Reviewed Article: Clinic, the University and Society

Law student attitudes towards pro bono and voluntary work: The experience at Northumbria University

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Abstract

This study considers whether participation in pro bono legal work during a programme of academic study at Northumbria University increases the likelihood of future participation in pro bono activity amongst law students.

This was a quantitative study in which an online survey, measuring altruistic attitudes, was sent to students enrolled on the M Law Exempting degree programme at Northumbria University. The author analysed the data by comparing the attitudes of those students who had engaged in pro bono activity during the fourth year of the programme against those students who had yet to engage in pro bono activity, being those students in Years 1, 2 and 3 of the programme.

The data suggests that whilst the students value engagement in pro bono activity, this is principally due to the personal benefits which they gain. In particular, respondents reported improvement in legal skills and enhanced employability as a consequence of participation in pro bono work. The data indicates that there is an increased awareness of social and economic issues whilst engaged in pro bono work but this does not translate into a desire to continue pro bono work after graduation.

It was therefore concluded that participation in pro bono work during the course of academic study does not increase the likelihood of future participation in pro bono activity following graduation.

INTRODUCTION

The availability of public funding in the UK in relation to legal disputes has significantly reduced following the changes to the scope of legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 coming into force on 1 April 2013.[1] As many areas of law have been taken out of the scope of legal aid, individuals who previously qualified for legal aid will either be required to represent themselves or seek an alternative source of funding in relation to their case.

It has been reported that the number of UK-based universities engaging in pro bono work has increased. 53% of respondent law schools stated they ran a pro bono programme in 2006[2] increasing to 91% of respondent law schools

[1] The scope of legal aid was limited by the Access to Justice Act 1999. Areas such as personal injury (other than clinical negligence), business cases, boundary disputes, company and trust law were removed from the scope of legal aid. Despite this most areas of law remained within scope although funding for representation at most tribunals was not available. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 reduced the scope of legal aid further with the default position that all areas were excluded from scope with only a limited number remaining within scope.

[2] Grimes, R. and Musgrove, J. (2006) LawWorks Students Project Pro Bono – The Next Generation. [Online] Available at: http://www.probonogroup.org.uk/lawworks/docs/Student%20report%20Final.pdf (last accessed: 28 January 2015) p.6

in 2010[3], and 96% of respondent law schools in 2014.[4] The 2014 report suggests that 70% of law schools of pro bono opportunities, assuming those that did not respond do not offer any opportunities.[5]

As more universities develop pro bono work programmes, and more law students have the opportunity to engage in pro bono work, it is plausible to suggest that future participation in pro bono activity might increase in the profession.

This study will consider whether participation in pro bono activity whilst at law school influences future participation in pro bono activity following graduation and in their future careers. The study will be in the context of the M Law Exempting degree programme at Northumbria University.

ALTRUISM AND PRO BONO

To understand the concept of pro bono and the motivations for individuals to undertake pro bono activities, it is necessary to understand the concept of altruism as pro bono work is a manifestation of altruism in the legal

[3] Grimes, Richard and Curtis, Martin, *LawWorks Student Pro Bono Report 2011*, LawWorks [online] Available at: http://lawworks.org.uk/tmp_downloads/x63c118c111s132z58f116a76p34d16m64y22v10i24l80g83/lawworks-student-pro-bono-report-2011.pdf (last accessed: 28 January 2015) p.10

[4] Carney, D. Dignan, F, Grimes, R. Kelly, G and Parker, R (2014) The LawWorks Law School Pro Bono and Clinic Report 2014 [online] Available at: http://lawworks.org.uk/tmp_downloads/k150c69y95y80r23d40x93s30c57g25v44t110q78i113t5/1014-033-lawworks-student-pro-bono-report-web.pdf (last accessed: 28 January 2015) p.10

[5] Ibid.

profession. Pro bono, or 'pro bono publico', literally means 'for the public good'. However, beyond the literal translation there are many definitions. One definition of pro bono comes from the Pro Bono Protocol:

> 'Legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public funding and alternative means of funding is not available.
>
> Legal work is Pro Bono Legal Work only if it is free to the client, without payment to the lawyer or law firm (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm.'[6]

If we consider this definition, pro bono work requires lawyers to act without charge or expectation of charging their clients. As such, it is arguable that in the provision of pro bono work, lawyers are displaying altruistic behaviour that is 'generally understood to be behaviour that benefits others at a personal cost to the behaving individual.'[7] Gleitman et al state that '[o]ne of our great sources of pride as a species is our ability to exhibit *prosocial* behaviors [sic], behaviors [sic] that help others – assisting them in their various activities, supporting and aiding them in their time of need. But, of course,

[6] LawWorks. (2013). Protocol text. [Online] Available at: http://www.lawworks.org.uk/protocol_text (Last accessed: 18 January 2015)

[7] Kerr, B. Godfrey-Smith, P. Feldman, M.W. (2004). 'What is altruism'. TRENDS in Ecology and Evolution. 19(3): 135-140 [Online] DOI:10.1016/j.tree.2003.10.004 (Last accessed: 18 January 2015)

we don't always help.'[8] When we do help, it is often based on some 'expectation of later reciprocation.'[9]

Gleitman et al are of the opinion that true acts of altruism, those acts where there is no personal benefit at all, are fairly rare.[10] When people are asked why they engage in such activities, most state that 'altruistic actions make them better people'.[11] It could be argued that this, in itself, could be seen as a benefit to the individual concerned.

Bateson and Shaw have written that understanding altruism from a psychological point of view has been dominated by the 'universal egoism hypothesis', that is, persons act altruistically primarily for egotistical reasons. Their work suggests a complementary hypothesis, the 'empathy-altruism hypothesis' that suggests the notion that both egoism and altruism operate simultaneously. It is also suggested that people can act for personal benefit, the benefit of others or, indeed, a combination of both.[12]

It must therefore be considered whether it is possible to teach or instil a sense of altruism through education.

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[8] Gleitman, H. Gross, J. and Reisberg, D. (2011). *Psychology*. 8th edn. London: W.W.Norton & Company Ltd p.532
[9] Ibid. p.534
[10] Ibid.
[11] Piliavin & Callero, 1991; M. Snyder & Omoto, 1992 as cited in Gleitman et al, 2011 (See note 6)
[12] Ibid, pp.341-342

> 'Where Socrates appeared to argue that *no one* teaches virtues, Protagoras argues that *everyone* teaches them'[13]

Aristotle drew a distinction 'between self-control and virtue applied primarily to moral dispositions as honesty, temperance, courage, justice, liberality and so on.'[14] Values as principled commitments are rules which are followed although not wholeheartedly committed. Values as virtues are exhibited and embodied as at least a matter of second nature.[15] This is an important distinction within the context of this study. We can teach students the rules, such as the professional code of conduct, but can we teach or instil a moral commitment to pro bono work, meaning that it becomes second nature to our students.

It has been a matter of some debate as to the role of higher education in teaching students not just knowledge but also social virtues. Heuser argues that 'when moral and ethical considerations are built into every aspect of the primary activities of higher education-research, teaching and public service-the ability of colleges and universities to create academic social cohesion is greatly amplified, as is their propensity to generate social cohesion in

[13] Pence, G.E. (1983) 'Can compassion be taught'. J Med Ethics. 9(4):189-91 [Online] Available at: http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1059297/pdf/jmedeth00011-0005.pdf (Last accessed: 18 January 2015) p.189

[14] Carr, D. (2011), 'Values, virtues and professional development in education and teaching', International Journal of Educational Research, 50(3), pp.171-176, [Online] DOI:10.1016/j.ijer.2011.07.004 (Last accessed: 18 January 2015), p.172

[15] Ibid. p.173

society.'[16] Lewis observes that 'universities have forgotten their larger educational role… that the fundamental job of undergraduate education is to turn eighteen- and nineteen-year-olds into twenty-one- and twenty two-year-olds, to help them grow up, to learn who they are, to search for a larger purpose for their lives, and to leave college as better human beings.'[17]

CLINICAL LEGAL EDUCATION AND PRO BONO

There are many academic articles considering Clinical Legal Education and Pro Bono. McCrimmon states that 'while clinical courses and pro bono projects share common attributes, they are separate and distinct entities.'[18] McCrimmon draws upon the Association of American Law Schools Pro Bono Project Report, *Learning to Serve*, to illustrate his point. In particular, the Report states:

> 'Both clinics and pro bono programs serve important educational values. They each provide students an opportunity to learn about the legal needs of people who are poor. They each provide an opportunity to learn about the satisfactions of serving a client. But the principal goal of most clinics is to teach students lawyering skills and sensitivity

[16] Heuser, B. L. (2007) 'Academic social cohesion within higher education', Prospects 37, pp.293-303. [Online] DOI 10.1007/s11125-008-9036-3 (Last accessed: 18 January 2015)
[17] Lewis, H. R. (2007) *Excellence without a Soul: Does Liberal Education Have a Future?* United States: PublicAffairs p. xiv
[18] McCrimmon, L. A. (2003) 'Mandating a Culture of Service: Pro Bono in the Law School Curriculum', LegEdRev 4 [Online] Available at: http://www.austlii.edu.au/au/journals/LegEdRev/2003/4.html (Last accessed: 18 January 2015)

> to ethical issues through structured practice experiences and opportunities to think about and analyze those experiences. By contrast, the most important single function of pro bono projects is to open students' eyes to the ethical responsibility of lawyers to contribute their services.'[19]

Whilst the Report states there are similarities between clinical legal education and pro bono, it states that they are different in their objectives. However, Bloch identifies that the 'original "subject matter" of clinical legal education was essentially legal aid and public interest practice'[20] whilst Ellman et al state that 'one goal of clinical teaching is to foster, and to carry on, legal practice in the public interest. But our understanding of this goal is changing, and so is our understanding of the means by which it might be achieved.'[21] It appears the objective of clinical legal education has historically been public interest practice and therefore clinical legal education is a form of pro bono practice. However, Bloch goes on to identify that '[s]ome have felt recently that a more deliberate skills orientation is needed in clinical scholarship.'[22] It appears that it is this focus on skills development that differentiates clinic from pro bono. However, it is also arguable that

[19] Association of American Law Schools Commission on Pro Bono and Public Service Opportunities, (undated), 'Learning to Serve: The Commission's Findings and Proposed Actions', [Online] Available at http://aalsfar.com/probono/report2.html#findings (Last accessed 18 January 2015)
[20] Bloch, F.S. (2004) 'The case for clinical scholarship' 4 Int'l J. Clinical Legal Educ. pp.7-21. HeinOnline [Online] Available at http://heinonline.org (Last accessed: 18 January 2015) p.12
[21] Ellmann, S. Gunning, I.R. and Hertz, R (1994), 'Why not a clinical lawyer-journal?', 1 Clinical L. Rev. pp.1-7, HeinOnline [Online] Available at: http://heinonline.org (Last accessed: 18 January 2015)
[22] Op.cit. note 18, p.13

individuals conduct pro bono work for reasons other than altruistic reasons of benefiting society.

Setting aside the definition of clinical legal education and pro bono, clinical legal education has the potential to be used as a tool to increase a student's sense of social awareness. Grose identifies clinical education as having 'three broad goals: providing learning for transfer; exposing students to issues of social jus-tice; [sic] and offering opportunities to practice lawyering skills.'[23] For the purposes of this study, it is the second goal, namely the exposure to social justice, which the author was interested in exploring and the extent to which this goal is being achieved. However, it will be necessary to include the other goals in order to consider whether there is more than one motivating factor.

It is suggested that 'encouraging law students to become involved in pro bono work is likely to develop their commitment to, and understanding of, professional values, which should in turn lead to their active involvement in pro bono work later in their professional lives.'[24]

Giddings comments that clinics 'are often identified as important in enhancing the commitment of students to professional ideals and values,

[23] Grose, C. (2013) 'Beyond Skills Training, Revisited: The Clinical Education Spiral' Clinical L. Rev. 19, pp. 489-515 HeinOnline [Online]. Available at: http://heinonline.org (Last accessed: 18 January 2015) p. 493

[24] Op.cit. note 2

fostering the values that promote pro bono contributions.'[25] However, Giddings goes on to recognise that these claims are difficult to support with empirical data.[26]

In considering whether clinical programmes influence students' sense of ethical and social awareness, Schrag and Meltsner recognise that there are no empirical studies that compare law graduates who took clinic with those who did not.[27] However, they go on to state that 'many thousands of lawyers have begun their careers much better able to take responsibility for helping clients, with much greater understanding of how social institutions really work, and with greatly heightened awareness of ethical issues and how to address them.'[28] Palermo and Evans recognised this issue and stated 'a central motive for undertaking [their] study was the need for empirical information about lawyers' responses to ethical challenge over time'.[29] Interestingly, and contrary to the stated aims of clinical legal education, Palermo and Evans study suggests that students who had a clinical experience were less interested in pro bono work over time.[30]

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[25] Giddings, J. (2013) *Promoting Justice Through Clinical Legal Education* Melbourne: Justice Press, p. 64
[26] ibid
[27] Schrag, P.G and Meltsner, M. (1998) *Reflections on Clinical Legal Education* Boston: Northeastern University Press, p.9
[28] ibid
[29] Palermo, J. and Evans, A. (2008), 'Almost There: Empirical Insights into Clinical Method and Ethics Courses in Climbing the Hill towards Lawyers' Professionalism', 17 Griffith L. Rev., pp.252-284, HeinOnline [Online] Available at http://heinonline.org (Last accessed 18 January 2015) p.253
[30] Ibid. p272

There have also been a number of studies, conducted in the United States, regarding the impact of pro bono programmes at law schools.

Granfield states that:

> 'While there has been anecdotal evidence supporting the value of law school pro bono, no institution has taken an empirical examination of the impact of pro bono participation on law school graduates. This seems to suggest that many proponents of law school pro bono view such policies as an unqualified public good that is consistent with the service ideals of the legal profession.'[31]

Rhode undertook what may be considered the first empirical analysis of lawyers and their attitudes towards pro bono work.[32] Rhode reports that 59% of the lawyers surveyed cited a desire for a financially rewarding and secure career as the reason for choosing a legal career. The next most common motivations were finding intellectual challenges (52%) and keeping options open (41%). Only 31% of the respondents indicated a desire to promote social justice whilst 29% stated that they wanted to prepare for public service.[33]

Rhode goes on to state that fewer than a third of the respondents had changed their objective during law school. Of the respondents who did

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[31] Granfield, R. (2007). 'Institutionalizing Public Service in Law School: Results on Impact of Mandatory Pro Bono Programs' Buff. L. Rev. 54: 1355-1412 Heinonline [Online] Available at: http://heinonline.org (Last accessed: 18 January 2015), p.1372

[32] Rhode, D L. (2003) 'Pro Bono in Principle and in Practice'. J. Legal Educ. 53:413-464 HeinOnline [Online]. Available at: http://heinonline.org (Last accessed: 18 January 2015)

[33] Ibid p. 454

report a shift in attitude, a 'significant number' reported a change in attitude concerning pro bono and public interest work. A fifth (22%) of these respondents reported that a positive law school experience had encouraged involvement in pro bono activity, whilst about a fifth (19%) reported a negative law school experience had 'dampened' their desire to do pro bono work. Other factors steering lawyers away from public interest work included student loans and differential salary levels.[34] Rhode states that her study fails to confirm the belief that a law school pro bono experience increases the likelihood of continued pro bono contributions. A positive experience with 'public interest work' can have a significant impact, but such an experience need not come from a 'pro bono placement' nor does a pro bono placement ensure a positive experience.[35]

Granfield reports that 58% of respondents to his survey believed they had acquired valuable legal skills from their participation in pro bono activity at law school whilst 28% report that their pro bono experience helped them acquire their initial job after graduation.[36] Further, Granfield also comments that, 'contrary to anecdotal evidence, half the respondents did not believe

[34] Ibid p. 455
[35] Ibid p. 457
[36] Op.cit. note 29 p.1379

their law school pro bono experiences made them more committed to doing pro bono work as a practicing attorney.'[37]

Both Granfield[38] and Rhode[39] cite commitment to public service and a sense of personal satisfaction as the principle motivations for conducting pro bono work whilst factors such as enhancement of legal skills were of secondary importance.

The data from the studies carried out by both Granfield and Rhode produce very similar conclusions, both casting doubt on the notion that you can promote pro bono work in the legal profession by exposing law students to pro bono during law school. However, in Granfield's opinion it is 'still too early to perform a post-mortem on the law school pro bono movement.'[40] He goes on to state that '[m]any respondents… reported that their law school pro bono experiences were not well integrated into their overall education… For the law school pro bono movement to have an impact, the pro bono experiences of law students must be better integrated into the general law school curriculum.'[41]

Whilst the studies of Granfield and Rhode provide substantial evidence for the proposition that law school pro bono programmes do not influence the

[37] ibid
[38] Ibid p. 1399
[39] Op.cit. note 30 pp. 446-447
[40] Op.cit note 29 p. 1412
[41] ibid

attitudes of students in relation to their future career, it is noted that both studies consider data drawn from practising lawyers rather than current students. It is arguable that in both studies, respondents' answers may have varied had they taken the survey whilst at law school or shortly after leaving law school. It is plausible to consider that their attitudes have been shaped by their experiences since leaving law school.

Additionally, as Granfield recognises himself, the respondents' attitudes could be shaped by their experience at law school.[42] In particular, Granfield refers to better integrating the pro bono experience into legal education.[43] Schmedemann has also considered whether a pro bono participation in law schools encourages future participation whilst in practice. This study, which considered a voluntary pro bono programme, found a significant correlation between participation in a law school pro bono programme and participation in practice. A further correlation was shown between attitudinal dispositions related to pro social values and pro bono involvement in practice.[44]

The research indicates that there is no definitive answer to which clinical and pro bono programmes enhance students.

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[42] ibid
[43] ibid
[44] Schmedemann, D. (2009), 'Priming for pro bono: The impact of Law School on Pro Bono Participation in Practice' in Granfield, R. and Mather, L. (eds) *Private Lawyers in the Public Interest,* New York: Oxford University Press, pp.73-94, p.79

ALTRUISM AND OTHER PROFESSIONS

It may also be useful to consider attitudes towards altruism in other professions as altruistic attitudes are often seen as 'a defining characteristic of professionalism.'[45] Of note is a study by Coulter et al that compared the altruistic attitudes of business, law and medical students.[46] Coulter et al report that 3% of business students and 17% of law students felt that working with the poor was important to their careers. However a significantly higher percentage (33% of business students and 40% of law students) 'felt that doctors should be required to provide medical care to the poor.'[47]

Cruess, states that altruism is thought to be a defining characteristic of professionalism and a key feature of medical practice.[48] However, Roche et al, drawing upon Coulehan and Williams, state that 'in medical education, students go through a maturational process that some claim undermines any idealism they may have had upon entering.'[49] They go on to state that 'some

[45] Cruess and Cruess, 1997 as cited in Coulter, I. D. Wilkes, M. Der-Martirosian, C. (2007). 'Altruism revisitied: a comparison of medical, law and business student' altruistic attitudes' Medical Education. 41: 341-345 [Online] DOI: 10.1111/j.1365-2929.2007.02716.x, (Last accessed: 18 January 2015) p.342
[46] Coulter, I. D. Wilkes, M. Der-Martirosian, C. (2007). 'Altruism revisitied: a comparison of medical, law and business student' altruistic attitudes' Medical Education. 41: 341-345 [Online] DOI: 10.1111/j.1365-2929.2007.02716.x (Last accessed: 18 January 2015)
[47] Ibid p. 345
[48] Ibid p. 342
[49] Roche III, W. P., Scheetz, A. P., Dane, F. C., Parish, D. C. and O'Shea, J. T. (2003). 'Medical Students' Attitudes in a PBL Curriculum: Trust, Altruism, and Cynicism' Academic Medicine 78(4):398-402. p. 398

educators note that some students who enter medical school with compassion and altruism become more cynical.'[50]

Problem based learning and an early introduction to clinical medicine were considered two possible changes that could address the cynicism observed in medical students.[51] It is reported that the effect of problem-based learning curriculum has been seen to prevent a more cynical or less altruistic attitude from developing in medical students and has in fact had a positive effect on their attitudes towards altruism.[52]

Wear and Zarconi highlight the effect of role modelling on the attitudes of students.[53] They draw upon the work of Coulehan that urges an environmental change via role modelling:

> 'The first requirement for a sea change in professionalism is to *increase dramatically* the number of role model physicians at every stage of medical education. By role model physicians I mean full-time faculty members who exemplify personal virtue in their interactions with patients, staff and trainees; who have a broad, humanistic perspective; and who are devoted to teaching and willing to forego high income in order to teach….[sic] Their presence would dilute and diminish the conflict between tacit and explicit values, especially in the hospital and the clinic. The teaching environment would contain fewer hidden

[50] ibid
[51] Ibid p. 399
[52] Ibid p. 402
[53] Wear, D and Zarconi, J. (2008) 'Can Compassion be Taught? Let's Ask Our Students' J Gen Intern Med 23(7):948-953. [Online] DOI: 10.1007/s11606-007-0501-0 (Last accessed: 21 August 2013)

> messages that say "Detach" while at the same time overt messages are saying "Engage." What trainees need is time and humanism'[54]

This argument puts forward the idea that students can learn virtue through role modelling and therefore if they are taught by individuals who themselves exhibit virtues, and as such are positive role models, then this will in turn have a positive effect on the students. However, Wear and Zarconi also recognise that having 'a few positive role models in a clinical setting will not do the trick.'[55] Pence states:

> 'Morality is not learned the way one learns to play a flute or to do a tracheotomy by observing a 'master' proficient in a certain craft or technique. Compassion similarly is not learned from a Master of Compassion (or the chief role-model thereof). Instead it is developed or not by the 'shape' of the medical environment in which students learn medicine. The overall medical context in which students thrive or stagnate is more important than the efforts (however noble) of any one individual.'[56]

The literature above suggests that one must look at the whole educational institution. Whilst the empirical evidence to date suggests that pro bono and clinical legal education does not instil a sense of public service, or altruism

[54] ibid
[55] ibid
[56] Op.cit note 11 p. 190

within law students, there is explicit criticism of the programmes that students perceive as 'not well integrated into their overall legal education.'[57]

It is clear from the literature that there is little empirical evidence regarding the participation in pro bono and clinical legal education programmes, or indeed other altruistic activities, and the influence this has on students' altruistic attitudes and their participation in altruistic activity during their career. The literature in relation to legal education, particularly with reference to clinical legal education and pro bono, suggests that altruism is considered a key aim. However, the empirical research by Rhode and Granfield does not support this assertion.

There have been small-scale studies within medicine suggesting that altruism can be instilled through role modelling and the environment in which students learn. The study carried out by Roche et al concludes that students were not any less altruistic than their junior counterparts as a consequence of problem-based learning.[58] This study relates to retaining altruistic attitudes rather than instilling them. This can therefore arguably be distinguished from the present study on the basis that it is about instilling altruism rather than retaining it. Further, despite the conclusions, the authors could not establish whether the results were as a consequence of more women

[57] Op.cit note 29 p. 1412
[58] Op.cit note 47 p. 402

attending medical school rather than the introduction of problem-based learning into the curriculum.

The study by Wear and Zarconi utilised a qualitative approach and as such it is difficult to generalise the findings. The authors identify a limitation in their own research that only 46% of potential respondents gave permission to participate in the study. Again, this limits the generalisation of the results.

METHODOLOGY

Whilst the above-mentioned studies each have their limitations, the data drawn from each is useful in designing the research for this study. The model of legal education at Northumbria University, and in particular the M Law Exempting degree is an integrated model with clinical legal education at its core. The programme is described as one where '[s]tudents are introduced to legal rules and concepts on both their theoretical and practical contexts from day one. They engage in clinical and experiential learning throughout the course culminating in full case work on behalf of real clients in the final year.'[59] As such, it is arguable that the M Law Exempting degree is the integrated model described by Granfield.

[59] Northumbria University. (2012) LLB (Hons)/M Law Exempting Full-time. Available at: http://www.northumbria.ac.uk/sd/academic/law/courses/ug/innovative/mlawexempting/ (Last accessed: 18 January 2015)

In the fourth year of the programme, students participate in the Student Law Office module. This is a credit-bearing module where student advise and represent real clients. Students can also participate in extra curricula activities such as StreetLaw throughout any year of the programme. The programme integrates problem-based learning and clinical elements in earlier years which, as identified above, have the potential to mean students are less cynical and have a positive effect on their altruistic attitudes.

The model of legal education adopted by Northumbria University also appears to align with the models discussed above in medical education. Northumbria University has arguably created an environment where students are taught by lawyers, from who they can model themselves. It is therefore to be seen whether the Northumbria University model, integrating legal education and pro bono work can instil a sense of altruism in students and encourage participation in future pro bono activity.

This study received ethical approval from Northumbria University.

A questionnaire (see Annex A) was sent electronically to all students studying on the M Law Exempting Degree programme at Northumbria University in the academic year 2012/13. Respondents to the survey were anonymous.

The survey was designed to elicit information regarding students attitudes to pro bono work at university, whether mandatory or voluntary. 'Pro bono' was defined in the survey as 'the provision of legal services without charge to the client'. This is a wide definition and encompasses the clinical legal education module carried out in the Student Law Office as no charge is made to the client. However, students were also asked about their volunteering outside of university. 'Voluntary work' was defined as 'work without reward other than expenses'. Voluntary work could be either legal or non-legal. This study considers the altruistic ethos of the students and therefore, it does not matter whether this is manifested by legal or non-legal work. Voluntary work is unlikely to fall within any definition of clinical legal education as it is not conducted through the university. However, it may fall within the definition of pro bono if the provision of legal service is not mandated. The survey utilised Likert scales, rankings and free text boxes to elicit to attitudinal responses.

The questionnaire was sent to a total of 1010 students. The breakdown of student numbers by year group:

Year 1 – 348 students

Year 2 – 288 students

Year 3 – 198 students

Year 4 – 176 students

A descriptive statistical analysis was used to provide a profile of the respondents, outlining their experiences and their attitudes towards pro bono and voluntary work. A Mann-Whitney U-Test[60] was conducted to determine statistical significance of the relationship between students' pro bono experience and their altruistic attitudes as well as their attitudes towards future participation in pro bono activity.

The survey had a low response rate with a total of 44 questionnaires returned. 7 questionnaires were returned from each of the Year 1, 2 and 3 groups whilst 23 questionnaires were returned from Year 4.

DISCUSSION

Data analysis suggests that the primary motivation behind both pro bono work and voluntary work is for personal benefit. Respondents also valued the skills development and enhanced employment prospects rather than the altruistic benefits of carrying out such work.

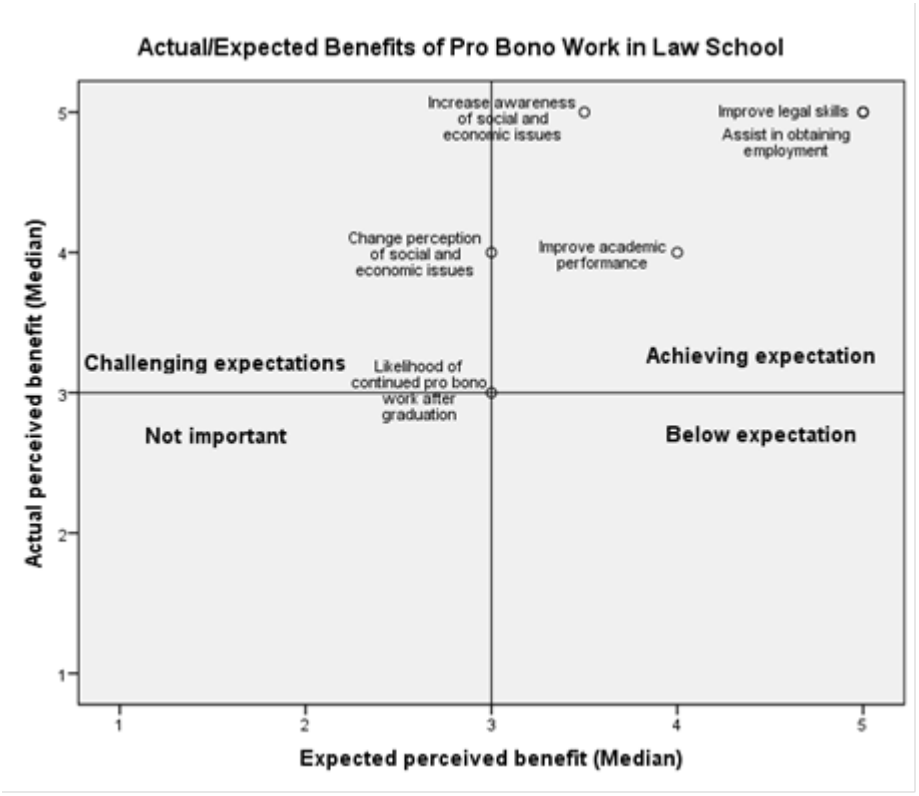
[60] There is debate as to whether parametric tests, such as t-tests, are appropriate for ordinal data. See Jamieson, S. (2004) 'Likert scale: how to (ab)use them' *Medical Education*. 38:1212-1218 [Online] DOI: 10.1111/j.1365-2929.2004.02012.x (Last accessed: 18 January 2015) and Norman, G. (2010) 'Likert scales, levels of measurement and the "laws" of statistics' Adv in Health Sci Educ 15:625-632 [Online] DOI: 10.1007//s10459-010-9222-y (Last accessed: 18 January 2015). As the data collected was ordinal, it was deemed a non-parametric test was deemed the appropriate statistical test for this study.

Generally, students in Year 1 (n=6), Year 2 (n=7) and Year 3 (n=5) stated that they did not currently undertake any pro bono work as part of their programme of study. One Year 1 (n=1) student stated that they did not know whether they undertook pro bono work as part of their programme of study whilst one Year 3 (n=1) student stated they did not know and one Year 3 (n=1) student stated they did undertake pro bono work as part of their programme of study. Nineteen Year 4 (n=19) students responded to the question, all of whom undertook pro bono work as part of their programme of study. Four Year 4 (n=4) students did not respond to this question.

Figure 1 below illustrates the perceptions of students who had undertaken pro bono work as part of their programme of study compared with those who had not. Students were asked whether they agreed or not with the following statements in relation to pro bono work as part of their programme of study:

- Pro bono improves legal skills;
- Pro bono assists in obtaining employment;
- Pro bono work improves academic performance;
- Pro bono work increases awareness of social and economic issues;
- Pro bono work changes perception of social and economic issues; and
- Pro bono work increases likelihood of continuing pro bono work after graduation.

Figure 1



It can been seen that the respondents expected pro bono work to provide a personal benefit to them; such as improved legal skills and enhanced employability, and further, the respondents who have engaged in pro bono work perceive that they have been rewarded with these benefits. This perhaps supports the educational imperative of pro bono work as part of a programme of study but does not assist in determining whether students are instilled with a sense of altruism.

Figure 1 also suggests that there was marginally more appreciation of social and economic issues. It is plausible that this is due to the fact that students are faced with real legal issues and therefore have a greater appreciation of

the problems society faces. However, further research of a qualitative nature would be required to investigate this.

Despite an apparent greater appreciation for social and economic issues, it is highlighted that respondents were neutral to the statement as to whether they would participate in future pro bono activity following graduation. This may indicate that participation in pro bono activity at law school may not encourage future participation in pro bono activity. Further research is required to establish why respondents are of this view.

89% (n=34) of respondents reported that they undertook, or had undertaken, voluntary work. Further, there appears to be no correlation between students participating in pro bono work at university and an undertaking of voluntary work outside their programme of study as 76% (n=16) of respondents from Years 1, 2 and 3 stated they undertook, or had undertaken, voluntary work whilst 78% (n=18) of respondents from Year 4 undertook voluntary work. This may suggest that the respondents had an altruistic ethos and supports the view that individuals with an interest in the subject matter of the survey are inclined to respond. This may highlight the problem of non-response bias, and in particular that because those responding are self-selecting, their views are unlikely to represent the views of the population as a whole. This is particularly so given the low response rate to the survey. As the independent variable in this study is whether or not

students have participated in pro bono work at law school, it is irrelevant that the survey is unlikely to represent the views of the whole student cohort on the M Law Exempting degree.

In any event, when the rationale behind the voluntary work is analysed, this suggests that respondents may not be so altruistic. Only 26% (n=8) of the respondents who provided a reason for undertaking voluntary work reported a reason without personal benefit to themselves such as helping people or 'giving something back'.

Whilst it is acknowledged that a higher percentage did provide some altruistic motive, many of these respondents also provided a reason encompassing some personal benefit such as enhanced employability. 36% (n=12) of respondents did not cite any altruistic motive for undertaking voluntary work.

The reasons for engaging in both pro bono and voluntary work appear to show that respondents generally have a desire to attain some personal gain from their altruistic actions, and results are therefore consistent with the empathy-altruism hypothesis espoused by Bateson and Shaw, as cited in Coulter et al.[61]

[61] Op.cit. note 44

This concept must therefore be borne in mind when considering whether conducting pro bono work at law school can instil an altruistic ethos in students.

If we first consider the perceived benefits of undertaking pro bono by those students yet to undertake pro bono work against the those students who had undertaken pro bono work, it is apparent that the common expected benefit is some form of personal gain. This includes improved legal skills, enhanced employability and improved academic performance. The respondents were in general agreement that they do or will benefit from the pro bono experience.

When considering the altruistic benefits, respondents who had not undertaken any pro bono work did not really consider these benefits to be an issue, providing neutral responses to the statements. However, respondents who had undertaken pro bono work at law school did report a change in attitude. They strongly agreed that pro bono work had increased their awareness of social and economic issues. They also agreed that pro bono work had changed their perception of social and economic issues. This is indicative that whilst students may not undertake pro bono work for altruistic reasons, the work they carry out can potentially influence their attitudes going forwards. Whilst the primary motivation for engaging in pro

bono activity is personal, it is plausible to conclude that students, through exposure to social issues, do gain a degree of altruistic appreciation.

Whilst many law schools engage primarily in clinical legal education and pro bono work due to the educational value, there are other benefits associated with the provision of pro bono work for society as a whole.

The data suggests that it is the personal benefits of clinical legal education and pro bono work that students value more than any social benefit. When asked to rank statements, respondents ranked enhanced employment[62] and enhanced legal skills[63] as the most important reasons to undertake pro bono work at law school. Statements reflecting altruistic motives, such as improving awareness of social issues[64] and encourage future involvement in pro bono activity[65] were ranked lower by both groups.

Whilst the work may increase a student's social awareness, it may not influence their future behaviour. Respondents, whether having carried out pro bono work or not at law school, were neutral when it came to the statement as to whether they would carry out pro bono work following graduation as shown in *figure 1* above. As such, this suggests that the benefit to society as a whole may be of limited value. The provision of pro bono and clinical programmes at law school is unlikely to result in a generation of

[62] Both groups, Years 1, 2 and 3 and Year 4 students, gave a median rank of 2
[63] Years 1,2 and 3 gave a median rank of 2 whilst Year 4 gave a median rank of 2.5
[64] Both groups gave a median rank of 4
[65] Both groups gave a media rank of 5

altruistic lawyers providing free legal advice in the future. However, by utilising the educational value of this activity, law schools can go some way towards meeting the needs of society themselves. In essence, if more law schools adopt a mandatory pro bono/clinical programme, this will create capacity for the public to obtain free legal advice from the law school itself and as such go some way towards filling the legal advice gap.

However, attitudes did differ in relation to whether law schools should offer mandatory or voluntary pro bono opportunities. Respondents who had not undertaken mandatory pro bono work as part of their programme were neutral as to whether law schools should offer mandatory pro bono programmes. Respondents who had undertaken pro bono work expressed a stronger opinion that students should undertake pro bono work as a mandatory part of their programme of study; the difference between the two groups of respondents was statistically significant.[66] Whilst the median suggested both groups agreed that there should be voluntary pro bono opportunities at law school, those respondents who had not undertaken a mandatory programme held a stronger opinion. However, this difference was not statistically significant[67]. The data suggests that whilst students do value pro bono work within their programme of study. Students who have not had the opportunity to undertake pro bono work want voluntary

[66] U=102.000, p=.022
[67] U=158.500 p=.534

opportunities to do so, whilst students who have done pro bono work state that students should do so. It is likely that this is due to the personal benefits that the students gain as a consequence of pro bono work rather than the social benefit of such work.

The data appears to be consistent with the earlier studies carried out by Granfield and Rhode. In particular, it is noted that the data suggests students are not more inclined to engage in future pro bono work if they have participated in pro bono activity whilst at law school.

LIMITATIONS

The low response rate is a clear limitation in relation to this study. The principle issue relates to external validity of the results as clearly it is difficult to generalise to results across all students enrolled on the M Law exempting degree. As Norman points out, '[i]t is difficult to argue that 2 physicians or 3 nursing students are representative of anything…'[68] However, this study does not purport to generalise the views of all students on the M Law Exempting degree. This study is principally concerned with establishing whether there is a link between pro bono engagement in law school and the likelihood of future pro bono activity. As this research has elicited a similar

[68] Norman, G. (2010) 'Likert scales, levels of measurement and the "laws" of statistics' Adv in Health Sci Educ 15:625-632 [Online] DOI: 10.1007//s10459-010-9222-y (Last accessed: 18 January 2015), p.628

number of responses from those students engaged in pro bono activity, and those students who are yet to engage in pro bono activity, a comparative descriptive analysis can still be made. Moreover, whilst it has been suggested that the response rate was linked to the attitudes of the student towards pro bono there are a number of alternate and non-exclusive explanations. For example, the students may have had other commitments such as exams or coursework. Alternatively there may have been survey fatigue as they are faced with numerous surveys at the end of the academic year.

A further limitation of this study is that it relates to students studying on the M Law Exempting degree at Northumbria University. The author makes no claims regarding the application of the data to other students or institutions and it is recognised that further research is required although the findings cannot be generalised.

Norman also highlights a further issue with small sample sizes, namely that there may be concern about normal distributions.[69] By utilising the Mann-Whitney U-test, there were no presumptions that the data was normally distributed in the performance of the statistical analysis. Likert scales often have skewed or polarised distribution[70] and this was considered at the

[69] Ibid.

[70] Jamieson, S. (2004) 'Likert scale: how to (ab)use them' Medical Education. 38:1212-1218 [Online] DOI: 10.1111/j.1365-2929.2004.02012.x (Last accessed: 18 January 2015) p.1218

design stage as outlined above. However, by utilising the Mann-Whitney U-test, it is acknowledged that it is not as sensitive to statistical significance and therefore it may be that the data has not been tested as robustly as it might otherwise have been. However, for the reasons outlined above, it was deemed inappropriate to use alternative tests such as the t-test.

There is a further issue relating to the internal validity of the research. In so far as any causal relationship between the independent and dependent variables are suggested, it is noted that correlation does not necessarily mean causation. This study merely aims to establish a potential relationship between pro bono activity at law school and the likelihood of future pro bono activity.

A further limitation of this study relates to the reliability of the data, and in particular, reference should be made to the stability. The author highlights above that identifies respondents answers can change over the course of time. This is seen as an inherent issue within social research concerning attitudes as individual attitudes can alter over the course of time. However, with this in mind, the data is consistent with the studies of Granfield (2007) and Rhode (2003) suggesting that it should be considered reliable.

CONCLUSION

Whilst acknowledging the limitations of this study and that there is scope for further research, it does suggest that participation in pro bono work whilst at Northumbria University is not likely to increase the likelihood of future participation in pro bono activity following graduation.

The study supports the limited literature currently available indicating that law school pro bono programmes do little, if anything, to instil a sense of altruism in law students. However, the data further suggests that students value pro bono programmes and it is perceived that they carry substantial personal benefits. In particular, students report improved legal skills and enhanced employability. It is suggested that for these reasons, pro bono programmes are worthwhile and it is plausible to conclude there is value to society in adopting such programmes through the provision of free legal advice.

Annex A

Student attitudes towards pro bono and voluntary work

I am researching student perceptions of pro bono and voluntary work whilst at Law School. The aim of this research is to better understand how pro bono work in law schools and other voluntary work influences student attitudes.

Please note that the definition of 'pro bono' for the purposes of this survey means the provision of legal services without charge to the client. The definition of voluntary work is to engage in work without reward other than expenses.

As a student at Northumbria University, your participation in a survey would be appreciated. You will not be asked to provide any personal information and your answers will remain anonymous. To assist in maintaining anonymity, please do not include any identifying information in your answers such as names and places of work. The survey should take no more than 10 minutes to complete. You can exit the survey at any time by clicking on the 'Exit' button.

The information will be used to complete my dissertation module for an MA in Academic Practice. The information may also be used for publication in journal articles and conference papers.

Further information about this research can be found in the leaflet entitled 'Information about Research' attached to the invitation e-mail.

This study has ethical approval by the ethics committee of Faculty of Health and Life Sciences at Northumbria University.

The study also complies with the Data Protection Act 1998.

If you are happy to continue, please click next.

1. Which year of the MLaw degree are you currently in?

- ◯ Year 1
- ◯ Year 2
- ◯ Year 3
- ◯ Year 4

2. Are you male or female?

- ◯ Male
- ◯ Female

3. Please state why you chose to study law?

Student attitudes towards pro bono and voluntary work

4. Do you intend to pursue a legal career?

- ◯ Yes
- ◯ No
- ◯ Don't know

5. Please state why you wish to pursue a legal career?

6. If you known, please state your intended career aspirations and the reasons for these:

7. Do you currently undertake any pro bono work as part of your programme of study?

- ◯ Yes
- ◯ No
- ◯ Don't know

8. What pro bono work do you undertake as part of your programme of study?

- ☐ Student Law Office (live client)
- ☐ Street Law
- ☐ Other

Other (please specify)

Student attitudes towards pro bono and voluntary work

9. Approximately how many hours per week do you engage in pro bono as part of your programme?

- ◯ Less than 1 hour
- ◯ 1-3 hours
- ◯ 3-5 hours
- ◯ 5-7 hours
- ◯ more than 7 hours

10. Please state whether you agree or disagree with the following statements

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Pro bono work will assist in improving my legal skills	◯	◯	◯	◯	◯
Pro bono work will improve my academic performance	◯	◯	◯	◯	◯
Pro bono work will assist me in obtaining employment	◯	◯	◯	◯	◯
Pro bono work has increased my awareness of social and economic issues	◯	◯	◯	◯	◯
Pro bono work has changed my perception of social and economic issues	◯	◯	◯	◯	◯
I am likely to continue undertaking pro bono work after I graduate	◯	◯	◯	◯	◯

11. Do you intend to undertake pro bono work in the future as part of your programme of study?

- ◯ Yes
- ◯ No
- ◯ Don't know

Student attitudes towards pro bono and voluntary work

12. What pro bono work do you intend to undertake as part of your programme of study?

- [ ] Student Law Office (live client)
- [ ] Street Law
- [ ] Other

Other (please specify)

13. Please state whether you agree or disagree with the following statements

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
Pro bono work will assist in improving my legal skills	◯	◯	◯	◯	◯
Pro bono work will improve my academic performance	◯	◯	◯	◯	◯
Pro bono work will assist me in obtaining employment	◯	◯	◯	◯	◯
Pro bono work has increased my awareness of social and economic issues	◯	◯	◯	◯	◯
Pro bono work has changed my perception of social and economic issues	◯	◯	◯	◯	◯
I am likely to continue undertaking pro bono work after I graduate	◯	◯	◯	◯	◯

14. Would you like to undertake pro bono work as part of your study programme?

- ◯ Yes
- ◯ No
- ◯ Don't know

Please specify a reason for you answer

Student attitudes towards pro bono and voluntary work

15. Outside of your programme of study, do you undertake or have you previously undertaken any voluntary work?

- ◯ Yes
- ◯ No
- ◯ Don't know

16. What type of voluntary work do you undertake?

- ◯ Legal
- ◯ Non-legal
- ◯ Both

Please specify your voluntary work

17. Please state why you undertake voluntary work?

18. On average, how many hours per week do you engage in voluntary work?

- ◯ Less than 1 hour
- ◯ 1- 3 hours
- ◯ 3-5 hours
- ◯ 5-7 hours
- ◯ more than 7 hours

Student attitudes towards pro bono and voluntary work

19. Please state whether you agree or disagree with the following statements

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Stongly agree
Voluntary work is important to support the wider community	◯	◯	◯	◯	◯
Voluntary work improves my legal skills	◯	◯	◯	◯	◯
Voluntary work will assist me in obtaining employment	◯	◯	◯	◯	◯
Voluntary work has increased my awareness of social and economic issues	◯	◯	◯	◯	◯
Voluntary work has changes my perception of social and economic issues	◯	◯	◯	◯	◯
I am likely to continue with voluntary work after I graduate	◯	◯	◯	◯	◯

20. If you have not undertaken any voluntary work, would you like to in the future?

◯ Yes

◯ No

◯ Don't know

Please specify a reason for your answer

Student attitudes towards pro bono and voluntary work

21. Please rank the following statements in order of importance with 1 being the most important and 5 being the least important

☐	Pro bono in law schools improves access to justice
☐	Pro bono in law schools improves students' legal skills
☐	Pro bono in law schools improves students' employment prospects
☐	Pro bono in law schools improves students' awareness of social issues
☐	Pro bono in law schools encourages students to engage in pro bono following graduation

22. Please state whether you agree or disagree with the following statements

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
The legal profession has a duty to undertake pro bono work	◯	◯	◯	◯	◯
There should be a minimum number of pro bono hours for lawyers	◯	◯	◯	◯	◯
Pro bono work should be compulsory for all lawyers	◯	◯	◯	◯	◯
Lawyers should voluntarily undertake pro bono work	◯	◯	◯	◯	◯
Law schools should make pro bono work a compulsory part of their programmes	◯	◯	◯	◯	◯
Law schools should offer voluntary pro bono opportunities to their students	◯	◯	◯	◯	◯
Law students should undertake pro bono work at law school	◯	◯	◯	◯	◯

Thank you for completing this survey.

Please note that by clicking on the 'Submit' button, you consent to the data you have provided being used by the University of Northumbria at Newcastle in accordance with the information on the first page of this survey.