



Assessing Professional Development Through the Use of Law Student Narrative

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The Clinic Effect Project



Two Clinics, Similar Missions,
Two Sets of Student
Narrative Data ...





The Clinic Effect: Evidence of Ethical Professional Development

- ☐ Ethical Sensitivity
- ☐ Moral Reasoning and Judgment
- ☐ Understanding of Professional Role
- ☐ Understanding of Law and Justice
- ☐ Learned through supported case work, role modeling and mentorship



Pedagogy

- ☐ Community/Population Based Clinic
 - ☐ Respond to Community Need/Access to Justice
- ☐ “Teaching Hospital”
 - ☐ High Volume + High Stress
 - ☐ Primary Case Handlers
 - ☐ Repetitive Practice – Creates Habits
 - ☐ Disorienting Moments
- ☐ Cross-disciplinary
 - ☐ Development of Professional Role and Voice
 - ☐ Enhances Team-delivered Care
- ☐ Inculcate Ethical Professional Identity
 - ☐ Skills and Values – Theories about Ethics and Altruism
 - ☐ Repeated Opportunities to Make Ethical Judgments and Responses in Role
 - ☐ Reflection



Assessing Professional Identity Formation in The Health Rights Clinic

- ❑ 16 Learning Goals
- ❑ 12 2L and 3L students enrolled for an academic year
- ❑ Weekly supervision meetings
- ❑ Weekly seminar
 - ❑ Guidance on self reflection
 - ❑ Ethics instruction
 - ❑ Substantive law
 - ❑ Skills training
- ❑ Self-Reflection Narratives





Analysis

- ☐ Qualitative Research Methodology Used

- ☐ Grounded Theory

- ☐ Narrative Inquiry

Thematic analysis of personal accounts of experiences, interviews, identity approach, how students construct their identity within institutional context.

- ☐ Some control for qualitative weaknesses

- ☐ Blind reading of each other's materials

- ☐ Tested against actual experience in Clinics



Evidence of Ethical Development

- ☐ Ethical Sensitivity
- ☐ Ethical Reasoning and Judgment
- ☐ Ethical Professional Development/Commitment
- ☐ Ethical Implementation/Moral Courage
(Navarez and Rest, The Four Components of Acting Morally)
- ☐ Best Learned from Lived Experience in Role
(Bebeau, Promoting Ethical Development and Professionalism)



Ethical Sensitivity / Empathy

Through case work I am now more prepared to deal with lawyer-client relations, empathy, listening to the client, maintaining communication to build rapport.

I have found that my clients are looking for an individual that they can trust that will express real concern for them as individuals. This can generate the rapport crucial to creating a long-lasting and trusting relationship with the client. Showing empathy to my clients definitely helped.



In-Role Moral Judgment and Reasoning

Working in the clinic has taught me how to be more patient with people who ask for help but do not want to help himself or herself. I have a few clients who are unresponsive or straight up rude; but I keep telling myself that there are societal and health pressures that have made them the way they are and that I must continue to persevere in trying to get them help. Regardless of their attitude it is my job to help them become healthier in any way that I can.

In general I'm not very tolerant of people being late or forgetting to be somewhere.... Clearly in law-clinic I need to be more understanding as there are often many factors which affect our client's ability to attend meetings or arrive on time. It would be entirely unprofessional to allow this to have an effect on how I interact or treat the client, and I would like to think this is not something I would ever do.



In-Role Professional Judgment and Reasoning

I have learned that even with clients who seem to be forthcoming, you always need to ask certain questions, even if you think you know the answer. My experience has been that I often don't have the full story. I have also learned that as a lawyer, my responsibility in acquiring facts is not only crucial and a fundamental part of being ethical, but often times a gateway to information that I never would have thought was important until it came to light.

Alternatively and more plausibly the client attempted to manipulate and underestimated our competence. She may represent the 'manipulative' client that Ellmann refers to in his article. This is clearly disappointing and has now made me alert to situations where the client may attempt to mislead the legal representative. However, it proves that one should not merely accept that which you are told by your client, you must always carry out extensive research.



Ethical Professional Identity Development

The clinic has had a tremendous impact on my professional identity as a lawyer. I have a much better understanding of the underserved and how people's rights are ignored and how they are denied benefits they should be entitled to. It has taught me that we are all created equal, but it sometimes takes someone with special skills and training (a lawyer) to help the layman navigate a system that is sometimes pitched against them.

Law Clinic experience ...has allowed me to see that the law has not been as helpful to many of my clients as it could have and in my opinion should have. It has been a rather sobering thought process but I now feel I have a better appreciation of the actual inner working of the legal system and how they affect different sectors of society. I am now more determined than ever to try and use the Law to get satisfactory results for my client despite knowing this could be an incredibly difficult task.



Ethical Implementation Moral Commitment

The clinic has really taught me a lot about myself and made me think about what it is I want to do with my degree. Representing people who would otherwise not have access to an attorney or “the system” has been eye-opening. I would like to continue to work with poor communities and do whatever I can to remedy some of the inadequacies that currently exist. It is truly satisfying to work with people who have nothing, and are so grateful for all the help we offer them.

Since losing his appeal, everywhere he has turned, the door has been closed. CAB refused to assist; firms of solicitors were also ignorant of the law, and also declined. Such ignorance deprives those most in need of access to justice, and a fair outcome. I am also frustrated that he may be left to seek an outcome on his own. Surely it is essential that justice is accessible to all, regardless of who they are? That is the overriding reason why I want to work in the legal profession. So that I can be of assistance others when they need it.



Additional Evidence of Professional Identity Formation

- ☐ Appreciation of Lawyers' Role in Securing Access to Justice
- ☐ The Importance of Working as Part of a Team
- ☐ Development of Competence and Confidence in Role
 - ☐ Miami, unprompted, major growth
 - ☐ Suggests
 - ☐ Strong ethical foundation
 - ☐ Greater resistance to future pressures



Law and Justice - Access

The client came to clinic really as a last chance saloon after being through solicitors working pro-bono and also the CAB. When I found out that the client had already been through so much it did hit me personally and I felt sad for the client knowing that she had been through so many different loops trying to seek justice.

If my client did not have representation she would probably never have the opportunity to have her case heard.... If it was not for the clinic they would not have access to the legal system at all. Even I get frustrated at how hard it is to navigate the system. The frustration has made me a better advocate because I know how much this population needs our help.



Teamwork

Definitely one of the greatest things about my clinical experience is just how great everyone in our clinic is and **what a large team effort everyone puts in.** Because of the randomization of each student's case load, some of us become "experts" in different areas before some others. This actually helps create a more **team-centered clinic** because when you ask there are usually at least two people ready and willing to help you with whatever problem you have. And the same works both ways; it is a pleasure to return a favor for a student that has helped you by imparting some of the things you've learned earlier on.



Cecelia-

- The clinic has helped bolster my **confidence** in my professional identity...I have gained more **confidence** in my role as a counselor.



Anne -

- I have changed in a significant way as an advocate and a lawyer. I am not as timid and I am far more confident and knowledgeable. I feel more comfortable asking questions, solving problems, and completing [tasks].



Kerry -

- I have found myself to be increasingly **confident** in expressing myself as the legal representative of a group of clients, **and no longer as a student who doesn't know --- anything.**



Sarah -

- The hands-on experiences I have gained in the Clinic have shaped the ways I conduct myself as an advocate, as a colleague, and as a representative. I have developed confidence.



Cecelia -

- Experience has taught me valuable skills such as how to approach sensitive subjects with tact and how to cater to different cultural backgrounds.... The clinic has taught me the importance of diligence in representing clients.



Broader Questions -

- ☐ What role can self reflection play in doctrinal coursework?
- ☐ What is the role of qualitative data in assessing students' professional development?
- ☐ What does this qualitative data tell us about which educational methodologies are effective?