

CHARACTERISTICS OF PREPAREDNESS FOR PUBLIC INTEREST LAW:

A MULTICASE STUDY OF PUBLIC INTEREST LAWYERS

by

PAULA ELROD MCBRIDE

(Under the Direction of Aiki Nicolaidis)

ABSTRACT

The foundation of public interest law is social action in which legal professionals work in service to society (Davis, 2007). Previous research has examined the current state of legal education but has not yet identified or defined what preparedness entails or looks like for public interest lawyering. The purpose of this study was to identify and describe characteristics of preparedness needed to educate law students for the practice of social action. This qualitative multicase study addressed the problem of preparedness for public interest lawyers framed by the theories of learning from experience, social action, and reflection in action. The study was conducted with seven public interest lawyers working full-time for a non-profit public interest organization. Data from interviews, observations, and documents were analyzed using the constant comparative method. A detailed description of each case, the public interest lawyer, was provided in the case study report. In response to the first goal of the study to identify and define the characteristics for public interest lawyers, three findings emerged: 1) a predisposition to social action, 2) the relationship between the public interest lawyer and the client, and 3) the skillful representation of the client. The second goal of the study was to identify how these

characteristics are integrated in legal education and intentionally enacted in the legal pedagogy for public interest law, which was found to be through the fostering of preparedness in legal education. Two conclusions emerged from the study: 1) preparedness is a multilayered process involving continuous learning fostered through real-life practice and legal pedagogy that includes the development of both analytic and reflective capacities; and 2) legal education best prepares public interest law students when there is a fit between a mission-oriented public interest law school and a social action-oriented law student. This study presents the best means for legal education to foster preparedness in public interest lawyers practicing for social action within the current structure of legal education.

INDEX WORDS: legal education, legal education reform, practice-ready law graduates, public interest law, legal profession, learning for social action, reflection in action, real-life practice, intentionality, lifelong learning, preparedness, multicase study, professional education

CHARACTERISTICS OF PREPAREDNESS FOR PUBLIC INTEREST LAW:
A MULTICASE STUDY OF PUBLIC INTEREST LAWYERS

by

PAULA ELROD MCBRIDE

BS, Georgia College, 1990

BS, Georgia College, 1990

MPA, Georgia College, 1997

DPA, Valdosta State University, 2015

A Dissertation Submitted to the Graduate Faculty of The University of Georgia in Partial
Fulfillment of the Requirements for the Degree

DOCTOR OF PHILOSOPHY

ATHENS, GEORGIA

© 2016

Paula Elrod McBride

All Rights Reserved

CHARACTERISTICS OF PREPAREDNESS FOR PUBLIC INTEREST LAW:
A MULTICASE STUDY OF PUBLIC INTEREST LAWYERS

by

PAULA ELROD MCBRIDE

Major Professor: Aliko Nicolaides

Committee: Lorilee Sandmann

Jori Hall

Alexander Scherr

Electronic Version Approved:

Suzanne Barbour
Dean of the Graduate School
The University of Georgia
May 2016

DEDICATION

This is dedicated to my family, Jason, Ashley, and Tyler, without whom this would not have been possible.

ACKNOWLEDGEMENTS

While this was my journey, it definitely was not possible without the help and support of many people. First, I would like to thank my family. This journey was as difficult for them as it was for me, and it would not have been possible without their understanding, patience, and support. Secondly, I want to thank Aiki Nicolaides (my Yoda) who continuously challenged me to be better scholar. It was also her support and belief in me that kept me going to the end and not giving into the dark side. I was also fortunate to have a fantastic committee of top scholars. They were wonderful mentors who guided me through this endeavor. Thank you to my comrades at work, who are very, very tired of hearing about my research and writing. Lastly, many thanks to my dissertation group, Ali, Shakiyla, Katie, Rachel, and Ashley. I absolutely could not have done this without all of you and your support. It takes a village to write a dissertation.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	v
LIST OF TABLES	ix
LIST OF FIGURES	x
CHAPTER	
1 INTRODUCTION	1
Background of Legal Education	3
Portraits of a Public Interest Lawyer	4
Why We Care About Preparedness.....	8
Statement of Problem.....	12
Purpose of the Study	13
Significance of Study	14
Definitions of Terms	15
2 LITERATURE REVIEW	17
Search for Literature	18
Conceptual Framework.....	19
Review of Literature	21
Theoretical Framework.....	30
Conclusion	45
3 METHODOLOGY	48

	Design of the Study.....	48
	Sample Selection and Criteria.....	53
	Data Collection	55
	Trustworthiness and Authenticity.....	66
	Reflexivity and Subjectivity	68
	Data Representation	69
	Summary	69
4	CASE STUDY REPORT.....	71
	Case 1: Ali.....	73
	Case 2: Betsy.....	78
	Case 3: Carol.....	85
	Case 4: Justin	89
	Case 5: Derek.....	93
	Case 6: Cindy.....	97
	Case 7: Kristin.....	101
	Summary	105
5	FINDINGS	106
	Research Question 1	107
	Research Question 2	135
	Summary	153
6	SUMMARY, CONCLUSIONS, AND IMPLICATIONS	156
	Summary of Findings.....	156
	Discussion of the Conclusions	158

Emerging Model for Preparedness.....	168
Implications for Policy and Practice	172
Implications for Future Research.....	175
Summary.....	177
REFERENCES	178
APPENDICES	
A IRB APPROVAL.....	185
B INTERVIEW PROTOCOL	187
C RECRUITMENT EMAIL	188

LIST OF TABLES

	Page
Table 2.1: Empirical Studies.....	36
Table 3.1: Example of Case Coding	62
Table 3.2: Example of Data Validation	64
Table 4.1: Case Summaries.....	72
Table 5.1: Study Findings.....	106

LIST OF FIGURES

	Page
Figure 2.1: Conceptual framework depicting preparedness for practice-ready public interest lawyers	20
Figure 3.2: Framework to guide the research. The movement of social action.....	52
Figure 5.1: RQ1: The findings of social action, relationship, and representation.	109
Figure 5.2: RQ1: The relationship between the lawyer and the client.....	114
Figure 5.3: Finding three: The skillful representation of the client.	121
Figure 5.4: RQ2: The fostering of preparedness in legal education	136
Figure 6.1: Model for Fostering Preparedness for Public Interest Lawyers in Legal Education.	170

CHAPTER 1

INTRODUCTION

The historical tradition and culture of legal education appears to no longer be applicable to the current social realities law graduates encounter, irrespective of their area of legal practice. Society today faces “the nation’s and world’s unprecedented challenges in an ever-more complex global market” (American Bar Association [ABA], 2012, para. 3). Employers, professional law organizations, legal journals, and law school alumni have issued a call for reform, arguing that law school is no longer adequately preparing law students for any field of lawyering practice in today’s society (ABA, 2012, 2014; Carnegie Foundation, 2007; Christensen, 2007, 2008; Colby & Sullivan, 2008; Condlin, 2014; Law School Survey of Student Engagement [LSSSE], 2010; The Association for Legal Career Professionals [NALP], 2010, 2011). The literature, however, has failed to define what “preparedness” would actually look like for a law student (ABA, 2012, 2014; Carnegie Foundation, 2007; Christensen, 2007, 2008; Colby & Sullivan, 2008; Condlin, 2014; LSSSE, 2010; NALP, 2010, 2011). Perhaps by addressing the lack of a clear definition and developing a deeper understanding of the characteristics of preparedness, law schools will be better informed to respond to the call for reform.

It is important to note that within the context of legal education, student preparation for each legal specialty looks different, calling for a different skill set and unique perspective (Condlin, 2014). For instance, those planning to practice corporate law would take courses with a different focus and analytical lens than those wishing to enter public interest practice. Additionally, each field has layers of varied needs and skills based upon either how narrow or

broad the scope of practice is for the particular organization (Condlin, 2014). Perhaps the call to reform legal education has not been answered because it is unfeasible to adequately prepare students for such varying lawyering fields within a standardized educational curriculum? Maryland professor of law Condlin (2014) has argued it is impossible to graduate “practice-ready” law students who can enter the profession, as preparedness is a subjective ideal based on the varying legal fields. Another obstacle to reform is the gap in the literature to define what “preparedness” for a law student within each legal field actually entails or looks like. In order to examine what conditions make a law graduate practice-ready, and how these conditions can be supported in legal education, we need to first identify, then describe the characteristics of preparedness for a particular legal specialty. In this investigation, I have chosen to focus on the specific field of public interest law.

Lawyers working in the public interest are professionals, and the act of becoming a professional in one’s field embodies being prepared to effectively practice to meet the social demands of the profession (Reid, Dahlgren, Petocz, & Dahlgren, 2008; Sullivan, 2013). Law schools can be spaces of social justice, cultivating students’ “social, intellectual, and moral potential” (Davis, 2007). Public interest professionals are in a position to provide needed services to the citizenry as well as to educate the citizenry about social action and the meanings and purposes of democracy; they have the opportunity to touch the lives of citizens as engaged and socially-conscious professionals (Reid et al., 2008; Schön, 1983; Sullivan, 2013). As stated by professor of law Peter Davis (2007), “Law is supposed to be the instrument, the handmaiden, of justice; justice is the ultimate goal” (p. 514). It is the mission of law schools to foster a commitment to social action (Leering, 2014) as well as prepare practice ready graduates.

Before beginning a dialogue about the creation of and support for conditions that make law graduates practice-ready to work in the public interest in legal education, I had to first gain an understanding of the characteristics of preparedness for a public interest lawyer. This study sought to identify and describe the characteristics of preparedness oriented toward social action for a public interest lawyer by examining recent graduates who were currently practicing public interest law in non-profit public interest organizations. The theories of learning from experience and social action (Davis, 2007; Dewey, 1897, 1916), supplemented by the theory of reflection in action (Leering, 2014; Schön, 1983), helped to frame this research. This was a multicase study, focusing on and across multiple cases of public interest lawyers bound by the field of public interest law. I interviewed and observed these lawyers to identify and describe the characteristics of preparedness for social action for public interest lawyers. The next section briefly covers the background of legal education.

Background of Legal Education

Some scholars assert since the formal establishment of legal education at Harvard in 1870, legal preparation has remained relatively unchanged through the continued use of the case study approach, Socratic pedagogy, and focus on legal theoretical foundations (Brooks & Madden, 2011; Stuckey, 2007). Legal education has been steeped in tradition and culture since Christopher Columbus Langdell began the legal academy, and any change has been slow and gradual (Anzalone, 2010).

There have been some pedagogical modifications over time, but for 140 years the primary method of teaching first-year law students has predominately remained the Socratic or Case Study Method (Anzalone, 2010). These pedagogical methods were crafted to teach law students how to analytically view and understand the legal doctrine housed in applicable law

cases. Significant change in legal pedagogy did not occur until the clinical movement of the 20th century (Anzalone, 2010). On the heels of Robert MacCrate's (1992) assessment, the legal academy was faced with the realization case analysis was no longer sufficient. The results of the MacCrate-led ABA task force prompted a discussion among legal educators and scholars, which focused on the idea of combining traditional legal doctrinal courses with courses using reflection-in-action and experiential learning (Anzalone, 2010; MacCrate, 1992). The MacCrate report represented a significant paradigm shift in legal education through its supported growth of the clinical movement in U.S. legal education (Anzalone, 2010).

The current world and field of law are much more complex than in Langdell's time; and while "the case study and Socratic dialogue will probably always have a place in legal education, it will not be, and has not been, the sole pedagogy of the legal academy" (Anzalone, 2010, p. 98). This background highlights two important points: (1) the Socratic Method and Case Study Method are not the only pedagogical tools used by legal educators, and (2) change is neither fast, nor readily embraced, within legal education. The next section looks at the public interest lawyer and allows a glimpse into their professional practice within a non-profit public interest organization.

Portraits of a Public Interest Lawyer

Who is the public interest lawyer? One approach to this question is to highlight those currently in the profession. The following vignettes provide a snapshot of four public interest lawyers working for a non-profit public interest organization. The first two vignettes highlight 2014 law graduates in the very beginning of their practice experiences. These vignettes explain what their job actually entailed in practice, as well as what was expected from them during their first year. The last two vignettes portray lawyers who had been in their position for one year. It

covers what they accomplished, and the goals they set for the next 6-to-12 months of their career. All information for the vignettes was retrieved through the Equal Justice Foundation (Equal Justice Foundation [EJF], 2015).

Devin

A 2014 law graduate, Devin joined Swords to Plowshares, a health care/veteran's rights organization. The scope of his job required him to provide legal assistance to veterans returning from combat who were part of the Reserve or National Guard duty. Devin also assisted with production of self-help material and client outreach. This work had significant meaning for Devin, as he was the son of a veteran and a veteran himself. He was familiar with the difficulties faced by returning veterans, especially those who were not active duty members. Intertwining his own experience with his legal education, Devin had a deeper understanding of their challenges, as well as the support they needed.

During his first year, Devin focused on building relationships with the doctors, staff, and administrators at nearby Veteran's Hospitals. These relationships assisted with hosting legal clinics and coordinating care for local veterans. Devin produced self-help materials, coordinated informational events during drill weekends, and partnered with other community resources. Of course, Devin also saw clients and represented veterans filing VA benefit claims.

Lydia

Lydia was a 2014 graduate employed with the Greater Legal Services to aid immigrant populations. Her position more specifically focused on immigrant trafficking and slavery, including immigrant and minority domestic violence. She was an advocate for this underrepresented population, primarily focusing on immigrant women. During law school, Lydia volunteered and worked with domestic workers as an advocate. She developed strong

relationships with this population, discovering there were many gaps in their representation. This knowledge, coupled with Lydia's respect for immigrant workers, fueled her desire to continue in this field post-graduation.

During her first year of work, she helped recoup lost wages and civil remedies on behalf of the immigrant workers. She not only represented these workers, but strove to create better, sustainable, and cooperative opportunities. A large amount of her time required outreach to both the immigrant population and community. Additionally, she immediately began a mediation project in which volunteers could be trained to mediate conflict for other workers in an effort to increase accessibility to representation.

Sayoni

Upon graduation in 2013, Sayoni joined the *Sanctuary for Families* organization to help victims of domestic violence. She specifically concentrated on immigrant Asian women and children forced into marriage. The forced marriage could be the result of deportation fears, abusive relatives, or human slavery. Sayoni had spent the year prior to this study representing clients and mentoring volunteer attorneys. She distributed informational materials in select communities and conducted training for education professionals, which highlighted signs that a person (even a child) may be trapped in a forced, abusive marriage.

During her next year of work, Sayoni networked and collaborated with companies and other law firms to establish pro-bono clinics for victims. She began research to document forced marriage cases in her area. The research included focus groups with students and community-based organizations. Through the collection of data, Sayoni hoped to craft a legislative proposal to establish civil protection for victims of forced marriages.

Sara

Sara spent a year with Southeastern Ohio Legal Services to provide civil legal representation to children in the juvenile justice system. Juveniles in the justice system tend to have multiple, underlying issues which contribute to their situation in the justice system. These children, and their families, lack basic resources, such as affordable housing, access to disability services, and adequate educational opportunities. Unless these underlying issues are addressed, it is unlikely the child will ever successfully leave the court system.

In the first year, Sara provided legal assistance to children and their families. The representation exceeded the child's initial civil case, encompassing other issues such as housing, child custody, consumer protection, and educational needs. In addition, Sara worked to educate and train school employees about the educational rights of children and their parents. She even saved an unlawfully-charged tenant from eviction. The next year involved an expansion of Sara's accomplishments. As a response to the unlawful eviction case, she planned to challenge an unlawful policy of a large property management company who rented to low-income tenants. She continued her informational and educational training with community members regarding children in need. Lastly, Sara planned to expand the referral network of juvenile courts and community organizations.

From these short vignettes, one can see the multi-faceted job responsibilities of a public interest lawyer. While each of these vignettes represents a public interest lawyer in a public interest organization, each role focused on very different clients and legal issues. This illustrates how difficult it is for legal education to graduate a student prepared to walk into any one of these positions in the field of public interest law with a comprehensive skill set and knowledge base to unequivocally practice without support on their first day. Their jobs surpass legal representation

and tend to focus on specific populations in need. These young lawyers are collaborating with community members, working to educate others about populations in need, and even drafting policy proposals. They are lawyers, advocates, educators, public administrators, and policy-makers. It is clear their first job post-graduation involves much more than just knowledge of legal doctrine. Two primary questions emerge from these vignettes: (1) What are the characteristics for preparedness for social action for each of these public interest lawyers? Would the characteristics be similar or very different? and (2) Is it possible to create conditions that intentionally prepare practice ready lawyers within a standard legal education? This study aimed to provide a better understanding of the issues and supportive research to answer to such questions.

Why We Care About Preparedness

We need to be concerned about the state of legal education and the lawyering profession because lawyers have the opportunity to contribute to informal adult learning and engagement by conveying social justice issues and explaining the societal consequences (Kleefeld, 2003; Sarat & Scheingold, 2004). They also have the ability to impact the community and policy through litigation, which can highlight issues of concern while informing the public and political leaders (Sarat & Scheingold, 2004). Communities are continuously evolving, and people need the ability to effectively work together, communicate with each other, and respect those who hold divergent ideals, political affiliations, and religious beliefs.

Professional educational institutions, such as law schools, have the capacity to cultivate an environment of social consciousness and social action in students (Colby & Sullivan, 2008; Davis, 2007; Kleefeld, 2003; Reid et al., 2008; Schön, 1983). The fostering of social action within legal education includes learning to engage and participate democratically in society.

Such engagement is a process that can be rooted within legal education and promoted as continued growth into one's professional life (Colby & Sullivan, 2008; Davis, 2007; Sullivan, 2013). Lawyers can be moral agents, and their socially-conscious service to the community is a vital contribution to the social environment and a healthy society (Colby & Sullivan, 2008; Reid et al., 2008; Sullivan, 2013). Through their contribution of legal service and representation, public interest lawyers help educate citizens and represent those citizens without means of securing private legal counsel. The legal professional not only serves the individual in need, but is positioned with the opportunity to promote social action through impacting change at a larger, societal level. In such instances, the lawyer successfully litigates a case directly addressing an inequality or discrimination within policy and society.

The role of public interest lawyers in society is twofold. They are engaged in the community as both a professional and as a citizen (Colby & Sullivan, 2008; Reid et al., 2008; Sullivan, 2013). The label of "professional" and the ideal of service to the public good are linked; it is essential the professional is educated with the skills for effective practice as well as the capacity for social action (Reid et al., 2008). The professional has been depicted as having "a commitment to serve the interests of clients and the welfare of society; bodies of specialized knowledge and skill; and procedures through which the professional community provides oversight" (Colby & Sullivan, 2008, p. 405). One of the end goals of professional education is the "preparation of lifelong learners" who uphold a desire of "continuing, self-directed improvement" (Colby & Sullivan, 2008, p. 412; Salkin, 2015). Both the lawyer and the public he or she serves benefit when the lawyer—the legal professional—commits to lifelong learning

post-graduation (Salkin, 2015). Colby and Sullivan (2008) posited that one means of fostering the dedication to lifelong learning is through social consciousness and social action for the community.

Do public interest lawyers continue to impact the community and policy through social action, or has the lawyering profession reached a state of crisis? This idea of a professional crisis has been highlighted in the call for reform (ABA, 2012; Carnegie, 2000; Colby & Sullivan, 2008; Schön, 1983). Scholars (Colby & Sullivan, 2008; Schön, 1983), the American Bar Association (ABA, 2012; 2014), and the Carnegie Foundation (2000) claim law students are graduating without the ability to think critically. Schön (1983), Davis (2007), and Leering (2014) found professionals not only lacked ethical values, but also the critical and analytical abilities—as advanced by Dewey (1897, 1916)—to effectively practice law. If professors avoid the “soft and fuzzy” ideals of social action within the law, legal education takes the chance of drifting from the values of justice toward a cold, pragmatic view of the law (Davis, 2007). Such a shift toward cold legal pragmatism can also contribute to the public’s perception of lawyers (Davis, 2007). The public, which public interest lawyers have pledged to serve ethically and effectively, has also advanced criticisms against them (ABA, 2012, 2014; Davis, 2007; Shdaimah, 2008). Such criticisms have been upheld by the ABA (as cited in Sullivan et al., 2007), which stated a fundamental responsibility of legal education was to highlight the calling of public service within the practice of law through the combined development of the capacity for reflective moral judgment, legal knowledge, and traditional legal skills.

Are professionals gaining the desired knowledge and skills in their education to meet the present needs of society as they morally and effectively perform their duties? Will educational instruction enable professionals to adapt and confront the current conditions of society as

outlined in the theories of learning from experience and social action (Dewey, 1897, 1916)? Schön's (1983) assessment concluded that "professional knowledge is mismatched to the changing character of the situations of practice—the complexity, uncertainty, instability, uniqueness, and value conflict which are increasingly perceived as central to the world of professional practice" (p. 14). This statement suggests the analytical skills on which professional schools have traditionally focused are no longer sufficient for current professionals; legal education has overlooked the ability to critically think about and reflect upon an issue. A student's capacity for critical thinking, reflection, and mastery of technical knowledge has been referred to as deeper learning (Chow, 2010; Mehta & Fine, 2014). Schön's (1983) original research, reinforced by Leering's (2014) study, have found such spaces of deeper learning support growing the capacity for critical reflection, along with mastery of the technical knowledge. Based upon the findings of Schön (1983) and Leering (2014), the practice of promoting deeper learning in law schools can assist in academically preparing law students with higher-order thinking oriented toward the practice of social action.

Law schools, "the portals to professional life," foster integrity, professional purpose, and a socially conscious identity within law students (Sullivan, 2013, para. 6). The foundation of public interest law is social action, working to benefit one's society (Davis, 2007). Legal education can support existing structures as well as intentionally create new conditions for students to broaden their habits of mind, while learning how to accommodate the quickly evolving environment in which they will practice (Leering, 2014; Schön, 1983; Sullivan, 2013). One example would be the use of clinical and externship opportunities within spaces for deeper learning, framed with critical thinking and social action, to expose students to the ideals of social justice and professional service to the public (Davis, 2007; Dewey, 1897). The support for or

creation of spaces, both within legal education and at the systems level, fosters engagement in intentional adult learning and critical thinking beyond the individual level for social action (Davis, 2007; Leering, 2014; Schön, 1983). Facilitated, educative spaces allow for the practice of dialogue, critical thinking, and engagement; practices which can contribute to the skills and values a public interest lawyer needs in order to engage in social action (Colby & Sullivan, 2008; Davis, 2007; Dewey, 1897; Schön, 1983). Through a better understanding of the characteristics of preparedness for social action, law schools can be better equipped to create and support such educative spaces for deeper learning. The use of such spaces can help foster critical thinking and reflection, thereby increasing the capacity for social action.

Statement of Problem

Legal education is a paradox. It is a system striving to produce graduates who are not only productive and professionally successful, but also active in social justice (Colby & Sullivan, 2008; Reid et al., 2008; Sarat & Scheingold, 2004). Legal education appears to have a strong bias towards the privilege of success and productivity in corporate and private law over the ideals of social justice and social consciousness (Davis, 2007). In the face of the changing paradigm of globalization, however, it has become more vital to produce public interest lawyers who have the consciousness for social action and the capacity for critical thinking, so that they can engage in issues important to the fabric of public society (Colby & Sullivan, 2008; Davis, 2007; Dewey 1897, 1916; Owen & Davis, 2010; Schön, 1983). The literature calls for reform of legal education to produce “practice-ready” graduates, yet fails to define what preparedness looks like for public interest law. As such, the goal of this study was to identify and describe the characteristics of preparedness for a public interest lawyer. This allowed for a better

understanding of how we can create and nurture the educative spaces for critical thinking and reflection within law school to promote social action.

Purpose of the Study

The purpose of the study was to identify and describe characteristics of preparedness that grow the capacity for practicing public interest lawyers oriented towards social action. The following research questions guided this study:

1. What do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action?
2. How, if at all, are these characteristics integrated in legal education (curriculum and mission) and intentionally enacted in the legal pedagogy for public interest law?

Through the creation of spaces for deeper learning, as described by Dewey's (1916) theory of learning from experience, legal education will be in a better position to foster law students' critical thinking and reflection for preparedness, which can lead to growth in a student's level of social consciousness for the practice of social action (Davis, 2007). Schön (1983) and Leering (2014) found the theory of reflection in action promoted the capacity for critical thinking and reflection in professionals. In return, these lawyers were more equipped to intertwine historic theory and experience for deeper thinking in the moment (Leering, 2014; Schön, 1983). Immersion into these intentional educative spaces of critical thinking and reflection also supports the student's movement from an individual perspective to the collective perspective—a movement toward social action (Davis, 2007; Dewey, 1897). The result would be a public interest lawyer who is better prepared, with the skills and capacity for social action within public interest law (Davis, 2007; Dewey 1897, 1916; Schön, 1983).

Significance of Study

This study contributed to the gap in the literature by identifying and describing the characteristics of preparedness for public interest lawyers to increase their capacity for social action. By doing so, the study contributed to the theories of learning from experience, social action, and reflection in action (Davis, 2007; Dewey, 1897, 1916; Schön, 1983) through the expressed connection of these theories to legal education. Dewey's (1897) theory of learning from experience was used to frame the attributes within conventional legal education that are essential in the education and preparation of public interest lawyers. This framing helped inform the intentional use of critical thinking and reflection to integrate legal history, experience, and present reality in an effort to promote social action (Dewey, 1897). The findings led to a better understanding of Schön's (1983) theory of reflection in action as applied specifically to the present state of professional legal education. As previously mentioned, there was little scholarship regarding reflection in action specifically in the context of legal education (Leering, 2014). Moreover, this study added to social action theory (Dewey, 1897) by examining public interest lawyers and how they view themselves as contributing to, and cultivating, social action.

For the domain of practice, the findings indicate how intentionality in legal pedagogy cultivates public interest lawyers' preparedness for practice. Elaboration of what characteristics constitute preparedness support the creation of intentional educative spaces to engender deeper learning, critical thinking, and capacity for social action. A more complex and nuanced understanding of these conditions provides the scaffolding for developing capacities vital for socially-conscious lawyers in a complex and interconnected society. Lawyers who are actively engaged, motivated, and dedicated to the social justice foundations of the profession are more

likely to engage in lifelong learning opportunities beyond the required continuing education of the profession (Colby & Sullivan, 2008). This can result in more effective provision of legal services to society (Colby & Sullivan, 2008).

In the following material, I discuss the literature that undergirded this study. I then elaborate on the methodological approach this study took toward understanding the characteristics of preparedness for public interest law. The review of the literature highlights the current environment of legal education and its pedagogy as well as the attitude of the legal profession towards public interest lawyers. I discuss the theories of learning from experience (Dewey, 1916), social action (Davis, 2007; Dewey, 1897), and reflection in action (Leering, 2014; Schön, 1983), and consider their applicability to legal education. The section concludes with a review of relevant studies of legal education and lead into the reasoning behind utilizing a qualitative case study methodology.

Definitions of Terms

The following definitions were applied in this study:

Public interest law: For this study, public interest law focused on a specific sector of the lawyering profession (i.e. those lawyers working full-time in a non-profit public interest organization).

Preparedness: This was defined as the act of becoming a professional in one's field, which embodies being prepared to effectively practice to meet the social demands of the profession (Reid, et al., 2008).

Deeper learning: Deeper learning was used to describe the student competency of both academic content knowledge and higher-order skills that are critical for success in a rapidly changing environment (Chow, 2010; Mehta & Fine, 2014).

Doctrinal courses: Doctrinal is a term within legal education referring to the core law courses that teach the principles within the knowledge system of law (Edwards, 2013). These courses are foundational and essential to any field of lawyering.

Real-life practice courses: This term was used to define the opportunities for students to learn in authentic situations provided through internships, field placements, clinical experiences, and service-learning projects (Bass, 2012). For purposes of this study, this does not refer to simulation courses.

Structures: Structures referred to the mission, academic curriculum, interdisciplinary programs, administration, and institutional support within the law school. These structures function together to support student learning and success (Keeling, Underhile, & Wall, 2007).

CHAPTER 2

LITERATURE REVIEW

The purpose of this qualitative case study (Stake, 1995) was to identify and describe characteristics of preparedness that grow the capacity for practicing public interest lawyers oriented towards social action. This leads to a better understanding of how we can support educative spaces for critical thinking and reflection within law school in order to promote social action. The following research questions guided this study:

1. What do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action?
2. How, if at all, are these characteristics integrated in legal education (curriculum and mission) and intentionally enacted in the legal pedagogy for public interest law?

This chapter presents a review of the literature discussing legal reform, legal education, the theoretical framework, and applicable research.

The call for reform issued by employers, professional law organizations, legal journals, and law school alumni alleged that law school is no longer adequately preparing law students for lawyering practice of any type in today's society (ABA, 2012, 2014; Carnegie Foundation, 2007; Christensen, 2007, 2008; Colby & Sullivan, 2008; LSSSE, 2010; NALP, 2010, 2011). However, none of these groups has defined what they actually mean by the term "prepared." The general meaning of preparedness is "the fact of being ready for something" or "the state of being prepared" (Merriam-Webster, 2013). Within the current legal education environment, reference

to the preparation of law students has meant producing practice-ready graduates (ABA, 2012, 2014; Carnegie Foundation, 2000; Condlin, 2014; Merriam Webster, 2013). Other than this short reference, there is no further definition for “practice-ready” within current legal literature (ABA, 2012, 2014; Carnegie Foundation, 2000; Condlin, 2014).

Each legal specialty, however, requires different, specific skill sets; the educational knowledge and skills for the law student pursuing public interest law will be different from those for the law student planning to practice corporate law (ABA, 2014; Condlin, 2014). Therefore, it is difficult to establish an umbrella definition of “practice-ready” to effectively guide legal education reform (Condlin, 2014). The literature has failed to define what “preparedness” for a law student within each legal field actually entails or looks like, and without a clear understanding of preparedness for specific fields of practice, law schools will struggle to respond to the call for reform. In order to examine what conditions make a public interest law graduate practice-ready, this study investigated the conditions that help prepare law students to practice public interest law with the capacity to promote social action.

Search for Literature

I conducted an extensive search for literature through databases, using primarily LexisNexis, Westlaw, HeinOnline (a legal research database), and ERIC (Education Resources Information Center), seeking out relevant information in peer-reviewed journals and books. I used Google Scholar to conduct all broad-based searches to weed out non-scholarly research. I used original sources for theorists. My search included empirical studies both directly and indirectly related to this study. The ABA (ABA, 2012; 2014) reviews of legal education curricula, LSSSE (2010) surveys of student satisfaction within law school, and NALP (2011, 2012) studies focusing on student employment, salaries, and pertinent employment skills gained

in law school provided further material. An investigation by the ABA task force discussing the results of their recent two-year exploration of the state of legal education (ABA, 2014) was an additional resource. This document highlighted important issues within legal education; however, the task force still failed to identify and describe “preparedness” for a law graduate.

Conceptual Framework

Given the current legal pedagogy, we are preparing law students in a very narrow way that appears to privilege analytical thinking. The purpose of this study was to focus on preparedness of public interest lawyers in the effort to produce law graduates prepared to practice for social action. Based upon the Carnegie Foundation’s (2007) suggested best practices for legal education, law schools need to foster both analytical and critical thinking to produce practice-ready graduates. The theory of learning from experience as described by Dewey (1916) informed us that the combination of real-life and academic learning fosters a deeper social consciousness within students. Such social consciousness increases the capacity for critical thinking and social action (Dewey, 1916). In addition, the practice of reflection in action (Schön, 1983) was found to increase the capacity of critical reflection in students while fostering continual learning. Based upon these theories, a legal education promoting academic learning, learning from real life practice, and reflection in action can function together to produce prepared law graduates with the capacity for social action. The conceptual framework in Figure 2.1 provides a picture of how the academic skills and the higher-order skills of critical thinking and reflection in action can increase social consciousness within students to promote a desire toward social action.

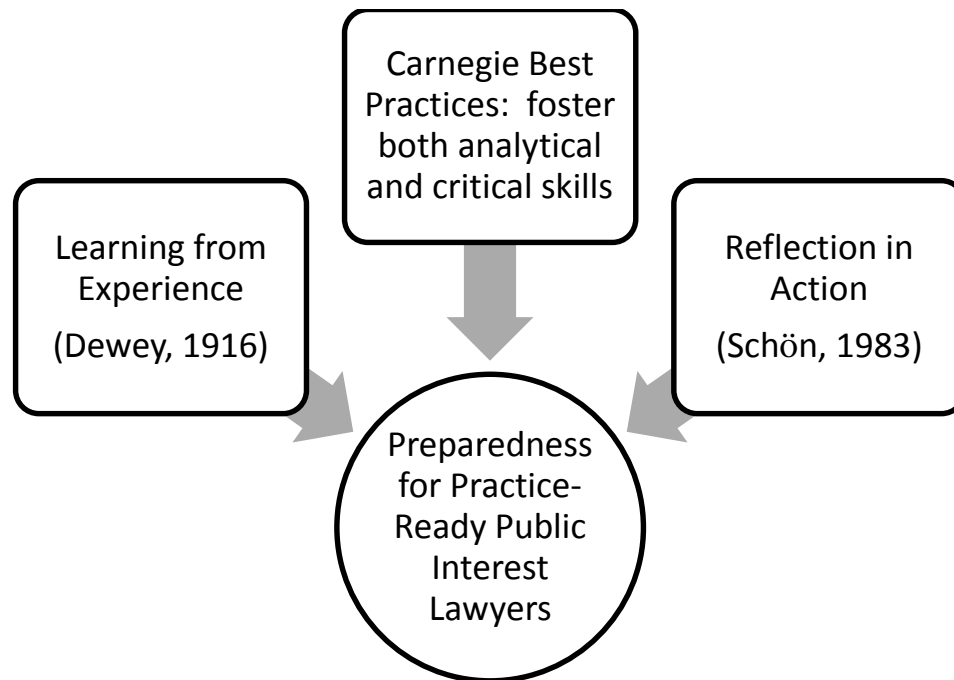


Figure 2.1. Conceptual Framework depicting preparedness for practice-ready public interest lawyers.

Professional fields have opportunities to support an environment of social consciousness and social action in students, their graduates, and the communities they serve (Davis, 2007; Kleefeld, 2003; Leering, 2014; Schön, 1983; Sullivan, 2013). Law practice was grounded in service to the community (Colby & Sullivan, 2008; Sullivan, 2013), and professional fields, such as law, must once again assume their responsibility of service to the community through the roles of social action, social justice, and social consciousness (Davis, 2007; Sullivan, 2013). Law schools can intentionally create the conditions for students to broaden their habits of mind while learning how to accommodate the quickly evolving environment in which they will practice (Schön, 1983; Sullivan, 2013). Both during and after the initial year of instruction, the intentional use of classroom, clinical, and real-life practice opportunities, framed with critical thinking and reflection, can expose law students to the ideals of social action and public service (Davis, 2007; Dewey 1897; Schön, 1983). Thus, spaces allowing for the practice of dialogue,

critical thinking, and reflection can greatly contribute to the skills and values that a public interest lawyer needs (Schön, 1983). A better understanding of the characteristics of preparedness for public interest work will help law schools and faculty in creating deliberate educative spaces for deeper learning that promote social action.

Review of Literature

Defining the Public Interest Lawyer

First, to clarify the scope of this research, it is important to define the label “public interest law” and similar terms. The term public interest lawyering has been used primarily within the legal profession and academia, where the focus has been on lawyers employed by the public sector (Sarat & Scheingold, 2004). Many people use the terms “public interest lawyering” and “cause lawyering” interchangeably. These terms, however, do not necessarily connote the same meaning (Sarat & Scheingold, 2004). It has been difficult to craft an adequate, concise definition of both public interest lawyering and cause lawyering. This is because there are many historical and cultural contexts attached to the role and definition of each term, rendering it problematic to formulate a single, culturally-valid definition (Hilbink, 2004; Sarat & Scheingold, 2004). “Public interest law” is a narrower, more exclusive term utilized to refer to lawyers who devote their career to public service, through either public legal aid or non-profit organizations (Hilbink, 2004; Sarat & Scheingold, 2004). Such lawyers enter public service because they choose to incorporate it in both their personal and professional lives, since “lawyering is for them attractive precisely because it is a deeply moral or political activity, a kind of work that encourages pursuit of their vision of the right, the good, or the just” (Sarat & Scheingold, 2006, p. 2). For purposes of this study, I chose the term “public interest law” to narrow the scope to a very specific sector of the lawyering profession (i.e. those lawyers working full-time in a non-

profit public interest organization). It will, therefore, be possible to have a more in-depth look at the characteristics of preparedness for this specific group of lawyers.

Public interest lawyers cover a broad range of lawyering activities in a variety of practice settings. Those engaged in public interest lawyering can be employed in places such as law offices, governmental agencies, and law reform organizations (Cummings, 2004; Rekosh, Buchko, and Terzieva, 2001). Public interest work, as defined by one of the top-ranked law schools, “encompasses charities, educational and public international organizations, private public interest law firms and private law firms performing *pro bono* work” (Harvard Law School, 2015, para. 1). By focusing on just public interest lawyers in non-profit public organizations, the research will be limited, leaving out a variety of other public interest specialties and skills. Through investigation of non-profit public interest organizations, we were able to view lawyers who are involved in substantial client interaction; advocacy; policy reform; legal research, writing, and analysis; and community education (Cummings, 2004; Rekosh et al., 2001). However, we will miss the characteristics of preparedness within other public interest lawyers, such as public defenders, who have to work across boundaries, adopting an interdisciplinary approach to help their clients (Cummings, 2004; Rekosh et al., 2001). These lawyers are also involved in all aspects of client representation with little-to-no support (Cummings, 2004; Rekosh et al., 2001). Other public interest lawyers missing from this research are those employed in government (in positions outside of criminal law), who spend the majority of their time drafting and interpreting regulations, legislation, and policies (Cummings, 2004; Rekosh et al., 2001). Additional skills of public interest lawyers center on dispute resolution, mediation, or international law, such as human rights advocacy (Cummings, 2004; Rekosh et al., 2001).

By limiting the focus of this study to public interest lawyers in a non-profit public interest organization, it is clear some lawyering characteristics for public interest law in general will be omitted. Conversely, this study will uncover some vital characteristics with this population that is not applicable to other public interest lawyers. Once again, it is difficult to craft an umbrella definition for practice-readiness, and this study will produce a starting point to fill the gap in the current literature.

Full-time public interest lawyers face obstacles from their legal education, profession, and even the public they serve. The legal profession, academia, their peers, and the public appear to classify them as second-rate lawyers at the bottom of the professional hierarchy (NALP, 2012; Sarat & Scheingold, 2004). Some argue law students are groomed from their first day in class to bury their moral convictions and focus on only the facts; casting aside the very things that brought them to law school in the first place (Colby & Sullivan, 2008; Davis, 2007; Sarat & Scheingold, 2004; Sullivan et al., 2007). While some law students will leave their social and moral aspirations behind in order to pursue the esteemed corporate job, others cannot forsake their ideals of social justice and equity. The lawyers in this latter category accept considerably less pay, fewer material benefits, and less professional prestige in their pursuit of social action and social justice (NALP, 2012; Sarat & Scheingold, 2004).

The legal profession is not alone in looking down upon public interest lawyers; the public also appears to embrace a negative, socially-constructed definition as well. The public perception of public interest lawyers is low (Davis, 2007; Shdaimah, 2008). The very citizens these lawyers are attempting to aid have minimal confidence in the lawyers' motives and abilities (Davis, 2007; Shdaimah, 2008). Lawyers in the public interest must continuously fight against a culturally-structured definition and perception (Davis, 2007; Shdaimah, 2008). Despite such

obstacles, the student who continues to pursue public interest and persists in the field appears to have not only strong intrinsic motivation, but also intense moral and ethical attributes (Sarat & Scheingold, 2004; 2006).

The Current State of Legal Education

The purpose of this discussion is to help convey the current state of legal education, and recognize how these conditions either positively or negatively influence preparedness for a public interest lawyer. The legal pedagogy and curriculum can affect how a law student thinks and how he or she perceives reality, affecting the student's movement toward social action (Davis, 2007). The historic tradition of the profession has been a devotion to social action and public service (Colby & Sullivan, 2008; Davis, 2007; Kleefeld, 2003; Reid et al., 2008; Schön, 1983). The socially-conscious students, however, seem to face conditions during the course of their legal education that steer them toward a more prestigious law practice. The legal curriculum, the influence of legal career services and alumni development, the professional hierarchy, and the debt-versus-salary conundrum can create formidable barriers to a student's goal of service and commitment to the public good (Colby & Sullivan, 2008; NALP, 2012; Sarat & Scheingold, 2004; Sullivan et al., 2007). Some students enter law school with the motivation and desire to contribute to social justice, planning to represent those who have no other means of securing legal advice; however, it seems that a large proportion of law graduates end up seeking jobs with large private firms (Colby & Sullivan, 2008; Sarat & Scheingold, 2004). If this is true, there appears to be a crisis in the legal profession as graduates veer from the profession's duty to social justice towards the benefit of capitalistic rewards (Schön, 1983). This assertion also implies something occurs during the three years of legal education that causes a student to move from pursuing public interest law to entering corporate law.

Legal education teaches students to “think like lawyers,” which some scholars have suggested results in students learning to look at facts and rules while burying personal moral and political views (Davis, 2007; Sarat & Scheingold, 2004; Sullivan et al., 2007). The law school curriculum aims to “re-tool” how the students think, since the key to academic and professional success is the ability to “think like a lawyer” (Sarat & Scheingold, 2004). On the one hand, if he or she hopes to win, the lawyer must focus on the facts of the case, not ambiguous beliefs and social constructs. Feelings are not solid and tangible facts arguable through legal discourse, and, because of this, some professors choose to avoid conversations about the “soft and fuzzy” aspect of lawyering (Davis, 2007, p. 519).

Conversely, another point of view is that law graduates require the capacity to hold different perspectives and view the issues through critical thinking and reflection in order to see how they affect the collective (Dewey, 1916, 1897; Smith, 2010). Using Dewey’s theories of education (Smith, 2010) can help advance democracy and social action within law students. Teaching professional competence while fostering critical thinking and reflection must be engendered, even in the first year of law school, since “the development of one influences and informs development of the other” (Kleefeld, 2003, p. 255). Law students need the capacity to reflect on both previous and current experiences and their habits of mind in an effort to critically examine their own perspectives and actions. This practice can help a law student think more explicitly and deeply about their lawyering role in society, from both a skilled and ethical perspective (Condlin, 2014; Smith, 2010).

Currently, students undergo instruction that concentrates on analytical logic. A primary criticism of legal education, however, is that the pedagogy teaches students to “renounce idealism, conform to standard professional aspirations and in so doing, and separate one’s

professional life from one's personal commitments" (Sarat & Scheingold, 2004, p. 52). Students are taught that "skillful and persuasive advocacy is dependent on political and moral agnosticism" since a lawyer must have the ability to think with precision and clarity. Some feel, however, that this skill "tends to have a numbing impact on one's moral, political, and emotional sensibilities" (Sarat & Scheingold, 2004, p. 63) since without the capacity of critical thinking and reflection, the lawyer can fail to consider the social aspect (Dewey, 1897; Smith 2010).

It is easy to see how the conditioned messages and learned skills of the current legal education system dampen the elements of morality, values, and social justice present in public interest lawyering (Davis, 2007; Salkin, 2015). This has led some to question the impact of legal pedagogy (Davis, 2007; Salkin, 2015; Sarat & Scheingold, 2004; Smith, 2010; Sullivan et al., 2007). Specifically, the Case Study pedagogy and the Socratic Method have been criticized as privileging rational thought above one's values and beliefs (Davis, 2007; Salkin, 2015; Sarat & Scheingold, 2004; Smith, 2010; Sullivan et al., 2007); this is in direct contrast to Dewey's (1897, 1916) theories of learning and social action. It has been argued the Socratic Method has led to a "shift from a 'justice-oriented consciousness' to a 'game-oriented consciousness'" within law students (Smith, 2010, p. 11). Such critiques have contributed to the current concern of whether law school is preparing students for all avenues of the legal profession or whether it is just favoring corporate law (Sarat & Scheingold, 2004; Sullivan et al., 2007).

Currently, most first year law classes focus on learning facts presented in Case Study pedagogy from the professor, who is viewed as the "authority" (Davis, 2007; Sullivan et al., 2007). This educational practice diverges from Dewey's (1916) theory of learning, which advocates achieving analytical and critical thinking through spaces of reciprocal learning between the teacher and the students. With the professor viewed as the authority, law students

who express a different opinion or dare to question the facts feel demeaned and belittled in the first-year classroom (Davis, 2007; Dewey, 1916; LSSSE, 2010; Sullivan et al., 2007). Patricia Salkin (2015), a dean and professor of law, discussed the potential risk of traditional legal pedagogy in presenting social justice and action as secondary to the practice of pragmatic legal analysis. In the current educational environment, some organizations and legal scholars feel that individual thought is crushed and conformity to existing legal opinion championed, giving the appearance that law students are being taught to neither question nor critically reflect (Carnegie Foundation, 2000; Davis, 2007; Leering, 2014; LSSSE, 2010; Smith, 2010; Sullivan et al., 2007). If true, students learning via a Socratic Method or Case Study pedagogy fail to engage in co-constructed learning in the classroom. The classroom can serve as a safe space for reflection and critical dialogue, creating an environment with the capacity to foster a move from the individual perspective to the socially-conscious perspective for society (Davis, 2007; Dewey, 1897, 1916; Smith, 2010).

Following the report from the MacCrate-led ABA task force in the early 1990's, a discussion was initiated among legal educators and scholars (Anzalone, 2010; MacCrate, 1992). The discussions focused on the idea of combining traditional legal doctrinal courses with courses using reflection in action and experiential learning (Anzalone, 2010; MacCrate, 1992). The MacCrate report accomplished two things. First, it represented a significant paradigm shift in legal education through its supported growth of the clinical movement in U.S. legal education (Anzalone, 2010). Second, it found the Socratic Method is not the only legal pedagogy used in law school classrooms. All law professors do not embrace the Case Study or Socratic Method, and some reform-conscious legal scholars do not advocate complete abandonment of the traditional legal pedagogy (Davis, 2007; Kleefeld, 2003; Salkin, 2015). Rather, professors can

choose to modify class structures and pedagogy to meet the present needs of the profession (Davis, 2007; Kleefeld, 2003; Salkin, 2015). One suggestion has been to infuse the legal curriculum with social action (Smith, 2010). Smith (2010) suggested “every course in the curriculum should be analyzed to see if it can be retooled to foster justice and public service” (p. 9). Salkin (2015) helped institute the “Portals to Practice” at Touro Law School, which intertwines experiential learning throughout the entire curriculum, beginning with students’ 1L year. The learning outcomes for the portals focus on increased communication, problem solving, and intercultural training for a more global perspective (Salkin, 2015). In this curriculum, courses adopt a more multidimensional approach, utilizing case study, reflection, experiential experience, and extra-curricular programming, which are present from students’ first day in class through graduation (Salkin, 2015). This intentional classroom structure and modified curriculum echo Dewey’s (1897, 1916) theory of learning and social action along with Schön’s (1983) theory of reflection in action. Salkin (2015) explained the goal of the restructured curriculum as helping students “acquire the skills and attributes of effective and responsible lawyers defined to include self-reflection and lifelong learning skills, intellectual and analytical skills, and core knowledge and understanding of the law” (p. xii). Learning from experience provides context from which the lawyer can reflect in action as well as provides the impetus for continued learning in the effort to continuously hone one’s lawyering skills and capacities.

Another law professor has questioned the ability of faculty to adequately facilitate the deeper learning of critical reflection and learning within the time span of one semester (Condlin, 2014). Clinical and simulation courses have been hailed as a possible solution to the “practice-ready” conundrum; yet, some law students only engage in one or two such courses (Condlin, 2014). Moreover, simulation courses “lack the real life emotional, psychological and

informational content needed to permit students to make the judgements involved in deciding how to proceed in the first instance” (Condlin, 2014, p. 15). Simulation courses allow students to practice a specific skill set; however, there is no real immediate or client need impacting their decision-making (Condlin, 2014).

Another possibility is to infuse and intertwine various forms of experiential education throughout the law curriculum that are “grounded in the work of John Dewey, Jean Piaget, David Kolb, and Donald Schön, and relying upon cognitive and developmental psychology and democratic theory” to foster the capacity for social action (Smith, 2010, p. 14). Several legal scholars have advocated increased use of clinical experiences throughout the law school curriculum (Condlin, 2014; Leering, 2014; Lynch, 2012; Smith, 2010). Clinical experiences can contribute to the educational experience in a number of ways: 1) they can serve as laboratories of justice, 2) they assist in forming the professional identities of law students as “justice seekers,” and 3) they can be integrated into all parts of the curriculum, invigorating classroom discussions (Lynch, 2012, p. 8).

In their best practices for educating lawyers, the Carnegie Foundation (2007) advocated the incorporation of reflective practices into the law school curriculum. They suggested crafting a third year grounded in experiential work with seminars fostering reflection in action through peer communication. Michele Leering (2014) concluded a better working definition of Schön’s (1983) reflection in action needed to be investigated, as a conceptualization of reflection in action in legal education can “improve both the pedagogy employed by faculty and the development of professional expertise by students” (p. 86). The interjection of reflection in action would serve to create a less hierarchical and competitive legal education, allowing courses to focus more on collaboration, reflection, and social action (Leering, 2014). Reflection in action

is a necessary pedagogical tool if we expect law students to learn from experience, either in experiential courses or summer internships (Carnegie Foundation, 2007; Smith, 2010). The perfect pedagogical method or combination of methods that serves to educate socially conscious lawyers remains elusive. However, the need persists to foster the skills for a future generation of lawyers ready to tackle social justice issues, and this is a charge placed upon the shoulders of law schools (Lynch, 2012).

Theoretical Framework

Dewey's theories of learning and social action (1897, 1916), supplemented with Schön's (1983) theory of reflection in action, were used to frame this study. Dewey (1897, 1916) believed education was life; school and community were places of preparation for the future through the educative incorporation of life experiences in learning. Therefore, in teaching students, present reality and life experiences have to be incorporated with historic knowledge (Dewey 1897). Lawyer John Kleefeld (2003) advocated such a Deweyan change in current legal instruction, stating "the life of law has not been logic: it has been experience" (p. 254). This incorporation can lead students to deeper thinking as they are pushed to engage in critical thinking and reflection (Dewey, 1897, 1916). Such learning occurs in spaces, where the teacher creates an environment of mutual respect and facilitated dialogue. The engagement in deeper learning helps move the student from viewing the world through an individualistic lens to seeing issues from a more holistic, collective view (Dewey, 1897, 1916). This movement of thought empowers students with the cognitive tools, critical thinking, and reflection necessary for social action (Dewey, 1897, 1916; Schön, 1983). Lawyers need the capacity to think in the moment, to reflect on the current issue through critical thinking, pulling from historic and current reality (Kleefeld, 2003; Schön, 1983); this capacity can be achieved through the creation of spaces as

described by Dewey (1897, 1916). Education can illuminate the structure of social activity, and through this structure, students not only develop a deeper understanding of society, but also increase their own capacity to partake in society through social action (Dewey, 1897).

Dewey and Critical Thinking, Reflection, and Social Action

The recent studies and critiques of legal education appear to focus primarily on the inability of lawyers to critically reflect on or effectively deal with the incorporation of multiple perspectives (Carnegie Foundation, 2007; Kleefeld, 2003; Meeks, 2011; Menkel-Meadow, 1988). Meeks (2011) argued that lawyers who are unable to question their own frames of reference “enter the law profession with a limited view of their own utility” (p. 1). The capacity to question one’s frame of reference can be attained through critical thinking and reflection (Dewey, 1916). A law graduate who is unable to question his or her frame of reference is unable to effectively deal with issues or problems that do not neatly fit in an analytical box (Kleefeld, 2003; Schön, 1983; Stuckey, 2007). Kleefeld (2003) advocated for critical thinking in law school to equip lawyers with the capacity to construct logical, coherent arguments, especially when no precedent exists, in addition to identifying inadequacies and injustices in the law. Current legal education can be depicted as a map with major cities but no rural roads and topographical information (Stuckey, 2007). You cannot learn from neither looking only at the major cities nor just focusing on the roads; you have to understand the map as a whole (Davis, 2007). The same applies to learning law: students must be able to pull from their experiences, reflect, and apply reason and logic to a new and unfamiliar situation (Davis, 2007; Dewey, 1916; Schön, 1983; Stuckey, 2007). It is essential law students not only learn about where their profession has been, but where it is going as well (Kleefeld, 2003).

The concept of co-construction of knowledge appears in Dewey's (1916) thoughts concerning education, where "... the alternative to furnishing ready-made subject matter [is] participation, sharing, in an activity. In such shared activity, the teacher is the learner, and the learner is, without knowing it, a teacher..." (p. 167). Dewey denounced the common ideal of dualism in education (1916), advocating a more fluid, reciprocal relationship between the learner, the teacher, and the environment. These connections are vital, since reflection and critical thinking stimulate the cognitive, affective, and systemic, allowing the student to expand his or her perspective and habits of mind. Education, according to Dewey (1916), is life, and therefore, education and society are directly connected. As a person learns through communication with others, the person's perspective and frame of mind expands, moving the person from "I" to "We" (Dewey, 1916). This form of education is a vehicle for social action as a person can gain the ability to see past the socialized perspective of his or her environment and work toward "breaking down barriers of social stratification which make individuals impervious to the interests of others" (Dewey, 1916, p. 129). The student begins to view society as a collective, with no one person's needs having priority over another.

Education is a conduit for moving the student into society, to unify with others (Dewey, 1897). As the student becomes critically aware and moves past pre-conceived perceptions, he or she will begin to "emerge from his [sic] original narrowness of action and feeling, and to conceive of himself [sic] from the standpoint of the welfare of the group to which he [sic] belongs" (Dewey, 1897, p. 4). Education does not occur in a void; the social component cannot be removed from education (Dewey, 1897). The student must engage in continual interpretation to understand social situations within the context of both the individual and society (Dewey,

1897). Without the social element, there is a loss of educative value; “the individual who is educated is a social individual, and that society is an organic union of individuals” (Dewey, 1897, p. 4).

What Dewey’s (1897, 1916) theory of education is telling us is that legal education cannot produce socially-active graduates within an environment that focuses only on historic case studies and facts. Rather, the historic context can serve as a platform for the student to build upon, with the current social reality integrated into the discussion. Students faced with integrating historic facts with current social realities are challenged to critically think and reflect (Dewey, 1916) as they engage in a continuing reconstruction of history, experience, and present reality (Dewey, 1897). The lawyering profession is historically based on the ideal of serving for the good of the community as a whole (Davis, 2007; Kleefeld, 2003). The social action element of the professional history is reconstructed while reflecting on the present and pondering the future of society (Kleefeld, 2003). These actions can prompt a deeper learning, where the individual is moved from a single perspective to one which considers the need of the collective (Kleefeld, 2003; Dewey, 1897). As summed up by Dewey (1897), education outside real life is a “poor substitute for genuine reality” (p. 7). Education, per Dewey (1897), requires the coalescing of the past, current, and future.

Schön and Professional Education

Schön’s (1983) idea of reflection in practice weaves the foundations of Dewey’s (1897, 1916) theories together in the context of professional education. Schön (1983) explored the state of professional fields—he felt they no longer functioned for social action and devotion to societal needs. The profession of law was created to serve the citizens and uphold the justice and values of society (Colby & Sullivan, 2008; Schön, 1983). The evolving state of the world, combined

with the appeal of capitalism, has greatly changed society, people, and the professions (Colby & Sullivan, 2008; Schön, 1983). Professional education, however, has remained entrenched in tradition, failing to confront the challenges and societal forces of today (Colby & Sullivan, 2008).

Schön (1983) reiterated Dewey's (1897, 1916) ideals of critical thinking and reflection, expressing that the ability of the professional to engage in deeper thinking from a more diverse perspective can increase the professional's service to society. Michele Leering (2014), a lawyer for community advocacy in Canada, believed the lawyering profession has reached a "critical juncture" in which reflection in action has become a much needed core professional competency (p. 83). Building from the literature of Schön, Leering (2014) engaged in an action research study to better understand the nature of reflection in action for law students, faculty and lawyers. This study will be presented in more detail later in the chapter, discussing Leering's (2014) identification of a reflection in action specifically linked to the legal profession, as well as the capacity of reflection to increase students' awareness of social justice.

Knowledge is moved beyond basic conditioning by working through problems using reflection in action, critical thinking, and reflection; these in turn can be fostered within spaces of learning (Dewey, 1916; Leering, 2014; Schön, 1983). Legal pedagogy that embraces reflection in action is quintessential:

...for building professional expertise, for nurturing a strong professional commitment to access to justice and ethical action, for encouraging self-directed and lifelong learning, for its potential to support interdisciplinary approaches to the practice of law and for fostering collaborative and innovative approaches to the challenges facing the legal profession. (Leering, 2014, p. 84)

These spaces encourage students to use both education and experience in order to work through complex issues, with or without historical context. Such intentional learning allows students to gain a capacity for critical thinking and reflection in everyday situations, and understand the influence power has upon them and their environment (Dewey, 1916; Foucault, 1980; Leering, 2014; Schön, 1983). Students can then transfer these skills into their professional lives, engaging in spaces of critical thinking, reflection, and discussion at the systems level for more engaged and socially-conscious action. The defining attributes of the public interest lawyer are described as moral and social commitment, and professionals have the opportunity to be moral agents (Colby & Sullivan, 2008; Sarat & Scheingold, 2004; Sullivan, 2013). As such, lawyers working in public service can make a vital contribution to the social environment and a healthy society by serving the collective need through social action (Colby & Sullivan, 2008; Dewey, 1897; Sarat & Scheingold, 2004; Sullivan, 2013). Unfortunately, some lawyers (Leering, 2014) believe the legal profession has yet to embrace the idea of reflection in action and permanently integrate it as a professional competency.

Dewey (1897; 1916) and Schön (1983) advocated the importance of deeper thinking by students. Their theories allow for a clearer understanding about what intentional educative conditions can help better prepare law students for socially active public interest practice (Davis, 2007; Leering, 2014). Spaces of co-constructed learning between the teacher and student stimulate critical thinking and reflection in students. This brings with it the engagement for social action (Dewey, 1897, 1916; Schön 1983). The capacity for deeper thinking assists the student in moving from an individualistic perspective to one in which the student can hold multiple perspectives and engage in social action through consideration of the collective (Dewey, 1897, 1916; Schön, 1983).

There have been a number of empirical studies investigating the current state of legal education, the efficacy of existing structures, and the cultivation of reflection within law students. These studies and their findings are summarized in Table 2.1. Some studies were undertaken by renowned educational organizations, such as the Carnegie Foundation and American Bar Association, to explore the current efficacy of legal education. Additionally, third party organizations working to assist legal education, such as the Law School Survey of Student Engagement (LSSSE) and the Association for Legal Career Professionals (NALP), entered into research into student perceptions regarding legal education and public interest service. Lastly, a legal scholar embarked on an action research study to explore legal pedagogy at her school focusing on reflection in action. Their findings indicated the need for a more diversified curriculum and pedagogical approach, the effectiveness of experiential learning for preparedness in practice, and the need for additional research; however, the gap still remains that preparedness is not defined.

Table 2.1

Empirical Studies

Study	Date	Purpose of Study	Methodology	Findings	Gap
The Carnegie Foundation for the Advancement of Teaching	2000	To reassess the teaching and learning of law students	Direct observation of classes	Legal education needs a more diversified curriculum	Did not address student preparedness
Law School Survey of Student Engagement (LSSSE)	2010	To provide data to law schools to improve legal education	Quantitative	Skills classes and pro bono classes are helpful	Did not link courses to preparedness for a legal specialty
The Association for Legal Career	2010	To investigate the supposed gap between law school	Quantitative	Legal clinics and externships ranked significantly	Identified coursework for preparedness

Professionals (NALP)		preparation and actual practice		higher in terms of “usefulness”	
The Association for Legal Career Professionals (NALP)	2011	To investigate law school experiential learning opportunities, participation, and benefits	Quantitative	Experiential learning opportunities had an impact on preparing lawyers for practice in the government or non-profit sector.	Identified law school opportunities impacting successful practice.
American Bar Association (ABA) Task Force on the Future of Legal Education	2014	To report and recommend	Methodology is unclear.	Legal education needs to rethink its current state due to the change in legal careers, pay, and skills.	Results did not focus preparedness
Michele Leering	2014	To gain a conceptualization of “reflection in action” within legal education	Action research project	Reflection in action not a “fix-all” but promising new legal pedagogy	Data for utilization of a new legal pedagogy

In 1999, the Carnegie Foundation for the Advancement of Teaching launched a two-year study of legal education. The study set out to reassess the teaching and learning of law students while re-examining the educational mission of teaching students to “think like a lawyer” (Carnegie Foundation, 2000). The Carnegie Foundation (2000) was responding to the critique of legal education, where “critics of the legal profession, both from within and without, have pointed to a great profession suffering from varying degrees of confusion and demoralization” (p. 3). The study was “grounded in direct observation of education in process” (Carnegie Foundation, 2000, p. 3), where data emerged from the observations. It looked at 16 law schools in the United States and Canada. A team of researchers visited the law schools to observe. The schools chosen were academically diverse: both private and public; in varied locations throughout the U.S. and Canada; some freestanding and some part of large research universities; selective and less-selective; one Historically Black Institution (HBCU); and two primarily

serving Native American and First Nation peoples (Carnegie Foundation, 2000). Five main observations emerged from the study. First, legal education immerses the student immediately into a new habit of thinking (Carnegie Foundation, 2000). Law schools are adept at taking students from any background and undergraduate major and changing their way of thinking to that of a lawyer. Second, law schools primarily utilize a single pedagogy, the Socratic Method, which results in a “striking conformity in outlook and habits of thought among legal graduates” (Carnegie Foundation, 2000, p. 5). Third, this method has both benefits and disadvantages. Students learn to grasp the analytical way of looking at the law but are also discouraged from incorporating morality and social justice in discussions (Carnegie Foundation, 2000). Fourth, methods to evaluate what law students have learned are inadequate. Current assessment, within school and state bar exams, focuses on the summative, concentrating on basic levels and comparisons; there has not been a push for a more formative assessment of student learning (Carnegie Foundation, 2000). The final observation was that law schools approached improvement slowly and incrementally. The Carnegie Foundation (2000) concluded that improvements in legal education have been “more piecemeal than comprehensive” (p. 7).

The research team set out to investigate legal education, and the manner in which an institution prepares graduates to practice effectively, ethically, and professionally (Carnegie Foundation, 2000). The team found that the greatest challenge facing current legal education was the “linking [of] interests of legal educators with the needs of legal practitioners and with the public the profession is pledged to serve” (Carnegie Foundation, 2000, p. 3). The team deemed the first year law curriculum sufficient, but suggested that the second and third year curricula needed to focus more on reasoning and functioning within the real world of the legal profession (Carnegie Foundation, 2000). Based upon the research results, the Carnegie Foundation (2000)

made the following suggestions. Foremost, law schools need to consider a more integrated curriculum, which incorporates the concepts of lawyering, professionalism, and legal analysis from the beginning (Carnegie Foundation, 2000). A fundamental part of the suggested integrated curriculum includes additional opportunities within the second and third year of studies for students to engage in practices of reflection for individual and collective growth. One can hear the echoes of Dewey in this report (1897), as it proposed a more communicative, reciprocal relationship between students and faculty, recognizing the historic purpose of effective lawyering and social consciousness through deeper learning.

The Law School Survey of Student Engagement (LSSSE) (2010) strived to “provide data to law schools to improve legal education, enhance student success, inform accreditation efforts, and facilitate benchmarking efforts” (p. 6). The data was compiled into a report written for law school administrators, faculty, law students, alumni, advisory boards, trustees, prospective students, institutional researchers, accreditation, and legal education scholars, to allow for an overall view of student perceptions and assist with the formulation of curricula (LSSSE, 2010). In 2010, the study had 77 law school participants from 200 ABA accredited schools, with 25,000 students responding (LSSSE, 2010). The average institutional response rate was 48%. Students responded to the survey online, taking approximately 15 minutes to complete it (LSSSE, 2010).

The LSSSE (2010) survey questions sought to gather student perceptions of the curriculum, law school environment, faculty, the lawyering profession, and overall satisfaction with their legal education. Results from the 2010 survey (LSSSE) indicated several points that relate to the conditions of preparedness. When asked how prepared students felt to meet client needs, approximately half of the participants stated they felt prepared to handle the needs of a client. Those who felt prepared were more likely to have participated in a law school clinic

course. Some survey questions specifically focused on the skills and values students felt they were gaining and/or lacking. The survey found less than 60% felt they could competently work with “colleagues as part of a legal team, cope with day-to-day stresses of law practice, deal with ethical dilemmas, serve the public good, or understand professional values” (LSSSE, 2010, p. 2). Over 50% of the students indicated they had chosen law for a challenging and rewarding career, as well as for financial security and prestige. Approximately three-fourths of the students were involved in either pro bono or volunteer work.

The data analyzed by LSSSE (2010) can be extremely useful for law schools. This information can guide a school’s strategic plan, interpret the satisfaction of its students, identify areas needing change, and assess changes with the curriculum and administrative practices (LSSSE, 2010). The data from this study indicated that while half of the participants choose law for a financially secure and prestigious career, three-fourths of them had participated in some form of pro bono work. Also interesting was the fact that students who felt ready to meet client needs had taken some form of clinic or experiential learning course (LSSSE, 2010). This finding is supported by Dewey’s (1916) theory of learning, in which students learn from experience, as well as Schön’s (1983) theory of reflection in action, in which students must critically think and reflect while doing. While the LSSSE (2010) survey can offer valuable data and insight into students’ perceptions of their legal education, many law schools have chosen not to administer the survey or fail to use it on a continuous basis (LSSSE, 2010).

In 2010, the Association for Legal Career Professionals (NALP) decided to investigate the alleged gap between law school preparation and actual law practice. NALP (2010) listened to law firms’ requests for new associates who were “practice-ready” immediately following graduation, and a study was constructed to “assess the usefulness of several features of law

school education, specifically these ‘hands-on’ or ‘experiential courses’” (NALP, 2010, p. 5).

When composing the survey, NALP members contacted clinical faculty and law school curriculum members for information, and piloted a sample survey with professional development professionals across the country (NALP, 2010).

NALP disseminated the final survey, which took approximately 10 minutes to complete, to 500 law firms in the United States and Canada who were members of NALP. NALP also sent the survey to law firm administrators to distribute to associates. As the identities of the associates are confidential, the number of law firms represented in the data is unknown (NALP, 2010). The researchers received 930 partial or completed surveys (NALP, 2010). The overall findings were that “legal clinics and externships were ranked significantly higher in terms of ‘usefulness’ compared to legal skills courses and pro bono work” (NALP, 2010, p. 26); this demonstrates the value of learning through experience by integrating legal theory, experience, and reflection (Dewey, 1916; Schön, 1983).

In 2011, NALP decided to take their study a step further by sending the same survey to government and non-profit lawyers. NALP (2011) wanted to investigate “law school experiential learning opportunities, participation, and benefits from the perspective of lawyers practicing in the non-profit and government sectors throughout the United States” (p. 2). NALP disseminated an invitation for this study through various sources: the NALP public service email list; organizations in the PSLawNet database; a Washington, DC listserv for non-profit and government lawyers; and communication through the Legal Services Corporation, the National Legal Aid & Defender Association, the National Association of Attorneys General, and the Government & Public Service Lawyers Division of the American Bar Association (NALP, 2011).

NALP (2011) received 1,212 partial or complete responses to the survey. The data revealed that experiential learning opportunities had an impact on preparing lawyers for practice in the government or non-profit sector. Once again, clinics and externships ranked higher than practical skills courses and pro bono work (NALP, 2011). The majority of the respondents (83.2%) found clinics very useful, and 72.4% ranked externships as useful (NALP, 2011). Surprisingly, only 50% ranked pro bono work as useful, and less than half positively ranked practical skills courses (NALP, 2011). The survey showed that deeper learning through experience and reflection was the most useful for public service (Dewey, 1916; NALP, 2011; Schön, 1983).

The ABA Task Force on the Future of Legal Education (2014) was charged with the task of examining current conditions in legal education and making recommendations for the future of this professional education. During a two-year period, the task force solicited commentary from various actors invested in legal education, and the comments were analyzed for themes and patterns. The emerging themes were: pricing of legal education; high level of standardization as a result of accreditation; lack of innovation; increased demand for skills and competencies; and broader delivery of law-related services (ABA, 2014). The ABA task force (2014) discussed some of the challenges faced during the study. First, the time limitation from receipt of the task to deadline for the final document was too short for an in-depth, comprehensive study. Second, the primary areas identified by participants, the price and culture of legal education, are problems with no easy solution (ABA, 2014). It is interesting that the task force identified culture as being “at the root of many aspects of current conditions” and noted that “culture cannot be changed through prescription [as it] can only change over time, by influencing attitudes and behaviors to create a positively reinforcing cycle” (ABA, 2014, pp. 3-4). Culture and tradition are defining

attributes of the older, original U.S. law schools, which shapes their mission and focus. A change in culture presents the possibility of a change within the law school's core mission.

Recommendations from the task force were pragmatic: review curriculums and allow law schools more freedom to be innovative in teaching; consider the changing nature of the legal profession because of societal needs and globalization; and ensure legal education remains accessible to all who desire to pursue a career in law (ABA, 2014). One of the most intriguing aspects of the report focused on the diversity of existing views concerning the nature and purpose of law schools. The responses seemed to indicate a wide disagreement as to the overall purpose of legal education, and the task force found that “a commonly stated purpose of law schools is to train lawyers, but there is no consensus about what this means” (ABA, 2014, p. 13). Once again, the ambiguous concept of graduating “practice-ready” law students emerged, and again, there was no clear response as to the meaning of this concept. This supports the argument that the characteristics of preparedness have to be addressed in order to address the current concerns regarding legal education. The ABA released their findings and recommendations from the task force in a 2014 report and recommendations on the future of legal education. A large portion of the report focused on accessibility and financing of a legal education. Consequently, the task force did call for more innovation in law schools with a review of the faculty culture (ABA, 2014). These recommendations do, however, stem from the idea of consumerism and marketability of graduates rather than discussing a more critical education promoting deeper learning in law students (ABA, 2014).

Michele Leering (2014) embarked on an action research project with faculty and law students to “derive a conceptualization of reflection in action specific to law” (p. 86). Leering (2014) uncovered several positive benefits of reflection in action in her research. Interviews

with faculty and students indicated the use of reflection in action in their classrooms resulted in positive benefits for everyone including, but not limited to: increased self-directed and lifelong learning; increased ethical awareness; decreased student stress and anxiety; deeper, engaged communication and interpersonal interaction; and increased problem-solving skills with a greater capacity to embrace change (Leering, 2014). Participating faculty indicated the benefits of reflection in action could extend beyond the individual, “leading to an improvement in the reputation of a law school that explicitly adopts and fosters this model, to having a positive impact on the profession, and faculty becoming better teachers as they self-identify as reflective practitioners” (Leering, 2014, p. 103). While Leering (2014) acknowledged the incorporation of reflection in action into legal pedagogy will not solve the academy’s problems, she found it does have the capacity to foster positive growth and deeper thinking which can benefit all areas of law and is applicable to any type of legal practice.

Reviewing these studies, framed by the call for reform of legal education, allows a glimpse into today’s legal education and the students’ perceptions (ABA, 2012, 2014; Carnegie Foundation, 2000; LSSSE, 2010; NALP, 2010, 2011). The Carnegie Foundation (2000) initiated a study that highlighted the positive and negative attributes of the overall legal education in accredited law schools. Studies from related groups, such as LSSSE (2010) and NALP (2010, 2011), have aspired to gather data from current law students and alumni in the workforce focusing on the curriculum, useful skills and experience, and the impact post-graduation. The ABA (2014) task force spent two years investigating the current state of legal education and its future, concluding that there is a need for a change in the overall culture of legal education. These studies have informed the body of research by highlighting similar threads of experiential experience and its usefulness within legal education.

All the studies carry the theme of reform of the current legal curriculum (ABA, 2012; 2014; Carnegie Foundation, 2000; LSSSE, 2010; NALP, 2010, 2011). They acknowledge the success of legal education in cultivating the analytical minds of lawyers; however, they also highlight the negative results of the current, traditional curriculum and pedagogy. The studies highlight the lack of moral reasoning and social justice, which is consciously absent from first year studies. While law schools train students to “think” differently, the reasoning skills they will require in actual practice as professional and ethical lawyers are absent from their first year of courses. What is missing from all of these studies is the identification of the characteristics of preparedness: what are the characteristics of preparedness for a student entering legal practice? The courses that graduates identified as being the most useful in the lawyering profession are not required by all law schools (ABA, 2012, 2014; Carnegie Foundation, 2000; LSSSE, 2010; NALP, 2010, 2011). Classrooms infused with alternative pedagogical methods, such as reflection in action and experiential learning, have been identified by legal scholars (Davis, 2007; Leering, 2014) as offering the potential for spaces of intentional deeper learning as described by Dewey (1897, 1916) and Schön (1983). Such pedagogical tools can infuse the curriculum with social justice while stimulating critical thinking and reflection, and as such, foster a student’s movement towards social action.

Conclusion

This chapter presented a view of current legal education; the theories used to frame this study; and the empirical data relevant to the state of legal education. Legal education has been slow to embrace change over the years. In response to the current demands on the legal profession, suggestions have been presented to infuse current legal pedagogy with such practices as reflection in action and action research (Davis, 2007; Leering, 2014). The Carnegie

Foundation (2000; 2007) provided best practices for legal education suggesting a modified curriculum focused on increasing real-life practice and an integrated curriculum while decreasing the use of the Socratic Method. Since 1992, there has been a continual growth in real-life practice experiences based upon the suggestions from MacCrate Report (MacCrate, 1992), and continued promotion by the Carnegie Foundation (2000; 2007). However, the traditional Socratic Method, as well as some forms of a modified Socratic Method, continue to be heavily utilized in legal education Davis, 2007; Kleefeld, 2003; Salkin, 2015.

Specifically, the theories of learning from experience (Dewey, 1897; 1916) and reflection in action (Schön, 1983) were discussed as the theoretical framework for this study. Dewey (1897; 1916) explicated using a curriculum that supplements the theoretical foundation of the profession with real-life practice, a suggestion made by the Carnegie Foundation (2007) for best practices in legal education. Moreover, immersing students within real-life practice can contribute to an increased social consciousness within students that promotes the desire for social action (Davis, 2007; Dewey, 1916). The theory of reflection in action (Leering, 2014; Schön, 1983) fosters the capacity for students to “think on their feet”, a practice that promotes critical reflection and continual learning. Working together, these theories inform us that an educational structure promoting learning from experience and reflection in action can meet the needs of preparing law graduates for a socially oriented practice in public interest. Such a curriculum would echo the suggestions of the Carnegie Foundation (2007) to provide law students with a holistic education of analytical and critical skills so they can graduate with an orientation toward social action and be prepared for a career in public interest law.

While the discussed empirical studies contributed valuable and needed information to the field of legal education, they have not yet brought to light the specific characteristics of

preparedness for public interest lawyers and how these are fostered through legal education. The previous studies did point to the gap in the literature, highlighting the need to illuminate these characteristics and how they are fostered in order to inform legal education. By addressing the gap, we can address the needs within current legal education to produce prepared public interest lawyers working in the public interest.

The next chapter focuses on the case study method used in this research, a qualitative multicase study (Stake, 1995). I discuss the rationale for choosing the case study method, sample selection, and describe plans for analysis of the data.

CHAPTER 3

METHODOLOGY

The purpose of this qualitative case study (Stake, 1995) was to identify and describe characteristics of preparedness that grow the capacity for lawyers to practice in the arena of public interest law. In this study, “preparedness” is the act of becoming a professional in one’s field, which embodies being prepared to effectively practice to meet the social demands of the profession (Reid, et al., 2008). The following research questions guided this study:

1. What do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action?
2. How, if at all, are these characteristics integrated in legal education (curriculum and mission) and intentionally enacted in the legal pedagogy for public interest law?

This chapter summarizes the rationale and design of this research study. The chapter is organized into seven sections: design of the study; sample selection and criteria; data collection; data analysis; trustworthiness and authenticity; reflexivity and subjectivity; and data representation.

Design of the Study

I engaged in a qualitative study grounded in a social constructivist epistemology using a multicase, or collective case, study methodology (Stake, 1995; Yin, 2009). This multicase study described and identified the characteristics of preparedness by engaging public interest lawyers working full-time in non-profit public interest organizations in describing their experience of

preparedness through formal and informal legal education. In this study, each public interest lawyer selected to participate encompassed his or her own case and unit of analysis. By using the multicase study methodology, I was able to delve deeper into the lived experience of preparedness of each participant public-interest lawyer working in service of societal concerns that require legal action, and understand how he or she described the characteristics of preparedness for the profession (Stake, 1995). By examining what the participants described as the characteristics of preparedness, we have the opportunity to ascertain the factors that contribute to more deliberate pedagogical decisions and educative spaces for deeper learning for social action within legal education (Simons, 2009).

Qualitative Research

A qualitative design best fit the study since it is an investigation framed by individuals' perceptions and understanding of a particular issue or concept (Crotty, 1998; Prasad, 2005) and is concerned with the "process, context, and intricate detail" (Prasad, 2005, p. 7) of the phenomenon being studied. Qualitative studies offer more "in-depth" focus on a smaller population, engaging in a deeper investigation into a given problem (Crotty, 1998). This approach honors the inductive style, relying on individual meanings and researcher interpretations, and offers more insight into the complexity of a situation (Crotty, 1998).

Philosophical Framework

The philosophical dimension of a study is framed by the research paradigm, which describes the ontological (how reality is understood) and epistemological (what is known) assumptions, providing guidelines for conducting research (Crotty, 1998; Prasad, 2005). While it is important to understand the methods and theoretical grounding of one's research, it is equally as important to understand one's paradigm (Prasad, 2005). Each researcher brings

“different orientations toward research and knowledge,” and this must be acknowledged (Prasad, 2005). My research paradigm is a post-positivistic orientation toward the nature of reality, focusing on the questioning of social reality and knowledge production (Prasad, 2005; Wahyani, 2012). I feel the nature of reality is socially-constructed, and this is the position from which I approached this study.

Public interest lawyers socially construct the characteristics of preparedness within their social setting, profession, and current reality. In this study, I wanted to understand how they make meaning of this idea of preparedness within the social setting of public interest law for social action. Furthermore, the characteristics of preparedness for public interest practice also has a socially-constructed meaning within the setting of legal education, i.e., through law graduates and law school documents. Through this socially and historically constructed view, I hoped to form a better understanding of these characteristics of preparedness for the practice of public interest law in the service of societal concerns requiring legal action.

Epistemology frames a study by describing the understanding of reality and the researcher’s view on acceptable knowledge: simply, how one knows what they know (Crotty, 1998; Simons, 2009; Wahyani, 2012). My epistemology is social constructivist (Crotty, 1998; Simons, 2009; Wahyani, 2012). I view the reality of the characteristics of preparedness for public interest law as a social construct that (a) is subjective; and (b) contains multiple perspectives as understood by individual public interest lawyers, as well as within legal education (Wahyuni, 2012). The reality of public interest law is complex, and it is logical that public interest lawyers will hold complex views that have been socially and historically shaped (Crotty, 1998).

Since meanings are subjective, my social constructivist epistemological stance helped guide the study, the data collection, and analysis (Simons, 2009; Wahyani, 2012). This stance allowed me to better understand the participants' meanings within the scope of their backgrounds and life settings (Crotty, 1998; Prasad, 2005). I looked at the cases through the lens of the public interest lawyer embedded in the environment; the study was dependent on how each lawyer made meaning of his or her work, engagement, and social interactions in the community (Crotty, 1998). The social-constructivist paradigm aided the study as it explored how the participants defined and understood the characteristics of preparedness as they were ensconced in their work, their environment, and public interest law for social action (Crotty, 1998).

I was also transparent with the axiology (the reflection of values (Crotty, 1998; Prasad, 2005) of the research. This represented how my values affected my relationship with the research and data (Crotty, 1998; Prasad, 2005). In the Subjectivity and Reflexivity portion of this paper, I discussed my bias and passion for the field of public interest work, as well as my ties to the current social reality of legal education. This was not a value-free research, as I am connected with this exploration (Lincoln & Guba, 1986). It was important I discussed my values as well as how I was transparent within the analysis. By so doing, there was not any misrepresentation of the values or meaning making of the participants (Lincoln & Guba, 1986).

Theoretical Framework

The theories used to underpin the exploration were learning from experience (Davis, 2007; Dewey, 1897; 1916) supplemented with reflection in action (Leering, 2014; Schön, 1983) in professional practice. Following a conceptual framework grounded in these theories of learning from experience (Davis, 2007; Dewey, 1897, 1916), and reflection in action (Leering, 2014; Schön, 1983), assisted with guiding my research design to answer the questions: 1) What

characterizes preparedness for the public interest lawyer? and 2) How is this enacted in legal pedagogy for public interest law? The framework shown in Figure 3.2 guided the data collection and analysis. The framework is comprised of (a) the factors of legal education that lead to preparedness for service in the public domain, (b) the experience of recent law graduates practicing public interest law, and (c) factors that lead to the practice of public interest law in service of social action.

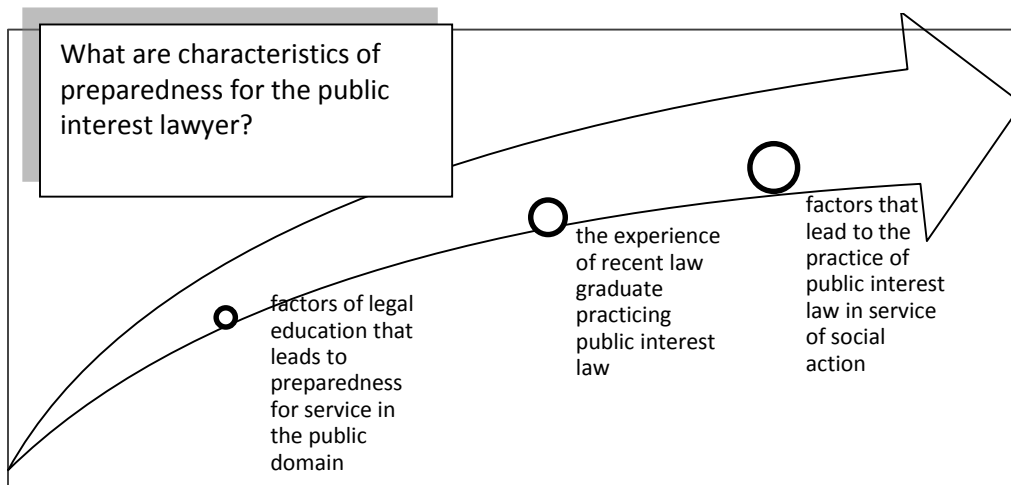


Figure 3.2. Framework to guide the research. The movement of social action.

Case Study Methodology

Most of the previous studies into the area of preparedness for public service have been semi-quantitative in nature, and have not delved into the deeply-held understandings and lived experiences of participants (ABA, 2012, 2014; LSSSE, 2010; NALP, 2011, 2012). Only one study utilized a qualitative action research methodology to study pedagogy within legal education (Leering, 2014). Looking at the previous research designs, and reviewing the literature and qualitative research methods, I determined that a qualitative case study design best fit the study. This was because an in-depth investigation into the characteristics of preparedness for public interest lawyers had not yet been undertaken.

As a form of descriptive qualitative research, case study methodology refers to the collection of detailed information about a particular participant or small group within a specific context (Stake, 1995; Yin 1994). This case study looked intensely at a small sample of public interest lawyers working full-time for a non-profit public interest organization. The research focused on these public interest lawyers' reflective discernment of what served as structures for preparedness to serve in the public domain. I looked first at each participant as a unique case and then looked across the cases for similarities and differences (Stake, 1995; Yin 1994). This approach allowed me to perform a holistic, inductive, deep exploration and analysis of the characteristics of preparedness (Merriam, 1998; Yin, 1994). By identifying the patterns and themes that emerged from the data (Stake, 1995; Yin, 1994) collected from this small cohort, I was able to conduct a deeper, richer study into what constitutes preparedness for this group serving societal concerns.

The case study methodology aligned with the epistemological and ontological perspectives of my study as I used a social-constructivist paradigm (Stake, 1995) to understand the socially constructed reality of public interest lawyers, and what constituted the characteristics of preparedness for them. The multicase study methodology served as the guiding strategy for designing sample selection and data collection (Stake, 1994) as described in the next section.

Sample Selection and Criteria

The primary criterion of a case study is to maximize the knowledge gained from the case, and it is common to choose cases which are accessible, friendly, and willing to actively engage in the study (Stake, 1995). I used purposive sampling for participant selection in the pilot study. This participant introduced me to other lawyers who met the criteria of my sample cohort, resulting in snowball sampling for the multicase study. As established in my sample criteria,

participants were (a) a full-time public interest lawyers working for a non-profit public interest organization (b) had graduated in the past five years, and (c) represented more than one law school in the sample. These criteria and small sample size served two purposes: they allowed me to go more in-depth with each case (Stake, 1995); and they helped to keep the amount of data manageable for a dissertation. I was able to observe, interpret, and receive rich descriptive data specific to each participant, based upon their legal education experience as well as their experiences within the field of public interest law (Hays, 2009; Simons, 2009).

First, through snowball sampling, there were seven-to-nine participants identified as working with one of the two primary non-profit organizations within the state of Georgia. These non-profit organizations were the Georgia Legal Services and Atlanta Legal Aid. Seven full time public interest lawyers meeting the study criteria agreed to participate in the study. Interviewing participants from different law schools was helpful. The cases were chosen to represent more than one law school—a choice made to add to the depth of understanding and richness of data through their individual assessment and perceptions of their legal education (Stake, 1995). This was corroborated with document reviews of their respective law school’s mission and curriculum (Stake, 1995). The overall analysis extended across all of the cases with a view and comparison of all the law schools represented within the sample.

The decision was made to interview participants no more than five years’ post-graduation for several reasons. This helped narrow the participants to public interest lawyers who had graduated from a current legal educational environment, and who were working with present social issues within their communities. The limitation of five years post-graduation allowed me to “walk in [their] shoes” as they left law school and moved into their career (Dau-Schmidt, Stake, Makhopadhaya, & Haley, 2006, p. 1428). Participants were able to share a “fresh”

perception and insight regarding their law school experience while also sharing the “real world experience” of their career (Dau-Schmidt Lastly et al., 2006, p. 1430). Additionally, job satisfaction decreases and possibility of changing jobs (once or multiple times) increases 36 % after five years in the field (Dinovitzer & Garth, 2007).

Data Collection

Data collection focused on multiple sources of data: two semi-structured interviews from the participants and observations. Document review of mission statements and curricula from each participant’s law school and mission statements from the non-profit organization was utilized to help provide context for the cases. The use of multiple data collection methods contributed to the trustworthiness and authenticity of the study (Hays, 2009; Lincoln & Guba, 1986; Simons, 2009; Stake, 1995). Multiple sources of data helped illuminate multiple perspectives and allow for a more comprehensive and in-depth analysis (Hays, 2009). Analysis of documents such as law school curriculum plans and mission statements were used to corroborate and support data gathered from other sources (Hays, 2009; Lincoln & Guba, 1986; Prior, 2003). According to Hays (2009), interviews are usually the most vital source of data. Yin (1994) explained that “interviews are an essential source of case study evidence because most case studies are about human affairs,” and the best approach “is to corroborate interview data with information from other sources” (p. 85). I reflected throughout the entire data collection process using notes written during the interviews and observations (Hays, 2009; Stake, 1995). Through active involvement, reflection, and engagement in the interviews, I became part of the data collection. This allowed me to observe through the eyes of the participants, as well as allowed the research to evolve as ideas and themes emerged.

This study was guided by two research questions. Research question one was be addressed through semi-structured interviews and observation as participants were asked to identify key characteristics of a prepared public interest lawyer with the capacity for social action. Research question two was addressed with data collected from the semi-structured interviews, in which participants shared their perception of their legal education and preparedness and supplemented with document analysis. The interviews highlighted the characteristics that were (or were not) found in legal education. Document analysis allowed for a more in-depth picture of legal education through investigation of the curriculum and missions for an existing pedagogy of preparedness for public interest lawyers.

In-Depth Interviews

The “interview is the main road to multiple realities” (Stake, 1995, p. 64). Interviews can help define and clarify the understanding of the characteristics of preparedness. The protocol for interviews, approved by the Institutional Review Board (Appendix A), was adhered to during the semi-structured interviews. I briefed each of the seven participants and assured them of confidentiality and anonymity before commencing the study and engaging in any interviews (Wahyuni, 2012). I explained the study, the demands of their participation, and encouraged their engagement in the research (Simons, 2009). Participants signed a consent form and were debriefed immediately following each interview. Both interviews were recorded and transcribed, allowing participants the opportunity to re-read the transcript for accuracy. My intention was to engage the participants in the process of co-construction of knowledge, as well as help validate the accuracy of the interview transcription (Simons, 2009; Stake, 1995). As the researcher, I engaged in open dialogue with the participants within an informal, personal interview environment.

Prior to the research, the interview protocol was piloted for clarity and precision (deMarrais, 2004). I first engaged in an interview, then conducted a think-aloud with the participant. The think-aloud method was used to elicit a participant's thoughts on the interview in the moment without any filtering of their thoughts (Ericsson & Simon, 1980). During the think aloud, I instructed the participant to think aloud about the interview questions, specifically focusing on the clarity and their understanding of each question. The pilot study, combined with the think-aloud, helped strengthen the instrument and enhanced the interview protocol for reliability (deMarrais, 2004).

Questions used in the first interview were open-ended, encouraging participants to offer a detailed description of their identification, description, and interpretation of the characteristics of preparedness within the practice of public interest law oriented to service for societal needs (deMarrais, 2004). Questions were crafted to glean participant responses, which addressed each research question. Each interview lasted approximately 60 to 90 minutes. Participants were asked to participate in two interviews and an observation. The second interview followed the observation (discussed in the following material), which allowed the questions to emerge from data in the observation and first interview. No follow-up interviews after the second interview were scheduled for clarification or additional information (deMarrais, 2004). I used follow-up questions to probe during the interview, but the intention was to focus conversation on the details of the experience. The interview avoided using "why" questions, as such questions could have moved the conversation from the specific to the abstract (deMarrais, 2004). The participants were to "un-interpret" their description, which allowed for a raw description to develop. As the researcher, I strove to be a non-directive listener (deMarrais, 2004).

Observations

Observations can be structured, semi-structured, or unstructured (Simons, 2009), and I intended to be a non-participant observer in the data collection. The purpose of these observations was to gain a better understanding of the setting and the participant “in the moment” to help develop rich, thick descriptions of events observed (Simons, 2009).

Observation also provided another way of capturing experiences which did not emerge during the interviews, and in return, helped inform the protocol for the second participant interviews (Simons, 2009). I inquired about what I observed and sought participant interpretations of those observations. Each observation was recorded and detailed in my research notes to capture my immediate thoughts, feelings, and interpretations while observing the participant in their work. During the discussion of the cases, I described the environment and experience of my observations to help the readers develop a mental picture (Stake, 1995).

The observations provided me with a more in-depth understanding of each case (Stake, 1995). I observed the participants in action with a focus on the research questions as well as a focus on the context of the case (Stake, 1995). The lawyering activity was observed as it was performed by each participant, producing seven individual and unique observations. Each participant was allowed to choose what kind of job activity they wanted me to observe. The result was a distinct observation for each participant contributing to the uniqueness of each case. Each case observation lasted between two to four hours.

I observed three participants as they litigated in court. One participant litigated a divorce case in a unique court process with just the lawyer, the client, and judge. Two participants litigated in another county courthouse, which operated under a more traditional courtroom structure. One represented a client in a mediation with her abusive, estranged husband for

divorce and child custody. The third litigation focused on a hearing for a temporary protective order for a non-English speaking client. I was able to observe one participant as she interviewed potential employees on a law school campus. The interviewees were third year law students hoping to secure a job for post-graduation. Another participant conducted a public outreach session in a rural county for vulnerable populations who did not have the means to travel to a non-profit organization office. The session was held in a plain, simple public clinic room large enough to host a small community meeting. One participant allowed me to observe as he performed a case review. This involved observing him in his office while he went through multiple files in a timely manner to identify clients most in need of services. The last participant invited me to observe her office's weekly office triage meeting. The triage meeting consisted of all the public interest lawyers working in that non-profit office, and it was held in their facility's very small, cluttered meeting room. These observations allowed me to view the public interest lawyers in action within their own environment as well as observe their interactions with clients and coworkers.

Documents

This collection method is “dynamic to ‘the field’” since “documents and the information that they contain can influence and structure human agents every bit as effectively as the agencies influence the things” (Prior, 2004, p. 3). These documents helped formulate a clearer picture of the connection between non-profit public interest organizations, full-time public interest lawyers, and law schools. The utilization of document analysis allowed for texture, depth, and multiple insights into the construct of preparedness for these public interest lawyers and legal education (Prior, 2003). Documents are a “container of content” (Prior, 2003, p. 3),

and they assisted with determining the deliberate pedagogic structures, if any, within legal education that work to help “prepare” law students.

I considered the documents in relationship to the law school’s environment and the socially-constructed reality of the profession (Crotty, 1998). This helped to situate the documents in the context in which they were written (Prior, 2003). This entailed not only reading the documents, but also understanding the authors, and the relevant environment of legal education. The nature of the documents sometimes appeared neutral at first, but it was important to recognize they were written by humans in a socially-constructed reality in the socially-constructed environment of legal education (Prior, 2003). I used the documents to support the interview process and the trustworthiness and authenticity in the research (Lincoln & Guba, 1986; Prior, 2003). Additionally, the documents were useful in answering both research questions: firstly, by gaining a deeper understanding of the public interest lawyer’s educational experience and supporting their narratives; and secondly, by exploring what constitutes pedagogy of preparedness for public interest lawyers within the context of current legal education.

I reviewed documents from each participant’s non-profit organization and law school curriculum and law school mission statements to establish the background and context of each case. First, I reviewed the mission and information for each non-profit public interest organization as posted on their respective websites. I also received informational literature from NPO 1 detailing their services and current case successes. These documents provided me with the historical background of each organization. The literature described the scope and focus of each organization. The NPO 1 organizations served the particular county in which they are located whereas the NPO 2 organization had a state-wide reach, with each office covering

multiple counties. The scope of NPO 1 was directed toward the vulnerable populations in their service area. NPO 2 had a broader mission, hoping to reach larger populations in the state facing inequality or discrimination; yet, the majority of their cases were concentrated on individuals.

Second, I retrieved the mission statements and curriculum for each law school as posted on their website and through the Law School Admission Counsel [LSAC]. All of the law schools, traditional and public interest focused, marketed experiential learning on the LSAC's website for prospective students. Likewise, all schools incorporated a statement on the LSAC's website regarding their dedication to social justice. Each law school website was reviewed to determine how visible public interest law was in regard to curriculum path, school support, and professional mentors and networking. The public interest focused law schools offered extensive websites with suggested curriculum paths for public interest law, links to alumni working in the public interest, and public interest organizations in which students intern. Additionally, the school website provided in-depth descriptions for all of the available clinical opportunities. Both traditional law schools had websites with a greater emphasis on a non-directive legal education, not specifically highlighting a particular lawyering field. However, the prominent links and news stories on their websites appeared to privilege the practice of private law. The links to clinical opportunities and public interest career information were very difficult to locate and maneuver. The information was very brief and non-descriptive. I indexed and coded the documents to corroborate the participant interviews and address the second research questions (Prior, 2003).

Data Analysis

A multicase study analysis involves looking at the data from deep within as well as across the multiple cases (Stake, 1995). Data management began with the informal analysis of

the data during the participant interviews and continued during the data transcription (Stake, 1995). Data reduction was entered into with the purpose of looking for patterns among the data that gave meaning to the case study (Hays, 2009). All interview transcripts were transcribed verbatim and coded line-by-line as evolving patterns began to emerge to commence identification of the salient points (Stake, 1995, Yin, 1994).

The qualitative data was analyzed using the constant comparative method (Stake, 1995; Yin, 1994). It was vital my review of the data begin with the interview transcriptions, observations, and document analysis as I looked for themes as they emerged, both from each participant’s data and across the multiple cases (Stake, 1995). A coding system was applied to label and sort the data into categories corresponding with the research questions (Hays, 2009). An example of data coding is provided in Table 3.1.

Table 3.1

Example of Case Coding

Case Coding Example			
Research Questions	Case Codes	Case Themes	Data Samples
What do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action?	Passion	Growth of passion Passion for their job	You really just have to be passionate about these issues and want to be involved in these type cases.
	Social Action	Fight Inequalities	you hope your case can not only correct [inequality] for your client, but correct it so no one else is impacted in the same way
	Power	Give back power Give clients a voice	Public interest lawyering is working for social action as you give power back to people who feel like they have no power. With our assistance clients without power might actually be

		seen. Even better, they can be heard.
Cultural Awareness	Interaction with diverse and vulnerable populations	Develop this capacity to deal with vulnerable populations, it requires you to expand your own perspective, have understanding and empathy for others. It is so much more than just understanding demographic, economic, and cultural differences.
Relationship Special Populations	Respect for these populations Empathy for others; those in need	One of the biggest things that you need to know how to do is deal with the clients. Deal with them, relate to them but also be able to draw that line between yourself and them so that you don't get too emotionally involved.

The data analysis employed the constant comparative method to identify themes and patterns in the data (Hays, 2009; Wahyuni, 2012). The constant comparative method is a method of systematic analysis that can illuminate vital concepts embedded in the data by focusing on the description of variation in different perspectives of this social construction of the characteristics of preparedness for public interest law (Wahyuni, 2012). This method of analysis advocates the researcher continually comparing the themes and codes of emerging transcripts with existing categories and codes in order to develop the overarching categories (Wahyuni, 2012). The process of constant comparative analysis was continuous until saturation was reached with no new codes or categories emerging. Next, the codes were grouped into themes to provide the overarching structure for the findings. Additionally, the interview data was compared to the observation data and document analysis in an effort to reinforce themes. Following the analysis of the individual cases, the cross-case analysis began through an integration of the themes from the individual cases. Cross analysis assumes that each case is distinct and unique and strives to capture the details of the individual cases being studied (Stake, 1995).

Careful analysis resulted in “a set of categories that answer the research questions in a meaningful, thick description that provides a summarization” (Hays, 2009, p. 232). As suggested by qualitative researchers, I wrote researcher memos as I collected and analyzed the data to document hunches, feelings, and themes to help with data coding during analysis (Hays, 2009; Lincoln & Guba, 1986; Stake, 1995; Yin, 1994). I used written charts and validation tables for the data reduction, tracking key words, themes, and patterns, as it was important to document the themes or findings in the data and link them to the larger theoretical framework guiding the study (Stake, 1995; Yin, 1994). The emerging themes were triangulated with the observation notes and document analysis (Lincoln & Guba, 1986; Stake, 1995 Yin, 1994). The validation tables were shared with peers for review of themes. An example of the validation table shared with peers is provided in Table 3.2.

Table 3.2

Example of Data Validation

Research Question	Finding	Sub-Category	Corresponding Data
How, if at all, are these characteristics intentionally fostered in legal education (curriculum, courses descriptions, and mission) and enacted in the legal pedagogy for public interest law?	Enacted through the Fostering of Preparedness in Legal Education	Real-Life Practice	It can be emotionally draining, but it helps if you are familiar with this before going into it as a young lawyer. The law school clinical, externship, and internship experiences helped prepare me for dealing with the clients and handling different situations. In the clinics we had a place to talk about it, reflect on what happened, and talk through how we could have handled it better (Ali).
	Enacted through the Fostering of Preparedness in Legal Education	Pedagogical Methods	It would really be great if, say, traditional law schools would consider structuring upper level core classes and justice classes to discuss cases and legal issues in relation to different, specific populations... (Ali).

Enacted through the Fostering of Preparedness in Legal Education	Pedagogical Methods	I think [the Socratic Method] can [help students think on their feet] because I think if you have a professor who knows what they're doing. (Betsy)
Enacted through the Fostering of Preparedness in Legal Education	Real-Life Practice	As for the interpersonal interviewing skills discussed, that also seems like something a law student would need to develop through practice. In law school, this would involve work in internships or through clinics where you actually work directly with clients. (Justin)
Enacted through the Fostering of Preparedness in Legal Education	Specific Support through Law School Mission	But I think it's more guidance on how to take advantage of things rather than a real lack of academic structures being available (Justin).
Enacted through the Fostering of Preparedness in Legal Education	Real-Life Practice	Clinics! They were the best sources for experience dealing with clients. Then, you build upon those experiences as you begin to practice (Cindy).

While writing the findings of the data, some participant quotes were shortened either for clarity or to highlight a primary point from the participant.

The “most distinctive characteristic of qualitative inquiry is its emphasis on interpretation” (Stake, 1995, p. 8). In addition, the results of a case study are usually supplemented with the personal experiences of the reader (Hays, 2009). As such, I intended to leave the meaning and value of the case study to the interpretation and judgment of readers from the law school community so they can construct their own meaning from the data (Hays, 2009, p. 219). My expectation was the interviews would generate a great deal of data, illuminating patterns and threads to help make meaning of the study. The analysis was careful and detailed, as one single occurrence could hold more meaning than a pattern of evidence (Hays, 2009).

Thus, it was vital my analysis of the data begin with the interviews and transcriptions, looking for themes as they emerged in the participant data as well as across the multiple cases (Stake, 1995).

Trustworthiness and Authenticity

This research has the potential to be strong and effective, especially since I used multiple techniques for trustworthiness and authenticity to support my findings and ensure my interpretation of the data was representative of the participants' meaning (Lincoln & Guba, 1986; Stake, 1995). The use of a single qualitative research method can impose a certain perspective on reality as each qualitative method reflects a slightly different view of the reality being explored (Prasad, 2005). Case studies, however, allow multiple realities to emerge, and the analysis engaged the interpretation of both the researcher and the participants (Yin, 1994). Furthermore, multiple forms of data collection and analysis aided with corroboration of the data; I have multiple views of the reality of public interest law (Lincoln & Guba, 1986; Prasad, 2005; Simons, 2009; Stake, 1995). This study utilized three types of data sources, interviews, observations, and documents. The data was checked for validity through the use of researcher memos, member checks, and peer validation of the findings.

In my effort to achieve trustworthiness and authenticity in this research, I worked for credibility, transferability, and confirmability (Lincoln & Guba, 1986). Credibility is the confidence of my truth in the findings, and I achieved this through triangulation, peer debriefing, and member checks (Lincoln & Guba, 1986). Triangulation is the use of different sources and methods to crosscheck data (Lincoln & Guba, 1986). I gathered public interest lawyer's perspectives through semi-structured interviews, as well as through document analysis from each participant's law school and non-profit organization. The study included document analysis of

participants' law school curriculums and mission statements. I was able to formulate a clearer picture of the connection between non-profit public interest organizations, full-time public interest lawyers, and law schools, as well as the commitment of all three groups to social action. I engaged in peer debriefing with a disinterested professional/colleague to ensure my biases were not muddying the analysis. In addition, I facilitated member-checks to allow participants the opportunity to review my reconstruction of their perspectives (Lincoln & Guba, 1986).

The concept of transferability in research shows how this research can be applicable in other contexts (Lincoln & Guba, 1986). This was achieved through documentation of thick, descriptive data (Lincoln & Guba, 1986). A thick, descriptive narrative gives other readers the ability to judge whether the findings would be applicable elsewhere (Lincoln & Guba, 1986). Specifically, I wrote the narrative in an effort to engage the law school community and public interest community, appealing to their judgments and interpretations (Hays, 2009).

Lastly, confirmability was the extent to which the findings were actually shaped by the public interest lawyers, and not my bias (Lincoln & Guba, 1986). Confirmability was accomplished through an audit trail, reflexivity, and triangulation (Lincoln & Guba, 1986). I used researcher memos and notes to record my feelings, impressions, and hunches during the data collection, and to produce an audit trail outlining my research process (Lincoln & Guba, 1986). Furthermore, the engagement of participants strengthened the research, as the participants became invested in the study as well as become co-constructors of the knowledge concerning preparedness (Simons, 2009). I examined and discussed their multiple perspectives in relation to the documents as well as the relationships and dynamics within this setting of public interest law.

Reflexivity and Subjectivity

As a researcher, I had to define my relationship to the study. My goal was to approach this study with an open-mind, avidly listening to each participant's description of how he or she was, or was not, prepared for public interest law practice. Additionally, I hoped to understand the contributing factors and characteristics that led to preparedness for public interest law to serve to society.

My immersion into social justice began as an undergraduate majoring in political science and public administration. Following graduation, I traveled with husband for his military duties. This provided me with the opportunity to experience other places within the United States (other than the Deep South) as well as abroad. Living in Germany opened my eyes to different cultures and different expectations of social justice. Additionally, I was able to observe a country in the 1990's that remained scarred from the atrocities of World War II. The German citizens diligently worked to dispel fear and promote social justice within their country. I observed unity and pride among the German citizens, as well as a government who promoted welfare and happiness.

Since discovering my love of higher education and working with students, I have been involved in post-secondary education as an administrator and adjunct political science instructor. Presently, I work as an administrator in a public law school; a position I have held for over seven years. I considered this an advantage as the participants appeared more comfortable, and perhaps, even more open when sharing their experiences with me. As with any qualitative research, the researcher is inherently involved in the study. I have a deep passion for public service, as well as for the future of legal education. Since case studies are highly personal, I am inevitably connected to the data and analysis (Hays, 2009). Therefore, I remained conscious

about keeping my biases removed from the data as I became aware of them through peer and participant reviews of the transcripts and interpretation. A case study involves extensive inductive reasoning and researcher interpretation, and it is important that I acknowledge my biases to the readers of the study.

Data Representation

Each case was written as a vignette using the participant interviews and observations (Stake, 1995). My interpretations of the data were shared with the participants, as well as the emerging themes, before the final write-up. The vignettes were supplemented with data from the document analysis. The confidentiality of the participants was maintained throughout the research process as well as in the final report. All locations and organizations are represented with pseudonyms to help maintain this confidentiality

Summary

This study aspired to contribute to the gap in the literature by identifying and describing the characteristics of preparedness for a public interest lawyer in the context of current legal education and public service organizations. I hope the deeper understanding of the characteristics of preparedness has contributed to a better understanding of how to support existing structures or create spaces for deliberate and deeper learning of critical thinking, reflection, and social action engagement within conventional legal education. This understanding contributes to legal education, and identifies specific pathways to nurture the pedagogy that will prepare lawyers to participate and contribute to their profession in service of the public domain. My assumption was deeper learning can lead legal professionals to being more actively engaged in and dedicated to the historic, social justice foundations of their practice.

This chapter presented a qualitative research design grounded in a social constructivist epistemology framework. I used a multicase study methodology to have a better understanding of the characteristics of preparedness for public interest lawyers to engage in social action. I used semi-structured interviews, observation and document analysis to collect data. Coding and the constant comparative method were utilized to draw out themes from the interview data that address the research questions. Additionally, I collected documents from the participants' law schools and public interest non-profit organization to support and contribute to the research. In order to ensure authenticity in the qualitative design, I practiced reflexivity and strived to be honest, open, and ethical in my research.

CHAPTER 4

CASE STUDY REPORT

The purpose of this qualitative multicase study (Stake, 1995) was to identify and describe characteristics of preparedness that grow the capacity for lawyers to practice in the arena of public interest law. In this study, “preparedness” was defined as the act of becoming a professional in one’s field, which embodied being prepared to effectively practice to meet the social demands of the profession (Reid, et al., 2008). The research aspired to identify and describe these characteristics of preparedness using the voice of the participants. Each participant, nonprofit public interest organization, and law school is identified by a pseudonym to protect their confidentiality.

There are seven participants that comprise the seven cases within this study. Participants were recruited from two of the larger non-profit public interest organizations in a Southeast state. The participants were no more than five years out of law school, and four law schools are represented by the participants. Demographics, such as age, gender, and ethnicity, were not collected for this study since 1) they were not part of the focus and 2) collection of demographics in organizations with such small numbers of full-time lawyers presented the possibility of compromising participant anonymity. Table 4.1 illustrates and provides the context for each case.

Table 4.1

Case Summaries

No.	Participant/ Case	Organization	Law School	Type of Law School	Time out of Law School
1	Ali	NPO 1	Apple Law School	Public Traditional	5 years
2	Betsy	NPO 1	Beta Law School	Private Public	4 years
3	Carol	NPO 2	Apple Law School	Interest Focus	5 years
4	Justin	NPO 2	Apple Law School	Public Traditional	1 year
5	Derek	NPO 1	Cocoa Law School	Private Public	1 year
6	Cindy	NPO 1	Desert Law School	Interest Focus	3 years
7	Kristin	NPO 1	Apple Law School	Private Traditional	2 years

The following section provides a summary of each individual case and its uniqueness within this study. These synopses are based upon views that emerged from the case study data centering on the characteristics for preparedness for public interest lawyers working within a non-profit public interest organization with a capacity toward social action. The case summaries begin with each participant’s unique movement toward a social action perspective. In addition, each case provides a view of the participant performing one of their unique job responsibilities in the non-profit organization within the public interest lawyering field. This allowed for a better understanding of each participant’s perception of the characteristics for preparedness for this lawyering specialty.

Case 1: Ali

Ali had been out of law school for five years and worked for NPO 1 as a full time public interest lawyer. NPO 1 was a non-profit public interest organization that sought to serve vulnerable populations through legal representation and legal advice in the hope that these citizens could overcome the obstacles preventing them from meeting the basic needs in life (NPO 1 website, 2015). Ali worked in a small, friendly office containing a shelf filled with casebooks, a small desk, and two chairs for clients. Her desk was covered with paperwork regarding current cases. She began our interview with visible excitement, “no one ever asks about public interest lawyers,” and exuded a great deal of passion for both her job and her clients.

Ali began the interview by speaking about an innate desire oriented toward social action before entering law school. She felt her movement toward social action really began in undergraduate school. She told me about a class in which they were learning about transgender rights. One of the class projects required an interview with a transgendered person. Ali’s interview was with a person who had been fired from their job because of gender identity, in which they discussed his emotional and legal battle. She recalled speaking to him about why he was fired, how he felt, and how it had impacted his life. This interview was moving for Ali as she developed a deeper respect for others. This was her first realization that lawyering is “not just working in a building to make lots of money and a sitting at a computer”; lawyers can really help people. So, Ali began to nurture this emerging desire to help people. She wanted to get involved with the organization that had represented this person. She immediately researched the organization through their web site to see if there were any internship or volunteer opportunities.

She recalled the strong desire to work with them, and how disappointed she was when the organization was not accepting interns at that time.

After this experience, Ali applied to law school and began classes self-aware that she wanted to help those without the education or resources to help themselves. She instantly started looking for a public interest-oriented summer internship. However, Ali was unsure as to which part of public interest law she wanted to practice. So, she participated in law school clinics as well as a summer global externship. The global externship program allowed a law student to travel abroad and work for approximately four weeks in either an international public interest organization or governmental entity. Ali's application was accepted to work for an international public interest organization. This experience helped Ali view the policy aspect versus the human aspect of public interest lawyering. She grasped there were two distinct levels to public interest lawyering; the macro level, focused on the policy aspect of public interest lawyering, and the micro level, focused on the individual. The macro level illustrates the public interest lawyer who actively litigates for policy changes and human rights initiatives primarily focused on preventing widespread inequality, such as violence in society, ethnic or cultural discrimination, or human rights violations. At the micro level, the public interest lawyer is working at an individual level. Ali felt the global externship was a great experience for her as it broadened her perspective. She explained that she "could now see, be aware that no one individual's needs are above the needs of anyone else" (Ali, interview data, 2015).

NPO 1 served a large metropolitan area. Ali clarified that they handled multiple forms of civil cases, but stressed they did not become involved in criminal law. With the various civil cases, Ali explained she had to be prepared to work on different levels of client interaction throughout the day. During any given day, she could be working on cases of divorce, temporary

protective orders, domestic violence, educational issues, housing, and social security benefits. A case could involve just about anything potentially impacting a person's life and the ability to meet their basic needs. Such a varied work environment requires a lawyer to know the basics of all applicable laws. Ali accepted cases with immediate impacts upon a person's or family's needs. Additionally, she stressed how much she wanted to represent everyone at a hearing but could not take every case. "It is so disappointing when you cannot help everyone who reaches out to us, so in those cases we try to help the individual by educating them on how to help themselves, it doesn't seem like much but 20 minutes with someone can help them and makes a difference in their lives" (Ali, interview data, 2015). She described some of her cases, explaining they tended to involve divorce or temporary protective orders to protect the mother and the children, or cases of child abuse where the client was seeking protection. Ali expressed how sensitive and emotional these cases could be, especially with children involved. "You also help people who face some inequality, some type of discrimination, and if it is a result of a law or policy, you hope your case can not only correct it for your client, but correct it so no one else is impacted in the same way" (Ali, interview data, 2015). She expanded her outreach into the community by serving as the co-chair of the county task force. The group met quarterly to discuss community issues. The task force compiled statistics to track how many people were affected. It was another way Ali found to extend her ability to help others.

She did spend a substantial portion of her time in court representing clients. I asked how she felt her first time in court as a practicing public interest lawyer. She described it as "very intimidating. It's not that I was just representing my first case, but the opposing counsel scared me, they just didn't fit into any of the typical textbook cases I learned about in law school" (Ali, interview data, 2015). Ali recalled having to think quickly for a successful representation of her

client. She expressed her feelings in the moment were for her client; the client may not have completely understood the events taking place, and they were placing their trust in their lawyer. I had the opportunity to see Ali in action as I observed her litigating a divorce case.

The case was at a large courthouse in the middle of the metropolitan area. As I walked to the courthouse, I witnessed an interesting altercation between two people on the street. Everyone seemed immune to the disruption and continued walking up the steps. The courthouse was huge. Passing through security, I continued down three corridors to reach the courtroom. There was a desk and security guard in front of the courtroom door. I saw Ali, dressed in a professional green suit, with a large briefcase holding her case file and all the documentation she had collected.

We sat in a waiting area outside of the courtroom door. There were long, pew-like benches separated by short walls (perhaps to allow for some privacy in the open area). The guard would firmly remind those who were loud to be quiet and respectful, even in the hallways. Ali informed me this was not an open court like in other counties. The cases in this course were called in one at a time. The judge resided in a small room beside the open courtroom. Each individual case would be heard, and then the next one called. You did not know if you would be first or last, so you had to just sit and wait. Ali was calm, explaining that she did not foresee any issues with her case today. The case was being heard by a judge who with Ali was familiar. At this point, her client and the client's daughter arrived. Ali assured her it would all be fine, as the judge was nice, sensitive, and very well-respected. The woman was clearly emotional, but Ali reminded her that after the case, the divorce would be final, and there were no issues in the case to worry about.

Luckily, hers was the second case to be called. The room was small; the judge was sitting at the end of the table with a court reporter next to her at a computer. As we sat down, the

judge asked me why I was observing. She was fascinated and continued to ask several additional questions about my research. At this point, she called the court to order. Ali swore in her client, and gave documentation to the judge indicating the husband was in federal prison awaiting a criminal hearing. The client quickly answered the judge's direct questions (about five total). At this point, the judge questioned Ali about filing for child support in the event the husband was released from prison. Immediately, Ali pulled the child support form she had already completed (wow, she was really prepared!) from her briefcase. The judge was obviously happy with Ali's competency. She explained to me that the form was the last of any she would sign in hard copy. The next day, the court would go totally online. That was interesting. The judge signed off on the divorce decree, reminding Ali to electronically upload the other applicable forms (such as the child support schedule). As we left the room (this whole process took about only 20 minutes), the client became very emotional. As they hugged, Ali reassured her she could now move forward with her life. The client was visibly appreciative and thankful. Ali reminded her that if she thought of anything or had any questions, she could always call her.

Next, Ali and I walked to the court space that was dedicated for uploading the documents. Ali explained there had been no formal training for the software. She described how her office had begun the process of electronic filing a month ago so they would feel comfortable with the process when it became mandatory. The software program was slow; the scanner would not scan and upload the document. After several attempts, Ali decided to wait and try it later from her office as there were only two computers in this space with no support staff to help. We left the courthouse, viewing two more people screaming at each other as we walked down the steps. Such excitement!

Ali attended Apple Law School, a traditional public law school. When I asked Ali about her legal education, she instantaneously described her perception of the lack of support and encouragement for pursuing a public interest job. “One major thing I had not expected was law school to be a culture that was unsupporting of public interest work, especially in today’s society ... the culture, that if you are interested in public interest after law school, well they don’t seem to care as much” (Ali, interview data, 2015). Rather, she experienced a culture of different expectations in her traditional law school, discerning faculty and staff only focused on the lawyering field they felt was important. However, Ali did credit internships and externships for furthering her practical experience by allowing her to work directly with vulnerable populations. The resources and experiential opportunities vital for preparedness for public interest law were available at Apple Law School, but Ali was visibly disappointed that any student interested in public service had to be intentional in planning his or her own curriculum path. She expressed her desire that, “in the future my law school becomes more conscientious of students’ public interest desire” (Ali, interview data, 2015). Ali was an exceptionally bright and caring person with a passion for working in service to the people. She had a strong desire to promote social action for the individual, as well as for the larger population, within her lawyering position.

Case 2: Betsy

Four years out of law school, Betsy continued to work for NPO 1. She was located in a different office than Ali, working in another county in the metro area. She enthusiastically began the interview by chatting about her interest in public service and social action. Betsy explained she had been raised in a middle-class family she described as “fairly privileged,” with no uncertainties in her family about meeting life’s basic needs. Thus, as she grew up, Betsy said she was completely unaware of the social injustices in society. All of her basic needs were met and

she had never looked beyond her individual perspective to view the plight of others. The idea of working for social action was never a consideration until college. However, volunteering during her undergraduate program shifted Betsy's perspective. She volunteered at a rape crisis center, where she provided "hands on" support for victims. After her first volunteer experience at the rape crisis center, Betsy spent all of her spare time there helping others until she graduated. She described how she became involved with the rape crisis center. It was a defining moment in her movement toward social action.

I was volunteering was at the rape crisis center here in [the city] and I think we were planting flowers out front, we weren't doing anything substantive, we were just helping make the property more attractive and I think that's how I got hooked up. I don't remember what the conversation was....maybe I talked to the volunteer coordinator that day....I ended up becoming friends with the volunteer coordinator and she was fantastic which is part of the reason why she kept volunteers for so long because it was not easy work, talking to people who were experiencing that kind of trauma but she was a very good coordinator, everyone loved her and so she kept people coming back. I think that first hands on Atlanta day was the way that I got hooked up. So, it was purely accidental.

(Betsy, interview data, 2015)

Around this same time, Betsy also had a professor in a feminist theory course that, coupled with the volunteer work, impacted her movement. The course and professor moved Betsy to apply for summer internships working with refugees. Unfortunately, she was not chosen for such an internship. When Betsy shared her disappointment, the professor invited Betsy to intern with her at a domestic violence non-profit. Betsy immediately noticed she felt passion for the work.

She took time following graduation from undergraduate school to travel abroad. At that point, Betsy felt she began to view the world with different eyes, noticing the inequalities among people, culture, and countries. Returning home from her travels, she accepted a full-time job with a domestic violence agency. Betsy remained there for three years before applying to law school. Undergraduate school, time abroad, and volunteering helped open Betsy's mind and allowed her to view society from a much different perspective. She realized her desire to help others by giving them the tools and power to overcome their obstacles. This change in perspective, shifting Betsy's point of view from seeing beyond her own needs, led her to purposefully choose a law school with a focus on public interest law to fit her educational needs and passion. She continued to foster her passion for social action by intentionally selecting a law school with a public interest focus.

NPO 1 operated with the mission "to deliver legal services and legal education designed to improve the social, political, and economic conditions of low-income persons" as well as "to serve as a catalyst for social change" (2015). In her position at the time of this study, Betsy definitely spent a large portion of her time in direct service to clients, outreach, and legal advisement. Additionally, she was the only participant who had litigated a case with a larger, systemic impact, which resulted in a change to state policy. I asked Betsy if she could tell me more about her impact case.

Yeah, the one case that I brought to the Court of Appeals. It was an unemployment case with a survivor of domestic violence. She had to quit her job because she abusive ex-boyfriend found her at her job. He was not supposed to know where she was working or living. He found her at her job one day and then came to her home a couple of days later and she basically had to escape to a shelter because she was terrified of this guy. And he

had been horribly physically/sexually/emotionally abusive to her over the years. And she had gotten protective orders against him and she really did everything she could to stay away from him. But somehow he found her and so she left to go to a domestic violence shelter and basically had to quit her job because she knew even if she moved home to get away from this guy, he knew where she worked and he could find her and there was nowhere else she could go, including the shelter. So, she quit her job and she filed for unemployment benefits, and I helped her with that case because she was denied unemployment benefits all the way up until we got to the Court of Appeals. And finally the Court of Appeals agreed with us and said that even though it wasn't the employer's fault that she was going through this situation, she was unemployed through no fault of her own and so she deserved unemployment benefits. So, that was great for her as an individual but it also managed for people in her situation in the future who have to quit their job for domestic violence, they will be eligible for unemployment benefits and in fact, it prompted the legislature to change the statute to clarify that domestic violence survivors who quit are eligible for benefits. Yeah, it was a pretty cool outcome and it was a case that I got early on. I mean, I was only probably a year out of law school when that case kind of fell into my lap. I was looking for impact cases but you just never know when a particular case is going to be an impact case or not and whether it's going to help this one client, whether you're going to be successful in the end and we lost all along the way, we lost it at the administrative level, we lost in superior court, we just kept losing, we kept appealing it until we got the decision that we wanted. (Betsy, interview data, 2015)

After listening to Betsy talk about her impact case, I was excited to observe her in action at court. We met early that morning in her office. It was a plain office building, where we parked in an underground deck. Betsy took me the back way up to her office. There were a few people there, and her phone was already lit with missed calls and messages. She took a few minutes to review her messages just in case there was something with relevance to her case. There was not, so we grabbed our umbrellas and faced the rain to walk about three blocks to the courthouse. Betsy talked non-stop during the quick walk, anxious to answer any questions I had about the upcoming court case. We stood just outside the doors to the courtroom waiting for her client. Betsy was also keeping an eye open for the estranged husband, unsure if he would appear for court. The client arrived, and Betsy took a moment to speak to her before entering the courtroom. English was definitely a second language for the client, and she had family members with her for assistance. Betsy knew all of the family and included them in the conversation. We moved to join the line of people entering the courtroom and had to stop and briefly explain who we were (and why I was there) to court security. Betsy moved forward to sit in the jury box with other attorneys and mediators. She was very calm and relaxed. The courtroom was packed, with no remaining seats. Within minutes, there were people standing against the back wall. On time, the judge entered and began the call of the calendar to see who was present. This took some time since it was a full calendar. Betsy answered the call for her client, and it became evident the other party was also present. Betsy and her client were both hoping he would not show up for court. Next, the judge informed the courtroom how the morning would progress, in what order he would proceed (i.e. which cases he would take first), and encouraged all parties to make an attempt at settling beforehand.

At this point, complete pandemonium broke out (well, at least to me) as attorneys were getting up, going in and out of courtroom, talking to other parties, speaking with their clients, and reporting back to judge. Betsy asked the husband to step outside while her client remained in the courtroom. She immediately tried to find a small interview/mediation type room. She was still calm but had also adopted a more confident demeanor. She began the conversation by explaining to the husband there were several things they were requesting, and if he was in agreement, the case would not have to be heard before the judge. This hearing was concerning child support and anger management classes in addition to a Temporary Protective Order for the wife and children. He immediately began speaking about how everything was her (the client's) family's fault due to their continuous intervention into family issues. He indicated that he had never hurt anyone, including the children. He spoke about one of their children (out of seven) who was doing well in school, and if the father was not able to have contact or oversight, the child would have no encouragement to continue. Betsy had to interrupt, explaining this was not part of her discussion with him, and expertly pulling the conversation back to the points to which she wanted him to agree. He argued the salary Betsy estimated was too high, and he could not possibly pay that much child support. Betsy "called" him on this by pointing out he could not have been supporting such a large family on what he claimed. He continued to argue, and she firmly stated that she did not believe him. There was no consensus on the issue of child support. Next, he refused to agree to anger management classes. He angrily declared he did not need them. Betsy explained this was mandatory in court temporary protective orders, and especially with this judge. He insisted there had never been issues of violence, once again returning to blaming to his in-laws. Betsy very firmly reminded him she was not a neutral party. She did not want to hear his side of the story; she was there only to represent her client. At this point, we

returned to courtroom and she took her client outside to explain everything. At this point, Betsy was positive it would go before the judge. She informed her client what questions she (Betsy) would ask when they were before the judge. Due to the language difference, Betsy wanted to ensure her client understood how the process would work.

We returned to the courtroom, and Betsy patiently stood to the side until the judge paused in his present conversation with parties of another case. She informed him no agreement was reached. He motioned for her to come to the bench and speak to him. After a minute, he announced they would have a hearing between Betsy's client and the husband, asking them to come forward and be sworn in. Their hearing started, but it was difficult to hear (I even wondered how the judge could hear) as the other attorneys and clients were still going in and out of the courtroom. Betsy told the judge what her client was requesting, and then she asked her client the questions (exactly like she had explained). This took place at the table rather than at the podium. Next, the husband began to tell the judge exactly the same things he had told us. The judge pointedly told him he did not believe his explanation of lack of income. He ordered the child support Betsy asked for, in addition to the anger management classes. Additionally, he required the husband to make a child support payment within three days to the client. The client and her children were granted a temporary protective order for a year. The husband had to remain seated until he met with a court official. At this point, Betsy quickly gathered us to leave the courtroom. She spoke to the client outside, explaining she wanted them to leave before the husband. She quickly asked if they had any questions and assured them she was available anytime. Betsy was very happy with the outcome, but she also seemed very confident, not only in her lawyering skills but in knowing they would be successful. We left the courtroom, and Betsy took the opportunity to complete other case paperwork while she was there.

Betsy firmly believed that taking the time to find herself and define her passions before attending law definitely impacted her life choices. She felt her time spent working between undergraduate school and law school helped her mature and grow as a person. She was more intentional and dedicated to social action by the time she matriculated in law school. Betsy explained, “I was living real life before I made the decision and committed to going to law school. I’ve noticed that a lot of people did that do public interest work. They didn’t go straight to law school. They weren’t twenty-three or twenty-four when they graduated from law school. They were more like twenty-eight or twenty-nine. And I think that makes a difference” (Betsy, interview data, 2015).

Betsy attended Beta Law School, which lays claim to being one of the first law schools to offer a modern clinical legal education (LSAC, 2015). Very satisfied with her legal education and the law school culture, the only suggestion Betsy had for Beta Law School was to offer more fellowships for recent graduates to aid in locating the best-fit public interest position for the individual as well as to provide more practical experience for the young lawyer.

Case 3: Carol

Carol did not recall any particular events prior to law school which fundamentally impacted her decision to enter public interest lawyering. She felt her movement toward social action was cultivated during her law school experience. It was during clinical experiences she realized her passion for public interest and pinpointed exactly what she wanted to do as a lawyer; work in the direct service for others oriented toward social action. When she began law school, Carol had a vague idea she was interested in being a prosecutor. During her first summer in law school, she worked for a District Attorney’s office, only to discover she really did not like this type of practice. The next year she volunteered at a state agency for a three-week period. Still

trying to find her lawyering niche, Carol spent her last year in law school working with a non-profit public interest agency through the law school's civil clinic program. This was her first experience actually learning about this type of civil legal services program and discovering everything about what the work actually entailed. Prior to the civil clinic, Carol was entertaining the idea of government employment. But, volunteering with the non-profit public interest organization made Carol realize she just really enjoyed it. "So, I kind of became addicted at that point" (Carol, interview data, 2015). At this point, Carol was positive she really wanted to work as a public interest lawyer for a non-profit agency.

Carol had worked with NPO 2 since graduating law school. Unlike NPO 1's focused service area, this organization had a state-wide reach. Carol described their vision as striving to eradicate poverty which was, realistically, not likely to happen. Thus, they endeavored to help low income people with civil cases but no money to secure a lawyer for representation. The areas of practice for this organization included: advocacy for low income people; economic and community development; education; family law; farm worker rights; health care; housing; public benefits; and social security (NPO 2 website, 2015). NPO 2 directly served approximately 10,000 clients a year and reached others through free legal clinics (NPO 2 website, 2015). In Carol's office, she assisted with public benefits so people who were terminated from food stamps or Medicaid or the welfare program could get funding for food and housing. She also helped with housing evictions, foreclosures, and social security cases. At the time of the study, they had just begun working on various discipline cases within education to ensure there were no patterns of discrimination. Towards that endeavor, Carol had collected a lot of data preliminarily indicating African Americans might be disproportionately punished in school systems.

Carol stressed public interest lawyers in direct client service need the basic skills of legal writing, legal research, and litigation; however, she accentuated the importance of passion for this job and passion for helping vulnerable populations achieve social action within our society. Carol's observation illuminated her passion for her work as she interviewed potential law students for positions with legal services.

Carol and another attorney from the organization visited a college campus for interviews scheduled by the law school's career services. They had two interested students, both in their last year of law school. Carol arrived on campus about 15 minutes before the first scheduled interview. She briefly met with the career services staff, socializing (it was clear she knew them) as she moved toward a small interview room. There was an interview schedule posted outside the door. Inside, there was one table with three chairs on each side. She and the other attorney (female) sat and glanced at the two resumes. They seemed comfortable and relaxed, unconcerned with the task at hand. There was a light knock on the door. Carol got up, opened the door, and welcomed the first interviewee. They exchanged introductions, shook hands, and seated themselves around the table (I was in the corner observing, as with most observations; a fly on the wall). They began by asking the student why he/she wanted to work with public interest. What drew them to this job? What did they think their daily job would be like? What did they see themselves doing five years from now? What was their biggest interest? What pulled them to public interest?

The interviewers explained the job to the student, including a description of what a day and a week would look like. They asked the student to describe experiences they had that would help prepare them for these job duties. Next, there was another round of questions: What did the student plan to do for their last year in school? What classes/experiential learning were they

doing now, next semester? What were their strengths and weaknesses? Both public interest attorneys were very relaxed and very comfortable with the student, but they did give the impression they were very serious about what a lawyer in this position would be doing. This type of job is a huge amount of demanding, stressful work. There is not a high salary. But, this type of lawyering offers intrinsic benefits for the person who really wants to do this type of work. The interview lasted approximately 30 minutes. They concluded, thanked each other, and the student left. They shut the door to briefly discuss the potential of the student as an attorney in their organization. They discussed the basics: how the student performed in the interview; the classes the student had taken so far; and which classes the student had registered for or planned to take in their last year. They further looked at the experiential experience the student had, such as which organization, what type of organization, and who had been the supervising attorney (it seemed everyone knew everyone else in the public interest field). Lastly, how had they perceived the student? Were they truly interested in this field of work? Would they be invested in the issues? Could they relate to the clients? Did they have the passion and devotion to public service to stay in this field? These questions were critical as they did not desire “short-timers” or a lawyer who was not invested in the issues facing the clients. This discussion lasted about 20 minutes and then they turned to the next interviewee’s materials. They had about 10 minutes to do a quick review before there was a knock at the door. Once again, Carol got up and let the student enter. The interview proceeded exactly as the first one had with the same structure. It was obvious they had done this many times. There was a welcoming feeling exuded by the two attorneys. They were really trying to make each student comfortable and provide a relaxing interview environment. Afterwards, Carol explained they would take their notes and share with other attorneys in their organization for feedback. She reiterated they were very intentional in

hiring, desiring to hire someone who planned to make public interest their career; someone who would be invested in helping others; and someone who was willing to look for impact cases for a larger contribution to social equality.

Carol attended the traditional Apple Law School, which assisted in providing her a basic foundation for lawyering skills. She found internships and experiences during her legal education helped strengthen and refine such skills, as well as foster the desire for social action; yet, she wished there had been more support and guidance in Apple Law School for those interested in public interest lawyering. However, Carol did concede Apple Law School had provided her with the skills and knowledge to be a competent and effective lawyer so she could excel in her practice as a public interest lawyer.

Case 4: Justin

Justin had no particular social action orientation upon entering law school. When I asked, he paused for a minute, thought, and then commented, “I always have a hard time in pointing to a time when I sort of decided I wanted to do this kind of thing. It was more sort of like a gradual...leaning towards that way” (Justin, interview data, 2015). Justin had no recollection of undergraduate school impacting or influencing the desire to engage in public interest lawyering. He felt his undergraduate education just assisted with preparing him academically.

After entering law school, Justin worked for the magistrate court for one-and-a-half years. In this setting, he began to notice the majority of people did not have attorneys. This prompted Justin to think about what it meant for people to not have access to representation. How would having a lawyer have impacted their case? He realized the importance of having legal representation, but also understood these people did not have the money to secure a lawyer

for a civil case. This experience was the first Justin attributed to his movement toward social action. “You see the importance of that, how vital....the huge difference that it might make if someone had an attorney who could properly present a case. So, I’d say that’s kind of experience that pointed me towards doing what I’m doing which is representing those people who can’t afford an attorney in civil cases” (Justin, interview data, 2015). As he progressed through law school clinical experiences and internships, Justin became more aware of social action for vulnerable populations, which continued to foster this desire to work in the public interest. While Justin did not view or label himself as a social action lawyer, he continuously expressed a passion for helping others, as well as searched for ways to affect systemic change.

Justin also worked for NPO 2, which promoted education within the community, providing education on healthcare, teenage and youth issues, and domestic violence (NPO 2 website, 2015). With a larger coverage area than NPO 1, he noted everyone in the office participated in client intake. Their organization was divided into service areas by counties, and Justin’s office coordinated with another NPO 2 office to serve 27 counties. Justin had three counties for which he was primarily responsible but all the offices attempted to work together as needed. The majority of Justin’s case load came from his three counties. In addition to client intake and litigation, he engaged in regular community education as part of certain grants. He was responsible for setting up and participating in community education events within his counties.

Justin pointed out there was nascent manpower available in this organization for lengthy supervision and graduated training opportunities for new lawyers. However, he felt the organization did a good job of training new employees and ensuring they were not unprepared. Justin illustrated his point using a comparison to private law, where a new lawyer can spend

years of document review or years of sitting “second chair” on cases. Within a non-profit public interest organization, the new lawyer has to be immediately prepared to handle a case. In addition to fewer available attorneys, “there are short deadlines; people would’ve come to you when they have a problem that needs to be dealt with immediately rather than well beforehand. So, you kind of have to be able to think on your feet very quickly, figure out what needs to be done very quickly and move forward as quickly as you can” (Justin, interview data, 2015). Most of the cases Justin accepted would have immediate negative impacts upon the client’s life if not handled straightaway.

I had the opportunity to observe Justin in one of his public outreach sessions. As he mentioned, Justin’s responsibility covered three counties. He engaged in outreach with the communities in an effort to reach vulnerable populations who were unable to travel to an office or, perhaps, scared to reach out for help. Justin explained they tried to plan these sessions in locations that were easily accessible for their targeted population. Moreover, the organization could not afford to pay exorbitant fees to rent locations. The location for this session was in a room at a local clinic. The room was large, but plain and simply furnished. There were folding chairs set up, facing a plain table at the front. A few people were already present, seated, waiting, and lightly chatting. Justin had brought some printed materials for the group, and he neatly laid them out on the table. Justin commented during our interview that public engagement was the one skill he felt least comfortable performing. He did seem slightly nervous; it was obvious he felt slightly out of his element. He politely greeted people as they came into the room while casually conversing with others (Do you live in this county? Have you been here your whole life?) There were approximately 13-20 people in the room who represented a variety of ethnicities and demographics.

Justin brought everyone's attention forward to begin the session. He was there to talk about social benefits. This included how one could maneuver the very difficult and confusing system to get benefits. He explained some benefits were more difficult to gain approval for than others, such as disability and unemployment benefits, but it helped if the person was aware of how to maneuver the process. Don't just give up! I did not see or feel Justin's nervousness emanate during the presentation. He was very knowledgeable and comfortable speaking. Justin seemed confident in his presentation, not in an egotistical way, but in an "I love my job and this area of law" way. He frequently stopped during the session to answer questions, and he made sure his presentation was geared toward the type of audience present. Most wanted to know: how they would start such a process; what if they were denied; did they really need a lawyer; what if they had no money to live off of; or they just didn't understand these laws. Justin gave each question equal attention. He was diligent to answer without using legal lingo or terminology a lay person would not understand. He spoke on their level. Justin concluded by explaining how they could do this on their own, but if they felt overwhelmed or unsure, they could reach out to the office for advice or representation. Afterwards, several people spoke to him briefly before leaving. Justin endeavored to reassure everyone, and he was very sensitive and respectful to each person's situation. As the room cleared out, Justin gathered his things. He explained in some areas the people really did not have the resources to get to an office location. The organization attempted to remedy this through outreach sessions, while also making these populations aware they could acquire advice without necessarily needing full legal representation. I felt Justin truly did not give himself credit for the great job he did in the outreach session.

Justin credited Apple Law School's practicum work, clinical experiences, and internship work for providing the valuable experiential learning that helped him become practice ready for this position. One vital characteristic Justin identified was working with clients, which is a skill he felt cannot be learned without experiencing it. Another aspect is the emotional toll of public interest lawyering. Justin credited his outside mentors for helping him prepare for this before he began lawyering. While Justin felt he received a good law school education, he identified the need for more guidance on how to take advantage of what is offered. Justin stressed with the advice of mentors, he was intentional in planning his law school curriculum so he could be practice ready at graduation.

Case 5: Derek

Derek was a recent law graduate of private, public interest-focused, Cocoa Law School. Cocoa Law School was founded in 1898, and had a slightly different curriculum comprised of a cooperative legal education program, in which students graduate with four full-time work experiences (LSAC, 2015). Moreover, Cocoa Law School claimed its opportunities distinguished it as "one of the nation's top law schools for public interest law" (LSAC, 2015). When I asked how he chose his law school, Derek stated, "I went there because it's the number one public interest law school in the country. I ...got into two [nearby] law schools but didn't want to go further north but...now, looking back on it, it was sort of the reason... it was the best place" (Derek, interview data, 2015). I asked Derek to speak about how his interest in social action evolved. Following undergraduate school, Derek worked in a non-profit public interest organization. He had accepted a position with the American Bar Association Law Initiative, a non-profit working for legal development in transitioning countries. At this point, he realized

there were no doubts concerning his future: he wanted to be a lawyer for social action. This contributed to Derek's intentionality in his choice of law school and why he selected one with a public interest perspective.

Derek was employed with NPO 1, albeit in a more focused position than seen with the other participants. His primary responsibility concentrated on education-related issues, mainly within the K-12 system. Such legal issues could include discipline cases, disability access, and educational accommodations. At the time we spoke, Derek was switching his focus from primarily public outreach to actively researching and responding to educational complaints, which could be possible violations of educational rights within the K-12 system. Another primary difference between Derek and the other public interest lawyers in this study was that his job required little-to-no litigation. While both of his positions had focused on education law, Derek explained he had to be conscious of the intersection with other legal areas.

Derek's first position was an equal justice works fellowship at NPO 1. Public outreach and education was a primary component of that position, and Derek spent the majority of this time engaged in outreach. The equal justice work fellowships were paid for by a third party in which the fellow was hired to implement a project designed to have some form of social impact or public interest value. He worked on the Individual with Disabilities Education Act [IDEA] claims, parent advocacy, and training. He worked with parents and let them know what their rights were under the IDEA if their child had an Individual Education Plan (IEP). He also focused on connecting those parents to larger networks so that they could, in turn, organize and reach out to other new parents in similar positions. While this was a hard outcome to actualize, Derek explicated they did reach a lot of parents to increase the overall knowledge about IDEA, IEP's, and the role of the parents. They documented reaching and educating over 500 parents.

As mentioned before, Derek had moved on from this particular project of outreach and education toward a more enforcement-type role. At the time of the study, he was working to enforce Civil Rights Statutes, including several that touched on education such as 504 and ADA. Derek had already experienced working with these two statutes during his fellowship. In this new role, he responded to complaints and concerns within the educational system and communicated with the school for specifics regarding the potential case. He engaged in technical assistance and awareness when needed, but most of Derek's actions were responsive to complaints. He surmised 99% percent of what he did was address complaints. He was still in the process of building his case load. Most of his cases involved special education, a type of law with which he was familiar. Interestingly, his case load at the time of the study was about half to two-thirds what most of his colleagues carried. But, continuing to receive new cases every week, he was quickly closing the gap. Overall, both of his jobs focused on students with special needs, their legal protection, and enforcements of those protections.

I met with Derek for an observation of how he conducted a case review. It was in his office, which was small and painted a light color to provide an open feel. There was just a desk, chair, bookshelf, and filing cabinet filling the space. All of the attorney's offices were slightly neater than I expected. They definitely had "stuff" on their desks and shelves, but I received the distinct impression there was an organization to the "stuff". Derek's office was no exception. He had several files to go through for case reviews. He opened the first one. There were multiple forms, which consisted of specific questions that guided the intake. The intake person spoke with the individual, asked the questions, and completed the form. Derek explained this system was more efficient than having a potential client complete the form, since they might have included irrelevant information or failed to include important facts regarding the issue.

Derek began by reading the overall complaint. Did it seem to indicate a violation of civil rights, a violation of a law? If so, (yes, it did) then he read more. What did the client say was actually the issue? Was the problem still currently happening? Was it having a negative impact on someone, impacting their life and could possible lead to a longer lasting negative effect upon their life? After asking himself these questions, Derek would decide if the case was a violation of civil rights and if could they accept it. Moreover, Derek reviewed the case documentation to determine if this was a reoccurring issue, and could it be an indication of a potentially larger issue. He explained this process was comparable to advanced issue spotting. Students are taught to issue spot in law school and it is a primary component of law school final exams. Derek commented that you really do not comprehend how much this skill actually helps you until you are out practicing!

Next, Derek compiled a brief summary of the case, issue, and potential impacts. This would be reviewed with the office staff during their next meeting. His recommendation was to accept the case; however, the final decision would be made as a group. If the office concurred there was a potential violation of law or civil rights, then they would begin interviewing the involved parties to determine if there was a need to intervene or litigate. He spent about 30 minutes combing through the file. He explained that time spent reviewing depended on the issue and information attached. Either way, he had to quickly review the case file, which required him to have a process, such as knowing what he was looking for and where that information lived in the file. Now that the first case review was complete, Derek began to repeat the process with the next file.

Derek added to our conversation how he felt a public interest lawyer just needs to be a well-rounded attorney. He stressed that this was excellent advice since there are no areas of

public interest law flooded with resources. One has to be prepared to go very far with very little, from daily time management to legal research to litigating in court. Plus, public interest lawyers can find themselves litigating an issue that involves multiple laws. Derek remarked public interest lawyers have to “be willing to go uphill” due to nascent resources and heavy workloads, but that is just what they do.

Attending public interest-focused Cocoa Law School, Derek could not think of any substantive issues regarding his legal education. The only issue that came to mind was a minor “hiccup” he had post-graduation. The State Bar Admissions requires a fitness of character exam to be done before one can even take the state bar. Every state is different, and Derek was attending a school that had few students planning to sit for this bar. Thus, he was unaware of the different bar application process. The state bar’s deadline had passed before he was even aware. “That caused a huge problem because I wasn’t able to sit for the first exam out of law school. And so that slowed me down in terms of preparedness because I was studying for the February bar while I was working and that was a real problem. But that wasn’t about the law school not doing anything or me not being prepared” (Derek, interview data, 2015). In the end, Derek sat for the February Bar and was quickly able to redirect his focus on work.

Case 6: Cindy

Cindy was raised in a social-justice-oriented family, which developed her desire for social action. “My mother worked in non-profit, and so I sort of always had the idea that it would be good [to have a job] that was contributing to the public good and not just working for anyone but a non-profit. So, it was a natural progression from my family growing up” (Cindy, interview data, 2015). She expressed no doubts about her choice of lawyering field, and her great passion for helping vulnerable populations was clearly evident. She practiced public

interest law to give power to those without it. Interestingly, Cindy did not really label herself as an agent of social action; she stated, “it’s not necessarily saving the world...but I feel like we’re always giving people the same kind of chances that everyone should have” (Cindy, interview data, 2015).

Cindy spent time during our interview speaking about the “trade-offs” one makes when deciding upon law school and their lawyering career. Attending a private law school, Cindy had to remain cognizant of her potential income and student loan repayment. “Obviously, public interest attorneys don’t make that kind of money right out of law school or even the salaries that people do at a big firm” (Cindy, interview data, 2015). Cindy advised the students interested in public service to consider the reality of how they plan to maneuver the financial aspect of their life since public interest law is definitely a lower salary. She stressed the public interest lawyer has to be willing to do it for the intrinsic benefits of the work, not the extrinsic benefits.

Working at NPO 1, Cindy found that while people had their own individual cases, they pooled resources in an effort to gain advice and experience. They had a collaborative environment of work and learning. This was valuable to Cindy, to work in an environment where everyone not only had the desire for social action, but the desire to help each other as professionals. I asked Cindy to explore this a little more:

And that was really valuable to me, having people who were familiar with my work and my desire to be there, who could really use their access within the organization to advocate for me. And I will do the same thing now for people that I’ve worked with as interns or fellows who I know would like to be in the organization or even just in public interest work generally. (Cindy, interview data, 2015)

She visibly enjoyed the camaraderie and shared passions of her co-workers.

I joined Cindy to observe her litigate two cases in court. I met her outside the courtroom, in a full hallway as the doors to the courtroom were closed. She was with her first client, a woman seeking a divorce. The client and her estranged husband were both deaf. Cindy and her client were looking around for the husband, but could not find him. As the doors opened, Cindy spotted the husband with his interpreter. The interpreter for Cindy's client had failed to appear. She retained her client and the other party just outside the courtroom door. Cindy asked the interpreter if she could use him to explain the situation. Without both interpreters, the case could not go before the judge; thus, it would have to be postponed. Everyone moved into the courtroom (very full, with no extra seating), and Cindy quietly moved to the jury box with the other attorneys. The call of the calendar began and continued with the judge explaining the rules of his court. After the calendar call, Cindy asked the court for her client's case to be rescheduled. She quickly explained the absence of one interpreter. The judge rescheduled and dismissed both parties from the court. Cindy immediately walked over to her client, and through the interpreter, explained the case had been rescheduled. As the client left, Cindy once again returned to the jury box. Her next case was called after approximately 20 minutes. This case had already been before the judge to request a Temporary Protective Order. At that time, a court mediator had been assigned to the case. The judge dismissed the mediator, attorney, and clients from the room, instructing them to review and discuss the mediator's report.

We left the open court and entered into a small (actually, very small) interview room just outside the doors. The mediator sat on one side of the table, Cindy on the other side, and the husband sat at the end. Cindy's client was visibly shaken to see the husband, and Cindy agreed she should remain in the courtroom. The mediator reiterated to everyone what the court had asked her to do, what potential witnesses had been identified by both parties, and what she had

concluded. She acknowledged there were two people with which she had not spoken. One person was a witness for the husband, and he felt very strongly about having the witness give a statement. The mediator agreed she could take extra time and reach out to the person one more time. Cindy willingly agreed to a few additional weeks to allow for another chance to contact the other witnesses. Cindy continued to sit very quietly, demonstrating a professional, yet relaxed, demeanor. She did not seem anxious or concerned. The mediator spoke directly to the husband and explained each part of the report to him. While the report seemed to be in favor of Cindy's client, the mediator went through the document in a neutral, matter-of-fact tone. Cindy was reserved, only chiming in when asked. The husband expressed his desire to see his child. Cindy remained calm, but due to violence concerns, she firmly stated they would establish visitation through a neutral organization. She gave him the location and contact information. This neutral organization would allow for supervised visits with the child, as well as prevent any contact or communication between the husband and wife. At this point, everyone returned to the courtroom. The mediator explained to the judge she would turn in her preliminary report and continue to seek the additional witness statements. The judge agreed with the mediator's plan and with the terms of supervised visitation. At this point, Cindy swiftly guided her client out of the courtroom and around a corner where they could watch for the husband to leave without being noticed. The client was visibly upset, but Cindy was ecstatic the mediator was siding with them. She comforted her client, acknowledging her raw emotions, and assured her all would be fine. Next, Cindy explained to her client visitation would be allowed, through the use of a neutral organization, which was familiar with handling such situations. She quietly reassured her client and calmed her down before they left the courthouse. Cindy admitted these cases were especially difficult, in light of the abuse, but she was very happy with the results. Cindy

explicated she had to reassure her client to not worry. As for the mediation, Cindy stated that while she had to be calm and neutral in the room, she felt a surge of excitement when it was clear the mediator was siding with her client.

Cindy attended Desert Law School, a private traditional law school. Due to her self-directed learning, Cindy was able to take advantage of all possible opportunities, and her practical experience during law school led to a permanent job. Due to the multifaceted job duties and the emotional managements, Cindy advised “people to get hands on experience working in an organization either explicitly where they’d like to work or something like where they’d want to work” before jumping into the public interest lawyering field (Cindy, interview data, 2015). Cindy felt people considering working in the public service need to experience it first to ensure they can handle the multiple responsibilities and emotional demands of the job.

Case 7: Kristin

Growing up in a privilege household, Kristin was unaware of the difficulties and hardship others faced. Her undergraduate education served as an “eye opener.” It initiated a shift in her habits of mind from an individualistic perspective, focused on her own needs, to viewing the world as a whole and seeing the needs of others. “I don’t know that I knew it a hundred percent like in high school, for instance, but...by the time the end of college I knew I wanted to do something that I felt like would help people in a very real and obvious way. And that’s what I was thinking when I went to law school much to my father’s dismay” (Kristin, interview data, 2015). Kristin earned a Bachelor’s degree in sociology, and she described the undergraduate coursework as teaching her to view the world as a whole. She found it “kind of eye-opening for

someone who grew up pretty privileged, which I did” (Kristin, interview data, 2015). At the time Kristin began law school, she felt confident she wanted to pursue a public interest oriented lawyering position.

Still unsure what public service and social action really involved, Kristin began law school and intentionally sought experiences to help her define future goals. She just picked a clinic and enrolled in it. Her first clinic was focused on criminal law. While Kristin enjoyed helping others, she was not quite sure if she enjoyed the criminal aspect of lawyering. The next aspect of law Kristin explored was capital assistance. She worked with an organization that provided representation to people on death row. This placement was more focused on appellate work. Kristin realized two things: first, she liked work that was more varied; and second, it was difficult working for clients already on death row and knowing you were their last line of defense. During Kristin’s third year of law school, she accepted externships with two non-profit public interest organizations. She realized she enjoyed both clinical law and direct service to clients. Within the clinical and internships spaces, Kristin’s shift in perspective grew in capacity; she became passionate about human interaction and helping give others a voice and power to overcome obstacles. This shift led to pursuit of a career in a legal aid office post-graduation providing direct client services.

After graduation, Kristin accepted a job with NPO 1. At the time of this study, the organization employed 68 licensed attorneys in five offices surrounding a metropolitan area (NPO 1 website, 2015). Their clientele consisted of low-income populations living on an income below 200% of the federal poverty limit (NPO 1 website, 2015). In 2014, their offices oversaw

more than 20,000 cases in the metropolitan area, which assisted over 50,000 individuals in meeting these basic needs (NPO 1 website, 2015). She spent the majority of her workday either advising or representing individuals.

Kristin invited me to observe one of her weekly office case triage sessions. Her office met every Friday morning to discuss the week's events, intakes, and possible cases. They had to be efficient to fit everything into a short, two-hour period. When I arrived, I immediately realized Kristin was *very* much a morning person. She introduced me to others in the office (as well as a recent graduate I knew well) and briefly socialized. I had to sign a confidentiality agreement with Kristin's immediate supervisor before I was allowed to observe the meeting. At promptly 9:00 am, everyone moved toward a very small conference room filled with law casebooks and stacks of paper. There was barely enough room for everyone to sit around the table. I took a chair next to the wall, and quickly realized people could not walk between me and the person sitting in front of me at the table. The meeting began with a call for successful case resolutions of the week. After quick congratulations to the representing attorneys, they moved to pending cases. Where did the case stand? Did the attorney in charge have questions, issues, or need advice? Kristin was very engaged throughout the meeting. She took charge of writing notes on a flip chart toward the front of the table. They briefly discussed a couple of administrative office issues (i.e. getting the refrigerator fixed, installing a donated dishwasher) and proceeded to the primary portion of the meeting. This time was reserved for reviewing the intake forms from potential clients. Each person had a stack of intake forms in front of them. They took turns presenting the focused issue of the intake interview. As soon as the attorney gave a brief description, everyone chimed in regarding the potential case. What was the legal issue? Could we really help them? Did we need more information? Did it seem the client might have left out

vital information? Who was the person that could take on the case? Did it need to be researched? Was this an area/entity/policy we have had issues with before? Kristin was very vocal, and she was literally sitting on the edge of her seat throughout this process. They passed the intake form and any documentation around the table as it was discussed. The process moved much faster than I expected, but then again, they had to be conscientious of their time together. They were focused and pointed in their discussions. They were also torn about whether or not to take on one of the cases. Could the person handle this with just advice? Would they need to go to court? Was this placing the person in a situation where they may not have housing or be able to afford food? Were there children involved? Everyone seemed sensitive and caring, but realistic, as to what they could legally do to help the person. There were other cases that appeared more critical. The meeting continued, filled with vibrant discussion and collaboration among the attorneys. At the conclusion, they de-convened. Each person left with a very different stack of papers than they possessed when they arrived. Rather than just head out to lunch, they returned to their offices to get organized and plan the rest of their day.

Apple Law School was a traditional public law school offering a diverse curriculum for any legal specialty (LSAC, 2015). Kristin acknowledges she was satisfied with her legal education, but she wished they had offered more guidance centered on student loan repayment after graduation. Fortunately, NPO 1 did supplement the attorney's salary with a small payment toward a student loan every month. Kristin was unaware of this subsidy when she was looking for a job, and she considered it a huge benefit to working for the public interest most people do not know about.

Summary

This chapter presented a view of multiple units of analysis, full-time public interest lawyers, through the utilization of case studies. Each case is unique and distinct, and this study desired to capture the voice of each individual case (Stake, 1995). Thus, each of the seven participant interviews was treated as individual case. The case summaries touched upon the participants' movement toward social action, their work responsibilities within the organizations, and the unique observation of each participant to allow for a better understanding of the characteristics needed for preparedness. The next chapter presents cross case findings.

CHAPTER 5

FINDINGS

This multicase study was initiated to identify and describe the characteristics of preparedness for public interest lawyers working in a non-profit public interest organization with an orientation toward social action. The following research questions guided this study:

1. What do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action?
2. How, if at all, are these characteristics integrated in legal education (curriculum and mission) and intentionally enacted in the legal pedagogy for public interest law?

This chapter will discuss the findings of the research based on the data analysis of the seven cases. Table 5.1 provides an overview of each research question, the findings, and the finding sub-categories related to the research question.

Table 5.1

Study Findings

Research Question	Finding	Subcategory
What do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action?	1. Predisposition to Social Action	Development prior to Law School Desire to help vulnerable populations

	2. The Relationship between the Lawyer and Client	Capacity to Practice Bounded Sensitivity Adeptness for Cultural Competency
	3. Skillful Representation of the Client	Skillful and Knowledgeable Lawyering Participation in a Knowledge Community
How, if at all, are these characteristics integrated in legal education (curriculum and mission) and intentionally enacted in the legal pedagogy for public interest law?	1. The Fostering of Preparedness in Legal Education	Real-life Practice Diversity in Pedagogy Law School Support

The participants identified and described what they perceived to be the characteristics for preparedness in this particular lawyering field. Each participant shared how they became prepared, both within and outside of law school, for a practice of law for social action. A better understanding of these characteristics informs the literature of the theories regarding learning from experience and reflection in action as framed in legal education. It also enlightens legal education so we can intentionally provide and foster the law school structures necessary to graduating practice-ready students who plan to practice law in the public interest.

Research Question 1

The first research question explored what recently graduated public interest lawyers identified as the key characteristics of a prepared public interest lawyer with an orientation toward social action. This question was to address a gap in the literature describing what constitutes preparedness in recent law graduates in the field of public interest law. There has

been a call for more practice ready law graduates; yet, the literature has yet to focus on what preparedness actually entails for a particular lawyering field (ABA, 2012, 2014; Carnegie Foundation, 2007; Christensen, 2007, 2008; Colby & Sullivan, 2008; LSSSE, 2010; NALP, 2010, 2011).

To gain an understanding of how full-time public interest lawyers identified and described the key characteristics of preparedness, data from semi-structured interviews and observations in a multicase study were used. Three overarching findings were identified from the data as characteristics of preparedness: 1) a predisposition toward social action, 2) the relationship between public interest lawyer and client, and 3) the skillful representation of the client. The participants demonstrated a predisposition toward social action prior to beginning professional practice, as well as a continued desire to work in the public interest. The relationship between the public interest lawyer and client was exhibited through: (a) the lawyer's internal capacity to practice bounded sensitivity, and (b) the lawyer's adeptness for cultural competency. Within the finding of skillful representation of the client, it was found: (a) the lawyer had developed skillful and knowledgeable lawyering competency and (b) the lawyer participated in a knowledge community. Figure 5.1 summarizes the findings for research question one.

Finding One: A Predisposition toward Social Action

The public interest lawyers in this study communicated a desire for social action to help vulnerable populations. The case interviews and observations illustrated the participants as reflecting on past and present experiences associated with issues such as inequality, oppression, and discrimination in society. Five of the participants discussed a strong desire to work for social action, which was a contributing factor in deciding to choose law as a career.

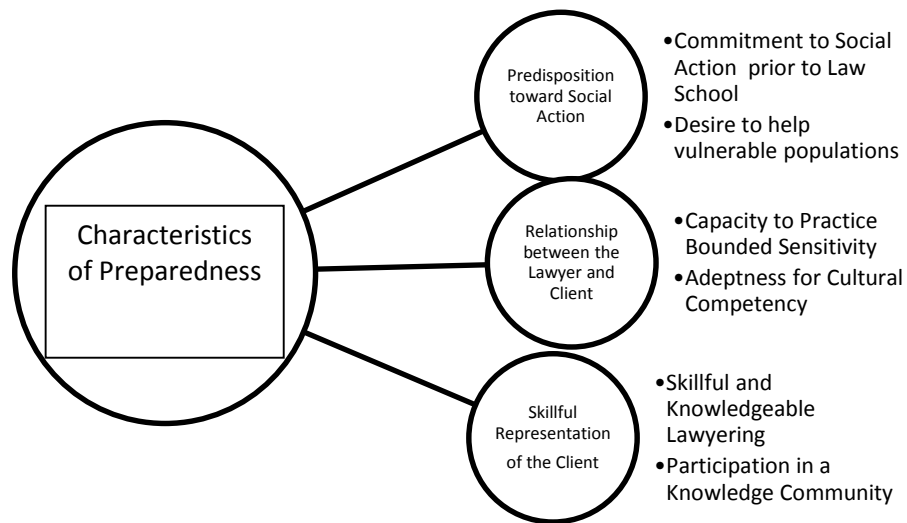


Figure 5.1. RQ1: The findings of social action, relationship, and representation.

The other two participants spoke about real-life practice experiences during law school, which fostered the desire to work in service for social action. Across the cases, the participants spoke about their aspiration to help individuals fight observed cases of inequality in society as the pursuit of social action is grounded in individual freedom (Dewey, 1916). The lawyer’s role in the pursuit for individual social action was described by the participants as giving power and voice to the individual who had none. Ali defined public interest lawyering as “working for social action as you give power back to people who feel like they have no power. With our assistance clients without power might actually be seen. Even better, they can be heard”. Ali acknowledged the feelings of powerlessness in her clients. Observing her clients struggle in a system in which they wanted to be heard, Ali found she was immersing deeper into the service for social action:

It has broaden[ed] my perspective [to] be aware that no one individual’s needs are above the needs of anyone else. People have a right to have access to the same rights and benefits as everyone else in society. Public interest lawyers should help individuals

whose rights are violated. I feel like we are contributing to something bigger than ourselves... you hope your case can not only correct [inequality] for your client, but correct it so no one else is impacted in the same way...I think I'm giving back through my job. I do so to help other people. (Ali, interview data, 2015)

In this quote, Ali described her and others' work in public interest law as ensuring the people in vulnerable populations get the same opportunities and rights as others in society. They see their work through social action as allowing them to give back to society. When speaking to Cindy, it was interesting to realize she did not label herself an agent of social action. Rather, she defined her job as leveling the playing field for her clients, eliminating the imbalance of power in the case.

I really think of it as evening the playing field. We're not necessarily going to win every case. We're going to get cases that aren't very good cases but I feel like regardless of the facts in the case, coming into a courtroom with an attorney representing them or even an attorney having given them advice and trying to help give them a better chance than if they would've just come in to court on their own trying to fix a bad situation. So, it's not necessarily saving the world and every case isn't perfect but I feel like we're always giving people the same kind of chances that everyone should have. (Cindy, interview data, 2015)

Cindy acknowledged in this reflection she may not win every case; however, she believed through providing legal representation, the opposing party does not benefit from a disproportion of power in the situation. Cindy stated that she enacts her desire to help vulnerable populations

through the equalization of power. Her clients typically have no money or power; Cindy's representation provides the client with these so they have a fairer and equal opportunity against the opposing party. She expressed:

I think often there are cases where the other parties tried to take advantage of the client and know that client is vulnerable. I think sometimes the other party goes into these cases very explicitly knowing that there is a power and balance [discrepancy] and thinking that they will get their way. And it is kind of satisfying in those cases to come into court or to a mediation have them actually have a meaningful fight ahead of them which they didn't expect. I want them to understand that there is a just legal system and that they're not just going to get the easy outcome that they want, that it has to be a fair fight. A lot of time the money and power become a dynamic for those things, for domestic violence or control, and so you'll have someone who thinks they can still control it. (Cindy, interview data, 2015)

In this reflection, Cindy expressed how she helped equalize the power within a situation so her client had a fair fight. Meanwhile, she hoped the opposing party would come to the realization they cannot just win through suppression of an individual.

The public interest lawyers brought forth their desire to fight suppression through the practice for social action at an individual, and sometimes systemic, level. The orientation toward social action occurred at different times within the participants' life, but this orientation was recognized by all of the participants by the time they graduated law school. Prior to law school graduation, each participant had either experienced working with vulnerable populations or viewed inequalities in society through personal experiences. They acted on this internal desire by choosing a position as public interest lawyer in an effort to promote social action for

individuals from vulnerable populations. Kristin described how she viewed herself as working for social action by describing her clientele. She explained how vulnerable populations tend to be overlooked in society and unsure how to navigate the legal system. Kristin shared that she relates to these clients by giving them recognition and power through her legal representation.

Most of my clients have been poor their entire life, they've been in the system their entire lives and so they're very used to being overlooked, or they have to yell until they get what they want, but for most of them it is just being overlooked. They're very confused by the legal system which isn't surprising because most people who aren't well versed in it are confused by it, but these people are confused by legal systems are not very highly educated which is going to obviously affect how they interact with the legal system and their ability to get help from people who know how to navigate it. But some of it I see as giving help back to those people who often times don't feel like they have that much power in their lives. Most of them aren't highly educated, they definitely don't have high powered jobs, they feel like things are just thrown at them all the time and this is just another hurdle and they don't know what they're going to do. (Kristin, interview data, 2015)

In this instance, Kristin reflected in our conversation that she saw herself as the “gateway” for her clients to have an advocate, as well as to gain access to a system that they feel shut out from due to poverty, lack of education, and access. The empathy she felt for their plight is evident in the following illustration, where she exhibited an understanding and respect for the emotional and physical place in which client is situated. She continued:

And sometimes it's just the littlest thing, like I spend twenty minutes on the phone with someone explaining how the process of a case looks and what is going to work and then

they feel a lot less scared, like now they know what they're going to do and they know they have to move out by a certain time and it's going to be hard but they know what they need to do. And so sometimes it doesn't take as much effort like for individuals like us, the attorneys, and the paralegals and such, but it makes a big difference in people's life on the individual level. So, I think most of what I do is focusing on the individual level so that these people can either help themselves or we can help them have better lives in general. I think we do a lot of good just in day to day interactions with people. (Kristin, interview data, 2015)

Kristin shared how as little as 20 minutes of her time can have a huge impact on a person in need, as the clients are typically scared and unsure of how to handle their current situation. The participants recognized sometimes a small amount of time and effort on their part could translate into a much larger impact upon someone's life. All described how their actions, whether on a small or large scale, can contribute to the social action for an individual. This predisposition toward social action within the participants was perceived to be continually growing as they engaged in professional practice. Moreover, each individual act of social action has the potential to impact other vulnerable populations in similar situations. Thus, the participants have the opportunity to see their acts for social action carry forward for positive impacts at a larger, systemic level in society.

Finding Two: The Relationship between the Public Interest Lawyer and the Client

This finding depicts the relationship formed between the public interest lawyer and the client. For the purposes of this study, the relationship was described the ability of the public interest lawyer to cross social, cultural, and professional boundaries to relate to and better serve clients from vulnerable populations (Zahavi, 2005). Reciprocity existed between the public

interest lawyer, who was working to help clients within vulnerable populations, and the client, who trusted the lawyer with very personal legal issues that were impacting their basic needs in life. The capacity of relatedness was identified across the cases as a key characteristic of preparedness for a public interest lawyer with an orientation toward social action. The ability to forge such a relationship with clients was embodied in the public interest lawyers as: 1) the lawyer's capacity to practice bounded sensitivity; and 2) the lawyer's adeptness for cultural competency. The public interest lawyer drew from the identified sub-categories in an effort to cultivate an optimal lawyer-client relationship. Each sub-category is described based on participants' perceptions of preparedness for the practice of public interest law and illustrates this relationship is enacted between the public interest lawyer and client. Figure 5.2 illustrates the second finding of the relationship between the public interest lawyer and the client as a characteristic of preparedness.

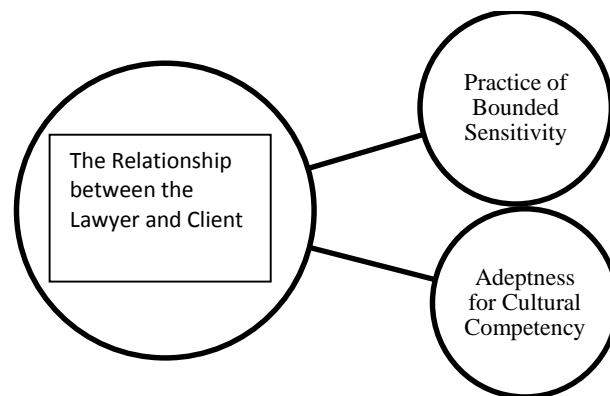


Figure 5.2. RQ1: The relationship between the lawyer and the client.

The Lawyer's Ability to Practice Bounded Sensitivity

The ability to practice bounded sensitivity was exemplified by the participants as having sensitivity for their clients while establishing an emotional line in the relationship between them and the client. Bounded sensitivity described the way in which the lawyer brought themselves

into this relationship with the client and guided how successful the lawyer was in maneuvering the client interaction. This aspect of bounded sensitivity was seen through the way in which the participants engaged with their clients without becoming too emotionally involved in the client's situation. Kristin referred to her real-life practice in law school as one means of helping her learn how to manage the emotional aspect of public interest lawyering.

They're still people, they're still the same as everybody else but they just have their own specific issues and we have to be sensitive to those. I got direct experience [in an externship] doing intake and speaking with those people and figuring out how to relate to them, but not relate to them too much. (Kristin, interview data, 2015)

As Kristin described, the public interest lawyer has to set boundaries to avoid becoming over-involved with or over-attached to clients and cases. The public interest lawyer has the desire to comfort and provide assurance to their clients in difficult situations, but they must be internally conscious of the emotional weight of the relationship. Ali provided an example of how and why public interest lawyers bring themselves into this relationship by binding their sensitivity to the situation.

A public interest lawyer has to be invested, to be empathetic, but also has to learn to draw an emotional line. Public interest lawyers in these nonprofit organizations have to deal with and relate to very different clientele on a daily basis. It can be emotionally draining. (Ali, interview data, 2015)

Ali illustrated in her interview that while the public interest lawyer has to be sensitive and understanding of their client's situations, the lawyer needs to bind their compassion. The

participants explicated how critical it is to effectively balance their sensitivity within boundaries in an effort to avoid the emotional exhaustion that results from becoming too involved in a case or a client's situation.

Kristin specifically described this relationship between the public interest lawyer and their clients. She verbalized how the public interest lawyer exhibits empathy to understand the client's plight; yet, internally practices bounded sensitivity in the effort to manage the emotions of the situation as well as manage the efficacy of the case.

Deal with them, relate to them but also be able to draw that line between yourself and them so that you don't get too emotionally involved. Our clients are a different sort of client. These are not sophisticated business people who know what they're talking about. These are people who are calling me because they're about to be homeless and they have no idea what to do and they're crying and they think it's a very big deal. They think something that is not relevant to the legal problem is the biggest deal and so they want to emphasize that to you and if you don't watch out you can end up being on the phone for two hours with this person who is crying hysterically and you'd do anything to help them and it's not the best use of your time and it's not the best use of their time. (Kristin, interview data, 2015)

Kristin reflected on how she was sensitive to the client's situation, yet in an effort to provide the best legal assistance, she had to get the client to share the relevant legal facts within the limited time of the client interview. Kristin further illustrated how such emotionally charged interactions support the need for the lawyer to practice bounded sensitivity for emotional management.

Interestingly, Cindy compared bounded sensitivity and the emotional demands of her job to working in an emergency room as "[You need] preparation on an emotional level". The legal

issues handled within these non-profit public interest organizations can be emotionally demanding, as the lawyer is charged with cases that impact an individual or family's basic needs in life. Dealing with domestic violence, housing evictions, and basic financial support for families expends the emotions and compassion of the lawyer as they become invested in a case. The public interest lawyer deeply cares about these individuals and their needs; however, they must establish boundaries around their sensitivity and compassion to prevent from "burning out" in their professional life.

The Lawyer's Adeptness of Cultural Competency

An additional layer to the lawyer's relationship with their client was their adeptness of cultural competency. An effective, prepared public interest lawyer was described by the participants as rendering empathy and cultural awareness in an effort to better relate with their client. This contributed to relationship between the lawyer and the client as the public interest lawyer transcended the social and cultural boundaries to effectively support and serve their client. Cultural competency described the ability of the public interest lawyer, through their behavior and approach, to meet their client "where they are" through a cultural understanding of the client and empathy for the client's situations. The public interest lawyer developed adeptness for working in a cross cultural situation through the appreciation for diversity and cultural awareness. As professionals, this cultural awareness positively impacts the relationship between the public interest lawyer and the client from a vulnerable population (Winkelman, 2005). This competency was exhibited in Ali's observation as she engaged with a very emotional client. Calm and reassuring, Ali comforted her and ensured the client understood what was happening. Betsy and Cindy demonstrated empathy with their domestic abuse clients as they ensured the

clients did not have to interact with the abusive parties. Kristin also found empathy to be essential when dealing with vulnerable populations.

Like I said, you end up with a very emotional client because these aren't people talking about their corporation, these are people talking about their lives and their children and things that affect them on a very deep level and you have to figure out how both validate their emotions and also get them past that to what's relevant to the case and the information that you need to know. (Kristin, interview data, 2015)

Kristin's illustration helps us understand how she empathized with her clients, understanding the very real struggles they are facing. However, she also described how the lawyer must bind their emotions to get the relevant case facts so they can help the client through legal representation.

Cultural competency arises from a person's cultural awareness; an awareness and respect for the diversity in society. Cindy described her clientele, illustrating the diversity of culture and situational circumstances affecting them. She described the awareness she must meet her clientele with; where they are situated if she is to relate to them; and understand their legal issues. Cindy was the participant who actually labeled this adeptness as cultural competency.

One big one I think is kind of cultural competency. At legal aid we do represent diverse people and vulnerable populations in the metro area and that brings diverse demographics, we get a lot of people who are new to this country who are using English as a second language and then people from a variety of life circumstances. Going in knowing that you need to meet people where they are and be sensitive to their specific needs. Having come from a social justice background, I knew in my education that I

needed to learn about the different cultural needs of my different clients and try to meet them where they are and they are not just coming in with the same set of cultural history that I am. (Cindy, interview data, 2015)

Cindy stressed the relationship between the lawyer and client as directly impacting the lawyer's ability to effectively serve the client. This relationship between the lawyer and the client is initiated with the intake interview. Justin expressed how adeptness for cultural competency was important in this first encounter, as it served to establish the rapport between the public interest lawyer and the client. Justin discussed:

To do a good intake, you need to be able to establish a rapport with interviewees quickly, while still being able to ask difficult questions. It's important to build a rapport quickly so that the interviewee trusts you with sensitive information. Clients who don't trust or like you are more likely to hold back info or drop out of contact after their case is accepted...you also need to be able to ask difficult questions and follow up on inconsistencies in the story or weaknesses in the case. (Justin, interview data, 2015)

Justin reflected on how essential it was to create and delineate the relationship with the client from the very first interaction. If the client does not trust the lawyer, or feels uncomfortable, they are more likely to withhold vital information impacting their case. Kristin acknowledged it can be difficult to understand and/or engender client interactions, even with developed sense of cultural competence. There is a vast diversity within vulnerable populations, of which the public interest lawyer has to be conscious to successfully navigate the relationship.

And we also work with particularly vulnerable populations like immigrant populations and people who are facing domestic violence, people with mental illness, and all that sort

of thing which takes some special kind of finesse. I think the biggest thing that comes to mind for me is just understanding how deal with a client interaction. (Kristin, interview data, 2015)

As described by Kristin, cultivating the understanding of how to deal with client interactions begins in law school and continues throughout practice. The participants discussed building this adeptness through exposure to real client interactions during law school clinical, internship, and externship opportunities. Public interest lawyers have to understand not only how to relate to the client from a vulnerable population, but they also need the capacity of empathy to put themselves in the client's situation. Cultural competency appeared critical for gaining the client's trust. The public interest lawyers in this study identified their predisposition for social action, bounded sensitivity, and cultural awareness as impacting the quality of relationship formed with the client.

Finding Three: The Skillful Representation of the Client

The last finding of a characteristic for preparedness in public interest lawyering was the skillful representation of the client. While public interest lawyer required the capacity to relate to the client, it was presented in the cases as equally essential to possess the lawyering competency and knowledge to skillfully represent the client's legal issues. The finding of skillful representation of the client was exemplified as the 1) public interest lawyer's skillful and knowledgeable lawyering and 2) the lawyer's participation in a knowledge community. Figure 5.3 summarizes the third finding for research question one.

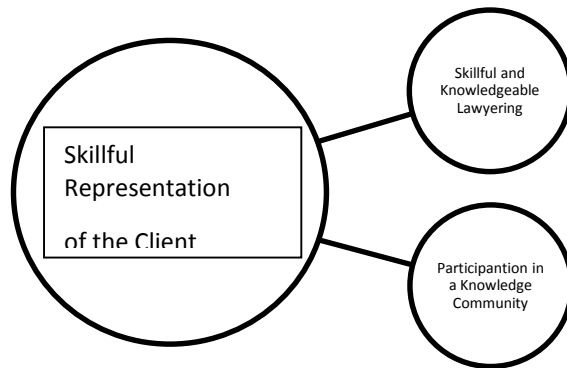


Figure 5.3. Finding three. The skillful representation of the client.

The cases depicted effective public interest lawyers as possessing the requisite abilities to perform their jobs. This entailed a solid foundation of legal knowledge and the capacity of reflection in action. The participants described the public interest lawyer as not only holding the capacity to relate to the client, but owning the ability to skillfully represent the client in their legal issues. The skillful representation of the client was illustrated across the cases as the public interest lawyer’s skillful and knowledgeable lawyering and participation in a knowledge community.

Skillful and Knowledgeable Lawyering

Participants honed their theoretical legal knowledge through the basic core courses in law school. To supplement the foundational education, the cases demonstrated current public interest lawyers as practicing reflection in action in an effort to best serve their clients. The participants have persisted in learning from experience using the practice of reflection in action to further grow their lawyering skills. This was exemplified by Derek (interview data, 2015) as “experience is the only other way to continue to build the skills and continue to get better at your job”. The cases provided views from the participants regarding how they learned from experience through reflection in action, and moreover, how they had continued to utilize this practice.

This specific field of public interest lawyering was described by the participants as a fast-paced, multi-faceted profession. Due to nature of this legal field, reflection in action was portrayed as critical to professional practice in the rapidly-evolving environment of the public interest lawyer in public interest non-profit organizations. To build and maintain effectiveness in lawyering, the lawyers have persisted through reflection on their learning as well as reflection in the moment on an experience. The cases demonstrated currently practicing public interest lawyers practice reflection in action in an effort to best serve their clients and to help them prepare for a case. Through their reflection on learning and reflection in action, the participants were able to identify the needed skills to efficiently handle the case; realize which knowledge of laws were pertinent to effectively address the legal issue; and how to best prepare for the case based upon prior legal cases and the environment of the court and judge. Additionally, preparedness from reflection on learning did not stop after law school. The participants continued the practice of reflection on learning to further grow their lawyering skills.

The participants described how they focused on legal knowledge and skills, such as issue-spotting and the intersection of laws; such knowledge of law is but just one piece contributing to being a skillful lawyer. The public interest lawyer must have the ability to speak to various audiences, from clients to judges. Moreover, they need the ability to efficiently handle the various administrative tasks of filing paperwork and composing letters. The participants spoke about the demands of their jobs for competency in various legal administrative tasks. Such tasks seem minor, but for a lawyer in a non-profit public interest organization, the cases illustrated the need to effectively handle every aspect of their job, from litigation to filing paperwork.

Competency with legal paperwork and the filing process was illustrated in the case observations of Ali, Betsy, and Cindy, as each efficiently completed and filed the appropriate

paperwork with the court. Cindy described how it was essential to have the “ability to write and research and file court papers” when beginning practice. Kristin explained the importance of these tasks during her interview: “I do a lot of writing so I think legal writing is extremely important, that you know how to do that and to learn how to do that, learn how to do the research”. Even job responsibilities, such as public outreach and writing letters, were described as requiring a specific skill set: “I think that good writing skills in knowing how to write to different audiences and good public speaking skills, especially with large groups in outreach, are important when working in some form of a public interest practice” (Ali, interview data, 2015). Outreach and public engagement are but two more pieces of the participants’ job responsibilities. Both require competency in speaking and relating to the audience of a public interest lawyer. Ali reflected on her job responsibilities of legal advisement to clients through written letters.

We do a lot of advising, so like writing letters to clients for advice, they have to understand what you are saying. It has to be on the level of your client. And we do a lot of advice over the phone. We have people call and apply for help every day and it is impossible to give them all representation (I know I can’t) but you can try and help through a clear concise letter with the step by step instructions. And they have to be able to read it. It’s not that you’re not talking down to them; you just want to make sure they understand exactly what you are saying. (Ali, interview data, 2015)

Ali’s reflection provided an example of how she was conscious of the audience as she composed the letter. The public interest lawyers will provide legal advice and guidance through letters when they are unable to take on the client’s case. As Ali pointed out, it is important to

understand the client and where they are situated when composing a letter so that they can understand the legal advice as well as how to use the advice for guidance through the legal system.

The participants presented comparisons between their practice and the practice of private law. Derek spoke about his friends who were private lawyers for a large private firm. Their daily job responsibilities and use of the law were very different from Derek's. He provided an example of a private lawyer's focus on a case compared to working on a case in his public interest position.

Like I have friends who work in [a large private firm] and what they told me was that they get isolated issues of a larger case and they handle [just] that issue. So, if they have a contract compliance issue, one of the lawyers does [just] contract compliance for that type of contracts. He is only dealing with one clause that deals with one regulation and all of the contracts that come through that office that include that clause. So, public interest is often the antithesis of that. (Derek, interview data, 2015)

Derek's description provided an illustration of how lawyering skills are used differently in public interest law as compared to private law. He continued with a description of his experience using the law in practicing for public service:

You're not dealing with one isolated issue over and over again. You're dealing with many issues that connect to one discreet issue. So, the capacity for a project is much, much higher in public interest law [within the provision of] legal services. I think the key thing, there is a large slice of the public interest pie [that] is legal services, and [this] legal services has a very, very high [need] for spotting the issues and interconnections between the laws. (Derek, interview data, 2015)

Derek highlighted the increased scope of intersection laws in public interest practice when taking cases which intersect with numerous legal issues. He continued by describing the skill of “issue spotting” as consistently being used in practice to work through case reviews. Issue spotting is a skill learned in law school and particularly exercised in final exams. The participants presented this lawyering skill as vital in everyday public interest lawyering. I was able to better understand the use of this skill when observing both Derek and Kristin in action. Derek was reviewing case files to determine if any were potential cases for his non-profit, public interest organization. Since time is valuable and limited and each case deserves the same amount of attention, the lawyer has to review the file quickly and know how to filter through information for the important legal issues. Derek explained; “You have to “issue spot” to pull out the important information about a possible issue or case from the complaint that was filed. Get rid of the non-important things, un-needed details.” This practical skill allows the lawyer to quickly, but efficiently, review a case file and determine if there has been a violation of legal rights of the individual that the organization can assuage through legal representation.

Derek’s use of issue spotting in case reviews was relatable to how Kristin employed the skill in her every day job duties. Kristin determined issue spotting to be a valuable skill for use in her weekly triage meeting dedicated to reviewing client intake interviews. She illustrated how employing the practice of issue spotting renders the weekly triage meetings more efficient:

To be an efficient and useful part of the meeting, a person should be able to issue spot, just as one would do on a law school exam, and separate the relevant facts from the irrelevant facts. We value our time, so we want each meeting to be efficient. A big portion of our practice is digging through the client's description of an issue and finding

the legally relevant portions. Experience with clients teaches people to cut through the legally irrelevant facts (that clients sometimes have difficulty getting past). (Kristin, interview data, 2015)

When observing Kristin's triage meeting, I noted the stack of case intake information that was present in front of each attorney. During each person's turn to present the case to the group for consideration, the lawyer imparted a concise synopsis of the legal issues and facts so the group could make an informed decision of whether or not to accept the client and case. All of the attorneys demonstrated the utilization of "issue spotting" during this meeting.

Due to the limited staff and resources in a public interest organization, Justin had to be ready for practice his first day on the job. Justin described how reflection on his law school real-life practice experiences assisted him as a new attorney with the awareness of how to immediately step up and handle a case:

You have to kind of have to be prepared immediately to handle a case. I think one of the characteristics that I thought was really helpful that prepared me was sort of being ready to and having practiced working with clients and thinking through a problem and being able to give advice quickly. (Justin, interview data, 2015)

Justin was able to reflect upon the skills and knowledge from law school real-life practice experiences, and he was able to contribute to the organization his first day on the job. Justin appreciated having real-life practice opportunities during law school, as these experiences guided him as a new attorney engaged in the intake process. The experience in law school provided him with real situations from which to pull during his first intake as a new lawyer. Justin described his ability to pull from his past experiences during a client intake interview:

I was very fortunate to have had the opportunity to do a lot of intake interviews while I was in law school, both during an internship [and a] practicum. As such, I already had a fair amount of practice by the time I began doing them in my current position. The first time I did [an intake], however, I was very nervous. I did not feel I understood any of the legal issues well enough to know what to ask, and it often took more than one call or meeting with a client before I had gathered all the necessary information. Even after all that, I was not confident that I had not missed something. (Justin, interview data, 2015)

Ruminating on his law school experiences, Justin entered practice with practical knowledge concerning how to conduct an intake interview. Even though he had performed many of these during his internships and practicums, Justin admitted he was nervous and often followed up with the client to ensure he had collected the pertinent information.

Having previous experiences from which to pull was beneficial in all aspects of the participants' multifaceted job responsibilities. This was illustrated in Kristin's weekly triage meeting. In Kristin's case, the practice of a special office meeting was instrumental in making good selections. The triage meetings in this public interest organization were structured to collaborate on current legal issues in cases and choose which new cases the office could accept. The office triage meetings address complex legal issues and require decisions within a very condensed period of time. Public interest attorneys in Kristin's case observation illustrated how they must be prepared to engage in and to contribute to the conversation. "I had previously participated in similar meetings at a different [public interest] office, but I knew that it was not the same in each office" (Kristin, interview data, 2015). However, her prior experiences assisted her with quickly assimilating to the new environment.

The continuous learning from experience in court was exemplified during my case observation of Betsy during her discussion with the opposing party. I observed her attempting to reach a resolution with the opposing party, where she adeptly handled a difficult conversation with firmness and finesse. The opposing party wanted Betsy to hear his side of the story while insisting her client was not a victim. Betsy firmly asserted she was not there to hear his story or explanation. As he tried to continue, she reasserted herself as representation for her client and returned the conversation to the resolution proposal. Not once did Betsy raise her voice or lose control of the situation. Ali continued to demonstrate preparedness and effectiveness as she arrived to court armed with all applicable paperwork and documentation that she knew the judge would request in that particular type of case. Prior to court, both Ali and Betsy provided their clients with a detailed picture of how the case would proceed; what to expect from the judge; and which questions the client would be required to answer. Their prior experiences in these court environments equipped them with the learned knowledge of what to expect and allowed them to share this with their clients.

The participants discussed how reflection in action was vital to serving their clients. “So, you kind of have to be able to think on your feet very quickly, figure out what needs to be done very quickly and move forward as quick as you can” (Justin, interview data, 2015). One of the demands of lawyers in such non-profit public interest organizations is the ability to think quickly and formulate decisions promptly, as their clients tend to have needs which must be dealt with immediately. Ali spoke about this in reference to her first time in a specialized (and very different) court setting.

I had to react quickly, a kind of “think on your feet” moment which resulted in a successful representation of my client. You have to think about your client, an in our

situations, these are vulnerable populations with vast cultural differences. They really don't understand what is happening and they are trusting in you to help... I had been in court before but I had no prior experience in such a unique court setting, and yes, I was very nervous the first time in this court environment. I had to adapt to the situation, again, thinking on my feet during the first case. I prepared for it by reflecting on past court experiences while trying to envision every possible scenario that might emerge so I could competently represent my client. (Ali, interview data, 2015)

Ali described how building from past experiences assisted with litigation in this new court, and continued to assist her, as she strategized based on past court appearances. "I have to strategize for every case based on past court experiences, experiences with that judge, what I have learned. I also think about every possible unexpected issues might arise while in court" (Ali, interview data, 2015). This was demonstrated by Ali during her case observation of a court case. She had been before this judge in a prior situation and knew how to present herself and respond, including having prepared all necessary paperwork beforehand. Ali felt "[real-life practice] was invaluable. I got real experience with court and clients, so I had "been there" when I began working as a new lawyer". Due to the need for new public interest lawyers to immediately engage in effective practice on the job, it is critical for the young lawyer to be able to reflect upon previous real-life experiences. The lawyering competencies described as essential to successful client representation were comprehensive, including the theoretical and practical knowledge of law. Moreover, the participants explicated the importance of real-life practice in contributing to their preparedness for the first day on the job. Even though the participants felt

adequately prepared by their legal education, they stressed the need for continual learning from experience and reflection in action to practice as prepared public interest lawyers working toward social action.

Participation in a Knowledge Community

The participants noted the criticality of participation in a knowledge community to their evolution as a skillful public interest lawyer. This involvement contributed to their capacity of effective client representation through connections with mentors and peers in the public interest field. Through these connections, the participants were exposed to other public interest lawyer's experiences, which contributed to growth in their own lawyering skills. Derek found that "having other lawyers to talk to in the same field helps since you can learn from their experiences." The participation in a knowledge community was discussed as valuable in both law school and professional practice. Derek described how the knowledge community allowed him to see what it really looked like to be a lawyer practicing for social action:

They helped me work through how to practice as well as what is good practice. This really helped me learn and understand what it really meant to be a lawyer. I mean these mentors were experienced public interest professionals who worked every day in the field. (Derek, interview data, 2015)

This reflection illustrated Derek learning professionalism through his mentors, as well as how he respected gaining knowledge from experienced practicing public interest lawyers. Derek had opportunities to observe these public interest lawyers in action and discuss with them what they were doing and why they chose certain courses of action. He continued:

My mentors allowed me to observe them, and they would discuss what was going on, what was happening, why certain courses of action were taken...why and how they

reached their decisions. Their experiences helped me build a foundation of knowledge, a foundation I use every day. They taught me more about how to be a good lawyer and an ethical lawyer than I learned in law school. I still think on their experience and knowledge today, the things they shared with me. (Derek, interview data, 2015)

Derek described how working with his mentors contributed to his legal knowledge and skills. Furthermore, he gained practical experience, on which he still reflects in practice today.

Betsy discussed having a mentor while in law school, but acknowledged she did not fully recognize and appreciate the value of the relationship until she began her job as a new public interest lawyer. Once she was immersed in the field as a practicing lawyer, Betsy realized how much she needed her mentor for support and guidance through the emotional demands of her job.

It just makes a huge difference because we're all doing hard work and it's just emotionally draining work a lot of times because we're doing this because we care about it and so we take it home and we worry about our clients and we stress about how to help them and we just take it on. And so it's so necessary, I think, to have somebody who can mentor you and sort of help you figure all of this stuff out and support you. (Betsy, interview data, 2015)

Betsy was able to call upon her mentor for advice and support in maneuvering these emotionally-charged client interactions and relationships. All of the participants reported building relationships with professionals in the knowledge community during law school. They maintained these connections into their practice, defining these relationships as critical for assistance and support when unexpected or unfamiliar legal issues arise.

The participants described the benefits of learning as part of a knowledge community and how this community supplemented the development of lawyering knowledge and skills they

gained in law school. The public interest lawyers emphasized the benefits to the establishment of and student immersion into a knowledge community devoted to public interest. The public interest knowledge community was presented as existing in both a formal and informal structure. The participants who attended a public interest focused law school enjoyed a more structured, formal public interest community within their law school. The public interest focused law schools intentionally and actively reached outside of the law school environment to include professionals from the field who could contribute to the student's learning. Within traditional law schools, the public interest knowledge was perceived by the participants as existing through a more informal structure. Connections were made with professionals in the field through either networking or exposure in clinical, internship, or externship opportunities. Professional public interest lawyers described forging a connection with the public interest community for consultation, collaboration, and professional support. The participants found the knowledge and advisement from this community to be valuable in their education. Additionally, continued membership in this community was identified by the participants as contributing to informal learning throughout their professional career.

The participants expressed the increased value of supplementing their formal legal education with the informal learning from others in the professional field. Betsy described how some of the skills and capacities she utilized are not easily acquired in law school. Such skills, how to address the court for instance, Betsy gleaned from the informal learning she experienced through exposure to this knowledge community of public interest professionals.

That's stuff you definitely don't learn in law school. The first time you go into court, I think a lot of judges are, most of them are kind to the very new attorneys and so they'll give you a little bit of help about what to do. I can't even remember if I stood up and said

this or not.... but the lawyers don't stand up and say, "I'd like an opportunity to speak with the other side before going forward". (Betsy, interview data, 2015)

Betsy credited the knowledge community for preparing her for her first day in court. She also acknowledged that is difficult for legal education to prepare law students for every little nuance they will experience when they begin to practice law. Thus, Betsy saw the connection of law students with a knowledge community to be beneficial in providing learning to supplement the formal legal education. As such, Derek credited his relationship with professionals in the field as contributing toward his preparedness for public interest law as he "experienced the public interest world" while enjoying the opportunities to discuss and reflect upon these experiences with real practicing attorneys.

The participants' relationships with the knowledge community as law students evolved into mentorship and networks that persisted into their professional practice. Kristin found this piece of the knowledge community significantly contributed to her preparedness, but did not feel her law school actively fostered these relationships.

I think I made a lot of connections with people when I was at the internships, when I worked for the [public interest agency] for instance, I worked underneath a young attorney who had graduated only a couple of years before me and she sort of became like a mentor to me and so I felt like I could go and ask her questions about all sorts of aspects of practice, not just directly what I was dealing with but all kinds of things. (Kristin, interview data, 2015)

Kristin acknowledged in this reflection that interning in the professional field contributed to her awareness of what public interest practice entailed, as well as how to be a professional. The

connection she made with this knowledge community also provided her with a mentor to whom she could reach out when in need. She described the value of this relationship:

But they also just on an individual level were very useful for me when it came to learning about how to practice and what was good practice. But certainly with the public interest community I think facilitating interaction between students and them would be valuable. And even my friends who ended up working for the Attorney General's office or the DA's office or Public Defender's office, and all of that, the community really helped them there, too. (Kristin, interview data, 2015)

Kristin's reflection recognizes the benefit of membership in a knowledge community across all specialties of public interest law. Involvement in a public interest community was expressed by the participants as benefiting the law student through real life exposure to the profession. Those currently working in the field can provide experience and examples from which the law student can learn. Moreover, the law student builds long-lasting relationships with professionals in the field. The participants vocalized how they continued to utilize and value these relationships in their present practice.

The intentional integration of a public interest community into the law school environment and nurturing of current knowledge community structures was elucidated by the participants as one way in which public interest preparedness can be fostered within legal education. The knowledge community was portrayed as providing beneficial learning for the law student as they are exposed to real public interest issues that can coincide with their theoretical courses. Moreover, the cases presented a picture of how these relationships built between the law student and the knowledge community continued into a professional practice of collaboration, learning, and support.

The participants identified and described what they felt were the primary characteristics of preparedness needed to be a practicing public interest lawyer for social action. Identified from the data as characteristics of preparedness for the practice of public interest were 1) the law student's predisposition toward social action; 2) the relationship between the public interest lawyer and the client; and 3) the skillful representation of the client were. The public interest lawyers described their desire to fight inequality and help others meet their basic needs in life through social action. In this effort, they formed unique relationships with their clients. Their cultural awareness allowed them to connect and understand their clients "where they are" in society to build a relationship of trust. Lastly, the participants continued to develop their lawyering skills and knowledge beyond law school in the effort to give their clients the best legal representation possible.

Research Question 2

The second research question explored how the characteristics for preparedness, as identified and described by the participants, are intentionally integrated in legal education and intentionally enacted in the legal pedagogy for public interest law. Data from the interviews depicted a legal education that has the structures in place to build the skills and capacities identified as essential to the practice of public interest law for social action. The distinction in the cases revolved around the law school's focus. The law schools with a public interest mission were more intentional in integrating their curriculum and real-life practice with a focus on the critical skills identified by the participants. Furthermore, these schools weaved public interest issues throughout their courses, allowing students to see more of an intersection between the laws in relation to public interest issues. Traditional law schools offered a more comprehensive curriculum; thus, public interest was not the primary focus in core and upper level doctrinal

courses. One finding emerged regarding the integration of a legal pedagogy for preparedness of public interest lawyers within legal education: 1) the fostering of preparedness in legal education. Figure 5.4 summarizes the three subcategories supporting the finding.

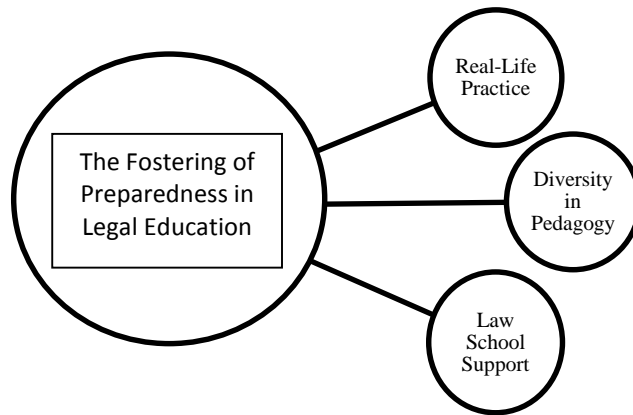


Figure 5.4. RQ2: The fostering of preparedness in legal education.

Finding One: The Fostering of Preparedness in Legal Education

The public interest lawyers in this study described a comprehensive and diversified education as contributing to their preparation as public interest lawyers working for social action. In law school, they gained theoretical knowledge through doctrinal courses. The participants explained the use of diverse pedagogical methods assisted with growing their capacity of reflection in action through deeper learning. It was also noted the amount of support and guidance from law school faculty and staff contributed to the participants' learning through curricular advisement and connections with professionals in their field. Regardless of whether it was a traditional law school or public focused law school, all participants portrayed real-life practice opportunities as contributing to their preparedness for the practice of public interest law. The cases provided illustrations as to how law students situated in real-life practices supplemented their theoretical coursework through real-life public interest issues, clients, and cases. The participants described these experiences as cultivating their skills and legal knowledge to better prepare them for their first day on the job. This was presented as essential to

preparedness, as there are limited resources for training new attorneys in such non-profit public interest organizations, and the new attorney must be prepared to immediately step in and begin working with clients. Such learning opportunities were valuable to the participants as they guided law students in realizing their area of passion in the law; cultivated the skills, knowledge, and capacities through exposure to real life experiences that students cannot glean from traditional coursework; and created a scaffold of relationships and networks with others in the field. Each of these sub-categories contributing to the growth of lawyering competency is discussed below.

Real-Life Practice

Real-life practice opportunities during law school proved to be invaluable for the preparedness of these public interest lawyers. This exposure of real practice in the profession was discussed as highlighting the diverse facets within the practice of public interest law. The participants' explained how exposure to these different facets assisted with determining which specialty of public interest law they were most passionate to join. Betsy described how her experiential experiences in law school impacted her career path.

[The] internships that I had while I was in law school also prepared me for a very different...every time I worked at a different place, it was just vastly different experiences in all of these different non-profits. When I was in court that first time, that was "Yeah, this is good for me" because I didn't go to school thinking that I was going to be a litigator. But it was that first time that convinced me that "This is want to do", especially for people who have been victimized and have been taken advantage of.

(Betsy, interview data, 2015)

Betsy reflected upon how exposure to real clients and real cases impacted her choice of public interest practice. She had never considered litigating until actively experiencing it and this opportunity assisted Betsy with a decision about her final career path. These practical opportunities were presented as assisting law students with their choice of a particular lawyering specialty and deciding if it would be a good fit for them. Cindy shared her feelings about recommending engagement in practical experience while still in law school:

So, I'd encourage people to get hands on experience working in an organization either explicitly where they'd like to work or something like where they'd want to work.

Spending some time in the kind of office that you'd want to work in is huge. There are a lot public interest roles which are things like public defenders and other people who work in non-profit settings. [It] was crucial both in terms of finding a good fit for me and also just knowing what to expect from it. (Cindy, interview data, 2015)

Thus, Cindy discussed, while real-life practice opportunities in law school provide valuable experiences and knowledge, they also allow a law student to “try out” a lawyering specialty to see if it is a field they are passionate about working in. The opportunity to “try out” a public interest specialty was impactful for Betsy during one of her summer internships:

For instance, I had a job one summer working for a non-profit that does a lot of policy work and a lot of appellate cases which meant that I had no client interaction. We worked on briefs, we worked on research projects, occasionally I would talk to clients over the phone and help with their intake but for the most part what that office does, the attorneys in that office, they don't really talk to clients on a day to day basis. And even though I loved the work they did and so glad they're doing it, I realized for me it wasn't

what I wanted to do, at least right out of law school. I wanted to help clients and going to court and that's not really what they did. (Betsy, interview data, 2015)

Betsy was able to glean her passion for client interaction and representation through a summer internship. Following the internship experience, she was able to be more intentional in planning her curriculum to focus on this aspect of public interest practice.

The cases illustrated real-life practice can provide experiences students cannot get from traditional coursework. As such, these experiences provide additional skills and knowledge to better prepare the new public interest lawyer for practice. Real-life practice experiences assisted in preparing Ali for client interaction when she began practicing. She described this experience:

[The theoretical courses] just don't necessarily fit with every day, real public interest issues. [Clinics] helped prepare me for public interest work by giving me practical experience, because then I already knew what the population of clientele is like and what I would be walking into. It can be emotionally draining, but it helps if you are familiar with this before going into it as a young lawyer. The law school clinical, externship, and internship experiences helped prepare me for dealing with the clients and handling different situations. In the clinics we had a place to talk about it, reflect on what happened, and talk through how we could have handled it better. (Ali, interview data, 2015)

Ali proceeded by explicating how her real-life practice experience assisted with her preparation as a new public interest lawyer. "Law school really did help prepare for the legal issues I deal with, and the experiential opportunities prepared me for the client interaction and advocacy" (Ali, interview data, 2015). Betsy valued the exposure to and ability to learn from real experience: "I mean; you don't really get the true experience of it until you're out doing it". Ali

and Betsy both described how the experience from clinical placements, internships, and externships provided them with skills and knowledge that are difficult to provide in a classroom context. Justin spoke about how legal education was not equipped, nor should it be, to teach a law student detailed legal knowledge:

As I said before, it is difficult to develop detailed knowledge of specific legal areas in law school. Really, that isn't what law school is designed to do. The primary way a law student can do this is if they get practical experience through internships and the like.

(Justin, interview data, 2015)

In this reflection, Justin placed intentionality and self-direction on the law student to nurture their skills and legal knowledge from engaging in real-life practice opportunities. Betsy further described how real-life practice place students in a position to work with and learn from professionals in the field:

This is what they do, [the practicing attorneys] teach you how to be good lawyers, how to be compassionate and competent and look at a case from the beginning and analyze it and figure out what to do for a client and I think that was huge for teaching me how to be a lawyer before I was even out in the world practicing. (Betsy, interview data, 2015)

The value of real-life practice was praised by all of the participants. Such opportunities assisted them with pinpointing the specific area of public interest law they were most passionate about, as well as provided real experiences and knowledge that was transferrable to actual practice.

Within the document analysis, all of the law schools attended by the participants offered real-life practice experiences through clinical, internship, and externship opportunities. The clinics are offered as a regular, continuous part of the curriculum available every semester. Law students can be placed with various non-profit and governmental agencies working with real clients and

cases. During these real-life practice opportunities, the students are supervised by professionals in the field, while also participating in classroom seminars to discuss and reflect upon their experiences with clinical faculty and peers. The law schools situated in larger, metropolitan areas do offer a greater variety of real-life practice opportunities, whereas the law students attending school within a smaller community have to commute to be involved in particular organizations.

Real-life practice was an integral part of both traditional and public interest focused law schools. The participants expressed there was no failure on the part of legal education toward preparedness; rather, there is no substitute for the skills and knowledge gained through real life experiences.

Diversity in Pedagogy

The participants highlighted the benefit and need to foster diverse and strategic pedagogical methods in law school to cultivate the analytical and reflective capacities essential for public interest law. They provided a rich discussion regarding how current legal education can be utilized to effectively nurture lawyering competency for public interest practice. First, participants recognized the traditional legal pedagogical tool, the Socratic Method, can be employed to foster valuable capacities and skills, such as reflection and public speaking, for public interest lawyers. Ali recommended use of this pedagogical method for assisting law students in building the skills for public speaking and managing difficult client conversations:

I had to also deal with more confrontational conversations than I had anticipated. This is when they say the Socratic Method in law school is supposed to help...it is supposed to help you deal with and think through confrontation. It does help you speak in front of

others, but I think it depends on the professor. If they use it to help you rather than to scare you it might make a difference. (Ali, interview data, 2015).

Ali illustrated how the Socratic Method was strategically used in class, which helped to prepare her for difficult and confrontational conversations in practice. Betsy further considered this pedagogical method could be used in class to cultivate the capacity of reflection in action:

I think [the Socratic Method] can [help students think on their feet] because I think if you have a professor who knows what they're doing...actually to sort of take something you've learned and apply it to a new situation. The most effective professors that I had were ones that did that and they challenge you to think about something beyond the basics, "Okay, what does this case say? Here's what it says". The Socratic Method is sort of designed to help students think on their feet but it's not as effective as the more practical classes. (Betsy, interview data, 2015)

Betsy's law school promoted its curriculum as "qualitatively different" as faculty utilize an integrated teaching approach through the incorporation of a variety of pedagogies (Beta Law School, 2015). Betsy provided an example of how she had some law professors who designed their courses using the Socratic Method as a means of fostering reflection in the classroom. Betsy's professors pushed the student to reflect and verbalize why and how they came to their answer rather than just acknowledging if they were correct. In its curriculum, Beta Law School (2015) described its clinics as "laboratories" in which the students can engage in supervised practice; offers classroom simulations, reflections, and critiques; and promotes a curriculum inclusive of public interest legal issues.

Another perspective regarding legal pedagogy was crafting foundational courses to be more inclusive of all legal issues. The participants who attended a public interest-focused law

school valued the way in which public interest issues were interwoven through the coursework.

Derek provided an example from his public interest focused law school:

So, [in] our administrative law class, we always assumed that our client was a recipient of Medicaid who had their benefits reduced or denied. Or, when we did our first year writing sample, we were representing a client who had been denied a housing voucher because of something they had done in their apartment. And so those types of things [help], constantly having the public interest hypotheticals from a million different angles.

(Derek, interview data, 2015)

Cocoa Law School had a slightly different curriculum from the other law schools as it promoted a cooperative legal education program where students graduate with four full-time work

experiences, in which the practical legal issues are incorporated into coursework (LSAC, 2015).

This supported Derek's view that doctrinal courses were exceptional at his law school since they highlighted a variety of legal issues from different lawyering fields. Other participants noted that perhaps law schools could provide doctrinal courses with specific practice focus. Ali discussed this thought:

But it is the upper level core classes, like evidence and family law, and health law [that are beneficial in public interest practice]. It would really be great if, say, traditional law schools would consider structuring upper level core classes and justice classes to discuss cases and legal issues in relation to different, specific populations. (Ali, interview data, 2015)

Ali suggested more inclusive legal issues and topics across the coursework, or perhaps creating specialized tracks with doctrinal courses focusing on specific lawyering fields. Carol noted this point as well: "I think there could be a tract that's even more focused on people who want to do

public sector, public interest work”. In this situation, all of the foundational courses would interweave the legal issues and subject matter related to a legal specialty for a more focused legal education. In traditional Apple Law School, the doctrinal courses were not intertwined with cases across lawyering fields. Moreover, there were no specialized “tracks” in the curriculum that employed the use of doctrinal courses focused on specific areas of law, such as public interest. Such specialized courses were smaller, seminars focused on specific areas, not the foundational courses of law which inform all lawyering fields.

The participants discussed the benefits of a law school curriculum which employs diverse and strategic pedagogical methods to teach law. Additionally, they focused on the core doctrinal courses, explicating how such courses are necessary and essential to building a solid foundation of legal knowledge. Professors who utilize the traditional Socratic Method can be intentional with this pedagogical tool to foster the capacity for reflection in action and skill of public speaking. Law schools can intertwine legal issues from various fields to provide a more diverse understanding of lawyering. Lastly, collaboration of knowledge and learning between the law school and professional community provided additional learning for the law student to supplement the theoretical knowledge gained in coursework. It is critical to note the participants did not feel any of their law schools lacked in providing the essential foundation in legal knowledge for their success in practice.

Law School Support

Each case participant discussed how they felt their law school assisted, as well as did not assist, with the preparation for public interest law. The participants attending public interest focused law schools had no complaints regarding how their law school helped prepare them for public interest practice. Those attending traditional law schools felt they gained a solid academic

education; however, they perceived a lack of support by the law school faculty and staff for a public interest career. The participants determined the institutional structures needed to prepare law students for public interest practice do exist in both traditional and public interest-focused law schools, but felt the traditional law schools lacked the specific support for a student to help them maneuver these academic and career structures within the curriculum and law school.

Apple Law School and Desert Law School offer more traditional legal curriculums. Founded in 1859, Apple Law School is a public law school offering a diverse curriculum for any legal specialty (LSAC, 2015). Desert Law School is a private law school founded in 1916, advertising a combined “practical and disciplined approach toward the study of law” (LSAC, 2015). Apple Law School promised to offer students “a comprehensive curriculum...substantial course work is offered for a number of concentrations”, and students have the opportunity to participate in various programs that provide multiple opportunities for practical experience (Apple Law School, 2015). Similarly, Desert Law School (2015) offered “student-centered course of study combining doctrinal courses with practical experiential learning opportunities, including simulation programs, externships, and clinics” (Desert Law School, 2015). Both law schools offered experiential opportunities such as clinical programs, externship programs, practice societies, and networking in the respective lawyer fields (Apple Law School, 2015; Desert Law School, 2015). Ali spoke about her legal education at Apple Law School:

The class resources and experiential experiences vital were available at Apple Law School. Basically, I am satisfied with my legal education. It gave me a good foundational knowledge of law and the clinical work helped prepare me for practice. I think they have the classes, capabilities, structures now to prepare public interest lawyers. I think they do exist; it’s not something radically new. They should advise students about

practical skills courses, upper level doctrinal courses, and experiential opportunities that help build these characteristics of preparedness so you can practice public interest law.

(Ali, interview data, 2015)

This illustrated Ali's perception that her legal education from a traditional law school was successful in preparing her to practice public interest law. Increased support and guidance from faculty and staff in the law school was suggested by some of the participants as an area that can better assist the law students in maneuvering their legal education, as well as forming connections with professional in public interest knowledge communities. Justin explained this idea of support and guidance: "I think it's more guidance on how to take advantage of things rather than a real lack of academic structures being available". Related to this idea of guidance, Carol described how she had a difficult time navigating the law school curriculum when she began as a law student: "Honestly, there were things that I didn't even know what they meant. I didn't know what administrative law meant. So, just having like a guide of what might be beneficial for people who want to practice in different areas". The participants identified the value of guidance and support from within the law school to assist with maneuvering the curriculum, as well as helping to establish these professional connections.

When I asked Ali to tell me about her legal education, she instantaneously described her perception of the lack of support and encouragement for pursuing a public interest job. "One major thing I had not expected was law school to be a culture that was unsupporting of public interest work, especially in today's society ... the culture, that if you are interested in public interest after law school, well they don't seem to care as much" (Ali, interview data, 2015). Rather, she experienced a culture of different expectations in her traditional law school, discerning faculty and staff only focused on the lawyering field they felt was important:

At times, I felt like some professors thought less of me since I wanted to do public interest. Even now, you get people and other lawyers who think you are in public interest because you couldn't cut it in big law. I feel like they see me as less important or less competent as a lawyer. (Ali, interview data, 2015)

Ali reflected on the negative perception of public interest law she experienced during her legal education. While this perception did not deter her from pursuing public interest practice, it did impact her emotionally. Ali recalled a particular interaction:

Yes, this perception from others has bothered me, but the time that really hurt was when it came from a respected faculty member, one I had really loved in law school. I just recently, perhaps last year or two, had seen him at a continuing education event. He asked what type of law I was practicing and where I was working, so I told him public interest lawyering for NPO 1. He looked at me and then just patted me on the back. Next, he asked if I intended to make a career there. Without hesitation, I immediately responded yes to which he brusquely replied, "Well, that's okay". Understand this negative perception does not diminish my passion for my job or my work for social action, but it was emotionally very hurtful, especially coming from him. (Ali, interview data, 2015)

Apple Law School specifically promoted its experiential learning for public interest through the LSAC (2015) website. There were additional opportunities through their global externship program, which allowed students to extern in other countries in either governmental or non-profit agencies (LSAC, 2015). However, the participants attending Apple Law School perceived private law to be its primary focus and preferred lawyering field over public interest law.

At the time of this study, Apple Law School's website listed the available clinics with brief descriptions and links to the managing clinician. Either there was no additional information on their website for public interest or it was difficult to locate. Carol wished there had been more support and guidance in Apple Law School for those interested in public interest lawyering. She felt more advisement regarding courses and curriculum paths would have been helpful. "I mean I was fresh out of college in law school and honestly, there were things that I didn't even know what they meant. I didn't know what administrative law meant. So, just having like a guide of what might be beneficial for people who want to practice in different areas" (Carol, interview data, 2015). Carol recalled her law school as catering more toward private and big law jobs, and she felt additional guidance structures for public interest law would be beneficial to future students:

From my experience law school was really focused on people getting corporate jobs and so the career services focuses and hopefully this has probably changed...everything seems to be more set up around that world, these are the mindsets of the professors and what they looked at is important, certain kinds of jobs. The culture of different expectations. They don't really.... I didn't get that they were really concerned about people who go into public sector or public interest work. It was more focused on getting people jobs in the corporate world setting. Maybe that's the easiest thing to line up law students for, going into a company and interviewing, that's sort of thing. But that's the impression that I got. (Carol, interview data, 2015)

The necessary practical skills and knowledge (legal writing, legal research, advocacy, and doctrinal courses) were addressed at Apple Law School. Additionally, students had the opportunity to participate in various programs that provided multiple opportunities for practical

experience, including experiential opportunities such as clinical programs, externship programs, practice societies, and networking in the respective lawyer fields (Apple Law School, 2015).

Justin credits Apple Law School's practicum work, clinical experiences, and internship work for providing the valuable experiential learning that helped him become practice-ready for his position. One vital characteristic Justin identified was working with clients, which is a skill he felt cannot be learned without experiencing it. Another aspect is the emotional toll of public interest lawyering. Justin credited his outside mentors for helping him prepare before he began lawyering. While Justin felt he received a good law school education, similar to other Apple Law School graduates, he also highlighted his perception of a lack of concern and guidance on the part of administration and faculty at Apple Law School. "I felt like the one thing public interest wise at the law school that [Apple Law School] was always lacking was people who could help navigate yourself towards the public interest career" (Justin, interview data, 2015). Thus, it was not the public interest curriculum structure Justin identified as being absent from law school, but rather the guidance on how to take advantage of what is offered. Justin stressed with the advice of mentors, he was intentional in planning his law school curriculum so he would be practice ready at graduation. Kristin acknowledged she was satisfied with her Apple Law School legal education, but she wished they had offered more guidance centered on student loan repayment after graduation.

Well, I think going into public interest generally.... you have to be prepared to not make a lot of money. It's the practical aspect of going into public interest. So, maybe more help navigating what's going to happen when you're student loans comes due because I know when I was in school I went straight through undergrad to law school and so I just didn't want to think about my student loans until they came due. But...I probably should

have thought more about them. So, maybe a better structure for dealing with that when you a public interest attorney because there are special things that can work for you...and it's like I'm an adult and I'm an attorney but trying to figure out which of all of the different loan repayment programs is best for me depending on my job and my income is really confusing. (Kristin, interview data, 2015)

As indicated in previous chapters, NALP (2011; 2012) has studied the salary discrepancy between public law and private law. Those in the public interest field earn substantially less than private sector lawyers (NALP 2011; 2012). Kristin reflected while she was aware her public interest salary would be lower upon entering the profession, she would have benefited from support and guidance in the law school regarding her options for student loan repayment.

Cindy attended Desert Law School, a private traditional law school. Desert Law School offered “student-centered course of study combining doctrinal courses with practical experiential learning opportunities” and the law school works to prepare their graduates for “an immediate and lasting impact in their chosen careers” (Desert Law School, 2015). Their curriculum included traditional courses in public interest law with advertised topics such as international human rights and homelessness (Desert Law School, 2015). Due to her self-directed learning, Cindy was able to take advantage of all possible opportunities, and her practical experience during law school led to a permanent job. Due to the multifaceted job duties and the emotional managements, Cindy advised “people to get hands on experience working in an organization either explicitly where they'd like to work or something like where they'd want to work” before jumping into the public interest lawyering field (Cindy, interview data, 2015). This practical advice was not found in any of Desert Law School's published documents.

Desert Law School (2015) did state it prepares students for legal careers in public service. Their curriculum includes traditional courses in public interest law with advertised topics such as international human rights and homelessness (Desert Law School, 2015). Desert Law School offered experiential opportunities such as clinical programs, externship programs, practice societies, and networking in the respective lawyer fields (Desert Law School, 2015). Their website also listed available options for public service and pro-bono work, as well as a student-led public interest committee (Desert Law School, 2015). This committee operated to “promote public interest law, facilitates the employment of [Desert] students in public interest legal positions, and works to make legal services more accessible to those who do not have adequate representation” (Desert Law School, 2015). However, public interest was not a highlighted part of their webpage; one had to search for the pages related to public interest lawyering, retrieving only minimal information.

Cocoa Law School and Beta Law School were both private law schools with a focus on public interest law (Beta Law School, 2015; Cocoa Law School, 2015). Beta Law School was founded in 1896, and advertised a curriculum heavy in public interest (LSAC, 2015). Additionally, Beta Law School laid claim to being one of the first law schools to offer a modern clinical legal education (LSAC, 2015). Moreover, Cocoa Law School claimed its opportunities distinguished it as “one of the nation’s top law schools for public interest law” (LSAC, 2015). Both schools described a range of programs and services for support and guidance for the students entering public interest law (Beta Law School, 2015; Cocoa Law School, 2015). Beta Law School’s website included seven pages directly related to public interest (Beta Law School, 2015). There was a highlighted sense of community with guidance for clinical opportunities, pro

bono work, fellowships, and student organizations crafted to promote social justice and social action within the student body (Beta Law School, 2015). Beta Law School's website was easily navigated to their public interest information.

Attending public interest-focused Cocoa Law School, Derek could not think of any substantive issues regarding his legal education. The only issue that came to mind was a minor "hiccup" he had post-graduation when applying to take a state bar, "but that wasn't about the law school not doing anything or me not being prepared" (Derek, interview data, 2015).

Cocoa Law School's (2015) extensive website provided a link to public interest from their welcome page, immediately illustrating their support for and dedication to public interest law. From there, the site guided one through public interest curriculums, forums, and student groups. The school website also offered a link to alumni working for the public interest, which lists alumni, their organizations, and their social justice success stories. The school included a center for students interested in pursuing a career in public interest law, which offered a range of programs and services for support and guidance through their legal education (Cocoa Law School, 2015). The school also offered a variety of clinics and opportunities, which sought to "provide justice in particularly transformative ways, from promoting smart health policies to providing a voice—and a chance—for underprivileged populations through low- to no-cost legal advice and representation" (LSAC, 2015). Cocoa Law School claimed such opportunities distinguished it as "one of the nation's top law schools for public interest law" (LSAC, 2015).

The findings for research question two focused on the intentional integration of a legal pedagogy enacted to prepare law students for public interest law. The participants indicated the need for a comprehensive legal education that taught the foundational, theoretical knowledge, while also allowing for practical, real-life practice experiences. The real-life practice was

discussed by the participants as providing the exposure to real clients and real issues that is not taught in a traditional classroom. Moreover, such real-life practice provided experiences on which the participants were able to reflect during professional practice. Within the classroom, the participants discussed how the strategic use of traditional legal pedagogy (such as the Socratic Method) assisted in growing the capacity of reflection in action, in addition to building skills such as public speaking. The one area in legal education identified as needing improvement was the support and guidance from the faculty and staff at traditional law schools. Those attending public interest focused law schools were more satisfied with their holistic law school experience. The participants that attended a traditional law school found they received an excellent legal education; however, they perceived a lack of support and guidance from the school through a negative perception concerning the pursuit of public interest law.

Summary

The purpose of this qualitative multicase study was to identify and describe the characteristics of preparedness for public interest lawyers working full-time in a non-profit public interest organization in service to social action. The following two research questions were examined: 1) what do recently graduated public interest lawyers (those who graduated from law school within the previous five years) identify as the key characteristics of a prepared public interest lawyer who is capable of meeting the demands of their practice for social action? and 2) how, if at all, are these characteristics integrated in legal education (curriculum and mission) and intentionally enacted in the legal pedagogy for public interest law?

The key findings of the study were presented in terms of significant findings that emerged from the interviews, observations, and document analysis of seven public interest lawyers practicing full-time in a non-profit public interest organization. There were three major

findings related to the study's research question exploring the key characteristics of preparedness for a public interest lawyer working for social action. The first finding was a law student's predisposition toward social action prior to graduating law school. The participants exhibited a predisposition toward social action, which continued to grow into their professional practice. The second finding identified and described the relationship between the public interest lawyer and the client. This relationship delineated the ability of the public interest lawyer to cross social, cultural, and professional boundaries to relate to and better serve clients from vulnerable populations, as a prepared public interest lawyer entails more than just being a competent lawyer. The lawyer's skillful representation was the third finding of a characteristic of preparedness. The public interest lawyer had the capacity to relate to their client in convergence with the ability to skillfully represent the client. The finding of skillful representation of the client presented itself as the public interest lawyer's skillful and knowledgeable lawyering as well as the lawyer's participation in a knowledge community. The capacity for skillful lawyering, amalgamated with cultural awareness and social action, supported the public interest lawyer's ability to provide skillful representation of and form a relationship with their clients.

The second research question explored how the characteristics for preparedness as identified and described by the participants are integrated and intentionally enacted as pedagogy for public interest law. One finding emerged regarding the integration of the characteristics of preparedness within legal education: 1) the fostering of preparedness in legal education. Participants were informative in identifying how the exposure to real-life practice, the use of diverse pedagogy, and law school support were critical to their preparedness as public interest lawyers. The distinction in the cases centered on the law school mission, as the law schools with a public interest mission intentionally integrated their curriculum and real-life practice

experiences with a focus on the skills identified by the participants. The primary area of divergence between the participants focused on the amount of support and guidance from faculty and staff for the practice of public interest law within law school. The participants attending traditional law schools perceived a lack of support in their choice to pursue public interest law. In response to the unsupportive environment, participants found they had to be more intentional in planning their legal education to prepare themselves for the practice of public interest law.

The next chapter addresses the two conclusions from the study. Additionally, the implications for theory and practice are discussed. Lastly, I will make recommendations for further study in this area.

CHAPTER 6

SUMMARY, CONCLUSIONS, AND IMPLICATIONS

The purpose of this study was to identify and describe the characteristics of preparedness that grow the capacity for lawyers to practice in the arena of public interest law. This chapter discusses the conclusions and implications based on the findings from participants identified as full-time, public interest lawyers working in a non-profit public interest organization. The conclusions drawn from the study will be discussed as well as the implications for theory and practice. Lastly, I will make recommendations for research.

Summary of Findings

One aim of this multicase study was to identify and describe the key characteristics of preparedness for a public interest lawyer working for social action. The second aim of the study was to identify how these characteristics are integrated in legal education and intentionally enacted in the legal pedagogy for public interest law. This section provides a summary of the significant findings in response to the study's research questions.

There were three major findings related to the study's first research question identifying the key characteristics of preparedness for a public interest lawyer working in the public interest. The first finding was a predisposition toward social action. The participants indicated they had experienced a desire to work for social action either prior to law school or during one of their law school experiences. The second finding was the relationship between the public interest lawyer and the client. The relationship was based upon the urgency of the client's need; the social impact of the legal issue; and the client being part of a vulnerable population. A third finding of

skillful representation of the client emerged as another characteristic of preparedness for the practice of public interest law. In addition to the public interest lawyer's capacity to relate to their client, they had to skillfully represent the client's legal case. Public interest lawyers demonstrated a predisposition toward social action as well as the necessity of having legal skills and knowledge to skillfully represent and the capacity to relate to their clients.

The second research question explored how the characteristics for preparedness as identified and described by the participants are integrated in legal education and intentionally enacted in the legal pedagogy for public interest law. One finding emerged regarding the enactment of a legal pedagogy within legal education: the fostering of preparedness in legal education. The fostering of preparedness in legal education is comprised of real-life practice, diversity in pedagogy, and law school support, which function together for preparedness in public interest law students. Legal education surfaced from this exploration as currently having the institutional structures in place to build the skills and capacities identified as essential to the practice of public interest law for social action; however, the mission of the law school determined how supportive these structures were for the preparedness of public interest lawyers.

From the findings emerged two conclusions: 1) preparedness is a multilayered process involving continuous learning fostered through real-life practice and legal pedagogy that includes the development of both analytic and reflective capacities; and 2) legal education best prepares public interest law students when there is a fit between a mission-oriented public interest law school and a social action-oriented law student. Public interest lawyers were best prepared to work in the public interest through a combination of real-life practice, legal pedagogy fostering analytical and reflective capacities, and participation in a knowledge community. This act of preparedness did not end after law school graduation, as the public

interest lawyers continued to grow their capacities for client relationships and skillful representation through continued participation in a knowledge community. The fit between a public interest focus law school and a student with a predisposition toward social action offered the best potential for preparedness within legal education as it offered an integrated curriculum with visible support and guidance for the public interest law student. The following section will introduce each conclusion and discuss them in relation to the existing research literature.

Discussion of the Conclusions

Conclusion One: Preparedness is a Multi-layered Process Involving Continuous Learning

There were different levels of preparedness identified by the participants as necessary for practice in the public interest. This concept of layers emerged as the multiple ways in which students are prepared and how these layers continuously function to prepare public interest lawyers after law school graduation. Participants indicated law students are better prepared in a reciprocal, fluid learning environment utilizing real-life practice situations and interaction with the professionals in the field to assist with both the technical skills and social capacities essential in working with and relating to vulnerable populations (Dewey, 1916; Davis, 2007).

Real-Life Practice

Non-profit public interest organizations were described by the participants as not possessing the resources to provide basic skills and knowledge training for new lawyers. As such, new lawyers must be able to hit the ground running their first day on the job in these organizations. Clients were presented as often requiring immediate help from competent lawyers. The public interest lawyers indicated they required a foundational knowledge of law intertwined with real-life practice experiences as they began practicing law. Participants indicated the benefits of real-life practice in law school helped provide 1) the skills needed when entering the

public interest lawyering practice and 2) experience from which to pull when in new or unfamiliar situations, since theoretical knowledge is not sufficient for success in some situations.

It was concluded clinical, internship, and externship opportunities greatly contributed to building preparedness as identified by the participants. Real-life experiences have been previously expressed as contributing to the educational experience in a number of ways: 1) they can serve as laboratories of justice, 2) they assist in forming the professional identities of law students as “justice seekers,” and 3) they can be integrated into all parts of the curriculum, invigorating classroom discussions (Lynch, 2012, p. 8). The participants’ discussion regarding the benefits of real-life practice corresponded with the NALP (2011) findings that real-life practice opportunities had a positive impact on preparing lawyers for practice in the government or nonprofit sector, and such learning opportunities were ranked higher than practical skills courses or pro bono work. Likewise, discussion from the public interest lawyers participating in this study supported findings from the LSSSE (2011) survey, in which approximately half of the participants stated they felt prepared to handle the needs of a client. Those who felt prepared were more likely to have participated in a law school clinic course, which further supports the value of real-life practice for public interest law (Davis, 2007; LSSSE, 2011; NALP, 2011).

Immersion into real-life practice provided the participants with the exposure to and opportunities for engagement in social action (Dewey, 1897, 1916; Kleefeld, 2003; Schön 1983). Theories have offered a clearer understanding of how educative conditions, such as spaces of co-constructed learning available in real-life practice, can help better prepare law students for socially-active public interest practice (Davis, 2007; Leering, 2014). Such spaces were identified by the participants as law school real-life practice as well as participation within a knowledge community. Facilitated, educative spaces within law school clinical programs and internships

have been previously identified by scholars as beneficial for the practice of dialogue, critical thinking, and engagement to foster self-awareness (Carnegie Foundation, 2007; Colby & Sullivan, 2008; Davis, 2007; Dewey, 1897; Schön, 1983). These spaces and practices were recognized by the participants as contributing to the knowledge and skills needed to relate to and engage with vulnerable populations through a healthy professional relationship while working toward social action. Preparedness to navigate the relationship between the public interest lawyer and the client was described by the participants as centering on learning from experience.

Legal Pedagogy that Includes the Development of both Analytical and Reflective Capacities

In addition to real-life practice, the participants discussed the importance of a solid, foundational knowledge of law. Within public interest law, the lawyers presented themselves as having both the technical ability for skillful representation, as well as an increased social consciousness, to empathize and relate with vulnerable populations. There was the need for competency of the technical and rational skills related to the theory and practice of law. This comprised the foundation of law every lawyer, regardless of practice specialty, requires to effectively perform their job. Additionally, there was an increased social consciousness within the lawyer. The public interest lawyer required the capacity to relate with the vulnerable populations and desire to practice for social action. The increased social consciousness leads to the cultivation of social action and cultural awareness, capacities which increase the ability of the public interest lawyer to form a successful relationship with their client. Due to the complexity of their cases, the participants explicated the importance of building a comprehensive knowledge of law and understanding of how these laws intersect within public interest issues (Carnegie Foundation, 2000; 2007). The preparedness of public interest lawyers to skillfully practice law was fostered by a legal pedagogy focused on both analytical and reflective learning.

Participants identified the benefits of infusing classrooms with various pedagogical methods, such as reflection in action, real-life practice reflections, and a modified Socratic Method. Such diverse and strategic classrooms have been previously identified by legal scholars (Davis, 2007; Leering, 2014) and the Carnegie Foundation (2007) as offering the potential for spaces of deeper learning (Chow, 2010; Mehta & Fine, 2014) to foster academic and higher order skills in students. Such pedagogical tools have been identified as infusing the curriculum with issues of public interest and social justice while stimulating critical thinking and reflection, and as such, foster a student's movement towards social action (Davis, 2007; Dewey, 1897, 1916; Leering, 2014; Schön, 1983).

The participants highlighted how law schools can strategically use traditional legal pedagogy to foster lawyering competencies critical for public interest law. Law schools consistently utilize a common pedagogy in core and upper level doctrinal courses, the Socratic Method, which the Carnegie Foundation (2000; 2007) charged with causing conformity, rather than critical reflection, among legal graduates. It has been noted all law professors do not embrace the Case Study or Socratic Method in their classrooms, and some reform-conscious legal scholars do not advocate complete abandonment of the traditional legal pedagogy (Davis, 2007; Kleefeld, 2003; Salkin, 2015). The literature has suggested professors might choose to modify the traditional class structure and pedagogy to meet the present needs of the profession (Davis, 2007; Kleefeld, 2003; Salkin, 2015). Participants in this study advocated the strategic use of the Socratic Method for fostering valuable skills for public interest lawyers. Strategic use of the Socratic Method was identified by participants as beneficial in cultivating the capacity of reflection in action, proficiency in engaging in difficult conversations, and competency in public speaking.

There was also the view that legal education can intentionally highlight the knowledge in upper level doctrinal courses in and across their curriculum. Public interest lawyers were competent in working through various legal issues as they intersected within a single case. In traditional law schools, participants noted the courses might be more beneficial if incorporating a variety of legal issues from different lawyering fields in the coursework, or perhaps providing doctrinal courses with specific practice focus. Such suggestions by the participants have been previously recommended to law schools for consideration of a more integrated curriculum, incorporating the concepts of lawyering, professionalism, and legal analysis (Carnegie Foundation, 2000). Similar to the cases, a fundamental part of the Carnegie Foundation's (2007) suggestion was an integrated curriculum, which included additional opportunities within the second and third year of studies for students to engage in practices of reflection for individual and collective growth. While the perfect pedagogical method or combination of methods to educate lawyers who are both socially conscious and analytically competent remains unclear, the cases in this study have provided some valuable examples and suggestions to stimulate discussion.

Participation in a Knowledge Community

As a supplement to their formal legal education, the participants identified the benefits of being involved in a knowledge community focusing specifically on the practice of public interest law. In some law schools, a more formal knowledge community was intentionally created between the school (through clinical outreach, career services, and /or faculty) and those professionals currently practicing in the field of public law. Other participants engaged informally in such knowledge communities during law school as they interacted with professionals through real-life practice experiences. Regardless of whether the knowledge

community was formal or informal, it led to mentorship, networking, and continued learning for the public interest law student who sustained membership in this knowledge community into their professional practice.

The participants expressed the increased value of supplementing their formal legal education with informal learning from others in the professional field. The participants noted how critical involvement in a public interest knowledge community had been to their evolution as an effective public interest lawyer. This involvement also aided their capacity of effective client representation through connections with mentors and peers in the public interest field. Through these connections, the participants have had the opportunity to learn from other's experiences while continuing to improve their lawyering skills. Derek (interview data, 2015) found that "having other lawyers to talk to in the same field helps since you can learn from their experiences". The participation in a knowledge community appeared as valuable in both law school and professional practice. All of the participants sustained their relationships constructed in the knowledge community with mentors and learning networks, and the participants continued to utilize these connections as sources of informal learning. The participants in this study identified the value of membership in these knowledge communities as contributing to their deeper learning as students as well as contributing to lifelong learning as a professional (Colby & Sullivan, 2008; Davis, 2007; Dewey 1897).

Preparedness was embedded within the lawyer's dedication to lifelong learning. The participants identified their dedication to continued learning to skillfully represent their clients (Colby & Sullivan, 2008). All participants remained an active part of the knowledge community they engaged with during law school. The participants discussed their dedication to continuing to learn from their own experiences as well as from other experienced professionals in the field

(Colby & Sullivan, 2008; Davis, 2007; Dewey 1897; 1916; Schön, 1983). They indicated a dedication and responsibility to lifelong learning to increase their ability for skillful representation of their clients while working for social action (Colby & Sullivan, 2008).

The cases rendered a picture of the layers of preparedness for public interest law as well as how preparedness is a continuous process for the lawyer who strives to provide effective representation for their clients. There was an increased social consciousness within the public interest lawyer as he or she pursued their desire for social action; related to the client, and skillfully represented the legal case. Moreover, the public interest lawyer engaged with the client, utilizing empathy and cultural competency in the effort to understand and connect to the client's situation. Through their learned experiences and reflection, the public interest lawyer employed these capacities and abilities to forge an effective relationship with their clients in addition to the technical skills for effective representation. The public interest lawyers explicated the need for lifelong learning as preparedness is continual for a socially conscious and skillful lawyer practicing for social action.

Conclusion Two: A Fit between a Mission-Oriented Public Interest Law School and the Social Action-Oriented Law Student

The characteristics of preparedness were best facilitated when there was a fit between the mission-oriented public interest law school and a social action-oriented law student. Law schools with a public interest mission intentionally integrated their curriculum and real-life practice with a focus on public interest law. While the participants indicated the institutional structures currently exist within legal education to prepare public interest lawyers for service to social action, they noted law schools can work to illuminate the scaffolding for those interested in public interest lawyering. Likewise, they also advocated for the law student to be self-directed

and intentional in driving their own learning. The findings indicated legal education currently provides a solid foundation of the legal knowledge necessary for the practice of public interest law; however, those students attending traditional law schools have to be more self-directed in their learning to be prepared for public interest practice.

There were both curricular and institutional structural differences between the public interest focus law schools and the traditional law schools. Law schools with a public interest focus were discussed in the cases as interweaving public interest issues throughout their courses, allowing students to see more of an intersection between the laws in relation to a public interest issue. Traditional law schools were described as offering a more comprehensive curriculum; thus, public interest was not the primary focus in core and upper level doctrinal courses. However, the participants in this study noted traditional schools, through attentiveness and intentionality in their curriculum, can still serve the needs of preparedness for the future public interest lawyer.

Another difference between the public interest focused law school and the traditional law school centered on how the faculty, administration, and staff interacted with students interested in public interest law. Those students entering public interest law are aware they will accept considerably less pay, fewer material benefits, and less professional prestige in their pursuit of social action and social justice (NALP, 2012; Sarat & Scheingold, 2004). For the students choosing to pursue full-time public interest lawyering, the law school can be more intentional in providing support, rather than perceived obstacles, to their legal education, such as the classification of public interest professionals as second-rate lawyers at the bottom of the educational and professional hierarchy (NALP, 2012; Sarat & Scheingold, 2004). As lawyers in the public interest continuously fight against a culturally-structured definition and perception

(Davis, 2007; Shdaimah, 2008), it is important they are not subjected to a negative perception from the faculty, administration, and law school career services. The participants attending traditional law schools discussed the lack of support and guidance as well as a negative portrayal of public interest law from their school's faculty, staff, and administration. The resources and real-life practice opportunities vital for preparedness for public interest law were available at the traditional law schools, but any student interested in public service had to be intentional and self-directed in planning his or her own curriculum path. One participant expressed her desire that, "in the future my law school becomes more conscientious of students' public interest desire" (Ali, interview data, 2015). Another participant who attended a traditional law school discussed being more self-directed in her learning to take advantage of all possible opportunities in securing a permanent job due to the lack of support from legal career services.

Regardless of the mission of the law school, the participants expressed the law student has to be intentional in their own education. The student cannot sit back and expect others to plan their educational path. Intentionality in the participants demonstrated how they narrowed their public interest focus, planned their legal studies to support a public interest career, and actively engaged with professionals in the field. The public interest lawyers in this study advocated the law student must also assume responsibility for becoming prepared to practice public interest law.

The Social Action-Oriented Law Student

While the participants portrayed a pre-disposition toward social action, the heightened awareness of social consciousness through experience from learning increased their awareness of and desire for social action through their practice of public interest law (Davis, 2007; Dewey, 1916). The participants exemplified reflecting on their past and current experiences to hold a

desire for social action as they discussed how experiences in public service broadened their perspective to see and empathize with the plight of others in society (Davis, 2007; Dewey, 1917; Kleefeld, 2003). The public interest lawyers brought this predisposition for social action forward from law school and continued to foster it through their practice for social action at the individual, and sometimes systemic, level (Kleefeld, 2003; Davis, 2007; Dewey, 1897).

These public interest lawyers aspired to give power and voice to vulnerable populations. They also watched for the “impact cases” that had the potential to affect a larger population in the hope they might initiate a systemic change for the oppressed or victimized population. As noted in the literature, the profession of law was created to serve the citizens and uphold the justice and values of society (Colby & Sullivan, 2008; Schön, 1983). Colby and Sullivan (2008) described professional education as entrenched in tradition, failing to confront the challenges and societal forces of today, yet, these public interest lawyers proved otherwise. They presented an unrelenting practice to fight societal challenges on a daily basis. Moreover, the participants painted a picture of professional education with the curricular structures available to encourage movement in perspective and espouse the rights and needs of vulnerable populations through real-life practice opportunities.

In this study, all of the participants held a predisposition toward social action prior to graduation. The participants who grew up with a strong desire for social action were intentional in choosing a law school with a public interest focus. Others choose traditional law schools due to reasons such as geographic location or cost. The participants attending the public interest focused law schools presented a positive view of their educational experience with no substantive suggestions for change. The public interest lawyers who attended the traditional law schools found they received a solid academic education; however, they were disheartened by the

lack of support and guidance for those students pursuing public interest law. Moreover, these students had to be more self-directed in taking ownership of their legal education to ensure they were prepared for practice upon graduation. Thus, preparedness for public interest law was most successful when there was a fit between a public interest focused law school and the law student with a pre-disposition toward social action.

The two conclusions paint a picture of the public interest lawyer, who underwent layers of preparedness that continued into his or her professional practice. Following a comprehensive legal education combining real-life practice, analytical and reflective learning, and participation in a knowledge community, the lawyer persisted to practice learning from experience and reflection in action to skillfully represent their clients. Lastly, while all law students felt they received a solid foundational education to practice public interest law, those socially conscious students attending a public interest focused law school found a supportive educative environment that successfully prepared them for work in the public interest. The next section presents an emerging model for preparedness of the public interest lawyer grounded in these conclusions.

Emerging Model for Preparedness

The findings from this study have been presented in response to the problem of unprepared law graduates by providing a better understanding of the characteristics of preparedness for a public interest lawyer as identified by full-time attorneys working in this lawyering field. Such explication of characteristics has been absent from the literature, and the findings provide knowledge about how legal education is successful, and can be even better, in the preparation of public interest lawyers prior to graduation.

The proposed model for preparedness in public interest law students will help inform the current state of legal education through the explication of how law schools can better foster

preparedness within public interest lawyers practicing for social action. Through the conscious cultivation of emergent structures, legal education can intentionally provide an institutional and curricular structure for preparedness in law students. The elements of analytical knowledge, real-life practice, and a knowledge community support deeper learning and nurture the capacities essential for the skillful representation and relationship between the public interest lawyer and their clients. Participation in a knowledge community supplements the students' theoretical, legal education while providing the student with real-life experiences to inform them in practice. Moreover, the participation in the knowledge community builds professional relationships that persist into professional practice as well as foster a dedication to lifelong learning.

Informed by the study's conclusions, Figure 6.1 is presented as a model for fostering preparedness for public interest lawyers in legal education. This figure illustrates a composition of legal education that supports and nurtures the characteristics of preparedness for a public interest lawyer. The path to preparedness for public interest lawyers begins with the best fit of a public interest focused law school with the law student predisposed to working for social action. Here, legal education works to cultivate the analytical and higher order skills necessary for the successful practice of public interest law. The formal and informal structures within legal education (academic, real-life practice, and knowledge communities) supplement each other to foster deeper learning and the practice of reflection in action (Chow, 2010; Mehta & Fine, 2014; Davis, 2007; Dewey, 1916; Leering, 2014; Schön, 1983) within law students to help build their ability to relate to and skillfully represent the client.

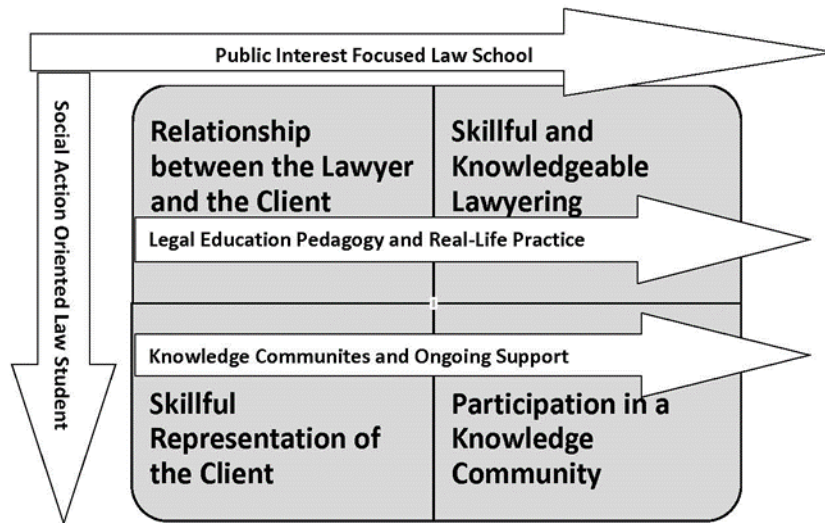


Figure 6.1. Model for Fostering Preparedness for Public Interest Lawyers in Legal Education

The research further provided insight regarding the current status of legal education in relationship to preparedness for public interest lawyering. It was indicated current institutional structures do support the path to preparedness; however, these structures are not as visible to law students attending traditional law schools in comparison to law schools with a public interest focus. Additionally, more attentiveness on the part of law school faculty and staff in traditional law schools is needed for support and guidance to assist the law student as they maneuver the curriculum for preparedness for public interest lawyering. Law schools can also be more creative and strategic with traditional legal pedagogy to foster deeper learning, as well as to illuminate the applicability of the law to public interest issues.

The study allowed for a better theoretical understanding of how the theories of learning from experience (Dewey, 1897, 1916; Davis, 2007) and reflection in action, (Leering, 2014; Schön 1983) as enacted in the curriculum, contributed to deeper learning in law students which, in turn, better prepared law students for the practice of public interest law. The professional in this field was depicted as embodying more than just good lawyering skills; the public interest

lawyer required the capacity for cultural competency, a desire for social action, and the ability for self-management of the emotional demands of the job. The theory of learning from experience stressed that students can increase such competencies through a combination of theoretical learning and real-life practice (Davis, 2007; Dewey, 1916).

The public interest lawyer cultivated legal skills and knowledge through both foundational coursework and real-life practice to effectively prepare for the practice of law (Davis, 2007; Dewey, 1916). The public interest lawyers continued to focus on fostering their lawyering competencies to represent their clients through a dedication to lifelong learning after graduation (Colby & Sullivan, 2008; Davis, 2007; Dewey 1897). The lawyers also demonstrated a continued desire to work for social action by addressing the inequalities and discrimination impacting vulnerable populations. Fostered through their learned experiences and reflection, the public interest lawyers utilized these capacities and abilities to craft an effective relationship with and representation of their clients (Davis, 2007; Dewey, 1916).

For the domain of practice, the findings suggest support, guidance, and strategic use of current legal pedagogy can cultivate the public interest lawyers' preparedness for practice. Elaboration of the characteristics constituting preparedness support the creation of educative spaces for reflection in action, the engendering of deeper learning, and the fostering of the capacity for social action (Chow, 2010; Mehta & Fine, 2014; Davis, 2007; Dewey, 1916; Leering, 2014; Schön 1983). Findings from the study support the idea that lawyers who are actively engaged, motivated, and dedicated to the social justice foundations of the profession are more likely to engage in lifelong learning opportunities beyond the required continuing education of the profession (Colby & Sullivan, 2008). The participants demonstrated a

dedication to self-directed continuous learning in the effort to cultivate and increase their lawyering skills and knowledge beyond law school graduation.

Implications for Policy and Practice

This study focused on the call for reform within legal education to graduate “practice ready” graduates (ABA, 2012, 2014; Carnegie Foundation, 2007; Christensen, 2007, 2008; Colby & Sullivan, 2008; LSSSE, 2010; NALP, 2010, 2011). The full-time practicing public interest lawyers in this study indicated they entered their profession with the analytical knowledge and capacity for critical thinking essential for practice. However, public interest focused law schools provided a more integrated curriculum and student support for public interest students. The participants’ discussion of how they were prepared provided support for the theories of learning from experience (Dewey, 1897, 1916; Davis, 2007) and reflection in action (Leering, 2014; Schön 1983) as existing pedagogical structures in legal education to grow the characteristics for preparedness for public interest law. As suggested by the Carnegie Foundation (2007) as best practices for legal education, this study supported the necessity for an integrated curriculum and real-life practice to graduate prepared public interest lawyers. The primary divergence from the Carnegie Foundation’s (2007) suggestions was the participants’ advocacy for strategically using the Socratic Method to increase the capacity for reflection in action in law students. The implications for practice from this study centered on the current structure of legal education as providing the essential knowledge and skills needed for a practicing public interest lawyer; yet traditional law schools need to focus on better support and guidance from their faculty, staff, and administration to help the law student be successful in fostering preparedness for practice in public interest law.

One goal of this study was to contribute to the gap in the literature by identifying and describing the characteristics of preparedness for public interest lawyers to increase their capacity for social action. In doing so, the study has contributed to the theory of learning from experience (Davis, 2007; Dewey, 1897, 1916) through the expressed connection of this theory to legal education. The theory of learning from experience can be directly associated with the participants' discussion of how they fostered preparedness from real-practice learning experiences provided through legal education and participation in a knowledge community (Davis, 2007; Dewey, 1897, 1916). In addition, the theory of learning from experience helped inform legal education as to the necessity of fostering critical thinking and reflection in law students through the integration of legal history, real lawyering experience, and current legal issues in both course work and real-life opportunities (Davis, 2007; Dewey 1897) in an effort to promote social action within law students.

The findings from this study also provide a better understanding of the how the theory of reflection in action (Leering, 2014; Schön, 1983) and the theory of learning function together (Davis, 2007; Dewey 1897) within the present state of professional legal education. The participants identified the value of reflection in action, linking it with their experiences from learning. Through real-practice learning, law students were placed in real situations with real clients who have real legal issues. Law students worked to help these clients and then returned to the clinical classroom space, where they engaged in critical reflection and dialogue to work through the case issues and their solutions (Davis, 2007; Dewey 1897; Leering, 2014; Schön, 1983). Moreover, it was discussed how these public interest lawyers continued to utilize the practice of experience from learning and reflection in action throughout their professional careers to continue growth in their capacities as effective public interest lawyers.

The primary issue with legal education was the visibility of the structures within the curriculum and the level of support, guidance, and encouragement from faculty and staff. Law schools with a public interest focus offer more illuminated structures and support, and thus, continue to nurture these aspects of their curriculum. Traditional law schools have the curricular structures, yet they were described by the participants as more difficult for the public interest student to maneuver. Furthermore, traditional law schools were identified as depicting the pursuit of public interest law as less favorable than the pursuit of private law. It was suggested traditional law schools focus on intentionally highlighting, encouraging, and supporting the pathway to public interest law for their students. The findings correspond with the Carnegie Foundation's (2000; 2007) assessment of legal education, calling for a more integrated curriculum and incorporation of real-life practice into the second and third year of law school. Public interest lawyers found a comprehensive of legal knowledge essential as most of their cases involve the intersection of laws. Additionally, the lawyers explicated the value gained from real-life practice as participation in clinics and internships during law school provided experiences to pull from on their first day as a practicing lawyer.

These findings contribute to the current dialogue concerning legal education by initiating discussion of the findings focused on what the participants identified as successful curricular structures in law school; how increased intentionality on the part of the faculty, administration, and curriculum might better serve public interest students; and how this might be accomplished through strategic use of current pedagogical structures. The results of this study indicate there is no need for a complete restructuring of the traditional law school; rather, the current curricular structures can be utilized through more intentionality in the course content, strategic legal pedagogy, and clinical spaces to highlight issues in public interest law while fostering experience

from learning for preparedness in public interest law. Law schools were discussed as providing the foundational lawyering knowledge required for practice, while the real-practice opportunities provided the participants with the practical experience to grow their capacities as lawyers (Colby & Sullivan, 2008).

The overall conclusion is there is no need for extensive curricular or pedagogical reform within legal education as it is already providing the essential skills and knowledge for practice ready public interest law graduates. Law schools need to focus on fostering both the analytical and critical thinking skills essential for public interest practice. Such skills and capacities are fostered through an integrated curriculum utilizing strategic legal pedagogies, real-life practice, and student participation in a knowledge community. The implications and suggestions for future research are presented next.

Implications for Future Research

This study concentrated on identifying and describing the characteristics of preparedness for public interest lawyers practicing in the arena of social action. This qualitative multicase study positioned itself as an exploration into this area, uncovering several areas for future research. First, the participants deeply loved their jobs and focused on helping those in need. Interestingly, they did not necessarily view themselves as working for or as an agent of social action. This was not a defining label for them, as participants hesitated to name themselves as agents working for social action. Rather, they continued to reiterate how they just desired to help individuals in vulnerable populations and, perhaps, perpetuate systemic change to benefit a larger population in society. A future study investigating how law students and lawyers actually define social action would be interesting and informative. It would contribute to the literature through a

discussion of what social action actually means within the lawyering field, as well as contribute to how law schools can foster law students' movement toward social justice.

Second, the participants discussed the contribution of diverse and strategic pedagogical methods in law school. Graduates from public interest-focused law schools discussed the benefits of incorporating lawyering themes (such as public interest issues) across the coursework and interweaving the knowledge between the courses. Participants illustrated how traditional methodologies, such as the Socratic Method, could be strategized to foster critical reflection in law students. Some research, such as Leering's (2014) action research, has begun to delve into these areas in law schools. More investigation into law school pedagogy to explore intentional modifications to current legal pedagogy can highlight the positive and negative impacts of such strategic pedagogical methods on student learning. Such research would be a great contribution to legal education pedagogy and learning theories in the literature, especially during this call for education reform.

Lastly, two participants indicated the clinical spaces in legal education potentially served as a holding space for transformation. The clinical spaces appeared to function as growing the capacity for social action no matter what the student's career goals were upon entering the space. The desire for social action emerged at various times in the participants' lives. The two participants without a recollection of a previous desire toward social justice engaged in law school clinics and internship experiences, which they credited as transforming or shifting their world view, orienting them toward social action. An exploration into this phenomenon would contribute to the theory of transformative learning, while also informing legal education as to the possibility of utilizing clinical spaces to promote growth in student's habits of mind.

While none of these themes related to the research questions posed in this study, they have illuminated some areas of interest within legal education. Each of the recommended areas for future research would contribute to both the practical aspect of legal education as well as to the theories of social action, learning theory, and the theory of transformative learning.

Summary

The study concluded we are closer than anticipated to answering the call for reform in legal education. This study responded to the call by identifying and describing the characteristics of preparedness for a public interest lawyer working toward social action, discovering that some of these conditions already exist in current legal education. The conclusions informed an emerging model for fostering preparedness for public interest lawyers in legal education. The implication for the model is the initiation of change in legal education to graduate practice-ready public interest lawyers oriented toward social action. This study has provided a more complex and nuanced understanding of the conditions that foster preparedness, while highlighting the scaffolding for developing capacities vital for socially conscious lawyers in a complex and interconnected society.

REFERENCES

- American Bar Association (2012). *ABA president names task force on the future of legal education*. Retrieved from <http://www.abanow.org/2012/07/>
- American Bar Association (2014). *Report and Recommendations: American Bar Association Task Force on the Future of Legal Education*. Retrieved from http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegal_education.html
- Anzalone, F. (2010). Education for the law: Reflective Education for the law. In N. Lyons (Ed.), *Handbook of Reflection and Reflection in action: Mapping a Way of Knowing for Professional Reflection in action*. (85-99). New York, NY: Springer.
- Bass, R. (2012). Disrupting ourselves: The problem of learning in higher education. *EDUCAUSE Review*, 47(2).
- Brooks, S. L., and Madden, R. G. (2011). Epistemology and ethics in relationship-centered legal education and practice. *New York Law School Law Review*, (56), 331-365.
- Christensen, L. (2007). Legal reading and success in law school: An empirical study. *Seattle University Law Review*, 30(3), pp. 603-651. Retrieved from <http://ssrn.com/abstract=924650>.
- Christensen, L. (2008). The power of skills training: A study of lawyering skills grades as the strongest predictor of law school success. *New York Law School Clinical Research Institute*, 09/10(27). Retrieved from <http://ssrn.com/abstract=1235531>.
- Chow, B. (2010). The quest for deeper learning. *Education Week*, 30(6), 22-24.

- Colby, A. & Sullivan, W. (2008). Formation of professionalism and purpose: Perspectives from the preparation for the professions program. *University of St. Thomas Law Journal*, 5(2), 404-427.
- Condlin, R. (2014). Practice ready graduates: A millennialist fantasy. University of Maryland Francis King Carey School of Law, 2013(48), 1-29.
- Crotty, M. (1998). *The Foundations of Social Research: Meaning and Perspective in the Research Process*. Thousand Oaks, CA: Sage.
- Cummings, S. (2004). The politics of pro bono. *UCLA Law Review*. 52(1). Pp. 13-14.
- deMarrais, K. (2004). Qualitative interview studies: Learning through experience. In K. deMarrais & S. D. Lapan (Eds.), *Foundations for research: Methods of inquiry in education and the social sciences* (pp. 51-68). Mahway, NJ: Lawrence Erlbaum Associates.
- Department of Education, Employment and Workplace Relations (DEEWR). (2009). *Belonging, being and becoming: The early years learning framework for Australia*. Canberra, Australia: DEEWR.
- Dewey, J. (1916). *Democracy and education. An introduction to the philosophy of education* (1966 ed.). New York, NY: Free Press.
- Dewey, J. (1897). *My Pedagogic Creed*. New York, NY: E.L. Kellogg Company.
- Eagar, J. (1996). Right tool for the job: The effective use of pedagogical methods in legal education. *Gonz. L. Rev.*, 32, 389.
- Edwards, L. H. (2013). Legal writing: A doctrinal course. Scholarly Works. Paper 898. Retrieved from: <http://scholars.law.unlv.edu/facpub/898>

- Equal Justice Works (2015). *Equal Justice Works Fellowships*. Retrieved from <http://www.equaljusticeworks.org>.
- Foucault, M. (1980). *Power/knowledge*. In C. Gordon (Ed.). *Selected Essays and Other Writings*. New York, NY: Pantheon.
- Gaff, J. G., & Ratcliff, J. L. (1997). *Handbook of the undergraduate curriculum: A comprehensive guide to the purposes, structures, practices, and change*. San Francisco, CA: Jossey-Bass Publishers.
- Harvard Law School. (2015). What is public interest law? Retrieved from <http://hls.harvard.edu/>.
- Hays, P. A. (2004). Case study research. In K. deMarrais and S. D. Lapan (Eds.), *Foundations for research: Methods of inquiry in education and the social sciences* (pp. 217-234). Mahwah, NJ: Lawrence Erlbaum Associates, Inc.
- Hayes, A. & Feldman, G. (2004). Clarifying the construct of mindfulness in the context of emotion regulation and the process of change in therapy. *Clinical Psychology: Science and Practice, 11*(3). doi:10.1093/clipsy/bph080.
- Hilbink, T. (2004). You know the type: Categories of cause lawyering. *Law & Social Inquiry: Journal of the American Bar Foundation, 29*(3), 657-698.
- Keeling, R. P., Underhile, R., & Wall, A. F. (2007). Horizontal and vertical structures: The dynamics of organization in higher education. *Liberal Education, 93*(4), 22-31.
- Kleefeld, J. (2003). Rethinking “like a lawyer”: An incrementalist’s proposal for first year curriculum reform. *Journal of Legal Education, 53*(2), 254-266.
- Kochan, D. (2012). “Thinking” in a Deweyan Perspective: The law school exam as a case study for thinking in lawyering. *Nevada Law Journal, 12*(2), 395-417.

- Law School Admissions Council [LSAC] (2015). The Law School Admissions Council Website.
<http://www.lsac.org/>
- Law School Survey of Student Engagement (LSSSE), Student engagement in law school:
In class and beyond (2010). 2010 Annual Survey Results. Retrieved from
http://lssse.iub.edu/pdf/2010/2010_LSSSE_Annual_Survey_Results.pdf
- Leering, M. (2014). Conceptualizing reflection in action for legal professionals. *Journal of Law and Social Policy*, 23(1), 83-106.
- Lincoln, Y. S. & Guba, E. G. (1986). But is it rigorous? Trustworthiness and authenticity in naturalistic evaluation. *New Directions for Program Evaluation*, 1986(30), 73–84.
- MacCrate, R. (1992). Legal education and professional development – An educational continuum. *Report of the Task Force on Law Schools and the Profession: Narrowing the Gap [also known as MacCrate Report]*. Chicago, IL: ABA.
- Meeks, J. C. (2011). *From conflict to creativity: Building better lawyers through critical self-reflection*. Retrieved from <http://ssrn.com/abstract=1883746>.
- Mehta, J., & Fine, S. (2014). The elusive quest for deeper learning. *Harvard Education Letter*, 30(4).
- Menkel-Meadow, C. (1988). Feminist legal theory, critical legal studies, and legal education or “the fem-crits go to law school.” *Journal of Legal Education*, 38(61), 61-85. Retrieved from <http://heinonline.org>.
- Merriam, S. B. (1998). *Qualitative research and case study applications in education*. San Francisco, CA: Jossey-Bass Publishers.

- Owen, S. & Davis, G. (2009). Some innovations in assessment in legal education. *Australian Learning & Teaching Council*. Retrieved from http://www.cald.asn.au/docs/alte_Davis_Owen_report_comb.pdf
- Patton, M. (1990). *Qualitative evaluation and research methods*. Thousand Oaks, CA: Sage.
- Prasad, P. (2005). *Crafting qualitative research: Working in the postpositivist traditions*. New York, NY: M.E. Sharpe, Inc.
- Preparedness. (n.d.) In *Merriam-Webster online*. Retrieved from <http://www.merriam-webster.com/dictionary/preparedness>
- Prior, L. (2003). *Using documents in social research*. Thousand Oaks, CA: Sage.
- Rekosh, E., Buchko, K., Terzieva, V. (2001). *Pursuing the Public Interest: A Handbook for Legal Professionals and Activists*. New York: Columbia University School of Law.
- Reid, A., Dahlgren, L., Petocz, P., & Dahlgren, A. (2008). Identity and engagement for professional formation. *Studies in Higher Education*, 33(6), 729-742.
- Rhee, R. J. (2010). On legal education and reform: One view formed from diverse perspectives. *Maryland Law Review*, 70, 310.
- Salkin, P. E. (2015). Learning from experience: An introduction to the journal of experiential learning. *Journal of Law and Social Policy*, 23(2014): vii-xix; 83-106.
- Sarat, A. & Scheingold, S. (2004). *Something to believe in: Politics, professionalism, and cause lawyering*. Stanford, CA: Stanford University Press.
- Sarat, A. & Scheingold, S. (2006). *Cause lawyers and social movements*. Stanford, CA: Stanford University Press.
- Schön, D. (1983). *The reflective practitioner*. New York, NY: Basic Books Inc.

- Shdaimah, C. (2008). Not what they expected: Legal services lawyers in the eyes of legal services clients. In A. Sarat and S. Scheingold (Eds.). *The Cultural Lives of Cause Lawyers*. 359-388. New York, NY: Cambridge University Press.
- Simons, H. (2009). *Case Study Research in Practice*. Thousand Oaks, CA: Sage.
- Smith, L. (2010). Fostering justice through the curriculum. *Legal studies research paper series*. Presented at the AALS Clinical Conference, May 2010.
- Stake, R. E. (1995). *The Art of Case Study Research*. Thousand Oaks, CA: Sage.
- Stake, R. E. (2000). Case Studies. *Handbook of qualitative Research*. Thousand Oaks, CA: Sage.
- Stuckey, R. T. (2007). *Best practices for legal education: A vision and a road map*. New York, NY: Clinical Legal Education Association.
- Sullivan, W. (2013). *Preparing professionals as moral agents*. Carnegie Foundation for the Advancement of Teaching. Retrieved from <http://www.carnegiefoundation.org>.
- Sullivan, W., Colby, A., Wegner, J., Bond, L., & Shulman, L. (2007). *Educating lawyers: Preparation for the profession of law (summary)*. Carnegie Foundation for the Advancement of Teaching. Retrieved from <http://www.carnegiefoundation.org>
- The Carnegie Foundation for the Advancement of Teaching (2000). *Educating lawyers: Preparation for the profession of law*. Carnegie Foundation for the Advancement of Teaching. Retrieved from <http://www.carnegiefoundation.org>.
- The Carnegie Foundation for the Advancement of Teaching (2007). *Carnegie examines the education of lawyers and calls for change*. Carnegie Foundation for the Advancement of Teaching. Retrieved from <http://www.carnegiefoundation.org>

- The NALP Foundation (2010). *2010 survey of law school experiential learning opportunities and benefits*. NALP Foundation. Retrieved from http://ww.nalp.org/lawyer_student_PD
- The NALP Foundation (2011). *2011 survey of law school experiential learning opportunities and benefits: Responses from government and non-profit lawyers*. NALP Foundation. Retrieved from at http://ww.nalp.org/lawyer_student_PD
- The NALP Foundation (2012). *New public interest and public sector salary figures from NALP show little growth since 2004*. NALP Foundation. Retrieved from http://ww.nalp.org/2012_pubint_salaries
- Wahyuni, D. (2012). The research design maze: Understanding paradigms, cases, methods, and Methodologies, *JAMAR 10*(1), 69-80.
- Winkelman, M. (2005). *Cultural awareness, sensitivity & competence*. Peosta, Iowa: Eddie Bowers Publishing Co., Inc.
- Yin, R. K. (1994). *Case Study Research: Design and Methods*. Thousand Oaks, CA: Sage.
- Zahavi, D. (2005). Subjectivity and selfhood: Investigating the first person perspective. *Journal of Phenomenological Psychology, 37*(2), 284.

APPENDIX A
IRB APPROVAL



The University of Georgia

Phone 706-542-3199

Office of the Vice President for Research
Institutional Review Board

Fax 706-542-3660

APPROVAL OF PROTOCOL

November 1, 2014

Dear Aliko Nicolaides:

On 11/1/2014, the IRB reviewed the following submission:

Type of Review:	Initial Study
Title of Study:	A Phenomenological Case Study of Preparedness for Public Interest Lawyers
Investigator:	Aliko Nicolaides
IRB ID:	STUDY00001488
Funding:	None
Grant ID:	None

The IRB approved the protocol from 11/1/2014.

To document consent, use the consent documents that were approved and stamped by the IRB. Go to the Documents tab to download them.

In conducting this study, you are required to follow the requirements listed in the Investigator Manual (HRP-103).

Sincerely,

Larry Nackerud, Ph.D.
University of Georgia
Institutional Review Board Chairperson

APPENDIX B
INTERVIEW PROTOCOL

First Interview Protocol

1. Think about a time when you became aware of your interest in public service and tell me about it.
2. Tell me how you see yourself practicing for social action (addressing concerns for the public good). Can you give a specific example(s)?
3. Tell me about what you think are key characteristics of being a prepared public interest lawyer practicing for social action in the public domain. Why these characteristics? Tell me how you think you developed these skills, capacities, competencies?
4. Explain how your legal education (courses or structures within the school) helped you prepare to be a public interest lawyer. Can you tell me about structures you did not have would have been beneficial?
5. Think about structures and people outside the law school that helped you prepare for public interest law and tell me about it/them.
6. Tell me about ways you see your school better preparing, or not preparing, law students for public interest law. Can you describe these?

*This interview was followed by an observation of the participant in an activity they feel best illustrates their work in public interest. The questions for the second interview emerged from the participant's observation.

APPENDIX C

RECRUITMENT EMAIL

Dear _____ :

I am writing to invite you to participate in my research study entitled “Characteristics of Preparedness for Public Interest Law: A Multicase Study of Public Interest Lawyers”. I am a graduate student under the direction of Dr. Aliko Nicolaides in the Department of Lifelong Education, Administration, and Policy at The University of Georgia. The purpose of this study is to identify and describe characteristics of preparedness that grow the capacity for practicing public interest lawyers oriented towards social action. I want to gain the perspectives and voice from those working in this field every day. I would be so grateful for your participation. I obtained your contact information from the Georgia State Bar Directory as a lawyer working with a non-profit public interest organization.

I want to interview lawyers working full-time with a public interest non-profit organization who have graduated law school in the past 5 years. Your participation will involve an initial interview, observation, and follow-up interview. The first interview should take approximately 45 minutes. The observation will include an activity that you feel best demonstrates your practice as a public interest lawyer, and the second interview will be a follow-up to the first interview and observation. It should last approximately 45 minutes. Interviews can be conducted face-to-face, Skype, or via telephone, whichever is most convenient for you. Interviews will be recorded, and transcribed interviews will be shared with you to check for accuracy and validity. I do not anticipate any risks from participating in this study, and all information will be confidential. The benefit to participating in this study is your contribution in helping to identify and describe the characteristics of preparedness for a public interest lawyer from the perspective as a lawyer working in this field. I hope you will consider participating in this study as your insights will be greatly appreciated.

If you would like additional information about this study, please feel free to call me 706-542-5123 or send an e-mail to mcbride1@uga.edu.

Thank you for your consideration!

Sincerely,
Paula McBride
109 Herty Drive
Athens, GA
706-542-5123 phone
706-542-2489 fax