

EXCERPT FROM DRAFT OF

Justice Education and the Evaluation Process: Crossing Borders

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We presented a workshop on Justice in Evaluation at the Third Global Alliance for Justice Education (GAJE)² Conference in Krakow, Poland in July 2004 to explore this issue with colleagues from around the world.³ The workshop audience was a group of law teachers and students from China, Australia, Mexico, and Poland. The presenters were from the United States and India and have significant experience as teachers in a number of countries. The setting was the Jagiellonian University School of Law.

In the 2001 GAJE Conference in Durban, South Africa, participants concluded:

Justice Education requires that teachers always ask in whose interests the law operates and how issues of vested interest are talked about in class-rooms. These questions can lead to local designs for socially relevant legal education, inserting a ‘justice’ aim and ethos (or objective) into all courses. Teachers should acknowledge that values and morals of law students- and notions of fairness, ethics and what is ‘proper’ must be central to the teaching agenda in all courses, subjects and units in law. Courses should cover not only the existing

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² “GAJE is a GLOBAL ALLIANCE of persons committed to achieving JUSTICE through legal EDUCATION. Clinical education of law students is a key component of justice education, but this organization also works to advance other forms of socially relevant legal education, which includes education of practicing lawyers, judges, non-governmental organizations and the lay public.” GAJE Mission Statement, <http://www.gaje.org/> (last visited September 15, 2007).

³ Delegates from every continent and over 50 countries have participated in GAJE's first four worldwide conferences. Membership is open and free to anyone interested in justice education. Information about its upcoming Fourth World Conference (2008) can be found at www.gaje.org.

law *per se* but also the realities of its implementation.⁴

The workshop was designed to stimulate thinking about how the global principles and elements of justice education⁵ which GAJE members agreed should be developed in the classroom and overall course content,⁶ and should inform the evaluation process. Our goal was to reflect on the extent to which concepts like equality among all peoples (especially teachers and students), access to information, inclusiveness and tolerance of diversity, encouraging social responsibility, promotion of self-reflection and self-critique,

⁴ Report on the Second World Conference of the Global Alliance for Justice Education: Reconciliation, Transformation, and Justice, www.gaje.org/Durban%20Conference%20report.htm (last visited September 15, 2007).

⁵ The Durban conference issued a statement defining "justice education":

Universal Elements in Justice Education

Justice education is a systematic approach that involves social, political and historical awareness; there may be no universal 'curriculum' for justice education, but universal 'curriculum' for justice education, but there are some principles: promoting equality among all peoples, providing access to information and the legal services that enforce rights, supporting the need for value formation, demonstrating inclusiveness and not just tolerance of diversity, encouraging social responsibility from students and academic staff.

Justice education seeks to identify the values underlying law, taking into consideration different national and ethnic backgrounds, religions, and cultures.

Justice education develops the notion that acceptance of responsibilities is of equal importance as the assertion of rights...

Justice education follows a practical, participative, and action/reflection learning approach to develop tools for shifting power balances.

Justice education is self-reflective and self-critical; students are taught to use critical reflection techniques to link law and experience in their work.

Justice education is inclusive, thereby modeling the giving up of power, reserving judgment, and showing empathy. Non-lawyer actors in the legal process participate in and learn from justice education; clients are invited to talk to students about their experiences with the legal system...

Justice education relies on innovative, convinced, and inspiring teachers who see fairness and due process as basic in their mentoring (teaching by example and within communities). Justice education teachers are dedicated to helping others involved in law/legal education to think more broadly.

Justice education should be the true focus of legal/lawyer education; law school education is only a part of this greater whole (and gives no guarantee of justice *per se*). 2001 GAJE Conference Report, www.gaje.org (last visited September 15, 2007).

⁶ When we planned the program, we were not sure whether our audience would include persons working in non-governmental organizations (NGOs). We expected that for NGO workers, the evaluative process would include review of work done by NGO staff, including review of community education projects – an outcome assessment of their projects. As it turned out, we had clinical and classroom law teachers as well as a few law students who also had teaching responsibilities, but no NGO representatives.

surrendering power, reserving judgment, and developing an ethic of empathy, fairness and due process permeated the evaluation criteria and process. Specifically, we intended to analyze the skills and identified competencies, the evaluation criteria applied to those competencies, and the link between teaching goals and those criteria. We also wanted to provide hands-on experiential learning in self-assessment as a tool to promote continual learning by teachers and students.⁷ We expected to learn whether the range of criteria used by teachers from different countries varied. What skills and competencies were evaluated? To what extent did promotion of justice influence the choice of criteria, process, and skills for evaluation? The skills and substantive knowledge we expose our students to and help them begin to master often cloud our commitment to keep justice at the center of our teaching. Opportunities to develop what should be a central concern are often overlooked or treated as sidebars. By exploring how to make our goals for justice education a more explicit aspect of what and how we evaluate, we can establish them as functional aspects of our teaching agendas.

This article has been written with several purposes: as reflection on our experiences and knowledge gained in this workshop; to contribute to the literature on evaluation processes for legal educators; to observe how concepts of justice education and evaluation are defined in a live, cross-cultural dialog; to encourage ourselves and other teachers to place “justice education” as a primary goal in legal education; and to facilitate

⁷ See Laurie Morin & Louise Howells, *The Reflective Judgment Project*, 9 CLIN.L.REV. 623, 679-81 (2003) (outlining a student problem-solving check list which is provided to clinic students at the beginning of the semester, and is used as a self-assessment tool that can help the students figure out what problems on the check list may be standing in the way of making greater progress in their clinical work).

the holding of similar workshops by others who may want to replicate it for future training and reflection on evaluation processes in their instructional settings.

I. Justice Education as One of the Primary Goals of Legal Education

We have referred to “justice education” as a goal of legal educators and activists within GAJE and provided some of the working definitions developed by the world-wide organization.⁸ Is this ethic of justice education formally and generally accepted as a goal of legal education or does this mission of legal educators leave them working on the margins of the academy?

In the early 1990’s, the American Bar Association’s (ABA) well-regarded MacCrate Report attempted to reinvigorate the notions of justice education in the clinical and traditional doctrinal law school curricula in the U.S.⁹ The influential American Association of Law Schools (AALS) has recently strongly expressed their re-commitment to teaching the values of justice as an integral part of professional training.¹⁰ The

⁸ See *supra* notes 10, 13.

⁹ The MacCrate Report specifies three areas in which promoting justice, fairness, and morality can be pursued: in making decisions for a client; in counseling clients about decisions the client must make; and in treating others with dignity and respect. Robert MacCrate, *Legal Education and Professional Development-An Educational Continuum*, 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO BAR 213. It is incumbent on the law schools to convey to the students that promotion of ‘justice, fairness, and morality’ is an essential ingredient of the legal education. *Id.* at 333.); see also “The Standards for Approval of Law Schools of the American Bar Association are founded primarily on the fact that law schools are the gateway to the legal profession Therefore, an approved law school must provide an opportunity for its students to study in a diverse educational environment, and in order to protect the interests of the public, law students, and the profession, it must provide an educational program that ensures that its graduates:...understand the law as a public profession calling for performance of *pro bono* legal services.” American Bar Association, *Preamble, Standards for Approval of Law Schools* (2006).

¹⁰ Professor Judith Areen Presidential Address at the 2006 Annual Meeting: “[T]he Bylaws provide that the Association values, and expects its member schools to value, a faculty that... is “devoted to fostering justice and public service in the legal community.” Although some law faculty content themselves with the thought that law teaching is a form of public service, more is expected. I also think this is a subject best taught by example. I therefore join the recommending that AALS member schools each adopt a policy designed to encourage faculty *pro bono* work. We also need to do a better job of encouraging service by our students. In too many schools, more students enter with an

organization's standards also place an affirmative duty on law schools and law professors to promote justice education by being inclusive in who they admit as students and as members of their faculties.¹¹ The mission statements of the law schools where the authors serve specifically recognize the ethic of the promotion of justice.¹² This is typical

interest in service than will follow through on graduation. We need to examine whether there is something in the current structure of legal education that is sapping their idealism. Support for the importance of pro bono work should be a more prominent part of what we teach. ... One of the best changes in the legal academy in my lifetime has been the growth of clinical legal education. Clinics offer an ideal way to link theory and practice for our students while contributing much needed legal services to our communities. Today, most law schools have come to appreciate the great value in enabling law students to work with actual clients on real legal problems. One risk produced by the very success of clinical legal education, however, is that faculty are sometimes tempted to let clinical colleagues bear the entire burden of pursuing justice. But service is an obligation we all bear. ... One of the most significant trends in the law and legal education in recent decades has been the dramatic growth in transnational law... the quality of legal education in any society is improved when students learn about other cultures and legal systems and the diverse approaches to solving legal problems. Certainly, the need for strengthening the rule of law to serve as an alternative to violence and war has never been more apparent... Will there be adequate protection for human rights? How can we as law faculty and our students and graduates contribute to greater human dignity in this changing environment? People depend on nation states for social justice and social welfare. Will nation states continue to provide these public goods in a world characterized by global competition? Law faculty and lawyers will help to shape the answers to these important questions."

www.aals.org/services_newsletter_presFeb06.php (last visited 9/29/2007).

¹¹ AALS Statement of Good Practices by Law Professors- Discharge of their Ethical and Professional Responsibilities," One requirement of the bylaws is that member schools 'seek to have a faculty, staff and student body which are diverse with respect to race, color, and sex.' AALS' commitment to equality of opportunity and diversity reflects the judgment of the member schools that these are core values in legal education and in the legal profession. The objective reaches beyond simply ensuring access to all who are qualified. It seeks to increase the number of persons from underrepresented groups in law schools, in the legal profession and in the judiciary in order to enhance the perception of fairness in the legal system, to secure legal services to all sectors of society, and to provide role models for young people. In an increasingly multicultural nation with a global reach, a commitment to diversity--to broadening the boundaries of inclusiveness of American institutions--is economically necessary, morally imperative, and constitutionally legitimate. In higher education, diversity is also vital to intellectual pursuits. Different backgrounds affect the way people see the world. These differences enrich learning, scholarship, public service, and institutional governance."; *see also* James Backman, *Law Schools, Law Students, Civic Engagement, and Community-Based Research as Resources for Improving Access to Justice in Utah*, 2006 Utah L. Rev. 953 (2006) and Linda Smith, *Why Clinical Programs Should Embrace Civic Engagement, Service Learning and Community Based Research*, 10 Clin. L. Rev. 723 (2004) (describing the research and pedagogical benefits of experiential learning in law schools that promote public justice).

¹² Catholic University, Columbus School of Law, "We embody a commitment to the Catholic tradition of service to the individual and the community. We also engage in the intellectual and

in U.S. law schools' mission statements.¹³ As Law Professor Gordon Butler notes," A mission statement is a statement of the fundamental reason for an organization's existence."¹⁴ He suggests a variety of methods for assessing the goals of mission statements on issues including diversity, ethics, sense of community and values promoting

academic considerations that lay at the intersection of justice and mercy, ethics and morality, and faith and reason in the study of law and society. Accordingly, our law school not only prepares students to be the most competent and capable attorneys for practice, but we also encourage them to become lawyers of conscience and character. Students have opportunities to wrestle with the ethical issues that confront lawyers and to examine such critical issues as racism, sexism, and class bias in the context of the legal system as well as power imbalances and negotiator styles in alternative dispute resolution." www.law.cua.edu; Delhi University Law Faculty, "In 1947, after Independence and partition of the country, the demand for the study of law increased. It was also time to look beyond the entrenched British model and restructure legal education to meet the demands of a now Independent India clamouring for equality in access to power, respect and knowledge. Lawyers played a major role in the struggle for freedom. They now had to be trained to create & use law as an instrument of social change and, as Nehru put it, to wipe a tear from every eye. The main objectives of Legal Services Programme are (a) impart clinical legal education, (b) provide social service opportunities, and (c) impart socially relevant legal education. www.du.ac.in; UNLV- Boyd School of Law, "to serve Nevada and the national and international legal and academic communities by developing and maintaining an innovative and excellent educational program that will train ethical and effective lawyers and leaders, to stress community service, professionalism and the roles, responsibilities, skills, and values of lawyers, ...to involve students and faculty in community service projects, and to provide leadership on important issues of public policy, dispute resolution, the law, and legal practice. www.law.unlv.edu. (all sites last visited 9/15/2007).

¹³ Review of the Mission Statements of twenty-five randomly selected public and private U.S. law schools reflects justice and public service to be among their primary educational goals: University of Akron School of Law; American University - Washington School of Law, www.wcl.american.edu; Arizona State University College of Law, www.law.asu.edu; Baylor University School of Law www.law.baylor.edu/; University of Colorado, Law School, www.colorado.edu/law/; Duke University School of Law, law.duke.edu; Loyola University Chicago School of Law, www.luc.edu/law/; University of Montana School of Law, www.umt.edu/law/; University of New Mexico School of Law, www.lawschool.unm.edu; Northeastern University School of Law, www.law.neu.edu; Notre Dame Law School, www.law.nd.edu; Pepperdine Univ. School of Law, www.law.pepperdine.edu; University of Pittsburgh School of Law, www.law.pitt.edu; Rutgers School of Law – Newark, www.law.newark.rutgers.edu; Santa Clara University, www.scu.edu/law/; Seattle University School of Law, www.law.seattleu.edu; Thomas Jefferson School of Law, www.tjls.edu; University of Tulsa, College of Law, www.law.utulsa.edu; Vermont Law School, VermontLaw.edu; Villanova University School of Law, law.villanova.edu; University of Virginia School of Law; www.law.virginia.edu; West Virginia University, www.wvu.edu; University of Wisconsin Law School, law.wisc.edu; William and Mary School of Law, William Mitchell College of Law, www.wmitchel.edu (all sites last visited 9/15/2007). For a discussion of mission statements with a international focus, see Leah Wortham and Catherine F. Klein, *Legal Clinics and University Mission in Studencka Poradnia Prawna: Idea, Organizacja, Metodologia*, Warsaw, Poland: C.H. Beck, 2005, www.fupp.org.pl/download/legal_clinic.pdf. (last visited September 27, 2007).

¹⁴ Gordon Butler, *The Law School Mission Statement: A Survival Guide for the Twenty-First Century*, 50 J. Legal Educ. 240 (2000).

human rights worldwide.¹⁵ He also contends that assessing the goals in mission statements is particularly important in the “U.S. News and World Report” era where very different criteria are used in evaluating law schools.¹⁶ Butler is highly critical, however, of the failure of U.S. law schools to effectively assess their stated goals and “move out of the past.”¹⁷

A very recent and highly regarded long-term evaluation of law school graduates in their post-law school careers includes evaluation of alumni involvement in public interest and *pro bono* work, goals promoted in most law schools’ statement of their educational mission.¹⁸ Public interest and *pro bono* work are not the only barometers of the impact of justice education. However, the study does suggest that commitment to access to justice is a value that is not being transferred effectively to students which in turn suggests the general failure to instill a commitment to achieving justice. Other recent research finds that

¹⁵ *Id.* at 251, 258, 263-64.

¹⁶ *Id.* at 266-69. Professor Butler did a mission statement assessment of ninety law schools using “criteria suggested for evaluating business mission statement.” *Id.* at 241. He describes the long history and importance of mission statement assessment in corporations and organizational management applying the models of Karl Albrecht, *The Northbound Train: Finding the Purpose, Setting the Direction, Shaping the Destiny of your Organization* (New York 1994); Jeffery Abrahams, *The Mission Statement Book* (Berkeley 1995); Pearce & David, *Corporate Mission Statements: The Bottom Line*, 1 Acad. Mgmt. Executive, 109, 109-13 (1987); David Calfe, *Get Your Mission Statement Working*, 82 Mgmt. Rev 54 (1993); Peter Drucker, *Managing the Non-Profit Organization: Practices and Principles* (New York 1990). Frank Ravitch has also discussed the importance of law school community dialogue and assessment of their mission statements. *See*, Frank Ravitch, *Struggling With Text and Context: A Hermeneutic Approach to Interpreting and Realizing Law School Missions*, 74 St. John’s L. Rev. 731,751 (2000).

¹⁷ Butler *supra* note 25 at 269.

¹⁸ Ronit Dinovitzer, *After the J.D.: First Results of a National Study of Legal Careers*, (NALP Foundation for Career Research and Education and the American Bar Foundation (2004). The study is an ambitious project which will “track the professional lives of more than 5,000 lawyers during the first ten years after law school.” The Report found that “just over 4% of the lawyers in the sample work in public interest of legal services organizations,” and that “lawyers undertaking pro bono in all private practice settings reported an average of 58 pro bono hours a year.” *Id.* at 13, 26, 35.

values such as “community contribution” actually decrease over the course of the law school experience.¹⁹

Commitment to pedagogical goals related to justice education in U.S. law schools has been seriously questioned.²⁰ Many scholars have criticized the effectiveness of teaching professional responsibility²¹ and the failure to promote social justice values and

¹⁹ Kennon M. Sheldon and Lawrence S. Krieger, *Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 *Behav. Sci. and the Law* 261,278, 282 (2004).

²⁰ See Carnegie Report, *Educating Lawyers*, *supra* note 6, at 126 (Chapter 4, *Professional Identity and Purpose* (models of lawyers in law school fail to ingrain the essential characteristics in students to promote justice and the public good which are at the center of the profession’s formal expectations of its members. *Id* at 126.); see also Stuckey, *supra* note 6, at 197 (suggesting that law schools adopt a principle of establishing in-house clinics which respond to the “under-served needs of communities” despite pedagogical tensions to place “education” as the primary goal of clinics. Stuckey suggests that proper design foster both.); David Barnhizer, *The Justice Mission of American Law Schools*, 40 *Clev. St. L. Rev.* 285 (1992) (“Most faculty in American law schools would deny the appropriateness of any mission that requires them to either understand or advance justice.” Barnhizer continues with a historical review of the concept of “justice” in legal education, the variables, including the scientific graduate university teaching model, that have led to the loss of the “justice mission” in law schools and practice); David Luban, *Lawyers and Justice: An Ethical Study* 160-74 (Princeton Univ.Press 1988) (moral activism involves law reform coupled with accountability is one of the opportunities the role of lawyer provides.); see *gen.* *Lawyer’s Ethics and the Pursuit of Social Justice: A Critical Reader*, Ed. Susan Carle (New York Univ. Press 2005).

²¹ See Antoinette Sedillo Lopez, *Teaching a Professional Responsibility Course: Lessons Learned from the Clinic*, 26 *J. Legal Prof.* 149 (2002) (critiquing traditional methods of teaching professional responsibility and suggesting that experiential lessons in the context of client representation has a deeper impact in promoting social change); Barbara Bezdek, *Reconstructing a Pedagogy of Responsibility*, 43 *Hastings L. J.* 1159 (1992) (discussing the Legal Theory and Practice curriculum at the University of Maryland School of law whose “essential purpose is to inculcate values leading our graduates to represent poor and unrepresented people and communities.” Professor Bezdek discusses the disjunction between traditional legal education and professional responsibility that fails to acquaint law students with the lives and obstacles of the poor and the lawyer’s responsibility.); Carnegie Report *supra* note 6 (current education and practice rules of ethics are straight forward, basic rules of honesty and responsibility to individual clients and fails to promote the broader justice ethic suggested by William Simon that lawyers “take such actions as, considering the relevant circumstances of the particular case, seem likely to promote justice” or obligations to “peacemaking and, problem-solving” as Mary Ann Glendon advocates. *Id* at 131); James E. Moliterno, *Legal Education, Experiential Learning, and Professional Responsibility*, 38 *Wm. & Mary L. Rev.* 71 (1996) *An Analysis of Ethics Teaching in Law Schools: Replacing Lost Benefits of the Apprentice System in the Academic Atmosphere*, 60 *U. Cinn. L. Rev.* 83 (1991) (proposing that the teaching of professional responsibility must become more experiential to be effective); Maria Tzannes, *Legal Ethics Teaching and Practice: Are There Missing Elements?* 1 *T.M. Cooley J. Prac. & Clin. L.* 59 (1997) (traditional methods of teaching professional responsibility are ineffective in impacting law

related skills throughout the curriculum.²² Too often, these teaching goals are left to “clinical”²³ programs.²⁴ Increasing professional responsibility values as a primary mission

practice.)

²² See Gerald Lopez, *Preconceiving Civil Rights Practice: Seven Weeks in the Life of a Rebellious Collaboration*, 77 GEO. L.J. 1603, 1608 (1989) (“Martha loved a few of her first-year teachers, second-year courses on evidence and civil rights legislation, a benefits clinic she worked in for one semester of her third year, and certain of her classmates who helped inspire and support her ambitions. Yet, law school exposed her to too little interdisciplinary theory, too few skills and too little of everyday life. And it taught her almost nothing about how to conceive of her own work as a lawyer, much less how concretely to envision a practice committed in any substantial degree to fight for fundamental social change.”); Michael Meltsner, *The Making of a Civil Rights Lawyer*, (University of Virginia Press 2006), 41-54 (describing how the most famous constitutional and civil rights theorists at his law school when a student thoroughly failed to prepare him for law practice as a civil rights and social justice advocate. This experience led him to start a clinical program at Columbia Law school in the 1970’s); Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 FORDHAM L. REV. 997 (2004) (suggesting ways that the clinical goal of expanding access to justice can be transformative if it includes a goal of teaching students to recognize injustice in society and appreciate their role and responsibility to create a more just legal system).

²³ In using the term “clinical” experiences in law school curricula, we do not distinguish between “in-house clinics” and other experiential opportunities provided in law schools throughout the world including externships and community education programs. For a discussion of “justice education” in U.S. externships programs, see e.g. Lisa G. Lerman, *Professional and Ethical Issues in Legal Externships: Fostering Commitment to Public Service*, 67 Fordham L. Rev. 2295 (1999). The U.S. “in-house live-client clinic” model is not the prevailing program throughout the world. The potential for harm by attempts to transplant U.S. models abroad has been the topic of debate. See e.g. Peggy Maisal, *Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Can Learn From South Africa*, 30 Fordham Int’l L.J. 374 (2007) (describing the history and structure of clinical education in South Africa which, because of a lack of resources, is structured very differently than the U.S. model); Charles J. Ogletree, Jr., *From Mandela to Mthwana: Providing Counsel to the Unrepresented Accused in South Africa*, 75 B.U. L. Rev. 1, 49 (1995) (South African style clinics provide a rich potential source of legal representation.); Frank Bloch & M.R.K. Prasad, *Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States*, 13 Clin.L. Rev. 165 (2006) (discussing India’s opportunity to implement mandatory clinical education and obtain access to justice goals through law school programs that are unique to India’s needs and capacities); Leah Wortham, *Aiding Clinical Education Abroad: What Can Be Gained and the Learning Curve On How To Do So Effectively*, 12 Clin.L.Rev. 615 (2006) (advocating donor support for clinical education projects abroad and outlines the minimal requisites that she would have for such projects - but cautions against pressing new clinics to fit American clinical models); see also Maximo Langer, *From Legal Transplants to Legal Translations: The Globalization of Plea Bargaining and the Americanization Thesis in Criminal Procedure*, 45 Harv. Int’l L.J.1, 5 (2004) (The metaphor of the “legal transplant” has its shortcomings because it conveys the notion that legal ideas and institutions can simply be “cut and pasted” between legal systems.); David Kariys, *Searching for the Rule of Law*, 36 Suffolk U.L.Rev. 307 (2002) (critiquing the rule-of-law exportation by the U.S.); but see Richard Wilson, *Training For Justice: The Global Reach of Clinical Legal Education*, 22 Penn St. Int’l L. Rev. 421 (2004) (arguing that the U.S. funding of foreign clinical education is not “legal imperialism,” that it has

even in law school clinical programs has been questioned.²⁵ The impact is reflected in practice, and by students who were drawn to the profession in hopes of serving the common good become disillusioned because they never acquired a clear vision of how the profession can serve such goals.²⁶ Such critiques of effective pedagogy generally and with respect to social justice are certainly not limited to the U.S.²⁷

been effectively implemented globally because of its intrinsic values, rejecting the criticism that new programs “follow the funding,” and pointing to a lack of criticism of clinical globalization as acceptance of its value.).

²⁴ See comments of AALS President Judith Areen, *supra* note 21; Jane Harris Aiken, *Provocateurs for Justice*, 7 Clin. L. Rev. 287, 289 (2001) (clinicians should expose students to the injustices of poverty and abuses of power with a teaching goal of having students use their skills to remedy injustices); Paul Tremblay, *Practiced Moral Activism*, 8 St. Thomas L. Rev. 9, 30 (1995) (morally activist lawyering ought to be taught in law school clinics which involves the representation of the poor.); Amy Gutman, *Can Virtue be Taught to Lawyers?*, 45 Stan. L. Rev. 1759, 1770 (1993) (does legal education aim for ardent advocacy of clients' informed preferences, the pursuit of social justice, or the ability of lawyers to live a good life in the law?, contending that “deliberative virtue” can be taught.); Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. Rev. 1461,1470 (1998) (recently, clinical legal education has experienced some resurgence in its historical focus on social justice and are fertile laboratories for client and community empowerment and transforming the social consciousness of law students); Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 Clin.L.Rev. 37, 38 (1995) (a complete clinical educational experience must include lessons of social justice).

²⁵ See THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS, (David Luban ed. 1983), Robert J. Condlin, CHAPTER 7, *THE MORAL FAILURE OF CLINICAL LEGAL EDUCATION* 318, 333-38 (clinical education started as a movement for social reform, its goal being that the students who worked in the legal system and saw first-hand the difficulties of the poor with the system would work for law reforms. Clinics are not a vehicle for the reform of the teaching of professional ethics as many purport.)

²⁶ Ethics scholar Deborah Rhode suggests that one of the basic reasons for lawyers' dissatisfaction with practice results from failed hopes of “contributing to the social good.” Deborah L. Rhode, *In the Interests of Justice: Reforming the Legal Profession* 8 (Oxford University Press (2000); see *gen. Sheldon & Krieger supra* note 30; Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 Personality & Social Psy. Bull. 883 (2007).

²⁷ See Larry Grosberg, *Clinical Education in Russia: 'Da and Nyet'*, 7 Clin.L.Rev. 469, 492 n.99 (2001) (observing that Russian professors were interested in how to prepare their graduates to actually practice law and better serve social justice and clients with newly established rights.); Haider Ala Hamoudi, *Toward a Rule of Law Society in Iraq: Introducing Clinical Legal Education into Iraqi Law Schools*, 23 Berkeley J. Int'l L. 112 (2005) (lawyers tend to be dismissed by the general population as facilitators of corruption, carrying bribes from a client to a judge or government

As part of the promotion of skills related to the teaching of social justice, legal scholars and researchers have increasingly suggested the adoption of vital aspects of medical education into the law school curriculum to assist in reaching teaching goals.²⁸ The recent Carnegie Report “Educating Lawyers,” strongly recommends adoption of experiential learning seen in medical school training throughout the law school curriculum.²⁹

These works can only enhance our ability to address the difficult task of assessing the goal of effectively implementing “justice education” in the academy and the profession. If the goal of instilling the ethic of social justice in the law school experience is to be achieved, we must adopt the appropriate tools to assess if we are being successful.

official to achieve a particular result; talented students generally avoid law school.); Herbert Hausmaninger, *Austrian Legal Education*, 43 S. Tex. L. Rev. 387, 393 (2002) (legal education is based on the notion that theory should precede practice and that practice should be taught by practitioners.); Eckart Klein, *Legal Education in Germany*, 72 Or. L. Rev. 953 (1993) (students are taught that law is a scientific system. They are more likely to adopt a narrow view of law and less able to encourage change.); John Law, *Articling in Canada*, 43 S. Tex. L. Rev. 449, 449 (2002) (clinical legal education is not a widespread nor well-developed aspect of legal education); Carlos Palao, *Legal Education in Spain*, 43 S. Tex. L. Rev. 527, 530 (2002) (observing that the prevailing teaching method is traditional lecture); Dr. Mohamed Serag, *Legal Education in Egypt*, 43 S. Tex. L. Rev. 615, 619 (2002) (graduates are authorized to practice before courts before receiving any practical guidance which defiles the profession and disturbs the administration of justice).

²⁸ The wide-spread adoption of clinical training in medical schools occurred in the early 1900’s. The beginning of broad implementation of limited clinical training in law schools began in the 1970’s. See Stuckey, *supra* note 6 at 248-52 (observing that we can learn from the medical school experience); Amy L. Ziegler, *Developing a System of Evaluation in Clinical Legal Training*, 42 J. Legal Education 575, 583-84 (1992) (suggesting the extrapolation of some evaluation techniques used in clinical setting for medical students to the law student clinical experience.); David Binder & Paul Bergman, *Taking Lawyering Skills Seriously*, 10 Clin.L.Rev. 191, 208-13 (2003) (suggesting the adaptation of “case rounds” used in medical education to the law school clinical setting.); Steven Berenson, *A Family Law Residency Program?: A Modest Proposal in Response to the Burdens Created by Self-Represented Family Court*, 33 Rutgers L. J.105, 145-51 (2001) (proposing the adoption of a “legal residency” based upon the medical training model.); Lawrence M. Grosberg, *Medical Education Again Provides a Model for Law Schools: The Standardized Patient Becomes the Standardized Client*, 51 J. Legal Educ. 212 (2001) (proposing the use of the medical school “Standardized Patient” training technique in law schools and describing an experiment with a “Standardized Client” project in a law school clinical program.).

²⁹ See Carnegie Report, *Educating Lawyers*, *supra* note 6, at 188, 192-93.

REGARDING JUSTICE AS A TEACHING GOAL IN OTHER PROFESSIONS,

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“Justice” as an educational goal has been embraced in other fields of professional training as well as making in-undergraduate and secondary school curricula. See Bell Hooks, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* (Routledge 1994) (Hooks begins her exploration of “engaged pedagogy” with the wisdom of Paulo Friere “to begin always anew, to make, to reconstruct, and to not spoil, to refuse to bureaucratize the mind, to understand and to live life as a process.”); Allen E. Ivey, *Social Justice in Counseling Psychology: Leadership, Vision, & Action*, 14 *Cultural Diversity and Ethnic Minority Psychology* (forthcoming Feb. 2008) reviewing Rebecca L. Toporek, Lawrence H. Gerstein, Nadya A. Fouad, Gargi Roysircar & Tania Israel, *Handbook for Social Justice in Counseling Psychology: Leadership, Vision, and Action* (Thousand Oaks, CA: Sage Publications 2006) (pointing out the importance of teaching social justice concepts in our courses of training, showing undergraduates how to be agents of social change, and presenting ways in which underserved people can be reached more effectively. Putting social justice at the center of our practice, rather than on the periphery, will actually radicalize psychology and lead to a much more relevant practice, with a greater chance for impact on the larger society.) , Tania D. Mitchell, *Critical Service-Learning as Social Justice Education: A Case Study of the Citizen Scholars Program*, 40 *Equity & Excellence in Education* 101,109 (2007)(using reflective journals and exit interviews in “linking critical service-learning and social justice education” in a four-semester community project.); Erlich, Colby & Beaumont, *Educating Citizens: Preparing America’s Undergraduates for Lives of Moral and Civic Responsibility* (Jossey-Bass 2003) (describing the criteria for effective education of undergraduates and the public on moral and civic issues and the need to bring these goals to the “center-stage” in institutions.); *EDUCATING FOR PROFESSIONALISM: Creating a Culture of Humanism in Medical Education* ,Eds. Delese Wear & Janet Bickel , Chapters: *Moral Growth, Spirituality, and Activism: The Humanities in Medical Education* *Id* at 81 (discussing the experience of the College of Human Medicine’s focus on “ethics and spirituality”); *Reflections on Experiences with Socially Active Students* *Id.* at 95 (discussing experiments at two medical schools to teach racial sensitivity in clinical practice), *Professional Ethics and Social Activism*, *Id* at 63 (using role modeling in clinical training.), *Experiencing Community Medicine During Residency: The La Mesa Housecleaning Cooperative*, *Id* at 148 (describing the experiences of residents at a community based hospital concluding “that economic conditions are more important as a determinant of health outcomes than medical or public health interventions.”); Carnegie Report, *Educating Lawyers* (comparing the more highly involved experiences of medical students) *supra* note 6 at 175, 191-93; Collaborative Reform and Other Improbable Dreams: Challenges of Professional Development Schools, Eds. Johnston, Brosnan, Cramer & Dove (New York 2000) Chapter 2, “*A Clinical Educator: Redefining a Teacher’s Role*, *Id.* at 49, discussing, the role of teachers in institutional change.); R. Cohen, *Evaluation of a Workshop to Teach Clinical Bioethics in the Clinical Setting*, 19 *Med. & Law* 451-53 (2000) (discussing the importance teaching medical ethics in the clinical training years and setting teaching goals including “the principle of justice “as a teaching goal.); Erin A. Egan, Kalven, Parsi & Ramirez, *Comparing Ethics Education in Medicine and Law: The Best of both Worlds*, 13 *Annals Health L.*303, 323 (2004) (arguing that ethics, which includes values, must be taught throughout the curriculum); Fahrenwald, Taylor, Kneipp & Canales,, *Academic Freedom and Academic Duty to Teach Social Justice: A Perspective and Pedagogy for Public Health Nursing Faculty*, 24 *Public Health Nursing* 190 (2007) (“social justice is a foundation of public health” suggesting methods to

transgress institutional boundaries to implement this teaching goal. *Id* at 190-95); S.D.R. Husted, *Assessment of Moral Reasoning in Pediatric Faculty, House Officers and Medical Students*, Seventeenth Annual Conference on Research in Medical Education, Assoc. of American Medical Colleges (1978); D.J. Self & M. Olivarez, *The Influence of Gender on Conflicts of Interest in the Allocation of Limited Critical Care Resources: Justice Versus Care*, 8 *Journal of Critical Care* 64, 68-72 (1993) (promoting the teaching goal of “moral reasoning based on a concept of justice for resolving moral dilemmas.”); COLLABORATIVE REFORM AND OTHER IMPROBABLE DREAMS: THE CHALLENGES OF PROFESSIONAL DEVELOPMENT SCHOOLS (Eds. Johnston & Dove) (State Univ. of New York 2000) (discussing the importance of teaching collaboration and inclusion in graduate level teacher education); Kimberly Kline & Megan Moore Gardner, *Envisioning New Forms of Praxis: Reflective Practice and Social Justice Education in Higher Education Graduate Programs*, *Advancing Women in Leadership*, Fall 2005 (the goal of “reflective social justice education” is a key element of graduate and professional learning and has been accepted by highly regarded theorists in a variety of fields citing Dewey (1938), Friere (1970), Schon (1987), Bell (1997) and Leith & Day (2000); D.A. Schon, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Professions* (San Francisco, Jossey-Bass 1987) (Shon has regularly shared his theories with clinical legal educators); *Teaching for Diversity and Social Justice: A Sourcebook*, (M.Adams, L.A. Bell & P. Griffin (Eds.) (Routledge 1997) (describing the importance of differentiating “grades from feedback., “of “knowing our students,” effectively teaching social justice and describing evaluative tools for curricular design. *Id* at 269-70, 311-25); P. Cranton, *Professional Development as Transformative Learning: New Perspectives for Teachers of Adults* (Jossey-Bass 1996); *see also* Julio Cammarota, *A Social Justice Approach to Achievement: Guiding Latina/o Students Toward Educational Attainment with a Challenging, Socially Relevant Curriculum*, 40 *Equity & Excellence in Education*, 87, 90-95 (2007) (evaluating the Social Justice Education Project curriculum in a high school setting).