

WHAT IS LEARNED IN CLINICAL LEARNING?

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Do we really know what students in legal clinics actually learn? We certainly know what the intentions and rationale underpinning clinical pedagogy are, but there is a dearth of research showing that what clinical instructors teach is what law students actually learn. This Article presents empirical evidence from five years of legal clinical practice at a law school in Israel. Based on the data collected, the study confirms many of the hypotheses in the literature regarding the contribution of legal clinics. It also reveals contradictions and an ambivalent approach in the intentions of some of the clinical educators. The data also reveal several contributions of clinical legal education (CLE), which are less emphasized in academic writing.

INTRODUCTION

Do we really know what students in legal clinics learn? Those involved in clinical education define the intentions and rationales that guide their clinical pedagogy, but there is a dearth of research showing that what clinical instructors teach is indeed learned by law students. In this research, I present empirical evidence from five years of legal clinical practice at a law school in Israel. A five-year qualitative content examination of journal entries, interviews, and focus-group discussions with students at the legal clinics of a law school in Israel were analyzed in light of existing literature on clinical legal education (CLE). Based on data collected, the study confirms many of the hypotheses in the literature regarding the contribution of legal clinics, such as a heightened awareness to the social role of the law, as well as its limitations in fostering social change. The study also reveals discrepancies and an ambivalent approach by students to some of the intentions of clinical educators, such as the connection between theory and practice. Additionally, the study highlights several contributions of CLE that are less emphasized in academic writing, such as profes-

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sional socialization and personal growth.

Twenty years ago, one of the founding fathers of CLE, Prof. Stephen Wizner of Yale University, published an article explaining the importance of clinical studies for the education of law students. By describing a particular clinical activity, Wizner offered an answer to the question of the contribution that participation in the legal clinic made to the students who took part in it.¹ At the time the article was published, it was necessary to justify the deviation from the “Langdellian” teaching method, which was practiced in most law schools in the West.² Wizner’s articles, as well as those of other founding fathers and mothers of legal clinics in the United States and elsewhere, were intended, among other things, to persuade legal educational institutions to invest the many resources needed in clinical pedagogy.

Since then, clinics have become a fact of life in legal academia. There is no law school that does not offer a legal clinic. The social, professional, moral, and educational values inherent in attending the legal clinic are almost no longer in dispute among legal educators. But why is this? How did it happen that legal academy aligned itself with clinical pedagogy to the point where hardly anyone challenges it? Is it because the most respected law schools in the world have adopted it? Is it because senior jurists in academia have praised it in their articles? Is it because the ideologies inherent in it are consistent with those of the academic institution? Possibly. But there is also another reason why clinics are taking root in legal education: they have been effective in realizing their goals. This reason is often overlooked or omitted due to the lack of relevant research.

In general, studies on CLE cover three main content areas: the contribution of legal clinics to the public;³ describing CLE and comparing different models for its operation;⁴ and the contribution of

¹ See Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 *FORDHAM L. REV.* 1929, 1934–35 (2002).

² *Id.* at 1931–33; see also ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP* 98, 152 (2007).

³ See, e.g., Wizner, *supra* note 1, ; Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 *FORDHAM L. REV.* 997 (2004); Patricia A. Massey & Stephen A. Rosenbaum, *Disability Matters: Toward a Law School Clinical Model For Serving Youth With Special Education Needs*, 11 *CLINICAL L. REV.* 271 (2005); Colleen F. Shanahan, Jeffrey Selbin, Alyx Mark & Anna E. Carpenter, *Measuring Law School Clinics*, 92 *TUL. L. REV.* 547, 575-583 (2018).

⁴ See, e.g., Susan D. Bennett, *Embracing The Ill-Structured Problem In A Community Economic Development Clinic*, 9 *CLINICAL L. REV.* 45 (2002); Robert R. Kuehn and Peter A. Joy, *An Ethics Critique of Interference in Law School Clinics*, 71 *FORDHAM L. REV.* 1971 (2003); Justine A. Dunlap and Peter A. Joy, *Reflection-In-Action: Designing New Clinical Teacher Training By Using Lessons Learned From New Clinicians*, 11 *CLINICAL L. REV.* 49 (2004); Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 *CLINICAL L. REV.* 505 (2012).

CLE to the students participating in it.⁵ This paper focuses on the last of these, contributing an in-depth study of the learning outcomes of students in legal clinics to the body of literature on CLE.

Wizner's remarks were based on his many years of experience and his in-depth and broad understanding of CLE. But he did not base his findings on empirical research that verifies the benefits described in the article. In general, the literature on CLE deals extensively with the contribution and benefits of clinical pedagogy, but often does not base these important insights on systematic examination and scientific analysis, and is satisfied with assessments based on educators' feelings and intentions.⁶ The lack of scientific basis for Wizner's observations opens up a fascinating ground for clarifying questions about how a law student is affected by participation in the clinic, and whether Wizner's intuitive statements, as well as those of others, can be supported by empirical evidence.

Why is it that we lack the empirical data regarding the effect of participation in legal clinics on students? There are at least three reasons for the absence of empirical findings. First, CLE has been part of the legal curriculum for many years, and its institutional place has become established and requires no justification. Second, clinical legal educators feel the significant contribution of this pedagogy themselves, through the immediate feedback received from the students and the community in which they conduct their activities. As a result, they may not feel the need to validate this contribution empirically. The status of clinical faculty at many law schools, along with practice-oriented responsibilities and promotion criteria, may further disincentivize undertaking empirical research.⁷ More generally, academic in-

⁵ See, e.g., Stephen Wizner, *What Is a Law School?*, 38 EMORY L. J. 701 (1989); Nancy M. Maurer, *Handling Big Cases In Law School Clinics, Or Lessons From My Clinic Sabbatical*, 9 CLINICAL L. REV. 879 (2002); Peter A. Joy, Robert R. Kuehn, *Conflict Of Interest And Competency Issues In Law Clinic Practice*, 9 CLINICAL L. REV. 493 (2002); Steven Hartwell, *Moral Growth Or Moral Angst? A Clinical Approach*, 11 CLINICAL L. REV. 115 (2004); Shanahan et al, *supra* note 3, at 569–75.

⁶ This is this case despite decades of legal tradition trying to give the law legitimacy and validity by basing legal education on scientific foundations. On the development of the scientific approach to law and legal education, see ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850s TO THE 1980s*, 36 (1983). For the development of the call for a scientific and systematic examination of law, see Karl Llewellyn, *A Realistic Jurisprudence – The Next Step*, 30 COLUM. L. REV. 431, 445 (1930). For a renewed and modern confirmation of the scientific approach to law, see Nancy Cook, *Law as Science: Revisiting Langdell's Paradigm in the 21st Century*, 88 N.D. L. REV. 21 (2012). Other areas of teaching, on the other hand, base their curriculum on a scientific examination of the effectiveness of teaching. See, e.g., Jennifer S. Bard, *Practicing Medicine and Studying Law: How Medical Schools Used to Have the Same Problems We Do and What We Can Learn from Their Efforts to Solve Them*, 10 SEATTLE J. FOR SOC. JUST. 135, 152 (2011).

⁷ See Brent Newton, *Preaching What They Don't Practice: Why Law Faculties' Preoccupation With Impractical Scholarship and Devaluation of Practical Competencies Obstruct*

stitutions rarely engage in an empirical examination of the effectiveness of their teaching,⁸ certainly when measuring something that is very difficult to measure (assuming that part of our aims are to inculcate values and to change attitudes).

At the same time, there is a need for empirical verification of personal feelings and insights. The importance of a scientific foundation regarding the contribution of clinical learning can be justified in two arenas. The first is the educational arena. The fact that we are teaching something does not necessarily mean that it is learned. If this were the case, all of our students would have passed their exams because we taught them the material on which they were tested. The effectiveness of learning should be examined from the perspective of the students, not from that of the teachers.⁹ To know whether CLE achieves its goals, we must examine how and to what extent those goals are achieved by the students.

The second arena in which the scientific basis for the contribution of legal clinics can be demonstrated is the institutional one. The clinics are by nature expensive to run because they require the allocation of many faculty members to a limited number of students. Moreover, the clinical staff deals not only with teaching but also with administrative activities, logistic coordination, travel, meetings with partners “in the field,” and more. Often, the institution is required to provide additional physical infrastructure and cover ancillary expenses (such as professional insurance, Bar membership fees, travel expenses, etc.), which are not required for theoretical lessons in large classrooms.¹⁰ Therefore, there is a permanent institutional struggle between administrative needs and educational goals, which requires empirical justification.

Part II of this Article provides a review of the theoretical framework of the study, which describes the three complementary principles underlying CLE: (1) law as a public resource that is an instrument of social change; (2) experiential learning as a means of in-depth understanding and application of legal knowledge; and (3) practice as a

Reforming the Legal Academy, 62 S.C. L. REV. 105 (2010).

⁸ This is recently changing. See, e.g., ROBERT R. KUEHN, MARGARET REUTER & DAVID A. SANTACROCE, CTR. FOR THE STUDY OF APPLIED LEGAL EDUC., 2019-20 SURVEY OF APPLIED LEGAL EDUCATION (2020) (providing empirical data about clinical legal education in the United States, including data on the status of clinical faculty), https://uploads-ssl.webflow.com/5d8cde48c96867b8ea8c6720/628457f6d9c25cc6c1457af4_Report%20on%202019-20%20CSALE%20Survey.Rev.5.2022.pdf.

⁹ See MARTHA STONE WISKE, *TEACHING FOR UNDERSTANDING: LINKING RESEARCH WITH PRACTICE* (1998).

¹⁰ See John O. Sonsteng, Donna Ward, Colleen Bruce, and Michael Petersen, *A Legal Education Renaissance: A Practical Approach for the Twenty-First Century* 34 WM. MITCHELL L. REV. 303, 469 (2007).

means for shaping a professional and personal worldview. Part III then describes and discusses the research I conducted and the findings of the study. It demonstrates, based on a five-year qualitative study, how participants in legal clinics form their awareness of the social role of law and its limitations in affecting social changes; how legal practice compliments theory and vice versa, although the two sometimes contradict and confuse the students; and what clinical experiences contribute to students' professional and personal growth. Finally, before concluding, I address the possible pedagogical and institutional implications of the study.

I. THEORETICAL FRAMEWORK OF CLINICAL LEGAL EDUCATION

To examine how the goals of CLE are realized, despite the unique challenges it faces, we must first establish the conceptual infrastructure on which it is founded. At the core of CLE are several basic principles that shape and define it. The first principle guiding CLE sees law as a public resource and an instrument of social change. The second guiding principle is the development of practical legal skills, as opposed to exposure to purely theoretical knowledge. Finally, CLE sees itself as a means of shaping the professional and personal worldview of students participating in legal clinics. These principles, reflected in the research findings and the conclusions, are detailed below.

A. *Principle 1: The Role of the Law as a Public Resource and Instrument of Social Change*

CLE rests on the premise that law is an essential tool for exercising rights and shaping national priorities. The law educates for certain values and serves as a tool for achieving social goals, promoting social change, and creating social order. This powerful tool is not meant to be the domain of a selected elite. It applies equally and fully to society as a whole, and it must therefore be available to all its members, regardless of their social, ethnic, economic, or other differentiating background. The law should be regarded as a public resource and allocated according to principles of equity and fairness.¹¹ The fact that the public is entirely dependent on the legal community, lawyers and judges, for the legal services to which it is entitled implies a moral obligation on the part of the legal community to provide these services

¹¹ See Alon Harel, *Efficiency and Fairness in Criminal Law: The Case for a Criminal Law Principle of Comparative Fault*, 82 CAL. L. REV. 1181 (1994) for this notion regarding criminal law; for tort law, see John Gardner, *What is Tort Law For? Part 2. The Place of Distributive Justice*, in *PHILOSOPHICAL FOUNDATIONS OF THE LAW OF TORTS* 16 (John Oberdiek, ed., 2014).

to anyone who requires it.¹² This perception of the legal professions has led to allocating resources for public defense and legal aid; lawyers joining civil society organizations to advance social goals; and even private sector lawyers supporting *pro bono* projects. Advocates for social change have occupied a place in the legal arena as key agents in the advancement and the protection of human rights and public interests.

Because the academy holds the entry key to the practice of law and affects its distribution, it has a special responsibility toward society. Since law is a public resource, the legal academy must convey to students these social values. It was this worldview that motivated lawyers and social activists to found and lead the legal clinics. They saw legal clinics as mediating between legal resources and the public that needed them by disseminating legal knowledge and increasing access to it.¹³ In this way, CLE has been an effective tool for advancing social goals and social change. Although the students also gained practical experience, the clinics' stated goal was to promote social responsibility, social change, and social interest as part of legal professionalism.¹⁴ Over the years, traditional legal academia has adopted, albeit not easily, CLE and its purpose of providing law students with the opportunity to acquire a deep understanding of society and the role of law in it.¹⁵ To sum up this guiding principle, emphasizing the role of lawyers in challenging public injustice and promoting social change is an aspiration and an essential goal of CLE.¹⁶

B. Principle 2: Effective Learning is Based on Practical Experience

Another basic principle guiding CLE is its reliance, at least for the most part, on experiential learning, especially on unstructured experience.¹⁷ The goal of CLE is to impart the skills (and not just knowledge) necessary for the legal professions.¹⁸ This principle derives from cognitive psychology, according to which learning is a long-term cog-

¹² See DAVID SANDOMIERSKI, *ASPIRATION AND REALITY IN LEGAL EDUCATION* 5 (2020).

¹³ See Jane Aiken & Stephen Wizner, *Law as Social Work*, 11 WASH. U. J. L. & POL'Y 63 (2003).

¹⁴ See Stephen Wizner, *Is Social Justice Still Relevant?*, 32 B.C. J.L. & SOC. JUST. 345, 352 (2012).

¹⁵ See Wizner, *supra* note 1, at 1934.

¹⁶ See Aiken & Wizner, *supra* note 13, at 73.

¹⁷ See Mark V. Tushnet, *Scenes from the Metropolitan Underground: A Critical Perspective on the Status of Clinical Education*, 52 GEO. WASH. L. REV. 282 (1984).

¹⁸ Anthony G. Amsterdam, *Clinical Legal Education – A 21st Century Perspective*, 34 J. LEGAL EDUC. 612 (1984); Ann Thanaraj, *Understanding How a Law Clinic Can Contribute Towards Students' Development of Professional Responsibility*, 23 INT'L J. CLINICAL LEGAL EDUC. 89–135 (2016).

nitive change as a result of experience.¹⁹ Often, our starting point as educators is that our students learn what we teach them. According to the constructivist approach, however, individuals' understanding of the world is based on their own experiences; with each experience, they gain meaning based on the previous understandings they have created and in relation to them, simultaneously changing and reshaping existing understandings.²⁰ Thus, CLE is not limited to transferring knowledge from the lecturer to the student, but bases its pedagogy on creating a direct experience for the learners, through which they are expected to put the knowledge to use.²¹ Similar to other professions in which practical experience is part of learning (such as social work, teaching, and medicine), the development of legal clinics in the United States also served this component in the professional training of students. Thanks to participation in legal clinics, graduates enter the profession better prepared.²²

Beyond their social role, educationally, the legal clinics have established themselves as "thinking communities." Educational researchers define the term *thinking community* as a framework for teaching and learning that complements the traditional classroom. It is a community because it unites a group of learners in dealing with a common problem through agreed-upon procedures and a climate of reciprocity and striving for understanding. It is thinking complemented by mentorship and feedback.²³

Anyone who has attended a legal clinic, whether as a learner or a teacher, is likely to recognize in this definition the method of working in the clinic. In each clinic, one can find a cohesive group of learners, working in an agreed manner and in a climate of reciprocity on a problem that requires systematic application of legal knowledge, with the mentoring and feedback of the clinical instructor, the academic teacher, or both. The learning process in the clinic moves back and forth between practice and theory and between experience and reflection. In this way, clinical learning is vastly different from individual learning, which is based on receiving knowledge from an external source (rather than from mutual exchange), and subject only to summative feedback, practiced in the traditional legal classroom, rather than being guided by ongoing mentoring.

¹⁹ See JEANNE ELLIS ORMOND, *HUMAN LEARNING* (2nd ed., 1995).

²⁰ See JACQUELINE GRENNON BROOKS & MARTIN G. BROOKS, *IN SEARCH OF UNDERSTANDING: THE CASE FOR CONSTRUCTIVIST CLASSROOMS* (1999).

²¹ See Tushnet, *supra* note 17 at 274.

²² See Wizner, *supra* note 1, at 1929.

²³ See Yoram Harpaz, *Teaching and Learning in a Community of Thinking*, 20 *J. CURRICULUM & SUPERVISION* 136 (2005).

C. *Principle 3: Good Learning Serves as an Opportunity for
Worldview Formation*

Educational researchers agree that education has three overarching goals: socialization (adaptation to society), acculturation (shaping people's worldview in the spirit of the preferred values of society), and individuation (expression and application of a person's unique personality).²⁴ CLE actualizes these goals by familiarizing students with the society in which they act, with all its disparities, and with the role of the law in reducing or perpetuating these gaps. It realizes the purpose of acculturation by clearly assisting and instilling values that are considered appropriate (based on the first principle: the social role of law). It also develops critical and independent thinking (relying on the second principle: experiential and emotional experience in the application of theoretical knowledge).

In its learning processes, CLE emphasizes not only knowledge acquisition, but also the integration of the learners in a particular knowledge community, where they are able to communicate in its language and act according to its norms. These socialization processes take place through the active participation of the learners and their contribution to the processes of creation and critique of knowledge that emerges in their thinking community. Learners gradually integrate into the community in a process of apprenticeship, in which the expert guides the novices in their performance, gradually drawing the learners from the margins of the activity to its core, from simple tasks to complex ones.²⁵ In doing so, the student becomes a partner in the world of relevant discourse, learning the culture of the community and how to take part in it. CLE imposes responsibility on legal academia for the socialization process and for the establishment of the cultural consciousness in the students regarding the norms and values of the legal profession.²⁶

There is broad consensus among clinicians that in addition to developing a professional identity, the clinical experience invites students to explore opportunities for clarifying their values, and in this way contributes to shaping their personal growth.²⁷ The critical approach to education, which characterizes CLE, resonates well with the basic principles of critical legal studies (CLS), in that it allows room

²⁴ See GARY D. FENSTMACHER & JONAS F. SOLTIS, *APPROACHES TO TEACHING* (4th ed., 2004); KIERAN EGAN, *THE EDUCATED MIND: HOW COGNITIVE TOOLS SHAPE OUR UNDERSTANDING* (1997).

²⁵ See Allan Collins, *Cognitive Apprenticeship*, in *THE CAMBRIDGE HANDBOOK OF THE LEARNING SCIENCES* 47, 52 (2005).

²⁶ See Wizner, *supra* note 14, at 345.

²⁷ *Id.*; see also Paul McKeown and Elaine Hall, *If We Could Instill Social Justice Values Through Clinical Legal Education, Should We?* 5 *J. INT'L & COMP. L.* 143, 180 (2018).

for personal expression and the shaping of identity.²⁸ Shared thought, engagement in social and intellectual experiences, and increased group awareness to personal feelings, private experiences, and social phenomena are key aspects of both the theory and practice of the CLS movement. Group experiences, not any less than individual experiences, are understood as a source of knowledge and as foundational for personal and collective liberation.²⁹

The group experience, and the attention to feelings and personal experiences, are not only inherent in clinical teaching, but a central element in this pedagogy, which is based on constant reflection. Education researchers suggest looking at the teaching process using a framework, represented by an acronym for all the common elements involved in the process of teaching: *MAKER*.³⁰ Here, *M* stands for the Method used to assist students in gaining the skills, knowledge and understanding that teachers intend for their students to achieve. *A* symbolizes the Awareness that teachers have ‘in real time’ for their students’ interests, talents, and concerns. *K* is Knowledge, that is, the mastery the teacher holds in the subject matter. *E* represents the ideal Ends that teachers have for their students — their purpose for teaching. Finally, *R* stands for the relationships that teachers forge with their students. Different approaches to teaching highlight some of these elements, while putting less emphasis on others.

It might be helpful to understand the CLE teaching approach using the *MAKER* framework. In the legal clinic as a thinking community, the teacher is more than one person. It is the professor, the supervising attorney,³¹ the other students in the clinic, and the client who uses the services of the clinic. Therefore, the *Relationship* (*R*) is multifaceted, with each member of the thinking community contributing to the collective *Knowledge* (*K*). The *Method* (*M*) in the clinic is a reciprocal and joint process, in the sense that students are expected to actively participate, share, and engage with the *Knowledge* (*K*). The makeup of the legal clinic’s thinking community makes the *Awareness* (*A*) element in clinical teaching a highly demanding task from all those involved. The needs, talents and concerns of the students, the

²⁸ See Rhonda V. Magee, *Legal Education and the Formation of Professional Identity: A Critical Spirituohumanistic—“Humanity Consciousness”—Perspective*, 31 NYU Rev. L. & Soc. Change 467 (2007).

²⁹ See Harpaz, *supra* note 23, at 146.

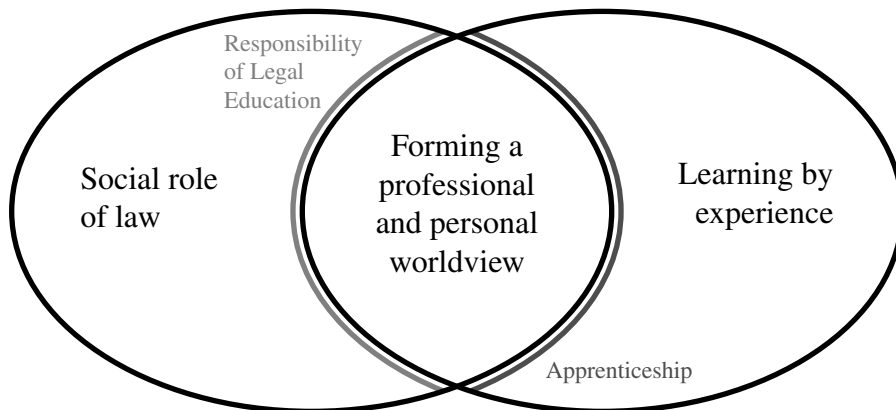
³⁰ See FENSTMACHER & SOLTIS, *supra* note 24, at 7.

³¹ Israel’s Commission of Higher Education requires all legal clinics to be supervised by both academic faculty (referred to as the “academic supervisor”) and a staff attorney (referred to as the “clinical supervisor”). See Commission of Higher Education, *The Commission of Higher Education Approved Operation of Legal Clinics* (12/23/2018), <https://bit.ly/3NzFO5h> (Isr.)

clients and the clinicians are constantly examined in order to choose the most appropriate *Method* (M) to meet the *Ends* (E). The ideal educational aim for clinical educators refers to the social role of law, to achieve one or more of the overarching goals of CLE: socialization (understanding society and its knowledge gaps), acculturation (promoting social responsibility), and individuation (developing critical thinking about the application of law in society). In this way, students at the clinic are not only able to understand in-depth the relevant information concerning the legal problem, but also to shape their professional and personal identity.

There is disagreement between scholars who believe that it is not possible to have more than one goal in an educational process because of conflicting pedagogies and those who believe that the contradiction is purely theoretical but not practical, and that these overarching goals (or “teaching patterns” or “teaching columns”) complement each other.³² The third guiding principle of CLE, that education provides opportunities for personal clarification of the learner’s worldview, rests on the position of the latter. This theoretical principle connects the two previous principles reviewed above, as illustrated in Figure 1. On the one hand, it is connected to the principle of law as a public resource by the responsibility of legal education to instill in students the values of public service and social interests. On the other hand, it is also connected to the basic principle that attributes the most effective learning to experience complemented by feedback and guidance through apprenticeships, which enables the development of professional skills, socialization, and a knowledge community.

FIGURE 1: THE CONNECTIONS BETWEEN THE BASIC PRINCIPLES OF CLINICAL LEGAL EDUCATION



³² *Id.*; see also MORTIMER ADLER, THE PAIDEIA PROPOSAL: AN EDUCATIONAL MANIFESTO (1982).

II. RESEARCH QUESTIONS AND METHODOLOGY

This section describes what the study investigated, as well as why and how the research was conducted. It details the challenges of CLE that justify a scientific examination of its products and explains what relevant information was collected and analyzed. Finally, it expounds on the research methods that were used.

A. Why?

CLE presents various types of challenges.³³ For the purposes of this article, three challenges are particularly relevant. First are the high inputs required from academic institutions to achieve the educational goals of the legal clinic. The second challenge concerns the ambiguity that surrounds clinical activity and raises questions about both the effectiveness of the inputs in relation to the outputs, and the nature of the outputs themselves. This poses another challenge to CLE: institutional suspicion that threatens academic freedom.³⁴

The budgeting of legal clinics regularly challenges academic institutions. Many clinics depend on donations for funding their activity and therefore may be discontinued at any time. This poses difficulty in planning long-term budgets. Clinical learning also requires close feedback and guidance, which does not allow for large rosters. The faculty-to-student ratio, compared to traditional courses, is higher than average. All these, together with the stigma resulting from their perceived intellectual inferiority, make legal clinics the first candidates for cut-back in times of financial distress.³⁵

The inferior intellectual image of legal clinics stems, among other things, from the lack of clear information about what they do. One reason for this is that clinicians often lack the incentive to publish scholarship about their clinical work. Academic promotion is based on publications in prestigious journals, which requires a focus on theoretical analysis rather than practical descriptions of legal contributions to the local community, which makes up the bulk of the activity of clinics. This type of writing often takes lower priority than clinical instruction.³⁶

Another reason for the marginalization of clinical scholarship is the perception of the prestige of knowledge. Academia often struggles

³³ See Peter A. Joy, *Challenges to Legal Education, Clinical Legal Education, and Clinical Scholarship*, 26 *CLINICAL L. REV.* 237 (2019).

³⁴ See Ágnes Kövér, *Clinical Legal Education: From Loyalty to Power to Loyalty to Society*, in *UNIVERSITY AND SOCIETY: INTERDEPENDENCIES AND EXCHANGE* 159–79 (Ágnes Kövér & Gaby Franger eds., 2019).

³⁵ See Joy, *supra* note 33, at 256; Tushnet, *supra* note 17, at 272.

³⁶ *Id.* at 260.

against the idea of shifting the focus from theory to practice. Sociologists of knowledge explain this phenomenon by the fear of hegemony losing its superiority.³⁷ The introduction of experiential learning into the curriculum threatens the four elements recognized by Young as indicators of the social prestige of knowledge: *abstractedness* (practical and applied knowledge is less prestigious than abstract and theoretical); *literacy* (written knowledge enjoys higher prestige than does oral knowledge); *individualism* (the acquisition and transfer of knowledge independently is more prestigious than teamwork or the accumulated knowledge of the group); and *relatedness* (interdisciplinary knowledge enjoys less prestige than “pure” information of the discipline).³⁸

Young’s claim that curricular changes affect social attitudes may explain the historical unwillingness of law schools to promote clinical education,³⁹ as opposed to theoretical, literacy-based, individual, and “pure” knowledge. Clinical education is practical and not abstract, it is delivered mainly orally and behaviorally, it is based on teamwork, and it is highly interdisciplinary.

The field of psychiatry experienced similar processes with its introduction into the field of medicine,⁴⁰ and so it was with the environmental sciences within the study of geography.⁴¹ The “academicization” of these fields occurred outside of the faculties. They received legitimacy within academia only after a long process, saturated with objections, of basing their theoretical foundation on research and publications. Hence the importance of grounding clinical scholarship in scientific research and replacing speculation with rigorous field research, in which orderly observations are made, and different social groups are examined in a systematic way. This includes the obligation to consider the lived experiences of students and faculty.

Another challenge of clinical activities concerns the attitude of the political institutions toward them. Generally, traditional legal education relies on liberal principles that distinguish between law and politics, minimizing controversial challenges to the law. Students are usually exposed to legal knowledge identified with the position of

³⁷ See generally PIERRE BOURDIEU & JEAN-CLAUDE PASSERON, *REPRODUCTION IN EDUCATION, SOCIETY AND CULTURE* (2d ed. 1990).

³⁸ See MICHAEL F. D. YOUNG, *THE CURRICULUM OF THE FUTURE: FROM THE “NEW SOCIOLOGY OF EDUCATION” TO A CRITICAL THEORY OF LEARNING* 19 (1998).

³⁹ See Peter A. Joy, *The Uneasy History of Experiential Education in U.S. Law Schools*, 122 *DICKINSON L. REV.* 551 (2018).

⁴⁰ See Ivor Goodson and Ian Dowbiggin, *Curriculum History, Professionalization, and the Social Organization of Knowledge: An Extended Paradigm for the History of Education*, in *THE CHANGING CURRICULUM: STUDIES IN SOCIAL CONSTRUCTION*, 61–81 (1997).

⁴¹ *Id.*

powerful majority groups.⁴² Exposing students at the clinic to an approach that criticizes the law raises suspicion in those who advocate the ideology of traditional legal education. This suspicion is not unique to clinical practice, as theoretical legal research may also be critical of the courts and the legislature. In our context, however, it is intensified because of the practical aspects of clinical teaching, which strive to change reality and not merely write an essay about it.

B. What?

My study focused on the relations between inputs and outputs of clinical teaching. Its aim was to examine the outcomes of clinical teaching for law students (i.e., with respect to the second and third theoretical principle of clinical learning, rather than the first), and to empirically confirm intuitive assumptions shared by most clinicians regarding the effect of participation in the clinics on students' legal education. The starting point of the study was to base Wizner's observation on empirical findings, and to validate his assumptions. Wizner argued that by participating in the clinic, students learn that many social problems, like poverty, can be seen and acted upon as legal problems; understand that legal representation is as necessary to the resolution of complex legal problems of the poor as it is to those of the affluent; learn to develop and apply legal theory through actual representation of clients; learn to use the legal system to seek social change; and learn the limits of law in solving individual and social problems.⁴³ I offer in this study empirical evidence for most of these; raise ambiguities about a few; and highlight other effects.

This study can be extended beyond CLE to deal with the roles of academia in general. For example, the law as a public resource can be analyzed in light of the financial challenges, highlighting questions regarding academia's role in providing service to society.⁴⁴ The challenge of the expensive inputs invested in training to develop legal skills versus the effectiveness of experiential learning has been explored from a financial perspective, and it has been found that it is

⁴² See Duncan Kennedy, *Legal Education and The Reproduction of Hierarchy*, 32 J. LEGAL EDUC. 591 (1982).

⁴³ See Wizner, *supra* note 1, at 1935.

⁴⁴ In 1998, the Chair of the Higher Education Division of the United Nations Educational, Scientific and Cultural Organization (UNESCO) announced the four roles of higher education in the second millennium: first is research, second is vocational training, third is to provide service to society, and fourth is social critique. See Marco Antonio Rodrigues Días, *Higher Education: Vision and Action for the Coming Century*, 28 PROSPECTS 367–75 (1998). On “the third role of Academia,” see, e.g., Paul Chatterton & John Goddard, *The Response of Higher Education Institutions to Regional Needs*, 35 European J. Educ. 475 (2000); Barbara A. Holland, *Toward a Definition and Characterization of the Engaged Campus: Six Cases*, 12 METROPOLITAN UNIVERSITIES: AN INT'L FORUM 20 (2001).

possible, by changing priorities, to maintain experiential learning at the same cost as traditional learning.⁴⁵ The question of the role of academia in preparing students for the professional world is also a consequence of the encounter between socialization that takes place in the educational process and the budgetary investment involved.⁴⁶

Sociological questions also arise regarding the role of law in society and the political suspicion arising from the practical realization of this role. The effects of political suspicion on the activities of clinics have also been investigated more broadly, in relation to the effect of legal education in general on the value-based attitudes of students.⁴⁷

C. How?

I serve as the Legal Clinics Director at my law school and as the academic instructor for the Legal Aid Clinic. My school serves a peripheral community in the Galilee, the far north of Israel, and it is located in Zefat, a city with a population that has very low socio-economic status. About 45% of families are welfare recipients, and the municipality's resources are scarce. The residents often find themselves exposed to creditors' claims, unable to assert their rights, at times even without awareness of these rights or any information about them. The ethnic and religious diversity of the Galilee (ultra-Orthodox, liberal-religious, and secular Jews), together with Arabs (Muslims and Christians) and Druze, makes it difficult to respond to the different needs of each sector.

The students of the clinics were integrated into local Rights Centers, organized by NGOs and government branches, to provide legal counseling. They accompany and assist lawyers and organizations that

⁴⁵ See Bard, *supra* note 6, at 188; Sonsteng et al., *supra* note 10, at 469.

⁴⁶ An empirical examination revealed that academia does not prepare young people optimally for the professional world: first, according to the perception of about 50% of graduates, higher education did not contribute to their employment; second, only four of the vocations where high growth was expected at the time the study was conducted required an academic degree as a condition of employment. Therefore, the budgetary investment in the development of the graduates' skill set is ineffective, especially considering additional findings from the same study showing that potential employers attribute the most weight to a candidate's skills (and not knowledge) when deciding whom to employ. See generally MONA MOURSHED, DIANA FARRELL & DOMINIC BARTON, *EDUCATION TO EMPLOYMENT: DESIGNING A SYSTEM THAT WORKS* (2012).

⁴⁷ See generally Kennon M. Sheldon & Lawrence S. Kreiger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values and Well-Being*, 22 BEHAV. SCI. & L. 261 (2004); ROBERT V. STOVER, *MAKING IT AND BREAKING IT — THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL* (1989); Howard S. Erlanger & Douglas A. Klegon, *Socialization Effects of Professional School: The Law School Experience and Student Orientations to Public Interest Concerns*, 13 LAW & SOC'Y REV. 11 (1978); J. D. Drodgy & C. Scott Peters, *The Effect of Law School on Political Attitudes: Some Evidence from the Class of 2000*, 53 J. LEGAL ED., 33–47 (2003).

serve the population of the Galilee, and the faculty of the law school serves as their instructors. The data for this research was collected during five years of activity of the Legal Aid Clinic, from its inception in 2013 through 2018. The establishment of the clinic was the result of previous empirical research I conducted on students of Zefat Law School (ZLS), which concluded that there was a need for legal clinics.⁴⁸ Therefore, it was important for me to follow up with research that assesses the suitability of the clinic to the needs raised by the students.

Monitoring the experiences of the students at the clinic from the moment of its establishment has made a broad pedagogical and institutional contribution. The study made it possible to share with the school faculty insights regarding the connection between students' clinical experience and their theoretical studies, and to make required adjustments. Sharing the findings with the college administration allayed concerns about the necessity of the clinics and increased institutional support for the clinical program.

The study included thirty-nine participants, all third-year students, most of them residents of the Galilee.⁴⁹ The demographic composition of the clinics was as heterogeneous as that of the Galilee. All participants were informed of the research in advance, and their written consent was obtained, emphasizing that participation was not mandatory and that their course grade was not dependent on the research.⁵⁰ The Institutional Research Board granted the required approval.

The data were collected using three complementary research tools: reflective journals, focus groups, and in-person interviews. Students participating in the clinic were required to keep a reflective journal and submit at least three entries over the period of their participation in the clinic together with an analysis of their reflections in light of course readings. The three entries submitted by participants constituted my main research tool. I collected a total of 117 journal entries. In addition, over the five years of the study, we held a focus group of study participants at the end of each semester for a conversation of an hour and a half. I documented in writing the discussion, which served as another source of data. I documented a total of ten focus group discussions. Finally, in the first year of the study, eight

⁴⁸ See Yael Efron & Yaron Silverstein, *Law Students as Agents of Change*, 6 MAASEY MISHPAT [TEL-AVIV UNIV. J.L. & SOC. CHANGE] 105 (2014) (Isr.).

⁴⁹ The first law degree in Israel is an LLB, which is a four-year program. In most institutions, ZLS included, the legal clinics are elective and not a mandatory component of legal education.

⁵⁰ Two thirds of students in the clinic throughout those years participated in the research (39 out of 52).

participants met with me for an open, in-depth, hour-long interview, which was recorded and transcribed. Each text produced with each of the research tools was uniquely coded for classification and anonymization. I identified common themes from which I was able to inductively learn about subjective experiences. All the research tools were collected in Hebrew and translated both by me and by an assistant, to ensure consistency.

I used a qualitative-phenomenological research method to examine social phenomena as perceived by the people who experience them.⁵¹ Qualitative research helps create an in-depth picture of the subject of study. It does not seek to generalize its findings in relation to a broader population, but rather to present an understanding of a phenomenon and produce a broader conceptual framework based on the data. The lack of data about the learning outcomes of students in a legal clinic requires an empirical examination of experiences. Qualitative research methods enable the researcher to form an impression of the holistic and rich experience of the participants, understand it, and learn from its characteristics, goals, and outputs. In this case, the best way to achieve this kind of understanding was from the words of those who lived the experience of the clinic. Qualitative research methods make possible adopting a variety of perspectives, and at the same time allow the necessary freedom for research participants to focus their attention on what seems important to them. In this way, it is possible to form impressions not only based on the content of the information provided, but also based on the priorities and importance that study participants attach to this information.⁵²

To analyze the texts, I used a systematic process known as the “framework approach.”⁵³ This method was suitable for the present study because it is intended for the analysis of qualitative research findings, in which the research objectives and issues examined are predetermined, the research questions are specific, and the time frame is limited.

I analyzed the data in three steps. First, I identified topics in the texts that were relevant to the research question. Specifically, I looked for sentences echoing the contribution of the clinic in areas named by Wizner in the article that inspired the research. Individual sentences, and at times several together, were marked as a separate section

⁵¹ See generally CLARK MOUSTAKAS, *PHENOMENOLOGICAL RESEARCH METHODS* (1994).

⁵² *Id.*

⁵³ See Liz Spencer & Jane Ritchie, *Qualitative Data Analysis for Applied Policy Research*, in *ANALYZING QUALITATIVE DATA* 173 (Alan Bryman & Robert G. Burgess eds., 1994); Aashish Srivastava & S. Bruce Thomson, *Framework Analysis: A Qualitative Methodology for Applied Policy Research*, 4 *J. ADMIN. & GOVERNANCE* 72 (2009).

based on one of the contributions named by Wizner, and defined as a theme. When I found recurring themes that did not appear in Wizner's article, I added them as new themes. In the second step, I sorted the marked sections and grouped them according to the themes they represented. Each theme was associated with excerpts from the texts and a code identifying their source. This sorting process was dynamic, and, in the course of undertaking it, I defined additional themes, which helped me understand the various meanings that emerged from the texts. Last, I organized the excerpts using an internal order reflecting sub-themes. I carried out this process in parallel with two research assistants, in order to critique my understanding of the themes and strengthen the study's credibility.⁵⁴

III. FINDINGS

The findings of the study revealed that many students confirmed most of the contributions of clinical teaching, as Wizner understood them. Among these were Wizner's hypothesis that, through participation in the clinic, students learn that many social problems can be solved through law. Furthermore, there was widespread agreement regarding students' understanding that poor people need legal assistance no less than rich people. Although participants found that legal systems facilitate social change, as Wizner believed, they also identified the limitations of the law regarding the resolution of personal and social problems.

While the data confirmed most of Wizner's hypotheses, the findings did not clearly reflect Wizner's assumption that students apply the legal theories they study. It was evident that a sense of confusion and ambivalence surrounded the students' application of concepts learned in their doctrinal classes, exposing a gap between legal studies and practical reality. Yet, students mentioned the clinic as a complementary means of studying theories of law, and theoretical studies as a complementary means of clinical practice.

The findings elicited further insights, which were not listed in Wizner's article, although no doubt he was aware of them. These concerned, in particular, the formation of a professional worldview and the personal development of the students. Regarding the contribution of clinical participation to the shaping of professional identity, the students mentioned their exposure to new areas of law that were not included in the regular curriculum. Many also reported a change in their attitude toward the image of the profession, some positive and

⁵⁴ All research material is on file with author. Readers who would like to know more about the content of the individual student journals, interviews and focus groups transcripts or about the analysis tables are welcome to contact author.

some negative. Finally, students noted that their participation in the clinic was significant for personal growth and development. Some reported personal excitement and even a spiritual experience, others experienced disappointment and frustration in the face of personal or professional helplessness, and many expressed a desire to continue contributing to society after graduation. Below are the findings, presented according to the themes listed above.

A. *“There’s a Population That Really Needs the Law:” Confirming the Contribution of Clinical Teaching to Understanding the Social Role of the Law and Its Limitations*

The findings show that many of the hypotheses of the founding fathers and mothers of CLE regarding its contribution to students were indeed confirmed. The most significant findings relate to the contribution of participation in clinics to students’ understanding of the social role of law. Under this theme, all study participants, without exception, reinforced Wizner’s assumption, embodied in the first principle of CLE, that law is an instrument for leading social change. As one participant put it: “The purpose of the law is not only to settle conflicts between parties, the law is a tool for change in countless areas, at the global level. The law is a tool for regulating policy on various issues.” Some even criticized the legislature for not being in a hurry to change the legal situations, which they considered to require change. In the words of one participant: “There’s no doubt that legislative amendments and relevant adjustments can solve many of these problems. This requires cooperation from the legislature.”

Thus, the students’ exposure to a range of problems, whether inquiries that they addressed themselves or through their exposure to the reflective conversations about inquiries dealt with by their peers, resulted in a broad perspective about the effect of law on society. This is how one of the participants described it: “They have no means and no powers, and they are stuck, physically and legally. The populations we have been exposed to: the elderly, the disabled, the incapacitated. The state has a lot of flaws; it doesn’t reach everywhere.” This is particularly instructive in light of findings from a previous study conducted at ZLS, which examined, among other things, the reasons why students chose law school, and found that the majority did it out of a desire for social mobility, and only a minority of participants were aware of the social role of law.⁵⁵ I conclude that the exposure given by the clinic to the participants in the study, compared to the lack of such

⁵⁵ See Efron & Silverstein, *supra* note 48, at 111. This study was conducted before the establishment of legal clinics at ZLS.

participants' experience in the previous study, contributed to the differences in attitudes between the groups.

In the previous study, we concluded that the possibility for students to serve as agents of change was related, in their view, to the completion of their professional training process, and it was relevant for them only in the future and only for those who would be free from financial difficulties. The findings of the present study show that attending a clinic has had a direct effect on their sense of ability to make a difference right now, as one of the students described it: "When I started I didn't know what 'knowledge is power' means. . . . After I filed the petition I realized what power we have. It gave power to knowledge. Not everyone can afford to acquire this knowledge."

Another finding, which applies to all participants, is the understanding that the law is a public resource, and as such it is necessary both for poor people and rich ones, and even more so for the former, according to the study participants. In the words of one participant: "In my opinion, poor people need even more legal assistance than rich people, since rich people can solve many problems with money and connections, which poor people are deprived of." While "the legal world seems to belong to those who have money," as one student observed, "there is a percentage within the population who are really disconnected and need personal guidance. People are disconnected from reality and have no tools to get by in life. Even if someone wins a trial, they don't understand what they won. The legal language isn't clear to everyone. If it takes us three times to read a verdict to understand, what would a layman say?"

The unique contribution of clinic participation to this understanding is consistent with criticism of legal education, that it reflects the interests of limited sectors of society and does not express the range of existing legal needs.⁵⁶ As one of the participants put it: "All day in school we deal with companies, real estate and such. And here there is a population that really needs the law. This is the goal of the clinic, to reach them." Although many of the participants referred to poverty as a key component in the exclusion of the populations with which they engaged in their legal aid service, the discussion in the participants' journals was extended to other types of exclusion: disempowerment based on ethnicity, education, socioeconomics, and more. "They are not accustomed to conducting themselves in a world of rights discourse," reported one student.

These statements correspond well with the critique of the discourse of rights in legal education, especially in light of the built-in

⁵⁶ See Kennedy, *supra* note 42 at 601.

tension between treating people as individuals versus being part of a collective and of a group with common social characteristics.⁵⁷ It is clear that the students feel the tension between the individual rights of the client, about which they learned in their theoretical lessons, and the client's belonging to a defined group, with all this entails, especially when it comes to a disempowered group.

This insight is consistent with the feelings of the clinical educators themselves.⁵⁸ Clinical work often presents the social reality in a way that treats the individuals with whom the law deals as members of a social group, for the most part, of a disempowered group. It is apparent in clinical work that the difficulties these individuals face are a result of their group affiliation: socioeconomic status, ethnicity, immigration status, health problems, and more. This collectivist emphasis stands in contrast to the methodological and philosophical individualism that underlies the prevailing legal research and teaching, and to the conception of classical liberal rights prevalent in the ordinary legal debate.

The reports of research participants regarding the encounter with excluded populations were particularly numerous and touching. "In the field we saw the dark side of the law. . . . It was our first encounter with the harsh reality of the elderly and their needs that no one provides for. They were thirsty for attention. They asked about ordinary things, pay slips, social security benefits, wills and estates, relationships with their children. . . . You feel like you broke the routine for the elderly," one student said. Another student noted that "the clinic has shown me the realities on the ground and the vulnerable populations that most need legal help and advice, but they're having difficulty exercising their rights due to lack of awareness or reluctance to approach the justice system."

The student reports reveal a close connection between the social role of the law and the need for it among marginalized populations. One participant described it as follows: ". . . we all understand today that when people feel deprived (of money, health, etc.) they have many more worries and problems. For example, difficulty in paying debts that become ever-increasing lawsuits. People in this situation need legal guidance and advice. . ." Another student added: "Being poor causes suppression of their trust in the system and even in themselves." Another link found by students between the ability of the law to bring about social change and its relevance to underprivileged populations was expressed by some students as harsh criticism: "The experience reinforced for me the fact that the legal tools and all the

⁵⁷ *Id.* at 598.

⁵⁸ *See, e.g.,* Aiken & Wizner, *supra* note 13, at 67.

laws are not intended to help populations that are in a position of weakness, but only help develop a bureaucracy and cumbersome procedure so that they cannot fully exercise their rights.”

There was sweeping consensus about the relevance of the law to all populations and about its special importance to excluded populations. Moreover, about half of the participants stated that they noticed that many difficulties faced by those in need did not necessarily result from legal problems, and that the law is limited in its ability to assist. “I have seen many times that the laws and the legal system cannot really solve the essential problems, but social help is needed. . . . You can see that we treat only ‘the symptom’ and not the ‘real disease,’” observed one participant.

Exposing students to the limitations of the law as a tool for solving social problems has yielded two types of responses. On one hand, some expressed frustration with the fact that they did not have the legal tools at their disposal to help the client: “. . . there were times, when I left the [legal aid] center with a hard feeling, that even legal knowledge doesn’t always help and there’s not always an answer,” reported one student. Others saw it as a blessing: “It’s good for students to know already at the learning stage that the law is not always the solution for everything.”

Recognizing the fact that the law cannot necessarily provide the solution to the problem has led many students to expand their observation of the tools for assistance. These tools may include other systems: “It can be seen that only the right combination of all the professional factors (and not just the legal system) can give the best assistance, which will later also lead to social change” They include personal resources: “[The clinic] stressed that sometimes not all adversity and problems can be solved with legal tools and procedures, but attention, patience, and an attentive ear can help and all cases.” And they include the clients themselves: “The client is part of the solution I was the eyes and hands of the disabled person. He made the decisions.”

Through clinical experience, students appear to have developed a critical approach to law, perceiving it as a political force. They started understanding the basic premise of critical legal studies, according to which various aspects of culture contribute to the perpetuation of power relations in society, and the law is one of them.⁵⁹ Despite a certain sense of despair expressed in some of the reports, the findings show that students also indirectly felt that legal knowledge was a force in itself, affecting those who exercise it and shaping their understand-

⁵⁹ *Id.* at 79.

ing of the world. The effect of these insights was also reflected in the third theme, discussed below, which deals with the personal and professional changes in worldview that the clinic participants underwent.

In sum, the first theme revealed a close connection between the research findings and the first principle of CLE, according to which law is a public resource and its mode of distribution affects the possibilities of promoting social change. The connection was a direct consequence of the students' exposure to populations that have no control over this social instrument and therefore lack any influence as a group and as individuals. The findings further indicate that students understand the limited ability of law to change the realities of life. CLE contributed to the understanding that students, and society in general, have multiple tools that can bring about change.

*B. "The Purpose of Learning is to Learn How to Learn:"
Ambivalent Attitudes Toward the Connection Between
Theoretical Learning and Learning Practical
Skills*

The study's findings were ambivalent regarding the assumptions made by some of the founders of the field about learning outcomes that link theoretical studies to practical experience.⁶⁰ The fact that participants honestly shared their disappointments attests to the importance of thorough and credible empirical research.⁶¹ In describing this theme, it was important for me to present the different facets of the relationship between theory and practice as revealed in the legal clinics.

As Wizner noted, by attending legal clinics, students experience the practical application of the legal theories they are studying.⁶² Experience in the practical application of the theories taught has created for students a richer picture of the world of law and the nature of their future profession compared with what they have been exposed to in traditional law studies. One participant described the glimpse into their professional future through the clinic as follows: "The clinic is a small laboratory for future practice."

Participants' reports provide a clear picture of reliance on the le-

⁶⁰ See, e.g., Wizner, *supra* note 1, at 1935 (suggesting that students "learn to develop and apply legal theory through the actual representation of clients"); Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1, 34 (2000) ("Doctrine, theory, and skills cannot be appreciated if they are introduced without engaging the pathos of the human issues that the lawyer encounters when representing clients.").

⁶¹ Sarah J. Tracy, *Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research*, 16 QUALITATIVE INQUIRY 837, 844 (2010).

⁶² *Id.*

gal knowledge they have acquired in their theoretical studies: “[W]ithout the knowledge I acquired in my studies I would stutter when talking to clients and would have no idea how to help them, where to look for an answer, and then in fact there would be no difference between me and the other volunteers here,” said a student who served at a Galilee Rights Center. Another participant concurred: “During my studies, the theoretical knowledge I gained was added to it and it helped me a lot in providing more well-founded answers to clients, in light of knowing the rules and the ability to better understand them and understand the legal aspect.”

Knowledge gained in their other courses made students familiar with the legal information required of the client. As one participant described: “I intervened in the conversation and said that an affidavit should be written in the first person (fortunately, the day before we mentioned in the civil procedure class what an affidavit was and what its importance was).” This knowledge also instilled in them a sense of confidence and capability. As another student reported: “This is a golden opportunity to prove everything I have learned, to apply all my knowledge from my studies and to prove that I’m worthy of it. Sometimes when we were sitting with the lawyer I found myself correcting him.”

Some pointed to particular areas of theoretical knowledge that contributed to them during the practical experience, but most of them cited theoretical studies as a broader means, helping in their orientation to the legal rules. This is how one of the students described it: “My knowledge of torts and welfare benefits is very helpful. The purpose of the studies is to learn how to study. Today I know how to find the answers.” In a similar vein, another participant said: “Often things I came across I went to check in the books, in the legislature, in the examples I learned. There’s a difference between the theoretical study and the practice, but the studies in the field are very helpful.”

Despite the positive connection between the studies in the courses and the experience in the legal clinic, the center of gravity of the contribution to practical experience appears not to be the theoretical background offered to students, but rather the connection the teachers make between the theories they teach. Describing his feelings at the beginning of the clinical experience, one participant said: “I feel the studies prepare me for this. The teachers tell stories about cases they had, and the real cases help me in the clinic and in my job. I felt the knowledge from the class seeped into the clinic.” Another student summarized the clinical experience in a similar way: “The creative solutions we learn in class – I loved applying in practice.”

This finding is important in view of the criticism leveled at the

legal academy, which traditionally recruits and promotes faculty based on criteria unrelated to their contribution to students, such as effective teaching and practical experience, but rather based on the publication of their research in prestigious journals.⁶³ The findings of this study indicate a direct contribution of the practical legal experience of the teachers of traditional courses to students. Given the goal of higher education in general,⁶⁴ which is the training of students, and of the legal academy in particular,⁶⁵ the importance of the professional legal experience of the teaching faculty should not be underestimated. It is evident from the findings that the main contribution of the traditional studies to the experience of the students in the clinic rests mainly on the examples the lecturers give from their experience, and on the practical research and writing skills.

The students also noted the contribution of their participation in the clinic to the study of theoretical law. “I’d like to point out that today I felt in much better control and better connection between the material being taught in class and the range of issues I will have to deal with, apparently, in my day-to-day work as a lawyer, when I reach that stage,” said one participant. Another participant noted that “the more students experience the real world, the more they will be able to integrate the academic knowledge into reality. Personally, I can say that my experience in the field helped me a lot in the civil procedure test and in understanding the world of procedural law that is so difficult to understand when studying the ‘theories and rights.’”

Some students, however, noted that the practical experience did not contribute additional legal knowledge to them. Yet, even these students mentioned the exposure to how the knowledge is applied as a significant contribution. One student said: “I didn’t learn from it, but I did see in practice what was learned. . . . Experience with how to approach the problem, how to decipher an issue, how to answer. It contributes a lot.” Another student emphasized this in her journal: “The course is important and adds information. The practical part is its main part. . . . It’s different when you see the simple and poor man and not just analyze a motion to dismiss.”

This student’s remarks stand for many of the responses to the initial encounter of students with the connection between theory and reality. Many students excitedly noted the encounter between studying the black letter law and its application in the real life of a flesh-

⁶³ See Newton, *supra* note 7, at 107; see also Yael Efron, *The Pentalectic Sphere as Means For Questioning Legal Education — Towards a Paradigm Shift*, 9 ARIZ. SUMMIT L. REV. 285, 310 (2016).

⁶⁴ See Díaz, *supra* note 44 at 1.

⁶⁵ See SANDOMIERSKI, *supra* note 12 at 27–32.

and-blood person. “You don’t get a case, you get a person. That’s the difference between preparing a writ of summons and interviewing a person. I have seen people! If it were not for the clinic, I wouldn’t have had a chance,” reported one participant. “At that moment it became clear to me that I was not solving a hypothetical problem in a test and that my proposals . . . would not provide the answer [the client] was looking for. This elderly lady was looking for a quick and practical solution,” reported another. Similarly, another student summed up the importance of her participation in the clinic: “I learned a lot about the world outside the classroom. True, from a legal point of view I didn’t learn as much as I expected, but I learned quite a bit about people, their troubles, how to talk to people, how to ask questions, not take things for granted, and that not everything is really as it seems. In my opinion, these insights are no less important than the theoretical material, and perhaps even more so, for the work of an attorney.”

The disappointment expressed by this participant with the gap between the expectation of acquiring additional legal knowledge and the reality in which students are required to function effectively even in the absence of this knowledge, is shared by other students. Many of them mentioned in their reports the discrepancies between their theoretical studies and the practical world. “This is the first time I’ve been exposed to a court hearing. I was in an evidentiary hearing. Honestly, I was in the courtroom for about two hours and didn’t understand much. . . . I had difficulty understanding the concepts. There was a gap between the knowledge I learned and what I heard in the discussion . . .” described one of the participants. “The gap between studies and practice is huge. It was all about jumping in and swimming,” noted another participant. “I was supposed to help the lawyer. . . . I just listened to his advice. It was interesting. There were gaps between what was learned and what happened,” revealed another.

The central finding of this study reflects the second principle of CLE, according to which effective learning is based on practical experience: it is the element of surprise that students experienced in the clinic in relation to the connection between the theory being taught in class and its application. In the words of one of the participants: “In my opinion, the difference is huge between what is taught in academia and practice itself. Although there is a combination of the two, in practice, many things are sharpened in the field. . . .” Another participant described it similarly: “There is a huge gap between the beautiful words we learn in class and the actual situation.”

The gap described by the students consists of two tiers. The first has to do with a lack of relevant content. “Most of the legal theories I

studied in class are unrelated to the content I dealt with in connection with the problems of clients in the organization,” one participant reported. Another student explained it as follows: “Academia teaches us a lot of things about law . . . but how to sit in a room with a mother who has one million shekels in debts and no food for her children, academia didn’t teach and won’t teach” The second tier of the gap experienced by the participants consists of the difficulty in implementing the relevant content being learned: “[W]hat we learned in class in the various courses: debt collection, redemption of deeds, liquidation lawsuit, and other [subjects] . . . [n]o lesson prepares you for the moment of truth,” reported one of the participants. “I felt very bad at first, because during my three years of study at the college we lacked practice, and although I understand the issues well, when I came to apply them, it was very difficult for me,” confided another participant.

This theme revealed that by participating in the clinic, the students were exposed to the fact that practical experience complements the theories learned in class, which are essential for the practical experience. At the same time, it also paints a less-than-ideal picture of the connection between theory and practice, and reveals the students’ surprise about the gap between the two. This gap may indicate insufficient theoretical preparation,⁶⁶ or a reality in which the theories learned are not relevant enough.⁶⁷ It is precisely the feelings of surprise, frustration, and helplessness reflect that a moment of learning has taken place, even if it evoked difficult emotions. Each student’s clinical experience is different not only because of personal differences, but also because of differences in the cases they are dealing with, the relationship between them, the lawyer who guides them, and more.

Based on the findings of this research, participation in the legal clinics does expose students to the application of legal theories in practice, even if their experience in relation to this application elicits frustration and confusion. According to constructivist theories of education, optimal learning is a process that the learners perform them-

⁶⁶ I acknowledge the methodological shortcoming of this study, which focuses on a specific location, and call on other scholars to examine the theoretical preparation of students for practical life at their institutions.

⁶⁷ Critical writing about legal education reproaches its detachment from reality and its focus on legal issues of very limited relevance to actual legal work. For example, legal education focuses on Supreme Court rulings, which only a small minority of cases reach; it also has a preference for the analysis of appellate arguments rather than the minutia of the trial court, which reflects a larger share of lawyers’ work. See John Lande & Jean R. Sternlight, *The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering*, 25 OHIO ST. J. ON DISP. RESOL. 247, 251–52 (2010).

selves, by interpretations that express their intentions and the processing practices they perform.⁶⁸ Studies on the nature of understanding have suggested that students perceive understanding as the ability to assess their knowledge, identify the meaning and importance of information, and relate new information to personal and professional experiences.⁶⁹ Thus, the ability of research participants to evaluate the contribution of the theoretical knowledge to which they were exposed based on how they were required to apply it in the course of practical experience indicates an understanding of the acquired knowledge.

Even if the encounter between theory and practice is not always positive, in the students' experience it is significant because it indirectly involves them in formulating the meanings of the knowledge. Their ability to evaluate theoretical legal knowledge, its importance, and significance indicates the acquisition of an important layer of understanding in the clinical learning process. Students were able to derive from the experience "how to approach a problem, how to decipher an issue." The research findings indicate that clinical experience is definitely an optimal way of learning, defined in the education scholarship as "involvement in its process and understanding of its product."⁷⁰ Without underestimating the importance of the gap that students mentioned, this should be taken into account when considering the relevance of the legal curriculum to the world of professional law.

C. *"Under his Robe, a Lawyer Should Hold the Law on One Side and Morality on the Other:"⁷¹ The Contribution of Clinical Teaching to the Development of a Personal and Professional Worldview*

The study's findings also revealed gaps in the literature with respect to the contributions of CLE. I found only a handful of studies that examined the effect of attending legal clinics on formulating students' perceptions about the legal profession, especially regarding its effect on their personal development.⁷² One student described the

⁶⁸ See LAUREN B. RESNICK, *KNOWING, LEARNING, AND INSTRUCTION: ESSAYS IN HONOR OF ROBERT GLASER* 1–14 (1989).

⁶⁹ See STONE WISKE, *supra* note 9; see also Noel Entwistle, *Research Into Student Learning and University Teaching*, in *STUDENT LEARNING AND UNIVERSITY TEACHING* 4 (Noel Entwistle & Peter Tomlinson eds., 2007).

⁷⁰ See Harpaz, *supra* note 23, at 138.

⁷¹ When arguing before District Courts and the Supreme Court in Israel, lawyers are required to wear a black robe.

⁷² See Nina W. Tarr, *The Skill of Evaluation As an Explicit Goal of Clinical Training*, 21 *PAC. L. J.* 967, 967–68 (1990) (citing a few studies dated some forty years ago); Colin

clinic as “[a]n experience that empowered me both personally and professionally, and undoubtedly shaped the person and the lawyer I would grow up to be.” “The very fact that the clinic gives us the opportunity to see this side of the world . . . may strengthen us as people, jurists, and advocates,” said another.

The empirical findings pointed to three areas where the contribution of participation in the clinic to the formation of a professional worldview stood out. One concerns the exposure of students to areas of law that were particularly appealing to them or that they first discovered in the clinic, because they were not sufficiently covered in the legal curriculum. Another concerns the change in their perception in relation to the legal profession and to the public image of lawyers. A third relates to the motivation shown by the students to continue the activities in support of the communities in which they provided legal aid, in their professional future. Regarding the contribution of clinical pedagogy to personal development, findings highlight the intense emotional effect of clinical teaching on the participants. The vast majority of participants included in their reports detailed descriptions of intense feelings experienced during clinical learning. Some described a direct influence on the formation of their personalities. Below I describe the professional and personal influence of clinical learning.

1. *“We Got Practical Ideas on How to Direct Our Career Moves in the Future:” Clinical Learning is Significant for the Formation of Professional Identity.*

In their reports, many participants detailed the way in which the clinical experience contributed to the formation of their professional worldview. This internal observation relates to both their exposure to certain legal fields and their understanding of what a lawyer does. In a technical sense, many participants reported being exposed by the clinic to new areas of law or to those they knew only partially from their studies. For example, one student mentioned encountering “[d]ivorce law, Social Security, bankruptcy, things that are not widely taught in academia.” while another referred to the “great variety [of cases], from medical malpractice to forgery of documents.” A third student noted being exposed to “[p]ension laws, power of attorney, housing rights and more. Topics that we almost never got to delve into as part of our studies.” Another participant reported learning about “[i]ssues of rehabilitation, medical issues that I would not have encountered if not there [in the clinic].”

James, *Seeing Things as We Are — Emotional Intelligence and Clinical Legal Education*, 8 INT’L J. CLINICAL LEGAL EDUC. 123, 134–37 (2005) (providing a more recent commentary on the role of CLE to promote personal growth).

The abundance of additional knowledge that students were flooded with during the clinic, and the personal experience of applying it, had direct implications for the construction of the areas of law in which they saw themselves engaging in the future. One of the participants stated this emphatically when he said: "The clinic helped me formulate the continuation of my path and choose an area of ?specialization." Some referred to participation in the clinic as a significant factor in strengthening their choice of a certain field. "The course opened up ideas for me and strengthened my desire to go into family law," reported one of the students. "Standing in front of an audience strengthened my confidence in choosing litigation. Until now we have only stood in front of the class, only in front of friends. Here I had the opportunity to speak to strangers," another student shared.

The law contains a wide array of topics and sub-topics that cannot be all taught comprehensively in a three-year curriculum. Moreover, the design of the curriculum involves cost and benefit considerations, therefore most courses cover topics that are at core of jurisprudence rather than its practical implementation. Small institutions, such as ZLS, are limited in their course offerings because of low registration. This study's findings reflect the significant contribution of the clinic in exposing students to legal fields that are not covered in their program, and whose absence from the curriculum may prevent students from choosing a legal area that is close to their heart.

Exposure to additional areas of knowledge should also be examined in light of the criticism that the legal curriculum focuses on areas of knowledge that serve the strongest groups in society, and obscures the importance of areas of knowledge that serve underprivileged groups.⁷³ Our findings show that clinical teaching, which provides service and pays attention to these vulnerable populations, exposes students to the relevant areas of law, even if their weight in the traditional curriculum is relatively small. This allows students a wider and more realistic choice of areas of law that interest them.

Those who ascribe to legal education a responsibility for the socialization process and for the students' awareness of the norms and values of the legal professions will find support in the findings of this study. Aside from the instrumental benefit of acquiring additional knowledge, especially knowledge that is relevant to disempowered populations, clinic participation has made a unique contribution to shaping the image of the legal community in the eyes of students. The apprenticeship experience that characterizes clinical learning exposes students not only to the information a lawyer has but also to the way

⁷³ See Wizner, *supra* note 14, at 347.

in which it is applied.⁷⁴ This shapes the students' consciousness in relation to the profession and its image.

The findings indicate that clinical teaching changed the perception many participants had of the legal profession. Their work alongside lawyers, or in helping clients who have been harmed by a lawyer, exposed them to unworthy professionals, leading to disgust and disappointment. "Before we started studying law, we didn't get to see courts or lawyers, so we always saw them as fighters for justice. When we entered the legal field, we realized that it is not always the case We discovered that there are also lawyers who violate the rules of conduct of professional responsibility," noted one student. "I felt that the lawyer was there to make a buck off the poor woman, contrary to all my expectations. The attorney's behavior doesn't inspire respect for the profession, to say the least," reported one of the participants. This exposure strengthened the image of lawyers as greedy exploiters: "I got the impression that the lawyer didn't really want to help . . . just to sign the elderly as clients," said another student.

Despite the negative feelings that a few of the students described following exposure to certain unfit lawyers, it is clear from their reports that the disappointment reinforced their opposite professional priorities. "I had doubts about whether the lawyer was volunteering out of love and a desire to help others or to market his office. When he offered his business card, I felt the profession was violated," reported one participant. "He prepared a letter for her and said that if she wanted more than a letter she would have to pay more. Should I be such an attorney?! No thanks!" concluded another student. Thus, precisely the adverse image of the profession helped those students form a value-based professional worldview rooted in compassion for the weak and in social responsibility.

Most of the reports, however, reflected a pleasant surprise at the image of the profession, or as one of the students described it, as "refuting the infamous image of the legal profession and those involved in it." Some students held a negative image and expectations of appalling behavior by lawyers, which were not met. As one participant described: "I would like to point out that the hearing was conducted pleasantly, with mutual respect. It proved to me that law can coexist with welfare on one hand, and on the other hand promote social justice by striving for truth. I admit that I have always imagined in my mind that court hearings are conducted in a different, perhaps more impulsive and thunderous manner." "The case shattered in a second the well-known stigma of lawyers as evil people," reported another

⁷⁴ See Tushnet, *supra* note 17, at 275; Collins, *supra* note 25, at 48.

student. “Lawyers are not bad people. It shattered my image. Those whose world has been destroyed come to them, and I see how they help wholeheartedly and save people,” said another participant.

The findings show that positive exposure to valued attorneys also contributed to the formation of the students’ professional worldview. “I realized that an important value for a lawyer, and even for a law student, is a conscience that is alive and awake,” one student noted. “I felt he really wanted to help and push and improve. This is an excellent example of an office that is willing to help when even the police don’t help sometimes,” reported another participant.

It was not the mere exposure to the legal service given to marginalized groups that resulted in the change of image, but rather *how* the service was offered. The students closely followed and learned how lawyers apply professional knowledge. “I noticed that when clients complain . . . you don’t immediately act, but check, ask, and sometimes reality-check. I found that often the lawyer placed the responsibility back on them,” a student noted. Thus, clinical learning is not limited to exposure to knowledge (*K*), but it is also focused on the method (*M*) and on the particular end (*E*) it seeks to achieve, as well as on the unique relationship (*R*) forged in the clinical learning community.⁷⁵

For the students, the formation of professional identity corresponds well with the third principle of CLE, according to which adequate learning provides an opportunity for value clarification. When speaking of professional identity, many reports indicated such a value clarification process. “The Legal Aid Clinic has strengthened my view that under his robe, a lawyer should hold the law on one side and morality on the other, and act in a combination of the two together. Only then can we make a difference, strive for a reformed society, and change the social image of this profession,” a student reported. “Lawyers hold a license to practice law, and it can be a deadly weapon, for better or worse. If we don’t have a conscience, we could harm many who lack the tools to solve their problems,” observed another.

The effect of clinical teaching on the formation of professional identity can also be gleaned from the findings on the motivation of participants to continue to contribute to society in the future. A single student answered that “in the future, I don’t know if I’ll be doing this. I don’t have time for it.” By contrast, many expressed a motivation to continue activities that benefit society even after graduation. “From the moment I’m authorized to practice law, I’ll bring in all the lawyers in the village and open a rights center in the village,” promised one. “I

⁷⁵ See generally FENSTMACHER & SOLTIS, *supra* note 24.

vow that I will invest 20% of my time in helping and providing legal aid to the underprivileged, especially those in need of social benefits,” promised another. “It started with ‘just another course for a few credits,’ and to my delight it will probably ‘never end.’ I’ll continue to contribute and help as long as I can,” another student concluded.

These findings are closely related to the first principle of CLE, regarding the social role of the law, because they indicate the formation of a socially sensitive professional identity in most participants. Some of the writing about clinical teaching has indeed attached importance to changing such perceptions in relation to the legal profession.⁷⁶ In a previous study, where participants had not been exposed to clinical learning, only a minority of students treated the law as an instrument for leading social change.⁷⁷ Only a few law students who participated in the earlier study and had not experienced clinical teaching expressed a professional worldview based on social responsibility, whereas the vast majority of participants in the present study expressed such a professional worldview.

2. *“I Had No idea How Personally Rewarding the Clinic Would Be:” The Significance of Clinical Teaching to Personal Growth and Development*

Among the most notable findings of the study, and possibly the most common entries in the participants’ journals, are explicit emotional references to the clinical experience. Detailed descriptions of intense emotions, of personal insights, and even of bodily sensations appeared in the reports of many participants. All addressed the contribution of clinical teaching to their personal growth and development. Feelings ranged from gratification, satisfaction, and joy to frustration and disappointment, and all of the participants shared them. Some were even surprised by the emotional effect that clinical teaching had on them and shared their surprise with me.

Within the range of emotions that unfolded, I found three types of descriptions in the reports. The first were positive emotions experienced during clinical practice. Of the reports dealing with emotions, the description of positive emotions was the most voluminous. The second were feelings of frustration and disappointment. Although these were relatively few, they are important and thought-provoking, and should also be shared to establish the credibility of the study.⁷⁸ The third type concerned students observing a process of personal growth and development. I found the greatest interest in this type, in

⁷⁶ See Aiken & Wizner, *supra* note 13.

⁷⁷ See Efron & Silverstein, *supra* note 48.

⁷⁸ See Tracy, *supra* note 61.

light of the third principle of CLE, which assumes that meaningful learning constitutes an opportunity for value clarification.

In the first type of emotional description, I found a sense of satisfaction in many reports. "This is a tremendous and instructive experience that causes indescribable self-satisfaction, to me in any case," one student noted. "I'm finishing the clinic feeling blessed and full of gratification for the help I've been able to extend to the people I've met with a variety of problems in all areas," reported another. "The satisfaction is immense when you treat people who have problems. Some just wanted to be heard. People kept thanking us for it," said another student. Quite a few of the reports described feelings of mission and responsibility. One of the students explained it as follows: "My feeling during the experience is one of a real mission. I feel that people have high hopes for me and really long for an attentive ear." "I slept well at night when I knew I was giving of myself and investing my time to help the weak," another student reported. Another positive feeling that stood out in the journals was the sense of empowerment. "I myself feel strengthened every time I come to the Rights Center," one participant reported. "I gained more than I contributed," said another. "I came to empower, and I came out empowered," testified yet another. "I felt great self-worth, appreciation, and a sense of offering when I took an active part in counseling, unlike most cases when I watched from the sidelines," one student summed it up.

Yet, some of the journals also exposed feelings of frustration and disappointment. Negative emotions were expressed in relation to diverse topics. Some were emotionally shocked by the difficult cases they were exposed to. "The people who approached us are really poor, we are exposed to inhuman things," said a student. "It was harder for me to hear the attorney say 'there's nothing to do.' At that moment, the helplessness and frustration would overwhelm me," another student noted. "It mostly frustrates me to see that there are too many clients and too many things I cannot help with," said one participant.

Feelings of frustration and disappointment of a different kind were voiced precisely in relation to the nature of the service students were asked to provide. Some hoped that their involvement in the clinic would have a more significant impact and felt deceived. One of the students described it this way: "I expected more. It frustrated me that there were not enough meetings At the first meeting I only filled out forms, but later I helped people express themselves." Another student reported "a deep sense of frustration at the fact that this is just pre-legal advice, which is not replacing a lawyer. My hands are

tied but I really want to see this through to the finish line with the client.” Some of the students expressed disappointment that the service they provided did not yield the desired results. “There were difficult and annoying moments . . . when it came to a case that cannot be helped,” one said. “I felt that the client was very disappointed and helpless, my heart went out to him, but I couldn’t help him. What’s more, the lawyer wrote that there was no possibility at this stage to give him assistance.”

In general, however, both frustration and joy were accompanied by a feeling that a process of growth and development was taking place in the students. Describing the frustration, one participant said that “this too was a kind of immersion in the waters of disappointment of lawyers, who sometimes[,] no matter how hard they try[,] it’s not always possible to please the client, and this is an equally important life lesson.” Those describing emotional transcendence, said that “volunteering brings with it something else . . . the reward is mental, the reward is educational, the reward is becoming a better person, because ultimately this is the aspiration, to become the best person you can be.” The process of personal growth he experienced led a student to say: “I learn a lot professionally, and most important, I feel I get to behave better, listen, be patient, and be more caring toward people.” Another student declared that the experience “helps shape my personality and sharpens the goals I set for myself.”

The contribution of the learner’s emotional involvement in the learning process is enormous. Knowledge in the context of real life allows the learner to reconstruct the information through connection to emotions.⁷⁹ Experiences in which the learner’s involvement is high, characterized by curiosity, interest, alertness, and inner motivation, and collaborative thinking, imagination, emotion, passion, and identity create a positive experience of learning and a desire to experience it again.⁸⁰ Some define the basic human experience as a gap between the self and its environment, a gap that motivates to devote efforts to close it.⁸¹ In learning through problem-solving, the learners’ awareness of this gap develops and enriches their world as they work through it. Thus, optimal learning occurs when the learner is active and involved not only cognitively but also emotionally, in the learning process.⁸²

⁷⁹ See DOROTHY MACKERACHER, MAKING SENSE OF ADULT LEARNING 15 (2004); NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, CONSENSUS STUDY REPORT, HOW PEOPLE LEARN II: LEARNERS, CONTEXTS, AND CULTURES 29 (2018).

⁸⁰ See PETER JARVIS, TOWARDS A COMPREHENSIVE THEORY OF HUMAN LEARNING 108–18, 145–56 (2012).

⁸¹ *Id.* at 49.

⁸² See Richard E. Mayer, *Cognitive Theory of Multimedia Learning*, in THE CAM-

One of the students expressed surprise at the attention to emotions in clinical teaching: “I always thought that a lawyer should be rigid, separating what the heart feels from the business at hand. However, it is nice to know that there is a (however minimal) reference to emotions in school.” Quite likely, law students expect a process of instilling knowledge, but not one of challenging accepted conventions and insights on life. Yet, meaningful learning undermines accepted basic perceptions and leads to feelings of frustration and discomfort. Harnessing these feelings in students for the purpose of motivating social change entails a pedagogical process, in which the mechanisms enabling this process are discussed.⁸³

The sharing and collective engagement with emotion and personal experiences, both private and social, are inherent in the CLS movement.⁸⁴ This movement emphasizes the fact that group and personal experiences are a source of knowledge and a basis for individual and collective liberation, no less than abstract theories are. The manifestation of this approach in clinical teaching attests to a significant difference between it and traditional legal pedagogy. In law school, attention is focused mainly on the intellect, on the demand to “grow up,” to avoid emotional response, and remain cool. This attitude affects even students who chose this profession out of a sense of mission and a desire to correct world injustices. By contrast, in clinical teaching, sharing and discussing personal-emotional experiences is legitimate.⁸⁵ This shapes and influences students’ perceptions of themselves and of the profession. The emerging understanding that feelings have an important and fundamental place in the legal curriculum is gaining ground in legal education scholarship.⁸⁶

IV. SO WHAT? IMPLICATIONS AND APPLICATIONS OF THE RESEARCH

The significance of this research to the literature on CLE is first and foremost its very existence. I have yet to find an empirical study that has followed for years the learning outcomes of legal clinics from their inception. Most of the writing on CLE is done in an intermediary way, by the students’ supervisors. But only examining the students’ direct impressions of their activity at the clinic allows us to deeply

BRIDGE HANDBOOK OF MULTIMEDIA LEARNING 31–48 (Richard E. Mayer ed., 2005).

⁸³ See Efron & Silverstein, *supra* note 48, at 117.

⁸⁴ See Melanie Abbott, *Seeking Shelter Under a Deconstructed Roof: Homelessness and Critical Lawyering*, 64 TENN. L. REV. 269 (1997).

⁸⁵ See Tushnet, *supra* note 17.

⁸⁶ See generally EMMA JONES, EMOTIONS IN THE LAW SCHOOL: TRANSFORMING LEGAL EDUCATION THROUGH THE PASSIONS (2019).

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understand its effect on them, on their perception of the legal world, etc. Without hearing their insights directly, we will not be able to design a benevolent pedagogy for them. The findings are, therefore, a treasure trove of knowledge for clinical educators, for academic institutions investing in the development and maintenance of clinical programs, and for clinical education researchers. The main conclusion of the study is that most of the pedagogical intentions of the clinical faculty are reflected in the learning outcomes of the students, but not all and not only those. The findings also provided evidence of the presence of a clear link between the three fundamental principles of CLE, and demonstrated how these principles interdepend and interrelate.

Beyond its methodological innovation, this research makes two additional contributions, one at the theoretical, the other at the practical level. The main theoretical contribution of this study lies in proving the connection shown in Diagram 1 above, between the guiding principle of CLE, that meaningful learning promotes value clarification, and the other two guiding principles of this pedagogy: the social role of law and effective experiential learning. Before discussing the practical implications of the study, I need to outline how the research findings help formulate a theoretical framework for clinical pedagogy.

The results of the study empirically confirm the depth of the students' insights, and at what level they were able to internalize the role of the law, as portrayed in Wizner's conjectures that students who attend legal clinics learn that many social problems can be solved through law; understand that poor people need legal assistance no less than rich people do; and become aware that legal systems enable social change while also identifying the law's limitations in solving personal and social problems. At the same time, the findings indicate a pedagogical gap between Wizner's notion that the clinic allows students to practically apply legal theories to their concrete learning outcomes. Perhaps stating this conjecture differently, emphasizing clinical teaching as a complementary means to theoretical education and the contribution of legal theories to solving practical problems, is better reflected in the findings. Also, we were unable to realize that our attempt to get students to use the clinic as a tool for theory application was not as successful as we hoped without listening directly to the students' voices, as this study does.

The findings show that traditional legal education fails to fully reveal the world of law in all its nuances to students, and that many aspects of law remain (at least in the early academic phase) obscure and vague. Students are surprised by the gap between their studies and their practical experience, and by the emotional impact of this

experience. CLS scholars have already noted this failure in legal education, as reflected in various “indictments” of legal education, such as Duncan Kennedy’s.⁸⁷ Clinical educators, who have designated the exposure of students to the social role of law as a pedagogical goal, have done so by creating unmediated encounters between students and the reality of life in which law has a direct influence on society in general. In doing so, clinical teaching offers a richer and more diverse picture of the legal world than the theoretical lectures manage to provide.

The findings demonstrate that students in the clinics found the experience of applying the law meaningful in three aspects. First, the clinical experience exposed students to areas of law that they did not know, or knew only superficially, enriching their professional worldview and deepening their understanding of it. Second, exposure to these new areas sharpened their understanding of the social role of law and its ability to bring about significant changes, as well as its limitations in promoting change and its connection with other disciplines that affect human life. Third, clinical teaching presented participants with a rich and sufficiently complex picture of life to confront their personal and professional worldview. In doing so, students were forced to find out, first and foremost for themselves, their professional and personal value priorities.

In sum, the study revealed that direct practical experience, which has a real-life effect on all involved (clients and students alike), when accompanied by professional feedback and academic discussion, allows for valuable professional and theoretical learning. As illustrated in Figure 1, the learning outcomes related to shaping a personal and professional worldview derived from clinical teaching stem from the opportunity to experience the application of law through apprenticeship and from direct exposure to how the law affects society. These outcomes are in keeping with the goals of legal education, as described by CLE scholars and proponents.⁸⁸ It should be noted, however, that for the participants, the link between clinical experience and general legal studies was precisely the applied rather than theoretical aspects of law.

The literature on CLE has been suggesting these conclusions for decades.⁸⁹ For many years, proponents of clinical pedagogy have called for the inclusion of additional topics in the curriculum,⁹⁰ for

⁸⁷ See Kennedy, *supra* note 42.

⁸⁸ *Id.* at 614.

⁸⁹ *Id.*; see also Wizner, *supra* note 5; Amsterdam, *supra* note 18; Tushnet, *supra* note 17; and Stover, *supra* note 47, to name a few.

⁹⁰ See, e.g., Wizner & Aiken, *supra* note 3; Sonsteng et al., *supra* note 10.

more diverse teaching methods,⁹¹ and for a closer connection between what is taught in the classroom and what happens in the community.⁹² Clinical scholarship has abundantly detailed the profound effect of clinical teaching on learners, teachers, and society in general. This paper's key innovation involves grounding this literature in evidence, illustrating the need to change and diversify traditional learning, and attesting to the effectiveness of clinical teaching. These insights stem directly from the students' feedback and could not have been obtained in any other way. Accurately refining CLE can only take place through listening to its students.

There are at least three practical implications of this study. The first is the need for in-depth consideration of the legal curriculum and its suitability for the goals of legal education. The second is at the institutional level, where legal academia is struggling with high investment in clinical education, in view of its vague outputs. This study dispels much of the fog that surrounds clinical teaching and reveals its outcomes, which clearly serve the purposes of legal education. The third concerns the political suspicion regarding the motives of clinical education and the universe of values it offers to participants, which can be alleviated by proof of its lack of partisan indoctrination. Below I discuss these three implications further.

A. *Adapting the Legal Curriculum to the Needs of the Learners*

Joseph Schwab defined the curriculum as the set of messages conveyed to students, with different levels of success. Committed teachers use materials and actions about bodies of knowledge and modes of discourse, which are intelligently selected by decision makers in the community and by the representatives of those involved in teaching a particular group of students.⁹³ A curriculum serves a vision, worldview, and ideology; its components are choices derived from a pool of possibilities. The choices, overt or covert, include principles for application, how to organize the knowledge, and the importance and value ascribed to it. Therefore, effective curricular planning must address not only the bodies of knowledge to be engaged with but also the considerations in their selection and the expected consequences

⁹¹ See, e.g., ROY STUCKEY AND OTHERS, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP (2007); Bard, *supra* note 6; Thanaraj, *supra* note 18; Efron, *supra* note 63; Lande & Sternlight, *supra* note 67.

⁹² See, e.g., Aiken & Wizner, *supra* note 3; Chatterton & Goddard, *supra* note 44; Holland, *supra* note 44; Stover, *supra* note 47; Erlanger & Klegon, *supra* note 47; Kennedy, *supra* note 42.

⁹³ See Joseph Schwab, *The Practical 4: Something For Curriculum Professors To Do*, 13 CURRICULUM INQUIRY 239, 240 (1983).

they will have on learners.⁹⁴

Law schools have been accused of instilling liberal-capitalist values that make students submissive, content, desperate (generally, regarding society and particularly, regarding the legal system), and/or accepting of illegitimate hierarchies and unjust inequality.⁹⁵ The present study shows that clinical teaching strengthens students' understanding of the ability of law to influence society, but also sheds light on its limitations. Therefore, mainstreaming social aspects of the law across the curriculum, in all courses and not only in clinics, can enrich the professional world of students.

Students' desire to be enriched with information relevant to the profession should be taken more seriously, even at the cost of neglecting the need to protect the prestige of knowledge.⁹⁶ This practical knowledge, in addition to scholarship, is also necessary for students to improve professional skills. They beg for concrete information, explicitly stating its contribution when they are exposed to it.⁹⁷ "The attorney let me read the court records of a child custody hearing and even asked for my opinion. I wish it were part of the curriculum, things such as affidavits, writ execution, and other legal skills," one participant stated. Joint group work, which characterizes clinical learning (as opposed to individual learning in the traditional classroom) contributes to the development of professional skills, although individuality enjoys greater prestige. Additionally, a curriculum that emphasizes the connection between law and other disciplines can greatly enrich the professional toolbox of future lawyers.⁹⁸

Serious curricular consideration should also be given to adopting a more meaningful reference to the emotional world, something that clinical teaching offers to students. Traditional law teaching emphasizes mostly legal analysis and rational thinking,⁹⁹ and neglects emotion, imagination, and curiosity.¹⁰⁰ Treating a student as a whole person, with a body and emotions, not only a mind, has far-reaching

⁹⁴ See A. V. KELLY, *THE CURRICULUM: THEORY AND PRACTICE* (4th ed., 1999).

⁹⁵ See Kennedy, *supra* note 42.

⁹⁶ See Young, *supra* note 38 (detailing the four components of the prestige of knowledge: literacy, individualism, abstractness, and relatedness).

⁹⁷ See Pierre Schlag, *Normative and Nowhere to Go*, 43 *STAN. L. REV.* 167 (1990).

⁹⁸ See FRANK E.A. SANDER, *VARIETIES OF DISPUTE PROCESSING* 22 (1976); Yael Efron, *Varieties of Dispute Processing: The Implications on Legal Education*, in *DISCUSSIONS IN DISPUTE RESOLUTION: THE FOUNDATIONAL ARTICLES* 344 (Art Hinshaw, Andrea Kupfer Schneider & Sarah Cole eds., 2021).

⁹⁹ See Gerald F. Hess, *Head and Hearts: The Teaching and Learning Environment in Law School*, 52 *J. LEGAL EDUC.* 75, 78 (2002).

¹⁰⁰ See Grant H. Morris, *Teaching with Emotion: Enriching the Educational Experience of First-Year Law Students*, 47 *SAN DIEGO L. REV.* 465, 468 (2010).

implications that must be taken into account in the curriculum.¹⁰¹ This goes beyond the human and moral value of treating a person as a whole. First, emotion has been shown to play a key role in performing complex actions, such as decision making.¹⁰² Second, the development of emotional skills affects the lawyer's relationship with the client, who today more than ever has a choice of legal service providers.¹⁰³ Third, it is a mistake to think that legal analysis is emotionally sterile. Analyzing judicial decisions reveals a whole world of reference to both emotion and life experience, not merely intellect.¹⁰⁴ My findings directly support the contribution of emotional attention, characteristic of clinical teaching, to the students' learning experience, and demonstrates the effect of emotion on shaping the students' personal and professional worlds alike. There is no reason to restrict this positive contribution to clinical classes only.

B. Institutional Investment Outputs

An effective and responsible clinical course requires close supervision and monitoring of the students by the clinical supervisor. Effective and accurate feedback requires working in small groups. All these make clinical courses more expensive than traditional academic courses because of such cost components as teacher-student ratio, physical infrastructure, teaching hours, and so on.¹⁰⁵ Institutionally, investing resources in legal clinics requires a thorough examination of their outputs in light of their inputs, because it places a heavier financial burden on the academic institution.¹⁰⁶ CLE scholars, however, refute the claim that curriculum reform aimed at strengthening CLE is impeded by budgetary constraints.¹⁰⁷ A detailed financial analysis conducted in 2007 shows that experiential pedagogy does not necessarily involve an increase in budget, but requires only reallocations in

¹⁰¹ Research indicates that law studies have a negative effect on the quality of life and mental health of law students. See Hess, *supra* note 99, at 75; Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 117 (2016). This is true even when compared to students in equally demanding professions, such as medicine.

¹⁰² See Paul Maharg & Caroline Maughan, *Introduction*, in AFFECT AND LEGAL EDUCATION: EMOTION IN LEARNING AND TEACHING THE LAW 1, 5 (Paul Maharg & Caroline Maughan eds., 2011).

¹⁰³ See RICHARD SUSSKIND, TOMORROW'S LAWYERS: AN INTRODUCTION TO YOUR FUTURE 4 (2013).

¹⁰⁴ See Laura Ray, *Judicial Personality: Rhetoric and Emotion in Supreme Court Opinions*, 59 WASH & LEE L. REV. 193, 233-34 (2002).

¹⁰⁵ See Bard, *supra* note 6, at 188.

¹⁰⁶ *Id.* at 186.

¹⁰⁷ *Id.* at 160 (showing ways in which medical schools have managed to fund experiential teaching and suggesting that law schools adopt them).

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the existing budget.¹⁰⁸ In light of the beneficial outputs of clinical teaching, as indicated in my findings, especially in terms of fostering socially-aware professionals, financial constraints should not prevent institutional investment in clinical teaching.

Furthermore, practices of recruiting and promoting faculty in the legal academy also require rethinking. At most academic institutions, employment, promotion, and recognition of faculty achievements are based on theoretical scholarship rather than on practical mastery or teaching skills.¹⁰⁹ This discourages young faculty from investing resources in clinical scholarship.¹¹⁰ As long as theoretical publications remain the key parameter for law school prestige, there is little incentive for academic institutions to invest in clinical training.¹¹¹

For any change to take place, the values of legal education must be re-examined and compared with the outputs of clinical teaching. In this light, the findings of the present study contribute directly to cost-benefit considerations. If the values of social awareness and social responsibility, access to justice, the public role of law, and awareness of its power and limitations in leading social change are values that institutions of higher education seek to promote, these institutions have a duty to adopt a pedagogy that promotes them. Perhaps some theoretical courses dealing with legal critique promote the same values as well, but this research provides empirical proof that clinical teaching is a pedagogy that supports these important values. The students describe that the very experience of working with actual clients is what helped them shape their perception. That is why it is important that institutions invest in clinics: they have an added value that cannot be obtained otherwise, even by courses on critical thinking. We could not have gained this insight without undertaking this important research and hearing students say it in their own voice. They call on their institutions to allow them this opportunity for development.

C. Reducing the Fear of Indoctrination

Institutional suspicion is one of the challenges of clinical teaching. Some of this suspicion could be dispelled with empirical data on how the application of clinical teaching goals contributes to students. The

¹⁰⁸ See Sonsteng et al., *supra* note 10, at 471.

¹⁰⁹ See Bard, *supra* note 6, at 30, 34; Newton, *supra* note 7, at 131–32.

¹¹⁰ See Bard, *supra* note 6, at 3 (citing a 2010 symposium titled “Teaching in a Transformative Era: The Law School of the Future” and explaining that “skills training was [] marginalized in law schools in that it was taught through the low status legal writing and research faculty rather than the more prestigious and scholarly doctrinal or casebook faculty (T)he task of teaching skills had been delegated to primarily female faculty members who held non-tenured positions and were almost always paid considerably less”).

¹¹¹ See Newton, *supra* note 7, at 107.

institutional concern with the legal clinics is understandable. Academia was charged with the responsibility to critique and promote change.¹¹² Legal academia plays a key role in developing tools for clarifying the law and criticizing it. It has a responsibility to hold accountable all those involved in the creation and operation of the law, not only the lawyers and judges, but also the legislature and the executive branch.¹¹³ The findings of the present study indicate that clinical teaching creates a sense of discomfort with the *status quo* in students and awakens in them the urge to change it. Yet, a distinction must be made between political education and partisan indoctrination. Clinical teaching should be the former rather than the latter, and it should be seen as a tool for advancing social goals and social change, rather than for supporting or refuting a certain ideology.

Ideological indoctrination preaches one narrative and presents every other narrative as illegitimate. By contrast, the central goal of political education is to develop moral sensitivity and harness that sensitivity for decision-making processes that require taking a stand.¹¹⁴ My findings indicate that students in the clinic struggled, often agonized, when their perception of reality was confronted with reality itself. Through clinical teaching they develop an independent position, while being exposed to the interests behind administrative decisions, attributions and prejudices that influence policy, and the pressure of majority views. Some may ask whether clinical teaching is not ideological indoctrination rather than a political education, aimed at encouraging learners to believe in one solution to social problems, consistent with the first principle of CLE that elevates the social role of law. This deserving question raises two sub-questions: whether legal education is capable of instilling values in students, and if the answer to the first question is affirmative, whether these values are ideologically controversial.

The question of whether CLE has the capacity to instill values in students was examined in a series of empirical studies.¹¹⁵ Some found that the contribution of law studies to students' attitudes was negligible at the end of the three years of study.¹¹⁶ But other studies examining the effect of legal studies on students' willingness to dedicate their legal careers to advancing public interest show that law school indeed

¹¹² See *Días*, *supra* note 44.

¹¹³ See Sameer M. Ashar, *Deep Critique and Democratic Lawyering in Clinical Practice*, 104 CAL. L. REV. 201 (2016).

¹¹⁴ *Id.*

¹¹⁵ See generally Sheldon & Kreiger, *supra* note 47; Stover, Erlanger, & Klegon, *supra* note 47; and Drodody & Peters, *supra* note 47.

¹¹⁶ See Stover, Erlanger, & Klegon, *supra* note 47, at 30–32; Drodody & Peters, *supra* note 47, at 46–47.

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changed the value system that guided students and their expectations of legal practice.¹¹⁷ Findings of an empirical study I conducted in the past are consistent with the latter view, according to which students experience frustration in the face of the gap between their understanding of the social role of law and their assessment of their ability to use it effectively.¹¹⁸

Therefore, we must examine whether a critique of society that justifies legal change, or dissatisfaction with the ability of law to lead the desired social change, constitutes an ideological indoctrination to be feared. The MacCrate Report explicitly called on law schools to include in their curricula values that promote justice and social responsibility.¹¹⁹ No opposing institutional response was recorded. On the contrary, curricular and economic efforts have been made to respond to the call. Therefore, it is difficult to see these values as a controversial ideology.

In my view, clinical teaching does not indoctrinate, but rather constitutes a political education that encourages deliberation, at times an agonizing one.¹²⁰ But even if law school administrators believe that clinical teaching preaches the ideology of access to justice and equality before the law, it is difficult to see these as controversial values. Admittedly, this research focused on a clinic whose main purpose is legal aid in civil law to people in poverty. It is quite possible that clinics that pose greater challenges to the government, such as a human rights or refugee rights clinics, might heighten the tension between indoctrination and value clarification.

This study could perhaps dull the fear of indoctrination, precisely in light of the complex and ambivalent positions that the students raise regarding the role of the law, the way it can be used, and its limitations. The findings indicate that the insights that students develop are linked directly to their experience with the clinic's clients and not to any indoctrination. In addition, it is not possible to correctly assess the political inclination of the students without hearing from them directly, and this study did not reveal any such effect of CLE.

¹¹⁷ See Sheldon & Kreiger, *supra* note 47, at 282.

¹¹⁸ See Efron & Silverstein, *supra* note 48.

¹¹⁹ ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) 140 (1992).

¹²⁰ See Hartwell, *supra* note 5.

V. CONCLUSION

This research study examined empirically the contribution of clinical pedagogy to the legal education of students. I confirmed the common hypothesis, undemonstrated to date, that CLE instills social, professional, moral, and educational values. Legal academia, which invests valuable resources in clinical pedagogy, needs to know what the students really learn from clinical teaching. Given the political suspicion directed at the clinics and the troubling economic state of legal academia, in the absence of a demonstrated basis to justify this considerable investment of resources, it will be difficult to maintain and strengthen clinical teaching over time.

This research enables us to claim that clinical teaching does indeed fulfill many of its goals. The findings show that students who have attended a legal clinic are aware that many social problems can be solved by law. They understand that poor people need legal help no less than rich people. Students who have attended a legal clinic are aware that legal systems promote social change and are able to identify the limitations of the law regarding the resolution of personal and social problems.

There is a demonstrated pedagogical gap in the practical application of legal theories studied in law school. The intentions of clinical educators are not fully realized and leave students overwhelmed by the discrepancies between theory and practice. The findings of the present study reflect the need to redefine the goal of clinical teaching, so it does not emphasize the application of theory in the practical world, but rather contributes experience as complementary to theory, and contributes theoretical analysis to practice.

The findings demonstrate additional contributions of clinical teaching, which were not explicitly stated in Wizner's scholarship. These contributions are related to the participants' personal and professional development. They include the significant civic and professional value of clinical learning, which justifies institutional investment and organizational support of the clinics. Students experience clinical teaching as meaningful to them both in the personal and the professional sense. In a reality where harsh criticism is heard about the lack of professional, moral, and emotional preparation of law students for the professional world, these findings have great value.

The present study also has several limitations. First is that the sample was small and that the participants were students in a law school with unique characteristics: a public college in the periphery of the country, at the beginning of establishing its academic credentials. The fact that the data were collected at the beginning of the clinical program is also a limitation, because the program was still groping its

way to academic maturity. Participating students were an integral part of this trial-and-error process of operating the clinic, and it is possible that data collected from a more experienced and developed clinic would have yielded different results.

The difficulty of generalizing the findings of qualitative research to other environments and populations is a well-known challenge of the methodology.¹²¹ Qualitative researchers have called for abandoning the formal generalization practiced in quantitative research and adopting the concept of “transferability.”¹²² The present study allows for three types of transfer. Inference from case to case invites a dialogue between the analysis of a particular case and a wider range of cases through the application of one research finding in similar situations,¹²³ for example, another peripheral school or another new clinic. Analytical generalization links the themes revealed by the study to theoretical concepts,¹²⁴ thus allowing the desired transferability. For example, as the findings of this research rely on the theoretical principles of CLE, they can also be applied in other schools offering CLE. Finally, transferability serves as an invitation to increase the sample of participants to strengthen the validity of the study.¹²⁵ I call on fellow clinicians to adopt the research tools presented here and examine the learning outcomes of their students.

Another limitation of the study has to do with my being an integral part of the study. There may be data that participants did not provide to me because of my closeness to them, perhaps even because of a sense of dependence on me, as their teacher. Although the consent form explicitly addressed the lack of connection between participating in the research and grading, there may have been students who sought to please me as a researcher because I was their teacher. They might also have had the continuity of the program in mind, hoping their answers would affect the decision to keep CLE as part of the law school experience. Additionally, regarding the subjective information produced directly by research participants, there is a concern that I may have misunderstood their intention when I analyzed the reports. As I personally believe in CLE, I cannot deny that my interpretation may be biased. This limitation is one of the characteristics of the qualitative methodology, in which the “self of the researcher is integrated

¹²¹ See William A. Firestone, *Alternative Arguments for Generalizing From Data as Applied to Qualitative Research*, 22 EDUC. RESEARCHER (1993).

¹²² See EGON G. GUBA & YVONNA S. LINCOLN, *FOURTH GENERATION EVALUATION* (1989).

¹²³ See Firestone, *supra* note 121.

¹²⁴ *Id.* at 17.

¹²⁵ See HILARY ARKSEY & PETER T. KNIGHT, *INTERVIEWING FOR SOCIAL SCIENTISTS* (1999).

within the research.”¹²⁶ At the same time, the researcher must separate herself from the investigated situation by critical thinking and introspection.¹²⁷ Aside from self-awareness of the need to find the golden mean between empathy and criticism, the help of research assistants in data analysis was also designed to overcome this limitation.

Finally, the study lacks information about the long-term implications of clinical learning. Because the information was collected during participation in the clinic, it does not include the learning outcomes crystallized or understood by the participants in retrospect. It would be instructive to learn what were the relevant insights gained by participants as they continued their studies and their professional or personal development. Have they chosen to engage in areas of law that promote access to justice?¹²⁸ Do they tend to provide *pro bono* services more than colleagues who did not attend the clinic?¹²⁹ Does clinical participation affect conviction rates for ethics code offenses?¹³⁰ Has their exposure to the difficulties of clients at an early stage of their professional training caused them any “secondary traumatization”?¹³¹ The close relationships I have formed with some of the participants may make it possible for me to return to them in the future with research questions focusing on the consequences of clinic participation.

¹²⁶ PETER WOODS, RESEARCHING THE ART OF TEACHING: ETHNOGRAPHY FOR EDUCATIONAL USE 51 (1996).

¹²⁷ *Id.*

¹²⁸ See DEBORAH L. RHODE, ACCESS TO JUSTICE 193 (2004) (“Legal education plays an important role in socializing the next generation of lawyers, judges, and public policymakers. As gatekeepers to the profession, law schools have a unique opportunity and obligation to make access to justice a more central social priority.”); *but cf.* Wizner & Jane Aiken, *supra* note 3 (offering a skeptic view on the fulfillment of the aspiration expressed by Rhode). For more research on these career choices, see Rebecca Sandefur & Jeffrey Selbin, *The Clinic Effect*, 16 CLINICAL L. REV. 57 (2009); Catherine Albiston, Scott L. Cummings & Richard L. Abel, *Making Public Interest Lawyers in a Time of Crisis: An Evidence-Based Approach*, 34 GEO. J. LEGAL ETHICS 223 (2021).

¹²⁹ For research on the effect of clinic participation on providing *pro bono* services, see Robert Granfield, *Institutionalizing Public Service in Law School: Results on the Impact of Mandatory Pro Bono Programs*, 54 BUFF. L. REV. 1355 (2007); Douglas L. Colbert, *Clinical Professors’ Professional Responsibility: Preparing Law Students to Embrace Pro Bono*, 18 GEO. J. POVERTY L. & POL’Y 309 (2011).

¹³⁰ See J. P. Sandy Ogilvy, *Celebrating CLEPR’s 40th Anniversary: The Early Development of Clinical Legal Education and Legal Ethics Instruction in U.S. Law Schools*, 16 CLINICAL L. REV. 1 (2009) (describing the forces that led law school legal clinics to become a leading method for instruction in professional responsibility); see also Donald Nicolson, *Learning in Justice: Ethical Education in an Extra-curricular Law Clinic*, in THE ETHICS PROJECT IN LEGAL EDUCATION 171 (Michael Robertson et al. eds., 2010).

¹³¹ There is growing interest in the effect of such work on lawyers. See, e.g., Patricia Weir, Liz Jones, & Nicola Sheeran, *Australian Lawyers’ Experience of Exposure To Traumatic Material: A Qualitative Study*, 28 PSYCHIAT., PSYCHOL. & L. 363 (2020); Marie-Eve Leclerc, Jo-Anne Wemmers & Alain Brunet, *The Unseen Cost Of Justice: Post-Traumatic Stress Symptoms In Canadian Lawyers*, 26 PSYCHOL., CRIME & L. 1 (2020).

The uniqueness of this research lies not only in its methodology (which is not common in legal scholarship) but also in the fact that it makes law students the subject of research. To some extent, any description of clinical practice is empirical research, in the sense that it describes reality through data. Clinical scholarship is focused mostly on describing the legal work that students perform under the supervision of clinicians, on the contribution of this practice to the community or to the advancement of law and society, or on justifications for the students' legal work. In this research, the results of clinical teaching are presented for the first time directly, in the words of those for whom the teaching goals were intended. The study encompasses the clinical experience using diverse data collection methods. It connects the theories (both those justifying CLE and those critical of it) with the *de facto* learning reality of students. In this way, the study reveals the overlap between intentions and results, together with the gaps between them.

Exposing readers to how students define the contribution of participation in the clinic revealed several new insights, first, about the relationship between the inputs and outputs of clinical teaching, and second, regarding further contributions of this pedagogy, which have been scarcely reviewed in the literature. It also revealed the struggles and frustrations experienced by students in the clinic, which need to be addressed, as well as the attitude of the political establishment toward legal clinics, alleviating suspicions in light of the solid factual basis of clinical teaching.

It is not possible to conclude this article without acknowledging the students who participated in the study and commending their contribution to it. They made it possible to observe the importance of clinical education through their eyes. Their openness, sincerity, and courage are what enabled me to gain in-depth understanding of clinical learning. Many of the students reported the emotional effect that participation in the clinic had on them, and it is important for me to report that I also felt the deep emotional effect of collaborating with them.

