

Guided Sequence for Formation of Professional Identity

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Learning Outcomes

- Learn the 5-Step sequence
- Understand how to use it
- Consider how to assess it





Introduction

- Formation of Professional Identity \neq Professionalism
- Professionalism = Expected Behaviors
- Professional Identity = Decisions made “above the line”



We can't teach it.

At least not didactically, from the podium.

Instead, we have to create exercises in which students can practice making those decisions and reflect on them.

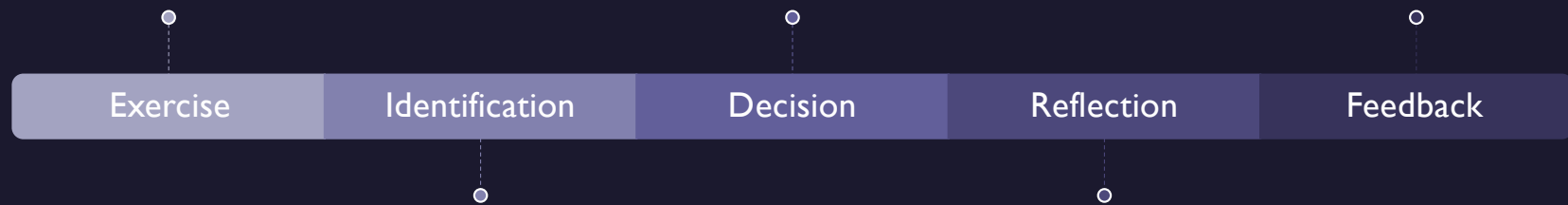


The 5-Step Process

Professor assigns a contextual Exercise with an embedded ethical decision that must be made to answer the prompt.

Student decides how they will resolve the issue “above the line” in a manner consistent with their forming identity as a lawyer.

Professor provides feedback on the decision made, focusing on the depth and thoughtfulness of the reflection.



Exercise

Identification

Decision

Reflection

Feedback

Student identifies the ethical issue being presented in the exercise.

Student explains the decision made in a short reflection, usually in writing.



Two Key Components

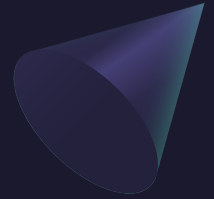
STUDENTS “IN ROLE”

- The Exercise puts each student in the role of the attorney.
- They have to make a decision when there is no clear answer.
- And then reflect on their decision.

CONFRONTING AN ETHICAL ISSUE

- In the context of your course subject.
- Which also improves learning of critical concepts in the course subject.

Be explicit about what you are doing.



LEARNING OUTCOMES

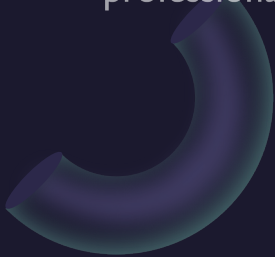
- Identify and evaluate ethical issues as they arise in the context of [this legal subject].
- Decide how you would resolve them.
- Reflect on how making this decision advanced the formation of your professional identity.

EXERCISE

- Can be oral or written.
- Student describes the ethical issue
- Explains how they made the decision.
- Reflects on how that was consistent with their professional identity.

ASSESS

- Was the ethical issue correctly identified?
- Did the decision make sense?
- Clarity and Depth of the reflection.
- With grade consequences (even if small).



An Example Course

DISCOVERY PRACTICE

- Students in role – Plaintiff or Defendant in mock litigation all semester
- Prepare discovery documents each week and serve their opposing counsel
- Working towards settling the case in the last class.

ETHICAL ISSUES EVERY WEEK

- Nearly every discovery document raises ethical issues.
- Students make decisions about how they will resolve them.
- Reflections each week on how those decisions were consistent with their formation of professional identity.

Student Reflections in Discovery Course



“The central ethical dilemma of discovery came into sharp focus during this exercise. I felt torn responding to several of the interrogatories. For each, I tried to imagine standing in front of a judge explaining the choice that I made.”

Student Reflections in Discovery Course




“Overall, I feel comfortable that these choices strike a fair balance between duty to court and duty to client.”

Student Reflections in Discovery Course



“I do not want to hide the ball, and would not be able to sleep at night if I was actively hiding information that was clearly discoverable and responsive to their request.”



Student Reflections in Discovery Course



“In the end, I decided that because this is a highly relevant document that I am confident defendants would be able to ultimately obtain, I decided to produce it now. Hiding arguably responsive documents that will eventually be discovered is not the kind of litigation attorney I want to be.”



Summary

By creating learning sequences that place students in role, allowing them to practice identifying ethical issues above the line and make a decision how they would resolve them, and then reflecting on how that decision is consistent with their developing professional identity, we give our students a chance to form their identity as a future practitioner.

Try a GSFPI!

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