

University of St. Thomas Law Journal

Volume 14

Issue 2 *Twenty-Five Years Since MacCrate's
Four Professional Values and Ten Years Since
Educating Lawyers and Best Practices: The
Next Steps of a Professional Formation Social
Movement Symposium*

Article 7

May 2018

Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students' Professional Identity Formation

Susan L. Brooks

Follow this and additional works at: <https://ir.stthomas.edu/ustlj>



Part of the [Legal Education Commons](#), [Legal Ethics and Professional Responsibility Commons](#), and
the [Legal Profession Commons](#)

Recommended Citation

Susan L. Brooks, *Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students' Professional Identity Formation*, 14 U. ST. THOMAS L.J. 412 (2018).

Available at: <https://ir.stthomas.edu/ustlj/vol14/iss2/7>

This Article is brought to you for free and open access by UST Research Online and the University of St. Thomas Law Journal. For more information, please contact lawjournal@stthomas.edu.

ARTICLE

FOSTERING WHOLEHEARTED LAWYERS: PRACTICAL GUIDANCE FOR SUPPORTING LAW STUDENTS' PROFESSIONAL IDENTITY FORMATION

SUSAN L. BROOKS*

Identity and integrity are not the granite from which fictional heroes are hewn. They are subtle dimensions of the complex, demanding, and lifelong process of self-discovery. Identity lies in the intersection of the diverse forces that make up my life, and integrity lies in relating to those forces in ways that bring me wholeness and life rather than fragmentation and death.

– Parker J. Palmer¹

INTRODUCTION

I first heard about the *MacCrate Report*² in early 1993. I was working in a big corporate law firm, and through a series of events I had decided to apply for a clinical law teaching position. I knew it was a long shot. Thankfully I had the presence of mind to reach out to my first-year Lawyering³ professor, although I had not been in contact with her since graduating.⁴

* Associate Dean for Experiential Learning and Professor of Law, Drexel University Thomas R. Kline School of Law. Many thanks to Jerry Organ, Neil Hamilton, and everyone else connected with the Holloran Center, for inviting me to contribute to this wonderful Symposium on Professional Identity Formation and Legal Education.

1. PARKER J. PALMER, *THE COURAGE TO TEACH: EXPLORING THE INNER LANDSCAPE OF A TEACHER'S LIFE* 13 (1998) (emphasis in original).

2. TASK FORCE ON LAW SCH. & LEGAL PROFESSION: *NARROWING THE GAP, AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM* 207–222 (1992).

3. “Lawyering” is a yearlong required course for all first-year students at New York University School of Law. It is basically a simulated legal practice course that includes elements of client interviewing and counseling, legal research, writing, and analysis, and appellate argument. It was groundbreaking at the time it was established, which was 1986, just a year before I started law school. *The Lawyering Program*, N.Y.U. SCH. L., <http://www.law.nyu.edu/academics/lawyering-program> (last visited June 26, 2017).

4. See *Stephanie Farrior*, VT. L. SCH., <https://www.vermontlaw.edu/directory/person/farrior-stephanie> (last visited June 26, 2017).

When I looked back on law school, she was the faculty member I regarded most as a mentor and a role model for my own professional formation as a lawyer.

Needless to say, I was delighted when my former professor responded immediately. As soon as she heard of my interest in clinical teaching, she suggested I look at the then-recently published *MacCrate Report*. She said it had important implications for the future of legal education and signified a ringing endorsement of my chosen field of clinical legal education. Emboldened by her words and *MacCrate* itself, I showed up at my first law school callback interview fully prepared to “preach to” what I assumed would be the “choir” on the many virtues of *MacCrate*: how its well-identified set of core knowledge, skills, and especially values of the legal profession could easily be taught and reinforced through participation in legal clinics, and how I could contribute to that project uniquely using my professional social work background and experience.

Instead, my somewhat naïve homage to *MacCrate* was met with a mix of skepticism and wistfulness, as if it were an obviously unattainable ideal. Put in the most favorable light, my audience of law faculty and administrators viewed *MacCrate* as containing *nice* ideas that were clearly aspirational rather than how I presented them—as necessary and practical measures that would transform legal education in positive and lasting ways. On the other hand, I got a job offer, which I chose to interpret as a vote of confidence for what *MacCrate* stood for, if not its every detail.

Fast forward to 2007. I had recently begun a new position as the Associate Dean for Experiential Learning (and was possibly the first person at a US-based law school to be named with that title) at a brand new law school. My well-worn copy of *MacCrate* had become an important reference book and touchstone of my work. And, I had just received two other newly minted publications that were already of seminal importance: the *Carnegie Report*⁵ and CLEA *Best Practices in Legal Education*⁶ volumes. These three works would collectively become my *Torah* for helping shape my law school’s developing curriculum to support professional identity formation among our students.

So, here we are in 2017. Another decade has passed, and I have amassed stacks of publications pertaining to the topic of professional identity formation in legal education. Notable contributions include Jerry Organ’s 2011 meta-analysis of research on lawyer well-being,⁷ Krieger &

5. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 132–133 (2007). [hereinafter *CARNEGIE REPORT*].

6. BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (Deborah A. Maranville et al. eds., 2015) [hereinafter *BUILDING ON BEST PRACTICES*].

7. Jerome M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L.J. 225 (2011). Jerome Organ’s many contributions to this field can be found at: Publications of Jerry

Sheldon's large empirical study, published a few years later,⁸ *Building on Best Practices* (a second *Best Practices* volume),⁹ Neil Hamilton's *Roadmap*,¹⁰ *The Whole Lawyer and the Character Quotient*,¹¹ and most recently, Marjorie Silver's new edited volume called *Transforming Justice, Lawyers, and the Practice of Law*.¹² Other important leaders in this field include Daisy and Tim Floyd,¹³ Rhonda Magee,¹⁴ Barbara Glesner Fines,¹⁵ Larry Natt Gantt and Benjamin Madison,¹⁶ Michael Hunter Schwartz,¹⁷ Nancy Levit,¹⁸ and David Thomson.¹⁹ This list could easily also include many clinical scholars and legal ethics scholars.

My own contributions include a volume called *Relationship-Centered Lawyering*, which outlines a framework to support lawyers' professional

Organ, HOLLORAN CTR., <http://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/publications/> (last visited Oct. 8, 2017).

8. Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554 (2015) (Krieger and Sheldon have co-authored a number of articles, including the results of other studies).

9. BUILDING ON BEST PRACTICES, *supra* note 6.

10. NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT (2015). Neil Hamilton's many contributions to this field can also be found at: Publications of Neil Hamilton, HOLLORAN CTR., <http://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/publications/> (last visited Oct. 8, 2017).

11. ALLI GERKMAN, FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT (2016).

12. MARJORIE A. SILVER, TRANSFORMING JUSTICE, LAWYERS, AND THE PRACTICE OF LAW (2017); *see also* MARJORIE A. SILVER, THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION (Marjorie A. Silver ed., 2007); Marjorie A. Silver, *Work and Well-being*, in LEARNING FROM PRACTICE (Leah Wortham et al. eds., 3d ed. 2016).

13. *See, e.g.*, Daisy Hurst Floyd & Timothy W. Floyd, *Professional Identity and Formation*, in LEARNING FROM PRACTICE, *supra* note 12, at 685; Daisy Hurst Floyd, *The Authentic Lawyer: Merging the Personal and the Professional*, in ESSENTIAL QUALITIES OF THE PROFESSIONAL LAWYER 19 (Paul A. Haskins ed., 2013).

14. *See, e.g.*, Rhonda Magee, *Legal Education and the Formation of Professional Identity: A Critical Spirituo-Humanistic—"Humanity Consciousness"—Perspective*, 31 N.Y.U. REV. L. & SOC. CHANGE 471 (2007).

15. *See, e.g.*, Barbara Glesner Fines, *Fundamental Principles and Challenges of Humanizing Legal Education*, 47 WASHBURN L.J. 313 (2008); Barbara Glesner Fines, *The Impact of Expectations on Teaching and Learning*, 38 GONZ. L. REV. 89 (2002); Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879 (1997).

16. *See* Larry O. Natt Gantt & Benjamin V. Madison III, *Teaching Knowledge, Skills, and Values of Professional Identity Formation*, in BUILDING ON BEST PRACTICES, *supra* note 6, at 253.

17. *See, e.g.*, MICHAEL HUNTER SCHWARTZ ET AL., TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM (2d ed. 2016); MICHAEL HUNTER SCHWARTZ ET AL., WHAT THE BEST LAW TEACHERS DO (2013); MICHAEL HUNTER SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS (2008).

18. *See, e.g.*, Nancy Levit & Douglas O. Linder, *Happy Law Students, Happy Lawyers*, 58 SYRACUSE L. REV. 351 (2008); NANCY LEVIT & DOUGLAS O. LINDER, THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW (2010); DOUGLAS O. LINDER & NANCY LEVIT, THE GOOD LAWYER: SEEKING QUALITY IN THE PRACTICE OF LAW (2014).

19. *See, e.g.*, David I. C. Thomson, "Teaching" Formation of Professional Identity, 27 REGENT U. L. REV. 303 (2014); David I. C. Thomson, *Defining Experiential Legal Education*, 1 J. EXPERIENTIAL LEARNING 1 (2014).

formation around what I refer to as relational skills and values.²⁰ I have also written an article on how experiential education can contribute to law students' professional identity formation, which I describe in terms of a professional practice helix.²¹ Additionally, I have several publications describing practices law teachers and administrators can use to support professional identity formation using a relational lens. These materials center on tools and techniques for effective communication aimed at building and sustaining professional relationships.²²

According to William Sullivan, lead author of the *Carnegie Report*, the increasing volume and momentum of this professional identity-oriented work signals that we are building a professional identity “social movement.”²³ The key insight spurring this movement forward, in Sullivan’s words, is “that meaning trumps information because it shapes how information gets framed. And meaning and identity continue to develop through the student’s interaction with the whole milieu in which learning occurs, with teachers, mentors, peers, and clients.”²⁴ Evidence of this movement would include the symposium for which I have prepared these remarks—a gathering of faculty, staff, administrators, and students from a wide number of U.S. law schools committed to teaching toward and assessing students’ professional identity formation—and the larger body of work it represents. The University of St. Thomas School of Law and its Holloran Center for Ethical Leadership, host and sponsor of this gathering, is emblematic of this movement.

In addition to the voluminous work already mentioned, further evidence includes work produced and supported through the Association of American Law Schools, the membership organization for the legal academy in the U.S. Such efforts include the creation and growing popularity of the Section on Balance in Legal Education and work produced by that section’s many members, as well as important contributions from the Section on Women in Legal Education, the Section on Teaching Methods, and the Section on Student Support, among others.

20. See generally RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE (Susan L. Brooks & Robert G. Madden eds., 2010).

21. See Susan L. Brooks, *Meeting the Professional Identity Challenge in Legal Education Through a Relationship-Centered Experiential Curriculum*, 41 U. BALT. L. REV. 395 (2012) [hereinafter Brooks, *Meeting the Professional Identity Challenge in Legal Education*].

22. See Susan L. Brooks, *Creating a Beloved Community by Teaching Relational Lawyering*, in TRANSFORMING JUSTICE, LAWYERS, AND THE PRACTICE OF LAW, *supra* note 12, at 299; Susan L. Brooks & Inga N. Laurent, *Effective Communication and Professional Relationships*, in LEARNING FROM PRACTICE, *supra* note 12, at 83; Susan L. Brooks, *Using a Communication Perspective to Teach Relational Lawyering*, 15 NEV. L.J. 477, 481–82 (2015) [hereinafter Brooks, *Communication Perspective*]; Susan L. Brooks, *Cultivating Students’ Relational Skills*, in BUILDING ON BEST PRACTICES, *supra* note 6, at 324 [hereinafter Brooks, *Cultivating Relational Skills*].

23. William M. Sullivan, *Professional Formation as Social Movement*, 23 PROF. LAW. 26 (2015).

24. *Id.* at 33.

Additionally, a number of groups and initiatives both in and outside of the legal academy share a similar set of objectives around reshaping the culture of the legal profession toward a greater emphasis on well-being. These groups also focus on a broader set of values (beyond those enunciated in our professional rules) that include empathy, compassion, mutual connection, cultural awareness and humility, and social justice. Such efforts include the International Network of Therapeutic Jurisprudence (TJ),²⁵ the Global Alliance for Justice Education (GAJE),²⁶ the Project for Integrating Spirituality, Law & Politics (PISLAP),²⁷ and the Law and Social Change Jam.²⁸ The work being done by these groups, and the growing membership and affiliations among these groups further support the characterization of this work as a social movement, as identified by William Sullivan.

In this essay, I reflect on the past twenty-five years and set out a number of core principles and practices that I have gleaned from this movement thus far. My main message is twofold: *first*, as legal educators, all of us can participate in this professional identity social movement if we are willing to approach our work as a humanistic enterprise and become more intentional about our teaching; and *second*, we can begin by adopting and modeling effective communication principles and practices to support law students' professional identity formation inside and outside of our classrooms. I have noted elsewhere three different types of settings that lend themselves to these efforts: (1) experiential courses, (2) dedicated/stand-alone courses, and (3) pervasive practices.²⁹ In this essay, I will focus mainly on pervasive practices, as these are things we can all apply in our day-to-day interactions and classroom teaching.

Part I provides some context by outlining what we already know from the empirical work conducted and the literature written over the past twenty-five years. Part II begins by describing a set of five core principles for wholehearted lawyering. It then describes three core practice goals, and, for each goal, offers specific practices all law faculty and administrators can apply in their interactions with students. The essay concludes with some further reflections and thoughts about where the professional identity social movement may go from here.

25. INT'L NETWORK OF THERAPEUTIC JURIS., <https://law2.arizona.edu/depts/upr-intj/> (last visited June 26, 2017).

26. GLOBAL ALLIANCE FOR JUST. EDUC., <https://www.gaje.org/> (last visited June 26, 2017).

27. PROJECT FOR INTEGRATING SPIRITUALITY, L. & POL., <https://www.spiritlawpolitics.org/> (last visited June 26, 2017).

28. *Law and Social Change Jam 2017, YES!*, <http://www.yesworld.org/lawjam2017/> (last visited June 26, 2017).

29. See Brooks, *Cultivating Relational Skills*, *supra* note 22, at 326–327.

I. LESSONS LEARNED: WHAT WE KNOW ABOUT SUPPORTING
PROFESSIONAL IDENTITY FORMATION

Good teachers possess a capacity for connectedness. They are able to weave a complex web of connections among themselves, their subjects, and their students so that students can learn to weave a world for themselves.

– Parker J. Palmer³⁰

Let me start by saying there is no way in a short set of remarks like this I could ever do justice to the tremendous amount of work that has been done in the past twenty-five years on this topic. My attempt here is to try to encapsulate some of what we have learned to create a foundation for the principles and practices I will share and invite further exploration and dialogue.

A. *Legal Education and Legal Culture Historically Have Not Been
Conducive to Positive and Value-Driven Professional Identity
Formation*

Countless scholars and studies have shown that legal education and the practice of law too often undermine self-esteem and well-being.³¹ High incidences of depression, suicide, and various forms of substance abuse have been well documented among law students and lawyers.³² In both subtle and more direct ways, the study and practice of law holds itself out as value-neutral, a characterization that is both false and hazardous to the health and well-being of law students, lawyers and their clients, and the larger societies they serve.³³

An extension of the value-neutral proposition is the traditional law school curriculum's nearly exclusive focus on legal reasoning and analysis. The *Carnegie Report* identifies this—the apprenticeship of “intellectual or cognitive knowledge”³⁴—as only one of *three* apprenticeships needed in legal education. The other two are: “practice-based” or performance skills³⁵

30. PALMER, *supra* note 1, at 11.

31. See, e.g., Organ, *supra* note 7; Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. L. 261 (2004); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

32. See, e.g., Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016); Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883 (2007); G. Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J.L. & PSYCHIATRY 233 (1990).

33. See Brooks, *Communication Perspective*, *supra* note 22, at 481–482.

34. CARNEGIE REPORT, *supra* note 5, at 28.

35. *Id.*

and professional “identity and purpose.”³⁶ The authors of the report found the second and especially the third apprenticeship to be neglected in legal education, and, as of 2007, they saw a great need for the development of theory and practice particularly around professional identity.³⁷ In the words of its principal author, William Sullivan, “preparing for a successful legal career requires both a high level of knowledge and skill in legal analysis and the ability to sustain relationships with colleagues and, especially, to develop fiduciary relationships centered on understanding and serving the needs of clients.”³⁸ In short, “effective career development requires the cultivation of values and dispositions fully integrated with the mastery of technical skills and professional relationship competencies.”³⁹

And yet, legal education continues to send strong messages that “thinking like a lawyer,” getting straight A’s, and finding a high paying job at a big law firm are the only things that matter. These messages are conveyed in large part through the *hidden curriculum* of law schools: a number of seemingly fixed institutional and structural elements that, while known at some level, tend to remain under the radar of faculty and administrators.⁴⁰ These elements include mandatory grading curves, ranking of students, On-Campus Interviewing, and the Law Review, all of which are characterized by extreme competition and the scarcity of what might be viewed as good career opportunities for law graduates. Many students perceive that, unless they are in the top tier of their school’s ranking, they have poor job prospects and their career strategies offices are disinterested in them. These aspects of the hidden curriculum are thus heavily influential and also have been shown to be highly damaging to students’ self-esteem, overall well-being, and positive professional identity formation.⁴¹

B. Law School Courses on Professional Responsibility Historically Have Taken a Narrow and Atomistic Approach to Legal Ethics

Yet another fallout of the value-neutral proposition is the inadequacy and misguidedness of many, if not most, professional responsibility courses. After the Watergate scandal, law schools universally adopted the requirement that all students take a course in professional responsibility.⁴²

36. *Id.*

37. *Id.* at 29.

38. Sullivan, *supra* note 23, at 27.

39. *Id.*

40. See David M. Moss, *The Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform*, J. DISP. RESOL. 19 (2013); Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. LEGAL EDUC. 247 (1977).

41. See Brooks, *Communication Perspective*, *supra* note 22, at 481–482.

42. See, e.g., Frank R. DeSantis & Karen E. Rubin, *Watergate: Ethics Lessons for Lawyers*, WATERGATE CLE, www.watergatecle.com/wp-content/uploads/2012/06/Ethics_memo-watergate1.pdf (last visited June 26, 2017).

These courses, however, generally have not taken full advantage of the opportunity for students to explore the meaning of their professional identity and role through and beyond the existing rules of professional conduct.⁴³ Professional Responsibility courses often are narrowly tailored toward the Multistate Professional Responsibility Exam (MPRE), which tests only the rules of conduct and focuses almost entirely on avoiding conflicts of interest and protecting the monopoly of lawyers.⁴⁴ Moreover, these courses reinforce a vision of the world as a collection of atomistic individuals who need laws to protect them from each other, rather than an interconnected and interdependent set of intersecting relationships and networks, all of which can benefit from realizing and supporting their areas of mutual understanding.⁴⁵

C. To Support Law Students' Professional Identity Formation, We Need to Help Them Become More Relational by Drawing from the Wisdom and Practices of Other Disciplines

In earlier work, I, along with my colleague, Robert Madden, have described Relational Lawyering as a framework comprised of three competency areas informed by social science: (1) appreciating the importance of context and specifically, the interconnected, interdependent context in which all living beings are situated; (2) promoting individual and community choices around legal process that contribute to greater procedural justice and peace-building; and (3) heightening awareness and appreciation of cultural, emotional, and affective dimensions of legal practice.⁴⁶

To teach relational lawyering, we need to begin with authenticity.⁴⁷ In *What the Best Law Teachers Do*,⁴⁸ Michael Hunter Schwartz and his colleagues define a set of traits possessed by the most effective law teachers, based on extensive interviews and other data they collected. First among these qualities is authenticity.⁴⁹ A corollary to the proposition that these relational qualities matter is the rejection of value neutrality in legal educa-

43. See Thomson, "Teaching" Formation of Professional Identity, *supra* note 19.

44. *See id.*

45. See Peter Gabel, *The Spiritual Dimension of Social Justice*, 63 J. LEGAL EDUC. 673 (2014); Eli Wald & Russell G. Pearce, *Making Good Lawyers*, 9 U. ST. THOMAS L.J. 403, 410–412 (2011).

46. RELATIONSHIP-CENTERED LAWYERING: SOCIAL SCIENCE THEORY FOR TRANSFORMING LEGAL PRACTICE, *supra* note 20, at 14; Susan L. Brooks & Robert G. Madden, *Epistemology and Ethics in Relationship-Centered Legal Education and Practice*, 56 N.Y.L. SCH. L. REV. 331, 340–348 (2011–12).

47. See Floyd, *The Authentic Lawyer*, *supra* note 13; Brooks & Madden, *supra* note 46, at 336–342; BRENÉ BROWN, THE GIFTS OF IMPERFECTION: LET GO OF WHO YOU THINK YOU'RE SUPPOSED TO BE AND EMBRACE WHO YOU ARE 47 (2010).

48. SCHWARTZ ET AL., *supra* note 17, at 37–75.

49. Other qualities the book identifies include thoughtfulness, positive thinking, empathy, humility, creativity, and attentiveness. The book also notes that the best law professors listen carefully, use silence well, and facilitate collaboration and a sense of community.

tion and practice. All law teachers and all lawyers bring their own values into our decision-making and all of our interactions. Our values, along with the many identities that help shape them, are inextricable aspects of our context,⁵⁰ which inform the choices we make every day inside and outside of the classroom. And if we are being authentic, we will admit that our choices are informed by our own core values. So, we need to identify and be willing to articulate the values that inform what and how we teach.

I would take this a step further and suggest we need to consider whether we as the legal profession are willing to embrace a set of values that could be considered “normative,” similar to other helping professions, like social work and nursing. My own work and the work of other legal scholars interested in professional identity formation has drawn normative ideas from disciplines including philosophy, education, social work, psychology, and pastoral studies. We have also gained important insights from recently developing fields such as mindfulness and neuroscience. These sources of knowledge have provided important guidance on how to teach relational skills and values, including practical wisdom, self-awareness, deep listening, empathy, compassion (including self-compassion), and an ethic of care.

For example, in earlier writing, I have suggested we might want to adopt some of the specific normative values identified in the National Association of Social Workers (NASW) Code of Ethics,⁵¹ which include: service; social justice; dignity and worth of the person; importance of human relationships; integrity; and, competence.⁵²

Once we are willing to identify and potentially embrace this more holistic and thus more meaningful set of values, we will be better situated to help our students explore these and other value choices and support their own discovery of the extent to which and how these values can inform the choices they make as law students and emerging legal professionals.⁵³

D. When Combined with Relational Lawyering, Experiential Education Provides Rich and Meaningful Opportunities for Professional Identity Formation

Experiential courses, such as clinics, externships, and some simulation-based courses offer important opportunities for professional identity

50. Brooks, *Communication Perspective*, *supra* note 22, at 480–482; *see also* Brooks & Laurent, *supra* note 22, at 89–96.

51. NASW, CODE OF ETHICS OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS (2017), https://www.socialworkers.org/LinkClick.aspx?fileticket=MS_ArtLqze1%3d&portalid=0 (last visited June 25, 2017).

52. *Id.* at 1.

53. For further discussion of the Social Work Code of Ethics and how it relates to the goals of legal education and practice, *see* Susan L. Brooks, *Practicing (and Teaching) Therapeutic Jurisprudence: Importing Social Work Principles and Techniques into Clinical Legal Education*, 17 ST. THOMAS L. REV. 513, 518–520 (2005).

development. In an earlier article, I tried to encapsulate how this works by describing what I call the Experiential Learning Helix scheme for lifelong professional learning,⁵⁴ the foundation of which can easily be, and usually is, provided within the law school curriculum. The Helix contemplates two basic modalities: (1) simulated practice and (2) supervised practice.⁵⁵ Simulated practice means an experience replicating and imitating real world legal practice.⁵⁶ Supervised practice breaks down further into two roles or dimensions. The first I call the *mentee*,⁵⁷ and the second I call the *first chair*.⁵⁸ The distinction is that the mentee works on discreet projects related to a legal matter under the mentorship of an attorney (or attorneys) who is in charge. In the first-chair role, the student gets to take charge to a much larger extent and is able to take ownership and make important decisions on behalf of the client(s).

In both roles, attorneys, who are usually clinical law faculty or externship supervisors, closely oversee the students' work and provide them with feedback and support for meaningful reflection.⁵⁹ This scheme contemplates the broadest possible range of experiences, including policy-oriented and project work and transactions, as well as litigation.⁶⁰ Importantly, all of the roles and modalities are necessary elements of the Helix, and do not reflect a hierarchy of value or strict linear sequence.

As described in the article, each of these roles contributes in a range of different ways to law students' professional formation. Simulated practice for instance, offers opportunities for the development of greater self-awareness as well as effective feedback and use of group process.⁶¹ The mentee role, when provided in the context of an externship, allows for participation, both directly and indirectly through observation, as a way of learning the culture of practice.⁶² The first-chair role offers opportunities for law students to develop and test out practical wisdom, given the real world consequences of their decisions.⁶³ A number of these core components are also highly useful to the extent they can be scaled up to support professional identity development among all law students. These features include disorienting moments, parallel universe thinking, and reflection-in-action.

54. See generally Brooks, *Meeting the Professional Identity Challenge in Legal Education*, *supra* note 21.

55. *Id.* at 403, 412.

56. *Id.* at 412.

57. *Id.* at 412–413.

58. *Id.* at 413.

59. *Id.* at 420.

60. Brooks, *Meeting the Professional Identity Challenge in Legal Education*, *supra* note 21, at 409.

61. *Id.* at 419–425.

62. *Id.* at 425–429.

63. *Id.* at 429–435.

The idea of disorienting moments originated in adult learning theory and is based on the premise that opportunities for significant learning and professional growth arise when the learner confronts experiences that are disturbing or unsettling because they cannot easily be explained by reference to the learner's prior knowledge.⁶⁴ Disorienting moments offer possibilities for transformation that can be highly formative, and thus need to be sought after, whether we are creating the simulation or placing the student in a real-world setting. Through feedback, supervision, and reflection, we can help students maximize the transformative possibilities that arise from experiential education.

"Parallel universe thinking" is a phrase coined by clinical legal scholars Sue Bryant and Jean Koh Peters as a featured part of their larger body of work on cross-cultural lawyering.⁶⁵ When confronted with disorienting moments in which a law student or lawyer might be inclined toward a negative judgment or reaction, this habit encourages students to slow down and walk through several steps. First, the student is encouraged to view the interaction, and every interaction, as a cross-cultural moment and learning opportunity. The second step is to come up with alternative, more generous explanations for the same situation. Bryant and Koh Peters recognize these steps require constant practice to become more integrated as habits.

Both learning from disorienting moments and trying to engage parallel universe thinking could be characterized as forms of "reflection-in-action." This phrase is attributed to the work of Donald Schon, an education scholar who helped clinical law teachers to understand how law students can evolve from novices to experts in legal practice through a cycle of reflection. The cycle includes planning, doing, and then reflecting, and using reflective practices to inform future actions. Reflection-in-action and reflective practice can also be viewed as foundational to professional identity development.

E. Transforming Legal Education and Culture Requires Meaningful Collaboration Among Colleagues Representing the Widest Possible Range of Roles Across the Law School

At a recent gathering of law school personnel focusing on professional identity formation for first-year students, it became apparent that there are several different strands or sectors that can be viewed through different roles or interests, or areas of focus and expertise. These include legal writing and other foundational lawyering skills, ethics/professional responsibility, career services, student academic support, and wellness/well-being. The

64. See JACK MEZIROV ET AL., FOSTERING CRITICAL REFLECTION IN ADULTHOOD: A GUIDE TO TRANSFORMATIVE AND EMANCIPATORY LEARNING 13–14 (1990), cited in Brooks, *Meeting the Professional Identity Challenge in Legal Education*, supra note 21, at 421–423.

65. See Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 70–72 (2001).

work of Neil Hamilton in particular has documented and highlighted the necessity of meeting students where they are as young adults in order to support them in becoming more self-directed and motivated for purposes of their own professional identity formation. Hamilton's work places career strategies and planning professionals in a key role in supporting law students' professional identity formation.

If we agree with William Sullivan that we are indeed witnessing a professional identity social movement, I believe at this stage we have perhaps reached an important crossroads. Will this social movement become completely instrumentalized? That is, will it be co-opted such that it is largely a marketing and job placement strategy, or can it be about something bigger and more aspirational? I believe Neil Hamilton and others at St. Thomas would likely say that the instrumental aspects are necessary though definitely not sufficient, and that this movement need not be posed using such simplistic dualities.

II. PRACTICAL GUIDANCE FOR FOSTERING "WHOLEHEARTED" LAWYERS

The courage to teach is the courage to keep one's heart open in the very moments when the heart is asked to hold more than it is able so that teacher and students and subject can be woven into the fabric of community that learning, and living, require.

– Parker J. Palmer⁶⁶

For purposes of this essay, I want to focus on bringing more heart-centered practices into legal education and practice. Bringing more heart into legal education, I hope, will be the non-instrumental core of this social movement. For this reason, I am introducing the notion of *wholehearted* lawyers.⁶⁷ The relational competencies, including relational values, outlined earlier provide much of the foundation for this model of professional identity development.

Below I have distilled core principles and practices for wholehearted lawyering from ideas I have previously discussed in other contexts, such as TJ and importing of social work principles and techniques into law. More recently, I have described these and similar ideas as a part of teaching relational lawyering and creating a beloved community in the classroom. Others have also identified many of these ideas as essential to effective law

66. PALMER, *supra* note 1, at 11.

67. This term is drawn directly from the work of Brené Brown, a Ph.D. Social Worker and researcher who studies shame, vulnerability, and resilience, and is one of my most informative and inspiring "teachers." See generally BROWN, *supra* note 47 (offering a set of guideposts for "wholehearted living"). Other teachings that bear heavily on this conception of wholeheartedness include those of Rachel Naomi Remen, Parker Palmer, and Peter Gabel. See PARKER J. PALMER, HEALING THE HEART OF DEMOCRACY: THE COURAGE TO CREATE A POLITICS WORTHY OF THE HUMAN SPIRIT (2014); PETER GABEL, ANOTHER WAY OF SEEING: ESSAYS ON TRANSFORMING LAW, POLITICS, AND CULTURE (2013).

teaching, including Michael Hunter Schwartz and his colleagues in *What the Best Law Teachers Do*.⁶⁸

A. Principles

The first principle is to teach from a place of *kindness* and *curiosity*, and, by example, encouraging students to do the same. Kindness and curiosity can go a long way toward creating a classroom atmosphere and a law school culture that are conducive to professional formation. Two other qualities that emanate from kindness and curiosity are *humility* and *transparency*. Humility informs curiosity. It is the willingness to acknowledge that in virtually every situation we truly do not know what another person is thinking or feeling. Transparency is informed by the acceptance that the other person—in this case, our students—are in a similar position with respect to us. The more we are willing to share the thinking behind our decision-making, the more our students can learn about how to make thoughtful decisions.

The second principle is that *everyone wants to matter*—everyone wants to be seen and heard. The critically important nature of “mattering” has been shown in numerous empirical studies, though it also just makes good sense.⁶⁹ What motivates us as human beings is not simply about acquiring wealth or fame, or even knowing that others care for us. We also want to know that our existence, who we are and what we do, makes a difference in the world. Mattering has been shown to correlate with academic success and other positive outcomes. So, in interacting with our students, we need to let them know each one of them matters.

Third is the *importance of context*, which includes appreciation of our own context as well as the context of others. This principle encompasses the importance of awareness and appreciation of culture and values as aspects of the complex and varied context each of us brings into every interaction, as do our clients, other lawyers, judges, witnesses, clerks, etc. To be effective in teaching and practicing law, we need to instill the importance of contextualizing information and ideas at every turn.

The fourth principle is to adopt a *strengths orientation*. This means focusing on our own strengths and our students’ strengths, and encouraging a growth-oriented, optimistic mindset toward teaching and learning. The

68. The book’s authors undertook extensive research to discern traits and practices of law teachers found to be most effective. The book lists thoughtfulness, positive thinking, empathy, humility, creativity, and attentiveness as qualities of the most effective law teachers, and highlights the practices of listening carefully, using silence well, and facilitating collaboration and a sense of community.

69. See, e.g., Morris Rosenberg & B. Claire McCullough, *Mattering: Inferred Significance and Mental Health Among Adolescents*, 2 RES. COMMUNITY & MENTAL HEALTH 163 (1981); Nancy K. Schlossberg, *Marginality and Mattering: Key Issues in Building Community*, 48 NEW DIRECTIONS FOR SOC. SERVS. 5 (1989); Gregory C. Elliott et al., *Mattering: Empirical Validation of a Social-Psychological Concept*, 3 SELF & IDENTITY 339 (2004).

field of positive psychology and related approaches, such as Appreciative Inquiry,⁷⁰ can provide resources and guidance on how to think about strengths and how to incorporate a strengths orientation into our teaching. For instance, researchers in positive psychology have studied and can offer tools for reinforcing character strengths, such as kindness, teamwork, and perspective-taking. The field of Appreciative Inquiry also offers useful ideas, such as appreciative interviewing, that can help students become more aware of and able to build upon their own assets and abilities. Focusing on strengths and holding onto optimism can help students become more resilient.

The fifth and final principle is to apply an *ethic of care*. Carol Gilligan, who is credited with much of the early development of an ethic of care, defines it as an ethic grounded in voice and relationships, in the importance of everyone having a voice, being listened to carefully (in their own right and on their own terms) and heard with respect. An ethics of care directs our attention to the need for responsiveness in relationships (paying attention, listening, responding) and to the costs of losing connection with oneself or with others.⁷¹

This principle thus calls for adopting a relational perspective at the deepest level, which means acting from a place of mutual connection rather than separation. We can apply this principle at an interpersonal level with students and others. An ethic of care can also be a vehicle to help students create a positive vision of their professional roles and their potential impact on society. The positive social, political, and even spiritual dimensions of mutual connectedness have been articulated by a number of important leaders and thinkers both inside and outside the legal profession. These include the Reverend Martin Luther King, Jr.,⁷² critical legal scholar Peter Gabel,⁷³ and present-day philosopher Charles Eisenstein.⁷⁴ Using the term made popular by Dr. King, I have written about these ideas as informing the notion of “beloved community,” which I see as essential to transforming the way we teach to foster our students’ professional identity formation. By adopting an ethic of care, we can support the autonomy of students to de-

70. For a succinct overview of Appreciative Inquiry, see SUE ANNIS HAMMOND, *THE THIN BOOK OF APPRECIATIVE INQUIRY* (3d ed. 2013).

71. Interview with Carol Gilligan, *ETHICS OF CARE: SHARING VIEWS ON GOOD CARE* (June 21, 2011), <http://ethicsofcare.org/carol-gilligan/>; cf. Stephen Ellmann, *The Ethic of Care as an Ethic for Lawyers*, 81 *GEO L.J.* 2665 (1993) (discussing in-depth the possible implications, both beneficial and concerning, for legal ethics and legal practice).

72. *The King Philosophy*, KING CTR., <http://www.thekingcenter.org/king-philosophy> (last visited June 24, 2017); see generally Martin Luther King, Jr., 5 *THE PAPERS OF MARTIN LUTHER KING, JR.: THRESHOLD OF A NEW DECADE, JANUARY 1959–DECEMBER 1960* (Clayborne Carson et al. eds., 2005).

73. See GABEL, *supra* note 67.

74. See CHARLES EISENSTEIN, *THE MORE BEAUTIFUL WORLD OUR HEARTS KNOW IS POSSIBLE* (2013).

fine for themselves the ways they want to experience a sense of connectedness with others through their work.

B. *Practices*

If we want to grow as teachers—we must do something alien to academic culture: we must talk to each other about our inner lives—risky stuff in a profession that fears the personal and seeks safety in the technical, the distant, the abstract.⁷⁵

Below are three overarching heart-centered practice goals every legal educator can aim for inside and outside of the classroom to support professional identity formation among law students. Underneath each goal are specific habits or practices we can all incorporate into our teaching and try to cultivate among our students. The good news is that these practices are interconnected and overlapping, so even focusing on one or two in any category will effectively help to support the development of others.⁷⁶

1. *Promote Self-Awareness: Be Fully Present; Slow Down Enough to Notice—While Suspending Judgment; Encourage Leaning into Discomfort/Stretching; Get More Comfortable with Silence*

Self-awareness is the most pivotal aspect of professional identity formation, as I have come to understand it. And, there are many simple practices we can pursue in our interactions with students to help them become more self-aware.

The starting point is presence. According to the old saying, “showing up is half the battle.” We need to begin with a practice of being fully present with students, whether that is in the context of a class we are teaching or a conversation in our office. Being fully present means minimizing distractions, such as those presented by phones and computers. It also means thinking through how to create an environment in the classroom that minimizes those distractions for students, such as disallowing laptops and phones in the classroom. After a bit of trial and error, I have determined that laptops generally inhibit my ability to create the classroom environment I desire and implement the principles and practices identified here. Indeed, I have found a much higher level of student engagement, and generally a higher and more positive energy level when laptop usage has been largely absent.

75. PALMER, *supra* note 1, at 12.

76. Notably, as mentioned earlier, many of the principles and practices I promote have also been identified as “best practices” in SCHWARTZ ET AL., *supra* note 17. Based on fairly extensive qualitative research, the book lists thoughtfulness, positive thinking, empathy, humility, creativity, and attentiveness as qualities of the most effective law teachers. The book also highlights the practices of listening carefully, using silence well, and facilitating collaboration and a sense of community.

A second essential practice is simply to slow down. In my experience, however, slowing down is radical and even countercultural to our current norms in law teaching. Many of us and our students expect law school classrooms to be places of high tension and rapid-fire activity in which students are trained to think on their feet. And yet, we now have significant research, including the work of Daniel Kahneman on “thinking fast and slow,” showing that the expectation of thinking fast actually does a disservice to us and our students.⁷⁷

The mindfulness and law movement,⁷⁸ which also includes significant research on the positive health and other effects of mindfulness meditation practices, encourages us to adopt the lessons of mindfulness training. We can learn to become more self-aware by slowing down enough to notice what is going on for us—in our bodies as well as our minds. The goal is to notice what is going on for us, and at the same time, to try not to judge those thoughts or feelings or even become too attached to them. These lessons from mindfulness are tremendously helpful to the process of professional identity formation. The more we and our students can slow down enough to notice and become aware of our own thoughts, feelings, and reactions to whatever is taking place in the present moment, the more we can make intentional choices, both in the immediate situation and in the bigger picture of our professional development.

These activities—slowing down and noticing while trying to suspend judgment—may well be uncomfortable for many of us and for our students. Being willing to share our own stories and express our views to others who may not agree with us may also require a good deal of *stretching* on everyone’s part. For this reason, it is tremendously useful to name the ideas of stretching and *leaning into discomfort* as normal and natural parts of the learning process of becoming a lawyer.

Another aspect of slowing down and allowing more mindful and self-aware activity is using silence in constructive ways. Professor Rachel Camp has written about the importance of allowing for silence in law teaching, in part to create learning environments that support both more introverted and extroverted students.⁷⁹ In a recent article, Camp offers a number of teaching techniques to support students who are more introverted to maximize their self-discovery and learning in a classroom setting focused on promoting

77. DANIEL KAHNEMAN, *THINKING, FAST AND SLOW* (2011); see also Margaret Reuter & Carwina Weng, *Navigating Cultural Differences*, in *LEARNING FROM PRACTICE*, *supra* note 12, at 124–125 (describing Kahneman’s work and the positive potential of slowing down for developing greater cultural awareness and ultimately moving toward cultural competence).

78. The Mindfulness Affinity Group, part of the AALS Section on Balance in Legal Education, exemplifies the momentum of this movement. This increasingly popular group now has begun to add student chapters at several law schools, and is hosting its first-ever conference in connection with the Annual Southern AALS Conference in August of 2017.

79. See A. Rachel Camp, *Creating Space for Silence in Law School Collaborations*, 65 J. LEGAL EDUC. 897 (2016).

collaborative learning.⁸⁰ The traditional teaching methods in law, particularly the Socratic method as practiced by many law teachers, tend to privilege students who are extroverted, which of course is only a portion and often a minority of the students in any classroom. Normalizing silence from the outset of the class and letting students know that you are comfortable with silent moments is one way of supporting greater self-awareness among students.

2. *Create Supportive Spaces for Open and Inclusive Sharing and Dialogue: Create the Supportive “Container”; Focus on Clarity of Communication; Practice Creative Dialogue*

The second set of practices aims at how we can invite open and inclusive sharing and dialogue in our classrooms and in other interactions with students and others in our work. Here too, what we do becomes a model for our students, whether we intend it to have that effect.

Importantly, the reference to *supportive spaces* here is not about avoiding emotionally or politically sensitive or controversial content. Rather, these are choices we can make as law teachers to provide the *container* that will allow widespread and meaningful sharing to take place in the courses we teach and in our conversations with students, colleagues, and others in our professional lives. By container, I mean words and actions that help create conditions that are conducive to sharing from the heart.

It may go without saying that legal education necessitates coverage of subject matter that is often challenging on many levels. We can nevertheless take steps to create a supportive container for all students to experience the classroom as an inviting, open, and inclusive learning community for expressing their views and sharing their stories.⁸¹

Creating the container includes being thoughtful about the physical spaces in which we teach and work. While we may or may not be able to choose optimal teaching spaces, we can nevertheless be thoughtful and creative about how we configure the spaces we teach in, and also how we structure our classes to allow for more inclusive and democratic participation. To the extent possible, we can aim to have students facing each other and making eye contact rather than facing forward in rows. This classroom configuration allows for easy use of circle processes, which can be another

80. See *id.* at 926–931 (offering specific suggestions for inclusive teaching techniques that incorporate the use of silence, which include “brainwriting,” “chalk talks,” “Nominal Group Technique (NGT),” and electronic brainstorming).

81. Creating the container includes choices about whether to bring treats or snacks, or even allow food in class. I have chosen to bring chocolate and other candy to my classes. I recently learned that studies show students maintain a more positive attitude during class when they have been given chocolate. My reasons for bringing candy include wanting students to experience the class as positive and nurturing to them as people as well as to their education.

helpful vehicle. Circle processes, which draw upon practices in indigenous communities across the globe, create opportunities for students to take turns sharing around a physical (or virtual) circle. A circle process generally includes a talking piece, which is held by the speaker and passed around the circle as participants take turns sharing. Using this process allows everyone in the room to be seen and heard, and it allows the speaker to experience a sense of having everyone's full attention while they hold the talking piece.

An important dimension of creating supportive spaces is the idea of seeking permission. Especially if the goal is to engage a student or students in a difficult conversation, it is useful to set the stage by making sure the other party or parties to the interaction are ready and willing to participate. This approach can be applied in the classroom context by specifically calling the classroom discussion and activities an *invitation*. For instance, when using the circle process, students can be offered the opportunity to “pass” with the option of participating at a later time.

Particularly when combined with an acknowledgment that meaningful classroom learning will require stretching and leaning into discomfort, being explicit about the invitation allows students to exercise the important adult learning qualities of agency and autonomy—to see their participation as a conscious choice. Inviting or seeking permission is thus linked to greater self-awareness and increased self-directedness. When students assume greater ownership over their learning experience, they are likely to be more motivated, and thus they are also likely to retain more of what they learn and transfer that learning to other contexts.

The specific activities under this practice goal represent effective communication practices and also comprise *generative* or creative dialogue, as I have described them in other writings.⁸² One big distinction between these relational approaches to communication, when compared with how communication is often approached in a legal context, is the shift away from focusing on persuasion toward focusing on the clarity of communication and the effort to create new and shared meaning. In the effort to create a dialogue, neither party has to be right or wrong; they can simply agree or agree to disagree.

To try to simplify the activities teachers can model and encourage in their classrooms to promote generative dialogue, here are four relatively simple activities that have been identified by William Isaacs and his colleagues connected to an MIT-based initiative called the Dialogue Project: ***Listening, Respecting, Suspending, and Voicing***.⁸³ I have described these activities in a recent book chapter co-written with my colleague, Inga Lau-

82. Brooks & Laurent, *supra* note 22, at 83–109; Brooks, *Communication Perspective*, *supra* note 22, at 495–497; Susan L. Brooks & Rachel E. Lopez, *Designing a Clinic Model for a Restorative Community Justice Partnership*, 48 WASH. U. J.L. & POL'Y 139, 175–176 (2015).

83. See WILLIAM ISAACS, *DIALOGUE AND THE ART OF THINKING TOGETHER: A PIONEERING APPROACH TO COMMUNICATION IN BUSINESS AND IN LIFE* (1999). More information is available at

rent.⁸⁴ Among these activities, it is worth highlighting the practice of *suspending*, which refers back on some level to the mindfulness-based activities identified earlier in this essay. It is important to note that suspending does not necessarily mean getting rid of judgment. Judgment is a natural part of our thought processes, and moreover, exercising good judgment, or discernment as I like to think of it, is an important set of skills for lawyers. Instead, suspending is essentially about being able to hold our judgments to the side so that we can be fully present with another person and remain open to whatever thoughts and feelings they are bringing to the interaction. Being fully present in an interaction while also being aware of our judgments such that we can suspend them takes a tremendous amount of practice. Along these lines, it is worth stating that even though many of these practices I am highlighting may sound simple, they are not easy. The difficulty of suspending is one great illustration of slowing down, and is essential for greater self-awareness and for forming a professional identity.

3. *Foster Empathy/Compassion/Self-Compassion: Model and Invite Storytelling; Create Opportunities for Feedback and Reflection; Support Creativity/Joy/Gratitude*

The final category of practice goals represents the emotional and affective core of the heart-centered practices I aim to highlight. Again, these practices may seem simple and indeed generally are simple to execute. I imagine many, if not most, of those who are reading this final list will say to themselves, “I already do all of these things.” My response is to agree these are common practices in law school classrooms, which I hope helps supports my strong view that these practices are all very doable for every law teacher.

And yet, even if you think you already incorporate these practices, I encourage you to consider how intentional you are about *how* you introduce them and support their use in your classrooms and other interactions. I encourage being more explicit in stating how these practices connect up with your teaching and learning goals for your students, and perhaps even inviting some initial classroom discussion about the most effective use of these practices and techniques. Sharing stories, for example, likely occurs in most law school classrooms. To be effective and heart-opening though, the use of stories needs to be deliberate. It also needs to demonstrate a desire to connect with students on an emotional level and possibly even to demonstrate some level of vulnerability. In other words, law teachers need to think carefully about when to share a story, rather than simply telling war stories as they might occur to them.

the MIT Dialogue Project website: THE DIALOGUE PROJECT, <http://www.thedialogueproject.com/> (last visited June 25, 2017).

84. Brooks & Laurent, *supra* note 22, at 83–109.

In terms of feedback, many of us probably think of devices such as problem sets, pop quizzes, midterms, and final exams as useful feedback mechanisms. Heart-centered feedback, in contrast, can be generated through simple devices that give students an opportunity to express themselves creatively, including their own emotions and to experience mattering by sharing who they are and what has meaning for them. For instance, I begin every class I teach by inviting students to share about themselves and their backgrounds. I then invite feedback about what students want to learn in the class, as well as teaching methods they find most and least effective. I use the same formulation focused on teaching methods to seek informal feedback at the midpoint of the course as well.

Teachers can also support heart-centered peer feedback, which can foster connection and collaboration among students. An illustration took place in one of my elective classes on communication in which students created short videotapes offering legal advice and counseling to a simulated client. I engaged the class in a discussion about what sort of critique they wanted to offer each other, and the class decided unanimously that they wanted to focus solely on giving peer feedback on what their classmates did well. As these students themselves articulated, emphasizing the positive aspects of their peers' work was entirely in keeping with the general strengths-oriented approach we had taken throughout the course.

Feedback is an important aspect of self-reflection.⁸⁵ Feedback received from teachers and others can assist students in reflecting on their participation, which contributes to greater self-awareness as well as other important qualities and practices that will support their professional identity formation. Again, for purposes of this essay, the point is to be more explicit about the importance of reflection and reflective practice. Many law teachers want students to be reflective, however, they simply do not spend any class time discussing or offering guidance to students about how to be reflective. Further, many of us assign reflection papers without ever discussing what reflective writing needs to look like, or offering a rubric or other information about how students' reflective writing might be assessed. All of these issues need to be addressed if we want to help students practice reflection.

Finally, law teachers need to incorporate creativity, joy, and gratitude, and speak about them to help students see that it is possible to incorporate all of these practices into their professional identities and into the practice of law. Using one's creativity, finding joy, and affirming and expressing gratitude have all been shown to improve well-being and help build resilience—the ability to bounce back from hardships.⁸⁶ The field of positive psychology studies promotes these practices for everyone and is increas-

85. See Brooks, *Meeting the Professional Identity Challenge in Legal Education*, *supra* note 21, at 421–423.

86. See generally Brown, *supra* note 47, cited in Brooks, *Communication Perspective*, *supra* note 22, at 506–507.

ingly gaining a following among legal academics, practitioners, and judges.⁸⁷ Given the strong evidence of pervasive mental health and substance abuse concerns among law students and legal professionals, we can all benefit from bringing more creativity, joy, and gratitude into legal education and the practice of law.

CONCLUDING THOUGHTS: WHERE WE GO FROM HERE

Every profession that attracts people for “reasons of the heart” is a profession in which people and the work they do suffer from losing heart. Like teachers, these people are asking, “How can we take heart again so that we can give heart to others?”—which is why they undertook their work in the first place.⁸⁸

Here’s hoping William Sullivan is really onto something about the emergence of a professional identity social movement. The increased amount of discussion on this topic—even the frequency of the use of the term professional identity—is significant when compared to ten or twenty-five years ago. Much of the discussion and debate back then centered around “professionalism” concerns—mainly conduct-related issues, such as preparedness and civility—which continue to present challenges among legal practitioners. Undoubtedly, though, there has been a meaningful shift toward a heightened focus on professional identity formation: how we help law students cultivate the essential traits and values of effective lawyers, such as empathy, compassion, cross-cultural awareness, and deep listening skills.

We have come a long way in the past twenty-five years, and I am confident our endeavor is moving in a positive direction. I hope and believe this professional identity formation project will continue to grow and gain even more momentum. We owe much gratitude for the leadership of the University of St. Thomas School of Law and the Holloran Center, and we can hope they continue to spearhead this project into the future—collecting and sharing innovative ideas and approaches that can generate new possibilities for transforming legal education and legal culture. Most of all, I hope this project will grow in ways that support teaching and learning from the heart, so someday we can fill the world with wholehearted lawyers.

87. Lisle Baker, a law professor at Suffolk University, and a graduate of the Master’s Program in Applied Positive Psychology at the University of Pennsylvania, hosted the first-ever law conference on Positive Psychology and Law in June 2017. Attendees at the conference included at least one judge, a number of practitioners, and several law students.

88. PALMER, *supra* note 1, at xiv–xv.