# 5

## Going Where Each Major Stakeholder Is and Building Bridges among Them in Order to Realize the Four Professional Development and Formation Goals

In Chapters 1, 2, and 3, we developed a framework that faculty, staff, and administrators can employ to bring purposeful, effective support to students in the pursuit of the four goals that are central to their professional development and formation:

- Ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need;
- a deep responsibility and service orientation to others, especially the client;
- a client-centered, problem-solving approach and good judgment that ground the student's responsibility and service to the client; and
- well-being practices.

Chapter 4 built on that framework, offering ten core principles to guide and inform faculty, staff, and administrators as they undertake the work of supporting students toward the four PD&F goals. The focus was on principles that will make everything easier, more efficient, and more effective in practice.

In this chapter, we keep with the emphasis on the practical and turn attention to the very practical matter of how to proceed in a law school. Each law school is an institution with diverse stakeholders who possess differing interests. It is an institution with multiple priorities and limited resources. Like many other institutions, it can exhibit signs of resistance to change and skepticism of innovation. With those realities in mind, this chapter provides nine practical implementation suggestions. All nine are premised on the expectation that progress likely will be incremental, that interest in more purposeful support of PD&F goals will need to be cultivated, and that many in the law school community have much still to learn about professional development and formation. Behind all nine suggestions, too, is the belief

that all the major stakeholders of a law school do in fact have something to gain from more purposeful support of PD&F goals. In seeking their engagement and participation, it is crucial to "go where they are" – to appreciate the perspectives, interests, and needs of each major stakeholder (faculty, staff, administrators, students, legal employers, and the legal profession itself), and to build bridges that connect stakeholders to the project of fostering each student's growth toward later stages of the four PD& F goals.

### 5.1 ASSESS LOCAL CONDITIONS WITH RESPECT TO THE FACULTY, STAFF, AND ADMINISTRATORS

The first practical implementation suggestion is to assess local conditions among faculty, staff, and administrators at the law school. Are any of them interested in taking even small steps to help each student develop to the next level on any of the four goals? Remember that there are many on-ramps to these four foundational PD&F goals, but the various stakeholders in the law school may need help to see how their individual interests are served by fostering each student's growth toward later stages of the four foundational goals. Law schools, in the authors' experience, are relatively "siloed." Each stakeholder tends to concentrate on a discrete area of responsibility and can be unaware of or indifferent to matters arising in another area. What are the enlightened self-interest reasons for each siloed group, framed in the language of that group, to foster student growth toward these goals?

Earlier discussion in Chapter 2 discussed the perspectives of the major internal stakeholders and how their self-interests might be served by stronger law school support of PD&F goals Here, we expand on the idea, illustrating how particular various stakeholders might identify and associate with one or another of the four PD&F goals.

The first goal – fostering each student's growth to later stages of ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need – may find the greatest initial interest and support because many faculty and staff of all types are concerned about the weak levels of initiative and commitment that they discern in some of their students. Indeed, one-third of all schools have adopted an institutional learning outcome to foster each student's self-directed or self-regulated learning. Chapter 1 emphasized that student growth toward later stages of self-directed learning improves the probability of stronger academic performance, bar passage, and postgraduation employment outcomes. Chapter 4 in addition emphasized that a continuous coaching

TABLE 24 *Percentage of law schools adopting a learning outcome building on a student's internalized responsibility and service to others*

Thirty-eight percent include a learning outcome on understanding the value of providing pro bono service to the disadvantaged;
thirty-three percent include a learning outcome on teamwork/collaboration;
twenty-seven percent include a cultural competency learning outcome;
twenty-seven percent include a version of a professionalism or high ethical standards learning outcome (which is related to trustworthiness in relationships);
fifteen percent include a learning outcome on integrity (which also relates to trustworthiness in relationships);
thirteen percent include a learning outcome on interviewing, counseling or both;
twelve percent include a learning outcome on active listening;
six percent include a learning outcome on respect for others;
six percent include a learning outcome on leadership; and
five percent include a learning outcome on client-centered problem-solving.

model is the most effective curriculum to foster this type of student growth while also serving diversity, equity, and inclusion (DEI) and Belonging goals by increasing historically underserved students' sense of belonging and general student well-being. Improved outcomes on these fronts should prove attractive to many faculty, staff, and administrators, paving the way to interest in promoting PD&F goals. Podium faculty, on the other hand, should see that later stage growth on this learning outcome promotes achievement of the cognitive goals that podium faculty set for students. Even if podium faculty are not ready to incorporate the first PD&F goal in their own teaching, they might at least endorse its importance and give "cross-selling" support to its pursuit elsewhere in the law school, signaling to students that the goal needs to be taken seriously.

With respect to the second goal – fostering each student's growth toward later stages of a deep responsibility and service orientation to others, especially the client – many faculty, staff, and administrators may agree that a fiduciary mindset or disposition is important. They may, however, find the goal too abstract or be skeptical that legal education can foster this type of growth. It may help if they see a more concrete learning outcome that builds on a deep responsibility and service orientation to others, especially the client. Chapter 4 emphasized that significant numbers of law schools have adopted learning outcomes that rest upon this foundation. Table 24 indicates the percentage of law schools that have adopted institutional learning outcomes that are sub-competencies related to this second goal.

Where the faculty has adopted any of these learning outcomes (e.g., pro bono service, cultural competency, teamwork/collaboration), the faculty and staff most interested in that outcome will be a promising group to support further steps. Given societal challenges regarding racial justice, for instance, there may be faculty, staff, and administrators drawn particularly toward fostering each student's growth toward later stages of pro bono service to the disadvantaged and access to justice or to cultural competency. Perhaps faculty and staff interested in DEI and Belonging or student well-being might see that learning outcomes relating to building relationships and intrinsic meaning will promote student belonging and well-being.

The third PD&F goal – fostering a client-centered problem-solving approach and good judgment that ground each student's responsibility and service to the client – links the general fiduciary mindset and disposition language of the second goal to the specific competencies that clients and legal employers want. Some faculty and staff – particularly those who are concerned with student readiness for practice and success in the employment market – may find this an appealing bridge. It connects legal doctrine and legal analysis to their concerns in the form of client-centered problem solving and good judgment.

The fourth PD&F goal – helping each student to internalize well-being practices – will be of great interest to faculty and staff focused on student stress and anxiety, depression, and substance abuse. As we discussed in Chapter 1, there are important links between Goal 1 (internalizing a commitment to continuous professional development), Goal 2 (internalizing a deep responsibility and service orientation to others), and the basic psychological needs that contribute to well-being.

## 5.2 BUILD A "COALITION OF THE WILLING"

A second practical implementation suggestion is to build a "coalition of the willing" who want to help move the school forward in fostering student growth on any of the four PD&F goals (or any of their sub-competencies). In the initial period of experimentation, focus on gradual small steps that the coalition can try, and keep the faculty informed. The authors' experience indicates that success can be had with small "pilot projects" that take advantage of the substantial autonomy that professors have in their courses and hence may not require formal approval. Suppose, for instance, that the coalition of the willing includes all the professors who teach a particular required course. These faculty members are well positioned to experiment with a formation-oriented pedagogy that all students might thus experience. Professors teaching courses

in a distance-learning format might find a pilot project attractive, as teamwork and team projects lend themselves well to the online learning environment and provide means for students to form relationships; build community; and develop teamwork, collaboration, and communication competencies. Interested faculty and staff might try a pilot project focused on a continuous coaching model (outlined in Chapter 4) for (1) historically underserved students to increase their sense of belonging and in turn their academic and postgraduation success, (2) students most at risk of bar examination failure to foster their growth to later stages of self-directed learning and thus higher probabilities of bar passage, or (3) students identified by academic support as needing help regarding their well-being.

It is important to focus on small, gradual steps and choose pilot projects that are both practicable and have a good probability of success given local conditions. If possible, postpone initiatives that require a faculty vote until after there have been several successful pilot projects so proponents from the coalition of the willing can share their positive experiences with their colleagues. Those colleagues may come to embrace purposeful law school support of PD&F goals, but they must first become acquainted with the innovation and hear of its practicality and its benefits.[1]

## 5.3　BUILD A LEARNING COMMUNITY OF FACULTY AND STAFF INTERESTED IN ANY OF THE FOUR PD&F GOALS

This practical implementation suggestion builds on the idea of a coalition of the willing with a next step: the creation of a learning community. A faculty and staff learning community regularly discusses how most effectively to foster each student's growth toward later stages of the four PD&F goals.[2] The learning community can provide feedback to individual faculty and staff members regarding curriculum ideas, break down the silos among faculty and staff, and become a source for information that can help other faculty and staff grow in their appreciation of the positive benefits and feasibility of supporting PD&F goals.

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[1] *See* Louis D. Bilionis, *Law School Leadership and Leadership Development for Developing Lawyers*, 58 SANTA CLARA L. REV. 601, 612–631 (2018) (examining professional identity formation support as an "innovation" subject to Everett M. Rogers' theory of the diffusion of innovations); *see generally* EVERETT M. ROGERS, DIFFUSION OF INNOVATIONS (1962) (3d ed. 1983).

[2] *See* David Gomillion et al., *Learning How to Teach: The Case for Faculty Learning Communities*, 18 INFORM. SYSTEMS EDUC. J. 74–79 (2020).

Medical education's experience is that one-time faculty development interventions are not as robust in impact as longitudinal interventions. It is beneficial whenever possible to have ongoing faculty and staff development where participants share successes, discuss challenges, learn new skills, and recalibrate.[3] Learning communities at individual schools can reach out to learning communities at other schools that are working on the same learning outcomes.

Learning communities also can be the laboring oars on curricular change over time – including the taking of the gradual steps that can evolve into a coordinated progression of modules in the curriculum on a specific PD&F goal. The traditional law school committee that addresses curriculum development tends to perform a reactive function, reacting to faculty proposals regarding courses at a course level. As Steven Bahls points out, "[i]f curricular decisions are made primarily at the course level, students do not have sufficient assurance that they will have opportunities to achieve the overall outcomes necessary to prepare them to be responsible members of the profession."[4] To move the curriculum over time toward a coordinated, sequenced progression of modules on a PD&F goal, the law school should have a proactive committee of faculty and staff members with on-the-ground understanding of that PD&F goal as it applies in the school.

## 5.4  ALWAYS "GO WHERE THEY ARE" WITH RESPECT TO FACULTY, STAFF, AND ADMINISTRATORS

A fourth practical implementation suggestion borrows from Principle 3 in Chapter 4 – the principle that you should go where they are with students; take into account that students are at different developmental stages of growth on PD&F goals; and, accordingly, engage each student at the student's present developmental stage. It is wise to extend the same concept to faculty, staff, and administrators. A faculty member who has never experienced strong professional development and formation teaching or excellent guided reflection with a coach might think, for example, that any curriculum involving the four PD&F goals will require stand-up lectures on philosophy and ethics. Other faculty might hear "professional development" and think the topic is about "jobs," "resume-crafting," and "vocationalism" or about civility, dress codes,

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[3]  Jennifer Kogan & Eric Holmboe, *Direct Observation, in* ERIC HOLMBOE ET AL, EVALUATION OF CLINICAL COMPETENCE (2d ed. 2018) at 61, 79.

[4]  Steven Bahls, *Adoption of Student Learning Outcomes: Lessons for Systemic Change in Legal Education*, 67 J. LEGAL EDUC. 376, 381 (2018).

and injunctions against Rambo litigation tactics, and thus not worth serious academic or curricular attention.

It is important to listen and understand how faculty, staff, and administrator colleagues are "hearing" any discussion of these four foundational PD&F goals and related curricular steps. It may take repeated effort over time to clarify and develop understanding about the concepts in Chapters 1 through 4. If possible, "visit" one-on-one with faculty and staff to draw out and clarify what they are hearing and understanding. Doing so may reveal that some faculty and staff are drawn toward one PD&F goal, while others are drawn toward a different one. It also may suggest opportunities to better inform faculty and staff of the nature of professional identity formation and the ways that they and the law school can support student development.[5]

With respect to faculty and staff who have little or no interest in these four PD&F goals, keep them informed. An "ask" of their time and energy in direct support of professional identity formation efforts might be unadvisable. But some may be willing, sooner or eventually later, to spend a few minutes with their students "cross-selling" the importance of the PD&F curriculum for the students' future. Provide them a script of talking points to make matters easier and the cross-selling more effective.

## 5.5 REPEATEDLY EMPHASIZE THE VALUE AND IMPORTANCE OF "CURATING"

A fifth practical implementation suggestion is to repeatedly emphasize the concept of "curating" that was discussed in Chapter 2. There, we called for faculty and staff, in an enterprise-wide effort, to "curate" the experiences and environments that promote each student's growth toward later stages of the four PD&F goals. This means connecting the experiences and environments to one another in an intelligently sequenced fashion, and guiding the students through them with a framework that helps each student understand the student's own development through the process. Curating produces a more cogent program for students while using the law school's resources more efficiently and effectively. Faculty can play a lead role in the design of the experiences and environments while coordinating with staff who have responsibility for some of the modules in an enterprise-wide curriculum. For

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[5] For example, Prof. Christy DeSanctis at George Washington University School of Law, in trying to convince the faculty to add two credits on PD&F goals to a required 1L lawyering skills curriculum, found that many faculty responded most favorably to PD&F Goal 4 – client-centered problem solving. December 8, 2019, email from Christy DeSanctis to Neil Hamilton (on file with the authors).

example, a law school that has adopted a teamwork/collaboration learning outcome will want both faculty and staff who are advisors of student organizations like the law journal, the various competitions involving teams, and student government to work together to foster each student's growth toward later stages on teamwork skills. Similarly, if a law school is emphasizing support to each student who is at some risk of failing the bar to grow to later stages of self-directed learning, the faculty, the academic support staff, and the dean of students will work together to do this.

As we noted in Chapter 2, a law school can improve its support of the four PD&F goals with an enterprise-wide curating strategy even if it declines to adopt competency-based education as its educational model. Chapters 3 and 4, which borrow from medical education's twenty years of additional experience with competency-based education, present concepts that will be useful in an enterprise-wide curating strategy even if the law school is not embracing competency-based education. A school that declines to formally establish a Milestone Model as discussed in Chapter 4 might nonetheless discuss and reflect on what milestones might be associated with a specific learning outcome. Discussion and agreement on the stages of development would be extremely useful in conceptualizing how to curate useful experiences and environments for students that support their progress.

## 5.6 RECOGNIZE THE SCOPE OF THE CHALLENGE IN FOSTERING A SHARED UNDERSTANDING AMONG FACULTY, STAFF, AND ADMINISTRATORS ABOUT THE STAGES OF STUDENT DEVELOPMENT ON COMPETENCIES BEYOND THOSE MOST FAMILIAR TO LAW SCHOOLS. FOCUS ON GRADUAL SMALL STEPS TAILORED TO LOCAL CONDITIONS

If legal education's experience over the next twenty years is similar to medical education's earlier two decades of experience with learning outcomes like the four foundational PD&F goals this book emphasizes, then a sixth practical implementation suggestion stands out. Be aware of the scope of the challenge, and focus on gradual small steps each year tailored to local conditions.

The biggest challenge for medical education has been that medical faculty and staff historically have not had a clear shared understanding (a shared mental model or mental representation) about

1. How the capacities, skills, and values beyond the traditional technical medical skills are defined;

2. how students develop through stages toward a defined level of competence at these other capacities, skills, and values; and

3. what curricular engagements are most effective to foster each student's growth toward later stages of these other capacities, skills, and values.[6]

Milestone Models, discussed in Chapter 3, proved to be a beneficial way for medical education to tackle the challenge and create clear shared understanding among faculty and staff.[7] When faculty, staff, and administrators – the coalition of the willing – select a specific competency included in the four PD&F goals and come to some agreement on students' stages of development, they not only achieve a clear, shared understanding of the competency but also lay the groundwork for curating the environment and experiences of the students to foster student growth. Proceeding from common ground, they also will be moving toward some inter-rater reliability in assessment of the competency.

## 5.7 EMPHASIZE THAT THERE ARE MANY SUCCESSFUL EXAMPLES THAT CAN BE FOLLOWED OR ADAPTED TO FOSTER STUDENT GROWTH TOWARD LATER STAGES OF THE FOUR PD&F GOALS – AND DRAW FROM THEM

A seventh practical implementation suggestion is to emphasize to faculty and staff that there are many other law schools and groups working to foster student growth toward the four foundational PD&F goals and many successful examples of curriculum that could be built upon to fit local conditions. As the examples and sources discussed next illustrate, interested faculty and staff hardly need to start from scratch. Models and guides are available to make initiative practicable, easy to execute, efficient, compatible with one's practices and values, and likely to succeed – the criteria that make it easier for people to change and innovate.[8] What follow here are just a few examples that show the wide range of models, ideas, and initiatives from which a law school might draw.

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[6]   Eric Holmboe et al., *Mastery Learning, Milestones, and Entrustable Professional Activities, in* COMPREHENSIVE HEALTHCARE SIMULATION: MASTERY LEARNING IN HEALTH PROFESSIONS EDUCATION at 314, 323–25 (W. McGaghie et al., eds. 2020).

[7]   *Id.* at 314–15.

[8]   *See* Bilionis, *supra* note 1, at 612–16. For example, Scott Fruewald has a number of useful professional identity exercises in his book, HOW TO GROW A LAWYER 163–94 (2018). Fruehwald also has many useful reflection questions on professional identity and self-regulated learning in his book, DEVELOPING YOUR PROFESSIONAL IDENTITY: CREATING YOUR INNER LAWYER 1–39 (2015).

### 5.7.1 *A Milestone Model on the Goal/Learning Outcome That Is of Most Interest Given Local Conditions*

Faculty and staff may have a shared – although perhaps unwritten and unspoken – mental model of the stages of student development regarding the standard law school competencies of knowledge of doctrinal law, legal analysis, and legal research and writing. But they likely do not share an understanding of progressive stages of growth on the four PD&F goals and their sub-competencies, such as teamwork, pro bono service, or cross-cultural competency. For the reasons outlined in Chapters 3 and 4, it is important to strive for a shared mental model of the students' stages of development on these learning outcomes. Articulating a Milestone Model on even a single competency – for instance, on ownership over a student's own professional development (self-directed learning) – can help move faculty and staff toward shared understanding. It also can serve as a direct measure of assessment for accreditation purposes (Principle 10 in Chapter 4), with faculty and staff observing and assessing each student's stage of development using the Milestone Model (Principle 8 in Chapter 4 on multi-source observation and assessment).

Models are available. Responding to the most common learning outcomes that law schools have been adopting, the Holloran Center organized national working groups of faculty and staff to create stage-development Milestone Models on self-directed learning, teamwork, cross-cultural competency, integrity, and honoring commitments as part of professionalism.[9] Other stage-development models have been reported in the scholarly literature.[10] Milestone Models for PD&F Goals 1, 2, 3, and 4 also may be found in Appendix B to Chapter 4.

### 5.7.2 *A Required PD&F Curriculum in the 1L Year*

A fast-growing number of law schools (more than sixty – almost a third of all law schools) are now requiring professional development and formation curriculum in the 1L year to respond to concerns about bar passage,

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[9] The Holloran Milestone Models can be found at www.stthomas.edu/hollorancenter/holloran competencymilestones/. The center has national working groups creating Milestone Models on pro bono service commitments, active listening, leadership, and professional communication available on the center's website in spring 2022..

[10] *See, e.g.*, Andrea Curcio, *A Simple Low-Cost Institutional Learning Outcome Assessment Model*, 67 J. LEGAL EDUC. 489–530 (2018) (discussing stage development models used at Georgia State University College of Law).

postgraduation employment outcomes, and student well-being.[11] The learning outcomes for these new required 1L professional development and formation initiatives tend to pursue two principal themes: (1) developing and demonstrating self-understanding, self-direction, and discernment of the student's path in the legal market and (2) developing and demonstrating the relationship and communication skills needed in the legal market.[12] These track closely with the first two foundational PD&F learning outcomes (ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need and a deep responsibility and service orientation to others, especially the client).

A recent example is the University of Richmond School of Law's one-credit required course in the 1L year. The course's learning outcomes emphasize (1) discerning the student's own values as a member of the legal profession; (2) developing critical interpersonal lawyering skills; and (3) engaging in self-directed learning, including designing and implementing a written plan for ongoing professional development and well-being.[13] An example of a longer-standing required initiative is the University of St. Thomas School of Law's Mentor Externship, which emphasizes (1) fostering the highest levels of professionalism; (2) developing the relationship skills necessary for professional success in any employment context; and (3) deepening and broadening each student's professional competencies, emphasizing self-directed learning.[14]

Required PD&F offerings that award credit hours have emphasized reflection exercises, simulations, group discussions, and some panel presentations.[15] Required courses that afford no credit hours most commonly have featured panel presentations and lectures. Several use self-assessments of some sort, and many also employ a mock interview.[16]

These efforts to foster student guided reflection and self-awareness of strengths are in keeping with Principle 4 in Chapter 4 (stressing the importance of guided reflection to foster growth on the PD&F learning outcomes). They also model Principle 7 (urging law schools to help each student

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[11]   *See* Jerome Organ, *Common Threads Across Increasingly Common First-Year Courses/Programs Focused on Professional Development*, Prof. Dev. Q. (Feb. 2020) at 20, 21.

[12]   *Id.* at 21–24.

[13]   Email to Neil W. Hamilton from Janice Craft, the new director of the Richmond program, on July 8, 2020 (on file with the authors).

[14]   *See* Mentor Externship Program, https://www.stthomas.edu/law/practicaltraining/mentor/).

[15]   *See* Organ, *supra* note 11 at 20, 22–25.

[16]   *Id.*

understand how new knowledge, skills, and capacities are building upon the student's existing experience and strengths to achieve the student's goals).

### 5.7.3 *A Requirement That Each Student Create and Implement a Written Professional Development Plan with Coaching Feedback (the ROADMAP Curriculum)*

The ROADMAP curriculum[17] is designed to help each student create a written professional development plan with coaching feedback starting in January or February of the 1L year and then implement the plan throughout the remaining time in law school. The objective is to better realize the student's goals of bar passage and meaningful postgraduation employment. The ROADMAP steps are specifically designed to assist a student's growth to later stages of development on (1) ownership over the student's own professional development (self-directed learning); (2) a deep responsibility and service orientation to others, especially the client; and (3) a client-centered problem-solving approach and good judgment.[18] Student growth to later stages of the first two ROADMAP goals should contribute to student well-being as discussed in Chapter 1.

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[17]  NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO MEANINGFUL EMPLOYMENT (2d ed. 2018).

[18]  Data support the importance of an initiative along the lines of the ROADMAP curriculum. First-year student self-assessment of their stage of development on self-directed learning at six law schools indicates that more than 40 percent of the students are self-assessing at an earlier stage of development on self-directed learning, although data from two of the schools that 70 percent of the 1L student respondents either had no written plan at all or were just beginning to write a plan indicate a very substantial social desirability bias. *See* Larry Natt Gantt II & Benjamin Madison, *Self-Directedness and Professional Formation: Connecting Two Critical Concepts in Legal Education*, 14 U. ST. THOMAS L. J. 498, 498, 503–08 (2018). Three years of student self-assessment at the University of St. Thomas Law School indicate that prior to completing the ROADMAP curriculum and receiving feedback from a coach, 57.4 percent of the students were self-assessing at one of the two earlier stages of self-directed learning (with 6.8 percent assessing themselves in the earliest stage). After completing the ROADMAP curriculum and receiving feedback from a coach, only 8.7 percent were self-assessing at one of the two earlier stages of self-directed learning (with none assessing themselves in the earliest stage). *See* Neil Hamilton, *Professional Formation with Emerging Adult Law Students in the 21–29 Age Group: Engaging Law Students to Take Ownership of Their Own Professional Development Toward Both Excellence and Meaningful Employment*, 2015 J. OF THE PROF. LAWYER 125, 143–44.

  Former North Carolina law dean and president of the American Association of Law Schools, Judith Welch Wegner, covered the strengths of the ROADMAP curriculum in a book review. *See* Judith Welch Wegner, *Book Review: ROADMAP: The Law Student's Guide to Meaningful Employment* (2d ed. 2018), 68 J. LEGAL EDUC. 184–190 (2019).

Coaching is an important element of the ROADMAP curriculum. Each student has a one-on-one meeting for forty-five to sixty minutes with a coach who provides feedback and encourages guided reflection. One of the coauthors, Professor Hamilton, has been organizing coaches for individual meetings with roughly 160 1L students each year since 2013. His experience indicates that many doctrinal faculty may be not well suited to the coaching role, as they lack significant, recent experience in law practice and also are unaccustomed to providing the kind of attentive listening that good coaching requires. The best coaches have tended to be alumni in practice, about five to ten years out of law school, who are excellent listeners and who have experienced good coaching themselves. The Holloran Center has a coaching guide included in the Appendix to this chapter and is working on an online training program for coaches that should be available in summer 2022.

The University of St. Thomas School of Law has recently extended the ROADMAP coaching model and begun assigning the best internal coaches among faculty and staff to the students most at risk of not passing the bar exam (based on 1L fall semester grades). This is a continuous coaching model over each student's remaining two and a half years of law school. There is not yet data on whether this program is increasing bar passage probabilities for this group.

ABA Publications, the publisher of the ROADMAP, is publishing *Critical Lawyering Skills: A Companion Guide to the ROADMAP*, by Thiadora Pina, Laura Jacobus, and Rupa Bandari. This book approaches the ROADMAP learning outcomes through a lawyering skills framework with excellent reflective exercises each week for the student. The *Companion Guide* also has a *Professor's Manual*.

The ROADMAP curriculum, with a coach or a faculty member using the coaching guide in Appendix E to this chapter or the *Companion Guide*, applies the following principles from Chapter 4 – Principle 3 (go where the students are), Principle 4 (on repeated opportunities for guided reflection and self-assessment), Principle 5 (on the importance of coaching), Principle 6 (on coaching at the key transition points of law school), Principle 7 (on helping the student see how new knowledge, skills, and capacities are helping the student achieve their goals and building on existing strengths and experiences), and Principle 10 (on the importance of direct measures that an observer, such as a coach, can employ to assess the student's stage of development on a Milestone Model). The continuous coaching model for at-risk students regarding bar passage also can lead to the creation of portfolios for each student, meeting Principle 9.

### 5.7.4 *A 1L Constitutional Law Curriculum That Also Fosters Student Professional Development and Formation*

One of the coauthors, Professor Bilionis, has incorporated a PD&F objective into a basic required first-year course in constitutional law. In addition to traditional competencies, the course explicitly spotlights collaboration and teamwork. The course's stated learning objectives include the student's ability to "participate as a member of a professional community whose members work individually and together to continuously improve their capacities to serve clients and society." (This is a community of practice as discussed in Principle 6 in Chapter 4.) From the outset and throughout the course, the significance of a broad range of competencies to successful law practice is emphasized. The value of collaboration and teamwork to the student's own learning while in law school also is stressed.

Each student is randomly assigned to a team for the entire semester. In every class session, one or more teams is "on call" to be exceptionally well prepared to explore the assigned reading as well as a distributed problem that places students in contexts they will encounter in practice. The teams regularly confer prior to class, using whatever means they choose (face-to-face, Zoom, or asynchronously in writing). Also associated with every class is a short writing assignment that all students, within their teams, must undertake. Each student drafts a short response to a prompt provided by the professor and posts that response to the team's own online discussion board. The team then reviews its postings and produces a response on behalf of the entire team, capturing the best insights from its members' postings. These team responses are shared with the entire class.

Twice during the semester, the students are assigned a more substantial writing project – two memoranda that serve as capstones to two major portions of the course. The students share their own drafts with teammates, and each student is responsible for providing written feedback to a teammate during the drafting process. A third writing assignment – drafting of an answer to a practice examination – capstones another segment of the course. Students share their draft answers with the team, which then confers to reflect on the strengths of various answers, opportunities for improvement, and strategies for exam preparation and exam taking. In class, each team delivers an oral report on its discussions and reflections.

The foregoing writing assignments are assessed, with feedback provided to the team and also individually to each student. The team-based activities are graded as well, producing a grade for the team (with each team member

receiving the same grade) that figures, along with the final examination, into a student's final grade in the course.[19]

Students report that the team experiences assist them in better learning the doctrinal material and advancing their analytical abilities. They also report that the team experiences contribute positively to their confidence and their appreciation of diversity. They relate that the experiences reinforce for them that all their classmates have strengths; that no one has all the answers and insights; that all have valuable perspectives to offer; and that their own individual development is strengthened by collaboration, feedback, and reflection. In the professor's opinion, students have shown improved performance on the final examination.

The structure of the course reflects several of the principles from Chapter 4. Students see a Teamwork and Team Leadership Milestone Model and do a self-assessment using the model reflecting Principle 1. There are repeated opportunities for reflection emphasized by Principle 4. The team assignments and the teamwork needed to do them simulate practice and are authentic professional experiences as contemplated by Principle 6. By resorting to extensive peer feedback in addition to feedback and assessment from the professor, the course also draws on Principle 8's acknowledgment of the potential of multi-observer feedback and assessment.

### 5.7.5 *A 1L Required Course on the Legal Profession*

A course at the Mercer University School of Law – "The Legal Profession" – presents another example of the possibilities with a 1L required course. The nature of the course is well captured in the textbook used in the course, authored by Patrick Emery Longan, Daisy Hurst Floyd, and Timothy W. Floyd and titled THE FORMATION OF PROFESSIONAL IDENTITY: THE PATH FROM STUDENT TO LAWYER.[20] The authors urge the student reader to be intentionally proactive about the formation of the student's professional

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[19]  A detailed syllabus of the course and its features is available on the Holloran Center's website. *See* https://www.stthomas.edu/hollorancenter/roadmap/

[20]  For a review of this book, see Neil Hamilton, *Fostering Growth from Being a Student to Being a Lawyer: A Review of* THE FORMATION OF PROFESSIONAL IDENTITY: THE PATH FROM STUDENT TO LAWYER (2020), 69 J. LEGAL EDUC. 224 (2019). Note that a required leadership course is another pathway to fostering student growth toward PD&F goals. See, for instance, the new leadership textbook, LEAH W. TEAGUE, ELIZABETH FRALEY, & STEPHEN RISPOLI, FUNDAMENTALS OF LAWYER LEADERSHIP (2021).

identity (defined as an individual with a "deep sense of self in a particular role" who can answer the question "I am the kind of law student/lawyer who _____") and to internalize the traditional core values of the profession into the student's existing value system.[21]

The authors define the traditional core values of the legal profession in terms of virtues – capacities or dispositions that bring a person closer to an ideal.[22] They argue that there is substantial consensus in the profession about "the virtues necessary to be the kind of lawyer who serves clients well and helps fulfill the public purposes of the profession"[23] and set out six professional virtues that the student should internalize into their existing value system to form a professional identity:[24]

1. The virtue of competence;
2. the virtue of fidelity to the client;
3. the virtue of fidelity to the law;
4. the virtue of public spiritedness;
5. the virtue of civility; and
6. the virtue of practical wisdom (the master virtue).

The authors analyze each of the six virtues in similarly structured separate chapters that

1. Define the meaning of the virtue in the context of the Model Rules of Professional Conduct and the needs of clients, legal employers, and the profession;
2. explain what gets in the way of the lawyer's developing and demonstrating the virtue;
3. offer strategies for cultivating the virtue;
4. provide discussion questions and problems; and
5. supply suggested readings.

The structure of the book reflects several of the best empirically researched principles for an effective curriculum fostering the formation of each student's professional identity set forth earlier in Chapter 4. Consistent with Principle 4, it provides repeated opportunities for reflection on the responsibilities of the profession and development of the habit of reflective self-assessment on these

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[21] Longan et al, The Formation of Professional Identity: The Path from Student to Lawyer (2020), at 3–4.
[22] *Id.* at 5.
[23] *Id.*
[24] *Id.* at 5–8.

responsibilities.[25] In the same vein, the book uses problems and discussion questions at the end of each chapter that create cognitive dissonance to challenge the student's existing ideas and assumptions at the student's current stage of development.[26] Modeling Principle 7, the authors provide instruction that helps each student understand how the curriculum is helping the student achieve their goals.[27]

### 5.7.6 *A PD&F Curriculum Development Resource to Be Published in 2022*

Kelly Terry, Kendall Kerew, and Jerry Organ are authoring a book forthcoming in 2022, titled BECOMING LAWYERS: AN INTEGRATED APPROACH TO PROFESSIONAL IDENTITY FORMATION. The book is a resource for faculty and staff who are developing curriculum and assessment modules to foster student growth toward professional development and formation learning outcomes. Chapters of the book will cover (1) definitions of professional identity; (2) communicating the importance of professional identity formation; (3) assessing learning outcomes relating to professional identity; (4) incorporating professional identity into admissions and orientation; (5) incorporating professional identity into the 1L year; (6) incorporating professional identity into the 2L year; (7) incorporating professional identity into the 3L year; and (8) professional identity at graduation, the bar examination, and beyond.

### 5.8 GO WHERE THE STUDENTS ARE TO BUILD A BRIDGE FROM THEIR PERSONAL GOALS TO THE COMPETENCIES THAT CLIENTS, LEGAL EMPLOYERS, AND THE PROFESSION NEED

Our eighth practical implementation suggestion, as well as the ninth that follows, concerns the importance of communicating the relevance and significance of PD&F curriculum features to stakeholders who have a natural interest in their success. The objective is to connect the stakeholders to the school's PD&F efforts by bridging the self-interest of the stakeholders to the

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[25] *See also* Neil Hamilton & Jerome Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 TENN. L. REV. 843, 868 (2016).

[26] *See also id.* at 874.

[27] *See also* Neil Hamilton, *The Next Steps of a Formation-Of-Student-Professional-Identity Social Movement: Building Bridges Among the Three Key Stakeholders – Faculty and Staff, Students, and Legal Employers and Clients*, 14 U. ST. THOMAS L. J. 285, 299–300 (2018).

values and objectives served by PD&F goals. With connection comes greater motivation to engage and participate.

We appropriately begin here with students. Students have personal goals that bear a close relation to the competencies that clients, legal employers, and the profession report that they need and want in lawyers. To maximize student "buy in" and engagement with the PD&F curriculum, a law school will do well to meet students where they are and communicate the connection between the students' own goals and PD&F competencies early, often, consistently, and in terms that students appreciate. The aim is for students to see that their own goals and PD&F competencies are conceptually related, and that the curriculum bridges them together and meaningfully promotes their advancement.

### 5.8.1 *What Are the Students' Goals?*

We have reasonably good data on the goals of both applicants to law school and enrolled law students. The 2018 Association of American Law Schools (AALS) report, *Before the JD: Undergraduate Views on Law School*, is the first large-scale national study to examine what factors contribute to an undergraduate student's decision to go to law school.[28] The AALS study is based on responses from 22,189 undergraduate students from 25 four-year institutions and 2,727 law students from 44 law schools.[29] The survey asked the undergraduates "how important are each of these characteristics to you when thinking about selecting a career?" The top seven characteristics that undergraduate students considering law school (and including, therefore, those selecting a law career) thought were "extremely important" are

1. Potential for career advancement – 62 percent;
2. opportunities to be helpful to others or useful to society/giving back – 54 percent;
3. ability to have a work-life balance – 50 percent;
4. advocate for social change – 37 percent;
5. potential to earn a lot of money – 31 percent;
6. opportunities to be original and creative/innovative – 27 percent; and
7. whether the job has high prestige/status – 22 percent.[30]

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[28]  Association of American Law Schools, Before the JD: Undergraduate Views on Law School (2018).
[29]  *Id.* at 5.
[30]  *Id.* at 29 fig.1.2.

A synthesis of the AALS data indicates the most important goal of undergraduate students considering law school is meaningful postgraduation employment with the potential for career advancement that "fits" the passion, motivating interests, and strengths of the student and offers a service career that is helpful to others and has some work/life balance. Achieving a high income is an additional key factor defining the meaningfulness of employment for about 30 percent of the students considering law school.[31]

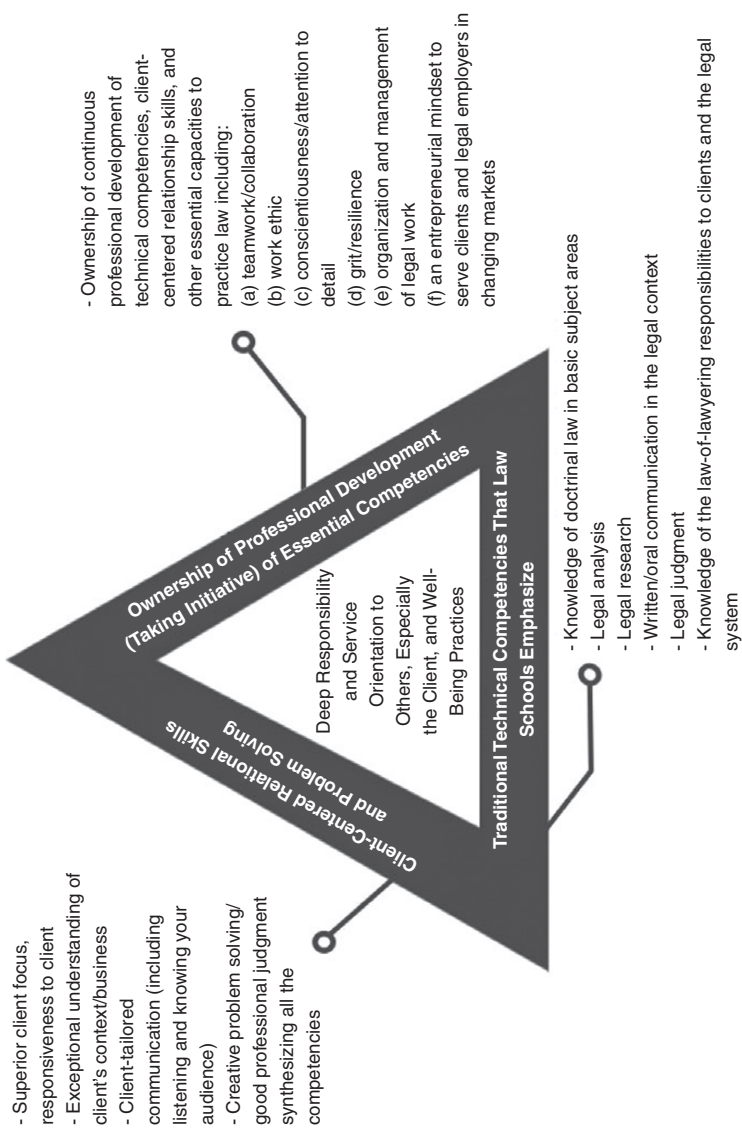### 5.8.2 *What Are the Competencies That Clients, Legal Employers, and the Profession Need?*

We also have reasonably good data on the competencies that clients and legal employers want. Chapter 1 and the Appendix to Chapter 1 outlined the data available and provided a Foundational Competencies Model discussed in Chapter 1 that we present again here for convenience in Figure 6.

Legal education's signature pedagogy – the case-dialogue method that dominates the first year of law school – emphasizes the cognitive skills of knowledge of doctrinal law and legal analysis, while legal writing and research, and to some degree legal judgment, also figure prominently in the standard law school curriculum.[32] These are the traditional technical competencies that law schools emphasize, as shown in Figure 6. Historically, the large majority of law schools have not had required curriculum to ensure each student's attainment of a level of competence at the other capacities and skills on the upper two sides of Figure 6. As we have noted, however, the picture in law schools is changing. A significant number of law schools have recently adopted institutional learning outcomes that include capacities and skills beyond the traditional technical competencies. Medical education once subscribed to the view that new physicians would be fine so long as they were "really smart," but it came to realize that this view was insufficient to

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[31] Of the undergraduate students considering law school, 31 percent responded that the potential to earn a lot of money was an important characteristic in selecting a law career and 31 percent responded that "there are high-paying jobs in the field" was an extremely important or important criterion for selecting the specific law schools to which they applied. *Id.* at 44.

Another 2017 empirical study of enrolled 1L students in five law schools asked, "What are the professional goals you would like to achieve by six months after graduation?" The two most important goals were bar passage and meaningful employment, followed by sufficient income to meet loan obligations, a satisfactory living. and a trustworthy reputation. *See* Gantt & Madison, *supra* note 18, at 503–04.

[32] William M. Sullivan et al., Educating Lawyers: Preparation for the Profession of Law 24, 50–60 (2007).

FIGURE 6 Foundational Competencies Model based on empirical studies of the competencies clients and legal employers need

**Ownership of Professional Development (Taking Initiative) of Essential Competencies**

- Ownership of continuous professional development of technical competencies, client-centered relationship skills, and other essential capacities to practice law including:
  (a) teamwork/collaboration
  (b) work ethic
  (c) conscientiousness/attention to detail
  (d) grit/resilience
  (e) organization and management of legal work
  (f) an entrepreneurial mindset to serve clients and legal employers in changing markets

**Traditional Technical Competencies That Law Schools Emphasize**

- Knowledge of doctrinal law in basic subject areas
- Legal analysis
- Legal research
- Written/oral communication in the legal context
- Legal judgment
- Knowledge of the law-of-lawyering responsibilities to clients and the legal system

These traditional competencies reflect ABA Accreditation Standard 302(a)–(c).

Deep Responsibility and Service Orientation to Others, Especially the Client, and Well-Being Practices

**Client-Centered Relational Skills and Problem Solving**

- Superior client focus, responsiveness to client
- Exceptional understanding of client's context/business
- Client-tailored communication (including listening and knowing your audience)
- Creative problem solving/ good professional judgment synthesizing all the competencies

meet patient and health care system needs.[33] The data on the learning outcomes that law schools are adopting indicate that legal education is coming to a similar realization of its own. Technical knowledge and cognitive skills are necessary but not sufficient to the effective practice of law. A much broader framework of capacities and skills for client-centered service is essential to meet client, legal employer, and legal system needs.

### 5.8.3 *Building a Bridge of Coordinated Curricular Modules to Connect the Students' Goals to Client, Legal Employer, and the Profession's Needs*

The law school's PD&F curriculum can be envisioned as a bridge that unites the students' goals of bar passage and meaningful postgraduation employment and the needs of clients, legal employers, and the legal system. Students who embrace that vision can "buy into" and engage in the curriculum more effectively. The law school can take two basic steps that will help students embrace that vision. Both steps draw upon the school's capacity to communicate well and with appreciation of the student's perspective.

The first step is to help the student envision and comprehend the bridge. Faculty, staff, and the administration can assist the student to understand

1.  The full array of competencies that clients and legal employers want (this includes not only the traditional technical competencies in Figure 6 that all law schools emphasize but also other competencies in Figure 6 related to client-centered problem solving and good judgment and an entrepreneurial mindset to serve clients and legal employers in changing markets that flow from internalizing deep responsibilities to others, especially the client); and
2.  The importance of a student proactively taking ownership of the student's own professional development, using both the formal curriculum and professional experiences outside of the formal curriculum, to develop toward later stages of the competencies that are the student's strengths, and to have evidence of the student's later stage development that legal employers will value.

The second step for the law school is to communicate to students, in language and with concepts that they understand, how most effectively to use the bridge that the law school's curriculum and culture create for each

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[33]  Robert Englander, Eric Holmboe et al., *Coproducing Health Professions Education: A Prerequisite to Coproducing Health Care Services*, 95 Acac. Med. 1006, 1007 (2020).

student. We cannot state enough the importance of Principle 3 from Chapter 4: Go Where They Are. Take into account that students are at different developmental stages with respect to the two key steps just noted.

The authors' experience is that many students need substantially more help than might be expected to grow to understand the bridge and to become proactive in using their time in law school to achieve their post-graduation goals. A number of factors appear to contribute to the difficulty. Many students want to be told what to do, a posture consistent with how they experienced their education before law school. As William Henderson has noted, law students expect to learn about their law school subjects in standard ways. The emphasis of the 1L year curriculum on cognitive competencies, moreover, means that students go relatively unexposed to the fact that the practice of law calls for a much broader array of competencies than the knowledge of legal doctrine and the performance of legal analysis.[34] As noted earlier in the discussion of Principle 3 in Chapter 4, many students also are at an earlier stage of development on self-directed learning, and they are inexperienced at purposive planning of their development as a professional.[35] Indeed, the authors' experience is that nearly all students, including highly ranked students, need substantial help in framing an effective persuasive argument for themselves that their strengths meet a particular employer's needs (in the language of the employer) and that the student has evidence of this later stage development that the employer will value.

The law school's curriculum and culture, from orientation through the remaining three years, can be used more effectively to help each student see and use the bridge, meeting them where they individually are developmentally. One powerful step in this direction would be for as many faculty as possible from all roles and ranks, whether doctrinal/podium or experiential, to make transparent to students the entire map of competencies needed to practice law, and to make explicit what competencies the student is learning in the course or in a particular experience. All faculty can emphasize the importance of the habits of seeking feedback and reflecting (Principle 4 in Chapter 4). This is particularly important, as Principle 6 in Chapter 4 emphasizes, at major transition points from being a student to being a lawyer where the student has engaged in authentic professional experiences (for example, immediately after summer internships or clerkships, and in conjunction with externships, clinics, lawyering

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[34]  *See* William Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461, 505 (2013).
[35]  *See* discussion of Principle 3 in Chapter 4.

skills courses, and simulation courses). Doctrinal/podium faculty may not feel fluent in such matters, but it is especially important that students hear their voices speaking to the importance of the law school's professional development and formation initiatives. Even when a faculty member does not personally focus on formation-oriented competencies in a course, the professor can still endorse their significance and underscore how those competencies are addressed elsewhere in the school's academic program. Such "cross-selling," as we have called it, is quite easy, especially if faculty are provided talking points.

Principle 5 in Chapter 4 emphasizes coaching as the most effective curriculum to foster each student's guided reflection and guided self-assessment, in major part because it is individualized to each student's stage of development. Coaching is a particularly important strategy for Generation Z, the cohort group born after 1995, now applying to and enrolled in law school. Empirical data indicate that Generation Z prefers timely and frequent feedback that is future oriented, and not just an assessment of past performance. They want personal contact with managers and team members, and they are high on self-directed learning.[36] They prefer and respond best to coaching when the coach and coachee both play an active role in the developmental process.[37] A law school that leads in offering a curriculum of continuous coaching will be very attractive to Generation Z applicants and students.

Principle 6 in Chapter 4 emphasizes the importance of authentic experiences and communities of practice in the growth process from being a student to being a lawyer. The law school should do all it can to create communities of practice between the students and the school's alumni and supportive practitioners, thereby affirming the importance of the school's efforts to connect the students' goals with client, legal employer, and legal system needs. Although senior lawyers and judges may be rightly celebrated, they may be many developmental stages removed from the student. Choose graduates and practitioners closer to the students in age and experience. Students will be able to more easily visualize the steps immediately ahead of them in professional growth.

[36] *See* Bharat Chillakuri, *Understanding Generation Z Expectations for Effective Onboarding*, 33 J. ORGAN. CHANGE 1277, 1285–89 (No. 7, 2020).

[37] *See* Elizabeth Deluliis & Emily Saylor, *Bridging the Gap: Three Strategies to Optimize Professional Relationships with Generation Y and Z*, 9 OPEN J. OF OCCUPATIONAL THERAPY 1, 4 (No. 1, 2021).

## 5.9 GO WHERE THE LEGAL EMPLOYERS, CLIENTS, AND PROFESSION ARE AND BUILD A BRIDGE DEMONSTRATING THAT THE LAW SCHOOL'S GRADUATES ARE AT A LATER STAGE OF DEVELOPMENT ON THE COMPETENCIES EMPLOYERS, CLIENTS, AND THE PROFESSION NEED

The previous practical suggestion focused on bridging students to PD&F goals with awareness of the personal goals that students have and purposeful, effective communication. We now turn our attention to the law school's communication with legal employers, clients, and the legal profession. The law school can build a bridge to them too, helping them recognize that the law school's graduates are reaching later stages of development on the competencies that employers, clients, and the profession need.

One illustrative – and perhaps less obvious – bridge to legal employers and clients could focus on the fact that legal employers currently are dramatically increasing attention to diversity and to DEI and Belonging initiatives. These initiatives drive at the same PD&F competencies that many law schools are choosing to spotlight. An entrepreneurial law school will educate the employers who hire the school's graduates about both the law school's efforts to foster each student's growth toward later stages of these PD&F goals that employers need and how this broader understanding of the competencies needed to serve clients well (beyond just the standard cognitive competencies and ranking students cognitively) will increase the legal employers' diversity. The law school can provide reliable evidence to the employers of each student's later stage development of these needed competencies.[38] An entrepreneurial law school emphasizing the full range of competencies that legal employers need will give particular emphasis to DEI and Belonging initiatives that help historically underserved students understand the entire range of needed competencies and to create and implement a plan to develop those competencies.

A second illustrative bridge to employers and clients – and the intuitively most obvious bridge – would focus on the competencies that research indicates are needed by employers and clients and ensure that the school's PD&F goals well align with those competencies. Empirical research on the competencies legal employers and clients need is getting stronger each year, and a law school should keep up with it and be conversant in it. Figure 6 earlier in

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[38] *See* Institute for the Advancement of the American Legal System, Foundations Hiring Guide: Cut Through Bias, Hire and Retain the Best Lawyers 9–10 (2021), https://iaals.du.edu/publications/foundations-hiring-guide. A broader understanding of the full array of competencies that clients want will lead to hiring new associates with more diversity. *Id.*

this chapter represents a current synthesis of these empirical data, but there will be improving data. Appendix A to Chapter 1 has the current data. A law school should periodically compare its learning outcomes with the latest empirical data on the competencies needed and revise and adjust the learning outcomes as appropriate.

The most serious present gap between the competencies clients and legal employers need and the learning outcomes being adopted (*see* Table 24) is that few law schools have adopted strong client-service orientation learning outcomes on competencies such as superior client focus, responsiveness to the client, and an exceptional understanding of the client's context/business.[39] It may be that the 13 percent of schools (from Table 24) with a client interviewing or counseling learning outcome will incorporate elements of strong client-service orientation. To the degree possible, a school should use the language of the clients and legal employers in formulating the school's learning outcomes. This will help the students communicate a value proposition to clients and legal employers in a language these stakeholders can understand. A client interviewing and counseling learning outcome, for instance, could be revised to include fostering student growth toward a strong client-service orientation.

Two law schools have taken steps that others might find instructive. The University of Minnesota Law School adopted a learning outcome that graduates will demonstrate "client-oriented legal service, including the ability to: … (ii) listen to and engage with clients to identify client objectives and interests, and … (iv) counsel clients by assessing, developing, and evaluating creative options to meet client goals."[40] Villanova's Charles Widger School of Law adopted a strong learning outcome emphasizing understanding of the client's context/business and an entrepreneurial mindset to serve clients and legal employers in changing markets.[41] Villanova's Learning Outcome 8 provides the following:

> Graduates will understand the importance for their career development of embracing an entrepreneurial perspective and cultivating the ability to manage and develop client and professional relations.
>
> 1. Graduates will possess competency in professional networking.

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[39] *See* Neil Hamilton, *The Gap Between the Foundational Competencies Clients and Legal Employers Need and the Learning Outcomes Law Schools Are Adopting*, 90 UMKC LAW REV. (2021).

[40] University of Minnesota Law School, *Learning Outcomes for the JD Program* (May 5, 2016), https://www.law.umn.edu/sites/law.umn.edu/files/learning_outcomes_as_approved_by_faculty_5.5.16.pdf.

[41] *See* https://www1.villanova.edu/villanova/law/academics/learningoutcomes.html.

2. Graduates will possess basic fluency in business concepts and terminology used in the operation of diverse legal practices, including law firms, legal departments, and legal service organizations.

3. Graduates will demonstrate an understanding of business and financial considerations that affect (i) a client's selection of a legal service provider and (ii) a legal service provider's business and delivery model.

4. Graduates will recognize that new laws and technologies, as well as persistent problems and unmet needs, present opportunities for lawyers in the public, private, and non-profit sectors to harness their training and experience to forge new structures, organizations, products, services, and solutions.

Empirical data on how new lawyers most often "fail" as associates would be helpful to law schools that wish to formulate learning outcomes reflecting client and legal employer needs. Little such data currently are available. As an initial step to address that lack of data, one of the coauthors, Professor Hamilton, interviewed ten experienced attorneys at medium to larger firms in Minnesota during the summer of 2019, asking what are the major reasons that associates fail to progress in the firm. The lawyers all mentioned a version of two major reasons:

1. *In the initial years as an associate, a failure to understand and internalize that the experienced lawyers giving the associate work are in effect "the internal clients."* Some associates continue to act like a student, doing the assigned work well, but not growing: (1) to internalize superior client focus/responsiveness to client (the internal client giving the work); (2) an exceptional understanding of the client's context and business (the internal client's context and business); and (3) an entrepreneurial mindset to serve the internal client in changing markets including an emphasis on greater efficiency in producing legal services.[42]

2. *In the later years as an associate, a failure to demonstrate the same competencies with respect to external clients.* Of particular significance is a more senior associate's failure to be proactive in creating and implementing a plan of client development using these client service orientation and entrepreneurial mindset foundational competencies.

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[42] Two chapters in Roadmap: The Law Student's Guide to Meaningful Employment emphasize that in the early years, the junior lawyer should demonstrate these gap skills in providing help to experienced lawyers providing the work. *See* Benjamin Carpenter, *Commitment to the Employing Organization,* in ROADMAP, *supra* note 17, at 134–42; Greg Stephens, *Dedication and Responsiveness to Clients, id.* at 109–12.

TABLE 25 *The thirteen most helpful hiring criteria for employers hiring students for postgraduation employment*

| Hiring Criteria | Percentage of Respondents Answering "Somewhat Helpful" or "Very Helpful" |
| --- | --- |
| Legal employment | 88.3% |
| Recommendations from practitioners or judges | 81.9% |
| Legal externship | 81.6% |
| Other experiential education | 79.4% |
| Life experience between college and law school | 78.3% |
| Participation in law school clinic | 77.3% |
| Law school courses in a particular specialty | 70.3% |
| Recommendations from professors | 63.3% |
| Class rank | 62.5% |
| Law school attended | 61.1% |
| Extracurricular activities | 58.7% |
| Ties to a particular geographic location | 54.3% |
| Law review experience | 51.2% |

Susan Manch, recently retired chief talent officer at Winston and Strawn (a firm with approximately 1,000 lawyers) recently outlined her similar experience on why associates fail. The chief reasons she cites for an associate's failure are that the associate is (1) not client focused, (2) not entrepreneurial, (3) lacks commitment to grow, (4) does not add value, and (5) focuses solely on hours.[43]

Entrepreneurial law schools will build a bridge proactively to connect with legal employers whom their graduates serve and signal the law school's emphasis on the full range of competencies the employers need. The school also will provide employers with good evidence that its graduates are at a later stage of development on the needed competencies. Historically law schools have not provided strong evidence that an employer can rely upon to indicate that a student is at a later stage of development on the full range of competencies beyond the standard technical competencies of legal knowledge, legal analysis, legal research and legal writing. Note that for many of these additional competencies, practical experience observed by an experienced practicing supervisor has the most influence. The Institute for the Advancement of the American Legal System's 2016 study (with responses from 24,000 lawyers)

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[43]  Susan Manch, *The Competency Continuum: Aligning Law School Education with Law Firm Needs*, at the Professional Development Institute, Dec. 6, 2019 (copy on file with the authors).

noted early in Appendix A to Chapter 1 asked respondents what criteria were most helpful in the decision to hire an attorney. Table 25 has the thirteen most helpful criteria.[44]

While the IAALS survey found that all the criteria were helpful in making a hiring decision, the six most helpful were all related to practical experience where an experienced supervisor has seen the work. In building a bridge to employers, entrepreneurial law schools can ask employers their graduates serve about the most important competencies they need in new lawyers and what evidence the employers would value indicating that a law student was at a later stage of development on the needed competencies. Schools also can work with employers on how to assess new lawyer development of the needed competencies, and also work with them on the use of effective behavioral interviewing strategies.

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[44]  Alli Gerkman & Logan Cornett, Foundations for Practice: Hiring the Whole Lawyer: Experience Matters 7–8 (2016), https://iaals.du.edu/sites/default/file s/documents/publications/foundations_for_practice_hiring_the_whole_lawyer.pdf.

# Coaching Guide for a Meeting on Each 1L Student's ROADMAP

Neil Hamilton and Jerome Organ prepared the following guide for use at the University of St. Thomas School of Law (UST Law) for coaching done in conjunction with the ROADMAP curriculum.[1]

## I INTRODUCTION

As a ROADMAP coach, you are part of a national movement to foster each student's professional development and formation more holistically. Two major goals of the movement are to help each student grow to later stages of development regarding

1.  The student's proactive ownership of continuous professional development toward excellence at the competencies that clients, employers, and the legal system need; and
2.  a deep responsibility and service orientation toward others, especially the client.

In other words, each law student has to grow from being a passive student, where the student just does what the professors ask, to become a proactive lawyer owning and planning their own development including an orientation of deep care/service for the client. As a major step to facilitate each student's growth in these ways, each 1L student at UST Law at the start of the second semester has to spend several hours both reading Professor Hamilton's book, ROADMAP: The Law Student's Guide to Meaningful Employment (2d ed. 2018), and creating a written ROADMAP plan to use the student's remaining time in law school most effectively to achieve the student's goals of bar passage and meaningful postgraduation employment.

Current empirical research points toward one-on-one coaching for each student as the most effective curriculum to foster this type of student growth.[2] It also points toward the importance of one-on-one coaching and guided

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[1]   *See* Neil W. Hamilton, ROADMAP: The Law Student's Guide to Meaningful Employment (2d ed. 2018).

[2]   Neil Hamilton, *Mentor/Coach: The Most Effective Curriculum to Foster Each Student's Professional Development and Formation*, 17 U. St. Thomas L. J. (forthcoming 2022)(available at http://ssrn.com/abstract=3747309).

reflection at the major transition points in law school, and the period right after first semester grades are out (January/February of the 1L year) is a major transition point where each student needs guided reflection to create a written plan to use the next two and a half years most effectively to reach the student's goal of bar passage and meaningful postgraduation employment. This is a particularly important transition point for the students who did not do as well academically after the first semester as they hoped; they especially need guided reflection about how to gain experience and develop their strengths to realize their goals of bar passage and meaningful postgraduation employment.

Empirical evidence points toward three key foundational competencies for a good coach in this context:

1. Actively listen to understand both where the student is developmentally and what are the student's postgraduation goals as best as the student can discern them at this time;
2. asking powerful open questions to raise the student's awareness and responsibility; and
3. facilitating the student's growth toward the next stage of development regarding the student's proactive ownership of continuous professional development toward excellence at the competencies that clients and employers in the student's area of postgraduation employment interest need, and a deep responsibility and service orientation toward others, especially the client.

Part II of this Coaching Guide discusses the ROADMAP process in which the students are engaged. Part III discusses your coaching goals, and Part IV provides a separate Question Template document of powerful open questions for fostering a meaningful conversation with the student about the student's goals and plans.

## II THE ROADMAP PROCESS

The data available indicate both that a major goal for law students is meaningful postgraduate employment and that 50 percent to 60 percent of the 1L and third-semester 2L students are at an early stage of development with respect to taking ownership over their own professional growth to achieve meaningful employment (self-directed learning). At the same time, all law faculties are adopting learning outcomes that include the ABA required minimum competency in "the exercise of proper professional and ethical responsibilities to clients and

the legal system."[3] In addition, many faculties are adopting learning outcomes that go substantially beyond the ABA minimum to include fostering each student's moral core/values of responsibility and service to others including the disadvantaged. It makes common sense that a student has to take substantial responsibility in terms of professional development of the necessary skills before the student can do much in terms of responsibility and service to others as a lawyer.

The breakthrough concepts of the ROADMAP curriculum are **to go to each student's shoes** (developmental stage) and to help each student understand the **student's goals** of self-sufficiency/meaningful employment are best realized through the following two faculty learning outcomes:

1. Each student should create and implement a written professional development plan to grow toward excellence at the competencies needed to serve others well (self-directed learning); and
2. Each student should understand and internalize an ethic of responsibility and service to others (this is the subtext message of the student's ROADMAP value proposition and all the chapters about relationships).

Note that the meta-message is that all lawyers should develop the habits of both creating and implementing written professional development plans. Every lawyer should also seek and reflect upon veteran lawyer feedback on both the plans and the internalization of deep responsibilities and service to the client and others.

Figure 7 outlines the ROADMAP process.

Each 1L student will spend a minimum of five hours to draft a ROADMAP template that outlines the student's reflection on the following steps.

### *Assessment of Yourself*

1. What are your strengths?
2. What are the characteristics of past work/service experience where you have found the most meaning and positive energy? Are there particular groups of people whom you have served where you have drawn the most positive energy in helping them? What specific strengths and competencies were you using in this work or service?

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[3] *Standard 302. Learning Outcomes., 2021–2022 Standards and Rules of Procedure for Approval of Law Schools*, A.B.A. Section of Legal Educ. & Admissions to the Bar.
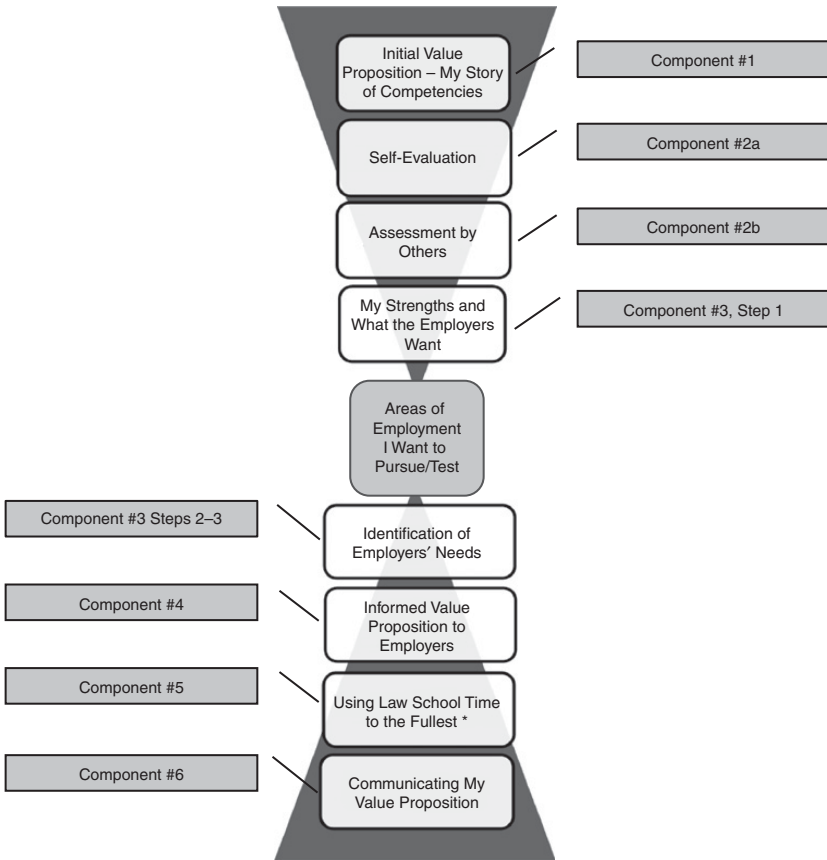
FIGURE 7  The ROADMAP FOR EMPLOYMENT template framework
* To gain experience to test options and to develop competencies (and evidence), and to build networks of trust relationships.

3. How do you self-assess your trustworthiness in the past to help others on important matters? How do others who know your past work/service assess your trustworthiness?

4. Looking at the competencies that clients and legal employers want, how do you self-assess what are your strongest competencies? How do others who know your past work/service assess your strongest competencies?

5. How do your strengths and strongest competencies match up with the competencies that legal employers and clients want?

6. Step back and think creatively about the changing legal market and possible entrepreneurial responses to those changes. Could you

demonstrate some innovative ideas and differentiating competencies to help potential employers and clients to be more successful in this changing legal market?

*Assessment of Your Most Promising Options for Employment*

7. Can you create a tentative list of the most promising options for employment where you see the best match among your strengths, the characteristics of past work that have given you the most positive energy, and the competencies that legal employers want?
8. What is your value proposition to demonstrate to these potential employers that you can add value beyond the standard technical legal skills to help the employers' clients and the employer itself to be more successful?

*Your Professional Development Plan*

9. How do you plan to use your remaining time in law school to gain good experience at your most promising options for meaningful employment so that you can confirm or eliminate from (or add to) your list of most promising employment options? What metrics will you create to assess whether you are implementing your plan?
10. How do you plan to use your remaining time in law school, including the curriculum and all the other experiences of law school, most effectively to develop the competencies that support your value proposition? Are you assessing your progress in implementing your plan?
11. What evidence are you collecting to demonstrate to potential employers your development at your differentiating competencies? What evidence do you want to develop going forward?
12. How do you plan to develop long-term relationships based on trust with other lawyers, particularly senior lawyers and judges who can give feedback on your employment plan, help you with experiences to implement it, and help provide evidence that you have developed a competency? Are you assessing your progress in implementing this plan?
13. What is your biggest fear or roadblock holding you back in implementing any of the steps above?

*Persuasive Communication*

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

### III COACHING GOALS

The main coaching goal is to help each student understand the importance of **proactively** creating and implementing a professional development plan to grow toward excellence at the competencies needed to serve clients well, and to seek feedback on the plan from veterans, both now and over a career. This is called the "competency of self-directed learning" in the literature.[4] A second principal coaching goal is to help each student understand that they will succeed at the goal of meaningful employment and career success through an ethic of deep responsibility and service to the client and others.

Note that while self-directed learning is a critical competency for each law student and new lawyer, as emphasized earlier, a surprising 50 percent to 60 percent of the 1L and third-semester 2L law students are at an earlier stage of this competency than where they should be in terms of both their own self-interest and the interests of their law schools and the profession itself.

You can see that Steps 1–6 of the ROADMAP ask the student to identify the student's strengths in the context of the competencies that legal employers and clients want. Each student has a narrative or story of experiences prior to law school that helped the student develop strengths and competencies on which the student can build. Help the student understand that they are building on an existing narrative of strengths.

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[4] Malcolm Knowles defined self-directed learning as "a process by which individuals take the initiative, with or without the assistance of others, in diagnosing their learning needs, formulating learning goals, identifying the human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes." MALCOLM KNOWLES, SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS 18 (1975). Legal educators, legal employers and the profession itself want each law student and new lawyer to take ownership over their own self-directed learning so that they continually improve over a career toward excellence at all the competencies needed to serve clients and others well. This is highly beneficial to the law student also.

Note that some students may feel that they don't know enough to respond to Step 7 with a list of most promising employment options. Please stress that the student needs experience to test whether employment options are or are not a good fit so it is better to identify options and start exploring them. Moreover, a veteran lawyer can help a student far more if the student has a plan with specific options to explore rather than having no idea what the student wants to do with their law degree. The idea is that this is a work in progress; the student will be revising their list of "top three employment options" as they gain experience.

Step 8 of the ROADMAP asks the student to articulate a value proposition. Ask the student why an employer included in one of their top employment options should hire the student instead of other candidates. What specific competencies differentiate this student from their peers? We want to help students begin to be able to articulate how they add value and how they can differentiate themselves.

Steps 9 and 10 focus on how to use the student's remaining two and a half years in law school both to gain good experience at one or more of the student's top three employment options and to develop toward later stages of the differentiating competencies that the student is emphasizing. The accompanying guide provides a framework for talking through this "planning" process with students.

Step 11 asks the student to begin thinking about how the student can develop relationships with faculty or lawyers who can ultimately be in a position to provide recommendations. This is evidence of a student's later stage development of a competency that the student is emphasizing. Note that many students do not focus on having strong evidence to back up the student's value proposition of differentiating competencies. See the assignment at the end of this Appendix where the coach asks the student to write down the evidence that the student has concerning a later stage of development at the student's value proposition. Talk through with the student the importance of having at least two professors and two practicing lawyers or judges who have good evidence of the competencies that the student is emphasizing.

Step 12 of the ROADMAP asks the student to create a networking plan that helps the student build trust relationships that will enable the student to gain experience and build the student's competencies.

Step 13 asks the student to reflect on the major roadblocks or fears that are holding the student back with respect to any of the earlier steps.

Step 14 of the ROADMAP directs students to take advantage of the resources available in the Career and Professional Development office to assist the student in their job search process.

IV SUGGESTED POWERFUL OPEN QUESTIONS FOR THE MEETING
WITH THE STUDENT

Begin by talking briefly about how you wish you had help of this kind during law school to create a professional development plan with feedback from veteran lawyers. Then begin the process of talking with the student about their experiences and where they would like to be upon graduation. This Question Template is fairly thorough. It is not imperative that you ask \*every\* question or get to every single topic. We know the conversation is only going to be 30 minutes to 45 minutes generally. Rather, we want you to find the major areas of need/interest for each student and cover a range of the things the student needs to be thinking about to get from where they are to where they want to be. Phrased differently, we are looking for you to be a new voice – a trusted and experienced voice – who can both encourage the student *and* press them toward articulating and actively pursuing steps on a career path.

1. **Drawing on Steps 1–6**, ask the student to share both strengths and earlier experiences in which serving others has had the most energizing aspect or a life-giving quality. A good way to break the ice at the beginning is just to ask the student about both what their parents and family members do for a living, and what the student's best employment experiences have been. Listen carefully for natural networks and strong competencies that the student can build upon. What are the student's existing references? What will they say about the student's strengths?

2. **Connecting with Step 7**, ask the student to describe the discernment process that led the student to identify their three most promising employment options at this time.

3. **It is helpful here to make sure you have an understanding of the student's academic situation and their sense of how to make progress on the law school learning curve. Ask, "How did your first semester go in terms of your academic performance?" (What are your grades?)** This is an important question to get answered to understand where someone is situated moving forward. For students who did not have a good first semester, that experience can be demoralizing. Grades will not be their "doorway" into opportunity – they will have to develop competencies and networks to create opportunities. They also will need to consider an academic program (see 5 in this list) geared toward preparing them to pass the bar exam. That is the key hurdle for them in terms of creating professional opportunities.

4. **Building on Step** 8, ask the student why an employer included in one of their top employment options should hire the student instead of other candidates? Ask, "What value do you think you can bring to an employer to help the employer and its clients be successful beyond just technical legal skills? What specific competencies differentiate you from your peers?"

5. **Focusing on Steps 9 and 10**, explore with the student what **the student's plans are for using the remaining two and a half years** in law school both to gain good experience at the student's top three employment options and to develop toward later stages of the differentiating competencies that the student is emphasizing. Ask the student to outline how they intend to achieve the student's goals over the next five semesters by using

   a. Summer and part-time work experiences;
   b. volunteer activities;
   c. the Mentor Externship Program;
   d. the curriculum (skills courses, doctrinal subjects of interest, clinical experiences, externships); and
   e. co-curricular activities.

   Questions worth talking through with the student might include the following:

   a. **What are your thoughts on this coming summer?** Broadly speaking, the summer provides opportunities for part-time or full-time work, opportunities to volunteer, and opportunities to take summer classes in lieu of or in addition to work or volunteer opportunities. Have you thought about when you might want to get part-time work experience in an area of interest to you? Are you watching for opportunities in the online resources of your Career Services Office?

   b. **How are you doing on hours of public service? Have you thought much about ways in which some volunteer opportunities might help you explore some of your areas of interest?** By the time they graduate, at some schools, students need to have performed (and logged) hours of public service. It may not need to be pro bono public service. Students should be thinking about volunteer opportunities that align with their areas of interest or that will help them develop and demonstrate competencies.

   c. **What have you learned from your mentor experiences? Have you considered requesting a mentor for next year in one of your interest areas?** It is always useful to "cross-sell" and help students see mentors not only as a professional development opportunity generally but more specifically as relationships that can help them explore and build networks in areas of interest to them.

    d. **Have you given much thought to your courses for next year and the year after?**

        Ask the student to pencil in a four-semester "tentative plan" on the ROADMAP Goals Worksheet. (One benefit of summer school is that it allows the student to take a lighter load some semester in the future that might facilitate more productive part-time work opportunities.)

    e. **Have you thought about extracurricular activities that would help you demonstrate competencies? These can include law journals, moot court, trial team, leadership opportunities in student organizations, student government, etc.**

6. **Connecting Step 7 and Steps 9 and 10 and 11 and 12**, ask the student how the student plans to develop trust relationships with professors and with lawyers in the profession (particularly in areas related to employment options) to help provide evidence to support the student's interest, competencies, and value proposition regarding areas of employment of interest to the student. This segues into the development of a networking plan to be implemented over the coming semesters.

7. **With regard to Step 13**, ask the student to reflect on the major roadblocks or fears that are holding the student back with respect to any of the earlier steps.

8. **Finally, in connection with Step 14**, ask the student specifically whether the student has sought the help of the Career and Professional Development office with respect to how best to communicate the student's experiences, interests, competencies, and value proposition.

9. Note that the biggest hurdle for many students in terms of actually implementing the student's ROADMAP plan is that the student is too busy. A student must create and implement a calendar with specific goals and specific assessment metrics with respect to the student's top employment options and overall differentiating competencies. The assignment that follows may prove useful.

[Ask the student to fill in the blanks on this assignment.]

Visualizing the Evidence You Have That Supports Your Value Proposition to Your Most Promising Postgraduation Employers

Your name: _____

List your most promising type of employer and practice areas for postgraduation employment:

Assume that you have passed the bar examination. In the far-left column in the table that follows, list the two or three competencies that your most promising type of employer needs and where you are at a later stage of development. These are the major themes of your value proposition to these employers. Practice putting your value proposition in the language that employers use. Then in column 2, indicate the evidence from your resume that supports your later stage development of the identified competency. Then in column 3, indicate the evidence that you will bring up in the interview (just a very brief mention of your best story of your development of this competency and your second-best story). Then in column 4, list the references (if possible, references with legal experience) who have actually seen your work using this competency and who will say that you are at a later stage of development on this competency. You can fill this in by hand if you wish and send me a pdf.

| Column 1 Two or three competencies = My value proposition | Column 2 Resume evidence | Column 3 Interview evidence | Column 4 Reference evidence |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |