Essays on Legal Education

Social Work Skills Can Fill the Gaps in Legal Education: Law Student Opinions of their Preparation for Practice with Clients

Stephanie K. Boys*, Stephanie Q. Quiring**, Carrie A. Hagan***

Abstract – Legal education focuses on case analysis, without instruction on practice with clients. Social workers argue the client, as the consumer of services, is the best source of knowledge when assessing needs. Therefore, the authors conducted a qualitative study of law students, as consumers of services, regarding whether law school prepares them for practice and what additional training they need. The responses indicate that law curricula do not prepare students for practice, and that students desire training in interviewing and human behavior. The respondents were enthusiastically receptive to interdisciplinary instruction. Therefore, the time is ripe for social work and law schools to further explore interdisciplinary collaborations, which will ultimately result in better served clients.

Keywords: Social Work and Law, Interdisciplinary Education, Transdisciplinary Education, Experiential Learning, Service Learning

*Stephanie Boys is an Associate Professor of Social Work and an Adjunct Professor of Law at Indiana University at both the Bloomington and Indianapolis campuses. She earned a joint JD/MSW from Indiana University and a PhD in social work and political science from the University of Michigan.

**Stephanie Quiring earned her JD from the Howard University School of Law. She is a PhD candidate at Indiana University School of Social Work. Stephanie spent over a decade as advocate, educator, and attorney on behalf of people at the nexus of the criminal justice system and social service systems.

***Carrie Hagan is a Clinical Associate Professor of Law at the Indiana University Robert H. McKinney School of Law. She directs the Civil Practice Clinic, which specialises in indigent client representation for civil cases involving housing, consumer, divorce, custody, parenting time, child support, and domestic violence civil protection order issues.
1. Introduction

Traditional legal education is theoretical and does not prepare students for a number of key aspects of practice.\(^1\) The core curriculum of law schools focuses upon teaching legal doctrine.\(^2\) Law professors often express resistance to incorporation of practice issues as being outside the scope of legal curriculum due to the lack of prestige associated with practice education.\(^3\) The only courses that instruct students on practice issues, such as how to interview and counsel clients, are offered as electives with small course size caps; therefore, the majority of law students graduate unprepared to put the legal theories they have learned into practice with clients.

The fit between a completely theoretical education and a practice-oriented profession such as law has begun to be called into question by clinical law instructors.\(^4\) Clinical law instructors teach the elective courses in which students participate in coursework and a concurrent service-learning component involving representation of a real client situation. Some clinics have evolved to increase the realism of the learning environment by incorporating interdisciplinary teaching and teamwork for client services.\(^5\) For example, clinical courses may be co-taught by social work and law professors, and students from both disciplines can work together to holistically address client needs. In these clinics, law students learn social work theories and skills about how to interview clients, gather information, and counsel clients in decision-making. While some clinics are embracing interdisciplinary pedagogical methods, there is a striking lack of research regarding how law students perceive their education with regard to preparation for practice.

To address this gap, the authors conducted a qualitative survey of law students in clinical courses at a large, urban, Midwestern university. The profession of social work stresses that clients, as consumers of services, are the experts regarding their needs. Similarly, this study went to the students as consumers of legal education for input. Law students were asked to consider if their

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\(^4\) ibid.

current legal education prepared them for practice. If not, then students were asked to identify any additional skills they felt should be taught in preparation for practice. Finally, students were asked to consider whether interdisciplinary courses that incorporate social work skills could fill the gaps in their education. These results and suggestions for future growth are offered.

American law schools are accredited by the American Bar Association (ABA). The traditional curriculum of accredited schools involves one year of required courses, followed by two years of elective courses. The standard first year courses are mandatory doctrinal classes in areas such as torts, criminal law, constitutional law, and contracts. After a proscribed first year of course requirements, law students are typically given broad freedom to take the remainder of courses in electives, with only minimal restrictions such as taking a writing course and an ethics course. Electives are as broad as the interests of the faculty. Schools offer many more standard doctrinal courses in areas of practice such as tax, wills and family law. Classes are also offered on the special theoretical research interests of faculty, such as poverty law, literature law and feminist law. Some practice courses are provided, including trial practice, appellate advocacy, and negotiations. Finally, experiential classes are offered in which students can enroll in a structured clinic course with client interaction or an independent study internship with service components. These experiential courses allow students to practice being an attorney and serving clients with legal issues requiring immediate attention. However, due to class size caps on practice courses and, perhaps, limited understanding of the structure and expectations of experiential courses, the majority of students decide not to take any of those courses. Thus, many students graduate without any instruction on client interaction, interview skills, or assessment.

2. What is Social Work Education?

American MSW programs are accredited by the Council for Social Work Education (CSWE). These include a series of foundational courses on theoretical approaches to human behavior in the social environment, research, and practice with individuals, families, groups, etc. In addition,
the social work field’s signature pedagogy is field practice.\(^8\) MSW students spend approximately 900 hours in real-life practice environments working with clients before they graduate.

3. **Joint JD/MSW Programs**

While some may argue that the existence of dual JD/MSW programs\(^9\) creates sufficient opportunity for interdisciplinary education, the position fails to recognise the small number of students afforded that opportunity and the programs’ lack of interdisciplinary exposure as they continue to function independently of one another. According to the CSWE, there are 35 joint JD/MSW programs; however, that is a mere fraction of the 233 accredited MSW programs and the 201 American Bar Association accredited law schools in the United States.\(^10\) Furthermore, the total student enrollment in the 35 joint JD/MSW programs is a fraction of the total students enrolled at the institutions. In addition, joint degree programs send students back and forth between two different schools and most often do not function in the ‘overlap’. Interdisciplinary education exists in the space where skills from both fields interact and inform the student practitioner—both social worker and attorney. Due to this overlap of roles between attorneys and social workers, there has been a growing call for integration of social work skills into legal education. Aiken and Wizner\(^11\) boldly state: “[o]ur students should leave law school proudly recognizing that law is social work”.

4. **What is Interdisciplinary Education?**

Scholarly discourse has discussed the benefits of interdisciplinary collaboration for several decades.\(^12\) Interdisciplinary education involves not only teaching students the relevant skills from two or more disciplines, but also ensuring that students understand how to integrate both skill

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\(^9\) JD program is a US equivalent of the UK LLB. MSW is a US equivalent of an advanced degree beyond that of the UK bachelor degree in social work.


\(^12\) Weinberg & Harding (n 5); Daniel Boden, Maura Borrego, & Lynita K Newswarder, ‘Student Socialization in Interdisciplinary Doctoral Education ’ [2011] 62 Higher Education 741; Halcyon St. Hill & Julie Yazici Hulya, ‘Bridging Didactic, Interdisciplinary Service Learning and Practice in Health Professions Education: Students’ Perspectives’ [2014] 56 Education + Training 447.
sets in everyday work in order to more holistically serve the needs of clients.\textsuperscript{13} Students trained in interdisciplinary education can achieve “goals that cannot be reached when individual professionals act on their own”.\textsuperscript{14} The goals of interdisciplinary education include creating an atmosphere of appreciation and respect of other disciplines, increasing teamwork and communication skills, developing knowledge and understanding of other disciplines’ practices, rules, beliefs, and principles, learning different vocabulary and practice approaches, and fostering experiences to decrease animosity among professionals.\textsuperscript{15}

5. **Interdisciplinary Opportunities for Law and Social Work**

The job duties and corresponding necessary skills of attorneys and social workers often overlap, particularly when assisting low income clients.\textsuperscript{16} While not all law school graduates will go on to work with low income clients, all attorneys serve clients. As such, three common roles for both professions include interviewing clients, counseling clients, and performing assessments of client needs.\textsuperscript{17}

5.1 **Interviewing Clients**

Interviewing is an extremely common professional task for both attorneys and social workers. Both professions must be able to effectively gather information from clients in order to serve their best interests. This can be a grueling task since people rarely seek the advice of either profession unless they are in a crisis situation. In the midst of a crisis, heightened emotional states can make it difficult for clients to maintain their focus during interviews. While social workers have extensive training as a part of their core curriculum in interviewing, attorneys often graduate with no training or experience.

\textsuperscript{15} Weinberg & Harding (n 5).
\textsuperscript{16} Aiken & Wizner (n 10); Boys, Hagan, & Voland (n 1).
5.2 Counseling Clients

Attorneys and social workers must also counsel clients. Most legal academics are not trained in research methods, so empirical data on the practice of law is rare; however, Shaffer\(^{18}\) found attorneys may dedicate up to 80% of their client interaction time to counseling duties. These counseling duties include, but are not limited to, discussions with clients that do not progress their legal case.\(^{19}\) Yet, most attorneys have no training in counseling skills. Exposure to social work education through an interdisciplinary model could bridge this gap between legal education and practice.

5.3 Client Assessments

Attorneys and social workers must also perform assessments. While lawyers are trained in assessment of legal issues, they are not trained in how to integrate client’s legal problems with their personal best interests.\(^{20}\) For example, a client may have a legal entitlement to sue for full custody of a child; however, an assessment of the client’s situation using a holistic systems perspective may indicate that joint custody would be in the best interests of the client due to family circumstances. Therefore, an attorney’s narrow focus on legal counseling may not result in a long term positive services result for the client. Once again, client assessment is a part of standard social work curriculum.

6. Methods

6.1 Research Questions

The purpose of this study was to gather initial data regarding (1) whether law students perceive themselves to be prepared for the practice of law, (2) what additional skills they feel should be taught in law schools to better prepare them to practise law, and (3) whether students feel interdisciplinary courses that incorporate social work skills could fill the gaps in their education.

\(^{19}\) ibid.
6.2 Research Design

This research study was cross-sectional and was conducted using a self-administered questionnaire with open-ended questions. It could be completed in approximately 30 minutes. The survey was qualitative in nature and asked students whether they felt prepared to work with clients during their first service learning experience, whether the general law school curriculum prepared them to practise with clients, whether the clinic course prepared them to work with clients, what skills they felt needed more emphasis in law school and whether/how skills based in the discipline of social work could be useful in law school curricula.

6.3 Study Participants

Students enrolled in law school clinical courses specialising in civil practice or criminal defense at a large, urban, Midwestern university participated in the study. No interdisciplinary opportunities were offered in the law school’s clinic program at the time of the survey. Participation was voluntary and anonymous. As such, and due to the small sample size, no demographic information was collected in order to ensure responses were anonymous. The institutional review board’s approval was secured before these data were collected.

6.4 Data Collection & Analysis

The survey was administered during two separate semesters at the conclusion of the courses. Once again, all students in clinic courses were asked to participate. Enrollment in the two available clinic courses is capped at eight students each semester. There were a total of 32 possible study participants (8 students x 2 clinic courses x 2 semesters = 32 total study participants). Twenty-two responses were received, for a response rate of 68.75%. Data were analyzed by noting emergent patterns and themes.

7. Findings

Overall responses indicate that the general law school curriculum does not prepare students to work with clients. If students were prepared to counsel a client in the clinic, it was because they either had prior work experience or concurrent training in the clinic. Law students noted that they desired more interviewing skills and knowledge in regard to human behavior and interaction. The vast majority agreed that social work skills would be beneficial to law students. See Table 1
for response percentages.

Table 1. Frequency of Open-ended Question Codes*

<table>
<thead>
<tr>
<th>Themes</th>
<th>Percent of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preparedness to Counsel a Client</strong></td>
<td></td>
</tr>
<tr>
<td>Prepared, but only because of previous work</td>
<td>45.5%</td>
</tr>
<tr>
<td>experience outside of school</td>
<td></td>
</tr>
<tr>
<td>Prepared, the clinic class was sufficient</td>
<td>31.8%</td>
</tr>
<tr>
<td>preparation</td>
<td></td>
</tr>
<tr>
<td>Not Prepared</td>
<td>22.7%</td>
</tr>
<tr>
<td><strong>Law School Effectiveness in Preparation for Practice</strong></td>
<td></td>
</tr>
<tr>
<td>Not effective</td>
<td>95.5%</td>
</tr>
<tr>
<td>Effective</td>
<td>4.5%</td>
</tr>
<tr>
<td><strong>Clinic Course Effectiveness in Preparation for Practice</strong></td>
<td></td>
</tr>
<tr>
<td>Effective, the class was enough preparation</td>
<td>63.7%</td>
</tr>
<tr>
<td>Effective, but only in combination with practical</td>
<td>31.8%</td>
</tr>
<tr>
<td>experience with clients</td>
<td></td>
</tr>
<tr>
<td>Not Effective</td>
<td>4.5%</td>
</tr>
<tr>
<td><strong>Skills that Would Benefit Preparation to Counsel Clients</strong></td>
<td></td>
</tr>
<tr>
<td>Interviewing Skills and Practice Interviewing</td>
<td>59.1%</td>
</tr>
<tr>
<td>Instruction on human behavior and human</td>
<td>27.3%</td>
</tr>
<tr>
<td>interaction</td>
<td></td>
</tr>
<tr>
<td>No response</td>
<td>9.1%</td>
</tr>
<tr>
<td>Shadowing</td>
<td>4.5%</td>
</tr>
<tr>
<td><strong>Utility of Social Work Skills for Law Students</strong></td>
<td></td>
</tr>
<tr>
<td>Useful, to learn interpersonal skills</td>
<td>36.4%</td>
</tr>
<tr>
<td>Useful, to learn how to interact with different</td>
<td>27.3%</td>
</tr>
<tr>
<td>types of people</td>
<td></td>
</tr>
<tr>
<td>Useful, to learn how to provide holistic services</td>
<td>27.3%</td>
</tr>
<tr>
<td>Not useful</td>
<td>4.5%</td>
</tr>
<tr>
<td>Not enough information to code</td>
<td>4.5%</td>
</tr>
</tbody>
</table>

*(n=22); Response rate 68.75%
7.1 Preparedness to Counsel a Client

In response to whether the law students felt prepared to counsel clients the first time they were required to do this in the clinic 22.7% responded negatively. While 31.8% of the students said that the course which was run concurrently to the clinic experience was enough preparation for working with clients, and 45.5% said they were only prepared because they had previous employment in the legal field before beginning law school. For example, one student responded ‘[n]o class I have taken even touched upon dealing with clients. Honestly, an internship I did for the government was helpful in preparing me’.

7.2 Law School Effectiveness in Preparation for Practice

A very clear theme emerged from the interviews regarding whether the mandated law school curriculum prepares students to practice with clients. All but one respondent (95.5%) answered that the law school curriculum did not prepare them to practice with clients. The single response that answered affirmatively misunderstood the question and responded that law school prepared the students for practice through the clinical training; however, this question was aimed at general education, not the clinical elective that few students take. Further, the majority of students responded very strongly, using expressions such as ‘absolutely not’. One student explained, ‘[g]eneral law school teaches nothing about how to be an attorney’. Another said, ‘I feel that most of my general law school classes were an impractical rite of passage that taught very little about how to actually practice law’. Again, another student explained that law school included ‘too much theory; nothing about real experience or the actual practice. People don't act according to theory, they don't know the law and they don't care. They just want help getting their life as back to normal as possible’.

7.3 Clinic Course Effectiveness in Preparation for Practice

Students did respond that their experiences in the clinic elective prepared them to work with clients after graduation. A majority of respondents (63.7%) said the class helped through methods such as the ‘demonstrated client interviews through video, role play, professor lecture, and actual interviewing of clients’. However, 31.8% of respondents did not feel the clinic course alone was enough. These students felt that practical client experience incorporated into the clinic made them feel reasonably prepared for practice. For example, a student reported feeling
prepared ‘through practical exercises and actual experience dealing with real people’s lives and emotions’. Another student raved, ‘[t]he applied training was the best part of law school’.

7.4 Skills that Would Benefit Preparation to Counsel Clients

When asked what types of skills would have been beneficial in preparing them to counsel clients, all of the respondents suggested skills and pedagogical techniques that are common in social work courses. Nearly 60% of respondents said they needed to develop their interviewing skills and to practice interviewing. For example, a student reported wanting to learn ‘how to keep control of the conversation if clients start venting/going astray’. Another suggested that interviewing should be taught by ‘videotaping client sessions and critiquing them in a semi-formal class setting’, a method commonly utilised in social work practice courses.

Also, 27.3% of respondents desired more discussion and understanding of human behavior, a topic to which social work courses devote much time. A law student said it would be helpful to understand ‘personality types and human interaction’. Two participants (9.1%) did not respond to this question and one participant (4.5%) suggested shadowing, which is common during social work practicum in the US.

7.5 Utility of Social Work Skills for Law Students

Finally, law students were asked if they thought that learning social work skills could be beneficial to law students, and if so, how? All but one respondent answered positively, and many were quite enthusiastic: ‘Hell yeah!!! You have to be a “people person” and learn how to handle people’. Thematic reasons for the affirmative responses were that social work instruction can help law students to better their interpersonal skills, to help law students interact with different types of people and to allow law students to help clients with complex problems that involve more than just legal issues.

The most common response, provided by 36.4% of respondents, was that social work skills would benefit law students by teaching them interpersonal skills, such as empathy. One student explained, ‘[w]e’re going to work with people. We need to know how to do it well’. Another stated, ‘[w]e could possibly learn how to sympathize with the client and extract the most amount of information in the most efficient manner’.
Additionally, 27.3% of respondents answered positively regarding the need for social work skills in law schools because the skills can help lawyers learn to interact with different types of people. In social work terms, the idea of ‘getting along with different types of people’ connects well to the knowledge and skills associated with cultural competence. One student explained, ‘[u]nderstanding others’ roots and your own possible prejudices allow you to ask better questions or to postpone judgment on certain issues’. Another stated, ‘[a] lot of what lawyers do (especially trial lawyers) is deal with people. You have a lot of different personalities and you deal with all of them differently’. And another expanded, ‘I think it would be helpful to have some training in how others think and how to get their trust’.

Another 27.3% of respondents reported that social work skills would be useful for lawyers to help people with issues beyond just their legal problems. As one student said, ‘[i]t would help to relate to clients on more levels than just the legal issues and better help them overall’. Other students explained they would feel more useful if they could holistically serve clients: ‘because [social work] deals with matters that new attorneys deal with, so it helps a law student prepare to actually practice. It is also satisfying to many law students to help others in need’. Additionally, lawyers are encouraged to complete volunteer work, and as one student explained, ‘[w]e all have a pro bono obligation and I think such training would help new attorneys be more comfortable with this and likely to complete it’.

Only one student responded that social work would not be beneficial to law students, and the reason is in the differences between the professions: ‘Social work is a different discipline and elicits different information. Also, the relationship between social workers and clients is much different from the attorney-client relationship’. The rules of professional conduct that govern the attorney-client relationship are different from the local statutes that govern the responsibilities social workers have with their clients. However, this ‘difference’ does not thwart the benefits of interdisciplinary education. Instead, several models have been proposed to alleviate conflict when it arises in an interdisciplinary environment.21

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8. Discussion

Analysis of the data collected from law students indicates enthusiasm for learning skills from the discipline of social work to aid in preparation for practice with clients. Many of the student responses are congruent with literature regarding the effectiveness of interdisciplinary education. Research indicates that social work training in law schools allows attorneys to better serve their clients, keeps lawyers connected to the humanity of their clients and encourages attorneys to commit to providing pro bono services.

Law students who are not trained in assessing client needs holistically are less effective in serving clients. Traditional law school curricula teach students to approach problem solving in a one-dimensional way, i.e. by only focusing on legal problems. Weinstein\textsuperscript{22} refers to this narrow assessment of client needs as a ‘band-aid’ approach, and argues that incorporating a macro approach would be beneficial for clients by addressing more of their needs. Brooks\textsuperscript{23} refers to teaching students to focus on social justice and holistic needs of clients as therapeutic jurisprudence, a “movement that focuses on the extent to which the law may enhance or inhibit the well-being of those who are affected by it”. Aiken and Wizner\textsuperscript{24} argue that pursuing social justice is not inherent in law practice like it is for social work, but that lawyers could greatly benefit their clients and the profession as a whole by incorporating social justice practice into their work and viewing this as an essential part of the profession. The law students’ responses demonstrate that the students desire training in therapeutic jurisprudence. As one student reported, training in social work skills would help students ‘to relate to clients on more levels than just the legal issues and better help them overall’. Another student said ‘it is also satisfying to many law students to help others in need’.

Legal education, devoid of interpersonal training, can also become disconnected from the real world implications of practice. Social work educators can prepare students to effectively interact with clients, and this can breathe life into their education. Law students are taught to be objective

\textsuperscript{22} Janet Weinstein, ‘Coming of Age: Recognizing the Importance of Interdisciplinary Education in Law Practice’ [1999] 74 Washington L Rev 319.
\textsuperscript{23} \textit{ibid}.
\textsuperscript{25} CSWE (2012) (n 10).
and unemotional through a sole focus upon case analysis.26 However, social work training focuses upon how to appropriately use emotion in interviewing, empathic listening, identifying clients’ goals, evaluating, conducting crisis interventions and referring.27 Maranville explains:

“[Law Schools] fail to provide the context for doctrinal learning that will both engage students and help them learn more effectively. We focus on heavily edited appellate cases without linking those cases to the people, institutions, and lawyering tasks involved in the disputes. The result is that our students quickly forget much of what we teach them and often cannot apply in practice the information they do retain.”

Law students in this study expressed a new found respect for their legal skills when beginning to work with clients. A student described a first experience working with a client as ‘eye opening and real’ because it brought realization that a real person’s life was being impacted. Another student said, ‘[i]t is great to meet a client and speak with them rather than researching on a computer! There is more pressure though because you realize this isn't an old dusty case you're reading about but someone's actual life’.

Training in social work skills and theories can also make lawyers more passionate and dedicated to helping others. Maranville explains that traditional legal education and its disconnection from the real world can sour student passion for working with others and may decrease attorney dedication to performing pro bono work with low income clients. Law students in this study agree: ‘We all have a pro bono obligation and I think such training [in social work] would help new attorneys be more comfortable with this and likely to complete it’.

9. Future Directions

Data presented in this study represent an exploratory needs assessment from the ‘law student as consumer’ perspective. There are several important limitations to note. First, the small sample size and involvement of only one university clearly limit the generalisability of the results. In

26 ibid.
28 Maranville (n 19) 52.
29 ibid.
addition, in order to protect the anonymity of the research participants no demographic data were collected. Also, students’ self-selection into the clinic course may have had some effect on the results. The authors selected clinic students as the subjects because the university where the study was conducted was considering implementing an interdisciplinary component with social work instruction in the civil practice clinic, and the proposal has since been approved. Future studies with larger sample sizes are needed on the perceived preparedness to counsel clients of students who did not elect to take a class with a service component. It may also be beneficial to interview lawyers who have recently begun practice. Once the interdisciplinary component is put into place, the authors will conduct a follow up study to assess the effectiveness of implementing lessons on social work skills into the clinic course.

10. Conclusion

Law students, as consumers, are a critical source of information regarding the gaps in their education. The law students in this study reported that traditional law curricula did not prepare them for practice with clients. Further, the students reported openness to and a desire for training in social work skills. Therefore, law and social work schools should further interdisciplinary opportunities to foster holistic education in law schools, which would ultimately result in better served clients.

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