little handholding is to be expected, but if new lawyers want to stand out, the profession is demanding that they have skills necessary for practice, not just the basic knowledge of legal theory.

Although not a required part of the curriculum at most law schools, practical-skills courses, clinics, externships, and internships are available to students. The goals of these courses are to provide students with firsthand practical knowledge of what it means to be a lawyer, as well as to present them with ethical dilemmas that could arise during practice. The students who participate become involved in a variety of cases and legal situations. During these experiences, students are supervised by licensed attorneys and are given feedback on their performance.

Chapter 3 describes the design and methodology used in this study. It presents information concerning the civil-advocacy clinic at Saint Louis University School of Law and the population studied. The chapter also defines the purpose of the study, research questions, and data collection techniques.

The central research question that this study was seeking to answer was whether Saint Louis University School of Law Civil Advocacy Clinic helped prepare former participants for the practice of law. This study also addressed the following research sub-questions:

1. Do students who enter law school with an idea of the type of law they want to practice enroll in more practical and skill-based courses?
2. Did the practical and skills-based courses help them learn what to expect and how to practice in their chosen field of practice?

3. Did the SLUSL offer courses that were able to provide students with the experience and skills necessary to adequately practice in their chosen fields of law?

## CHAPTER 3: METHODOLOGY

### Introduction

“Qualitative research explores questions such as what, why and how; rather than how many or how much; it is primarily concerned with meaning rather than measuring” (Keegan, 2009, p. 11). In contrast to quantitative research, which measures “the proportion of a population who think or behave in a particular way” (p. 11), qualitative research helps a researcher “understand why some groups or individuals may think or behave a certain way and to extract the human experience” (p. 11). This chapter discusses the methodology used during the research.

### Purpose of the Study

The purpose of this qualitative research study was to explore the effectiveness of SLUSL’s civil-advocacy clinic in preparing former participants for the practice law from the viewpoint of students who graduated from SLUSL and were practicing, or had formerly practiced, law. Data was collected from interviews to get the participants' views of their legal education and whether they believed the civil-advocacy clinic helped prepare them for the practice of law.

A qualitative study can be more flexible and responsive to change (Keegan, 2009) than a quantitative study. As a result, qualitative methodology was better suited for the purpose of this study. The qualitative inquiry offered a high-level view of former law students who are now, or were, practicing attorneys and examined whether the civil-advocacy clinic at SLUSL sufficiently prepared them for the practice of law. Future researchers will be able to develop questions within the context of how SLUSL’s civil-advocacy clinic should be taught based on former participants’ perspectives.

## **Research Questions**

The central research question that this study sought to answer was whether SLUSL's civil-advocacy clinic helped prepare former participants for the practice of law. This study also addressed the following research sub-questions:

1. Do students who enter law school with an idea of the type of law they want to practice enroll in more practical and skill-based courses?
2. Did the practical and skills-based courses help students learn what to expect and how to practice in their chosen field of practice?
3. Did SLUSL offer practical-skills courses that were able to provide students with the experience and skills necessary to adequately practice in their chosen fields of law?

## **Participants of the Study**

Qualitative research should represent the complexity of a phenomenon under study within the target population. For this study, purposeful sampling was used because it allowed the researcher to get important information that can only be obtained from a select group (Marshall & Rossman, 2011). The chosen population for this study was graduates of SLUSL within the last five years who also participated in the civil-advocacy clinic. The researcher did not consider selecting subjects that were representative of the entire population because, as with all forms of research, although it would have been ideal to test the entire population, in this case, the population was too large and some of the population was difficult to locate, which made it impossible to include every individual (Marshall & Rossman, 2011).

A researcher's attempt to identify and enroll people to participate in the research study is called the recruitment process (Marshall & Rossman, 2011). A population is a precise group of people who possess the characteristics under question in a research study (Marshall & Rossman,

2011). The researcher defined the accessible population, considering the researcher's time, budget, and workforce (Marshall & Rossman, 2011). This process helped the researcher grasp a concrete idea about the sample that she obtained from the population.

Only those who had graduated within the last five years were interviewed because they were considered to be new attorneys still reflecting upon their law school education, and they were attempting to find their place in the legal profession. Selections were based primarily on whether they were graduates of SLUSL, participated in the civil-advocacy clinic, and had five years or less experience practicing law.

## **Research Design**

### **Interview Method**

Face-to-face structured interviews were used to conduct this study to allow more freedom to explore each participant's unique experience while working with the civil-advocacy clinic. Open-ended questions were used that would likely have unique answers for each participant.

In addition to asking about the unique experiences of each participant, each participant was asked structured questions that had a limited number of responses to select from, such as gender, race, their current area of practice (if they were practicing), if they were practicing in Missouri or another state, and if they attended SLUSL full or part time. Some of the possible questions to be asked of each participant included:

1. Did you have a specific area of law that interested you at the start of your law school tenure? Explain
2. Did you take electives/practical-skills courses centered on your chosen area of law? Why or why not?



3. Generally speaking, do you believe that SLUSL offered enough practice variations within the civil-advocacy clinic? Why or why not?
4. What area of law did you practice while participating in the civil-advocacy clinic? Was this experience helpful in assisting you with learning to practice within your chosen specialty of law or your current legal employment?
5. Are you currently working in the legal profession? If so, what type of law?
6. How many years have you been practicing?
7. Was your transition from law school to law practice difficult? Why or why not?
8. Did your time with the civil-advocacy clinic help prepare you for your chosen specialty of law? Why or why not?
9. How many hours per week did you work?
10. How long was your experience?
11. Based on your experience, do you think the civil-advocacy clinic at SLUSL prepared you for the practice of law? Why or why not?

### **Timing and Number of Interviews Compiled**

Participants who expressed an interest in participating in the study did so by responding to an email or by phone. Other criteria included having passed the bar and having practiced law. The researcher interviewed 11 participants. At this point saturation was reached. Saturation is defined as the point that no new information is being discovered (Mason, 2010).

### **Data Analysis**

The data collected for qualitative research are considered the rough material (Silverman & Marvasti, 2008) and must be analyzed. Qualitative researchers choose their analysis methods not only by the research questions and types of data collected but also based on the philosophical

approach underlying the study (Silverman & Marvasti, 2008). Data reduction, data display, and conclusion drawing are the three concurrent flows of qualitative data. As the study begins, and continues throughout, data collection and reducing and condensing data can help the researcher begin to seek the meaning of the data (Silverman & Marvasti, 2008). All interviews were audiotaped and then transcribed. The questions were designed to solicit the participants' opinions. These were open-ended questions in which participants provided a detailed response. For example, one open-ended question asked the participant to describe his area of practice. This type of question did not have a corresponding set of answer choices; instead, the participant provided his or her interpretation on what type of law he or she was practicing at the time of the interview.

The researcher identified general themes and noteworthy exceptions to trends and developed codes (Instructional Assessment Resources, 2007, p. 1). The researcher coded large amounts of data to “organize the text and reveal patterns” (Instructional Assessment Resources, 2007, p. 1). After initial coding and review of the codes, less useful codes were eliminated, and smaller categories were combined into larger ones, or if a very large number of responses were assigned the same code, the researcher subdivided that category (Instructional Assessment Resources, 2007, p. 1). Once repeating ideas were seen, the researcher began “organizing codes into larger themes that connect different codes” (Instructional Assessment Resources, 2007, p. 1). Once this process was complete, the researcher was ready to start using the data to establish findings from the research.

Lockyear (2004) noted that coding is the “systematic way in which to condense extensive data sets into smaller analyzable units through the creation of categories and concepts derived from the data” (p. 137-138). When performing qualitative analysis, coding is necessary because

it “facilitates the organization, retrieval, and interpretation of data and leads to conclusions on the basis of that interpretation” (p. 138). Coding is the process of assigning labels to the interview responses to classify and assign meaning to the data (Lockyear, 2004). These codes helped to organize the answer choices and other large amounts of data, discover trends or patterns, and make sense of qualitative data. For closed-ended questions, each answer choice was assigned a separate code that allowed the researcher to view what percentage of participants chose a specific answer.

The data were coded by grouping the themes and was used to count frequencies (Silverman & Marvasti, 2008). This enabled the researcher to manage data by labeling, storing, and retrieving it according to the codes. Finally, the data was organized and visually displayed using Microsoft Excel. Displaying data is the process of putting data into a visual format that helps identify patterns (Silverman & Marvasti, 2008). A table was created to help the researcher arrange the data in new ways to analyze and identify emerging patterns and meanings in the content.

When coding open-ended questions, codes can frequently change during the coding process. As a result, it is “best to start by generating numerous codes as you read through responses, identifying data that are related without worrying about the variety of categories” (Instructional Assessment Resources, 2007). For open-ended interview responses that required significant input from the participants, the researcher identified general themes and noteworthy exceptions to trends to develop codes (Instructional Assessment Resources, 2007, p. 1). After initial coding and a review the codes, the researcher “eliminated less useful codes, combined smaller categories into larger ones, or if a very large number of responses have been assigned the same code, subdivide that category” (Instructional Assessment Resources, 2007, p. 1). After this

process, repeating ideas were seen, and the researcher began to “organizing codes into larger themes that connect different codes” (Instructional Assessment Resources, 2007, p. 1). Once this process was completed, the data was used to establish findings from the research.

### **Role of the Researcher**

The researcher was the primary instrument of data collection for the study; therefore, it is necessary to account for any potential researcher biases. The researcher attended SLUSL as a part-time student, beginning in the fall of 2008 through graduation in the spring of 2012. At the time of enrollment, she had no intention of taking a bar exam; however, because of job requirements, she took and passed the July 2013 bar exam. The researcher’s reasons for attending law school were not that of the average law student. Before enrolling at SLUSL, she spent three years as a procurement financial analyst at the Boeing Company. Within that timeframe, she participated in many contract negotiations, and as a result of those experiences, she realized that she wanted to manage and negotiate contracts as a career. The researcher realized that to learn to write, negotiate, and learn all of the legal languages of contracts, she needed to attend law school.

During the researcher’s second year of law school, she began working for Lenard’s Metals, Inc., managing and negotiating contracts. During her time at Lenard’s Metals, Inc., the contracts courses and other professional skills courses taken at SLUSL taught her all the things she needed to know about contract formation: when a breach has occurred, what constitutes a promise, when damages are or are not to be paid, and most of all, how contracts should be written to ensure both parties have the same understanding of the contractual language. This was experience the researcher expected from her law school education. Because she tried to ensure

she enrolled in courses that would help with her goal of learning the details of contracts and negotiations, she believed she graduated with a better understanding of contracts.

As a secondary career choice, the researcher considered family law, so she participated in the family-law clinic in the spring semester of 2012. During her time at the clinic, she witnessed the emotional and sad state of some of the children and adults. This experience helped her realize how emotional this area of practice can be. She thought about her cases at home, and at school, and was so emotionally involved in some of them that she had a hard time letting go, even after the cases had concluded.

Because of this experience, the researcher realized she could never become a family law attorney. However, had she not participated in the clinic, she would not have known exactly what the field entailed, and the amount of emotion it involved. The researcher made every effort to get what she wanted from the curriculum at SLUSL, and she was satisfied with the knowledge, practice, and skills that she acquired.

As the researcher communicated with classmates over the years while attending SLUSL, most seemed to try to enroll in classes and participate in clinics or internships that would help them learn how to practice in their chosen legal fields. Although classes beyond the core courses were not required, students seemed to have a good idea of the classes they wanted to take to help them achieve their career goals.

### **Ethical Considerations**

Researchers have an ethical obligation to the people they study. Ethical considerations in the current study included confidentiality of data, the anonymity of participants, and consent. Those that chose to participate in the interview were sent an email request, outlined in Appendix A. If an emailed recipient decided to participate in the interview, the researcher sent a copy of

the Recruitment Statement for Research Participation, outlined in Appendix B, via email or provided the statement to the participant personally. This statement explained the purpose of the study, how their information was going to be used and for what purposes, and what types of risks were involved with participation.

### **Chapter Summary**

The method used in this study was a qualitative interview method. The researcher relied on both former classmates of SLUSL and their former classmates. The participants had the ability to provide their feedback to a series of questions, and the data was coded to allow the researcher to organize the data, so that meaning could be established to determine the results of the research. Chapter Four addresses the results of the data analysis and the participants' narratives and views on how SLUSL's civil-advocacy clinic did or did not help them prepare for the practice of law.

## CHAPTER 4: RESEARCH FINDINGS

### Introduction

This qualitative case study was conducted by interviewing eleven former participants of the civil advocacy clinic between 2011 and 2015. While participating in the clinic, participants took part in the family law or transactional clinics. After graduating law school, former clinic participants were either self-employed attorneys, practicing within a firm, engaged in the St. Louis or Illinois communities as community leaders, or not engaged in the practice of law.

The email invitation, outlined in Appendix A, was sent to potential participants. If the participant indicated that he or she was interested, the researcher personally provided a copy of the Recruitment Statement Research Participation form, outlined in Appendix B, or submitted a copy to a potential participant via email. Once a participant provided confirmation he or she would participate in the interview, the interview was scheduled. Because scheduling conflicts prevented all interviews from being conducted in person, one interview was held in a local St. Louis café, and the others were conducted via Skype. The interviews were audio recorded and transcribed in Microsoft Word, by the researcher. The researcher asked the participants each of the questions in the Interview Questionnaire, outlined in Appendix C. During transcription, the researcher transcribed the open-ended questions only. This was done because as the interviews took place, the answers to the closed-ended questions were circled on the applicable Interview Questionnaire.

The eleven participants discussed developing practice skills via the civil-advocacy clinic. Participants' names were changed, although gender identification was preserved. Narrative details were generalized to provide as much anonymity as possible for participants.

Each narrative was divided into five sections: (a) personal background, (b) why he or she decided to enroll in the clinic, (c) experience obtained, (d) practice experience upon passing the bar exam, and (e) recommendations for improving the clinic. These sections correspond to elements of the primary research question. Finally, the data was discussed using a table to give the reader a visual of the responses to all research questions as well as established statistics related to each response.

### **Participant One: Jim**

#### **Personal Background**

At the time of this study, Jim was in his early thirties and was a single father of one daughter in elementary school. A former part-time student of SLUSL, he graduated in the fall of 2012, participated in the family-law clinic for one semester, and became a solo practitioner after passing the February 2013 Missouri Bar Exam. Jim attended SLUSL to become a lawyer and did not want to continue with a career outside of the legal profession; there were no alternate goals, and at the time of enrollment, and upon graduation, he was unsure as to what area of the law he wanted to practice.

#### **Why Jim Enrolled in the Clinic**

After looking at the other options offered in the clinic, Jim was not sure in which clinic he wanted to participate, so he began to ask questions. Some of the clinics were more competitive and required more time. Because Jim worked part time and was a part-time student with a young daughter to support, he could not participate in the clinic for more than 12 hours a week. After careful thought, he decided the family-law clinic would be an interesting choice. Upon entering law school, he was not sure what type of law he wanted to practice but decided to participate in the family-law clinic because he had gone through a divorce in his twenties and



was curious about family law. Although he did not get into the clinic upon initially trying in the fall of 2011, he tried again for the spring 2012 semester and was accepted, and he worked at the clinic for the entire semester for 12 hours a week. He did not get into the program the first time because he missed the application deadline.

### **Experience Obtained**

As stated before, Jim had been through a divorce in his early twenties, so he was initially interested in divorce cases, but upon entering the clinic, he soon learned the cases were provided as they became available, and, unfortunately, he never defended or negotiated a divorce case. However, he gained valuable experience in other areas of family law. For example, he was able to get a young child removed from her parents' home due to abuse. During this case, he learned how to seek medical records and, if applicable, look up a person's criminal history, interview a child, seek out additional living means for children, and conduct in-home visits to check on the welfare of a child. Jim was more excited about the child support cases that he worked on. During this process, he learned not only how income is used to determine child support but also how his child support payments from his wife were calculated. The client interviews were something required more effort, and even after graduation from SLUSL, while he was studying for the bar exam, he volunteered his time at the clinic conducting interviews with clients. Jim's experience was very rewarding, and he believed it was one of his best experiences while enrolled at SLUSL.

### **Practice after Passing the Bar Exam**

After passing the February 2013 bar exam, Jim had no solid job opportunities, so he decided to open a private practice. He initially started providing family law services since he was very familiar with how to practice in this area of law. This was all thanks to the experiences

he learned while participating in the family-law clinic. The one thing he did not get from the clinic was how to record the time he spent working on cases. When he started his practice, he had to seek guidance on how this was done so he can ensure he was billing his clients correctly.

### **Recommendations for Improving the Clinic**

Jim believed the clinic provided him with great practical experience, but there was less of a focus on the administrative side of practicing law. Although Jim's learning experience related to the practice of law was rewarding, and he enjoyed the family-law clinic, Jim emphasized that participants should have been trained on how to record time adequately because this is how clients are billed. Jim stressed not knowing this information can cause complaints and possibly the suspension of licensing or other sanctions. In conclusion, Jim advised that the clinic keep doing what it is doing to educate students on what to expect with how to practice but more of an emphasis should be put on ensuring students are aware of how to properly record the time spent on clients' cases. With this, Jim would recommend the family-law clinic to current and future students of SLUSL.

### **Participant Two: Stacy**

#### **Personal Background**

At the time of this study, Stacy was a divorced single female her mid-thirties. As a single African-American woman without any children to support, Stacy believed it was not imperative she earn a high salary upon graduating from SLUSL. Graduating in the spring of 2012, and passing the February 2013 Missouri Bar Exam, Stacy participated in the business-transactions clinic during the last semester of attendance at SLUSL. She did not immediately take the bar exam upon graduation due to work demands. While attending SLUSL, Stacy envisioned working in the legal field in the community and urban development sector, where she was

employed at the time. She knew she did not want to work in a large law firm, but she ensured her grades were sound, to “increase her odds” of getting job offers upon graduating from SLUSL. Fortunately, during her last year of study, she landed a job in the community development sector and became responsible for all the business contracts.

### **Why Stacy Enrolled In the Clinic**

Because Stacy always knew she wanted to continue her work in the community and urban development sector, she sought out courses that would allow her to get experience in real estate transactions and contracts. When she learned of the business-transactions clinic, she jumped at the opportunity to enroll because she believed she would get hands-on experience helping businesses review and negotiate contracts. Stacy reported the enrollment was competitive, but she had no problem being accepted into the clinic. She enrolled in the clinic in the spring of 2012 and worked a total of 12 hours per week.

### **Experience Obtained**

At the end of the semester, Stacy was pleased with the experience she had received. She helped with leasing and other contracts for businesses and learned a lot. However, the large-scale projects started to dry up, and she began to do a lot of work for small businesses. She believed like she needed to provide assistance to larger businesses because she wanted to make sure she was able identify larger issues, and at the time, she did not feel that providing assistance to small businesses would provide the necessary skills she needed to succeed in her current job. She carried this belief well after graduation. However, she was pleased she was presented with the opportunity to work on everything from real estate transactions, leasing agreements, company formation, and reviewing contracts for goods and services.

## **Practice after Passing the Bar Exam**

When Stacy started to encounter more issues related to getting work completed by subcontractors on projects being developed by her employer, she soon realized the majority of the issues were with small businesses! The assistance she provided to small business while participating in the business-transactions clinic guided her through many of the issues that she encountered with small business contractors. She was able to spot issues, recommend solutions, and write contracts that were legally sound. The importance of termination for convenience was also a provision she began to implement in more contracts due its necessity for various reasons. Using what she had learned in the business-transaction clinic, she began to negotiate contracts that were beneficial to both parties and helped save time and money. Stacy believed she underestimated her experience at the clinic, and was very grateful to have worked on contracts for small businesses since most of the contractors with whom she dealt are from this sector.

## **Recommendations for Improving the Clinic**

After much thought, Stacy could not offer any recommendations for improving the clinic. She believed she had learned what she was seeking to learn, even if she did not know it at the time. If anything, she wanted to provide the following advice to current and future participants: “Go into your experience with an open mind. Realize that you are just beginning your legal journey, and you will not know it all, no matter how long you have worked in the field.” The researcher asked her why she felt the necessity to provide this advice, and she responded: “The legal profession is evolving and having an open mind will allow one to accept and deal with change. My situation is the perfect example. I thought I knew it all, and it was not until I got deeper into my job that I realized just how much I did not know!” With this, Stacy would recommend the business-transactions clinic to current and future students of SLUSL.

## **Participant Three: Jessica**

### **Personal Background**

At the time of this study, Jessica was in her late twenties with a young daughter. Jessica was married while attending SLUSL and had a child a year after graduation. Both of her parents were attorneys, and because of this, Jessica believed she should follow in their footsteps. A graduate of the fall class of 2012, Jessica was a participant in the family-law clinic during her last semester and passed the February 2013 Missouri Bar Exam. However, she was a stay-at-home mother and had worked some temporary legal jobs since passing the bar exam.

### **Why Jessica Enrolled In the Clinic**

Jessica was not sure in what area of practice she was interested upon enrolling SLUSL. Because of this, she had a variety of internships and participated in the family-law clinic. The family-law clinic was chosen because it was the most flexible and allowed her to continue with another internship uninterrupted. She figured she would learn a lot since family law encompassed many different possible areas of focus. She was more interested in divorce law but was not set on having more of that experience while participating in the family-law clinic.

### **Experience Obtained**

The whole experience within the family law clinic was a bit overwhelming for Jessica. She did not expect to become as emotionally attached to the clients and believed she was not prepared. She often took her work home with her, and although she was told by the faculty members to remove herself emotionally from the cases, she had a difficult time with this. However, outside of this, she felt that she learned a great deal. More specifically she was very happy with interviewing children and conducting home visits and assisting with guardian ad litem over some children. Although there were many rewarding experiences, this is where

Jessica excelled, and this experience helped her make the decision that she wanted to practice family law full time, with a focus on child welfare. At the end of the semester, Jessica believed she had received a broad range of experience and had no negative feelings regarding the training she received.

### **Practice after Passing the Bar Exam**

After passing the bar exam, Jessica worked a series of temporary legal jobs. She believed that because of the job market, she was not able to find adequate full-time legal work. Most of her work was providing clerical assistance to senior counsel at various law firms in St. Louis. She became pregnant in the fall of 2013, and at that time, she and her husband decided she would be a stay-at-home parent. Although she has not practiced much within the family law arena upon passing the bar, she is still very interested in practicing in this area upon her return to the legal profession.

### **Recommendations for Improving the Clinic**

Jessica believes there should be a focus on how to deal with emotions while defending some of the children. When I asked if she believed this should be a separate course outside of the clinic and whether students should bear some responsibility in ensuring they are aware of what types of emotions they might experience within their chosen practice area, she disagreed and stated

I believe that students should be advised of all possible implications of practicing in a specific area of the law. If a clinic is going to be offered, the mere practice of law is not good enough, and all possible emotional scenarios should be discussed with students to help them make informed decisions regarding a specific area of practice.

With this, Jessica is not sure if she would recommend the family-law clinic to current and future students.

## **Participant Four: Roger**

### **Personal Background**

Roger was a former assistant prosecutor and became a city manager. At the time of this study, Roger was in his early thirties and was engaged to his fiancé, whom he had been dating for three years. Roger was a graduate of the spring class of 2011, was a participant in the business-transactions clinic, and passed the February 2012 Missouri Bar Exam. He was also a member of a bar in a neighboring state, passing that bar exam in July 2011. Roger always knew he wanted to be a prosecutor, so he took all of the litigation and moot court practical-skills courses offered at SLUSL, served as an intern in a state's prosecuting attorney's office, and clerked for a judge. Before graduating, he was already employed as an assistance prosecutor.

### **Why Roger Enrolled In the Clinic**

Roger enrolled in the business-transactions clinic because he wanted to explore a different area of the law. For most of his life, he never dreamed of becoming anything other than a prosecuting attorney, but he decided to broaden his scope. He did not want to participate in any clinic that would have entailed litigation since he believed he was very versed in that area, so he decided to apply for the business-transactions clinic. He was accepted in the fall of 2010, and he worked a total of 12 hours a week providing assistance reviewing small business contracts and other transactions.

### **Experience Obtained**

Roger was not happy sitting behind a desk for four hours a day, three days a week. Reviewing the contracts and other business transactions were a bore to him. When I asked if he would have to sit and review evidence and other materials in preparation for trial, he stated it was not the same. He was not excited about the work he did at the clinic because the type of issues

he provided assistance with bored him. Although he thought someone else would have benefited from the work, he was not one of them. The one thing participating in the clinic helped him realize was that he made the right decide to become a prosecuting attorney. Roger believed there was a level of excitement prosecuting criminal cases that he could never get reviewing contracts and other business transactions. Roger stated “he was beyond bored, and mentally, it was a horrible experience.” However, he wanted to point out even though he did not enjoy the work, he did not believe the clinic was inadequate.

### **Practice after Passing the Bar Exam**

Roger did not use any of the experience gained in the business-transactions clinic while practicing as a prosecutor. However, once he became a city manager, he stated that his first contract review was brutal because it took him back to his experience reviewing contracts in the business-transaction clinic. At the time of this study, he had a volunteer attorney that was a part of his board, and this person reviewed all of the contracts for him. He reiterated this type of work was not something he was interested in, but he was glad he knew the issues to spot and how to negotiate. If he had the opportunity to participate in the clinic today, he stated he would not complain so much and would have more of an open mind. When I asked him to go into more detail, he stated:

An open mind will not catch you off guard. If I had spent as much time appreciating the work, as I did complaining, I would not have been caught off guard with having to deal with contracts in my current position as a community manager. I would not have panicked, and I would have been able to handle the situation with the same level of confidence that I have when I prosecute a case.

Roger never thought he would use the experience gained in the clinic, but he also never thought he would become a city manager. When I asked why he decided to stop prosecuting, he stated he gained a passion for his community and believed he could make a difference.



## **Recommendations for Improving the Clinic**

Roger did not have any recommendations for changes to the clinic. However, he thought it would be a good idea to have more of an open dialogue with directing faculty. He also thought it would be good if they would share more of their career experiences, as this might help students think outside of the box. When I pressed for more information, he stated that stubborn students, such as himself, would keep an open mind about the possibility of changing fields and would hopefully take the experiences learned more seriously as opposed to blowing them off because they believed that their minds were made up regarding a career path. After all, he was almost sure the clinical staff had changed careers once or twice! With this, Roger would recommend the clinic to current and future students of SLUSL.

### **Participant Five: James**

#### **Personal Background**

At the time of this study, James was in his late twenties and was not working in the legal field. He and his wife decided to take time off from working to travel before they started a family. James was a graduate of the fall class of 2011, was a participant in the family-law clinic, and passed the February 2012 Missouri Bar Exam. James thought he wanted to be a litigator, but upon graduating and passing the bar exam, he received an opportunity to serve as a contract specialist and was promoted within a year to associate counsel at a corporation in Illinois. All of his chosen electives helped to strengthen his litigation skills, and he never completed any contract review or business-transaction courses. Upon accepting his job as a contract specialist, he did not feel like he did himself a disservice by not completing any of the related courses offered at SLUSL because he found that he was quite good at writing and negotiating contracts.

### **Why James Enrolled in the Clinic**

James decided to enroll in the family-law clinic out of curiosity and because he did not want to take a classroom law course. He was not sure if he was particularly interested in family law, but he thought it could not hurt to gain insight. The field of family law encompasses many different areas of practice, so at the very least, he felt that he would never get bored. Also, to add humor, he stated that he thought it could not hurt to learn some of what divorce attorneys do just in case he would have to go through a divorce one day.

### **Experience Obtained**

The emotional attachment to the children in some of the neglect cases was something that James was not prepared for. After his first couple of cases, James tried to avoid providing assistance in those type cases. This made him leery of ever providing this type of legal guidance upon entering the profession. However, James believed the support he provided on child support and custody cases was very rewarding. Knowing the children were being provided for after a divorce or during a separation, and making sure the children were aligned with the most capable parent, made him feel proud of the work he did. The faculty who supervised his cases were knowledgeable, direct and to the point.

### **Practice after Passing the Bar Exam**

Because James did not practice family law upon passing the bar, he was not able to utilize the experience gained, so he could not provide insight into how the experience helped him in his former job as a contract specialist or as associate counsel. As a contract specialist and associate counsel, his legal work primarily involved contract reviews and negotiations and other business-related transactions such as mergers and acquisitions and intellectual property issues. Given this, he wished he would have participated in the business-transactions clinic, but he had

no regrets, as he understood that sometimes one never knows where life will take them. When I asked about whether he believed the negotiations that he had to conduct while participating in settlement conferences with clients of the clinic could have possibly helped him with his role as a contract specialist and associate counsel, he stated that he never thought of that but admitted it was quite possible.

### **Recommendations for Improving the Clinic**

James believed the clinic staff should continue to do what they are doing. Because SLUSL provides students with many clinical options, regardless of whether it is a potential career path, students can explore many practice areas within the law. The one thing James believed the faculty should continue to do is not provide too much assistance to students because the clinic faculty is there to provide guidance and not hold the participant's hand. He believed he was provided with enough assistance to know that he was still on his own. During his experience with the clinic, there were many students who complained about not receiving enough assistance, but James believed it was a strategy because too much help can be a detriment; when new attorneys enter the legal profession senior attorneys expect them to be able to hit the ground running. With this, James would recommend the family-law clinic to current and future students of SLUSL.

### **Participant Six: Sara**

#### **Personal Background**

At the time of this study, Sara was married, in her late twenties, and an attorney for a prominent corporation. Graduating in the spring of 2012 and passing the July 2012 Wisconsin Bar Exam, Sara participated in the family-law clinic during her last semester at SLUSL. While in attendance, Sara interned with the corporation where she was employed at the time of this

study. Sara always knew she wanted to be a transactional attorney, and most of her practical courses were transactional in nature.

### **Why Sara Enrolled in the Clinic**

Sara enrolled in the family-law clinic as a way to experience another area of law. Although she knew that she would never want to practice family law, she thought it would be a good idea to have the experience just in case she would have a hard time finding a job as a transactional attorney with a corporation. She enrolled in the clinic in the spring of 2012 and worked a total of 12 hours per week. The experience was one in which she cherished because it possibly gave her an alternate career choice once she becomes a mother.

### **Experience Obtained**

Sara believed the work was not very challenging, but in the beginning, she was often heartbroken over the cases and the clients she encountered. After the first couple of weeks, she took the directing faculty member's advice and removed any emotion while representing the clients. Taking this advice, she believed she was able to provide the best legal support. Sara stated:

Having to deal with the children and conduct the home visits was hard, but once I removed emotion, I was able to give 100% of myself without thinking of other people's concerns. For example, there was one situation in which I had to decide if a child should be removed from his mother's home. It broke my heart to have to take a child away from his mother, but I had to remove that feeling and act in the best interest of the child. In the end, I was able to get the child to a place that we believed was safe, and in his best interest, and for this, I was proud.

Keeping her emotions in check led to a very rewarding experience for Sara. Guardian ad litem and child custody cases were the main cases Sara worked on, but she admitted that there were a few child support cases.

Child support cases were the hardest for Sara because Sara believed that women can become very emotional when it comes to the well-being of a child. On her first case, she was not interested in hearing why the father could not pay more. However, after taking a look at his finances, she was able to let down her guard and complete the necessary income sheet to determine what he could afford to pay. After learning the process for determining how child support is determined, she became less critical of those paying what she believes to be next to nothing because it could be that the payment is all the person's income would allow.

Her experience was great, and she would not trade it for anything. She gained more knowledge of family law than she could have ever imagined. She was excited to be able to provide advice to some of her friends that were having custody or child support issues.

### **Practice after Passing the Bar Exam**

Because Sara was a transactional attorney, she was not utilizing any of the skills she had learned while in family-law clinic. However, once she and her husband decided to have children, she thought she might resign from her current position and eventually practice family law on a part-time basis. In preparation for this possibility, she was taking continuing education courses in family law. She felt like the time she spent in the clinic gave her a possible alternate career choice—one that she would have never considered had she not participated in the family-law clinic.

### **Recommendations for Improving the Clinic**

Sara could not offer any recommendations for improving the clinic. However, she wanted current and future students of the clinic to know that:

Even if you have already decided what area you would like to focus in, and even if you have already secured employment, if you enroll in the clinic, please take it seriously. Students are placed in the clinic because they want to learn and also because their help is

needed. Also, the experience could change your mind regarding your career choice, or offer you an alternate option.

Family law was not on Sara's radar before the clinic, but because she had excellent help from the clinic faculty and worked on rewarding cases, she felt like her participation in the clinic was a success, and she would recommend the clinic to current and future students.

### **Participant Seven: Jamie**

#### **Personal Background**

At the time of this study, Jamie was in her early forties with adult children. Her family owned a family law practice in Cape Girardeau, Missouri, where she worked as a receptionist and clerk. She decided to attend law school because both her parents and her brother were attorneys, and she wanted to join the family business. A graduate of the fall of 2012, Jamie was a participant in the family-law clinic during her last semester and passed the February 2013 Missouri Bar Exam. However, after practicing law for one semester, she became a compliance director with a corporation.

#### **Why Jamie Enrolled in the Clinic**

Jamie enrolled in the clinic because she believed it was logical given that she knew she wanted to become a family attorney. Her family encouraged her to enroll in the clinic so she could get an experience outside of the family business. When I asked why she didn't do an internship at her family's law office, she stated her family discouraged that just in case she had to get a job with another firm and learn to deal people who she was not related to. Jamie had no expectation of the types of cases she would encounter, but she was hoping for a rewarding experience.

## **Experience Obtained**

Jamie was able to adapt to the clinic with ease, and this was in part due to her familiarity with this area of law. She worked a total of 12 hours a week, and in the beginning, the case load was very fast paced. However, once she found her groove, she had less anxiety about the case load. When I asked her about the emotional toll that some former participants spoke about, she stated that phase had passed for her years ago because she had experience from her law firm. This, she believed, gave her an advantage over the other participants because while they were talking about how hard it was to deal with their emotions, it was not something that she thought about.

Jamie worked on all of the typical cases: child support, custody, and guardianship. She even volunteered to accompany some of the other students to court and assist with some of their cases. Jamie excelled during the clinic, and she believed it was all due to her experience working at her family's firm.

## **Practice after Passing the Bar Exam**

After passing the bar exam, Jamie joined her family's law practice. She was able to use the experience learned at the clinic in every aspect of her job. However, after about seven months, she had to find new employment due to a tragic accident of one of her children. She was no longer able to put in the amount of time necessary to keep up with her course load. Going part time was not an option since she needed the money. As a result, she decided to go back to her prior life as a compliance director. She believed that in a couple of years, she would go back to the practice of law. Jamie continued to provide support to the family law firm, and planned to do so until resuming practice full-time.

## **Recommendations for Improving the Clinic**

Although Jamie did not have an issue with emotions, she believed other students could have used some continued coaching in this area. However, she believed the students must also do their part to ensure they try to remove themselves, emotionally, from the cases as faculty members don't have time to hold each student's hand. Other than this, Jamie had no recommendations for improving the clinic and would recommend the clinic to current and future students.

### **Participant Eight: Robert**

#### **Personal Background**

Robert was a tax attorney with the IRS. He was employed with the IRS while attending SLUSL part-time. Robert graduated in the fall of 2013, was a participant in the business-transactions clinic, and passed the February 2014 Missouri Bar Exam. Robert always knew he wanted to be a tax attorney, so he took a couple of tax-related courses and some business-transaction courses while attending SLUSL.

#### **Why Robert Enrolled in the Clinic**

Robert enrolled in the business-transactions clinic because he wanted to explore a different area of the law. He knew his career path upon enrollment at SLUSL, and it was all but secured, as long as he passed the bar exam. After speaking with his wife, they both agreed that it would help if he were able to obtain experience in another area of the law just in case of layoffs at the IRS. He was accepted in the fall of 2013, and he worked a total of 12 hours a week providing assistance reviewing small business transactions.



## **Experience Obtained**

Robert believed the experience within the business-transactions clinic was rewarding but boring. However, he found all transactional work is boring, including his work as a tax attorney for the IRS. He even had a conversation with one of the clinic faculty, and the faculty member informed him that if nothing else, reviewing the contracts and other transactions would teach him patience and how to spot legal issues. He believed sitting for hours reviewing contracts and leases was equivalent to sitting for hours reviewing tax documents, so he was grateful for the experience because he believed it taught him patience—something he knew he would need in his role as a tax attorney.

## **Practice after Passing the Bar Exam**

Robert reiterated that upon passing the bar and becoming a tax attorney, he was grateful he learned how to be patient and sit for long periods of time. Most of his time was spent reviewing tax documents, which can be very tedious and boring. However, he knew to expect this given his experience in the clinic.

## **Recommendations for Improving the Clinic**

Robert believed that there could be a better variety of businesses the clinic provides assistance to, as this helped break up some of the boredom and entailed different legal issues. He stated SLUSL should continue to offer the clinic and put forth more of an effort to get students to participate. He wanted to note that “although it is great the clinic is available students should be required to participate in some legal practice before graduation as this will help students get a better idea of what their career life after law school could entail.” Robert recommended the business-transactions clinic to current and future students.

## **Participant Nine: Shelley**

### **Personal Background**

At the time of this study, Shelley was in her early thirties and a lawyer in a big law firm. Shelley was a graduate of the fall class of 2013, was a participant in the family-law clinic, and passed the February 2014 Illinois Bar Exam. Shelley always knew she wanted a well-rounded legal career that could include transactional work as well as litigation. She also knew she wanted to make a lot of money, so she decided to focus on litigation and transaction externships and looked to the family-law clinic to give her insight into the world of family law.

### **Why Shelley Enrolled in the Clinic**

Shelley decided to enroll in the family-law clinic because she was not able to get this experience in an externship. However, she knew she needed the experience to make herself more marketable to big firms. By enrolling, Shelley hoped the family-law clinic would provide her a broad enough experience so she would have some very good talking points regarding experience during the interview process.

### **Experience Obtained**

Shelley was very pleased with the level of cases she worked on. There were cases of child neglect, custody, and child support. She made sure she sought out what were perceived to be difficult cases and was not afraid to work more than the required 12 hours. There were many nights that she took her cases home so she was well versed on the situations before she met with her clients and defended them in court. Shelley had the opportunity to work through a child support settlement that was very enriching, and it helped her hone her mediation skills. Overall, Shelley felt like the experience helped her become a well-versed lawyer, and she acquired skills she was able to speak to while interviewing for jobs.

### **Practice after Passing the Bar Exam**

Before passing the bar exam, Shelley already had a job at a big law firm. She was a junior associate at the time of this study, and she provided support to the more senior attorneys in many different areas, including corporate, business, litigation, and family law. One of her first cases entailed providing assistance on a divorce case, and the senior attorney was quite pleased when she was able to provide real-world insight on a strategy! She was responsible for interviewing the client and providing advice on next steps and strategies. Being able to use her experiences from the family-law clinic, within her first few months on the job, was a huge ego booster and earned her praise from senior partners.

### **Recommendations for Improving the Clinic**

Shelley believed the clinic staff should continue to do what they are doing. As long as participants are focused and have a goal that they are working towards, Shelley believed they will learn what they need to succeed. A little advice she offered students was to go above and beyond while participating in the clinic. The faculty recognized this and would sometimes seek hard-working students out to work on specific cases. Shelley recommended the family-law clinic to current and future students.

### **Participant Ten: Amy**

#### **Personal Background**

At the time of this study, Amy was a married, stay-at-home mother of one child. A former full-time student of SLUSL, she graduated in the spring of 2013, passed the Missouri Bar Exam in July 2013, and participated in the family-law clinic for one semester. Shortly after graduating, she married, and within a year, she was pregnant. After the birth of her child, she and her husband decided it was best that she not return to work at a small law office. Amy

attended SLUSL with a goal of becoming a lawyer and did not want to continue with a career outside of the legal profession; there were no alternate goals.

### **Why Amy Enrolled in the Clinic**

Amy did not know what area of practice she wanted to focus on in law school, and quite frankly, she felt a little lost. She attempted to get externships while in law school, but due to competition, she was not able to get any. After much thought, and with a fear of graduating with no experience, Amy enrolled in the family-law clinic for 12 hours a week during her last semester. She had no expectations of the types of cases she would work on, and her only concern was to get some legal experience before graduating.

### **Experience Obtained**

Amy thought the experience was an eye-opener. The cases she worked on gave her an insight into the amount of time it could take to complete a case. Most of the cases she worked on were not completed upon her completing her required time within the clinic. Because she was not working while enrolled at SLUSL, Amy took many cases home to review. Amy sometimes got cases that had no prior notes, and this was a source of frustration for her. Not having these notes forced Amy to ask repeat questions, and this sometimes frustrated her clients. She felt like she spent a lot of time apologizing, and this made her feel unprepared and unprofessional. However, the experience itself was very rewarding. The guardian ad litem work was the most rewarding, and she figured she would do a great job in this area.

### **Practice after Passing the Bar Exam**

After passing the bar exam, Amy got a job at a small law firm that focused on divorces, and during her first few months, she was responsible for two divorce cases. She did well interviewing clients but had a hard time working on a strategy. She believed this was because

she had not had much experience in the area when she worked at the clinic. Although she had some exposure to divorces, she never really got to do any work on the case. However, she had a great mentor in her boss, and he provided guidance on what she should do. Before she could get really into other practice areas, she became pregnant and discontinued working.

### **Recommendations for Improving the Clinic**

Amy could not think of any improvements for the clinic. She stated that she was thankful the clinic was available, especially since she did not know what type of law she wanted to practice upon passing the bar. She recommended the family-law clinic to current and future students.

### **Participant Eleven: Kelsie**

#### **Personal Background**

Kelsie had been an electrical engineer and was married with three children at the time of this study. She was in her late thirties and practicing family law, but was considering going back to the electrical engineering field because she believed she would make more money. Kelsie did not want to reveal her year of graduation but confirmed she had graduated within the last five years and was a participant in both business and family-law clinics. She did not take the bar immediately after graduation, and after a failed attempt at the February 2013 Missouri Bar Exam, she passed the July 2013 exam and was studying to take the New York Bar Exam in February 2017.

Kelsie wanted to become a corporate attorney upon passing the bar examination, but upon graduating, she was not able to find a job in corporate law. After six months of searching, she finally settled on a job at a family law practice. Family law had always been her second choice, but she was not thrilled with her work situation. Thus, she and her husband, who was

also a lawyer, would be moving to New York in the fall of 2016. With this move, she was hoping she would be able to achieve her goal of finding employment as corporate counsel, or she will return to work as an electrical engineer.

### **Why Kelsie Enrolled in the Clinics**

Kelsie decided to enroll in family law so she could gain some insight into the field. Although she knew what being a family lawyer entailed, most of her electives were transactional courses, which she believed were necessary to prepare for the possibility of becoming a corporate attorney. However, as she continued with her studies, she thought she needed some experience practicing family law, and this belief prompted her to enroll in the clinic.

Enrolling in the business-transactions clinic was a logical choice, especially since she had a goal of becoming a corporate attorney. She figured she would pick up where the other transactional skills courses left off but would also have the opportunity to support real businesses.

### **Experiences Obtained**

Kelsie was not happy with the direction of the family-law clinic because she thought the instruction had no sense of direction. She believed she did not get enough direction from the clinical staff and did not have enough time to prepare for cases because she believed the clinic took in too many cases. Because of this experience, and not feeling as if she had accomplished anything, she decided against re-applying for the clinic for a second semester.

The experience with the business-law clinic was a different story. Kelsie believed the work was paced and there was ample time to review issues and respond to the clients. The faculty was helpful, and she felt like she received the one-on-one time she needed with the faculty, if necessary. She believed the work was mentally challenging, and she was able to apply

methods of review she had learned in the practical courses. Finally, Kelsie believed she learned what the faculty informed her she would learn: how to spot issues and adequately redline different agreements to protect her clients.

### **Practice after Passing the Bar Exam**

Kelsie was not able to find a job in the corporate sector upon passing the bar. As a result, she took a position at a small family law office and was not pleased with the work. She believed she was not able to pull from her experience in the family-law clinic because she did not learn how to complete time sheets or how to represent clients. At the time of this interview, there was a lot of frustration between herself and her employer because she asked so many questions. During the interview for the position, she mentioned that she participated in the clinic and even provided one of the faculty members as a reference. When I asked her to elaborate on why she did that, she stated:

At that point, I was desperate. I was not working, and the student loan bills, as well as the bills were beginning to add up, and I knew that I had a good shot of getting the job if I could brag on the experiences I had at the clinic. I'm not proud of what I did, but I believed that if I got the job, I could learn the ropes quickly. This was a big mistake.

Although she was not happy with her employment situation, she had no regrets and was appreciative of the experience because she believed this gave her the motivation to continue to seek out opportunities in the area of corporate law.

### **Recommendations for Improving the Clinics**

Kelsie believed the business-transactions clinic faculty should continue to do what they are doing and recommended the clinic to current future students of SLUSL. However, the one piece of advice she had for the family-law clinic was to slow down and stop taking in too many clients. Kelsie believed the fast-paced environment does a disservice to the participants, and not

only does this cause frustration, but it is possible that participants could walk away feeling like they wasted their time. With this, Kelsie did not recommend the family-law clinic to current or future students of SLUSL.

### **Coding the Interview Questions**

Coding open-ended questions was achieved by finding common themes. The researcher had three central open-ended questions:

1. Do students who enter law school with an idea of the type of law they want to practice enroll in more practical and skill-based courses?
2. Did SLUSL offer courses that were able to provide students with the experience and skills necessary to adequately practice in their chosen fields of law?
3. Did the practical and skills-based courses help former participants learn what to expect and how to practice in their chosen field of practice?

Once the above was identified, and after each interview was transcribed, the researcher began to circle the responses to the above questions. These responses were added to an Excel spreadsheet, and as themes started to develop, the researcher began grouping responses under the appropriate heading. The final themes are shown in Table 1.

### **Patterns and Outcomes**

This section reframes the participants' narratives in a structured response to the research question for this qualitative case study: Did the SLUSL civil-advocacy clinic help prepare former participants for the practice of law? The researcher examined some factors including what former participants learned while participating in the clinic and whether what they learned aided them once they entered the legal profession. The family law and business-transactions clinics were the only represented areas of specialty from the civil-advocacy clinic, and only those who



had graduated from SLUSL within the last five years were sought out for the study. However, the researcher was only able to secure interviews with former participants that graduated from SLUSL between the years of 2011 and 2013. The chart below provides greater insight from the interviews.

Table 1: Clinic Participants Interview Results:

Interview item	No. of responses		% of total
Race	3	African American/Black	27.3
	7	White	63.6
	1	Other	9.1
Male or Female	7	Female	63.6
	4	Male	36.4
Decision to attend law school	11	Become a lawyer	100
	0	Alternate career path	0
Where you a full or part-time student?	4	Full-time	36.4
	7	Part-time	63.6
Did you take practical-skills courses?	7	Yes	63.6
	1	No, because courses were not offered	9.1
	3	Did not have an area of interest but enrolled in some practical skills courses	27.3
Type of clinic within civil-advocacy clinic	7	*Family Law	58.3
	5	*Business Transactions	41.7

Table 1 Continued

Interview item	No. of responses		% of total
How long was your experience?	7	1 Semester	63.6
	4	2 Semesters	36.4
How many hours did you work?	11	10-20	100
*How useful was the clinic in preparing you for the practice of law?	2	Very Useful	18.2
	7	Useful	54.5
	1	Somewhat useful	9.1
	2	Not useful at all	18.2
*Why the clinic?	2	Most flexible clinic	16.6
	3	Area if specialty	25.0
	5	Explore alternate specialty	41.7
	1	Unable to secure during externship in area	8.3
	1	Fear of having no experience	8.3
Would you recommend the clinic?	10	*Yes	83.3
	1	*No	8.3
	1	Undecided	8.3

Table 1 Continued

Interview item	No. of responses		% of total
Recommendations for improvement	2	Teach how to deal with the emotional toll of cases	14.3
	1	Teach how to record time	7.14
	1	More dialogue w/faculty	7.14
	1	Faculty should share career experiences	7.14
	1	More variety of businesses	7.14
	1	Better recruitment efforts	7.14
	1	Reduce case load	7.14
	1	Take more time to mentor	7.14
	5*	No recommendations	35.7
Year of graduation:	2	Fall 2011	18.2
	3	Spring 2012	27.3
	2	Fall 2012	18.2
	1	Spring 2013	9.1
	2	Fall 2013	18.2
	1	Unknown	9.1
Area of specialty upon passing bar	2	Corporate	18.2
	3	Family law	27.3
	1	Litigation	9.1
	1	Tax	9.1
	1	Urban Development	9.1
	1	Other	9.1
	2	None	18.2
Able to apply what was learned in the clinic in the chosen area of practice?	8	*Yes	66.7
	4	*No	33.3
How many years of practice?	3	0-1	27.3
	5	2-3	45.4
	3	4+	27.3

Table 1 Continued

Interview item	No. of responses		% of total
Currently working in the legal profession?	6	Yes	54.5
	5	No	45.5

\*One student participated in both the family law and business-transactions clinics. She recommended the business-transactions clinic, but did not recommend the family-law clinic.\* Five students had no recommendations for change. Some students had multiple suggested recommendations.\*

## Results

### Those Who Decided Upon an Area of Specialty

The data suggests all seven former law students who decided upon an area of focus enrolled in practical-skills courses were specific to their chosen fields. Robert, the only of the seven who attended law school part time during the evenings, claimed not to have taken many practical-skills courses because there were very few evening practical-skills courses offered in his chosen area of specialty of tax law. As for participating in a clinic that provided them with direct experience in their chosen areas of specialty, only three interviewees (Stacy, Jamie, and Kelsie) of the seven decided upon areas of practice participated in a relevant clinic, and all three believed they learned valuable experience that they were able to use in practice upon passing the bar exam. The other four decided to participate in other clinics to explore another area of practice.

Roger was not able to use the experience learned in the business-transactions clinic during his tenure as an assistance prosecutor but he was able to use the experience learned in his current role as a city manager. Although a volunteer provided him with services related to contractual review and negotiations at the time of the interview, if he had to step into the role, he

believed the experience learned during his time in the business-transactions clinic provided him with the necessary skills to negotiate business transactions effectively. Sara, as a corporate lawyer, did not use the skills she acquired in the family-law clinic, but she felt confident providing advice regarding some family law subjects and was considering practicing family law part time after starting her family. If she does venture into this area of practice, she believed her time spent in the family-law clinic would help her not only obtain employment but also provide adequate representation to her clients. James and Robert participated in the family law and business-transaction clinics, respectively, and have had the opportunity to apply what they learned in the clinics. Finally, Kelsie, a participant in both the family law and business-transactions clinics and a current family lawyer, was never able to use her experience learned in the family-law clinic because she did not feel as if she was properly trained. The experience she learned in the business-transaction clinic, although rewarding, had not been put to use because she had not been able to find a job in her chosen area of specialty of corporate law.

All three interviewees that participated in clinics in their chosen area of specialty were still practicing at the time of the interviews. Of the four remaining interviewees who decided to participate in a clinic in order to get exposure to another area of law, Roger was a city manager; James decided to stop practice as a corporate attorney in order to travel before having a family; Jamie changed careers and was a compliance director; and Kelsie, a family attorney, could not find a job in her chosen field.

Shelley's case was a little different in that she knew she wanted to have experience in, and practice, many different types of law. Because of this, she participated in a series of externships in various areas. She decided to participate in the family-law clinic because she was

not able to get this type of experience outside of SLUSL. She was practicing law at a big law firm and had tried and provided assistance with different cases in various areas of the law.

### **Those Who Were Undecided on an Area of Specialty**

Jim, Jessica, and Amy, three students who had not decided on a specific area of practice, enrolled in a variety of practical-skills courses they believed would be interesting. Jim and Jessica informed they participated in the family-law clinic because it had enough flexibility to allow them to continue working their other jobs. Amy informed that she participated in the family-law clinic because she was afraid of not having any experience upon graduating and passing the bar. Jim, although undecided on an area of specialty, was practicing law as a solo practitioner of family and criminal litigation. He enrolled in negotiations, client counseling, and pre-trial litigation practical-skills courses, all of which provided him with experience he was able to use upon entering the practice. After practicing in a small law firm for a brief amount of time, Amy became a stay-at-home mother. Jessica also decided to stay at home to care for her child after having some temporary legal jobs after graduating.

### **Part-time versus Full-time**

Of the eleven interviewees, four (36.4%) attended SLUSL full time. Of these four, Amy was the only participant who did not have an idea of the type of law she wanted to practice upon entering law school. She was also the only member of this group who was not employed. However, this was because she made the decision to discontinue practicing law once she became pregnant with her first child. Of the seven interviewees (63.6%) who attended SLUSL part time, four (57.1%) were still practicing law: Jim, Robert, Stacy and Shelley. James made the decision to leave the legal profession temporarily to travel before starting a family. Roger became a city manager in the State of Illinois and decided to leave the profession temporarily for a few years to

serve his community. Jamie was unemployed while caring for her young child. However, she intended to re-enter to the profession in a few years.

### **Participant's Recommendations**

Nine (81.8%) of the participants in the study were satisfied with the level of experience received while participating in the civil-advocacy clinic and recommended the clinics to current and former students. Jessica was not sure if she would recommend the family-law clinic to current or future students, and Kelsie did not recommend the family-law clinic but recommended the business-law clinic to current and future students. It is interesting to note that upon interviewing these two women, Amy had trouble finding permanent legal employment and Kelsie was not happy with her employment choice.

Of the eleven participants in the study, six (54.5%) provided suggestions for change. It is important to note that one student, Kelsie, participated in both the family law and business-transactions clinics and offered recommendations for improvements to the family-law clinic but was satisfied with her level of experience from the business-transactions clinic. Some that participated in the family-law clinic believed the faculty should focus more on teaching and educate participants on the emotional aspects of the job, as these participants had a hard time dealing with the emotional toll that comes from dealing with economically and socially disadvantaged individuals. Some other recommendations included putting more of an emphasis on time management and recording, having more dialogue with faculty, providing insight into the faculty's career path, reducing the case load, taking the time to mentor students, and offering more of a variety of businesses for which the business-law clinic provides support. All of the recommendations, except two- providing insight into faculty career path and the need for more

varied businesses- were directed to the family-law clinic. One former participant even suggested that SLUSL should do more to recruit students to participate in the civil-advocacy clinic.

### **Chapter Summary**

The eleven participants gave accounts of their personal background; why they decided to participate in the clinic; what they learned; challenges, if any, encountered during their first year of practice upon passing the bar exam; and some recommended changes to the clinic. Each participant told slightly different stories, but the narratives were grouped under identical subheadings. Via a table, the researcher provided statistics from all interviews and provided insight into distinguishing factors that separated the interviewees according to whether they had decided upon an area of practice before or during law school and whether they attended SLUSL full or part time. The final chapter will discuss the implications of this study and suggest areas for further research.



## CHAPTER 5: SUMMARY, DISCUSSION, AND RECOMMENDATIONS

### Introduction

Chapter 5 is divided into two sections. The summary section gives a brief overview of each of the previous four chapters. The discussion section, written in the first person, presents personal observations the researcher has made based on the information received from the interviews. Finally, the researcher provided her personal thoughts on law school curricula and areas for further research.

### Summary

Chapter 1 presented the context for this qualitative case study in four main sections: (a) purpose of the study, (b) significance of the study, (c) description of the legal program and the civil-advocacy clinic at SLUSL, and (d) limitations. The purpose of the study focused on whether SLUSL's civil-advocacy clinic adequately prepared students for the practice of law. The significance of the study section explains how this research will provide information on how former students view the legal education provided at SLUSL and whether they believe it should change. A description of the law program was explained, along with the different areas of specialties that were offered in the civil-advocacy clinic. The final section of Chapter 1, limitations, explained how the study was defined by circumstances that were controlled or not controlled by me.

Chapter 2 provided both a historical review and the evolution of legal education in five sections: (a) legal framework, (b) development of law schools and curricula, (c) the importance of the American Bar Association, (d) the emergence of clinical education and practical skills development, and (e) preparation for the practice of law. The legal framework section provided a

brief historical overview of British and American legal education. The development of law schools and curricula section provided an overview of how law schools and curricula were established in America. The section on the importance of the American Bar Association provided insight into how legal standards were established and an overview of bar admittance and the bar examination. The section on the emergence of clinical education and practical skills development discussed the evolution of clinical education the importance of practical skills education. The final section, preparation for the practice of law, discussed the different approaches to legal education and suggested methods that can be used to prepare students for the practice of law.

Chapter 3 explained the research methodology in seven sections: (a) research questions, (b) participants of the study, (c) research design, (e) data analysis, (f) role of the researcher, and (d) ethical concerns. The research section outlined the main research question as well as additional sub-research questions. The participants of the study section detailed how participants were selected for this qualitative case study. The research design section outlined how the research was going to be conducted. The data analysis section described how participants were interviewed, questions to be presented during the interview, and how their narratives were to be transcribed and analyzed for content and thematic similarities and differences. The role of the researcher provided some background information on me and outlined my experience as a former student at SLUSL and as a participant of the civil-advocacy clinic. Finally, the ethical concerns section explained the importance of confidentiality of data, the anonymity of participants, and consent.

Chapter 4 presented participant narratives, how the interview responses were coded, and the patterns and outcomes from the study. The narratives were written as much as possible in the

voices of the participants, and each narrative was divided into five subsections: (a) personal background, (b) why he or she enrolled in the civil-advocacy clinic, (c) experience obtained, (d) practice after passing the bar exam, and (e) recommendations for improving the clinic. These sections personalized each participant's time spent in and review of the applicable clinic within the civil-advocacy clinic.

### **Discussion**

What surprised me about the outcomes was how many of the participants decided to participate in clinics in areas that were not within their chosen areas of specialty. One reason why this was surprising is most of the students with whom I attended SLUSL were more interested in taking clinics or practical courses that provided them with experience in their chosen areas of practice. Of the eight interviewees who decided on an area of focus, only three (42.8%) of them participated in a clinic representative of their chosen areas of focus. The remaining four (57.2%) decided to participate in the clinics outside of their chosen area of focus because they wanted to gain insight into other areas of the law. A reader can interpret these numbers to mean that although some students enter law school with an idea of the type of law they want to practice, these students are open to gaining insight into, and possibly changing their focus on, other areas of practice. Not only are employers seeking to hire new graduates with ample experience, but should these graduates have a hard time getting employment within their chosen area of focus, they can always seek employment in another area of interest.

Of the eight interviewees with a decided upon area of focus, Shelley decided to participate in the family-law clinic because she was not able to get the experience via an externship. Shelley was the only participant who indicated she wanted a well-rounded legal career, so she did not give any particular area of practice her full attention. I was personally

impressed with Shelley, as I was not aware of any student with this type of focus during my tenure at SLUSL. Most law students with whom I was acquainted had decided upon an area of focus and enrolled in only those electives, or practical-skills courses they believed were relevant to the area of practice. Shelley had no problem getting employment upon passing the bar exam; in fact, she was highly recruited, and this was due in part to the vast experience she had acquired while enrolled at SLUSL.

Based on the interviewees' responses, a recurring issue with the family-law clinic was the faculty should focus more on helping students deal with the emotional rollercoaster of dealing with cases and clients. However, I do not believe law schools should be responsible for assisting a person with developing emotional strength to deal with the practice law, as I believe law schools cannot do it all. When starting any job for the first time, we all have to adapt to the type of work, as well as the environment in which we work, and this is not something that can be taught. As we maneuver in any work environment, we either learn to adapt or we move on. So maybe the practice of family law is not for those individuals who were not able to prevent themselves from becoming too emotional. As a former participant in the family-law clinic, I quickly decided the area of specialty was not for me because I had a difficult time emotionally removing myself from the cases. Did I fault the faculty or decide that the level of support I received from the faculty was not sufficient? No. My experience was quite personal, and I believe each experience will be different for everyone. So while I empathize with the issue of emotional preparedness, I do not believe it is a valid complaint, and it should not be a law school's concern.

The suggested recommendations for change were not major and did not suggest the clinics were inadequate. A reader could interpret this to mean the clinics are successful in

ensuring students are learning how to practice within the area of law. There were no serious problems such as inept faculty or meaningless work provided. The recommendations were more about what the participants would have liked to have happen as opposed to what “needed” to happen. For example, the recommendation for the faculty having more time to mentor participants was recommended by just one of the interview participants. A reader could interpret this to mean the recommendation was very important to one person, but other participants did not see this as a necessity. Also, it is important to note that this recommendation did not take away from the participants’ praise of the program. As with any law school lead clinic, there will be things individual students would like to see change or have more or less of, and I believe that if I had the opportunity to interview more participants, there would have been many other recommendations put forward that would have been personal to the individual participant but not necessarily take away from the adequacy of the clinics.

Law school curricula should be diverse, offering students a wide variety of experiences. Students should be provided with guidance, but they should also be free to choose their classes or participate in practical-skills courses as they see fit. There may be students who never intend to practice law and want to learn only theory. There may be students who are interested in only a specific area of law such as contracts, or there may be a future litigator who is interested in trial advocacy, moot court, and litigation internships. Based on the research, it appears most of the students who had an idea of the type of law they wanted to practice, and if courses were available, ensured they enrolled in the practical-skills courses they believed would help them not only develop a better understanding and more experience within their chosen field but would also help them achieve employment upon passing the bar exam.

## **Recommendations for Future Research**

One area of concern for me is the fact that those students who were part-time evening students were not always able to take advantage of the full curriculum offered at SLUSL. Due to full-time work, Roger could not attend day classes, and many skills-based tax courses offered at SLUSL were exclusive to the day program. Maybe one reason why law schools are mostly full-time day programs is because some faculty simply cannot, or will not, teach in the evenings. With this, I think further research could be conducted on how law schools that have part-time programs can ensure part-time students have access to the full curriculum to ensure everyone can have the opportunity to enroll in courses that are relevant to their chosen area of specialty. Maybe this will mean hiring more adjunct professors to teach some of those day courses in the evenings. However, if adjunct professors are employed to teach these courses, there is the issue of pay. In the higher education community, there is a growing concern for the low wages adjunct professors are paid. With this, it is possible a law school that has a part-time program will need to invest in higher wages or other benefits that will appeal to adjuncts in order to ensure teaching part-time will be appealing. There are many educators who are leaving the teaching profession because of low pay. If this trend continues, there could be a problem with recruiting knowledgeable adjuncts, or maybe this is already an ongoing problem at law schools.

While I attended law school, all of the adjunct staff who taught some of my chosen electives was working other full-time jobs. So after leaving their full-time jobs, these adjuncts would come to the law school to teach a class, and, most times, I saw the same adjuncts. So one important question is: Is SLUSL having issues finding adequate adjunct professors? If so, how is this affecting the variety of courses available during the evening program?

With the above, the issue of how adjunct wages are considered could also be explored. How are the wages justified? Is it due to the decrease in federal and state funding, decreased enrollment, increased health costs to the administrators and tenured faculty, or increased expenditures of the law school? These and other issues could be the root cause of low wages of adjuncts. However, one can also argue that there are things the law school can do in order to raise adjunct wages or at least make being an adjunct more appealing, such as deferring maintenance on buildings, offering some classes online, increasing tuition, deferring technology purchases, or increasing the use of endowments on adjunct wages. However, with these suggestions will come many responses from law schools as to why the suggestions could be problematic for law schools. The most important response could be the need to remain competitive with other law schools and funds need to be spent on technology, building maintenance, and other necessities in order to ensure the law school remains appealing to current as well as prospective students.

Another option is the law schools with part-time programs could start mandating that courses are not always offered during the day but rotated between day and evening. These and other possible solutions need to be researched to ensure the evening programs are just as beneficial to part-time students as the day programs are to full-time students. Besides, if a law school can't say all students have the option of taking all courses available, one has to question the viability of offering a part-time program.

### **Conclusion**

With the need for attorneys to be ready to practice upon passing the bar exam, clinics have become increasingly important at law schools. Aware of this desire from employers, students should ensure they have some experience if they want to be employable upon passing

the bar. Sometimes, law students or new attorneys might change their minds about a chosen area of practice, or maybe the job market is so competitive to a point where not everyone will be able to practice immediately in their chosen area of specialty. With this, clinics are a good way for students to further their knowledge of their chosen area of practice and acquire insight into different areas of specialty. The review of the interview results reflected that most interviewees felt positive about their experiences within the clinic at SLUSL. This is so even if the experience was not immediately utilized upon the participant's passage of the bar exam.

A review of the literature revealed employers prefer new attorneys to have the practical skills necessary to practice law upon passing the bar. There is no clear solution to how this experience should be obtained or who, the law school or the student, should bear the responsibility. Results of the interviews reflected that the family-law and business-transactions clinics offered at SLUSL were effective in providing participants with the skills necessary to adequately practice law upon passing the bar exam. There were also adequate practical-skills courses offered at SLUSL that students were able to enroll in to ensure they received hands-on experience. However, some of the practical-skills courses are offered in the day program only, which prevented at least one interviewee from enrolling in practical-skills courses due to working full time during the day and attending law school part-time during the evenings. With this, I recommend further research on how law schools with part-time programs can ensure the part-time students have access to the full curriculum to ensure everyone can enroll in courses which are relevant to their chosen area of specialty.



## APPENDIX A

### E-mail Request to Participate in Face-to-Face Interview

Dear Former Saint Louis University School of Law Student:

I am writing to you to request your participation in a face-to-face interview that will take approximately 30 minutes to complete. As you may recall, you participated in the civil-advocacy clinic while attending Saint Louis University School of Law. I would like to get feedback about your experiences while interning at the civil-advocacy clinic. Your responses to this interview will help me evaluate the effectiveness of the civil-advocacy clinic and whether it provided adequate practice experience that former participants were able to use within their area of practice upon passing the bar and entering the profession.

I obtained your email address from you during our initial phone conversation or email exchange regarding the study. If you would like to participate, please respond to this email. We will then set a time for a face to face interview, or if you prefer, the interview will be completed via SKYPE. If we spoke via phone during our initial conversation, and you agreed to participate in the study, I will email you a copy of the recruitment statement. This form will provide more information on the study, explain any benefits or risks to the participants and explain how your information will be used.

Thank you for your time and consideration.

Kelly Tyler

**APPENDIX B**  
**SAINT LOUIS UNIVERSITY**

Recruitment Statement for Research Participation

1. Kelly Tyler, candidate for the Ph.D. in Higher Education Administration at Saint Louis University, is inviting you to participate in this research study.
2. The title of this study is: DID THE SAINT LOUIS UNIVERSITY SCHOOL OF LAW CIVIL-ADVOCACY CLINIC ADEQUATELY PREPARE FORMER PARTICIPANTS FOR THE PRACTICE OF LAW?
3. The purpose of this study is to examine whether Saint Louis University School of Law (the “School of Law”) civil-advocacy clinic adequately prepared former participants for the practice of law. With the establishment of law schools, the approach to legal education changed from teaching practice to theory and employers are growing concerned with the lack of practical skills law students have upon graduating law school and entering the profession (Segal, 2011). The study examines programs within the civil advocacy clinic at the School of Law and whether those that participated in the clinic were prepared, as new attorneys, for the practice of law upon entering the profession.
4. Your participation in this study will involve participating in an interview that should take no longer than 30 minutes of your time. Also, you must be willing to discuss your views of the civil-advocacy clinic once you completed the program. This information will be used to compare and contrast your thoughts on the civil-advocacy program before and after your entrance into legal practice. The interviews will take place at a location mutually agreed upon between the interviewer and the interviewee. If a location can’t be agreed upon or if there are any time constraints, interviews will be conducted via Skype. All interviews will be audio recorded by the interviewer so that the data can be coded.
5. The risks to you as a participant are minimal. These include the disclosure of your name and confidentiality, but the study does not involve topics which put you at risk of legal or financial harm. However, if there are any questions during the interview in which the participants are uncomfortable providing a response, the participant will have the option of skipping those questions.
6. The results of this study may be published in scientific research journals or presented at professional conferences. However, your name and identity will not be revealed, and your record will remain confidential. The researcher will keep the recorded interview in a secured file cabinet in her locked office. All interviews will be destroyed after three years.
7. Participation in this study will not benefit you. However, your participation will benefit others by contributing to the body of knowledge of legal education, as well as provide information on how former students view the legal education provided at the School of

Law, and whether they believe it should be changed. The results of this study should be of great interest to the School of Law and those within the legal community as they continue to search for ways of improving the law school curriculum. The School of Law, as well as other law schools, can use this information when deciding which courses are most beneficial to students, what does and does not work and whether students think that requiring practical experiences while in law school is beneficial.

8. You can choose not to participate. If you decide not to participate, there will not be a penalty to you or loss of any benefits to which you are otherwise entitled. You may withdraw from this study at any time.
9. If you have questions about this research study, you can call Kelly Tyler at 314-368-1910. If you have questions about your rights as a research participant, you can call the Saint Louis University Institutional Review Board at 314-977-7744 and reference IRB # 26467.

## APPENDIX C

### 2016 Interview of Saint Louis University School of Law's Former Participants of The Civil Advocacy Clinic

This interview is designed to learn about your experience at Saint Louis University School of Law, where you are currently within your career, and whether the civil-advocacy clinic helped prepare you for practice as an attorney. There are also some identifying questions that will help me label the data collected.

This interview will take no more than 30 minutes to complete. No information about specific responses that could be attributed to an individual will be released. Your name will not appear in on the final research data.

Thank you for participating in the interview!

1. Are you Male or Female?
2. Please choose your race from the list below
  - a. African American/Black
  - b. Hispanic/Latino
  - c. American Indian/Native American
  - d. Asian/Pacific Islander
  - e. White/Caucasian
  - f. Multi-racial
  - g. Other
3. What were your reasons for attending law school?
  - a. To become a lawyer
  - b. Alternate career path outside of the legal profession
4. What type of student were you
  - a. Full-time
  - b. Part-time
5. Did you have a concentration(s)? If so, please choose your concentration(s) from below:
  - a. Taxation
  - b. Urban Development, Land Use, and Environmental Law
  - c. International and Comparative Law
  - d. Intellectual Property

- e. Health Law
  - f. Employment Law
  - g. Criminal Litigation
  - h. Civil litigation
  - i. Business Transactional Law
6. What year did you graduate?
- a. Spring 2011
  - b. Fall 2011
  - c. Spring 2012
  - d. Fall 2012
  - e. Spring 2013
  - f. Fall 2013
  - g. Fall 2014
  - h. Spring 2014
  - i. Fall 2015
  - j. Spring 2015
7. Are you currently working in the legal profession? If so, what type of work?
- a. N/A
  - b. Litigation
  - c. Transactional law
  - d. Other
8. How many years have you been practicing?
- a. 0-1 year
  - b. 2-3 years
  - c. 4 years
  - d. 5 years
9. Was your transition from law school to law practice difficult? Why or why not?
10. While in law school at Saint Louis University School of Law, did you participate in the civil-advocacy clinics? If so, please choose the clinic(s) you participated in from the list below
- a. Juvenile Court
  - b. Family Law
  - c. Elder Law
  - d. Administrative Law (cases of Medicaid/Medicare, unemployment, immigration, special education for disable children, welfare, food stamps, etc....)

- e. Criminal Litigation
  - f. Civil litigation
  - g. Business Transactional Law
  - h. Appellate Litigation
  - i. Child Health
11. Who supervised your work?
- a. Faculty member
  - b. Outside attorney
  - c. Both
12. How long was your experience?
- a. 1 semester
  - b. 2 semesters
  - c. More than two semesters
13. How many hours per week did you work?
- a. 5-10
  - b. 10-20
  - c. 20-30
  - d. 30-40
14. How useful was the clinic in preparing you for the practice of law
- a. Very useful
  - b. Useful
  - c. Somewhat useful
  - d. Not useful at all
15. Did you participate in any practical skills courses? If so, choose all from the list below in which you enrolled and completed.
- a. None
  - b. Trial Advocacy I or II
  - c. Negotiations
  - d. Alternate Dispute Resolution
  - e. Law Practical Management
  - f. Client Counseling and Interviewing
  - g. Leadership
  - h. Drafting or Advanced Drafting
  - i. Transactional practice courses

- j. Moot Court I or II
  - k. Pre-Trial Litigation
  - l. Business planning
  - m. Subject Matter Specific Courses
16. How useful were the practical courses in preparing you for the practice of law within the clinic and upon passing the bar?
- a. Very useful
  - b. Useful
  - c. Somewhat useful
  - d. Not useful at all
17. Please describe your experience while participating in the civil-advocacy clinic. Would you recommend to other students? Why or why not.
18. Upon completion, what were your initial thoughts of the adequacy of the civil-advocacy clinic? Did your opinion change upon entering the legal profession? Why or Why not?
19. Do you have any recommendations for changes to the civil-advocacy clinic? Please explain.

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