

**Empirical Research: Competency
Models/Professional Formation/Effective
Pedagogies**

Prof. Neil Hamilton

University of St. Thomas School of
Law (MN)

Fostering Each Student's Professional Formation Will
Help Develop the Capacities and Skills That Legal
Employers Seek and Evaluate

“Deficits in legal education in terms of the
entire competency model are law schools’
and law students’ greatest opportunity.”

Prof. Bill Henderson, “Blueprint for Change”
40 PEPPERDINE L.REV. 461 (2013)

Based on over fifty site visits to study how professional schools educate lawyers, physicians, clergy, engineers, and nurses, Carnegie Foundation for the Advancement of Teaching president Lee Shulman found that

“The most overlooked aspect of professional preparation was the **formation of a professional identity with a moral core of service and responsibility**”

...around which each student’s habits of mind and practice are organized.

Educating Physicians (2010)

The Challenge is the Same Across Higher Education for the Professions

“The chief formative challenge” is to help each student 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 for others and for the student’s own development toward excellence** as a practitioner at all the competencies of the profession.

Bill Sullivan, TEACHING MEDICAL PROFESSIONALISM (2009)

Professional Formation and Effective Practice

**Synthesis of
Four Empirical Studies on the
Values and Skills that
Legal Employers and Clients Want**

Values and Virtues

Commitment to self development toward excellence at all competencies

Proactive initiative in exercising all competencies

Integrity, honesty, and trustworthiness

Self awareness, the capacity to recognize strengths and weaknesses

Resilience and perseverance

Critical Thinking and Judgment

Core understanding of the law

Legal analysis and reasoning

Good judgment and pragmatic problem solving

Strategic thinking

Creativity and innovation

Service Orientation with Clients

Responsiveness to Client

Client rapport and strong relationships

Client commitment

Demonstrated value to client

Networking and business development

Working with Others

Effective teamwork

Effective planning and organization of work on projects including timelines

Community/ pro bono/ bar involvement

Communications

Listening

Persuasive speaking and writing

Negotiation

AN INTEGRATED LEGAL PROFESSIONAL

The Most Effective Pedagogies for Professional Formation (Carnegie Studies)

1. Applicable to All Educational Engagements

- a. Reflecting on the responsibilities of the profession.
- b. Fostering each student's habit of actively seeking feedback, dialogue on the tough ethical calls, and reflection.
- c. Consideration of each student's developmental stage and engaging the student at the appropriate stage.
- d. Modeling (a) – (c) above.
- e. Scaffolding.

2. Applicable Particularly to Team-Based and Individualized Instruction

- a. Practical experiences and clinical education using 1(a) – (c) above.
- b. Coaching using 1(a)-(c) above.

The Most Effective Pedagogies for Professional Formation (Four Component Model Empirical Research)

1. Applicable to All Law School Educational Engagements

- Consideration of each student’s developmental stage and engaging the student at the appropriate stage.
- Creating “optimal conflict” to challenge each student’s existing ideas and assumptions.
- Fostering each student’s reflective judgment.
- Repeated opportunities for reflective self-assessment on professional formation throughout the curriculum.
- Teacher-facilitated discussion of the ethical dimensions of cases to foster moral reasoning

2. Applicable Particularly to Individualized Instruction

- Ethical sensitivity testing and feedback.
- Coaching and identity formation.