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# Time to rework the brand ‘Clinical Legal Education’<sup>1</sup>

Mary Anne Noone

## Introduction

At the Tenth International Journal of Clinical Legal Education, the involvement of more than 200 participants from 22 different countries and jurisdictions highlighted the varying circumstances and challenges facing clinicians around the globe. The conference discussions were vibrant and often inspiring. The conference themes were: *Clinic for All? Should clinic integrate into traditional legal teaching? Should all students have the opportunity to do clinic? Should clinics engage more with the profession?* It was not the first time these themes have been addressed at clinical legal education conferences. They are perennial issues for the clinical legal education movement and their merits have been forcefully argued over several decades. For many of those attending the conference, the definitive answer to all four questions is “Yes”.

Clinical legal educators can readily recite a litany of reasons why clinical legal education is a preeminent form of legal education. The benefits for students, the communities they serve and the legal profession are clearly apparent to clinicians. These positive attributes have been recognised in a range of different documents reviewing legal education. However the real challenge is how to make clinic for all students a reality. How can we make this happen?

In reflecting on this question I wondered why if the merits of clinical legal education are so obvious, why is it that we do not have clinic for all? Why isn’t clinical legal education an integral part of legal education? Why don’t all students get the opportunity to undertake clinical legal education and why isn’t the legal profession advocating for clinical legal education to be a mandatory aspect of law degrees?

Obviously the answers to these questions are going to be jurisdiction and university specific. In this paper I address one possible response, the branding of clinical legal education. Although my comments are informed by what is happening in Australian university sector and my recent work with five Australian clinicians in our best practices project,<sup>2</sup> I hope my remarks have some common resonance to differing clinical legal education environments.

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1 This paper given as a keynote address at the 10th International Journal of Clinical Legal Education Conference in July 2012 Durham, UK.

2 Evans, A., Cody, A., Copeland A., Giddings, J., Noone M.A. & Rice S., *Best Practices Australian Clinical Legal Education* Office of Teaching and Learning 2013 accessible at [http://www.olt.gov.au/resources?text=clinical legal education](http://www.olt.gov.au/resources?text=clinical%20legal%20education) ; See also *Strengthening legal education by integrating clinical experiences* <http://www.law.monash.edu.au/about-us/legal/altc-project/> .

## Carer's Victoria story

To put the focus of my paper in context I recount a short story. I am a Board member of a not-for-profit organisation representing carers. It works to support and advocate on behalf of carers and caring families.<sup>3</sup> The organisation is primarily reliant on government funds but it has recently gone through a strategic planning exercise and wants to decrease its reliance on government funding and increase non-government funding. This would enable the organisation to become sustainable into the future and be more involved in advocacy and policy work.

As part of this process, the organisation engaged a consultant company to help with fundraising and organising fundraising events. However before the company took on the job they did an informal survey. They went out into the city centre and asked random people what they understood a carer to be? Had they heard of the organisation? What did they think the organisation did? and finally would they give money to such an organisation? The results of the survey indicated people were confused about who was a carer, that they did not know the organisation but generally indicated the work of the organisation was worthwhile and said they might donate money to support such an organisation.

The consultants concluded that before they could increase fundraising capacity of the organisation, they must create greater awareness of the brand of Carers Victoria. The public needed to know about carers and the role of the organisation before there would be an increase in donations.

This experience resonated for me in the context of this conference's themes and the work we have been doing on best practices in clinical legal education in Australia. In order to achieve 'Clinic for All' and integrate clinic into traditional legal teaching I suggest we need to improve our brand awareness. We need to have a clinical legal education brand that deans, faculty, students and the legal profession identify and want to be involved with.

In order to improve our brand, at least three fundamental questions need addressing: What is the current clinical legal education brand? What are the competing brands? And what could be the CLE brand? I explore each of these topics in the following discussion. However there is a preliminary issue that needs clarification.

## What is a Brand?

Before addressing what is the Clinical Legal Education brand I needed to learn about branding as I am a novice in the discipline of marketing. Through web based research I learnt that branding creates visibility; convinces supporters of the commodity/ organization/services' value; and encourages them to purchase or provide funds.

*Brands are the cultural phenomenon of our time. Branding is no longer just about corporations, products and services.... Today towns, regions, sports, museums, consumer groups and charities are all branded and have strength of identity, cohesion and a defining role.*<sup>4</sup>

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3 Carers Victoria <http://www.carersvic.org.au/> accessed 30/8/12

4 3548QCA: Branding <http://www3.griffith.edu.au/03/STIP4/app?page=CourseEntry&service=external&sp=S3548QCA> accessed 7/7/12.

## Wikipedia states:

*A brand is a "Name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers.*

*A concept brand is a brand that is associated with an abstract concept, like breast cancer awareness or environmentalism, rather than a specific product, service, or business.*

*Brand is the personality that identifies a product, service or company (name, term, sign, symbol, or design, or combination of them) and how it relates to key constituencies: customers, staff, partners, investors etc.*<sup>5</sup> [\[1\]](#)

Individuals want to be part of a brand because of what it says about you and signifies you are part of a particular group. According to a provocative report by an Australian brand agency Bastion Brands, the top three brands in Australia are Salvation Army, the Hells Angels and Apple. The report found they were the most effective brands because consumers understood what they believed in, felt they could belong to the brand and would change their behaviour for it.<sup>6</sup>

All universities are involved in branding and marketing. They create message packages to sell their product.<sup>7</sup> For instance University of Sydney states:

*The University's brand goal is to achieve a cohesive brand presence and a clearly defined distinctive image in the market. This is much more than designing a logo – it's about the active management of how the University is perceived and creating a clearly defined, differentiated, sustainable brand over time.*<sup>8</sup>

And the University of Melbourne:

*Through consistency and dedication to brand principles we build recognition and maintain brand loyalty to ensure that the experience of the University of Melbourne brand for all our key stakeholders is meaningful, inspiring, and differentiates us from our competitors.*<sup>9</sup>

A related example illustrates how governments also are involved in the branding of education. The Australian Parliamentary Secretary for Trade, Justine Elliot recently announced a new brand for Australia's international education sector, *Future Unlimited*. The initiative was claimed to "refocus attention on the benefits of Australian educational qualifications, and the doors they open for international students". The Minister claimed, in the past Australia has relied on its affordability, spectacular natural environment and friendly lifestyle to attract overseas students however increased competition caused a rethink.<sup>10</sup>

Checco suggests that a brand needs to answer the questions: Who are we? What do we do? How

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5 [http://en.wikipedia.org/wiki/Brand#cite\\_note-0](http://en.wikipedia.org/wiki/Brand#cite_note-0) accessed 7.7.13

6 Governance & Management Pty Ltd. [http://www.governance.com.au/board-matters/tx-view-article.cfm?loadref=2&article\\_id=B17E7F62-D942-B207-C0B4F166C9E8B895](http://www.governance.com.au/board-matters/tx-view-article.cfm?loadref=2&article_id=B17E7F62-D942-B207-C0B4F166C9E8B895) accessed 7 July 2102

7 Victoria Neumark, What's in a name? The value of a good university brand guardian.co.uk 3 April 2012 <http://www.guardian.co.uk/higher-education-network/blog/2012/apr/03/branding-universities> accessed 10 October 2012

8 [http://sydney.edu.au/ups/orders\\_quotes/branding.shtml](http://sydney.edu.au/ups/orders_quotes/branding.shtml) accessed 10 October 2012

9 <http://marketing.unimelb.edu.au/branding/index.html> accessed 10 October 2012.

10 [http://ministers.dfat.gov.au/elliott/releases/2011/je\\_mr\\_110607.html](http://ministers.dfat.gov.au/elliott/releases/2011/je_mr_110607.html) accessed 10 October 2012.

do we do it? And why should anyone care? <sup>11</sup>

## What is the brand ‘clinical legal education’?

If a survey was conducted of a random selection of people in the main street and they were asked what do they know about ‘clinical legal education’? What do they think it means? Do they think it is a good thing? It is most likely that, like the carers example above, there would be ignorance, confusion and maybe general uninformed support. More importantly, what if this survey was done within the legal profession, academia or potential law students? Quite likely there would be more awareness but also significant confusion. As Checco posits, would they truly understand what we do? Have we made it clear why they should support and align themselves with Clinical Legal Education in a meaningful way? Do they understand the impact clinical legal education programs have in the community? Why would they choose to support clinical legal education over other legal education developments?<sup>12</sup>

At the conference I conducted a short exercise where participants were asked to think of a word or short phrase that might encapsulate what the clinic legal education brand meant to them. The responses included the following words:

- Practical
- Hands on
- Experiential
- Providing services to those in need
- Social justice
- Teaching ethical lawyering
- Skills based
- Sexy!!!

The concept of clinical legal education is not widely understood and there is no clear identifiable brand. In Australia, the acronym CLE gets confused with continuing legal education for lawyers and community legal education.

Additionally there is no common visual image for clinical legal education. An internet search for images of clinical legal education reveals the predominant image of students sitting around a table or in a court room, photos of individual clinicians and images of conference locations!<sup>13</sup> The images of students involved in clinical legal education are not all that different from other forms of legal education or education more broadly. There is certainly no readily identifiable symbol or image for clinical legal education. It is often associated with the symbol for justice, the scales or

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11 Checco, Larry *Branding for Success - A roadmap for raising the visibility and value of your non-profit organization* 2005 Trafford Canada p 40

12 Checco, Larry *Branding for Success- A roadmap for raising the visibility and value of your non-profit organization* 2005 Trafford Canada p 17

13 [http://www.google.com.au/search?q=images+of+clinical+legal+education&hl=en&gbv=2&um=1&tbn=ischtab=wi&oq=images+of+clinical+legal+education&gs\\_l=img.12...396312.396312.0.397922.1.1.0.0.0.94.94.1.1.0...0.0.oGvezkn2qas](http://www.google.com.au/search?q=images+of+clinical+legal+education&hl=en&gbv=2&um=1&tbn=ischtab=wi&oq=images+of+clinical+legal+education&gs_l=img.12...396312.396312.0.397922.1.1.0.0.0.94.94.1.1.0...0.0.oGvezkn2qas) accessed 9 July 2012

court rooms but this does not differentiate it from other forms of legal education.

The term clinical legal education covers many different endeavours. Clinical legal education is diverse in its form and substance. In the Best Practices project in Australia we found an amazing diversity of developments. We defined clinic as:

‘Clinic’ or clinical legal education (CLE) is a significant experiential method of learning and teaching. CLE places law students in close contact with the realities, demands and compromises of legal practice. In so doing, CLE provides students with real-life reference points for learning the law. CLE also invites students to see the wider context and everyday realities of accessing an imperfect legal system. Clinical pedagogy involves a system of self-critique and supervisory feedback so that law students may learn how to learn from their experiences of simulated environments, observation and, at its most effective level, personal responsibility for real clients and their legal problems. CLE is, in summary, a learning methodology for law students that compels them, through a constant reality check, to integrate their learning of substantive law with the justice or otherwise of its practical operation.<sup>14</sup>

We identified five different approaches to providing clinical legal education. They are

- In-house live-client clinic
- In-house live-client clinic, with some external funding
- External live-client clinic/ agency
- Externships/internships/placements
- Clinical components in other courses, including simulation<sup>15</sup>.

Those who seek to expand and promote clinical legal education often face opposition from other academic colleagues. Critics or non-supporters claim that clinical legal education is not ‘real’ legal education or that it is not ‘academic’ or intellectually rigorous. A common response from university decision makers is that clinical legal education is expensive. Certainly it is resource intensive. The challenge for those convinced of the benefits of clinical legal education is to develop a ‘brand’ that is attractive and appealing to those with the funds.

## **How to create a positive/persuasive brand for clinical legal education?**

Although branding is used intensively by educational institutions, I was unable to locate a relevant reference. Instead, the analysis in a book by Checco aimed at not for profit organisations, *Branding for Success: A Roadmap for Raising the Visibility and Value of Your Nonprofit Organization*, provides a simple five-step process addressed at assisting an organization develop successful branding.<sup>16</sup> Although the focus is not for educational environments, I suggest the basic principles are applicable to the context of clinical legal education.

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14 Evans, A., Cody, A., Copeland A., Giddings, J., Noone M.A. & Rice S., Best Practices Australian Clinical Legal Education Office of Teaching and Learning 2013 p 20

15 Ibid.

16 Checco, Larry *Branding for Success- A roadmap for raising the visibility and value of your non-profit organization* 2005 Trafford Canada; Checco’s book, reviewed at <http://nonprofit.about.com/od/nonprofitpromotion/fr/branding.htm> accessed 5 July 2012

The five steps Checco describes are:

1. Conduct a SWOT analysis.
2. Review your SWOT analysis for brand messaging opportunities.
3. Determine what messages your audiences want or need to hear.
4. Create a “messaging package.”
5. Before finalizing your message package, go back to your focus group.

### **1. Conduct a SWOT analysis.**

A SWOT analysis is commonly used in strategic planning exercises. It is an acronym for strength, weaknesses, opportunities, and external threats. Ideally participants in a SWOT analysis of clinical legal education would include all stakeholders including the dean, other non-clinical colleagues, clinical staff both academic and administrative, students, local legal profession. Most clinical legal educators can easily cite the strengths of clinical legal education but what might be the strengths for other stakeholders not just students, clinical teachers and clients?

Checco suggests a series of questions for use in each part of the SWOT analysis.<sup>17</sup> I have adapted these to assist those seeking to promote clinical legal education:

- “Strengths - What do we do best? How do we want our target audiences (colleagues, students, legal profession) to view us? What distinguishes us from our competition?”
- Weaknesses - In what ways do we have trouble clearly explaining to people outside our field what we do? How much does our university/law school know about branding, and how effective will the university/colleagues be in promoting and protecting our brand?
- Opportunities - Can we identify an expanding market for clinical legal education? What is the current educational landscape and what are the current educational developments?
- Threats - Are there external factors that would prohibit clinical legal education from promoting our brand? Who/what are our competitors? How much do we know about them?”

### **2. Review your SWOT analysis for brand messaging opportunities.**

In reviewing the SWOT analysis, most clinical legal educators could articulate what they consider to be the strengths of clinical legal education and how it is distinguishable from other forms of legal education. Although there may be disagreement between clinicians about the relative merits, what will be just as instructive is the discussion about weaknesses and why the merits of clinical legal education are not clear to other stakeholders. Checco suggests the analysis focus on “What have you learned about who you are, what you do, how you do it, and why anyone should care?”

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<sup>17</sup> Ibid p 45

### **3. Determine what messages your audiences want or need to hear.**

This point is most relevant to further the promotion of clinical legal education. The SWOT analysis may reveal that “what you might want to say about your organization is not what your audiences want to hear”<sup>18</sup>.

An example Checco uses relates to provision of affordable housing. For years, proponents of such housing emphasized the needs of the people being served. But audiences did not like the idea of “subsidized” housing for “needy” people in their communities. When the message was changed to emphasize the positive impact such housing would have such as tax benefits, shoppers to help maintain a downtown, or diversity in the schools, such housing became much more palatable to communities.

For at least three decades, those involved in clinical legal education have emphasized a range of benefits in their promotional material. For instance in the Australian Best Practices Report we state that Clinical Legal Education has the potential to:

- help students reflect on and analyse their experiences;
- develop student awareness of law in the context of society;
- engage students in deep and active learning, with timely, rich feedback;
- develop student emotional skills, values, responsibility, resilience, confidence, self-esteem, self-awareness and humility;
- move a student towards responsible professional identity;
- sensitise students to the importance of all relationships – including with clients, students, professionals;
- benefit from student-centred learning, which comes out of flexible and adaptable approaches; and
- educate students to become effective, ethical practitioners.<sup>19</sup>

Given the still marginal state of clinical legal education (in most countries) as indicated by the conference themes, perhaps we need to reassess what other perspectives on clinical legal education could be highlighted. Checco suggests that to complete this step in the process, it is useful to survey a representative number of your audience. He suggests a short survey to give a better understanding of (I have adapted the questions for clinical legal education): How they currently perceive clinical legal education? What more they would like to know about clinical legal education and what it involves? What key words come to them when they think about clinical legal education? What kinds of messages they think clinical legal education brand needs to convey? <sup>20</sup>

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18 Ibid p 51

19 Evans, A. Cody A., Copeland A., Giddings J, Noone MA. & Rice S., (2012), *Best Practices Australian Clinical Legal Education* p 12

20 Checco, *Larry Branding for Success - A roadmap for raising the visibility and value of your non-profit organization* 2005 Trafford Canada p 53

#### 4. Create a “messaging package.”

The messaging package includes a tagline, a mission statement, a positioning statement, supporting statements, and a logo<sup>21</sup>. As Checco says,

*A ‘messaging package’ is simply a compilation of the core messages you want your brand to convey. Its purpose is to help you **stay on message** whenever you communicate information about your organization.*<sup>22</sup>

A tagline is a “catchy, quick-identifying reference, usually no more than five to seven words in length’. Good taglines elicit “an emotion or an energy that people tend to gravitate to naturally, something they can associate with that is positive and good”.<sup>23</sup> Some current examples of taglines for clinical legal education are: ‘Beyond the classroom’<sup>24</sup>, ‘Real, relevant reflective and rad’ and ‘Real, committed, active’.

Once those involved with clinical legal education have clarified the message they wish to convey, ideally assistance could be sought from the relevant university marketing section or staff.

#### 5. Before finalizing your message package, go back to your focus group.

Checco recommends this final step in order to ensure the words that have been chosen have the meaning intended for the audience. He gives examples of words carrying different meanings to different groups. He cautions, “Language is a powerful tool. It forms our images, thoughts, opinions and actions. Therefore, when defining your brand, choose your words wisely”.<sup>25</sup>

### Clinical Legal Education: Opportunities and Threats

One of the steps in the SWOT analysis is assessing opportunities and threats. For those interested in improving the brand of clinical legal education, the following questions need to be addressed: What are the competing brands or threats? and What brands could we align with ?

#### Related developments in tertiary education

In order to answer these questions we need to have an understanding and awareness of other current developments in the tertiary sector. Some related examples from the Australian context are Service Learning, Community Engagement, Experiential Learning and Work Integrated Learning. These developments are also occurring in other countries. Are these developments threats or potential opportunities for clinical legal education?

Despite being involved in clinical legal education for several decades, until recently I was personally unaware or disinterested or dismissive of these developments. However at the beginning of 2012, my university held workshops in Service Learning given by Dr Trae Stewart<sup>26</sup> and also one by

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21 Checco p 54

22 ibid

23 P 55

24 Law School, University of New South Wales <http://www.law.unsw.edu.au/current-students/beyond-classroom>

25 P 61.

26 <http://www.latrobe.edu.au/ctlc/workshops/schedule.php?fldWorkshopTID=4> accessed 9/7/12; <http://www.aucea.org.au/events/visiting-scholars-program/> accessed 25/10/12.

Barbara Holland on Community Engagement<sup>27</sup>. I attended these workshops and was surprised when I was called on to describe our clinical legal education program as an example of the university's service learning and our ongoing relationship with local community legal service as a strong example of community engagement.

The Clinical Legal Education program has generally enjoyed strong support from my Law School but this series of events made me reflect on what other opportunities there were to seek further support to expand and consolidate our clinical program. I began to explore what these developments involved. I discovered that a small number of other clinicians had already written on the synergies that might exist.<sup>28</sup>

## **Experiential Learning**

Generally experiential learning encompasses clinical legal education. Put most simply, experiential learning is 'learning by doing' however many proponents state that to get the most out of the learning experience there should also be feedback, reflection and application of new skills and ideas.<sup>29</sup> The various developments including service learning, community engagement and work integrated learning all adopt experiential learning as their pedagogical base.

Many law schools include, under the banner of experiential learning, their clinical legal education programs. For example Yale Law School<sup>30</sup> and at New York Law School there is the Office of Clinical and Experiential Learning<sup>31</sup> and at University of New South Wales there is a Director of Experiential Learning<sup>32</sup>.

## **Service learning**

The National Service-Learning Clearinghouse in the US describes service learning as "a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities".<sup>33</sup> It is an approach to education that applies to all levels of education and not just focussed on tertiary institutions. The National Service-Learning Clearinghouse gives this example of what service learning looks like.

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27 Sponsored by Engagement Australia (formerly Australian Universities Community Engagement Alliance) <http://www.aucea.org.au/>.

28 Blissenden, M., "Service Learning: An Example of Experiential Education in the Area of Taxation Law" (2006) 16(1&2) *Legal Education Review* 183; Giddings J., 'Two-Way Traffic: The scope for clinics to facilitate law school community engagement' in Keyser, P, Kenworthy A. & Wilson G(eds), *Community Engagement in Contemporary Legal Education: Pro Bono, Clinical Legal Education and Service-Learning* (2009 Haltstead Press Canberra ) p 40; Morin, L. & Waysdorf S., The service-learning model in the law school curriculum: expanding opportunities for the ethical-social apprenticeship (2011-12) 56 *New York Law School Law Review*; Smith, L., 'Why clinical programs should embrace civic engagement, services learning and community based research' (2003-04) 10 *Clinical Law Review* 723

29 Smith p 725-727.

30 <http://www.law.yale.edu/academics/clinicalopportunities.htm>

31 [http://www.nyls.edu/academics/jd\\_programs/office\\_of\\_clinical\\_and\\_experiential\\_learning/](http://www.nyls.edu/academics/jd_programs/office_of_clinical_and_experiential_learning/)

32 <http://www.law.unsw.edu.au/current-students/beyond-classroom>

33 'What is Service Learning?' on National Service Learning Clearinghouse US website- <http://www.servicelearning.org/what-service-learning> accessed 9 July 2012

*If school students collect trash out of an urban streambed, they are providing a valued service to the community as volunteers. If school students collect trash from an urban streambed, analyze their findings to determine the possible sources of pollution, and share the results with residents of the neighborhood, they are engaging in service-learning.*<sup>34</sup>

At a tertiary level, Service Learning typically involves the student engaging with a non-government or community organisation to experience work-integrated learning and citizenship in this particular context.

*“Students apply what they have learnt in the classroom to address priorities in the community in partnership with that community.”*<sup>35</sup>

Smith argues many high quality clinical legal education externships fall into the category of ‘service learning’ courses.<sup>36</sup> She suggests that clinicians and students can rely on “service-learning movements and theories for pedagogical theory and support”.<sup>37</sup> There is some indication that law academics, not clinicians, are embracing service learning.<sup>38</sup>

## Community engagement

The Australian Catholic University defines community engagement as the process that “brings the capabilities of its staff and students to work collaboratively with community groups and organisations to achieve mutually agreed goals that build capacity, improve wellbeing, and produce just and sustainable outcomes in the interests of people, communities, and the University”.<sup>39</sup>

The peak body Engagement Australia has set out the following principles applying to the Engaged University:

1. University community engagement is based on a mutually beneficial exchange of knowledge and expertise between universities and communities
2. Engaged research is designed, managed and disseminated as a partnership that addresses both academic and community priorities.
3. Engaged learning and teaching programs respond to individual and community needs and opportunities and links to specific learning goals and experiences for students. Programs are designed and managed in partnership with communities, and are socially inclusive and globally and locally relevant.<sup>40</sup>

In the USA the term ‘civic engagement’ is used. Engagement describes “mutually beneficial

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34 Ibid.

35 ‘Service Learning’ Griffith University <http://www.griffith.edu.au/gihe/resources-support/service-learning> accessed 9 July 2012

36 Smith p 729.

37 bid p 731

38 Blissenden, M., “Service Learning: An Example of Experiential Education in the Area of Taxation Law” (2006) 16(1&2) *Legal Education Review* 183

39 ‘Definition of Community Engagement’ Australian Catholic University [http://www.acu.edu.au/about\\_acu/community\\_engagement/ce\\_at\\_acu/definition/](http://www.acu.edu.au/about_acu/community_engagement/ce_at_acu/definition/)

40 <http://www.aucea.org.au/about/structure-charter/> accessed 9 July 2012.

community-university knowledge-based relationships".<sup>41</sup> This approach encourages academics and students to engage with the community through research activities and sharing knowledge to improve and enhance jointly identified issues. Interestingly Jonny Hall (the 2012 IJCLE conference organiser) is *Associate Dean Region, Engagement and Partnerships* at University of Northumbria<sup>42</sup>. Universities are increasingly focussed on 'engagement' with their communities.

## Work integrated learning

Work-Integrated Learning (WIL) describes directed or supported educational activities that integrate theoretical learning with its application in the workplace.<sup>43</sup> It is a form of experiential learning. The Australian Collaborative Education Network (ACEN) list the following forms of work integrated learning:

- Internships
- Cooperative education
- Work placements
- Industry based learning
- Community based learning
- Clinical rotations
- Sandwich year
- Practical projects.<sup>44</sup>

Clearly in these various developments there are overlapping features with clinical legal education and potential commonality of purpose. For instance at Griffith University (in Australia) they are exploring the expansion of Service Learning as a component of its growing Work-integrated Learning (WIL) profile.<sup>45</sup> This is because Service Learning is similar to WIL in that it involves the intentional integration of academic theory with practice, with the practice component providing a community benefit.

## Clinical legal education brand

Clinical Legal Education has things in common with these 'competing brands'. Clearly there are synergies between service learning, community engagement and clinical legal education. Obviously they all encompass learning by doing. They have a pedagogical base of experiential learning. Additionally, it could be argued that they all aim to engage students in providing services to

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41 Holland B, 'Institutional Impacts and organisational Issues Related to Service Learning' *Michigan Journal of Community Service-Learning* (2000) p52-60 quoted in Smith at n.44.

42 <http://www.northumbria.ac.uk/sd/academic/law/staff/jonnyhall> accessed 9/7/12

43 'What is Work Integrated Learning?' at <http://www.flinders.edu.au/teaching/wil/> accessed 30/10/12

44 <http://www.acen.edu.au/> Accessed 9 July 2012

45 Griffith Institute for Higher Education Service Learning at Griffith University [http://www.griffith.edu.au/\\_data/assets/pdf\\_file/0006/351285/Service-Learning-at-Griffith-University.pdf](http://www.griffith.edu.au/_data/assets/pdf_file/0006/351285/Service-Learning-at-Griffith-University.pdf) accessed 9 July 2012.

community whilst being involved in a learning experience.<sup>46</sup> Is it advantageous to align the clinical legal education brand to these other brands? Or if branding is about distinguishing a product or service from other competitors and garnering support how do we distinguish the clinical legal education brand?

One of the challenging aspects for the brand 'clinical legal education' is that it refers to a great many endeavours. A survey of the International Journal of Clinical Legal Education and attendance at IJCLE biannual conferences illustrates that globally there are many variations of clinical legal education. It refers to different pedagogy, different sites of teaching and often different purposes of teaching. As illustrated in recent Australian research it can encompass live-client clinics, externships/ internships/ placements and clinical components in other courses, including simulation.<sup>47</sup> Ideally we need to find a clinical legal education brand that is inclusive of all the various clinical activities and simultaneously highlights our distinctiveness. What words could be used to describe this variety of clinical experience but is also illustrative of what binds them together?

The Australian research found that the current features of Australian clinical legal education are:

- strong focus on service to the community,
- discussion of law in context
- involvement in a range of legal activities including individual case work, law reform, legal research and community legal education
- located in not for profits, community legal centres and legal aid organisations
- current growth is in externships.<sup>48</sup>

My preference, in context of Australian experience, is that we develop a brand that represents the benefits for students, community and legal profession. A brand that indicates this approach to legal education is the best way for students to integrate knowledge and at same time learn about the complex nature of justice and injustice. I would like a tagline that includes reference to justice. Perhaps "developing justice' as this would have two meanings: developing our students as well as seeking to pursue justice. Additionally we could align with existing brands for instance, the Global Alliance for Justice Education already has a logo and a developed network of "persons committed to achieving JUSTICE through EDUCATION"<sup>49</sup>.

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46 Bloch F. and Noone M.A. (2010), 'Legal Aid Origins of Clinical Legal Education' in Bloch F.(ed) *The Global Clinical Movement: Educating Lawyers for Social Justice* Oxford University Press

47 Evans, A., Cody, A., Copeland A., Giddings, J., Noone M.A. & Rice S., *Best Practices Australian Clinical Legal Education* Office of Teaching and Learning 2013 p 20.

48 Evans, A. Cody A., Copeland A., Giddings J, Noone MA. & Rice S., (2011) *Strengthening Australian legal education by integrating clinical experiences: identifying and supporting effective practices: Regional Reports* <http://www.law.monash.edu.au/about-us/legal/altc-project/regional-reports/index.html>

49 For further details see <http://www.gaje.org/>; Organisations like Global Alliance for Justice Education bring together clinical legal educators with a common interest in social justice and broader justice themes but not all clinical legal education has this focus.

Alternatively we could align with Service Learning and/or Community engagement. If the purpose is to achieve '*clinic for all students; integrate clinic into traditional legal teaching; and have clinics engage more with the profession?* We should explore all opportunities. Clinical legal education can benefit from being associated with the tertiary education movements discussed above.<sup>50</sup> In this way we could encompass all the variations of clinical work. Some universities and clinics are already doing this and have benefited as a result.<sup>51</sup> Could clinical legal education be named something else? If the objectives coincide and the students experience is good and the cause of improved access to justice is achieved what does it matter if a school does not have clinic but instead 'service learning' or 'community engagement'?

Finally it is critical to reflect again on Checco's steps and advice. If we want the brand clinical legal education to capture the imagination and support of students, colleagues, deans, legal profession and funders, we need to seek their views because the brand needs to be something they relate to, not our preferences. The brand developed needs to 'speak' to the jurisdiction specific legal profession and academics, university managers, law school students and communities served.

One of the traits I admire amongst my clinical colleagues is their preparedness to listen to new ideas, be innovative and flexible. If we truly want to 'expand the market' that is 'grow the sector' and make '*clinic for all*' a reality, we need to be attuned to other educational trends and movements in the tertiary sector and utilise these opportunities. The brand 'clinical legal education' has not worked to achieve '*clinic for all*' to date. It is time to rework the brand 'clinical legal education'.

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50 Smith, L., 'Why clinical programs should embrace civic engagement, services learning and community based research' (2003-04) 10 *Clinical Law Review* 723

51 Morin, L. & Waysdorf S., The service-learning model in the law school curriculum: expanding opportunities for the ethical-social apprenticeship (2011-12) 56 *New York Law School Law Review*