The institutionalisation of community service and community service learning at South African tertiary institutions: with specific reference to the role of university law clinics*

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OPSOMMING

Die institusionalisering van gemeenskapsdiens en gemeenskapsdiensleer aan Suid-Afrikaanse tersiêre instellings: met bepaalde verwysing na die rol van universiteitsregsklinieke

Met die institusionalisering van samelewingsdiens-[1] en diensleer aan Suid-Afrikaanse tersiêre instellings, is dit nodig om die rol van Suid-Afrikaanse universiteitsregsklinieke in die lig daarvan te ondersoek. Die artikel ondersoek die omskrywings van gemeenskapsdiens- en diensleer en kom tot die gevolgtrekking dat ten spyte van die feit dat gemeenskapsdiens- en diensleer, en kliniese regsonderrig baie gemeen het, elkeen 'n afsonderlike onderrigmetodologie is. Die tradisionele "werklike kliënt"-model van kliniese regsonderrig wat aan die meeste universiteitsregsklinieke gevolg word, voldoen egter nie per definisie aan óf gemeenskapsdiens- óf gemeenskaps-diensleer vereistes nie. Die artikel wys op die verskille, maar ook die ooreenkomste tussen die drie onderrigmetodologië. Dit beklemtoon die omskrewe vereistes by suiwer gemeenskapsdiens- en diensleer programme, naamlik die van gemeenskapsvennootskappe en die vereiste van wederkerige leer en -onderrig. Ten einde institusionele ondersteuning te verkry is 'n heroorweging van die tradisionele rol van universiteitsregs-klinieke nodig om vas te stel of ware gemeenskapsdiens- en diensleer modules deur universiteitsregsklinieke akkommodeer kan word. Die artikel kom tot die gevolgtrekking dat hulle ideaal geposisioneer is vir hierdie doel, en demonstreer dit aan die hand van 'n gemeenskapsdiensleerprogram wat inkorporeer is in die module bewysreg. Die artikel kom tot die gevolgtrekking dat die insluiting van ware gemeenskapsdiens- en diensleer modules aanvullend tot kliniese regsonderrigprogramme institusionele geldelike steun kan lok tot voordeel van die operasionele kostes van universiteitsregsklinieke.

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1 Introduction

When community service and community service learning was institutionalised at the University of the Free State, in particular after its policy document on the matter was published,[2] the eyes of the Faculty of Law turned to the University of the Free State Law Clinic. "No problem", the general response of the Faculty was, "we have been busy with community service and community service learning since the inception of our law clinic". It therefore came to pass that at this institution the Department of Procedural Law and Evidence, under whose supervision the University of the Free State law clinic functions, was charged to include as many as possible community service- and service learning programmes in the modules that it presents towards the LLB degree, including a subject offered over all four years of study towards the LLB degree, called "Legal Practice". Compulsory attendance of the law clinic in the fourth year of the LLB under Legal Practice 4 is required. Our existing clinical training programme as part of Legal Practice 4 was presented to the university's director of community service learning as, so we thought, a model of community service and community service learning.[3] Her response was less than favourable, because the clinical programme, albeit part of the academic module of Legal Practice 4, did not meet the institutional requirements of either a true community service- or community service learning programme. The reasons for this response will become clear below.[4] This article investigates the positioning or possible re-positioning of university law clinics within South African faculties/schools of law. It does so particularly in the light of the claim of most South African universities that their three pillars of being rests on teaching and learning, research and community engagement or community service. We use our experiences at the University of the Free State as model in our investigation. The main thrust of the article is to articulate the meaning of "community service"and of "community service learning" in order to establish whether the more "traditional" role of University law clinics in South Africa can accommodate the additional charge of including community service and community service learning programmes within its existing modules. We further undertake this investigation against the backdrop of the general challenges university law clinics face, namely financial sustainability, huge student numbers and limited student training time in

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2   http://www.ufs.ac.za (accessed 2012-08-14).
3   Literature on community service and service learning refers to "academic" community service- and service learning. See for example Eyler "Reflection: Linking Service and Learning-Linking students and Communities" 2002 *J of Social Issues* 517.
4   See Netshandama "Community development as an approach to community engagement in rural-based higher education institutions in South Africa" 2010 *SAJHE* 342. The author points out the interchangeable, but incorrect, use of terminology in regards to various learning and teaching methodologies.

the academic year.[5] We submit that it is in the interest, (also financial interest) of South African university law clinics to meet institutional requirements, so as to attract financial support from universities' central budget, from which operational costs of clinics may be supplemented.

2 The "Traditional" Role, Model and Programmes of University Law Clinics

University law clinics in South Africa, but also elsewhere, have moved from a stage in their development which one may refer to as the "validation phase".[6] Faculties and schools of law, during this phase were to be convinced of the value that university law clinics, through their clinical law programmes, could add to the LLB curriculum and were prompted to make a financial commitment to the sustainability of the law clinics.[7] Whether the financial commitment has been made, differs from university to university; suffice to say that most South African university law clinics depend substantially on external funding of in

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5   See Swanepoel *et al* "Integrating theory and practice in the LLB curriculum: some reflections" 2008 JJS 104. See further Ankersen *et al* "Applying Clinical Legal Education to Community Smart Growth: The University of Florida Conservation Clinic" in Partnerships for Smart Growth-University-Community Collaboration for Better Public Places (eds Wiewel *et al*) (1984) 68 who wrote: "Universities run on semesters; the real world does not. This poses a fundamental methodological dilemma for all live client clinics, particularly in environmental litigation, which is often complex and driven by events and dockets that are out of the clinician's control. While courts and even opposing parties are frequently willing to work within the parameters of clinics, cases can lie dormant, explode in the middle of final exams, and otherwise frustrate the efforts of clinicians to assure quality experience". It has been our experience that generally clients at university law clinics, as with clients in normal legal practices, require their (student) lawyers to be regularly available. This simply is not always possible with students in a clinical legal education programme at university law clinics.
6   See Amsterdam "Clinical Legal Education – a 21st century approach" 1984 *J of Legal Ed* 612 who writes on the predominant criticism of legal education generally at the end of the 20th century. On the potential contribution of clinical legal education programmes in legal education, see Bloch "The case for clinical scholarship" 2004 *J for Clinical Legal Ed* 7. Bloch dispels the perceptions held by many clinicians and others, that because of the practical nature of the work of clinicians, it does not involve "clinical scholarship". For the predominant debates on legal education generally in the 20th century, see Church "Reflections on legal education" 1988 *THRHR* 153. For the Australian perspectives in regard to introducing clinical legal education, see Campbell "Blueprint for a clinical program" 1991 *J of Professional Legal Ed* 121. For the American experience, see Condlin "Clinical Education in the Seventies: an appraisal of the Decade" 1983 *J of Legal Ed* 604. He writes: "In the early years clinical courses were few in number and marginal to the law school curriculum. Traditional faculty opinion was suspicious or negative, resources were patched together from 'soft' sources, and people who directed these programs worked in obscurity and alone". For the UK experience with clinical legal education, particularly its goals, see Duncan "Ethical practice and clinical legal education" 2005 *J of Clinical Legal Ed* 7.
7   On the role of law clinics in the LLB curriculum, see Vawda "Learning from experience: the art and science of clinical law" 2004 *JJS* 123.

particular, the Department of Justice and Constitutional Development, the Attorneys' Fidelity Fund and the Association of University Legal Aid Institutions Trust.

The context and purpose within which South African University law clinics were established have been well recorded in literature.[8] It is sufficient to state that generally university law clinics were established for the purpose of providing free legal services to the indigent community whilst at the same time exposing law students to legal practice and so training them to acquire legal skills and values. (Of course, external funders set their own objectives with funding of university law clinics, with the result that many clinics have established objectives that are much broader than just stated.)

The broader academic motivation for establishing University law clinics (at the outset) was the quest to provide some form of community service, whilst for the benefit of law students, to narrow the gap between legal theory and legal practice.[9] In the process of establishing university law clinics, the education and or training that law students receive became broadly known as "clinical legal education", offered in "clinical programmes".[10] The major models used in clinical legal education programmes have been identified as (a) the externship model, (b) the simulation model[11] and (c) the in house "real client" model.[12] Most South African law clinics employ the latter model with the inclusion of simulation features such as for example in mock consultations and trials and the simulated drafting of letters, pleadings and motions. The specific current course content of clinical legal programmes including practical legal training at South African faculties and schools of law is contained in a student handbook authored by a number of clinicians in 2006.[13] The

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8   See for example, Bezuidenhout *The symbiotic integration of theory and practice: a sui generis approach* (LLM dissertation 2010 UFS); Steenhuisen *Die doelstellings van kliniese onderrig aan 'n regsfakulteit* (LLM dissertation 1998 RAU); De Klerk "University Law Clinics in South Africa" 2006 *SALJ* 929; De Klerk, "Integrating clinical education into the law degree: thoughts on an alternative model" 2006 *De Jure* 244; De Klerk & Mahomed "Specialisation at a university law clinic: the Wits experience" 2009 *De Jure* 306; Du Plessis "Access to justice outside the conventional mould: creating a model for alternative clinical legal training" 2007 JJS 44; Haupt "Some aspects regarding the origin, development and present position of the University of Pretoria Law Clinic" 2006 *De Jure* 229.
9   Mahomed "United in our challenges – should the model used in clinical legal education be reviewed" 2008 JJS 53.
10   Barnisher "The clinical method of legal instruction: its theory and implementation" 1979 *J of Legal Ed* 67, provides an excellent indication of the clinical method of teaching, especially in terms of the "live client" model of teaching.
11   Bezdek "The Cuny program: interaction of doctrine, practice and theory in the preparation of lawyers" 2009 *J of Professional Legal Ed* 59 on the simulation model of education.
12   Mahomed 2008 *JJS* 55. See also Amsterdam 1984 *J of Legal Ed* 616 on the method of clinical legal instruction.
13   De Klerk *et al* Clinical Law in South Africa (2006).

externship model has generally found limited application in clinical legal education programmes in South Africa.

Against this backdrop the investigation of positioning University law clinics to deliver particularly community service learning programmes will proceed.

3 Community Service Defined

Furco[14] defines "community service" as:

> the engagement of students in activities that primarily focus on the service provided as well as the benefits the service activities have on the recipients.

The definition of Bender is similar.[15]

According to the University of the Free State Community Service Policy Document,[16] "community service" is defined as:

> [e]mploying the scholarly expertise and resources of the UFS to render mutually beneficial services [[17]] to communities [[18]] within a context of reciprocal engagement [[19]] and collaborative partnerships.

In this definition "reciprocity of engagement and collaborative partnerships" are introduced. The deduction is simply that the legal services provided by law clinics, (according to the traditional role and model of law clinics), did not meet our institution's criteria for and

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14 www.FloridaCompact.org (accessed 2011-08-04). This definition does not pertain only to law but includes a generic definition which can be applied to all academic programmes.

15 Bender *et al* "Service learning in the curriculum. A resource for higher education institutions" Council of Higher Education (2006) 22.

16 http://www.ufs.ac.za (accessed 2011-08-04).

17 In terms of the same policy "service" is defined as "… in the context of social transformation" … "service" at a higher education institution can be defined as a response to social accountability and aimed at addressing communal challenges through the key functions of teaching and research in close co-operation with local communities and the service sector in a spirit of mutuality and reciprocity. On the one hand this encompasses making available the institution's intellectual competence and infrastructure to improve service delivery. On the other hand, it is a focused modification and contextualisation of what is taught, learnt and researched.

18 In terms of the same policy document "community", " … refers to specific, collective interest groups, conjoined in their search for sustainable solutions to development challenges, that participate or could potentially participate as partners in the similarly inclined community service activities of the UFS, contributing substantially to the mutual search for sustainable solutions to jointly identified challenges and service needs through the utilisation of the full range of resources at their disposal."

19 In terms of the same policy document, "engagement" is defined as " … continuously negotiated collaborations and partnerships between the UFS and the interest groups that it interacts with, aimed at building and exchanging the knowledge, skills, expertise and resources required to develop and sustain society."

definition of community service prompting the consideration of including additional community service learning features to it as is discussed below. Our arguments at the time that our clinical legal education programmes included "partnerships" such as with our funders, and with the purpose of providing community service in the form of free legal services to members of the indigent public were unconvincing in the light of definitional requirements.

4 Community Service Learning Defined

"Community service learning" may be defined as a form of:

> experiential education where learning occurs through a cycle of action and reflection as students work with others through a process of applying what they are learning to community problems and, at the same time, reflecting upon their experience as they seek to achieve real objectives for the community and deeper understanding and skills for themselves.[20]

Service learning has further been defined as a curriculum approach that integrates learning with community service.[21] According to Lategan the general characteristics of service learning enables a student to gain experience of the meeting of the needs in the community; it incorporates reflection and academic learning and it contributes to students' interest in and understanding of community life.[22]

The University of the Free State Community Service and Service Learning policy defines community service learning as:[23]

> an educational approach involving curriculum-based, credit-bearing learning experiences in which students (a) participate in contextualised, well-structured and organised service activities aimed at addressing identified service needs in a community, and (b) reflect on the service experiences in order to gain a deeper understanding of the linkage between curriculum content and community dynamics, as well as achieve personal growth and a sense of social responsibility. It requires a collaborative partnership context that enhances mutual, reciprocal teaching and learning among all members

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20 Mouton *et al* "Service learning in South Africa: lessons learnt through systematic evaluation" 2005 *Acta Academica* 116 118.
21 Mouton *et al* 2005 *Acta Academica* 116 118.
22 See also Lategan 2005 *Acta Academica* 99 100. According to Sherman "Teaching grassroots democracy through service-learning: lessons from the collaborative teaching/lawyering method of clinical legal education" 1999 *Mich J of Community Service Learning* 82: "If a lawyer's problem solving is merely an instance of human problem solving, then we must not think about the collaborative teaching/lawyering method of clinical legal education merely as a good way to educate 'law student' problem-solvers, or even 'pre-law student' problem-solvers. Rather, we must think of it [as] a good way to educate citizen problem solvers, using a method that ultimately empowers both the helper and the helped". Naidoo & Devnarian "Service learning: connecting higher education and civil society-are we meeting the challenge?" 2009 *SAJHE* 935; De Beer 2010 *Tydskrif vir Taalonderrig* 27.
23 http://www.ufs.ac.za (accessed 2011-08-04). See also Swanepoel *et al* 2008 *JJS* 107.

of the partnership (lecturers and students, members of the communities and representatives of the service sector).

5   Reciprocity of Teaching and Learning

A feature of community service learning that South African academics, in particular South African clinicians, may be less familiar with and which distinguishes it from community service, is the feature and importance of "reciprocity of teaching and learning".[24] Both provider and recipient of community service are to "learn" and to "improve" in terms of this feature of community service learning. According to Breyfogle,[25] the feature of reciprocity of learning is so important because:

> it avoids the traditionally paternalistic, one-way approach to service in which one person or group has resources which they share 'charitably' or 'voluntarily' with a person or group that lacks resources.

For others,[26] the major objective of community service learning is to transform communities for the better. It implies that the process should culminate in the transformation of both the student and the community to a state that is better than the *status quo.* According to Berle,[27] the "civic purposes" of higher education has substantially risen and there is no doubt that service learning programmes develop amongst other things, "civic skills" and builds "career related skills and knowledge". It is this feature of service learning that prompted the University of the Free State law clinic to re-conceptualise its clinical legal education programme so as to include community service and community service learning programmes in existing modules as is described below. Before we do that, it is opportune to look at the commonalities and difference between community service and community service learning and to juxtapose that with clinical legal education.

24   Breyfogle "Towards a new framework of 'server' and 'served': de(and re)constructing reciprocity in service-learning" 2006 *Int J of Teaching & Learning in Higher Ed* 27. See also Furco www.FloridaCompact.org (accessed 2011-08-04).
25   2006 *Int J of Legal Ed* 27.
26   Kravetz "Transforming communities: the role of service learning in a community studies course" 2006 *Int J of Teaching & Learning in Higher Ed* 1 1–49.
27   "Incremental Integration: a successful service learning strategy" 2006 *Int J of Teaching & Learning in Higher Ed* 43. On the "mutual learning" that community service programmes offer, see Maistry & Ramdhani "Managing tensions in a service-learning programme: some reflections" 2010 *SAJHE* 561.

6 Commonalities and Differences Between Community Service and Community Service Learning.

From the discussion so far, the following may be highlighted as commonalities and differences between community service and community service learning. To us it was useful to measure our existing clinical legal education programme against this backdrop.

Firstly, a true community service- and community service learning programme ought to depart from the premise that students are to identify the needs of the community as opposed to simply enforcing their skills and knowledge upon a community.[28] Secondly, after providing a service to the community the student should be guided through a process of internal evaluation and reflection regarding the extent of the service he offered, what he learnt from providing said service and to reflect on the gaps in his current skills level and also, value framework. The student should then be able to link the service he offered to the theoretical content of his training and gain a deeper appreciation for the society in which he will ultimately practice. (This feature of community service learning is shared with clinical legal education where post-service reflection of the service rendered to the client is all important.)[29] Thirdly, the ideal approach to both community service and community service learning requires the establishment of a partnership between the

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28 In this regard, a clear comparison can be drawn between community service learning and street law programmes that developed in South Africa in 1985. According to McQuoid-Mason "Access to justice and the role of law schools in developing countries: some lessons from South Africa: pre 1970 until 1990: Part 1" 2004 *JJS* 2004 a street law programme is "… a programme designed to train law students and others to make lay people, usually school children, aware of their legal rights and where to obtain legal assistance. It helps people to understand how the law works, how it can protect them, what kind of legal problems they should be aware of, and how they can resolve these problems … the programme encourages tolerance by making participants argue and experience opposing viewpoints … [Law students] have an opportunity to assist in community development and capacity building." See also McQuoid-Mason & Lotz "Using street law to teach social justice to law students in South Africa" 2005 *Human Rights & Non-State Actors* 47. See also Church "Reflections on legal education" 1988 *THRHR* 154; Swanepoel *et al* 2008 *JJS* 108.

29 Dunlap *et al* "Reflection-in-action: designing new clinical teacher training by using lessons learned from new clinicians" 2004 *Clinical LR* 50. We submit that reflection in clinical legal education programmes is more specifically focussed on (a) the legal service rendered, (b) the strategies adopted to serve the legal needs of the client and (c) the expected outcomes of the service. In the clinical legal education reflection paradigm, the values that are hoped to be instilled are also career centred such as the need for professionalism and taking professional responsibility for the client's legal problem. As valuable as this may be from a legal educational perspective, it remains somewhat limited to specific career preparation only. The reflection that accompanies service learning modules aims to achieve the development of civic responsibility and defining the law student's role and value framework

University (that includes the student) and the community representative which allows for a needs- and outcomes analysis. Fourthly, community service tends to be a distinct activity and initiative of the higher education institution in which the community as a whole plays no part. Lastly, service learning is fully integrated into the curriculum and follows upon a process of consultation between the higher education institution and members of the community culminating in a collaborative agreement where both "partners" equally own the project and benefit from it through reciprocity of learning.[30] Service learning is not an outreach activity but rather an integral part of the Higher Education curriculum.

7   Community Service and Community Service Learning and its Juxtaposition with Clinical Legal Education

It is clear that despite a number of commonalities between community service- and community service learning programmes on the one hand and clinical legal education in the traditional manner practiced by South African law clinics on the other hand, the latter is neither community service nor service learning per academic definition. It is clear that service learning, per definition, requires structured collaborative partnerships which are not a characteristic of clinical legal education. A further distinction between clinical legal education and service learning is, as mentioned, reciprocity of learning and teaching. Reciprocity of learning and teaching is not an essential element of clinical legal education.

This is not to disregard the importance of clinical legal education programmes and the significant impact it has had on access to justice for people that otherwise would not have had the benefit of it. It is further submitted that clinical legal education programmes have significantly contributed to the practical legal training and exposure of students. We do however submit that University law clinics are ideally placed to assume the responsibility to include community service- and community service learning programmes in existing theoretical modules on behalf of faculties and South African schools of law. A few reasons are: Firstly, all three models are teaching methodologies. In this regard clinical legal educators are trained to teach law outside the traditional methodologies. Secondly, clinical legal education programmes are well acquainted with post-service or service learning reflection as a major feature of clinical education programmes that similarly features strongly in community service learning programmes.[31] Thirdly and mainly brought about by the

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within the community that he/she will ultimately serve. It is therefore broader in its outcomes vision towards inculcating skills and values than clinical legal education.

30   Bender *et al* (2006) 22.
31   Duncan 2005 *J of Clinical Legal Ed* 9.

objectives of external funders, most University law clinics have established strong links with non-governmental and civic organisations. Within this network, partners in community service- or service learning programmes may be more readably found. Fourthly, all three teaching methodologies aim at instilling life skills and values, in particular civic responsibility. We have noted,[32] that community service learning results in the establishment of skills and values that are broader than those established by clinical legal education. Lastly, and in particular faced by our own peculiar challenges at the University of the Free State law clinic, namely financial sustainability of the traditional live-client model of clinical training, large student numbers and constraints of student training time available during the academic year, we regarded one or two true community services programmes as part of theoretical modules a viable option of legal education that will similarly meet the requirements that have been set for clinical legal education. Below we discuss the inclusion of a true community service learning programme into an existing module of the law of evidence.

8   Inclusion of Community Service Learning in the Module Law of Evidence.

8 1   Intake of Students

The module law of evidence is a 16-credit-bearing semester course at the Faculty of Law at the University of the Free State. Formative assessment is conducted through two traditional tests during the semester, and the completion of one semester research and writing assignment. Summative assessment is through one examination at the end of the semester. During 2010, students in the course were given the choice to either complete the writing and research assignment or complete a community service learning programme under the auspices of our law clinic. We regarded this as a pilot project, and therefore we decided to limit the student intake. Students had to apply for placement by way of each submitting a *curriculum vitae*, study record and particularly, short motivation why the student should be included in the programme. From the applications, 20 students were accepted into this community service learning programme.[33] It is worth mentioning that the module law of evidence is presented in both Afrikaans and English, and one of the aims of the programme was to divide the students into groups incorporating heterogeneous cultural and linguistic backgrounds.

32   n 29.
33   On an instructional guide to expectations of community and service partners in regards to community service learning, see Naidoo & Devnarain 2009 *SAJHE* 937.

8 2   Identification of Community Partner(s)

Prior to this initiative, the University of the Free State law clinic established links with a particular foster home in Bloemfontein that accommodates boys of different ages. The majority of these boys had been subjected to some form of domestic violence and resultantly had been placed in foster care, whilst awaiting children's court hearings on their future placement. Some of these boys further needed to testify as victims of sexual abuse or as witnesses in such incidents and were still awaiting the pending trials. It was clear from the initial needs analyses that most of the boys were subjected to substantial emotional stress, particularly in that most of the incidents occurred at their familial homes. It needs to be mentioned that it was through the case intake at the law clinic that the substantial incidence of domestic violence cases was identified as a particular societal ill that needed to be addressed in our particular community.[34] Prior to the pilot project, our students in 2009 had engaged in community engagement programmes to the particular foster home where on occasion the boys were treated with outings, games, refreshments and short educational presentations on topical law issues.

8 3   Preparation for Entering into a Partnership with the Community

The selected students received an initial orientation on the outcomes, the scope and purpose of community service learning. This discussion was scheduled as part of the lecture component for law of evidence students. During the discussion the students were specifically familiarised with the idea of reciprocity of learning, community partners, reflection and the compilation of portfolios of learning. It was also expected of students to provide a clear description of the community needs; how the needs would be addressed and more specifically; how the curriculum content of the host module links up with the community service project. Students were further invited to attend a meeting between the governors of the foster home, and clinic staff to discuss and identify a need within the foster home that would in particular meet the reciprocity of learning objective of true community service learning. The general background of the children and the structure and governance of the foster home was explained by the governors and the requirements of a structured community service learning programme explained by clinic staff. It was expected of students who partook to complete a pre-implementation questionnaire as part of reflecting on their intended services. Such a questionnaire can be devised by the responsible lecturer and tailored according to individual needs and circumstances. We employed a questionnaire which was drafted by the university's directorate of community service learning. The main thrust of this questionnaire is to

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34 On "pre-field" preparation for a community service learning programme, see Naidoo & Devnarain 2009 *SAJHE* 937.

provide a reflection tool on how an individual student relates to community engagement, as well as his/her views in regards to participation in a community service project. The pre-implementation questionnaire forms part of the portfolio of learning which is handed in and assessed at the end of the semester. At the end of the semester a post reflection questionnaire is completed by students and a valuable pre/post comparison of experiences is done.

8 4   Needs Analysis

It is expected of students and/or the community service learning coordinator in any community service learning project to conduct pre-service interviews with the community partner. The purpose of this needs analysis is to ascertain what specific needs should be addressed with the intended project. The students had to set up consultations with the community partner and assess in which way the community could benefit from a specific project. It was further expected of the students to link these expectations to the module content of law of evidence and specifically how the project could assist students with the theoretical grounding of the module content. The respective groups of students had to document these initial processes, which were to form part of the portfolios of learning to be submitted at the end of the projects. It became apparent that a great need existed to familiarise the boys in the foster home with the trial process in a criminal court. The community partner also expressed the need to learn more about the different role players in a criminal trial. The students had to propose practical ways in which these needs could be addressed.

8 5   Conceptualisation of the Service Delivery

The students systematically began to prepare for the projects. The different groups attended the local magistrate's court and conducted informal discussions with various role players at the court. From the documented evidence in the portfolios of learning the students then conducted basic research on topical issues pertaining to these projects. Some of these issues can be summarised as follows: the different role players in the court; the basic principles of the law of evidence; the course of a trial; the calling of witnesses; and specifically the preparation of children who need to provide evidence in a case. The different groups of students then divided themselves into different roles and wrote a play to mimic the process of a trial. The one group of students used an adapted version of the fable "Snow White and the Seven Dwarfs" to illustrate the various ways in which evidence can be given in a court. It was further expected of the students to compile a budget with the estimated cost for the execution of the project. These budgets had to be submitted for approval to the faculty's service learning coordinator and the head of department.

8 6   Agreement with Community Partner

It is a formal requirement of the University of the Free State that co-operative agreements should be concluded with community partners. These agreements are entered into between a representative of the faculty of law and the specific module as discussed, and the governing body of the foster home.

8 7   Execution

The participating students arranged that the various plays be recorded on DVD. In these DVDs, as previously indicated, the students themselves performed the roles of the court participants with a background commentator explaining the whole court process. These DVDs were then handed over to the foster home and viewed by the boys during a "movie-night".

8 8   Assessment

Apart from the reflection sheets, and the portfolios of learning that will be discussed below, it is significant to mention that the house mother at the foster home reported on the service learning experience based on the feedback received from the boys. The most positive comment received was that the projects benefitted the boys in that they were better equipped and prepared for court appearances. Another positive response was that the projects contributed in eliminating the fears and anxiety normally associated with testifying in a trial.

From the Faculty's point of view the projects culminated in a presentation to the staff of the Faculty of Law. The projects were received positively and colleagues commented on the methodology employed to link community engagement with the curriculum content.

The students were assessed formatively (as previously mentioned) on the execution of the project and the portfolios of learning were used as evidence in the formative assessment process. Students were instructed to open and keep reflection sheets. These sheets formed part of the portfolios of learning reflecting each student's individual experience. The ultimate aim with the reflection activities was to document experiences, and in particular, the mode and quality of their assistance to the foster home.[35] The students were also required to attend and participate in regular debriefing sessions with clinic staff, which served to address logistical challenges, group dynamics and planning needs.

9   Conclusion

It is clear that there are many commonalities between the various forms of what may conveniently be styled "interactive learning" methodologies. From an educational perspective however the goals of each of the different methodologies are distinct and focus is often placed

on the practical component of each of the methodologies that were mentioned instead of on the educational core and value on which they are founded. It is when the educational core and value of these methodologies are examined that the commonalities between the methodologies become more clear and the similarities with the traditional clinical legal education methodology become obvious.

It is further apparent that an ideal clinical legal education programme can incorporate practical training, community service and ideally, community service learning. Although ideal, it is not a fundamental requirement of a successful university law clinic to be purely focused on "live-client" interaction to receive broad institutional support. Where university law clinics face financial constraints, particularly in appointing sufficient supervising staff to supervise sufficient client intake, (for purposes of student activity on cases) the "live-client" requirement may be substituted or complemented with community service learning programmes for the purposes of attracting institutional support.

Community service learning programmes therefore present an opportunity for some South African University law clinics that are challenged by a lack of funding to expose students to society albeit in a different way, in a manner which instils values and skills required to produce well rounded law graduates.

With reference to our pilot community service programme in 2010 we have learned valuable lessons. It is essential that the community partner co-defines the service that needs to be delivered. As for student input and enthusiasm it was vitally important that most of our participating students reflected that they felt they were, with the boys of the foster home, "owners" of the service they provided. Generic skills (such as interacting with the public sector, conceptualisation of ideas and formulating that in writing, budgeting, research and public address and confidence) were listed by our students as beneficial to themselves. Values, such as civic awareness and responsiveness to the needs of the

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35 Eyler "Planning for Effective Reflection: The Reflection Map" 2002 *JSI* 523 writes on effective reflection, in which is included (a) individual reflection, (b) reflection with classmates, and (c) reflection with community partner. Reflection on community service and service learning ideally ought to be a continuous process including pre-reflection, reflection during the programme and reflection after the programme. Naidoo & Devnarian 2009 *SAJHE* 938 state: "Reflection serves as a useful tool in attaining meaning from one's service experience. The most common methods of documenting one's experiences are through journals and service learning portfolios. Reflection is a process which is regarded as an integral part of service learning in that it: decreases stereotyping; transforms experience into genuine learning about individual values and goals and, about larger social issues; challenges students to connect service activities to course objectives, and, develop critical thinking and problem solving skills".

less privileged were inculcated in our students.[36] Best of all was the general summary of our students' experience, "that it felt good to have helped". University law clinics are ideally positioned to implement service learning programmes.

Finally, our University's Directorate of Community Service Learning was satisfied after our 2010 report prompting a successful application for funds for the 2011 cycle, some of which could be gainfully utilised for the operational costs of our law clinic!

36 Kriegler "Domain knowledge and the teaching of creative legal problem solving' 2004 *Clinical LR* 149. The author in relation to the teaching of legal problem solving differentiates between "domain knowledge", such as derived from doctrinal courses and "tacit knowledge", not covered by the former, but an integral part of clinical legal education. We submit that the value of all three teaching methodologies described in this article, conveys this "tacit knowledge" required in "creative problem solving".