

The Development of Professional Identity in Law Students
Daisy Hurst Floyd, Professor of Law, Texas Tech University School of Law
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The Question

My CASTL project has focused on the development of professional identity in law students, that is, the ways in which law students become lawyers. Because lawyers' professional identities affect their relationships, career decisions, and a broad range of ethical and moral choices, the study of professional identity necessarily encompasses issues of personal satisfaction and professional success and must take into account individual personalities, experiences, and talents.

The professional identities of American lawyers today are complex and troubled. There is a well-documented crisis of meaning among lawyers, evidenced by higher than normal rates of depression, substance abuse, suicide, and professional attrition. The consequences are very real for lawyers, their clients, and their families and friends. The legal profession is beginning to grapple with the reasons for this crisis and to offer solutions, but legal education has been slower to do so.

In beginning my exploration of professional identity, I was interested in the roots of the professional crisis: what seeds do we sow in law school that are manifested, both positively and negatively, in the profession? To the extent that we are sowing the seeds for unhealthy, unhappy, and, therefore, incompetent lawyers, what can we do to mitigate that effect?

I began with a loosely-formed idea: to ask students to help me discover and describe the law school experience and how that experience impacts lawyers' professional lives. The result has been fascinating and powerful, for both me and the students. It has changed me as a teacher and has strengthened my belief that legal education needs reform. Unexpectedly, my students and I discovered that some of the methods we were using to reveal and understand this information were working to ameliorate negative aspects of their law school experiences. Therefore, the project has also provided a laboratory for trying out methods of reform.

Gathering Evidence

Most of the evidence that I have gathered regarding professional identity has come from three courses: two Seminars on Legal Education, offered during the Fall 2000 and Fall 2001 semesters, and Advanced Legal Ethics, offered during the Spring 2002 semester. I have also integrated some of my experiences in teaching Law and Literature, and an Independent Research book group that I supervised during the spring 2002 semester.

Students in these classes completed a variety of assignments. They read and discussed assigned readings from a variety of sources, wrote reflective essays of varying lengths, completed extended research papers on some aspect of legal education, and regularly participated in a web-based discussion board. Some students read fictional accounts of law and lawyers as a basis for discussing issues related to professional identity, and others read biographies of lawyers, living and dead.

In some classes, we brought lawyers and other professionals into the experience, which was quite successful. The two Seminars on Legal Education included one and one-half day retreats, which allowed for extended discussion with lawyers and other professionals about various issues. The 2001 Seminar on Legal Education seminar and the 2002 Advanced Legal Ethics class included a

co-teacher. Steven Keeva, a journalist who has written a book on the legal profession entitled *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*, participated in on-line and classroom discussions from a distance and also met with the students several times. Steve brought a terrific perspective as a non-lawyer and astute observer of the profession.

The topics explored include the following:

- the meaning of profession;
- becoming and being a member of a professional community;
- the history of legal education;
- the impact of difference on the ways in which students experience law school;
- developing the inner life;
- developing connections with colleagues and clients;
- the role and nature of lawyers in society;
- the legal culture, including adversarialism, competition, and the emphasis on winning;
- the practice of law as a calling;
- the law and lawyers as healers;
- public perceptions of lawyers;
- coping with fear;
- making mistakes and surviving them;
- finding meaning and satisfaction as a lawyer; and
- the relationship between psychological wholeness and professional competence.

Findings

The project has revealed a number of different observations about legal education. Students' experiences are not uniform by any means, but there is enough similarity among student responses and research to draw interesting conclusions about areas for further research.

On the positive side, students report gaining valuable analytical and reasoning skills, increased confidence and independence, an improved ability to articulate arguments and to see an issue from a variety of perspectives, an ability to depersonalize disagreement, and pride in successfully completing a challenging educational program. These are consistent with the often-stated goal of legal education to teach students to "think like a lawyer." The good news is that law school is successful at imparting that skill.

However, students also report negative aspects of legal education. These include the following:

Law school is a *highly competitive environment* and makes interaction both inside and outside of the classroom difficult. Students experience many classrooms as actively hostile, and the reason is not as much the professor's demeanor or teaching style as it is the peer pressure that students feel to perform perfectly. This competitive environment mirrors the adversarial nature of the legal system itself. Just as lawyers do, students constantly measure their own performances against those of their peers and define success by performing better than their peers. *Winning* becomes the end-game, and winning is defined by the identified prizes of the law school culture.

The *prizes* of law school are identified early on and are sought after by the majority of law students. They are high grades--particularly grades that place the student in the top ten percent of the class (which is, of course, mathematically impossible for ninety percent of law students), law review or other journal membership, and jobs with large law firms during the summer and upon graduation. Students don't necessarily value these things when they arrive at law school, but

because many students see them as the almost exclusive markers of success, they become sought after very quickly. Students report discussions about these prizes during orientation and that they become focused on attaining them before they attend their first law school class. And because they are available to a very limited number, the consequences of seeking these prizes are to exacerbate the already competitive and adversarial environment. In addition, the consequences include feelings of *failure and inadequacy* among the majority of students who are unable to achieve these prizes, despite the fact that almost ninety percent of the students who begin at our law school graduate and become licensed to practice law.

Students perceive law school as offering *short-term goals*. They have very little conception that the three years they spend in law school affect the rest of their lives; they more often see law school as a way to obtain a license to practice law and a job as a lawyer. They do not seem to connect what they do during the three years as relevant to the long careers that will span decades. This short-term perspective may lead to a lack of investment or engagement in the law school experience.

Because the law school culture values rational, analytical thought to the almost total exclusion of other qualities, it *devalues emotional matters, including relationships*. Yet, practicing law is about relationships. Lawyers can't practice law without a client, and usually the client's need for a lawyer grows out of his or her own relationships, and often problems in those relationships. The failure to acknowledge relationship skills fails to prepare students for the relational aspects of lawyering (or life). *It is not just that we fail to teach students about relationship skills; legal education actually diminishes or eliminates the ability to form and sustain relationships that students possess when they begin law school.* One student said that she lost the ability to sustain relationships with family and friends within three weeks of beginning law school. She compared the experience of losing relationships during the first few weeks of law school to watching her grandmother during the final weeks of her life.

This leads to another consequence, which is that law school is *isolating* for many students. Additionally, the competition and emphasis on winning actively *discourage collaboration* among students. Yet, successful collaboration is essential to successful lawyering.

Law school causes students to *lose the sense of purpose* that made them want to be lawyers. Through this project, I have learned that most students arrive at law school with a strong sense of purpose for their work lives and a passion to do something important. They may not have a detailed or even realistic picture of what lawyers do. However, they picture themselves engaged in professional work that has value and meaning, and as working on behalf of and for the benefit of someone else. Yet, law school's emphasis on the rational and analytical to the exclusion of other qualities chills discussion of meaning and purpose. Moreover, the first year at most law schools includes relatively rare situations in which students interact with clients, in real or simulated cases. Students don't realize that these characteristics represent a disjunction between legal education and law practice. Instead, they deduce that their personal visions of lawyering are naïve and unrealistic. Students quickly take on the cultural emphases on winning and on valuing only rational, objective analysis as part of their changing professional identities. This change is harmful in at least two ways; it makes law school disappointing and unpleasant for many students, leading sometimes to depression and substance abuse. Additionally, students replace their hopeful expectations for their work lives with *minimal expectations for finding meaning and purpose* in their work. Therefore, they start on a path where they will accept unfulfilling work environments because they think that there is no other option.

This loss of meaning leads students to *disengage* from their classes and their peers. One student described the link between loss of purpose and disengagement vividly. The experience of being a law student, she said, tracks the stages of the grief process: students experience loss, denial, anger, and then acceptance. Students identify the loss as the double loss of meaning and of the relational aspect of practicing law. The acceptance is manifested in reduced expectations for the soon-to-be lawyers and for their future professional lives.

The law school culture is *intolerant of fears, anxieties, vulnerabilities, and mistakes*. Therefore, students who struggle with the complexity of law school, who are anxious about the responsibilities that come with being a lawyer, and who make or fear making mistakes interpret those things as signs of inability or incompetence. They develop self-doubt about their competence as lawyers and about their choice of profession, but learn to hide the self-doubt behind masks of assuredness and even arrogance. Because of the isolation felt by students, they do not know that others are also experiencing fears and vulnerabilities. The belief that the profession does not tolerate mistakes begins a professional pattern of failing to acknowledge mistakes and deal with them appropriately. Thus, law school sends terribly inaccurate messages about being a professional, who, by definition, must exercise judgment in the face of uncertainty and often in situations where the stakes are high for the client.

The emphasis on a single skill—analysis of legal opinions--becomes *boring* to students during a three-year educational experience. One student put it bluntly: law school teaches students to do one thing, then it keeps asking them to do it over and over and over again. Many faculty believe that students become uninterested in their classes because the work is too demanding. As a result of this project, however, I believe that we don't ask too much of our students; rather, we ask too little. Students are capable of much more than we ask of them.

Suggestions for Reform

This all sounds profoundly discouraging; however, the project was actually a hopeful and inspiring experience for the students and me. It appears that two aspects of the project met some needs of students and helped them prepare for being lawyers. The first was the opportunity for strengthening or developing skills of self-awareness and reflection. Some students come to law school with these skills; others do not. Students report that the time demands of law school, the competitive environment, and the emphasis on analytical reasoning devalue self-awareness and prevent reflection. Consequently, students are unprepared for the emotional challenges of being a lawyer, which may be one reason for lawyer distress. Students report that the reflective writing assignments were very helpful in understanding why they have experienced law school as they have. We also engaged in discussions of personality type as an illustration of the ways in which self-awareness can aid students in making choices about law practice and the actual practice of law.

The second helpful aspect of the project was to support students in developing connections with each other and with lawyers and other professionals. Because so many students feel isolated, students involved in this project were surprised and relieved to learn that their reactions to law school were quite similar to those of other students. This realization was particularly helpful in demonstrating to students that anxieties or even fear are normal parts of becoming and being a professional and not indicative of incompetence.

Connections with lawyers and other professionals were very powerful in this regard as well. Students were reassured by hearing lawyers discuss their own successful searches for meaning in their professional lives, and for achieving balance and integration of their professional and

personal lives. They were relieved to hear professionals talk of dealing with fear, and of making mistakes and correcting them. We had intensive and energetic discussions of whether it is realistic to view work as a calling, as defined by Frederick Buechner: “the place where your deep gladness and the world’s deep hunger meet.” Meeting lawyers whom they admired and who were interesting and enjoyable to be with was reassuring to students, helping to mitigate the negative public perception of lawyers. One student’s comment about the interactions with professionals is illustrative: they offered “insight to people starving for guidance, hope, and reassurance, which we all need from time to time. I am grateful for the opportunity.”

Perhaps most rewarding, a number of students report a regained sense of purpose as a result of participating in the project. From one student: “I walked away...feeling as though I did make the right decision by choosing this as a career path.” From another: “I want to be the same person at work that I am within myself. I don’t want to sacrifice my values or passions because my job requires it...I now have more pride to enter the legal profession and to defend the profession. I also feel more optimistic about the practice of law.” From a third, discussing a new perspective on the practice of law: “This perception allowed me to be much more hopeful toward the profession I’ve chosen to enter.... No longer is the path afforded attorneys riddled with traps and hazards by which I may fall victim. No longer does the profession look like a battlefield, riddled with the victims of the poor tactical and strategic choices made during the various battles and wars in which we fight. Instead, it is a picture of which Forrest Gump, ever willing to be only himself, would be proud. Attorneys are free to be professionals, dedicated to their clients and causes, yet only expected to do their best in their efforts and entrusted with the protection of laws and justice upon which society heavily relies.”

Students’ reactions mirror my own, unexpected journey during the project. In setting out to learn about lawyers’ development of professional identity, my own professional identity was changed. I learned about myself, engaged in reflection about the appropriate role of legal education and educators, and connected in new ways with my students and with professionals who were brought into the teaching enterprise. As I truly listened to students’ reflections about their learning, their inner lives, and their professional and personal concerns, I developed a greater appreciation for the depth and complexity of their lives

Conclusion

In my original CASTL proposal, I quoted from Mary Rose O’Reilly, in *Radical Presence*: “the idea of filling students, well-intentioned and nurturing as it may be, rests on the conviction that we know what they need, that their hunger is like our own....This may not be true. How do we find out? Probably by keeping quiet much more than we have ever imagined possible, and listening more astutely than we have before, even if we have listened long and hard....We know so little about what’s really going on.”

This project has allowed me to listen to my students in new ways, as I had hoped that it would. I am optimistic that doing so has benefited some students. I know that it has benefited me; I have reclaimed my purpose as a teacher.

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