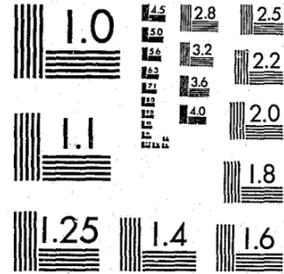


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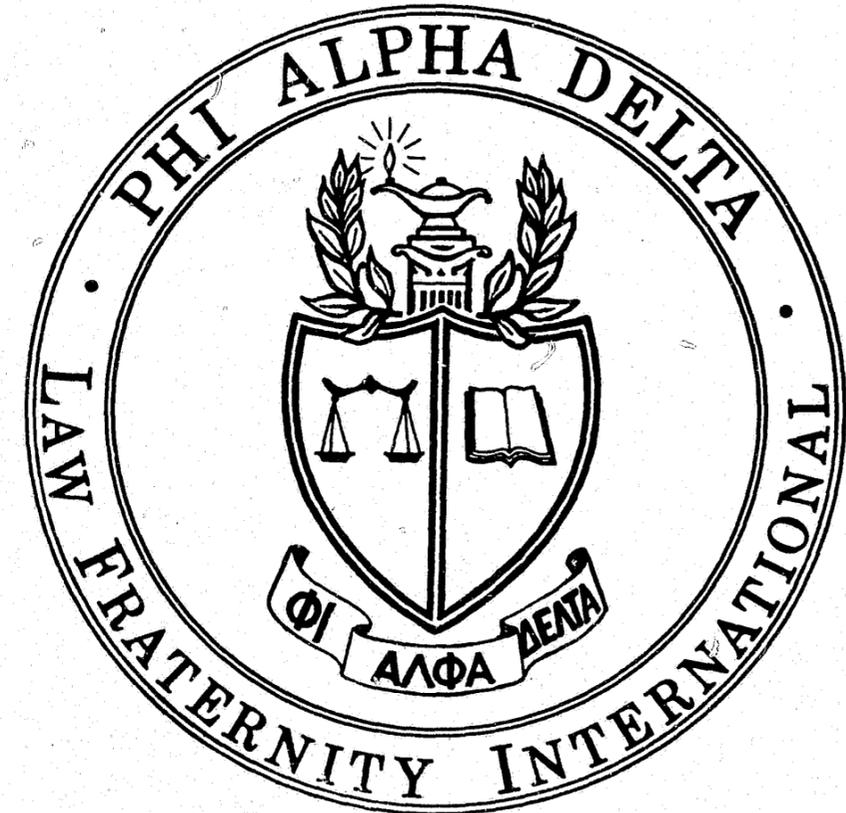
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PAD Monograph Series

For Value Received:

**Community Law Program
Benefits to
Law School Students**

81028

A publication of the
Phi Alpha Delta Law Fraternity, International
Juvenile Justice Office

81028
U.S. Department of Justice
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About PHI ALPHA DELTA

Phi Alpha Delta Law Fraternity International is a non-profit, non-political organization whose student and alumni members are dedicated to service, mutual self-help, and maintenance of the highest standards of professional ethics. With 162 law school and 76 alumni chapters throughout North America, it annually adds approximately 3,000 law students and lawyers to its roster of active members without regard to sex, age, race, color, creed or national origin.

PAD Monograph Series

For Value Received: Community Law Program Benefits to Law School Students

A publication of the
Phi Alpha Delta Law Fraternity, International
Juvenile Justice Office

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Introduction

Phi Alpha Delta Law Fraternity International operates a nationwide Juvenile Justice Program to foster closer relationships among legal professionals and the communities they serve. Funded by a grant from the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice, the Fraternity's efforts encompass a variety of activities and strategies to improve communication between the legal and education communities and foster law-related education.

The Program staff is working to broaden the awareness of the Fraternity's 90,000 members — judges, practicing attorneys, prosecutors, law professors, law students, and business and government leaders — to encourage them to establish and participate in local law-related education programs. Besides sponsoring and conducting regional training and information sessions, the Program staff is working to develop activities and resource materials to assist local leaders in developing working partnerships between legal professionals and educators.

As part of these efforts, the Program's publications activity seeks to reach a broad audience of decision makers with provocative and thoughtful analyses of law-related education topics. This publication is the first of our series of scholarly monographs. In it, Professor Joseph L. Daly of Hamline University School of Law analyzes the benefits his students have received from their participation in the school's "Community Law Program." Hamline's experience and Professor Daly's view of the program benefits can be of assistance to other law school teachers and administrators considering initiation of similar experiential training.

Robert E. Redding
Director

Norman Scott
Deputy Director

For Value Received:

Community Law Program Benefits to Law School Students

By Joseph L. Daly *



Since 1979, Hamline University School of Law has conducted a local "Community Law Program." As part of Phi Alpha Delta's Juvenile Justice Program funded by a grant from the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice, Hamline's project is providing law-related education to students in every high school in St. Paul, Minnesota.

Hamline law students, paired with regular high school government or law-related course teachers, spend three days per week in assigned classrooms. Working closely with their cooperating teachers, the Hamline students conduct role plays, simulations and other classroom situations to teach the teenagers about the law and its functions. Throughout the full semester the law student, teacher, and students work together to explore questions of the law and its functions.

The program's requirements on participating law students are stringent. The Community Law Program operates much like other collegiate laboratory experiences. Thus, for the two credits earned toward law school graduation, students perform required duties up to twelve hours a week. (In contrast, even highly motivated second- and third-year law students often spend no more than three study hours per week for each hour of class time.) Among their activities, law students attend a weekly seminar at the law school, do research, develop teaching strategies, spend conference time planning with the cooperating high school

*Joseph L. Daly is Professor of Law at Hamline School of Law, St. Paul, Minnesota. He was initiated into Butler Chapter of Phi Alpha Delta at the William Mitchell College of Law, St. Paul, Minnesota.

teachers, commute to and from the high school, conduct classes for up to three hours per week, plan field trips, debrief the high school teachers to determine what strategies and procedures do and do not work, etc.

In addition, the Community Law Program incorporates an annual mock trial competition. Participants must understand and use criminal, family, housing, consumer, and constitutional law as well as court procedure. The law students must present a fact pattern,* train the high school students about the components of a trial, and prepare them for the competition. Prominent adults from the community make up the jury which determines the winner, based on merit.

Such commitments inevitably force interested law student participants to weigh the perceived costs of time and energy against the potential benefits. Those who do participate often identify the following advantages:

1. Improving Knowledge of the Law. Very few students in their law school educational experience have opportunities to take practical courses oriented to their state law. However, when a law student goes into a high school in any state, some of the first questions the high school students ask concern specific questions about state law. For example:

How old do I have to be before I can drink?

Can my parents keep the money I earn at my part-time job?

Who has to pay for an apartment I rent with my buddy if my buddy moves out?

Some of these very practical questions cannot be readily answered by the law students from their law school courses. But the Community Law Program at Hamline, however, has developed fully researched answers. Through the program's publication, **Student Lawyer: A High School Handbook of Minnesota Law** (available from West Publishing Company), and by research of the law students themselves, the law students learn to answer these questions and many others — and gain practical and important knowledge on crucial legal topics.

*In 1980, for instance, a divorce action involving a child custody situation was used for the competition problem. The St. Paul Open High School won the mock trial competition against Minneapolis Central High School.

2. Synthesizing Legal Knowledge. The program also requires the students to consider inter-related legal problems not easily categorized within specific areas of law. Often for the first time in their educational experiences, the law students are asked to consider and combine elements of two areas of law, such as contract law and family law. For example, a law student may realize that there is a relationship between (1) a law which delineates when a juvenile can make a contract to buy a car and (2) family law, namely, whether the parents will permit him to buy a car even though the law may say he or she is old enough to drive and buy one.

Although one would expect these combinations and syntheses to be made often, in the legal educational experience the fact is they are not. Instead, most law students study bodies of knowledge distinctly — and sometimes arbitrarily — separated. For example, courses in torts, in contracts, and in family law are presented as separate entities.

To facilitate comprehension, casebook authors and law school teachers often present uni-dimensional issues so that the point under consideration can be clearly delineated. This procedure, however, does not require students to synthesize legal knowledge. To be sure, there may be some synthesis of the body of knowledge called family law, or the body of knowledge called tort law. But very seldom in law school is there a synthesis of two different bodies of knowledge into one single problem. While some students experience some initial difficulty in this regard, within a very short time, the Community Law Program students learn how to deal effectively with this very real problem.

3. Understanding The Public's Perception Of Lawyers. In the rarified atmosphere of law school, impressions of what the public thinks about lawyers is obtained from books and from professors — or possibly from other law students. However, during the law school experience, students are able to observe very few role models except their own professors. As the law students go into the community and work with their high school students, the lay perception of lawyers becomes instantly apparent. The law student is often thought of, and dealt with, by the high school students as a lawyer. Very quickly, the law student discovers what the high school student perceives as the role of lawyer in this society. One of the Community Law Program students commented on his first day of class: "That was a reality sandwich."

4. Developing Oral Skills — Speaking Before Large Groups. Few attorneys are naturally gifted speakers. Oral skills must be developed and cultivated. The profession involves a great number of these skills (counseling, negotiation, compromise, advocacy). In most law schools, the Socratic method* is used, not only to help students deal analytically with the law, but also to help them learn to speak before public groups. The problem with the classroom speaking experience is that, for most law students, it lasts only several minutes in any given class.

Because law classes are generally taught with a large number of students in them, a given law student may have only two or three opportunities within a semester to address a group. In the Community Law Program, however, the law student must constantly speak to, direct, and organize the high school students. The skills of description, explanation, negotiation, compromise and advocacy are used many times every day in the classroom experience. A frequent comment of law students participating in this program is that it has given them a chance to exercise their oral skills, and has shown them that they can do so successfully.

5. Developing Expertise In Handling Questions. Every lawyer must face a broad range of questions, at least some of which the lawyer simply is not prepared to answer. This challenge is a part of almost every high school classroom experience for the program's law students. Their Community Law Program experience shows the law students how to take these questions, how to answer them in a general sort of way, and what to do about specific questions. It also shows the law students how to explain the functions of a lawyer when very specific questions are asked. The law students quickly develop ways to handle, and begin to feel comfortable taking questions, the answers to some of which they simply do not know.

6. Developing Lawyer/Client Relationship Skills — Learning How To Explain The Law To Lay Persons. A common criticism of most law school courses, other than the clinical courses, is that they fail to incorporate direct, transferable experience. Because real people in high schools are asking real questions that concern them, the law students face an entirely different task than the in-class experience of most law school settings. The

*In the Socratic method of teaching or discussion, one asks a series of questions that is designed to lead to a logical conclusion.

law students can no longer just relate to a law professor or other law students, but must relate to lay persons who are not versed in the language of law. The law students perceive very quickly when high school students ask questions about a parent beating a spouse that legal jargon is not the appropriate answer. The law students understand quickly that knowledge of the law and knowledge of the person with whom one is dealing are important components of the lawyer/client relationship.

7. Developing A Sense Of Professionalism. In understanding the role of an attorney in dealing with peoples' problems, the law students quickly realize that flippant answers, easy "black-letter" law answers, and nonanswers (for example, "I don't know, I'm only a student") are just not acceptable. The students realize quickly that some guidance is necessary, yet they cannot give legal advice. A sense of just what a professional attorney does in being a counselor-at-law, beyond being merely an advocate in the adversary system, begins to develop for the law student working in the Community Law Program.

8. Developing A Working Relationship With Another Professional As An Equal. In the practice of law, lawyers are continuously called upon to work with other professionals. For example, medical doctors, psychologists, social workers, corporation executives, engineers, and teachers are just some of the people with whom practicing lawyers must work. All of these people must be dealt with in a courteous and professional manner as equals, recognizing the knowledge and skills which they have. Initially, the law students discover that the high school teachers usually do not know much about the law. It is possible for the law student to leap to the conclusion that the law student is more valuable in this educational setting. However, soon every law student discovers that the experience and expertise the professional teacher has is an understanding of teaching methodologies and strategies which work. The professional teacher, in conjunction with the law student, can complete an excellent partnership for teaching about the law. Each enhances the other's expertise. In the Community Law Program this interaction also facilitates the understanding and the skill of the law student in working with professionals from different fields as equals.

9. Developing Legal Training Skills. Ideally, every lawyer should be a teacher. In fact, the American Bar Association Code of Professional Responsibility calls for each lawyer to improve the

legal system.* Those required efforts include increasing the lay public's understanding of the law. Teaching high school students is an effective way to achieve this objective.

Another aspect of developing legal teaching skills is to spawn opportunities beyond the practice of law. A number of Community Law Program students have found non-traditional uses for their legal training. For example, several of the students have obtained jobs with community colleges or university systems, teaching undergraduate law courses. One of the students chose to return to a high school position, teaching appropriate courses.

Even for those students who do not intend to teach, legal teaching skills often have a direct influence on a lawyer's ability to try cases in court. The law students realize very quickly that high school students are very much a cross-section of potential jurors. If legal facts and concepts can be explained to high school students and if a methodology for this explanation is developed in law school, the experience can be carried directly into the courtroom.

10. Offering An Opportunity To Fulfill The Professional Duty From The Code Of Professional Responsibility† To Educate The Public. Public awareness of the role of the legal profession in advancing the cause of justice has direct and continuing benefits to all persons who earn their livings in fields of law. Activities such as the Community Law Program stimulate such awareness. Both the students and the professionals who participate help to enhance the profession by serving as examples and role models to the lay public when they live up to the letter and the spirit of the Code of Professional Responsibility.

11. Deriving Satisfaction From Using One's Skills And Legal Knowledge In A Positive, Beneficial And Helpful Way. The best part of altruism is its frequently direct feedback. A person who gives often gets more in return. This maxim has been particularly true in the Community Law Program. One highly rated law student — with experience in law review and moot court — commented:

*See Canon 8, *Code of Professional Responsibility*, American Bar Association, 1976.

† See Canon 2, EC2-1 and EC2-2, *Ibid.*

"I cannot emphasize enough how much I got out of teaching in the Community Law Program. It was a chance to exercise my professional legs with greater independence and creativity than I have been allowed in law school in any other setting. It made me learn a lot about myself . . . I am now well aware of the difficulties of explaining things to a lay person and am beginning to learn how to avoid problems in communications . . . In the Community Law Program I was generally on my own to structure my curriculum and build my relationship with my students. I believe that this was highly successful and valuable for myself and for my students. I know now that I am capable of entering the world as an independent adult and as a professional. I also know the value of preparation and am more comfortable speaking in public. I could go on forever about the value of this experience to me personally and professionally. I would highly recommend teaching in the Community Law Program to any other law student."

She was not speaking about altruism, but about what she received from the experience as well.

The program has turned out to be much more than a training and laboratory exercise for Hamline's students. In their efforts, they give as well as receive. To the high school teachers, the law students serve as direct sources of information about the latest developments in the law. They bring the latest approaches to legal study with them into their high school classrooms. They interact directly with the high school students, giving information about the law and its developments. Through this relationship, their younger charges begin to understand the law and perceive its practitioners as human beings, approachable and concerned. As the law and its professionals are demystified, the high school students develop a deeper understanding and appreciation of the law.

Hamline University's Community Law Program has evolved and developed during its existence to serve each of the segments of its participating populations. Through it, benefits have accrued to the law school itself, participating school systems, the communities they serve, their teachers and administrators, local community leaders and law professionals, the law students and the high school students themselves.

Community Law Program

Because of the relative youth of the program, only its direct and immediate benefits have yet been measured. Its long-term effects will manifest themselves as the program continues and matures. Measured by its early achievements, however, the Community Law Program has been well worth the initial requirements of time, effort and resources, and promises even better returns in the future.

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