Comment: Arliss L. Roaden

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Mr. Pincus offers two justifications in support of his case for clinical education. First, it (clinical education) is an important ingredient for human growth and development; and, second, it makes for better trained lawyers and an improved system of justice. He speaks first as an educator, and second as a legal educator. As an educator, I should like to support and elaborate on the notion that students need to be active participants in their education.

For years we, in higher education, have operated on the assumption that the most humane program for undergraduates is one that leaves career options open as long as possible. This assumption has been translated into a two-year (sometimes four-year) program of general education with specialization coming late in the undergraduate program or in post-baccalaureate programs. Research on career development patterns suggests that career decisions are made much earlier in life than we had once assumed was the case. Thus, our efforts at humaneness in leaving career options open may, in fact, be extraordinarily inhumane by forcing students into general education content, and depriving them of content in areas where they want to spend their lives. This problem is especially acute for the appropriate sequencing of clinical content in professional and pre-professional programs. For years, programs in elementary and secondary teacher education have scheduled supervised student teaching during the final quarter or semester of the program. (I note with concern that Mr. Pincus recommends the clinical component of legal education for the final year of law school). In teacher education, students are insisting that they be introduced to some clinical work in elementary and secondary schools early in their undergraduate program. Likewise, prospective college teachers are demanding teaching experiences early in their academic programs, frequently at the expense of valuable fellowships which preclude employment as teaching assistants. The most excited and intellectually stimulated teacher-education students I have ever observed were college sophomores who had been appointed as teacher aides in inner-city classrooms. They were rendering a service to others and coming to grips with the practice (though at an elementary level) of the profession in which they planned to devote their lives.

To summarize this point, Mr. Pincus’ thesis that students need to be participants rather than just observers in their own education is sound. I am
concerned, however, that deferment of the opportunity to participate as a clinician until the sixth year of collegiate education will fall short in filling needs inherent in human growth and development, and, thus, neutralize many of the advantages of clinical education. My preference is to start early and increase the level of responsibility as the student moves through his program. In law, there must be some legal-aide roles in which unsophisticated pre-law students can render valuable services. Early exposure to elementary responsibilities in clinical practice may, in the long run, contribute to openness of career options. It is more humane for a student to conclude early in his education that a particular career is not for him, than to reach such a conclusion at the end of a long, arduous, and expensive program when career options are closed.

MISSION CONFLICTS IN PROFESSIONAL SCHOOLS

Mr. Pincus points out quite vividly some conflicts of mission which professional schools face. These conflicts of mission are fairly recent. Historically, professional schools knew their mission to be the preparation of professional practitioners. They relied on others to generate new knowledge and to research problems related to the profession. In professional education, we depended largely on the behavioral sciences for theoretical bases and new knowledge; medical schools depended on the biological sciences; and law schools looked to the social sciences for similar support. In recent years, social and behavioral scientists have concentrated a substantial quantity of their time on refining the theoretical bases and methods of inquiry within their own disciplines, frequently at the expense of applying their science to the solution of problems facing professional practitioners. Consequently, professional schools have developed multiple missions—the preparation of professional practitioners and the generation of new knowledge.\footnote{There is, also, a third mission of applying practitioner expertise to the alleviation of social problems. This mission can be fulfilled to some extent through a well-developed program in clinical education.}

Mr. Pincus admonishes us that the primary mission of law schools is the preparation of practitioners. Other agencies and disciplines, he suggests, are engaged in social and behavioral research, but no other agency or discipline is preparing lawyers.

In discussing the clinical component of professional education, it is generally assumed that clinical training is the sole domain of practitioner training; however, there is also a clinical component in the preparation of research scholars—the research assistantship. Researchers in psychology, sociology and education have advocated the research assistantship as the single most important component of training researchers in their disciplines.\footnote{See, e.g., E. Sibley, THE EDUCATION OF SOCIOLOGISTS IN THE UNITED STATES. (The Russell Sage Foundation, 1963), and D. Taylor, et. al., Education for Research in Psychology, AMERICAN PSYCHOLOGIST 14, 167-79 (1959).}
my own studies of some 4,000 persons associated with educational research, I found that those who had held research assistantships during their academic programs were subsequently two and one-half times more productive of research than those who had not had the benefit of a research assistantship. This knowledge might help us live more comfortably with our multiple missions, rather than viewing them as being in conflict.

THE UNIVERSITY AND COMMUNITY LABORATORIES

As a final observation from Mr. Pincus’ lecture, I shall comment on relations of professional schools to the real world of practice. There are, of course, personal relationships of professors and practitioners that are important and enriching to both. At the institutional level, colleges of education relate to school systems, colleges of medicine to hospitals, colleges of engineering and business to industrial and business firms, and colleges of law to the courts and other legal and judiciary agencies. Clinical education for practitioners mandates close collaboration between professional colleges and institutions of professional practice. There may be no valid substitute for formal, contractual relations between these institutions. I doubt the capacity of on-campus laboratories and clinics to replicate the range of initial experiences facing practitioners; although, I concede that there may be need for both on and off-campus laboratories and clinics. Mr. Pincus makes his point forcefully that the professional student must spend some of his clinical education off campus. I concur completely. Contracts between universities and off-campus agencies might appropriately specify two-way delivery of educational services for improved professional training for improved teaching and research, for improved professional practice, and for a better society.