

# SERVICE LEARNING OPPORTUNITIES FOR LEGAL STUDIES IN BUSINESS

By

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## I. Introduction

Service learning is a form of experiential learning designed to engage students, faculty and community partners in a mutually beneficial experience. Specifically, it “is a credit-bearing, educational experience in which students participate in an organized service activity that meets identified community needs and reflects on the service activity in such a way as to gain further understanding of course content, a broader appreciation of the discipline, and an enhanced sense of civic responsibility.”<sup>1</sup> It is a form of experiential education that engages students in structured activities aimed to address community needs, while intentionally promoting student learning and development.<sup>2</sup> Other forms of experiential learning exercises, such as internships and clinicals, focus on developing a student's professional skills, but service-learning activities also emphasize the lessons of civic responsibility.<sup>3</sup> Service learning is distinguishable from volunteerism as well. While student groups may volunteer time to perform activities, which beneficially address community needs, service learning activities are “intended to enhance the learning of course content while it also teaches citizenship skills and brings benefits to the community.”<sup>4</sup> This paper will discuss service learning as a pedagogical approach that is designed to serve the dual purposes of teaching and learning while fostering a life-long commitment to social responsibility. It will also examine opportunities that exist within the discipline of business law for a synergistic educational experience between students, faculty, the university, and the local community in which these partners reside.

## II. Background

The term *service learning* was coined in 1967,<sup>5</sup> although its pedagogical roots can be traced to John Dewey, a philosopher and educator of the early twentieth century.<sup>6</sup> Favoring an experiential learning approach to education, Dewey emphasized civic participation, social commitment and a holistic consideration of the role of education as a tool for improving the welfare of society.<sup>7</sup> His philosophy is like that of Benjamin Franklin, who viewed the university's mission as being to foster public service through the teaching of democratic principles, and to advance the social order by teaching students the application of useful knowledge.<sup>8</sup>

Today service learning is becoming a powerful force in undergraduate education.<sup>9</sup> Campus Compact, a national coalition of more than 950 college and university presidents dedicated to promoting service-learning in higher education, recently reported a three-fold increase in just four years in the number of full-time faculty teaching service-learning courses, from fourteen per campus in 2000 to forty per campus in 2004.<sup>10</sup> Furthermore, according to a 2001 survey conducted by Campus Compact, 44% of the 327 responding universities had a service-learning center.<sup>11</sup> Trends which have given rise to service learning include the growth of organizations such as Campus Compact and Campus Opportunity Outreach League (“COOL”), which emerged in response to criticism that institutions of higher education were insensitive to public or community concerns, that undergraduate education was irrelevant, and that there was a need to create meaningful educational experiences; this trend also was supported by faculty, who view service learning as an innovative pedagogical strategy.<sup>12</sup> Most recently, service learning has become a facet of the mantra of *engagement*, a term describing how the university advances its missions, including its scholarly mission, in service to the community through a mutually beneficial knowledge-based relationship.<sup>13</sup>

Not only in colleges, but also throughout the country, increasing numbers of persons are volunteering their time. A 1999 survey suggests that the estimated proportion of American adults volunteering rose to fifty-six percent, up seven percentage points from the 1996 estimate, and this trend is expected to continue.<sup>14</sup> Evidence also indicates that volunteers provide services equivalent to that of eight million full-time workers.<sup>15</sup> Further, research suggests that civic involvement by today's youth in political activities is significantly less than in activities that focus on the community more broadly; for example, forty-nine percent of young adults saw volunteering in community activities as important in 2002, but just twelve percent saw getting involved in politics or government as being important.<sup>16</sup>

The establishment of the National Service Corps under President Clinton's Administration further evidences the growing importance of this type of civic service.<sup>17</sup> The National Service Corps or *AmeriCorps*,<sup>18</sup> is a network of national service programs designed to provide assistance in the areas of education, public safety, health, and the environment, and not to support political agendas. The enabling legislation for AmeriCorps draws “a sharp distinction” between service to the community and political activism.<sup>19</sup> The National and Community Service Trust Act of 1993<sup>20</sup> established the Corporation

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for National and Community Service, and placed all domestic community service programs under one central organization. This Act complemented the 1990 National Service Act<sup>21</sup> and established AmeriCorps.

The National Service Corps legislation also supports volunteerism and service learning in institutions of higher education by providing federal funds to encourage integration of service learning in higher education. The community service legislation as amended,<sup>22</sup> defines service learning as a method under which “students or participants learn and develop through active participation in thoughtfully organized service that is conducted in and meets the needs of a community; is coordinated with an elementary school, secondary school, institution of higher education, or community service program, and with the community; and helps foster civic responsibility; and that is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and provides structured time for the students or participants to reflect on the service experience.”<sup>23</sup> While numerous definitions exist for service learning, as well as practical examples, the pedagogical concept uniformly is characterized by its emphasis on the reciprocal nature of the endeavor, its requirement for critical reflection by students, and the importance of extracting knowledge from the provision of service.<sup>24</sup>

### III. Benefits to Constituents

Advocates for service learning claim the experience produces positive results for its participants, including primarily community partners, students, faculty, the university, and society in general,<sup>25</sup> which are summarized in brief in Exhibit 1. First, depending upon the subject matter, students can benefit from an experiential approach to learning. It is a form of active learning which links theory to practice, thus enhancing the educational process while creating a link between public work and private benefit.<sup>26</sup> Supporters claim that service learning enhances understanding from an academic perspective, while helping students to develop an inquiring mind, and to connect thought and feeling as they consider what is important to them.<sup>27</sup> They also assert that the experience can enhance leadership development in students, as well as to cultivate democratic participation and civic responsibility.<sup>28</sup> Service-learning impacts civic engagement in a positive manner by achieving the goal of educating young people about their responsibilities in a democratic society and allowing them to think about their role in their community.<sup>29</sup> Moreover, one study of students who participated in community service reports that the experience led to self-exploration and identity clarification, afforded students an opportunity to better understand others in the community, dispelled generalizations and stereotypes, and opened a discussion about the social good and economic inequities.<sup>30</sup> Students participating even in a small-scale, very short-term service learning experience reported an increased sense of the meaningfulness of college, and an increased likelihood of choosing a service-related occupation when compared to nonparticipating counterparts.<sup>31</sup>

Furthermore, from an educational perspective, to the extent that these experiences involve problem solving, such as computer science students reconfiguring discarded computers into functional equipment for a local school, students are engaging in higher order critical thinking skills, such as analysis, synthesis and evaluation.<sup>32</sup> This form of experiential learning is a “bottom-up” method “in which inductive reasoning is used to formulate general principles from direct personal experiences,” in contrast to the “abstractness of much classroom instruction.”<sup>33</sup> As such, the experience has a propensity to motivate lasting learning.<sup>34</sup> In short, service learning empowers students by providing a hands-on experience, which connects academic course content to the real world, through meaningful involvement with the local community and interaction with community members. Such an experience can lead to a greater awareness of career goals and opportunities, as well as increased self-confidence and a sense of professional competency.

From a more practical standpoint, service learning endeavors can enhance a student’s resume by giving them actual experience, which otherwise is difficult to achieve prior to graduation. Further, as many businesses are encouraging employee volunteerism and recognize that volunteerism can be a part of business strategy by building social capital,<sup>35</sup> students who participate in such activities are valued as new recruits. There are also scholarships available to students, who participate in these endeavors, such as those that are available through AmeriCorps. For example, NC-ACTS!, the North Carolina program of AmeriCorps, offers education awards in exchange for community service; students may receive a monetary award that can be applied to school loans or to finance undergraduate education, graduate school, or vocational training.<sup>36</sup> Additionally, students may benefit from networking opportunities presented by conferences, which are available to students engaged in service learning, at which they may also present papers and participate in workshops.<sup>37</sup> Moreover, studies conducted by the Higher Education Research Institute established that students who chose to participate in service learning projects were more likely to see their grade point averages increase, and were less likely to lower their expectations about pursuing an advanced degree over the course of their college careers, than students who did not participate.<sup>38</sup>

Of course benefits from such a service learning experience accrue not only to the students, but also to their community partner.<sup>39</sup> A study of an adventure based-educational program, in which college students partnered with community middle school students, concluded that community service learning has a positive effect on both the provider and the recipient.<sup>40</sup> Tangible benefits may accrue to the community partners, such as when construction management students assist in the development of a Habitat for Humanity project or students conduct an accounting audit for a community non-profit.<sup>41</sup> In this author’s university, more than thirty percent of students participate in co-curricular volunteer work and course-based service learning, averaging three hours of service a week, which translates into \$1,684.80 per student in service

during the academic year, or approximately \$4.2 million worth of volunteer work each year.<sup>42</sup> In addition to such tangible benefits, intangible benefits may accrue as well to the community and community partner. For example, service learning projects provide opportunities to the community partners to participate in the educational process, foster a greater understanding of teaching and learning by the partner, and strengthen the relationship between the university and the community. To assure a successful end-product, however, the community partner should be actively involved in defining the need that the service learning project is designed to satisfy, as well as in crafting the project.<sup>43</sup>

The university as a whole benefits from this partnership as well. The commitment to community service complements the university's mission of teaching and learning, while enhancing the university's image in the community as being an engaged partner in meeting needs. Service learning programs also can renew the civic mission of the university, particularly since the university's role in assuring participatory democracy and providing citizenship training has changed dramatically in the last few decades.<sup>44</sup> Moreover, because students are attracted to practical, relevant learning experiences, fostering service learning can have a positive impact on student recruitment and retention.<sup>45</sup> Because service learning develops meaningful connections between students, faculty and the community, it encourages diversity, which is linked to retention as well.<sup>46</sup> Finally, community partnerships also can provide access to community resources, which might otherwise be unavailable.

### EXHIBIT 1

✓ *Benefits to students:*

- Increases involvement with learning experience
- Reinforces critical thinking skills
- Augments resume
- Provides scholarship opportunities

✓ *Benefits to community partner*

- Supplies needed assistance
- Presents opportunity to partner in educational process
- Generates networking opportunities

✓ *Benefits to university*

- Enhances visibility and image
- Renews civic mission
- Yields positive impact on recruitment and retention

✓ *Benefits to faculty*

- Produces positive teaching and learning outcomes
- Presents additional research and publication opportunities

Finally, faculty members benefit from becoming engaged in service-learning activities in several ways. Faculty members at this author's university report that students in service-learning classes become more involved in the class, participate more in class discussions, develop a better understanding of course material, and become more interested in community issues.<sup>47</sup> They also assert that service learning provides an innovative way to test and implement knowledge from textbooks, creates better relationships with students because of the greater emphasis on student-centered teaching, and opens the door to provocative discussions of current events, citizenship, and the application of knowledge.<sup>48</sup>

In addition to rejuvenating teaching and learning, service learning benefits faculty by providing avenues for research and scholarly activities. One form of scholarship, to which service learning is applicable, is problem-based research. This type of research method utilizes students, who are guided by a faculty scholar, to solve real problems in the community by researching the issue, applying theoretical knowledge to the issue, and producing solutions in an effort to enhance the quality of life in local communities.<sup>49</sup> Such a collaborative community-based research model, in which faculty and students identify

a problem, gather data, analyze, and then utilize the results, allows the university to become a partner in addressing societal problems.<sup>50</sup> In addition to providing faculty members with research and publication opportunities, this type of scholarly activity helps to recognize institutional responsibility for producing publicly useable knowledge.<sup>51</sup> For example, in one service learning research project, a faculty member of the State University of New York at Syracuse gathered findings on the geomorphological characterization of a healthy stream in the Onondaga Creek watershed, the flood impacts of storm sewer separation, and channel stability with concrete removal, which resulted in publishable academic research with practical benefits for the community.<sup>52</sup>

The scholarship of teaching and learning presents additional opportunities for research in service learning. For example, faculty engaged in pedagogical research may examine empirically the effect of participation in a project on learning and attitude changes as compared to non-participants,<sup>53</sup> or author pedagogical case studies.<sup>54</sup> Additionally, service learning as a discipline sports a rich scholarship.<sup>55</sup> For example, in addition to discipline specific research in service learning, the scholarship of service learning includes, for example, research on factors that motivate faculty to participate in service learning projects<sup>56</sup> and how to implement a successful program.<sup>57</sup> In conjunction with this body of knowledge, a variety of conferences are offered each year that allow faculty the opportunity to share their scholarship and to network with other interested professionals. Exhibit 2 represents a partial list of publications that publish articles relating to service learning, and includes a sampling of conferences that focus on service learning topics.

## **EXHIBIT 2**

### **Service Learning Related Publications**

- Academic Exchange Quarterly (AEQ) (annual issue)
- Community Works Journal
- The Generator: Journal of Service-Learning and Service Leadership
- Journal of Higher Education Outreach and Engagement
- International Journal for Service Learning in Engineering
- Michigan Journal of Community Service Learning
- International Journal of Teaching and Learning in Higher Education
- Florida Journal of Service-Learning

### **Service Learning Related Conferences**

- CASTL Colloquium
- Annual International Conference on Service-Learning Research
- National Service Learning Conference
- Annual Michigan Institute on Service-Learning
- Annual International K-H Conference on Service Learning Research
- International Conference on Civic Education: Research and Practice
- Continuums of Service Conference
- Annual Outreach Scholarship Conference
- Higher Education and Community Engagement (UK)
- WCU Service Learning Symposium

#### **IV. Best Practices for Implementation**

Given these research opportunities, it is no surprise that there is a substantial body of knowledge concerning best practices that is available to assist faculty in designing and implementing service learning projects. The National Society for Experiential Education identifies eight *Principles of Good Practice for All Experiential Learning Activities*, recognizing that in experiential learning activities, both the experience and the learning are fundamental.<sup>58</sup> These principles are 1) *Intention*, meaning that all parties must be clear from the outset why experience is the chosen approach to learning; 2) *Preparedness and Planning*, suggesting that there be a sufficient foundation to support a successful experience; 3) *Authenticity*, recognizing the need for the experience to have a meaningful real world context in reference to an applied setting or situation; 4) *Reflection*, representing the element that transforms simple experience to a learning experience with measurable outcomes; 5)

*Orientation and Training*, preparing participants with important background information about each other and about the setting for the project; 6) *Monitoring and Continuous Improvement*, ensuring a feedback loop related to learning intentions and quality objectives for evaluation; 7) *Assessment and Evaluation*, documenting outcomes as a means to develop and refine the specific learning goals and quality objectives, and 8) *Acknowledgment*, celebrating the successful completion of the learning experience.

Campus Compact proposes a four-prong questionnaire to guide faculty in organizing and structuring a service learning project in a course:<sup>59</sup> 1) *Engagement*, does the service component meet a public need and have campus-community boundaries been negotiated and how will they be crossed? 2) *Reflection*, is there a mechanism that encourages students to link their service experience to course content and to reflect upon why the service is important? 3) *Reciprocity*, is reciprocity evident, meaning that every individual, organization, and entity involved in the service-learning functions as both a teacher and a learner? and 4) *Public Dissemination*, is service work presented to the public or made an opportunity for the community to enter into a public dialogue? The National Youth Leadership Council describes service learning as a cycle, where each step in the transformational process is rich with learning and growth opportunities, and leads to the next.<sup>60</sup> It suggests discussing three simple questions with participants in order to facilitate an understanding of what has been accomplished: 1) What has happened? 2) What's the importance of all this? and 3) What should we do next?<sup>61</sup>

Another author suggests ten general principles of good practice in the university setting.<sup>62</sup> First, academic credit should be given for learning, not for service; in other words, because service learning projects are only vehicles for learning, academic credit should not be awarded for doing service, nor should it be based upon the quality of the service, but rather for the student's demonstration of academic and civic learning.<sup>63</sup> Second, academic rigor must not be compromised, as service learning students should master academic material while learning from community experiences, thus satisfying both academic and civic learning objectives.<sup>64</sup> Third, establishing and prioritizing very explicit learning objectives is critical.<sup>65</sup> Fourth, establishing criteria for the selection of service placements is equally critical in order to meet those learning objectives.<sup>66</sup> Fifth, educationally sound learning strategies must be employed that are designed to promote critical reflection, analysis, and the application of service experiences; therefore, activities such as classroom discussions, presentations, journals and paper assignments, which support the analysis of service experiences in the context of the course, are suggested strategies.<sup>67</sup> Sixth, students must be prepared to learn from the experience through faculty instruction concerning, for example, participant-observer skills and sample assignments, particularly since this type of experience and its commensurate requirements may be new to the student.<sup>68</sup> Seventh, the distinction between the students' community learning role and their classroom learning role should be minimized, even though classrooms and communities are very different learning contexts.<sup>69</sup> The classroom is normally a more passive learning atmosphere in contrast to the community setting, which is typically geared toward more active learning; therefore, as an eighth principle, instructors should encourage active learning in the classroom for consistency and to capitalize on student participation by utilizing mixed pedagogical methods that include learning facilitation and guidance.<sup>70</sup> As a ninth guiding principle, faculty should be prepared for some loss of control with student learning outcomes, as well as greater heterogeneity in discussions and assignments, coupled with less predictability.<sup>71</sup> Finally, it is advisable to maximize the community responsibility orientation of the course by employing learning strategies that will complement and reinforce the civic lessons from the community experience.<sup>72</sup>

Adherence to best practices helps to insure a gratifying coalescence of three separate experiences: relevant and meaningful community service, enhanced academic learning and purposeful civic learning, the components of service learning, which together form a powerful educational tool.<sup>73</sup> It is also crucial to exercise care in the selection of a project and a community partner, and in structuring the partnership. Some suggestions for building such a partnership include selecting a small project initially, setting attainable goals for the partnership, establishing roles for reciprocal cooperation characterized by mutual trust, maintaining open communication for the exchange of information and ideas, combining an appropriate mix of structure and flexibility in the relationship, conducting continuous assessment for improving the process, striving to understand the culture of all participants, knowing community issues and celebrating achievements.<sup>74</sup> In essence, though, there are three areas of critical importance in designing a service learning project once a relevant experience and a willing community partner have been identified: crafting the syllabus, designing the reflective exercise, and providing for assessment.

#### A. The Syllabus

The syllabus should provide a justification for including a service learning project within the context of the course, as well as describe the nature of the service activity, the integration of the service with the academic goals, and the evaluation methods for the service component.<sup>75</sup> To this end, it should 1) clarify that the project is not extra work, but an integral part of the course, 2) distinguish service learning from volunteer service, 3) identify the service activity and learning objectives, 4) explain how the service will help meet course goals, 5) detail the activities and assignments that will be used to link the service with course content, such as journals, papers, and presentations, and 6) explain how the service will be evaluated and weighted.<sup>76</sup>

The syllabus should stress that the service activity is an academic component of the course and will be evaluated as such; in other words, although students are expected to deliver quality, dependable service, they will be graded on the

demonstrated learning that occurs, not on the service itself.<sup>77</sup> In order to insure legitimacy, then, the learning objectives for the course should be capable of being met by using this pedagogical approach. It is the achievement of legitimate learning objectives that distinguishes service learning from volunteering. If appropriate to the course, civic responsibility goals and objectives could be relevant in such an experiential context. Exhibit 3 provides some samples of course objectives, and is by no means exhaustive. Some of those listed may apply to the service learning experience in a specific course, and others may not apply. However, the development of course-specific goals may be inspired by these examples.<sup>78</sup>

### EXHIBIT 3

#### Example Goals and Objectives for Service Learning Project

- Practice principles learned in course work
- Engage in active learning by applying principles to real problems
- Connect theory to practice
- Engage community in mutually beneficial knowledge-based relationship
- Promote skills and knowledge needed for leadership
- Incorporate experiential learning project into course work
- Establish synergistic relationship with community partner
- Research and address real-world problem
- Provide relevant field experience
- Enhance job skills and personal responsibility
- Familiarize students with business issues
- Assist community nonprofit service providers
- Integrate active learning experience into substantive course work
- Prepare students to assume meaningful roles in business
- Connect substantive course work to actual experiences
- Encourage self-reflection about academic principles in context
- Improve problem-solving skills
- Provide micro-enterprise laboratory experience
- Develop habit of reflective self-evaluation practice
- Integrate research and practice
- Enhance reflective judgment practices

#### B. Relevant Assignments

It is important for students to be afforded an opportunity to process what knowledge has been gleaned through the service-learning project. Critical to this integration of learning is a process known as reflection, which prompts students to consider thoughtfully the significance of their experiences. The term *structured reflection* refers to “a thoughtfully constructed process that challenges and guides students in (1) examining critical issues related to their service-learning project, (2) connecting the service experience to coursework, (3) enhancing the development of civic skills and values, and (4) assisting students in finding personal relevance in the work.”<sup>79</sup> The educational goal of encouraging reflective judgment is well recognized, and not unique to experiential learning. Reflective judgment recognizes that people have epistemic assumptions, which affect the practice and outcomes of engaging in critical thinking.<sup>80</sup> It encourages students to consider their reactions to the experience and how the experience has impacted their beliefs, values, and potentially their future behavior.

There are several types of assignments that afford students an opportunity to reflect on their experiences; nevertheless, care should be taken in structuring this aspect of the project. The “Four Cs of Reflection” provide that reflection activities or efforts should be: 1) *continuous*, that is, undertaken throughout the service-learning course, rather than intermittently, episodically, or irregularly; 2) *connected*, meaning structured and directly related to the learning objectives; 3) *challenging*, that is, setting high expectations, demanding a high quality of student effort, and designed to facilitate instructor feedback so as to stimulate further student learning; and 4) *contextualized*, that is, including activities appropriate to the particular course, which are commensurate with, and complementary to, the level and type of other course learning activities.<sup>81</sup>

One activity in particular is conducive to encouraging reflection in service learning projects, and that is the use of journaling. A worthy pedagogical tool, the journal provides opportunities for introspection, interpretation, and precipitates the acceptance of responsibility by students for their own learning.<sup>82</sup> Various types of journals have been used as educational tools for over two thousand years as a staple of rhetorical education, from the Greeks until the early nineteenth century by educators and philosophers such as Aristotle, Francis Bacon, and John Milton.<sup>83</sup> Journal writing is recognized for its ability to enhance learning because it takes advantage of the connection between writing and learning, actively encourages the writer to analyze experiences, and facilitates a habit of lifelong learning through reflection.<sup>84</sup> Furthermore, such an introspective writing assignment permits the connection of knowledge and work with personal subjectivity, or one's sense of self, in an effort to validate the subjective experience and give it a place in professional life.<sup>85</sup> In one introduction to law class, in which students were asked to write journals in lieu of a traditional take-home examination, the professor reported that "[S]tudents found journal writing a tool for reflection, a method for reclaiming insight into an environment in which some part of the self is lost, forgotten, and masked."<sup>86</sup>

Students may write journal entries either individually, in teams, or electronically (blog). The journal may be shared solely with the professor, or disseminated more widely through in-class discussions or electronic chat rooms so that students may share their experiences with other participants or classmates. Questions for consideration when writing may include, for example, 1) What new information have you learned? 2) How do you feel about your experience? 3) What is your most memorable experience to date? 4) What changes, if any, would you make to any existing laws, policies, or regulations?<sup>87</sup> Other questions might include 1) How does this experience relate to your classroom studies? 2) Is this experience changing your perceptions or attitudes about people, the community or societal issues? and 3) What are you learning about your personal values, philosophy of life, notions of social justice and vocational choice through this experience?<sup>88</sup>

There are several other activities that can satisfy this aspect of the learning process as well. For example, students may develop case studies individually or in groups, organize a portfolio of accomplishments and challenges, make a presentation to the class and/or community partner, conduct interviews with their colleagues or community partner, or write a paper about the nature of their experience, which includes research conclusions and policy recommendations.<sup>89</sup> Additionally, students may be asked to provide a written self-evaluation of their experience, and guest speakers may be invited to enlighten students on their particular topic, in an effort to enrich the reflective process.<sup>90</sup> Exhibit 4 provides some samples of course assignments designed to encourage reflective judgment. Again, the list is not exhaustive, but provides some examples by which the instructor can evaluate the success of the learning experience.

## EXHIBIT 4

### Sample Assignments for Evaluating Experience through Reflection

- Require students to maintain a journal (or blog) in which they chronicle their experiences and their reactions, as well as the reactions of other participants
- Require students to write a reflection paper in which they analyze the effectiveness of their involvement and the application of the principles learned from the course
- Provide class time for group sharing and reflection on experiences/lessons learned/epiphanies
- Maintain and monitor participation in a chat room in which students share their experiences and discuss issues
- Require students to make an individual or group presentation to the class or community partner that explains and examines their experience
- Have students provide a report to the community partner and to the instructor
- Ask students to write a newspaper article explaining in brief their project and its goals, and then try to get it published

#### C. Assessment

Just as professors must evaluate student performance, the degree to which course learning objectives have been met through the service-learning experience should be assessed as well. One author identifies nine principles of good practice for the assessment of student learning in general, suggesting that the assessment process: 1) begin with educational values, 2) reflect an understanding of learning as multidimensional, integrated, and revealed in performance over time, 3) enunciate clear, explicitly stated programmatic purposes, 4) consider outcomes as well as the experiences that lead to those outcomes, 5) be ongoing, not episodic, 6) involve representatives from across the educational community, 7) begin with issues of use and illuminate questions that people really care about, 8) be part of a larger set of conditions that promote change, and 9) assure that educators meet responsibilities to students and to the public.<sup>91</sup> The purposes of assessment in the context of service learning include demonstrating the impact of the experience on students, faculty, the institution and the community, assisting with program planning, and providing data about student learning so that improvements may be made. Assessment also benefits the learning process by promoting efficiency in learning, improving retention in certain cases, encouraging self-monitoring, and demonstrating competencies. In this author's institution, learning outcomes of the program seek to determine the effect of service learning upon students as learners, upon the knowledge they gain, upon the student's perception of self, others, social attitudes and behaviors, as well as upon their role as citizens. Separate survey instruments, which are completed by the students, the faculty member and the community partner, are one means employed to gauge the effect that the experience has had on these learning outcomes.<sup>92</sup> Exhibit 5 provides an edited example of a student survey.

**EXHIBIT 5**  
**STUDENT ASSESSMENT OF SERVICE LEARNING**

1. Class level
  2. Major
  3. Gender
  4. Age
  5. Racial/ethnic identification
  6. Hours per week worked at a job
  7. Name and number of this course
  8. Professor's name
  9. Name of the community partner/agency with whom you are working
  10. How many weeks during the semester did you engage in your service activity?
  11. How many total hours during the semester did you engage in your service activity?
- (use the following scale: strongly agree agree disagree strongly disagree NA)
12. The service component of this course helped me to better understand the lectures & readings.
  13. The service component of this course helped me to see how the subject matter I learned can be used in everyday life.
  14. The service component of this course made me aware of some of my own biases or prejudices.
  15. The service component of this course showed me how to be more involved in my community.
  16. I have a better understanding of my role as a citizen because of my service learning experience.
  17. The service component of the course helped me in thinking about my vocational choices.
  18. As a result of my service learning experience, I will be more likely to volunteer in the community in the future.
  19. I would like to take more courses that include service learning.
  20. As a result of my service learning experience, I would encourage other students to take courses that offer service learning.
  21. My agency/site provided challenging, meaningful, and educational tasks for me to accomplish.
  22. The assistance I received from the Service Learning Department was helpful.
  23. If I found out that there was a problem in my community, but there was no group or service agency to help, I would organize a group to address the problem.
  24. If an issue that I cared about surfaced in my community, I would contact the appropriate officials to address the issue.
- Describe your thoughts, both positive and negative, about your service experience:

V. Opportunities for Law and Business

While some disciplines, such as social work, health services, and education, have natural linkages to service learning as a pedagogical method, some business, and even legal studies courses, may benefit from such an experience. In this author's university in this past academic year, business students worked with three different non-profit agencies in consulting with small businesses by analyzing their situations, offering advice, and making recommendations. Undergraduate marketing students helped clients to evaluate business and market growth opportunities, conducted marketing audits for small, local businesses, and called on prospective clients in order to generate sales and sales leads. Some marketing students also worked on an interdisciplinary team to design and conduct a preliminary market study for a new physical therapy product. Graduate management students assisted clients by writing business plans that were used to assist entrepreneurs. For example, one business plan resulted in free dental care for underprivileged people living in a neighboring county. Graduate accounting students conducted an internal control audit for a non-profit as a project, while undergraduate computer information systems students reconfigured discarded computers for a local charter school and analyzed the requirements for a computer system for the county department of social services.

In the law area four initiatives transpired this past year. The author's department partnered with a non-profit community mediation service to offer a course in *Community Mediation*, which allowed students to become certified as community mediators and qualified to volunteer their time as community mediators. The mediation agency serves as an adjunct to the local court system to identify pending cases that are suitable for mediation. The department hopes to expand in this area in the future to offer an interdisciplinary minor in conflict resolution, which will also embrace such areas as peer mediation in the university's student life programs and in local schools, as well as in the area of *Elder Court* in partnership with the Cherokee Tribe. To this end, faculty members submitted a pending grant application to the *Learn and Serve America* grant program sponsored by the Corporation for National and Community Service. In another effort, students in an *Employment Law* class worked with the Small Business & Technology Development Center to develop an Employee Handbook for clients of the non-profit agency.

The third initiative involved students working with REACH, a county-wide domestic violence/sexual assault program serving victims and their children. Students in this *Introduction to Law* class attended several state district court sessions, in which cases concerning domestic violence were heard, and completed an "Alliance Watch Evaluation" form.

They reported on the standard form their observations about such relevant issues as the manner in which the proceedings were conducted, security issues for the victims, and due process and fairness concerns. These forms are utilized by a watch group to lobby for appropriate changes in the way in which such cases are conducted. A representative from REACH spoke to the class early in the semester to explain the mission of the organization and the service that students would perform. This service project afforded students an opportunity to observe the local courts and how they function. They were asked to maintain a journal in which they chronicled their experiences and their reactions, as well as the reactions of other participants. Additionally, class time was allocated for group sharing and reflection on experiences, lessons learned, and epiphanies, as well as for visits to the court. Another option would be to require students to write a reflection paper in which they analyze the effectiveness of their involvement, their perceptions of the court as a facilitator of providing just societal outcomes, as well as the application of the principles learned from the course, and/or text, about the justice system.

Finally, the department began an initiative to establish more service-oriented internships. To this end, a student completed guardian ad litem program training and was certified as a child advocate. Although the student did not carry a case load, she attended most Department of Social Services court sessions, automated files, and assisted in office work. The student related that the experience was a profound one, and concluded that from a social justice perspective, the system needed improvement. She lamented that the children had very little direct input into the judicial process that decides their fate, and observed that, while the predominately volunteer retirees who served as child advocates were tremendously hardworking and caring individuals, it was almost unbelievable that the state relegated such an important function solely to volunteers.

In each of these initiatives the faculty member relinquished a degree of control over traditional course content. Rather than lecture abstractly about the court system, jurisdiction, or a substantive area of the law, the students instead were encouraged to experience dispute resolution and to examine the role of law in society. While the context of exploring legal concepts differed to a degree, students still engaged in critical thinking, as well as in exercising reflective judgment. For example, students in the introductory law class explored the distinction between a subjective and an objective standard in evaluating the victim's perspective at trial in comparison to a reasonable person standard. They also questioned the efficacy of handling certain disputes in this manner, as well as the professionalism of the elected judges and appointed attorneys.

In a somewhat different context, a law professor, who taught a *Women and the Law* course, learned that when students at her institution were informally polled, "they defined justice more narrowly, focusing on the legal system and notions of procedural justice, regardless of their field of study."<sup>93</sup> Disappointed that "the students made virtually no connection with other issues such as peace and justice, gender and race equity and justice, or poverty and justice"<sup>94</sup> she instituted a service-learning project whereby students volunteered in non-legal service placements<sup>95</sup> in the hopes that the experience "would aid students in understanding some of these interrelationships."<sup>96</sup> She subsequently concluded that "[S]ervice-learning is an effective means of reconnecting substantive course work to human experience in a way that is meaningful for all students...who lament the lack of connectedness in the traditional law school curriculum."<sup>97</sup> Indeed, it is the contemplation of macro societal concerns about justice that hopefully will inspire students to remain connected to the importance of dispute resolution in society, and their civic responsibility to contribute to that process.

## VI. Impediments to Implementation

### A. Legal Impediments

One concern with respect to implementing a service-learning project for students in business law concerns the unauthorized practice of law. The practice of law is a professional one, reserved to those who have been admitted to state bar associations after having satisfied educational and moral requirements.<sup>98</sup> State laws and regulations determine what behavior constitutes an unauthorized practice, as there is no uniform definition.<sup>99</sup> Therefore, professors must make sure that students do not engage in any activities in which that line may be crossed. Certainly students must abstain from providing any semblance of legal advice to non-profits or to their clients, and care should be taken that services provided in filling out forms for proceedings related to divorce, adoption, custody or immigration matters do not constitute an unauthorized practice.<sup>100</sup>

A more generic legal issue has been raised with respect to mandatory service learning projects as well, which is not confined to legal environment of business projects, and which questions the legitimacy of the policy behind requiring community service of students.<sup>101</sup> Although many colleges encourage community service, some high schools condition graduation upon the successful completion of a certain number of community service hours,<sup>102</sup> endorsing the notion that volunteer programs and service learning activities can have a positive impact on the personal development of students, as well as upon their orientation to civic life.<sup>103</sup> While advocates laud the potential benefits to the young student volunteers, and as well as to the beneficiaries of their efforts,<sup>104</sup> detractors of such requirements argue that a policy of coercion is unlikely to foster long-term pro-social attitudes, and may in fact "undermine positive attributions, stifle feelings of self-determination, and ultimately make self-generated acts of community service more scarce."<sup>105</sup> In other words, volunteerism becomes an oxymoron if students are forced to serve, and may lead to a resolution by persons, who are not inclined to volunteer, that their time has been served, instead of fostering a lifelong commitment to public service and civic responsibility.<sup>106</sup>

Such resentment has culminated in constitutional challenges being levied against public secondary education institutions, which mandate service projects as a condition of graduation. Since community service projects are not value-neutral, some of the objections have been based upon the First Amendment's protection of free speech,<sup>107</sup> in addition to alleged violations of the Thirteenth Amendment's prohibition against involuntary servitude, and the asserted right of parents to direct the education of their children.<sup>108</sup> While the cases have reached the federal circuit courts, the plaintiffs have not prevailed.<sup>109</sup> Professor Rodney Smolla concludes that even "if community service programs are not value-neutral, nothing in the Constitution requires them to be,"<sup>110</sup> and that "these programs are sufficiently flexible to accommodate the needs of virtually any student who might have bona fide First Amendment objections to some forms of service."<sup>111</sup> Since from a constitutional perspective, greater latitude exists with respect to the post-secondary educational decisions of adult students compared to secondary school students,<sup>112</sup> such objections to mandatory college and university service learning projects are even less likely to be successful.

Nevertheless, from an ethical perspective it is wise to give students sufficient advance notice of the service-learning component of the course. The project should be adequately described in the syllabus so that students may select another class, if they object to the project. It is also preferable to denote in course schedules those courses, which may include a service-learning component, as well as to offer other options to the project in the course, if it is one that is required in their curricula, and there is no alternative. As observed by Professor Smolla, flexibility in the requirements of secondary schools with respect to mandatory programs is important to their constitutionality, as is their relevance to the achievement of educational objectives. Similarly, from an ethical, if not a legal perspective, flexibility should guide curricular choices in colleges and universities, as should the relevance of service learning programs to the achievement of recognized course objectives.

A final concern of a legal nature is a university's liability with respect to the activities of students. The two primary scenarios for risk exposure are if the student is injured while engaging in a service learning activity, and if a participant/community beneficiary is injured in person, or otherwise, in relation to those activities. If the university does not carry liability insurance for students who engage in such activities, then instructors should insure that they have signed a liability waiver prior to engaging in the activity, such as in Exhibit 6. There are also other reference materials available to assist in addressing risk management and liability issues in campus service programs.<sup>113</sup> While third party liability is more difficult to risk manage, a thorough assessment of potential liability, which evaluates policies and procedures concerning site visits and supervision by faculty, an orientation program for students, and if relevant, a plan for transportation and the assurance of confidential communications, should be completed prior to the commencement of the service learning experience.<sup>114</sup> Ultimately, it would be advisable for the university community of students, faculty and administrators to develop a Code of Ethics that provides guidelines for behavior and decision-making during service learning experiences,<sup>115</sup> which transcends merely legal considerations.

## EXHIBIT 6

### CONDUCT AND WAIVER OF LIABILITY FORM

*This form indicates your understanding that while performing Service Learning/Community Service, you are bound by the Code of Student Conduct, and that the university is not responsible for any mishaps or injuries that occur as a result of your voluntary participation in this program. Students may not engage in university recognized Service Learning/Community Service projects unless they have signed and submitted this form.*

#### **I. Conduct Statements**

- I will follow and comply with the Student Code of Conduct.
- I will follow all rules and/or guidelines of the agency I am serving.
- I will not have contact with agency clientele outside the service setting.
- I will not have contact with anyone in the service setting in a harmful manner.
- I will inform the agency representative of problems that occur while I am performing services.

#### **II. Liability Waiver**

1. I understand that my participation in the service activity is voluntary (although it may be a requirement of my course or a judicial mandate).
2. I agree to assume all the risks and responsibilities surrounding my participation in this activity.
3. I specifically and completely release, hold harmless, and indemnify the State of---, the University -- and all their officers, employees, and agents (RELEASEES) from all liability, including negligence, and other causes of action, debts, claims, and demands of every kind which I have now or which may arise out of or in connection with my travels to and from or participation in this activity.
4. It is my express intent that this Agreement shall bind the members of my family and spouse, if I am alive, and my heirs, assigns, and personal representative, if I am deceased, and shall be deemed as a RELEASE, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE the above-named RELEASEES. I hereby further agree that this Waiver of Liability and Hold Harmless Agreement shall be construed in accordance with the laws of the State of --.
5. I further agree to release, indemnify, and hold harmless the RELEASEES above from any claim, loss, liability, damage, or cost, including attorney fees that they may incur due to my participation in this activity.
6. I have read this Agreement, understand its terms, have had an opportunity to consult with legal counsel, and therefore now execute it voluntarily and with full knowledge of its significance.

Signature:

Date:

Print Name:

(For students under 18, a parent/guardian must sign above and print name below)

Classification: (circle one): Undergraduate    Graduate

### B. Practical Impediments

In addition to legal concerns, there may be several practical impediments to the implementation of a service-learning project. For example, often transportation is a concern if students are involved in a project off-campus. They may object to the costs associated with driving to a remote site, have neither a vehicle available to them nor access to public transportation, or not be licensed to drive at all. Working in teams and car-pooling can be one solution. Another solution is to use university provided transportation, assuming sufficient funding is available in either the departmental budget or through the service-learning department, if one exists. Time constraints also can be an impediment, as many students work or have other classes scheduled and thus, are unable to travel to remote sites during the operating hours of community partners.

Likewise, there could be expenses associated with the actual projects, for example, costs for photo-copying, needed supplies, and other incidental expenses. However, as long as the university values such projects and encourages engagement with the community, such expenses must be addressed and supported in some manner. If the value to both the students and the community is readily apparent, and if the community partner is unable to provide financial assistance, which is often the case with non-profit and governmental agencies, then the university may be required to financially support the endeavor as part of its mission, or otherwise not encourage engagement by faculty because such activities are not always without costs.<sup>116</sup>

Another practical impediment concerns the logistics of managing a large class in a service-learning project. One solution is to divide the class into groups and have them work on a project that can be delivered to the community partner, instead of one that involves the transportation and supervision of large numbers of students off-site. For example, conducting a research project for a community partner, such as the preparation of a marketing plan or development of a web page to assist in marketing efforts, is an assignment that can be done in a manner comparable to any other type of research assignment. The findings and conclusions, however, primarily are practical rather than theoretical. Another alternative is to allow a service-learning project to be one of several options for relevant class assignments, so that not all students are involved with community partners and require supervision. Finally, although course embedded projects are preferred by service-learning advocates, internships and independent studies represent another way that students can become involved with community partners in an academic, although not a classroom, setting, and logistically may be easier to manage, at least initially.

## V. Conclusion

While the implementation of a service-earning project is not without its challenges, it is likewise not without its rewards. Effective implementation of service learning project goals requires defining the goals of service in the context of the university's mission, improved coordination with community organizations, support for training of faculty on methods of reflection, integration, and assessment, as well as recognition for participants.<sup>117</sup> The university should reinforce the importance of these public service endeavors by recognizing and honoring students, faculty and community partners with awards or receptions designed to honor outstanding service, and showcase such contributions in public forums, as well.<sup>118</sup> Contributions by students could be noted on transcripts or diplomas, while faculty could be encouraged through the development of appropriate policies and incentive structures, in an effort to insure the consideration of their efforts in tenure and promotion decisions.<sup>119</sup> While service learning may not be effective in all courses and contexts, it may indeed have a place in undergraduate legal education. It can stimulate student interest in the law through engagement, while exposing students to the relevancy of their studies. As the preamble to a statement outlining the essential components of good practice for an effective and sustainable service learning program declares, "Service, combined with learning, adds value to each and transforms both."<sup>120</sup>

## Endnotes

- <sup>1</sup> Robert G. Bringle & Julie A. Hatcher, *Implementing Service Learning in Higher Education*, 67 J. HIGHER EDUC. 221, 2// (1996).
- <sup>2</sup> Linda F. Smith, *Learning from Practice: Why Clinical Programs Should Embrace Civic Engagement, Service Learning and Community Based Research*, 10 CLINICAL L. REV. 723, 728 (2004).
- <sup>3</sup> Bringle & Hatcher, *supra* note 1, at 221-222. It may also be defined as "meaningful community service that is linked to students' academic experience through related course materials and reflective activities." Smith, *supra* note 2, at 727 (citing EDWARD ZLOTKOWSKI, A NEW MODEL OF EXCELLENCE, IN SUCCESSFUL SERVICE-LEARNING PROGRAMS: NEW MODELS OF EXCELLENCE IN HIGHER EDUCATION 3 (Edward Zlotkowski ed., 1998)).
- <sup>4</sup> Glenn Bowen & Joe McDonald, *Service Learning Resources for Faculty*, Service Learning Department Division of Student Affairs, Western Carolina University, at 5 (2005) (on file with author). For example, if members of an environmentally conscious student organization pick up debris along a river, they are engaging in volunteerism designed to benefit the local community. In comparison, if students in a biology course conduct water quality tests of the river in order to research possible contamination sources, and analyze their findings in order to make recommendations to local officials, they are engaged in a service learning experience. *Id.*
- <sup>5</sup> BARBARA JACOBY, ET AL., SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES 12 (1996).
- <sup>6</sup> For a historical perspective see TIMOTHY K. STANTON, DWIGHT E. GILES, JR., & NADINNE CRUZ, SERVICE LEARNING: A MOVEMENT'S PIONEERS REFLECT ON ITS ORIGINS, PRACTICE, AND FUTURE (1999) (tracing the work of advocates, scholars and practitioners from the 1960s).
- <sup>7</sup> Smith, *supra* note 2, at 727.
- <sup>8</sup> Bowen & McDonald, *supra* note 4, at 7. For an overview of Dewey's philosophy see STEPHEN M. FISHMAN & LUCILLE MCCARTY, JOHN DEWEY AND THE CHALLENGE OF CLASSROOM PRACTICE (1998). *See also* WILLIAM ANDREW PARINGER, JOHN DEWEY AND THE PARADOX OF LIBERAL REFORM (1990) (critiquing the ideological premises of Dewey's pedagogical praxis).
- <sup>9</sup> Tom Ehrlich, *Service-Learning In Undergraduate Education: Where Is It Going?*, (July 2005) <<http://www.carnegiefoundation.org/perspectives/perspectives2005.July.htm>>. Community colleges support service learning, too. The American Association of Community Colleges has a resource center available on its website with links to relevant information. *Broadening Horizons Through Service Learning*, <[http://www.aacc.nche.edu/Content/NavigationMenu/ResourceCenter/Projects\\_Partnerships/Current/HorizonsServiceLearningProject/HorizonsServiceLearningProject.htm](http://www.aacc.nche.edu/Content/NavigationMenu/ResourceCenter/Projects_Partnerships/Current/HorizonsServiceLearningProject/HorizonsServiceLearningProject.htm)> (visited April 16, 2006). Law faculties are beginning to share the enthusiasm for school-based public-service programs as well, as students are encouraged to engage in pro bono activities. Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 7 FORDHAM L. REV. 2415, 2433 (1999).
- <sup>10</sup> Ehrlich, *supra* note 9. For a history of this organization see Keith Morton & Marie Troppe, *From the Margin to the Mainstream: Campus Compact's Project on Integrating Service with Academic Study*, 15 J. BUS. ETHICS 21, 23-25 (Jan. 1996).
- <sup>11</sup> Mary Pat Treuthart, *Weaving a Tapestry: Providing Context Through Service-Learning*, 38 GONZ. L. REV. 215, 222 n.22 (2002 / 2003).
- <sup>12</sup> Adrianna Kezar & Robert A. Rhoads, *The Dynamic Tensions of Service Learning in Higher Education: A Philosophical Perspective*, 72 J. HIGHER EDUC. 148, 152 (2001).
- <sup>13</sup> Smith, *supra* note 2, at 732.

- <sup>14</sup> Eleanor Brown, *The Scope of Volunteer Activity and Public Service*, 62 LAW & CONTEMP. PROBS. 17, 41 (1999). The value of the estimated amount of time given in the twelve months before the survey, using prevailing labor compensation rates, equates to about \$255 billion. *Id.* However, the data also suggest that “at least half of the volunteering population is only marginally involved, participating in one-shot events or in conjunction with particular holidays.” *Id.*
- <sup>15</sup> *Id.* at 20.
- <sup>16</sup> Goutam U. Jois & Chris Toppe, *Youth Attitudes Toward Voting and Volunteering: 2002, 2004, and Beyond*, 10 GEO. PUBLIC POL’Y REV. 43, 45 (2005).
- <sup>17</sup> For an overview of the mission and purpose of the National Service Corps see Daniel E. Witte, Comment, *Getting a Grip on National Service: Key Organizational Features and Strategic Characteristics of the National Service Corps (AmeriCorps)*, 1998 B.Y.U.L. REV. 741.
- <sup>18</sup> The statutory scheme for the Corps can be found at 42 U.S.C. §§12611-12660 (2005).
- <sup>19</sup> Robert R. Korstad & James L. Leloudis, *Citizen Soldiers: The North Carolina Volunteers and the War on Poverty*, 62 LAW & CONTEMP. PROBS. 177, 196 (1999). “For example, AmeriCorps volunteers can work to winterize the homes of the poor, but they would violate the terms of their contract by joining with labor unions or other partisan political organizations to demand the enforcement of housing codes.” *Id.*
- <sup>20</sup> Pub. L. No. 103-82, 107 Stat. 785.
- <sup>21</sup> Pub. L. No. 101-610, 104 Stat. 3127.
- <sup>22</sup> Ticket to Work and Work Incentives Improvement Act of 1999, Pub. L. No. 106-170, 104 Stat. 3131.
- <sup>23</sup> 42 U.S.C. § 12511(23) (2005) (internal section lettering omitted).
- <sup>24</sup> Treuthart, *supra* note 11, at 220-221.
- <sup>25</sup> After examining service learning nationwide, researchers proposed a model that identifies four service learning constituencies: the institution, faculty, students and the community. Robert G. Bringle & Julie A. Hatcher, *Implementing Service Learning in Higher Education*, 67 J. HIGHER EDUC. 221, 224 (1996). Society as a whole, however, also may benefit if a lifelong devotion to civic responsibility develops in the participants, which eventually will transcend the geographic location of the experiences.
- <sup>26</sup> Smith, *supra* note 2, at 728-29.
- <sup>27</sup> Ehrlich, *supra* note 9.
- <sup>28</sup> *Id.* See also JANET EYLER & DWIGHT E. GILES, JR., WHERE’S THE LEARNING IN SERVICE-LEARNING? (1999) (research study determined that service learning has a positive impact on student learning, particularly depending on certain program characteristics).
- <sup>29</sup> RICHARD M. BATTISTONI, CIVIC ENGAGEMENT ACROSS THE CURRICULUM 5-6 (2002).
- <sup>30</sup> Robert H. Rhoads, *In the Service of Citizenship: A Study of Student Involvement in Community*, 69 J. HIGHER EDUC. 277 (1998).
- <sup>31</sup> Virginia A. Reed, et al., *Effects of a small-scale, very short-term service learning experience on college students*, 28 J. ADOLESCENCE 359 (2005) (reporting that a minimal service learning experience in an undergraduate psychology course, involving a two to four hour visit with a patient near the end of life, produced measurable impacts on the outlook and attitudes of student participants).
- <sup>32</sup> Bloom’s taxonomy of thinking skills creates a hierarchy of intellectual development from the most simplistic learning accomplishment (recall) to the most sophisticated (evaluation). BENJAMIN BLOOM ET AL., TAXONOMY OF EDUCATIONAL OBJECTIVES: THE CLASSIFICATION OF EDUCATIONAL GOALS 201-07 (1956).
- <sup>33</sup> Morton & Troppe, *supra* note 10, at 22.
- <sup>34</sup> *Id.*
- <sup>35</sup> Cori Cunningham, *Aligning Corporate Goals with Employee Volunteerism*, ON PHILANTHROPY, <[http://www.onphilanthropy.com/tren\\_comm/tc2004-09-10.html](http://www.onphilanthropy.com/tren_comm/tc2004-09-10.html)> (visited April 6, 2006). See also JONATHAN M. TISCH & KARL WEBER, THE POWER OF WE: SUCCEEDING THROUGH PARTNERSHIPS (2004) (discussing the involvement of management and employees in the community with service projects in times of crisis, as well as in the normal course of operations).
- <sup>36</sup> The amount of the award may depend on the length of service. The award for 300 hours of service in one academic year is \$1,000 in North Carolina. Additional information on the NC-ACTS! program is available on the North Carolina Campus Compact website at <<http://org.elon.edu/nccc/nc%2Dacts/>> (visited March 31, 2006).
- <sup>37</sup> The annual C.O.O.L. (Campus Opportunity Outreach League) Idealist National Conference is the largest convening in the country of student leaders and campus community members involved in service, activism, politics, and socially responsible work. Information concerning the conference, which will be in Chicago in 2007, is available on the organization’s website at <<http://www.idealists.org/conferences/cool/2006/index.html>>. Additionally, state organizations may organize student conferences. For example, North Carolina Campus Compact sponsors an annual student conference on service learning.

<sup>38</sup> John Wilson & Marc Musick, *The Effects of Volunteering on the Volunteer*, 62 LAW & CONTEMP. PROBS. 141, 162 (1999) (citing Linda J. Sax & Alexander Astin, *The Benefits of Service: Evidence from Undergraduates*, 78 EDUCATIONAL REC. 25-32 (1997)).

<sup>39</sup> Commensurately, the community partner may bear some responsibilities as well, such as providing student orientation, training, supervision, and evaluation, in addition to communicating with campus partners.

<sup>40</sup> Reyes L. Quezada & Richard W. Christopherson, *Adventure-Based Service Learning: University Students' Self-Reflection Accounts of Service With Children*, 28 J. EXPERIENTIAL EDUC. 1, 14 (2005). In this particular study, the university students reported that they felt like they were in control of their actions and experienced a deep sense of exhilaration as they became engaged with the children.

<sup>41</sup> Examples of other community partners include local schools, senior centers, public libraries, environmental centers, hospitals, and nonprofit business incubators.

<sup>42</sup> Glenn Bowen, *College students who participate in community service become better citizens*, ASHEVILLE-CITIZEN TIMES, Feb 24, 2006, at A9. The computation is based on the latest independent sector figures derived from Bureau of Labor Statistics data for the value of volunteer work.

<sup>43</sup> See Antoinette Sedillo Lopez, *Learning Through Service in a Clinical Setting: The Effect of Specialization on Social Justice and Skills Training*, 7 CLINICAL L. REV. 307 (2001) (advocating the solicitation of community partner input in legal clinical programs in an effort to ferret out the actual needs to be addressed).

<sup>44</sup> Barry Checkoway, *Renewing the Civic Mission of the American Research University*, 72 J. HIGHER EDUC. 125, 131 (Mar-Apr 2001). One author recognizes the connection between the civic mission of universities and their need to be engaged members of the community: "Teaching and learning, at their core, are acts of civic engagement because they profoundly affect society and the course of history." William M. Plater, *Civic Engagement, Service Learning, and Intentional Leadership*, in PUBLIC WORK AND THE ACADEMY 1, 2 (Mark Langseth et al., eds. 2004).

<sup>45</sup> Treuthart, *supra* note 11, at 221 (citing Communications for a Sustainable Future, Benefits of Service-Learning, <<http://csf.colorado.edu/sl/benefits.html>> (last visited Oct. 30, 2002)).

<sup>46</sup> EYLER & GILES, *supra* note 28, at 53. Service learning has also been credited with increasing student sensitivity to diversity issues. Janet Eyler, et al., At A Glance: What We Know About the Effects of Service Learning on College Students, Faculty, Institutions and Community, 1993-2001, 34 (2001) (available at <[http://servicelearning.org/lib\\_svcs/lib\\_cat/index.php?library\\_id=4192](http://servicelearning.org/lib_svcs/lib_cat/index.php?library_id=4192)>).

<sup>47</sup> Bowen & McDonald, *supra* note 4, at 9.

<sup>48</sup> *Id.*

<sup>49</sup> Smith, *supra* note 2, at 732 (citing RICK GORDON, PROBLEM-BASED SERVICE-LEARNING: A FIELD GUIDE FOR MAKING A DIFFERENCE IN HIGHER EDUCATION (2000)).

<sup>50</sup> Checkoway, *supra* note 43, at 134. For an overview of community-based research in several different disciplines, methodological principles, and challenges see KERRY STRAND, ET AL., COMMUNITY-BASED RESEARCH AND HIGHER EDUCATION: PRINCIPLES AND PRACTICES (2003).

<sup>51</sup> *Id.* at 143. See also Smith, *supra* note 2, at 732-746 (surveying a variety of experiments in which law schools engage in research designed to benefit under-served communities or to address systemic problems).

<sup>52</sup> Theodore A. Endreny, *Storm Water Management for Society and Nature Via Service Learning, Ecological Engineering and Ecohydrology*, 20 WATER RESOURCES DEV. 445 (2004).

<sup>53</sup> For example, one study concluded that students participating in a service learning project were more likely than those in traditional discussion sections to report that they had performed up to their potential in the course, learned to apply principles to situations, and developed a greater awareness of societal problems. The study also reported measurable differences in attitudinal changes and student performance between the participants and non-participants. Gregory B. Markus, Jeffrey P.F. Howard, & David C. King, *Integrating Community Service and Classroom Instruction Enhances Learning: Results From an Experiment*, 15 EDUC. EVALUATION & POL'Y ANALYSIS 410 (1993).

<sup>54</sup> Susan R. Jones, *Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice*, 4 CLINICAL L. REV. 195 (1997) (analyzing the benefits to clinical legal education of small business and community economic development clinics in contrast to more traditional clinics by exploring the contribution of these clinics to the development of the skills and values sought to be taught through clinical legal education); Kathy Starr, *Service-Learning in a Clinical Curriculum: A Case Study*, MOUNTAIN RISE (2005), available at <[http://facctr.wcu.edu/mountainrise/archive/vol2no2/html/case\\_study.html](http://facctr.wcu.edu/mountainrise/archive/vol2no2/html/case_study.html)>

(evaluating learning experience for physical therapy students who participated in a service-learning project in which they provided clinical anatomy workshops with previously dissected cadavers for physical therapist assistant students from a nearby community college); Nancy Ver Steegh, *Innovations in Family Law Education: Using Externships to Introduce Family Law Students to New Professional Roles*, 43 FAM. CT. REV. 137 (2005) (discussing externship program in family law and future directions for such programs).

<sup>55</sup> The National Service Learning Clearinghouse fact sheet on Opportunities for Service Learning Research and Scholarship has a list of journals that publish articles on service learning at <[http://www.servicelearning.org/resources/fact\\_sheets/he\\_facts/he\\_ops/](http://www.servicelearning.org/resources/fact_sheets/he_facts/he_ops/)> (visited Mar. 31, 2006). Additionally, Campus Compact maintains a list of publishing outlets for Service Learning and community-based research at <<http://www.compact.org/resources/detail.php?id=17>> (visited Mar. 31, 2006).

<sup>56</sup> See, e.g., Elisa S. Abes, Golden Jackson, & Susan R. Jones, *Factors that Motivate and Deter Faculty Use of Service Learning*, 9 MICH. J. SERVICE LEARNING 5 (2002) (survey finding significant consistency in the various motivators and deterrents to service-learning, both for faculty who employ the method and for those who do not); Anthony Lising Antonio, Helen S. Astin, & Christine M Cress, *Community Service in Higher Education: A Look at the Nation's Faculty*, 23 REV. HIGHER EDUC. 373 (2000) (concluding that a faculty member's personal values primarily determine the level of commitment to community service, that faculty characterized by a strong intellectual orientation are less likely to become involved in community service, and that institutions can foster participation through the allocation of resources, training courses for alternative pedagogical approaches and altering the reward structure); Faye S. McIntyre, Deborah J. Webb, & Robert E. Hite, *Service Learning in the Marketing Curriculum: Faculty Views and Participation*, 15 MKT. EDUC. J. 35 (Spring 2005) (examining empirically participation by marketing faculty in service learning, and concluding that while faculty predict positive student outcomes from such projects, they do not believe efforts are rewarded, which impacts motivation negatively).

<sup>57</sup> EDWARD ZLOTKOWSKI, ED., *SUCCESSFUL SERVICE-LEARNING PROGRAMS: NEW MODELS OF EXCELLENCE IN HIGHER EDUCATION* (1998) (highlighting ten exemplary service learning programs as case studies in diverse higher educational institutions). Additionally, there is a thirty-book series entitled *Service Learning in the Discipline*, consisting of practical guides for faculty and service learning directors. Published by the American Association for Higher Education, each volume contains monographs on service learning and the academic disciplines.

<sup>58</sup> National Society for Experiential Education, *Standards of Practice: Eight Principles of Good Practice for All Experiential Learning Activities* (visited April 7, 2006) <[http://www.nsee.org/index.cfm?fuseaction=about\\_us](http://www.nsee.org/index.cfm?fuseaction=about_us)>.

<sup>59</sup> *Preparing the Syllabus: The Fundamentals of Course Construction* (visited Apr. 7, 2006) <[http://servicelearning.org/resources/lesson\\_plans/index.php?popup\\_id=1202](http://servicelearning.org/resources/lesson_plans/index.php?popup_id=1202)>. These guidelines are based in part upon BARBARA JACOBY, ET AL., *SERVICE LEARNING IN HIGHER EDUCATION* (1996) (presenting guidelines for developing service learning experiences in the curriculum as well as students affairs offices in higher education).

<sup>60</sup> *Discover Service Learning: The Service Learning Cycle* (visited Apr. 7, 2006) <<http://www.nylc.org/discover.cfm?oid=3158>>.

<sup>61</sup> *Id.* This three-step inquiry is based upon Kolb's Model of Learning which is comprised of four phases: a concrete experience, followed by time to reflect on the experience, to apply theories to the experience, and to evaluate the experience. DAVID KOLB, *EXPERIENTIAL LEARNING: EXPERIENCE AS THE SOURCE OF LEARNING AND DEVELOPMENT* (1984).

<sup>62</sup> Jeffrey Howard, *Community Service Learning in the Curriculum*, in *PRAXIS I: A FACULTY CASEBOOK ON COMMUNITY SERVICE LEARNING* (J. Howard, ed., 1993).

<sup>63</sup> *Id.* at 5.

<sup>64</sup> *Id.* at 6.

<sup>65</sup> *Id.*

<sup>66</sup> Recommended selection criteria include 1) circumscribing the range of acceptable service placements around the content of the course, 2) limiting specific service activities and contexts to those with the potential to meet course-relevant academic and civic learning objectives, 3) correlating the required duration of service with its role in the realization of academic and civic learning objectives, and 4) assigning community projects that meet real needs in the community as determined by the community. *Id.*

<sup>67</sup> *Id.* at 6-7.

<sup>68</sup> *Id.* at 7.

<sup>69</sup> *Id.* at 8.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 9.

<sup>72</sup> *Id.*

<sup>73</sup> Bowen & McDonald, *supra* note 4, at 16-17.

<sup>74</sup> *Building Campus-Community Partnerships: Best Practices*, Faculty Learning Community on Service Learning, Western Carolina University (Feb 2006) (on file with author).

<sup>75</sup> Bowen & McDonald, *supra* note 4, at 16-17.

<sup>76</sup> *Id.* at 17.

<sup>77</sup> *Id.*

<sup>78</sup> There are also websites that maintain discipline-specific examples of course syllabi in which service learning has been incorporated. See <<http://www.compact.org/syllabi/syllabi-index.php>> (visited Apr. 1, 2006);

<<http://www.evergreen.loyola.edu/%7Ercrcw/sl/syllabi.html>> (visited Apr. 1, 2006);

<[http://servicelearning.org/resources/fact\\_sheets/he\\_facts/discipline/](http://servicelearning.org/resources/fact_sheets/he_facts/discipline/)> (visited Apr. 1, 2006).

<sup>79</sup> Dasaratha V. Rama, *Using Structured Reflection to Enhance Learning from Service*, available at <<http://www.compact.org/disciplines/reflection/faq/structured.html>>. This website provides a great deal of information concerning reflection activities.

<sup>80</sup> Caryn L. Beck-Dudley, *Understanding Reflective Judgment and Its Use in Legal Courses*, 16 J. LEGAL STUD. EDUC. 227, 230-31 (1998) (suggesting that the inclusion of non-authoritative pedagogies in legal environment courses, and incorporating reflective judgment pedagogies may help to enhance student learning).

<sup>81</sup> JANET EYLER, DWIGHT E. GILES, JR. & A. SCMIEDE, *A PRACTITIONER'S GUIDE TO REFLECTION IN SERVICE LEARNING: STUDENTS VOICES AND REFLECTIONS* (1996) (available at <[http://servicelearning.org/lib\\_svcs/lib\\_cat/index.php?library\\_id=2228](http://servicelearning.org/lib_svcs/lib_cat/index.php?library_id=2228)>).

<sup>82</sup> J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. 55, 60 (1996). Educational goals which can be achieved through the use of journaling include: 1) encouraging the exploitation of the demonstrated connection between writing and learning, 2) nurturing a lifetime of self-directed learning, 3) improving problem-solving skills, 4) promoting reflective behavior, 5) fostering self-awareness, 6) allowing for the release of stress, and 7) providing periodic student feedback to the teacher. *Id.* at 63-86.

<sup>83</sup> *Id.* at 56 n.3. Notable lawyers who have kept journals include Salmon P. Chase, Mario Cuomo, Felix Frankfurter, Oliver Wendell Holmes. *Id.* at 87 n.74.

<sup>84</sup> Gerald F. Hess, *Learning to Think Like a Teacher: Reflective Journals for Legal Educators*, 38 GONZ. L. REV. 129, 145 (2002 / 2003). In addition to developing students as learners, teaching journals, as a tool for promoting critical reflection and evaluation, may be used to develop teachers with respect to their craft, as well. *Id.* at 143.

<sup>85</sup> James R. Elkins, *Writing Our Lives: Making Introspective Writing a Part of Legal Education*, 29 WILLAMETTE L. REV. 45, 52 (1993).

<sup>86</sup> *Id.* at 53.

<sup>87</sup> Treuthart, *supra* note 11, at 228-29.

<sup>88</sup> Bowen & McDonald, *supra* note 4, at 21.

<sup>89</sup> Rama, *supra* note, 77.

<sup>90</sup> Ver Steegh, *supra* note 52, at 145.

<sup>91</sup> ALEXANDER W. ASTIN, ET AL., *NINE PRINCIPLES OF GOOD PRACTICE FOR ASSESSING STUDENT LEARNING* (1992).

<sup>92</sup> The assessment plan, as well as the assessment surveys, are available at the service learning department's website at <[http://www.wcu.edu/studentd/service\\_learning/](http://www.wcu.edu/studentd/service_learning/)> (visited April 19, 2006).

<sup>93</sup> Treuthart, *supra* note 11, at 223.

<sup>94</sup> *Id.* at 225.

<sup>95</sup> Students were placed in agencies that dealt with issues affecting women and girls, including a Sexual Assault Center, the Alternatives to Domestic Violence Program, the YWCA Multi-Cultural Center, the Children's Ark, the Women and Children's Free Restaurant and the Women's Drop-In Center. *Id.* at 227-28.

<sup>96</sup> *Id.* The goals for her service-learning project were to: "(1) provide students with an alternative, hands-on approach to learning course concepts; (2) familiarize students with the day-to-day problems of women and girls, particularly those who are low-income or in transition; (3) assist non-profit service providers in the community through the use of student volunteers; (4) promote a longer term commitment to public interest work by students; and (5) integrate the social justice mission of the University into the substantive course work at the law school," all of which was memorialized in a formal contract with each student. *Id.* at 226.

<sup>97</sup> *Id.* at 235.

<sup>98</sup> Jacqueline M. Nolan-Haley, *Lawyers, Non-Lawyers and Mediation: Rethinking the Professional Monopoly from a Problem-Solving Perspective*, 7 HARV. NEGOTIATION L. REV. 236 (2002). Such restrictions enforce the monopoly that lawyers are permitted to enjoy with respect to their practice. Restrictions even existed in Colonial times, although organized opposition began during the Depression, when the American Bar Association established a committee on unauthorized practice, and encouraged state bar associations to follow suit. *Id.* at 261-262.

<sup>99</sup> *Id.* at 262. There are three common tests applied by courts to define the unauthorized practice of law: 1) the "Professional Judgment Test," which focuses on whether or not the relevant activity is "one that requires specialized training and skills;" 2) the "Traditional Area of Practice" Test, "which defines law practice as that which lawyers do," and (3) the "Incidental Legal Services" Test, "which examines whether the challenged activity by non-lawyers is consistent with being 'an adjunct to a routine in the business or commercial world that is not itself law practice.'" *Id.* at 263.

<sup>100</sup> *See id.* at 265 (discussing types of ULP litigation). While criminal prosecution might be less likely since student assistance would not be rendered for compensation, the legal profession still maintains the right to regulate competency.

<sup>101</sup> For an overview of the debate on required community service see *Mandatory Community Service: Citizenship Education or Involuntary Servitude?* (Nov. 1999) Education Commission of the States Issue Paper, available at [http://www.ecs.org/ecsmain.asp?page=/html/publications/home\\_publications.asp](http://www.ecs.org/ecsmain.asp?page=/html/publications/home_publications.asp).

<sup>102</sup> Steven Rathgeb Smith, Comment, *Volunteering and Community Service*, 62 LAW & CONTEMP. PROBS. 169, 171 (1999).

<sup>103</sup> Charles T. Clotfelter, *Why "Amateurs"?*, 62 LAW & CONTEMP. PROBS. 1, 8 (1999). Volunteering can also serve to bridge differences in communities by bringing people together to work toward a common goal. Michelle Nunn, *Building the Bridge from Episodic Volunteerism to Social Capital*, 24 FLETCHER F. WORLD AFF. 115, 116 (2000).

<sup>104</sup> Wilson & Musick, *supra* note 37 (discussing results of studies which indicate that volunteering can inhibit anti-social behavior, as well as produce physical and mental health benefits, although these effects may vary depending upon the population sampled and the level and type of volunteer activity). Volunteering is especially beneficial for at-risk youth. Alison Mueller, *Antidote to Learned Helplessness: Empowering Youth through Service*, RECLAIMING CHILDREN & YOUTH, Spring 2005, at 16-19.

<sup>105</sup> Mark S. Sobus, *Mandating Community Service: Psychological Implications of Requiring Prosocial Behavior*, 19 LAW & PSYCHOL. REV. 153, 182 (1995).

<sup>106</sup> Mark Ferraraccio, *Mandatory Community Service Requirements in Public High Schools: Are They Constitutional?*, 27 J.L. & EDUC. 139, 144-45 (1998) (concluding that, in the long term, the interests of both the community and the students would be better served with active encouragement in community service, rather than compulsion, and with the creation of incentives, such as elective credits or public honors, rather than from the fear of withholding one's diploma).

<sup>107</sup> See James C. Farrell, Note, *Johnny Can't Read or Write, but Just Watch Him Work: Assessing the Constitutionality of Mandatory High School Community Service Programs*, 71 ST. JOHN'S L. REV. 795 (1997) (arguing that mandatory participation in community service programs as a prerequisite to receiving a public high school diploma, violates a student's First Amendment right to freedom of speech).

<sup>108</sup> The Institute for Justice supported much of the litigation for plaintiffs. Dennis D. Hirsh & Suzanne Goldsmith, *Community Service Builds Citizenship*, NAT'L L.J., Feb. 5, 1996, at A19. Ironically, the Institute is a libertarian public interest law firm that provides externship opportunities for law school students. See [http://www.ij.org/publications/liberty/2002/11\\_6\\_02\\_h.html](http://www.ij.org/publications/liberty/2002/11_6_02_h.html) (visited Apr. 22, 2006).

<sup>109</sup> See, e.g., *Herndon v. Chapel Hill-Carrboro City Bd. of Educ.*, 89 F.3d 174 (4th Cir. 1996) (concluding that community service requirement does not intrude on the students' freedom from involuntary servitude, their right to privacy, or their parents' right to direct their upbringing and education); *Immediato v. Rye Neck Sch. Dist.*, 73 F.3d 454 (2d Cir. 1996) (holding that mandatory community service program does not constitute impermissible involuntary servitude or a violation of the Fourteenth Amendment rights of either the parents or the student, since the program is reasonably related to the state's legitimate function of educating its students); *Steirer v. Bethlehem Area Sch. Dist.*, 987 F.2d 989 (3d Cir. 1993) (holding that the mandatory community service program instituted as a high school graduation requirement does not constitute involuntary servitude prohibited by the Thirteenth Amendment, nor does it compel expression protected by the First Amendment).

<sup>110</sup> Rodney A. Smolla, *The Constitutionality of Mandatory Public School Community Service Programs*, 62 LAW & CONTEMP. PROB. 113, 139 (1999).

<sup>111</sup> *Id.* However, school officials should avoid viewpoint-based discrimination as they sponsor community service projects in support of the institution's mission. *Id.*

<sup>112</sup> University students, being more mature than those in secondary schools, are less susceptible to coercion with respect to First Amendment claims. For example, while prayer is routinely offered at university athletic competitions and graduation, such practices at equivalent high school ceremonies have been found to violate First Amendment guarantees. *Sante Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1991).

<sup>113</sup> See SHARON A. JOYCE & ELAINE K. IKEDA, A RISK MANAGEMENT RESOURCE FOR COLLEGE SERVICE PROGRAMS (2002). This publication is available from Campus Compact, and includes ideas for designing a safe service program, information about different kinds of insurance, sample forms and guidance for assessing and managing risk, as well as a list of Internet resources. See also KARA PERKINS, BEST PRACTICES FOR MANAGING RISK IN SERVICE-LEARNING (2003) (manual designed for use by service learning directors in California universities).

<sup>114</sup> A fact sheet on risk management and liability in service learning that addresses such issues is available at [http://servicelearning.org/resources/fact\\_sheets/cb\\_facts/risk\\_mgmt/index.php](http://servicelearning.org/resources/fact_sheets/cb_facts/risk_mgmt/index.php) (visited April 22, 2006).

<sup>115</sup> See ANDREA CHAPDELAINÉ, ANA RUIZ, JUDITH WARCHAL & CAROLE WELLS, SERVICE-LEARNING CODE OF ETHICS, 23-71 (2005) (proposing such a code and suggesting decision-making guidelines).

<sup>116</sup> Arguably the re-focus of the mission of universities towards the more practical benefits that they can provide to their communities through engagement has been precipitated by the failure of governments at all levels to provide such services. This reality, if true, only reiterates that the provision of these needed services indeed comes with a price, even though its pursuit can prove to be priceless in terms of intangible rewards to the participants as well as to the image of the university.

<sup>117</sup> See Sally A. Raskoff & Richard A. Sundeen, *Community Service Programs in High Schools*, 62 LAW & CONTEMP. PROB. 73, 105 (1999) (discussing the same challenges presented in secondary education institutions).

<sup>118</sup> See Rhode, *supra* note 9, at 2444 (discussing such initiatives in the context of pro bono efforts in law schools).

<sup>119</sup> *Id.*

<sup>120</sup> Ellen Porter Honnet & Susan J. Poulsen, *Principles of Good Practice For Combining Service and Learning* (1989) (visited April 19, 2006) <<http://www.johnsonfdn.org/principles.html>>.