

INNOVATIVE APPROACHES TO PUBLIC SERVICE THROUGH  
 INSTITUTIONALIZED ACTION RESEARCH: REFLECTIONS FROM  
 LAW AND SOCIAL WORK

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I. INTRODUCTION

This article describes innovative approaches to integrating public service into law school and graduate social work curricula through the overarching lens of action research, a broad term encompassing service and action learning, and a pedagogical approach designed to educate students while helping communities.<sup>1</sup> Academic participation opportunities allow students to engage with their society and affect productive contributions to the development and growth of underserved communities.<sup>2</sup> Indeed, many educators believe that colleges and universities have an obligation to teach about social justice.<sup>3</sup> Social justice is the virtue that guides us in creating

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This paper is derived from a paper presented at the twelfth World Congress of Comparative Education Societies, October 25–29, 2004 in Havana, Cuba. The conference theme was Education and Social Justice. The Thematic Group was Educational Policies in a Changing World.

Professor Susan R. Jones acknowledges helpful comments from Prof. Lewis Solomon and Prof. Louise Trubek and the help of her research assistants, Jaia Thomas, Lauren Phillips, Michael V. Dobson, Jr., Lucas Anderson, Erika Kottenmeier, and Anika Keswani.

1. SHIRLEY JONES, ROBERT MILLER & IRENE LUCKEY, in Anne Fortune, Ed., *Action Research: An Intervention for Change, Development, and Advocacy in a Global Society*, QUALITATIVE METHODS IN SOCIAL WORK (Columbia University Press, 2d ed.) (forthcoming on \_\_\_\_\_).

2. SHIRLEY J. JONES, *Professional Development in the Human Services: Implications for the 21<sup>st</sup> Century*, in PREPARING HELPING PROFESSIONALS TO MEET COMMUNITY NEEDS: GENERALIZING FROM THE RURAL EXPERIENCE, 3, 4, 10 (S.J. Jones & J.L. Zlotnik eds., 1998). This article discusses the action learning component of action research and the data gathering process as an outcome of the learning experience.

3. *Defining Economic Justice and Social Justice*, CENTER FOR ECONOMIC AND SOCIAL JUSTICE, <http://www.cesj.org/thirdway/economicjustice-defined.htm> (last visited February 6, 2011). See generally Jon C. Dubin, *Clinical Design for Social Justice Imperatives*, 51 SMU L. REV. 1461 (1998).

institutions and organized human interactions. It imposes on society a responsibility to assist individuals, families, groups, and communities, and also encompasses the moral principles, which guide the works of our economic institutions.<sup>4</sup>

This article will highlight action research, a participatory way of learning which includes the components of action and service learning. The authors use their experiences in law and social work to illustrate teaching methods to promote students' awareness of social justice issues in their own communities and abroad, while also building and fortifying relationships between students and the clients or communities they are called to serve. The authors hope to add value to the topic of this symposium, *Reframing Public Service Law: Innovative Approaches to Integrating Public Service into the Legal Profession*, by showing how action research can prepare students for public service by exposing them to social problems, the skills of creative problem solving, as well as law, policy, and practical solutions to those problems.

Part II provides a background for this article, Part III explains action research, including action and service learning, as an educational tool that intertwines "justice" and "participation" to influence positive concrete change and development in communities. The article also advocates for "institutionalized action research," a term used to describe full acceptance and immersion of action research into the cultural and education fabric of colleges and universities; greater recognition of this pedagogy in light of global economic realities; the needs of millennial generation students;<sup>5</sup> and calls for increased experiential learning opportunities in graduate education.<sup>6</sup>

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4. JONES, *supra* note 1.

5. Laurie Morin & Susan Waysdorf, *The Service-Learning Model in the Law School Curriculum: Expanding Opportunities for the Ethical-Social Apprenticeship*, NEW YORK LAW SCHOOL, available at [http://www.nyls.edu/user\\_files/1/3/4/15/1009/THE\\_SERVICE\\_LEARNING\\_MODEL\\_IN\\_THE\\_LAW\\_SCHOOL\\_CURRICULUM0901101.pdf](http://www.nyls.edu/user_files/1/3/4/15/1009/THE_SERVICE_LEARNING_MODEL_IN_THE_LAW_SCHOOL_CURRICULUM0901101.pdf) (last visited Feb. 8, 2011) (citing the Pew Center Report on the Millennials and describing their generational characteristics as "special, sheltered, confident, team oriented, achieving, pressured, and conventional."). The millennial generation refers to people who were born in the 1980s and 1990s or who are between the ages of 18 and 29. *Id.*

6. See generally Anthony V. Alfieri, *Against Practice*, 107 MICH. L. REV. 1073, 1081-83 (2009) (discussing the difficulty and necessity of developing effective theory and practice pedagogies for legal education); Joyce McConnell, *A 21st Century Curriculum*, 2008 W. VA. L. REV. 12, 12 (2008) (evaluating how West Virginia University Law School can respond to Carnegie Report recommendations for a better learning environment); David F. Chavkin, *Experimental Learning: A Critical Element of Legal Education in China (and Elsewhere)*, 22 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 3, 6 (2009) (reviewing how Chinese philosophy and modern theories align towards rethinking how experiential learning can contribute to legal education); Nelson P. Miller, *An Apprenticeship of Professional Identity: A Paradigm for Educating Lawyers*, 87 MICH. BUS L.J. 20, 22 (2008) (analyzing the Carnegie Report's philosophy on legal education in light of traditional law school curriculum); Stephen R. Als-

Part IV contains case studies that describe the authors' experiences in social work and law, illuminating the action researcher's multiple roles as facilitator, participant, student, and educator. Parts V and VI offer key observations, lessons learned, recommendations, and a conclusion.

## II. BACKGROUND

Within both law and social work, the authors and their students work with low-income, vulnerable, and disenfranchised people and communities facing a range of challenges and injustices. As teachers, scholars, and community advocates, the authors have utilized action research and clinical legal education to prepare students to become helping professionals within their roles as future members of civil society. Through this work, the authors have come to view action research as an innovative way to teach students not only the substantive doctrine, skills, professional values, and ethics

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ton, *Roll Over Langdell, Tell Llewellyn the News: A Brief History of American Legal Education*, 35 OKLA. CITY U. L. REV. 339, 361 (2010) (discussing a history of legal education and its possible future direction); Michelle J. Anderson, *Legal Education Reform, Diversity, & Access to Justice*, 61 RUTGERS L. REV. 1011, 1021–22 (2009) (outlining and critiquing the McCrate Report, Best Practices, and the Carnegie Report which identify necessary curricular changes in legal education); Kris Franklin, *Sim City: Teaching "Thinking Like a Lawyer" in Simulation-Based Clinical Courses*, 53 N.Y.L. SCH. L. REV. 861, 864 (2008-2009) (analyzing how clinical and practical legal education can emphasize the skill of "thinking like a lawyer"); Toni M. Fine, *Reflections on U.S. Law Curricular Reform*, 10 GERMAN L.J. 717, 721 (2009) (exploring critiques of U.S. legal education and ongoing curricular changes to U.S. legal education with an eye towards future changes); Celeste M. Hammond, *Borrowing from the B Schools: The Legal Case Study as Course Materials for Transaction Oriented Elective Courses: A Response to the Challenges of the MacCrate Report and the Carnegie Foundation for Advancement of Teaching Report on Legal Education*, 11 TENN J. BUS. L. 9, 28–30 (2009) (comparing the benefits of the business school case method to the Carnegie Report's vision for practical legal education); Edward Rubin, *Curricular Stress*, 60 J. LEGAL EDUC. 110, 117 (2010) (viewing the idea of reforming law school curriculum from a law school dean's perspective); Kelly S. Terry, *Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity & Purpose*, 59 J. LEGAL EDUC. 240, 243–44 (2009) (discussing a "professionalism deficit" in legal education and tactical advice around the benefit of externships); Amy Timmer & John Berry, *The ABA's Excellent and Inevitable Journey to Incorporating Professionalism in Law School Accreditation Standards*, 20 PROF. LAW., no. 1, 2010 at 1, 10 (articulating why the ABA should require practical legal education in law school curriculum and offers tips for including such content); Jerry R. Foxhoven, *Beyond Grading: Assessing Student Readiness to Practice Law*, 16 CLINICAL L. REV. 335, 337 (2010) (recommending implementation of assessment tools that go beyond grading papers submitted in law school and focus on professional skill development); Kathleen M. Burch & Chara F. Jackson, *Creating the Perfect Storm: How Partnering with the ACLU Integrates the Carnegie Report's Three Apprenticeships*, 3 J. MARSHALL L.J. 51, 56 (2009) (discussing the benefits offered by recommendations in the Carnegie Report to offer students the opportunity to learn about the law in context). See also Kerry Ann O'Meara & Audrey J. Jaeger, *Preparing Future Faculty for Community Engagement: Barriers, Facilitators, Models, and Recommendations*, 11 J. HIGHER EDUC. OUTREACH AND ENGAGEMENT, 3–26 (2006).

of their respective professions, but also client advocacy, community and capacity building, and issues relevant to social and economic justice. Social justice is a core value in a variety of educational contexts such as social work, which explicitly recognizes the worth and dignity of all people regardless of circumstance and residence. Both law and social work view social justice “as an ideal condition in which all members of a society have the same basic rights, protection, opportunities, obligations and social benefits.”<sup>7</sup> In law, clinical programs serve as “fertile laboratories” for exploring social justice “critical lawyering theory, theoretics of practice scholarship, and the influence of other post modernist critical schools of legal thought.”<sup>8</sup> Although significant and important social justice work has occurred in higher education, the concept has not been fully integrated into the teaching, learning, and research agendas of many colleges and universities.<sup>9</sup>

The Center for Economic and Social Justice explains three principles of the Kelso-Adler theory of economic justice as follows:

Like every system, economic justice involves input, output and feedback for restoring harmony or balance between input and output. Within the system of economic justice as defined by Louis Kelso and Mortimer Adler, there are three essential and interdependent principles: The Principle of Participation, The Principle of Distribution, and the Principle of Harmony. Like the legs of a three-legged stool, if any of these principles is weakened or missing, the system of economic justice will collapse.<sup>10</sup>

The concepts of social and economic justice are interrelated in that social justice encompasses economic justice. Social justice imposes on society a responsibility to assist individuals, families, groups and communities to help others and encompasses the moral principles which guide the works of our economic institutions.<sup>11</sup>

The core concepts of justice and participation are central to this article. As noted above, “justice” bridges the notions of social and economic oppor-

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7. R.L. Barker, *The Social Work Dictionary*, 3<sup>rd</sup> Edition, National Association of Social Workers (1995) at 354; Dubin, *supra* note 2, at 1461.

8. Dubin, *supra* note 2, at 147–71. See also John O. Calmore, “*Chasing the Wind*”: Pursuing Social Justice, Overcoming Legal Mis-Education, and Engaging in Professional Re-Socialization, 37 LOY. L.A. L. REV. 1167 (2004); Stephanie M. Wildman, *Democracy and Social Justice: Founding Centers for Social Justice in Law Schools*, 55 J. LEGAL EDUC. 252 (2005); Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 FORDHAM L. REV. 997 (2004).

9. *Id.* Social justice is not an explicit goal of the legal profession but social and economic justices are explicit goals of social work. Brigid Coleman, *Lawyers Who Are Also Social Workers: How to Effectively Combine Two Different Disciplines to Better Serve Clients*, 7 WASH. U. J.L. & POL’Y 131,135 (2001); O’Meara & Jaeger, *supra* note 6, at 3–26.

10. *Defining Economic Justice and Social Justice*, *supra* note 2.

11. *Id.*

tunities. Functionally, the term justice is based upon “a set of universal principles that guide people in judging what is right and what is wrong, no matter what culture and society they live in.”<sup>12</sup> While participation, or joining and sharing with others, does not guarantee equal results, it does suggest that all people have the right to make a productive contribution to society and the economy.<sup>13</sup>

Clients are aided in societal participation efforts by lawyers and social workers, who are described as helping professionals and information workers<sup>14</sup> central to implementing core concepts of justice and participation. The term “helping professionals” describes persons from various disciplines whose professional goal is to provide individuals, groups, families, organizations, and communities with the support, resources, and access necessary to meet their needs.<sup>15</sup> Information workers connect, collect, analyze, and disseminate information for effective change and development.<sup>16</sup>

Key to influencing the work and practice of both the lawyer and the social worker are their professional values and public interest perspectives. As noted earlier, a core value in the profession of social work is recognizing the worth and dignity of all people.<sup>17</sup> These values and perspectives serve as core components in selecting theories and practical applications to prepare students as practitioners to promote social and economic justice in a changing and challenging world. Social workers’ commitment to the profession is measured by their willingness to enable<sup>18</sup> the clients they serve. Once enabled, clients—i.e., individuals, small groups, families, communities, organizations, and societies—are empowered to control their own lives.<sup>19</sup>

Similarly, lawyers embrace the concept of “client centeredness,” an approach emphasizing the importance of legal and non-

12. *Id.*

13. JONES, *supra* note 4, at 4, 10.

14. *Id.* While all lawyers may be viewed as helping professionals, this essay refers to the work of public interest lawyers, poverty lawyers, and community lawyers working with low-income and other marginalized communities. These lawyers, like social workers, share a core value of promoting social justice. See Jane Aiken & Stephen Wizner, *Law as Social Work*, 11 WASH. U. J.L. & POL’Y 63–64 (2003).

15. ROBERT BARKER, *The Social Work Dictionary*, 165 (Beebe et al. eds., 3d ed.1995); JONES, *supra* note 4, at vii–viii.

16. JONES, ET AL., *supra* note 1.

17. See generally Spencer Rand, *Teaching Law Students to Practice Social Justice: An Interdisciplinary Search for Help Through Social Works’ Empowerment Approach*, 13 CLINICAL L. REV. 459, 459–504 (2006); Katherine Van Wormer, *The Strengths Perspective: A Paradigm for Correctional Counseling*, 63 FED. PROBATION 51, 51–58 (1999).

18. Social workers strive to enhance the ability of the client to solve problems and achieve goals by providing information, access to resources, strengthening coping skills, and changing social and economic conditions that impede progress. Barker, *supra* note 7, at 120.

19. JONES, *supra* note 4, at 3–13.

legal aspects of problems and the active role of the client in the legal decision-making process.<sup>20</sup>

In this context, lawyers identify legal issues and apply law to the facts in order to solve problems.<sup>21</sup> Legal representation may be as narrow as representing an individual or as broad as representing a class of persons with the same legal problem and involves counseling and client education.

Given this background, action research helps to educate students for public service. There are multiple conceptions of public service. Public service is often synonymous with public interest, but is distinguished from simply volunteerism or pro bono service. “Programs with a pro bono focus involve primarily extracurricular student work and the administrative apparatus necessary to oversee such a program.”<sup>22</sup> The most effective public service programs have an equal justice or social justice goal, and these programs increase pro bono work among law students and graduates.<sup>23</sup>

As an evolving and complex field, public interest law involves bringing justice to those who need it and involves the “representation of individuals, groups or interests, historically underserved in the legal system.”<sup>24</sup> Public interest lawyers use many strategies to achieve clients’ objectives—“litigation, counseling, lobbying, research and investigation, the use of the press, mobilizing community demonstrations, and organizing and educating grass roots groups.”<sup>25</sup> Sometimes, lawyers select clients based on whether the representation advances a social justice end. In this way, public interest

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20. G. NICHOLAS HERMAN & JEAN M. CARY, *A PRACTICAL APPROACH TO CLIENT INTERVIEWING, COUNSELING, AND DECISION-MAKING*, 6–7 (Mathew Bender & Co. 2009). At the other end of the spectrum is the highly criticized “lawyer-centered” counseling, in which the lawyer, in hierarchical authority, takes primary responsibility for problem solving. *Id.*

21. Janet Reno, *Lawyers as Problem-Solvers: Keynote Address to the AALS*, 49 J. LEGAL EDUC. 5, 5–13 (1999); Paul Brest & Linda Hamilton Krieger, *Lawyers as Problem Solvers*, 72 TEMP. L. REV. 811, 811–832 (1999).

22. Russell Engler, *From the Margins to the Core: Integrating Public Service Legal Work into the Mainstream of Legal Education*, 40 NEW ENG. L. REV. 479, 483 (2006). Favoring public service legal work, Professor Engler notes: “While some lawyers generously perform pro bono work, in most jurisdictions, participation levels [among lawyers] in pro bono activities, variously defined, range between 15 & 18 percent. For those who perform pro bono work, the time commitment is generally between twenty and forty hours annually, a figure that decreases to a range between five and twenty hours annually per attorney when all lawyer are included. Even this figure may be inflated. Lawyers tend to over-report pro bono work, including work for which they expected to be paid, but later were uncompensated or undercompensated. Moreover, only ten to twenty percent of lawyers performing pro bono work assist low-income clients.” *Id.* at 484.

23. *Id.*

24. NOVA SOUTHEASTERN UNIVERSITY, *What is Public Interest Law?*, available at [www.nsulaw.nova.edu/career/pilc/publications.cfm](http://www.nsulaw.nova.edu/career/pilc/publications.cfm) (last visited June 13, 2011).

25. Amy Potthast, *Equal Justice Works Mobilizes the Next Generation of Public Interest Lawyers* (Sept. 23, 2009), <http://www.nonprofitcareermonth.org/node/126>.

is distinguished from traditional legal practice, which is market driven.<sup>26</sup> This social justice construction of public service is particularly important now, given globalism and economic constraints causing paradigm shifts, and facilitating new social and economic models. A few of the models influencing community economic development include social entrepreneurship,<sup>27</sup> alternative financial institutions (e.g. community development banks and microenterprise organizations),<sup>28</sup> and renewed interest in cooperative business and worker owned cooperative models.<sup>29</sup> New legal instruments such as L3Cs<sup>30</sup> and B Corporations<sup>31</sup> are emerging to capture a new social sphere and positive deviance—a change theory ideology<sup>32</sup>—and are being embraced with vigor.

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26. NOVA SOUTHEASTERN UNIVERSITY, *supra* note 24.

27. ARTHUR C. BROOKS, *SOCIAL ENTREPRENEURSHIP: A MODERN APPROACH TO SOCIAL VALUE CREATION*, 4–5 (Pearson Prentice Hall 2009). Social Entrepreneurship lacks a standard definition but a useful description, culled from the major writers in the field, contains several core elements. First, it “addresses social problems or needs that are unmet by private markets or governments.” Second, it “is motivated primarily by social benefit.” Third, it “generally works with – not against – market forces.” *Id.*

28. KARL F. SEIDMAN, *ECONOMIC DEVELOPMENT FINANCE* (Sage Publishing, Inc. 2005) (discussing revolving loan funds as the first alternative development financial institution providing gap financing). *See also* Susan R. Jones, *Small Business and Community Economic Development: Transactional Lawyering for Social Change and Economic Justice*, 4 *CLINICAL L. REV.* 195 (1997) (discussing community development financial institutions).

29. Carmen Huertas-Noble, *Promoting Worker-Owned Cooperatives as A CED Empowerment Strategy: A Case Study of Colors and Lawyering in Support of Participatory Decision-Making and Meaningful Social Change*, 17 *CLINICAL L. REV.* 255 (2010), available at <http://ssrn.com/abstract+1761669>.

30. L3C stands for low profit limited liability company. L3Cs are formed to perform a social mission in a low cost and efficient way while providing revenue to further the social mission and provide a return on revenue. Robert M. Lang, Jr., *The L3C: The New Way to Organize Socially Responsible and Mission Driven Organizations*, ALI-ABA Course of Study, Course Number SNO36 ALI-ABA 251 (Nov.2007).

31. The B Corporation stands for “benefit corporation” and was created to enable groups with hybrid missions of doing well and making money to have a corporate form that would meet this special need. The first B corporation statute, enacted in Maryland, enables social entrepreneurs to codify social missions in corporate charters. The law requires B Corporations to provide impact audits and report their contributions to the public good. Traditional corporate laws require corporations to maximize shareholders’ interests. Hybrid organizations with social and profit motives now have to choose a for profit or nonprofit structure or spend a substantial amount of money creating legal structures that enable both goals. B Corporations can consider the interests of other stakeholders like employees or local communities and can attract social venture dollars from investors. B Corporation law is modeled on B-Lab, a nonprofit socially responsible certification company. The creation of the B corporation is evidence that the law is trying to keep up with the social enterprise sector. John Tozzi, *Maryland Passes “Benefit Corporation” Law for Social Entrepreneurs*, *BUSINESSWEEK* (Apr. 14, 2010), [http://www.businessweek.com/smallbiz/running\\_small\\_business/archives/2010/04/benefit\\_corp\\_bi.html](http://www.businessweek.com/smallbiz/running_small_business/archives/2010/04/benefit_corp_bi.html).

32. *See Infra* Part IV.B.2.d for a discussion of positive deviance.

“Institutionalized action research” refers to the cultural inclusion and sustainability of this research method, which can be the anchor for advancing new theories and ideas and bridging the gap between the theoretical and the practical.<sup>33</sup> Universities are beginning to recognize components of this methodology.<sup>34</sup> Institutionalized action research can be accomplished in various ways—within disciplines and by sustained, cross-disciplinary work within and among educational institutions of civil society, and government involvement.<sup>35</sup> Using institutionalized action research, colleges and universities can aid nonprofit groups and governments. Significantly, local, state, and regional governments are looking for solutions to severe economic shortfalls.<sup>36</sup> By necessity, this means re-engaging business and civil society. While action research involving interdisciplinary projects has been fruitful in a variety of contexts, there is a dearth of literature on lawyers and social workers collaborating in the community economic field.<sup>37</sup> Given high unemployment rates, systemic poverty, and changes in employment options and patterns, such collaboration could have significant local and regional benefits. Accordingly, the authors advocate for macro level collaborations between social work and law to enhance community building.<sup>38</sup>

### III. PART 1: ACTION RESEARCH—A CATCH-ALL PHRASE ENCOMPASSING SERVICE AND ACTION LEARNING AND ACTION RESEARCH

Action research refers to a cluster of applied research methods, namely, participatory research, collaborative inquiry, action learning, and communi-

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33. *Learning that Lasts: How Service Learning can Become an Integral Part of Schools, States, and Communities*, EDUCATION COMMISSION OF THE STATES 16 (SEPT. 2002), <http://www.ecs.org/clearinghouse/40/54/4054.pdf>.

34. O’Meara & Jaeger, *supra* note 6, at 3–26 (describing community engagement as “reciprocal interaction between graduate education (through students and faculty) and the public, an interaction that betters both the discipline and the public or set of stakeholders for whom the work is most relevant.”).

35. Susan R. Jones, *Promoting Social and Economic Justice through Interdisciplinary Work in Transactional Law*, 14 WASH. U. J.L. & POL’Y 249, 277 (2004).

36. John Irwin, Vincent Schiraldi & Jason Zeidenberg, *America’s One Million Nonviolent Prisoners*, JUSTICE POLICY INSTITUTE (Mar. 1, 1999), [http://www.justicepolicy.org/images/upload/99-03\\_REP\\_OneMillionNonviolentPrisoners\\_AC.pdf](http://www.justicepolicy.org/images/upload/99-03_REP_OneMillionNonviolentPrisoners_AC.pdf).

37. *See generally* Aiken & Wizner, *supra* note 14, at 63–64; Rand, *supra* note 17, at 459; Van Wormer, *supra* note 17, at 51.

38. The 2009–2011 economic downturn has required many nonprofit organizations to retool in the wake of severe budget cuts. Heather Gowdy, Alex Hildebrand, David La Piana & Melissa Mendez Campos, *Convergence—How Five Trends Will Reshape the Social Sector*, LAPIANA CONSULTING 4 (Nov. 2009), [www.lapiana.org/downloads/Convergence\\_Report\\_2009.pdf](http://www.lapiana.org/downloads/Convergence_Report_2009.pdf).

ty-based research.<sup>39</sup> Terms such as public scholarship, community engaged scholarship, engaged scholarship, and participatory action research have also been used to describe this work.<sup>40</sup> German born social and experimental psychologist Kurt Lewin is widely regarded as a founder of action research now used in the fields of education, business and most recently, health, social work, and law. This research method gained its popularity in the United States in industrial settings, in education, and in community development.<sup>41</sup>

Although there is no standard definition or step-by-step routine for action research,<sup>42</sup> this method has been described as the systematic gathering of information by concerned professionals and consumers of service who seek to document problems or effect change.<sup>43</sup> It provides a means to work in concert with others in the community and to identify problems and options for solutions.<sup>44</sup> This research is learning by doing and “aims to contribute to the practical concerns of people in an immediate problematic situation.”<sup>45</sup> It is a collaborative approach to inquiry or investigation<sup>46</sup> that is a “hands and hands” versus a “hands-at-length” technique.<sup>47</sup> The notion of “hands-on” or experiential learning that is part of action research is reinforced by encouraging observation, critical thinking, reflection, and making responsible decisions related to client systems.<sup>48</sup>

In a legal context, clinical teachers employ what may be viewed as an action learning methodology known as “planning, doing, and reflecting” in which students plan the initial client interview or counseling session, execute the client interview or counseling session under professor or attorney

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39. L. W. Green, et al., *Background on participatory research*, in *DOING COMMUNITY BASED RESEARCH: A READER* 53, 53–55 (Danny Murphy, Madeline Scammell & Richard Sclove eds., 1997).

40. Kerry Ann O’Meara, *The Scholarship of Engagement: Definitions and Meanings* (Feb. 14, 2011) (on file with the author).

41. Rory O’Brien, *An Overview of the Methodological Approach to Action Research*, Web Networks (1998), [www.web.net/~robrien/papers/arfinal.html](http://www.web.net/~robrien/papers/arfinal.html). See also Green, et al., *supra* note 39.

42. E.T. STRINGER, *ACTION RESEARCH* 17 (1999); C. Van Rooyer, *Research for Change Partnerships and Strengths as Foundations for Change in the Crime Reduction in School Project* (2000).

43. Jon Wagner, *Educational Research as a Full Participant: Challenges and Opportunities for Generating New Knowledge*, 6 *QUALITATIVE STUDIES EDUC.* 3–18 (1993).

44. F. ELLEN NETTING, ET AL., *SOCIAL WORK MACRO PRACTICE*, 295 (1998); SCOTT INGLIS, *MAKING THE MOST OUT OF ACTION LEARNING*, 3 (1994).

45. O’Brien, *supra* note 41.

46. STRINGER, *supra* note 42, at 17.

47. *Id.* INGLIS, *supra* note 44, 6–7. See also PATRICK J.M. COSTELLO, *ACTION RESEARCH* 3–6 (2003).

48. STRINGER, *supra* note 42, at 17

supervision, and reflect on the experience.<sup>49</sup> Some benefits of action learning and research for students and their clients include substantive or doctrinal education, skill building—e.g., legal procedures and methods, developing and identifying client options, and participation in decision-making—and creating knowledge from experiential learning and research.<sup>50</sup> As the case studies in Part IV demonstrate, action research also offers opportunities for national and global collaborative and mutual partnerships that result in the creation of common wisdom and action.

Action research is premised on bringing about change and development.<sup>51</sup> The social work principles of worth and dignity of all people are an underpinning of this research method. These principles recognize the inequitable relationship between those who create and dominate knowledge and those being researched.<sup>52</sup> It incorporates the exchange between researchers and the beneficiaries of that exchange. It is viewed not only as a process of creating knowledge, but simultaneously developing consciousness and mobilizing for action for all who participate.<sup>53</sup> It focuses on shared power and decision-making rather than the domination of the process by researchers.<sup>54</sup>

The action research process educates through three steps: looking, thinking, and acting.<sup>55</sup> This means that first, people should understand their concerns about a particular situation or problem and the direction they want it to change by looking at it. Second, in addition to careful study and planning, scientific principles of logic, observation, and theory must be applied to the situation or problem, which means the participants must think about the situation. Third, the participants affected by the situation or problem should provide input based on their own perspectives and make suggestions for change and development by taking action.<sup>56</sup> It is the authors' premise that service learning can benefit by embedding action research methodologies.

#### A. Service Learning

Highlighting the need for institutionalized service learning, former Senator John Glenn (D-OH) observed, "Service-learning is an instructional

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49. Jones, *supra* note 28, at 219–22.

50. Bob Dick, *Action Research International*, JOURNAL OF ACTION RESEARCH, <http://www.scu.edu.au/schools/gcm/ar/ari/arihome.html> (last visited Feb. 6, 2011). *See also* Green, et al., *supra* note 39, at 51–61.

51. Dick, *supra* note 50.

52. Morin & Waysdorf, *supra* note 5.

53. Green, et al., *supra* note 39, at 58.

54. *Id.* Collins at 19. C. Van Rooyer, *Research for Change Partnerships and Strengths as Foundations for Change in the Crime Reduction in School Project* (2000).

55. STRINGER, *supra* note 42.

56. Dick, *supra* note 50.

method that has remarkable promise. . . . Still without some systematic means of integrating service-learning into the educational infrastructure of schools and states, this precious innovation could easily be discarded.”<sup>57</sup>

Service learning and community-based research (also known as action research) have been introduced to and incorporated into college and university curricula under a pedagogical movement on college campuses referred to as “civic engagement.”<sup>58</sup> One author wrote, “Civic engagement is a term used . . . to measure student understanding, interest, and active participation in our communities through the democratic processes of our society.”<sup>59</sup> College and university curricula can reflect community-based research. Within law schools, in-house clinics and externships<sup>60</sup> provide service-learning opportunities and in social work, service learning occurs in educational field placements.<sup>61</sup>

Service learning is a type of experiential learning that puts students in service within a community while integrating theory and practice. It is an integrated part of the course in which students participate in an organized activity outside of the classroom and reflect on it, while broadening their understanding of the discipline, the course content and benefitting a community at the same time<sup>62</sup> Core principles of service learning include enhanced senses of personal values and civic responsibility, critical thinking and reflection.<sup>63</sup> Notably, service learning extends theoretical work and

57. Education Commission of the States, *Learning that Lasts: How Service Learning Can Become an Integral Part of Schools, States and Communities*, at 1 (Sept. 2002).

58. Linda F. Smith, *Why Clinical Programs Should Embrace Civic Engagement, Service Learning and Community-Based Research*, 10 *CLINICAL L. REV.* 723 (2004). This article argues that law school extern programs are engaged in service learning and that clinical faculty should join with other university departments engaged in this pedagogical approach. Moreover, the article asserts that externships provide opportunities to add community-based research, or action research, to the law school curriculum. *Id.* See also Mary Pat Treuthart, *Weaving A Tapestry: Providing Context Through Service-Learning*, 38 *GONZ. L. REV.* 215 (2002-2003) (describing the use of service learning in an upper level course on Women in the Law).

59. Stephen L. Richards, *Law Schools, Law Students, Civic Engagement, and Community-Based Research as Resources for Improving Access to Justice in Utah*, 2006 *UTAH L. REV.* 953, 954-955 (2006).

60. Legal Externships, also known as field placements, permit or require “student participation in studies or activities away from the law school or outside the law school in a format that does not involve attendance at regularly scheduled classes.” Smith, *supra* note 58, at 725. Legal externships are required to have a classroom component. American Bar Association, *LAW SCHOOL PUBLIC INTEREST AND PRO BONO PROGRAMS*, <http://apps.americanbar.org/legalservices/probono/lawschools/> (last visited on Feb. 8, 2011).

61. At the University at Albany, the School of Social Welfare helps to plan and administer the service learning curriculum of the university’s undergraduate program.

62. <http://www.servicelearning.org/what-is-service-learning> (last visited June 28, 2011).

63. *Id.*

professional ethics and values into local communities and is a “community based approach to teaching and scholarship.”<sup>64</sup>

The philosophy of service learning dates back to John Dewey in the early 1900s. As a philosopher and educator, Dewey viewed education as advancing democracy.<sup>65</sup> He encouraged civic involvement, experiential learning, and opportunities for discussion and reflection to aid in the interpretation of non-classroom experience.<sup>66</sup> Jean Piaget, David Kolb and Donald Schon,<sup>67</sup> and Ernest Boyer<sup>68</sup> also made significant contributions in the field of service learning.

Service learning, the term coined in 1967, was advanced along with internships and cooperative education in the 1960s and 1970s. During this time, many college experiential service programs received federal agency support and the National Society for Experiential Education and the Council for Adult and Experiential Learning were also created.<sup>69</sup>

Two decades later in 1985, the presidents of Brown, Georgetown, and Stanford universities, and the president of the Education Commission of the United States founded Campus Compact<sup>70</sup> Its job “is to educate college students to become more active citizens who are well-equipped to develop creative solutions to society’s most pressing issues.”<sup>71</sup> Today, Campus Compact boasts that it “is a national coalition of more than 1100 college and university presidents—representing some 6 million students—dedicated to promoting community service, civic engagement, and service-learning in higher education.”<sup>72</sup>

Creating service-learning opportunities for students is not a linear process; it requires dedicated and diverse leadership, a strong vision, ade-

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64. *Service Learning with Ethical Development*, 15 HISP. OUTLOOK IN HIGHER EDUC. (May 9, 2005).

65. See Smith, *supra* note 58, at 727 (citing JOHN DEWEY, DEMOCRACY AND EDUCATION (1916)).

66. See Smith, *supra* note 58, at 727 (citing JOHN DEWEY, DEMOCRACY AND EDUCATION (1916)).

67. Jean Piaget, David Kolb, and Donald Schon were proponents of experiential education. Smith, *supra* note 58, at 727.

68. One of Ernest Boyer’s crucial contributions was to redirect faculty scholarship to service of the community and the nation. Boyer did not attack traditional research, but argued for a broadened and applied view of scholarship, identifying “research, teaching, integration and application as faculty priorities.” *Id.* at 632.

69. *Id.* at 275 (citing Barbara Jacoby & Associates, SERVICE-LEARNING IN HIGHER EDUCATION: CONCEPTS AND PRACTICES 12 (1996)).

70. See *About Us*, CAMPUSCOMPACT.ORG, <http://www.campuscompact.org/about/> (last visited Feb. 3, 2011).

71. *Id.*

72. *Id.* The University at Albany and The George Washington University, where the authors teach, are members of Campus Compact.

quate resources, coordination of a complex array of activities, an understanding of assessment tools and standards, and feedback methods.<sup>73</sup>

Positive outcomes from service learning include increased learning and engagement, agency or community impact and impact on faculty development, students' moral and ethical development, and awareness of mutuality and reciprocity.<sup>74</sup> Students engaged in service learning classes view themselves as more socially competent, demonstrate personal and social responsibility, embrace cultural diversity, and are more likely to act responsibly and feel comfortable helping others.<sup>75</sup> Service learning has the capacity to challenge students' beliefs and practices, "be they related to poverty, sexual preference, race, gender, environmental issues, religion or any other potentially divisive issue."<sup>76</sup>

Within colleges and universities, advocates view institutionalized service learning as the most sophisticated stage of the pedagogy, because it is integrated into higher education's culture.<sup>77</sup> There are least six practices aiding the structural and procedural integration of service learning in colleges and universities: 1) integrating service-learning into the school's mission, 2) forging partnerships for engagement, 3) renewing, and redefining, discovery and scholarship, 4) coordinating community engagement into teaching and learning, 5) recruiting and supporting new champions, and 6) creating radical institutional change.<sup>78</sup>

While many academic disciplines, particularly social work and its educational field placement, have embraced action research (and service and action learning), some question that "the legal academy fails to adequately appreciate the educational advantages of the community connections that are available through extern programs."<sup>79</sup> Clinical programs, especially externships and community economic development clinics, are strategically placed to help bring law schools into the civic engagement pedagogical movement.

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73. Mary Kay Schneider, *Models of Good Practice for Service Learning Programs*, AAHE BULLETIN, 1–4, <http://www.aahea.org/bulletins/articles/schneider.pdf> (last visited Feb. 24, 2011); Andrew Furco & Barbara Holland, *Institutionalizing Service Learning in Higher Education: Issues & Strategies for Chief Academic Officers*, in PUBLIC WORK AND THE ACADEMY: AN ACADEMIC ADMINISTRATOR'S GUIDE TO CIVIC ENGAGEMENT AND SERVICE-LEARNING (Anker Publishing Company 2004).

74. *Learning that Lasts*, *supra* note 33. See also Smith, *supra* note 58.

75. *Learning that Lasts*, *supra* note 33.

76. *Service Learning with Ethical Development*, *supra* note 64.

77. Some see service learning as part of the fabric of the education process as much as math and English are part of every student's basic education. *Id.*

78. Mary Jane Brukardt, Barbara Holland, Stephen L. Percy & Nancy Zimpher, *Calling the Question: Is Higher Education Ready to Commit to Community Engagement?*, iii (2004), [http://servicelearning.org/filemanager/download/215/calling\\_the\\_question.pdf](http://servicelearning.org/filemanager/download/215/calling_the_question.pdf).

79. Smith, *supra* note 58, at 725.

Indeed, law school collaborations with other departments such as business<sup>80</sup> and social work<sup>81</sup> can also help to achieve this goal.

## B. Clinical Legal Education

In law, clinical methodology includes supervised representation of live clients as well as supervised performance of other legal work and the use of simulated exercises.<sup>82</sup> Law school legal clinics provide necessary legal services to low- and moderate-income clients while serving as teaching law firms for students. This teaching methodology puts students in roles as lawyers to identify and solve legal problems under the supervision of a clinical professor who is also a licensed attorney. It is noteworthy that the “modern” clinical law movement in the United States emerged in the 1960s during the “War on Poverty” at a time when legal assistance to the poor represented an unprecedented commitment to the ideal of social justice.<sup>83</sup> The clinical education movement was led by public interest lawyers who believed that the traditional appellate case method did not teach students the skills, judgments, and values needed for client representation and legal decision-making. The clinical education movement sought to change legal education so it is more than a classroom experience, to educate students about their ethical and moral responsibilities to society, and to provide legal skills training to law students in a structured teaching law firm setting.<sup>84</sup> Clinical programs provide legal representation to needy persons in family law, housing, criminal defense, general civil law (from employment to wills), and in other areas of societal concern such as HIV/AIDS, elder, domestic violence, environmental, immigration, housing, and microenterprise and community economic development (including representation of nonprofit organizations).<sup>85</sup>

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80. Edward Zlotkowski, *Opportunity for All: Linking Service-Learning and Business Education*, 15 J. BUS. ETHICS, 5–19 (1996) (arguing that the service learning movement offers business faculty an opportunity to address the criticism that business students are not sufficiently exposed to the external business environment and that they are more narrowly educated than they ought to be).

81. For discussions of how law and social work related, see Jane Aiken & Stephen Wizner, *Law as Social Work*, 11 WASH. U. J.L. & POL’Y 63 (2003); Brigid Coleman, *Lawyers Who Are Also Social Workers: How to Effectively Combine Two Different Disciplines To Better Serve Clients*, 7 WASH. U. J.L. & POL’Y 131 (2001); and Paula Galowitz, *Collaboration Between Lawyers and Social Workers: Re-Examining The Nature and Potential of the Relationship*, 67 FORDHAM L. REV. 2123 (1999).

82. CLINICAL LEGAL EDUCATION ASSOCIATION, <http://www.cleaweb.org> (last visited Feb. 28, 2011).

83. Jones, *supra* note 28. See also Dubin, *supra* note 2 (discussion of the evolution of clinical legal education).

84. Dubin, *supra* note 2, at 1466–68.

85. Jones, *supra* note 28, at 204.

### C. Field Educational Placements in Social Work

Field educational placements in social work provide “hands-on” learning that is an integral part of both undergraduate and graduate social work education curricula. Field educational placements,

[Provide] students with supervised opportunities to engage in direct social work practice with individuals, families, groups, communities and organizations. Students are helped to refine professional skills, acquire and solidify social work values, and integrate the knowledge acquired in the academic setting with that obtained in the field . . . [A] student typically is given a work assignment (of 16 to 20 hours weekly) in one agency during the first training year and assigned to another agency . . . during the second year.<sup>86</sup>

The number of credits, required service hours, and grading criteria vary among schools.

Traditionally, social work has been a profession with a largely local orientation because most social workers function within a locally-based service delivery structure. At the same time, the profession has a history of working with other countries and international organizations, such as the United Nations Children’s Fund. It should be noted that most countries have a national department responsible for some aspect of social service and personnel to carry out the functions of those departments.<sup>87</sup> The social work profession has an international component evidenced by organizations such as the International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW). These organizations and others are concerned with issues of national and international concern such as codes of ethics,<sup>88</sup> economic globalization, poverty, hunger, immigration, refugees, displaced and disconnected persons,<sup>89</sup> human trafficking, HIV/AIDS, and social and economic injustice. Indeed, these issues necessitate a more global approach to learning and service.

## IV. CASE STUDIES

Having explained action research (including action and service learning) in Part III, Part IV contains case studies from social work and law, ex-

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86. Barker, *supra* note 7, at 136.

87. *Id.* at 194.

88. KAREN SOWERS & WILLIAM ROWE, SOCIAL WORK PRACTICE AND SOCIAL JUSTICE FROM LOCAL TO GLOBAL PERSPECTIVE, 33–34 (Thompson Brooks/Cole 2007).

89. Vanessa R. Wright, Michelle Chau, Yumiko Aratani, Susan Wile Schwarz & Kaylani Thampi, *A Profile of Disconnected Young Adults in 2010*, National Center for Children in Poverty (Dec. 2010), [http://www.nccp.org/publications/pdf/text\\_979.pdf](http://www.nccp.org/publications/pdf/text_979.pdf).

plaining the application of action research as an innovative approach to teaching while helping communities. A brief background and introduction precedes each case study.

A. Case Study: The U.S.-Africa Partnership for Building Stronger Communities Project

1. *Brief Background and Introduction*

Due to the many social problems outlined above, the social work profession today must be more aware of its international context. Schools of social work, as well as the universities where they are based, are embracing the need to better prepare their students to understand, appreciate, and address global issues and concerns because global realities are impacting their client systems locally and nationally. Examples include global poverty, hunger, and child-headed households—issues affecting both the developed and the developing world. The need to internationalize schools of social work, within universities, is encouraging the inclusion of international service learning as part of the social work field education offerings. Summer study abroad programs anchored by summer study tours based on action research principles are helping to internationalize the profession.

The social work curriculum offers the theoretical and methodological course content that addresses change and development. For example, macro systems courses, offered by most schools of social work, include community and capacity building and organizing. These macro level courses sometimes refer to action learning and research methodologies. To illustrate, Dr. Jones uses action learning and research in her courses as a tool for policy and program formulation, implementation, monitoring, evaluation, feedback, and advocacy for change and development.<sup>90</sup>

Action research may be viewed as a map that mirrors traditional (quantitative and qualitative) research practices of data gathering, analyzing, theorizing, reporting, and evaluating. This “look, think, act” model reflects the spiral versus linear process of action research. The first step is information gathering (look); the next is exploring, analyzing, interpreting, and explaining (think); while the final stage is planning, implementing, and evaluating (act).<sup>91</sup> In bridging theory and practice, Dr. Jones strives to teach her students to think critically about social policy and to become more forward thinking and active advocates.

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90. Dr. Jones has taught two advanced policy courses one on rural social work issues and the other on policies impacting South Africa and other African nations.

91. STRINGER, *supra* note 42, at 17–19.

To learn more about action research pedagogy, students and faculty at the University at Albany collaboratively planned a co-sponsored teleconference, *Research for Action: University and Community Partnership*, with The Participatory Action Research Center at Cornell University and the University of Missouri-Columbia. The teleconference provided an efficient use of resources for educating faculty and administrators about the importance of action research pedagogy and enabled guest speakers, including national experts on action research, to reflect on the topic with workshop participants. The outcomes of the teleconference included increased university inclusion of new action research curricula offerings in the schools of social welfare and public health; a consortium of students, faculty, and community-based organizations interested in the ways the pedagogy could aid their work; and recognition of faculty and students engaged in action research projects.

Dr. Jones also included components of action learning and research based on the “look, think, act” model in her advanced social work policy courses on Policy Impacting South Africa and Other African Nations. This course is associated with the U.S.-Africa Partnership for Building Stronger Communities Project. Since its inception in 2000, this project has facilitated international community building processes, bridging the university and community. Dr. Jones’s goals in creating the U.S.-Africa Partnership for Building Stronger Communities Project are noteworthy. They include helping social workers to work in a global society, introducing the School of Social Welfare and the University at Albany to opportunities in Africa,<sup>92</sup> and helping internationalize social work education through a well-designed experiential learning opportunity based on the “look, think, act model.”

## 2. Case Study

The U.S.-Africa Partnership for Building Stronger Communities Project is an intensive, thoughtfully constructed project that includes three inter- and intra-related components. The first is the Summer Study Tour to Africa (SSTA), which is incorporated into the advanced social work policy course that Dr. Jones taught on Policy Impacting South Africa and other African Nations.<sup>93</sup> The second is Actual and Virtual Focus Group Meetings and the third component is Collaborative Partnerships for Research, Publication, and Advocacy.

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92. Africa is the world’s second-largest continent, an emerging global player, and the ancestral home of 34.4 million African Americans and a large percentage of the U.S. social work profession’s service population. WE THE PEOPLE: BLACKS IN THE UNITED STATES, (United States Census Bureau in the United States, ed., 2005).

93. In 2009, Dr. Jones turned the project over to Dr. Robert Miller who became the new director.

The SSTA is structured to provide optimum learning and individual and group exposure to working with diverse groups of people with differing ages, backgrounds, classes, cultures, education, and experiences. It is part of a three to six credit elective course in the school of Social Welfare and coordinated with the Office of International Education. SSTA participants meet with leaders of government and nongovernmental organizations; visit urban and rural areas; and meet with collaborative partners, other stakeholders, and nongovernmental organizations.<sup>94</sup> They also visit schools, hospitals, and orphanages while taking school and other supplies to Africa.

Overall, the students apply their skills and knowledge of social policy formulation, implementation, and evaluation in a hands-on learning context. For example, in Ghana, the collaboration of SSTA participants, The Ghana School of Social Work and the Ghana Association of Social Workers (GAOSW), resulted in informed discussions, analysis, reflection, and action regarding the World Bank's recommendation that Ghana privatize its water system. This recommendation did not have merit because the majority of the population of Ghana is classified as poor and would be unable to pay for water. Discussions with GAOSW resulted in the association's advocacy against the World Bank's recommendation.<sup>95</sup> The students not only engaged with social workers in Ghana, they visited the OSU Children's home, an orphanage in Accra, Ghana, where SSTA participants hand-delivered school supplies, other resources and handmade quilts for the children and their caregivers.

SSTA participants prepare for the study tours to Africa through carefully selected readings, lectures, and video tapes relevant to the culture, politics, policies, and programs of the countries they will visit. They keep personal journals and engage in daily group reflection sessions to process their international learning experiences and they learn about the importance of journaling as an educational tool.<sup>96</sup> The process of sharing journals with students who take the course but who are unable to go on the SSTA, most often for financial reasons, creates another opportunity to reflect, critique, and deepen their learning.<sup>97</sup>

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94. EVALUATION REPORT OF THE U.S. AFRICA PARTNERSHIP FOR BUILDING STRONGER COMMUNITIES PROJECT (2008) (on file with Dr. Jones). Between 2003 and 2006, ninety-eight people visited seven countries—South Africa, Ghana, Kenya, Nigeria, Uganda, Botswana and Swaziland.

95. Students in the Advanced Social Policy course wrote research papers on the topic of water privatization in Ghana.

96. THE JOURNAL BOOK (Toby Fulwiler, ed., 1987).

97. The advanced policy course students who are not able to participate in the SSTA use library research to learn about geography, population, social and economic concerns and issues and policies related to South Africa and other African countries. DVDs and teleconferences provide visual contact with Africa.

All advanced policy class participants, including those able to take part in the SSTA and those who are not financially able to participate, are further united at the final class sessions. The students present term papers on international policies, and all involved reflect on their learning, knowledge, and skills development through both formal classes and information exchange activities such as brown bag luncheons designed to share photos, video tapes, experiences, and contacts for follow-up action.

The SSTA is related to the Actual and Virtual Focus Group Meetings. These may take the form of a workshop occurring at a single location (actual) or through the technology of teleconferencing (virtual). Students who have been unable to attend the SSTA have helped to plan and coordinate the virtual focus group meetings. These meetings were attended by African and American scholars who shared and exchanged information to advocate for better international and interdisciplinary policies and programs.

During 2001–2008 the Information and Technology Department (ITD) at Peninsula Technikon in Bellville, South Africa (now called the Cape Peninsula University of Technology) and the University at Albany pooled their expertise to hold a teleconference addressing a range of issues such as women in development, HIV/AIDS, international education, and child and women slave labor. To illustrate, one workshop co-hosted by the two schools involved The Women on Farms Project. The schools' involvement with the Women on Farms Project was important, because in South Africa, about 80% of women live in developing areas and 64% work in farming. These women provide 70% of farm labor working fourteen to seventeen hours per day, primarily as unpaid family workers.<sup>98</sup>

The virtual focus group, "Use of Technology as a Means of Empowerment," included a group of teenage girls—members of the Women on Farms Project—and helped them to understand how computers could empower them.<sup>99</sup> The teleconference was ITD's effort to reach out to the community. Today, Cape Peninsula University of Technology (CPUT) incorporates service learning into its mission "to develop and sustain an empowering environment where, through teaching, learning, research and scholarship the students and staff, in partnership with the community and industry, are able to create and apply knowledge that contributes to development."<sup>100</sup>

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98. M. Kongolo, *Women and Informal Credit: Lessons from Moretele, South Africa*, J. INT'L WOMEN'S STUD. 4 (May 2007), <http://www.bridgewedu/soas/jiws/May07/Africa.pdf>.

99. The teleconference was held on July 10, 2004. For more information on Women on Farms, visit the website <http://www.wfp.org.za>, (last visited Mar. 16, 2006), or contact: Women on Farm Project, 37 Herte Street, Stellenbosch 7600, P.O. Box 530, Stellenbosch 7599 South Africa.

100. See Cape Peninsula University of Technology (South Africa), <http://www.tufts.edu/talloiresnetwork/pid=48>.

In addition to exposing the girls to new skills and knowledge, the teleconference also served to bridge two countries, South Africa and the United States, and provided a forum to unite South African students, faculty, and community-based practitioners with the U.S. and SSTA participants. All the teleconference participants were able to identify lessons learned from the workshop, discuss and reflect on ways to sustain the lessons, suggest ways to support the girls in advancing and sharing their knowledge and newly acquired computer skills with their peers and adults working on farms.<sup>101</sup>

Collaborative Partnerships for Research, Publication and Advocacy is both an activity and a goal of the U.S.-Africa Partnership for Building Stronger Communities project. This component of the project is an outgrowth of the Actual and Virtual Focus Group Meetings designed to use research and publication for advocacy and to sustain the work.<sup>102</sup>

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101. All summer study tour participants are committed to using technology to sustain the interaction and engage in efforts to locate grant funding to broaden and sustain this outreach project.

102. For example, Nigerian community organizations asked The School of Social Welfare at the University at Albany to help prepare the common or grassroots people of Nigeria to participate in civil society and engage in conflict mediation. Partnerships with Nigerian non-governmental organizations (NGOs), representing Nigerian grassroots people, were created to apply for international funding grants. Although the funding requests were not granted, the process was empowering nonetheless.

## B. Case Study: Community Economic Development Workforce and Employment Project<sup>103</sup>

### 1. *Brief Background and Introduction*

Professor Jones directs The George Washington University Law School Small Business and Community Economic Development Clinic (SBCED Clinic), a free legal service and one of the oldest law school entrepreneurship clinics in the United States.<sup>104</sup> Students in the clinic, working under attorney supervision, represent microbusinesses, nonprofit organizations, and artists. Focusing on economically disenfranchised communities and individuals left out of the economic mainstream, law students represent community-based non-profit groups, such as day care centers, cultural arts organizations, dance, and theater companies; microbusinesses, such as carry-out restaurants, second hand stores, and beauty and barber shops; small minority-owned businesses, such as home improvement contractors and consulting firms, that are often the sole source of employment for individuals or supplemental income sources. They also represent art related businesses, such as dance, theater companies, and musicians.

By providing an experiential educational opportunity for law students and aiding urban revitalization by providing free legal assistance to needy

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103. The community economic development (CED) movement in the United States was influenced, in part, by the international development community. There is no standard definition of CED but it generally involves various strategies for revitalizing low-income communities from the creation of affordable housing and affordable health care to environmental justice and small business development. While affordable housing has been at the forefront of CED and lawyers have been an important part of the affordable housing development team, other areas of concern include job creation through workforce development and micro-business creation. People need income to afford housing and to prevent economic insecurity. The international microcredit movement, which has been elevated, for example, through the work of Nobel Peace Prize winner, Muhammad Yunus, has made poverty alleviation a major goal. Poverty alleviation is also a core tenet of the CED movement. Recognizing the importance of credit in the United States, microenterprise development has emerged as part of an alternative financial industry. The microenterprise development industry includes many actors, the most significant of which are the nonprofit microenterprise development programs that provide technical assistance and loans (or access to them) to microbusinesses—very small businesses (microentrepreneurs) with under \$35,000 start-up capital. These nonprofit groups work with microentrepreneurs who possess the drive and determination to turn hobbies and skills into viable businesses. Microentrepreneurs also impact social and economic health of communities by employing local people and being role models in urban and rural communities across America. *See generally* Susan R. Jones & Amanda Spratley, *How Microenterprise Development Contributes to Community Economic Development*, in ROGER A. CLAY, JR. & SUSAN R. JONES, *BUILDING HEALTHY COMMUNITIES: A GUIDE TO COMMUNITY ECONOMIC DEVELOPMENT FOR ADVOCATES, LAWYERS AND POLICYMAKERS* (American Bar Association ed., 2009).

104. Jones, *supra* note 28.

area businesses, the SBCED Clinic is a service learning program. Early legal assistance is critical to the creation and survival of disadvantaged small businesses. Working with established community partners, the clinic also provides client education and facilitates access to financing.<sup>105</sup>

The substantive legal work of the SBCED Clinic involves corporate, tax, employment, contracts, intellectual property, and community development law. Students draft articles of incorporation, bylaws, review commercial leases, draft and negotiate contracts, and file trademark applications.<sup>106</sup> Students are enrolled in the SBCED Clinic for academic credit and may receive four, five, or six credits which represent sixteen, twenty, or twenty-four hours respectively of client work over a thirteen week academic semester. Working in teams of two, students typically handle two to five cases per semester depending on the complexity of the cases.<sup>107</sup> Clinical programs in small business and CED can deepen students' work beyond individual or group representation to engage in action research projects. Law school clinic-based action research projects can assist with educating nonprofit organizations and local governments about best practices in specific CED arenas such as workforce development.

Embedded in the SBCED Clinic is the notion, among many others, that "economic and social problems faced by low-income communities across the United States are rooted in disproportionately high levels of unemployment and underemployment."<sup>108</sup> Even though the challenges of finding work differ from one community or population to another, employment analysts believe there is a general set of issues that contributes to employment challenges in economically disadvantaged communities.<sup>109</sup> Indeed, micro-enterprise advocates urge that helping people start small businesses should be part of a comprehensive workforce development strategy.<sup>110</sup> While clini-

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105. The Clinic works closely with Washington Area Community Investment Fund (WACIF), a community development lender.

106. Students are certified to file trademark applications as part of a Pilot Law School Certification Program at the United States Patent and Trademark Office.

107. Early legal assistance is critical to the creation and survival of these small businesses. This clinical program, like others at law schools in the U.S. and other parts of the world, are counterparts to service-learning programs. The clinic contributes to community economic development in the Washington, D.C. region by providing free legal assistance to these economically disadvantaged small businesses, non-profit organizations and individual artist.

108. See John Foster-Bey, *Workforce Development*, in CLAY & JONES, *supra* note 103, at 251.

109. *Id.*

110. See The Aspen Institute Economic Opportunities Program (EOP) which "supports fields of practice that make economic opportunity more accessible to those who are struggling in the changing economy. EOP is composed of four related Initiatives: Access to Capital and Credit, The Microenterprise Fund for Innovation, Effectiveness, Learning and Dissemination (FIELD), Skills for America's Future, and the Workforce Strategies Initiative

cal legal education may be viewed as a service-learning component of the legal academy, clinical scholarship may be viewed as a type of action research. Clinical scholarship, which “takes as its point of departure clients’ actual experiences, can be a useful adjunct and even antidote to abstract theorizing about justice that too often characterizes legal scholarship.”<sup>111</sup> Most law school live client clinics deal with the legal problems of low- and moderate-income people and “clinical scholars have often focused on the problems of poverty law.”<sup>112</sup> As one scholar observes, “For scholarship about justice in an increasingly complex world to be most effective it must draw on inter- and multidisciplinary perspectives.”<sup>113</sup> Clinical scholarship can benefit from connections to social work and sociology, ethnography and anthropology, psychology, business, engineering, and architecture and these connections will inform clinicians’ teaching, service, and scholarship. These connections are important because problems in today’s world tend to be complex and interconnected. For example, poverty may be related to housing, employment, or mental and physical health, requiring multiple interventions. From their inception, legal clinics have been viewed as laboratories to test ideas about the legal system and lawyering. Clinicians concerned with the interrelationship between theory and practice “have also benefited from intellectual movements such as critical theory, critical race theory and feminism because they provide the theoretical underpinning for change.”<sup>114</sup> Like action research, clinical scholarship is helping to redefine and broaden notions of scholarship as the methodology for questioning legal roles and improving the ability of clinical scholars to promote justice.<sup>115</sup> Clinical scholarship, broadly defined this way, has the capacity to transform how the society thinks about legal issues in a practical context.

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(WSI)” <http://www.aspeninstitute.org/policy-work/economic-opportunities> last visited June 28, 2011).

111. Robert D. Dinerstein, *Clinical Scholarship and the Justice Movement*, 40 CLEV. ST. L. REV. 469, 472 (1992).

112. *Id.*

113. *Id.* at 473.

114. *Id.*

115. Clinical scholarship may take many forms. “Because it is often difficult to convey the insights of clinical education in the traditional law review format, the full range of clinical learning is not brought to bear on the academic audience that reads law review articles. Indeed, many insights from clinical education are difficult to present in any written format, or at least in written format divorced from live or videotaped presentations. Clinical scholars frequently convey their ideas at professional conferences and workshops, schools or prisons (through street law programs), bar meetings, presentations to judges and attorneys and other settings not conventionally seen as sites of scholarly activity. To be sure, not all such presentations are scholarly in nature. But insofar as at least some of these presentations reflect the thoughtfulness, thoroughness, and critical perspective that characterize good scholarship, they may open up possibilities for dissemination of scholarly work that promises to reach a broader public than reads law reviews.” *Id.* at 473–74.

As part of clinical work in CED, and in addition to representing individual clients and groups, students in the SBCED Clinic engaged in an action research project in employment and workforce development. The project sought to identify law, policy, and practice innovations in workforce development and employment in the District of Columbia.<sup>116</sup> This effort links the clinic's micro-level work with small businesses and nonprofit groups to macro-policy issues and provides broader context for the students' clinical experience. Students worked in teams of two to learn about best practices for workforce development in four areas: high school vocational training programs; human development programs, post-high school; programs for formerly incarcerated persons; and programs in the arts, entertainment, and creative economy.

The project represents the expansion and deepening of CED in the SBCED Clinic. This expansion was influenced by Professor Jones's recent experience co-editing a book on CED. She wanted to enhance the clinic's field impact in Washington, D.C. while bridging the clinic's micro level client representation with larger policy issues unearthed in the book.<sup>117</sup> Within the broad field of affordable housing and community economic development law,<sup>118</sup> the affordable housing aspects of the industry generally receive more attention than other areas of this diverse field.<sup>119</sup> While developing and preserving affordable housing are critical and essential, people need income to afford housing and assets or savings to avoid economic insecurity and remain in their homes. Wealth creation, and improving and preserving income and assets are at the forefront of the contemporary CED

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116. One of our collaborators, Professor Lewis D. Solomon, Van Vleck Research Professor Emeritus of Law, has been an integral part of project planning and execution.

117. CLAY & JONES, *supra* note 103. The book's chapters include *A History and Background of CED*; *CED in a Global Economy*; *The Role of Nonprofits in Community Economic Development*; *Accessing Government Financial Resources* (e.g., Community Development Block Grants, Tax Exempt Bonds, Empowerment Zones and Renewal Communities, Tax Increment Financing, Rehabilitation Tax Credits, and New Markets Tax Credits); *Responding to Community Interests* (e.g., equitable development, Community Benefits Agreements, zoning issues, making economic development accountable, and community lawyering); *Building Human Capital* (workforce development, affordable child care and affordable health care); *Creating Individual and Community Assets* (matched savings accounts, the earned income tax credit, inclusive business practices, microenterprise development); *Obtaining Appropriate Financial Services* (The Community Reinvestment Act, Community Development Financial Institutions, fringe financial services); and *Embracing Environmental Opportunities and Challenges* (economic development and environmental justice, green jobs and lessons from Hurricane Katrina).

118. See generally CLAY & JONES, *supra* note 103. See also ABA FORUM ON AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT LAW (2011), [http://www.americanbar.org/groups/affordable\\_housing.html](http://www.americanbar.org/groups/affordable_housing.html).

119. See generally CLAY & JONES, *supra* note 103.

movement. These goals cannot be realized without meaningful workforce development initiatives.<sup>120</sup>

The project helped students to learn about “workforce development,” a relatively new term designed to reflect a move from a “social service” to an “economic investment and growth” framework for job creation. The old “employment and training” terminology reflected, for example, in the Job Training Partnership Act of 1982,<sup>121</sup> focused on providing employment services and job placement to disadvantaged workers. Workforce development, on the other hand strives to meet the employment needs of job seekers while meeting the labor force requirements of employers.<sup>122</sup> Students working on the project came to appreciate that workforce development is a community development tool to address a community’s unemployment and underemployment problems by building the capacity of community residents to participate in the mainstream economy and labor market.

A modern definition of workforce development that has emerged, recognizing cross-sector institutional relationships:

The phrase workforce development implies more than employment training in the narrow sense; it means substantial employer engagement, deep community connections, career advancement, integrative human service supports, contextual and industry driven education and training, and the connective tissue of networks. This definition represents the common core of the new paradigm of workforce development. Although straightforward, such a definition represents a synthesis of what has been learned in the fields of employment and training, regional economic development, welfare reform, and community development – areas of endeavor that have more often ignored one another than sought common ground.<sup>123</sup>

The students’ understanding was supported by a study written by The Brookings Institution Greater Washington Research Program, *Reducing Poverty in Washington, DC and Rebuilding the Middle Class from Within*,<sup>124</sup> which reported:

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120. *Id.* at 251–73.

120. Pub L. No. 97-300, 96 Stat. 1326 (1982).

122. Twelve federal government agencies with different missions have work force development programs: Department of Agriculture, Department of Commerce, Department of Education, Department of Health and Human Services, Department of Housing and Urban Development, Department of Justice, Department of Labor, Department of Transportation, Department of Veterans Affairs, Environmental Protection Agency, Faith-based and Community Initiatives, Social Security Administration. CLAY & JONES, *supra* note 103, at 254.

123. *Id.* at 252.

124. Martha Ross & Brooke DeRenzis, *Reducing Poverty in Washington, D.C. and Rebuilding the Middle Class From Within*, The Brookings Greater Washington Research Program (Mar. 2007).

Washington's future as a vibrant, inclusive city depends on its commitment to rebuilding the middle class from within. . . . Still, one out of every three DC residents is low-income, and many residents live in areas of concentrated poverty. More than most cities, Washington is a city of high and low incomes, with a small and declining middle class.<sup>125</sup>

The report recommended a "focused effort" to help low-income city residents move into the middle class and a strategy to increase the skills, employment, and earnings of 10,500 low-income, less skilled individuals over seven years. The project also sought to contribute to this job creation effort by examining the legal, policy, and practical landscapes of modern workforce development strategies, to uncover scalable and other important innovations as well as law reform and policy measures that will lead these innovations.<sup>126</sup> Students working on the project came to appreciate that workforce development serves as a community development tool to address a community's unemployment and underemployment problems. It also builds the capacity of community residents to participate in the labor market and the larger mainstream economy.

## 2. *Case Study*

In the fall and spring of 2010–2011, four, two student teams were assigned one of four topics: high schools vocational programs, human development programs, programs assisting formerly incarcerated persons, and the creative economy. They were given a few preliminary resources in each target area to get them started and were encouraged to conduct telephone interviews with program staff, interview program participants, ask for leads to new organizations, or, after investigation, eliminate some from the list. In the fall semester, the students discussed methods to achieve their goals during weekly supervision meetings with Professor Jones, and they presented their mid- and end-semester findings to the class. In the spring, the students were charged with conducting site visits and drafting site visit reports to select "best-practice" schools and programs.

### a. High schools' vocational programs (both public and charter)

The vocation high schools, both public and charter, research team initially and broadly investigated programs in areas such as construction, building trades, healthcare, hospitality, information technology, computer repair, green technology, and HVAC installation and repair, and they quickly found viable areas for vocational instruction not represented in existing

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125. *Id.*

126. *Id.*

vocational opportunities. D.C. has very liberal charter school laws, which could presumably facilitate the creation of public charter high school vocational programs (also referred to as career and technical education).<sup>127</sup> A goal for this part of the project focused on identifying signature D.C. schools engaged in best practices.

b. Human development programs

Like vocational programs in high schools, human development programs assist low- and moderate-income youth and adults who have either graduated from high school or who are no longer attending high school. These rehabilitative human development programs strive to help people reach their full potential and achieve economic self-sufficiency.

c. Programs assisting formerly incarcerated persons

The Sentencing Project, a national organization working for a fair and effective criminal justice system by promoting reforms in sentencing laws and practices and alternatives to incarceration, reports that the United States is the world's leader in incarceration with 2.3 million people currently in prisons or jails.<sup>128</sup> This is a 500% increase over the past thirty years.<sup>129</sup> State governments are burdened by prison overcrowding and funding for rapidly expanding prison systems.

The United States is in the process of the largest multi-year release of state and federal prisoners in the history of the nation.<sup>130</sup> Cash-strapped states are looking for ways to reduce budget deficits and releasing persons incarcerated for nonviolent offenses may be one way to do that.<sup>131</sup> Studies show that large-scale incarceration is not the best way to achieve public safety.<sup>132</sup> Reporting on racial disparity in prisons, The Sentencing Project notes that racial and ethnic minorities comprise more than sixty percent of

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127. NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS, *A New Model Law For Supporting The Growth of High-Quality Public Charter Schools*, June 2009, available at <http://www.publiccharters.org/publication?id=408/> (last visited June 12, 2011).

128. See generally *Incarceration*, THE SENTENCING PROJECT NEWSLETTER, <http://sentencingproject.org/template/page.cfm?id=107> (last visited Apr. 25, 2011). See also PAUL BUTLER, *LET'S GET FREE: A HIP-HOP THEORY OF JUSTICE* (2009); THOMPSON, *supra* note 126.

129. *A New Model Law For Supporting The Growth of High-Quality Public Charter Schools*, *supra* note 127.

130. ANTHONY C. THOMPSON, *RELEASING PRISONERS, REDEEMING COMMUNITIES: RACE REENTRY AND POLITICS 2* (2008).

131. Irwin et al., *supra* note 36 (discussing state government expenditures on prisons and jails and the costs of incarcerating nonviolent offenders).

132. *Id.*

the prison population.<sup>133</sup> “For Black males in their twenties, 1 in every 8 is in prison or jail on any given day. These trends have been intensified by the disproportionate impact of the ‘war on drugs,’ in which three-fourths of all persons in prison for drug offenses are people of color.”<sup>134</sup>

Professor Thompson, an expert on prisoner reentry, explains the foundation for the problem:

In 2001 alone, corrections officials discharged over six hundred thousand individuals, with most returning to the core communities of their incarceration. As a result of the War on Drugs and the almost single minded focus in the 1980s and 1990s on targeting, denouncing, and dehumanizing those convicted of drug offenses, we banished hundreds of thousands of individuals to prisons and jails. Now we have created an explosive situation of individuals being returned to communities that, for the most part, are barely surviving. These communities, already in dire need of health care, affordable housing, drug treatment, social services, and, most of all, jobs draw even closer to the precipice when they are inundated by recent parolees who have not been prepared for reentry into society.<sup>135</sup>

d. The creative economy—arts, entertainment, and innovation

The creative economy has been long overlooked as a core component of CED. Scholars such as Richard Florida<sup>136</sup> have heightened the conversation about the importance of arts and entertainment to vibrant local communities. Professor Florida’s work has focused on the “creative economy—the enterprises, organizations, activities, and people who are involved in the work and business of art and culture.”<sup>137</sup> In this regard, he described D.C. as

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133. *Id.*

134. See generally *Incarceration*, THE SENTENCING PROJECT NEWSLETTER, <http://sentencingproject.org/template/page.cfm?id=107> (last visited Apr. 25, 2011). See also PAUL BUTLER, *LET’S GET FREE: A HIP-HOP THEORY OF JUSTICE* (2009); THOMPSON, *supra* note 126.

135. THOMPSON, *supra* note 126.

136. Books by Richard Florida include: *THE RISE OF THE CREATIVE CLASS* (2004); *THE FLIGHT OF THE CREATIVE CLASS: THE NEW GLOBAL COMPETITION FOR TALENT* (2007); and *WHO’S YOUR CITY? HOW THE CREATIVE ECONOMY IS MAKING WHERE TO LIVE THE MOST IMPORTANT DECISION OF YOUR LIFE* (2008).

137. See WASHINGTON ECONOMIC PARTNERSHIP, *Creative Economy Focus Groups Held 12/2/08*, <http://www.wdcep.com/wdcep-news/creative-economy-focus-groups-held/> (last visited Jan. 11, 2009); see also *Creative Capital: The Creative D.C. Action Agenda* (May 2010), <http://planning.dc.gov/DC/Planning/Across+the+City/Other+Citywide+Initiatives/Actionomics/Creative+DC+Action+Agenda+Publication>.

“one of the 10 most important economic regions in the world.”<sup>138</sup> The Washington Post had this to say about Professor Florida’s work:

Creative Class types, after all, value authenticity. They prefer “streets lined with a multitude of small venues” such as coffee shops, restaurants, and bars with live performances and exhibits, art galleries and bookstores, which set the stage for overlapping social scenes.

For members of the creative class, “this kind of ‘scene of scenes’ provides another set of visual and aural cues they look for in a place to live and work.” Florida writes: “you may not paint, write or play music, yet if you are at an art-show opening or in a nightspot where you can mingle and talk with artists, you might be more creatively stimulated than if you merely walked into a museum and proceeded to spectate.”<sup>139</sup>

Defined by occupation, the creative class includes artists, dancers, writers and other so-called stereotypical bohemians but also “supercreatives,” which include lawyers, mathematicians, and computer programmers. The broad definition covers about forty-seven percent of the local D.C. workforce.<sup>140</sup> The Washington Economic Partnership, a 501(c)(3) organization that promotes business opportunities in D.C., found that “[t]he Creative Economy generates significant income in wages and revenues, yet this economic contribution often goes unrecognized and opportunities for leveraging these assets are often lost.”<sup>141</sup> Given this data and the Clinic’s longstanding community partnership with Washington Area Lawyers for the Arts and its representation of artists for more than two decades, a part of workforce development project rested on an examination of how the arts generate jobs and influence innovation.<sup>142</sup>

The business maxim, “start with the end in mind” is instructive here.<sup>143</sup> If the goal is healthy, vibrant, and safe communities, Professor Jones wanted her students to determine what public policies exist now, deficiencies in those policies, to identify the gaps between policies and existing practices by public sector agencies, and to determine what interventions are required to bridge the divide in workforce development. In its initial research, a former client, Free Minds Book Club and Writing Workshop (“Free Minds”), a 501(c)(3) nonprofit organization started by journalists Tara Libert and Kelli

138. Annys Shin, *The City as a Modern Muse: Richard Florida Muses on Cultivating Washington’s ‘Creative Class’*, The Washington Post (Sept. 29, 2006), available at [http://www.creativeclass.com/article\\_library/media/141\\_-\\_the\\_city\\_as\\_modern\\_muse.pdf](http://www.creativeclass.com/article_library/media/141_-_the_city_as_modern_muse.pdf).

139. *Id.*

140. *Id.*

141. *Creative Capital*, *supra* note 136.

142. Professor Jones was a member and officer of Washington Areas Lawyers for the Arts.

143. STEPHEN R. COVEY, *THE SEVEN HABITS OF HIGHLY EFFECTIVE PEOPLE* (1989).

Taylor, aided the clinic's efforts. Because Free Minds's mission is "to introduce young inmates to the transformative power of books and creative writing," its' strategic placement helped the Clinic identify organizations working on offender reentry, an important part of the work of many workforce development programs and services.<sup>144</sup> Free Minds mentors young inmates and connects them to supportive services throughout their incarceration into reentry and inspires them "to see their potential and achieve new educational and career goals."<sup>145</sup>

To further its mission Free Minds is a founding partner of The Work Place DC, a nonprofit organization created to "engage business, government, community based organizations, and individuals to provide a continuum of holistic, high quality workforce development programs and services to D.C. residents in one location that will lead to job-ready employee candidates, job placement, economic self-sufficiency, and improved quality of life."<sup>146</sup> The Work Place DC's goal is to provide:

[a] space that supports and nurtures DC residents in their quest to acquire the skills, education, and training needed to obtain and retain employment; provide wrap-around services to address barriers that prevent adults from obtaining or retaining employment; and advocate for systematic changes in DC's workforce development system that will create a more responsive and just workforce development system that benefits DC workers and employers.<sup>147</sup>

Still in its initial stages of development, The Work Place DC, a collaborative effort of local public sector nonprofit partnering organizations, receives support from the Community Foundation for the National Capital Region as well as grants from the D.C. Department of Employment Service and the Jovid Foundation. In the end, the SBCED Clinic's Workforce Development and Employment Project resulted in a new client, one that might not have learned about the clinic but for the project.

Prof. Jones grouped students to research and write papers on the four topics noted above. These papers will provide content for two white papers—the first assessing workforce development (vocational, human development, and ex-offender in D.C.) and the second on workforce employment and training in the creative sector of D.C.

During the course of this research project, Professor Jones began studying the "change theory" literature on "Positive Deviance," an approach to

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144. FREEMINDS: BOOK CLUB & WRITING WORKSHOP, <http://www.freemindsbookclub.org/> (last visited Apr. 24, 2011).

145. *Id.*

146. THE WORK PLACE DC, <http://theworkplacedc.wordpress.com/about/> (last visited Apr. 24, 2011).

147. *Id.*

change (e.g., social or behavioral) which is premised on the notion that sustainable results can come from looking at what's right in a community, rather than focusing on what is wrong. As one practitioner describes it, positive deviance looks for answers to a community's most pressing challenges by examining the outcomes of uncommon behavior that provide proof of sustainable behavior and by identifying and using a community's indigenous wisdom.<sup>148</sup> Positive deviance has become the lens through which the

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148. *Clinton School Scholar Brings Innovative Approach to Social Change*, UNIVERSITY OF ARKANSAS CLINTON SCHOOL OF PUBLIC SERVICE (Jan. 20, 2011), <http://clintonschool.uasys.edu/news-events/detail.aspx?id=861>. See also Arvind Singhal, et al., *Turning Diffusion of Innovations Paradigm on its Head: The Positive Deviance Approach to Social Change*, in *ADVANCES IN THE STUDY OF THE DIFFUSION OF INNOVATIONS: THEORY, METHODS, AND APPLICATION* (Arun Vishwanath & George Barnett eds., 2010); David Dorsey, *Positive Deviant*, FAST COMPANY (Nov. 30, 2000), <http://www.fastcompany.com/magazine/41/sternin.html>. Positive deviance is rooted in the work of Jerry Sternin, who while working with Save the Children in Vietnam was recruited by the Vietnamese government to help reduce the country's malnutrition problem. Searching for a solution to malnutrition and recognizing that conventional views on malnutrition were "true but useless" (TBU) he began looking to indigenous sources to fuel sustained change. Through a ground up discovery process he found a group of well-fed children from poor families and examined what they were doing right. The positive deviant group were feeding their children nutritious tiny shrimps and crabs from the rice paddies and mixing them with rice. They also fed their children sweet-potato greens (which in Vietnam was thought to be low class food) thereby adding carbohydrates, protein and vitamins. Overall, they demonstrated caring behaviors. Contrary to the norm, these positive deviant mothers also fed their children small meals several times a day, and even when they had diarrhea.

Remarkably, in two years, the malnutrition rate dropped in Vietnam from eight-five to sixty-five percent. Sternin offers important lessons from his work as a positive deviant and steps to adopt positive deviance as a change program. First, don't presume you have the answer but facilitate the discovery of the positive deviants by the non-deviant group thereby enabling the non-deviants to practice the new child-rearing behaviors. Second, define the community tightly and make sure the definition is acceptable to the group. Third, let the people discover the positive deviants themselves by educating and asking questions. This meant training villagers to chart the growth of poor children by age and weight, asking whether they knew poor children who were well nourished and facilitating the discovery of these positive deviants. Fourth, identify conventional wisdom. In the Vietnamese context this meant observing how most mothers were feeding their children—with non-nutritious foods and without taking an active role in what and how often they ate. Fifth, identify and analyze the deviants. With behavior tracking the positive deviants emerge. Analyze their common behaviors and identify what makes those behaviors successful. Sixth, let the positive deviants adopt deviations of their own, i.e., don't import best practices. The goal is not knowledge transfer but behavior change. Seventh, track the results and publicize them. In Vietnam, a later independent study by the Harvard School of Public Health found that the behavior change stuck -- children who had not been born when Sternin left the villages now had the same nutritional levels as children who benefited from the program. Seven, replicate the model recognizing that different solutions will emerge from new locals. Sternin observed about the Vietnamese project: "As the program grew, it uncovered new solutions in new localities – sesame seeds, peanuts, snails. The answers were never quite the same. Different solutions grew out of soils. But the process remained the same: Discover original local answers to the problem,

SBCED Clinic now approaches its CED action research; it is now focused on community assets and not deficits, in much the same way that social workers use a “strength perspective.”

In every community, organization, or social group, there are individuals whose exceptional behaviors or practices enable them to get better results than their neighbors with the exact same resources. Without realizing it, these “positive deviants” have discovered the path to success for the entire group—that is, if their secrets can be analyzed, isolated, and then shared with the rest of the group.<sup>149</sup>

Because the results of positive deviance are “verifiable, replicable, and scalable,”<sup>150</sup> other disciplines such as business are benefiting from this change theory approach.<sup>151</sup> In the business context, firms have employed a six step “change in action” model has been employed and this model informed the work of the SBCED Clinic’s CED Workforce and Employment Project. First, make the group the guru (recognize them as champions or leaders).<sup>152</sup> “In the positive deviance model, problem identification, ownership, and action begin in and remain with the community. Because innovators are members of the community who are ‘just like us,’ disbelief and resistance are easier to overcome.”<sup>153</sup> Second, reframe the problem through the facts.<sup>154</sup> As one positive deviance innovator put it: “Inside-the-box definitions of problems guarantee inside-the-box solutions. Restating the problem shifts attention to fertile new ground and opens minds to new possibilities.”<sup>155</sup> Practitioners of positive deviance use hard data which can be used to change norms; communities learn exceptions to current practices.<sup>156</sup> In Argentina, for example, a positive deviance approach revealed higher performing schools in which teachers negotiated learning contracts with rural parents, thereby “enrolling illiterate parents as partners in their children’s education.”<sup>157</sup> Third, make it safe to learn.<sup>158</sup> Recognize that

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and then give everyone access to the secrets.” Today, positive deviance has been used by individuals and groups in more than twenty countries from Bangladesh to Sri Lanka.

149. Dorsey, *supra* note 146.

150. Richard Tanner Pascale & Jerry Sternin, *Your Company’s Secret Change Agents*, HARV. BUS. R. 1, 3 (May 2005), <http://hbr.org/2005/05/your-companys-secret-change-agents/ar/1>.

151. *Id.*

152. *Id.*

153. *Id.*

154. *Id.*

155. *Id.* at 5.

156. Pascale & Sternin, *supra* note 148, at 5.

157. *Id.* at 5.

158. *Id.* at 6.

[p]ositive deviants may fear being exposed, ridiculed, or subjected to retaliation if their newly enhanced influence challenges the status of others. . . . What's more, discussions might be discoverable in legal proceedings. Only when people feel safe enough to discuss a taboo and when the community is sufficiently invested in finding solutions can the prospect of an alternative reality appear.<sup>159</sup>

Fourth, make the problem concrete and use the right exercises to measure organizational benefits.<sup>160</sup> Fifth, leverage social proof. Create environments for the social deviants to emerge.<sup>161</sup> Sixth, confound the immune defense response, that is to say, combat organizational "avoidance, resistance and exceptionalism."<sup>162</sup>

In the end,

"[t]he positive deviance approach requires a role reversal in which experts become learners, teachers become students, and leaders become followers. Leaders must relinquish to the community the job of chief discoverer . . . Instead of being the 'CEO'—chief expert officer—the leader becomes the 'CFO'—chief facilitation officer—whose job is to guide the positive deviance process as it unfolds."<sup>163</sup>

Overall, the positive deviance approach is summarized in the words of the Taoist sage, Lao-Tsu, often cited in the social work profession:

Learn from the people  
Plan with the people  
Begin with what they have  
Build on what they know  
Of the best leaders  
When the task is accomplished  
The people remark  
We have done it ourselves<sup>164</sup>

#### V. PART 3: KEY OUTCOMES, OBSERVATIONS, LESSONS LEARNED, RECOMMENDATIONS, AND CONCLUSIONS

Part 3 offers key lessons learned from the case study projects and how they relate to action research in social work and law, as well as, recommendations and a conclusion.

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159. *Id.*

160. *Id.* at 7.

161. *Id.*

162. Pascale & Sternin, *supra* note 148, at 8.

163. *Id.* at 9.

164. *Id.* at 9–10.

A. Key Outcomes and Lessons Learned from the U.S.-Africa Partnership for Building Stronger Communities Project

Consistent with action research and other learning theories, participants of the SSTA, (faculty, students, community-based practitioners, and collaborative partners) participated in the development of the project's evaluation to assess whether or not it achieved its mission and goals and to secure recommendations for the best structure to sustain it.

A summary of the project's evaluation report shows that the respondents reported that the project was successful in:

- Providing a link between academic learning and reality.
- Expanding student learning about national and international policies for change and development.
- Developing international collaborative partnerships.
- Providing exposure to international/global thinking as well as opportunities to perceive differences and experience similarities between cultures, religions and peoples.
- Offering opportunities for collaborations for research and grant writing.
- Providing, through real experience and exposure to African culture, a deeper understanding of Africa, especially in relation to the United States.

There were a number of significant reported outcomes of the SSTA project. The first is that it was helpful in relating the SSTA participants' learning experiences to their present and future roles as helping professionals. Second, the evaluation findings resulted in the formation of a fund raising component to support student scholarships to increase the opportunity for more students who desire to participate in SSTA to do so. Third, the project recognized that technology, particularly the internet, has rapidly globalized society which has contributed to a larger economic and power gap between the "haves and have-nots."<sup>165</sup> Accordingly, the project's use of teleconferencing technology expanded its reach and impact across continents.

The U.S.-Africa Partnership for Building Stronger Communities Project and its use of action research is evidence of the significant role that colleges and universities play in helping to bridge a worldwide economic and power gap, exposing students to other cultures and fostering effective global change and development.<sup>166</sup>

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165. Collins, *supra* note 25, at 2-9.

166. *Id.*

## B. Key Outcomes and Lessons Learned from the SBCED Clinic's Workforce and Employment Project

There are a number of significant outcomes from the SBCED Clinic's Workforce and Employment Project. The first is that law school clinic-based action research projects can be a source of new clients. But for the Project, the Clinic would not have been linked to The Work Place DC.<sup>167</sup> Second, the Work Place DC has become a client, with teams working on corporate bylaws, meeting minutes, corporate governance documents such as conflict of interest and whistleblower policies, and legal issues in cloud computing. Third, students learned about nonprofit organization funding and private foundations like the Jovid Foundation established in 1991 by Joan and David Maxwell "with a goal to help the poor in Washington, DC move out of poverty . . . by supporting organizations that focus on training and employment."<sup>168</sup> Fourth, through their investigatory site visits and interviews students learned about how well-functioning nonprofit organizations operate. This also included learning about the essential ingredients of successful and scalable social ventures.<sup>169</sup> This process informed students' judgments in advising new nonprofit groups.<sup>170</sup> Fifth, the Project work enabled an analysis of positive deviance in a business context. The first application is to the client, The Work Place DC. The second applies to the project methodology used during site visits and interviews of select workforce development providers. Having conducted investigatory research about organizations providing meaningful workforce development training

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167. The SBCED Clinic has a comprehensive list of community partners including, The DC Bar CED Pro Bono Project, Shaw Main Streets and Washington Area Lawyers for the Arts and routinely refers cases to and receives referrals from other DC area law schools. The client taught the students a great deal about workforce development and the challenges nonprofit organizations face (e.g. funding and space) and how they are preparing to face those challenges. For example, the client gave the students policy briefs on Transforming Workforce Development in the District – Building a Strong Leadership Structure and Contributing to an Economic Opportunity Agenda (Dec. 2010) both publications were joint projects whose contributors included staff from the Coalition for Nonprofit Housing and Economic Development, DC Applesseed, the DC Employment Justice Center, the DC Fiscal Policy Institute, the DC Jobs Council, Greater Washington Research at Brookings, the Greater Washington Workforce Development Collaborative and the Local Initiatives Support Corporation. Documents on file with the author.

168. *Jovid Foundation's Focus on Job Training is One "Secret" to Successful Giving*, SMARTLINK, [http://www.smartlink.org/success/success\\_show.htm?doc\\_id=434492](http://www.smartlink.org/success/success_show.htm?doc_id=434492) (last visited Dec. 10, 2010). See also JOVID FOUNDATION <http://foundationcenter.org/grantmaker/jovid> (last visited Dec. 10, 2010) The SBCED Clinic looks for new funding sources to share with clients. *Id.*

169. To this end, students reviewed organizations' IRS Form 990, Return of Organization Exempt from Income Tax.

170. Each student team has at least one nonprofit case per semester.

(in high schools, human development programs, for ex-offenders and in the creative economy) students analyzed and summarized this data in their research papers that included site visits and interviews with select organizations. Students' final papers were formulated into white papers.

In applying the positive deviance approach in a business context to the facts of The Work Place DC, two points are noteworthy. First, the group became the guru.<sup>171</sup> The Work Place DC was the outgrowth of a luncheon for the District of Columbia's workforce development providers hosted by the Jovid Foundation. Second, reframing the problem through facts means identifying a new model for workforce development in D.C., i.e., The Work Place DC.<sup>172</sup> Third, the luncheon fostered inclusiveness and the group shared learning experiences and made it safe to learn.<sup>173</sup> Fourth, The Workplace DC made the problem concrete and developed plans to measure organization benefits.<sup>174</sup> Fifth, the work of The Workplace DC founding participants (organizations engaged in workforce development) was positive "social proof" for the emergence of a positive deviant organization.<sup>175</sup> Sixth, the reality is that in some parts of DC, unemployment is as high as twenty-eight percent<sup>176</sup> which makes it clear that there was no time for "avoidance, resistance or exceptionalism."<sup>177</sup>

The second application of the positive deviance framework, which applies to the project methodology is also instructive. While conducting the site visits and brief interviews, in roles as fact investigators, the students learned to uncover what is working well in the organizations and why, what are the exceptional behaviors that set the organizations apart from others involved in workforce development training, and considered whether these "secrets" be analyzed, isolated, and shared with others? These issues are explored in the white papers resulting from the project.

### C. Observations and Recommendations

The last two decades has witnessed a resurgence in community engagement on undergraduate college campuses. One measurement is the in-

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171. Pascale & Sternin, *supra* note 148, at 2.

172. *Id.* at 5.

173. *Id.* at 6.

174. An example is the Employment Barriers Table (for assessment, plan development and case management) created by the Jovid Foundation ED Lunch Club. Some of the listed barriers include: lack of ID, substance abuse, lack of a driver's license, criminal background. Document on file with the author.

175. *Id.* at 7.

176. See Jeff Clabaugh, *Ward 8 Unemployment Tops 28 Percent*, THE WASHINGTON BUSINESS JOURNAL (Nov. 3, 2009 12:54 PM), <http://www.bizjournals.com/washington/stories/2009/11/02/daily35.html>.

177. Pascale & Sternin, *supra* note 148, at 8.

crease in the number of Campus Compact members representing more than 1100 campuses in the last twenty-five years.<sup>178</sup> This can be attributed to the millennial generation who like the baby boomers before them “are idealistic and committed to social justice.”<sup>179</sup>

A few studies of action research, under the rubric of engaged scholarship, show that graduate education is lacking when it comes to preparing these students to become future faculty members. Scholars advocating for greater civic engagement in graduate schools have observed “[w]hen graduate education is isolated from the world, it is impoverished.”<sup>180</sup> Indeed, research shows that graduate students want “meaning in their work.”<sup>181</sup> Integrating action research “into doctoral programs across every discipline offers opportunities for students to more effectively acquire research and teaching skills, to learn the knowledge of their disciplines in ways that promote deeper understanding and greater complexity, and to make connections with public agencies and groups that enrich the quality of their education.”<sup>182</sup>

Although research on the action research pedagogies and philosophy is inadequate, service learning in particular “has been found to positively influence personal and interpersonal development, issue knowledge, analysis of problems and solutions, critical thinking, and engagement with the material.”<sup>183</sup> How civic engagement will be integrated ultimately depends on the discipline and the graduate school’s culture.<sup>184</sup> While there are pockets of programs that embed action research methods and philosophies, “these programs are more the exception than the rule, and there are many barriers to integrating community engagement more widely into graduate education.”<sup>185</sup> These barriers are directly attributable to the history and culture of graduate education, with social work and clinical law being the outliers.<sup>186</sup>

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178. O’Meara & Jaeger, *supra* note 6, at 17.

179. Morin & Waysdorf, *supra* note 5, at 22.

180. O’Meara & Jaeger, *supra* note 6, at 4.

181. *Id.* at 14.

182. *Id.* at 4.

183. *Id.* at 5.

184. *Id.*

185. *Id.* at 12.

186. O’Meara & Jaeger, *supra* note 6, at 7–8. American graduate education emanated from the German ideal of “pure” learning which evolved into “pure science” in America. “Throughout the history of doctoral education, the rhetoric is often that of the rationale for the ‘talented tenth,’ or the idea of joining a distinctive privileged society. *Id.* at 8. This sense of doctoral students as ‘captains’ if not ‘generals’ of expertise in ivory towers has created the perception that although doctoral students may inhabit a university community while they pursue their degrees, what they are doing is somehow not of or for the people, but for the private good.” *Id.* This perception, which is deeply grounded in reality, thwarts community engagement. *Id.*

While the history of American graduate education is predominately a story of the ascendance of disciplines and specialized knowledge, the professions (e.g., divinity, law, medicine, social work, and education) provide an interesting partial exception. These professions have always considered the development of character and ethics as primary concerns in creating “professionals” in their respective fields. In addition, some of the first “schools” of medicine, law, and divinity developed outside research university walls using apprenticeship models. Thus, from their very beginnings, the oldest law, medical, public health, and social work schools have incorporated experiential clinical programs, often serving poor nearby neighborhoods.<sup>187</sup>

Other barriers include funding and the inability of faculty mentors and, hence, their students to “see” community engagement as way of being a scholar.<sup>188</sup>

Excerpts from two students’ reflective journals shed light on their experience and highlight the benefits of action research in a law school clinic.<sup>189</sup> In one journal, a student noted:

Going to visit Tara at Free Minds was a very eye-opening experience. It is amazing how much difference just a few people can make. With a staff of just three full-time employees, Free Minds, has found a way to reduce recidivism for its target audience by more than 50%. That is remarkable . . . [W]hat would have happened if someone had gotten involved with these juveniles before they committed their crimes? . . . I wanted to go to law school to help people—to make the world a better place before I left it. I think those lofty goals got lost somewhere along the way. I’m not sure when it happened, but I am glad that this project has reminded me of those goals before I graduated.<sup>190</sup>

Another student commented that, “The site visits have become finalized and I am excited about getting to see how these organizations operate and learning about their best practices. I don’t think I would have had the chance to see something like this firsthand if it weren’t for the clinic.”<sup>191</sup>

In assessing the usefulness of action research as an educational tool, two significant reports may help to advance action research in legal education. The first is *Educating Lawyers: Preparation for the Profession of Law* (The Carnegie Report),<sup>192</sup> which recognizes clinical legal education as the

187. *Id.* at 10.

188. *Id.* at 14.

189. Students are required to submit six reflective journals every two weeks over the thirteen week semester.

190. Student journal on file with author.

191. Student journal on file with author.

192. WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) [herei-

vehicle for a third apprenticeship during which students experience a convergence of knowledge, skills, ethical and social meaning, bridging the gap from student to lawyer.<sup>193</sup> The second is *Best Practices for Legal Education: A Vision and A Road Map*<sup>194</sup> published by the Clinical Legal Education Association after years of study. That report recognizes a commitment to social justice as an important part of legal education.<sup>195</sup>

Additionally, there is another important, market driven, consideration for expanding the role of action research in clinical legal education. Simply put, law practice, driven by client needs, is changing and legal education must keep step. Significantly, large law firm (and other legal) jobs are declining and students are concerned about their ability to secure legal positions.<sup>196</sup> In clinic-based action research projects students learn about cutting edge societal issues and the importance of skills training like writing, critical thinking, collaborative work, and interpersonal skills, in a broader law, policy, and practice context. At the same time, students are exposed to a range of actors—from government officials to social entrepreneurs and policy makers who may be role models or even mentors in the new knowledge economy. Students are also introduced in a deeper way to the emerging legal instruments designed to capture the social entrepreneurship space and learn about creative legal options for sustained community change.<sup>197</sup> Indeed, students may be forced to be more entrepreneurial career wise in this stagnant economy.

The overarching pedagogy of action research may also be the anchor for cross-disciplinary work. This is particularly true in the field of community economic development where cross-disciplinary work with architects, accountants, business professionals, urban planners, and other professionals is essential.<sup>198</sup> In the end, action research is not for the faint of heart. It is

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nafter THE CARNEGIE REPORT] (To prepare law students for professional practice, the report suggests that law schools provide three apprenticeships: cognitive knowledge and ways of thinking, i.e., thinking like a lawyer; experiential learning; and identity of purpose).

193. Morin & Waysdorf, *supra* note 5, at 1–2 and 8–9 (citing The Carnegie Report 10).

194. ROY STUCKEY, *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007).

195. Morin & Waysdorf, *supra* note 5, at 10.

196. THOMAS D. MORGAN, *THE VANISHING AMERICAN LAWYER*, Oxford University Press (2010). Professor Morgan points out that the “current global economic crisis has led many clients to abandon deals that were the backbone of law firm practice. The American Bar Association urges new law school graduates to have ‘backup plans.’ Over 4,000 lawyers—some of them experienced partners—have lost their positions at major American firms in 2009. Job offers to many 2009 graduates have been deferred to a later, often-unspecified date.” *Id.*

197. *Id.* at 2–3; Dennise Bayona & Ken Milani, *The L3C Low-Profit Limited Company: Investment Option for Social Impact*, 86 PRACTICAL TAX STRATEGIES 66 (2011).

198. Jones, *supra* note 35 (describing an interdisciplinary project in business, and engineering).

hard work and requires dedication to teaching and to students, colleagues, and community partners. At the same time, the rewards are worthwhile.

#### VI. CONCLUSION

This article describes action research and how it can be an innovative approach to education in law and social work for public service. Through case studies in social work and law describing the use of action research in their courses, the authors encourage the use of this pedagogy, which provides high quality educational experiences for students while helping communities and advocating for systemic change and development.