THIRTY REFLECTION QUESTIONS TO HELP EACH STUDENT FIND MEANINGFUL EMPLOYMENT AND DEVELOP AN INTEGRATED PROFESSIONAL IDENTITY (PROFESSIONAL FORMATION)

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INTRODUCTION

Law schools must now define learning outcomes for their programs of legal education. Many law schools (and many professors in individual courses) are defining learning outcomes that include values beyond just minimal compliance with the law of lawyering—called here professional-formation learning outcomes.

This article, drawing on and synthesizing scholarship from law and other disciplines, will focus on the design of a curriculum with thirty reflection questions to help each student's step-by-step development toward professional-formation learning outcomes beyond mere compliance with the law of lawyering. Section I of this article will describe the present context in which law schools must develop learning outcomes, and will highlight the number of law schools that have embraced one or both of the elements of a professional-formation learning outcome where a law school or a professor in an individual course requires that each student demonstrate an understanding and integration of:

1. proactive professional development toward excellence at all the competencies needed to serve clients and the legal system well;

2. an internalized deep responsibility to clients and the legal system.

Section I also highlights the variety of contexts in which these two professional-formation learning outcomes have been affirmed as being essential to professional development.

Section II of the article will analyze the principles that should inform the design of an effective curriculum for these two professional-formation learning outcomes. Section III of the article will suggest thirty reflection questions that help each student:

1. reflect on the story, experiences and passions that brought her to law school and that she develops during law school as a means of both (a) identifying what she wants to do with her law degree and (b) proactively taking ownership over her growth toward meaningful post-graduate employment; and

2. make progress moving through developmental stages regarding these two professional-formation learning outcomes; so that

3. she can begin to define and to live out who she wants to be as a lawyer in the context of what clients and the legal system expect of her.

I. THE FOUNDATION FOR THE PROFESSIONAL-FORMATION LEARNING OUTCOMES

A. The Learning Outcome Challenge That Law Schools Are Facing

This article will help faculties adopting a learning outcome[1] that includes values beyond just compliance with the law of lawyering, called here a professional-formation learning outcome, to design a curriculum that fosters each student's step-by-step development toward the learning outcome. This professional-formation curriculum will also help each student progress toward the student's goal of meaningful post-graduation employment. This, in turn, will help the law school generate strong employment metrics for its graduates, which can have a positive impact on both applications to the law school and national rankings.

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1. "Learning outcomes must consist of clear and concise statements of knowledge that students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives." *Managing Director's Guidance Memorandum*, A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR 4 (June 2015) [hereinafter *Managing Director's Guidance*], *available at* http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_learning_outcomes_guidance.authcheckdam.pdf.

All 205 ABA-accredited law schools are in the process of establishing learning outcomes that "shall, at a minimum, include competency in the following: . . . (c) Exercise of proper professional and ethical responsibilities to clients and the legal system . . . ."[2] While learning outcomes must be in place by the end of the 2017-18 academic year, ABA accreditation site teams visiting schools in the 2016-17 academic year will be reporting on the progress the law school is making in establishing learning outcomes.[3]

As of December 11, 2015, 33 out of the 205 ABA-accredited law schools had posted learning outcomes on the school's website.[4] Of these 33 law schools, eight have adopted essentially the minimum Standard 302(c) learning outcome that students will be competent in the "[e]xercise of proper professional and ethical responsibilities to clients and the legal system,"[5] while 25 have adopted a learning outcome that goes beyond the minimum of Standard 302(c) and further defines "professional and ethical responsibilities to clients and the legal system" to include "values that [students] are expected to understand and integrate into their professional lives."[6] For example, 17 law schools have adopted a version of a learning outcome that includes the competency of continually self-evaluating the student's own professional development toward excellence,[7] while 14 have a learning outcome that includes competency in the value of providing pro bono legal services to the disadvantaged,[8] and 12 have a learning outcome directed toward developing a student's

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2. *Id.* at 1 (citing Accreditation Standard 302(c)).

3. *Id.* at 6. "Learning outcomes for the school's overall program of legal education must appear in those places on its website and in its publications where the law school describes its mission and its curriculum." *Id.* at 4.

4. Memorandum from Christopher Clark Summarizing a Search of All ABA-Accredited Law School Websites to Neil Hamilton (Dec. 11, 2015) (on file with author).

5. *See supra* note 1, at 1. Note that this Standard 302(c) language is ambiguous whether these "professional and ethical responsibilities to clients and the legal system" require more than competency in meeting the minimum standards of the law of lawyering.

6. *Managing Director's Guidance, supra* note 1, at 4.

7. *See* Clark, *supra* note 4. An example can be found in the learning outcome of Albany Law School, which includes an aspirational goal that students "will exhibit a lifelong commitment to learning, self-evaluation, and the pursuit of professional excellence." *See* http://www.albanylaw.edu/academic-life/learning-outcomes.

8. *See* Clark, *supra* note 4. An example can be found in the learning outcome of Pepperdine University School of Law, which lists a learning outcome that students "will demonstrate an awareness of their responsibility to society, including providing pro bono services." *See* http://community.pepperdine.edu/law/academics/program-learning-outcomes.htm.

self-awareness and cross-cultural competency to work with others of diverse backgrounds.[9] Smaller numbers of law schools describe other values supporting the competency of "the exercise of proper professional and ethical responsibilities to clients and the legal system" that students are expected to understand and integrate into their professional lives. These include:

1. six law schools state that a student should develop professionalism and three include a commitment to the highest ethical standards;
2. six law schools state a version of a learning outcome that students should develop a personal code of ethics/moral core to guide discretionary professional decision-making;
3. three state a learning outcome of respect for others;
4. three include integrity in professional life; and
5. three include leadership.[10]

It is possible to synthesize two major themes from the 25 law schools that have adopted learning outcomes stating values beyond the minimum required by ABA Standard 302(c). A first clear theme is that the meaning of the competency of "the exercise of proper professional and ethical responsibilities to clients and the legal system" can be further clarified by asking students to understand and integrate distinct values such as (1) pro bono service to the disadvantaged, (2) self-awareness and cross-cultural competency, (3) a high degree of professionalism, (4) respect for others, (5) integrity and (6) leadership. These values are grounded in the student's moral core. Students can grow over time from high short-term self-interest and low responsibility to clients and the legal system toward an internalized deep responsibility to clients and the legal system, incorporating virtues like respect for others and integrity that flow from an internalized deep responsibility and service to others.[11] A second clear theme is that students should understand and integrate responsibility for pro-actively self-evaluating the student's own professional development toward excellence (self-directed learning).

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9. *See* Clark, *supra* note 4. An example can be found in the learning outcome of the University of Florida School of Law, which lists a core competency for every graduate that includes "the skills to work with people from diverse backgrounds." *See* https://www.law.ufl.edu/why-uf-law/about-uf-law/vision-mission. The number of schools with these various learning outcomes exceeds 25 because several schools have learning outcomes that address more than one of these aspects of professional formation.

10. *See* Clark, *supra* note 4.

11. Clark, *supra* note 4. As noted, six schools specifically state a learning outcome that students should develop a personal code of ethics or values that guides discretionary professional decision-making.

B. *Additional Foundations for These Professional-Formation Learning Outcomes*

1. Support from the Model Rules and Reports on Professionalism

A learning outcome that further defines the competency of proper professional and ethical responsibilities to clients and the legal system to include fostering the growth of each student's moral core toward a deep internalized responsibility to clients and the legal system finds much support in both the ABA Model Rules of Professional Conduct and the scholarship analyzing professionalism. For example, Paragraph 9 of the Preamble to the Model Rules of Professional Conduct urges a lawyer to develop a personal conscience/moral core to address all the discretionary calls of lawyering, noting: "Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules."[12] Paragraph 9 continues: "Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living."[13] For each practicing lawyer, the Model Rules thus require both compliance with the floor of conduct of the rule system and at the same time urge development of "sensitive professional and moral judgment" and the meaning of being an "ethical person" in deciding all the "difficult issues of professional discretion" that arise. The Model Rules also specifically ask lawyers to understand and integrate into their conscience/moral core the values of providing pro bono service to the disadvantaged[14] and respect for others.[15] Note that the Preamble also urges lawyers to commit to continuing professional development over a career.[16] Essentially, these aspects of the Preamble invite students to reflect upon who they want to be

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12. MODEL RULES OF PROF'L CONDUCT, Preamble ¶ 9 (AM. BAR. ASS'N 2015).

13. *Id.*

14. *Id.* ¶ 6 ("[A]ll lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel."). *See also* MODEL RULES OF PROF'L CONDUCT R. 6.1 (AM. BAR. ASS'N 2015).

15. *Id.* ¶ 5 ("A lawyer should demonstrate respect for the legal system and those who serve it . . . .").

16. *Id.* ¶ 7 ("A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession, and to exemplify the legal profession's ideals of public service.").

as a lawyer in terms of internalizing the ideals and core principles of the profession into the student's existing moral core.

Similarly, the ABA's and the Conference of Chief Justice's reports on professionalism define professionalism to include a foundation of a personal conscience/moral core into which the lawyer integrates an understanding of both the law of lawyering and the core principles and ideals of the profession.[17] In addition, in the period 1980-2013, forty-three legal scholars wrote articles addressing the elements of professionalism; all included the concept that the foundation of professionalism is a law student's or practicing lawyer's personal conscience/moral core.[18]

2. Support from Analyses of Education for the Professions More Generally

This developmental challenge of helping each new entrant into a peer-review profession grow from high short-term self-interest and low professional and ethical responsibilities to clients and the profession toward the internalization of deep responsibilities to others, especially the person served by the profession (like the client or patient) is the same across education for the professions. We can learn from each other across the professions about how to do this type of education most effectively.

For example, William Sullivan, who served as the co-director of all five Carnegie Foundation for the Advancement of Teaching studies of higher education for the professions, believes that:

> [T]he "chief formative challenge" for higher education in the professions is to help each student entering a profession to change from thinking like a student where he or she learns and applies routine techniques to solve well-structured problems toward the acceptance and internalization of

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17. *See* Neil W. Hamilton, *Professionalism Clearly Defined*, 18 PROF. LAW., no. 4, 2008, at 3–4 (discussing the major ABA and Conference of Chief Justice Reports on professionalism) [hereinafter *Professionalism Clearly Defined*]. These reports include in personal conscience/moral core the habits of seeking feedback from others and self-reflection. *See* Neil W. Hamilton & Verna E. Monson, *Legal Education's Ethical Challenge: Empirical Research on How Most Effectively to Foster Each Student's Professional Formation (Professionalism)*, 9 U. ST. THOMAS L.J. 325, 333 (2011) (citing ABA and CCJ Reports) [hereinafter *Legal Education's Ethical Challenge*].

18. Neil W. Hamilton, *Analyzing Common Themes in Legal Scholarship on Professionalism to Address Current Challenges for Legal Education*, 22 PROF. LAW., no. 1, 2013, at 5.

> responsibility to others . . . and for the student's own proactive development toward excellence as a practitioner at all of the competencies of the profession.[19]

Each client or patient needs to trust that her lawyer or physician is dedicated above all else to care for her with all of the professional's ability.[20]

Similarly, in the Carnegie Foundation's study of medical education, *Educating Physicians,* the authors conclude that:

> The physician we envision has, first and foremost, a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self and an unfailing aspiration to perform better and achieve more. Such commitment and responsibility involves habitual searching for improvement in all domains . . . and willingness to invest the effort to strategize and enact such improvements.[21]

Substitute "client" for "patient" and "legal system" for "institutions and society" and this learning outcome for medical students and residents is the same as the two major themes synthesized from the survey of law school learning outcomes discussed above for law students. Each student should demonstrate an understanding and integration of:
1. proactive professional development toward excellence at all the competencies needed to serve clients and the legal system well; and
2. an internalized deep responsibility to clients and the legal system.

Going forward, we will refer to these as the two professional-formation learning outcomes.

Note that while the *Educating Physicians'* learning outcome puts "a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self" first,[22] we think that responsibility for self and proactive professional development toward

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19. Neil W. Hamilton, *A Professional Formation/Professionalism Challenge: Many Students with Self-Directed Learning Concerning Their Professional Development Toward Excellence,* 27 REGENT U. L. REV. 225, 226 (2015) [hereinafter *Professional Formation/Professionalism Challenge*].

20. William M. Sullivan, *Foreword* to TEACHING MEDICAL PROFESSIONALISM, at ix (Richard Creuss et al. eds., 2009).

21. MOLLY COOKE ET AL., EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY 41 (2010).

22. *Id.*

excellence is a critical first step for each student. Our common sense assumption is that a student cannot do much in terms of responsibilities to others until the student takes responsibility for him or herself. The discussion in Section II.B. explores the data indicating that effective teaching for professional formation requires engaging each student at the student's current developmental stage.[23] The data in Section II.C. indicate that 50-60% of 1L and 2L law students are self-assessing at an earlier stage of self-directed learning.[24] Given the high probabilities of social desirability bias,[25] the true proportion is almost certainly higher. The curriculum should engage these earlier-stage students where they are to help them understand that it is in the student's enlightened self-interest in terms of the student's goal of meaningful employment to commit to proactive professional development toward excellence at the competencies needed to serve clients and the legal system well. Essentially, the faculty's learning outcomes help the student realize his or her goal of meaningful employment.

II. THE DESIGN OF AN EFFECTIVE CURRICULUM FOR THE TWO PROFESSIONAL-FORMATION LEARNING OUTCOMES

A. *Defining an Arc of Development for Both Learning Outcomes*

The next step in developing an effective curriculum for these professional-formation learning outcomes is to define an arc of developmental stages for each of them. The questions suggested in Section III are designed to help a student at each stage grow toward the next stage.

This process of defining developmental stages for each competency included in a learning outcome may take some time. For example, medical education accreditors changed the accreditation requirements in 1999 to require each faculty to articulate learning outcomes,[26] and by 2015, each of the 24 medical specialties had defined both the observable competencies necessary for practice in that specialty and "milestones" for each competency. "Milestones" are "competency-based developmental outcomes (e.g. knowledge, skills, attitudes, and performance) that can be demonstrated

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23. *See infra* notes 31–79 and accompanying text.

24. *See infra* notes 80–121 and accompanying text.

25. *See infra* note 37 and accompanying text.

26. Neil W. Hamilton & Sara Schafer, *What Legal Education Can Learn From Medical Education About Competency-Based Learning Outcomes Including Those Related To Professional Formation and Professionalism*, 29 GEO. J. LEGAL ETHICS (forthcoming 2016) (manuscript at 2) [hereinafter *Medical Education*].

professionally by residents and fellows from the beginning of their education through graduation to the unsupervised practice of the specialties."[27] Overall the Milestones reflect the Dreyfus and Dreyfus model of development from novice to expert shown in Figure 1 below.[28]

FIGURE 1
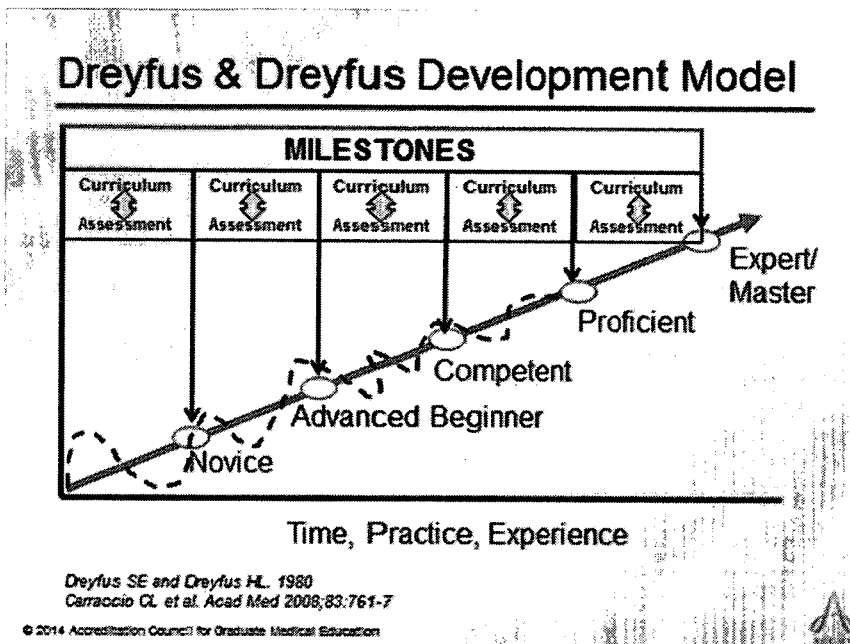
A specific example of the Dreyfus and Dreyfus developmental model is the Milestones on Self-directed Learning created by the American Council for Graduate Medical Education and the American Board of Surgery shown in Table 1 below. These self-directed learning Milestones capture much of the first professional-formation learning outcome discussed earlier.

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27. *Id.* at 17.
28. *Id.* at 20.

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TABLE 1: ACGME/AMERICAN BOARD OF SURGERY SELF-DIRECTED
LEARNING MILESTONES

Practice Domain	Competency	Critical Deficiencies	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Self-directed Learning	PRACTICE-BASED LEARNING AND IMPROVEMENT	The resident does not engage in self-initiated, self-directed learning activities. The resident does not complete simulation assignments. This resident is frequently absent for scheduled simulation exercises without a valid excuse.	This resident completes learning assignments using multiple sources. This resident participates in assigned skills curriculum activities and simulation exercises to build strong surgical skills.	This resident independently reads the literature and uses sources (e.g. SCORE modules, peer-reviewed publications, practice guidelines, textbooks, library databases, and online materials) to answer questions related to patients. This resident develops a learning plan based on feedback with some external assistance. This resident identifies gaps in personal technical skills and works with faculty members to develop a skills leaning plan.	This resident looks for trends and patterns in the care of patients and reads and uses sources to understand such patterns. This resident can select an appropriate evidence-based information tool to answer specific questions while providing care. This resident independently practices surgical skills in a simulation environment to enhance technical ability.	This resident participates in local, regional, and national activities, and/or self-assessment programs. This resident demonstrates use of a system or process for keeping up with changes in the literature, and initiates assignments for other learners. This resident leads surgical skills experiences for students and residents and participates in skills curriculum development.

Note that "critical deficiency" indicates that the evaluator observes that the resident has a significant deficiency in this area. Level 1 describes what is expected of an incoming resident; level 2 describes what is expected of an advancing but not yet at a mid-level resident; level 3 describes what is expected of mid-level to advanced resident who demonstrates the majority of what is needed for this competency; level 4 describes a senior resident who substantially demonstrates what is needed for this competency.

A second example is the ACGME expert panel Milestones on Professionalism shown in Table 2 below. Note that these Professionalism Milestones focus on a deep internalized responsibility to patients, but if one simply substitutes "clients" for "patients" the Milestones capture much of the second professional-formation learning outcome discussed earlier.

TABLE 2: THE PROFESSIONALISM MILESTONES IN
ACGME'S NEXT ACCREDITATION SYSTEM[29]

Milestones: Professionalism	
Level 1	Recognizes the importance and priority of patient care, with an emphasis on the care that the patient wants and needs; demonstrates a commitment to this value. Is aware of basic bioethical principles and is able to identify ethical issues in clinical situations.
Level 2	Is consistently able to recognize and identify own beliefs and values and their impact on practice of medicine; recognizes internal and external barriers that interfere with patient care. Consistently recognizes ethical issues in practice and is able to discuss, analyze, and manage such issues in common and frequent clinical situations.
Level 3	Demonstrates awareness of own values and beliefs and how they affect perspective on ethical issues; is able to effectively manage personal beliefs to avoid any negative effect on patient care. Is able to effectively analyze and manage ethical issues in complicated and challenging clinical situations.
Level 4	Develops and applies a consistent and appropriate approach to evaluating care, possible barriers, and strategies to intervene that consistently prioritizes the

29. This table is adopted from "Table 1. Four Selected General Milestones in the Next Accreditation System," *in* Thomas Nasca et al., *The Next GME Accreditation System – Rationale and Benefits*, NEW ENG. J. MED. 3 (Feb. 22, 2012), https://www.acgme.org/acgmeweb/Portals/0/PDFs/NAS/NEJMfinal.pdf.

	patient's best interest in all relationships and situations. Consistently considers and manages ethical issues in practice and develops and applies a systematic and appropriate approach to analyzing and managing ethical issues when providing medical care.
Level 5	Is knowledgeable about, consistently uses, and effectively manages ethical principles of medicine in general and as related to specialty care. Demonstrates leadership and mentorship on understanding and applying bioethical principles clinically, particularly responsiveness to patients above self-interest and self-monitoring. Develops institutional and organizational strategies to protect and maintain these principles.

Note that the Milestones in Table 2, which were developed by an ACGME expert panel, reflect the following expected levels of performance that the evaluator assesses: level 1, typical graduating medical student; levels 2 and 3, resident during the program; level 4, graduating resident; level 5, advanced, specialist resident or practicing physician.

If legal education follows the successful experience of medical education, legal educators will work with practicing lawyers and judges to articulate the stages of development for the second professional-formation learning outcome. Note that the Professionalism Milestones above are for medical school graduates who are studying in residency programs. Thus, the first Milestone above—

"[R]ecognizes the importance and priority of patient (client) care, with an emphasis on the care that the patient (client) wants and needs; demonstrates a commitment to this value. Is aware of basic bioethical (legal ethics) principles and is able to identify ethical issues in clinical situations."

—might be the ultimate learning outcome for the three years of legal education. The discussion below in Section II.B.2 explains the stages of professional identity formation that will help inform the creation of this arc of development in law school.[30]

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30. *See infra* notes 39–79 and accompanying text.

B. Where Are Law Students in Terms of Stages of Development on These Two Professional-Formation Learning Outcomes?

In order to design effective questions to help students at the various developmental stages of our two professional-formation learning outcomes, we need some information on the current developmental stage of the students.[31]

1. Data on Law Students' Developmental Stages with Respect to Self-Directed Learning

The concept of "self-directed learning" is critical to understand the developmental stages students go through to achieve a learning outcome of demonstrating understanding and integration of pro-active professional development toward excellence at all the competencies needed to serve clients and the legal system well. Self-directed learning has been defined as "a process in which individuals take the initiative, with or without the help of others, in diagnosing their learning needs, formulating learning goals, identifying the human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes."[32] "It is widely accepted that self-directed learning promotes adult learning success in both academia and practice work."[33]

Table 3 shows the stages of student development of self-directed learning.

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31. *See infra* notes 80–100 (discussing a variety of windows on professional formation that emphasize stage-appropriate educational engagements).

32. MALCOLM KNOWLES, SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS 18 (1975). *See also,* Michael Hunter Schwartz, *Teaching Law Students to be Self-Regulated Learners,* 2003 MICH. ST. DCL L. REV. 447 (2003).

33. Stefanie Boyer et al., *The Moderating Effect of the Self-Directed Learning Measurement Tool: A User's Guide,* 10 INT'L J. SELF-DIRECTED LEARNING 21 (No. 2, 2013). Research in multiple science domains indicates that teaching students to self-monitor improves students' learning. *See, e.g.,* SUSAN A. AMBROSE ET AL., HOW LEARNING WORKS: SEVEN RESEARCH-BASED PRINCIPLES FOR SMART TEACHING 198 (2010).

TABLE 3: STAGES OF SELF-DIRECTED LEARNING[34]

	Student Characteristics
Dependent Stage	• Assumes passive role with respect to professional self- development • Lacks interest in developing competencies except minimum required by external authority • Does not generally want or seek feedback into strengths and weaknesses • May react negatively to such feedback • Depends on external authority for explicit direction and validation
Interested Stage	• Can see self-interest in professional self-development • May recognize weaknesses, but motivation to improve is principally externalized • Responds reasonably to questions and feedback on strengths and weaknesses • Is willing to engage mentors/coaches in goal-setting and implementation strategies • Shows some initiative and persistence to learn competencies
Involved Stage	• Is committed to professional self-development • Identifies strengths and weaknesses in development of competencies • Responds positively to and reflects on feedback concerning strengths and weaknesses and how to improve • Seeks insight from mentors and coaches in goal-setting and implementation • Is internalizing motivation to learn new knowledge and skills continuously • Is internalizing standard of excellence at all competencies • Shows substantial persistence in learning competencies
Self-Directed	• Is intrinsically motivated to professional self-development and learning new knowledge and skills over a career

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34. Adapted from Gerald O. Grow, *Teaching Learners to be Self-Directed*, 41 ADULT EDUC. Q., no. 3, 1991, at 129. *See* Hamilton, *Professional Formation/Professional Challenge, supra* note 19, at 231–32.

	• Actively identifies both strengths and weaknesses in development and sets goals and creates and executes implementation plans • Proactively develops mentor and coach relationships and proactively seeks help and feedback from mentors and coaches • Reflects on feedback and responds to feedback appropriately • Knows when and how to seek help • Actively seeks challenges • Has internalized standard of excellence at all competencies

Table 4 presents the self-reported, self-directed learning ratings of new first-year students from four different law schools and shows that 48.1% of first-year students surveyed fell within the first two stages of self-directed learning. Note that the 2015 beginning of spring semester UST Law first-year students had similar results, with 54.4% self-assessing at one of the two earlier stages.[35]

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35. *See* Neil Hamilton, *Professional Formation with Emerging Adult Law Students in the 21-29 Age Group*, 24 J. PROF. LAW. 125, 133 (2015) [hereinafter *Emerging Adult Law Students*].

TABLE 4: SELF-REPORTED RATINGS OF 1LS AT THE BEGINNING OF
LAW SCHOOL ON THEIR STAGE OF SELF-DIRECTED LEARNING [36]

Developmental Stage of Self-Directed Learning at the Beginning of the 1L Fall Semester

Stage	Number of Students
Dependent Stage	11
Interested Stage	144
Involved Stage	119
Self-Directed Stage	48
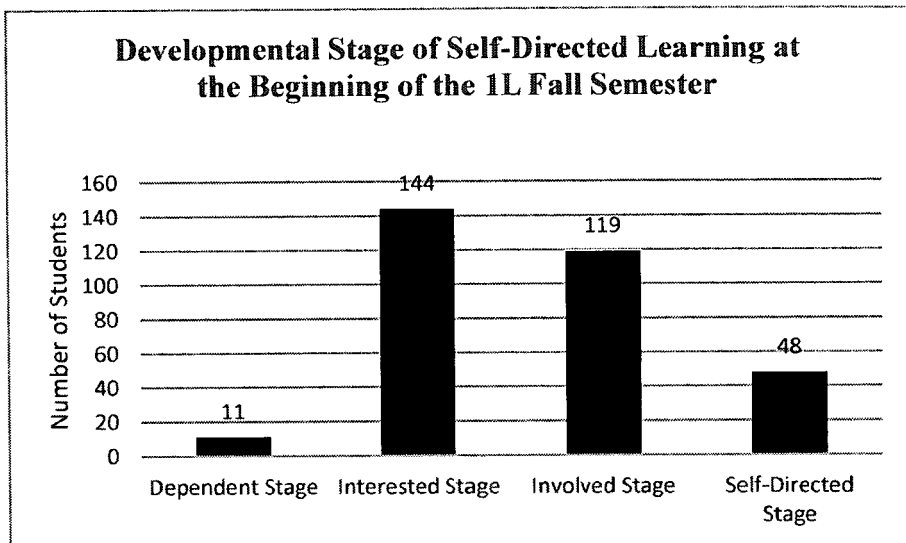
There is a self-report bias in this type of research because, "[i]n general, research participants want to respond in a way that makes them look as good as possible;" they want to respond in ways they consider "socially desirable."[37] A respondent may also fear that true and accurate responses may cause her to be disadvantaged in some way.[38] If we assume some social-desirability bias here, these data understate the true proportion of students at earlier stages of development on self-directed learning.

These survey data indicate that half or more of 1L students are at early stages with respect to the first professional-formation learning outcome. Since these early-stage students by definition are more passive and less likely to take advantage of elective engagements, faculty and staff need to act as co-educators on a required curriculum to address this learning need.

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36. Professors in required first-year courses at four law schools (including one large law school in the West, one medium-size law school in the South, one in the far West, and one small law school in the Southeast) participated in this survey with their students at the start of the fall semester. The response rate was almost 100%.

37. *See* Stewart I. Donaldson & Elisa J. Grant-Vallone, *Understanding Self-Report Bias in Organizational Behavior Research*, 17 J. BUS. & PSYCHOL. 245, 247 (2002).

38. *Id.*

2. Data on Students' Developmental Stages in Understanding and
Integrating an Internalized Deep Responsibility to Clients and the
Legal System

In 2007, the authors of *Educating Lawyers* emphasized, "As far
as we know, there is no research on the extent to which [law schools]
influence results in greater incorporation of the ethical-social values
of the profession into students' personal and professional
identities."[39] Since 2007, there have been a few empirical studies
that help us understand students' developmental stages with respect
to demonstrating an understanding of and integrating an
internalized deep responsibility to clients and the legal system. This
is an area where we need more research.

One empirical research window is the growing research available
on emerging adulthood from ages 18-29 as a life stage (which would
pick up a large proportion of law students). Fifteen years ago,
Professor Jeffrey Arnett proposed the term "emerging adulthood" as
a distinct life stage between adolescence and adulthood for those
ages 18-29.[40] Professor Tim Clydesdale believes that there is a
lengthening path to adulthood resulting from several factors
including: "(1) macro-economic changes that have made financial
independence elusive; (2) macro-cultural shifts that have replaced
traditional family formation with a menu of lifestyle options; and (3)
insufficient" acculturation of younger people by the institutions of
culture including family and schools on how best to respond to these
altered economic and cultural landscapes.[41]

In a 2012 survey of 18 to 29 year-olds, Arnett asked which
criteria from a list of five is the most important for becoming an
adult?[42] His results follow:

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39. WILLIAM SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE
PROFESSION OF LAW 135 (2007).

40. JEFFREY ARNETT, CLARK UNIVERSITY POLL OF EMERGING ADULTS 1 (2012)
[hereinafter Clark Poll]. Note that this emerging adult period is not just a
generational grouping like Boomers (1946-64), Generation X (1965-80), or the
Millennials (1981-96); emerging adulthood would occur in each generational
grouping going forward.

41. TIM CLYDESDALE, THE PURPOSEFUL GRADUATE: WHY COLLEGES MUST
TALK TO STUDENTS ABOUT VOCATION 201 (2015). Over-parenting or "helicopter
parenting" may be a cultural factor limiting opportunities for emerging adults to
develop the skills needed to become self-reliant adults who can make independent
decisions. *See* Julie Lythcott–Haims, *Kids of Helicopter Parents Are Sputtering Out*,
SLATE (July 5, 2015, 7:54 PM), *available at* http://www.slate.com/articles/double_x/do
ublex/2015/07/helicopter_parenting_is_increasingly_correlated_with_college_age_dep
ression.html.

42. Clark Poll, *supra* note 40, at 8. The survey included 1,029 total respondents.

% RESPONDING THIS WAS MOST IMPORTANT

Accepting responsibility for yourself	36%
Becoming financially independent	30%
Finishing education	16%
Making independent decisions	14%
Getting married	4%

Summarizing the data, Arnett concludes, "What matters most is accepting responsibility for oneself and becoming financially independent. These criteria have in common that they represent individual autonomy and self-sufficiency."[43] Hamilton's survey of students at the beginning of the second year of law school had similar results. In August 2015, Hamilton asked fall semester second-year students in a required Professional Responsibility class, "What are the professional goals you would like to achieve by six months after graduation?"[44] The most frequently reported goal was "meaningful employment" (59 out of 60).[45]

Arnett also observes:

> There is no time in life that is more self-focused than emerging adulthood . . . [when] there are few ties that entail daily obligations and commitments to others . . . . To be self-focused is not necessarily to be selfish, and to say that emerging adulthood is a self-focused time is not meant pejoratively . . . . By focusing on themselves, emerging adults develop skills at daily living, gain a better understanding of who they are and what they want from life, and begin to build a foundation for their adult lives. The goal of their self-focusing is to learn to stand alone as a self-sufficient person . . . .[46]

Another data set on emerging adults in the 18 to 24 age range also indicates that while emerging adults want self-sufficiency,

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Id. at 4.

43. *Id.*

44. Neil Hamilton, *Half of 1L Students Are Still at Early Stages of Taking Ownership Over Their Professional Development* NALP BULLETIN, Jan. 2016, at 19, *available at* https://www.stthomas.edu/media/hollorancenter/NALP_20160101_Jan_2 016-Neil.pdf.

45. *Id.*

46. JEFFREY ARNETT, EMERGING ADULTHOOD: THE WINDING ROAD FROM THE LATE TEENS THROUGH THE TWENTIES 13–14 (2d. ed. 2015).

many do not have any clear plan on how to achieve it.[47] Professor Christian Smith conducted a national study of the developing lives of American youth.[48] Smith asked the respondents questions about morality, religion, and responsibility to others at three time periods between ages 13 to 24.[49] While a large proportion of this last group of emerging adults in the 18 to 24 age group want self-sufficiency and a materially comfortable life, many are "as yet unformed" regarding specific questions about careers.[50] Arnett makes a similar observation that student exploration of a path to self-sufficiency and financial independence is often "not a systematic, organized or focused" exploration.[51]

The Smith (18-24 age group) and Arnett (18-29 age group) studies also assessed the degree to which the respondents thought that they had a responsibility to help others. Smith's study of the 18-24 year-old age group indicated that "[t]he majority of those interviewed stated . . . that nobody has any natural or general responsibility or obligation to help other people."[52] A minority said people do have responsibilities to help others.[53] A wide majority agreed with the principle not to hurt others.[54] Smith observes, "[t]he emerging adults studied in the interviews . . . are so focused on themselves, especially on learning how to stand on their own two feet, that they seem incapable of thinking more broadly about community involvement [and] good citizenship[.]"[55] Smith also notes, "[t]he vast majority of emerging adults could not engage in a

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47. CHRISTIAN SMITH WITH PATRICIA SNELL, SOULS IN TRANSITION: THE RELIGIOUS AND SPIRITUAL LIVES OF EMERGING ADULTS 33, 71 (2009) [hereinafter SOULS IN TRANSITION].

48. CHRISTIAN SMITH ET AL., LOST IN TRANSITION: THE DARK SIDE OF EMERGING ADULTHOOD 16 (2011); SOULS IN TRANSITION, *supra* note 47, at 309–14.

49. Smith first interviewed subjects when they were aged 13 to 17 years old. During the first round of interviews in 2001, Smith and his team spoke to a nationally representative group of 3,290 13-17 year olds over the phone. Next, Smith's team personally interviewed 267 of the group in 45 states around the country. Four years later, Smith's team conducted a second round of telephone surveys with the teen subjects, and continued to stay in contact with the group in the next years. In 2007 and 2008, the team collected a third wave of survey and interview data with the respondents who were then 19-24. *Id.*

50. SOULS IN TRANSITION, *supra* note 47, at 34, 36, 53, 69, 71.

51. ARNETT, *supra* note 46.

52. SOULS IN TRANSITION, *supra* note 47; *see also* LOST IN TRANSITION, *supra* note 48, at 25 ("No person is particularly responsible to help other people.").

53. *Id.*

54. *Id.* at 47.

55. *Id.* at 71.

discussion about real moral dilemmas . . . ."[56] Arnett found that "emerging adults who place concern for others at the center of their conception of adulthood are relatively rare. More often, they view self-sufficiency as the most important part of becoming an adult, but they temper this focus with concern for others . . . . It is another paradox of emerging adulthood that becoming more self-sufficient can also mean becoming less self-centered . . . ."[57] Some tension is evident when 86% of the emerging adult respondents in Arnett's study agreed that "it is important for me to have a career that does some good in the world."[58]

Another empirical research window is an assessment of law student's stage of professional identity based on Robert Kegan's constructive-developmental theory of lifespan growth.[59] The fundamental premise of constructive-developmental theory is that adults can become increasingly self-aware of both egocentric views and hidden assumptions that might block our attempts to change, hamper our ability to empathize with others, or limit our potential effectively to interact with others from an internalized, authentic source of authority.[60] This growth occurs through exposure to ideas or situations that stretch our current patterns of thinking, instigating a change or adaptation of our view of self and others.[61]

Kegan uses "mental complexity" to describe this growth. "Mental complexity" is the move from an egocentric understanding of the world to a "more penetrating, more responsible, less egocentric grasp of reality."[62] Kegan designed the Subject-Object Interview (SOI),[63] a minimally structured, 45-minute to one-hour interview to assess an individual's stage of mental complexity. Stages of mental complexity relevant to adulthood include:

- The *Instrumental Mind* (Stage 2)[64] -- characterized by external definitions of self, predominance of "either-or"

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56. SOULS IN TRANSITION, *supra* note 47, at 60.

57. ARNETT, *supra* note 46, at 318–19.

58. *Id.* at 169.

59. ROBERT KEGAN & LISA LASKOW LAHEY, IMMUNITY TO CHANGE: HOW TO OVERCOME IT AND UNLOCK THE POTENTIAL IN YOURSELF AND YOUR ORGANIZATION, at xiii, 11–14. (2009).

60. *Id.*

61. *Id.*

62. *Id.*

63. *See* LISA LAHEY ET AL., A GUIDE TO THE SUBJECT OBJECT INTERVIEW: ITS ADMINISTRATION AND INTERPRETATION 14–16 (1988).

64. We omit Stage 1, as this is early childhood and not relevant here. Stage 2, while it occurs primarily in adolescence, can continue well into one's 20s. *See* Verna E. Monson & Neil W. Hamilton, *Entering Law Students' Conceptions of an Ethical*

thinking, limited perspective taking ability, and an egocentric view -- characteristic of adolescence and early adulthood.[65]

- The *Socialized Mind* (Stage 3) -- characterized by increased social perspective taking ability among allies or in-group, but understanding and expectations continue to be externalized, shaped by relationships, particular "schools of thought," or by both.[66]

- The *Self-Authoring Mind* (Stage 4) -- characterized by the ability "to step back enough from the social environment to generate a 'seat of judgment' or personal authority that evaluates and makes choices about external expectations."[67] The independence of judgment and problem solving abilities of stage 4 translates to greater fidelity to one's inner moral code. At stage 4, one is not easily swayed by group membership or loyalties.[68]

- The *Self-Transforming Mind* (Stage 5) -- characterized by the ability to examine one's self-authored personal authority, recognize the limits of any one system of constructing meaning, and seek out novel or alternative systems. A recognition of the interdependencies of different systems or ways of being, and an ability to reconcile contradictory or seemingly paradoxical ways of constructing meaning is a hallmark of the emergence of the self-transforming mind.[69]

Development proceeds not as abrupt change, but a gradual unfolding of new ways of making sense of the self and others.[70] Kegan and Lisa Lahey conclude on the basis of thirty years of longitudinal research that some people continue to grow over a lifetime from an egocentric understanding of the world to a "more penetrating, more responsible, less egocentric grasp of reality."[71] The earlier misconception about mental complexity was to analogize it to

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Professional Identity and the Role of the Lawyer in Society, 35 J. LEGAL PROF. 385, 397 (2011).

    65. *See* ROBERT KEGAN, IN OVER OUR HEADS: THE MENTAL DEMANDS OF MODERN LIFE 29 (1994).

    66. KEGAN & LAHEY, *supra* note 59, at 16–17. Monson and Hamilton found Stage 3 the modal stage among entering law students. *See* Monson & Hamilton, *Entering Law Students' Conceptions*, *supra* note 64, at 397.

    67. KEGAN & LAHEY, *supra* note 59, at 17.

    68. *Id.* at 16–19.

    69. *Id.* at 17.

    70. *Id.*

    71. *Id.* at xiii, 13–14.

physical development where a person's physical growth is almost complete by age twenty. Figure 2 shows the misconception.

FIGURE 2

Age and Mental Complexity: The View Thirty Years Ago

"Mental Complexity" in the following two figures measures growth toward an internalized moral compass that is a less egocentric, more responsible and more penetrating grasp of reality regarding human relationships.
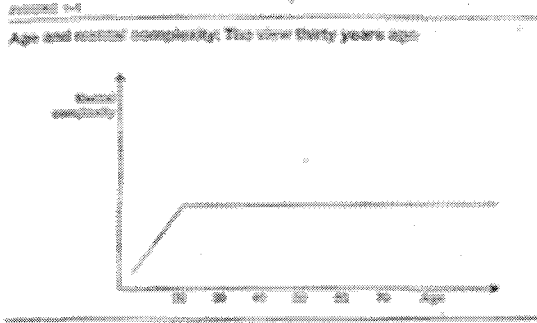
Robert Kegan, *Immunity to Change: How To Overcome It and Unlock Potential in Yourself and Your Organization* (2009)

Kegan's thirty years of longitudinal research shows that Figure 2 is not true.[72] Some people continue to grow in mental complexity over a lifespan.[73] Figure 3 shows how empirical evidence has changed the earlier view.[74]

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72. *Id.*
73. *Id.*
74. *Id.*

FIGURE 3

Age and Mental Complexity: The Revised View Today
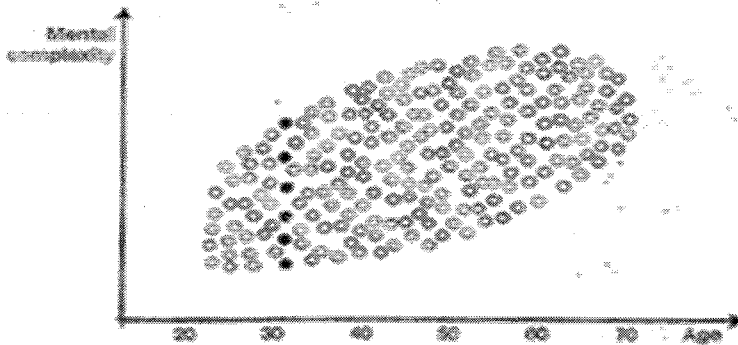
Note in Figure 3 that there is considerable variation within any age group. For example, some individuals at age 30 (marked with darker dots) will be egocentric with little responsibility to other people, while another group at the same age will move towards an internalized deep responsibility to others. This suggests that educational engagements in the required curriculum must take into account that there will be significant variation regarding developmental stages and the engagement must be relevant to several different stages of development.

The second professional-formation learning outcome of helping each student demonstrate an understanding of and integrate an internalized deep responsibility to clients and the legal system is essentially to foster each student's development toward Kegan's self-authored stage 4.[75] In an interview study of a random sample of Minnesota peer-honored attorneys considered exemplars by the profession, all twelve respondents (who were at stages 3/4, 4, or

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75. Neil W. Hamilton & Verna E. Monson, *Ethical Professional (Trans)formation: Themes from Interviews About Professionalism With Exemplary Lawyers*, 52 SANTA CLARA L. REV. 921, 938 (2012) [hereinafter *Ethical Professional (Trans)formation*].

4/5)[76] agreed on several key themes that define their understanding of professionalism:

1. professionalism is linked to a lawyer's moral core and includes a deep commitment to clients, colleagues, and broader society;
2. self-reflection is habitual and ongoing and is related to continuing growth in a lawyer's professionalism; and
3. a lawyer's understanding of professionalism evolves over a career. [77]

There is one empirical study of the Kegan developmental stages of law students. Using Kegan essay questions asking how the student understood professionalism and what society expected of the student, Monson and Hamilton surveyed the University of St. Thomas School of Law's entering class of 2009 in their first week.[78] Table 5 below indicates the students' stages of professional identity development.

TABLE 5

Stages of Professional Identity Development Among Law Students

(Bar chart, y-axis: Percent, 0 to 40; legend: Entering Law Students (n=88))

Stage 2	Stage 2/3	Stage 3	Stage 3/4	Stage 4	Stage 4/5 or 5/4
16	25	33	25	1	0

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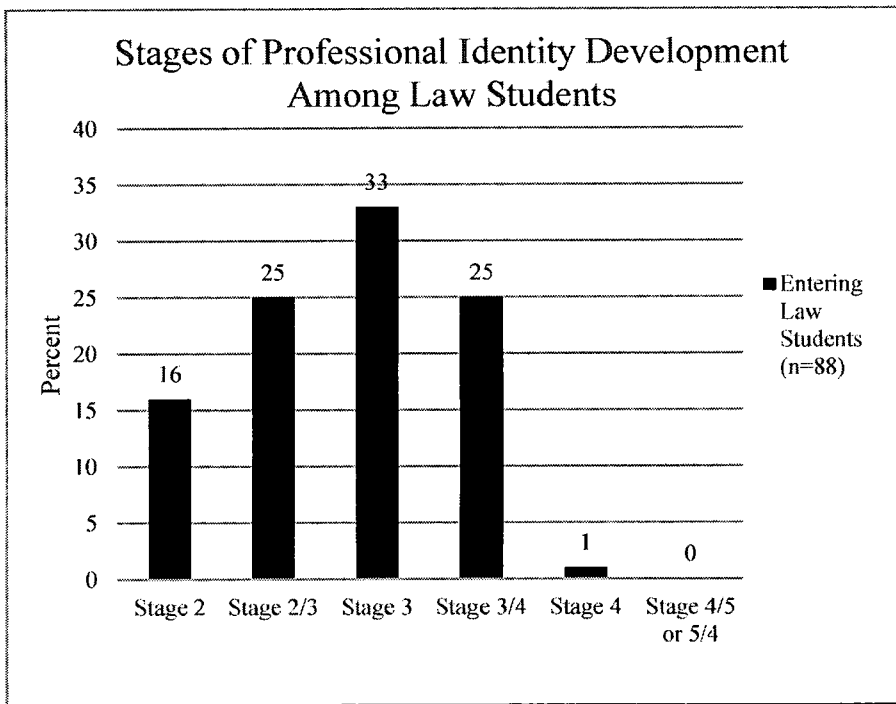
76. *Id.* at 959.

77. *Id.* at 957.

78. Hamilton & Monson, *Ethical Professional (Trans)formation, supra* note 75, at 993–94.

Note that 74% of the students are at stages 2, 2/3, and 3. The second professional-formation learning outcome calls for students to develop toward stage 4. Earlier professional identity studies of first-year dental students indicate roughly similar percentages at these same developmental stages (83% and 90% in stages 2, 2/3 and 3).[79]

C. Empirical Research on the Principles That Guide Curriculum Design to Foster Student Growth toward Later Stages of Development on the Two Professional-Formation Learning Outcomes

Building on both Section II.A., which analyzes an arc of developmental stages for each of the two professional-formation learning outcomes and Section II.B., which analyzes where law students are developmentally, this section analyzes five windows of empirical research and outlines the principles that should inform the design of an effective curriculum to help each student grow toward later developmental stages of these learning outcomes.

The first window is the most effective curriculum recommended by the five Carnegie Foundation studies of higher education for the professions.[80]

TABLE 6: THE MOST EFFECTIVE CURRICULUM FOR PROFESSIONAL FORMATION FROM THE CARNEGIE STUDIES

1. Carnegie Studies' Findings that Apply to All Law School Educational Engagements
   a. Reflecting on the responsibilities of the profession
   b. Fostering each student's habit of actively seeking feedback, dialogue on the tough ethical calls,' and reflection
   c. Consideration of each student's developmental stage and engaging the student at the appropriate stage
   d. Modeling
   e. Scaffolding

2. Carnegie Study Findings that Apply Particularly to Team-Based and Individualized Instruction
   a. Practical experiences and clinical education
   b. Coaching

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79. Hamilton & Monson, *Ethical Professional (Trans)formation, supra* note 75, at 966.

80. Tables 6 and 7 are borrowed from Neil Hamilton, *Law Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism,* 11 U. ST. THOMAS L.J. 6, 34–36 (2013).

A second window "is the most effective [curriculum] recommended by empirical studies based on moral psychology's model of the four capacities that are necessary for a moral action" outlined in Table 7 below.[81] Table 7 refers to the Four Component Model (FCM) coming out of moral psychology research that starts with the question:

> [W]hat must we suppose happens psychologically in order for moral behavior to take place? Morality in this meaning focuses on the social condition that humans live in groups and what one person does can affect others . . . . Morality provides guidelines for both optimizing the mutual benefit of people living in groups and resolving conflicts among them.[82]

The FCM model posits that four distinct capacities are necessary in order for moral behavior to occur: moral sensitivity (perceptual clarity and empathy); moral reasoning and judgment; moral motivation and identity; and moral implementation. These are analyzed in detail in earlier scholarship.[83]

TABLE 7: THE MOST EFFECTIVE CURRICULUM FOR PROFESSIONAL FORMATION SUGGESTED BY THE FOUR COMPONENT MODEL (FCM) RESEARCH

1. FCM Studies' Findings that Apply to All Law School Educational Engagements

a. Consideration of each student's developmental stage and engaging the student at the appropriate stage.
    b. Creating "optimal conflict" or cognitive dissonance to challenge each student's existing ideas and assumptions.
    c. Fostering each student's reflective judgment.
    d. Repeated opportunities for reflective self-assessment on professional formation throughout the curriculum.
    e. Teacher-facilitated discussion of the ethical dimensions of cases to foster moral reasoning.
    f. Case-method discussion that also fosters professional identity.
    g. Service learning and moral reasoning.

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81. *Id.*

82. Hamilton & Monson, *Legal Education's Ethical Challenge, supra* note 17, at 345–50.

83. *See* Neil Hamilton, *Professionalism Clearly Defined, supra* note 17, at 6.

2. FCM Studies' Findings that Apply Particularly to Team-Based Education
    a. Constructive controversy.
    b. Formal cooperative learning.
    c. Peer coaching.

3. FCM Studies' Findings that Apply Particularly to Individualized Education
    a. Ethical sensitivity testing and feedback.
    b. Coaching and identity formation.
    c. Role play/coaching to foster moral implementation.

A third window is a summary of effective curriculum related to professional formation from *How Learning Works: Seven Research-Based Principles for Smart Teaching*.[84] The authors emphasize several themes:

1. students learn most effectively when they are able to connect new knowledge and skills to prior knowledge and skills;[85]
2. students are more motivated to learn if they can see that the subjects are relevant to their goals;[86]
3. students need continuing help to connect the dots between the big picture of the learning outcomes and the particular material of any given assignment and class;[87]
4. students are at different stages of development and need challenges appropriate to each student's stage of development;[88] and
5. students need effective feedback that tells students where they are relative to the stated learning outcome and what specifically they need to do to improve in order to make progress toward later stages of development.[89]

Note that the authors recommend conducting "a prior knowledge assessment to target an appropriate challenge level" for each student,[90] using rubrics to specify and communicate performance criteria, and offering multiple opportunities for practice and assessment.[91] Note also that with respect to the need for stage-

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84. SUSAN AMBROSE ET AL., HOW LEARNING WORKS: SEVEN RESEARCH-BASED PRINCIPLES FOR SMART TEACHING (2010).
    85. *Id.* at 30, 33.
    86. *Id.* at 68, 74–75.
    87. *Id.* at 60–61.
    88. *Id.* at 130, 136.
    89. *Id.* at 137–39.
    90. *Id.* at 145.
    91. *Id.* at 146.

appropriate engagements, the authors caution that professors may have an "expert blind spot" in terms of conscious awareness of all the component skills and knowledge required for an expert task, and thus may inadvertently omit key steps that novice students need to learn with respect to a particular learning outcome.[92] The authors emphasize that "[r]esearch has found that people in general have great difficulty recognizing their own strengths and weaknesses, and students appear to be especially poor judges of their own knowledge and skills."[93]

A fourth window on effective curriculum to help each student develop toward the two professional-formation learning outcomes is what medical education has learned about effective curriculum.[94] Self-reflection and experiential learning also have a prominent place in the professionalism curriculum suggested in *Teaching Medical Professionalism*.[95] Richard and Sylvia Cruess note in their chapter on designing programs for teaching professionalism for the M.D. degree that "[p]rofessional identity arises 'from a long-term combination of experience and reflection on experience.'"[96] They also emphasize the importance of stage-appropriate opportunities.[97] They note that the experiential learning cycle has the stages of concrete experience, observation and reflection on that experience, assimilating those observations into a personal theory, which forms the basis for future actions, and eventually leading to new experience as the cycle starts over.[98] This leads to an emphasis on the use of an incremental stage-appropriate approach to formation.[99]

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92. *Id.* at 112–13.

93. *Id.* at 195 (stating that "students with weaker knowledge and skills are less able to assess their abilities than students with stronger skills").

94. This section is borrowed from Hamilton & Schafer, *supra* note 26 (manuscript at 27-30).

95. TEACHING MEDICAL PROFESSIONALISM, *supra* note 20.

96. *Id.* at 78 (quoting Sean R. Hilton & Henry B. Slotnick, *Proto-Professionalism: How Professionalization Occurs Across the Continuum of Medical Education*, 39 MED. EDUC. 58, 63 (2005)).

97. *Id.* at 79.

98. *See id.* For a discussion of reflective portfolios in the medical education context, see Erik W. Driessen et al., *Conditions for Successful Reflective Use of Portfolios in Undergraduate Medical Education*, 39 MED. EDUC. 1230 (2005); *see also* Robert M. Jarvis et al., *Can One Portfolio Measure the Six ACGME General Competencies?*, 28 ACAD. PSYCHIATRY 190 (2004) (concluding that portfolios are one of the effective methods of evaluating resident performance within the ACGME general competencies).

99. TEACHING MEDICAL PROFESSIONALISM, *supra* note 20, at 78.

Finally, they strongly endorse education of faculty to help faculty understand how to do this type of teaching effectively.[100]

Teaching Medical Professionalism also includes recommendations on assessment of individual students and evaluation of the faculty and the program.[101] Assessment methods include standardized clinical encounters, high-fidelity simulations, portfolios, reflection journals, faculty observance of learners, critical incident reports, multisource assessments, self-assessment, peer assessment, and knowledge tests.[102] Evaluation also includes evaluating the professional formation of the faculty in order to promote awareness of the importance of the hidden curriculum, and evaluating the program itself.[103]

The hidden curriculum works alongside—and perhaps is even the foundation for—the formal curriculum.[104] The hidden curriculum represents the actions of the faculty observed by the medical student or resident,[105] since:

> [n]ot all of what is taught during medical training is captured in course catalogs, class syllabi, lecture notes and handouts, or the mountains of documents compiled during accreditation reviews. Indeed, a great deal of what is taught—and most of what is learned—in medical school takes place not within formal course offerings but within medicine's "hidden curriculum."[106]

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100. *Id.* at 77, 79–82.

101. This section is borrowed from Hamilton & Schafer, *supra* note 26, at 421–23.

102. TEACHING MEDICAL PROFESSIONALISM, *supra* note 20, at 126 (citing Table 7.1) ("Advantages and disadvantages in using methods of assessing medical professionalism.").

103. *Id.* at 84.

104. *See id.*

105. Paul S. Mueller, *Incorporating Professionalism into Medical Education: The Mayo Clinic Experience*, 58 KEIO J. MED. 133, 137 (2009).

106. Frederic W. Hafferty, *Beyond Curriculum Reform: Confronting Medicine's Hidden Curriculum*, 73 ACAD. MED. 403, 403–04 (1998) ("[T]he notion of a multidimensional learning environment embraces at least three interrelated spheres of influence: (1) the stated, intended, and formally offered and endorsed curriculum . . . ; (2) an unscripted, predominantly ad hoc, and highly interpersonal form of teaching and learning that takes place among and between faculty and students (the informal curriculum); and (3) a set of influences that function at the level of organizational structure and culture (the hidden curriculum)."); *see also* COOKE ET AL., *supra* note 21, at 99–100 (noting "insufficient contact with positive role models who embody the highest values of the profession" as being detrimental to the formation of the fiduciary disposition, since "students are looking for cues about

For legal education, this "hidden curriculum" is perhaps best captured in Roger Cramton's article *The Ordinary Religion of the Law School Classroom*,[107] in which Cramton notes that the "ordinary religion" "includes not only the more or less articulated value systems of law teachers but also the unarticulated value assumptions communicated to students by example or by teaching methods, by what is *not* taught, and by the student culture of law schools."[108]

Therefore, *"Educating Physicians* recommends that schools should 'immerse [students] in a setting that embodies the highest values of the profession' by building 'a culture that values continuous learning and scholarship of teaching and learning, and a communal space also known as a 'teaching commons.'"[109] If the hidden curriculum is not aligned with the objectives of the formal curriculum, students may be led to believe that the professional formation objectives of the formal curriculum are "inauthentic" and irrelevant in practice.[110]

The importance of the hidden curriculum cannot be emphasized enough. Medical education scholars have noted that "[t]he ongoing dilemma is that the explicitly taught professional values fail to be mirrored by the implicit values of the hidden curriculum. Increasing awareness and mindfulness of the need to foster professionalism in both students and teachers is essential."[111]

A fifth window on effective curriculum is to focus briefly on the reality that we have no empirical evidence that certain curricular efforts make any assessable difference with respect to the professional-formation learning outcomes. For example, there is no empirical evidence that a rules-based ethics course focused on doctrinal knowledge and technical legal analysis that does not call for each student's reflection on what the rules and responsibilities of the profession mean for that student will have any impact on professional formation.[112] Similarly, there is no evidence that one-

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appropriate behaviors and attitudes; unfortunately much of what they observe violates the highest values of the profession.").

107. Roger Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. LEG. EDUC. 247, 252 (1978).

108. *Id.* at 248.

109. Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons from the Carnegie Foundation's Five Studies on Educating Professionals*, 45 CREIGHTON L. REV. 763, 783 (quoting COOKE ET AL., *supra* note 21, at 32).

110. Mueller, *supra* note 105, at 138–39.

111. Walther N.K.A. van Mook et al., *Teaching and Learning Professional Behavior in Practice*, 20 EUR. J. INTERNAL MED. e105, e109 (2009).

112. Muriel J. Bebeau, *Promoting Ethical Development and Professionalism:*

time programs make any assessable difference; the engagement with the students must be of moderate duration.[113]

A comparison of all five research windows on effective curriculum for the two professional-formation-learning outcomes indicates general agreement that an effective professional formation curriculum should --

1. take into account that students are at different developmental stages of growth and engage each student at the student's present developmental stage.
2. provide repeated opportunities for reflection on the responsibilities of the profession and reflective self-assessment in general.
3. emphasize that experiential learning, feedback on the student's performance, and reflection are very effective;
4. emphasize the effectiveness of coaching (see the further analysis below on coaching);

In addition, one of the windows suggests the following specific guidance for curricular engagements:

a. experiences that create cognitive dissonance/optimal conflict with the student's current developmental stage on either of the professional-formation learning outcomes;
b. instruction that helps the student understand how new knowledge is building on the student's prior knowledge and competencies (the student's existing narrative); and
c. instruction that helps each student understand how the professional formation curriculum is helping the student achieve his or her goals.

Coaching is a particularly effective strategy to ask stage-appropriate questions that promote this feedback, dialogue, and reflection on responsibility. Note that "a coach is generally understood to mean a senior professional who guides a student by asking the student questions about issues important to the work, helping the student to identify goals, creating a plan to achieve the goals, and providing constructive feedback."[114] A mentor is a

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Insights from Educational Research in the Professions, 5 U. ST. THOMAS L.J. 366, 392 (2008); Hamilton, *Professional Formation/Professionalism Challenges, supra* note 19, at 372–73; Muriel J. Bebeau, *An Evidence-Based Guide for Ethics Instruction,* 15 J. MICROBIOLOGY & BIOLOGY EDUC. 124, 128 (explaining education "must do more than teach the rules and policies" to foster student professional identity); Karl A. Smith et al., *Pedagogies of Engagement: Classroom-Based Practices,* 94 J. ENGINEERING EDUC. 87, 93 (2005).

113. Bebeau, *supra* note 112, at 127–28; Hamilton & Monson, *Legal Education's Ethical Challenge, supra* note 17, at 372–373.

114. Neil W. Hamilton, Verna E. Monson & Jerome M. Organ, *Encouraging*

professional who has a relationship with the student and is someone from whom the student can seek advice.[115] "In general a mentor gives advice when asked, and a coach pro-actively asks questions."[116] In our experience, for the learning outcomes under discussion here, mentoring, while useful, puts the burden on the student to use the mentor. While later-stage students use mentors well, early-stage students tend to be more passive and tend not to make good use of mentors. For the two professional-formation learning outcomes, one-on-one coaching in the required curriculum is likely to be far more effective with the early-stage students.

There is empirical evidence that coaching in a 45-60 minute interview to promote student reflection with respect to self-directed learning is effective and can have an important and lasting impact on a student.[117] For example, a study of 102 undergraduates (with a mean age of 21) involved a trained interviewer conducting a one-on-one in person interview designed to promote reflection about the student's purpose in life, core values, and most important life goals. The study included both a pre-test and post-test nine months later, for assessing the impact of the interview.[118] On average, the coaching engagement led to benefits for student goal-directedness toward life purpose nine months later.[119] The authors suggest that these conversations are "a triggering event [that] would impel an emerging adult, who is likely in this stage of life to be predisposed to identity exploration, to reflect on life beyond the interview in considering his or her life path."[120] In general, individualizing students' learning experiences, where the student can practice versus just observe, and combining these individualized experiences with an instructor who provides continuous feedback to the student, has been associated with more learning benefits than large group training with respect to self-directed learning.[121]

Each Student's Personal Responsibility for Core Competencies Including Professionalism, 21 PROF. LAW., no 3, 2012, at 12.

115. *Id.*

116. *Id.*

117. Matthew J. Bundick, *The Benefits of Reflecting On and Discussing Purpose in Life in Emerging Adulthood*, 132 NEW DIRECTIONS YOUTH DEV. 89, 93 (2011); *see* Bebeau, *supra* note 112, at 127 (explaining that individualized remediation programs were highly effective in promoting ethical competencies).

118. Bundick, *supra* note 117, at 93.

119. *Id.* at 97–98.

120. *Id.* at 98.

121. Ryan Brydges et al., *Self-Regulated Learning in Simulation-Based Training: A Systematic Review and Meta-Analysis*, 49 MED. EDUC. 368, 369–70, 372, 374 (2015).

D. *Our Experience Teaching Both Professional-Formation Learning Outcomes*

We have been experimenting with teaching to help students toward these two learning outcomes in both the elective and the required curriculum for a combined total of nearly 50 years. Elective professional formation courses draw "the choir" from the student body who are very interested in personal and professional growth toward later stages of development on both outcomes. Designing elective professional formation courses is challenging, but we have had outstanding favorable student responses to these courses.

Designing a required professional formation course is far more challenging because students bring a much broader spectrum of developmental stages. Note that earlier-stage students on self-directed learning tend to be passive and are unlikely to take courses that create cognitive dissonance around ownership of professional development and the integration of responsibility to others. Thus, a required course is necessary to reach these students, however, an instructor who intentionally creates cognitive dissonance in a required course around the two professional-formation learning outcomes is going to get some student push back. Experimentation is required, packaged with a great deal of humility, and followed by responsive adjustments in the effort to design curriculum that reflects stage-appropriate engagement for each student. Our usual mistake has been to create engagements that appeal to the students at later stages of development but do not appeal to the earlier stage students. Note also that while mentoring a student on these two professional-formation learning outcomes can be very powerful, the later-stage students tend to utilize mentoring well, while earlier-stage students stay too passive to use mentors well. Our experience is that one-on-one coaching in the required curriculum is more effective for these more passive students than just mentoring.

The break-through in our own thinking in recent years has been "to go where they are" in understanding that virtually all, if not all, students want post-graduation employment that is meaningful to them given their life experiences, talents and passions. Thus, we can help each student to understand clearly how the professional-formation learning outcomes and curriculum will help the student reach his or her goal of meaningful employment. This is an enlightened self-interest entry point toward the two professional-formation learning outcomes. Our experience is that it is highly beneficial to have young alumni and experienced lawyers and judges talk to students and validate the importance of the professional formation curriculum for the student's employment success. Of course, to the degree that faculty and staff are also concerned about student employment outcomes and their impact on applications, the

law school's ranking, and the budget, this is also an enlightened self-interest entry point for faculty and staff to help with a professional formation curriculum.

The next section outlines fourteen questions in the ROADMAP[122] process that help each student with an enlightened self-interest entry point to grow toward the two professional-formation learning outcomes.

We also have found in the required courses that many students need much more help than we had thought earlier "to connect the dots" among their goal of meaningful employment, the competencies that legal employers and clients want, the faculty's professional-formation learning outcomes, and the actual curriculum. For example, it was a great surprise that 50-60% of the first-year and second-year students are self-assessing at one of the two earlier stages of self-directed learning. Many also need much more help than we had thought earlier to connect the dots between their pre-law experiences and competencies and their law school experiences to create a narrative of strong competencies that legal employers and clients want.

This is an educational challenge where faculty and staff need to work together as co-educators in a "whole-building" approach to create a curriculum that helps each student grow toward an internalized and highly proactive commitment to his or her own professional development and meaningful employment.[123] Career services and professional development staff are particularly important players to work with the doctrinal, clinical, skills, and externship faculty closely. Outside-the-building stakeholders like alumni can also be extremely helpful in messaging these themes to students and in coaching them. We have found that a "coalition of the willing" is the best strategy to build a core group of faculty and staff committed to these two professional-formation learning outcomes. Note that a professor can adopt either or both of these learning outcomes in an individual course, and colleagues will give deference to each other to experiment with this type of learning outcome. At UST Law, the two professors teaching all the sections of Professional Responsibility (required in the second year) agreed to experiment with these learning outcomes in 2013-14, and the success of the ROADMAP curriculum contributed ultimately to the faculty's adoption of a professional-formation learning outcome in

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122. NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT (2015) [hereinafter ROADMAP].

123. Louis Bilionis, *Professional Formation and the Political Economy of the American Law School*, 83 TENN. L. REV. (forthcoming June 2016).

2015.[124] Patience is going to be a virtue. It takes time and repeated exposure for the various stakeholders to become comfortable with these new curriculum concepts.

III. THIRTY PROFESSIONAL FORMATION REFLECTION QUESTIONS THAT HELP EACH STUDENT GROW THROUGH STAGES TOWARD THE TWO PROFESSIONAL-FORMATION LEARNING OUTCOMES

Using the principles for effective professional formation curriculum design set forth above, we have formulated 30 reflection questions to foster each student's development in stages toward both learning outcomes. We have some assessment data on the effectiveness of the first 14 questions with respect to the first professional-formation learning outcome. We are trying to design assessments of the effectiveness of the other questions with respect to the second professional-formation learning outcome.

This article emphasizes the curriculum design principle that helping each student develop toward either of these professional-formation learning outcomes must always start by both going where each student is and engaging each student at the student's current developmental stage. The curriculum must also connect with the student's goals at that developmental stage and build on the student's existing strengths and narrative regarding the professional-formation learning outcomes. The students' principal post-graduation goal is meaningful employment; Table 8 below outlines how an effective curriculum will help each student connect the dots between the student's goal of meaningful post-graduation employment, the competencies that legal employers and clients want, and the faculty's professional- formation learning outcomes.

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124. Graduates will demonstrate an understanding of their professional and ethical responsibilities in serving clients, the profession, and society. Whether working in law, business, government, or the non-profit sector, each graduate will be able to describe his or her evolving professional identity, which is grounded in a moral core, includes a commitment to self-directed professional learning, and reflects a concern for the disadvantaged and those who lack access to justice. UNIV. OF ST. THOMAS, REPORT ON 2014-2015 ACADEMIC YEAR: THE CENTER'S NINTH YEAR EXECUTIVE SUMMARY 12 (2015).

TABLE 8: PROFESSIONAL-FORMATION LEARNING OUTCOMES AND
CURRICULUM AS THE PATH TO EACH STUDENT'S GOAL OF
MEANINGFUL POST-GRADUATION EMPLOYMENT

Starting Point	What Professional Formation Competencies Do Clients/ Employers Want?	The Faculty's Professional-Formation Learning Outcomes and Curriculum	Each Student's Goal of Meaningful Employment
>>>	>>>	>>>	
What is each student's current developmental stage on the faculty's professional formation learning outcomes?	Each student should understand and integrate the professional formation competencies that clients and employers want. These are trustworthiness / integrity, good judgment, initiative and commitment to professional development, dedication and responsiveness to client, commitment to the firm or department and its goals and values, ongoing solicitation of feedback and reflection, adherence to ethical codes, and the ability	Each student should understand and integrate how the faculty's professional formation learning outcomes and curriculum will help the student to build on a student's existing strengths to develop the professional formation competencies that clients and employers want. The student should use the three years in law school most effectively to develop (and	The student maximizes her probability of achieving her goal of meaningful employment to serve others well by developing toward later stages with respect to the faculty's professional-formation learning outcomes.

	to build strong work and team relationships.[125]	have evidence) of these competencies.	

Note that in addition to helping each student achieve the faculty's professional-formation learning outcomes, this curriculum also likely serves the law school's goal of strong employment metrics for graduates that can have a positive impact on both applications to the law school and national rankings.

A. *Fourteen Reflection Questions to Help Each Student Demonstrate Both Understanding and Integration of Proactive Professional Development toward Excellence at all the Competencies Needed to Serve Clients and the Legal System Well*

The data in Section II.B. indicate both that a major goal for law students is meaningful post-graduate employment and that 50-60% of the first-year students are at an early stage of development with respect to taking ownership over their own professional growth in order to achieve meaningful employment (self-directed learning).[126] At the same time, while some law faculties are adopting learning outcomes that simply include the minimum competency set forth in ABA Standard 302 – "the exercise of proper professional and ethical responsibilities to clients and the legal system," other faculties are adopting learning outcomes that go substantially beyond the ABA minimum to include fostering each student's values of proactive professional development and an internalized deep responsibility to clients and the legal system.[127] It makes common sense that students have to take substantial responsibility for themselves in terms of professional development of the necessary skills before they can do much in terms of responsibility and service to others as a lawyer.

The breakthrough concept of the 14 ROADMAP curriculum questions[128] is to go to each student's shoes (developmental stage)

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125. HAMILTON, ROADMAP, *supra* note 122; Neil Hamilton, *Empirical Research on the Core Competencies Needed to Practice Law: What Do Clients, New Lawyers, and Legal Employers Tell Us?*, BAR EXAMINER, Sept. 2014, at 6, 13.

126. *See supra* notes 34–58 and accompanying text.

127. *See supra* notes 2–10 and accompanying text.

128. HAMILTON, ROADMAP, *supra* note 122, at 104. The ABA gave a Gambrell Award for excellence in professionalism in 2015 to the Roadmap curriculum.
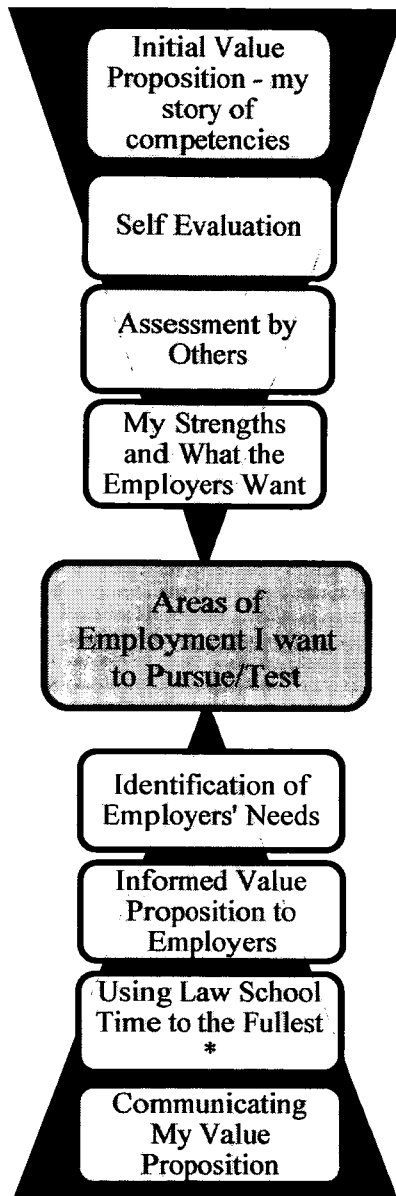
and to help each student understand that the student's goals of self-sufficiency and meaningful employment are best realized through the following two faculty learning outcomes:

1. each student should create and implement a written professional development plan that demonstrates understanding and integration of proactive professional development toward excellence at all the competencies needed to serve clients and the legal system well; and

2. in order to build trustworthiness and the relationship skills needed for employment, each student should understand and integrate an internalized deep responsibility to clients and the legal system.

Note that the meta-message of the 14 questions is that all lawyers should develop the habits of creating and implementing written professional development plans, seeking feedback from veteran lawyers, and reflecting upon that feedback, and internalizing an ethic of responsibility and service to the client and others. To a large extent, however, the 14 ROADMAP questions are focused on the first professional-formation learning outcome of helping students progress in self-directed learning toward excellence at the competencies needed to serve clients and the legal system well.

The figure below outlines the ROADMAP process. Each first-year student in the spring semester will spend a minimum of five hours to draft a written ROADMAP template that outlines the student's reflection on the steps described in Figure 4 below, and then seek feedback from a veteran coach.

Figure 4
The
Roadmap
Template
Framework

Initial Value
Proposition – my
story of
competencies

Self Evaluation

Assessment by
Others

My Strengths
and What the
Employers Want

Areas of
Employment I want
to Pursue/Test

Identification of
Employers' Needs

Informed Value
Proposition to
Employers

Using Law School
Time to the Fullest
*

Communicating
My Value
Proposition

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129. Figure 4 was created by Elizabeth Meyers, the Coordinator of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law.

* To gain experience, to test options, to develop competencies (and evidence), and to build networks of trust relationships.

The first half of the ROADMAP process asks the student to identify the student's strengths in the context of the competencies that legal employers and clients want. Each student has a narrative or story of experiences prior to law school where the student developed strengths and competencies and passions and values on which the student can now build. The ROADMAP questions help the student to understand that he or she is building on an existing narrative of strengths and interests.

Note that some students may feel that they don't know enough to develop a list of employment options that they want to explore. In such a situation, the coach should stress that the student needs experience to test whether employment contexts are a good fit or not, so it is better to identify options and start exploring them. Moreover, a veteran lawyer can help a student far more if the student has a written plan with specific options to explore, rather than having no idea what the student wants to do with her law degree. Students should see this as a work in progress; the student will be revising her list of "top three employment areas of interest" as she gains and reflects upon experience.

The ROADMAP then asks the student to articulate a value proposition to meet the needs of legal employers and clients. The student must articulate why an employer included in one of her top employment areas of interest should hire the student instead of other candidates. What specific competencies differentiate this student from her peers? Indiana law professor Bill Henderson emphasizes, "virtually all [students] lack the skills needed to differentiate themselves."[130] The student must begin to be able to articulate how she adds value and can differentiate herself.

The ROADMAP then focuses the student on thinking about how to use the student's remaining two and a half years in law school both to gain good experience at one or more of the student's top three employment areas of interest and to develop toward later stages of the differentiating competencies that the student is emphasizing. Over these two and a half years, the student should be thinking about how the student can develop relationships with faculty or lawyers who ultimately will be in a position to provide recommendations. This is evidence of a student's later stage development of a competency that the student is emphasizing. Note that many students do not focus on having strong evidence to back up the student's value proposition of differentiating competencies.

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130. *Id.*

The student needs to understand the importance of having at least two professors and two practicing lawyers or judges who have good evidence of the competencies that the student is emphasizing.

The ROADMAP also asks the student to create a networking plan that helps the student to build trust relationships that help the student gain experience and develop the student's competencies. It is not expected that the student actually will have a robust networking plan at this point in time in the spring of the first year of law school, but the ROADMAP plants the seed about beginning to develop such a plan.

The final part of the ROADMAP asks the student to reflect on the major roadblocks or fears that are holding the student back with respect to any of the earlier steps and directs students to take advantage of the resources available in the Career and Professional Development office to assist the student in her job search process.

THE FOURTEEN QUESTIONS STUDENTS ARE ASKED TO REFLECT UPON IN THE ROADMAP PROCESS IN THE ORDER IN WHICH THEY ARE ASKED TO REFLECT UPON THEM

ASSESSMENT OF YOURSELF AND YOUR STORY THAT BROUGHT YOU TO LAW SCHOOL:
  1. What are your strengths?
  2. What are the characteristics of your past work/service experiences in which you have found the most meaning and positive energy? Are there particular groups of people whom you have served from whom you have drawn the most positive energy in helping them? What specific strengths and competencies were you using in this work or service?
  3. How do you self-assess your trustworthiness in the past to help others on important matters? How do others who know your past work/service assess your trustworthiness?
  4. Looking at the competencies that clients and legal employers want, how do you self-assess what are your strongest competencies? How do others who know your past work/service assess your strongest competencies?
  5. How do your strengths and strongest competencies match up with the competencies that legal employers and clients want?

ASSESSMENT OF EMPLOYMENT AREAS OF GREATEST INTEREST TO YOU:
  6. Can you create a tentative list of the employment areas in which you are most interested because they seem to be the best match among your strengths, the characteristics of past work that have given you the most positive energy, and the competencies that legal employers want?

7. What is your value proposition to demonstrate to potential employers that you can add value beyond the standard technical legal skills to help both the employer and its clients to be more successful?

8. Step back and think creatively about the changing legal market and possible entrepreneurial responses to those changes. Could you demonstrate some innovative ideas and differentiating competencies to help potential employers and clients to be more successful in this changing legal market?

YOUR PROFESSIONAL DEVELOPMENT PLAN:

9. How do you plan to use your remaining time in law school to gain good experience in the areas of employment of greatest interest to you so that you can confirm, eliminate, or add to your list of employment areas of interest? What metrics will you create to assess whether you are implementing your plan?

10. How do you plan to use your remaining time in law school, including the curriculum and all the other experiences of law school, most effectively to develop the competencies that support your value proposition? Are you assessing your progress in implementing your plan?

11. What evidence are you collecting to demonstrate to potential employers your development at your differentiating competencies? What evidence do you want to develop going forward?

12. How do you plan to develop long-term relationships based on trust with other lawyers, particularly senior lawyers and judges who can give feedback on your employment plan, help you with experiences to implement it, and help provide evidence that you have developed a competency? Are you assessing your progress in implementing this plan?

13. What is your biggest fear or roadblock holding you back in implementing any of the steps above?

PERSUASIVE COMMUNICATION:

14. How will you most effectively communicate your value to specific potential employers in employment areas of greatest interest to you? Have you worked with the Career and Professional Development office to develop an effective communication and interviewing plan?

We have pre and post-ROADMAP curriculum assessment data indicating that a large proportion of students believe that the curriculum has helped them move toward a later-stage of development on the first learning outcome: pro-active professional

development toward excellence at all the competencies needed to serve clients and the legal system well. Section II.B. had data indicating that 54.4% of the 2015 beginning-of-spring-semester University of St. Thomas Law first-year students self-assessed at either the dependent (6%) or interested (48%) stages of self-directed learning.[131] Following their experience with the fourteen ROADMAP curriculum questions, creating a written professional development plan, and participating in a feedback meeting with a veteran coach, none of the students self-assessed in the dependent stage, 9.8% assessed in the interested stage, 63.7% were at the involved stage, and 26.5% self-assessed at the self-directed stage.[132] Similarly 60.3% of the beginning-of-the-fall-semester 2L students in Hamilton's required Professional Responsibility courses in 2013 and 2014 self-assessed at the dependent (9.5%) or involved (52.9%) stages of self-directed learning, but post-ROADMAP curriculum and coach meeting, none self-assessed at the dependent stage, 9.5% were at the interested stage, 62.1% at the involved stage, and 28.4% at the self-directed stage.[133]

Our experience is that these first fourteen questions help the students the most if they are required in the second semester of the first year before the students register for their third semester.[134] They can be completed in five hours, plus a 45-60 minute meeting with a coach. After the first-year fall semester grades come out, many first-year students are demoralized because they did not receive higher grades and class rank. These first fourteen questions help all the students remember that they do have strengths and passions and competencies to offer and help them all to create and implement a positive plan to achieve the students' goals in the context of the professional-formation competencies that employers and clients want and the faculty's professional-formation learning outcomes.

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131. *See supra* notes 34–41 and accompanying text.
132. Hamilton, *Emerging Adult Law Students, supra* note 35, at 143.
133. Hamilton, *Professional Formation/Professionalism Challenge, supra* note 19, at 241–43.
134. We initially implemented the ROADMAP in the fall semester of the second year, but received feedback from students indicating that this would have been more valuable to them in the spring semester of the first year, so that they could be more purposeful in making decisions about summer work opportunities, or volunteering or networking and be more purposeful in thinking about the courses to take and activities in which they want to participate in their second and third years of law school.

B. *Building Off the Professional-Formation Foundation of the*
ROADMAP Questions, Each Student Should Demonstrate
Understanding and Integration of an Internalized Deep
Responsibility to Clients and the Legal System.

If the 14 ROADMAP questions are designed to help the student
determine what she wants to do as a lawyer as she writes the next
chapters of her story toward meaningful employment, taking into
account her strengths and passions and the needs of clients and
employers, this second set of 16 questions is focused more on who the
student wants to be as a lawyer, how she wants to conduct herself as
a lawyer, and how she will balance her life as a lawyer in the context
of her responsibilities to clients, to the legal system, and to all the
other people in her life. These questions help the student navigate
her relationship with clients and with the legal system.

UNDERSTANDING MY ROLE AS A LAWYER, PARTICULARLY MY
RELATIONSHIP WITH CLIENTS:
1. The general topic is the internalization of responsibilities to
    others. Think about your previous experiences where you
    have had responsibility to serve others on an important
    matter. Discuss the previous experience(s) of this type where
    you learned the most that you think will be relevant to your
    work as a lawyer. Discuss what you learned and its
    relevance. Please feel free to pick an experience where you
    might not have performed as well as you hoped and what you
    learned from that experience. Feel free to discuss the role of
    feedback from others.
    If you have not had an experience where you've had
    responsibility to serve others on an important matter for
    them, discuss what that means for your development as a
    lawyer. Consider interviewing someone whom you consider
    exemplary in this regard. How do you grow toward this
    critically important step?
2. The general topic is trustworthiness. Think through all of the
    people whom you know and select the three whom you
    consider most trustworthy to help you if you had a problem
    in their field. One must be a non-family member. Do a short
    interview with them about their thoughts on building
    trustworthiness as a service provider. Discuss what you
    learned in this process that you could use going forward in
    your professional life.[135]

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135. HAMILTON, ROADMAP, *supra* note 122, at 97–102 (chapter on

3. The general topic is learning from the challenges of life, including learning good judgment and helping others, including clients, grow in good judgment. Lawyers in many situations help clients deal with very difficult and challenging issues. Think through and discuss what you have learned from the most difficult and challenging times in your life. Did anyone help you make lemonade out of life's lemons? Will you be a better counselor because of what you have learned in your most challenging times?[136]

4. The general topic is to analyze what is your tradition and decision-making process with respect to discretionary decisions that involve both responsibilities to others and positive and negative impacts of your decisions on others? How can you help yourself further develop your tradition and decision-making process? Be specific on one or two ideas to help yourself develop tradition and decision-making processes.

     It is important for a lawyer to develop an ethical tradition and decision-making process (a moral core) to help make the discretionary decisions common in professional life that involve responsibilities to and impacts on others.[137]

     If you have space, consider whether a lawyer should try to understand his or her client's tradition and decision-making process regarding responsibilities to others?

In terms of an arc of development, these first four questions are foundational questions asking students to build on their existing narrative with respect to responsibilities to others that students can be reflecting upon early in their law school careers. We have found that these questions fit well in the context of a law school's required Professional Responsibility course, which for students at the University of St. Thomas is a required second-year course.

These next three questions require a little more of a detailed context and some experiences based on simulations, clinical and externship courses, part-time work, or volunteering. They also are all excellent for dialogue with practicing lawyers and judges.

5. What is the relationship I want to have with my clients? Am I more inclined to be authoritarian, client-centered, or collaborative in working with clients? How will I make sure

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"Trustworthiness: Building Lasting Professional Relationships" is useful as background reading for this assignment).

136. HAMILTON, ROADMAP, *supra* note 122, at 103–110 (chapter on "The Basics of Good Judgment" is useful as background reading for this paper).

137. *See supra* notes 12–16 and the accompanying text discussing a lawyer's discretionary decisions.

that I respect client autonomy and refrain from imposing my perspectives or morality on my clients as we work through finding solutions to the clients' problems?

6. What does zealous advocacy mean for me? How will I choose to balance my loyalty to and advocacy for my client's concerns and interests with competing tensions such as complying with ethical and procedural rules and acting with respect for others, including opposing parties and all those involved with the judicial process?

7. How will I manage difficult clients who want me to engage in a manner that is within the rules but not within my ethical framework for resolving discretionary calls? How will I manage difficult opposing counsel?

UNDERSTANDING MY ROLE AS A LAWYER, PARTICULARLY IN TERMS OF MY RESPONSIBILITIES TO THE LEGAL SYSTEM

The following questions focus on balancing one's responsibilities to clients with one's responsibility to the legal system as an officer of the court.

1. How do I understand my responsibilities as an officer of the legal system and a public citizen having special responsibilities for the quality of justice?[138] How do lawyers and judges whom I respect answer this question?

2. Clients and legal employers want compliance with the Model Rules. The Model Rules articulate the lawyer's key responsibilities to the client and conduct below this floor violates the Rules and merits discipline.[139] The Preamble urges each lawyer to grow toward excellence with respect to the principles in the Model Rules.[140] The basic principles outlined in the Model Rules concerning the lawyer-client relationship are: competence (1.1); respect for the client's objectives (1.2); diligence (1.3); effective communication with the client (1.4); reasonable and fair fees (1.5); confidentiality (1.6); and loyalty to the client without significant conflicts of interest (1.7-1.12).[141] Looking at your existing strengths and weaknesses, do you see any core principles where you need improvement? For example, have you ever breached the confidence of another person? Have you ever been less than diligent in communicating with others to whom you had a duty? Have you ever not honored commitments made to

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138.   MODEL RULES OF PROF'L CONDUCT, Preamble ¶ 1 (AM. BAR. ASS'N 2015).

139.   *See generally id.*

140.   *Id.* at Preamble.

141.   *Id.* at R. 1.1–1.12.

others? Have you ever gotten yourself into a conflict of interest? What did you learn? What steps will help you improve at living into these principles?

3. How will I ensure that I am continually growing in my cross-cultural competence? What will I be doing to assure that I continue to learn about different cultures and develop the knowledge and communication skills to build trust relationships with people who are different from me?

These three questions probably merit consistent attention throughout law school. They are questions to which students should regularly return to see if their understanding or orientation has evolved toward later stages in response to a variety of lived experiences inside and outside the classroom and reflection on the experiences. These questions will benefit from dialogue with practicing lawyers/judges. These three questions certainly could be addressed in a required Professional Responsibility course, but also should be engaged in a variety of other clinical, simulation or experiential learning courses in which there might be specific contexts that present the real tensions reflected in these questions.

The following two questions are broader philosophical questions about who a student wants to be as a lawyer that ground the student's thinking in the context of lawyer as servant of justice and of lawyer as a person with privilege who owes a duty to help those who cannot afford legal services. These questions also should be engaged in a required Professional Responsibility course, but also could be woven into the conversation throughout the curriculum—in doctrinal courses and skills course and experiential courses.

4. What does justice mean to me? How will I serve justice in my role(s) as a lawyer?

5. How do I understand the obligation to provide pro bono services? In what context do I anticipate creating space for pro bono services within my practice?

BALANCING MY RESPONSIBILITIES TO THE CLIENT, THE LEGAL SYSTEM, MY EMPLOYER, MYSELF AND MY LIFE AS A SPOUSE, PARENT, FRIEND AND VOLUNTEER

Many students are concerned about holding in proper tension all these responsibilities.

1. What will holding all of these responsibilities in proper tension look like for me? For example, how will I balance my commitment to client service with my desire to have time with family and friends?

2. Am I comfortable with a 24/7 model of client service or will I have some way of managing to carve out some non-work time? Can I take advantage of technology to be more efficient and more available without being available all the time?

3. How will I communicate with clients that I am committed to developing a relationship of trust and providing the highest standard of service without overpromising in a way that makes me available on a 24/7 basis?
4. How will I reconcile billing challenges in which I face a tension between the client's interest in receiving cost-effective services and my interest in generating meaningful compensation for my services?

These questions are probably best situated in the upper-level required context for law students and are designed to be great questions for discussing with a mentor or a coach. Real conversations with lawyers who have and are wrestling with these questions can provide a very fruitful basis for student reflection on how the student may want to answer these questions in her life.

The question of which required upper-level courses are the best venue for these 16 questions is a matter where local circumstances will govern. Professional Responsibility is a possible placement for many of them. If an externship or clinic or public service is required for graduation, these courses are ideally suited for these reflection questions.

This second set of 16 questions is not intended to be all-encompassing or set in stone. There may be other questions that faculty members, career services professionals, or law schools believe are more appropriate for students to engage before graduating. But this set of questions is designed to identify questions about professional identity that would be very fruitful for law students to reflect upon before they become lawyers. As with the ROADMAP questions, these questions to a large extent are a work in progress. How students answer them as students may change when they are lawyers with a broader array of experiences. Having explicitly engaged and reflected upon these questions as students, particularly in a context where they can be seeking feedback from and dialogue with mentors, coaches, faculty or career services professionals, will be tremendously helpful to students when they are lawyers.

CONCLUSION

The next steps are clear for law schools (and individual professors) that have adopted professional-formation learning outcomes similar to those discussed above that go beyond minimum compliance with the law of lawyering.

First, define the developmental stages with behavioral descriptors of the levels of performance for each professional-formation learning outcome. In medical education, these are called Milestones. Most of the medical specialties used the Dreyfus and

Dreyfus model in Figure 1 as a structure to define the Milestones for that specialty.[142]

Second, use a collaborative, community-based process involving faculty and practitioners to define these Milestones or developmental stages for each competency or learning outcome similar to the process that medical educators have found most effective.[143] This article presented a model of Milestones in Table 3 with respect to proactive professional development toward excellence at all the competencies needed to serve clients and the legal system well.[144] The article did not present a model of Milestones on the second learning outcome where each student will demonstrate an understanding and integration of an internalized deep responsibility to clients and the legal system. Following medical education's experience, we suggest a conference to work on clear Milestones for each of the professional-formation learning outcomes.

Third, using the principles for effective professional-formation curriculum design discussed in Section II.B.,[145] develop curricula and assessments that help each student develop through the Milestone stages toward the two professional-formation learning outcomes. Using these principles for effective professional-formation curriculum design, we proposed thirty reflection questions in Section III. Our hope is that eventually there are "plug and play" curricula and assessment modules for each question to help students grow toward these professional-formation learning outcomes.[146] We should continue over time to experiment with and assess both the general curriculum design principles and specific curricular engagements to determine which are most effective to help students achieve these two professional-formation learning outcomes.

Fourth, educate the faculty and staff (particularly the coalition of the willing) at each school on these principles of effective curriculum design and assessment for this type of learning outcome. Faculty and staff should work as co-educators in a whole-building approach to this challenge. Note the importance of a coordinated progression throughout the whole curriculum so each student is experiencing

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142. Hamilton and Schafer, *Medical Education, supra* note 26, at 427.

143. *Id.*

144. *See supra* notes 32–34 and accompanying text.

145. *See supra* notes 31–79 and accompanying text.

146. E. Scott Fruehwald has published a book with hundreds of useful reflection questions about professional identity, but the questions are not ordered in an arc of progression through stages of development informed by theory as recommended in this article. *See* E. SCOTT FRUEHWALD, DEVELOPING YOUR PROFESSIONAL IDENTITY: CREATING YOUR INNER LAWYER (2015).

stage appropriate engagements at each point in the curriculum to help the student grow toward the next developmental stage.[147]

Fifth, give attention to the hidden curriculum with respect to these two learning outcomes to minimize messages in the curriculum and culture that undermine the efforts in steps 1-4 above

William Sullivan, co-director of the Carnegie studies of higher education for the professions, argues that current efforts to reshape legal education to give more emphasis to professional identity formation are harbingers of a developing social movement to help legal educators understand how current challenges are opportunities that call out for innovative adaptation.[148] Sullivan believes this developing social movement is not yet a catalytic reframing of legal education.[149] A catalytic reframing awaits elaboration of a new model with an effective curriculum, pedagogies and assessments and exemplary centers with core groups where the new model is shown to be working.[150] This article is a substantial step in articulating the new model in terms of an effective curriculum for the two professional-formation learning outcomes.

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147. *Id.* at 427–28.

148. William Sullivan, *Professional Formation as Social Movement,* 23 PROF. LAW., no. 1, 2015, at 1–2.

149. *Id.* at 7.

150. *Id.*