

# A PROFESSIONAL FORMATION/PROFESSIONALISM CHALLENGE: MANY STUDENTS NEED HELP WITH SELF-DIRECTED LEARNING CONCERNING THEIR PROFESSIONAL DEVELOPMENT TOWARD EXCELLENCE

*Neil Hamilton\**

## INTRODUCTION

Self-directed learning is a critical competency for each law student and new lawyer, but a surprising proportion of 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. Malcolm Knowles defined self-directed learning as “a process in which individuals take the initiative, with or without the help of others, in diagnosing their learning needs, formulating learning goals, identifying human and material resources for learning, choosing and implementing appropriate learning strategies, and evaluating learning outcomes.”<sup>1</sup> Legal educators, legal employers, and the profession itself want each law student and new lawyer to take ownership over her own self-directed learning so that she continually improves 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.

What if one third to somewhat more than one half of the first year law students are at an earlier stage of self-directed learning regarding their professional development toward the competencies needed to serve clients well than where they need to be and where their law school and

---

\* © Neil Hamilton. I am indebted to the teams of student research assistants in the summers of 2013 and 2014 who helped me develop the *Roadmap* curriculum discussed in this article. I am also very grateful for the help of Libby Meyers, the Holloran Center Coordinator, in tabulating the assessment data for the *Roadmap* curriculum reported in this Article.

<sup>1</sup> MALCOLM S. KNOWLES, SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS 18 (1975). See also Michael Hunter Schwartz, *Teaching Law Students to be Self-Regulated Learners*, 2003 MICH. ST. DCL L. REV. 447, 452 (2003) (defining self-regulated learning as “the active, goal-directed, self-control of behavior, motivation, and . . . tasks by an individual student”). Barry Zimmerman further explains that self-regulated learners “believe academic learning is a proactive activity, requiring self-initiated motivational and behavioral processes as well as metacognitive ones. . . . [s]elf-regulated students stand out from classmates by the goals they set for themselves, the accuracy of their behavioral self-monitoring, and the resourcefulness of their strategic thinking.” Barry J. Zimmerman, *Developing Self-Fulfilling Cycles of Academic Regulation*, in SELF-REGULATED LEARNING: FROM TEACHING TO SELF-REFLECTIVE PRACTICE 1, 1 (Dale H. Schunk & Barry J. Zimmerman eds. 1998).

the profession itself need them to be? The data presented in Part II below indicates that about a third to more than half of the first year law students are at these earlier stages of self-directed learning.<sup>2</sup> This is a serious professional formation challenge for these students, their law schools, and the profession. Educators need to foster strong, self-directed learning skills so that each student will continue her professional development toward excellence over a career. This continuing professional development not only benefits clients and the profession but also greatly benefits the student and the student's law school in terms of better employment outcomes. The students, legal educators and employers, and also the profession face a future of the continuing exponential growth of knowledge and rapidly changing markets where the lawyer who takes the initiative with life-long, self-directed learning skills will be best able to secure meaningful employment and serve clients and others well.<sup>3</sup>

This internalized proactive commitment to professional development toward excellence is one of the foundations for a lawyer's professional formation or professionalism. William Sullivan, the co-director of all five Carnegie Foundation for the Advancement of Teaching studies of higher education for the professions, believes that the "chief formative challenge" for higher education in the professions is to help each student entering a profession to change from thinking like a student where he or she learns and applies routine techniques to solve well-structured problems toward the acceptance and internalization of responsibility to others (particularly the person served) and for *the student's own proactive development toward excellence as a practitioner at all of the competencies of the profession*.<sup>4</sup>

Similarly, in the Carnegie Foundation's study of medical education, *Educating Physicians*, the authors conclude that

[t]he physician we envision has, first and foremost, a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self and an *unfailing aspiration to perform better . . . . Such commitment and responsibility involves habitual searching for improvements in all domains . . . and willingness to invest the effort to strategize and enact such improvements*.<sup>5</sup>

Legal educators and the profession itself have a similar goal for each student.<sup>6</sup> If we borrow some language from the medical profession, we

---

<sup>2</sup> See *infra* Part II.

<sup>3</sup> See Neil W. Hamilton et al., *Encouraging Each Student's Personal Responsibility for Core Competencies Including Professionalism*, 21 THE PROF. LAW., no. 3, 2012, at 1, 9.

<sup>4</sup> See William M. Sullivan, *Foreword to TEACHING MEDICAL PROFESSIONALISM* at xi, xv (Richard L. Cruess et al. eds., 2009); Carnegie Found. Studies in Higher Educ., *Authors*, CARNEGIEHIGHERED.ORG, <http://carnegiehighered.org/authors/> (last visited Apr. 13, 2014).

<sup>5</sup> MOLLY COOKE ET AL., *EDUCATING PHYSICIANS: A CALL FOR REFORM OF MEDICAL SCHOOL AND RESIDENCY* 41 (2010) (emphasis added).

<sup>6</sup> Robert MacCrate, *"The Lost Lawyer" Regained: The Abiding Values of the Legal Profession*, 100 DICK. L. REV. 587, 615-16 (1996).

would say that the law graduate we envision has, first and foremost, a deep sense of commitment and responsibility to clients, colleagues, society, justice, the disadvantaged, and self, and an unfailing aspiration to perform better and serve with excellence. Such commitment and responsibility involves habitual searching over a career for improvements in all the competencies needed to serve well and a willingness to invest the effort to strategize and enact such improvements.

Recent studies of both the competencies that legal employers are looking for in hiring new lawyers and the competency models that legal employers use to assess associate performance support the importance of a law student's initiative and internalized commitment to professional development. For example, in the decision to hire a new lawyer for four common types of legal employers, "[i]nitiative/ambition" is one of the competencies considered very important to critically important and "[c]ommitment to professional development toward excellence" is considered important to very important.<sup>7</sup> A recent empirical study of the competency models used for associate evaluation in eighteen larger firms indicates that fifteen of the firms are assessing each associate's initiative/ambition and twelve of the firms are assessing commitment to professional development toward excellence.<sup>8</sup> Berman and Bock's 2012 study of an AM Law 100 firm indicates that a strong "drive for excellence" was a major differentiating competency for higher associate lawyer performance ratings.<sup>9</sup>

The ABA's new accreditation standards for law schools, discussed in Part I below, strongly support a law school's emphasis on helping each student to develop toward both the habit of searching for improvements in all the competencies needed to serve clients and the legal system well and a willingness to strategize and enact such improvements.<sup>10</sup> This habit is essentially developing toward later stages of self-directed learning in the context of the legal profession.<sup>11</sup> Part II analyzes questionnaire data to provide some understanding of the degree to which 1L students have

---

<sup>7</sup> Neil W. Hamilton, *Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)*, 65 S.C. L. REV. 547, 557–58 (2014) [hereinafter *Changing Markets*].

<sup>8</sup> Neil Hamilton, *Law Firm Competency Models & Student Professional Success: Building on a Foundation of Professional Formation/Professionalism*, 11 U. ST. THOMAS L.J. 6, 11 (2013) [hereinafter *Law Firm Competency*].

<sup>9</sup> See Lori Berman et al., *Developing Attorneys for the Future: What Can We Learn from the Fast Trackers?*, 52 SANTA CLARA L. REV. 875, 882–83, 888 (2012); see also *Law Firm Competency*, *supra* note 8, at 23.

<sup>10</sup> See *infra* Part I.

<sup>11</sup> Judith Welch Wegner, *Reframing Legal Education's "Wicked Problems,"* 61 RUTGERS L. REV. 867, 995–96 (2009).

taken responsibility for their own proactive development toward self-directed learning and excellence at the competencies needed to serve well.<sup>12</sup> The data will indicate that somewhere between one-third and one-half of the 1L students are at an earlier stage of self-directed learning than where they should be in terms of their own self-interest, the interests of their law schools, and the profession. Part III explores first, a clear learning outcome for students to address this challenge of early-stage students regarding self-directed learning, and second, a curriculum called *Roadmap: The Law Student's Guide to Preparing and Implementing a Successful Plan for Meaningful Employment* (forthcoming from ABA Books, 2015) designed to help each student grow toward the learning outcome.<sup>13</sup> Part IV provides an evaluation of the effectiveness of the *Roadmap* curriculum at helping students achieve the learning outcome outlined in Part III.<sup>14</sup> Lastly, Part V argues for a whole building co-educator curriculum model to foster each student's development toward the learning outcome set forth in Part III.<sup>15</sup>

#### I. ABA ACCREDITATION STANDARDS AND SELF-DIRECTED LEARNING

In 2014, the ABA changed the accreditation standards for law schools to require greater emphasis on “professional and ethical responsibilities to clients and the legal system” in preparing students to practice law.<sup>16</sup> The standards require the articulation of learning outcomes for these “professional and ethical responsibilities” and the assessment of these learning outcomes.<sup>17</sup>

With respect to preparing students to practice law ethically, law schools were subject to former Standard 302(a) that mandated only that a law school “shall require that each student receive substantial instruction in . . . the history, goals, structure, values, rules and responsibilities of the legal profession and its members.”<sup>18</sup> This former standard focused on inputs such as a course on professional responsibility.<sup>19</sup>

The new standards focus on outputs such as learning outcomes for students and assessment of outputs to determine whether the students

---

<sup>12</sup> See *infra* Part II.

<sup>13</sup> See *infra* Part III.

<sup>14</sup> See *infra* Part IV.

<sup>15</sup> See *infra* Part V.

<sup>16</sup> 2014–2015 ABA STANDARDS FOR APPROVAL OF LAW SCH. Standard 302(c) (2014).

<sup>17</sup> *Id.*

<sup>18</sup> 2013–2014 ABA STANDARDS FOR APPROVAL OF LAW SCH. Standard 302(a) (2013).

<sup>19</sup> See *id.* Standard 302(a)(5), Interpretation 302-9; Nicola A. Boothe-Perry, *Standard Lawyer Behavior? Professionalism as an Essential Standard for ABA Accreditation*, 42 N.M. L. REV. 33, 52–53 (2012).

have achieved the learning outcomes.<sup>20</sup> The changes directly relating to preparing law students to practice law ethically and responsibly are noted in *italics* below:

1. Change former Standard 301 on “Objectives” from preparing students for “effective and responsible participation in the legal profession” to “effective, *ethical*, and responsible participation as members of the legal profession.”<sup>21</sup>

2. Change former Standard 302 from “Curriculum” to “Learning Outcomes” that require each law school to “establish learning outcomes that shall, at a minimum, include competency in the following . . . (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.”<sup>22</sup> Note that this new Standard 302 on learning outcomes combined with Standard 301 essentially emphasizes that every law school should articulate learning outcomes to help each student internalize and exercise: (1) the skills needed for both (a) effective and competent, and (b) ethical and responsible participation as a member of the legal profession; and (2) professional and ethical responsibilities to both (a) clients and (b) the legal system.<sup>23</sup>

3. Add a new Standard 314 on “Assessment of Student Learning” providing, “A law school shall utilize both formative and summative assessment methods in its curriculum to measure and improve student learning and provide meaningful feedback to students.”<sup>24</sup>

4. Add a new Standard 315 on “Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods” that requires: The dean and the faculty of a law school shall conduct ongoing evaluation of the law school’s program of legal education, learning outcomes, and assessment methods; and shall use the results of this evaluation to determine the degree of student attainment of competency in the learning outcomes and to make appropriate changes to improve the curriculum.<sup>25</sup>

This Article argues that “ethical, and responsible participation as members of the legal profession” and “professional and ethical

---

<sup>20</sup> Andrea A. Curcio et al., *A Survey Instrument to Develop, Tailor, and Help Measure Law Student Cultural Diversity Education Learning Outcomes*, 38 NOVA L. REV. 177, 182–83 (2014).

<sup>21</sup> 2014–2015 ABA STANDARDS Standard 301(a) (emphasis added); 2013–2014 ABA STANDARDS Standard 301(a).

<sup>22</sup> 2014–2015 ABA STANDARDS Standard 302; 2013–2014 ABA STANDARDS Standard 302.

<sup>23</sup> 2014–2015 ABA STANDARDS Standard 301.

<sup>24</sup> *Id.* Standard 314.

<sup>25</sup> *Id.* Standard 315.

responsibilities” to both clients and the legal system require each law student and lawyer to internalize self-directed learning.<sup>26</sup> To use William Sullivan’s words, these accreditation requirements are asking law schools to help each student to internalize deep responsibility both to the client and for the student’s own *proactive* development toward excellence as a practitioner at all of the competencies needed to serve the client and the legal system well.<sup>27</sup> Part II analyzes data on 1L students to provide some understanding of the degree to which 1L students have internalized responsibility for the students’ own proactive development toward excellence at the competencies needed to serve the client and the legal system well.

## II. DATA ON THE SCOPE OF THE PROFESSIONAL FORMATION/PROFESSIONALISM CHALLENGE FOR MANY 1L STUDENTS

A student’s stage of self-directed learning indicates the degree to which the student has taken responsibility for his or her professional development.<sup>28</sup> It is difficult for a student to internalize responsibility and service to clients and others unless the student has taken responsibility for their own professional development toward excellence at the competencies needed to serve well. The data sets below indicate the stage of self-directed learning for 1L students at both the end of fall semester and the beginning of the spring semester.<sup>29</sup>

These data sets indicate each 1L student’s self-assessment of her stage of self-directed learning at the beginning of spring semester at one law school and at the end of fall semester at another law school. There is a self-report bias in this type of research because, “[i]n general, research participants want to respond in a way that makes them look as good as possible.”<sup>30</sup> They want to respond in ways they consider “socially desirable.”<sup>31</sup> A respondent may also fear that true and accurate responses may cause them to be disadvantaged in some way.<sup>32</sup> I assume there is some social desirability bias in the data sets below and that the data therefore understates the proportion of students at earlier stages of development on self-directed learning. With respect to fears that true and

---

<sup>26</sup> *Id.* Standard 301(a), 302(c).

<sup>27</sup> *Cf.* Sullivan, *supra* note 4, at xi, xv–xvi (articulating how self-awareness in developing expertise in the medical profession enables medical students to better prepare for becoming a doctor).

<sup>28</sup> See Laurie Barron, *Learning How to Learn: Carnegie’s Third Apprenticeship*, 18 CLINICAL L. REV. 101, 110–11 (2011).

<sup>29</sup> See *infra* Figures 1–4.

<sup>30</sup> Stewart I. Donaldson & Elisa J. Grant-Vallone, *Understanding Self-Report Bias in Organizational Behavior Research*, 17 J. BUS. & PSYCHOL. 245, 247 (2002).

<sup>31</sup> *Id.*

<sup>32</sup> See *id.* at 248.

accurate responses may disadvantage the respondent, it was optional for students to provide an exam number to help with longitudinal studies, and I specified that only the staff person assisting the research would ever see the questionnaires with the exam numbers; professors would see only aggregate data. Finally, to minimize the risk of systemic differences between respondents and non-respondents in the 1L class, I focused on required 1L courses and achieved very high response rates.

At the beginning of spring semester in 2015, I asked all University of St. Thomas School of Law 1L students in Foundations of Justice (a required first-year course) to fill out the assessments form below in Table 1 where the students circled their present stage of self-directed learning.

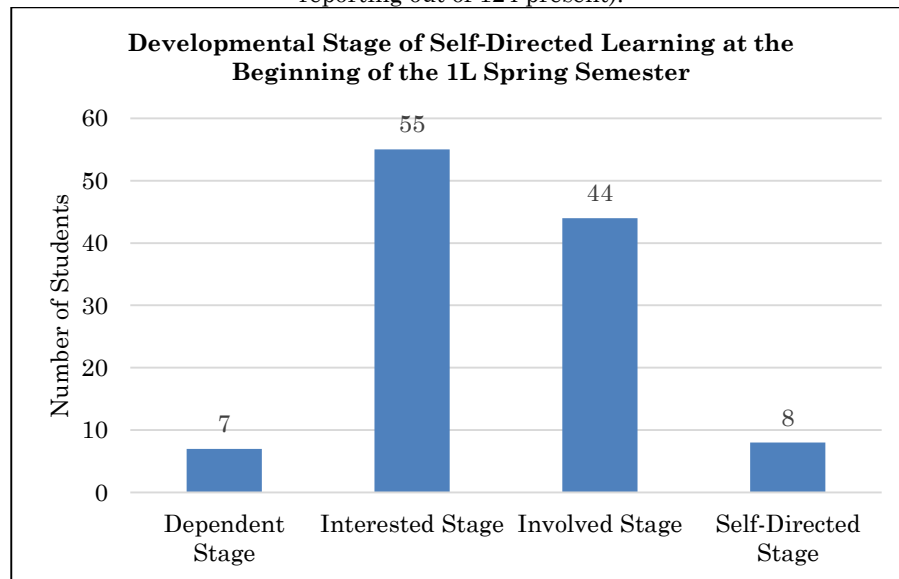
**Table 1: Stages of Self-Directed Learning<sup>33</sup>**

	<b>Student Characteristics</b>
<b>Dependent Stage</b>	<ul style="list-style-type: none"> <li>- Assumes passive role with respect to professional self-development</li> <li>- Lacks interest in developing competencies except minimum required by external authority</li> <li>- Does not generally want or seek feedback into strengths and weaknesses</li> <li>- May react negatively to such feedback</li> <li>- Depends on external authority for explicit direction and validation</li> </ul>
<b>Interested Stage</b>	<ul style="list-style-type: none"> <li>- Can see self-interest in professional self-development</li> <li>- May recognize weaknesses, but motivation to improve is principally externalized</li> <li>- Responds reasonably to questions and feedback on strengths and weaknesses</li> <li>- Is willing to engage mentors/coaches in goal-setting and implementation strategies</li> <li>- Shows some initiative and persistence to learn competencies</li> </ul>
<b>Involved Stage</b>	<ul style="list-style-type: none"> <li>- Is committed to professional self-development</li> <li>- Identifies strengths and weaknesses in development of competencies</li> <li>- Responds positively to and reflects on feedback concerning strengths and weaknesses and how to improve</li> <li>- Seeks insight from mentors and coaches in goal-setting and implementation</li> <li>- Is internalizing motivation to learn new knowledge and skills continuously</li> <li>- Is internalizing standard of excellence at all competencies</li> </ul>

<sup>33</sup> Adapted from Gerald O. Grow, *Teaching Learners to Be Self-Directed*, 41 ADULT EDUC. Q. 125, 129 (1991).

	- Shows substantial persistence in learning competencies
<b>Self-Directed</b>	<ul style="list-style-type: none"> <li>- Is intrinsically motivated to professional self-development and learning new knowledge and skills over a career</li> <li>- Actively identifies both strengths and weaknesses in development and sets goals and creates and executes implementation plans</li> <li>- Proactively develops mentor and coach relationships and proactively seeks help and feedback from mentors and coaches</li> <li>- Reflects on feedback and responds to feedback appropriately</li> <li>- Knows when and how to seek help</li> <li>- Actively seeks challenges</li> <li>- Has internalized standard of excellence at all competencies</li> </ul>

**Figure 1. Beginning of 1L Spring Semester – Entire UST Law 1L Class.** Self-reported ratings of stage of self-directed learning (114 students reporting out of 124 present).

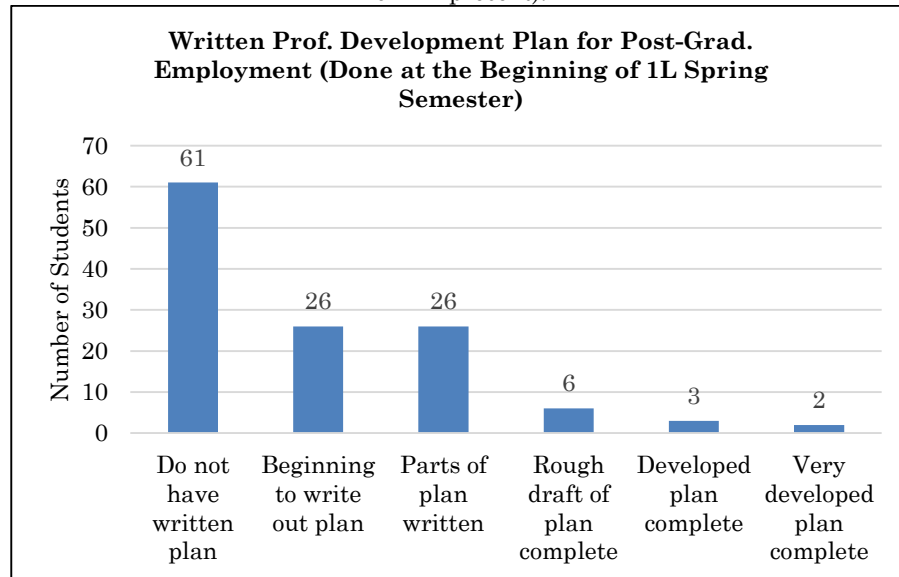


I also asked the 1L students to assess whether they have a written plan of professional development toward employment. The question was: “at this moment, how well developed is your *written* plan to secure post-graduation employment (or your plan for career advancement if you already have post-graduation employment)?” Students were asked to rate their answer from 0 to 5 with 0 being “do not have written plan” to 5 being



a “developed plan complete and have received feedback from veterans on it.” A written professional development plan to use the student’s time in law school most effectively toward meaningful post-graduate employment indicates a later stage of self-directed learning.

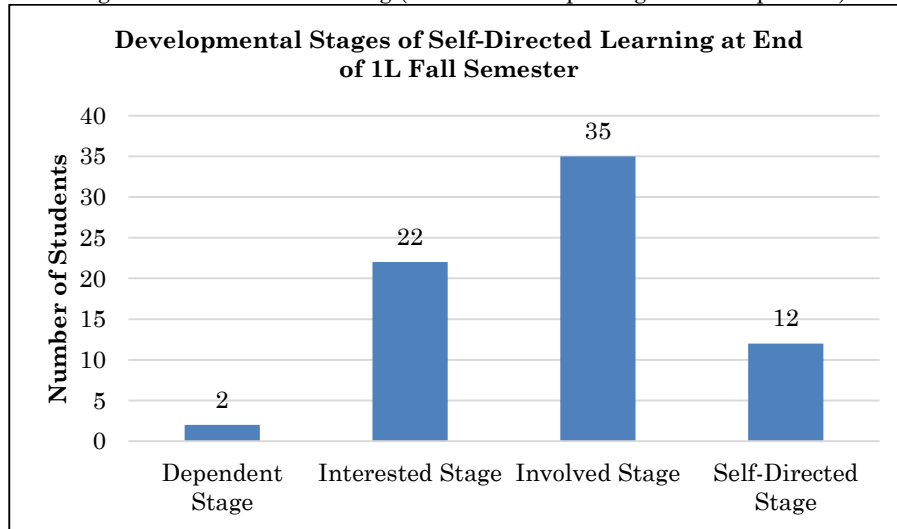
**Figure 2. Beginning of 1L Spring Semester – Entire UST Law 1L Class.** Self-reported stage of development of a *written* plan for post-graduate employment in beginning of the spring semester for 1Ls (124 students reporting of 124 present).



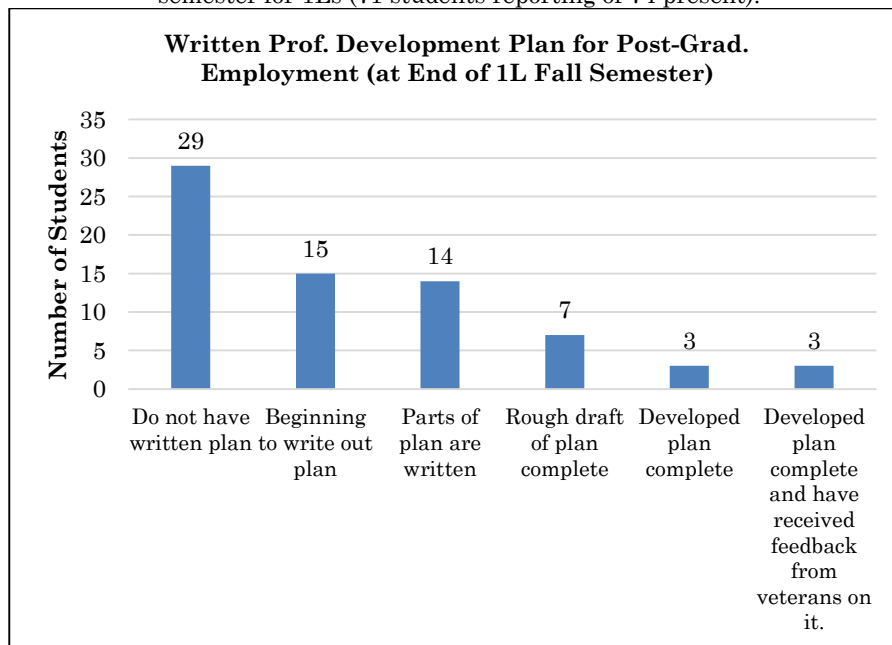
There may be a modest social desirability bias in the student responses in Figure 1. On one hand, pointing toward no social desirability bias, Figure 1 shows eight students self-assessed at a self-directed stage while Figure 2 shows eleven students reported having at least a rough draft of their professional development plan toward employment complete. On the other hand, pointing toward some social desirability bias, fifty-two students in Figure 1 self-assessed at an involved stage or self-directed stage but only twenty-six students in Figure 2 are self-reporting having parts of written plan complete plus eleven have at least a rough draft of a plan complete. So approximately fifteen students who are self-assessing at the involved stage or self-directed stage (fifty-two minus twenty-six minus eleven) either do not have a written professional development plan or are just beginning to write out a plan. The involved stage means a person is “committed to professional development,” which suggests moving beyond the potential bull and self-deception in a non-written plan to a written plan on which others can give feedback.

A colleague teaching a large, required section of Civil Procedure at a mid-sized southern law school asked the 1L students to do these same assessments at the end of the fall semester.

**Figure 3. End of 1L Fall Semester – One Required Large-Section Course at a Mid-sized Southern Law School.** Self-reported ratings of stage of self-directed learning (71 students reporting out of 74 present).



**Figure 4. End of 1L Fall Semester – One Required Large-Section Course at a Mid-sized Southern Law School.** Self-reported stage of development of a *written* plan for post-graduate employment at the end of fall semester for 1Ls (71 students reporting of 74 present).



The data in Figures 3 and 4 taken together suggest some social desirability bias in the Figure 3 self-assessment of a student's stage of self-directed learning. While the twelve students who are self-assessing at the self-directed stage match up with the thirteen students who have a rough draft of a written plan complete, there are thirty-five students self-assessing at the involved stage of self-directed learning, but only fifteen of these are reporting they have parts of a written plan for professional development toward employment and the other twenty either have no written plan or are beginning to write out a plan. My experience is that professional development plans that are not written down tend not to be well developed and present a far greater challenge in terms of seeking feedback on the plan from veterans. The discrepancy raises a question of whether all of the thirty-five students are at the involved stage.

The data presented in Figures 1–4 indicate that, depending upon the degree of social desirability bias, about a third (34% at the southern law school) to somewhat more than half (54% at UST Law) of the first year law students are at earlier stages of self-directed learning than where they need to be and where their law schools and the profession want them to be. Note also the data in Part IV from two large UST Law sections of Professional Responsibility at the beginning of the 2L year indicate that 60.3% of the 2Ls were at the two earlier stages of self-directed learning.<sup>34</sup> We want each student to use the remaining time in law school most effectively to develop toward excellence at all of the competencies needed to serve clients and others well. This is a substantial professional formation challenge for these students and for their law schools and the profession. Part III explores a learning outcome to address this student need and a curriculum and pedagogy that helps each student to grow toward the learning outcome.

### III. A LEARNING OUTCOME ON SELF-DIRECTED LEARNING AND THE ROADMAP ENGAGEMENT TO FOSTER EACH STUDENT'S SELF-DIRECTED LEARNING

Based on the new ABA accreditation standards discussed in Part I, the legal education will begin to follow the education assessment framework that the health and undergraduate educations already use.<sup>35</sup>

---

<sup>34</sup> See *infra* Part IV.A.

<sup>35</sup> Neil Hamilton, *What Legal Employers and Clients Want: The Competency-Model Approach to Legal Success*, 11 U. ST. THOMAS L.J. 1, 2 (2013) [hereinafter *What Legal Employers and Clients Want*].

This education assessment framework asks faculty to:

1. Identify student educational needs;
2. Articulate student learning outcomes (educational objectives) that respond to student educational needs;

Understanding learning outcomes is helpful when discussing this framework.<sup>36</sup>

The Introduction to this Article made the case that law students should develop toward later stages of self-directed learning,<sup>37</sup> but Figures 1–4 indicate that one third to more than one half of the 1L students need some help to grow toward self-directed learning. This is the student learning need. The learning outcome is that *each law student should demonstrate self-directed learning to proactively create and implement a written plan of professional development to use the student's time in law school most effectively to grow both toward excellence at the competencies needed to serve clients and the legal system well and toward meaningful employment.* This is a professional formation learning outcome that law schools have not historically recognized, especially with respect to the substantial group of students who are at an early stage of development of self-directed learning and commitment to professional development toward excellence at the competencies needed to serve clients well.

The next step in education assessment framework is to plan and implement a curriculum that helps each student achieve the learning

---

3. Plan and implement an educational program and curriculum that helps students achieve the learning outcomes;

4. Create formative and summative assessment measures; and

5. Evaluate the effectiveness of the educational program and curriculum.

*Id.* at 2–3 (citation omitted); *see also* Muriel J. Bebeau & Verna E. Monson, *Professional Identity Formation and Transformation Across the Life Span*, in *LEARNING TRAJECTORIES, INNOVATION AND IDENTITY FOR PROFESSIONAL DEVELOPMENT* 1, 18 (Anne Mc Kee & Michael Eraut eds., 2011). “Formative assessments are measurements at different points during a particular course or over the span of a student’s education that provide meaningful feedback to improve student learning.” *What Legal Employers and Clients Want*, *supra*, at 2 n.8. “Summative assessment methods are measurements at the culmination of a particular course or the culmination of any part of a student’s legal education that measures the degree of student learning.” *Id.*

<sup>36</sup>

1. A student learning *need* represents a gap between a student’s current level and some desired level of knowledge, skills, competencies, attitudes, or habits of mind.

2. A student *learning outcome* clearly states the expected knowledge, skills, competencies, attitudes, or habits of mind each student is expected to acquire so that the student learning needs are met.

a. A learning outcome will focus on the student as the performer.

b. It will use an active verb to describe what knowledge, skill, competency, attitude, or habit of mind the student is expected to acquire.

c. It will be measurable with performance indicators to know if the student has achieved the outcome.

d. The learning outcome must be stated so that there can be a sequence of activities or actions that enable the student to achieve the learning outcome.

*What Legal Employers and Clients Want*, *supra* note 35, at 2–3 (citation omitted).

<sup>37</sup> *See supra* text accompanying notes 1–15.

outcome emphasized above.<sup>38</sup> A student team and I designed a curriculum to help students grow toward the learning outcome above in the summer of 2013. After getting student feedback, we then revised the curriculum substantially in the summer of 2014.

The University of St. Thomas School of Law requires all students to take Professional Responsibility in the second year, and Professor Greg Sisk and I teach the two sections of Professional Responsibility in the second year.<sup>39</sup> We required each 2L student to spend 5–7 hours on the *Roadmap* curriculum in both 2013–2014, and in 2014–2015 (including getting feedback on the students' *Roadmap* from a veteran lawyer). Professor Jerry Organ and Dean Robert Vischer have now required the *Roadmap* curriculum for the entire 1L class in their Foundations of Justice course. As a result, all 1L students will do the *Roadmap* in the spring semester of their 1L year, and the professors will get feedback on the students' *Roadmap* before registration for the 2L year.

The *Roadmap* curriculum helps each student work through the fourteen steps below:

A. 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 you have served from whom you have drawn the most positive energy in helping them? What specific strengths and competencies were you using in this work or service?
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 your strongest competencies are? How do others who know your past work/service assess your strongest competencies?
5. How do your strengths from question 1 and strongest competencies from question 4 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?

---

<sup>38</sup> I am using “curriculum” to mean a planned interaction of students with instructional materials and processes including assessments to help students achieve the learning outcome.

<sup>39</sup> See *Current & Upcoming Courses*, UNIV. ST. THOMAS SCH. L., <http://www.stthomas.edu/law/academics/courses/current/#nogo> (last visited Apr. 13, 2015); *Previous Course Offerings*, UNIV. ST. THOMAS SCH. L., <http://www.stthomas.edu/law/academics/courses/current/previous/#nogo> (last visited Apr. 13, 2015).

B. 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 those 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?

C. 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 (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?

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 and help you with experiences to implement it? Are you assessing your progress in implementing this plan?

13. What is the biggest fear or roadblock holding you back from any of the steps above?

D. Persuasive Communication

14. How will you most effectively communicate your value to potential employers on your list of most promising employment options?<sup>40</sup>

The *Roadmap* curriculum has a number of formative assessments where the student gets feedback that meet step 4 of the education assessment framework discussed earlier.<sup>41</sup> For example, the curriculum requires each student to do four self-assessments including *StrengthsFinder 2.0* and an evaluation of the student's strongest competencies by two other people who know the student's work, and then the student reflects on that feedback.<sup>42</sup> After completing the *Roadmap*

---

<sup>40</sup> NEIL W. HAMILTON, ROADMAP: THE LAW STUDENT'S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT (forthcoming 2015) [hereinafter ROADMAP] (manuscript at 3–4) (on file with the Regent University Law Review).

<sup>41</sup> See, e.g., *id.* at 56–72 (containing six separate assessments to help a student meet step 4 of the curriculum framework).

<sup>42</sup> *Id.* at 56–67; see also TOM RATH, STRENGTHSFINDER 2.0, at v (2007).

template that covers all fourteen steps above, the student must get feedback from an assigned coach who is either a full time faculty member or a veteran lawyer or judge.<sup>43</sup> Students are also encouraged to seek feedback from other experienced professionals.

Part IV below is step 5 of the education assessment framework discussed earlier where I evaluate the effectiveness of the *Roadmap* curriculum. ABA Standard 315 also requires evaluation of the effectiveness of the curriculum in helping students achieve the learning outcome.<sup>44</sup>

#### IV. EVALUATION OF THE EFFECTIVENESS OF THE *ROADMAP* CURRICULUM TO HELP STUDENTS DEVELOP TOWARD THE LEARNING OUTCOME

The learning outcome for the *Roadmap* curriculum is that each law student should demonstrate self-directed learning to proactively create and implement a written plan of professional development to use the student's time in law school most effectively to grow both toward excellence at the competencies needed to serve clients and the legal system well and toward meaningful employment.<sup>45</sup> A student who grows toward a later stage of self-directed learning indicates the student is growing toward the desired learning outcome.

##### *A. Student Self-Assessment of Growth in the Student's Stage of Self-Directed Learning After the Roadmap Curriculum*

In my 2013 fall semester section consisting of all 2L students, the students were asked at the end of the semester to fill out the assessment form on the next page where the students circled their stage of self-directed learning at the beginning of the semester compared to their stage of self-directed learning at the end of the semester. In my 2014 fall semester section consisting of 2Ls and one 3L, the students were asked at the beginning of the semester and then at the end of the semester to circle their stage of self-directed learning at those times in the semester.

---

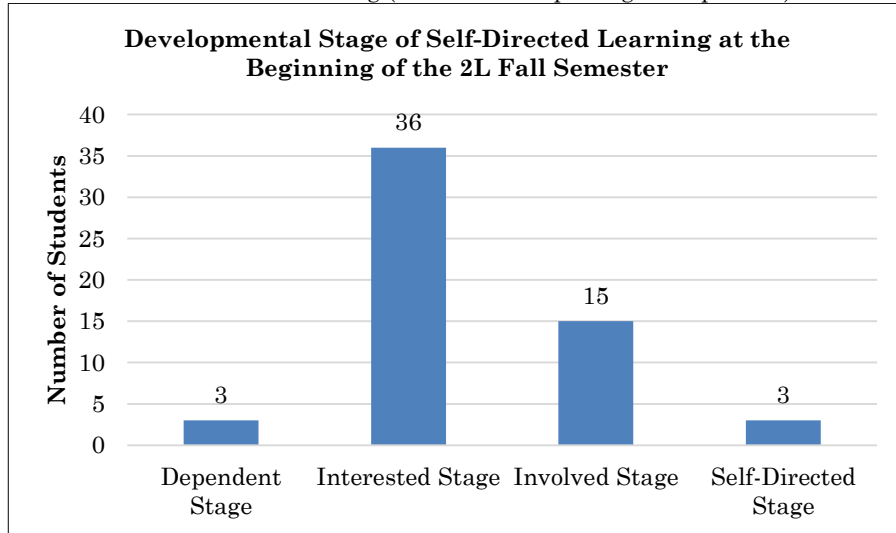
<sup>43</sup> ROADMAP, *supra* note 40, at 78.

<sup>44</sup> 2014–2015 ABA STANDARDS FOR APPROVAL OF LAW SCH. (REVISED STANDARDS) Standard 315 (2014).

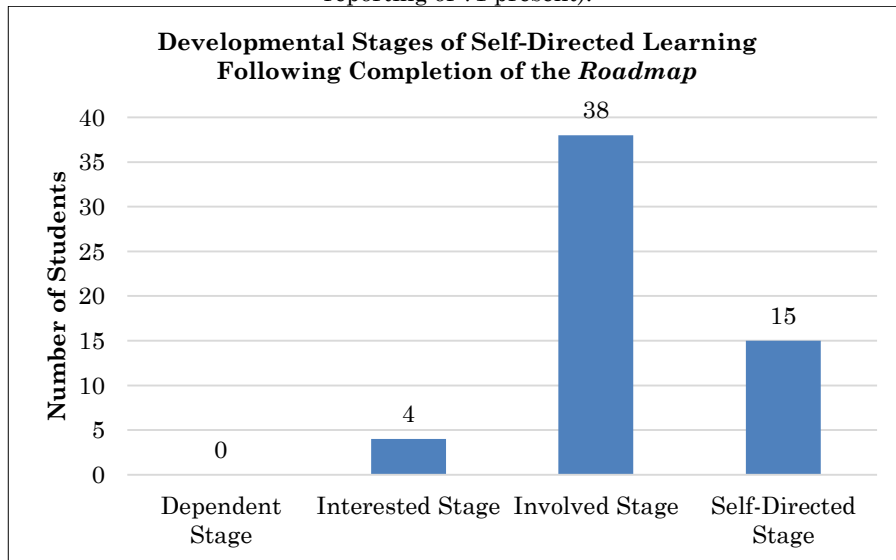
<sup>45</sup> See ROADMAP, *supra* note 40, at 2.



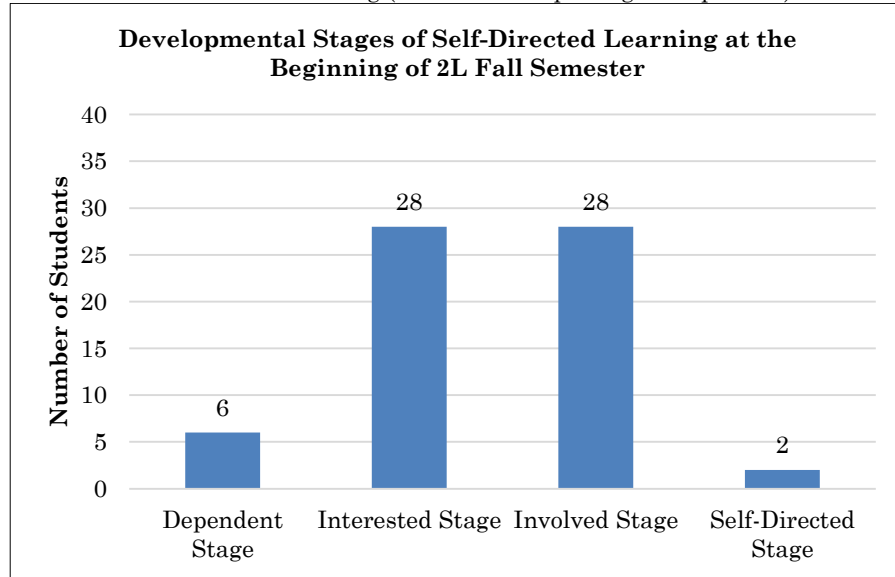
**Figure 5. Fall 2013 Hamilton 2L PR Class.** Self-reported ratings of stage of self-directed learning (57 students reporting of 71 present).



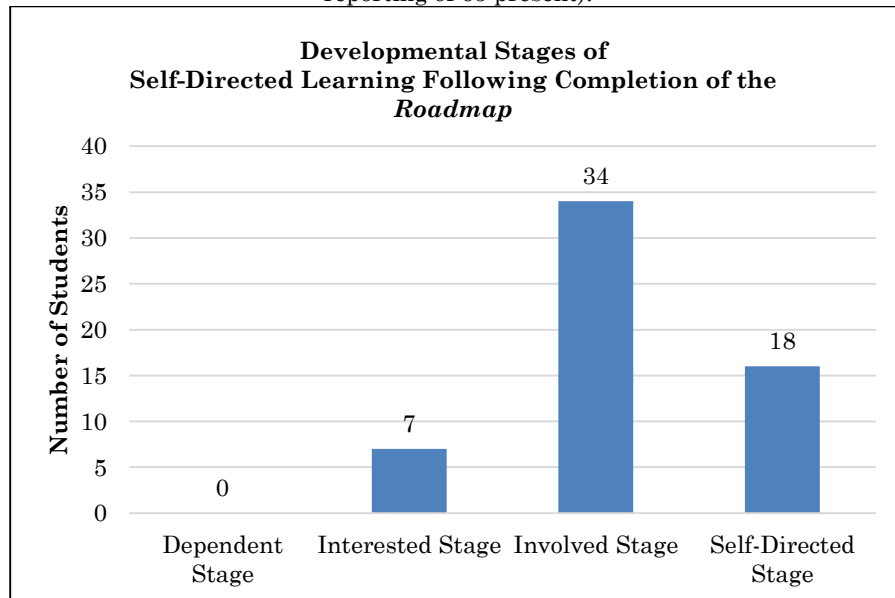
**Figure 6. Fall 2013 Hamilton 2L PR Class.** Self-reported ratings of stage of self-directed learning after completing the *Roadmap* curriculum (57 students reporting of 71 present).



**Figure 7. Fall 2014 Hamilton 2L PR Class.** Self-reported ratings of stage of self-directed learning (64 students reporting of 64 present).



**Figure 8. Fall 2014 Hamilton 2L PR Class.** Self-reported ratings of stage of self-directed learning after completing the *Roadmap* curriculum (59 students reporting of 65 present).



Synthesizing the data in Figures 5 and 7, we saw that 60.3% of the students in the beginning of fall semester 2L year (73 out of 121 are self-assessing at the dependent or interested stage) were at an earlier stage of self-directed learning regarding their professional development than both they need to be and the law school wants them to be. Legal educators and the profession would like the students to be at the involved or ideally self-directed stage of development. After one semester of the *Roadmap* curriculum, of those same 2L students, only 9.5% (11 out of 116 are self-assessing at the dependent or interested stage) were still at the two earlier stages of self-directed learning. The data indicates that the *Roadmap* helped a large number of students move toward a later stage of self-directed learning.

*B. Student Self-Assessment of Growth in Terms of a Written Professional Development Plan to Use the Time in Law School Most Effectively Toward Meaningful Post-Graduation Employment*

I also did an evaluation whether the *Roadmap* curriculum helped students to develop toward the learning outcome that students should proactively create and implement a written plan of professional development to use the students' time in law school most effectively to grow toward meaningful employment.

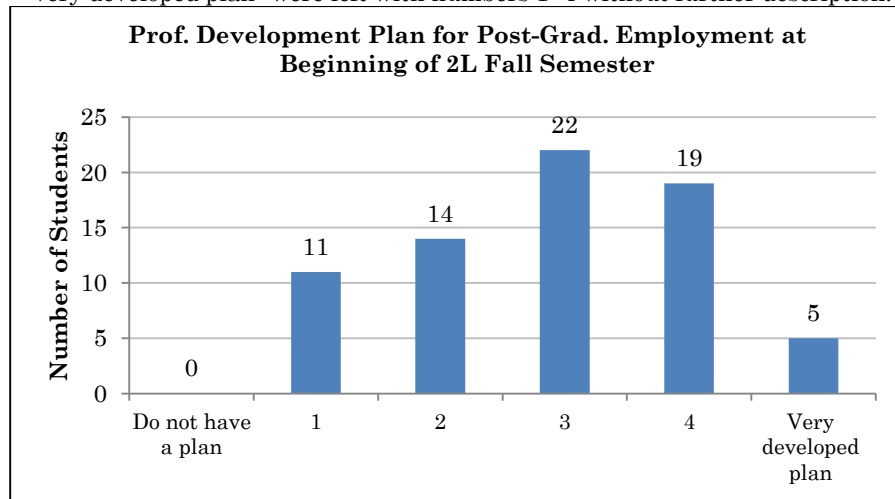
In my fall semester, 2013, Professional Responsibility class, students were asked at the end of the semester to fill out an assessment asking: “[h]ow well developed was your plan for employment (including your plan for career advancement if you already have post-graduation employment) [at the beginning of the semester] before working on the *Roadmap*” and then after working on the *Roadmap*?<sup>46</sup> Students were asked to rate their answer between 0 to 5 with “0” being “do not have a plan” to “5” being “very developed plan.”<sup>47</sup>

---

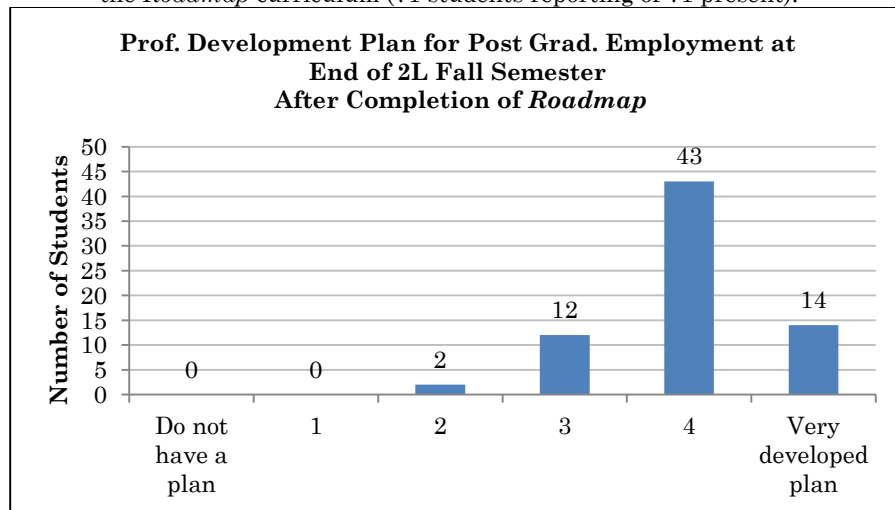
<sup>46</sup> *Changing Markets*, *supra* note 7, at 575.

<sup>47</sup> *Id.* at 575 n.121.

**Figure 9.**<sup>48</sup> **Fall 2013 Hamilton 2L PR Class.** Self-reported ratings of stage of development of a plan for post-graduate employment at the beginning of fall semester for 2Ls (71 students reporting of 71 present).<sup>49</sup> Note that in the 2013 questionnaire, the intermediate stages between “do not have a plan” and “very developed plan” were left with numbers 1–4 without further description.



**Figure 10.**<sup>50</sup> **Fall 2013 Hamilton 2L PR Class.** Self-reported ratings of stage of development of a plan for post-graduate employment after completing the *Roadmap* curriculum (71 students reporting of 71 present).<sup>51</sup>



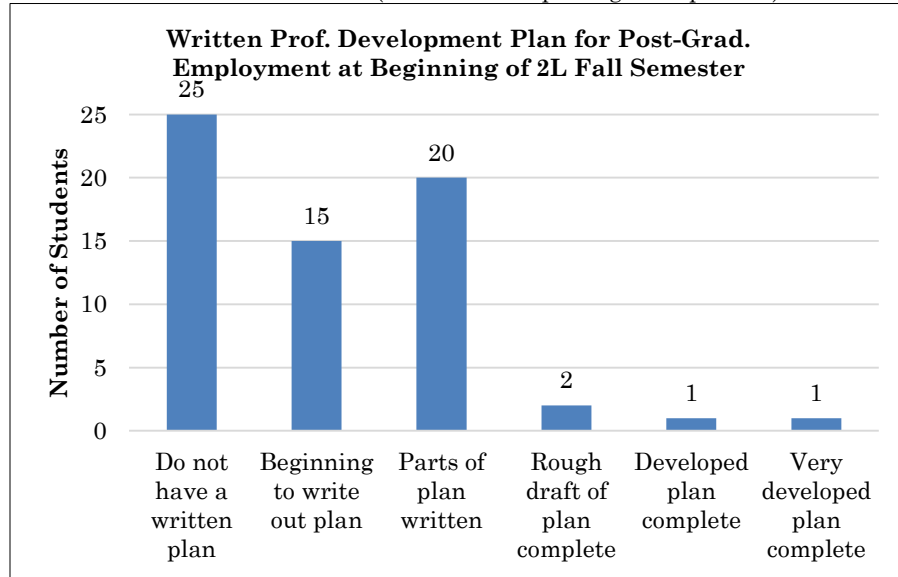
<sup>48</sup> *Id.* at 576.

<sup>49</sup> *Id.*

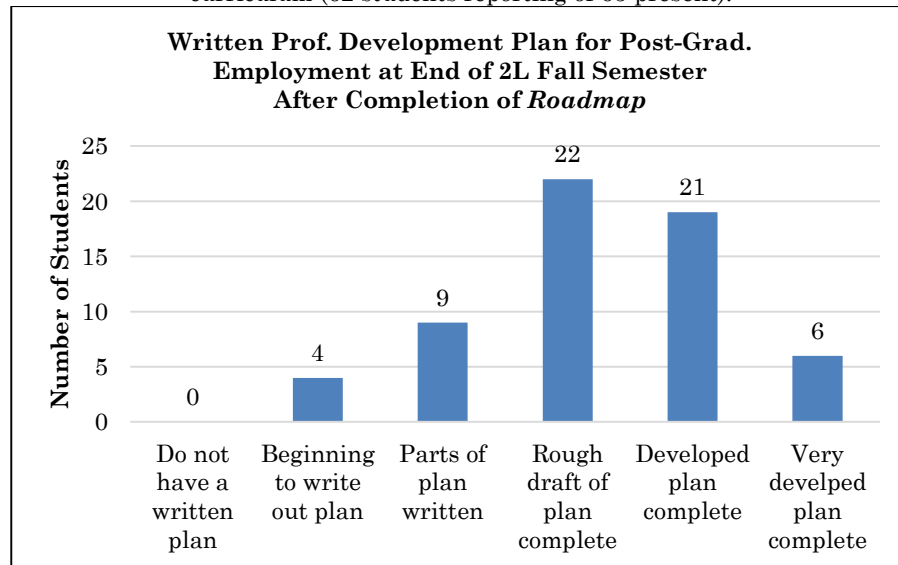
<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

**Figure 11. Fall 2014 Hamilton 2L PR Class.** Self-reported stage of development of a **written** plan for post-graduate employment in beginning of the fall semester for 2Ls (64 students reporting of 64 present)



**Figure 12. Fall 2014 Hamilton 2L PR Class.** Self-reported ratings of development of a **written** employment plan after completing the *Roadmap* curriculum (62 students reporting of 65 present).



The data in Figures 10 and 12 indicate that after completing the *Roadmap*, almost all students are moving toward the learning outcome that the students should proactively create and implement a written plan of professional development to use their time in law school effectively toward meaningful employment. This supports the conclusion that more students are taking responsibility for their professional development and thus are developing toward a later stage of self-directed learning.

Note that the learning outcome in Part III contemplates that each student will proactively create and implement a written plan of professional development. The *Roadmap* curriculum is going to be most effective in helping each student to achieve the learning outcome, particularly the continuing habit of reflecting on experiences and revising the plan and then trying to implement the plan in a continuing cycle if it is part of a much broader whole building co-educator curricular model. Part V explores this curricular model.

#### V. A WHOLE-BUILDING CO-EDUCATOR CURRICULAR MODEL TO FOSTER EACH STUDENT'S ACHIEVEMENT OF THE LEARNING OUTCOME

The *Roadmap* curriculum should be one part of a much broader whole building co-educator curricular model to foster each student's achievement of the learning outcome. Other parts of the curriculum (including the Career and Professional Development staff (CPD); the student counseling staff; the experiential courses like clinic, lawyering skills, the externships, and the simulation courses; the doctrinal courses; and all the mentoring and coaching of students by faculty and staff) also contribute substantially to help each student achieve the learning outcome. I hoped the *Roadmap* curriculum might help students to use other parts of the curriculum more effectively to realize the learning outcome (and vice versa). I tried a simple survey in my Fall Semester 2014 Professional Responsibility class at the end of the semester to test this hypothesis. Sixty-two of the sixty-five 2Ls in the class completed the survey with the results set forth below in Table 2.<sup>52</sup>

---

<sup>52</sup> Note that while *Roadmap* in Professional Responsibility and Mentor Externship are required courses in the 2L year, the students are not required to see the Career and Professional Development staff. I included a question whether the student had seen the Career and Professional Development staff. Of the fifty-four students who responded to this question, fifty had at least one meeting with the CPD staff.

**Questions**

To what degree have the following resources helped you?

0 = not at all, 1 = a little, 2 = some, 3 = substantially, 4 = a great deal

**Table 2**  
**Assessment of Degree of Help on *Roadmap* Steps from Different Parts of the Curriculum**

1. Understand your strengths and strongest competencies generally?

Question		Average
1	i. CPD	2.08
	ii. Mentor Externship	2.58
	iii. <i>Roadmap</i>	2.65

2. Understand the full range of **competencies/skills** necessary to provide excellent service to clients, organizations, the profession, and the community?

Question		Average
2	i. CPD	2.03
	ii. Mentor Externship	2.73
	iii. <i>Roadmap</i>	2.94

3. Identify both your strengths in terms of **competencies/skills** needed to practice law and the competencies/skills where you need more development?

Question		Average
3	i. CPD	1.94
	ii. Mentor Externship	2.56
	iii. <i>Roadmap</i>	3.01

4. Identify areas of practice that match your strengths and are of most interest to you and the specific **competencies/skills** needed for these areas?

Question		Average
4	i. CPD	1.78
	ii. Mentor Externship	2.73
	iii. <i>Roadmap</i>	2.85

5. Develop a plan to effectively gain experiences to confirm or eliminate possible employment areas during your remaining time at UST Law?

- i. CPD  
ii. Mentor Externship  
iii. *Roadmap*

Question		Average
5	i	2.04
	ii	2.80
	iii	2.70

6. Develop a narrative about how you add value to employers in your most promising employment areas?

- i. CPD  
ii. Mentor Externship  
iii. *Roadmap*

Question		Average
6	i	2.06
	ii	2.71
	iii	3.09

7. Identify how 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/skills that support your narrative/value proposition to employers?

- i. CPD  
ii. Mentor Externship  
iii. *Roadmap*

Question		Average
7	i	1.87
	ii	2.65
	iii	2.82

8. Identify how to create evidence an employer will accept that shows your development at your differentiating competencies?

- i. CPD  
ii. Mentor Externship  
iii. *Roadmap*

Question		Average
8	i	2.10
	ii	2.45
	iii	2.87

9. Develop the competencies associated with effective networking (especially networking to move forward with your professional development plan)?

- i. CPD  
ii. Mentor Externship  
iii. *Roadmap*

Question		Average
9	i	1.95
	ii	3.05
	iii	2.34



10. Understand effective and ineffective professional communication in:

i. Resumes 1. CPD 2. Mentor Externship 3. <i>Roadmap</i>	Question		Average
	10i	1	3.25
		2	2.31
		3	1.92
ii. Cover Letters 1. CPD 2. Mentor Externship 3. <i>Roadmap</i>	Question		Average
	10ii	1	2.92
		2	1.77
		3	1.74
iii. Cover Letters 1. CPD 2. Mentor Externship 3. <i>Roadmap</i>	Question		Average
	10iii	1	2.70
		2	2.35
		3	2.11
iv. Cover Letters 1. CPD 2. Mentor Externship 3. <i>Roadmap</i>	Question		Average
	10iv	1	2.11
		2	2.94
		3	2.40

11. Identify specific employers (contacts) in your area of greatest interest?

i. CPD ii. Mentor Externship iii. <i>Roadmap</i>	Question		Average
	11	i	2.34
		ii	2.85
		iii	2.48

The data from my survey indicate that the students are drawing some help on the learning outcome from all three types of curricular engagements (*Roadmap*, CPD, and Mentor Externship). My teaching experience is that many students need help to connect the dots to see how curriculum in one part of the law school relates to and builds on the curriculum in other parts of the law school. Faculty and staff from different parts of the curriculum could work together to help students understand the connections and the synergy among the various parts of the curriculum to help the students with this learning outcome. The whole building co-educator curricular model will help each student to keep

revisiting her professional development plan and reflect on her experiences to revise, improve, and implement the plan.

#### CONCLUSION

It is highly in the enlightened self-interest of each law student, each law school, and the profession itself for each student to grow toward a later stage of self-directed learning. An internalized *proactive* commitment to professional development toward excellence at all the competencies needed to serve clients and the legal system well is one of the foundations for a lawyer's professional formation or professionalism.

A law school that helps its students to grow toward self-directed learning is also meeting the ABA's accreditation emphasis on developing students' professional and ethical responsibilities. Data from two law schools indicates a surprising proportion of 1L students are at an earlier stage of self-directed learning than where they should be in terms of the student's own self-interest and the interests of their law school and the profession. There seems no reason why this surprising proportion of early-stage 1L students should not be true at other law schools, however we need to test this with other schools assessing their students' stage of self-directed learning and the effectiveness of their curriculum to help students grow toward a later stage of this competency.<sup>53</sup>

Part IV both articulated a clear learning outcome to address this challenge and outlined a curriculum to help each student grow toward this learning outcome.

The *Roadmap* curriculum outlined in Part IV is designed to help students develop toward this learning outcome. The data presented in Part V at Figures 5 and 6 and Figures 7 and 8 indicates that the *Roadmap* curriculum helped many students, particularly those at an early stage of self-directed learning, to develop toward the learning outcome.

What are the major "lessons learned" from two years of development, experimentation, and assessment with the *Roadmap* curriculum that are applicable to similar learning outcomes and curriculum aimed at student professional formation? Of course every experienced academic knows that curriculum change is very challenging and takes a great deal of effort and time. One of the major lessons learned with the *Roadmap* curriculum is that some faculty and staff do not want to help with this type of curricular reform. Some students are resistant to changes in the required curriculum that are not directly linked to passing the bar.

Consider the full-time faculty first. Historically, my experience is that many faculty including myself have thought that it was each student's responsibility both to develop the competency of self-directed learning and to create and implement a professional development plan to

---

<sup>53</sup> I am willing to help with such assessments.

use the student's time in law school most effectively to grow toward the competencies necessary to serve clients and the legal system well in meaningful employment. These student learning outcomes were not my responsibility as a teacher. During my service as interim dean in 2012, I changed my mind. I came to understand that our students are entering very challenging markets for meaningful employment, and many were uninformed both about the full range of competencies needed to practice law and about how the student's strengths fit best with this full range of competencies that clients and legal employers want and need. I came to realize that many students do not have a plan of professional development to use their time in law school most effectively to develop the needed competencies to serve clients and the legal system well. I think that historically I was drawn to help students who are at later stages of self-directed learning because they are more like me. I now think that faculty members have a fiduciary duty to help the students from whom we take tuition (from whatever developmental stage the student presents) to grow toward self-directed learning and a professional development plan.

In my experience, many full-time faculty have enormous investments in doctrinal knowledge and legal and policy analysis concerning their doctrinal field. They believe that the student's law school years are about learning doctrinal knowledge, strong legal and policy analysis, and research and writing skills. These faculty members emphasize that they have to stay focused on "coverage" with the limited time in their courses even though this model of coverage of doctrinal knowledge and the above skills overemphasizes these competencies in comparison with the full range of competencies that legal employers and clients indicate they want. This emphasis is also not leading to meaningful employment for many students.

Another challenge is that a whole-building co-educator model to foster each student's growth toward a self-directed learning outcome and a professional development plan involves a level of cooperation among faculty and staff that poses a particular challenge. Law schools are structured in silos with strongly guarded turf in and around each silo. Each of the major silos (including doctrinal classroom faculty, clinical faculty, lawyering skills faculty, externship directors, career services and professional development staff, and counseling staff) wants control over and autonomy regarding its turf. Coordination among these silos is going to take time and effort and involve some loss of autonomy and control.

However, many law schools are facing serious challenges with their metrics regarding employment of graduates.<sup>54</sup> This problem undermines applications and opens the door to the possibility that both full-time

---

<sup>54</sup> See Ben Trachtenberg, *Law School Marketing and Legal Ethics*, 91 NEB. L. REV. 866, 869 (2012).

faculty and staff may be willing to consider a new model of legal education. For example, there may be some willingness to consider a *Roadmap* curriculum in required courses. If the faculty and staff want to help the early-stage students in terms of self-directed learning, it is best to use the required curriculum since the early stage student may avoid electives with this learning outcome. It is highly in each school's enlightened self-interest to help each student develop toward later stages of self-directed learning.

My suggestion is to focus on a "coalition of the willing" concerning curriculum reform like this proposal to give students more help with self-directed learning.<sup>55</sup> The focus should be especially on faculty members teaching required courses to reach the students who are at an earlier stage of self-directed learning. Some type of faculty development education is going to be important to help faculty with the necessary skills.

Consider also the student reaction to changes in the required curriculum that emphasize self-directed learning and a proactive responsibility for developing a student professional development plan. In my experience, many students are also resistant to innovative change in the curriculum, especially changes in the required curriculum that are not linked to bar preparation. Managing student expectations with new initiatives like this is critical to get as much student "buy-in" as possible. William Henderson emphasizes that students expect to learn about the standard subjects in the standard ways.<sup>56</sup> They are unprepared to learn that the practice of law is about a much broader array of competencies than the focus on the traditional law curriculum.<sup>57</sup>

A curricular engagement that tries to help students grow in terms of stages of self-directed learning is also going to create some cognitive dissonance or cognitive disequilibrium where some students must deal with an experience that challenges the student's assumptions and beliefs and asks for reflection and a synthesis toward a new later-stage approach.<sup>58</sup> This cognitive dissonance may lead a student to feel some level of stress or anxiety, but the faculty must provide enough social support to prevent the student from being overwhelmed while at the same time not just escaping from the quandary or challenge.<sup>59</sup>

---

<sup>55</sup> See William D. Henderson, *A Blueprint for Change*, 40 PEPP. L. REV. 461, 503–04 (2013).

<sup>56</sup> See *id.* at 505.

<sup>57</sup> *Id.*

<sup>58</sup> For a review of the most effective pedagogies for professional formation in legal education, see Neil W. Hamilton et al., *Empirical Evidence That Legal Education Can Foster Student Professionalism/Professional Formation to Become an Effective Lawyer*, 10 U. ST. THOMAS L.J. 11, 21–22 (2013) and Neil Hamilton & Verna Monson, *Legal Education's Ethical Challenge: Empirical Research on How Most Effectively to Foster Each Student's Professional Formation (Professionalism)*, 9 U. ST. THOMAS L.J. 325, 340 (2011).

<sup>59</sup> See *Law Firm Competency*, *supra* note 8, at 36–37.

The *Roadmap* curriculum is designed to appeal to each student's long-term desire both for self-sufficiency and meaningful employment to make a positive difference which helps mitigate student resistance to change. The most important *Roadmap* lesson for each student is that, in the context of a glut in the market for entry-level law graduates, a student can differentiate him or herself by understanding her strengths in the context of all the core competencies clients and legal employers want, and using the three years of law school to develop (and to create evidence demonstrating) some of the core competencies most useful for employment beyond just technical legal skills in the required curriculum. "Law students generally operate on the strong belief that being a good lawyer is about subject matter expertise and analysis. The first question that I ask an applicant for an associate position is: 'What value do you bring beyond just technical legal skills to help our clients be successful?'"<sup>60</sup> Each student should use the three years of law school to prepare to answer this imperative question.

---

<sup>60</sup> E-mail from Dennis Monroe, former Chief Exec. Officer, Parasole Restaurant Holdings, to author (May 20, 2013) (on file with author).