Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose

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Marking the Path from Law Student to Lawyer: Using Field Placement Courses to Facilitate the Deliberate Exploration of Professional Identity and Purpose

by Timothy W. Floyd* and Kendall L. Kerew**

I. INTRODUCTION

Legal education is a powerfully transformative experience.¹ Law students enter law school as non-lawyers guided by the personal attitudes, values, and beliefs that drew them to the law and, within a few short years, leave law school with a new professional identity and purpose—that of lawyer. While in law school, students learn about the law, acquire distinctive lawyering skills and habits, and develop an understanding of the many ethical obligations that guide a professional’s actions. They develop new ways of thinking, talking, writing, and interacting with others. And throughout this process students take on new values, attitudes, and beliefs. In this way, “law schools shape the minds and hearts of their graduates in enduring ways. This is true of habits of thinking such as

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analytical skills, but it is especially salient in the development of professional purpose and identity.”

Often, however, students are not fully aware of the transformative impact of their legal education upon their identities, in part because the transformative experience is often an unconscious and unintentional component of the law school curriculum and pedagogy. This unintentional treatment of a student’s transformative experience advances the “hidden curriculum,” the unwritten, unofficial, and often unintended lessons, values, and perspectives that students learn in law school. It is significant that the process is hidden, that is, the process is not an intentional and explicit feature of the curriculum and pedagogy.

To that end, legal education needs to not only teach students how to think like a lawyer and how to perform the skills of a lawyer, but also to develop the professional identity they will need to draw upon as lawyers. Becoming an effective, ethical, and fulfilled lawyer is a complex undertaking that does not happen overnight; the process is developmental. Moreover, the process must be intentional; it does not happen automatically. The goal of professional identity formation is to cultivate virtues appropriate to the practice of law and to develop habits of action that will support future work as a lawyer. In practice, a lawyer may not be afforded the time necessary for extensive deliberation or thorough investigation. Good lawyers are able to act effectively in the moment because they have developed virtues and habits of effective and ethical practice. The time to begin acquiring those virtues and habits is in law school.

2. Id. at 129. “Law schools play an important role in shaping their students’ values, habits of mind, perceptions, and interpretations of the legal world, as well as their understanding of their roles and responsibilities as lawyers and the criteria by which they define and evaluate professional success.” Id. at 139.

3. The concept of the hidden curriculum in law school was articulated by Dean Roger Cramton in the groundbreaking article The Ordinary Religion of the Law School Classroom, 29 J. LEGAL EDUC. 247 (1978), although Dean Cramton used the phrase “ordinary religion.” More recently, Professor Jerome Organ has called attention to the hidden curriculum of law schools, referring to 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. See, e.g., JEROME M. ORGAN, COMMENTS OF PROFESSOR JEROME M. ORGAN TO THE ABA TASK FORCE ON THE FUTURE OF LEGAL EDUCATION (2013), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/taskforcecomments/febhearing2013_jerome_organ_comment.authcheckdam.pdf; Lou D. Bilionis, Professional Formation and the Political Economy of the American Law School, 83 TENN. L. REV. 895 (2016). The phrase “hidden curriculum” was employed in the context of medical education in Fred Hafferty, Beyond Curriculum Reform: Confronting Medicine’s Hidden Curriculum, 73 ACAD. MED. 403 (1998).
Since the *Carnegie Report* in 2007, which introduced the apprenticeship of professional identity formation as an integral aspect of legal education, law schools have become more intentional in developing educational interventions to cultivate professional purpose and identity in their students. Over the past decade, law schools have started to recognize the goals of legal education should expand beyond the learning of knowledge and skills, to include what is often referred to as “values” or “the formation of professional identity.” This educational goal of professional identity formation recognizes legal education is a transformative process, a process law schools should consciously shape by integrating professional identity formation into curricular and pedagogical design in a way that will assist students in becoming competent, ethical, and fulfilled attorneys. As the theme of this symposium suggests, there is still work to be done—work in which experiential learning should play a central role.

In this Article, we explain why experiential learning is essential to the professional identity formation of our students. In addition, we discuss the opportunities externships provide to facilitate professional identity formation and provide strategies for overcoming the challenge of student resistance. Finally, we provide detailed descriptions of two different externship seminar courses intentionally designed to cultivate professional identity and purpose.

II. THE CENTRALITY OF EXPERIENTIAL LEARNING IN TEACHING PROFESSIONAL IDENTITY FORMATION

Law school experiential education can provide a crucial opportunity to examine explicitly each student’s progress toward his or her professional

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4. The *Carnegie Report* identified three apprenticeships that are necessary to legal education: the apprenticeship of knowledge and analysis, or the cognitive apprenticeship; the apprenticeship of skills and practice; and the apprenticeship of identity and purpose, or the normative apprenticeship. *Carnegie Report, supra* note 1, at 27-29. Lou D. Bilionis re-frames the three apprenticeships as “thinking like a lawyer,” “doing like a lawyer,” and “being a lawyer.” Bilinois, *supra* note 3, at 901.

5. See Bilionis, *supra* note 3, at 901-02 nn.30-38.

identity as a future lawyer. “Experiential education” in law schools refers to those courses in which the primary student learning involves working in the role of lawyer. Experiential education can take the form of simulation courses, law clinics, or field placement courses (the latter of which are most commonly referred to in law schools as "externships"). Although the method used to place students in the role of lawyer varies, all three experiential course types integrate doctrine, theory, skills, and legal ethics; engage students in performance of professional skills; develop the concepts underlying the professional skills being taught; provide multiple opportunities for performance; and provide opportunities for self-evaluation.

Just as legal practice requires lawyers to effectively integrate knowledge, skills, and values, experiential learning puts students into practice situations that can be used to teach these critical aspects of lawyering in context. Students have the unique opportunity to develop a “deep sense of self in role” through concrete practice experiences where knowledge and skills intersect with their values.

Externships, in particular, are an ideal opportunity to focus on students’ emerging professional identities and address the transformative aspect of their legal education. Students observe the realities of legal practice and have the opportunity to perform lawyering skills under the supervision of practicing lawyers or judges. Students see, without filter, the challenges lawyers and judges regularly face and the difficult decisions they must make on a daily basis. And an externship may be the first time students have the opportunity to put their moral compass to the test. For this reason, students not only learn knowledge and skills


8. See ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017, Standard 303 (2016). Recent revisions to the ABA Standards now require all students to take at least six credit hours of experiential courses.

9. Standard 304 provides the definition and standards for law clinics, simulation courses, and field placement courses. Id. at 17-18.

10. See id. at 16-18.

11. Patrick Longan, William Augustus Bootle Chair in Professionalism and Ethics and Director of the Mercer Center for Legal Ethics and Professionalism, Opening Remarks at the Mercer Law Review Symposium: Educational Interventions to Cultivate Professional Identity in Law Students (Oct. 7, 2016). Professional identity “includes a set of virtues, skills and dispositions that enable the lawyer to serve clients and the public well in complex, stressful and uncertain circumstances, including ones that present questions of ethics, morality and professional responsibility.” Id.
from practice and observation, but they also learn professional values—many of which cannot be learned in the classroom alone.

Just as importantly, the externship provides an opportunity for students to reflect upon what they have observed or experienced so they may continually improve lawyering skills. Research shows experience alone does not lead to improvement. Rather, improvement only occurs if one reflects upon experiences, and then uses that reflection to improve performance when faced with the same task or set of facts. \(^\text{12}\) A repeated cycle of reflection and improved action allows for the development of sound skills and habits. Reflection, however, is not only necessary when performance falls short. Reflection is also necessary to determine the decisions or aspects of performance that led to success and, thus, should be repeated. In addition, self-reflection is “the key to identifying what you stand for, what your values are, and what matters most...The more self-reflective you are, the easier it is to make choices that are in line with your values, with awareness of the full impact of your decisions.” \(^\text{13}\) Because of this essential function, opportunities for guided reflection must be provided in externship courses. \(^\text{14}\)

While written reflection assignments alone may satisfy the guided reflection requirement of the law school accreditation standards, an externship seminar, taught in conjunction with a field placement that focuses on developing each student’s professional identity, can help students actively and intentionally engage in the transformative process of moving from law student\(^\text{15}\) to lawyer. A seminar allows for students to learn from one another and provides an additional opportunity for guided reflection in an altogether different forum.

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\(^{12}\) The foundational work in the field of reflection and professional practice is DONALD SCHON, THE REFLECTIVE PRACTITIONER: HOW PROFESSIONALS THINK IN ACTION (1982). Among other recent excellent work on the importance of reflection for law students and lawyers, the work of Alexander Scherr stands out. See, e.g., Alexander Scherr & Margaret Martin Barry, Reflection and Writing Journals, in LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION 203-36 (Leah Wortham et al. eds., 3d ed. 2016).

\(^{13}\) HARRY M. JANSEN KRAEMER JR., FROM VALUES TO ACTION: THE FOUR PRINCIPLES OF VALUES-BASED LEADERSHIP 13 (2011).


\(^{15}\) By the time a law student takes an externship (in his or her second or third year), the student has already transformed from non-lawyer to law student.
III. OVERCOMING STUDENT RESISTANCE TO PROFESSIONAL IDENTITY FORMATION TEACHING

We would be remiss if, in identifying the opportunities for intentionally teaching professional identity formation in conjunction with externships, we did not address one of the biggest challenges—student resistance. This is partly due to lack of familiarity with the language of “identity,” a concept that has not entered the core of legal education. Students rarely, if ever, encounter the phrase “formation of professional identity” in other law school classes. And unlike most law school classes, which emphasize the objective analysis required to think like a lawyer, a class focused on developing professional identity requires students to engage in self-evaluation as to their own values and the values of the profession, an inherently personal and subjective process. Accordingly, an externship and accompanying seminar focused on professional identity formation can be a disorienting learning experience for law students. To overcome the potential for student resistance, we have employed several different techniques to explicitly acknowledge the disorientation students may experience.

First, we acknowledge that professional identity formation is necessarily personal and involves self-exploration to achieve the level of self-awareness necessary to determine personal and professional values. Tim uses a cartoon to bring humor to this discussion. Kendall has had success using Tim’s cartoon while explicitly acknowledging that “this class is different” than other law school classes. To demonstrate the difference, she uses a diagram of the brain divided into right and left hemispheres to discuss how professional identity formation draws on a lot of traditionally right-brain characteristics (subjective, synthesizing, intuitive, and creative) as opposed to knowledge and skills that draw on a lot of traditionally left-brain characteristics (logical, analytical, and objective).

Second, we explain why professional identity formation matters and how it relates to the students’ externships by using data and studies. For example, Kendall introduces the Shultz-Zedeck twenty-six Lawyering Effectiveness Factors and asks students to identify those effectiveness factors.
factors that have and have not been explicitly taught in law school. In addition, she asks students to identify three effectiveness factors that they count among their strengths and three that are areas for growth. When engaging in this exercise, students focus on a concrete list of competencies, at least half of which are related to professional identity.\textsuperscript{19}

Showing students a concrete connection between skills development and professional identity formation facilitates the communication of a sometimes abstract concept of identity and purpose into concrete terms relevant to their professional development goals. A related option is to point toward studies of other professional education models, such as those for clergy and medicine, and discuss how professional identity formation is central to the preparation of professionals in those fields.\textsuperscript{20}

Third, we provide a concrete language to frame the concept of professional identity formation and the goal of fostering the exploration of personal and professional values in the context of legal practice. Doing so allows students to appreciate and understand the difference between professionalism and professional identity formation. Although the concepts are related, professional identity formation is not interchangeable with professionalism.\textsuperscript{21} Professionalism “has often referred to adherence to standards or norms of conduct beyond those required by the ethical rules, and the focus of the current discussion of professionalism largely remains on outward conduct like civility and respect for others.”\textsuperscript{22} Professional identity formation, on the other hand, was introduced in the \textit{Carnegie Report} as the “apprenticeship of identity and purpose.”\textsuperscript{23} Since then, many have discussed this concept using a variety of terms, including “formation of professional identity,” “professional formation,” “normative apprenticeship,” “ethical formation,” “values,” and the like. There does not

\textsuperscript{19} Invariably, the factors students identify as not having been explicitly taught in law school relate to professional identity formation. They are those “character values and emotional intelligence skills [that] are just as important to lawyer effectiveness as analytical skills.” Larry O. Natt Gantt & Benjamin V. Madison III, \textit{Teaching the Newly Essential Knowledge Skills, and Values in a Changing World}, in \textit{BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD} 255 (Deborah Maranville et al. eds., 2015).

\textsuperscript{20} See the studies that were part of the Carnegie Foundation’s Preparation for the Professions Project: \textit{CHARLES FOSTER ET AL., EDUCATING CLERGY: TEACHING PRACTICES AND PASTORAL IMAGINATION} (2006); \textit{MOLLY COOKE ET AL., EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY} (2010). For an explicit comparison of field education in clergy education to that in legal education, see Daisy Hurst Floyd, Timothy W. Floyd & Sarah Gerwig-Moore, \textit{Learning From Clergy Education: Externships Through the Lens of Formation}, 19 \textit{CLINICAL L. REV.} 83 (2012).

\textsuperscript{21} Gantt & Madison, \textit{supra} note 19, at 253.

\textsuperscript{22} \textit{Id}.

\textsuperscript{23} \textit{See supra} note 4.
appear to be a consensus on just what the concept entails. Another definitional issue is that professional identity formation is a neutral term. That is, stating that a law student should develop “professional identity” does not necessarily indicate what kind of identity a lawyer should have.

At Mercer University School of Law (Mercer), the teachers of the externship course (which, in addition to Tim, include Professor Mark Jones and Dean Daisy Hurst Floyd) define professional identity primarily in terms of integration. The goal of professional formation is for lawyers to practice competently and effectively, to practice with integrity and authenticity, and to lead lives of satisfaction and fulfillment. Effective and ethical action in the practice of law requires the exercise of judgment under conditions of inherent uncertainty. And it requires lawyers to draw upon multiple capacities in doing so, including knowledge, skills, values, character traits, and so forth.

A fully formed professional identity, therefore requires integration in at least three dimensions. First, to fulfill professional obligations and to practice with excellence, a lawyer must integrate professional knowledge, skills, and values and the ability to access multiple capacities at once in the midst of conditions of inherent uncertainty. Second, ethical practice requires that one internalize the rules and values of the profession, and also that the lawyer develop characteristics or virtues to support ethical action such as courage, vision, resilience, empathy, and wisdom. Third, fulfillment in practice requires that one integrate personal and professional values, and that one must avoid rigidly separating the self into personal and professional roles.24

At Georgia State University College of Law (Georgia State), the teachers of the externship course (which, in addition to Kendall, includes Kinda Abdus-Saboor)25 use the definition of professional identity for-


25. Kinda Abdus-Saboor joined the faculty in Summer 2015 and has been teaching the Externship Seminar since its launch in Fall 2015.
Information introduced by Neil Hamilton during the summer workshops sponsored by the University of St. Thomas School of Law’s Holloran Center for Ethical Leadership in the Professions.\textsuperscript{26}

Professional identity formation involves a change from thinking like a student (where he or she learns and applies routine techniques to solve well-structured problems) toward acceptance and internalization of responsibility to others (particularly the person served) and for the student’s own pro-active development toward excellence as a practitioner at all of the competencies of the profession.\textsuperscript{27}

This definition provides a concrete, interdependent, three-part paradigm that helps students take what may seem initially abstract and connect it to their externship experience. First, professional identity formation involves a change from a student-centric world view to that of a future professional. In other words, students must explore who they are and who they want to become as members of the legal profession. Second, law is a service-oriented profession in which lawyers have a responsibility to others, including those served, the judicial system, and the larger community.\textsuperscript{28} Third, professional identity formation requires students to take the initiative to identify strengths and areas for growth as to the competencies of the profession,\textsuperscript{29} and to seize learning opportunities and devise strategies to develop those competencies.

\textsuperscript{26}See generally Holloran Center Summer Workshops, Univ. St. Thomas, https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/workshops/ (last visited Feb. 23, 2017) (“The overall objective of the workshops from 2013-2018 is to foster the growth of a critical mass at thirty or more law schools of at least four fulltime faculty or staff committed to increasing their school’s emphasis in the curriculum, culture, and pedagogy on each student’s professional formation.”) Kendall attended the Holloran Center Summer Workshop in 2015 and 2016. Both workshops helped to develop her thinking in the area of professional identity formation on both an institutional and course-specific level.

\textsuperscript{27}This definition, which originally comes from William M. Sullivan, Foreword to Teaching Medical Professionalism (Richard Cruess et al. eds., 2d ed. 2016), was applied to legal education in Neil W. Hamilton & Sarah Schaefer, What Legal Education Can Learn from Medical Education about Competency-Based Learning Outcomes Including Those related to Professional Formation (Professionalism), 29 GEO. J. LEGAL ETHICS 399, 403 (2016). Importantly, William Sullivan participated in all five Carnegie studies of the professions. Lou Bilionis also adopts this definition in his article. See supra note 3, at 895-914.

\textsuperscript{28}This part of the definition is demonstrated by the externship experience itself. Not only are students seeing first-hand the scope of a lawyer or judge’s responsibility to others, but the “service” aspect of lawyering is also facilitated by the placement of students in non-profits, government agencies, and judicial clerkships.

\textsuperscript{29}As described above, to put “the competencies of the profession” into concrete terms, we introduce our students to the Shultz-Zedeck twenty-six Lawyering Effectiveness Factors. See supra note 18.
Finally, we follow several guidelines when teaching toward professional identity in the classroom. Because it is so personal, discussion of identity can be awkward for some students. Establishing an environment of trust and understanding in the classroom is essential. Perhaps it is too obvious to state, but it is simply not effective to lecture about professional identity. Rather, the externship seminars at both Mercer and Georgia State employ a facilitated discussion and case rounds format to ensure that all students share and contribute to the conversation. In other words, our role as externship teachers is one of posing thought-provoking questions that prompt a deeper self-reflective inquiry into the topics and issues raised. To facilitate the learning process, we use interactive exercises, small-group discussion, and full-class discussion as described below.

IV. TWO DIFFERENT APPROACHES TO CULTIVATING PROFESSIONAL IDENTITY FORMATION IN EXTERNSHIPS

At Georgia State and Mercer, we are convinced that a regular seminar is essential to maximizing student learning in an externship course. Students learn from their own experiences at the field placement to be sure, but through a regular seminar, they are able to learn from and reflect upon both their own and others’ experiences. Both seminars have in common a focus throughout on the development of professional identity. Every class is designed and structured with that overall goal in mind. Still, there is not one right way to achieve this goal. As demonstrated below, the two seminars differ substantially in both content and approach.

A. Mercer Law’s Externship Seminar

Mercer has a general placement externship program, in which students are placed in a wide range of government, non-profit, and corporate in-house law offices. The range is truly broad; placements include civil and criminal litigation, government agencies at the federal, state and local level, and non-profit organizations that focus primarily on public policy and advocacy. Some offices are large organizations with hundreds of

30. A small class size can help establish a level of interaction not possible with a larger class size.
31. Like Georgia State, Mercer’s course consists of second and third year students. Students are limited to two semesters of externships. In the first semester when a student takes an externship, he or she takes the externship seminar described here. In the second semester, students do not take the full seminar, but they do engage in weekly individual journaling and meet every other week as a group for case rounds discussion.
lawyers; some placements consist of offices with one or two lawyers. Because the range of placements is so broad, the range of work done by students is correspondingly diverse. Some students counsel and advocate on behalf of individual clients; others prosecute criminal cases; others work for judges at the appellate and trial court level; others assist lawyers in large governmental agencies; while still others engage in transactional or policy work.32

Our course includes a two-hour seminar that meets weekly for the entire fourteen-week semester. With such a wide range of student experiences in the placements, we made the decision not to focus the class on any particular, substantive area of law or any concrete lawyering skills, such as interviewing, drafting, or oral advocacy. Instead, our focus from start to finish in the course is on the students’ development of professional identities.33 Moreover, for the reasons stated above in Part II,34 we consider externships an ideal vehicle in which to cultivate professional identity.

1. Journals

Because individual reflection is central to the development of professional and personal identity, a centerpiece of the course is the requirement of journals. Students submit weekly journals to the professor who is teaching their section of the course. In our syllabus, we describe the journal requirement as follows:

This course is designed to help you learn from experience. Learning and psychological research shows that we learn best from our experiences when we reflect upon them. As a tool to aid you in reflection, you will be keeping a journal of your experiences in your field placement.

The journal you keep in this course will serve several purposes: 1) it will be a tool for you to discuss specific work experiences and to reflect upon what you have learned from them; 2) it will push you to examine critically and in depth your performance, thoughts, and feelings; 3) it will provide you and your faculty supervisor with data for discussion of issues central to the course; 4) it will help you learn how to learn

32. We also allow placements in private law firms, as long as the work is done on behalf of governmental or non-profit clients, or on a pro bono basis for indigent clients. In the past year, we have also begun to allow placements with in-house counsel for corporations.

33. At Mercer, we began teaching the externship seminar with a focus on professional identity in 2006. The seminar has changed a good deal in the ten years that we have been offering the course, and we expect that it will continue to change.

34. See infra Part II.
from experience and develop skills of reflection; and 5) it may help you deal with difficult events and relieve stress.

Your journal should NOT be primarily an account of your activities—the timesheets you submit will capture this type of information. Rather, you should record what you are thinking and feeling about your experiences with the people you work with in your field placement; clients and other people involved in the cases (family members, victims, witnesses, etc.); reading assignments for the course; and the legal system.\textsuperscript{35}

Some students take naturally and enthusiastically to reflective journaling; indeed, some already incorporate journaling into their lives. For many law students, however, the weekly journals are a struggle. Alex Scherr and Margaret Barry’s excellent chapter on reflection in the experimental learning textbook, \textit{Learning From Practice},\textsuperscript{36} which we assign at the outset of the course, has helped many students understand the nature and purpose of reflective journaling. And for those students who claim they cannot think of anything to write about, we refer them to a list of prompts.\textsuperscript{37}

2. Weekly Seminar

Much of the learning and cultivation of professional identity occurs in the students’ fieldwork, their individual reflections in journals, and the faculty responses to the journals. Just as importantly, we have constructed the classroom experience throughout the semester to reinforce and supplement that focus. Group reflection in the class discussion can be crucial to students’ understanding and appreciation of these issues.

Each weekly two-hour class session is typically divided into one hour devoted to a particular topic, and one hour of case rounds in which students report on their fieldwork experiences over the past week. We describe the topics for discussion as follows:

Throughout this course, we will explore the question of what it means to be a good lawyer, with the purpose of helping you form your own identity as a lawyer. Therefore, many of our topics over the semester will focus on the characteristics or virtues of good lawyers, including:

\begin{itemize}
  \item integrity (meaning both honesty and wholeness)
  \item empathy and compassion
\end{itemize}

\textsuperscript{35} The complete description of journal topics and questions is outlined in the syllabus reproduced below.
\textsuperscript{36} Scherr & Barry, \textit{supra} note 12.
\textsuperscript{37} The complete list of prompts is available in the syllabus appended to this Article.
MARKING THE PATH

- courage/passion for justice
- humility/magnanimity/civility
- balance/self-discipline
- judgment/practical wisdom
- creativity
- professional detachment/objectivity
- excellence in advocacy
- excellence in communication
- excellence in listening

Because lawyers are officers of the court who have a special responsibility for the quality of justice, we will also explore such topics as:

- bias, discrimination, and diversity in the legal profession and the legal system
- access to justice in civil matters
- alternatives to adversarial conflict resolution/restorative justice
- holistic representation and collaborative lawyering

This question also requires that we understand ourselves and our relationships with others. Accordingly, we will explore such topics as:

- self-awareness/recognizing your strengths and weaknesses
- coping with fear
- learning from experience, including mistakes
- relationships with family, friends, and professional colleagues
- establishing priorities in your life/finding work-life balance
- setting goals for your personal and professional life

We assign a particular topic for class discussion each week. Most weeks there is a reading assignment, usually a chapter from Learning From Practice. The weekly topics and assignments change somewhat from semester to semester. This is the list from the most recent semester:

- How to learn from experience: Establishing learning goals
- How to learn from experience: Learning from supervision and learning from reflection
- How to use your externship experience to shape your professional identity and how to learn about yourself and your ideals
- How to learn from mentors and identify professional role models
- How to be a professional: Balancing personal & professional life
- How to use your externship experience to prepare for your career
- How to be a professional: Staying true to yourself

38. See generally Scherr & Barry, supra note 12.
3. Classroom Exercises

Our classroom exercises have several features in common. In the classroom discussion of each exercise, we require each student to present orally; we go around the room with each student giving their answers to the questions or prompts. After each student presentation, we facilitate discussion by asking questions and encouraging other students to do so as well. Most often, our questions ask the student to be more concrete and to give examples.

Each of the exercises reinforces the most important themes of the course. They deal explicitly with integration, including integration of knowledge, skills, and values and the integration of personal and professional identities. Each exercise also emphasizes the importance of observation, practice, and reflection. Finally, we try to emphasize in the discussion of each exercise that the process of professional formation is developmental, in that it can only happen over time, and that to the extent possible, we should strive to make the process deliberate, that is, it should be the product of conscious choices.

a. Role Model Exercise

In this exercise, we ask each student to identify a lawyer that they admire and to articulate what it is about that lawyer that draws them to him or her. The process of choosing and describing a role model lawyer causes students to reflect on the characteristics they admire and would like to emulate in their life and work. The purpose of this exercise is to

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39. This is the text of the assignment:

Exercise: “Role Model” Lawyer: Choose one lawyer that you particularly admire and describe that lawyer’s characteristics or virtues that you would like to emulate in your career. The lawyer you describe need not be perfect; no one is. Pick out a lawyer about whom there is at least one thing you especially admire. It may be a lawyer you know personally or have worked with, or a lawyer you have only observed from a distance. It may even be a lawyer from history about whom you have read. It should, however, be a real lawyer and not one from fiction.

Write at least two pages describing your lawyer and discussing why you chose that person. Be specific about why you admire this person, giving examples if possible. In particular, be specific about the characteristic or characteristics of that lawyer that you admire and would like to emulate.
focus class discussion on particular characteristics or traits of admirable lawyers—lawyers who have developed into competent, ethical, and fulfilled lawyers. Discussion of these “role model” lawyers helps to make concrete the kind of professional identities that we encourage students to develop. The exercise and class discussion help students see how working with and observing lawyers in action can strengthen their own skills of reflection as well as heighten their awareness of the ways the best lawyers integrate skills, knowledge, and values of the profession and integrate the personal with the professional.

In the several years we have used this exercise, students have described a wide range of lawyers. Often students choose a lawyer to whom they are close personally, such as family member or a close family friend. Most commonly, students choose a lawyer they have worked with while in law school or otherwise. Several supervising attorneys in our externship program are regularly cited by students—a fact that gratifies us as teachers! Sometimes students describe famous lawyers in the news, such as Bryan Stevenson of Equal Justice Initiative or prosecutors in currently prominent criminal cases. Occasionally students choose historical lawyers such as Thomas Jefferson, Abraham Lincoln, Thurgood Marshall, Nelson Mandela, or Clarence Darrow.

In our class discussion of this exercise, we encourage students to be concrete about particular characteristics they admire. Again, we hear a wide range of such characteristics, from excellence in trial skills, to courage and tenacity on behalf of clients, commitment to social justice, commitment to community service, healthy work/life balance, humility, and good judgment (often expressed as “common sense”). Quite often, students cite to their role model lawyer’s willingness to serve in a mentoring role to them and to other young lawyers and law students.

This class discussion is a good opportunity to flesh out our general theme of integration and authenticity. Students rarely focus on only one characteristic such as excellence in cross-examination. Rather, the discussion invariably reveals lawyers who are effective, knowledgeable, and skilled practitioners; students usually talk about how the lawyer practices in an ethical manner; and, at least for lawyers that the students know personally, the students describe how the lawyer handles work/life balance, and they describe personal characteristics such as integrity, courage, humility, and compassion. Although we discuss a wide range of lawyers, the class discussion reveals a good deal of commonality of characteristics among the lawyers described. We regularly hear about excellence in the craft, integrity, commitment to service, and leading a balanced life. Interestingly, no one has yet indicated that a lawyer’s financial success is a characteristic they wish to emulate.
We often use the list generated to make the point that many of the characteristics cited are not explicitly taught in law school and are rarely assessed in the academic setting. We also note that the list includes “personal” characteristics that may have existed before the lawyer became a law student, but that it is a lifelong development process to integrate these personal characteristics with professional demands.

b. Work/Life Balance Exercises

We use several exercises designed to focus class discussion on issues of work/life balance, well-being, fulfillment, and authenticity in law practice. Often these issues are discussed in law schools and the profession within the framework of “work/life balance.” We use that terminology ourselves, and the subject resonates strongly with law students. We have encountered some problems with the phrase work/life balance, however, and we have explored alternative framing of the issue. Work/life balance can imply that work and life are two entirely separate things that must be balanced. When students and lawyers see work in this way, there is a tendency to see work as a necessary evil that must be carefully compartmentalized and cordoned off from their true selves. We prefer students to recognize that their work will be an important part of their lives, and that integrating their work into their overall lives is a more productive way to deal with these pressures. For these reasons, we prefer to address these issues under the label “well-being.”

Having said that, we acknowledge that lawyers’ work can and does bring challenges to overall well-being and satisfaction. In one exercise we ask students to consider what those challenges are and what tools are available to meet those challenges. For this discussion, we usually

40. Marjorie Silver’s chapter on well-being in Learning from Practice is excellent. See Marjorie A. Silver, Work & Well-being, in Learning from Practice: A Text for Experiential Legal Education 730 (Leah Wortham et al. eds., 3d ed. 2016). We assign it for this discussion; the subject of well-being resonates with our students.

41. This is the assignment:
   Please be prepared to address the following questions:
   • What challenges does law practice bring to one’s satisfaction and well-being?
   • While in law school, have you experienced challenges in maintaining an appropriate balance between school work and the other important things in your life?
   • What challenges do you anticipate in finding the right balance in your career as a lawyer?
   • What challenges along these lines are experienced by the lawyers you have seen through your placement?
   • What tools are available for meeting those challenges—either those of which you are aware or those you have observed? If you are comfortable doing so, you may want to ask these questions of the lawyers you are working with.
begin with asking students about the challenges to well-being and satisfaction they have experienced while in law school. That discussion is invariably lively. Students regularly report that law school has indeed challenged their own well-being, and they describe several aspects of law school that they have found difficult. At the top of the list is the workload and the competitive pressures, especially those surrounding grades and the search for employment. Fortunately, students are usually open in describing tools they have found helpful, including regular exercise, maintaining good relationships with family and friends, and spiritual practices such as communal worship or meditation. As with other exercises, students sometimes need prodding to be concrete about successful strategies they have used or have observed others using to achieve balance.

In class discussion of this exercise, we also encourage students to discuss lawyers they have observed in their placement and otherwise, and to describe how satisfied and fulfilled those lawyers appear to be with their work and their life. Some of the lawyers discussed navigate these challenges in better and worse ways, but students are encouraged to hear descriptions of lawyers who seem to enjoy their work while also maintaining a healthy and happy life outside work. This discussion of lawyers and balance reveals that balance for lawyers can be a challenge in multiple ways. When work is stressful or negative, the challenge is to keep that stress and negativity from adversely affecting the rest of the lawyer's life and relationships. On the other hand, when work is very captivating and consuming, the challenge is to keep the all-consuming nature of the work from causing neglect of personal life and relationships. This latter challenge is often manifested in some of the public interest lawyers our students work with, whose work for justice serves a deep societal need and about which they are passionate.

Another exercise takes a more positive approach to the issues of work/life balance by asking students to reflect upon the times they feel most themselves; or to put it slightly differently, when they feel most authentic and alive.

42. This is the assignment:
Consider the following question: “Can you be the person you truly are and also be a good attorney?” Specifically:
• Think about the times in your life when you have felt or you feel the most yourself—when you feel the most authentic and alive. Do these times occur when you are in a particular place, doing a particular thing, or with a particular person or people?
• What do these times tell you about who you are and what is important to you?
• Do you ever experience this feeling when you are doing something related to the law or to being a law student?
about law school or law practice, although occasionally they are. We often hear about students’ experiences in playing sports or games, or spending time with close friends and family members, traveling to exotic places, or conversely, in returning “home.” Other students describe the feelings of accomplishment in completing some difficult task; sometimes we hear the word “flow” used to describe such experiences. Even when the experiences students describe do not directly involve law or legal work, we ask students whether they believe similar feelings of being alive and authentic may be found, at least occasionally, in legal work. In response, students sometimes describe law school experiences such as competing on a mock trial or moot court team, working in a law school clinic, or researching and writing a paper on a topic they are passionate about.

We commonly point out that experiences that do not appear to have anything to do with law practice may nonetheless be relevant to the choice of a career. For example, someone who feels most authentic and alive in a group of friends should consider work that is relationship-focused. Or a student who is most authentic in a quiet room reading and reflecting may look for a job centered on research and writing, such as appellate work. Or someone who feels most authentic and alive in nature or wilderness may wish to consider work in the environmental or natural resource protection fields.

Once again, this exercise reinforces the theme of integrating the personal and the professional and doing so through self-awareness, reflection, and intentionality. The exercise also leads to discussion of intrinsic and extrinsic rewards. In describing experiences in which they feel authentic and alive, students invariably describe experiences that are intrinsically valuable to them, rather than experiences that lead to external rewards.

c. Focus on the Future Exercises

We employ some exercises that encourage students to become conscious of the transformative nature of the law school experience, to focus on the future, and to make deliberate choices about the formative process.

In one exercise, we ask students to review the essay they wrote as part of the law school admission process. This exercise helps students see how they have changed over two or three years, and specifically how their

• Do you think you can experience this feeling through being a lawyer, in whatever way you hope to put your education to work after graduation? Why or why not?

43. Our admissions office retrieves those essays from the students’ admission files and sends them directly to the students.
legal education has shaped them. We conduct a class discussion on how
the experience of law school shapes and transforms students. As part of
that discussion, we ask students to describe how they have changed since
they wrote the essay. Some students express embarrassment at their own
naiveté . . . when they wrote the essay; others state that they hardly re-
member what they were thinking when they wrote it, and barely recog-
nize the person who wrote it; and others say they would not change any-
thing about the statement. Another way to generate discussion about the
transformative nature of legal education is to ask the students if their
family or close friends who are not in law school have noted any changes
in them. Most students report that friends comment on how they are
more analytical and less emotional, more prone to insist on evidence to
back up assertions, and perhaps more argumentative.

While the discussion reveals some of the transformative impact of le-
gal education, at the same time it serves as a reminder of the students’
core, abiding values that brought them to law school in the first place.
Most students state that they are still committed to the same values they
described in the admission essay.

In another exercise we ask students to imagine a future in which their
professional and personal lives are fulfilling. We have adapted this from
exercises in which participants are asked to imagine the end of their lives
and to write their own obituaries or eulogies. We prefer to focus the stu-
dents’ imagination on fifteen to twenty years out, in the midst of a thriv-

44. This is the assignment:

Exercise: Imagining your future

Imagine your life about 15 years from now. In this life you are imagining, things
have worked out very well for you; your work life and your professional life are
as you would want them to be. We want you to imagine an ideal, but within the
bounds of realism. (That is, don’t assume you’ve won $100,000,000 in the lottery)

Describe your work. What kind of work are you doing? What do you find re-
warding or fulfilling about that work? What kind of organization do you work in
(e.g., corporation, gov’t agency, law firm, solo practice, something non-law re-
lated)? Who are the people you work with? How closely do you work together
with others? How much autonomy and flexibility do you have in your work?
Where (geographically—city, town, region, country) do you work?

Describe your life other than your work. Where do you live (city, rural area,
near the beach, etc.)? Who are the people you are closest to (family, friends, etc.)?
How much time do you spend with the important people in your life? How do you
spend your time when you are not working? Do you have any practices (such as
exercise, spiritual disciplines, religious involvement, hobbies) that keep you
grounded? What do you do for fun, and how much time do you spend on those
activities? What concrete steps can you take to achieve this ideal? How do you
expect to deal with the inevitable challenges, setbacks, and disappointments
that will arise in this journey?
ing and satisfying life and career, rather than the end of life. In our instructions, we make clear that this is an ideal future—that things have worked out as they would want them to. We require them to imagine both their professional lives and everything in their lives other than their work. By having them imagine and describe all aspects of their lives, this is a good opportunity to revisit “balance” issues.

In the class discussion, we push students to be concrete. For example, saying they wish to litigate is not sufficient; we ask them to describe what kinds of clients and cases they handle, how large a caseload they manage, and how much time they spend in court. If they say they want to practice in a small firm, we push them to describe what it is about a small work setting that they like, to tell us what they mean by “small,” and why they prefer that to a larger organization.

The exercise and discussion help students look inward and discover their own priorities for life and work. It also helps students see they have some degree of control and autonomy over their lives and careers. The exercise encourages them to reflect on what choices they must make in order to achieve their goals. In the class discussion, we ask students to focus on concrete steps they can take to make this ideal happen. At the same time, we all know things will not work out exactly as they imagine. One of the most valuable parts of the exercise is discussion of how to deal with setbacks and challenges along the way.

4. Use of Film

As we have noted, it can be difficult for some law students to speak in a group setting, especially on issues as personal as their emerging professional identities and the integration of that professional identity with core personal beliefs. To help jump-start and enrich the discussion, we use the depiction of lawyers in popular films as a way to describe and discuss lawyer roles and identities and to foster reflection and discussion on what it means to be a good lawyer. In particular, using movies has afforded even the quieter students a point of comparison for journals and discussion; conversations range from “that’s not how a cross examination really works” to describing outrage at a lawyer or judge’s unethical behavior. Rather than faculty moralizing, film depictions of attorneys—from Atticus Finch’s hero lawyer to Frank Galvin’s boozy disorganization—help students define their own goals and identify, whether positively or negatively, with touchstones of “real” law practice.

We announce several weeks ahead of time the class in which we will discuss a particular movie. Students are required to watch the movie outside of class and come prepared to discuss the lawyer or lawyers in that movie. We have used several different movies for this purpose. For example, the depiction of Atticus Finch in To Kill a Mockingbird works well to
prime the discussion of “role model” lawyers. We ask students to identify what it is about Atticus Finch that causes so many lawyers to say that he is their hero. Discussion usually focuses on his courage and commitment to justice, but because so much of the film focuses on his role as a parent, issues of work/life balance tend to dominate the discussion. We also regularly discuss the film Philadelphia. The character of Joe, as played by Denzel Washington, is especially interesting as someone who overcomes initial homophobia and develops into a champion for justice for his gay client. Other films we have used include The Rainmaker, The Verdict, Anatomy of a Murder, and Erin Brockovich.

B. Georgia State Law’s Externship Seminar

Like Mercer, Georgia State has a general placement externship program in which law students extern in a wide range of government, judicial, and non-profit placements with exposure to a diverse range of legal work. And, like Mercer’s program, much of the learning and cultivation of professional identity occurs in the students’ fieldwork and individual self-reflection. The externship seminar serves as a catalyst for this learning.

Unlike Mercer’s established externship seminar, however, Georgia State’s externship seminar, required of all first-semester externship students, is a recent addition to the externship program. As informed by the definition of professional identity formation set forth in Part III above, our goal is to use the externship seminar to help students move

45. We sometimes push students to critique the character of Atticus by referring them to articles critical of Atticus for being insufficiently committed to racial justice and social change. See Monroe H. Freedman, Atticus Finch—Right and Wrong, 45 Ala. L. Rev. 473, 480-82 (1994); Malcolm Gladwell, The Courthouse Ring: Atticus Finch and the Limits of Southern Liberalism, NEW YORKER (Aug. 10, 2009), http://www.newyorker.com/magazine/2009/08/10/the-courthouse-ring [https://perma.cc/3DX4-CQ9R]. The more recently published novel by Harper Lee, Go Set a Watchman, is about a later in life Atticus Finch and his manifest racial biases and has raised a new set of questions about just who is a hero and a role model! HARPER LEE, GO SET A WATCHMAN (2016).

46. Like Mercer, Georgia State limits students to two semesters of externships. The first semester a student enrolls in an externship, he or she must also enroll in the externship seminar. In the second semester, we provide guided reflection to students on an individual basis through written reflections and in-person meetings.

47. Kendall designed the externship seminar during the 2014-2015 academic year. We started teaching individual sections of the externship seminar in Fall 2015 and collaborated on the design of the cultural awareness class (Class 6) over the course of the semester. Since then, we have worked together to fine-tune each class with respect to content, exercises, assignments, and assessment methods used.
the needle from their existing student identities to their future professional identities.\(^48\) The seminar, inspired by the intersection of values-based leadership\(^49\) and professional identity formation,\(^50\) facilitates each student’s self-exploration by connecting leadership exercises and concepts\(^51\) with the competencies and values of the legal profession.

Each of the seven seminar classes\(^52\) is designed to achieve one or more of the specified learning outcomes outlined in the syllabus\(^53\) and focuses on a specific aspect of lawyering effectiveness. The classes are grouped to develop a progression of self-awareness. Accordingly, the first two classes are focused on the question, “Where am I now and where do I want to be?” In the first class, we introduce students to the concept of professional

\(^48\) In law school, students undergo a transformative and disorienting learning experience, which can replace their pre-law school identity and transfuse them on the process of learning the law rather than the realities of legal practice. See Carnegie Report, supra note 1, at 131. Students may put thought into the type of law they want to practice; they are much less likely to have put much thought into how they want to conduct themselves as lawyers.

\(^49\) See generally Kraemer, supra note 13. Kraemer sets forth four principles of values-based leadership: self-reflection (the ability to identify and reflect on what you stand for, what your values are, and what matters most to you), balance, (the ability to see situations from multiple perspectives and differing viewpoints to gain a much fuller understanding), true self-confidence (the ability to see yourself as you are and to recognize your strengths and your weaknesses and strive for continuous improvement), and genuine humility (the ability to never forget who you are or where you came from). Id. at 4-7.

\(^50\) The skills necessary to professional identity formation include: self-awareness; empathy, ethical sensibility, and other relational skills; reflective and decision-making skills; and self-motivation. Gantt & Madison, supra note 19, at 256-60.

\(^51\) Through discussions with Shelby Grubbs, Executive Director of the International Arbitration Center at Georgia State University College of Law, and Bill Starnes, Faculty Director of the Central Eurasia Leadership Academy, it became apparent that professional identity formation is closely tied to leadership development, especially when leadership requires individuals to make difficult decisions. The leadership exercises employed in the Central Eurasia Leadership Academy inspired the externship seminar design both in terms of sequencing and topics covered. See Central Eurasia Leadership Academy, http://celanetwork.org/leadership-academy/program-description (last visited Mar. 3, 2017).

\(^52\) Initially, the seminar met every other week for an hour and forty minutes throughout the fourteen-week semester. We now front-load the seminar, which meets the first seven weeks of the semester.

\(^53\) Specifically, students are expected to explore their professional identity as a lawyer; develop practices necessary to self-directed professional learning, including goal-setting and reflective skills for future law practice; develop strategies to help initiate and sustain professional relationships; develop strategies to facilitate working with others toward a common goal; develop a deeper understanding of key communication skills; develop strategies to interact effectively with people across cultural differences; develop a sense of professional responsibility; be exposed to a wide range of lawyering skills; and gain insights into how the legal system works.
identity formation and the process by which they will use their externship experiences to explore their emerging professional identities. In the second class, students focus on the topic of core values and life priorities. The third, fourth, and fifth classes are focused on the question, “How well do I express myself and listen to others?” The specific topics explored are networking and business development, communication skills, and teamwork and problem-solving. The sixth class is focused on the question, “How well do I perceive others and how open am I to differences?” The specific topic explored is cultural awareness. The final class is devoted to student-developed TED Talks, which prompt students to integrate the lessons learned in the seminar, at the externship site, and through self-reflection.

1. Pro-active Development and the Externship Experience

In the first class, after discussing the Shultz-Zedeck twenty-six Lawyering Effectiveness Factors and introducing students to the definition of professional identity formation, we break down the concept of “pro-active development” toward excellence in all of the competencies of the profession into three parts: goal-setting, experiential learning, and reflective practice. For each of the steps to pro-active development, seminar exercises and assignments are designed to help students develop the habits essential to this concept.

   a. Goal-Setting

   As part of the course, students must identify learning objectives for their externship experience and complete a “Goals Form.” Students must meet with their supervising attorney(s) to ensure the learning goals they articulate are likely to be met by the end of their externship. We use a

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54. See generally Leah Wortham, Making Presentations, in LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION 485 (Leah Wortham et al. eds., 3d ed. 2016); CHRISSANDERSON, TED TALKS: THE OFFICIAL TED GUIDE TO PUBLIC SPEAKING (2016). We integrate a thought-provoking TED Talk into each seminar class, which allows students to see several examples before having to do one themselves.

55. We reinforce this message by assigning John M. Lande’s article, My Last Lecture: More Unsolicited Advice for Future and Current Lawyers, as reading for the first class. See John M. Lande, 2015 J. Disp. Resol. 317, 317-27. Specifically, we emphasize that, “Lawyers have always needed to keep learning. Each client brings new facts. The courts and legislatures continue to produce new law. Procedures and techniques evolve. Lawyers’ ongoing need to learn is reflected in continuing legal education requirements you may need to comply with. So you need to be a learning machine.” Id. at 321.
modified version of Avis Sanders’ “Backwards Resume” exercise\(^5\) to demonstrate the importance of setting concrete and measurable goals. Because students will necessarily update their resumes to include their externship experience at the end of the semester, students see practical value in completing the exercise. To complete the exercise, we give students their externship site description, which describes the work they can expect to perform at the externship placement (something they saw at the time they applied for the externship) and the statement of interest they submitted as part of their application packet.\(^5\) We then tell students to list three bullet points they anticipate adding to their resumes to describe the work they performed at their externship. This helps students see the difference between a general goal and one that is measurable. For example, a goal of wanting to improve research and writing skills will not translate easily to a resume. In the context of a resume, students must specifically communicate the work they did to improve their research and writing skills (e.g., writing memos, bench briefs, draft legislation, etc.).

\textit{b. Experiential Learning}

The externship experience itself allows for students to learn by doing. Accordingly, the externship placement serves as a “lab component” to the seminar, allowing students an opportunity to practice and observe what they learn in the seminar while working at their externship sites. We emphasize that for students to have a meaningful learning experience, they must receive and work on quality assignments, receive and learn from feedback, and ensure they maintain their ethical responsibilities in the process. Specifically, we discuss strategies for clarifying assignments,

\footnote{56. Avis L. Sanders, \textit{Externships and Career Development}, in \textit{Learning From Practice: A Text for Experiential Legal Education} 730 (Leah Wortham et al. eds., 3d ed. 2016). This is referred to as Exercise 26.1 in \textit{Learning From Practice}.}

\footnote{57. The statement of interest is limited to 250 words and must communicate why the student would like to extern at the particular externship site. The statement of interest is submitted instead of a cover letter.}
asking for feedback, and professionalism. We also discuss the ethical rules, especially confidentiality,\textsuperscript{58} competence,\textsuperscript{59} and conflicts.\textsuperscript{60}

c. Reflective Practice
To introduce reflective practice in basic terms, we assign and discuss two New York Times articles. The first highlights how technology has decreased our level of comfort with reflection\textsuperscript{61} and the second highlights the positive impact reflection can have on our ability to learn from mistakes and achieve success.\textsuperscript{62}

We then present a structured method to facilitate the process of self-reflection. First, students must ask and answer the question, “What?” This inquiry requires students to think about and describe the details of an experience related to their own work, observation of others, etc. while at their externship site. Second, students must ask and answer the question, “So What?” This inquiry requires students to describe why they picked that particular experience to discuss. The inquiry consists of two steps: a personal reaction in which students must identify how the experience described made them feel and a general reaction in which students must identify the overall lesson learned about lawyering and any conclusions that can be drawn about the legal profession. Third, students must ask and answer the question, “Now What?” This inquiry requires students to think about both the individual and lawyering lessons learned

\begin{itemize}
\item Students must have a conversation with their externship site supervisor regarding the confidentiality rules of the site and briefly in one or two paragraphs discuss the rules of confidentiality regarding the work at their externship site. In addition, students must provide answers to the following questions: What is the policy on use of social media? What is the policy on removal of office files? What is the policy on retention of templates, forms, sample documents, etc.? What is the policy on use of your personal computer and/or email?
\item Although an externship is a class, students often need to be reminded that they are at the externship site to learn and are not expected to have the knowledge or lawyering skills of a practicing lawyer.
\item We have adapted the Conflicts of Interest Inventory from Learning from Practice: A Text for Experiential Legal Education app. 12.1, at 332-33 (Leah Wortham et al. eds., 3d ed. 2016).
\item Kate Murphy, No Time to Think, N.Y. Times (July 25, 2014), https://www.nytimes.com/2014/07/27/sunday-review/no-time-to-think.html?_r=0.
\end{itemize}
and how to apply those lessons to future practice. Because the reflection papers students write are graded, we developed a rubric setting forth the structure described above. To familiarize students with the rubric, we run an exercise in which we ask students to “grade” two reflection papers using the rubric: one that received an “Excellent” (3) in all categories and one that did not.

In addition to reflection papers, students are required to complete a Professional Development Plan, which serves as a guided reflection and provides a basis for class discussion. The Professional Development Plan is assigned by sections so as to focus students on only one portion of the plan at a time. At the end of the semester, students must complete and submit a Final Professional Development Plan, which requires students to revisit their responses in each section, make revisions based on their experiences, and answer some additional questions. As mentioned above, students also develop and present a TED Talk. As with the reflection papers, the Professional Development Plan and TED Talk are graded.

2. Self as Lawyer: Core Values and Life Priorities

In the second class, students focus on the topic of core values, both personal and of the profession, and life priorities as they pertain to work/life balance. Each student’s core values and life priorities help to define what is important to them and what gives them purpose, and will help guide both their personal and professional behavior and decisions.

63. Amanda Rivas prompted the idea of using the “What? So What? Now What?” inquiry to facilitate teaching the different phases of reflection during the Externships Conference in 2014.

64. Although the reflection papers students write and turn in on a bi-weekly basis are graded, students do not receive a grade on their first reflection paper. Instead, we provide formative feedback by telling students how they performed in each category on the rubric.

65. This exercise came from a presentation Alex Scherr gave as part of a workshop entitled “Teaching and Evaluating Reflection” at the 2015 AALS Conference on Clinical Legal Education.


67. We use rubrics for all graded aspects of the seminar. The rubrics are modeled after examples provided by Kelly Terry in her article, Embedding Assessment Principles in Externships, 20 CLINICAL L. REV. 467 (2014).

68. “Leading with values is a leadership philosophy that steps outside of measuring success by prestige, personal wealth and power. . . . . [I]t is a practice of identifying what matters to you, what you stand for and what values you have in your life. With this basis of knowing your purpose, making the right decisions in life and leadership becomes easy.” Anne Loehr, How to Live With Purpose, Identify Your Values and Improve Your Leadership,
To be truly happy in their future professional careers, students must look to their core values and life priorities to help guide their decisions about how they want to practice law. And in order to exercise discretion in their professional decision making, students must understand and internalize the core values of the profession.

**a. Core Values Exercises**

To help students identify their personal core values we conduct a core values exercise in several phases and then discuss the process used. First, we give students three cards that state as follows: “Not Important to Me,” “Important to Me,” and “Very Important to Me.” We then give them about thirty cards that each state a core value and its definition and ask the students to group the core values according to the three categories set forth above. We ask students to limit their most important core values to five. Using “Poll Everywhere,” we create a word cloud using each student’s anonymous submission of their most important core value, their second most important core value, and their third most important core value. Using the word cloud, students see what core values are shared by the group and those that differ among the group.

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69. In advance of this class, students are required to complete Section 1 of the Professional Development Plan, which requires students to reflect on their reason for attending law school, identify strength and growth competencies, and articulate both short-term and long-term career goals.

70. The approximately thirty cards are not meant to be an exhaustive list of core values. Instead, we tried to provide what we believe to be the most common core values with the caveat that if there are core values that students identify with and are not included, the students should add the core value(s) to their list.

71. We make sure our students know their responses will be shared anonymously and that they should pick the core values that are most important to them, not the core values they think they should have based on external perception.


73. A word cloud reflects the frequency of a particular answer. For example, if the same core value is entered by several students, the word appears in a larger font and more centrally on the word cloud than a core value entered by only one person. The idea to use a word cloud came from a concurrent presentation, Wendy Bach, Lisa Bliss & Joy Radice, Self-Directed Learning: Exploring the Potential of Journals and Other Written Reflection to Help Students Become Lifelong Learners at the 2014 Southern Clinical Conference (Oct. 19, 2014).
Before connecting personal core values with the core values of the legal profession, we use some examples of corporate core values to discuss the reasons why companies choose to identify and communicate their core values to employees and consumers. We then discuss the core values of the legal profession because professional identity requires not only integrity to one’s personal core values, but also acceptance and internalization of the core values of the profession. Through discussion, we identify a list of core values that directly relates to the way lawyers exercise discretion in professional decision making. Interestingly, students usually identify all of the core values on the list except “balance.” This omission provides a convenient transition to our discussion of work/life balance.

b. Work/Life Balance Exercises

To explore work/life balance, we ask students to complete the Life Compass exercise, in which they assess how important certain aspects of life are to them and how effectively they are living by what is important to them. In past semesters, we concluded the class with a TED Talk by Nigel Marsh on work/life balance, which we then discuss as a class. More often than not, students express the desire to maintain work/life balance, and identify how some of their externship supervisors are or are not able to achieve that balance. By doing so, students are able to see that the decisions they make, priorities they set, and habits they form in


75. Integrity: “[B]y displaying the same core values in their public and private lives.” Honesty: “[I]dentified in ethical standards more than any other” value, reaffirming its importance to the profession. Diligence: “[G]eneral obligation to be effective advocates for their clients.” This includes enduring and completing strenuous work with craftsmanship and excellence. Fairness: “[C]ommitment to fairness, justice, and truth, both for clients and the system.” Courage/Honor: The ability to remain consistently ethical under pressure. Wisdom/Judgment: Ability “to care for others and also to see the world through their eyes, while simultaneously having the detachment to ensure that [their] emotions do not overly influence [their] reasoning.” Compassion/Service/Respect for Others: Role of lawyers is “to serve both the clients and community.” Balance: Although identified as a value, this is historically a struggle for lawyers. Gantt & Madison, supra note 19, at 256-60.

76. This exercise was introduced during a plenary session at the 2014 AALS Conference on Clinical Legal Education and had a significant impact on many of us.

77. Examples include the following: work, health, community and environment, family relationships, spirituality, personal growth, etc.

law school will impact the work/life balance they achieve in practice. This semester, we replaced the Nigel Marsh talk with one by Laura Vanderkam.79 Laura Vanderkam’s TED Talk on time management provides some useful techniques students can use both in law school and in their future practice to set goals and prioritize that which is most important to them. Similar to the backwards resume exercise, Vanderkam suggests two strategies for setting goals or priorities both for professional and personal life. First, she suggests writing next year’s “annual performance review,” which sets forth successes and opportunities for growth a year in advance by listing three to five things that would make it a great year professionally. Second, she suggests writing a “family holiday letter” a year in advance setting forth three to five things that would make it a great year personally.

As a means of reflection following this class session, we ask students to consider work/life balance in the context of their current life as a law student and as a future professional. To that end, we require students to develop a plan to practice balance over the course of the semester. Specifically, students are told to spend one hour a week during the semester doing something to maintain or realign the balance in their lives and report on their plan to do this (describing the activity, time of day, etc.).80 We also ask students to identify at least one way to maintain work/life balance after they graduate from law school and begin their legal career. At mid-semester, we check in with each student as to whether he or she is practicing the described hour of balance. Invariably, students confess that they have not been able to keep up with the plan, which allows for a rich one-on-one discussion during mid-semester meetings about strategies to attain and maintain balance.

3. Networking and Business Development

In the third class, we explore the concept of networking and business development as it pertains to the legal profession. However, before we

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79 See Laura Vanderkam, How to Gain Control of Your Free Time, TED (Oct. 2016), https://www.ted.com/talks/laura_vanderkam_how_to_gain_control_of_your_free_time. After having used both TED Talks for this class, it is unclear which resonates more with students. Both TED Talks prompt good discussion and differing viewpoints.

80 This assignment comes from Nathalie Martin, Think Like a (Mindful) Lawyer: Incorporating Mindfulness, Professional Identity, and Emotional Intelligence into the First Year Law Curriculum, 36 U. Ark. Little Rock L. Rev. 413, 450 (2014).
begin that exploration, we make sure to reframe the definition of networking from one that is student-centric to one that is profession-centric. For example, students often think of networking as going to formal networking events in an effort to find a job. We aim to shift their definition of networking to that of building connections with people who have ties to other communities or social circles and to develop meaningful relationships that are mutually beneficial.

**a. 12 Magic Circles Exercise**

To facilitate the shift in thinking about networking, we conduct the 12 Magic Circles Exercise. To begin the exercise, each student receives a sheet with twelve empty circles. We then ask each student to identify twelve different spheres (or categories) of relationships such as family (parents, siblings, and spouse); friends of family; neighbors (new and old); college friends, classmates, and professors; law school friends, classmates, and professors; religious affiliation (church, synagogue, mosque, and others), etc. The goal is for each student to list at least five to ten people within each sphere. If a student can do so, they see an immediate network of sixty to one-hundred and twenty people. As part of this discussion, we also consider the benefits of having both strong and weak ties as part of each sphere.

**b. Elevator Pitch Exercise**

Following the 12 Magic Circles, we do an elevator pitch exercise. We frame the exercise by asking students to think of someone at their externship with whom they do not have regular contact, but would like to add to their professional network. We then ask the students to imagine they have the opportunity to talk to this person for a just a minute or two. The students then draft what they would say, limiting the time it would take to say it to thirty seconds. We instruct the students to make sure their elevator pitch will prompt discussion, shed light on the kind of

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81. At the beginning of class, we have students offer one word to complete the sentence, Networking is ___. The words offered help to reflect either the student’s feelings about networking, their definition of networking, or both.

82. See SUSAN R. SNEIDER, A LAWYER’S GUIDE TO NETWORKING 27 (2006).

83. *Id.* at 32-39. For a similar network identification exercise, see MAXWELL D. ROSENTHAL, THE BRIDGE: HOW TO LAUNCH YOUR CAREER THROUGH A LEGAL INTERNSHIP 33-34 (2015).


85. This is somewhat of a misnomer because, at least in the context of our externship course, the goal of the elevator pitch is not as much a sales pitch as it is a way to build a student’s professional network by prompting further discussion.
person they are, and suggest how they might be able help the person they wish to meet. After students have completed a quick-write of their elevator pitch, we ask them to partner with someone in the class they do not know well and take turns giving their elevator pitch. The listener is instructed to provide two concrete points of feedback: one thing the student did well and one thing that could be improved.

c. Business Development

We conclude the class by talking about the need for lawyers, no matter the type of practice (non-profit, private firm, etc.), to engage in business development.\(^\text{86}\) Up to this point, many students have not given much thought to the business aspects of the legal profession. We brainstorm ways junior lawyers just entering practice can start to work on their business development plans such as writing articles for the local bar journal, getting involved in local, state, or national bar associations, helping to organize and/or speaking at Continuing Legal Education programs (CLEs), becoming involved in community organizations and non-profit boards and the like. As a goal, we hope to prompt students to consider their core values when determining business development strategies. After that discussion, we play the first part of a TED Talk by Simon Sinek describing his concept of the “Golden Circle,” which highlights the importance and effectiveness of communicating the purpose of your work or, as he puts it, the “why,” before communicating how you do the work or what you do.\(^\text{87}\)

4. Communication Skills

The fourth class focuses on communication skills, methods of communication (speaking, listening, writing, and non-verbal/body language), and the communication cycle (sender, transmission, receiver, and response). Because much of law practice involves communication, students must be aware of how they communicate, both in terms of method and effect on the listener.

a. What Communication Method Exercise

We begin the class with an exercise based on a hypothetical email that states, “I read your draft of the settlement agreement. I found it to be completely inconsistent with what we agreed. Please immediately send


me an agreement that is consistent with what we discussed. After students read the hypothetical, we ask them for their initial reaction and how they would respond with regard to both method of communication used and wording of the communication. We do not tell the students who sent the email. Usually, students assume the email is from the site supervisor. After some discussion of their initial reaction and plan for response, we change the identity of the sender to an opposing attorney and explore how their initial reaction and response changes and the reason for the change.

b. Non-Verbal Communication Exercise

To provoke student thinking about non-verbal communication, something students do not think about very often, we run the Count to 20 Exercise. In that exercise, students must stand in a circle facing each other. The group must count to twenty. Each student must speak at least once. The same student cannot speak consecutively. The student standing on either side of one another cannot speak after you have (in other words, students cannot go in order). Students may not gesture to one another (such as point or nod). If two or more students speak at the same time, the group must start back at one.

Some classes make quick work of getting to twenty. Others are unable to meet the goal despite repeated attempts. After the exercise, we debrief the experience, including the challenges of non-verbal communication and the importance of reading non-verbal cues.

c. TED Talk Critique

In advance of class, students are required to watch a TED Talk of their choice related to one of Shultz-Zedeck’s twenty-six Lawyering Effectiveness Factors, identify the factor implicated by the TED Talk, explain why they picked the particular TED Talk to watch, and to identify both effective and ineffective aspects of the presentation. Students then discuss the TED Talks they chose and their observations. Interestingly, about

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88. This exercise comes from Martin, supra note 80, at 449 n.143.
89. This exercise came out of a brainstorming session conducted in a concurrent session at the AALS Annual Conference on Clinical Legal Education, May 7, 2015, presented by Laurie Barron, Eden Harrington and Avis Sanders and entitled, Persuasive Presentations in Informal Settings: Helping Students Recognize What Matters to Them and Their Audience.
90. We also assign an article for students to read in advance of class by Chris Anderson, How to Give a Killer Presentation, HARV. BUS. REV. (June 2013).
91. This exercise comes from Avis Sanders, who shared a variation of the exercise during the concurrent session referenced in supra note 89.
half of the students each semester choose a TED Talk focused on some aspect of stress management.

**d. Golden Circle Exercise**

In addition, students are required to come to class with a brief presentation (a maximum of three minutes) about their externship site and the type of work it does,92 using Simon Sinek’s Golden Circle Approach. We conclude the class with each student’s three-minute presentation about their externship site and a video of a sample student TED Talk to get them thinking about their final TED Talk presentation.

5. Teamwork and Problem-Solving

The fifth class focuses on teamwork and problem-solving. Although other law school classes may have exposed students to group work, we find that students have not deliberately considered their individual approach to collaboration or the steps necessary to effective teamwork. Given that much of law practice involves teamwork and problem-solving, we use this class to raise student awareness about how they interact and work with others in a group setting.

**a. Lost at Sea Exercise**

We begin the class with an exercise called “Lost at Sea.”93 We put students into groups of three to four to complete the exercise. The premise of the exercise is that each group of students is on a yacht in the middle of the South Pacific. The yacht is on fire and slowly sinking. There is a list of items to salvage and the students must rank the items from one to fourteen,94 from most important to least important. Students rank the items on their own and then must work with their group to form a consensus on a group ranking. In our experience, almost every group starts ranking the items without determining their collective goal (survival or rescue). The omission of this important step provides a convenient teaching opportunity to discuss the importance of goal-setting to successful collaboration. For example, in this exercise, teams who identify rescue as

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92. This exercise comes from Laurie Barron, who shared a variation of the exercise during the concurrent session referenced in supra note 89.


94. We do not include the “sextant” (and limit the number of items to fourteen instead of fifteen) because we have limited time allotted to the exercise and we fear that students might spend an inordinate amount of time on this item because it is unfamiliar.
the collective goal are more likely to align their ranking with the expert’s ranking. 95

After we reveal the correct ranking of the items, each group must calculate both an individual error score for each member and a group error score, the group ranking often reflects that working as a group is more advantageous than working alone. In debriefing the exercise, we emphasize that for effective collaboration, each member of the team must possess critical self-awareness by understanding their strengths and weaknesses, their strongest contributions, and any points of contention. As part of the debrief, students share the results of their DISC personality test 96 with the other members of the group and discuss whether they agree or disagree with the results of the test and why, how the DISC assessment can be beneficial to law students and lawyers, and if knowing their results in advance impacted how they approached the assignment. 97

b. The Marshmallow Challenge

After the debrief and some discussion about teamwork theory, 98 we give the student groups a new task—complete the Marshmallow Challenge. In the Marshmallow Challenge, each team has twenty sticks of spaghetti, one yard of masking tape, one yard of string, and one marshmallow. The goal is to build the tallest freestanding structure using only the supplies given with the marshmallow on the top. The winning team

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95. Some versions of this exercise cite the United States Coast Guard as the source of the expert ranking. Others cite the United States Merchant Marine. In both instances, the ranking of items from one to fourteen is consistent and the explanations provided for the usefulness of each item demonstrate the importance of identifying rescue as the collective goal.

96. Before class, we require students to read Charles Duhigg, What Google Learned From Its Quest to Build the Perfect Team, and require students to take the DISC assessment test, print out the results, and bring a hard copy to class. See Charles Duhigg, What Google Learned From Its Quest to Build the Perfect Team, N.Y. TIMES (Feb. 25, 2016), https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html; 123 TEST, DISC personality test, https://www.123test.com/disc-personality-test (last visited Mar. 5, 2017). In addition, Section 4 of the Professional Development Plan (assigned prior to class) requires students to list the results (percentages) of the online DISC assessment and discuss whether the DISC assessment results align with their perception of who they are. As part of Section 4, students must provide a written reflection on their approach to teamwork and the benefits and challenges they see to collaborative work.

97. For a discussion of DISC as it relates to what an assigning attorney values, see ROSENTHAL, supra note 83, at 129.

is the one that has the tallest structure measured from the table top surface to the top of the marshmallow. After we run the Marshmallow Challenge, we play a TED Talk describing the Marshmallow Challenge, which explicitly discusses how lawyers and other groups fare with the challenge, and debrief the exercise by soliciting observations about whether the team instituted what it learned from the Lost at Sea exercise. Surprisingly, students do not always transfer the lessons from the Lost at Sea exercise despite debriefing it just before beginning this one.

6. Cultural Awareness
The sixth and final class before the student TED Talks, is focused on cultural awareness. We focus on cultural awareness because cross-cultural interactions are inherent within each student’s future law practice.

a. Cultural Identity
Because cultural awareness necessitates an understanding of the concepts of culture and identity, we begin this class by discussing the intersection of the two concepts. We define culture as "values and traditions learned through one’s community." We define identity as the "vast array of traits that describe us personally." Accordingly, some of these identities may be associated with culture.

101. See generally Margaret Reuter & Carwina Weng, Navigating Cultural Difference, in LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION 118 (Leah Wortham et al. eds., 3d ed. 2016). We have refined the name of the class from “cultural competence” to “cultural consciousness” to “cultural awareness” because we realize that in a single class session, we are not going to be able to move students to a level of competence. Rather, we strive to raise self-awareness as to students’ own cultural identities, the role of culture in lawyering, the ways implicit bias develops, and tools for combating implicit bias. We find that this class is particularly important with millennial students who tend to adopt a “colorblind” perspective. In other words, they choose to not see differences and, in doing so, do not consider their implicit biases.
102. Id. at 118.
103. Id. at 119.
To demonstrate this intersection, we start with two accessible examples: geographical background and educational background. We then ask students to determine how they identify culturally and what cultural descriptors make up their identity. We ask students to list the cultural attributes making up their identity and complete a pie chart, designating the appropriate percentage to each cultural attribute. We then ask students to write down the three cultural attributes that best define their cultural identity, not as the outside world sees them but as they see themselves, and pass them forward. After collecting the post-it notes, we read aloud all of the attributes. This exercise demonstrates that each person's cultural identity consists of many different layers and complexities. As such, we cannot assume that we know a person's cultural identity based on external factors and perceptions. To do so leads to attitudes and stereotypes.

b. Implicit Bias

We play and discuss a TED Talk to introduce the concept of implicit bias. The TED Talk features Yassmin Abdel-Magied, a Muslim

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104. To begin the discussion of geographical background, we put up a picture of a bottle of Coca-Cola and a bottle of Sprite. We go around the room and ask students to say the word they use to refer to the items represented by the picture. Students usually use two to three different words to name the picture including Coke (regardless of the variety, it is all called "Coke" by some Georgians), soda, and pop. We also give a few examples from the New York Times Dialect Quiz, How Y'all, Youse, and You Guys Talk, N.Y. TIMES (Dec. 21, 2013), http://www.nytimes.com/interactive/2013/12/20/sunday-review/dialect-quiz-map.html?_r=0. These examples provide an entry point to talking about culture.

105. Each law school and law school class has a shared culture. We use pictures of cartoons that depict "inside jokes" about law school that we expect only law students or those who went to law school truly appreciate.

106. We tell students to write their most important attribute on a pink post-it note, their second most important attribute on a blue post-it note, and their third most important attribute on a green post-it note. Before class, we put all three post-it notes on an 8.5 x 11 sheet of paper, which we distribute in advance of the exercise to facilitate collection of the post-it notes at the conclusion of the exercise.

107. This idea came from 2015 Southern Clinical Conference's opening plenary session entitled, Teaching Cross-Cultural Competency: An Interdisciplinary Approach presented by Cynthia Batt, Wanda Lee, Regina Thompson, Carwina Weng, and Christina Zawisza. See also Reuter & Weng, supra note 101, at 119-20, ex. 6.1.

108. Yassmin Abdel Magied, What Does my Headscarf Mean to You?, TED (Dec. 2014), http://www.ted.com/talks/yassmin_abdel_magied_what_does_my_headscarf_mean_to_you?language=en. We stop the TED Talk at six minutes and thirty-nine seconds (right after she says, “Because that’s my day job.”). This TED Talk always leads to some great discussion.
woman, who uses her own appearance, studies, and even riddles to challenge initial perceptions and biases. After discussing the TED Talk, we discuss the Implicit Association Test, \(^{109}\) which students were required to take\(^ {110}\) in preparation for the class discussion. We require students to take three tests: race, age, and a test of their choosing.\(^ {111}\)

We then turn to how implicit biases happens, how we develop implicit bias from schemas and implicit cognitions, or mental shortcuts, and how it can impact a lawyer’s effectiveness. Specifically, a lack of awareness of implicit bias can lead an attorney to unconsciously act in accordance with the stereotypes and negative attitudes\(^ {112}\) that are rooted in their implicit bias. This can lead to a potential detrimental impact on professional relationships with case stakeholders (i.e. opposing counsel, witnesses, judges, etc.); in developing case strategy; and in interactions with the client and other parties invested in the case’s outcome. Implicit bias can hinder fairness and equality of the legal system, so even more important with lawyers, judges, jurors, etc.

c. Methods to Combat Implicit Bias and Achieve Cultural Competence

Finally, we move to a discussion of the Five Habits, \(^ {113}\) a technique to combat implicit biases. Using the five habits we introduce a hypothetical

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\(^ {110}\) We also include the following note: The IAT is an educational tool designed to develop awareness of implicit preferences and stereotypes. It does not measure whether you accept, agree with, or act in furtherance of any implicit bias. Your results are personal and confidential. This question asks for your reactions to the test. There is no expectation that you disclose your results with what you expected your implicit preferences to be and their strengths and weaknesses in dealing with cultural differences (when a person is of a different culture, race, ethnicity, generation, etc.).

\(^ {111}\) There are thirteen different tests. In the initial semester of the seminar, we allowed students to take three tests of their choosing. Not surprisingly, students shied away from taking the race and age tests. Instead, they chose the seemingly less controversial topics such as presidents, gender-science, gender-career, and weapons.

\(^ {112}\) To get students thinking about the stereotypes they are subjected to, we run an exercise where students fill in the blanks, “I am ___, but I am not ___.

\(^ {113}\) Habit One: Degrees of Separation and Connection (differences and similarities between the lawyer and client and how these inform the lawyer-client interaction); Habit Two: The Three Rings (impact of the differences and similarities on the interaction between the lawyer, client and legal-decision maker); Habit Three: Parallel Universes (alternative reasons for the client’s conduct); Habit Four: Pitfalls, Red Flags, and Remedies (conscious cultural awareness when communicating with the client); and Habit Five: The Camel’s Back (possible areas where bias and stereotype may interact to undermine the lawyer-client relationship). Susan Bryant, The Five Habits: Building Cross-Cultural Competence in Lawyers, 8 CLINICAL L. REV. 33 (2001) (The aim is to adapt the lawyer’s analytical exercise when
client, Alfred Postell,114 to our students and ask them to discuss in small
groups the application of habits one, three, and four. Students then share
their approaches with the class and we reveal Postell’s story.

7. Student TED Talks
The last seminar class is dedicated to student oral presentations,
which are video-recorded during class.115 The oral presentation is a six-
minute116 TED Talk inspired by the intersection of each student’s devel-
oping professional identity, one of the Shultz-Zedeck twenty-six Lawyering
Effectiveness Factors, and his or her externship experience.117 Students
use a grading rubric to assess their classmates’ performance. Each
student is then required to watch his or her own video and complete a
self-assessment using the same grading rubric.

Student TED Talks often prompt a level of self-reflection and creativ-
ity different from and complementary to the reflection they have done in
their reflection papers and in class. By way of example, one student work-
ing at a criminal defense placement did a TED Talk on providing advice
and counsel to clients. Specifically, he focused on strategies for having
difficult conversations with clients especially when breaking bad news, a
topic prompted by his experience with clients sentenced to federal jail

WASHINGTON POST (July 13, 2015), https://www.washingtonpost.com/local/social-i
oberts/2015/07/13/63257b5c-20ca-11e5-bf41-c23f5d3face1_story.html?utm_term=.cfe7b60
b36bf119.

115. Our classrooms have video recording capability using PANOPTO, https://www.pano
pto.com/ (last visited Mar. 5, 2017), which immediately uploads the video recording to
our university course page.

116. We initially limited the TED Talk assignment to five minutes, but we determined
that it was not long enough to allow students to fully develop their ideas. The six-minute
time limit challenges students to really think about what they want to say and do so in an
engaging and efficient manner.

117. The wording of the assignment is as follows: Your oral presentation should be a six-
minute TED talk on an idea inspired by the intersection of your developing professional
identity, the Shultz-Zedeck twenty-six Lawyering Effectiveness Factors, and your extern-
ship experience. In other words, it should be an idea that is important to you (and your
future as a lawyer), it should be supported by research and focus on one of the twenty-six
lawyering effectiveness factors, and it should draw upon your externship experience
through narrative or example. Two weeks prior to their TED Talk, we require students to
submit their topic and answer the following questions: What is your working title?; What
are three points you want to make?; Which of the Schultz-Zedeck Lawyering Effectiveness
Factors do you plan to address (focus on only one)?; What do you plan to use as research?;
and How will it tie into your externship experience?
time. The student looked to the medical profession for answers and suggested the application of the SPIKES protocol,118 a framework oncologists developed for informing a patient that he or she has cancer, to the legal field. Another student who externed for a trial judge did a TED Talk on how to improve listening skills, something he observed was central to the work of the judge and a lawyering effectiveness factor the student felt he needed to personally improve. In his TED Talk, he described SOLER119 and other techniques to facilitate active listening.

At the Symposium, we played a TED Talk given by a student who worked as an engineer before law school. His TED Talk focused on passion and engagement in the law and one’s legal career. Because he had a self-described affinity for numbers, he calculated the average number of hours each of us will spend at work during our lifetimes, shared what he learned about why the staff attorneys he worked with turned down lucrative law firm jobs to work at the Georgia Supreme Court and, in doing so, effectively communicated how picking a job about which you are passionate and engaged is essential to one’s personal and professional happiness.

V. CONCLUSION

The goal of assisting students in becoming competent, ethical, and fulfilled attorneys can be achieved by intentionally integrating curricular and pedagogical design in a way that will cause students to consider their professional futures while still in law school. As suggested above, experiential learning and externship seminars, in particular, can and should play a central role in law schools’ effort to shape each student’s professional identity. Although there is still work to be done in the area of professional identity formation, the changing landscape of legal education provides a multitude of opportunities to facilitate the transition from law student to lawyer.

118. See Walter F. Baile et al., SPIKES—A Six-Step Protocol for Delivering Bad News: Application to the Patient with Cancer, 5 ONCOLOGIST 302-11 (2000), http://theoncologist.alphamedpress.org/content/5/4/302.full. “The goal is to enable the clinician to fulfill the four most important objectives of the interview disclosing bad news: gathering information from the patient, transmitting the medical information, providing support to the patient, and eliciting the patient’s collaboration in developing a strategy or treatment plan for the future.” Id. at 302.

2017] MARKING THE PATH 807

Externship I—Spring 2017
Course Description and Requirements
Tim Floyd and Mark Jones

Introduction

We look forward to our exploration of lawyers and work this semester. This course is designed to offer students practical work experience while providing faculty supervision and guided reflection. In addition to field work, the course includes readings, reflective journals, and class discussion, all of which are designed to help you learn from your fieldwork experience.

This course will encourage you to focus on developing your own professional identity and career goals, and will help you build skills of reflection. We will explore not just what lawyers know and what they can do, but also who lawyers are. Through the readings, journals, and discussion, you will explore fundamental questions of meaning and purpose in living a life of service in the law. In your fieldwork, you will learn a good deal of substantive law and will acquire valuable practical skills. You will also have an opportunity to observe lawyers and judges in action, and you will learn from your classmates’ experiences as well as your own.

Professor Tim Floyd and Professor Mark Jones are jointly teaching the course this fall. Each of you will be assigned to either Professor Floyd or Professor Jones as your primary faculty contact for the semester. You will submit your journals and timesheets to the faculty member to whom you have been assigned, and that faculty member is the person you should contact with problems or questions about this course generally. The two sections will meet jointly every Thursday from 4:40 until 5:40, followed by separate section meetings from 5:50 until 6:50.

Maximizing your Learning Experience:

To maximize your learning experience in this course, it is essential that you keep in mind that your fieldwork experience in your externship will not be a set of prepackaged lessons, so there is no such thing as “passive learning” this semester. It is therefore essential that you prepare to be an active participant in creating and maximizing learning opportunities.

Show Initiative. The benefit you receive from your experience in this course will depend heavily on your own initiative. Remember, law offices and government agencies are busy places that demand a great deal of attention from the people working there. Therefore, the number and types of assignments you are given may depend heavily on your own initiative.
Seeking Feedback and Advice. As you work through your assignments in your fieldwork placement, keep in mind that you are operating in the capacity of a student, not an experienced attorney, and make sure your supervisor is constantly aware of that fact. Having said that, you should strive to provide your supervisor the best work product you are capable of producing. To ensure that happens, you must commit to be critical of your own work. Before seeking advice, make your best effort to read given materials and research the question independently. Read your work with a sharp editing pencil and clean up the document. The draft you give your supervisor should never be the first thing you produce. Never submit documents containing misspellings or other errors. Remember, the more critical you are of your own writing, the more you will benefit from your supervisor’s feedback.

Set Goals. It is critical that you are clear about your goals when starting an externship and that you discuss your goals with your supervisor. What experiences would you like to gain? What skills would you like to improve? Common goals for externs include: (i) improving research and writing skills, (ii) becoming more self-aware about your skills and preferences, (iii) understanding the work of lawyers in court, (iv) gaining a better understanding of the court rules or a particular practice area, (v) obtaining a writing sample, (vi) getting a job, (vii) getting a good reference, (viii) and making connections. There are no “right” or “wrong” goals. At several points during your externship, however, you should ask yourself whether you are reaching the goals you have set out to accomplish. If not, what can you do to make your goals more attainable? One of your first assignments in this course will be to formulate learning goals for the semester and to craft a learning agenda.

Externship Placement

You have been or will be assigned to a public interest or government legal office for the fieldwork component of this course. You will arrange a regular weekly work schedule with your supervisor. A document labeled “Responsibilities of Student and of Supervising Attorney” is attached. You and your supervising attorney will both sign this document at the beginning of the semester and return it to your faculty supervisor.

Class Meetings and Attendance

Weekly class meetings are on Thursdays from 4:40 to 6:50. Most weeks, the two sections will meet jointly in the Faculty Seminar Room from 4:40 to 5:40. From 5:50 to 6:50, the two sections will meet separately for what we call the “Case Rounds” discussion. Professor Jones’ section will meet in the Faculty Seminar Room for this second hour, and Professor Floyd’s section will meet in Classroom
E. We base class discussion during the joint section meetings on your field placement experiences and observations, short reading assignments, posted discussion topics, and, on occasion, the depiction of lawyers in popular film. Most weeks, the second hour will be specifically devoted to "case rounds" in which you will present information and reflections from your externship placement and offer feedback to your classmates on their presentations. Please check the course page regularly, as new assignments and discussion topics will be posted there.

You must attend all weekly class meetings. There will be no unexcused absences. If there is a reason you are unable to attend a particular class meeting, you must communicate that reason to your faculty supervisor in advance of the class meeting, unless you are unable to do so because of an emergency.

**Course Readings**

The readings for this course come from *Learning from Practice: A Text for Experiential Legal Education* (Wortham, Scherr, Maurer, & Brooks eds. West 3rd ed. 2016). You are welcome to purchase the entire text in hard copy; it runs $90 from Amazon or $95 directly from West. But you can also purchase individual chapters directly from West for printing or reading online, at a cost of $6.00 per chapter. We will assign either 6 or 7 chapters. The editors and authors will donate all royalties for the book to charity.

To purchase chapters, follow these instructions:

2. Click on the Store tab in the upper right.
3. On the next page, in the search box, enter the phrase “Wortham, Scherr”.
4. The next page starts a list that includes both the whole book and the individual chapters in the book.
5. Find the entry for each chapters listed below and click “Add to Cart.” You will need to return to the list of chapters to add each new chapter.
6. After adding all of the chapters below to your Cart, you can proceed to checkout and complete your purchase. West will then provide you instructions for reading and printing them through West’s Law School Exchange.
7. You will receive codes that allow you to access the relevant chapter. Make sure to use those codes quickly. You will lose access unless you do so within a relatively short period of time.

A copy of the book will also be available on Reserve in the library.
Time Requirements and Weekly Timesheets

You must work at your fieldwork placement at least 84 hours for 3 hours of credit or at least 126 hours for 4 hours of credit. Based on 13 working weeks for the semester this equates to approximately 6-7 hours and 10 hours per week respectively. You will arrange a regular work schedule with your field supervisor, and your fieldwork should be spread relatively evenly throughout the semester. Understand that your time commitment may vary from week to week, depending on the demands of your casework obligations. You will need to manage your time and your casework responsibilities in a professional manner, and you should consult with us on a regular basis before a problem arises. If you anticipate any problem in having the time to fulfill your professional obligations in this course, you should meet with your faculty supervisor to discuss this as soon as possible.

You will submit timesheets weekly. The timesheets will record all time spent on work for your field placement and include a statement stating that you have submitted a journal entry for that week. The timesheet format is attached. Timesheets are due by noon each Monday and should be submitted to your faculty supervisor by email.

Journals

Throughout the semester you will maintain a journal in which you reflect upon what you are learning from your externship experience. A description of the journal requirement is attached. Journals must be submitted to your faculty supervisor by email each week by noon on Mondays (floyd_tw@law.mercer.edu or jones_ml@law.mercer.edu). Please send your journal entry in a separate email from the email submitting your timesheet. However, please also include a statement in each weekly timesheet that you have submitted a journal for that week. By way of exception, your first journal entry, which will address your learning goals for the course, is due by noon on Wednesday, January 25.

Web-based Discussion

We will use the course page on the Mercer Law website to support this course. The course page will include documents relating to this course, including the syllabus and reading assignments, and we may use the discussion feature on the course page. We may periodically post questions relating to the themes of the course to which we expect you to respond. You are required to participate in these discussions.
MARKING THE PATH

Professional Responsibility, Conflicts of Interest, and Confidentiality

The opportunity to work on actual cases carries a significant measure of professional responsibility. You are expected to know and follow all provisions of the rules of professional conduct. Understand from the outset that you are working on your cases as representatives of the office to which you are assigned. Everything you do in this course reflects upon that office, upon the Law School, and upon your professionalism.

You must be sensitive to any conflict of interest that may arise in connection with any outside employment. Although outside employment is not prohibited, you must discuss any employment with your faculty supervisor so that we can determine whether there is a prohibited conflict of interest with your externship placement, and also whether the time demands of your employment and your other classes will interfere with the matters entrusted to you in this course.

You must be constantly aware of your obligation to keep confidential the work in which you are engaged, as well as any information you learn while working in the office. Although you may be tempted to do so, confidential matters should not be discussed with anyone outside your office. This includes other students, faculty members, spouses, and friends. Be discreet; confidential matters should not be discussed in non-private areas such as classrooms or the student lounge areas where others are present. Do not post information about these matters on social media sites. Your obligation of confidentiality extends beyond the semester in which you are working.

Grading

This course is not numerically graded: the two possible grades are “Satisfactory” and “Unsatisfactory.” If you do not satisfactorily complete all course requirements, you will receive a grade of “Unsatisfactory.” You must attend all class meetings unless your faculty supervisor has excused you for a valid reason.

Communication

We look forward to getting to know each of you. This course can only work if we are in regular and frequent communication with each other. We will regularly communicate with you via email, so we expect you to check your email at least daily. You are welcome to contact us by email at Floyd_tw@law.mercer.edu or jones_ml@law.mercer.edu. Our office telephone numbers are 478-301-2631 (Floyd) and 478-301-2636 (Jones), and messages left on our office telephone are forwarded to us by email.
Topics for Class and On-line Discussion

Throughout this course, we will explore the question of what it means to be a good lawyer, with the purpose of helping you form your own identity as a lawyer. Therefore, many of our topics over the semester will focus on the characteristics or virtues of good lawyers, including:

- integrity (meaning both honesty and wholeness)
- empathy and compassion
- courage/passion for justice
- humility/magnanimity/civility
- balance/self-discipline
- judgment/practical wisdom
- creativity
- professional detachment/objectivity
- excellence in advocacy
- excellence in communication
- excellence in listening

Because lawyers are officers of the court who have a special responsibility for the quality of justice, we will also explore such topics as:

- bias, discrimination, and diversity in the legal profession and the legal system
- access to justice in civil matters
- alternatives to adversarial conflict resolution/restorative justice
- holistic representation and collaborative lawyering

This question also requires that we understand ourselves and our relationships with others. Accordingly, we will explore such topics as:

- self-awareness/recognizing your strengths and weaknesses
- coping with fear
- learning from experience, including mistakes
- relationships with family, friends, and professional colleagues
- establishing priorities in your life/finding work-life balance
- setting goals for your personal and professional life
Externship I—Spring 2017
Journals

This course is designed to help you learn from experience. Learning and psychological research shows that we learn best from our experiences when we reflect upon them. As a tool to aid you in reflection, you will be keeping a journal of your experiences in your field placement.

The journal you keep in this course will serve several purposes: 1) it will be a tool for you to discuss specific work experiences and to reflect upon what you have learned from them; 2) it will push you to examine critically and in depth your performance, thoughts, and feelings; 3) it will provide you and your faculty supervisor with data for discussion of issues central to the course; 4) it will help you learn how to learn from experience and develop skills of reflection; and 5) it may help you deal with difficult events and relieve stress.

Your journal should NOT be primarily an account of your activities—the time-sheets you submit will capture this type of information. Rather, you should record what you are thinking and feeling about your experiences with the people you work with in your field placement; clients and other people involved in the cases (family members, victims, witnesses, etc.); reading assignments for the course; and the legal system.

Sometimes we will assign a topic for your journal entries. Otherwise there are no strict requirements for the content of your journal entries. While your entries will be about whatever you choose to write about, here are some ideas that may help you in this process:

- Critique a performance by a lawyer or judge, stating what you observed that was good, what needs improvement, and why.
- Discuss what you are learning about how to learn from experience. How do you learn best? What facilitates your learning? What inhibits your learning?
- How does your work in the Externship Program fit into your future plans? What have you learned that will help you to make decisions about future employment? How will you apply what you are learning to your future endeavors? Is your learning transferable to other settings? How might this best be accomplished?
- Legal cases often involve traumatic events and tough life situations. How have these difficult events affected you?
- Critique your performance in a work assignment for this course. Discuss your planning and execution of the task. What was good, what needs improvement, and what would you do differently?
- Discuss an interaction (positive or troubling) with a client, supervisor, witness, party, etc.
- Reflect on a weekly reading assignment.
Discuss whether and how your perceptions about the practice of law have changed during your externship placement.

Is the institutional mission of your agency/organization useful or important? How well is that mission being accomplished?

What personal strengths and weaknesses have you discovered during your work? Discuss how you are perceived and how you feel about your own performance.

Observe and discuss employee interactions and professional relationships with adversaries.

Discuss creative problem solving you have engaged in or observed.

What role should your work play in achieving life satisfaction?

What values have you learned in law school? At your externship placement or other practice environments? How, if at all, are these values different from those with which you came to law school?

What pressures do you feel to conform to how others behave, think, or expect you to behave? Discuss the challenge of being different and doing things differently.

Link theory and practice. Think of something you learned in school about practicing law or the legal system, and compare that theory to something you see in practice.

Can you be the person you truly are at your deepest levels (or the person you truly want to be) and also be a good lawyer?

Each journal entry should be at least the equivalent of approximately one double-spaced, typed page in length, but feel free to write more if the spirit moves you. We often reply to your entries with our own comments and we are happy to establish a dialogue on the issues you write about. Your journal entries are confidential. Occasionally, we may ask your permission to refer to a journal entry in one of our classes or for us to put together some of the journal entries from several students as a compilation for our class discussions. In either instance, we will seek your permission in advance and privately, and you have the absolute authority to decline.

Remember that journals are to be submitted by email no later than noon each Monday. By way of exception your first journal entry will be due by noon on Wednesday, January 25 on the assigned topic of your learning goals for the course.
Format of Weekly Time Sheet

(copied and paste into an e-mail sent to your faculty supervisor by noon on Monday)

Total hours worked for the week of (date range here): _____________
Total hours worked so far this semester (including this week): ______

Tasks I worked on this week:

I hereby certify that I have e-mailed my weekly journal to Professor Tim Floyd or Professor Mark Jones.
Overview of Weekly Topics and Assignments

(Please understand that this schedule is an overview only, and it is subject to change as we proceed through the semester. We will post more detailed assignments each week on the course page.)

Week 1 January 19—Introductory and Organizational Meeting

Both Hours: Introduction to the Course; Introductions and expectations; Basic requirements, including journaling and timesheets; Overview of students’ field placements.

Week 2 January 26—How to learn from experience: Establishing learning goals

First Hour: Focus on how to learn from experience, including how to maximize an externship experience.
Assignment: Read Chapters 1 and 2 in Learning From Practice

Case Rounds: Learning goals and methodology—Establishing your own learning goals and learning agenda.
Related Journal Assignment on Learning Goals: Posted on the course page.

Week 3 February 2—How to learn from experience: Learning from supervision and learning from reflection

First hour: Learning from supervision by establishing and maintaining a good working relationship with your supervisor; How to get good assignments from your supervisor; How to get effective feedback from your supervisor.
Learning from reflection, including the cycle of reflection and writing journals
Assignment: Read Chapters 8 in Learning from Practice

Case Rounds: Further discussion of the above topics and general reports
Week 4 February 9—How to use your externship experience to shape your professional identity and how to learn about yourself and your ideals

First Hour: Discuss the above topic.

Assignment:
(i) Read chapter 24 in Learning from Practice
(ii) Take the Jung/Myers-Briggs personality type indicator

Case Rounds: Discuss ways in which your externship placement experience fits your personality and your ideals as well as ways (if any) in which it may challenge these.

Week 5 February 16—How to learn from mentors and identify professional role models.

First hour: Discuss the above topic and the characteristics or virtues of good lawyers with reference to Mockingbird’s Atticus Finch as an ideal.

Assignment: Watch or read To Kill a Mockingbird before class.

Case Rounds: Choose one lawyer that you particularly admire and describe this lawyer’s characteristics or virtues that you would like to emulate in your career.

Week 6 February 23—How to be a professional: Well-Being; Balancing personal & professional life

First Hour: Establishing priorities in your life; relationships with family, friends, and professional colleagues; taking care of yourself.

Assignment: Read Chapter 25 in Learning From Practice.

Case Rounds: General reports, and further discussion on work/life balance

Week 7 March 2—How to use your externship experience to prepare for your career

Both Hours: Discuss above topic; Resumes and Application Letters. Guest speaker: Assistant Dean, Career Services Stephanie Powell.

Assignment: Complete Questionnaire prepared by Dean Powell (posted on course page)
2017] MARKING THE PATH 819

Week 8 March 9 NO CLASS—Review learning goals at mid-semester; individual conferences with your professor.

Week 9 March 16—How to be a professional: Staying true to yourself; Living with authenticity and integrity; Practicing with practical wisdom

Both Hours: We will explore integrating the personal and professional, as well as issues of integrity and authenticity. Be prepared to discuss the following question: “Can you be the person you truly are and also be a good attorney?”

We will also explore integrating all the attributes of the good lawyer through exercising the master virtue of practical wisdom (phronesis).

Assignment: Read extract on practical wisdom from Mark Jones Developing Virtue and Practical Wisdom in the Legal Profession and Beyond: Some Lessons from Virtue Theory (posted on the course page).

Week 10 March 23—How to be a professional: Cultural awareness and Cross-cultural competency; Navigating cultural difference

First Hour: We will explore issues of cultural competence and implicit bias.

Case Rounds: General reports, and further discussion of the above topic.

Week 11 March 30—How to be a professional: Membership in a diverse profession; Challenging bias and discrimination.

First Hour: We will discuss issues of bias and unfairness raised in the film Philadelphia.

Assignment: Watch the film Philadelphia before class.

Case Rounds: Everyone will give a report of bias or unfairness in the legal system. This should be an incident or situation that you have personally experienced or observed, either in your field placement this semester or otherwise in your experience or observation of the legal system.
Week 12 April 6—How to become a professional: Reflecting back on law school

First Hour: We will explore how your legal education has shaped you and your future career.

Case Rounds: Each of you will review and be prepared to discuss the essay you wrote for your law school admission application to Mercer.

Week 13 NO CLASS—SPRING BREAK

Week 14 April 20—How to put it all together and envision the future

First Hour: We will explore what you learned from your Externship. Each student will discuss his or her most significant experience of the semester.

Case Rounds: Discussion will focus on your future lives and careers—your hopes, dreams, fears, and concerns.

Week 15 April 27—Concluding perspectives (over communal meal)
Mercer University Walter F. George School of Law  
Externship I  
Responsibilities of Student and of Supervising Attorney

The student agrees:

In the first week of the semester, I will arrange a regular work schedule with my placement supervisor. This schedule reflects a roughly-equal apportionment of _____hours through the semester (and I understand that, except in extraordinary circumstances, my course credit and total number of hours may not change after the drop/add period). That schedule, which I will not change without prior approval, is:

<table>
<thead>
<tr>
<th>Day</th>
<th>From</th>
<th>To</th>
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I will submit weekly timesheets to my Law School faculty supervisor. I will be punctual, courteous, and respectful of office staff and clients. I will put forth my best effort in each assignment, and I will ask questions of my placement supervisor if I become confused. I will keep the confidences of this office and of my clients. I understand that this agreement and the rules of professional conduct bind me even after I have left this placement.

The supervising attorney agrees:

I or another attorney will supervise the student’s work.

I understand that the Law School will initiate the process to register each externship student under the new Student Practice Rule, Part XV, Rules 91-95 of the Rules of the Supreme Court of the State of Georgia and that the student will receive a registration number upon completion of this process.

I have approved the schedule that appears above. The student will be integrated into the legal work of the office. To the extent possible, the student will be invited to accompany me in court appearances, arguments, hearings, and client visits.

Strictly clerical work (copying, filing, etc.) will not take up more than 5% of the student’s workload. The student will have a regular workspace with a functional computer (or will be allowed to bring his/her own computer and have an adequate computer docking station).
I will formally evaluate the student’s performance mid-way through the semester and at the end of the semester on forms provided by the law school. At least once a month, I will give informal feedback to the student concerning his or her work. I will also communicate with the Law School faculty supervisor about any concerns or questions, including conveying positive feedback.

Agreed to:

____________________
Student
Supervising Attorney

e-mail address

____________________
Supervising Attorney

____________________
e-mail address
## Class Participation Rubric

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Needs Work: 1</th>
<th>Competent: 2</th>
<th>Excellent: 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attendance</strong></td>
<td>N/A</td>
<td>Student is late to class once or twice.</td>
<td>Student attends all classes.</td>
</tr>
<tr>
<td><strong>Punctuality</strong></td>
<td>N/A</td>
<td>Student does not contribute to class discussions.</td>
<td>Student consistently and in a meaningful manner contributes to class discussions. Contributions demonstrate consistent and appropriate participation with assigned materials.</td>
</tr>
<tr>
<td><strong>Contribution to Discussion</strong></td>
<td>N/A</td>
<td>Student sometimes contributes to class discussions. Contributions indicate that the student is familiar with the assigned materials.</td>
<td>Student consistently and in a thoughtful manner responds to the comments and questions of others in small and large group discussions.</td>
</tr>
<tr>
<td><strong>Listening</strong></td>
<td>Student interrupts others in small and/or large group discussions and does not respond to the comments and questions of others.</td>
<td>Student listens and responds to the comments and questions of others in small and large group discussions.</td>
<td>Student listens and provides constructive and relevant comments to the discussion.</td>
</tr>
<tr>
<td>Criteria</td>
<td>Needs Work: 1</td>
<td>Competent: 2</td>
<td>Excellent: 3</td>
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<tr>
<td>Timeliness</td>
<td>N/A</td>
<td>N/A</td>
<td>Submitted on time.</td>
</tr>
<tr>
<td><strong>Depth of Self-Reflection</strong></td>
<td></td>
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<tr>
<td>What? - Describe something you did or an event you observed at your externship.</td>
<td>Merely lists tasks performed or events observed at externship without providing a narrative or description of the externship experience.</td>
<td>Provides a general narrative of externship experience(s) – describes task performed or events observed with minimal detail.</td>
<td>Provides a thorough narrative of externship experience(s) – describes task performed and/or events observed with detail sufficient to give full context.</td>
</tr>
<tr>
<td>So What? - Personal Reaction - Describe your reaction to what you did or observed.</td>
<td>Describes externship experience(s) without any personal reactions, analysis, or critical evaluation of the experience(s).</td>
<td>Includes some personal reactions to externship experience(s), providing a surface analysis and evaluation of experience(s).</td>
<td>Includes meaningful personal reactions to externship experience(s), thinking deeply about issues raised, insights gained, and developments of changes in writer's own knowledge, values, and beliefs in response to the externship experience(s).</td>
</tr>
<tr>
<td>So What? - Lesson about Lawyering - Describe the lesson you can take away from the experience.</td>
<td>Does not generalize personal reactions by connecting experience(s) to lessons learned and/or conclusions reached.</td>
<td>Attempts to generalize personal reactions but does not effectively step back to see the big picture by including lessons learned and/or conclusions reached.</td>
<td>Generalizes personal reactions by stepping back to see the big picture, including lessons learned and/or conclusions reached.</td>
</tr>
<tr>
<td>Now What? - What do you plan to do the same or differently in your professional future?</td>
<td>Does not describe how the broader generalizations or lessons learned will apply to similar experience(s) in the future.</td>
<td>Provides a surface description of how the broader generalizations or lessons learned will apply to similar experience(s) in the future.</td>
<td>Provides a full description of how the broader generalizations - lessons learned or conclusions reached - will apply to similar experience(s) in the future.</td>
</tr>
<tr>
<td><strong>Quality of Writing &amp; Attention to Detail</strong></td>
<td>Writing is unclear and disorganized. Thoughts are not expressed in a coherent or logical manner; or Many (5 or more) spelling errors and/or typos.</td>
<td>Writing is not consistently clear, concise, and well-organized. Thoughts are not always expressed in a coherent and logical manner; or Several (3-5) spelling errors and/or typos.</td>
<td>Writing is clear, concise, and well-organized. Thoughts are expressed in a coherent and logical manner; and Few (0-3) spelling errors and/or typos.</td>
</tr>
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</table>
Final Professional Development Plan
Throughout the semester, both in your externship and the externship seminar, you have been prompted to explore your developing professional identity. The Final Professional Development Plan provides the opportunity to reflect on the progress you have made in forming your professional identity. The Final Professional Development Plan includes questions from previous Professional Development Plan assignments, as well as new questions that allow you to think about your experiences collectively. Carefully consider and provide a thorough response to each question. For those questions that were posed on previous Professional Development Plan sections, your responses may be the same. However, do not simply copy and paste previous responses. Make sure to review your previous responses, and update your responses based upon the experiences you have had at your externship. Additionally, please make sure your responses incorporate any feedback provided by your professor on the individual sections you completed earlier in the semester.

[Insert Your Name]
Section 1 – Lawyering Skills and Goal-Setting

Reason for Attending Law School
What prompted your decision to go to law school? Be specific in articulating your reason(s) and include any specific experiences that informed your decision.

Lawyering Effectiveness Competencies
Using the Shultz-Zedeck 26 Lawyering Effectiveness Factors, identify the three lawyering competencies you believe are your strongest and the three lawyering competencies you would like to develop. Include the reason(s) for listing each competency. In thinking about your reason(s), consider past experiences and any externship experiences in which you received recognition or constructive criticism.

Strength Competencies
1.
2.
3.

Growth Competencies
1.
2.
3.

Assessment of Strength and Growth Competencies

Have your strength and/or growth competencies changed since the beginning of the semester? If so, why do you think they have changed? If not, why do you think they have stayed the same?
Proactive Development of Concrete Goals
Assess how proactive you were throughout the semester in developing the goals you identified at the beginning of your externship. In your response, address the following:

(a) Have you been able to measure your progress toward meeting each goal you articulated at the beginning of your externship? If so, how have you measured your progress toward meeting each goal? If not, how would you change your stated goals to make them easier to measure?
(b) Did you take any concrete steps to ensure that you received quality assignments in furtherance of your stated goals? If so, what steps did you take? If not, why not?
(c) Did you take steps to ensure that you received meaningful feedback? If so, what steps did you take? If not, why not?

Short-Term Career Goals (1-3 years)
Thinking about your remaining time in law school, describe your short-term career goals. These goals should encompass something in addition to your assumed goals of performing well in class, graduating, and passing the bar exam. Be specific in stating your short-term career goals and explain why you selected them. Have these goals changed since the beginning of the semester?

Skills Needed to Achieve Short-Term Career Goals
Considering these goals, describe what skills are necessary to achieve them. In your response, discuss which of those skills you possess and which you seek to improve.

Proactive Development of Short-Term Career Goals
Describe how you are proactively approaching these goals, including what steps you are taking to achieve them, and what challenges, if any, you anticipate encountering as you seek to obtain these goals.

Long-Term Career Goals (5-10 years post-graduation)
Thinking about your career five to ten years after graduation, describe how you envision your career as a lawyer and member of the profession and community. Examine your career goals from a variety of perspectives (ex. type of work environment and community in which you would like to live and work, type of professional service you would provide, etc.), not just based narrowly on the type of law you think you might like to practice. Be specific in stating your long-term career goals and explain why you selected them. Have these goals changed since the beginning of the semester?

Skills Needed to Achieve Long-Term Career Goals
Identify additional skills, that were not identified in discussing your short-term career goals, which are necessary to achieve your long-term goals. In your response, discuss which of those skills you possess and which you seek to improve.
Proactive Development of Long-Term Career Goals
Describe how you are proactively approaching these goals, including what steps you are taking to achieve them, and what challenges, if any, you anticipate encountering as you seek to obtain these goals.

Section 2: Core Values, Life Priorities and Work-Life Balance

Personal Core Values
Using the core values exercise you completed in class, list the five core values that matter most to you.
1.
2.
3.
4.
5.

Focus on Personal Core Values
Do you think the way you are living (approaching law school, your externship, your life, etc.) is currently aligned with your core values? If so, how so? If not, why not?

Personal and Professional Core Values
Are your personal core values consistent with your career goals? If so, how so? If not, how do you think that will impact your career satisfaction? How are your core values consistent with or in conflict with the core values of the legal profession?

Challenges to Personal Core Values
What, if any, challenges do you see with aligning your core values with your career goals?

Life Priorities
Using the life compass exercise you completed in class, list your top three life priorities. For each priority, include a brief explanation of how you define that priority.
1.
2.
3.

Plan to Practice Balance This Semester
Spend one hour a week this semester doing something to maintain or realign the balance in your life. Report on your plan to do this (describing the activity, time of day, etc.).

Impact of Plan to Practice Balance This Semester
Assess the effectiveness of your plan to practice balance this semester. In your response, include answers to the following:
(a) Did you follow through with your plan to practice balance? If so, what changes, if any, did you notice as a result of your practice at balance? What did you learn about your work-life balance from integrating this practice into your schedule? If not, what hampered your ability to follow through? What did you learn about your work-life balance from your inability to integrate this practice into your schedule?

(b) Did you do anything else to maintain or realign balance?

Plan to Maintain Work-Life Balance in the Future
Identify at least one way to maintain work-life balance after you graduate from law school and begin your legal career.

Lessons Learned about Work-Life Balance
Were the attorneys you worked with able to achieve a work-life balance? If so, what did they do to ensure this balance? If not, what seemed to be the biggest barrier to balance?

Section 3: Networking and Business Development

Personal Board of Directors
List up to 10 people to consult when making major personal or professional decisions. Consider including people on your board of directors who offer different points of view, experience, expertise, or knowledge.

1. 
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. 
10.

Professional Network Assessment
Using the network assessment exercise you completed in class, identify the strengths of your existing network and areas where you would like to see your network grow.

Current Strengths:
Areas for Growth:

Personal Networking Strategy
List three ways you plan to develop your professional network (ex. networking events, organization memberships, participation in seminars and workshops, writing and speaking opportunities, pro bono work, social functions, etc.). Be sure to consider the type of networking that is best for you based upon your personality, career goals, and core values.
1. Networking at your Externship
   What did you learn about your networking style from your externship? Identify and describe your strengths. Identify and describe your areas of improvement, and how you plan to improve them.

2. Current Networking Opportunities
   Describe how you might use your externship to develop your network. Consider both your short-term and long-term career goals when answering this question.

3. Externship Contacts
   Identify the people at your externship with whom you wish to develop an ongoing relationship. How do you plan to maintain and further develop those relationships? Be specific in your response and articulate your networking plan for each identified individual.

4. Elevator Pitch
   Reduce to writing your 30-second elevator pitch.
   Usefulness of Elevator Pitch
   Did you use your elevator pitch or a variation thereof while at your externship?

Section 4: Teamwork and Problem Solving

5. DISC Profile
   Take the DISC assessment found at: https://www.123test.com/disc-personality-test/ and print out the results. Bring a hard copy to class.
   List the results (percentages) of the online DISC assessment and discuss whether the DISC assessment results align with your perception of who you are.

6. Approach to Teamwork
   When engaged in team activities, describe the role you typically play.

7. Teamwork Benefits and Challenges
   Considering your DISC assessment and the role you typically play, describe potential benefits and challenges that you may face when you engage in collaborative work.

8. Benefits to Approach

9. Challenges to Approach
Teamwork at your Externship
Reflecting on your externship experience, discuss any lessons learned about effective or ineffective approaches to teamwork. In addition, discuss any opportunities you had to develop your teamwork and problem solving skills.

Section 5: Cultural Awareness

Implicit Association Test
Visit the IAT (Implicit Association Test) at https://implicit.harvard.edu/implicit/index.jsp

Take three tests: 1. Race; 2. Age; and 3. A test of your choosing.

NOTE: The IAT is an educational tool designed to develop awareness of implicit preferences and stereotypes. It does not measure whether you accept, agree with, or act in furtherance of any implicit bias. Your results are personal and confidential. This question asks for your reactions to the test. There is no expectation that you disclose your results.

Did the IAT results align with what you expected your implicit preferences to be? Explain.

Cultural Awareness
Identify your strengths and weaknesses in dealing with cultural differences (when a person is of a different culture, race, ethnicity, generation, etc. from your own).

Strengths
Weaknesses

Cultural Awareness at your Externship
Reflecting on your externship experience, discuss any lessons learned about effective or ineffective approaches to cultural awareness. In addition, discuss any opportunities you had to develop your cultural awareness.
<table>
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<tr>
<th>Criteria</th>
<th>Needs Work: 1</th>
<th>Competent: 2</th>
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<tbody>
<tr>
<td>Timeliness</td>
<td>N/A</td>
<td>N/A</td>
<td>Submitted on time</td>
</tr>
<tr>
<td>Depth of Response</td>
<td>Does not complete all questions in the relevant section of the Professional Development Plan.</td>
<td>Completes all questions in the relevant section of the Professional Development Plan, but the responses are surface-level or cursory.</td>
<td>Thoughtfully and thoroughly completes all questions in the relevant section of the Professional Development Plan. For the Final Professional Development Plan: All sections are complete, but the responses in some sections are surface-level or cursory.</td>
</tr>
<tr>
<td>Quality of Writing and Attention to Detail</td>
<td>Writing is unclear and disorganized. Thoughts are not expressed in a coherent or logical manner; or Many (5 or more) spelling errors and/or types.</td>
<td>Writing is not consistently clear, concise, and/or well-organized. Thoughts are not always expressed in a coherent and logical manner; or Several (3-5) spelling errors and/or typos.</td>
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<td>-------------------------------------------------------------------------------</td>
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<tr>
<td><strong>Time:</strong></td>
<td>NA</td>
<td>NA</td>
<td>Presentation is long enough to effectively communicate the required content and research but does not exceed 6 minutes</td>
</tr>
<tr>
<td><strong>Forensics:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eye Contact</td>
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<tr>
<td>Cadence &amp; Verbal Fillers</td>
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<td><strong>Volume</strong></td>
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<td>Structure &amp; Content:</td>
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<td>Organization</td>
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<td>Required Content</td>
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<td>Research</td>
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- Does not make eye contact and/or reads notes during most of the presentation
- Maintains inconsistent eye contact and/or reads from notes periodically throughout the presentation
- Maintains consistent and comfortable eye contact throughout the presentation and only references notes

- Speaks too fast or too slow and uses verbal fillers such as um, like, you know, etc.
- Speaks too fast or too slow and uses verbal fillers such as um, like, you know, etc.
- Speaks with a varied, dynamic pace that is not too fast or too slow and avoids verbal fillers such as "um," "like," "you know".

- Does not project voice
- Projects voice at a volume that varies and is not always appropriate for the size of the room/audience
- Projects voice at a clear volume appropriate for the size of the room/audience throughout the presentation

- Information is not presented in a logical sequence
- Information is presented in a sequence that is difficult to follow at times
- Presents information in a logical sequence, which the audience can easily follow

- Does not address one of the Shultz-Zedek Lawyering Effectiveness Factors
- Addresses one of the Shultz-Zedek Lawyering Effectiveness Factors but does not connect it with his/her externship experience and/or provide a new perspective on its relevance to future practice
- Connects one of the Shultz-Zedek Lawyering Effectiveness Factors with his/her externship experience and provides a new perspective on its relevance to future practice

- Does not provide research/data and does not reflect a clear understanding of the topic and material presented
- Provides research/data but does not reflect a clear understanding of the topic and material presented
- Provides research/data to support the material presented and reflects a clear understanding of the topic and material presented