INTRODUCTION

Have you ever walked out of a class after teaching 75 minutes and said to yourself—“I think that could have gone better?” If so, don’t despair; you are certainly not alone. And you are probably also not alone in searching for methodologies that would contribute to making things go better the next time. As faculty teaching law in undergraduate business programs we are constantly looking for new and creative ways to engage our students in learning about the law. A variety of methodologies quickly come to mind including case studies, simulations, role plays, and group projects.

One experiential methodology that continues to both invite and challenge the academy is service-learning. We say “invite” because many faculty across the disciplines have taken the invitation and made service-learning an integral and effective element in their teaching. We say “challenge” because for anyone unfamiliar with the concept, adopting it as a teaching strategy often presents more questions than answers. This is no less true for business law faculty than it is for other educators. Yet as educators we understand that learning by doing is an ideal way not only to expose students to a new topic, but also to help them to appreciate fully its meaning and application. In addition, as lawyers experiential learning is nothing new to us. Most of us during our law school careers participated in moot court as an experiential vehicle for strengthening our oral advocacy skills and enrolled in legal clinic courses to better understand the delivery of legal services to the lay community. In these practical situations concepts were well learned and more easily recalled and applied in our practices. Yet in two recent surveys, one of universities with top ranked service-learning programs and one of members of the Academy of Legal Studies in Business (ALSB), business law educators on average seem not to have embraced service-learning as a tool in their teaching.

These surveys undertaken during the last two years sought to measure the use of service-learning among business law faculty and identify those factors that might discourage its use. In this regard the ALSB member survey was most instructive. So as educators committed to using service-learning in our business law curricula, the authors in this paper share the findings from the surveys. We discuss several important issues raised by survey respondents and seek to provide helpful insights and solutions to these issues. In doing so, we offer examples and suggestions based on those findings for implementing service-learning in undergraduate business law classes.

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To supplement this approach, we provide a brief overview from the literature of the benefits of service-learning not only for students academically, but also for the community organizations that partner with them in delivering service and for the faculty who incorporate service-learning into their courses. In addition, we offer a few models for how service-learning can be incorporated as a component of a course. In doing so, we draw on examples from our own experiences, those of colleagues, and those of the wider academy. Finally, using a step by step approach we demonstrate the construction of a service-learning project created to serve the LGBT community. We review the inspiration for the project, the initial contact with the community partner, the collaboration between faculty and partner on mutual goals for the service project, the design of course deliverables, and the assessment of student outcomes. In doing so, we hope to peel away the layers of mystery that might surround using service-learning. We begin with a primer on the concept.

A Primer on Service-Learning Pedagogy

During the last several decades service-learning has become a useful and popular tool in undergraduate education. For example, Campus Compact, an organization committed to advancing student civic engagement through programs like service-learning, has seen its membership grow across the United States to more than 1100 institutions of higher learning. As a teaching concept service-learning is quite easy to grasp. One might consider it as a three-legged stool. The legs are “service”, “learning”, and “reflection.” These elements are at the core of all the standard definitions of service-learning. The classic definition was offered by Bringle and Hatcher in 1996, when they described it as:

a credit-bearing educational experience in which students participate in an organized community service activity that meets identified community needs and reflect on the service activity in such a way as to gain further understanding of course content, a broader appreciation of the discipline, and an enhanced sense of civic responsibility.

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3 Highlighting the significant role that service-learning has come to play in undergraduate education, one commentator notes: “Service-learning in higher education is becoming more common, with the Association of American Colleges and Universities now promoting service-learning as 1 of 10 High Impact Practices (HIPs) that engage students in meaningful college learning.” Daniel F. Shapiro, Collaborative Faculty Assessment of Service-Learning Student Work to Improve Student and Faculty Learning and Course Design, 19(1) MICH. J. CMTY. SERV. LEARNING 44 (FALL 2012).


5 For a detailed exposition of service-learning and some insights into its use in business and law classes, see Debra D. Burke, Service-Learning: Opportunities for Legal Studies in Business, 24(2) J. LEGAL STUD. BUS. 129 (SUMMER/FALL 2007).

6 Robert G. Bringle and Julie A. Hatcher, Implementing Service-Learning in Higher Education, 67 J. OF HIGHER EDUC. 221, 222 (1996). Definitions by other commentators display the same three elements. See e.g., Barbara Jacoby, Service-Learning in Higher Education: Concepts and Practices 5 (Barbara Jacoby ed. 1996) (Service-learning is “a form of experiential education in which students engage in activities that address human and community needs together with opportunities intentionally designed to promote student learning and development.”); Jami L. Warren, Does Service-Learning Increase Student Learning?: A Meta-Analysis, 18(2) MICH. J. CMTY. SERV. LEARNING 56 (SPRING 2012) (“By definition, service-learning is a pedagogical strategy in which...
Note that service-learning is not merely extracurricular “community service”, but is rather an integral element of a course’s curriculum. The service activity, often referred to as the “project”, should be carefully designed to enhance one or more of the course’s learning goals and, equally importantly, must serve a real community need. Thus, consistent with the principles of service-learning good practice as stated in the seminal Wingspread Report, “Participants in programs combining service and learning should engage in tasks that they and society recognize as important.” Further, as noted by Bringle and Hatcher, the enhanced understanding of course content and the sense of civic responsibility that result from combining the service and the learning are a product of reflection.

From a practical perspective, incorporating a service-learning project into a course requires both planning and coordination. A faculty member needs to work collaboratively with a potential community partner in building the project. Student input can also contribute to a valuable project design. This coordination of the stakeholders can be facilitated by the university’s service-learning office, but whether the university has such an office or not, coordinating the learning objective of the faculty member with the community objective of the partner remains central to a successful project. Once these learning and community goals are...
identified and both faculty and partner are satisfied that they will be met, the faculty member’s next step is to design one or more reflective activities that will bring the learning home to the student. Often these activities can best be designed collaboratively with the students who will be participating in the service project.

Conceptually, reflection, perhaps more easily recognized as critical thinking, need not be conjured as some mysterious metaphysical exercise. It is simply a designed opportunity for students to consider their service in the context of what they are learning in class. The Wingspread Report adds to this point when it states that reflection “allows for personal growth and is most useful when it is intentional and continuous throughout the experience, and when opportunity for feedback is provided….”12 In the end, whatever reflective activities are selected, they must enhance the learning of course material and not just address the service element of the project. Some suggested reflective activities include journaling, small group discussions, and class presentations.13

For example, in a moot court course taught at XXXXXXX in XXXXXXX, five students out of a class of 15, who were learning the skill of oral advocacy and the appellate process, opted to undertake a service-learning project whereby they served as judges in debate competitions for inner-city high school students. The competitions were sponsored by the XXXX Debate League (XXX),14 a nonprofit organization whose goal for high school students is to “measurably improve students’ academic achievement and their expectations of themselves by engaging as many XPS [XXXXX Public Schools] high school and middle school students as possible through academic debate.”15 In serving as judges, the learning objective of the XXXXX students was to improve their own oral communication skills by placing them in a situation where they had to judge what made for effective speaking and what did not. The project took place at a local XXXX high school during a two-day period. The XXXXXXX students threw themselves into the task with gusto; they judged nine debates scoring the debaters on their research, delivery, and persuasiveness. Once the scoring was completed, they spoke with the

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12 Wingspread Principles, supra note 7, Principle 2: “An effective program provides structured opportunities for people to reflect critically on their service experience.”
13 For suggestions on various forms of reflective exercises, see ROBERT G. BRINGLE & JULIE A. HATCHER, Reflection in Service-Learning: Making Meaning of Experience, INTRODUCTION TO SERVICE-LEARNING TOOLKIT: READINGS AND RESOURCES FOR FACULTY (Campus Compact ed., 2003), and ROBERT KOTTKAMP, Means for Facilitating Reflection, INTRODUCTION TO SERVICE-LEARNING TOOLKIT: READINGS AND RESOURCES FOR FACULTY (Campus Compact ed., 1999).
14 THE XXXX DEBATE LEAGUE, http://dev.xxxxxxdebate.org (last visited May 21, 2015). “The XXX Debate League (XDL) is a non-profit organization that works in partnership with the XXXXX Public Schools (XPS) to support academic debate teams in local high schools and train XPS teachers to use debate as a regular part of their classroom practice.” Id.
15 Id. at http://dev.XXXdebate.org/about-us/our-mission.
debaters about the strengths and weaknesses of their presentations drawing on and reinforcing what they had already learned in their moot court course.

Several days after the competition the XXXXXXX students met with their instructor as a group in a reflective exercise to debrief the experience. During the meeting students drew very clear parallels between what they had been learning in the moot court course about communication and advocacy skills and what they saw in judging the debates of the high school students. They noted, for example, that it was difficult for them to digest arguments where the debaters spoke too fast, that was hard to follow arguments that were not well organized and sign-posted, and that it detracted from the debaters’ authoritativeness when they did not get their facts straight—all good lessons for oral advocates. Following on this first discussion, students were given several tasks in preparation for a second group meeting. They were assigned a reading on oral advocacy, a video of an actual appellate oral argument, and a series of analytical questions requiring written answers. The objective of the second meeting was to help them to prepare a final written reflection on their experience as it related to oral advocacy and to plan a class presentation for those students in the class who did not participate in the project. When finally delivered, their presentation included an overview of the mission and organization of the XXXXXXX Debate League, an explanation of the service they performed and its relation to the goals of XDL, an overview of the similarities and differences between debate and legal advocacy, and a list of do’s and don’ts for legal advocates.

Service-Learning Stakeholders

As with the moot court project and all other service-learning projects there are at least three stakeholders—the students doing the project, the faculty member sponsoring the project, and the community partner providing the service opportunity. For each there are advantages in a properly designed collaboration.

For students who engage in service-learning the literature demonstrates a range of learning benefits. These include improved academic learning; better ability to give practical application to course material; improved critical thinking, communication, and leadership skills; enhanced commitment to service; and depending on the project, improved cross-cultural understanding.

For faculty who sponsor service-learning projects studies have found that service-learning increases student learning outcomes, improves course-based learning and increases

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18 Warren, supra note 6, at 59.
student understanding of course material, increases opportunities for faculty research, encourages interpersonal connections between faculty and students, and yields more positive course evaluations. One study actually found that service-learning can even have a positive impact on an otherwise unpopular course.

For community partners a well-crafted collaborative service project also has benefits. Students can bring to community partner organizations fresh energy, the resources to complete special projects, and the ability to increase community outreach. As one commentator on community organizations has observed, “In the daily grind of just getting the work done on a shoestring budget, having fresh energy and new ideas can be energizing for the staff.” In the same vein another commentator noted, “Additionally, as with any service-learning placement, the organization would have the opportunity to move some projects forward and potentially learn from the students along the way.” For XDL and the high school debaters, the XXXXX students not only acted as role models and judges, they also offered several practical suggestions on how XDL could enhance the operation of its debate tournaments.

The important lesson to draw is that each participant—student, instructor, and community partner—has a stake in the outcome of the service project, and the key to a successful outcome is collaboration among all three. That collaboration especially requires involving the community partner from the outset in the planning, design, and implementation of the service project.

The Surveys

To measure whether and the extent to which service-learning is used in undergraduate business law education the authors decided in spring 2014 to survey colleges and universities with respected service-learning programs. The programs were identified using US News and

19 Elisa S. Abes et al., Factors That Motivate and Deter Faculty Use of Service-Learning, 9(1) Mich. J. Cmtiy. Serv. Learning 5, 14 (Fall 2002).
22 Gallini & Moely, supra note 17.
24 Tryon et al., supra note 9, at 22.
25 Id.
27 Some of the advice included providing judges with a floor map of the school building to assist those unfamiliar with the school layout to get to their assigned rooms and having runners who could collect the judges’ ballots and bring them to the scorer’s table to expedite the transition from one debate session to the next.
28 While community partners can and do clearly benefit from service projects conducted by students, it is fair to note that for any such project the partner organization must spend time and energy in training and overseeing student participants. For a discussion of the resource constraints that community organizations can sometimes face in doing so, see Barbara K. Bushouse, Community Nonprofit Organizations and Service-Learning: Resource Constraints to Building Partnerships with Universities, 12(1) Mich. J. Cmtiy. Serv. Learning 32 (Fall 2005). Bushouse’s observations on the difficulties that community partners face are in the same vein as those of Tryon et al., supra note 9, and Strom, supra note 9.
World Report’s rankings. These rankings listed 25 programs. Using the list, we sent an email to those individuals that we could identify as being tasked with coordinating the service-learning programs at the ranked institutions. The email asked in relevant part whether the coordinator was aware of any service-learning projects that were being or had been conducted by business law faculty at the institution. In a few instances a follow-up telephone call was made to clarify a response. Of the 25 coordinators contacted, 22 responded. Surprisingly to us, not one coordinator was aware of any business law course that was using service-learning as a course component. A few did respond understandably, however, that because of the size of their institution or because individual instructors might have set up service projects without needing the assistance of the coordinator, it was possible that a business law course was using service-learning without their knowledge.

The results of this first survey were, therefore, disappointing to say the least. We realized, however, that the US News sampling size was quite small, particularly considering the 1100 institutions listed as members of Campus Compact in its 2014 Strategic Plan. We also came to realize that the US News sampling was not focused enough to reach business law faculty. So we decided to undertake a second survey that would reach a larger number of institutions and faculty specifically associated with the teaching of business law. This led us to ALSB. With membership representing legal educators at a range of undergraduate institutions from across the country and beyond, ALSB seemed a good means of measurement. To conduct the ALSB survey, we utilized a Qualtrics format. The survey was distributed via the ALSB listserv. Of those who received the survey, 83 responded, which seemed a reliable sampling size. Complete survey results are located in Appendix 1.

In sum, the ALSB survey confirmed our preliminary assumption and the findings of our first survey that service-learning on average has not been embraced by undergraduate business law faculty. Of the 83 who responded, only 23 indicated that they had used service-learning, and of the 23, only 11 had used it more than once. Other survey responses indicated that where service-learning was used, it most often appeared in business law courses (5 responses). Additional courses using service-learning were identified as tax law (3 responses), law and

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29 The programs were listed alphabetically at the following institutions: Augsburg College, Berea College, Brown University, College of the Ozarks, Duke University, Elon University, Georgetown University, Indiana University-Purdue University Indianapolis, James Madison University, John Carroll University, Loyola University (Chicago), Loyola University (Maryland), Loyola University (New Orleans), Michigan State University, Northeastern University, Portland State University, Seattle University, Stanford University, Tufts University, University of Michigan Ann Arbor, Tulane University, University of North Carolina (Chapel Hill), University of Pennsylvania, Wagner College, and Warren Wilson College. The list was found at http://colleges.usnews.rankingsandreviews.com/best-colleges/rankings/serving-learning-programs (last visited June 17, 2014).


32 Considering that the survey was sent on the ALSBNEWS listserv, which reaches almost 1000 ALSB members, the number of responses was less than we would have liked. Nonetheless, in view of the results of our first survey based on the US News list and the not inconsiderable number of 83 responses to our ALSB survey, we are confident that we have reached a fairly reliable conclusion that service-learning is not widely used in business law courses.
society (2 responses), discrimination law (2 responses), and one responses each for legal environment of business, law and ethics, paralegal studies, human rights, and art law courses.

Asked to identify their community partners respondents listed nonprofit organizations as the most common (9 responses), followed by legal aid organizations (4 responses), the courts (3 responses), and VITA (Voluntary Income Tax Assistance) (2 responses). The services that students provided included both direct service to the clients of these organizations and organizational enhancement projects. Direct services were defined in the survey as conducting intake interviews, answering telephones, acting as liaisons for clients with other legal organizations, and visiting with clients. Organizational enhancements included researching legal issues, developing website materials, and updating databases. In addition, respondents who listed projects as not falling into either of these categories had students prepare tax returns, revise employee handbooks, review workplace policies, rewrite job descriptions, revise volunteer agreements, and develop a brochure on artists’ rights.

Finally, and perhaps most important to our purpose, the survey attempted to glean why some business law faculty were not using service-learning as a teaching strategy. So the survey included question 11: “I have not used service-learning because…” and followed it with a list of possible responses asking that respondents check all that apply. The list of responses and the number of respondents who selected from that list are identified in Table 1.

Table 1

<table>
<thead>
<tr>
<th>Survey Question 11</th>
<th>I have not used service-learning because…</th>
<th>Number of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1</td>
<td>I have no time to organize a project</td>
<td>20</td>
</tr>
<tr>
<td>11.2</td>
<td>I am unsure of how to implement a service-learning project</td>
<td>31</td>
</tr>
<tr>
<td>11.3</td>
<td>I don’t think service-learning would enhance my teaching</td>
<td>17</td>
</tr>
<tr>
<td>11.4</td>
<td>My subject matter is not suitable to a service-learning</td>
<td>17</td>
</tr>
</tbody>
</table>

33 Generally, there are two types of service-learning projects. There are those projects that serve the clients of community organizations directly, for example teaching computer skills to children or elders, or conducting in-take interviews at a health clinic, and there are those projects that enhance the ability of community organizations to deliver their services, for example building a database for an elder services organization or developing a marketing plan for a community orchestra.

34 While respondents who listed these projects apparently did not view them as either direct service or organizational enhancement projects, they clearly fall into one or the other of these categories. Preparing income tax returns for tax filers is a direct service project while revising employee handbooks, reviewing workplace policies, rewriting job descriptions, revising volunteer agreements, and developing a brochure on artists’ rights are all enhancements that improve an organization’s ability to deliver its services.
Those who responded “Other” generally reiterated themes identified in the first nine categories. Regarding tenure, one respondent said, “Service-learning is considered, but only lip service. Research is the primary driver for merit, promotion, and tenure.” Another commented, “Too much going on in class—no room.” A third stated, “I would not trust undergraduate students giving legal advice.”

Perhaps with the exception of the unauthorized practice of law, all of the factors listed by ALSB members as discouraging utilization of service-learning pedagogy have been raised in the past by faculty across the disciplinary spectrum. For instance, a 2002 study concluded:

> In particular, the four factors that most strongly deter faculty from using service-learning...were: “anticipate having problems coordinating the community service aspect of the course”...”do not know how to use service-learning effectively”...”is not relevant to the courses I teach”...”have not been given or do not anticipate being given release time to develop a service-learning course.”

In our experience, however, in regard to those factors that faculty can actually control—allocation of course prep time, suitability of a course for a service project, use of service-learning to enhance one’s teaching— the issue often comes down to a lack of familiarity with the concept. The significantly higher number of respondents in the ALSB survey who responded positively to the statement that they do not use service-learning because they are unsure of how to implement it (survey question 11.2) seems to support this conclusion. With this in mind, therefore, we offer some practical guidance on developing and implementing service-learning. Also, because of its importance to law faculty we address the unauthorized practice of law issue.

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35 Abes et al., supra note 19, at 11.
36 Those factors that faculty clearly cannot control include the number of suitable community partners close to the university campus and whether the university provides logistical or financial support, or considers service-learning in the promotion and tenure process.
Incorporating a Service-Learning Component into a Business Law Course

Incorporating a service-learning project into a course should begin with the stated student learning outcomes in the course syllabus. A project should be designed to enhance at least one of those outcomes. For instance, in the moot court course already discussed, the goal of the debate league project was to enhance the students’ ability to engage in effective oral communication, a stated course learning outcome.37 Through the experience of judging, reflection, and the subsequent moot court simulation, the students who participated in the project succeeded in achieving that outcome. They demonstrated a higher level of competence in the course material than those who did not. Their final average course grade was 3.93, while that of the students who did not participate in the service project was 3.25.

Hand in hand with identifying the relevant learning outcome for the project is finding the right community partner. In the ALSB survey, of the 66 respondents who answered whether their institution had a service-learning office or coordinator, 36 responded in the affirmative (survey question 10). In these institutions then, the starting point is a conversation with the coordinator. Not only can the coordinator help in finding a partner, but also can often facilitate meetings between the partner and course instructor, coordinate transportation for students to the service site, and assist with developing reflection activities. If there is no coordinator, then a search of local nonprofits and civic and legal aid organizations undertaken through word of mouth, local bar and business associations, faculty colleagues, and the internet might provide avenues to an appropriate partner. Even the local high school might make a good partner. For instance, many high schools offer courses in business where students learn about contracts or the stock market. Partnering with high school faculty who teach these business courses can lead to a collaborative teaching relationship whereby all three stakeholders can benefit. One might envision the university students in a business law or securities regulation course teaching segments of the high school business course. In such a situation not only would the university students be learning to master their own course material through teaching it to others, they also would be in a position to act as role models for the high school students.

Once the learning objective of the project has been determined and the community partnership is being established, the faculty member has to design the project into the course syllabus. For this aspect of creating the service-learning component, there are two models that work well. These are the “embedded” and the “4th-credit” models.38

An embedded service-learning project is most commonly a project that all students in the class undertake as a course requirement. Similar to assigning every student a term paper or a case study, an embedded service project is one that all students must complete in order to pass the

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37 As another example, a syllabus for an alternative dispute resolution course would likely list as a learning outcome appreciating the role of mediation as an alternative to litigation. Developing a service-learning project to advance this outcome might seem a challenge, but there are a number of community organizations, some in state government, that use ADR for resolving disputes. For example, during the 1990s a number of XXXXX students in a legal environment course that included a unit of ADR worked with the state attorney general’s office as mediators in small claims disputes between consumers and merchants. Burke also provides an example, supra note 5, at 153.

38 Campus Compact has published a guidebook for service-learning practitioners that provides six different models for course organization. See RICHARD CONE, SIX MODELS FOR SERVICE-LEARNING, FUNDAMENTALS OF SERVICE-LEARNING COURSE CONSTRUCTION (Kerrissa Heffernan ed. 2001).
course. While not a law-related project, a project at Northeastern University offers a good example of the embedded approach. The project was undertaken by students in a course entitled “Advocacy Writing” offered by the humanities department. The course objectives were to teach students about the role of nonprofit organizations in society, develop students’ advocacy skills, and help students write better. To accomplish the course objectives the instructor partnered with several nonprofits in the Boston area. He then divided his class into groups and in collaboration with the students assigned each group to one of the nonprofits, one of which was BAGLY (Boston Alliance for Gay, Lesbian, Bisexual, and Transgender Youth). BAGLY is a youth-led organization that advocates for policies to support LGBT youth. For the BAGLY project, the student group created a social media posting guide and a strategy that BAGLY could use to advance its mission on social media. The guide provided a list of characteristics of social media posts shared generally by Facebook, Twitter, and others along with tips for posting particular to each social medium. The other groups developed similar deliverables for their nonprofits. As part of the project each group engaged in reflection through shared classroom conversations with the other groups and through the creation of their own class Facebook page. The project carried significant weight toward the course grade.

One could envision an embedded project in a discrimination law course, for example, similar to the Northeastern approach. Partnering with community advocacy groups that support the homeless, the disabled, the elderly, the transgendered, and others, student groups could research and update available legal resources in local and state government, and provide the information to these advocacy groups in booklet or electronic form, or through presentations.

Unlike embedded service-learning courses where all students engage in the service project, the 4th-credit model allows students in the class a choice of undertaking the project or not. Some universities refer to this approach as the 4th-credit “option.” Students who choose the option and successfully complete it are given one extra academic credit over and above the standard three credits that all students in the course receive. The moot court project already discussed used a 4th-credit option. Where the university does not provide the option, however, the classroom instructor can offer the project for extra-credit on the course grade or as an alternative assignment in place of an exam or research paper that other students must complete. As with service-learning pedagogy generally, however, students who opt in are required to engage in reflection.

A good example of the 4th-credit model is a cyber-law course project developed at XXXXX XXXXX. In the course four students out of a class of 35 opted to participate in the Economic Justice Project sponsored by the XXX Bar Association (XBA). As part of this

39 The instructor was Gregory Goodale, Associate Professor, Communication Studies.


41 Id. at http://www.bagly.org/about/our-work/advocacy.

42 For an overview of XXXXXXXX 4th-credit option, go to http://www.XXXX.XXX (last visited May 21, 2015).

project, the XBA had established several workshops for low income and minority entrepreneurs seeking to establish their own businesses. One of the workshops dealt with the legal issues confronted by entrepreneurs in setting up their business websites. Working with the XBA and under the tutelage of their cyber-law instructor, the four students prepared and delivered an informational workshop on cyber issues to a small group of entrepreneurs. The issues they discussed related to intellectual property, jurisdiction, contract, and privacy. Also as an instructional aid the students developed and used a mock-up of a website. A representative of the XBA and the instructor, both lawyers, were present at the workshop, which took place at XBA offices in XXXX.  

The GLAD Service-Learning Project as a “How-to-Start” Template

ALSB Survey respondents who do not utilize service-learning gave three primary reasons for not doing so: lack of time; uncertainty around implementation; and concerns about the unauthorized practice of law. In this section we will attempt to address each of these concerns by providing a step by step description of the development of a specific service-learning project. The project currently sits within an upper class undergraduate law elective, but could be easily adapted to align with the employment law or product liability law section of a legal environment of business or business law course. As will be illustrated below, this adaptation would require merely choosing a different community partner. 

The relevant course here, *Outsiders and the Law*, focuses on the role of the law in both limiting and liberating those who are members of traditionally disenfranchised groups. The course provides a focused study of the law as a dynamic force in social change. It examines law as both an instrument of institutionalized oppression and a tool for liberation and empowerment of minority groups—those “outside” the majority. Groups studied include: the mentally ill; mentally ill criminals; criminals; the homeless; LGBTQ individuals; religious minorities; the elderly; minors; the disabled; and non-citizens. The course addresses the law’s historical and current role both in maintaining the second class citizenship of these groups and in dismantling discrimination against them. It provides tangible examples of the power of law both to worsen and to improve social problems.

*Outsiders and the Law* was developed as one of a trilogy of elective courses that focus on the rights of groups lacking power in United States society. These courses consider traditional business law issues, such as workplace discrimination, but their larger goal and central appeal has been to offer business students the unusual opportunity to consider the role of law from not only a business perspective but also from a broader societal perspective. To help make the topics covered in these courses less theoretical and to give students an opportunity to consider the human impact of the laws and policies taught, the instructor routinely brings guest speakers from the studied groups to speak directly to the students about the impact of laws (or lack thereof) on their lives. For example, for the unit in *Outsiders* on the disabled, a former student who was

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44 For other examples of service-learning projects in business law courses, which may be adaptable to embedded or 4th-credit formats, see Burke, supra note 5, at 153-155.
46 See excerpts of a sample syllabus at Appendix 2.
47 The other two courses in the trilogy are *Gender and the Law* and *Race and the Law*. The *Outsiders* course, therefore, purposefully does not cover issues relevant to women or racial minorities.
paralyzed in a car accident comes each semester to talk to the students about the ways in which the Americans with Disabilities Act has both improved his quality of life and fallen short of what it might accomplish. This perspective is then compared with that of businesses which are legally required to reasonably accommodate disabled customers and employees. Student responses to guest speakers have made it evident over the years that direct contact with a member of a studied minority group enhances student understanding of non-business perspectives of the laws studied. This led the instructor to seek out possible additional opportunities outside of precious class time for students to have such encounters. Service-learning provided a promising possibility.

Identifying a relevant student learning objective. As stated earlier, incorporating a service-learning project into a course should begin with the stated student learning outcomes in the course syllabus. The student learning objectives in the Outsiders course, similar to most courses, fall into three categories: knowledge (1-3 below); skills (4-7 below); and perspectives (8-11 below). After successful completion of the Outsiders course, students should be able to:

1. Identify specific laws that attempt to protect or to help each of the groups studied;
2. Identify how U.S. laws have failed to ensure equal and fair treatment of each group;
3. Identify how U.S. laws have exacerbated unequal and/or unfair treatment of each group;
4. Consider the impact of laws on minority stakeholders;
5. Recognize the unique legal needs of the groups studied;
6. Utilize critical thinking to evaluate laws that try to address social justice issues;
7. Utilize problem solving techniques to suggest more effective laws;
8. Understand some of the complexities of drafting laws that protect both individuals and society, while also enhancing business interests;
9. Understand some of the economic impact of failing to address social justice issues;
10. Understand some of the ethical issues presented by the groups and laws studied; and
11. See how corporate social responsibility interfaces with the needs of studied groups.

Direct interaction with members of a studied minority group could help achieve virtually all of these learning objectives, particularly objectives 2-5 above. With this in mind, the instructor started by inquiring within her networks about volunteer opportunities at non-profit organizations dedicated to advocating for the needs of the ten groups studied in the course. The appeal of connecting with an advocacy organization was based on the instructor’s prior experience with the XXXX Consumer Action Line (XCAL). XCAL was a supervised, student-staffed adjunct to the XXXX State Attorney General’s Consumer Action Hotline. XCAL was the only consumer protection office in the state staffed by undergraduate college students. Under the guidance and assistance of a faculty coordinator, XXXX students achieved a 75 percent settlement rate with refunds to consumers exceeding $600,000 over the life of XCAL. The program not only gave students hands-on experience with real world business-related problems, but it is also provided a vital service for consumers who, in most cases, preferred to obtain the

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48 See supra., p. 12.
49 Excerpt of syllabus, as in sample syllabus at Appendix 2.
50 Annual grants from the XXXX Attorney General's office for 16 years (1993-2009) allowed XXXX students to advocate better business practices and to come to the aid of XXXX consumers. XCAL was the only consumer protection office in the state staffed by undergraduate college students. Under the guidance and assistance of a faculty coordinator, XXXX students achieved a 75 percent settlement rate with refunds to consumers exceeding $600,000 over the life of XCAL. The program not only gave students hands-on experience with real world business-related problems, but it is also provided a vital service for consumers who, in most cases, preferred to obtain the
students mediated complaints between consumers and businesses. The instructor had successfully utilized XCAL as a 4th-credit service-learning option for students in her legal and ethical environment of business course in prior years. The XCAL volunteer work effectively underscored the product liability and warranty topics in that course and had clearly enhanced student understanding of the implementation of these laws in everyday life from the multiple perspectives of consumers, manufacturers, and retailers. Moreover, because XCAL was an established program with its own internal training, supervision, attendance-tracking, and follow-up measures in place, the instructor’s role was limited to developing and evaluating student assessments. This had minimized the professor’s time commitment to the 4th-credit project, and it had also relieved her of any worries about encouraging the unauthorized practice of law.

Finding an appropriate community partner. In 2008, the Outsiders instructor learned of a nonprofit organization that was seeking volunteers to serve on its phone hotline, GLAD Answers. Gay and Lesbian Advocates and Defenders (GLAD), founded in 1978, is a group of attorneys who work to acquire and to defend the civil rights of sexual minorities through litigation, public policy advocacy, and education. 51 GLAD has won landmark U.S. cases in its efforts to end LGBT-based discrimination, including XXXX, 52 through which XXXX. GLAD Answers volunteers provide information and resources to people throughout XXXX regarding legal issues related to their sexual orientation, gender identity and expression. Volunteering at GLAD Answers is frontline work with LGBTQ people experiencing discrimination, forming families, or seeking benefits and protections under the law. 53

Because the Outsiders course contains a unit on gay rights, this hotline offered a uniquely relevant service-learning opportunity for Outsiders students. Although the instructor had routinely included a gay guest speaker for the unit on LGBTQ individuals, a potential GLAD service-learning project promised a more extensive and personalized opportunity to put a face on the legal issues studied. In this way, student experiences interacting with GLAD hotline callers had the potential to help achieve a number of the specific learning objectives in the Outsiders course. 54

Building a mutually beneficial relationship with the community partner. Having identified a possible community partner to enhance several of the Outsiders course’s learning objectives, the next step was to learn about the GLAD hotline volunteer opportunity to see if it could be fashioned into a viable service-learning project for the course. To this end, the

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51 For GLAD’s mission statement, see http://www.glad.org/about/mission (“Through strategic litigation, public policy advocacy, and education, Gay & Lesbian Advocates & Defenders works in XXXX and nationally to create a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation.”).

52 XXXX v. XXXX, 440 XXXX. 309 (2003).


54 All of the course learning objectives are listed on page 17 of this paper as well as in the excerpted syllabus, attached as Appendix 2. The particular learning objectives most enhanced by this project are italicized in the Syllabus Addendum used for students undertaking this project. This Addendum is attached as Appendix 3.
instructor joined by the XSLC Director traveled to GLAD to see the phone hotline operation and to assess the compatibility of the volunteer experience with the Outsiders course.

At the time of this initial meeting in 2008, GLAD's hotline was called “Legal InfoLine,” which raised some concerns about the potential unauthorized practice of law by the volunteers. In response to these concerns, GLAD’s Public Engagement and Information Manager, Bruce Bell, reviewed with the instructor the extensive training that volunteers are required to undertake before they are permitted to begin working on the phone lines. This training, encompassing one seven-hour Saturday session and two four-hour evening sessions, seeks not to train volunteers on how to give legal advice, but rather on how NOT to give such advice. The training is focused on educating the volunteers on how to give accurate and current information about the law, but to stop short of rendering any advice particular to the individual caller and instead to triage appropriate callers to a lawyer when legal advice is sought.

The instructor was extremely impressed with the thoughtful and thorough training, the wealth of paper, electronic, and human resources available to volunteers, and the care that GLAD staff took with their supervision of volunteers. Having had a similar relationship with XCAL, the instructor was satisfied that students would be adequately supervised and, therefore, would not be engaged in the unauthorized practice of law.

Next on the agenda was the practical matter of mapping the community partner’s needs to the students’ needs. As the GLAD employee who oversaw the phone line project, Bruce Bell was the instructor’s primary contact at GLAD. Fortuitously, Bruce had been a university professor and academic dean in his prior career. This background gave Bruce a good understanding of the limitations on students’ time caused by course and sports schedules, as well as the semester rhythm of the academic year. Therefore, Bruce was willing to modify GLAD’s usual volunteer requirement of a six month commitment to four months so as to better align with the community partner’s needs.

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55 The hotline is now called “GLAD Answers,” perhaps in an effort to address this very concern. Although the older parts of the website still refer to the project as the Legal InfoLine, http://www.glad.org/rights/infoline/, the newer parts use the newer name, http://www.glad.org/rights/infoline/volunteer.

56 “As a GLAD Answers volunteer, you will:

- Provide legal information and resources to people seeking help on issues regarding their sexual orientation, gender identity and expression and/or HIV status;
- Help people find their bearings in our complicated legal system;
- Connect people to lawyers in their area, or to other community organizations that will help them stand up for their civil rights;
- Help educate the public about positive legal precedents GLAD wins in the courts; and
- Make a difference in the movement for LGBTQ and HIV civil rights.”

http://www.glad.org/rights/infoline/volunteer (emphasis added)

57 See, e.g., Rule 3:07 XXXX Rules of Professional Conduct, Rule 5.5, cmt. 2 (“Limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work.”); see also RONALD ROTUNDA AND JOHN DZIENKOWSKI, LEGAL ETHICS: THE LAWYER’s DESKBOOK ON PROFESSIONAL RESPONSIBILITY (2014-2015 ed.) (ABA) (“The lawyer may delegate various tasks to secretaries, law clerks, or paralegals, and, so long as the lawyer supervises the work and is ultimately responsible for it, there is no unauthorized practice.”)
a fourteen week semester. Nonetheless, transportation and time issues led the instructor to pilot the GLAD service-learning project as a 4th-credit option instead of an embedded project.58

The decision to make the project optional, rather than required, was also driven by the fact that the GLAD Answers training requirements also present a challenge. The training sessions are offered only semi-annually in May or October.59 Since volunteers have to complete the training before they can begin to volunteer, students wishing to participate in the fall semester would need to complete the training the previous May: if they waited for the October training, there would be only six to eight weeks left in the fall semester to volunteer. Bruce agreed to allow students to complete the training in May, but not begin volunteering until September (or to complete the October training and not begin their volunteer time until the end of January when the second semester starts). This timing, however, necessitates the instructor getting a commitment from students in the semester before the actual course, further limiting the likely cohort of students. Still, the well-established hotline presented such a rich opportunity that the instructor decided to pilot a GLAD service-learning project.

Designing the non-experiential requirements of the project. At this point, the final step before adopting the service-learning project was to define the required student deliverables. The XXXX Service-Learning Center requires 20 hours of actual on-site volunteer time so the instructor had only to develop the non-experiential aspects of the project. With a community partner in place and an established program, including volunteer training and supervision, this came down to the relatively simple task of preparing appropriate reflection activities for the participating students. This was not at all time-consuming. While the requirements have varied slightly between semesters, reflecting in part some of the university-wide changes between the first student’s project in 2008 and the most recent student’s project in 2014, they always share the following three core elements:

1. a series of reflective journal entries;
2. a final project (written paper and class presentation); and
3. a minimum of three one-on-one meetings with the professor.60

Piloting the project with realistic expectations. Due to the practical limitations discussed above, to date only three students, each in a different semester, have chosen to take part in the GLAD project.61 While this may seem insignificant, it is far from it and has proven to be well worth the minimal amount of time that the instructor invested in the initial search for a community partner, the single meeting with the community partner’s representative, the one afternoon of paperwork to design the non-experiential requirements and the registration of the

58 GLAD is located in downtown XXXX, accessible by public transportation from XXXX, which is located in the XXXX suburbs, but only by a time-consuming multi-vehicle public transportation trip that takes about an hour. Students with cars could much more efficiently travel to and from GLAD. Also, GLAD Answers runs for three hours each afternoon (1:30-4:30) and volunteers are expected to commit to one entire afternoon session per week. This means that students would have to be free of other courses, sports, and jobs for a full afternoon to participate. The instructor did not want to limit enrollment in the course only to those students who had such availability and access to a car. See http://www.glad.org/rights/infoline/volunteer.
59 See id.
60 Details about each of these requirements can be found in the sample Syllabus Addendum, attached as Appendix 3.
61 The first student participated in fall 2008. The instructor did not offer the project in 2009-10, 2010-11, or 2011-12 due first to an administrative detour as Director of the XXXX Women’s Leadership Institute (since subsumed into the XXXX Center for Women in Business) and then a sabbatical leave. A second student participated in the project in fall 2013 and a third student in fall 2014.
project for credit. In each of the three semesters the instructor has spent approximately ten hours on the service-learning project (three one-hour meetings with participating students, a few hours reading and writing comments on student journals, and an hour or so reviewing and evaluating students’ final papers and presentations). In return for this small investment of time and effort, the dividends of these three student projects have been tremendous.

First, each of the three students was dramatically impacted individually, as detailed below, by their respective experiences at GLAD Answers. Second, these students’ presentations to their classmates were very well-received and engendered new and richer class discussions on the relevant legal issues. Third, each of the XXXX students made a significant contribution to GLAD Answers at critical times of great staffing needs in the burgeoning gay rights civil rights movement. Fourth, in each of the three relevant semesters the instructor has changed course materials and her own presentations based on GLAD Answers students’ journals and on conversations during one-on-one meetings with these three students. Finally, by experimenting with various tweaks in the relationship with the community partner to minimize the impact of transportation, scheduling conflicts, parking costs, and the timing of the required training, this coming fall a modified arrangement with GLAD will allow for four students: to do the October (versus May) training; to volunteer for 20 hours between mid-October and mid-December; to complete the necessary non-experiential requirements to earn a 4th-credit; and then to complete their four-month volunteer commitment to GLAD by volunteering an additional 20 hours between late January and late April while earning a second 4th-credit in another course. There are at least six instructors who will be teaching second semester courses who are willing to embrace the GLAD Answers service-learning project. This will allow students to see connections between their GLAD Answers experiences and other disciplines, allowing for a new cross-disciplinary experience.

Implementing the service-learning project. For the weekly journals, the instructor has provided prompting queries to help the students focus their journal entries and final projects. This has proven to be particularly important since the students have to date not had other students completing the same project with whom to converse and to share reflections. At the one-on-one meetings, the instructor augments the initial prompts based on the students’ previously submitted journal entries. Through these intentional and continuous journal prompts, the students have pushed themselves to make connections between the coursework and the project. For example, one student realized during the training that the lack of a federal law prohibiting workplace discrimination based on sexual orientation or gender identity made it very confusing and complicated for her to remember what people’s rights were in different states. When the instructor pushed this student to consider how this might feel for her callers, the student was able to reflect on a couple of calls in which callers who felt that they were being treated unfairly at work were very frustrated. She came to see that it would indeed be very frustrating to know that your rights depend on in which state you happen to work.

The first student to complete this project did so in the fall semester of 2008. This was a fascinating time to be working at GLAD. The United States was poised for a presidential election and gay rights were perceived as being at stake. The student who volunteered at GLAD...
that fall wrote in her journal about the GLAD lawyers’ euphoria when Obama won the election and their hopes that this would mean the repeal of the military “Don’t Ask Don’t Tell” (DADT) policy as well as the national government’s Defense of Marriage Act. She came to understand and to share these hopes.

This same 2008 student had an unexpected learning experience at GLAD. Initially she was very focused on how she was learning about the relevant laws in much more detail than we were able to achieve in class. She enjoyed acquiring this extra knowledge and enjoyed helping callers, who she found to be less distressed and upset than she had expected. Instead they were mostly kind and appreciative of her help in getting them information or connecting them with the correct legal resource. Although she also felt sad that so many people had so little knowledge of the laws that might be able to help them, she also gained a real appreciation for the value of the phone line service and the need for volunteers such as herself to help educate the public.

Over the course of the semester, however, a certain outrage smoldered within this student. In her journals she would talk about how the stories that callers shared demonstrated how appallingly badly many people were treating LGBT citizens. It became apparent that there was a new, heightened empathy in her. When asked by the instructor about this growing passion, the student, who was heterosexual, shared that during her training sessions all the other attendees were openly gay and had assumed that she was as well. Feeling a bit like an interloper, the student was too embarrassed to correct their assumption so she said nothing. This led to the student finding herself in the position of not only being the only person in the room of her sexual orientation (a new experience for her in and of itself), but also feeling as if she had to keep that sexual orientation a secret. It was this latter unexpected situation that had the most profound effect on the student as it gave her a personal understanding of what it would be like to be closeted and worried about being “out’ed.” When the student realized how much higher the stakes would be for her if her orientation were something other than heterosexual, it gave her a strong empathy for those in that situation. This is the sort of learning that perhaps only a service-learning experience can engender.

Students who have completed the project more recently have had some similar and some dissimilar experiences during completion of their GLAD projects. The 2013 student also found that callers were patient and kind—not mean and aggressive as she had feared that they might be. By 2013, of course, United States laws had changed quite a bit in the intervening five years since the first student had been at GLAD. A national LGBT hate crimes law had been passed,63 DADT had been repealed,64 and President Obama had openly supported legalizing gay marriage.65 Yet this 2013 student still found that many callers were amazingly unaware of their rights, confused by the media, and treated quite badly. This led to a strong appreciation for the limits of laws in achieving their objectives.

In contrast to the straight student who chose to closet herself at GLAD, the 2013 student was gay. For her, spending time at GLAD was a welcome respite from the XXXX campus, where openly gay students remain a rarity. The student wrote about the wonderful sense of comfort that she felt at GLAD, where she could be her full self and talk about legal issues that

65 For a transcript of President Obama’s May 9, 2012 interview announcing this support, see http://abcnews.go.com/Politics/transcript-robin-roberts-abc-news-interview-president-obama/story?id=16316043.
could personally impact her own life. This validation and discovery of an oasis of safety and acceptance was eye-opening for the student and seemed to have a profound impact on her. She came away determined to find a gay-friendly workplace upon graduation.

A fall 2014 student had a somewhat different experience since she was at GLAD after the *Windsor* decision. In the wake of the Supreme Court decision invalidating part of the Defense of Marriage Act (DOMA), gay marriage bans were rapidly being struck down, national marriage equality suddenly seemed within reach, and on the ground the movement was shifting to other pressing legal issues. Two issues came to be of particular interest to this student. First, she fielded quite a few calls and letters from inmates who claimed that they were being mistreated within the prisons and/or the criminal justice system as a result of their sexual orientation. Since “criminals” were another group studied in the *Outsiders* course, this became a point of specific interest for this student, who ultimately did part of her final paper and presentation on the intersection and disconnection between prisoner rights generally and the rights of gay and lesbian prisoners. This topic enhanced understanding of equal protection since the prisons are operated by the government and, therefore, owe inmates more rights than those owed by a private corporation to its employees or customers. This was another unexpected learning outcome and one from which not only the student herself, but also the student’s classmates and instructor benefited as the student recounted concrete examples of connections between these two studied groups and how the equal protection clause complicated the legal picture.

This student also became fascinated with the myriad of legal issues emerging for transgender individuals, from how to change one’s name and gender on legal identification to a school’s obligation to provide gender neutral restrooms to whether or not health insurance should be required to pay for gender realignment procedures when a physician designates these as medically necessary. Until now transgender issues have not been directly covered in the course materials, but this student’s inclusion of these issues in her final presentation and her classmates’ engaged response made it evident that the time has come for the instructor to make room for these emerging topics.

Value of the service-learning project. Students who complete the GLAD project clearly learned and grew personally and academically by participating in the GLAD Answers initiative. In addition, the classmates of students completing the GLAD project paid apt attention to the class presentations and asked many questions, seeming to experience vicariously the first-hand exposure that the presenting students had to LGBT legal issues. The instructor has been stretched to think critically about the *Outsiders* course materials after interfacing with the students who have spent time at GLAD. New readings and exercises have been added to the course as a direct result of these students.

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67 *Id.*
69 By this time the phone service had expanded to include responding to e-mails and written letters.
70 For example, a new listening exercise has been added to help students experience what it might be like to keep one’s sexual orientation a secret and how this would make it challenging to ask questions about one’s legal rights. Also, two readings on gay and lesbian prisoners have been added to the course readings to make a more explicit
As for the external impact of the GLAD service-learning project, Bruce Bell, the GLAD Information Manager who runs GLAD Answers on site, has reported that XXXX students have been welcome additions to the volunteer staff. Indeed, as undergraduates in a business program, the students provide a unique lens for the other volunteers, who are more often older adults with liberal arts educations. Bruce reports that caller feedback indicates that the GLAD callers find the XXXX students helpful, respectful, and informative. By all measures the GLAD service-learning project has been a success with minimal additional effort put forth by the course instructor and with virtually no risk of the students engaging in the unauthorized practice of law.

This service-learning project is readily adaptable for use in a legal environment of business (LEB) or business law course. Similar direct contact with those most personally impacted by studied laws (e.g., workers, women professionals, etc.) would benefit LEB students and could be easily achieved by replacing GLAD with a different non-profit advocacy group. Just as XXXX LEB students benefitted for many years from their involvement in XCAL (relevant to LEB course topics of product liability and warranty), placing students with an organization that advocates for hourly wage workers (relevant to the LEB topics of employment at-will and ethical issues of wrongful discharge) or for women professionals (relevant to the LEB course topic of gender discrimination law) would enhance student learning with minimal time investment for the instructor. As long as the community partner organization provides its own training and supervision, there is minimal risk of the unauthorized practice of law (UPL).

Service-Learning Projects and the Unauthorized Practice of Law

As demonstrated by the GLAD project, the authors believe that UPL need not be a deterrent to implementing service-learning in a law course. Yet, some sensitivity to UPL should inform the design of a law-related service project.71 The ALSB survey (question 11.6) rightly raises this issue, for no law instructor would want to put students in a situation where they might be tempted to or asked to give legal advice. As lawyers know, giving advice is at the heart of the practice of law and features prominently in UPL rules.72 Consistent with those rules was a 2006

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71 For an extensive discussion of UPL as it relates to faculty participation in one type of experiential learning, law school clinics, see Laura L. Rovner, The Unforeseen Ethical Ramifications of Classroom Faculty Participation in Law School Clinics, 75 U. CIN. L. REV. 1113 (Spring 2007).

72 All states prohibit the unauthorized practice of law, some by statute, some by rule, some by case law and others in multiple ways. See ALA. CODE §34-3-1 (1975) and ALA. RULE PROF. CONDUCT, RULE 5.5; ALASKA STAT. §08.08.230 and STATE BAR RULES 15.6 and 63; 17A ARIZ. REV. STAT., SUP. CT. RULES, RULE 31; Ark. Code Ann. §16-22-501 (each case decided upon particular facts); CAL. BUS. & PROF. CODE §6125 et seq. and CA RPC Rules 1-300 and 1-311; COLO. REV. STAT. SUP. CT. RULES 228-240.2; CONN. GEN. STAT. §§1-51-88; DE- RULE H OF THE RULES ON THE UNAUTHORIZED PRACTICE OF LAW; DC COURT RULE TITLE VI, GENERAL PROVISIONS RULE 49; FLA. STAT. §454.23; GA CODE ANN. §§15-19-51; HAW. REV. STAT. §605-14; IDAHO CODE ANN. §801(i); ILL. COMP. STAT. §1; IND. RULE PROF. CONDUCT, RULE 5.5; IOWA RULE PROF. CONDUCT, RULE 5.5; KAN. RULES OF PROF. CONDUCT, RULE 5.5; KY SUP. CT. RULE 3.460, LA. REV. STAT. ANN. § 37.213 and LA RULE PROF. CONDUCT 5.5; ME. REV. STAT. tit. 4, §807; MD. CODE ANN., BOP §10-101 et seq., BOP §10-601 (UPL), BOP §10-406, BOP §10-606 (civil and criminal enforcement); MASS. GEN. LAWS ch. 221, §41 and MASS. RULE PROF. CONDUCT 5.5; MICH. COMP. LAWS §600. 916; MINN. STAT. §481.02; MISS. CODE ANN. §§73-3-55; MO. REV. STAT. §484.020; NEB. REV. STAT. §7-101; NEV. REV. STAT. §7-285; N.H. REV. STAT. ANN. §311:7; N.J. STAT. ANN. §2C:21-22; N.M. STAT. ANN. §36-2-28.2; N.Y. EDN. LAw §6512; N.C. GEN. STAT. §84-4 and 84.5; N.D. RULE
decision of the Colorado Supreme Court in which the Court said that to practice law is to “act in a representative capacity in protecting, enforcing, or defending legal rights and duties of another and in counseling, advising and assisting in connection with these rights and duties.”73 A ruling of the Oregon Court of Appeals echoes the Colorado court by defining the practice of law as “the exercise of professional judgment in applying legal principles to address another person’s individualized needs though analysis, advice, or other assistance.”74

In keeping with these court rulings and the laws of all the states outlawing UPL, therefore, designing service-learning projects to avoid students giving legal advice is key. The law-related projects already discussed were able to do that while still serving course learning objectives. In the cyber-law course the students developed and taught an informational workshop. Their role was pedagogical and not advisory. In the GLAD project, students performed intake interviews by telephone. They were supervised by lawyers and trained in advance by the GLAD staff to refer all legal questions that might arise during the interview to a GLAD lawyer. Because their service was supervised by lawyers, they were not engaged in UPL.75 As for the moot court students who judged high school debates, it goes without saying that their project raised no UPL concerns. It is clear then that carefully designed law-related projects that provide direct service to the clients of nonprofits can avoid UPL issues.

Another way of avoiding UPL issues is to create projects that enhance the ability of nonprofits to deliver their services themselves. For example, a legal clinic offering pro bono services to residential tenants might need to update its website. A service project could be designed in a real estate course whereby students with the requisite technical capabilities update the site using legal content provided by the clinic’s legal staff. Another possibility might involve students in a business law course researching state regulations on advertising to assist a local business organization. Such projects do not raise implications for UPL.

Conclusion

73 People v. Shell, 148 P.3d 162, 167 (Colo. 2006).


75 See supra, note 56, quoting comment 2 from Rule 3:07 Massachusetts Rules of Professional Conduct, Rule 5.5: “This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work,” and the ABA publication LEGAL ETHICS: THE LAWYER’S DESKBOOK ON PROFESSIONAL RESPONSIBILITY (2014-2015 ed.): “The lawyer may delegate various tasks… so long as the lawyer supervises the work and is ultimately responsible for it, there is no unauthorized practice.”
As demonstrated by our review of the literature, service-learning has benefits as a pedagogical tool. For this reason it is widely used by colleges and universities across the country. In fact, some institutions even make it a requirement for graduation.\(^{76}\) In addition to these undergraduate programs, service-learning has made its way into law schools.\(^{77}\) Along with other forms of experiential education at the law school level including moots and community clinics, service-learning has been utilized in courses that teach about women and the law,\(^{78}\) community justice,\(^{79}\) and mediation.\(^{80}\) In fact, it is not a stretch to equate many law school externships directly with service-learning.\(^{81}\) Referencing legal externships, one commentator has noted: “Although service-learning was initially conceived as an approach to undergraduate education, professional educational programs can and do utilize the structure and rely upon the theory of service-learning.”\(^{82}\)

Nonetheless, developing a functional service-learning component within a course curriculum takes some planning and even creativity. Service-learning is not traditional pedagogy in the sense that it is not teacher-centered, but rather it is more collaborative where students and the community partner play an active role in the educational dynamic.\(^{83}\) For faculty across the disciplinary spectrum, therefore, adopting service-learning pedagogy introduces a new dimension to their teaching. It also understandably raises questions about course design and implementation. Respondents to the ALSB survey underscore this concern when more than half of them indicate that they have not used service-learning because they are unsure how to implement it (question 11.2). Other questions also arise—how much time will it take to design a project and will the university provide training, logistical support, and resources?\(^{84}\) These considerations and others can discourage faculty, no matter the discipline, from engaging in service-learning.

Overall, however, as we have attempted to demonstrate, there are considerable advantages for all stakeholders through the use of service-learning and the perceived problems in utilizing it are not as great as they may at first appear. This is no less true in business law courses than it is in any other discipline. In closing, therefore, we offer three suggestions. First, in planning your initial service-learning project or a new project, think small. Try it as an extra-

\(^{76}\) Shapiro, *supra* note 3, at 44.


\(^{78}\) *See id.*


\(^{80}\) *Id.* at 960-964.


\(^{82}\) *Id.* at 731.

\(^{83}\) *Id.* at 729.

\(^{84}\) *See* Abes et al., *supra* note 19.
credit assignment with two or three interested students, not your whole class. Take your
development of a service-learning course component one step at a time. Second, reach out. Use
the resources already available to you. They are on campus and in the community. For ideas and
collaborations, find your university service-learning coordinator; talk to the local bar association,
town leaders, legal clinic, or relevant nonprofit; and talk to colleagues and especially to your
students. Third, do not think you have to get it right the first time. In our experience it is rare that
a first-time project goes perfectly, so be realistic. Service-learning projects like our teaching
generally, improve over time.

Appendix 1*
3. Have you used service-learning in any course you have taught?

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4. How many times have you used it?

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5. Identify all the courses in which you have used service-learning.

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<td>Labor law</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>9</td>
<td>Other</td>
<td>11</td>
<td>65%</td>
</tr>
</tbody>
</table>

*Responses to questions 1 and 2, which are omitted, identified respectively the universities that respondents taught at and the names of respondents.*
6. With what types of community partners have you partnered?

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Response</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Legal aid organizations</td>
<td>4</td>
<td>25%</td>
</tr>
<tr>
<td>2</td>
<td>The courts</td>
<td>3</td>
<td>19%</td>
</tr>
<tr>
<td>3</td>
<td>District attorney</td>
<td>1</td>
<td>6%</td>
</tr>
<tr>
<td>4</td>
<td>Law enforcement agencies</td>
<td>1</td>
<td>6%</td>
</tr>
<tr>
<td>5</td>
<td>Individual lawyers or firms</td>
<td>1</td>
<td>6%</td>
</tr>
<tr>
<td>6</td>
<td>Bar associations</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>7</td>
<td>Other</td>
<td>12</td>
<td>75%</td>
</tr>
</tbody>
</table>

7. What types of service have your students provided these partners?

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Response</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Organizational enhancements (e.g., developing website materials or formats, developing or updating databases, researching legal issues)</td>
<td>3</td>
<td>19%</td>
</tr>
<tr>
<td>2</td>
<td>Direct service to the clients of the partner (e.g., conducting in-take interviews, answering telephones, visiting with clients, acting as liaison for clients with other legal organizations)</td>
<td>6</td>
<td>38%</td>
</tr>
<tr>
<td>3</td>
<td>Other</td>
<td>10</td>
<td>63%</td>
</tr>
</tbody>
</table>
8. Do any of your departmental colleagues use service-learning in any law course? Please provide colleague's name and email if possible.

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Response</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>8</td>
<td>12%</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td>58</td>
<td>88%</td>
</tr>
<tr>
<td>Total</td>
<td>66</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

9. Do any of your departmental colleagues sponsor service-learning projects related to LGBT issues? (If “yes,” please identify with contact information if possible. Thanks)

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Response</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>5</td>
<td>8%</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td>60</td>
<td>92%</td>
</tr>
<tr>
<td>Total</td>
<td>65</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

10. Does your institution have a service-learning office or coordinator? (If “yes,” please provide a name and contact information if possible. Thanks)

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Response</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>36</td>
<td>55%</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td>30</td>
<td>45%</td>
</tr>
<tr>
<td>Total</td>
<td>66</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Answer</td>
<td>Response</td>
<td>%</td>
</tr>
<tr>
<td>----</td>
<td>------------------------------------------------------------------------</td>
<td>----------</td>
<td>-----</td>
</tr>
<tr>
<td>1</td>
<td>I have no time to organize a project</td>
<td>20</td>
<td>35%</td>
</tr>
<tr>
<td>2</td>
<td>I am unsure of how to implement a service-learning project</td>
<td>31</td>
<td>54%</td>
</tr>
<tr>
<td>3</td>
<td>I don’t think service-learning would enhance my teaching</td>
<td>17</td>
<td>30%</td>
</tr>
<tr>
<td>4</td>
<td>My subject matter is not suitable to a service-learning project</td>
<td>17</td>
<td>30%</td>
</tr>
<tr>
<td>5</td>
<td>There are no suitable community partners near the university</td>
<td>2</td>
<td>4%</td>
</tr>
<tr>
<td>6</td>
<td>I am concerned about “unauthorized practice of law” issues</td>
<td>22</td>
<td>39%</td>
</tr>
<tr>
<td>7</td>
<td>My university does not provide logistical support for such projects</td>
<td>10</td>
<td>18%</td>
</tr>
<tr>
<td>8</td>
<td>My university does not provide financial incentives to do service-learning</td>
<td>17</td>
<td>30%</td>
</tr>
<tr>
<td>9</td>
<td>My institution does not consider service-learning in the promotion/tenure process</td>
<td>10</td>
<td>18%</td>
</tr>
<tr>
<td>10</td>
<td>Other</td>
<td>14</td>
<td>25%</td>
</tr>
</tbody>
</table>
Appendix 2

Excerpt from Outsiders and the Law course syllabus

XXXX University Law Taxation and Financial Planning Department
LA106: Outsiders and the Law
Fall 2014: Tuesdays and Thursdays, 2:10-3:25 p.m.
Professor Marianne DelPo Kulow
Email = mdelpokulow@bentley.edu
Office Telephone = 781-891-2645
Office = Morison 281
Office Hours = Tuesdays 11:30-12:30, Thursdays, 12:30-1:30

Course Description
This course provides a focused study of the law as a dynamic force in social change. It examines law as both an instrument of institutionalized oppression and a tool for liberation and empowerment of minority groups—those “outside” the majority. This particular course focuses on traditionally disenfranchised groups other than women and racial minorities (addressed in separate electives). Groups studied include: the mentally ill, mentally ill criminals, criminals, the homeless, sexual minorities, religious minorities, the elderly, minors, the disabled, and non-citizens. The course addresses the law’s historical and current role both in maintaining the second class citizenship of these groups and in dismantling discrimination against them. It provides tangible examples of the power of law both to worsen and to improve social problems.

Course Prerequisite: GB110

Learning Objectives
Knowledge: After successful completion of this course, students will be able to:
1. Identify specific laws that attempt to protect or to help each of the groups studied;
2. Identify how U.S. laws have failed to ensure equal and fair treatment of each group; and
3. Identify how U.S. laws have exacerbated unequal and/or unfair treatment of each group.

Skills: After successful completion of this course, students will be able to:
1. Consider the impact of laws on minority stakeholders.
2. Recognize the unique legal needs of the groups studied.
3. Utilize critical thinking to evaluate laws that try to address social justice issues; and
4. Utilize problem solving techniques to suggest more effective laws.

Perspectives: After successful completion of this course, students will be able to:
1. Understand some of the complexities of drafting laws that protect both individuals and society, while also enhancing business interests;
2. Understand some of the economic impact of failing to address social justice issues;
3. Understand some of the ethical issues presented by the groups and laws studied; and
4. See how corporate social responsibility interfaces with the needs of studied groups.

Course Goal
The ultimate goal of this course is to aid students in developing informed and nuanced views on pressing social and legal issues. It is NOT to reach consensus on any particular issue. It is NOT to persuade students to any particular viewpoint on any issue. Students may leave the course with the same opinions with which they entered it but, if the course is successful, these views will then be reasoned ones and not simply views inherited from their family or culture.

**Course Format**
The course is divided into ten groups of outsiders (listed in italics above). There are readings and class discussion about each group, by specific topic, as listed in the course outline that follows at the end of this syllabus. There are videos, small group exercises, guest speakers, class debates, position essays, and tests. Students will be graded on their oral contributions (small group exercises, class debates, general class discussions) as well as on their written work (essays, tests). Students will have an opportunity to express their own opinions both orally (discussions, some small group exercises) and in writing (position essays). Students will also be required to demonstrate an understanding for the law (tests and culminating essay) and opinions other than their own (class debates, some small group exercises).

**Classroom Behavior**
The success of the course depends largely on the willingness of each student to express and to debate their views in an environment of mutual respect. Please participate, please listen, and please be willing to question your own assumptions. This course often addresses complicated and controversial issues for which there are no simple or "correct" answers. Students may feel uncomfortable with some of the topics. This discomfort is frequently an unavoidable but useful emotion that occurs when one is working to become a critical thinker about difficult issues. Please do not allow feelings about unpleasant topics to cause unpleasant behavior.

**Course Outline**
This course is always evolving so the order of topics and/or the time spent on a topic may vary.

<table>
<thead>
<tr>
<th>Date Covered</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, 9/2</td>
<td><strong>INTRODUCTION:</strong> What is an Outsider?</td>
</tr>
<tr>
<td>Thursday, 9/4</td>
<td><strong>A POTPOURRI OF OUTSIDERS:</strong></td>
</tr>
<tr>
<td>Tuesday, 9/9</td>
<td>1) Mentally Ill</td>
</tr>
<tr>
<td>Thursday, 9/11</td>
<td>2) Mentally Ill Criminals</td>
</tr>
<tr>
<td>Tuesday, 9/16</td>
<td>3) Criminals</td>
</tr>
<tr>
<td>Tuesday, 9/16</td>
<td>4) Homeless</td>
</tr>
<tr>
<td></td>
<td>- Guest Speakers from Father Bill’s &amp; Mainspring Shelters</td>
</tr>
<tr>
<td>Thursday, 9/18</td>
<td>1) Introductory Discussion:</td>
</tr>
<tr>
<td></td>
<td>- heterosexual privilege</td>
</tr>
</tbody>
</table>

29
• campus climate
• hate crimes

Tuesday, 9/23
2) Regulation of private, adult, consensual sexual activities
3) Workplace equality: an overview

Thursday, 9/25
4) Workplace equality:
   • military
   • professional sports

Tuesday, 9/30
5) Marriage and family equality: an introduction

Thursday, 10/2
6) Guest Speaker: David Wilson

Tuesday, 10/7
7) Marriage and family equality: current issues

Thursday, 10/9
TEST #1

Tuesday, 10/14
NO CLASSES HELD: COLUMBUS DAY LONG WEEKEND

Thursday, 10/16
Position Essay #1 Due in class

REQUIRING MINORITIES:
1) Defining Religion and its “Free Exercise”:
   • casting spells?
   • smoking peyote?
   • growing facial hair?

Tuesday, 10/21
2) Establishment Clause:
   • Blue Laws
   • zoning laws
   • kosher laws
   • schools:
     ▪ prayer
     ▪ Pledge of Allegiance
     ▪ vouchers
     ▪ “Intelligent Design”

Thursday, 10/23
3) Conscientious Objectors: the two clauses collide
   • Guest Speaker: Aaron Nurick

Tuesday, 10/28
4) Public Religious Displays

Thursday, 10/30
1) Medical rights: Right to control one’s own body
   • Minors’ rights to decide for themselves
   • Elders’ right to die (passive euthanasia): Young adults set law

Tuesday, 11/4
2) Elder Law:
   • death with dignity (active euthanasia)
Thursday, 11/6

• quality of life issues
  3) Elder Law:
  • employment discrimination
  • other current issues

Tuesday, 11/11

4) Minors: When do they get full rights of adults?
  • curfews
  • voting rights

Thursday, 11/13

5) Minors: Should they get special rights when they misbehave?
  • jails
  • executions
  • life sentences

**DISABLED**

Tuesday, 11/18

1) Guest Speaker: Reed Nixon

Thursday, 11/20

2) Overview of Disabilities Law
3) Non-Employer Liability:
  • Title II
  • Title III and Fair Housing Act

Tuesday, 11/25

*Position Essay #2 Due in class*

4) Employer Liability: Title I

Thursday, 11/27

NO CLASSES HELD: THANKSGIVING DAY

Tuesday, 12/2

TEST #2

Thursday, 12/4

CONCLUSIONS:
  • NON-CITIZENS: the ultimate “outsiders”
  • The integration of multiple identities

Tuesday, 12/9

NO CLASSES HELD: READING DAY

Thursday, 12/11

*Culminating Essay Due* (in lieu of a final exam)

1:00 - 3:00 p.m.
Appendix 3

Fall 2014 LA106 Outsiders and the Law
Service-Learning 4th-credit GLAD Project
Syllabus Addendum

Learning Objectives enhanced by this project (excerpted from course syllabus):
Achievement of the italicized learning objectives for the group “sexual minorities” will be significantly enhanced by this service learning project:

Knowledge: After successful completion of this course, students will be able to:
12. Identify specific laws that attempt to protect or to help each of the groups studied;
13. Identify how U.S. laws have failed to ensure equal and fair treatment of each group; and
14. Identify how U.S. laws have exacerbated unequal and/or unfair treatment of each group.

Skills: After successful completion of this course, students will be able to:
5. Consider the impact of laws on minority stakeholders.
6. Recognize the unique legal needs of the groups studied.
7. Utilize critical thinking to evaluate laws that try to address social justice issues; and
8. Utilize problem solving techniques to suggest more effective laws.

Perspectives: After successful completion of this course, students will be able to:
5. Understand some of the complexities of drafting laws that protect both individuals and society, while also enhancing business interests;
6. Understand some of the economic impact of failing to address social justice issues;
7. Understand some of the ethical issues presented by the groups and laws studied; and
8. See how corporate social responsibility interfaces with the needs of studied groups.

Traditional Timeline for 4th-credit Course and Modifications Thereto (for BSLC office):
✓ September 15  Mandatory Academic Session for 4th-credit students
Waived: the GLAD project is course-specific so this meeting is not required. In addition, student has completed this training for a previous 4th credit.
✓ September 17  Site Specific Training for 4th-credit students
Replaced: the GLAD project is course-specific so this meeting is not required. In addition, student completed GLAD’s required, intensive 15 hours of on-site training on 5/13, 5/15, and 5/17.
✓ October 22, 11:30-12:30  Mid-Semester Reflection Meeting with Professor
✓ November 17  BSLC conducts post-service reflection sessions for students
Waived: student is the only one doing this project so she will have a private reflection session with me that will be more meaningful.
✓ December 5  Deadline for completing required 20 hours of service

For Student:
1. Your grade for the 4th-credit option will be determined as follows:

   - 25% journal entries
   - 10% reflection discussions/meetings with instructor
   - 30% final paper/presentation
   - 35% attendance at project site

2. To receive credit for the Service-Learning 4th-credit Option, you must complete a minimum 20 hours of service. Your adherence to this attendance requirement is a factor in grading your service project. This is the single most important part of the 4th credit course. You are expected to attend and to participate fully and effectively. I know that you are committed to three-hour shifts at GLAD on alternating Wednesdays starting on 9/10/14, for a total of seven weeks, ending on 12/16/14 (total 21 hours):
   - September 10, 2014
   - September 24, 2014
   - October 15, 2014
   - October 22, 2014
   - November 5, 2014
   - November 19, 2014
   - December 16, 2014

3. **Journal entries** (2-3 pages, double-spaced) should be completed every two weeks, on the weeks that you are not volunteering at GLAD. These should contain (keeping confidentiality requirements in mind): 1) a brief description of what happened during your GLAD shift during the relevant two-week period (e.g., a specific call, an interaction with a co-worker, a trend in calls, whatever strikes you as important); 2) your reaction to these experiences (e.g., your feelings about a particular caller, topic, co-worker); and 3) the relevance of the particular experience(s) to the course materials (recognizing that such relevance may not always exist, particularly in the early weeks of the course before we have reached the gay rights unit). The six required **(6) journal entries** will be submitted on or before the following Thursdays:
   - September 18, 2014
   - October 2, 2014
   - October 23, 2014
   - October 30, 2014*
   - November 13, 2014
   - November 25, 2014**
   - **December 17, 2014*** (This final journal will be a bit longer and will include some reflection on the entire volunteer experience as well as the GLAD shift immediately preceding this date).
*Your topic for your final project is also due on this date and must be a separate document from your journal. (See item #4 below.)

**This is a Tuesday. (There is no class on 11/27 due to Thanksgiving.)

*** There is no class after 12/11/14 (date of final exam) so this journal will be due at my office.

4. The **topic of your final project/paper/presentation** is due on: **10/30/14**. This will require you to write up (for submission at class on this date) a one-page description of the project you plan to complete. *The description should contain a statement of how the project is relevant to the course objectives.* I am available in advance of this date to help you brainstorm appropriate final project ideas.

5. The **final project/paper/presentation** is due: **12/4/14**. You will submit a six-page (double-spaced) paper to me, as well as do a presentation to the class on this date.

6. Scheduled dates of reflection meetings with faculty:

   ✓ Mid-semester reflection (w/ project idea written up):
     **10/29/14, 11:30 p.m.**

Final reflection (replacing 11/17 BSCLC group final reflection and discussing final journal due on 12/11): **12/17/**