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The courage of law students

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Monday, January 13, 2014

The courage of law students

Rachel Van Cleave is the dean at Golden Gate University School of Law.



The beginning of a new year is a time for resolutions, resolve and optimism. Thus, it is fitting that the annual meeting of the Association of American Law Schools meets at the beginning of the year. This year, law school deans, faculty and staff gathered to discuss the theme "Looking Forward: Legal Education in the 21st Century." Given the

significant challenges facing law schools and the legal profession, many of the sessions focused on how law schools can better support, train and prepare students to ensure that they have fulfilling careers. Many sessions explored at a deeper level how our students are addressing the current situation.

Current students and recent graduates are exceptionally brave and optimistic. They are coming to law school because they really want a legal education. In the face of a difficult job market, a profession that is in a period of dramatic transformation, and even with the prospect of incurring significant debt, they want to study law, become lawyers, and have fulfilling careers. They are going against the grain, against the advice of commentators, some pre-law advisors, and probably friends and family. That takes a lot of courage, real courage. Amelia Earhart said, "The most difficult thing is to act, the rest is merely tenacity ... You can act to change and control your life, and the procedure, the process is its own reward." The decision to act also takes optimism. Do those of us in legal education have that kind of courage? What must we do to honor that kind of courage and optimism?

We must consider ourselves privileged to be trusted with the brave decisions of our students by discovering the most effective ways to engage, coach, mentor and teach them from before orientation, through graduation and into their careers. We can achieve this by prioritizing the following three strategies: (1) teach our students that life-long learning and continuing professional development is critical; (2) coach them in the range of skills necessary for professional success; and (3) support their cultivation of characteristics and values essential for their success and well-being.

The traditional law school curriculum has primarily been concerned with coverage of substantive law. Such an approach tends to suggest to students that they should devote considerable time and energy to memorizing rules of law. While that has value, law schools should nonetheless put much more emphasis on the importance of life-long learning by teaching our students how to teach themselves. In this regard, less is more. As a practical matter, specific rules of law change and entirely new areas of law develop well after students graduate. More importantly, the ability to acquire a deep understanding of a narrower area of law teaches students to see and grapple with subtleties and complexities thereby leading to a much more sophisticated understanding. Such an approach also underscores that continuing to learn is indispensable to their continued success and essential to their value to clients and society.

We know that hands-on learning that requires application of theories to real world scenarios effectively engages students, reinforcing substantive material. Nearly all law schools provide for this type of learning in clinical and externship settings. These settings involve frequent feedback from supervising attorneys and faculty. This feedback loop enhances learning, builds resilience and boosts student confidence as they see how they are improving. Clinics and externships also involve reflection and self-assessment by students. Reflection is important for many reasons, but in particular it furthers professional growth. We need to bring these methods and lessons into the rest of the curriculum. As Golden Gate Law School Professor Wes Porter and others have noted,

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Socrates is dead. While the Socratic method has a place in developing legal analysis, law professors need to embrace other forms that bring together theory and practice. Legal analysis is an essential skill, but there are many others that can be developed through the "flipped classroom," regular writing and feedback, oral presentations and many other methods.

They are going against the grain, against the advice of commentators, some pre-law advisors, and probably friends and family.

A number of presentations at AALS cited studies such as "After the JD" and Larry Krieger's study of law student and lawyer well-being to highlight the importance of intrinsic motivation, values, authenticity and feelings of relatedness with others to our students' satisfaction and their success. This is consistent with skills identified in the ABA's recent publication, "Essential Qualities of the Professional Lawyer," which includes chapters on the importance of authenticity, collaboration, listening and relationship building as essential qualities of lawyers. This book, as well as AALS presentations, discussed strategies to cultivate these characteristics, including mindfulness practices, specific steps for thinking inclusively and steps for health and wellness.

We must have the courage to make these and other changes. However, as then-Sen. John F. Kennedy stated when encouraging a change of course in U.S. foreign policy, "Efforts and courage are not enough without purpose and direction." A clear focus on the professional success of students and graduates gives us purpose and direction as we shift how we approach our craft in legal education. Certainly, change is challenging; let's embrace this challenge.

The AALS meeting was a powerful reminder that we are engaged in an endeavor that is about our students - their well-being, their professional development and their futures. Do we have the courage to make our students' success our first priority? The discussions confirmed the deeply passionate ways in which we care about the holistic development of our current students, our future colleagues. Will that passion translate to courage? I am optimistic that it will.

Rachel Van Cleave *is the dean at Golden Gate University School of Law.*

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