

Cultivating Self-Reflection and Lawyer Integrity

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Three Lawyers

- John
- Danielle
- Susan

Practical Wisdom

Practical Wisdom

- Schwartz and Sharpe: doing the right thing in the right way
- Wisdom in action; wisdom applied practically

Practical Wisdom

- Integration of moral will and moral skill (all of the virtues)
- Integration of nuance, empathy, and imagination
- Integration of past with present: adaptation of expertise to unique situations

Practical Wisdom

- Framework for integrating perspectives from multiple disciplines
- Emphasizes interrelated capacities and developmental nature
- Leads to both ethical behavior and fulfillment
- Is the distinctive value a lawyer brings to a client

Practical Wisdom

- Is supported by the right kinds of education and experiences
- By the right pedagogy, curriculum, and environment
- Is impeded by over-reliance on rules and incentives

The role of reflection

- Donald Schon: one moves from novice to expert by:
- Adapting to new or unexpected situations
- Reflecting on the adaptation
- Improving practice based on the reflection

The role of reflection

- Hamilton and Monson: evidence shows that the most effective pedagogies require feedback, dialogue, and reflection

A Life of the Mind for Practice Seminar

- sponsored by the Carnegie Foundation and led by Lee Shulman and Bill Sullivan
- gathered an interdisciplinary group of faculty who "feel called--and sometimes haunted--by the formative possibilities of higher education."

A Life of the Mind for Practice Seminar

- What pedagogies prepare students for lives of significance?
- Findings published in Sullivan and Rosin, A New Agenda: Shaping a Life of the Mind for Practice (2008)
- A call to action: moving higher education's purpose from teaching critical reason to teaching practical wisdom

Findings: teaching for practical wisdom requires integrating:

- Subject matter
- Identity (who am I and who am I becoming?)
- Community (what do my obligations as a lawyer require of me and what would other lawyers do?)
- Responsibility (what is the effect of my actions on others?)

Examples

- Legal Ethics Seminar: authenticity reflection; build the ideal law school; reflect on personal statement from law school application
- First-year Legal Profession course, externships, clinics
- Large traditional classes

Example: Buffalo Creek Disaster

- As you watch the video, consider:
- In what ways are the lawyers, the law, and the legal system involved in this story--either before the disaster occurred or in its aftermath?
- What would it be like to be the lawyer for the survivors, the coal company, or the state or federal government?

- In thinking about being the lawyer for the various parties, consider:
- Is there anyone related to the disaster whom you would not want to represent? Why?
- What would be the major challenges in representing the survivors, the coal company, and the government?
- How would you meet those challenges?

Example: Assignment

- How will you use what you've learned at this conference to help you be the kind of law professor/ lawyer/ judge etc. that you want to be?
- What ideas will you use from others who are working in the development of professional identity?
- How will your students (clients, etc.) be affected by your knowledge of professional identity formation?

Mercer's Legal Profession course

- first-year required course
- Focus on professional identity formation
- 3 hours credit
- Upper-level Law of Lawyering course also required

Mercer's Legal Profession course

- content is organized around the five virtues of the professional lawyer:
- competence
- fidelity to the client
- fidelity to the law
- duty of public service
- civility

Mercer's Legal Profession course

- assignments are designed to help students integrate:
 - moral sensitivity
 - moral judgment
 - moral motivation
 - moral implementation

Methods:

- large group meetings, including interviews of lawyers
- on-line lectures
- weekly class meetings of 24-26 students
- oral history interviews
- biographies
- reflection exercises

Reflection

exercises: case studies

- Move from placing students in role as critical observers to role as decision-makers; complexity grows
- Meet in peer groups of 3
- Groups of 3 report out in classes of 24 to 26; discussion led by expert
- Blog postings on prompt following discussion

Reflection: essays

- Reflections on professionalism at beginning and end of course
- Reflections on lawyer interviews

Building upon the foundation

- First year course prepares students with skills of reflection, common framework and language for discussing professional identity, and understanding of what is necessary for ethical action
- Upper level courses build upon that foundation

QUESTIONS?

THE END