

Section on Legal Writing, Reasoning and Research

How can we teach professionalism in a way that is respectful, honoring and humane?

AALS 2006 Annual Program Proposal
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Program Overview. In this program, a group of speakers will address different aspects of teaching professionalism. In doing so, panelists will share their perspectives on how to teach and assess professionalism, explaining how they do so in a way that connects students to the importance of professionalism in practice, yet honors and respects students as individuals.

This program is particularly relevant to legal writing, reasoning and research professors, as many are already engaged in teaching practical and professional skills. As these professors frequently teach the only small sections of first year students, they are in a unique position of being able to teach and assess these professional skills. In addition, this program should provide insights and ideas for all professors interested in teaching professionalism as part of legal education.

Topic Overview. In the last decade, lawyers, professors and judges have become increasingly more outspoken about lawyers' lack of professionalism. Among other things, this lack of professionalism has been cited for contributing to lawyers' dissatisfaction with practice, and the public's distrust of lawyers. Consequently, seminars, conferences, programs and funding have been devoted to this topic. Responding to the concern about lawyers' lack of professionalism, law schools have been looking at ways to teach it.

Teaching professionalism, is, however, not easy. First, "professionalism" includes an incredible spectrum – from examining important fundamental questions, such as what it means to integrate moral values, solid work ethic and a balanced life – to the more mundane, such as the importance of showing up on time. Certainly professionalism includes both ends of this spectrum, and more; "professionalism" includes a complex array of values, attributes and behaviors. Among the many possible components of professionalism are:

- Altruism;
- Integrity;
- Understanding;
- Humility;
- Respect;
- Emotional Intelligence;
- Motivation;
- Effort and perseverance;

- Resourcefulness;
- Reflection;
- Civility; and
- Promptness.

But not everyone agrees which components are crucial to being a professional, or how to allocate their relative importance. And, even if lawyers were to agree upon which components were essential, almost all of these components are themselves composed of complex parts.

Second, once a professor has committed to teach professionalism to law students, it is not clear how to teach it, let alone assess it. For example, how do we teach students to be understanding and treat others with respect? Even harder, how do we teach students to have integrity and be motivated? If we teach professionalism, do we need to assess it? If so, how do we do this? Must we grade students on professionalism skills along a curve, in the same way most of are required to grade students on exams and papers?

Third, teaching professionalism can be controversial. Critics claim that requiring “professionalism” of law students and lawyers prevents some from voicing different opinions, or inappropriately imposes certain values and norms. Within legal education, professors argue that 1) we shouldn’t have to teach this at all; 2) we don’t have time to teach this in addition to everything else we have to teach; 3) students should have already learned this from their parents or other educators; and 4) teaching professionalism is offensive and humiliating to students.

Given these difficulties, how have professors tackled teaching professionalism? And how have they done so in a way that is respectful, honoring and humane? How have they managed to have high expectations for students’ professionalism, yet also managed to allow students to retain a sense of their own values and authenticity?

Proposed Panelists. These include three or four of the following:

Susan Daicoff, Florida Coastal School of Law, is a leader in the Comprehensive Law Movement. She has written about the importance of considering new approaches to lawyering that focus on legal rights plus other concerns, such as holistic justice and therapeutic jurisprudence, and written about how these bear on issues of professionalism.

Larry Krieger, Florida State University School of Law. Larry Krieger teaches professionalism in the context of clinical courses, and is most significantly known for his pioneering work in leading the “Humanizing Legal Education” movement. He has written widely on the subject of integrating values and authenticity for law professors and law students, and has created an excellent website with resources on this topic.

Laurie Morin, University of D.C. David A. Clarke School of Law, supervises the Community Development Clinic, and has formerly directed her school’s Program for

Academic Success. She has focused her work on serving the underserved, and how to integrate professionalism, internal values and public service.

Sonya Smith, is Assistant Dean of Students at Vanderbilt University School of Law. An African-American, in her work on professionalism she fuses the need to be compassionate and caring with the need to set and expect students to achieve high standards.

David Stern, M.D., Ph. D, teaches medicine at the University of Michigan. His primary research interest is professionalism in physicians, he has been working to develop reliable and valid measures to assess professional behaviors in medical students and residents, and he has just completed a book on this subject.