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The Service-Learning Model in the Law School Curriculum

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And so, my fellow Americans: Ask not what your country can do for you—ask what you can do for your country. My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man.¹

What is required of us now is a new era of responsibility—a recognition, on the part of every American, that we have duties to ourselves, our nation and the world; duties that we do not grudgingly accept but rather seize gladly, firm in the knowledge that there is nothing so satisfying to the spirit, so defining of our character, than giving our all to a difficult task.²

I. INTRODUCTION

Law school clinics have a long and respected history as the professional-skills-social-justice laboratories of legal education.³ In a recent report (the “Carnegie Report”), the Carnegie Foundation for the Advancement of Teaching acknowledged clinics as the primary “third apprenticeship” of legal education—the place where knowledge, skills, and the social-ethical dimensions of lawyering come together to help students bridge the gap from law school to practice.⁴

For at least a decade, clinical legal scholarship has advocated for the kind of experiential learning that takes place in clinics to permeate the law school curriculum.⁵ Although some progress has been made in that direction, much remains to be done to give every law student an opportunity for a meaningful third apprenticeship.⁶

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1. U.S. President John F. Kennedy, Inaugural Address (Jan. 20, 1961), *reprinted in* LEWIS COPELAND ET AL., *THE WORLD'S GREATEST SPEECHES* 741 (Lewis Copeland et al. eds., 4th ed. 1999).
 2. U.S. President Barack Obama, Inaugural Address (Jan. 20, 2009), *reprinted in* WOLFGANG MIEDER, “YES WE CAN”: BARACK OBAMA'S PROVERBIAL RHETORIC 144 (2009).
 3. *See, e.g.*, Margaret Martin Barry et al., *Clinical Education For This Millennium: The Third Wave*, 7 *CLINICAL L. REV.* 1, 12 (2000). At the turn of the century, the authors were invited by the *Clinical Law Review* to write an article discussing issues important to the future of legal education. *Id.* at 1. Their article began with a detailed history of clinical legal education, a discussion that will not be repeated here. *Id.* at 17. According to the authors, clinical legal education experienced a “second wave” from the 1960s through the late 1990s, during which it solidified and expanded its foothold in the academy. *Id.* at 12. It was during this second wave that the dual missions of skills training and cultivating social justice took hold. *Id.* at 12–13.
 4. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS* (2007) [hereinafter “CARNEGIE REPORT”]. The Carnegie Report proposes that professional schools must expose students to three “apprenticeships” to prepare them for professional practice: the first apprenticeship (cognitive) focuses on knowledge and ways of thinking; the second apprenticeship is to the shared forms of expert practice through experience; and the third apprenticeship of identity and purpose. *Id.* at 5. *See* discussion *infra* Part II.A.
 5. Barry et al., *supra* note 3, at 15–16.
 6. *See, e.g.*, *AALS Section on Pro Bono and Public Service Call for Papers: Beyond Externships and Clinics: Best Practices for Integrating Access to Justice Education*, *AALS 2011 Annual Meeting*, IDEALAWG (May 26, 2010, 10:22 AM), <http://westallen.typepad.com/idealawg/2010/05/aals-section-on-pro-bono-and-public-service---call-for-papers.html>. This program will present best practices:

for a wide range of curricular and co-curricular models to ensure all students graduate with an understanding of the justice gap and a commitment to justice and public service—particularly in these challenging times. It explores the question of how

This article proposes a new model for expanding opportunities for law students to engage in a third apprenticeship, outside of the traditional law school clinic or externship program. It is based on our experience developing a doctrinal course with a service-learning component in response to Hurricane Katrina and its aftermath.⁷ We named the course, *Katrina and Beyond: Disaster Prevention and Recovery, Social Justice and Government Accountability*, (“*Katrina and Beyond*”) in response to the immediacy of the unprecedented disaster in New Orleans and the Gulf Coast in August 2005. The UDC-DCSL faculty adopted the course in the fall of 2006, and it was first offered during the spring 2007 semester. Our experiences over the past five years with the course’s service-learning pedagogical approach have been transformational for us as law professors, and we believe for the students we worked with as well.⁸

experiential access-to-justice education can be integrated into legal education—with faculty involvement—beyond in-house clinics and externship programs.

Id.

7. The course syllabus is available from the authors [hereinafter *Katrina and Beyond*]. The course has been offered each spring since 2007 with a number of different faculty members teaching and supervising the spring break service-learning component. The course has been a team effort in which UDC Law Professors Matthew Fraidin and Will McLain, as well as Director of Clinical and Public Interest Programs, Karen Forman, and Clinical Instructor Tanya Cooper have played central roles, along with Professors Waysdorf and Morin over the last five years. As a key part component of the course each semester, the students and professors traveled over spring break to New Orleans (2007–2010) and to Biloxi, Mississippi (2011) where they engaged in service-learning volunteer activities with a variety of legal services and humanitarian recovery projects. A large group of local attorneys, community organizers, recovery workers, and community members from New Orleans, St. Bernard Parish and the Gulfport of Mississippi have also been closely involved with the course. They opened their agencies, schools, courtrooms, projects, clinics, homes, and hearts to us. It is impossible to recognize everyone that we met, worked with, taught, and inspired us, but they include Judge Madeleine Landrieu of Orleans District Court; Rachel Piercey, Chris Coty, Linton Carney, and Vanessa Spinazzola of The Pro Bono Project; Zack Rosenberg and Liz McCartney, of The St. Bernard Project; Jane Mentz and Cesar Rodriguez of Make It Right NOLA; Morgan Williams and Leila Hlass, formerly of the Student Hurricane Network; Professors Luz Molina, Bill Quigley, Davida Finger, Majeeda Snead, Cheryl Buchert, and Ramona Fernandez of Loyola University New Orleans College of Law; Karen Lash, Reilly Morse, Kim Duffy, John Jopling, Lan Diep, and Bonnie Allen of the Mississippi Center for Justice in Biloxi, Mississippi. For a detailed discussion of the course, see discussion *infra* Part IV.C.
8. There are multiple and varied definitions of “service-learning,” as well as a long and complex history of its development in the U.S. educational system. In the last several decades it has flourished and expanded throughout high school curricula and undergraduate programs. As one service-learning educational expert has noted, “Finding a single, firm, universally acceptable definition of service learning is like navigating through fog.” Timothy Stanton, *Service Learning: Groping Toward a Definition*, in 1 *COMBINING SERVICE AND LEARNING: A RESOURCE BOOK FOR COMMUNITY AND PUBLIC SERVICE* 65 (Jane C. Kendall et al. eds. 1990). While this article does not attempt a comprehensive review of the literature, or of the history of service-learning, some fundamentals can be stated. These principles will provide the language we use throughout this article. Most notably is the emphasis on service to others and the virtues of civic engagement as part of the learning process.

A review of the literature on the subject suggests that service learning is more of a *program emphasis*, representative of a set of educational, social and sometimes political values, rather than a discrete *type* of experiential education. . . . First, you would sense in a program’s structures, objectives and processes a profound emphasis on *service to*

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There is no question that Hurricane Katrina was a defining moment in our nation's history. Images of people stranded on rooftops, bodies floating in the streets, and hordes of people herded into the Superdome with inadequate food, water, and medical attention haunted our national psyche.⁹ As the days stretched on, and conditions continued to deteriorate, we were faced with the stark reality of lingering poverty, racism, and a government that seemed unwilling or unable to respond.¹⁰

This message was especially disorienting for our millennial generation law students, who came of age in an era of unparalleled prosperity.¹¹ Law students around the country were galvanized to action, descending on the Gulf Coast in droves to clean up debris, rebuild houses, and provide pro bono legal services to victims of the disaster.¹²

Our motivation to institutionalize a course in response to the disaster was two-fold: our own humanitarian desire to respond to one of our country's worst natural and man-made disasters in decades, and our interest in engaging our students in a discussion and experiential learning experience organized around an event that clearly resonated with our collective notions of social justice and civic engagement.¹³

others. While other forms of experiential education emphasize career development, academic knowledge, skill development or some combination of those objectives, programs described as service learning place primary value on the service performance of students and on the outcomes of their activities for those off campus who are recipients of the service.

Id. at 65–66.

While there are multiple and overlapping definitions of service-learning, we adopt the following for purposes of this article: "Service-learning is a form of experiential education in which students engage in activities that address human and community needs together with structured opportunities intentionally designed to promote student learning and development. Reflection and reciprocity are key concepts of service-learning." BARBARA JACOBY ET AL., *SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES* 5 (1996). Moreover, the hyphen in the term *service-learning* "is critical in that it symbolizes the symbiotic relationship between service and learning." *Id.* (citation omitted). For this reason, we use the hyphen in the term "service-learning" throughout our article.

9. For a more thorough description of the harrowing conditions following Hurricane Katrina, see for example, Susan L. Waysdorf, *Returning to New Orleans: Reflections on the Post-Katrina Recovery, Disaster Relief, and the Struggle for Social Justice*, 12 UDC/DCSL L. REV. 3, 15–21 (2009); Laurie A. Morin, *A Tale of Two Cities: Lessons Learned From New Orleans to the District of Columbia for the Protection of Vulnerable Populations from the Consequences of Disaster*, 12 UDC/DCSL L. REV. 45, 46–49 (2009).
10. See, e.g., Waysdorf, *supra* note 9, at 23–26; Morin, *supra* note 9, at 46–54. See also William P. Quigley, *Thirteen Ways of Looking at Katrina: Human and Civil Rights Left Behind Again*, 81 TUL. L. REV. 955, 956 (2007).
11. See, e.g., ERIC H. GREENBERG WITH KARL WEBER, *GENERATION WE: HOW MILLENNIAL YOUTH ARE TAKING OVER AMERICA AND CHANGING OUR WORLD FOREVER* (2008).
12. The Student Hurricane Network was a national network of law students founded in the immediate aftermath of Hurricane Katrina by students at Loyola-New Orleans College of Law and Tulane Law School. The network organized over 4500 law students from many of the nation's law schools to travel to New Orleans and the Gulf Coast area to provide pro bono legal services to survivors of the hurricane and floods. See Waysdorf, *supra* note 9, at 43 n.13.
13. See, e.g., GREENBERG WITH WEBER, *supra* note 11, at 30–40. The millennials have a strong sense of social justice, but have their own views about what the most pressing issues are and how we should

We chose to adopt a new hybrid form of third apprenticeship—a doctrinal course with an experiential learning component. During the process of four years of planning, evaluating, and revising the course, we have come to realize that our model is a “service-learning” paradigm—an approach to apprenticeship that is widely accepted in other academic disciplines.¹⁴ Service-learning as a pedagogical approach and educational philosophy has a rich legacy and history in the United States.¹⁵ This approach integrates hands-on social action, volunteerism, and learning objectives into a third apprenticeship model that resembles, but is not identical to, clinical legal education.¹⁶

One great advantage of the service-learning model is its flexibility and capacity to respond quickly to emerging issues. We had always envisioned that our emphasis on Hurricane Katrina would evolve to encompass other man-made and natural disasters. When the Gulf Coast experienced yet another catastrophe, the BP oil spill disaster on April 20, 2010, we had no doubt that we would become involved in helping to resolve some of the legal issues caused by the spill during spring break 2011 and the years to come. We watched as the BP oil spill wreaked devastating environmental and economic havoc on the already traumatized region still struggling

address them. *Id.* at 40. They are more involved in volunteerism than previous generations and believe strongly in collective social action as a strategy for addressing problems. *Id.* at 30–31.

14. Sandra L. Enos & Marie L. Troppe, *Service Learning in the Curriculum*, in *SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES*, *supra* note 8, at 156 (“A growing number of institutions and faculty are responding to the call for service-learning in the curriculum. Although service has been increasingly visible on campuses in the past twenty years, moving service-learning into the curriculum marks it as central rather than marginal to an institution. . . . Service-learning represents both a return to the foundations of American higher education and a push into the future.”). *Id.* at 180.
15. For a review of the history of service-learning in the United States, see generally PETER TITLEBAUM ET AL., *ANNOTATED HISTORY OF SERVICE-LEARNING, 1862–2002* (2004). The project is a combination of two excellent websites: The University of Minnesota, Career and Community Learning Center, http://www.servicelearning.umn.edu/faculty/History_of_ServiceLearning_Nationally.html, and The National Service-Learning Clearinghouse, <http://www.servicelearning.org/article/archive/36/Chronology>. As these materials explain, service-learning first grew as an educational service movement in the 1960s with government-sponsored programs, including VISTA and the Peace Corps, and expanded more recently with Americorps and the Corporation for National Service. However, in the last several decades service-learning also has secured a viable foothold within institutions of higher education, both public and private. *See generally* *SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES*, *supra* note 8. See also *SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES*, *supra* note 8, for more on the history of service-learning as both a pedagogical model and an expression of civic engagement and social-activism in the United States. *Id.* at 10–19. Of note, according to the author, service-learning actually began in 1862 with the passage of the Land-Grant Act, which “inextricably linked higher education and the concept of service, specifically related to agriculture and industry.” *Id.* at 11. *See also* Morrill Act of 1862, 7 U.S.C. § 301 (2009).
16. A set of service-learning principles, first drafted in 1979 by educator Robert Sigmon and generally accepted across the discipline, highlight three fundamental principles that may or may not intersect with principles of clinical legal education. The Sigmon principles are: “1. Those being served control the service(s) provided; 2. Those being served become better able to serve and be served by their own actions; and 3. Those who serve also are learners and have significant control over what is expected to be learned.” *SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES*, *supra* note 8, at 28–29.

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to recover from Hurricane Katrina. Indeed, in the spring 2011 semester, we re-focused our curriculum and the location of our service week to the Mississippi Gulf Coast area. In March 2011 we traveled to Biloxi, Mississippi where we volunteered with the Mississippi Center for Justice, a nationally-recognized civil rights and legal services organization.

Service-learning is a legacy of the baby boomer generation. On January 20, 1961, when President John F. Kennedy spoke those now famously ubiquitous words quoted above at his inauguration, many of us who now teach law were adolescents. Hearing his words, we in the baby boomer generation (born between 1946 and 1964) were changed forever. We truly believed that the new president was actually speaking to us directly and personally. We embraced his message as our generation's call to action, a challenge to help change and heal the world. When we came of age, many of us joined the Peace Corps, which his administration created, and later we joined the War on Poverty, and worked to build the Great Society called for by Kennedy's successor, President Lyndon Johnson. We marched for the civil rights of African Americans, we rallied against nuclear bombs, and later we protested against the U.S. invasion and war in Vietnam.

For decades, many of us in the baby boomer generation took up President Kennedy's call to ask "what [we could] do for our country ... [and] for the freedom of man,"¹⁷ and we went about doing just that. Whether teaching children to read as a Peace Corps member in a Peruvian village, joining the ranks of the Freedom Riders to help register African Americans to vote in the southern states, or marching on Washington, D.C. in protest of the war in Vietnam, we were a generation of volunteers and healers, trying to right the wrongs, to repair the world. We believed that our actions could achieve this. We understood the importance of sacrifice, of camaraderie and collaborative action, and of selfless purpose and authentic experience. We looked to role models within our borders and around the world for inspiration and guidance, as "citizens of the world," from the prisons of apartheid South Africa, to the rice fields of Vietnam, and the streets of Selma, Alabama.

We volunteered not primarily or even at all because the government itself failed to provide for the American people, or the people of the world. We volunteered because it was our moral and ethical responsibility to do what we could to change and repair the world. With the escalation of the U.S. war in Vietnam, our volunteerism moved to protest, against war and for peace, against imperial aggression and for world unity and respect. We were driven by this set of values to engage in *Tikkun olam*,¹⁸ and we put aside professional goals and aspirations for the common good. These values carried us forward in a seemingly effortless way. They became second nature as the ethos of our generation.

17. Kennedy, *supra* note 1.

18. The Hebrew term meaning to connect with the human responsibility for fixing what is wrong with the world, or quite literally, "to repair the world." See for example *Tikkun* magazine, a social commentary magazine dedicated to improving the world through advancement of social justice. *About, TIKKUN*, <http://www.tikkun.org/nextgen/about> (last visited Sept. 5, 2011).

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

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

An irony exists in the fact that so many law teachers today are baby boomers who came of age committed to the notion of personal and professional growth through social justice service; yet, we have lagged behind other academic disciplines in bringing the pedagogy and philosophy of service-learning to the legal academy. The reasons for this are varied and multi-layered. But more importantly, it is time to seize the moment and change this reality.

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

Section II describes the dual roles of legal education in combining hands-on training in lawyering skills with the provision of access to justice for under-represented clients. It also advances the argument that this kind of experiential education needs to be integrated throughout the curriculum and documents some of the recent legal reform initiatives that do so. Section III documents the generational characteristics of the millennials, a group born from roughly 1978 to 2000 who constitute the majority of our current law students. It examines the defining characteristics, attitudes, and experiences that comprise this generation's approaches to the social justice challenges of our time. The service-learning model resonates with our millennial generation law students, who (like the baby boomers) came of age in an era of public service and civic engagement, in which bringing about social and systems change is seen as a realizable goal. Section III also describes the disorienting effect of Hurricane Katrina on the millennials' worldview, and their outpouring of spontaneous volunteerism in response to the disaster. It provides a pedagogical theory for seizing on such disorienting moments to lead students through a process that

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transforms their worldviews about social justice.¹⁹ Section IV discusses selected aspects of the history and pedagogy of service-learning in academia, particularly as applicable and relevant to the law school curriculum. We also discuss how we concretely incorporated that approach into the design and implementation of our *Katrina and Beyond* course. It also describes our experience with the groups of law students who have taken the course and spent their spring breaks with us in the Gulf Coast, and lessons we have drawn from that experience. Finally, we discuss in Section IV the specific lessons we have learned in structuring a service-learning experience for millennial law students.

Section V concludes by calling for law schools and law professors to embrace service-learning as an innovative pedagogical approach for promoting social justice values within the law school curriculum. We conclude that service-learning is a particularly good fit for teaching social justice and civic engagement with our millennial generation of law students, and that as a result we are continuing the *Katrina and Beyond* course and pursuing the service-learning model within our law school curriculum.

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

A. *The Dual Roles of Clinical Legal Education*

Clinical legal education has long been regarded as the primary vehicle for the law school curriculum to combine “hands-on training in lawyering skills with the provision of access to justice for traditionally unrepresented clients.”²⁰ These dual goals are regarded as important, not just because of their social justice impact, but also because of their pedagogical value.²¹

Clinical courses expose students not only to lawyering skills but also the essential values of the legal profession: provision of competent representation; promotion of justice, fairness, and morality; continuing improvement of the profession; and professional self-development. These professional values are taught and at the same time thousands of clients receive access to justice through clinical programs. In this way, clinical programs meld legal theory with lawyering skills, and students learn lawyering values by providing legal assistance to clients who would otherwise lack access to justice.²²

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

20. Barry et al., *supra* note 3, at 12.

21. *Id.* at 13.

22. *Id.* at 13–14.

The most recent support for the view that clinical legal education plays a pivotal role in the curriculum came from the Carnegie Report,²³ which proposes that professional schools must expose students to three “apprenticeships” to prepare them for the complex demands of professional work—“to think, to perform, and to conduct themselves like professionals.”²⁴ The first apprenticeship (the “cognitive apprenticeship”) focuses on knowledge and ways of thinking (i.e., learning to think like a lawyer).²⁵ A vast majority of the law school curriculum is focused on this apprenticeship, primarily through law school’s “signature pedagogy”—the case dialogue method.²⁶ The “second apprenticeship is to the forms of expert practice shared by competent practitioners,”²⁷ which “students learn by taking part in simulated practice situations, as in case studies, or in actual clinical experience with real clients.”²⁸ The third apprenticeship—the “apprenticeship of identity and purpose”²⁹—“introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible.”³⁰ This dimension of lawyering is also taught primarily through simulation and experiential education.³¹ The Carnegie Report critiques legal education for over-emphasizing legal analysis (the first apprenticeship) at the expense of developing practice skills and professional identity (the second and third apprenticeships).³² The authors implore legal educators to find ways to forge a stronger connection among the cognitive, practice, and professional identity aspects of becoming a lawyer.³³

23. CARNEGIE REPORT, *supra* note 4, at 22. The report compares legal education with other forms of professional education, including medicine, nursing, and engineering. It observes that all professional education involves six tasks:

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

Id. at 22.

24. CARNEGIE REPORT, *supra* note 4, at 27.

25. *Id.* at 28.

26. *Id.* at 47–86.

27. *Id.* at 28.

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.* at 77–82.

33. *See id.* at 58.

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The report also highlights the potential of clinical legal education (along with other experiential courses, such as externships) “for bringing together the multiple aspects of legal knowledge, skill, and purpose.”³⁴

Taking the role of the lawyer in real cases makes visible the ways in which the lawyer’s decisions and actions contribute to the larger functioning of the legal order. At the same time, it reveals the value of that activity as part of the larger function of the law in securing justice and right relations for actual persons in society.³⁵

Moreover, the Carnegie Report identified the clinic as the capstone experience in a continuum of pedagogies that contribute to the formation of professional identity.³⁶ This professional identity encompasses not only competence in service to clients, but also “ethical conduct” and “dedication to justice and the public good.”³⁷ According to the report, an apprenticeship of professional identity involves not just professional ethics, but also “the wider matters of morality and character.”³⁸

Others who have studied legal education also embrace the social justice mission of law schools. As long ago as 1992, the MacCrate Report “called not only for the explicit teaching of a wide range of legal skills, it also prominently counted among its priorities ‘four fundamental values of the profession,’ including ‘striving to promote justice, fairness, and morality.’”³⁹ In 2007, a group of prominent legal educators released the fruits of several years of study by the Clinical Legal Education Association, *Best Practices for Legal Education: A Vision and a Road Map* (“*Best Practices*”).⁴⁰ *Best Practices*

34. *See id.* at 120.

35. *Id.* at 121.

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

37. *Id.* at 126 (citing AM. BAR ASS’N SECTION OF LEGAL EDUC. & ADMISSIONS TO BAR, TEACHING AND LEARNING PROFESSIONALISM 6–7 (1996)).

38. *Id.* at 129. The Carnegie Report raises a question it calls “central to the profession”: “Does the responsibility to pursue substantive justice in individual cases and to consider the broader impact of one’s actions conflict with advocacy on behalf of one’s client?” *Id.* at 131. In other words, should legal education confine itself to teaching procedural justice for individual clients or should it seek to engage students in discussion about the broader dimensions of social justice? The authors of the Carnegie Report acknowledge that this is a question of considerable debate, with many attorneys coming down on the side of procedural justice, while others argue for a more nuanced role. *See id.* at 131–32. They argue that, at a minimum, students should be exposed to both points of view during their law school apprenticeship. *See id.* The authors also cite with seeming approval efforts by the MacCrate Commission and the American Bar Association Professionalism Committee to teach the fundamental values of the profession, including “striving to promote justice, fairness, and morality.” *Id.* at 136. They conclude that a moral apprenticeship takes place in law school, whether or not it is intentional, *see id.* at 139, and urge that moral-ethical issues be integrated with the cognitive and skills dimensions of legal education. *See id.* at 145–47.

39. *Id.* at 136.

40. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION (2007) [hereinafter “BEST PRACTICES”]

explicitly adopted “a commitment to justice” as one of the most important goals of legal education.⁴¹

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

First, it is part of the law schools’ overall educational mission to provide opportunities for the learning of social justice concepts. Such learning is not only essential for an accurate portrayal of the adoption and application of the law, it is also necessary preparation for law school graduates’ likely roles in shaping public policy and anticipated roles in providing pro bono representation of members of oppressed groups. Second, it is part of poverty law clinics’ educational mission to provide opportunities for the learning of social justice concepts, since such learning is necessary preparation for the empathic representation of both clinical clients and future clients.⁴²

Jeffrey Ward, writing from the perspective of a former clinic student, also embraces the notion that “clinics should promote visions of justice, which students are free to accept or reject.”⁴³ He rejects the notion of complete neutrality as both impossible and undesirable in clinical legal education, arguing that law schools play a critical role in educating students for social justice, and also bear some responsibility for contributing to the solutions to injustice.⁴⁴

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

41. *Id.* at 84.

42. Quigley, *supra* note 19, at 38 (citing AM. BAR ASS’N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION (1992) [hereinafter “MACCRATE REPORT”]).

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

44. Ward, *supra* note 43, at 517.

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and government failure to respond effectively.⁴⁵ For a variety of reasons that will be discussed in the next section, we chose to do so within the context of a service-learning component added to a doctrinal course, rather than starting a new legal clinic.

B. The Third Apprenticeship: Moving Beyond Externships and Clinical Legal Education

Many clinical scholars and legal educators have recognized that the goal of educating students about their social justice responsibility would best be met if it permeated the law school curriculum.⁴⁶ At the beginning of the twenty-first century, a prominent group of clinical scholars eloquently argued that opportunities for students to experience the benefits of the third apprenticeship need to be expanded beyond law school clinics.

In the new millennium, law school clinics cannot continue to be the repository for the many aspects of lawyering that are excluded from substantive law courses taught with the casebook method. The aim, already expressed by some, should be to incorporate clinical teaching methodology into nonclinical courses to teach lessons that will be further developed and reinforced by in-house clinic and externship experiences.⁴⁷

The clinical scholars cited a number of new and emerging models for integrating clinical methodology throughout the law school curriculum,⁴⁸ including a creative “parallel integrative curriculum” at the University of Seattle School of Law.⁴⁹ In this program, students can opt to take a one-credit, real client or simulation course that runs parallel to the related substantive courses.⁵⁰ According to the school’s website, this program remains in effect today; a wide array of one-credit clinics and labs are offered in subjects including bankruptcy, corporate law, arts and intellectual property, evidence, and drafting.⁵¹ The clinical scholars argue that “[t]he most effective

45. *Katrina and Beyond*, *supra* note 7.

46. *See, e.g.*, Barry et al., *supra* note 3, at 15–16. The authors proposed that every law school course should raise issues of access to justice, “with clinical courses exposing students to the reality of how these issues play out in the lives of indigent clients and the systems currently used to address their needs.” *Id.* at 16. *See also*, CARNEGIE REPORT, *supra* note 4, at 147–60 (advocating a continuum from courses in Legal Ethics to the Pervasive Method, and from simulated Lawyering Courses to Clinical Education); BEST PRACTICES *supra* note 40, at 100–04 (stating that law schools should teach professionalism pervasively throughout all three years of law school).

47. Barry et al., *supra* note 3, at 38.

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

49. *Id.* at 45–46.

50. *Id.* at 45.

51. *See Course Offerings, Fall 2008–Present*, SEATTLE UNIVERSITY SCHOOL OF LAW, http://www.law.seattleu.edu/Academics/Curriculum/Course_Offerings.xml (last visited Jun. 10, 2010). *See also* ALBANY LAW

approach to clinical studies is to integrate clinical methodology throughout the law school's course offerings while at the same time constructing a series of progressive clinical experiences."⁵²

In the intervening decade, and following on the heels of the Carnegie Report and *Best Practices*, literally dozens of law schools have recognized the need to bridge the gap from law school to legal practitioner.⁵³ A significant number of law schools are adopting creative approaches for adding third apprenticeship opportunities to their curricula.⁵⁴ For example, the University of New Mexico Law School has adopted a required first-year practicum on "legal ethics, professionalism and the life and work of the lawyer" and has added elective "advanced practicum" courses that combine doctrine, practical applications, and representation to its upper-division curriculum.⁵⁵ Washington and Lee University School of Law has adopted a new third-year curriculum "based on learning through engagement—combining practicum courses, practice simulations, client interactions, the formation of professional identity and the cultivation of practice skills."⁵⁶ The third-year curriculum was intentionally designed to prepare students for the transition from law school to professional practice.⁵⁷

We believe that our law school offers one of the most coordinated, sequential approaches to experiential education in the country.⁵⁸ However, when Hurricane

SCHOOL, *Schools Requiring Experiential Courses*, http://www.albanylaw.edu/sub.php?navigation_id=1737 (last visited Oct. 1, 2011) (providing a list of law schools that require experiential experiences).

52. Barry et al., *supra* note 3 at 46. The authors note that "this may seem purely aspirational, but some law schools have taken significant strides in that direction." *Id.* at 46. They cite the City University of New York (CUNY) and Antioch School of Law as the schools that have come closest to embracing this approach. *Id.* at 47. Our law school, the David A. Clarke School of Law at the University of the District of Columbia (UDC/D CSL), is the successor to Antioch and has continued its tradition of pervasive, sequential clinical studies. *Id.* at 48–49.

53. See generally *Chart of Legal Education Reform*, THE INSTITUTE FOR LAW TEACHING AND LEARNING, <http://lawteaching.org/publications/ILTLCchartoflegaleducationreform200905.pdf> (last visited Oct. 19, 2011) (displaying the results of the Institute for Law Teaching's survey of efforts at curriculum reform and contact information for leading innovators).

54. *Id.*

55. *Id.*

56. See *About the J.D. Program at W&L*, WASHINGTON & LEE UNIVERSITY SCHOOL OF LAW, <http://law.wlu.edu/admissions/page.asp?pageid=311> (last visited Oct. 1, 2011) (providing a description of their curriculum).

57. *Id.*

58. See ALBANY LAW SCHOOL, *supra* note 51 ("The University of the District of Columbia David A. Clarke School of Law [UDC-D CSL] combines theory with practice and pro bono service throughout the J.D. program. All first-year and transfer students are required to take a 1 credit Law and Justice course, then perform 40 hours of pro bono legal service. First year also includes a 2 semester Lawyering Process class (3 credits first semester, 2 credits second semester) followed by Moot Court (2 credits) in the second year. Over the course of second and third-year students are required to participate in two 7 credit (350 hour) legal clinics, (a total of 700 hours) which is more than any other law school mandates. Students may also earn up to 2 additional credits (100 hours) in one or both clinics with special approval from their clinic supervisor and the associate dean for Academic Affairs. After three semesters, students may

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Katrina struck the Gulf Coast in 2005, we were moved to engage our law students in responding to one of the most pressing legal and humanitarian crises that our country had experienced in decades. As we considered options for doing so, we decided not to adopt a traditional clinic model for a number of reasons: First, we wanted to develop an approach that would be easy to adopt and flexible enough to respond to changing needs in the world. Because it places far smaller demands on faculty time and institutional resources than would a seven-credit clinic, it was more politically feasible to move a traditional course with a practicum component through our Curriculum Committee. Moreover, by expanding the course description to cover not just Hurricane Katrina but all kinds of natural and man-made disasters, we would be in a position to respond to changing world events. For example, in the coming semesters, we could easily re-focus our course and practicum to respond to the needs of Haiti's earthquake victims or seek environmental justice in the wake of the BP oil spill.

Second, we wanted to expand the focus of our legal service mission to encompass a national (or even global) community. Like most law schools, the mission of our clinical law program is to provide pro bono services to underserved residents of our own city and the surrounding metropolitan area. However, we live in an increasingly global society, and the boundaries of poverty, racism, and other social injustices transcend narrow geographic boundaries.⁵⁹

Third, we wanted to be able to offer this experience to as many students as possible. Unlike the traditional seven-credit clinic which requires an 8:1 student-faculty ratio, with a one-credit practicum we are able to draw on the services of our colleagues who are more than willing to volunteer a week of their time during spring break to supervise students in their service-learning experience in New Orleans, Biloxi, or other venues.

Finally, we wanted to be able to connect with our students in real time on pressing world issues that resonated with their sense of social justice. We recognized that, to some extent, our existing clinics reflect the traditional poverty law focus of the late 1960s.⁶⁰ Though that perspective is still relevant, and though our focus has evolved

enroll in our Internship Program; qualifying sites are limited to public interest organizations, government agencies and the judiciary and must be in the metro Washington, D.C. area. In the spring, students may enroll for four credits, which include at least 180 hours of work at the placement (approximately 14 hours a week). They also participate in a weekly tutorial. In the summer, students may take the class for four or eight credits. To earn 8 credits, students must work for at least 270 hours at the placement (approximately 30 hours a week), participate in the weekly tutorial, and also enroll in the 2 credit class, 'Civil Rights in the 21st Century.' As a practical matter, because of clinical requirements, the internship program is limited to third-year students, either taking the class in the summer after their second year or in the spring of their third year.")

59. See, e.g., Barry et al., *supra* note 3, at 58 (quoting Lucie E. White, *Facing South: Lawyering for Poor Communities in the Twenty-First Century*, 25 *FORHAM URB. L.J.* 813, 814 (1998) (discussing the need to "expand our frame of reference beyond the world of service-eligible client groups that we have traditionally represented in poverty law practices")).
60. See, e.g., Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 *CLINICAL L. REV.* 355, 358-59 (2008) (arguing that the kinds of advocacy currently taught in most law school clinics do not adequately serve the conditions that poor people face today and that clinics should be more responsive to the needs and priorities of organized activists in the communities they serve).

with the times, we are aware that our clinics do not always resonate with the issues and approaches students care most deeply about.

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

III. TEACHING TO THE MILLENNIAL LAW STUDENT

Why should legal educators consider the generational characteristics of their law students? Clinicians have long known, and the scholarship of teaching and learning recognizes, that it is important to incorporate varied teaching methodologies to reach students with different learning styles.⁶¹ Learning styles have generally been discussed as the unique characteristics of individual students, but some commentators have recognized that generational groups may also have distinguishing characteristics that are relevant to the learning experience.⁶² Generational differences arise from three interrelated processes that are impossible to completely disentangle:

- 1) Life cycle effects. Young people may be different from older people today, but they may well become more like them tomorrow, once they themselves age.
- 2) Period effects. Major events (wars; social movements; economic downturns; medical, scientific or technological breakthroughs) affect all age groups simultaneously, but the degree of impact may differ according to where people are located in the life cycle.
- 3) Cohort effects. Period events and trends often leave a particularly deep impression on young adults because they are still developing their core values; these imprints stay with them as they move through their life cycle.⁶³

Of course, describing the characteristics of an entire generation requires one to generalize and gloss over individual differences.⁶⁴ Despite the challenges, however,

61. See, e.g., Paula Lustbader, *Walk the Talk: Creating Learning Communities to Promote a Pedagogy of Justice*, 4 SEATTLE J. SOC. JUST. 613 (2006); Robin A. Boyle & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALB. L. REV. 213 (1998).

62. See, e.g., Susan K. McClellan, *Externships for Millennial Generation Law Students: Bridging the Generation Gap*, 15 CLINICAL L. REV. 255 (2009) (reviewing how identified generational problems might arise in externship field placements); Leslie Larkin Cooney, *Giving Millennials a Leg-Up: How to Avoid the "If I Knew Then What I Know Now" Syndrome*, 96 KY. L.J. 505 (2008) (utilizing therapeutic jurisprudence to meet the particularized learning needs of millennials).

63. PEW RESEARCH CENTER, *MILLENNIALS: CONFIDENT. CONNECTED. OPEN TO CHANGE* (2010), <http://pewsocialtrends.org/files/2010/10/millennials-confident-connected-open-to-change.pdf> [hereinafter "PEW RESEARCH CENTER, MILLENNIALS"]. This was the latest in a series of reports the Pew Research Center has conducted since 2006, comparing the values, attitudes, and behaviors of the millennials with those of today's older adults. Findings in this study were based on the results of a telephone survey conducted in January 2010 with a nationally representative sample of 2020 adults, with an oversample of respondents ages 18–29. Those data were supplemented by findings from previous Pew Research Center surveys, analysis of census data, and polls conducted by other organizations. The preface to the report points out that the various components of generational differences are difficult to unpack and analyze and may change over time. *Id.*

64. See, e.g., PEW RESEARCH CENTER, *MILLENNIALS*, *supra* note 63 (acknowledging that generations are not monolithic and there are as many differences within generations as there are among generations).

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most commentators agree that the millennial generation has a distinctive personality and set of characteristics that are worth examining.⁶⁵ What is more, the young people who make up the millennial generation see themselves as a distinctive group.⁶⁶ They point to their use of technology as a defining characteristic, along with their music and pop culture, and liberal to tolerant cultural attitudes.⁶⁷

Previous generations also tend to see themselves as unique. About half of generation Xers (born between 1965 and 1980) and 58% of baby boomers also have strong generational identities.⁶⁸ Like the millennials, 12% of generation Xers point to technology as a defining characteristic, but another 11% say that their work ethic sets them apart.⁶⁹ Boomers are most proud of their work ethic (17%), respect for others (14%), and moral values (8%).

Demographers have charted many other significant distinctions among the generations. For our purposes, the most important are differences in worldview about the economy,⁷⁰ the role of government in solving societal problems,⁷¹ and political ideology⁷²—all of which may lead to different perspectives on the meaning of (and best way to achieve) social justice.

Awareness of these generational differences can provide legal educators with another lens through which to intentionally construct a meaningful third apprenticeship for their millennial law students.⁷³ The sections that follow will

65. *Id.*

66. *Id.* at 5, 13 (stating that 61% of millennials say that theirs is a unique generation).

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

68. *Id.* at 13.

69. *Id.*

70. See, e.g., David Madland & Amanda Logan, *The Progressive Generation: How Young Adults Think About the Economy*, CENTER FOR AMERICAN PROGRESS (May 6, 2008), http://www.americanprogress.org/issues/2008/05/progressive_generation.html (noting that millennials have decidedly progressive views on economic issues). This report relied on analysis of data from *Our Studies*, AMERICAN NATIONAL ELECTION STUDIES, <http://electionstudies.org/OurStudies/OurStudies.htm> (last visited Oct. 1, 2011); GENERAL SOCIAL SURVEY, <http://www.norc.uchicago.edu/GSS+Website/> (last visited Oct. 1, 2011) (citing poll data from other sources, including Pew Research Center for People and the Press, *A Portrait of Generation Next*, PEW RESEARCH CENTER (Jan. 9, 2007), <http://people-press.org/2007/01/09/a-portrait-of-generation-next/>; Pew Research Center for People and the Press, *Trends in Political Values and Core Attitudes: 1987-2007*, PEW RESEARCH CENTER (Mar. 22, 2007), <http://people-press.org/2007/03/22/trends-in-political-values-and-core-attitudes-1987-2007/>).

71. Madland & Logan, *supra* note 70, at 1. (“[Millennials] believe government can be a force for good in the economy, and that increased investments in healthcare, education, and other areas are necessary to ensure strong and sustainable economic growth.”).

72. See, e.g., John Halpin & Karl Agne, *The Political Ideology of the Millennial Generation: A National Study of Political Values and Beliefs Among 18- to 29-Year-Old Adults*, CENTER FOR AMERICAN PROGRESS (May 13, 2009), http://www.americanprogress.org/issues/2009/05/political_ideology_youth.html (analyzing the 2008 election and the millennials deeply held progressive beliefs underlying their voting preferences).

73. See generally, McLellan, *supra* note 62; Cooney, *supra* note 62, and sources cited therein.

further delineate the defining characteristics of millennial law students, compare them with the generation Xers and baby boomers who are likely to be their clinical professors, and lay out some of the possible ramifications for constructing a social justice component of the curriculum.

A. Demographics and Characteristics

Demographers do not agree on exactly when the millennial generation begins or ends, but most definitions focus on people who were born in the 1980s and 1990s.⁷⁴ Although the earliest members of this cohort have now reached age thirty, most are still in their early to late twenties, meaning that our law schools are largely populated by millennial students.

By some definitions, the millennials include ninety-five million young people, the biggest age cohort in the history of the United States.⁷⁵ They are also more ethnically and racially diverse than previous generations,⁷⁶ and on track to become the most educated generation in American history.⁷⁷

The millennials have been severely impacted by the recent economic downturn, dubbed by some as “The Great Recession.”⁷⁸ Millennials between the ages of eighteen and twenty-nine are less likely to be employed (63% employed) than generation Xers (70%) or baby boomers (66%) were at the same age.⁷⁹ Even those who are employed

74. See, e.g., Madland & Logan, *supra* note 70, at 4; PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 9; GREENBERG WITH WEBER, *supra* note 11, at 13; NEIL HOWE & WILLIAM STRAUSS, MILLENNIALS RISING: THE NEXT GREAT GENERATION 4 (2000).

75. GREENBERG WITH WEBER, *supra* note 11, at 20. This figure is based on a definition of the millennial generation that includes those born from 1978 to 2000. Even if one narrows the definition to an eighteen-year time span (1978-1996), the millennials would still outnumber the baby boomers eighty million to seventy-eight million. *Id.* Using the Pew definition, which encompasses everyone born over an eighteen year span starting in 1981, the two generations would be about equal in size. PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 9. This is not due to high fertility rates, but rather to population growth that includes a large wave of immigration that added more women of child-bearing years. *Id.* at 9.

76. PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 9. Only 61% of millennials are non-Hispanic whites, similar to generation X (62%), but significantly lower than baby boomers (73%). On the flip side, racial minorities make up 39% of millennials and 38% of generation Xers, compared with just 27% of baby boomers. *Id.* Much of the growth in racial minorities has been fueled by the rapid growth of the Hispanic population (from 10% in the boomer generation to 19% in the millennial generation). *Id.* at 10.

77. “Millennials are more highly educated when ranked with other generations at comparable ages. More than half have some college education (54%), compared with 49% of generation Xers, 36% of Boomers and 24% of the Silent generation when they were ages 18 to 28.” *Id.*

78. Ronald Brownstein, *Children of the Great Recession*, THE ATLANTIC (May 5, 2010, 1:43 PM), <http://www.theatlantic.com/special-report/the-next-economy/archive/2010/05/children-of-the-great-recession/56248/> (describing the struggles of young college graduates to find employment in today’s job market and some innovative solutions, including soaring applications for public service and military jobs, and increased entrepreneurship among millennials unable to find traditional employment).

79. PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 10, 39. “As jobs vanished and businesses closed, America’s newest entrants into the labor force have often found themselves among the last hired

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report that they are having trouble making ends meet, and more than a third depend on financial support from their families.⁸⁰

Despite their financial difficulties, the millennials remain optimistic about their life prospects. The vast majority (88%) say they expect to earn enough in the future to live the kind of life they want.⁸¹ But some commentators speculate that the repercussions of getting a late start on their careers will follow the millennials throughout their lifetimes.⁸² Others believe that their seminal experience in the job market will continue to fuel progressive attitudes toward economic issues for decades to come.⁸³

Beyond their demographic characteristics, millennials share a wide array of beliefs, values, and behaviors that may be relevant to the learning experience. In their seminal work, *Millennials Rising*, Neil Howe and William Strauss described the millennials as the “next great generation”—on track to be as celebrated as the G.I. generation of the twentieth century.⁸⁴ They identified seven distinguishing traits that have remained relatively constant in the literature: the millennials are special, sheltered, confident, team-oriented, achieving, pressured, and conventional.⁸⁵

and the first to lose their jobs.” In 2006, half of this age group was employed full-time; by 2010, that number had declined to only 41%. *Id.* at 39.

80. *Id.* Among those who work full time or part time, less than one-third say they earn enough money to lead the kind of lives they want; compared with 52% of workers 46–54 who say they are satisfied with their current incomes. *Id.* at 20.

81. *Id.* at 40.

82. See, e.g., Brownstein, *supra* note 78, at 6 (“Such widespread uncertainty [about job prospects among millennials] could impose lasting costs, measured not only in diminished opportunity and earnings for the Millennials themselves, but lost productivity and multiplying social challenges for American society at large. . . . If the jobless recovery. . . drags on for three or four years, then I think we will face some large problems that we haven’t faced since the Great Depression,” says Robert Reich, who served as Labor secretary in the Clinton administration. “Young people are just not going to form the habits and attachments to work that their older siblings or parents have had, and that could conceivably create a whole variety of social problems.”).

83. Madland & Logan, *supra* note 70, at 16 (“It is possible that the difficult financial situation of young adults today compared to recent generations is driving their progressivism. The relatively bleak performance of the economy for young people—such as lower rates of healthcare coverage, worsening job prospects, and higher levels of student loan debt—during a period of economically conservative policy-making could also be leading Millennials to reject the conservative agenda and support progressive alternatives.”).

84. Howe & STRAUSS, *supra* note 74, at 4–5, 325 (arguing that the millennials are an “upbeat and engaged” generation, destined to become a “powerhouse generation, full of technology planners, community shapers, institution builders, and world leaders,” and praising the G.I. generation as the group that “cut trails and built dams during the Great Depression, landed on beachheads in Normandy and Iwo Jima, built Levittowns, conquered polio, built gleaming suburbs and interstate highways, landed astronauts on the moon, and held the White House for a record thirty-two years). “Collectively, the G.I.’s comprise a ‘Hero’ archetype, the kind of generation that does great deeds, constructs nations and empires, and is afterward honored in memory and storied in myth.” *Id.* at 326.

85. *Id.* at 43–44.

As this generation has come of age, other characteristics have emerged. In 2008, Eric Greenberg and Karl Weber⁸⁶ described the millennials as:

- “a wired generation”—deeply involved in using new technologies and optimistic about their social and economic impact;⁸⁷
- “a hopeful generation”—convinced that they have better educational opportunities, access to higher paying jobs, and better opportunities to bring about social change;⁸⁸
- “a responsible generation”—shying away from drugs, unsafe sex, and other high-risk behaviors that harmed the two preceding generations;⁸⁹
- “ready for change”—non-cynical and civic-minded, embracing technological, social, and political innovation to transform the world;⁹⁰
- “politically engaged”—embracing collective political activism as an effective way to solve the world’s challenges;⁹¹
- “strongly progressive”—open-minded and overwhelmingly embracing the greater good;⁹²
- “a tolerant generation”—remarkably open-minded and tolerant on social issues such as gender equality, gay rights, racial blending, and immigration;⁹³
- “overwhelmingly pro-environment”—worried about global warming and highly supportive of ambitious ideas for changing our energy paradigm;⁹⁴

86. GREENBERG WITH WEBER, *supra* note 11. The findings in this book are based on a research study into the characteristics of the millennial generation conducted by Gerstein/Agne Strategic Communications, the Greenberg Millennials Study (GMS).

87. *Id.* at 24–25; *see also*, PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 25–28.

88. GREENBERG WITH WEBER, *supra* note 11, at 26–27.

89. *Id.* at 28–29.

90. *Id.* at 29–30.

91. *Id.* at 32–35.

92. *Id.* at 35–37.

93. *Id.* at 38–40.

94. *Id.* at 40–42, 44.

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- “deeply concerned” about the economy—health care, education, inequality, the decline of middle-class jobs, and the national debt;⁹⁵
- “for a peaceful world”—believing in a cooperative, multilateral approach to foreign policy and solving global problems;⁹⁶
- “idealistic about government, yet frustrated”—believing in the potential of the government to do good, but deeply distrustful of political leaders’ ability to meet those responsibilities;⁹⁷
- “post-ideological, post-partisan, post-political”—believing that they can find their own solutions to the major problems our country faces without the polarization, partisan bickering, and culture wars of previous generations.⁹⁸

At the time of the 2010 Pew Research study, despite a staggering economic downturn, the millennials continued to remain “confident, self-expressive, liberal, upbeat and open to change.”⁹⁹ Although they believe there is a generation gap, the millennials respect their elders for their strong work ethic, moral values, and respect for others.¹⁰⁰ This is a “gentler” generation gap than that which divided the baby boomers from their elders, one based largely on the different ways that old and young use technology.¹⁰¹ Rather than being a source of conflict, it is an opportunity for the older generation, including legal educators, to serve as role models and mentors to help the millennials bridge the gap from law school to the professional world.

Many of the millennials’ defining traits serve them well in law school, particularly in a clinical setting. They are bright, energetic, and motivated to achieve.¹⁰² They enjoy teamwork, and can harness the power of technology and the Internet to find information quickly.¹⁰³ Even more importantly, for our purposes, they are idealistic and want to use their skills to improve the world.

Yet, the largely positive characteristics of the millennials present some challenges for legal educators. The attention showered on this generation by doting parents has led some to describe them as excessively self-focused and entitled, and unable to respond

95. *Id.* at 44–48.

96. *Id.* at 48–51.

97. *Id.* at 51–55.

98. *Id.* at 55.

99. PEW RESEARCH CENTER, *MILLENNIALS*, *supra* note 63, at 1.

100. *Id.* at 6–7.

101. *Id.* at 7.

102. *See McClellan*, *supra* note 62, at 261–62.

103. *Id.* at 261.

well to constructive criticism.¹⁰⁴ Some millennials believe they should be treated as equals by their supervisors and expect individualized attention, instant communication, and immediate feedback on their work.¹⁰⁵ Their preference for teamwork sometimes translates into a lack of confidence when working independently.¹⁰⁶

Millennials may also clash with their boomer supervisors over the appropriate tactics for social change. Whereas many boomers demonstrated in the streets and challenged authority, most millennials are more conventional and prefer to abide by the rules.¹⁰⁷ Rather than figuring out a problem on their own, they expect to receive highly structured assignments with clear instructions and deadlines.¹⁰⁸ Because of their tight schedules, millennials may be unwilling to put in extra time to complete a project, clashing with generation X and boomer supervisors who pride themselves on their work ethic.¹⁰⁹

As others have pointed out, legal educators cannot only overcome these challenges; they can assist millennials to understand and incorporate the skills, attitudes, and behaviors they will need to make the transition from law student to lawyer.¹¹⁰ Although this article will focus on the social justice aspects of generational differences, bridging the gap in skills and behaviors is also an important part of planning a third apprenticeship experience.

B. Defining Experiences and Attitudes

Each generation experiences major events that help define the worldviews of its members. Boomers grew up during a time of dramatic social change and political turmoil. They experienced a decade of violence, including the assassinations of President John F. Kennedy, Robert Kennedy, and Martin Luther King, Jr.; the Vietnam War; and the killing of student protestors at Kent State University in Ohio and Jackson State College in Mississippi in the spring of 1970. At the same time, they fought for a better world with a War on Poverty, the civil rights movement, women's liberation, and the sexual revolution. This generation was intent on changing

104. *See id.* at 263 (stating that that the combination of feeling special and sheltered may lead students to feel entitled; excessive praise and grade inflation may make it difficult for them to receive constructive criticism; and their belief in their own ability may lead them to challenge the way things are done and disrespect their supervisors).

105. *See id.*

106. *Id.* at 265–66. McClellan says that millennials are often unwilling to be “creatively different.” This may lead boomer and generation X supervisors, who value independent work, to see them as wanting “hand-holding.” *Id.*

107. *Id.* at 266.

108. *Id.* at 268.

109. *Id.* at 267–68.

110. *Id.* at 270–81 (examining ways to help both externs and supervisors understand their generational differences); Cooney, *supra* note 62, at 509 (“We can enhance the communication skills these students bring into our clinical settings, and by recognizing the modes in which they have already honed their existing skills, we can address the particular areas in which they may need to develop additional skills to deal with actual clients and the legal work environment.”).

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the world, and when government did not respond, boomer lawyers flocked to the court system to challenge the status quo.¹¹¹

The “second wave” of clinical legal education arose during the boomer years, due in part to the “zeitgeist of the 60s,” when students were demanding that education be relevant to their concerns about the world.¹¹² During the period from the 1960s through the late 1990s, “clinical legal education solidified and expanded its foothold in the academy.”¹¹³ Not surprisingly, given the experience of the boomers, an emphasis on serving the legal needs of the poor and using the law to solve social problems permeated the design of clinical programs during that period.¹¹⁴ The second wave expanded clinics “to demystify law for students and to represent client communities with claims that thrust clinical programs into the civil rights, consumer rights, environmental rights, and poverty rights movements.”¹¹⁵

The millennials’ defining experiences have been quite different from the boomers. They came of age during a time of terrorism, natural and man-made disasters, including the shooting at Columbine High School, the terrorist attacks of 9/11, global climate change, Hurricane Katrina, the wars in Iraq and Afghanistan, and the great recession of the late 2000s.¹¹⁶ The civil rights and women’s liberation movements are ancient history to them; they tend to view race and gender as “non-issues” and “believe divisive social issues will have far less effect on their generation than on previous generations.”¹¹⁷

Like the boomers, the millennials are idealistic and committed to social justice. But they have their own views about what issues are most important and how to bring about social change. Having grown up with images of dying polar bears and melting ice caps, “the Millennials have a more profound environmental consciousness than earlier Americans.”¹¹⁸ They believe we should do “whatever it takes” to protect the environment, and are willing to pay the cost of stricter environmental laws and regulations.¹¹⁹ Not only do they embrace the cause of environmental protection and a new energy paradigm, “they have a real sense of urgency about it.”¹²⁰

111. See, e.g., Barry et al., *supra* note 3, at 12–14; HOWE & STRAUSS, *supra* note 74, at 64–65.

112. Barry et al., *supra* note 3, at 12.

113. *Id.*

114. *Id.* at 12–13.

115. *Id.* at 13.

116. CONE, INC., THE 2006 CONE MILLENNIAL CAUSE STUDY 4 (2006).

117. GREENBERG WITH WEBER, *supra* note 11, at 38–39.

118. *Id.* at 40.

119. *Id.* at 42 (quoting Pew Research Center for People and the Press, *A Portrait of Generation Next*, PEW RESEARCH CENTER (Jan. 9, 2007), <http://people-press.org/2007/01/09/a-portrait-of-generation-next/>).

120. *Id.* at 40. Responding to the GMS survey, 74% of millennials agreed that “[w]e must make major investments now to innovate the next generation of nonfossil fuel based energy solutions,” and “94% agreed that ‘our country must take extreme measures now, before it is too late, to protect the environment and begin to reserve the damage we have done.’” *Id.* Seventy-four percent agreed that the situation is either a “‘crisis that our country must address immediately’ or a major problem.” *Id.* at 40–41.

Like most Americans, the millennials are also deeply concerned about the economic issues affecting the country, including health care, “education, income inequality, the decline of middle-class jobs, and the national debt.”¹²¹ They are more supportive of an activist government role in solving social problems than other age cohorts.¹²² They are also significantly less critical of government efficiency; only 42% agree with the statement that “government is often wasteful and inefficient,” compared with 55% for generation X and 66% for baby boomers.¹²³

However, the millennials’ support of an activist government does not lead them to be any more supportive of an expanded government social safety net than other generations.¹²⁴ Since 2007, there has been a decline in support for more generous assistance for the poor among all age cohorts, including the millennials.¹²⁵ Only a slight majority of millennials support statements that the government has a responsibility to help those in need, and should help more needy people even if it means going deeper in debt.¹²⁶ Although millennials’ views are similar to a majority of the boomers, the poverty law model, adopted by many second wave clinics and the professors who teach them, may not resonate with them.

Another interesting difference is the extent to which millennials view business as a positive force in society. Forty-four percent of millennials agree with the statement that “business corporations generally strike a fair balance between making profits and serving the public interest,” compared with 35% for generation X and boomers.¹²⁷ Of course, the millennials grew up eating Ben & Jerry’s ice cream and Newman’s Own salad dressings, so their experience with big business is decidedly different from previous generations. In fact, the millennials enthusiastically embrace innovation and entrepreneurship as strategies for confronting the nation’s challenges.¹²⁸

Even more than government and business, though, the millennials believe in collective social action as a strategy for addressing problems.¹²⁹ Millennials are

121. *Id.* at 44.

122. *See* PEW RESEARCH CENTER, *MILLENNIALS*, *supra* note 63, at 71.

123. *Id.*

124. *See id.* at 76.

125. *See id.*

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

127. *Id.* at 74.

128. GREENBERG WITH WEBER, *supra* note 11, at 30. On the GMS, 87% of the millennials agreed with the statement, “Throughout our history, America’s success has been built on innovation and entrepreneurship. As we confront the many challenges facing us today, it is that same spirit of innovation and entrepreneurship that is needed to maintain America’s strength in the 21st century.” *Id.*

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

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willing to step forward and take a stand, even if it involves self-sacrifice.¹³⁰ Consistent with these views, millennials are more involved in volunteerism than any other generation.¹³¹ And with the dwindling job prospects facing college graduates, more and more graduates are turning to service-oriented institutions like AmeriCorps, Peace Corps, and Teach for America for their entry into the professional world.¹³²

The presidential election of 2008 ignited the millennials' engagement in collective social action. Captured by Barack Obama's message of hope and change, and his embrace of innovative communication technologies, the millennials turned out in record numbers to propel Obama's grassroots campaign to victory.¹³³ Although the partisan leanings and political activism of millennials has flagged since the election,¹³⁴ they remain significantly more liberal than members of other generations.¹³⁵

Greenberg describes the millennials as a "post-ideological, post-partisan, and post-political" generation.¹³⁶ They reject traditional labels of "conservative" or "liberal," preferring to be thought of as "progressive."¹³⁷ They are pragmatic and innovation-oriented, open to new solutions no matter where they come from.¹³⁸ Although they lean Democratic, they reject the narrow, bitter sniping of traditional politics. They are ready to call a halt to the "culture wars" and find ways to work together for the common good. As Greenberg says, they are "[d]etermined to find their own solutions

130. *Id.* at 31. Eighty percent of millennials agreed with the statement that "addressing the big issues facing my generation starts with individuals willing to take a stand and take action." *Id.* Seventy-eight percent say they are willing to make significant sacrifices in their own life "to address the major environmental, economic, and security challenges facing our country." *Id.*

131. *See id.* at 31. This is based on UCLA's American Freshman survey that has been conducted for the past forty years with several hundred thousand respondents each year. In 2005, 83% of entering freshman volunteered at least occasionally during their high school senior year, the highest ever measured in this survey. Seventy-one percent said they volunteered on a weekly basis. *Id.*

132. Brownstein, *supra* note 78, at 10. The trend toward public service was apparent even before the economic downturn, but has accelerated since 2008. *Id.* AmeriCorps received nearly 250,000 applications in 2009, more than double the previous year; Teach for America's applications nearly doubled to more than 46,000; and applications to the Peace Corps reached nearly 20%, their highest level in the program's nearly fifty-year history. *Id.*

133. *See, e.g.,* Halpin & Agne, *supra* note 72; PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 3 (Millennials were among Barack Obama's strongest supporters in 2008, backing him by a 66% to 32% margin, while older adults gave him just 50% of their votes).

134. PEW RESEARCH CENTER, MILLENNIALS, *supra* note 63, at 63. Voter turnout of millennials in recent elections in Virginia, New Jersey, and Massachusetts was notably low, and the Democratic Party's advantage among millennials has decreased from 62% to 54%. *Id.* "Millennials today are evenly split on whether or not Obama has changed the way Washington works, and his job approval rating has fallen considerably among millennials, just as it has among older adults." *Id.*

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

136. GREENBERG WITH WEBER, *supra* note 11, at 55.

137. *Id.* at 54.

138. *Id.*

to the major problems we face, and convinced that their unprecedented levels of education and technological prowess will enable them to do so.”¹³⁹

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

C. Hurricane Katrina: Seizing the Disorienting Moment

Millennials have grown up in an era where “[n]ews and information travel freely across continents, with recent acts of terrorism and natural disasters touching more than the people directly involved. As a result, millennials have been instilled with a far-reaching, global social conscience.”¹⁴⁰

When Hurricane Katrina descended on the Gulf Coast in August 2005, many Americans sat transfixed in front of their televisions as one of the worst man-made disasters in modern history unfolded in front of their eyes.¹⁴¹ Literally hundreds of thousands of people watched videos of the storm on YouTube and other Internet sites.¹⁴² As a nation, we were forced to confront the extent to which poverty and discrimination continue to plague our country.

If we thought that poverty, despair and marginal existence was a phenomenon of the past, or of distant underdeveloped countries, this incident demonstrated in dramatic fashion that these evils are alive and well in America. We may have pushed them out of sight, and thus out of mind, but they do exist. For some in America, including those who choose to become lawyers, there is this belief that the major social ills of this country have been cured, or at least contained. We have been lulled into believing that we have won the war on poverty by making the poor and the homeless our enemy. Katrina was like a spiritual operation that not only revealed the problems of the patient, but also the weakness of the surgeon.¹⁴³

Nobody took this message more to heart than the millennials. In response to a survey conducted in 2007, 90% of the millennial respondents agreed with the following statement:

139. *Id.* at 55.

140. CONE, INC., *supra* note 116, at 4.

141. *See generally* Waysdorf, *supra* note 9; Morin, *supra* note 9.

142. *See* YOUTUBE, <http://www.youtube.com> (search “Hurricane Katrina”) (last visited Sept. 8, 2011); GOOGLE VIDEO, <http://video.google.com> (search “Hurricane Katrina”) (last visited Sept. 8, 2011).

143. David Hall, *Katrina: Spiritual Medicine for Political Complacency and for Social Activists Who are Sleepwalking*, 23 HARV. BLACKLETTER L.J. 1, 2–3 (2007).

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Hurricane Katrina revealed the extent to which our country is divided into two Americas, one of which lacks many basic needs and is largely ignored by our government. The growing gap between the wealthy and the rest of us must be addressed, because no democracy can survive without a large, vibrant middle class. . . .¹⁴⁴

Consistent with their preference for collective action, millennial law students quickly organized to form the Student Hurricane Network (SHN), “a national network of law students dedicated to advancing the cause of social justice in communities affected by Hurricanes Katrina and Rita by coordinating volunteer efforts, aiding public interest organizations, and educating members of the legal community about legal crises in the region.”¹⁴⁵ During the period from December 2005 through spring break 2009, SHN coordinated more than 5,500 student volunteer trips to do everything from gutting homes and clearing rubble to community advocacy to legal representation of people affected by the storm.¹⁴⁶

SHN is not the only millennial movement responding to the aftermath of Hurricane Katrina. Millennials with an entrepreneurial bent have been flocking to New Orleans and surrounding cities to identify and implement creative solutions to the area’s social challenges.¹⁴⁷ One such group, Social Entrepreneurs of New Orleans (SENO), runs an incubator that helps to launch promising early-stage social entrepreneurs with mentorship, pro bono legal and financial support, media exposure, and volunteer management consultants.¹⁴⁸ SENO’s mission statement and philosophy are deeply reflective of millennial generation values:

144. GREENBERG WITH WEBER, *supra* note 11, at 45. Thirty percent of the respondents classified this as a “crisis,” and another 40% called it a “major problem.” Only 9% of the respondents totally disagreed with the statement. *Id.* at 99.

145. *Mission Statement*, STUDENT HURRICANE NETWORK, <http://www.studentjustice.org/about/> (last visited Sept. 8, 2011). Although the group formally dissolved in 2010, information about its activities continues to be available on their website.

146. See *Annual Reports*, STUDENT HURRICANE NETWORK, http://www.studentjustice.org/library/folder.201076-SHN_Annual_Reports (last visited Oct. 20, 2011), for a comprehensive list of projects in which SHN volunteers have participated.

147. See, e.g., Abby Ellin, *Entrepreneurs Leverage New Orleans’s Charm to Lure Small Businesses*, N.Y. TIMES (July 29, 2009), <http://www.nytimes.com/2009/07/30/business/smallbusiness/30sbiz.html>; Amy Cosper, Editor’s Note, *After the Storm: A New Business Culture Breathes Life into New Orleans*, ENTREPRENEUR (July 9, 2009), <http://www.entrepreneur.com/article/202546>; John Tozzi, *New Orleans: A Startup Laboratory*, BUS. WK. (Aug. 27, 2007), http://www.businessweek.com/smallbiz/content/aug2007/sb20070823_490984.htm.

One example of the renaissance is the Nola Yurp Initiative where nearly 3500 members share links, discuss news and ideas, and share job information on the site. See *Summary*, NOLA YURP INITIATIVE, <http://www.nolayurp.groupsite.com/main/summary> (stating their mission is “to build a support and resource network to connect, retain and attract young professionals from diverse backgrounds for a sustainable New Orleans”).

148. See SOCIAL ENTREPRENEURS OF NEW ORLEANS, <http://www.seno-nola.org/index.php> (last visited Oct. 1, 2011) for information about SENO.

SENO's mission is to systematically advance solutions to our city's most pressing social challenges by identifying and incubating the social entrepreneurs who tackle these high-priority challenges. . . . We deeply believe in individuals and the power of community members to bring forth significant and systemic social change. We also believe that social innovation comes from a deep understanding of problems and people. Social entrepreneurs have been and will continue to be instrumental in the rebuilding of New Orleans, as new challenges call for new solutions. Of particular concern to SENO is how long the catalyzing effect of Katrina and the entrepreneurial environment will last. We believe that it is critical that the city has a strategy to continue to catalyze, inspire, and empower committed individuals with innovative ideas for social change.¹⁴⁹

There is no doubt that Hurricane Katrina was a seminal event in the millennials' lives, galvanizing them to immediate and sustained action in pursuit of their vision of social justice. Moments like this provide an invaluable opportunity for legal educators to create a meaningful educational experience for their students, one that goes beyond discussing it as a "current event" in the context of an existing course.¹⁵⁰

Fran Quigley has described an educational phenomenon with which most clinicians are all too familiar—the moment when dealing with a client causes a student to question their prior notions of social justice.¹⁵¹ In individual representation, these "disorienting moments" may happen when the student recognizes that a poor client does not have enough money to survive or is treated poorly by the judge or opposing counsel.¹⁵² Quigley argues that legal educators, especially those who teach

149. *Mission and Vision*, SOCIAL ENTREPRENEURS OF NEW ORLEANS, http://www.seno-nola.org/index.php?option=com_content&view=article&id=1&Itemid=7 (last visited Oct. 1, 2011).

150. Even the "current event" approach would be preferable to what many law students experience in law school. At the time the Rodney King verdict came down in 1992, I was teaching Legal Writing at another institution, and was incredulous when my students told me I was the only professor who talked about the controversy in all of their law school classes.

Rodney King was an unemployed laborer who was brutally beaten by four Los Angeles police officers. An amateur cameraman caught the beating on video, which was widely circulated on the Internet, sparking accusations of racist police brutality against the Los Angeles Police Department. When an all-white jury handed down a decision acquitting the officers, fierce rioting broke out in the predominantly black neighborhoods of south-central Los Angeles. See Seth Mydans, *The Police Verdict; Los Angeles Policemen Acquitted in Taped Beating*, N.Y. TIMES (Apr. 30, 1992), http://www.nytimes.com/books/98/02/08/home/rodney-verdict.html?_r=2. This was an issue that clearly illuminated the racial divide in our country, yet law students were being left to figure out its social justice implications in the hallways rather than in the classroom.

151. Quigley, *supra* note 19, at 37–46. Quigley makes an impassioned argument for why law schools should make explicit efforts to teach lessons of social justice. *Id.* at 38–46. For the purposes of this article, we assume that the academy has accepted the wisdom of those arguments and that there is widespread agreement, reflected in the Carnegie Report, among other sources, that social justice is a legitimate goal of legal education. See, e.g., STUCKEY ET AL., *supra* note 40, at 84–85 (identifying a commitment to justice as one of the five professional values that deserve special attention during law school).

152. See Quigley, *supra* note 19, at 37 (citing examples).

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in clinics, should seize the opportunity presented by these moments to take an active role in facilitating the students' learning lessons of social justice.¹⁵³

Just as individuals may experience a disorienting moment when faced with a particular incident of injustice, we believe that seminal events like Hurricane Katrina can trigger a "disorienting moment" for an entire generation. At the time Katrina struck, the millennials were one of the most sheltered and affluent generations since the early 1960s.¹⁵⁴ Until the great recession of 2008, millennials as a whole had never witnessed economic trouble.¹⁵⁵ Their childhoods coincided "with the most monumental financial boom in American history."¹⁵⁶ No doubt, for many young millennials, the images of Hurricane Katrina they saw on television, YouTube, and the Internet collided with the sheltered world their parents had tried to construct for them.¹⁵⁷

The question is what legal educators should do to transform that disorienting moment into a meaningful learning experience for millennial law students. According to Quigley, legal educators cannot just assume that students will draw the relevant meaning from their experience. They need to take an intentional approach to constructing a learning experience grounded in adult learning theory.¹⁵⁸ This approach resonates well with clinical legal education, because "adult learning theory focuses on democratic teaching and experiential learning."¹⁵⁹

For a disorienting moment to result in transformation, the learner must engage in critical thinking, focusing on reassessment of society and personal beliefs, values,

153. *See id.* at 38.

154. HOWE & STRAUSS, *supra* note 74, at 43–44, 49–50. The millennials came of age during a long boom period in America's financial history and a period in which the country's programs and resources were directed more to youth than in previous generations. *Id.* at 49–50. In contrast to the previous era, "child issues have risen to the top of the nation's political agenda." *Id.* at 13. The 1990s was the first decade since the 1920s in which federal spending on kids rose faster than spending on working age adults or elders. *Id.* at 111.

155. *Id.* at 100.

156. *Id.*

157. *See id.* at 112–19. The late 1990s saw an immense increase in the number of federal programs aimed at protecting children against physical and moral dangers. *See id.* At home and at school, the millennials got more supervision and more time with their parents than the previous generation. *See id.* at 134–42. Throughout the 1990s, parents contracted the security perimeters around millennial kids in every possible place, for every possible occasion, through every possible means, and against every imaginable danger. *Id.* at 176.

158. Adult learning theory is a specific method of instruction framed by a methodology that "acknowledges the vast differences between the cognitive processes of adults and children." Quigley, *supra* note 19, at 47. "When applied to the learning process, adult learning theory focuses on democratic teaching and experiential learning." *Id.* at 48. Quigley argues that course design for seizing the disorienting moment must be grounded in adult learning theory. "To perform adequately this role, clinical teachers must understand the dynamic that causes the students' justice perspective to be transformed by their clinic experiences, and then design a methodology inspired by adult learning theory that will nurture the social justice learning opportunities a clinical course uniquely provides." *Id.* at 38.

159. *Id.* at 48.

and norms.¹⁶⁰ The process has at least three stages: “First, the ‘disorienting experience,’ second, the ‘exploration and reflection,’ and finally, ‘reorientation.’”¹⁶¹ The role of the facilitator is to provide a proper environment for the three stages to occur.¹⁶²

Quigley asserts that live-client clinical settings are ideal for providing disorienting experiences because most law students come to the clinic without significant exposure to victims of systemic injustice.¹⁶³ For our purposes, Hurricane Katrina and its aftermath had already provided the disorienting moment; our only role in the first step of the process was to construct a learning experience around it. A crucial part of this process is to provide the environment for exploration and reflection about the triggering event and how it conflicts with the learner’s prior understanding.¹⁶⁴ Reflection can be encouraged through a variety of mediums, including classroom discussions, journals, self-evaluations, and supervisor-student conversations.¹⁶⁵ After a period of reflection, learners must “reorient” their beliefs about social justice, broadening their perspectives and acting upon their new understanding.¹⁶⁶ Educators can assist in this process by providing access to other perspectives on justice through readings, discussion, and additional experiential opportunities such as “field trips” to housing projects, homeless shelters, jails, and other places of concentrated poverty.¹⁶⁷ Most of the tools Quigley describes are quite familiar to clinicians and others who teach experiential courses. What is compelling about her approach is its explicit focus on melding adult learning theory with social justice goals. Though the article was written fifteen years ago, it continues to provide thoughtful guidance to legal educators seeking to construct a meaningful learning experience for their millennial law students.

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

A. *Service-Learning as a Core Pedagogy*

Building on the lessons of clinical legal education over the last four decades, service-learning may be just the pedagogical construct we have been looking for. It is

160. *Id.* at 51–52 (citing psychologist and adult learning theorist JACK MEZIROW, TRANSFORMATIVE DIMENSIONS OF ADULT LEARNING 168 (1991)).

161. *Id.* at 52 (quoting JACK MEZIROW, TRANSFORMATIVE DIMENSIONS OF ADULT LEARNING 167–74 (1991); JACK MEZIROW & ASSOC., FOSTERING CRITICAL REFLECTION IN ADULTHOOD: A GUIDE TO TRANSFORMATIVE AND EMANCIPATORY LEARNING 12 (1990)).

162. *Id.*

163. *Id.* at 53.

164. *Id.* at 54. The literature refers to the learner’s preexisting ideas about the situation as “meaning schemes,” and suggests that it is important for the learner to reflect on why the new experience did not fit into those meaning schemes. *Id.*

165. *Id.* at 55.

166. *Id.* at 55.

167. *Id.* at 56, 67–70.

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

“At its essence, service-learning is a teaching and learning strategy that integrates meaningful community services with instruction and reflection.”¹⁶⁸ Typically, the results are enrichment of the learning experience, the teaching of civic responsibility, and the strengthening of communities.¹⁶⁹ Service-learning as a pedagogical approach and educational philosophy has a rich legacy and history in the United States. Throughout the last century and a half, service-learning at times has been strongly supported and funded through public education, vigorously promoted by government entities, and embraced by private educational institutions.¹⁷⁰

Typically, service-learning combines education with hands-on social action, and merges volunteering with a learning component.¹⁷¹ By combining service objectives and learning objectives, both the recipient and the provider of the service measurably evolve and change, resulting in a radically effective and transformative method of teaching.¹⁷² Volunteer activities and civic engagement without a learning component are equally valuable, but are different activities with different objectives from service-learning.¹⁷³ Linking service to education is a key way that educators are able to engage students in social change in a context that promotes deliberate examination of the service component. Whatever the setting, age, or context of the experience, the core

168. *What is Service-Learning?*, NATIONAL SERVICE-LEARNING CLEARINGHOUSE, <http://www.servicelearning.org/what-service-learning> (last visited Sept. 5, 2011). See also TIMOTHY STANTON ET AL., SERVICE-LEARNING: A MOVEMENT’S PIONEERS REFLECT ON ITS ORIGINS, PRACTICE, AND FUTURE 2 (1999) (“Service-learning joins two complex concepts: community action, the ‘service,’ and efforts to learn from that action and connect what is learned to existing knowledge, the ‘learning.’”).

169. *What is Service-Learning?*, *supra* note 168.

170. See STANTON ET AL., *supra* note 168, at 2 (“Although the genealogy of existing practice—what we came to term its DNA—can be traced back to the 1960s, its conceptual antecedents can be found in the philosophy and practice of extension education programs spawned by the land grant movement of the 1860s, in progressive education and settlement house activities early in this century, in work programs of the New Deal, in immigrant education and civil rights organizing efforts. As we shall learn, many early practitioners had experience in the Peace Corps or VISTA.” (citation omitted)).

171. *Id.*

172. See *What is Service-Learning?*, *supra* note 168.

173. STANTON ET AL., *supra* note 168, at 3 (“Service-learning advocates differentiate their practice from volunteer service by evoking the concept of reciprocity between server and served as well. Such an exchange ‘avoids the traditionally paternalistic, one-way approach to service in which one group or person has resources which they share ‘charitably’ or ‘voluntarily’ with a person or group that lacks resources.’” (citation omitted)).

element of service-learning is the intent that both providers of the service, the leaders or facilitators, i.e., teachers, and the service recipients find the experience beneficial, and even transformative.¹⁷⁴

Service-learning is more than acquiring clinical skills or engaging in volunteer action, both of which are highly valued and important components.¹⁷⁵ Instead, the service is combined with analysis and collaboration with the recipients of the service, joint problem-solving for the future, and student reflection about what they have learned and their future roles in the problem-solving. In this way, service-learning intentionally combines service with learning. It is constructed from an innovative pedagogy that combines academic knowledge and skills with community experience, using the process of self-reflection as a powerful conduit for learning.¹⁷⁶ Indeed, the dual principles of reflection and reciprocity between the server and the person or group being served are the touchstones of the service-learning paradigm.¹⁷⁷

Service-learning enhances student learning and development through service in part because its emphasis is on service to others.¹⁷⁸ Pedagogically, it involves intensive immersion learning and is both a form of experiential education and a philosophy of experiential education.¹⁷⁹ Educational experts have noted that in the service-learning experience, those who are being served control and define the service that is provided, and that the needs of the “host community” rather than the academic program come

174. See *What is Service-Learning?*, *supra* note 168.

175. Stanton, *supra* note 8, at 66 (“Students’ career goals, developmental needs and intellectual curiosity, while relevant and integrated into their activities, still must be defined and operationalized in the context of their service performance and the needs of those being served.”)

176. For discussion of the role of self-reflection in the service-learning process, see Gail Albert, *Intensive Service-Learning Experiences*, in *SERVICE-LEARNING IN HIGHER EDUCATION*, *supra* note 8 at 190. (“Reflection in intensive service-learning programs can be both structured and unstructured, but it should be continuous. . . . Reflection should be designed to help students recognize and integrate their learning, work on personal developmental issues, define their personal service ethic, and deal with their discomfort and dissonance.”). For more on the central importance of reflection to the service-learning process, see also Keith Morton, *Issues Related to Integrating Service-Learning into the Curriculum*, in *SERVICE-LEARNING IN HIGHER EDUCATION*, *supra* note 8 at 286. (“No matter what the role of service is in a course, no matter whether a course is service based or content based, reflection is central to achieve student learning and developmental outcomes.”).

177. See Barbara Jacoby, *Service-Learning in Today’s Higher Education*, in *SERVICE-LEARNING IN HIGHER EDUCATION*, *supra* note 8 at 3, 6–7. (“As a form of experiential education, service-learning is based on the pedagogical principle that learning and development do not necessarily occur as a result of experience itself but as a result of a reflective component explicitly designed to foster learning and development. . . . The other essential concept of service-learning is reciprocity between the server and the person or group being served.”).

178. Stanton, *supra* note 8, at 65–66 (In service-learning there is a “profound emphasis on *service to others*. While other forms of experiential education emphasize career development, academic knowledge, skill development or some combination of these objectives, programs described as service learning place primary value on the service performance of students and on the outcomes of their activities for those off campus who are recipients of the service.”).

179. Jacoby, *supra* note 177, at 9 (“It is the element of reciprocity that elevates it to the level of philosophy. . .”).

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first in defining the priorities of the work students engage in while serving.¹⁸⁰ As a result of this dynamic, those being served become better able to serve their own community. Those who serve are also learners who have significant control over what is learned, which is different than the norm in traditional educational paradigms.¹⁸¹

Civic engagement is another important component and motivator in the service-learning model.¹⁸² It comprises a movement beyond individual classrooms, and pushes toward a fully engaged university or law school as a whole. This usually results in active, vibrant partnerships of scholars, students, and citizens who have the support and resources of their institution to achieve phenomenal things in education while transforming communities nationwide.

Service-learning is intended to be an authentic learning experience—positive, meaningful, and real to the participants—with specific “learning and developmental outcomes.”¹⁸³ It involves cooperative, rather than competitive experiences and thus promotes skills associated with the value set of teamwork, friendship, collegiality, citizenship, and community involvement.¹⁸⁴ Service-learning addresses complex problems in complex settings, rather than simplified problems in isolation.¹⁸⁵ It offers an opportunity to engage in critical thinking, that is, the ability to identify important questions or issues within a real-world situation.¹⁸⁶ Service-learning involves “big picture” problem-solving, by requiring participants to gain knowledge of the specific context of their service-learning activity and the actual community challenges they will be engaging with, rather than abstract knowledge from a textbook.

As a result, service-learning provides deeper learning that is geared toward life-long internalization of value sets. At the same time, deeper listening skills are promoted through service-learning because the results are immediate and uncontrived.

180. See Stanton, *supra* note 8, at 66 (referencing Robert L. Sigmon, *Service Learning: Three Principles*, 8 SYNERGIST 9 (Spring 1979)).

181. See Stanton, *supra* note 8, at 66.

182. See Sharon Rubin, *Institutionalizing Service-Learning*, in SERVICE-LEARNING IN HIGHER EDUCATION, *supra* note 8, at 314 (“What makes the institutionalization of service-learning so crucial as the twenty-first century approaches is the part it plays in fostering student commitment to active participation in public life and civic processes. As citizens’ cynicism about the possibility of achieving a just society grows, higher education must find ways to help students overcome their feelings of helplessness about making a difference and their withdrawal into private interests.”)

183. See Marylu K. McEwen, *Enhancing Student Learning and Development Through Service-Learning*, in SERVICE-LEARNING IN HIGHER EDUCATION, *supra* note 8, at 87. (“Service-learning can have a variety of anticipated learning and developmental outcomes. In the area of learning and cognitive development, students who engage in service-learning may develop greater complexity in their thinking; ethical commitments regarding themselves, their lifestyles, and what they know and believe; movement toward higher levels of moral reasoning; and development and clarity about their faith and spirituality.”)

184. *What is Service-Learning?*, *supra* note 168.

185. *Id.*

186. Marylu K. McEwen, *Enhancing Student Learning and Development Through Service-Learning*, in SERVICE-LEARNING IN HIGHER EDUCATION, *supra* note 8, at 53 (“Carefully designed service-learning experiences can lead to profound learning and developmental outcomes for students, the primary reason that institutions of higher education engage in service-learning.”)

It is based on the immediacy of experience and is more likely to be personally meaningful to participants. Service-learning is likely to generate emotional and moral consequences and to challenge values as well as ideas. Therefore service-learning supports social, emotional, and cognitive learning and development in ways that have a life-long impact.¹⁸⁷

Service-learning is not an episodic volunteer program, such as logging a set number of community service hours in order to graduate.¹⁸⁸ Neither is it an add-on to an existing curriculum, or compensatory service assigned as a form of punishment by the courts or school administrators.¹⁸⁹ In sum, service-learning is a dynamic process, through which students' personal and social growth is tightly interwoven into their academic and cognitive development.

B. Service-Learning in the Law School Context

Within the legal academy, we have sparse collective experience with the service-learning model. We lag markedly behind undergraduate and graduate programs, as well as many high school programs that have embraced the service-learning paradigm.¹⁹⁰ In the law school context, service-learning can act as a capstone educational experience, following up on the continuum of doctrinal coursework, clinical practice, and externship programs. In service-learning, law students have to address a broader social problem or crisis than they are traditionally exposed to in clinics or externships. This can include client work, but does not have to be client-based.

Service-learning in the law school context can build on, benefit from, and utilize skills acquired by students in clinical programs. But as in the undergraduate and

187. In his seminal work, *The Call of Service: A Witness to Idealism*, educator and social philosopher Robert Coles explores the transformational power of idealism and service to others in the educational context. See ROBERT COLES, *THE CALL OF SERVICE: A WITNESS TO IDEALISM* 74–75 (1993) (“No question that for many volunteers the considerable satisfaction that goes with making a connection with a fellow human being is enhanced by the overall context of the service being rendered. They have sought, found, and fulfilled a moral purpose. . . . But all service is directly or indirectly ethical activity, a reply to a moral call within, one that answers a moral need in the world.”).

188. *What is Service-Learning?*, *supra* note 168.

189. *Id.*

190. For in-depth discussions of established service-learning programs and curricula in high school, undergraduate and graduate schools throughout the country, see SERVICE-LEARNING IN HIGHER EDUCATION, *supra* note 8, and STANTON ET AL., *supra* note 168. In the foreword to Stanton's work, Goodwin Liu states:

To characterize service-learning as a new development in education is inaccurate at best and presumptuous at worst. The concept . . . has an impressive pedigree that includes the university-based extension programs of the 1860s land grant movement, John Dewey's philosophical pragmatism during the early decades of this century, and the campus- and community-based organizing initiatives in the 1960s civil rights movement. Viewed in this context, the current movement is best understood not as a revolution in educational practice, but as a phase in the evolution of a more general aspiration to bring theory and practice, schools and communities, thought and action closer together.

STANTON ET AL., *supra* note 168, at xii.

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

An added aspect to service-learning is the philanthropic dimension, in which students learn the importance of raising funds and charitable giving as a legacy of a specific service mission. Furthermore, service-learning in the law school curriculum promotes professional identity development through a combination of doing service, inspirational role-modeling, and the promotion of camaraderie rather than competition. Indeed, we have compiled and analyzed a fusion of factors that define service-learning in the law school context based on our own experiences over the past five years teaching the *Katrina and Beyond* course. By bringing our students to New Orleans and Biloxi, Mississippi to work with communities dealing with disasters and by working side-by-side with them on these trips, we have identified a set of factors that characterize service-learning in the law school context. As a capstone activity within the law school curriculum, we have seen that service-learning can promote the fusion of (1) clinical practice and pedagogy, (2) service-learning, (3) social justice issues, (4) doctrinal coursework, and (5) externship experiences.

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

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

191. See COLES, *supra* note 187, at 148 ("Our institutions of higher learning might certainly take heed, not only by encouraging students to do such service, but by helping them stop and mull over, through books and discussions, what they have heard and seen. This is the purpose, after all, of colleges and universities—to help one generation after another grow intellectually and morally through study and the self-scrutiny such study can sometimes prompt.").

others, to repair the world that exists in crisis. It is *authentic learning*, simultaneously self-less and self-motivated.

The central focus of service-learning, particularly in the law school curriculum, is not to develop one's professional identity by growing a base of legal knowledge and set of clinical skills, though that will likely be a result of the experience. Rather, personal growth is achieved through humanitarian, collective action, and embracing a set of iconic ethical-social values. Within service-learning, every experiential second is a *teachable, if not also disorienting, moment*. In short, what is "learned" in the process of effective service-learning is more than deeper subject matter knowledge or retention of clinical practice skills. More importantly perhaps, students gain self-knowledge brought on by intentional learning through collectivized social justice action. The notion is that becoming a "better person" will lead to becoming a better, more empathetic, and, therefore, more effective attorney.

C. Case Study in Service-Learning: The UDC Disaster Law Course, Katrina and Beyond Course

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

As professors, we were each driven by a personal desire to assist the people of New Orleans and the Gulf Coast region. We wanted to bring our law students along with us in embracing the collective act of volunteerism and service values. We held the course for the first time in the spring 2007 semester. We planned a voluntary "alternative spring break" in post-Katrina New Orleans as a part of the coursework.¹⁹³ Rather than send our students off on their own, in March 2007 we traveled with nearly forty of our law students to New Orleans to provide assistance to the people of that devastated city. Collectively we would engage in what we called "Katrina service."

We have further developed the course and traveled to New Orleans in the three subsequent academic years. Then in spring 2011, we refocused the course curriculum

192. *Katrina and Beyond*, *supra* note 7.

193. The semester-long class itself was a three-credit course offered in the spring semester. If students chose to participate in the spring break service week, they received an additional one credit. We adopted this approach because we wanted the service week to be entirely voluntary. We also did not want to pressure students who had family or other responsibilities and who could not easily travel for that week. Approximately 88% of the enrolled students participated in the service week in New Orleans during the first course offering in the spring of 2007.

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on the BP oil spill and the continuing impact of Hurricane Katrina on the Mississippi Gulf Coast. We traveled to Biloxi, Mississippi which had experienced Katrina's landfall in August 2005 and was the epicenter of the BP oil spill in April 2010, and worked with the civil rights organization, the Mississippi Center for Justice.¹⁹⁴ Each year we shared the experience with our students, working alongside them in a variety of projects on the ground in New Orleans, in St. Bernard Parish, Louisiana and subsequently in Biloxi, Mississippi. We became part of the unprecedented movement of law students involving thousands of students from around the country who assisted the people of post-Katrina New Orleans and the Gulf Coast of Mississippi. Together we immersed ourselves in the legal laboratory of the post-Katrina Gulf Coast, with countless "teachable moments." But for those of us from UDC, we did this as part of a course that we planned, reflected on, and carried out with intentional teaching goals and aspirations.

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

When we first taught the *Katrina and Beyond* course in spring 2007, we intended to bring some aspects of clinical or experiential education into what we planned to be a primarily doctrinal course, specifically through the practicum service week over spring break.¹⁹⁵ Yet, even as faculty in our clinical-based law school, where we require all students to complete fourteen credit hours of clinic, in two separate semesters during their second and third years, clinic is not necessarily seen as primary or even preferred in all contexts and settings. So, as we embarked on the new *Katrina and Beyond* course, we did not see the one-week of volunteer service in New Orleans as the primary aspect of the course. As a result, during that first course offering in the 2006–2007 academic year, we did not require students to participate in the New

194. Our work in Biloxi with the Mississippi Center for Justice in March 2011 was invaluable to us and our students, and we are still in the process of analyzing the lessons learned from that most recent service-learning trip. For more on the Center, its history of civil rights activism in Mississippi, its role in the Hurricane Katrina recovery and the legal response to the BP oil spill, see MISSISSIPPI CENTER FOR JUSTICE, <http://www.mscenterforjustice.org/index.php> (last visited Sept. 27, 2011).

195. Our faculty had discussed over the course of years the importance of integrating theory and practice, not only in our clinical courses but also in the wider curriculum. This was not a novel or unique approach, but nonetheless something we took very seriously. Indeed, faculty in many law schools, motivated by the findings of the Carnegie Report and the impact of clinical education, conferences, and scholarship, had explored and crafted this cross-curricular development over the last decade.

Orleans service week over spring break. We did not want to discourage students from enrolling who might not want to go to New Orleans, so we did not stress the importance of the service week. With no pressure from us that first year, over eighty percent of the first class's students traveled to New Orleans and participated in the service week over spring break.

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

As a result, we challenged ourselves to re-define the nature of the service week and to figure out where to place it within our law school curriculum. We asked ourselves why the service week appeared to have such a dramatic impact on our students and ourselves, and what distinguished it from our clinical and externship programs. We analyzed and discussed why students repeatedly reported to us that they felt the experience made them deeper learners about the law and the role they could play as lawyers in seeking social justice. In the process, we began to see from a pedagogical perspective that what we were doing was in fact service-learning and service-teaching. *In other words, we backed into the service-learning model.* Rather than have the experiential or clinical components inform the doctrinal context of the course, we came to recognize that the entire offering was an innovative type of pedagogy and learning-teaching paradigm. We soon identified that service-learning was the central component of the course, and that this new learning-teaching paradigm defined the entire venture.

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

During spring break 2007, we divided the students into three sections and assigned each section to one of three projects. Those students who worked with The

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Pro Bono Project assisted with a variety of legal services, including succession cases¹⁹⁶ and Katrina-related family law matters.¹⁹⁷ Another group of students worked with an advocacy organization representing immigrant day laborers, helping to secure the laborers' rights to pay and decent working conditions.¹⁹⁸ The third group of students volunteered with the office of the Orleans Public Defenders (OPD), where they helped to win the release of prisoners illegally held since the storm, including many who were lost in the criminal system.¹⁹⁹

On Friday of the volunteer week, students volunteered with the St. Bernard Project and helped to rebuild a family's home that had been destroyed by Hurricane Katrina.²⁰⁰ In light of the massive physical devastation of New Orleans and the surrounding area, we opted to include an opportunity for students (and us) to engage in "hands-on," non-legal humanitarian action such as home-rebuilding. After all, we were traveling to New Orleans as people first, law students, lawyers, and law professors second, a notion which subsequently became the basis for the service-learning approach. For logistical reasons, only one-third of the students participated in the home re-building work with the St. Bernard Project that first year. Notably, those students who worked with the project uniformly reported that the home re-building was the highlight of their week. We therefore decided that in the future all of us would volunteer with the St. Bernard Project on the Friday of the service week. As a result, we began an enduring relationship with that non-profit that continues to grow and diversify with each subsequent year.

The importance of the home re-building work that first year, more than any other single factor, led us to understand that humanitarian-based service should become a more central component of the course over the next three years. We noted

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

197. *See generally* Sandie McCarthy-Brown and Susan L. Waysdorf, *Katrina Disaster Family Law: The Impact of Hurricane Katrina on Families and Family Law*, 42 *IND. L. REV.* 721 (2009) (discussing the family related legal issues, the response of Louisiana family law, and the need for family law reform and protections in New Orleans after Hurricane Katrina).

198. For more information on the plight of immigrant day laborers in post-Katrina New Orleans, see JUDITH BROWNE DAVIS ET AL., *AND INJUSTICE FOR ALL: WORKERS LIVES IN THE RECONSTRUCTION OF NEW ORLEANS* (2006). A publication based on over 700 interviews with migrant workers who came to the devastated city, post-Katrina. For more information on the work of the Advancement Project on behalf of migrant workers in New Orleans, see *Reconstructing Justice Post-Katrina*, THE ADVANCEMENT PROJECT, <http://advancementproject.org/our-work/reconstructing-justice-postkatrina> (last visited Sept. 4, 2011).

199. *See* ORLEANS PUBLIC DEFENDERS, www.opdla.org (last visited Sept. 4, 2011).

200. For more information on The St. Bernard Project, see ST. BERNARD PROJECT, www.stbernardproject.org (last visited Sept. 4, 2011).

but did not fully understand why the work in St. Bernard Parish had such a uniquely personal and deep impact on the students. Most, but not all, of the legal work we did that week, both civil and criminal, also involved direct client contact and produced measurable results. Students developed a blog and each was required to post at least two entries about their experience in New Orleans. Posting on the blog encouraged reflection and also gave students an accessible forum for them to share their New Orleans experience with their classmates and others who did not go along on the trip. Some wrote poems, others wrote about their volunteer service, but virtually all commented on the transformative nature of their experience.

Over the next two academic years, 2007–2008 and 2008–2009, we ran the course in essentially the same way as we had the first year. We continued the service week component, again volunteering with the Pro Bono Project and the OPD. Beginning in the second year, however, we required all the students to participate in the volunteer service week, which again included home re-building work with the St. Bernard Project on Friday. The students continued to rank the home re-building activity as among the most inspirational and meaningful experiences of the week.

During those first three years, *Katrina and Beyond* essentially was a doctrinal course with an experiential component, i.e., the one-credit practicum that occurred during the spring break. As in the first year, the classroom sessions both before and after the spring break trip focused on Disaster Law, a field of growing importance, as well as the history of New Orleans and the Gulf Coast area, including racial and economic disparities and other demographic developments. The syllabus also directly addressed the government's role in failing to prevent and mitigate the disaster, failing to protect and evacuate residents, and neglecting to lead recovery of the devastated areas.²⁰¹

Each year we developed and revised the course syllabus, brought in guest lecturers, and viewed documentaries on the disaster. Beginning with the first year, we used a textbook that had been published within the first year after the storm, and we added supplemental readings from journals, newspapers, and other periodicals.²⁰² We developed a Katrina Law Reference Library, ordering and purchasing every book we could find related to Hurricane Katrina, and we encouraged the students to undertake additional reading. We assigned students to write research papers on topics related to the Katrina disaster and recovery, and the papers served as one important basis for their final grades in the course.

However, as noted earlier, by the beginning of the 2009–2010 academic year we began to ask ourselves whether the service week was a mini-clinic or more like an

201. The Course syllabi are on file with the authors and available upon request. During the first four years of the course we adopted a text, DANIEL A. FARBER & JIM CHEN, *DISASTERS AND THE LAW: KATRINA AND BEYOND* (2006), supplemented by directed case materials, reports from news media, videos (most notably, *WHEN THE LEVEES BROKE: A REQUIEM IN FOUR ACTS* (HBO 2006)), and government publications and reports. In spring 2010 and spring 2011, the fourth and fifth years of the course, we took a seminar approach, using a packet of case materials, government reports, and documents from Katrina and BP recovery non-profit and legal services organizations.

202. See, FARBER & CHEN, *supra* note 201; FARBER ET AL., *DISASTER LAW AND POLICY* (2d ed. 2010).

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externship program. Neither definition seemed to fully describe the experience, or to clearly explain the breadth of self-growth and inspiration the students appeared to derive from the service week. We knew we were asking the right questions about the nature of the pedagogical experience, and that we had placed the service week component correctly and squarely within the realm of experiential learning. As professors, we thrived on the process of discovery and did not push to reach conclusions that might have us drawing borders prematurely around our work. Yet, we did identify that what we were engaged in was in fact service-learning, a type of capstone curricular experience that evolved from our students' prior clinical and externship experiences.

By the fourth time we offered the course in 2009–2010, it was clearly time to make some essential changes to the structure of the course and its focus. As noted earlier, when we had conceived of the course, we had envisioned that its focus might shift to different disasters as they occurred over time, and that we were only starting with Hurricane Katrina. Yet, as the fifth anniversary of the storm and floods approached, it was evident that the recovery of the city of New Orleans and its surrounding parishes, most notably St. Bernard Parish, was agonizingly slow and clearly incomplete. While most Americans and the media had forgotten New Orleans and its near-total destruction, we had not. Moreover, the relationships we had built over the prior three years with The Pro Bono Project, the St. Bernard Project, and a number of other non-profit service agencies in New Orleans and the surrounding area remained vital and productive.

Therefore, we decided to continue the focus on post-Katrina New Orleans in 2009–2010. However, we did make several essential changes, including a decision to center the course on what we began to call the *service-learning experience* in New Orleans, during the spring break. While we did not change the name of the course, we did change the doctrinal component of the course to a two-credit seminar that met once a week, rather than a three-credit course, with an added one-credit for the service week experience. We revised the syllabus to reflect this change and put the service-learning experience in the center of the course, in terms of the readings and the amount of collective, student-driven planning that occurred during the seminar sessions. In place of research projects, we assigned students to write journal entries and create a project that would make a concrete contribution to the ongoing work in the Gulf Coast. The work could be a legal manual for one of the agencies, a video documentary, or a written policy proposal or other written product to advance the recovery. The syllabus reading assignments were laid out in detail as in prior years. But we presented the overall assignment in the following way as we began the spring 2010 semester:

Read, learn and ingest as much as you possibly can about New Orleans, St. Bernard Parish, their histories and current situations, and about Hurricane Katrina and its aftermath—between the beginning of the semester and spring break. Pace yourself and work together; set your individual and collective goals to be as prepared as you need to be, in order to be as effective as you possibly can while in the Gulf Coast over spring break. Here are the videos,

the documentaries, the books and journals . . . take whatever you need, share the materials among yourselves and embrace the information so that it works for you and makes you a more effective advocate.²⁰³

In addition, we struggled to see service-learning as more than just the week in New Orleans. We did this by injecting components of service-learning into the seminar sessions and extra-curricular school-wide activities. The clearest expression of this was a philanthropic project in which students held several fundraisers and undertook direct appeals to the law school community, as well as friends and relatives, in order to raise money for the non-profits in New Orleans and St. Bernard Parish that we worked with, as well as for Haitian earthquake relief organizations. Students collectively discussed how to distribute the funds. By the end of the semester, we were able to send substantial checks to the various non-profits we had worked with, as well as an earthquake recovery project in Haiti. The earthquake had just occurred in Haiti as we began the spring 2010 semester. This set the tone for the semester, driving home to students the growing importance of Disaster Law and the legal and humanitarian issues triggered by natural and man-made disasters. It was not logistically feasible for us to go to Haiti to assist in the immediate recovery efforts due to the total lack of infrastructure there. However, we did believe it important to extend our financial resources to the victims of that disaster as a show of humanitarian solidarity extending beyond our nation's borders.

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

As professors, we also shifted our own role to adjust to these changes in the course structure and focus. We began to intentionally view ourselves more as facilitators and senior collaborators, than as clinical supervisors, externship advisors, or, certainly, classroom lecturers. In the classroom seminar sessions, we encouraged and led the call to self-paced peer learning and studying, and kept the group organized along the path of preparation for the service trip. Mindful of the trip's transformative impact that many students wrote and spoke about in prior years, we responded by adjusting our own roles while in New Orleans. We were particularly careful to not be too directive as supervisors while in New Orleans by hovering over the students, dictating their priorities, and micro-managing their work assignments. Instead we took on the challenge of acting as experienced colleagues and mentors to our students.

203. *See supra* note 7.

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In these ways, we ourselves experienced service-learning, in part because we too participated in the voluntary service in the unknowns of a rapidly shifting and somewhat chaotic post-Katrina New Orleans. Also our roles as teachers were dramatically shifting as the pedagogy of service-learning took hold. Some of our students also intentionally and gently moved us in that direction by directly suggesting to us that we give them more breadth and independence in their work decisions while on the service trip. They encouraged us to see them as lawyers-in-training, rather than just as law students. In this way, redefining and reflecting on our roles as law professors was a reflection of the lessons we learned from the course, in addition to those discussed below.

D. In Their Own Words: Students' Perceptions of the Value of Service-Learning

The lessons we have learned from the *Katrina and Beyond* course in large part have come from the students themselves. Each time we returned from New Orleans with our students, from the first time in spring 2007 to the most recent trip in spring 2011, we received a resounding response from our students about the transformative impact of the service-learning experience on their personal and professional growth. The responses grew louder and more assertive as each year passed, and the demand for the course grew stronger. Soon we had to limit enrollment due to logistical and financial challenges. We spread the impact among students who did not participate by holding “report-back” school-wide events after each trip, and these events were widely attended.

A recurring theme that we heard from alums of the course was that the New Orleans experience (and later the Biloxi experience) was unlike any other experience they had while in law school. Students described a deeper manner and type of learning than what they experienced in the doctrinal lecture classes and even in the close supervision of the often tightly managed clinical programs and case work. While students had often achieved positive results for their clients in traditional clinics, students reported that the client impact in the service-learning context felt more immediate and powerful. A number of students described a profound sense of connection with their service-learning clients, a type of bond that they had not experienced before.

As a result, many students reported that the service trip was the most positive and vivid experience they had during their three years of law school, and distinctly different from their clinics and externships.²⁰⁴ At the same time, students recognized that they were able to be so effective as legal advocates because of the clinical skills they had previously gained. Having the benefit of two prior clinical programs, the *Katrina and Beyond* students felt particularly confident about their interviewing, memo drafting, issue-spotting, and counseling skills. Experience, we were repeatedly told, is the best teacher. Beginning in the 2009–2010 academic year, we asked

204. Beginning in the spring 2009 semester we limited enrollment in the *Katrina and Beyond* course to third-year students. All of the students had already taken two clinic courses by the spring of their third year, and many had already taken an externship course by the spring of their third year.

students to journal their reactions not only to the devastation they witnessed onsite and the work we engaged in, but to reflect on the transformative aspect of the experience. The responses that we received were profoundly personal, reflective, wise, and honest.

The following excerpts from spring 2010 *Katrina and Beyond* students journals outline the lessons learned about the role of service-learning better than we could summarize the results. They are representative of the journals we received from the students, but the ones provided below are some of the more eloquently stated.²⁰⁵ Quite simply, our students have provided us with the lessons learned. One student, who came to law school so she could use legal skills and a law degree to achieve social change, after raising a family and completing a career in the medical field, wrote:

In some sense, service-learning is the only real learning there is. Until you've put your learning to work, you only think you've learned something. You don't know it until you see how it impacts others. You also don't know what it's worth until you see how it impacts you.²⁰⁶

This student confirmed that experience in fact is the best teacher. While this lesson rings true for students of all ages, we have seen that mature and returning students often show a special appreciation for the value of real-life experience. In this sense, service-learning is affirming and inspiring because it counters the infantilism that runs throughout the law school experience, for students of all ages. But again, mature and returning students seeking a second career in law are most welcoming of professors who respect and affirm their prior work and life experience. In the service-learning experience, students are asked to rise to the challenge by taking into account the full picture of the problems or crisis faced by the community members. There is give-and-take between the "impact" and the student, and between the student and the "impact" of authentic learning. This is a dialectic that can only truly be identified during the course of real experience. Of course, much of this can be said about most clinical learning, but we believe it is always the result in effective service-learning.

Another student, who admittedly wandered through law school uncertain of how he would ultimately use his legal education, had a particularly intense response to the week in New Orleans. He came from a diverse background that included military service and retail experience, but he was also at the older end of the millennial generation while in law school. We quote his journal at length because he pinpointed the precise impact the service-learning experience had on him as a lawyer-in-training.

205. As this article goes into final editing, we have recently returned from the spring 2011 service-learning trip to Biloxi, Mississippi. As noted earlier (*supra* note 194), we are still processing and analyzing this fifth year of the *Katrina and Beyond* course, including the journals written by the spring 2011 students. Therefore we have focused our discussion in this Section IV(D) on the journals written by the spring 2010 class that traveled to New Orleans. Also note that the spring 2010 class was unique in that at least half of the students that semester were returning, older students, more specifically women in their 40s and 50s. We believe that this fact might account for the richness and depth of the journals submitted that semester. All *Katrina and Beyond* student journals are on file with the authors.

206. *Katrina and Beyond* Student Journals (on file with authors).

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His entry also highlights the exact impact that we hope the service-learning approach would have on our students as a capstone to the law school curriculum:

Having already completed a few clinic experiences in law school, I felt actively prepared for what I was about to experience. I know how to handle myself professionally. I know how to ask questions directly to the client to discover the possible cause, and perhaps solution, of their legal issue. I knew how to transcribe it all into a clear and concise brief so that their actual attorney could easily skim over the facts and direct themselves to the next step of action. However, as soon as I stepped through the door of the [New Orleans community center] all of my assumptions about what I was about to experience were quickly disappeared. . . . It was unlike anything I had ever experienced: they were promoting change in their neighborhood on a day to day basis with focused and innovative efforts. . . . For the last three years, I've struggled with the idea of becoming a lawyer. Classes and clinics can sometimes be discouraging experiences that have left me wondering. What am I doing here? Taking Disaster Law and the subsequent trip to New Orleans was not only a chance for me to return and give back to a city that I love but also to test the water in public service . . . and left me with the notion that I CAN give back and that I CAN be an attorney. . . . Meeting with each of the clients, I was struck by the fact that I was doing this on my own. There was no professor sitting beside me to guide me through the interview. There was only me, my legal pad and the skill that I attained from my previous clinics. While it should have been my main priority, seeking out the potential legal issues was truly secondary. The primary need for each of these clients was for an individual to sit there and listen, truly listen, to their story. These were the stories of the real citizens of New Orleans unfolding in front of me and delivered with such grace. After the initial meetings, I yearned for more. I told myself that I could do this every day if I was afforded the opportunity. Assisting these individuals. Helping them find answers to their dire questions. And above all else, listening with an open ear.²⁰⁷

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

We also learn from this student that the nature of his experience at the New Orleans community center inspires him into believing for the first time that he can in fact be a lawyer. Why? Because it is a different role than the one he has heard about

207. *Id.*

in law school up until this point. He does not have to have all the answers on hand at the outset; he can serve a purpose by being truly empathetic and by listening at the outset. This is incredibly self-affirming for the student. He now “yearns for more” and can see himself developing his own professional identity within this newly understood role. He feels that he is good at what he is doing, that he is competent. He can trust himself in this role, and no longer sees himself as a B- or C+ law student.

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

A third student, who had been active in volunteer causes, in a homeless and domestic crisis shelter, and who also raised a family before entering law school wrote that her participation in the Katrina Disaster Law class gave her inspiration and renewed hope:

I was raised in a family with a father [who] emphasized “good works” and helping others. Prior to law school, I made time in my busy schedule as a single mom with two jobs and attending college to volunteer whenever I could. . . . I entered law school with a passion for public service, determined to use my law degree to assist those that traditionally have had no voice, like women, children, prisoners and the poor. . . . I ended my work with the crisis center the first year of law school due to academic demands. By the end of my first year I had already become disillusioned and lost any idealism I had about making a difference. The study of case law and the legal process, and the law school teaching method contributed to my change in attitude. I decided to take the Katrina course for these reasons: 1) to gain an understanding of how the richest country in the [world] has failed to restore entire communities four years after Hurricane Katrina; 2) to have a chance to do some “good works” and help those in need; and, 3) to restore my passion for public service and commitment to making a difference. . . . Whether these goals are met will not define my success or failure in this seminar, in New Orleans or in law school. What matters is whether my growing apathy is redirected into something constructive and valuable to those in need.²⁰⁸

What we learn from this student is profoundly moving. Indeed it is a gift for any teacher who is open to reflection and to re-examining the teaching role. Many of us are painfully aware that law school can be a totally discouraging and disillusioning

208. *Id.*

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experience for students. Indeed the traditional law school teaching methodology can turn formerly public service-oriented students to an entirely different direction, as apparently was the case with this student. Based on her self-reporting, the service-learning experience in New Orleans gave this student hope and a renewed sense of purpose in serving those in need. She went through more than disorienting learning moments while in New Orleans, for she circled back to her original focus and purpose in going to law school. She reconnected to what is most important to her. She has come to realize that she can validly measure her success as a person not by her academic success in the seminar or in law school. Rather, she will now measure her success by whether she can redirect her “growing apathy” into “something constructive and valuable to those in need.”

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

A fourth student, a recent college graduate and millennial generation student, who came to law school not particularly committed to public service had several other lessons for us. She wrote about the values of friendship, collegiality, and collective action that she saw in action for the first time as a law student, while in New Orleans. She was also visibly moved and inspired by the role-modeling of the young New Orleans attorneys that she and her classmates worked and met with during the week:

Every experience I had was incredibly educational and personally fulfilling, and I feel renewed in my aspiration to practice public interest law. . . . Some of the lawyers with whom we worked could have had high paying corporate legal careers, rather than choose to live on food stamps and without cable television. Although this seemed ridiculous to me during the first evening's panel discussion, I came to understand their passion and drive through my experiences in New Orleans throughout the week. . . . Although we were only in New Orleans for a week, I know collectively we all contributed greatly. What time did not allow for us to do physically, we made up for in passion and spirit. Additionally, I think we all grew in our friendships with each other, and in our confidence in our abilities to practice as attorneys. We challenged each other and ourselves to push beyond our boundaries in our fight for social justice. I know we all grew to be stronger and more passionate in our mission to help others. . . . Not all of us were born to be leaders, but from this experience, I believe we all learned how to become them.²⁰⁹

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

209. *Id.*

emerge from the experience and are embraced by participants, both those providing the service and those receiving the service.

Finally, another student who came to law school after raising a family and practicing as a nurse offered these personal reflections on the New Orleans experience as a way of summarizing her law school career as a returning student:

I think I can truly say that when I look back on my time at UDC law school this seminar and our trip to New Orleans will be one of my most satisfying memories. I can't say this experience necessarily increased my commitment to work in public service because I felt quite certain that was where my interest lay before going to new Orleans. . . . [H]owever, meeting as many accomplished and dedicated people as we did was certainly energizing and inspiring. . . . While it may not be one of the stated goals of this course, one of the benefits I most value from taking this seminar was that it gave me the opportunity to spend time, work with, have conversations with and just get to better know a group of people I learned to enjoy and respect working with.²¹⁰

The lessons learned from this student's reflections are that students do seek out avenues that will expose them to the values of collaboration, teamwork, camaraderie, friendship, and opportunities to work with others to heal the world. In fact they thirst and yearn for them during the law school experience.

While some students may gain a degree of exposure to these values, as expressed by the student who wrote this last journal entry, during a clinic or externship, that is not always a stated goal of those pedagogical approaches. However, with service-learning the centrality of these stated values—collaboration, teamwork, camaraderie, professional friendships, and shared opportunities to heal the world—is what makes the approach more effective than traditional forms of experiential learning. As discussed throughout this article, other values emerge from capstone experiential learning programs like this one that unfolds in a context where clients are facing trauma, disaster, and multiple losses. These additional values include compassion, empathy, appreciation of cross-cultural differences, diversity, and a core commitment to basic fairness and equity.

In service-learning, we do not so much have to *teach* the values. Instead we experience the application and meaning of the values, side-by-side, together with our students. The central importance of these values in the service-learning model moves the pedagogy from experiential learning to a capstone law school experience. Law students can learn what it means to live their passion and to recognize that a passion can be transformed into a career. They learn the importance of loving what one does in their legal career. They learn the law in the process of becoming more empathetic and compassionate human beings. In the process, not only are our students so inspired, but we also are reminded that the possibilities exist for creatively growing this passion in the legal profession.

210. *Id.*

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E. Lessons Learned: Structuring a Service-Learning Experience for Millennial Law Students

The lessons learned and values gained through the experiential learning approach described in this article do not apply across the board to all students. They also may not apply in the same way and with the same depth to millennial students, as they do to older students, for example, returning students who come to law school from a prior career and those who bring with them significant prior life experience. Nonetheless, we have found service-learning to be a particularly good fit with our millennial generation law students, for a number of reasons. The service-learning model resonated with their past educational experiences and commitment to the spirit of volunteerism. As described above, Hurricane Katrina was clearly a disorienting moment in their collective consciousness, and therefore provided the ideal environment for engaging students in a process to reflect upon, challenge, and ultimately transform their perspectives on social justice. Over the years, we intentionally structured the course to facilitate and encourage that transformative process.

As we have stated above, millennial law students come to us with many strengths. They are politically engaged, progressive, and tolerant.²¹¹ They are technologically proficient and believe in the power of technology to improve social and economic conditions.²¹² They are motivated, work well with others, and care about changing the world.²¹³

On the other hand, as a group, they do present educators with some unique challenges. Having grown up in a wired age, they are accustomed to instant communication and immediate feedback.²¹⁴ For some, the focus on cultivating self-esteem has resulted in a sense of entitlement and a belief that they should be treated as equals by their supervisors.²¹⁵ Their preference for teamwork sometimes translates into what some may perceive as a lack of self-initiative and personal responsibility.²¹⁶ They are more comfortable when supervisors provide them with structure, instructions and deadlines, rather than leaving them to their own devices.²¹⁷

Constructing a valuable service-learning experience for this generation requires educators to capitalize on their collective strengths, while helping them move along the continuum toward greater autonomy, confidence, and professional judgment. As our course has evolved, we have discovered that there are several tensions that we have to help students balance in order to maximize their professional growth during the service-learning experience:

211. *See supra* notes 91–93 and accompanying text.

212. *See supra* note 87 and accompanying text.

213. *See supra* notes 102–03 and accompanying text.

214. *See supra* note 105 and accompanying text.

215. *See supra* notes 104–05 and accompanying text.

216. *See supra* notes 106–08 and accompanying text.

217. *See supra* note 108 and accompanying text.

1. The need for planning in the context of a legal situation that is constantly changing and unpredictable;
2. Providing adequate structure for the assigned work while leaving room for individual initiative and creativity;
3. Capitalizing on the power of collaboration while encouraging and incentivizing individual responsibility;
4. Encouraging peer relationships between students and supervisors while maintaining respect for the value of experience and professional judgment; and
5. Encouraging reflection and transformation in a “wired” age of instantaneous communication.

This section will describe our experience in trying to maintain the appropriate balance among all of these competing interests. Here, in addition to discussing the New Orleans service trips, we focus in on the spring 2011 Biloxi trip, as most of the 2011 class were millennial law students.

1. Planning for Uncertainty

One of the most unique features of our service-learning curriculum is the extensive planning that goes into setting up the experience to maximize the benefits to both the students and the communities we are serving. Unlike the Student Hurricane Network and many of the student-initiated pro bono projects generated by Hurricane Katrina, our curriculum is intentionally designed as a third-apprenticeship to help students bridge the gap between law school and law practice.

Over the five years that the course has been offered, our thinking has evolved about what kind of “planning” is required to ensure that students have a meaningful experience. Our first syllabus attempted to survey virtually all of the known issues raised by the Hurricane Katrina disaster, from federalism to tort law. We also provided advance training in each of the substantive areas of law the students would be working on when they arrived in New Orleans.²¹⁸ This structure was based in part on our perception of what students would need to be effective in assisting our partner and host agencies, and in part on our own need for control and mastery of the legal issues we would be tackling.

Over the years, we have come to realize that the most important part of the planning process is setting up relationships with our partner and host agencies that we can trust to provide our students with adequate background and training in the substantive work they will engage in during their service week. With those relationships in place, we can ground students in the contextual setting for their service work, without concentrating on the technicalities of specific legal issues.

218. *See supra* notes 196–99 and accompanying text for an explanation of the substantive work we undertook in that first year of the program.

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Thus, the emphasis of the classroom component of our course has changed from a traditional doctrinal survey course to creating an experience that includes students in the process of planning, shaping priorities, and developing projects that contribute to their collective understanding of the legal issues affecting the Gulf Coast.²¹⁹ For example, during the spring 2010 semester, students took the initiative to plan and develop the legal clinic held at the St. Bernard Project, the non-profit home rebuilding project. This was a first-time effort that required substantial pre-trip planning. In that case, student work on the Project's behalf also continued after students returned from the trip.²²⁰ In the spring 2011 semester, students initiated and developed a video project about the work they did in Biloxi. Students planned and began the project before the trip, writing a script and then conducting "before" (and "after") interviews with classmates, to capture their goals and perceptions about the service trip. The project resulted in a documentary video that students showed at a school-wide report-back event. Also in spring 2011, several students who had an urban planning background planned an investigation of urban recovery issues for the Gulf Coast which they then pursued while in Biloxi. Another student, with an extensive environmental justice background, planned out ways he could make a particular contribution to local environmental groups about the BP oil spill disaster recovery while in Biloxi. We encouraged these student-driven initiatives, providing advice and direction as students pursued their ideas.

For the most part, students have been very receptive to this experiential learning model that involves traveling to another area of the country in the throes of trauma resulting from natural or man-made disaster. However, the lack of certainty sometimes generates anxiety for millennials who are used to being provided with more structure. For example, during our most recent trip to Biloxi, we had introduced the students to most of the projects they would be working on. However, our partner agency assigned us to a new issue upon our arrival in Biloxi. We used this as a teachable moment—asking students to reflect upon the fact that life in the face of disaster is inherently unpredictable, and that our job as professionals is to be as prepared as possible while remaining open to the need to take on new and unfamiliar legal issues. Millennials who are accustomed to structured assignments, detailed instructions, and clear outcomes had to face the fact that the best of plans cannot always prepare us for unanticipated challenges.

Based upon students' comments about the course, we believe we struck the right balance for at least some students. When asked "What have you accomplished that you are most proud of?" one student responded that she discovered that clinic had prepared her to be flexible, capable, and adaptable—to take on a problem and just figure it out. That is an important marker on the path from being a law student to becoming a competent practitioner.

219. For the description of these changes to the course, see *supra* at 595–602.

220. Upon their return from the 2010 service trip, this four-student team researched and drafted a legal issues-spotting manual for the St. Bernard Project's case managers and social workers. The students produced the manual with faculty supervision and oversight.

2. *Structure and Creativity*

To some extent, the millennial students' desire for structured work assignments and clear instructions was reinforced by our need to help students "hit the ground running" so as to provide as much assistance to our partner agencies as possible. At the same time, especially in the early years of our service-learning project, chaos reigned at many legal services organizations in New Orleans and St. Bernard Parish that were simply overwhelmed with the sheer volume of requests for assistance that they faced.

For example, on our first service trip, one group of students was assigned to contact clients who had applied to the recovery agency for assistance with establishing title to their property. The files contained some rudimentary contact information, and a form that needed to be filled out so that the staff attorneys could take the next step in the process. However, there was no supervising attorney on site, and students were frustrated when they faced obstacles and could not get further instruction on how to proceed.

With our encouragement, some students got creative about how to overcome the obstacles in their cases. In one notable instance, a student who could not contact his client because all of the phone numbers in the file had been disconnected, took it upon himself to visit the neighborhood where the client was living in a FEMA trailer. Although he did not have a specific address, he traveled to the general area and started asking people on the street if they knew the client's whereabouts. He soon connected with some parishioners from the client's church, who took him to see the pastor, who then went to the woman's door and told her that the attorneys' office was looking for her. Without that intervention, the file would have simply been placed in a stack of clients who could not be located.

Over the years, we have come to a tentative balance where we provide students with quite structured instructions about what they need to accomplish, but we leave the means for accomplishing those goals largely in their hands. One of the advantages of this approach is that it taps into the millennials' proficiency with technology. For example, one group of students on the first trip to New Orleans in spring 2007 created a video to teach day laborers how to recover wages that had not been paid by their employers. They were able to exercise their creativity in a way that expanded their view of the role lawyers might play in their clients' lives.

During the spring of 2011, students were involved in a claims process to recover damages for subsistence fishermen and women who had lost their livelihoods due to the BP Oil Spill. Our host agency had initiated a media strategy parallel to their legal strategy to bring political pressure on BP to settle. A team of students were sent out to do a "dry run" to prepare the anglers for their interviews. Although they were assigned the task, they exercised substantial initiative and creativity in how to carry it out. They created a script and interviewed two clients about how the BP oil spill had affected their livelihoods.

One of the most profound lessons students learned from this experience was the power of story and narrative in achieving clients' goals. This is not something they

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would have been likely to learn had we told them exactly what to do and how to do it. It was also one of the highlights of their service-learning experience. The impact of the clients' stories helped them to understand, in a way that simply looking at the law had not, that figuring out how to prove damages for subsistence fishing is crucial to furthering social justice for this hidden population.

3. Balancing Collaboration with Individual Responsibility

The nature of our work with the host and partner agencies during the service-learning portion of our course is ideally suited to promote the teamwork and collaboration that the millennials favor. Students are divided into teams to work on different substantive areas of law, either at separate partner agencies or on separate projects within the same agency. The teams sit together, formulate strategies together, attend many of the same meetings, and share many of the same resources.

However, at some point, we have discovered that it is important for each team member to have an area of individual responsibility. Many millennial students are less confident about working on their own, and one of our goals is to instill confidence that they can solve a problem independently. We also want to prevent "freeloading" and ensure that everyone is carrying his or her own weight when working collaboratively.

There are many ways to accomplish this goal, but the one that seems to work well is to assign specific tasks to each student, within the parameters of the larger group project. For example, during the 2011 trip to Biloxi the team that worked on the subsistence fishing video also created a telephone script to call back potential clients who had expressed interest in representation, and created a brochure to promote the agency's work in a series of community meetings. Although students worked together on the overall project, each student was responsible for one of the specific tasks within that project. At the end of the week, each student had a "deliverable" that was largely the product of their own efforts.

At our debriefing of the experience, students expressed pride in both their collaborative efforts and the individual work they had done. One of the highlights of their experience was "seeing everyone work together" and "performing on a level that puts us above Ivy League in terms of what we accomplish." But they were equally proud of their individual accomplishments. One student in the group created a database system for our host agency that would centralize information about all of the BP oil claimants, making it easier to track and report the project's impact. A student in the group working on title to property was amazed that she was able to draft a deed, get it signed and filed in the short time we spent in Biloxi. It was her first court filing, and she found it very fulfilling to play a role in moving an important case forward.

What was important about this experience was that each student had an individual accomplishment to report, and each expressed pride and satisfaction in having taken on the role of a professional in helping to solve their clients' problems. They were also impressed with the host agency's organization and planning, which

provided every student with meaningful work to do. One student called it a “streamlined learning working experience.” Another commented that it was a “profoundly organized combination of work, expectation, and experiential learning.”

Many students expressed appreciation for the host agency’s deep ties to the community. One student commented that these relationships made her more aware of how much legal representation means to a community making a “comeback.” Another noted that she felt her role had changed from “savior” to “comrades working together.”

Overall, it seems that students experienced themselves as professionals in partnership with a community, working together on issues of social justice. They seemed to understand and value the importance of their individual contributions to the collective whole, achieving meaningful change that could not have come about without both teamwork and individual accomplishments.

4. *Student-Supervisor Relationships*

Although the millennials generally respect and appreciate their elders, many of their generation expect to be treated as “equals,” and may chafe when supervisors are too directive or offer constructive feedback. Students who participate in our service-learning project have the opportunity to interact with several supervisors: both the professors who accompany them on the trip and the attorneys who staff our partner agencies. Striking the right balance in these relationships has sometimes been a challenge.

We recognized at the outset this experience was different from a traditional clinic, where the professor closely supervises and to some extent directs the student’s work. Over the years, we have slowly shifted our roles, becoming less directive and acting more as experienced colleagues and mentors.²²¹ Attorneys at our partner agencies have varied in the degree of involvement in supervising our students. During our first trip to New Orleans, some of the teams were left virtually on their own after a day of orientation and training. Others had more direct contact with the supervising attorneys in their agency. On our most recent trip, the agency’s attorneys were directly involved in the student’s work, meeting with the teams each day and actively managing their efforts.

The relationships between professors, supervising attorneys, and students is complicated by the fact that there is a great and growing distance between the life experience of the supervisors and professors, who are largely baby boomers, and the millennials. Although we share many goals about social justice, the boomer’s “causes” are ancient history to the millennials. We don’t share the same language and history, and need to bridge the gap by translating our experience into values that we share with the millennials.

When we engage in service-learning together, the millennials are more likely to see us as role models, working together on issues of social justice that we share. This has led to largely positive results in our interactions with students. Although a few

221. *See supra* at 574.

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still chafe at being “micro-managed,” on our latest service trip, most expressed appreciation for the supervision they received. They recognized the value of getting so much individual attention, and working side by side with their professors and supervising attorneys. For the most part, they viewed their supervisors as good resources, providing a “fallback” when they needed help.

One of the highlights of the experience for many students was their interaction with the agency supervisors who took them out into the community, told them stories about their lives and the law, and generally acted as mentors who cared about their professional development. Another highlight was a panel discussion where recent law school graduates who moved to the Gulf Coast to provide legal services shared their advice and experiences. Many students commented that it was inspiring and uplifting to see attorneys who were “not caught up in the glitz and glamour,” and who had a passion and commitment for public service.

Finally, seeing their own law faculty during the service trip daily interacting with the host agency’s attorneys in collegial, collaborative, and lawyerly relationships made a deep impression on our students. Students reported to us and to each other that seeing us in this context, transported from home and facing the challenges of the unfamiliar setting, gave them a richer appreciation of us as social justice advocates, as humanitarian attorneys, and as role models they respected and wanted to learn from. These kinds of role modeling and mentoring relationships are all too rare in the traditional law school curriculum. They are arguably equally as important as skills and doctrinal knowledge in helping students develop a commitment to social justice and to make the transition from law school to practice.

5. *Reflection in a Wired Age*

Perhaps the most defining characteristic of the millennials is that they are “wired.” Having grown up with technology, they are accustomed to instantaneous communication, multi-tasking, and free access to information. The advantage of this characteristic is that the millennials can quickly research an issue and discover relevant information, although they may not always exercise judgment in evaluating the reliability of their sources. The downside is that they are not accustomed to being reflective, and they have short attention spans.

As we have described above, in order for students to learn and grow from the “disorienting moments” in their service-learning experience, they must reflect upon the reasons for their discomfort and develop a new framework for understanding the experience.²²² From the beginning, we have designed the opportunity for reflection into the course design by requiring students to write journals chronicling their experience and insights. However, until our most recent trip, we did not actually develop a process for using the journals as a springboard for group reflection, discussion, and potential transformation. It was our observation that the depth and insightfulness of the journals varied widely, as did their potential for transformative change.

222. For a discussion of the transformative process, see *supra* at 588–89.

In our quest to deepen the reflective process, we adopted a new strategy during our most recent service-learning week, in Biloxi. Every morning, we met for three-quarters of an hour prior to the beginning of the work day for a group discussion of “reflection questions” that the professors posed.²²³ For example, one question we posed on day three of the work week was “How does the specific task you were assigned fit into the bigger picture?”

One student responded that he realized, based upon the case he was working on, that you can win the battle even if you lose the case. Other students picked up on that theme, commenting that the agency’s media strategy was equally as important as its legal strategy, and that bringing political pressure to bear on elected officials could be as effective as litigation. Other students recognized the importance of story and narrative in framing legal issues, and that all members of a community may not agree on the appropriate goals of litigation.

We found that by posing specific questions, encouraging dialogue, and asking probing follow-up questions, we were able to deepen the reflective experience for many students. Some students even commented that they were transformed by the experience. For example, one millennial student who had already committed to a career path in the private sector commented that he went into the week with some prejudices against Mississippi and skepticism about the role of our partner agency. However, as a result of his experience and our group conversations, he recognized the complexity of the issues facing the community, and was convinced that social justice lawyering could make a difference. In effect, he seized the disorienting moment of visiting Mississippi and interacting with the community, reflected on how the new information he gathered impacted his old assumptions, and came out of the experience with a change of world view.

V. CONCLUSION

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

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

As law professors, we became part of and witnessed a learning experience that had a transformative impact on our students. We and our students experienced these

223. An expanded discussion of this component of the course will be the subject of an upcoming article.

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measurable effects in ways that differed from prior clinical experiences, internships and doctrinal classes. As a result, we have continued the *Katrina and Beyond* course with its focus on the service-learning week. As noted earlier in this article, this past semester we traveled to Biloxi, Mississippi where we worked on continuing Hurricane Katrina recovery issues and the impact of the BP oil spill disaster on Biloxi and the surrounding Mississippi Gulf Coast communities. To prepare our students for this new location and the different legal issues they would be working on, we substantially changed the reading materials and pre-trip seminar discussions. However, the results from a service-learning perspective, for example the values students took from the week, students' successful use of previously learned clinical skills to serve clients in Biloxi, their use of reflective tools to deepen their knowledge base, and their journal writing were remarkably similar in depth and scope to prior years.

We are culling the lessons from that most recent experience and plan to offer the course again in the 2011–2012 academic year. However, we have not yet decided whether we will return to New Orleans or to Biloxi, or whether we will attempt a combination of the two during the 2012 spring break. At the same time, the ongoing success of this course recently has spawned discussion among our faculty of other innovative ways that we can inject service-learning into our law school curriculum. The possibilities are promising. There is a growing and shared belief among many on our faculty that service-learning provides a unique and important means of achieving deep learning of the law, for the reasons expressed in this article. For us at UDC-DCSL, the *Katrina and Beyond* experience of the last five years also shows us that this approach concretely promotes student commitment to social justice, public service, and civic engagement, while building on faculty and student collaboration.

Throughout this article, we have shared the descriptions, history, motivations, and lessons learned with the intention to further nudge law professors out of the ivory tower of legal academia, beyond the classroom, and, yes, even beyond our clinics. We can play an important role within our law schools, by seizing the moment and joining with educators from across other disciplines in exploring and pursuing the power of service-learning.