

law and legal institutions as they affect predominantly poor children and come to understand the lawyer's obligation to serve the community and the disadvantaged. Second, this rapidly developing area of the law is hard to match as an intellectual experience. Children constitute a class of unrepresented or underrepresented persons in America, whose legal status and legal rights are continually being litigated.

The Clinic also represents parents accused of child abuse or neglect in six or eight cases per year. Representing a parent provides an essential perspective on the child welfare system. Law students are often tempted to become over involved with the parent and are forced to struggle with professional boundary issues.

Although students are very carefully supervised, the style of supervision is subtle and indirect. A substantial degree of student autonomy is very important to the educational goals. The student attorneys are the people responsible for their cases. Their responsibilities include analysing the case, developing a position for the client, interviewing and counselling clients, creating a theory of the case and strategising for and conducting the trial. However, students could not reach a level of competence and independence without careful in-class preparation and hours spent with the supervisor discussing and preparing the case.

Case demands are kept to a minimum in the first two weeks of a typical semester. During this time, the students work intensively to learn Michigan law and procedure, basic trial practice skills and the non-legal subject matter of child maltreatment, child development and the social services context in which they will be practising law. Interviewing and client counselling are taught in the context of the students' live cases. A class session introduces the students to the fundamentals of interviewing and the

legal and ethical issues of client counselling. The Clinic also satisfies the law school's professional responsibility requirement.

Clinical legal education is an essential complement to traditional law school curricula. Clinical education is uniquely able to integrate the teaching of lawyering skills and legal doctrine in a highly compelling format, elevating students' understanding of both. Specifically, a child advocacy law clinic can accomplish several basic objectives: teaching the range of practical skills deemed essential to competent legal education; benefiting the hosting law school through an interdisciplinary education not offered in other courses and providing a much needed public relations benefit; and serving an important need in most communities for quality representation for the parties in child abuse and neglect cases, where involved individuals are often underrepresented in society at large. Most importantly, participation in a child advocacy law clinic profoundly affects students as they come face to face with significant ethical, emotional and legal issues. These issues require that the students both learn quickly and engage in deep reflection.

#### **Locating the clinic within the curriculum: thoughts from home and abroad**

R Grimes

7 *Griffith L Rev* 1, 1998, pp 62–78

This article was motivated by the author's appointment by the University of the South Pacific (USP) and by his experiences travelling to and talking with people from a variety of common law jurisdictions who incorporate a clinical element into their law programs.

An LLB program was launched at USP in 1994 and the first graduates from the program emerged in December 1997. The syllabus concentrates on identified core subjects, coupled with

legal systems and method, customary law, South Pacific focused humanities courses and a range of law and non-law electives. The whole is intended to give a wide ranging experience that meets internationally accepted academic standards and is tailored to the understanding of law in the South Pacific region.

The post of Coordinator of Vocational Legal Education was created to aid the transition of students from the academic stage of their legal education toward the practice of law. Not only was the post concerned with degree level studies, but it also included the design of a discreet vocational element in the form of an intensive postgraduate course.

The primary aim of clinical methodology is to expose students to a very particular and strategic learning model. The model requires them to identify issues, research facts and law, apply the results of their research and produce solutions or responses to problems. In simulated cases, the experience can be created and regulated by staff for the benefit of students.

It is learning in what has been referred to as the laboratory of lawyering. The unstructured nature of the problem, particularly in live-client work, requires students to address the process by which lawyering takes place. The experience of clinical work, coupled with structured reflection on that experience, are essential components of the methodology.

In the clinic students directly confront the need for, and application of, special skills. The practice of skills build self-confidence and fosters teamwork. The medium of the clinic is a breeding ground for the development of legal and related skills.

The student on a clinical program is required to research the law both in terms of substance and procedure. The advantage of working in a clinic is that the research takes place in the context



of a real or realistic case setting. The rationale behind such an approach is that the key to solving a problem is the ability to recognise issues, ask the right questions and discover from primary and secondary sources the possible answers. It is the process of formulating and reformulating research questions that make a clinical input so valuable. If students can research effectively, they can address any legal issues, even if the area is one in which they have little or no experience.

The oft-cited objective of clinical practice is to produce the reflective student based on Schön's concept of the reflective practitioner. The clinic appears to sow and propagate the seed of its own success in that students are regularly reported to have been highly motivated and enthused by their exposure to the clinical work.

The implications of the clinical model must not be underestimated. The clinic is resource intensive, especially in terms of academic support and staff input. Although the clinic may appear to demand extensive resourcing, the true measure of its cost must be judged by its cost effectiveness, that is, what is delivered for the level of resourcing. If the clinic is the profound learning experience that is suggested by this paper, the resource input may be well spent.

The use of formative rather than summative assessment techniques fits well into both the ethos and structure of the clinic. Securing staff who possess both academic and practice qualities and skills is imperative. The use of practitioners who can join clinical programs on an occasional or part-time basis, but under the regulation of academic staff, is seen as extremely important. The involvement of practitioners who 'teach' from largely anecdotal materials is not.

With the USP's law degree up and running, the first task in designing a vocational program was to carry out a fact-finding exercise to establish the

needs of each jurisdiction and how far, realistically, those needs could be and ought to be addressed by the USP. All involved and interested parties were in principle in support of the concept of learning by doing and the inclusion of a clinical approach at an early stage within the law degree. The clinic was seen as an ideal vehicle to introduce students to the substance of law, to legal skills and to working practices. The inclusion of an ethical element within the context of the clinic was seen as particularly important.

Following the consultative process the USP has now structured the degree-level clinical program with three distinct components. One is the program of placements offered to any law students on a voluntary basis to introduce them to some of the demands of live-client work and to build on their previous study experience. The law clinic elective is expected to consist of an in-house placement in a legal office based in the law school.

It is not often that it is possible to be involved in the development of a program which is largely unaffected by entrenched conventions, practice and personal empires. There is now a chance to consolidate progress in the South Pacific, provide for its particular needs, as diverse as they might be, and get it right from the start.

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#### **Creating labor-law school connections**

E Dannin, P Zschiesche & W Kramer  
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In 1996 the San Diego-Imperial Counties Central Labor Council sponsored a meeting with local academics to brainstorm ways they could cooperate with each other and provide better services to their respective constituencies. A number of programs have resulted from that meeting, one of which has been a very successful law student internship program. Still in progress are efforts that involve interested academics in doing work with unions that is academic but has practical value, including faculty articles, student papers, and seminars.

This article's description of constituency interests and needs and procedures can serve as a starting point for others who might like to create a similar program. It discusses the general values involved in cooperative programs and focus on student internships.

During the 1930s it was not uncommon to find close connections between academics and the labor movement. With the passing decades, however, those relationships have tended to wither. That is unfortunate. Unions, workers, academics, students, and the larger society all have a lot to gain from forging connections between academia and unions. In some cases politics, turf battles, bureaucracy, and suspicion may make it impossible to have any cooperation. We need to examine the institutional requirements that can destroy even the best-intentioned program.

Legal academics can receive many benefits from working with unions. This can provide opportunities to do meaningful work both to workers and to the academic. These experiences can come back to the classroom and make it a livelier, less 'academic' environment for learning.