

**The Major Transitions in Professional Formation and Development from Being a Student
to Being a Lawyer Present Opportunities to Benefit the Students and the Law School**

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I. Introduction

Curricular support during the significant transitions each student experiences in law school will provide substantial benefits to students as well as the law school. What are the significant transitions? The distinction between the situational changes a law student experiences and the significant transitions of law school is important. During law school, each student experiences a number of situational changes like physically moving to a new city to attend law school or starting a new class or a new year of law school. A significant transition, however, is a psychological inner re-orientation and self-definition that the student must go through in order to incorporate the situational changes into a new understanding of professional life's developmental process.¹ This article will make clear that the major periods of inner re-orientation and self-definition for a law student are exceptional opportunities for the law faculty and staff to foster student growth toward later stages of the school's learning outcomes. This benefits both each student and the law school itself.

Research on medical education emphasizes that a new entrant to a profession like medicine is growing, step by step, from being an outsider with a stance of an observer to join a new group or "community of practice" as an insider in a profession.² Medical professors

¹ WILLIAM BRIDGES, TRANSITIONS: MAKING SENSE OF LIFE'S CHANGES xii, 81, 105-175 (2d ed. 2004).

² Louis Billionis, *Bringing Purposefulness to the American Law School's Support of Professional Identity Formation*, 14 UNIV. ST. THOMAS L.J. 480, 484 (2018) citing William Sullivan, *Foreword*, in RICHARD CREUSS ET AL., TEACHING MEDICAL PROFESSIONALISM at ix, xii (Richard Creuss et al. eds. 2d ed. 2016) [hereinafter TEACHING MEDICAL PROFESSIONALISM].

Lockyer, de Groot and Silver explain that “Generally, transitions are critically intense learning periods associated with a limited time in which a major change occurs and that change results in a transformation. During transitions, people re-form their way-of-being and their identity in fundamental ways. Thus, transitions represent a process which involves a fundamental reexamination of one’s self, even if the processing occurs at a largely unconscious level. In transition periods, people enter into new groups or ‘communities of practice.’ This involves adopting shared, tacit understandings, developing competence in the skilled pursuit of the practice, and assuming a common outlook on the nature of the work and its context.”³ These transitions are often characterized by anxiety, stress, and risk for the developing professional.⁴ Medical professor Sternszus observes that “The literature supports the notion that transitions in medical education are both highly stressful and inadequately supported.”⁵

William Sullivan, co-director of the five Carnegie Foundation for the Advancement of Teaching’s studies of education for the professions, notes that in the step by step process of growing from a novice student to a practicing professional, the new entrant must navigate large discontinuities in the roles he or she occupies as well as the cognitive and emotional stance the new entrant is expected to assume.⁶ There will be experiences that provoke tension, uncertainty,

³ Jocelyn Lockyer, et al., *Professional identity formation: the practicing physician, and continuing professional development*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 2, at 186, 188; Dr. Sternszus notes that “Professional identity results from a series of identity transformations that occur primarily during period of transition.”; Robert Sternszus, *Developing a professional identity: a learner’s perspective*, in *Id.* at 26, 31.

⁴ Richard Creuss et al., *Reframing Medical Education to Support Professional Identity Formation*, 89 ACAD. MED. 1146, 1147 (2014); Sternszus, *supra* note 3, at 33 (“Transitions represent some of the most challenging times for medical trainees.”); Lynn Monrouxe, *Theoretical insights into the nature and nurture of professional identities*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 2, at 37, 43.

⁵ Sternszus, *supra* note 3, at 30.

⁶ Sullivan, *supra* note 2, at xiv.

and reflection about the student's sense of purpose, and his or her fit within the practice of the profession.⁷

The premise of this article is that each law student during law school, similar to each medical student during medical school, will also have significant transitions where the student is growing, step by step, from being a novice outsider with a stance of an observer ultimately to join a new community of practice as an insider to the profession. Unfortunately, there is very limited scholarship about the significant transitions each student must navigate in legal education. Part II of this article provides an analytical framework regarding the major transitions a law student must make to become a competent practicing lawyer. In Part III, the article provides data from law students starting the 2L year that identify the students' perception of the major transitions from being a student to being a practicing lawyer in the 1L year and the summer between the 1L and 2L years. Part IV analyzes principles that should inform an effective curriculum to help students grow during the major transitions of law school. Part V applies the principles of an effective curriculum from Part IV to the specific transitions that the students identified as most important in Part III.

II. An analytical framework regarding the major transitions a law student must make to become a competent practicing lawyer

The threshold analytical question is to define the major transitions for a law student in the context of the ultimate learning outcomes toward which the law student is transitioning. What are the most foundational learning outcomes for each law student in the process of becoming a practicing lawyer?

⁷ *Id.*

At the most foundational level, each new entrant to any of the peer-review professions including law must grow toward later stages of three apprenticeships that the Carnegie Foundation for the Advancement of Teaching articulated in its five studies of higher education for the professions (clergy, engineering, law, nursing, and medicine).⁸ All new entrants to the peer-review professions face the same general challenge to learn both the cognitive apprenticeship - “the knowledge and way of thinking of the profession” and the practical apprenticeship – all the practical skills necessary for effective practice including for example all the relationship skills needed to engage with the person served (the client for lawyers) and with professional colleagues.⁹ The third apprenticeship requires the new entrant to internalize the norms and values of that particular profession (the shared understandings and common outlook on the nature of the work and its context mentioned in Part I above).¹⁰

Reflecting on all five Carnegie studies and the third apprenticeship, William Sullivan believes that the “chief formative challenge” for higher education in the professions is to help each student entering a profession to change from thinking like a student where he or she learns and applies routine techniques to solve well-structured problems toward the acceptance and internalization of 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.¹¹ Similarly, in the Carnegie Foundation’s study of medical education, *Educating Physicians* (the final Carnegie study), the authors conclude that “The physician we envision has,

⁸ See Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons from the Carnegie Foundation’s Five Studies on Educating Professionals*, 45 CREIGHTON L. REV. 763, 769-71 (2012).

⁹ *Id.* at 772.

¹⁰ *Id.*

¹¹ William M. Sullivan, *Foreword*, in TEACHING MEDICAL PROFESSIONALISM at xi, xv (RICHARD CREUSS ET AL. eds., 2009).

first and foremost, a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self, and an unfailing aspiration to perform better and serve with excellence. Such commitment and responsibility involve habitual searching for improvement in all domains ... and a willingness to invest the effort to strategize and enact such improvements."¹²

Building on Sullivan and authors of *Educating Physicians*, the author has defined the professional formation of law students as growth toward the two foundational learning outcomes below. Each student should demonstrate an understanding and integration of:

1. pro-active professional development toward excellence at all the competencies needed to serve others in meaningful employment well; and
2. an internalized deep responsibility to others, especially the client and the legal system, whom the student serves as a professional in widening circles as the student matures.¹³

Legal scholarship also supports these two foundational learning outcomes. There are five earlier studies analyzing different perspectives on the capacities and skills that define the professional formation of law students.¹⁴ The first looked at how the organized profession nationally defined professionalism in its reports and in the ABA Model Rules of Professional Conduct.¹⁵ The second analyzed how all 43 legal scholars writing from 1980 to 2013 defined the elements of professionalism.¹⁶ Finally there are three qualitative empirical research studies

¹² MOLLY COOKE ET AL, *EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY* 41 (2010).

¹³ See Hamilton, *supra* note 8, at 763, 795; Add a citation to new JLE article.

¹⁴ The author's earlier work used "professionalism" as a synonym for "professional formation" because most were written prior to the emergence of the idea of "professional formation" as the best descriptor.

¹⁵ See Neil W. Hamilton, *Professionalism Clearly Defined*, 18 *PROF. LAW.* 1, 6-8 (2008).

¹⁶ See Neil W. Hamilton, *Analyzing Common Themes in Legal Scholarship on Professionalism*, 22 *No. 1 PROF. LAW.* 1, 7 (2013).

focused on how entering law students, early-career lawyers, and peer-honored exemplary lawyers understood professional formation/professionalism.¹⁷

These five studies clarify the key elements of a later-stage understanding of professional formation. All agree that professional formation encompasses an internalized moral core characterized by a deep responsibility or devotion to others, particularly the client, and some restraint on self-interest in carrying out this responsibility. The studies generally agree also that professionalism (professional formation) includes these elements: (1) ongoing solicitation of feedback and self-reflection, and (2) an internalized standard of excellence at lawyering skills.

An important finding of these studies is that a student's or new lawyer's understanding of professional formation depends upon the student's or new lawyer's stage of development, and that a student or new lawyer can eventually grow over a career toward the internalization of a later-stage understanding of professional formation.¹⁸ To be effective in fostering professional formation, legal educators must take into account the developmental stage of each student and engage each student at his or her developmental stage.

It is also important to note that these same foundational learning outcomes provide an overarching framework for the competencies that empirical research indicates clients and legal employers want in a new lawyer. Appendix A has a table that shows how the major competencies that clients and legal employers want fit within this framework.

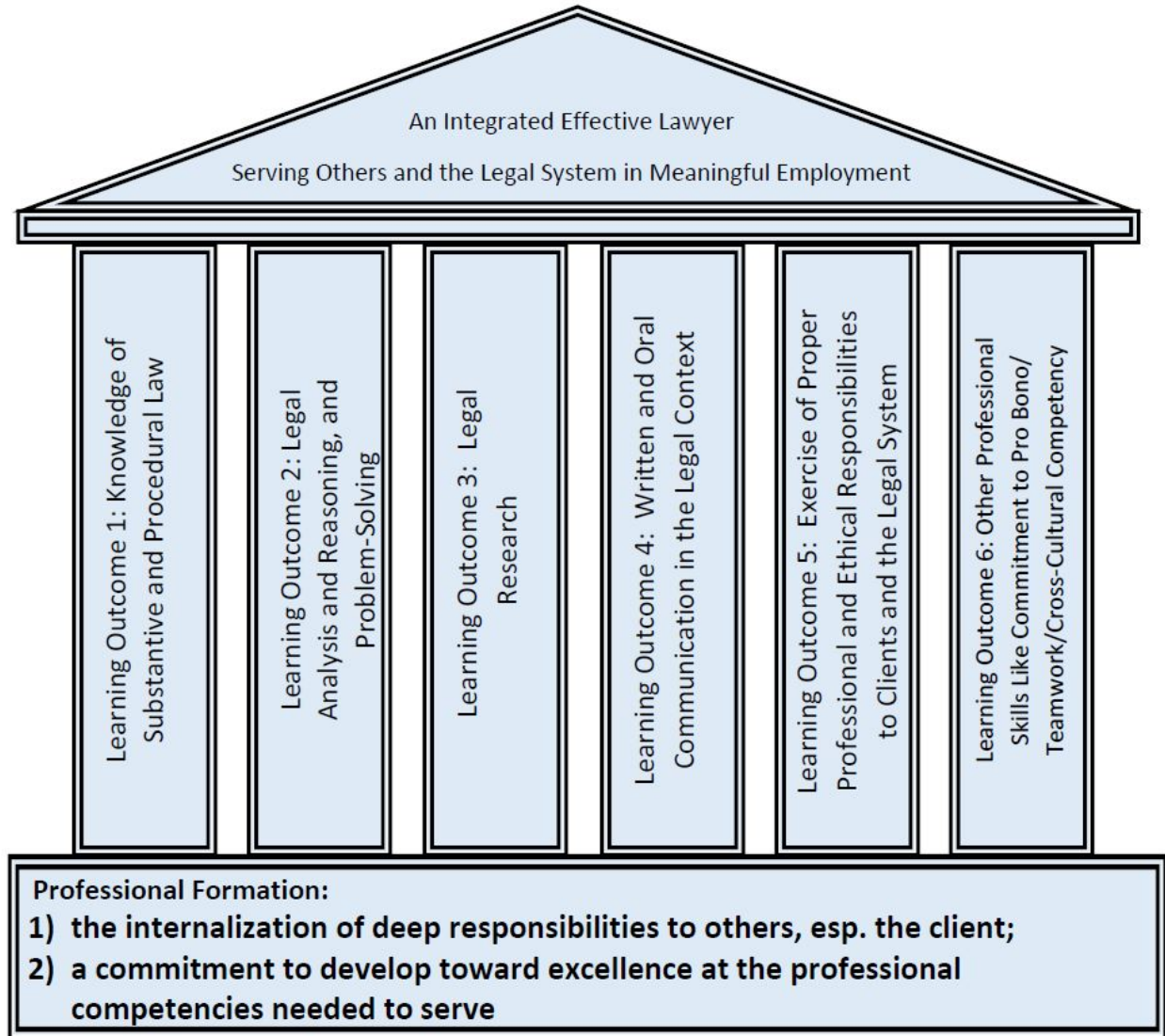
¹⁷ See generally Verna E. Monson & Neil W. Hamilton, *Entering Law Students' Conceptions of an Ethical Professional Identity and the Role of the Lawyer in Society*, 35 J. LEGAL PROF. 385 (2011); Verna E. Monson & Neil W. Hamilton, *Ethical Professional (Trans)formation in Law: Early Career Lawyers Make Sense of Professionalism*, 8 UNIV. ST. THOMAS L.J. 129 (2011); Neil W. Hamilton & Verna Monson, *Ethical Professional (Trans)Formation: Themes from Interviews About Professionalism with Exemplary Lawyers*, 52 SANTA CLARA L. REV. 921 (2012).

¹⁸ Neil Hamilton, *Formation-of-an-Ethical-Professional-Identity (Professionalism) Learning Outcomes and E-Portfolio Formative Assessments*, 48 U. PAC. L. REV. 847, 856 (2017).

Figure 1 visualizes how these two foundational learning outcomes are the base on which the cognitive and practical skills build.

Figure 1

The Cognitive and Practical Skills Build On a Foundation of the Two Professional-Formation Learning Outcomes¹⁹



¹⁹ The learning outcomes listed on the six columns are the competencies listed in ABA Standard 302 on law school accreditation. American Bar Association, *2018-2019 Standards for Approval of Law Schools, Standard 302. Learning Outcomes*,

Each student must make transitions through stages of development on these two foundational learning outcomes. Table 1 outlines the stages of development on a student's proactive professional development toward excellence at all the competencies needed to serve others in meaningful employment well (called ownership of continuous professional development by the employers).

Table 1²⁰

This assessment would be used for both student self-assessment and assessment by faculty and staff. Students will be instructed to self-assess by circling the stage of development on each sub-competency where the student has solid evidence that legal employers would value, like the recommendation of an experienced professional, to support the student's choice. The faculty or staff observer would do the same.

https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2018-2019ABAStandardsforApprovalofLawSchools/2018-2019-aba-standards-chapter3.pdf (last visited July 20, 2019).

²⁰ The Holloran Center Working Group on Self-Directed Learning created this model. The members are Kendell Kerew (chair), Rupa Bandari, Susan Fine, Neil Hamilton, and Benjamin Madison. This model is a synthesis of the data available from large-firm competency models and the Association of American Colleges and Universities rubric on life-long learning. For the law firm models, *see* NEIL HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT 63-69 (2d ed. 2018). For the AAC&U model, *see* Association of American Colleges and Universities, Foundations and Skills for Lifelong Learning Value Rubric (2009) <https://www.aacu.org/value/rubrics/lifelong-learning>.

Assessment of Student's Ownership of Continuous Professional Development -- Self-Directedness

Sub-Competency	Novice Learner	Advanced Beginning Learner	Intermediate Learner	Competent Learner	Exceptional Learner
1. Delivers work on time using calendaring and project management systems	Often misses timetables/deadlines with calendaring and project management systems not yet developed.	Occasionally misses timetables/deadlines with calendaring and project-management systems under development.	Almost always meets timetables/deadlines with functional calendaring and project-management systems developed and tested.	Always delivers work within deadlines and has anticipated possibility of unforeseen obstacles with excellent systems developed and tested.	Always delivers work on time and regularly delivers in advance of assigned timeframe to allow for completion of other tasks.
2. Commits to excellence and high quality work (work that meets expectations and demonstrates complete effort)	Often submits less than high-quality work.	Occasionally submits less than high-quality work.	Almost always submits high-quality work.	Always submits high-quality work.	Always submits high-quality work and regularly delivers beyond assigned tasks to exceed expectations.
3. Understands full range of competencies legal employers and clients want and diagnoses learning needs	Expects faculty/staff to identify student's goals. Limits engagement to tasks assigned by faculty in graded courses. Rarely seeks to independently understand the full range of competencies legal employers and clients want.	Occasionally seeks to understand the competencies needed by legal employers and clients and how student's strengths fit with those needs. Takes initial steps toward reaching student's goals by diagnosing learning needs and resources available to reach them. Begins to see value in non-graded opportunities.	Regularly seeks to understand the competencies needed by legal employers and how student's strengths fit with those needs. Student is in process of taking ownership over the path to reach student's goals by employing appropriate resources to meet learning needs. Sees value in non-graded opportunities.	Understands the competencies that clients and legal employers need and how student's strengths fit with those needs. Tries to understand and anticipate senior lawyers' and clients' wider context/business needs. Takes full ownership over the path to reach student's goals by creatively seeking resources to meet learning needs.	Meets Competent criteria and, in addition, is proactively learning: (1) how clients consume legal services and why and when legal services are needed by clients; (2) the business of law and how to provide better service to the employer; and (3) the competencies that practice experience now makes clear are needed.
4. Meets learning needs by defining SMART Goals: S pecific—sets clear goals -- what, why, and how; M easurable—identifies a clear method for evaluation of progress; A chievable—identifies obstacles and realistic solutions; R elevant—connects to core values; and T ime-bound—sets forth a clear timeline of steps.	Needs significant assistance to identify and articulate a SMART Goal. Rarely articulates goals to meet learning needs that meet all five SMART Goals criteria.	Can describe what SMART Goals are and can articulate a goal that all meets all five elements with some coaching. Occasionally articulates goals to meet learning needs that meet all five SMART Goals criteria.	Can apply the SMART Goals framework and articulates goals that meet all five elements. Frequently articulates goals to meet learning needs that meet all five SMART Goals criteria.	Can explain the reasons for setting SMART Goals and is able to do so in a variety of situations. Almost always articulates goals to meet learning needs that meet all five SMART Goals criteria.	Can teach others how to apply the SMART Goals framework to goal-setting. Always articulates goals to meet learning needs that meet all five SMART Goals criteria.

<p>5. Creates and implements a written professional development plan reflecting SMART goals</p>	<p>Needs to take steps to develop a written professional development plan.</p>	<p>Has outline of and begins to develop a written professional development plan. Begins to understand all resources available to realize the plan. Seeks coaching help on the plan.</p>	<p>Develops a written professional development plan to reach student's goals. Understands all resources available to realize the plan. Revises the plan as student gains experience and has sought coaching help. Begins to develop and implement a plan to build the professional relationships needed to carry out the plan.</p>	<p>Creates, implements, and regularly revises a written professional development plan. Develops and implements a strategic plan to build the professional relationships needed to carry out the student's plan.</p>	<p>Meets Competent criteria and, in addition, includes and implements a plan to develop business through client relationships.</p>
<p>6. Actively seeks opportunities and experiences to develop competencies outlined in written professional development plan</p>	<p>Rarely if ever takes steps to seek opportunities and experiences outlined in the plan.</p>	<p>Begins to seek opportunities and experiences outlined in the plan.</p>	<p>Regularly seeks opportunities and experiences outlined in the plan. Begins to develop portfolio of evidence demonstrating student is at later stages on competencies employers want.</p>	<p>Actively seeks challenges and opportunities to develop competencies further. Develops a portfolio of evidence that demonstrates student is at later stages on competencies employers want.</p>	<p>Meets Competent criteria and, in addition, seeks leadership roles and opportunities to handle difficult legal and client situations. Has portfolio of experiences on all needed competencies.</p>
<p>7. Seeks and incorporates feedback</p>	<p>Rarely seeks feedback.</p>	<p>Occasionally seeks feedback and makes improvements based on the feedback.</p>	<p>Regularly seeks feedback and makes improvements based on the feedback. Begins to proactively develop mentor relationships to receive feedback.</p>	<p>Creates and uses a cyclical feedback loop to evaluate the effectiveness of activities and makes improvements. Proactively develops mentor relationships to receive feedback and often meets with mentors.</p>	<p>Meets Competency criteria and, in addition, meets with existing mentors in regular intervals to receive feedback.</p>
<p>8. Uses reflective practice: reflects on own performance (what?); contemplates lessons learned (so what?); and identifies how to apply lessons learned to improve in the future (now what?)</p>	<p>Needs significant guidance on the necessary components of reflective practice. Rarely engages in reflective practice.</p>	<p>Can describe what reflective practice is but needs significant coaching on its necessary components. Occasionally engages in reflective practice and applies lessons learned.</p>	<p>Regularly incorporates all necessary components of reflective practice. Frequently engages in reflective practice and applies lessons learned.</p>	<p>Can explain the reasons for reflective practice and is able to use it in a variety of situations. Almost always engages in reflective practice and applies lessons learned.</p>	<p>Can coach others on how to engage in reflective practice. Continuously engages in reflective practice and applies lessons learned.</p>

Table 2 outlines the stages of development for a student’s internalized responsibility to others, especially the client and the legal system, whom the student serves as a professional in widening circles as the student matures.

<p>Table 2 - Assessment of Student’s Stage of Development on an Internalized Responsibility and Service to Clients and the Legal System²¹</p> <p>© Neil Hamilton</p> <p>This assessment would be used for both student self-assessment and assessment by faculty and staff. Students will be instructed to self-assess by circling the stage of development on each sub-competency where the student has solid evidence that legal employers would value, like the recommendation of an experienced professional, to support the student’s choice. The faculty or staff observer would do the same.</p>	
<p>Novice Learner</p>	<p>a. Has little to modest self-awareness of own values/first principles regarding responsibilities and service to others.</p> <p>b. Has little to modest experience in terms of responsibility to others on matters important to them, and has done little to modest reflection on how the previous experience is relevant to the practice of law.</p>

²¹ This table is adapted from “Table 1. Four Selected General Milestones in the Next Accreditation System,” in Thomas Nasca et al., *The Next GME Accreditation System – Rationale and Benefits*, NEW ENG. J. MED. 3 (Feb. 22, 2012), <https://www.acgme.org/acgmeweb/Portals/0/PDFs/NAS/NEJMfinal.pdf>. Note that the Milestones in the original table, which were developed by an ACGME expert panel, reflected the following expected levels of performance that the evaluator assesses: level 2, typical graduating medical student; levels 3 and 4, resident during the program; level 5, graduating resident; level 6, advanced, specialist resident or practicing physician. This table first appeared in Neil Hamilton, *Internalizing a Fiduciary Mindset to Put the Client First*, 24 No. 3 PROF. LAW. 1 (2017).

<p>Advanced Beginner Learner</p>	<p>a. Has self-awareness of and can explain own values/first principles regarding responsibilities and service to others.</p> <p>b. Has had previous experience in terms of responsibility to others on matters important to them, and has reflected on how the previous experience is relevant to the practice of law.</p>
<p>Intermediate Learner</p>	<p>a. Demonstrates knowledge of basic legal ethics principles and is able to identify legal ethical issues in hypothetical situations.</p> <p>b. Demonstrates understanding of the profession’s core values and ideals including the importance and priority of responsibility to the client and the legal system, for example with respect to trustworthiness.</p>
<p>Competent Learner</p>	<p>a. Consistently recognizes legal ethical issues in the most common and frequent experiential situations and is able to discuss, analyze, and manage such issues.</p> <p>b. Demonstrates progress, in the most common and frequent experiential situations, with respect to integration into student’s ethical identity of the profession’s core values and ideals including the importance and priority of responsibility to the client and the legal system, for example with respect to trustworthiness (an ethical professional identity).</p>
<p>Exceptional Learner/Practicing Lawyer</p>	<p>a. Is consistently able to effectively recognize, discuss, analyze and manage legal ethical issues in complicated and challenging experiential situations.</p> <p>b. Demonstrates consistent integration into student’s ethical identity in complicated and challenging experiential situations of the profession’s core</p>

	values and ideals including the importance and priority of responsibility to the client and the legal system, for example with respect to trustworthiness.
Mastery-Level Practicing Lawyer	<p>a. Is exemplary in effectively recognizing, discussing, analyzing and managing legal ethical issues in complicated and challenging experiential situations.</p> <p>b. Demonstrates exemplary continuing growth, leadership, and mentorship in all situations in integrating the profession’s core values and ideals including the importance and priority of responsibility to the client and the legal system, for example with respect to trustworthiness.</p>

The key question for this article is to identify the important transitions in legal education when students are experiencing growth to the next level (often characterized by anxiety and stress) regarding these two foundational learning outcomes. These transitions would be the most important times for curricular engagements to support and foster the student’s growth.

III. Data from Law Students Starting the 2L Year Identifying the Students’ Perception of Major Transitions from Being a Student to Becoming a Lawyer Regarding Ownership over Professional Development

How do students themselves assess the important transitions in their journey from novice to competent learner/beginning practicing lawyer with respect to these two foundational learning outcomes? To start answering this question, the author developed a Qualtrics survey for law students in September of the 2L year asking them to reflect on the transitions of the 1L year and

the summer between the 1L and the 2L years.²² The survey focused on transitions regarding ownership over continuous professional development (the stages are set forth in Table 1). At the University of St. Thomas School of Law, all 2Ls take Professional Responsibility in the 2L year; so, 62 of the 62 2L students present in the author’s Professional Responsibility class on September 6, 2018, filled out the survey. The survey question was “In the context of the self-directed learning stage development model [in Table 1 earlier], what is the impact of each experience in this survey on your transition from thinking and acting like a student to thinking and acting like a junior lawyer?” The respondent could choose among the following: no impact, some impact, moderate impact, substantial impact, and great impact. There was also a question where the respondent could add additional experiences that were significant with respect to this question, but none of the added experiences had more than one respondent on that experience. Table 3 indicates the experiences that had the greatest impact.

Table 3
Experiences in the 1L Year and the Following Summer that 50% or More of the Students Thought Had a Great, Substantial, or Moderate Impact on Their Transition from Thinking and Acting Like a Student to Thinking and Acting Like a Junior Lawyer with Respect to Ownership Over Continuous Professional Development

Other Experiences	Percentage of the Students Answering Great, Substantial or Moderate Impact
Summer Employment: most impactful experience	89% (with 59% responding great impact)
Paid or unpaid summer employment experience	87% (with 52% responding great impact)
Receiving graded memo from Lawyering Skills Final Examination Period (Fall Semester)	87% (with 19% responding great impact)
Mentor Externship: most impactful experience	85% (with 19% responding great impact)
Job Search for the Summer	82% (with 14% responding great impact)
First Week of Classes	81% (with 11% responding great impact)
Final Examination Period (Spring Semester)	77% (with 19% responding great impact)
Oral arguments for Lawyering Skills II	76% (with 14% responding great impact)
Fall Midterms	76% (with 10% responding great impact)

²² The University of St. Thomas Institutional Review Board approved of this project 1112166-1 on September 14, 2017. The survey is available at https://stthomas.az1.qualtrics.com/jfe/form/SV_4MVF0Lh9jFA4br.

First CLE/Networking Events with Lawyers	71% (with 10% responding great impact)
First Time Being Cold-Called in Class	70% (with 13% responding great impact)
Spring Midterms	67% (with 4% responding great impact)
Mentor Externship Experiences Generally	64% (with 16% responding great impact)
Spring Semester Final Grades	63% (with 27% responding great impact)
Roadmap Coaching	60% (with 9% responding great impact)
Roadmap Written Assignment	60% (with 4% responding great impact)
First Career and Professional Development (CPD) Meeting	58% (with 2% responding great impact)
Orientation	58% (with 3% responding great impact)
Fall Semester Grades	55% (with 13% responding great impact)

Table 3 makes clear that 2L students reflecting on the major transitions in the 1L year and the summer following the 1L year rate professionally authentic experiences (real-life or mimicking the real-life work of a lawyer as having the greatest impact on their growth toward later stages of ownership of their own continuous professional development. For example, a very high proportion of students rated the most impactful experience in summer employment (59%) and paid or unpaid summer employment generally (52%) as having a great impact on their transition from thinking and acting like a student to thinking and acting like a junior lawyer. The third most impactful experience was receiving back the first graded memorandum from lawyering skills (with 19% responding great impact) and the fifth most impactful experience was in mentor externship²³ (19% responding great impact) are also professionally authentic experiences (real-life or mimicking the real-life work of a lawyer).

Paid or unpaid summer employment experience after the 1L year is a singularly important professionally authentic transition. Note that summer employment is completely

²³ The University of St. Thomas School of Law has a required Mentor Externship where each student has an assigned mentor in the practicing bar in each year of law school.

outside of the formal curriculum, but as Part IV will suggest, the law school should provide some coaching and guided reflection for each student about the summer employment transition experience.

The respondents also indicated the degree of stress experienced during each transition with the following choices: no stress, some stress, manageable stress, substantial stress, and overwhelming stress. Table 4 below indicates that the final examination periods in the fall and spring semesters, fall midterms, and the first time being cold-called in class create the highest levels of substantial to overwhelming stress. The job search for the summer and fall and spring semester final grades also create significant stress.

Table 4
Experiences in the 1L Year and the Following Summer Where 40% or More of the Students Responded that They Had Substantial or Overwhelming Stress

Experiences	Percentage of Respondents with Substantial or Overwhelming Stress
Final Examination Period (Fall Semester)	91% (38% reporting overwhelming stress)
Fall Midterms	86% (21% reporting overwhelming stress)
Final Examinations Period (Spring Semester)	73% (37% reporting overwhelming stress)
First Time Being Cold-Called in Class	59% (33% reporting overwhelming stress)
First Week of Classes	56% (13% reporting overwhelming stress)
Job Search for the Summer	53% (21% reporting overwhelming stress)

Fall Semester Final Grades	51% (27% reporting overwhelming stress)
Spring Semester Final Grades	51% (23% reporting overwhelming stress)
Receiving First Graded Memo from Lawyering Skills	42% (15% reporting overwhelming stress)

The major takeaway from Tables 3 and 4 is that law schools should provide some curricular support at several significant transitions where students may also experience substantial stress:

1. right after the summer employment experience;
2. right after major professionally authentic experiences like the first graded memorandum or an oral argument for lawyering skills; and
3. right after students receive fall semester grades and are considering summer employment when many are experiencing substantial stress.

The next step is to replicate this survey of rising 2Ls at other law schools and compare the results to these data. In addition, legal educators need a similar survey of the transitions in the 2L and 3L years. Appendix B has a list of the most likely transitions that should be included in a survey after the summer between the 2L and the 3L year, and a survey at the end of the 3L year. Finally, legal educators need a survey of students to assess major transitions regarding the second foundational learning outcome - an internalized deep responsibility to others, especially the client and the legal system, whom the student serves as a professional in widening circles as the student matures.

IV. The principles that should inform an effective curriculum at the most important transitions of law school to help each student grow toward later stages of ownership over continuous professional development

There is some scholarship, principally from medical education, on the most effective curriculum to foster student and early practitioner growth through successive transitions toward unsupervised independent practice. A 2018 meta-analysis reviewed 70 articles on medical transitions to synthesize the evidence and provide guidance for medical education.²⁴ The strongest recommendation (a large and consistent body of evidence) was:

1. to provide learning opportunities at transitions that include authentic (real-life or mimicking real-life) professional experiences that build progressively toward an understanding of principles. The authenticity of the learning becomes increasingly important as the learners become more independent.²⁵

Moderate to strong recommendations (solid evidence from one or more papers plus the consensus of the authors of the article) were:

2. to encourage progressive incremental independence by offering a sliding scale of decreasing supervision alongside demonstrating increasing trust in the student;²⁶

3. to apply concepts of graduated responsibility to non-clinical as well as clinical domains of training, such as leadership and responsibility;²⁷

²⁴ S. Yardley et al, *The do's, don't and don't knows of supporting transition to more independent practice*, 7 No. 1 PERSPECT MED EDUC. 8 (2018).

²⁵ *Id.* at 14.

²⁶ *Id.* at 17-18.

²⁷ *Id.* at 18.

4. to make trainees aware of the psychological impact of actual responsibility including the process of their own professional formation as they move up each level of training;²⁸
5. to establish a mentorship program with local champions to provide feedback to develop learners' competence and confidence (supported reflection and discussion are important in the process of becoming an independent practitioner);²⁹ and
6. to seek to aid the development of resilience and independence.³⁰

Other scholarship from medical education and moral psychology on effective curriculum and assessment to foster this type of professional formation contributes the additional principles below for effective curriculum and assessment.³¹

1. Take into account that students are at different developmental stages of growth and engage each student at the student's present developmental stage (Go where they are).³²
2. Emphasize experiential learning, coaching and feedback on the student's performance, and repeated opportunities for guided reflection and development of the habit of reflection.³³

²⁸ *Id.*

²⁹ *Id.* at 19-20.

³⁰ *Id.* at 20.

³¹ Neil Hamilton, *Professional-Identity/Professional Formation/Professionalism Learning Outcomes: What Can We Learn from Medical Education*, 14 UNIV. ST. THOMAS L.J. 357-411 (2018).

³² *Id.* at 384, 387.

³³ *Id.* at 373-76, 380, 383. Note that "Modeling is the practice of demonstrating professional behavior and the value and standards that you personally represent while mentoring allows students to form relationships with professionals so students can seek advice from professionals in their field to deal with problems the students face in their education, clinics and careers. Coaching goes significantly beyond role modeling and mentoring and involves a senior professional who guides a student by questioning the student about issues of importance in the work, helping the student identify goals, and creating a plan to achieve those goals, and providing constructive feedback."; Neil Hamilton & Sarah Schaefer, *What Legal Education Can Learn from Medical Education About Competency-Based Learning Outcomes Including Those Related to Professional Formation and Professionalism*, 29 GEO. J. LEGAL ETHICS 399, 420 (2016).

3 Help the student understand how the new knowledge/skill is building on the student's existing knowledge/skill in a progression of engagements and assessments to help the student grow to later stages.³⁴

4. Emphasize the importance of direct observation of student performance and multi-source feedback based on observation by faculty, staff, other students, clients or other direct observers.³⁵

5. Consider written individualized learning plans and student portfolios (into which the direct observations of performance are placed) combined with coaching as part of an effective curriculum and assessment.³⁶

A synthesis of the 2018 meta-analysis on medical transitions and the earlier scholarship on effective curriculum to foster each student's professional formation distills into seven principles to guide development of curriculum to foster each law student's development during

³⁴ Hamilton, *supra* note 30, at 383-84.

³⁵ *Id.* at 375, 382. Multi-source feedback is widely used in medical education and also is referred to as a 360-degree assessment. See Ahmed Al Ansari et al, *The Construct and Criterion Validity of the Multi-Source Feedback Process to Assess Physician Performance: A Meta-Analysis*, 5 ADVANCES IN MEDICAL EDUCATION AND PRACTICE 39 (2014). Multi-source feedback "is an assessment that is completed by multiple persons within a learner's sphere of influence. Multi-rater assessments are ideally completed by other students, peers, nurses, faculty supervisors, patients, families and the residents themselves."; Linda Snell, *Supporting Professionalism and Professional Identity Formation at the Postgraduate Level*, in TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY 248, 254 (2016). Note that the observer needs to have reasonable observation of any of the sub-competencies from Tables 1 or 2, not all of them.

³⁶ Hamilton, *supra* note 30, at 375-76. A portfolio is a "purposeful collection of student work that demonstrates the student's efforts and progress in selected domains."; Yvonne Steinert, *Educational Theory and Strategies to Support Professionalism and Professional Identity Formation*, in TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY 78 (2016). "Portfolios are recommended for capturing the combined assessments [for a student] and providing a longitudinal perspective."; Mark Holden et al, *Developing and Implementing Undergraduate Curriculum*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 35, at 236. Drs. Holden, Bock, and Luk note that "The aggregation of information into a portfolio would provide longitudinal perspective allowing for a broader view of students' developmental trajectory not readily available from more narrow or discrete pieces of information."; *Id.* at 237.

the major transitions of law school toward later stages of the two major formation learning outcomes.

1. Focus on the major transitions where students are engaged in authentic professional experiences (real-life or mimicking real-life work of a lawyer).
2. Emphasize coaching and providing feedback and guided reflection at these times to help the student plan and implement how to develop to the next level.
3. Create a progression of modules for the major transitions of law school where the students have increasing responsibility and independence and decreasing supervision.
4. Be transparent with students about how the transitions and curriculum help each student grow to later stages of important skills including how to deal with anxiety and stress.
5. Emphasize the importance of multi-source direct observation and feedback to each student in the major transitions of law school.
6. Consider written individualized learning plans and student portfolios as part of the coaching in item 2 earlier.
7. Emphasize the importance of resilience and grit.

Given the central importance of coaching to foster student growth in major transitions, it is essential to understand the principal coaching skills needed. Coaching, according to Sir John Whitman, a leading executive coach, is “unlocking a person’s potential to maximize their own performance. It is helping them to learn rather than teaching them.”³⁷ In a recent Harvard

³⁷ JOHN WHITMORE, COACHING FOR PERFORMANCE: THE PRINCIPLES AND PRACTICE OF COACHING AND LEADERSHIP 13 (5th ed. 2017); Gallagher and Sienko note that coaching is helping “individuals keep on track with their personal developmental goals, as well as ensuring that these individuals meet all requirements for development within the firm.” Stephen Gallagher & Leonard Sienko, Jr., “Put Me In Coach!”: *Mentoring and Coaching at Today’s Law Firm*, 18 No. 4 PROF. LAW. 23, 24-25 (2008).

Business Review analysis of coaching, Trenton and Julia Milner focused on analyzing the following nine leadership coaching skills, based on the existing literature and their own practical experiences of leadership coaching:³⁸

- listening;
- questioning;
- giving feedback;
- assisting with goal setting;
- showing empathy;
- letting the coachees arrive at their own solutions;
- recognizing and pointing out strengths;
- providing structure; and
- encouraging a solution-focused approach.

It is also important to help the student create and implement a development plan.³⁹

The most recent Gallup data on the importance of team leadership for organizational productivity focuses on Millennial and Generation Z in particular. They want team leaders who can coach them, value them as individuals, and help them understand and build on their strengths.⁴⁰

V. Applying the principles of effective curriculum in the context of the students' perception of the most important transitions in law school

³⁸ Julia Milner & Trenton Milner, *Most Managers Don't Know How to Coach People. But They Can Learn*, HARVARD BUS. REV. (Aug. 16, 2018).

³⁹ Marcia Shannon, *Coaching: Making the Leap from the Remedial to the Strategic*, 34 NO. 6 LAW PRAC. 52, 53 (2008).

⁴⁰ JAMES CLIFTON & JIM HARTER, IT'S THE MANAGER: GALLUP FINDS THAT THE QUALITY OF THE MANAGERS AND TEAM LEADERS IS THE SINGLE BIGGEST FACTOR IN YOUR ORGANIZATION'S LONG-TERM SUCCESS 18 (2019).

Law schools have a major opportunity to benefit the students and the law school by providing coaching, feedback, and guided reflection when each student is engaged in authentic professional experiences outside of the formal curriculum, particularly the two summers during law school. Table 3 makes clear that rising 2L students believe that paid or unpaid summer employment experience had substantially the greatest impact on their growth toward later stages of ownership over their own professional development. In Table 3, the rising 2Ls also called out the importance of the first graded memo, the first oral argument, the most impactful externship experience, the fall semester grades, and the search for summer employment as the most significant transitions to later stages of ownership over their own professional development.

There may already be coaching resources in a law school's lawyering skills and externship programs to provide some coaching, feedback, and guided reflection about ownership over the student's professional development at the major transitions involving the first graded memo, the first oral argument, and the externship experience. In the author's experience, law schools could do much better at providing coaching, feedback, and guided reflection right after the summer employment experience (paid or unpaid), and right after fall semester grades and just before the search for summer employment. For example, the author designed the ROADMAP: A LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT curriculum for a coaching, feedback and guided reflection engagement with each 1L student early in the spring semester after fall grades are out. The ROADMAP also guides the student to create and implement a plan for summer employment.⁴¹

⁴¹ HAMILTON, *supra* note 20.

In the 2L and 3L years, the law school should focus coaching, feedback, and guided reflection resources to foster student growth toward later stages of the foundational learning outcomes at the major transitions when students are engaged in professionally authentic work (real-life or mimicking real-life) either in the formal curriculum or outside of the formal curriculum. The few law schools that require each student to take a clinic⁴² or a major simulation experience like Baylor’s Practice Court (a two-term six-month program where students try multiple cases from beginning to end) have an outstanding advantage to provide this type of coaching to foster student development toward later stages of the two foundational learning outcomes in the context of professionally authentic major transition experiences. The Baylor Practice Court experience emphasizes an additional key competency closely related to both ownership over the student’s own professional development and an internalized responsibility to the client and the legal system – “Practice Court graduates know that with true commitment and resilience they have the ability to accomplish more for themselves and others than they ever thought they could.”⁴³ Practice Court emphasizes many of the seven principles to guide curriculum in major transitions mentioned above in Part IV. It also promotes development of the ability to think proactively and solve complex problems on the fly.⁴⁴ A student and new lawyer must make a major transition from lacking confidence that he or she has the abilities competently to handle a new challenge to build confidence that the student has the necessary creative problem-solving skills to be effective when “I don’t know what I am doing.”⁴⁵

⁴² Nathan Allen, *The Time is Now for Law School Clinics*, Tipping The Scales, May 22, 2015, <https://tippingthescales.com/2015/05/the-time-is-now-for-clinics/> found that there were five schools that required a clinic in 2015.

⁴³ Baylor University, *Baylor Law Practice Court*, <https://www.baylor.edu/law/index.php?id=934378>.

⁴⁴ *Id.*

⁴⁵ See HAMILTON, *supra* note 20, at 69-77.

Note that if the law school provides no coaching, feedback, and guided reflection at these major transitions, the hidden curriculum message⁴⁶ is that whatever is happening to students during these major transitions with respect to the foundational learning outcomes is not important. Medical education scholars have noted that “The ongoing dilemma is that the explicitly-taught professional values fail to be mirrored by the implicit values of the hidden curriculum.”⁴⁷

Practically speaking, given the constraints on law school resources, this article’s suggestion to provide coaching, feedback and guided reflection for each student (1) right after the student’s two summer employment experiences; and (2) right after 1L students receive fall semester grades and are preparing to look for summer employment is going to depend substantially on the question of how to staff this coaching challenge? Who should provide the coaching, feedback, and guided reflection? A strong coach should have the nine capacities listed earlier. In addition, in the author’s experience, two additional capacities for a strong coach are:

1. a reasonable understanding of the journey and stages of development that each student (including the lower-ranked students whose credentials are far different from those of the faculty) must grow through to move from where the student is developmentally to where the

⁴⁶ Dr. Joseph O’Donnell defines the hidden curriculum as the difference between what is formally depicted as being done in the curriculum versus what actually does take place during the course of everyday events for the students including how students are being shaped by a multitude of other learning opportunities taking place in the hallways and other experiences outside of the formal teaching activities. Joseph O’Donnell, *Introduction: The Hidden Curriculum – a Focus on Learning and Closing the Gap*, in *THE HIDDEN CURRICULUM IN HEALTH PROFESSIONAL EDUCATION* 1, 5, 7 (F. Hafferty & J. O’Donnell eds, 2014); For example, if nothing is said within the formal curriculum about teamwork, the students may conclude that this is an unimportant topic and not relevant to becoming a good practicing professional. *Id.* at 8-9; If the students see what one teacher puts forward as “what it means to be a professional” differs greatly from what is being put forth by other teachers or in actual clinical settings, this is hidden curriculum problem. *Id.*

⁴⁷ Walther N.K.A. van Mook et al., *Teaching and Learning Professional Behavior in Practice*, 20 *REFLECTIONS IN INTERNAL MEDICINE* e105, e109 (2009).

student aspires to be in terms of bar passage and meaningful post-graduation employment that fits the student's motivating interests and strengths; and

2. some knowledge of what are professionally authentic experiences and the competencies that legal employers and clients want.

Faculty, staff, and adjuncts may think they are strong coaches, but recent research demonstrates this belief (for a substantial number) may not be justified. In a recent major study involving expert review of videos of 98 managers providing what the managers perceived as coaching, Milner and Milner found that most managers don't understand what coaching really is. The biggest takeaway was the fact that, when initially asked to coach, many managers instead demonstrated a form of consulting. Essentially, they simply provided the other person with advice or a solution. The researchers regularly heard comments like, "First you do this" or "Why don't you do this?" The managers micro-managed the coachee in the simulation.⁴⁸

In every law school, there will be some full-time faculty (including podium, clinic, lawyering skills, and externship faculty) who have the coaching skills mentioned in Part IV.⁴⁹ Some staff, particularly in career and professional development and academic support, may have these capacities, but many of these staff are already over-burdened. In the author's experience, alumni with 5-10 years of experience who demonstrate these coaching skills mentioned in Part IV make excellent coaches. A combination of the most effective coaches from the faculty, the staff, and alumni who are willing to be trained may make the most sense. Note that faculty and staff who do not have strong coaching skills can still provide strong messaging about the

⁴⁸ Milner & Milner, *supra* note 37.

⁴⁹ Jerome Organ, *Is There Sufficient Human Resource Capacity to Support Robust Professional Identity Formation Learning Outcomes?*, 14 UNIV. ST. THOMAS L.J. 458, 468 (2018).

importance of the law school's coaching initiative. This support will be of great help to the students.

It will be important to train the coaches. In the study mentioned above, Milner and Milner suggest that any approach to coaching should begin by clearly defining what it is and how it differs from other types of manager behavior. This shift in mindset lays a foundation for training and gives managers a clear set of expectations.⁵⁰

The next step is to let managers practice coaching in a safe environment before letting them work with their teams. In the Milner and Milner study, after the initial video tape of a coaching session, the managers participated in 15 hours of coaching training. This included time for participants to reflect on their coaching abilities. The same will be true of faculty, staff, and alumni coaches.

The managers then did a second round of videos of a coaching session reviewed by an expert panel. The researchers found that even a short course targeted at the right skills can markedly improve managers' coaching skills. There was a 40.2 percent increase in overall coaching ability ratings across all nine coaching skills after the training.⁵¹

VI. Conclusion

Faculty and staff need to focus on major transitions periods of inner re-orientation and self-definition for the law students as exceptional opportunities to foster student growth toward the school's learning outcomes. This article has outlined major transition periods for law students

⁵⁰ *Id.*

⁵¹ *Id.*

that are exceptional opportunities for a pro-active law school to foster student growth toward later stages of both ownership over each student's own professional development (self-directed learning) and internalized responsibility to the client and the legal system.⁵² Student growth toward later stages of these two foundational learning outcomes will benefit both the students and the school.

The most important step for a pro-active school to take is to provide coaching, feedback, and guided reflection at the major transitions involving authentic professional experiences (either real-life or mimicking real-life). If the coaching, feedback and guided reflection are around an authentic professional experience that is part of an existing clinic, externship, or skills class, then clearly the school can give credit for it. This would also be true if the coaching, feedback and guided reflection, for example guided reflective journals on the summer employment experience combined with a meeting with a coach, were part of a doctrinal course like Professional Responsibility. If the coaching, feedback and guided reflection relate to authentic professional experiences outside of the current formal curriculum, for example, like the schools that require pro bono hours but do not supervise them, or all paid clerkships outside of the law school or even research assistant positions during the summers or the school year, ABA Accreditation Standards 303 and 304 indicate that this coaching would not qualify for experiential credit.⁵³

⁵² See discussion in Part III *supra* discussing what additional research on transitions at other law schools in 1L year and in the 2L and 3L years is needed.

⁵³ American Bar Association, *2018-2019 Standards for Approval of Law Schools, Standard 303. Curriculum & Standard 304. Experiential Courses: Simulation Courses, Law Clinics, and Field Placements*, https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2018-2019ABASStandardsforApprovalofLawSchools/2018-2019-aba-standards-chapter3.pdf (last visited July 20, 2019).

This is a time for experimentation to design and implement effective curriculum that fosters student growth in these major transition periods. Over 50 law schools are experimenting with required professional development curriculum in the 1L year.⁵⁴ It will be extremely important to share information about what are the most effective curricular engagements to help students grow in these major transitions. Legal education can also continue to learn from medical education's longer experience with this type of education.

Appendix A

Convergence of the Empirical Studies on the Non-Technical, Professional-Formation Competencies That Clients

⁵⁴ Need citation to Jerry Organ article on PD courses in PD Quarterly to be published this February, 2020.

and Legal Employers Want⁵⁵

<p>Ownership of Continuous Pro-Active Professional Development Over a Career</p>
<ul style="list-style-type: none">• Commitment to professional development toward excellence including habit of actively seeking feedback and reflection• Initiative/strong work ethic/diligence plus project management that demonstrates these
<p>Internalization of Deep Responsibilities to Others (the client, the team, the employing organization, the legal system)</p>
<ul style="list-style-type: none">• Trustworthiness and integrity• Relationship skills including respect for others, understanding of responsiveness to client, and listening• Good judgment/common sense• Teamwork and collaboration

⁵⁵ HAMILTON, *supra* note 20, at 33.

Appendix B

Transitions on ownership over a student's continuous professional development that should be included in a survey after the summer between the 2L and the 3L year, and a survey at the end of the 3L year.

1. All professionally authentic experiences (real-life or mimicking real-life)
 - a. All work experiences, paid or unpaid, especially the summer work experiences
 - b. All simulation experiences.
 - c. All clinic experiences.
 - d. Externship experiences.
- 2, Other experiences more indirectly related to a lawyer's work
 - a. Search for summer employment in the summer between the 2L and 3L years.
 - b. Search for post-graduation employment.
 - c. Leadership experience in student organizations.
 - d. Fall and spring final examination periods and grades.
 - e. Bar application.
 - f. Upper-level writing requirement.
 - g. Pro bono or volunteer hours requirements.
 - h. Experiences with Career and Professional Development Office.