

## You Are Not in Kansas Anymore: Orientation Programs Can Help Students Fly over the Rainbow

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### I. INTRODUCTION

Law school is like Oz.<sup>1</sup> Law students, like Dorothy, want to fly over the rainbow, where they believe they will find happiness, justice, and a meaningful life. Although many do not know what lurks over that rainbow, that belief compels them to enter law school. True, law students go to law school willingly, whereas Dorothy entered Oz only after a cyclone intervened. Once they are in law school, however, students feel as disoriented as Dorothy did when she walked out of her battered house and realized she was not in Kansas anymore. Like Oz, law school could be a transforming experience that enriches and empowers students to do justice. However, all too often, like the Yellow Brick Road, the path in law school is wide, winding, and full of dangers and diversions. Dorothy had to contend with dark forests, poisonous poppies, flying monkeys, the Wicked Witch, and the man behind the curtain. Law students must contend with challenges to their values and sense of self, the competitive and sometimes hostile learning environment, exhaustion, the allure of materialism, and the use or misuse of power. Overcoming or transcending dangers is a necessary part of life's journey; however, some dangers are gratuitous and could deter the student, as they did Dorothy, from their ultimate destiny. Imagine how more enriched and empowered law students would be if law schools offered a transformative experience where students had help navigating their journey. Instead of putting all of their energy into finding directions, students could remain focused on more significant questions such as: how they define justice, how they can fulfill their life's purpose, how

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1. THE WIZARD OF OZ (Warner Bros. 1939).

they can work in the service of justice,<sup>2</sup> how they can become creative problem solvers, and how they can be both ethical and moral.<sup>3</sup>

When Dorothy arrived in Oz, Glinda the Good Witch and the Munchkins told her to follow the Yellow Brick Road to the Emerald City and with a grand send-off, showed her where to begin her journey. When students arrive in law school, they attend an orientation program that is all too often similar to the Munchkin parade. These programs typically occur in the fall just before school starts. In an atmosphere high in energy, enthusiasm, and inspiration, students receive some instruction on what to expect in class, and exhortations designed to excite them about the profession. These programs are a good start and send students down the road. Just as Dorothy needed more to help her along the way, however, law students also need additional assistance. Students need to reflect on their goals. They need context, care, a sense of community, and confidence. Moreover, they need a legal education that provides coherence to the law school experience<sup>4</sup> and facilitates their professional formation.<sup>5</sup>

The purpose of this article is to encourage law schools to use orientation as a vehicle to help students find their way on the Yellow Brick Road and to help them peek behind the curtain. This is not to suggest that orientation programs should be anti-intellectual or should eliminate all challenges and obstacles; rather, it is to suggest that law schools eliminate the gratuitous obstacles—especially those that leave many students distracted, disaffected, disenfranchised, disillusioned, and disheartened. Such an approach to orientation would empower students to stay on the path that is true for them as individuals and enable them to make their unique contribution to law school and the profession.

After setting the stage for the role of orientation in the law school curriculum and discussing implementation strategies to develop an effective orientation, this article suggests some central goals for any orientation plan, as well as explores possible ways of achieving those goals. It ends with models of different programs. These ideas are not prescrip-

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2. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 126 (2007).

3. *Id.* at 129 (suggesting that law schools ought to unite issues of professional conduct with issues of morality and character).

4. The authors of the recent report by the Carnegie Foundation for the Advancement of the Professions argue law students undergo three “apprenticeships:” theory-intellectual/cognitive, practice-simulation/clinic, and ethical-social that includes values, professional identity, and purpose. The main focus in law school is theory, while little attention is given to the values and professional formation. *Id.* at 28. Because these “apprenticeships” are usually taught by different faculty, they are treated as separate from each other instead of parts that form a cohesive whole. *Id.* at 54. Theory is treated as the most important apprenticeship, because theory courses comprise the majority of the curriculum and because typically faculty in the theory courses has higher institutional status. *Id.* at 88.

5. In addition to teaching knowledge and judgment, professional schools also teach the values of the profession and provide a forum “where future practitioners can begin both to assume and critically examine their future identities.” *Id.* at 4.

tive or exhaustive; rather, they encourage law schools to redesign their plans so they embody the specific mission of the school and incorporate practices that enhance the law school experience, enrich the educational process, encourage professional formation, and ensure that students find their way over the rainbow.

## II. THE ROLE OF ORIENTATION PROGRAMS

Educational reformers have attempted to make legal education more responsive to the needs of students and more engaged in assisting students to become members of the profession.<sup>6</sup> Currently, the simultaneous publications of *Educating Lawyers: Preparation for the Profession of Law*<sup>7</sup> and *Best Practices for Legal Education: A Vision and a Roadmap*<sup>8</sup> have generated an outpouring of enthusiasm, interest, and desire to transform legal education. Most recently, Washburn University School of Law hosted the Humanizing Legal Education Symposium, and the *Washburn Law Journal* published this symposium issue. In addition, the University of South Carolina hosted the Legal Education at the Crossroads: Ideas to Action, Part I Colloquium. These efforts are expanding the reach of this pedagogical reform.

Although these efforts at re-conceptualizing legal education are powerful,<sup>9</sup> they primarily focus on substantive,<sup>10</sup> curricular,<sup>11</sup> and peda-

6. Of the many organizations and efforts that have marshaled energy to re-conceptualize legal education, I have had the privilege of working with the Association of American Law Schools sections on Clinical Legal Education, Teaching Methods, Legal Writing, New Law Teachers, Academic Support, and Humanizing Legal Education, as well as the Legal Writing Institute, the Institute for Law School Teaching, and the Society of American Law Teachers. These groups have all made invaluable contributions to the pedagogy of legal education. In the past year, Vanderbilt Law School hosted the Conference on the Future of Legal Education, a Colloquium, Conference on the Future of Legal Education, April 28-29 (2006), and subsequently published the 2007 Symposium on the Future of Legal Education. See Symposium, *2007 Symposium on the Future of Legal Education*, 60 VAND. L. REV. 325 (2007).

7. SULLIVAN ET AL., *supra* note 2, at 126.

8. ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP* (2007).

9. Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515 (2007). The article states:

[R]ecent energy focuses on curricular reform initiatives that seek to expand students' understanding of what law is, to move beyond adjudication in a courtroom, to introduce broader forms of knowledge, and to develop a wider range of skills. Many initiatives add new courses focusing on public law, transactional work, international law, and interdisciplinary understandings of law and legal problems. Some schools have even decided to experiment by introducing students to these ideas in the sacred first year. . . . Law schools are also making efforts to improve the quality of the classroom experience by reducing class size and encouraging faculty to experiment with more interactive, problem-oriented pedagogy.

*Id.* at 517-18 (footnotes omitted).

10. For example, Hyatt argues that law schools need to teach "professionalism and integrity; the ability to read and to understand people; the ability to solve, not just spot, problems; and an understanding of the multi-disciplinary nature of most transactions." Wayne S. Hyatt, *A Lawyer's Lament: Law Schools and the Profession of Law*, 60 VAND. L. REV. 385, 392 (2007).

11. For example, Menkel-Meadow argues that legal education should be composed of a "holy trinity" that would incorporate "a broader human context." She proposes that the first year curriculum would be composed of courses that explain how cultural norms are created and enforced, so sub-

gical reforms<sup>12</sup> that may take years to implement fully,<sup>13</sup> if they can be implemented at all.<sup>14</sup> Orientation could be a more achievable starting place for change at many law schools, and could be the place where reformers could more easily begin to pierce the law school culture. Yet orientation, a neglected stepchild in legal education, is not integrated into the curriculum and remains largely unexamined in most law schools. Although most schools tinker with their orientation, few have fully developed a coherent and effective plan that takes advantage of the time to prepare students for their new quest. By contrast, orientation in undergraduate programs is considered a critical step and an important component to help students assimilate and understand expectations of the academic institution. Orientation is an ongoing process of personal, intellectual, and academic development. This process begins with the first contact between the prospective student and the admission staff, and proceeds throughout the undergraduate years, continuing with on-going interaction with the school as alumni for some, while culminating for others with graduation.<sup>15</sup> Orientation at the undergraduate level is the starting point of student engagement. Numerous studies have demonstrated the significance of student engagement and involvement within the educational community. Undergraduate student performance and retention is demonstrably enhanced when students are more involved in the experience, feel part of the academic and social community, share attitudes and values, and conform to institutional norms.<sup>16</sup> The same should be true for law students.

Orientation and graduation are potentially the most significant times in students' academic experience.<sup>17</sup> Orientation is the first ex-

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jects like Sociology, History, Political Philosophy, Political Science, and Anthropology would be included. The second year would look more like traditional legal education today. And the third year would be basically practical experiences and specialized concentration of a particular field. Carrie Menkel-Meadow, *Taking Law and \_\_\_ Really Seriously: Before, During and After "The Law,"* 60 VAND. L. REV. 555, 580-86 (2007); see also Edward Rubin, *What's Wrong with Langdell's Method, and What to Do About It*, 60 VAND. L. REV. 609, 650-54 (2007) (proposing curriculum reform).

12. Rubin, *supra* note 11, at 658-64 (making a case for progressive or spiral, contextual, and experiential pedagogy).

13. I question if any change can be implemented, given how the Langdellian method is so firmly rooted. Many have noted that the Langdellian Case Method has survived, basically intact, for 125 years. See generally *2007 Symposium: The Future of Legal Education*, 60 VAND. L. REV. 325 (2007). To give this context, Todd Rakoff and Martha Minow point out that the Langdellian method was created *before* Freud, Foucault, the telephone, and Internet, and humankind went to the North Pole and the Moon. Todd D. Rakoff & Martha Minow, *A Case for Another Case Method*, 60 VAND. L. REV. 597, 597 (2007).

14. Sturm & Guinier, *supra* note 9, at 550-51 (arguing that changes on a classroom level or experimental course design, or non-traditional approach as the key change, cannot overcome the overall institutional culture of competition and conformity). This article also suggests that efforts of reform must make "law school culture an integral part of the conversation." *Id.* at 549.

15. Rebecca F. Smith & Richard K. Brackin, *Components of a Comprehensive Orientation Program*, in *DESIGNING SUCCESSFUL TRANSITIONS: A GUIDE FOR ORIENTING STUDENTS TO COLLEGE* 39, 42 (Jeanine A. Ward-Roof & Cathie Hatch eds., 2d ed. 2003).

16. Lisa E. Wolf-Wendel & Marti Ruel, *Developing the Whole Student: The Collegiate Ideal*, 105 NEW DIRECTIONS FOR HIGHER EDUC. 35, 38 (1999).

17. As Sturm and Guinier suggest:

perience in law school and often the first introduction to the profession. Orientation should facilitate students' transition into their new world. It should introduce students to the mission of the school. It sets the tone for all that follows.<sup>18</sup> Orientation is a critical juncture that can create a sense of inclusion and belonging, or repeat patterns of alienation that plague students who have been historically excluded from higher education.<sup>19</sup> An effective orientation should establish a solid foundation for students' experience and expectations in law school, acculturate them to the profession, provide ongoing support, facilitate community building,<sup>20</sup> and promote students' psycho/spiritual development.<sup>21</sup> Orientation could be a vehicle to infuse professional formation and integrate theory, practice, and values.<sup>22</sup>

Orientation, however, faces historical and structural impediments in fulfilling its potential, and in becoming an integral part of the regular curriculum and academic program. First, orientation typically starts before school officially starts. Many students, working to earn money to pay for law school, or in the process of moving to a new city where the school is located, are not able to attend an optional orientation. Additionally, many professors do not participate in orientation. In fact, most professors post reading assignments even before orientation or classes begin, with the expectation that students will know how to study and be able to understand the readings without any preparation. This creates competition for students' time and hints that the professors think orientation is not important. In most cases, there is only one orientation, which occurs in the fall. Consequently, in those schools with spring or summer entry programs, students have already been in classes before

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The period of transition and initiation into the legal profession has to be addressed directly. Research shows that many law students internalize this culture and begin the process of disengagement within the first three weeks of law school. The legal culture students experience during this transitional time period orients them to their place in the law and law's place in the world. The first semester of the first year, therefore, must be broadened pedagogically, experientially, as well as substantively to reflect the multiple meanings, locations, and purposes served by law. And, law's public and normative responsibilities will not be taken seriously unless they figure prominently into this acculturation process.

Sturm & Guinier, *supra* note 9, at 551.

18. Smith & Brackin, *supra* note 15, at 39.

19. Historically excluded groups in the higher academy, including racial minorities and those from socioeconomic disadvantaged backgrounds, face stigmatization and are more vulnerable to feelings of alienation. As a coping mechanism, they may disengage from the academic enterprise, which negatively impacts their academic performance. Another form of disengagement is when members of these groups dis-identify from their own group. The negative impact here is it "can potentially strip those positive benefits and leave students more vulnerable to negative outcome," thus further undermining their ability to perform academically and have confidence in themselves. Bonita London, Geraldine Downey & Shauna Mace, *Psychological Series of Educational Engagement: A Multi-Method Approach to Studying Individual Engagement and Institutional Change*, 60 VAND. L. REV. 455, 462-67 (2007).

20. *Id.* at 467 (underscoring the importance of forming groups and a sense of community at the early stage of transitioning to the educational environment).

21. See, Richard D. Kadison, *The Mental-Health Crisis: What Colleges Must Do*, THE CHRON. OF HIGHER EDUC., Dec. 10, 2004, at B20.

22. SULLIVAN ET AL., *supra* note 2, at 81-84.

they participate in orientation. The cumulative result is that students start classes in the fall with varying degrees of preparedness. In this current wave of enthusiasm to transform legal education, orientation plans must be included in the conversation because they can be central to the heart of the school's mission and the professional formation of students.<sup>23</sup>

Most schools have formal orientation programs for first-year students. Several follow those programs with courses that build on themes raised therein. Some schools have legal methods courses and/or study-skill workshops, and some integrate ethics and professionalism into the first-year curriculum. Other schools offer first-year seminars on being a lawyer that include skills training and/or a clinical experience for first-year students.<sup>24</sup> Others offer a legal methods course, a practice seminar, or a first week spring semester interdisciplinary course.<sup>25</sup> Some even offer retreats.<sup>26</sup> Many times, however, these components are planned and implemented in isolation from each other and from the rest of law school. Further, as previously indicated, many faculty members do not participate in the planning or implementation of orientation. Neither do these faculty members know what the students experienced in orientation. Therefore, they cannot integrate the orientation's themes and skills into the classroom or the curriculum.

To ensure that the orientation efforts are effective, schools need a plan that will bring these parts into a cohesive program. Schools need implementation strategies, clearly articulated goals, and a variety of program models.

### III. EFFECTIVE ORIENTATION EFFORTS

#### A. Implementation Strategies

Effective orientation design involves obtaining institutional support and commitment, articulating the institutional mission,<sup>27</sup> identifying and

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23. Smith & Brackin, *supra* note 15, at 39 (stating that orientation should be a "deliberate and coherent institutional process").

24. City University of New York (CUNY) and New York Law School (NYU) both have substantial first-year lawyering programs. SULLIVAN ET AL., *supra* note 2, at 34-43.

25. See Menkel-Meadow, *supra* note 11, at 586-88.

26. The Center for Contemplative Mind in Society sponsors an annual retreat for attorneys, law professors, and law students. The first one was at Yale Law School.

27. To effectively help students transition into the values and ethos of the institution, orientation programs must have a defined purpose, must be integrated, and must reflect the school's mission. Smith and Brackin provide a list of issues that orientation planners should consider. Among them are:

- (1) "What is the nature and mission of the institution?"
- (2) "What is the mission of the orientation program?"
- (3) "What orientation program content will accomplish this mission?"
- (4) "What is the relationship between orientation and the institution's mission?"
- (5) "What is the institution's obligation to orientation?"

connecting existing initiatives, assessing student needs, developing program assessment tools, determining program goals and content, designing the format/structure, and a willingness to experiment and be persistent.<sup>28</sup>

To begin, law schools should establish an orientation committee and an active orientation advisory board. Forming this inclusive board<sup>29</sup> is a good first step in securing institutional support. To firmly secure a broad base of support, the advisory board should have representation from constituent groups such as the administration, faculty, staff, admissions, alumni, career development, pro bono programs, current students, alums, and the local bar.<sup>30</sup> This board can work to ensure that the support and commitment is actual and tangible. For example, this board can encourage that the administration provides tangible support by providing stipends and release time for persons to develop, coordinate, and teach in the orientation program.

The orientation committee and advisory board should develop a plan that coheres with the school's mission. Articulating that mission may prove challenging. The mission of all law schools ought to include "forming legal professionals who are both competent and responsible to clients and the public."<sup>31</sup> Beyond that, each school has its own specific mission. When I consult with a school, the first question I ask students, staff, and faculty is to articulate the institutional mission. Often it is difficult for them even to articulate the mission that is on the school's promotional materials. Designing an orientation program may be the catalyst to gaining consensus on the school's mission.

Next, the planning committee can identify current initiatives, assess them through surveys of students and past participants, and then determine how to increase the effectiveness of the current initiatives. In addition, it can create connections or bridges among disparate initiatives. Efforts at creating mentoring programs are a good example of the need to connect disparate initiatives. The Student Bar Association, and other individual student groups, such as a Black or Latino student group, or a group formed around a particular discipline, for example an Intellectual Property group, often have a mentoring program for 1Ls. In addition, many alumni offices or career development offices try to create mentoring programs with alums. Many bar organizations also provide mentoring programs. Once a planning committee identifies all the mentoring

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Smith & Brackin, *supra* note 15, at 39-40.

28. *See generally id.*

29. Legal education reform movements must include the constituencies across legal education and the profession. Sturm & Guinier, *supra* note 9, at 550-51.

30. To ensure the kind of support required for a successful orientation program, it is important to include and educate any constituent groups that have a role in ensuring academic success. Smith & Brackin, *supra* note 15, at 40.

31. SULLIVAN ET AL., *supra* note 2, at 14.

initiatives, it can bring them together into one network.<sup>32</sup> When these types of connections are made, the students will feel that the institution is a community and has a cohesive program to ensure their success in school and the profession.

The orientation plan should relate and respond to students' needs—including their academic preparedness, learning styles, purpose for coming to law school, and values.<sup>33</sup> Assessing student needs can be accomplished through information generated by the admissions department and through student surveys. It is useful to know what actual experience they have had with the legal system, what motivated them to come to law school, and what they did in between undergraduate school and applying to law school. Additionally, what they have had in terms of interesting life experiences, the make-up of their support system—spouse or significant other, family, children—what interests they have, and activities they enjoy beyond school is important information. It is also useful to assess students' academic preparedness beyond the Law School Admission Test (LSAT) and Undergraduate Grade Point Average (UGPA), with instruments like the writing diagnostic test developed by Anne Enquist,<sup>34</sup> or small exercises at the beginning of school such as the reading materials developed by Ruth Ann McKinney.<sup>35</sup>

The orientation plan must include provisions for on-going assessment<sup>36</sup> and modifications. Principles of developing assessment tools involve clearly articulated goals and obtaining feedback from all participants who were involved in the orientation. It is useful to have on-going feedback so the program can be responsive and make adjustments to meet the students' needs as well as the program's goals. If the assessment tool is an on-line survey, it is also useful to have incentives built-in in order to get a sufficient number of responses. To create effective assessment tools, the committee must have clearly articulated goals.

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32. Another example involves student self-assessment exercises. If at orientation, students complete a self-assessment inventory and later, as a separate initiative, the career development office has students complete a similar self-assessment inventory, these should be connected. Career development can build on the initial inventory and take students to the next level of finding an appropriate career path.

33. Orientation programs that may have been very successful in the past still need to be evaluated to determine whether they are effective for today's students. Tony W. Cawthon & Michael Miller, *Today's Students and Their Impact on Orientation and First-Year Programs*, in *DESIGNING SUCCESSFUL TRANSITIONS: A GUIDE FOR ORIENTING STUDENTS TO COLLEGE 1*, 10 (Jeanine A. Ward-Roof & Cathie Hatch eds., 2d ed. 2003).

34. See, e.g., LAUREL CURRIE OATES & ANNE ENQUIST, *THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH, AND WRITING* (4th ed. 2006).

35. See e.g., RUTH ANN MCKINNEY, *READING LIKE A LAWYER: TIME-SAVING STRATEGIES FOR READING LAW LIKE AN EXPERT* (2005).

36. Consistent program assessment will enable the planning committee to determine whether they have accomplished their goals and what changes they need to make for future orientation programs. It also helps reinforce participation of the constituent groups. Finally, it helps ensure that the program is continuing to meet the needs of the students as they come in with different demographics and educational needs as the years go on. Smith & Brackin, *supra* note 15, at 45.

*B. Program Goals*

As with any program in law school, the structure of the plan and the specific content of the components depend on the mission of the school, the commitment of the school to orientation,<sup>37</sup> the resources of the school, and the needs of the students. The plan ought to equally reflect cognitive, practical, and ethical-social components of being a lawyer.<sup>38</sup> A comprehensive orientation program for law school would have many goals: it should attempt to construct the profession as a calling; create syntactical, substantive, and pedagogical context; communicate care and model empathy and compassion; cultivate community to promote mutual respect, cultural competence, and interdependence; and confirm student self-confidence.

1. Construct the Profession As a Calling: Orientation to the Profession

Constructing the profession as a calling simply means encouraging students and lawyers to embody those principles that make the practice of law a great profession—engaging in the service of others<sup>39</sup>—and upholding the professional mandate to “promote justice and [the common] good.”<sup>40</sup> Orientation can help students construct the profession as a calling by helping students identify, refine, and articulate their life’s purpose; by promoting reflection and discernment; by introducing the realities and ethics of the profession; and by modeling professionalism.

When we engage in our calling, we are fulfilling one of our life’s purposes. A “calling,” as used here, intends to reflect spirituality,<sup>41</sup> rather than religiosity.<sup>42</sup> “[O]ur spiritual dimension compels us to . . .

37. *Id.* at 40 (“Just as the orientation program must serve the larger institutional mission, the development of a viable orientation program depends on the institution’s commitment to the orientation program’s mission.”).

38. SULLIVAN ET AL., *supra* note 2, at 147.

39. Joseph Allegretti, *Clients, Courts, and Calling: Rethinking the Practice of Law*, 32 PEPP. L. REV. 395, 399-403 (2005) (suggesting that viewing law as a calling does not require a lawyer to be religious, but promotes the idea of a calling because it results in lawyers thinking about serving others and promoting social good).

40. SULLIVAN ET AL., *supra* note 2, at 126 (quoting the 1996 American Bar Association’s Section of Legal Education and Admissions to the Bar definition of a professional lawyer).

41. His Holiness the Dalai Lama provides a useful distinction between religion and spirituality. He explains that religion is:

concerned with faith in the claims to salvation of one faith tradition or another, an aspect of which is acceptance of some form of metaphysical or supernatural reality, including perhaps an idea of heaven or *nirvana*. Connected with this are religious teachings or dogma, ritual, prayer, and so on. Spirituality . . . [is the concern] with those qualities of the human spirit—such as love and compassion, patience, tolerance, forgiveness, contentment, a sense of responsibility, and sense of harmony—which bring happiness to both self and others.

HIS HOLINESS THE DALAI LAMA, *ETHICS FOR THE NEW MILLENNIUM* 22 (1999). He states that when considering “the world’s major religions from the widest perspective . . . they are all . . . directed toward helping human beings achieve lasting happiness.” *Id.* at 20. In his opinion, it is less important that a person be a religious believer because it is “[f]ar more important . . . that they be a good human being.” *Id.* at 19.

42. Timothy W. Floyd, *The Practice of Law As a Vocation or Calling*, 66 FORDHAM L. REV.

explor[e] for purpose and meaning in the hope of finding wholeness—and, for some, the transcendent and divine.”<sup>43</sup> As the Dalai Lama explains, spiritual acts embody qualities of “love, compassion, patience, forgiveness, humility, [and] tolerance.”<sup>44</sup> Spiritual practice “involves, on the one hand, acting out of concern for others’ well-being. On the other, it entails transforming ourselves so that we become more readily disposed to do so.”<sup>45</sup> Individuals achieve higher levels of satisfaction<sup>46</sup> and success when their chosen work path fuels their passion<sup>47</sup> and maximizes the use of their gifts, aptitudes, and skill sets.

Parker Palmer has written about the importance of finding one’s true vocation: one’s life purpose. He explains that he always thought the quote, “Let your life speak,” meant that when you die, your life ought to have stood for something. He thought his vocation was something he had to find and follow. He then realized his vocation was a calling he had to hear. He had to “listen for the truths and values at the heart” of his identity.<sup>48</sup> Similarly, Joseph Campbell says that by following one’s bliss, one finds one’s life purpose:

If you do follow your bliss you put yourself on a kind of track that has been there all the while, waiting for you, and the life that you ought to be living is the one you are living. . . . Wherever you are—if you are following your bliss, you are enjoying that refreshment, that life within you, all the time.<sup>49</sup>

Think back to Dorothy. Oz and the Emerald City were not the end of her rainbow; they were merely stops on her journey to find her life purpose. Was home the end of Dorothy’s rainbow, or did she run home because she was terrorized in Oz? If Oz had provided a more supportive environment that encouraged her to reflect deeply about her life’s purpose, would Dorothy have continued searching until she found a more profound “end of the rainbow?”

Just as Oz, the Emerald City, or even home was not the end of Dorothy’s rainbow, law school is not the end of students’ rainbows; it is simply part of the journey to finding their life’s purpose. Some students

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1405, 1405 (1998) (discussing thoughtfully a religious sense of law as a calling).

43. Calvin G. C. Pang, *Eyeing the Circle: Finding a Place for Spirituality in a Law School Clinic*, 35 WILLAMETTE L. REV. 241, 254 (1999) (referencing Margaret A. Burkhardt, *Spirituality: An Analysis of the Concept*, 3 HOLISTIC NURSING PRAC. 69, 72 (1989)).

44. HIS HOLINESS THE DALAI LAMA, *supra* note 41, at 61.

45. *Id.* at 23.

46. A major cause of lawyer unhappiness stems from the fact that students do not have an “appreciation of the law as a *profession* and as a worthwhile endeavor.” Hyatt, *supra* note 10, at 392.

47. Many students’ passion is social justice, but issues of social justice are often excluded from the classroom discussion, which results in “stifling the passion for justice.” Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL EDUC. 51, 53 (2001).

48. PARKER J. PALMER, LET YOUR LIFE SPEAK: LISTENING FOR THE VOICE OF VOCATION 4-5 (2000).

49. JOSEPH CAMPBELL & BILL MOYERS, THE POWER OF MYTH 120-21 (Betty Sue Flowers, ed. 1988).

enter law school with a highly developed sense of their life's purpose; many will resist the pressure to conform,<sup>50</sup> successfully navigate through law school, and find the end of their rainbow. Other students enter with an idea of their life's purpose but lose their place or fall off the road along the way. Some students are not able to articulate their life's purpose and so enter law school simply as a default, because they do not know what else to do. Other students enter with an idea of their life's purpose, but quickly question the reality of that purpose. Like Dorothy and her friends who thought the purpose for their journey in Oz was to get Dorothy back home, Scarecrow a brain, Tinman a heart, and Lion some courage, some students enter law school to accomplish a specific purpose. Eventually, like Dorothy and her friends, these students may discover the reason they came was to learn to believe in themselves and become self-actualized.

All of these students would benefit from instruction and support to engage in reflection and discernment. It is ironic that in institutions where the Socratic Method is the main currency, law schools do not do more to promote reflection. Socrates himself stated, "[L]ife without enquiry is not worth living."<sup>51</sup> Through reflection and discernment, students develop skills to endure and excel with grace and humility in law school as well as in the profession.<sup>52</sup>

The practice of on-going reflection and discernment helps students evaluate and recalibrate their goals as they learn more about themselves and about what is possible. Orientation should introduce these skills to facilitate students' development and refinement of their personal values,<sup>53</sup> goals,<sup>54</sup> and life's purpose.<sup>55</sup> When one acts with an awareness of her life's purpose, that purpose provides a lens through which we give meaning to events and circumstances and becomes the compass and barometer by which to make decisions.

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50. Law schools do not incorporate students' goals and values in the curriculum or classroom, and the culture of competition and conformity distances students from their goals and their values. Sturm & Guinier, *supra* note 9, at 539-41.

51. PLATO, GREAT DIALOGUES OF PLATO 443 (Eric H. Warmington & Philip G. Rouse eds., W.H.D. Rouse trans., Penguin Books 1984) (1956).

52. See STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE 193-218 (1999) (interviewing attorneys who were contemplating leaving the practice of law and instead found the way to stay in the profession was by reclaiming their life's purpose).

53. Students need help in developing their personal values and goals, but such help is not incorporated into the law school process. Sturm & Guinier, *supra* note 9, at 534-37.

54. Earle Silber discusses goals as follows:

[G]oals . . . in some sense act as a guide or steering mechanism through life. They can be thought of as a philosophy of life or personal set of values. The specific application of these values, of course, may change, but the mind-set remains and provides a vision of the future that helps to determine choices and decisions.

EARLE SILBER ET AL., HELPING STUDENTS ADAPT TO GRADUATE SCHOOL: MAKING THE GRADE 33 (2000).

55. The concept of "personal meaning that legal work has for practicing attorneys" ought to be included in addressing the ethical-social virtues of professional identity. SULLIVAN ET AL., *supra* note 2, at 132.

Because the practice of law involves working with human beings, it is paramount that law students fully understand what it means to be human. Thus, for lawyers to better understand their clients, they need to understand themselves.<sup>56</sup> “[T]ransformation of law student into lawyer is a major change that should give students cause to think about who they are, what they are doing, and whether the path they are taking is consistent with what they perceive to be their calling.”<sup>57</sup> Helping students discern their life’s purpose assists them in developing their spiritual intelligence,<sup>58</sup> and helps in reinforcing their intrinsic motivation.<sup>59</sup>

There is also a pragmatic reason to encourage students to approach law as a calling and to engage in reflection. Doing so may help them avoid or cope with the dissatisfaction and dysfunctions that plague the profession. In a 2007 American Bar Association (ABA) Journal survey, only fifty-five percent of the respondents indicated they were satisfied with their career.<sup>60</sup> Other studies show that lawyers are at greater risk than any other profession for depression, alcoholism, substance abuse, and suicide.<sup>61</sup> People who feel they are working towards a higher calling and are fulfilling their life’s purpose are likely to be more successful and satisfied.<sup>62</sup> When people engage in work that is meaningful, it increases their happiness<sup>63</sup> and makes them less vulnerable to depression, alcohol/substance abuse, divorce, and unethical behavior.<sup>64</sup>

The profession as a whole benefits when its members think of their work as something greater than a means to a paycheck. The more lawyers view their work as a calling in this sense, the more they will not only act to uphold the ethics of the profession,<sup>65</sup> but more importantly,

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56. Pang, *supra* note 43, at 273, 281.

57. *Id.* at 246.

58. HOWARD GARDNER, INTELLIGENCE REFRAMED: MULTIPLE INTELLIGENCES FOR THE 21ST CENTURY 53-54 (1999).

59. Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883, 884 (2007).

60. Stephanie Francis Ward, *Pulse of the Legal Profession*, A.B.A. J., Oct. 2007, at 30, 32.

61. See Amiram Elwork & G. Andrew Benjamin, *Lawyers in Distress*, 23 J. PSYCHIATRY & L. 205 (1995); G. Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT’L J.L. & PSYCHIATRY 233 (1990); but see David N. Heilmann, *Study: Chicago Lawyers Found to Be Happy and Smart*, CHI. LAW., Dec. 2007, at 25 (explaining that while some lawyers are prone to stress, depression, and substance abuse, eighty-four percent of lawyers in Chicago are satisfied ) (citing John P. Heinz, Kathleen E. Hull & Ava A. Harter, *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999)).

62. Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

63. Bill Ibelle, *Positive Psychology and the Law*, LAW. WKLY. USA, July 18, 2005.

64. One factor that leads to lawyer dissatisfaction and burnout is the “applied situational ethics” rather than the development of integrity. Hyatt, *supra* note 10, at 395.

65. In his book, Professor Derrick Bell explores his life through the lens of risk, passion, inspiration, courage, faith, relationships, and humility, with the “hope to encourage those who long to live meaningful lives with dignity and integrity.” DERRICK BELL, ETHICAL AMBITION: LIVING A LIFE OF MEANING AND WORTH 14 (2002).

the more they will act with the integrity that befits a professional.<sup>66</sup> Orientation programs cannot only help students find their life's purpose and practice reflection and discernment,<sup>67</sup> they can also provide curricula that demonstrate the realities of the profession. In so doing, these programs can explicitly articulate academic and professional expectations as well as explain the reasons for those expectations. This will help students feel a stronger connection to the profession.<sup>68</sup> In this way, the curriculum can orient students to the practice of law and instill the ethos and ethics of the profession.<sup>69</sup>

Think back to how Dorothy and her friends were unprepared for the expectations in the Emerald City. When they stood in front of the Wizard for the first time, they were shaking, stammering, and full of fear. Law students often exhibit similar anxiety and fear in part because they, like Dorothy, believe they are facing the all-powerful law and law professor. Standing before the Wizard is similar to standing before a judge, a senior partner, a client, or a professor. For many students, this is their first experience with the law. They do not realize that there is a curtain, let alone that there is a man behind it. The majority of students enter law school without having much practical experience in general, and even less experience in the legal profession. According to the 2007 Law School Survey of Student Engagement (LSSSE), of those responding to the survey, thirty-six percent of students entered law school immediately after completing their undergraduate program, and twenty-nine percent entered within two years.<sup>70</sup> Because of their limited life experience or misinterpreting the profession based upon how it is represented in fiction, television, and movies, "the law school's demands and expectations define the legal profession for the student. With little or no direct exposure to the experience of practice, students have slight basis on which to distinguish between the demands of actual practice and the peculiar requirements of law school."<sup>71</sup>

Another reason orientation should provide information about the realities and expectations of practice is that a greater percentage of entering law students are "Millennials,"<sup>72</sup> the generation that graduated

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66. "Ethics set out how we are to act—what we are to be—because there are rules telling us how to do so. *Professionalism*, on the other hand, defines how we should act even when no one is watching, or more importantly, when no one is enforcing a rule." Hyatt, *supra* note 10, at 393.

67. Among the components of an effective orientation program, is to help students develop realistic academic and personal goals. Smith & Brackin, *supra* note 15, at 42.

68. If students do not feel a connection to the profession and that the profession is meaningful, they will become unhappy young lawyers. Hyatt, *supra* note 10, at 392.

69. Orientation is also an opportunity to review the institutional expectations and ethics, including tolerance. SILBER ET AL., *supra* note 54, at 16.

70. CTR. FOR POSTSECONDARY RES., LAW SCH. SURV. OF STUDENT ENGAGEMENT: LSSSE 2007 OVERVIEW 3 (2007).

71. SULLIVAN ET AL., *supra* note 2, at 95.

72. Much of the research on Millennials is limited to segments of the population who are college bound, and as a result, reflects the majority of law students. These studies, however, may not

from high school in 2000.<sup>73</sup> Seventy-eight percent of those who responded to the 2007 LSSSE survey were under thirty years old.<sup>74</sup> Millennials, even more than previous generational groupings, are more motivated to learn when they see a stronger connection between the task and their goal, and they respond best to activities that connect them to their real life and authentic situations.<sup>75</sup> This research suggests that to help students transition into law school, law schools must introduce students to the realities of the profession and demonstrate how law school relates to the practice of law.

In addition to introducing students to the realities of the profession, law school administrators, faculty, and staff must model professionalism. Just as Dorothy and her friends had to be groomed and learn the protocol of appropriate behavior when they went to see the Wizard, law students must learn the behavior of professionals. Many have not had contact with the legal profession or real lawyers.<sup>76</sup> As a result, professors are often the first lawyers that students meet and get to know. Thus, professors model professionalism through their dress; their interactions with others; how they prepare, organize, and present material; and how they comport themselves. Often students remember such modeling long after they forget the substance of what was taught.<sup>77</sup> As much as we teachers like to think we teach our respective substantive disciplines, we actually “[t]each [w]ho [w]e [a]re.”<sup>78</sup>

Although teaching students about workplace expectations and modeling professionalism is essential, that alone is not sufficient to instill the ethos and ethics of the profession. Law schools are not training students for just any job; they are training students to be future lawyers.

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reflect the trends and experiences of law students with more diverse backgrounds who are not traditionally college bound.

73. NEIL HOWE & WILLIAM STRAUSS, *MILLENNIALS RISING: THE NEXT GREAT GENERATION* 4 (2000).

74. Of those who responded to the survey, thirty-eight percent were under twenty-five, and forty percent were between twenty-six and thirty. 2007 LSSSE, *supra* note 70, at 3.

75. Angela Provitera McGlynn, *Teaching Millennials, Our Newest Cultural Cohort*, THE HISP. OUTLOOK IN HIGHER EDUC., Oct. 10, 2005, at 19, *reprinted in* THE EDUC. DIG., Dec. 2005, at 12, 15-16.

76. There is much speculation as to how much the media's portrayal of lawyers influences public perception about real lawyering. However, a recent study suggests that law students' perceptions about lawyering are relatively accurate. Victoria S. Salzmann & Philip T. Dunwoody, *Prime-Time Lies: Do Portrayals of Lawyers Influence How People Think About the Legal Profession?*, 58 SMU L. REV. 411, 445, 452 (2005). In surveying fifty-two first-year law students from Baylor University School of Law and forty-one first-year law students enrolled at South Texas College of Law, researchers tested the legal realists' theory that suggest viewers' perceptions of lawyering are formed from popular cultural influences. *Id.* In this limited study, they found that a sample of first-year law students “had a relatively accurate view about lawyering activities despite viewing erroneous depictions on television.” *Id.* at 452.

77. Law schools provide a variety of professional models within their faculty. Law schools also provide modeling through its curriculum as well as the “informal or ‘hidden’ curriculum of unexamined practices.” SULLIVAN ET AL., *supra* note 2, at 29.

78. PARKER J. PALMER, *THE COURAGE TO TEACH: EXPLORING THE INNER LANDSCAPE OF A TEACHER'S LIFE* 1 (1st ed. 1998).

Students need to understand that they are entering a profession that affords them the privilege of power, status, and the ability to make a positive contribution to society. Effective lawyers have the ability to take initiative and influence others to achieve specific goals, one of which ought to be promotion of the common good. Whether or not they use their degree to practice law, when they graduate, students will have learned the skills necessary to influence others. If they do practice law, they will be in a position to influence their clients, other parties, and other lawyers. They will also influence the profession, legal system, public policy, and society as a whole.

Orientation programs can help students pull back the curtain of the legal system so they may better appreciate how law shapes and influences society; how it can oppress or liberate; and how, one day, they will want to act when they become the man pulling the levers behind the curtain. In so doing, students will better understand not only the power they will wield as lawyers, but also the importance of honoring the public's trust,<sup>79</sup> operating with integrity for the common good,<sup>80</sup> engaging in public service, and ensuring access to justice. Students also need to appreciate that with these powers and privileges come a concomitant obligation to conform to the highest aspirations of the profession and to uphold its ethical values.<sup>81</sup>

When orientation programs construct the profession as a calling, they empower students to achieve their goals and fulfill their life's purpose as well as enable the institution to instill the ethos and customs, ethics and morals, and intrinsic and extrinsic values of the profession.<sup>82</sup> When we construct the profession as a calling and promote ongoing reflection and discernment,<sup>83</sup> students will more readily internalize the

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79. SULLIVAN ET AL., *supra* note 2, at 12, 21.

80. *See id.* at 30-33.

81. The 2006 LSSSE states:

In terms of developing a sense of professional ethics (defined as developing a personal code of values and ethics and contributing to the welfare of the community), the single most influential activity was student-faculty interaction. This includes talking about assignments, discussing ideas outside of class, email exchanges, and getting prompt feedback. In fact, student-faculty contact was more important to the ethical dimensions of the practice of law than participating in such activities as pro bono work, internships, moot court, and law school organizations or the student's area of specialization or intended practice area.

CTR. FOR POSTSECONDARY RES., ENGAGING LEGAL EDUC.: MOVING BEYOND STATUS QUO: LAW SCH. SURV. OF STUDENT ENGAGEMENT 2006 ANN. SURV. RESULTS 11 (2006).

82. Although some studies suggest that law school had little influence on impacting the moral values of its students, these studies show only that law school, as it is currently taught, has little influence. They do not address the potential to influence moral values. Arguably, if law schools sought to engage students in questions of moral values and their development of professional identities, they could exert a positive influence on students' moral values and sense of self. SULLIVAN ET AL., *supra* note 2, at 132-37.

83. Pang stated:

Indeed, the struggles of law school and in the practice of law should compel introspection, leading one to ask: "Why am I here? Why am I putting up with this, for what larger purpose? Where am I going and how did I get here? What is this all doing to me? Do I have it in me to get through this? Is there enough good in this to make it worthwhile? With

higher ideals of the profession by being in the service of justice.<sup>84</sup> According to the Dalai Lama, as we strive to engage in conduct that promotes others' well being, "our practice of ethics improves. This, we find, leads to happiness both for ourselves and others."<sup>85</sup>

So how might orientation help students view the profession as a calling, promote reflection and discernment about the students' individual purpose, reveal the expectations of the profession, and model professionalism?

To reinforce the idea of law as a calling, law schools can create rituals that highlight the significance of the responsibilities students will take on as lawyers. A colleague of mine who also has a medical degree, gave an orientation address where she commented that as a doctor, she received the white coat and stethoscope to remind her that she was taking on a fiduciary responsibility.<sup>86</sup> Some law schools have developed similar programs with an induction to the profession ceremony, similar to a graduation.<sup>87</sup> Law schools could reinforce such rituals by giving each student a pin of the scales of justice or a judge's gavel.

Orientation can also initiate the conversation about the ethos and ethics of the profession. Students can be introduced to inspirational stories and speakers who have made positive impacts and who represent the highest values of the profession. Professors or outside speakers can also provide experiences to reinforce their fiduciary role. Another idea is to incorporate a pro bono service component at orientation. This can give students an opportunity to see how their work has a direct impact, while at the same time, promote the concept that pro bono work is something all lawyers do.

Students are often told at orientation that their professional reputation begins the first day. But what does that really mean? Orientation can promote this dialogue through discussion groups and exercises that identify the characteristics of good lawyers. Effective and ethical lawyering calls for self-awareness, reflection, integrity, and creativity.

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whom must I connect to get through this?" Pang, *supra* note 43, at 277-78 (citing James R. Elkins, *In the Quest for Meaning: Narrative Accounts of Legal Education*, 38 J. LEGAL EDUC. 577 (1988)).

84. As Albert Schweitzer said, "I don't know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who have sought and found how to serve." Albert Schweitzer Quotes, <http://www.brainyquote.com/quotes/quotes/a/albertschw133001.html> (last visited Feb. 7, 2008).

85. HIS HOLINESS THE DALAI LAMA, *supra* note 41, at 77.

86. Annette Clark, Orientation Program Address at Seattle University School of Law (Aug. 2007).

87. For example, at Capital University Law School, Drake University Law School, University of Hawaii School of Law, University of Illinois College of Law, and Oklahoma City University School of Law, the states' supreme court is involved in an induction ceremony for law students at orientation. In addition, several schools have ceremonies where students take oaths, including Case Western Reserve University School of Law, City University of New York School of Law, University of Missouri-Kansas City School of Law, University of New Mexico School of Law, Salmon P. Chase College of Law, Northern Kentucky University, and University of Utah S.J. Quinney College of Law.

To influence others, lawyers must be credible, trustworthy, and collaborative.

An orientation program can facilitate students' reflection about their own calling and life's purpose. To do this, administrators, faculty, and staff need to understand the students, including their backgrounds, their motivations, their values, and their passion. In an effort to learn more about students, professors could construct a survey to understand what students know about lawyering, what motivated them to be lawyers, and how to best support them in their calling. Professors can introduce reflection and discernment exercises to assist students with this process. For instance, they might ask the students what image of lawyers influenced them to enter the profession, what they know about the profession, and what difference they want to make with their degree. Students could also be asked to write their eulogies<sup>88</sup> or rewrite their personal statement about their desire to attend law school. Additionally, they could write a mission statement, or a life's purpose letter and send ten copies to their friends and have their friends send one a month back to remind the students why they came to law school. This invites the students to reflect upon and revise their goals. Law schools can also provide students with self-assessment tools, such as the learning styles or personality inventories like the Myers-Briggs.<sup>89</sup>

Orientation programs can both help students understand the realities of the profession and inspire them toward the profession's highest purposes. In order to help students understand what lawyers actually do, orientation programs can infuse a professional formation curriculum<sup>90</sup> that would include intellectual, practical, and ethical content that encompasses the range of skills and competencies necessary to be an effective lawyer.<sup>91</sup> Programs can show students the realities and variety of the tracks within the profession.<sup>92</sup> Orientation programs can incorporate job fairs,<sup>93</sup> shadowing programs, mentoring programs, and bring in speakers from the profession. They can host a lunch bag series of different topics and use films, books, biographies, or articles that all depict

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88. Larry Krieger does this exercise with his class.

89. MARTHA M. PETERS & DON PETERS, JURIS TYPES: LEARNING LAW THROUGH SELF-UNDERSTANDING 12-13 (2007).

90. "[T]he qualities necessary to be a professional should be imbedded not like raisins in a loaf of bread but like the yeast that permeates the entire loaf." Hyatt, *supra* note 10, at 393.

91. See STUCKEY ET AL., *supra* note 8; SULLIVAN ET AL., *supra* note 2 (providing compelling arguments on why law schools should incorporate professional formation into the academic program, in addition to summarizing the literature to date).

92. Orientation can help students assess their interests and determine their values through a "sequential decision-making process that links them to an academic major." This process is designed to help students discover and consider academic and career options and to make informed choices about educational programs, courses, and career goals. Smith & Brackin, *supra* note 15, at 43.

93. Although the ABA regulations restrict career development departments from working with 1L students until November, they do not prohibit an orientation program that includes information about the profession. The regulation prohibits specific individual counseling, but not the dissemination of general information.

lawyering in all of its shapes and forms. By providing a real-world context for and the full array of possibilities in the profession, we can help students find career paths that reflect their values and life's purposes.<sup>94</sup> This context will enhance student learning.

## 2. Create Context

An effective orientation program should provide syntactical, substantive, and pedagogical context to help students give meaning to what they will learn and how they can learn in law school. Traditional orientation programs do little more than start students down the Yellow Brick Road. Similar to Oz, where the road splits into two directions, the road in law school also splits, making it easy to get lost. Think back to Dorothy and her friends. In Kansas, life for Dorothy was predictable and she knew what to do to succeed. But in Oz, the old rules no longer applied. Likewise, in previous academic cultures, students could reasonably predict how they would perform on exams, so they could calibrate their study methods and time they chose to invest to get the outcome they desired. Law school, however, is more like Oz, where the Kansas rules do not necessarily apply.

The typical first-year classroom is a foreign experience for most students. True, many students have had large lecture hall experiences with 500 students, but in most of those classes, the primary pedagogy was lecture and rhetorical questions, not the Socratic Method. At most, a student in a large lecture hall might volunteer an answer. This is vastly different from a social dynamic where students are called on to answer a question when they did not volunteer to participate. This risk of exposure, in what is likely to be a more competitive learning environment, changes the rules of social engagement. Students who appear strong and capable, who are more verbal learners, and whose life experiences are included in the curriculum rise to the top, and generally thrive, whereas students who have different learning styles or diverse backgrounds have a harder time.<sup>95</sup> Often they feel alienated from the experience<sup>96</sup> and begin to doubt whether they are meant to be lawyers.

Like the apple trees in Oz, which differed from the trees in Kansas because they came to life, the learning strategies needed to excel in law school are not like those from other academic settings. Many students

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94. If we recognize that students will have different career goals, and that the various forms of practice require a broad range of skills, we must change the method of assessing mastery and performance to better reflect both the goals and the skills. See Sturm & Guinier, *supra* note 9, at 550-51.

95. See Videotape: Teach To the Whole Class: Barriers and Pathways to Learning (Gonzaga University: Institute for Law School Teaching 1997) (including faculty development materials).

96. See Claude M. Steele, *Race and the Schooling of Black Americans*, THE ATL. MONTHLY, Apr. 1992, available at [http://all.successcenter.ohio-state.edu/epl259-su2001/readings/steele\\_article.htm](http://all.successcenter.ohio-state.edu/epl259-su2001/readings/steele_article.htm).

are, figuratively, hit in the head with an apple when they realize that they must do much more critical thinking and learning on their own. Class time is no longer a lecture that clarifies readings. Rather, more often than not, class time obfuscates the readings. Thus, what worked for students in the past may not work as successfully for them in law school. To further confuse the matter, what is emphasized in the classroom is not always what is emphasized on exams. Sometimes the student who performs well in class fails to perform as well on the exam. Finally, the skills that are rewarded on exams only comprise a narrow range of the broader skills needed for success in the profession. So even when students do everything they have been told to do to excel, they can become disillusioned in the end. Like Dorothy and her friends who, when they brought the broomstick of the Wicked Witch to the Wizard, discovered that the Wizard could not perform magic after all, students do everything and deliver the broomstick, only to find that the broomstick is not the ticket, either on the exam or in practice.

Dorothy and her friends experienced unnecessary anxiety and expended much unnecessary time and energy just trying to navigate through Oz. Similarly, law students undergo unnecessary emotional distress and spend their time and energy just trying to figure out the basics. Orientation can provide the road map by providing and reinforcing syntactical, substantive, and pedagogical contexts. In so doing, orientation can lessen students' stress and enable them to focus on developing the skills and understanding the content of what they are learning; as well as facilitate students' metacognitive process—understanding how to learn. Such context will enable students to calibrate their study methods to maximize their learning.

Syntactical context includes information about the legal system such as the structure of the courts, the hierarchy of authority, the methods of dispute resolution, the various jurisprudential views, and the conventions of legal discourse.<sup>97</sup> The substantive context includes the policy and overall structure of the doctrinal courses in the first year.<sup>98</sup> Finally, pedagogical context includes information on the goals and objectives of the first-year curriculum and teaching methods. This information should include exposure to theories of cognition and intelligence to enhance academic performance<sup>99</sup> and decrease the competitive at-

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97. Paula Lustbader, *Construction Sites, Building Types, and Bridging Gaps: A Cognitive Theory of the Learning Progression of Law Students*, 33 WILLAMETTE L. REV. 315, 326 (1997); see also JOSEPH J. SCHWAB, *Education and the Structure of the Disciplines*, in SCIENCE, CURRICULUM, AND LIBERAL EDUCATION 229, 246 (Ian Westbury & Neil J. Wilkof eds., 1978).

98. Lustbader, *supra* note 97, at 335-36.

99. Studies show an increase in students' academic performance when they are taught that intelligence is incremental, not fixed. See Lisa S. Blackwell, Kali H. Trzesniewski & Carol Sorich Dweck, *Implicit Theories of Intelligence Predict Achievement Across an Adolescent Transition: A Longitudinal Study and an Intervention*, 78 CHILD DEV. 246 (2007).

mosphere.<sup>100</sup> It should also provide an explanation of student performance assessment methods and models of exams and sample answers, as well as information on how students learn, the stages of learning,<sup>101</sup> and strategies on how to effectively study.<sup>102</sup>

Part of developing syntactical, substantive, and pedagogical context involves two aspects of schema development: how we learn new information and how experts use information. People form categories of information into cognitive structures.<sup>103</sup> These structures, or schemata, facilitate acquisition of new knowledge and facilitate retrieval of information. When we learn new things, we use our existing schemata to give meaning to that new information. Experts organize data into sophisticated schemata that enable them to efficiently problem solve.<sup>104</sup> Experts can use these schemata because they have internalized vast amounts of data, have experience, and can exercise judgment.<sup>105</sup> As novices, first-year law students have not yet internalized sufficient amounts of information to be able to construct expert schemata.<sup>106</sup>

When orientation programs explicitly reveal expert schemata, they help students deepen their comprehension without taking unnecessary detours. When students attempt to understand pieces of doctrine in the absence of the expert schema, it is analogous to attempting to complete a jigsaw puzzle without the picture. Students may have three pieces, and they may understand that each piece is yellow. But without the picture, they do not know if there is only one yellow item in the picture or three: a yellow-brick road, a yellow shirt on Scarecrow, or a yellow sun. As a result, they do not know if the three pieces belong together to form the road, or if they ought to be separated into different images. This applies to understanding pedagogical context as well. If students do not know what they are expected to do on an exam or have a sample answer, they may expend energy on extraneous details like memorizing case names and dates of decisions instead of developing coherent analysis.

Orientation can create context<sup>107</sup> using a variety of vehicles such as

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100. Those who believe that intellectual ability is fixed tend to engage more in a competitive environment of law school and fear failure as compared to those who believe in the malleability of intellectual ability, who see their learning as an incremental growth process and so they rely less on a competitive model. London, Downey & Mace, *supra* note 19, at 460-61 (citing CAROL S DWECK & DANIEL C. MOLDEN, *Self Theories: Their Impact on Competence, Motivation and Acquisition*, HANDBOOK OF COMPETENCE AND MOTIVATION 122, 124-34 (Andrew J. Elliot & Carol S. Dweck eds., 2005)).

101. Lustbader, *supra* note 97.

102. Orientation programs should also provide "information on specific academic survival strategies [as] a useful tool for promoting successful student learning." Smith & Brackin, *supra* note 15, at 41.

103. Lustbader, *supra* note 97, at 335-36.

104. *Id.*

105. SULLIVAN ET AL., *supra* note 2, at 101.

106. Lustbader, *supra* note 97, at 325-27.

107. For a number of ideas on how to provide context, see Paula Lustbader, *Teach in Context*:

a complex case or a simple exercise. Whatever the vehicle, the exercises should be relevant to students' interests and experience, connect to what students will do in law school as well as what they will do as future lawyers,<sup>108</sup> and start at an appropriate level of sophistication.<sup>109</sup> Then the exercise should spiral<sup>110</sup> through several iterations of the process of legal analysis,<sup>111</sup> each one building in complexity;<sup>112</sup> offer and model a variety of learning strategies; teach a typical class, then deconstruct it to show what students should get from class; and employ active, collaborative, and reflective learning.

Rather than teach students to read, brief, outline, analyze, and write as separate, disconnected skills, it is more useful to present these skills as one continuous process—the same process that lawyers use in their work. For example, if the reading for class is about contract formation and consideration, the professor should create an exercise where a client has an issue involving consideration. The students then read

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*Responding to Diverse Student Voices Helps All Students Learn*, 48 J. LEGAL EDUC. 402 (1998).

108. I use an example starting with a "failure to stop at a stop sign" problem, break it out very simply, and then build on cases that have interpreted what "stop" means. Students have all been familiar with a stop sign or other traffic violations and many of them have actually been in traffic court at one point or another in their life. I then build with something more sophisticated that has more cases and more complexities. Once students have gone through four iterations from start to finish orienting what we are doing in law school to what they will be doing as lawyers, I explain that when they read cases for their classes they need to be thinking about how they are going to read those cases to answer their future client's problem. So, I ask why lawyers read cases. They read those cases to figure out the policy and synthesis of the rule and what cases would be analogous for constructing a legal memorandum and argument. I demonstrate that this is exactly what they will be doing in their legal writing class, and how they can use that as a model to prepare them for their exam.

109. Charles Calleros, for example, does a very simple yet elegant exercise where he uses a market window display to help students think about legal reasoning. He tells the students that the storeowner has displayed apples in the window and has put carrots in the back of the store. He then asks whether a red pepper should go in the window with the apples or with the carrot in the back. He has students compare and contrast and reviews the principles involved in the decision-making process. CHARLES R. CALLEROS, *LAW SCHOOL EXAMS: PREPARING AND WRITING TO WIN* 37-41 (2007) (explaining "The Grocer's Problem"). In the same book, he has another exercise in interpreting parents' rules as examples of case analysis and synthesis. *Id.* at 49-52. Calleros also presents an outline and essay question. *Id.* at 120-21. Additionally, Appendix A of the book presents a sample answer. *Id.* at 153-54.

110. Lustbader, *supra* note 97, at 328.

111. For a good example of iterative process, see *Educating Lawyers: Preparation for the Profession of Law*, SULLIVAN ET AL., *supra* note 2, at 99.

112. I recently designed a two-week orientation program for a lower-tiered law school. In this program, students completed four iterations of the process of legal analysis. They began with a simple exercise analyzing a statute and hypothetical. This exercise was the vehicle to introduce students to the legal system (the Issue, Rule, Application, and Conclusion (IRAC) writing method) and policy. They then analyzed three simple cases interpreting the statute, synthesized the cases into a rule, and analyzed the hypothetical in light of the synthesized rule. They were then shown examples of how the written analysis would have looked as an exam question. This exercise was followed by two others that increased in complexity and resulted in the students writing their analysis and receiving feedback. Then, they drafted a discussion section of a memorandum using a statute and three cases, and made oral arguments based on that memorandum. Finally, they took an exam that addressed identical issues raised in the memo exercise, but with different facts, so that students could see the relationship between what they did in legal writing, and what they needed to do in class and on exams. Thus, when students began classes, they understood the purpose of reading cases; appreciated the connection between their legal writing class and their other classes; and had experience in synthesizing cases, writing analysis, and speaking analysis. This approach could be modified for a more academically prepared group by using more complex examples and problems.

rules and case law to come up with a general rule and policy; consider where courts might be split; and identify the Issue, Rule, Application and Conclusion (IRAC) structure and policy of each case. Students could also think about how the case fits with legal precedent and how it will relate to subsequent case law. Students go to class and take notes that refine their understanding of the cases and identify any other issues that should be raised for that topic or concept. Then, the outlining process provides a template that they can use to analyze the problem in other contexts—in a legal memo, on a law school exam, or in practice. An exercise like this would be particularly useful for Millennials, who need to connect to what it is that they are learning and want to know about real life issues.<sup>113</sup>

Orientation can provide key syntactical context by introducing students to such background information as the structure of the courts and the hierarchy of authority. In addition, orientation programs can provide frameworks that students can use to organize the information they will learn in the first year: the concept of “elements of a claim,”<sup>114</sup> the syllogism and the related IRAC structure that underlies legal argument and judicial opinions, and the core policy arguments incorporated into legal analysis.

Orientation programs can also facilitate students’ development of expert substantive schemata. Professors in the first-year curriculum could provide an overview or road map of the course, including an overview of the major policy considerations. They could do this in a variety of ways. They could connect the expert schema to something similar in the students’ lives. For example, they could relate Civil Procedure to having a party.<sup>115</sup> They could use a simple hypothetical that raises the major issues in the doctrinal area. They could plan to cover a discrete and short doctrinal area within the first two weeks of class, then give a sample question, and debrief a sample analysis and answer. By providing the basic underlying policy themes and roadmaps of the major substantive categories in each particular course, all linked to the underlying structure of “elements of a claim,” orientation can give students a structure and a starting point to facilitate their mastery of complex concepts.

Orientation programs can facilitate students’ development of pedagogical schemata by teaching about cognitive learning theories. They can also demonstrate a variety of learning strategies including: self-

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113. McGlynn, *supra* note 75, at 15, 16.

114. For a reminder that the concept of elements is not intuitively obvious, see Leah Wortham, *The Lawyering Process: My Thanks for the Book and the Movie*, 10 CLIN. L. REV. 399, 414 (2003).

115. For example, the question, “Who is best suited to host the party?” is like subject matter jurisdiction; “Where is the most convenient location?” is like forum non conveniens; “Who should be invited?” is like joinder, etc. A fuller explanation of this example can be found in Paula Lustbader, *Principle 7: Good Practice Respects Diverse Talents and Ways of Learning*, 49 J. LEGAL EDUC. 448, 457 (1999).

regulated learning,<sup>116</sup> time and stress management, effective reading, outlining, legal analysis, and exam preparation and writing. Because Millennials learn on a need-to-know basis, it is important to offer an overview of the strategies in any official orientation process, and then develop them in more detail as the semester progresses. Moreover, it is essential that these sessions employ a wide range of teaching methods, including active and experiential exercises. Finally, students will benefit the most if they are given feedback, whether in the form of individual critiques of their work, grading rubrics, peer critiques, or reviews of samples.

When orientation programs provide students with context, they enhance the learning for all students. More importantly, by helping students learn more effectively, providing context reduces the gratuitous stress. In so doing, the program models compassion and communicates care for students' learning and well-being.

### 3. Communicate Care, Model Empathy and Compassion, and Promote Student Psychological and Spiritual Health.

The legal profession needs lawyers who are caring, compassionate, and psychologically and spiritually healthy. Think of the lawyers you would like students to emulate. Think of the characteristics of a lawyer you would want representing you. Chances are, in addition to being knowledgeable, effective, and ethical, you would want your lawyer to have empathy and compassion. Caring for people, caring about the human condition, caring about diversity, and caring about inequities are part of the positive ethos of the profession that we need to instill in our students. In addition, caring about ourselves by maintaining physical, psychological, and spiritual health are ethos of the profession that we need to impart.

Think about ways in which the typical law school currently fails to communicate and promote an ethos of care. Although many professors introduce human and heart aspects in their classroom, overall, the law school experience continues to require that students separate their feelings from their brain to ignore their emotions.<sup>117</sup> The analytic brain gets

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116. MICHAEL HUNTER SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS 24-30 (2005).

117. In his article, *Eyeing The Circle: Finding a Place for Spirituality in a Law School Clinic*, Pang writes,

The pattern originates in law school where, on the one hand, students hear about the noble aspirations of the legal profession and, on the other, they learn a method of doing and thinking that tends, at best, to neutralize and, at worst, to trivialize a student's desire to be humanly noble through lawyering.

Pang, *supra* note 43, at 283. He goes on to quote Paula Franzese, who states in part, "[T]he business of legal education too often tends to divorce humanity and, indeed, our own humanness, from the study of the subject matter at hand. . . . The separation of heart from mind may explain why so many law students and later lawyers are miserable." *Id.* (quoting Paula A. Franzese, *To Be the Change: Finding Higher Ground in the Law*, 50 ME. L. REV. 11, 19 (1998)).

overstimulated and the heart is ignored. Students read severely edited appellate court decisions that deal with the legal issues on a high level of abstraction, focusing only on the legal aspects<sup>118</sup> rather than examining the human aspects of what happened to the individuals involved in the case.<sup>119</sup> Those individuals become further dehumanized because they quickly turn into “plaintiffs” and “defendants” and as a result become nameless and lose their identities.<sup>120</sup> The focus on instrumentalism<sup>121</sup> and the analytic process instead of the narrative<sup>122</sup> also results in lack of discussion about morality, fairness, or justice.<sup>123</sup> Law school thus sends the implicit message that “matters of justice are secondary to formal correctness.”<sup>124</sup> Rather than “cultivating the humanity of the student[s],” the first-year experience tends to “re-engineer[ them] into . . . ‘legal machine[s].’”<sup>125</sup>

Losing sight of the human consequences for clients negatively impacts the profession as well as the individual. Among others, scholars from the Critical Legal Studies, Feminist Jurisprudence, Critical Race Theory,<sup>126</sup> and Therapeutic Jurisprudence<sup>127</sup> schools of thought have argued that in removing the human aspect from the cases, law schools whitewash the legal opinions. As a result, issues of gender, race, and class inequality often remain ignored.<sup>128</sup> The exclusion of these issues significantly invalidates or marginalizes students who faced such inequalities. Those students, like the parties in the cases, can become nameless—especially if they have a name that is difficult to pronounce,<sup>129</sup> and can become invisible. They become more vulnerable to illness, isolation, and stigmatization,<sup>130</sup> as well as academic disengage-

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118. These edited cases are not linked “to the people, institutions, and lawyering tasks involved in the disputes.” Maranville, *supra* note 47, at 52.

119. SULLIVAN ET AL., *supra* note 2, at 54.

120. Clinical literature on effacement of clients in legal education, see Ann Shalleck, *Theory and Experience in Constructing the Relationship Between Lawyer and Client: Representing Women Who Have Been Abused*, 64 TENN. L. REV. 1019 (1997).

121. Ernest J. Weinrib, *Can Law Survive Legal Education?*, 60 VAND. L. REV. 401, 405 (2007) (arguing that the focus on instrumentalism in legal academic discourse “effaces the characteristic concepts of private law, ignores the direct relationship between the parties, and assimilates private law into public law”).

122. SULLIVAN ET AL., *supra* note 2, at 83.

123. Maranville, *supra* note 47, at 53.

124. SULLIVAN ET AL., *supra* note 2, at 58.

125. *Id.* at 84.

126. Menkel-Meadow, *supra* note 11, at 575-76.

127. See David Wexler, *The Development of Therapeutic Jurisprudence: From Theory to Practice*, 68 REV. JUR. U.P.R. 691 (1999); Bruce J. Winick, *The Jurisprudence of Therapeutic Jurisprudence*, 3 PSYCHOL. PUB. POL'Y & L. 184 (1997).

128. To see how this impacts students, see *Videotape: Teach to the Whole Class*, *supra* note 95.

129. A student explained that professors treat students as if they do not have a name. Another student explained that if professors cannot pronounce a name, they do not call on the student. *Id.*

130. In a study comparing students in two elite law schools, researchers found that despite the same entering indicators and “academic preparation, achievement, and comfort and belonging in law school found prior to the beginning of classes, minority law students reported significantly higher levels of alienation and discomfort in law school by the end of their first semester compared to their non-minority peers.” London, Downey & Mace, *supra* note 19, at 479. This manifested in minority

ment.<sup>131</sup> By not including the particulars of their lives,<sup>132</sup> the institution invalidates their experience or marginalizes it. They become or remain voiceless.

The exclusion of these issues and voices negatively impacts all students because they are deprived of the benefit of learning about diverse experiences, values, and perspectives.<sup>133</sup> If students are not sensitized to these issues, they will be more reluctant to address them in practice, and may be less prepared to serve clients because they may view the client's situation only through the narrow lens of existing legal doctrine and their own individual cultural experience. Good lawyers need to become culturally competent;<sup>134</sup> a part of becoming culturally competent involves becoming culturally self-aware.<sup>135</sup>

Separating the heart from the discourse may also impair students' ability to fully grasp the multi-dimensional nature of the human condition.<sup>136</sup> This, in turn, can impact their ability to develop their emotional intelligence,<sup>137</sup> to effectively communicate with others,<sup>138</sup> or to represent their future clients from a therapeutic and holistic perspective,<sup>139</sup> and consequently may diminish the effectiveness of their work. It also negatively impacts them as whole persons. Law schools need to prepare students to deal with the everyday stress and demands of the practice, as well as prepare them to deal with the vicarious trauma that they may experience when representing clients who have had horrific things hap-

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students "believing that their classmates view them as having lower confidence, public speaking abilities, leadership skills, academic preparation, and potential for future success." *Id.* Moreover, minority students have significantly higher problems of "physical illness, social exclusion, and anxiety than non-minority students. For example, while only 8% of non-minority students reported feeling socially excluded in law school, 26% of minority students reported social exclusion." *Id.* at 480.

131. In order to promote engagement of minority students, institutions must make efforts to increase the diversity in the institution and help students feel "included, visible, and valued." *Id.*

132. Steele, *supra* note 96, at 68.

133. London, Downey & Mace, *supra* note 19, at 458 (discussing a study that showed "diverse classrooms provide a greater intellectual challenge, more serious discussions, and a greater variety of topics being discussed, compared to more homogenous classes"); see also THE CIVIL RIGHTS PROJECT, HARVARD UNIV., DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION (Gary Orfield & Michal Kurlaender eds., 2001).

134. See Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 99 (2001); Paul R. Tremblay, *Interviewing and Counseling Across Cultures: Heuristics and Biases*, 9 CLINICAL L. REV. 373, 373 (2002).

135. See Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 CLINICAL L. REV. 369, 369 (2005).

136. An essential skill of being a lawyer is being able to "appreciate the complexity of *people* in today's legal environment." Hyatt, *supra* note 10, at 394.

137. See Margorie A. Silver, *Emotional Intelligence and Legal Education*, 5 PSYCHOL. PUB. POL'Y & L. 1173, 1173 (1999).

138. Hyatt, *supra* note 10, at 396 (suggesting that although law schools cannot teach people common sense, they could do more to promote an ability to communicate more effectively with people).

139. Several organizations are promoting a more humane and holistic approach to lawyering and law school, such as the International Alliance of Holistic Lawyers and Humanizing Law School, the latter of which has a list serve for professors, a separate list serve for law students, and a section in the Association of American Law Schools (AALS).

pen to them.<sup>140</sup>

In addition to helping students develop and refine the skills of empathy and compassion, in 2004, Richard D. Kadison, Chief of Mental Health at Harvard University Health Services, stated that as part of their educational mission, colleges and universities must include the fostering of students' emotional development and well-being.<sup>141</sup> Graduate school orientation programs are essential to communicate the university's commitment to ensuring students' health and well-being.<sup>142</sup>

For many, law school is the first time that they are pushed to their limits intellectually, emotionally, and spiritually. Studies on how law school affects the psychological well-being of law students have shown consistent results over the last twenty years.<sup>143</sup> Unfortunately, many law students undergo significant psychological distress, which impacts their performance in law school<sup>144</sup> and remains with them when they enter the profession.<sup>145</sup> One study suggests that nearly one-third of law students will exhibit symptoms of clinical depression by the end of their third year.<sup>146</sup> Other studies suggest that feelings of anxiety, isolation, and alienation surface in the first-year law student and such feelings interfere with the students' ability to perform and achieve academically.<sup>147</sup> Other studies show students' desire to engage in public service and their

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140. See Marjorie A. Silver, Sanford Portnoy & Jean Koh Peters, *Stress, Burnout, Vicarious Trauma, and Other Emotional Realities in the Lawyer/Client Relationship*, 19 *TOURO L. REV.* 847, 849 (2004).

141. According to a 2004 annual student survey conducted by the American College Health Association, ten percent of the students had seriously considered suicide, sixty-three percent felt hopeless at times, forty-five percent felt depressed to the point of having trouble functioning, and ninety-four percent felt overwhelmed at times. Richard D. Kadison, *The Mental-Health Crisis: What Colleges Must Do*, *THE CHRON. OF HIGHER EDUC.*, Dec. 10, 2004, at B20. "It is clear that academic success goes hand in hand with emotional and physical well-being. . . . Even students who 'get by' or succeed academically can be at risk if unhealthy behavioral patterns follow them after college. Promoting emotional health in students is an investment in the future." *Id.*

142. SILBER ET AL., *supra* note 54, at 15-16.

143. See Sheldon & Krieger, *supra* note 59, at 883.

144. In addition to other factors, law schools create this distress in a number of ways: the class sizes are too large in some schools with as many as 150 students per section, the curriculum does not promote integration of subject matter or skills, the pedagogy is limited and rewards only one narrow intelligence, the focus on abstract concepts and theory provides little time to develop context and practical application, and there is absence of meaningful feedback and learning assessments. *Id.*

145. Hyatt, *supra* note 10, at 387-88. Hyatt suggests that the increased stress for the legal practitioners today is not only because of increased greed, but also because of a "win-lose mentality" that results in lack of civility among practitioners. In addition, Hyatt claims that a large part of this problem rests in the law schools because many law professors have a "disdain" for the profession and the emphasis on scholarship over teaching in the academy. *Id.*

146. See G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 *AM. B. FOUND. RES. J.* 225, 241 (1986).

147. See Michael E. Carney, *Narcissistic Concerns in the Educational Experience of Law Students*, 18 *J. PSYCHIATRY & L.* 9, 9 (1990); Thomas A. Dye, *Law School's Contribution to Civility and Character*, *LAW PRAC. MGMT.*, Oct. 1996, at 40, 42 (1996); B. A. Glesner, *Fear and Loathing in the Law Schools*, 23 *CONN. L. REV.* 627, 631 (1991); Peter Kutulakis, *Stress and Competence: From Law Student to Professional*, 21 *CAP. U. L. REV.* 835, 836 (1992); Cathaleen A. Roach, *A River Runs Through It: Tapping into the Informational Stream to Move Students from Isolation to Autonomy*, 36 *ARIZ. L. REV.* 667, 667 (1994); James B. Taylor, *Law School Stress and the "Déformation Professionnelle"*, 27 *J. LEGAL EDUC.* 251, 251 (1975).

motivation significantly declines the longer they are in law school.<sup>148</sup> Finally, greater economic challenge contributes to their stress and creates increased anxiety over grades and future employment.

Think back to Dorothy and those she met in Oz. The Wizard was uncaring when he pretended to be the powerful Oz, but was only a man behind a curtain. He was also uncaring when he sent them to get the broomstick; a task he thought was unattainable and that placed their lives at significant risk. Similarly, Glinda the Good Witch was not caring. She only showed up when they were already in crisis. Where was she *before* the crisis? Why did she fail to warn them about the poppies? Moreover, neither the Wizard nor Glinda showed much compassion for the Wicked Witch. Did anyone inquire about her past and what made her so wicked?<sup>149</sup> Did anyone acknowledge her grief over the death of her sister? In fact, Glinda technically stole the ruby slippers from the Wicked Witch. Moreover, in sending Dorothy and her friends to steal her broomstick, the Wizard set them up to murder the Wicked Witch, albeit in self-defense.

When students feel cared for by the administration, by the faculty and staff, and by fellow students, and when the pedagogy supports caring relationships<sup>150</sup> and promotes self-care, students will be better able to stay motivated and endure the difficult and challenging times in law school. Furthermore, if they are accustomed to a culture of compassion, where feeling is not a sign of weakness, as lawyers, they may be more likely to provide and seek support from their local bar associations and their colleagues. More importantly, they will be in the habit of taking care of themselves.

The materials used in orientation can provide human context and encourage students to not cut off their hearts from their heads. Such materials along with reflection and discussion questions can encourage students to examine and explore the complexities and diversity of the human condition, and to provoke conversations about culture, values, and justice.<sup>151</sup> By selecting materials that include diverse perspectives,

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148. Maranville, *supra* note 47, at 53 n.6.

149. For a complete biography of the Wicked Witch, see GREGORY MAGUIRE, *WICKED: THE LIFE AND TIMES OF THE WICKED WITCH OF THE WEST* (1995).

150. For an interesting take on the importance of a collaborative pedagogy and some ideas on how to create an effective learning environment, see Robert P. Schuwerk, *The Law Professor As Fiduciary: What Duties Do We Owe Our Students*, 45 S. TEX. L. REV. 753, 790-96 (2004).

151. In 2005, Seattle University School of Law used a very provocative book, ANDRE DUBUS III, *HOUSE OF SAND AND FOG* (1999), which was adapted for film in 2003. Although very depressing, it is an excellent story about two equally compelling characters, one a recovering alcoholic, the other, an Iranian immigrant, both of whom have legitimate claims to the same house. What begins as a legal struggle turns into a personal confrontation, with tragic results. The story is relevant for beginning law students because there are many points where appropriate legal intervention might have been able to alter the outcome. The story raises numerous substantive issues in the areas of property, constitutional law, criminal law, torts, alternative dispute resolution, domestic violence, transformative law (collaborative, therapeutic jurisprudence), diversity, values and culture, gender, access to justice, client counseling, case theory, storytelling, professionalism, ethics, substance abuse, and men-

the institution can signal that it values the experience of all students. It can also establish a protocol for having professional, mutually respectful, and culturally competent dialogues about difficult subjects.

Orientation programs should specifically address the negative affects of traditional law school on students' health and well-being.<sup>152</sup> The administration, faculty, and staff can communicate care by learning students' names.<sup>153</sup> Orientation programs can also promote physical and emotional well-being in a number of ways. They can forewarn students of the emotional highs and lows of the law school experience.<sup>154</sup> They can provide introduction to resources that support student emotional, physical, and psycho/spiritual well-being. These orientation programs can also explicitly promote balance and reflection. These programs can teach stress reduction, meditation, and relaxation techniques. By helping students construct the profession as a calling, these programs can also reinforce the importance of reflecting on what they want to accomplish in their lives. Having a greater sense of life's purpose and engaging in a regular practice of reflection and discernment helps people avoid burnout. Before taking on a new commitment, the discerning person will ask if that is their highest and best use. Discerning people will ask if they are the only one who can do it. They will ask if it is something that feeds their soul. In asking these questions, people are more likely to take on only those commitments that they can fulfill and that do not drain them.

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tal health. A panel of local legal practitioners from different areas of practice discussed what legal interventions could have taken place to change the ultimate tragic outcome of the story. After the panel, students met in reflection groups of twenty to twenty-five students and four co-facilitators—an alumnus, a faculty member, a staff member, and an upper-class student. There they continued the discussion. The students' responses to the first orientation session were extremely positive. After the session, sixty-eight percent of the students who responded to the survey indicated they thought legal intervention could have altered the outcome. Ninety-two percent indicated they believed that they could make a difference as a lawyer. Forty-one percent indicated that their inspiration to sustain a commitment to the service of justice increased.

152. Orientation staff must listen for indication of anxiety and insecurity and offer nurturing reassurance in regard to initial academic decisions. "Some faculty believe that orientation is the time to tell new students of the glories of certain academic programs, but, in fact, orientation is really a time to listen to students." Smith & Brackin, *supra* note 15, at 43.

153. For a great list of ideas on how to learn students names, see Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 88 n.40 (2002).

154. I do a fun presentation on the emotional patterns of law students. I use music to reflect the emotions they may encounter. The presentation begins with John Lennon's *Imagine* to reflect their dreams of coming to law school. It moves through a variety of songs including: Regina Spektor's *Fidelity*, Led Zeppelin's, *Dazed and Confused*, Bone Thugs-n-Harmony *I Tried*, The Rolling Stones' (*I Can't Get No*) *Satisfaction*, the Black Eyed Peas' *Where is the Love?*, Tracy Chapman's *All That You Have is Your Soul*, Aretha Franklin's *Respect*, Queen's *Bohemian Rhapsody*, Gloria Gaynor's *I Will Survive*, Joe Cocker's *With a Little Help From My Friends*, Paula Cole's *Me*, Sting's *Brand New Day*, Christina Aguilera's *Beautiful*, and Boz Scaggs' *Let My Life Shine*.

#### 4. Cultivate Community to Promote Mutual Respect, Interdependence, and Cultural Competence

Orientation programs can construct the profession as a calling, give students the context they need to navigate law school, and promote an ethic of care and professionalism. These programs can also cultivate effective learning communities that will promote civility,<sup>155</sup> create an environment of mutual respect to promote full participation and inclusion, and enhance learning.

Consider how Dorothy and her friends worked together and formed a community. They treated each other with compassion and respect. They supported one another, trusted one another, and cared about one another. They even put themselves at risk to help one another. It was the feeling that they were not alone, but were there for each other, that helped them get through the more terrifying moments while they were in Oz. Similarly, through developing community, students will get through the more challenging aspects of their law school and professional experiences.

Law schools must prepare students to be successful in the practice of law today. More than ever, lawyers must be civil<sup>156</sup> and be responsive to the needs of the increasing diversity of their colleagues and clients.<sup>157</sup> Furthermore, it is incumbent upon lawyers to develop a global perspective and appreciation for our interdependence.<sup>158</sup> Finally, many lawyers will find themselves in formal or informal leadership roles where these collaborative skills and cultural competence will be essential. Thus, to be prepared for the profession and to enhance learning, students need a learning environment that promotes collaboration,<sup>159</sup> mutual respect,<sup>160</sup>

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155. Among the reasons cited for a general lack of professionalism is the "decline in civility and courteous conduct between lawyers, an increase in unethical or uncivil behavior among lawyers and judges, frequent lapses of appropriate ethical and professional conduct, and increasingly aggressive, competitive, and money-oriented legal battles, fought with a 'win at all costs' approach." Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1344 (1997).

156. Hyatt, *supra* note 10, at 387 (suggesting that one way to promote civility in the profession is to encourage the formation and maintenance of good working relationships; another way is to help students expand the "win-lose" paradigm to one of creative problem solving).

157. Charles R. Calleros, *Training a Diverse Student Body for a Multicultural Society*, 8 LA RAZA L.J. 140, 141 (1995).

158. Desmond Tutu best articulates this concept of interdependence when he defines the term Ubuntu as follows:

*Ubuntu* is the essence of being human. It speaks of compassion and generosity, of gentleness and hospitality and sharing, because it says: "My humanity is caught up in your humanity. I am because you are." A person is a person through other persons. An offence breaks a relationship, ruptures an inter-connectedness, a harmony so essential for a full human existence.

Garth Nettheim, *Reconciliation: Challenges for Australian Law*, 7 (1) AUSTL. J. HUM. RTS. 47, 47 (2001) (quoting Archbishop Desmond Tutu, *Taking the Costly Path to Peace: Edited Extracts from the Public Lecture*, U. OF SYDNEY GAZETTE, Apr. 2000, at 12-13).

159. London, Downey & Mace, *supra* note 19, at 477-79 (discussing the importance of positive interaction with peers and upper-level students to help students feel that their stressors are common and are not the results of their own academic inadequacies or a question of their competencies). This

interdependence, and cultural competence.<sup>161</sup>

Consider how mutual respect facilitated Dorothy's and her friends' development of their supportive community. They respected one another even though they each had a different background and different reason for going to the Emerald City. They listened to each other, supported each other, and never humiliated each other. Like Dorothy and her friends, law students need to appreciate their interdependence. They need to realize that they need to work as a team to achieve their goals, and that they can accomplish more together than they can alone. They also need to value the diversity each member brings to the group. Rather than merely tolerating their differences, Dorothy and her friends embraced their differences because even though they did not understand their own gifts, they understood that the others each had a unique contribution to make to the group that fosters collective accomplishment of their goals. They increased their cultural competence through learning about each other. Although creating opportunities for students to experience this appreciation for one another is essential in today's law school, many students do not get exposure to students from different backgrounds. The 2006 LSSSE survey reported that only "[t]hree fifths (60%) of students reported 'often' or 'very often' having serious conversations with students of different racial or ethnic background than their own."<sup>162</sup>

By cultivating communities in the law school, orientation programs can help students' strengthen their interpersonal skills, inculcate an environment that is mutually respectful,<sup>163</sup> and support healthy interdependence among students.<sup>164</sup> Furthermore, by establishing such communities, orientation programs can encourage students to embrace their differences<sup>165</sup> and provide opportunities to increase their cultural com-

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is especially true of students in the historically stigmatized group when they meet with members of their own ethnic community and those students help normalize their experience.

160. Hess, *supra* note 153, at 87-91.

161. Universities should promote an atmosphere of respect for diversity. "Full appreciation of diversity means realizing that human beings are complex and not reducible to simple categorization." SILBER ET AL., *supra* note 54, at 64.

162. 2006 LSSSE, *supra* note 81, at 12.

163. STUCKEY ET AL., *supra* note 8, at 114-22 (articulating principles for delivering instruction in law schools: fostering a mutual respect among students and teachers, fostering a supportive environment, fostering collaboration, and fostering students feeling welcome).

164. In Palmer's book, the author states,

[T]o teach is to create a space in which the community of truth is practiced. The hallmark of the community of truth is not psychological intimacy or political civility or pragmatic accountability, though it does not exclude these virtues. This model of community reaches deeper, into ontology and epistemology—into assumptions about the nature of reality and how we know it—on which all education is built. The hallmark of the community of truth is in its claim that *reality is a web of communal relationships, and we can know reality only by being in community with it.*

PALMER, *supra* note 78, at 95.

165. According to the 2006 LSSSE, "Two fifths of students reported that their legal education contributed only 'some' to their understanding of people from different backgrounds; fully one third said that law school contributed 'very little' to such understanding." 2006 LSSSE, *supra* note 81, at 12.

petence.<sup>166</sup>

Given the positive research about the effectiveness of learning communities, orientation programs should work to cultivate them in law schools. The philosophical underpinnings of learning communities began in the 1920s<sup>167</sup> with Alexander Meiklejohn<sup>168</sup> and John Dewey.<sup>169</sup> The modern work on learning communities comes from diverse disciplines, including feminist pedagogy, cognitive and intellectual development theories, and social construction of knowledge. What they all have in common is the idea that learning is a developmental process, and emphasize the importance of building connections and sharing power in the group.<sup>170</sup>

At the undergraduate level, much research has been done on the efficacy and value of learning communities.<sup>171</sup> Typically, in the undergraduate context, learning communities are comprised of students organized into cohorts where they take some, if not all, of the same courses, and where there is integration among the shared courses.<sup>172</sup> The cohorts promote the twin features of learning communities—shared knowledge and shared knowing.

Shared knowledge is facilitated when the component courses within the cohort are organized around a theme, as opposed to a disparate array of unconnected courses.

The majority of law schools divide first-year students into sections. These sections are natural opportunities to facilitate shared knowledge because students are already organized into a cohort where they take most, if not all, of the same courses with the same professors. To ensure that the component courses reinforce a coherent theme, faculty must

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166. According to the 2006 LSSSE survey, “Students who saw other students as friendly and supportive were more positive about their overall law school experience. . . . Nearly two thirds of students (62%) indicated that their law school placed ‘very little’ or ‘some’ emphasis on encouraging contact between students from different backgrounds.” 2006 LSSSE, *supra* note 81, at 12.

167. Faith Gabelnick et al., *Learning Community Foundations*, in NEW DIRECTIONS FOR TEACHING AND LEARNING: LEARNING COMMUNITIES: CREATING CONNECTIONS AMONG STUDENTS, FAC., AND DISCIPLINES, Spring 1990, at 5, 11.

168. Meiklejohn was the originator of the “great books” curriculum. He advocated for the importance of structure and curricular coherence, as well as community. *Id.* at 11-12.

169. Dewey focused on the development of individual student-centered learning. However, his thinking about knowledge as part of a social construction of knowledge and developing perspective can be connected to Meiklejohn’s earlier ideas of learning community. *Id.* at 17.

170. *Id.*

171. One type of an effective learning community is the Dynamic Learning Community, which is a group of individuals where every member is in the group to learn. One of the common positive outcomes is that members learn the value of diversity and multiple perspectives. This includes faculty. Some common characteristics are a shared control of the group, autonomous members, and flexible, interactive, collaborative learning activities. BRENT WILSON & MARTIN RYDER, DYNAMIC LEARNING COMMUNITIES: AN ALTERNATIVE TO DESIGNED INSTRUCTIONAL SYSTEMS 2 (1996), available at [http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content\\_storage\\_01/0000019b/80/14/a1/4c.pdf](http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/14/a1/4c.pdf). Members of the group must feel that they are getting value out of their participation or they will disengage from the community. *Id.* at 8.

172. Vincent Tinto, Learning Better Together: The Impact of Learning Communities on Student Success, at 1-2, <http://www.mcli.dist.maricopa.edu/fsd/c2006/docs/learningbettertogether.pdf> (last visited Feb. 7, 2008).

collaborate<sup>173</sup> so they teach their subjects not as isolated units of knowledge, but rather as an integral part of a whole.

Shared knowing is facilitated by the groups of students who form the community. These student groups become the basis of shared knowledge because students actively learn together and keep each other connected to the learning. In this way, students benefit by developing supportive peer groups both within and outside of the classroom.<sup>174</sup> As compared to undergraduate freshman students who were not in learning communities, Vincent Tinto found that students who were involved in learning communities spent more time engaged in learning, more time interacting with students and faculty about what they were learning, and in fact learned more and stayed more engaged in learning in subsequent years.<sup>175</sup> In addition, students in the learning communities felt valued and experienced a sense of belonging, and they found their experience to be “deeper and richer.”<sup>176</sup> These communities provided opportunities for all students to learn the value of diversity and multiple perspectives.

Law schools could enjoy positive effects similar to those that learning communities have had on the undergraduate level. Learning is enhanced when students feel connected to their teachers<sup>177</sup> and work collaboratively with their peers.<sup>178</sup> Millennials work well in teams and learn from active, experiential, and collaborative learning exercises.<sup>179</sup> In addition, they are “less ethnocentric than previous generations, more open to cultural differences, and more willing to interact with those different from themselves.”<sup>180</sup> They are less individualistic and value relationships more than the previous generation. All these attributes of Millennials are enhanced by implementing learning communities.

In their most recent study, Kennon Sheldon and Lawrence Krieger’s findings demonstrate the positive impact of building community.<sup>181</sup> They applied Self-Determination Theory (SDT) to examine how characteristics of the law school environment impacted positive

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173. *Id.* at 2. This may require a commitment from law school administrators who can provide release time and grants to support such collaboration.

174. *Id.* at 5.

175. *Id.*

176. *Id.* at 6.

177. See Susan B. Apel, *Principle 1: Good Practice Encourages Student-Faculty Contact*, 49 J. LEGAL EDUC. 371, 373-74 (1999).

178. “Over the past 100 years, more than 600 studies have demonstrated that cooperative learning produces higher achievement, more positive relationships among students, and psychologically healthier students than competitive or individualistic learning.” Hess, *supra* note 153, at 94.

179. McGlynn, *supra* note 75, at 15-16.

180. Cawthon & Miller, *supra* note 33, at 7.

181. They found that in the beginning, law students became less intrinsically motivated and moved away from values of community and helping. First, students become more extrinsically motivated with increased values of appearance and image, but over time, they became less motivated, both intrinsically and extrinsically. Sheldon & Krieger, *supra* note 59, at 4.

student motivation.<sup>182</sup> Essentially, for students to maintain and maximize positive motivation they must be in a learning environment that supports their autonomy, makes them feel competent, and provides opportunities to have meaningful connection with others in their community.<sup>183</sup>

Despite all the research demonstrating the positive outcomes of collaborative learning, collaborative exercises are still under-utilized in legal education. In the 2006 LSSSE, eighty-eight percent of law students reported that they did *not* frequently work with other students on projects during class.<sup>184</sup> However, those who did work collaboratively “very often” reported greater learning than those who did not work collaboratively.<sup>185</sup>

Law schools can promote the formation of learning communities<sup>186</sup> through the orientation program. Faculty need to participate<sup>187</sup> and be invested in the themes and the design of the orientation program. This will enable them to integrate the themes introduced at orientation throughout the academic year. More importantly, it will enable them to begin to establish community with their students. The first-year sections could be organized into smaller subsections to form learning communities consisting of fifteen to twenty students,<sup>188</sup> a faculty member, an up-

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182. *Id.* According to Self-Determination Theory (SDT), autonomy support and self-directedness are critical in creating an environment that promotes positive intrinsic motivation. In the context of law school, the three factors that provide autonomy support are: “choice provision,” where students (subordinates) are given “as much choice as possible;” “meaningful rationale,” where students are not given choice, the law school administration or the professor (authority) provides an explanation; and “perspective-taking,” where the administration and the professor (authority) demonstrate that they care about the students’ ideas and perspectives. *Id.* at 5.

183. *Id.* at 6-7. In the school where students perceived autonomy support, they reported greater psychological satisfaction, better GPA (when controlled for differences in undergraduate GPA and Law School Admission Test (LSAT) scores), and higher motivation. *Id.* at 25. To promote greater autonomy support and psychological satisfaction, Sheldon and Krieger suggest, among other things, encouraging both students and teachers to participate in “activities that incorporate the values of the profession.” *Id.* at 30.

184. 2006 LSSSE, *supra* note 86, at 13.

185. Of those who worked collaboratively, 39% thought that their “legal education helped them acquire job or work-related knowledge and skills,” 46% thought they had strong gains in legal writing, and 59% thought they had strong gains in critical and analytical thinking. As compared to those who did not work collaboratively, only 18% thought that their legal education helped them acquire job or work-related knowledge and skills, only 27% thought that they had gains in legal writing, and only 41% thought that they had strong gains in critical and analytical thinking. 2006 LSSSE, *supra* note 81, at 13.

186. For an example of strategies to build communities in a combined Criminal Law and Academic Support summer course, as well as general strategies for all courses, see Paula Lustbader, *Walk the Talk: Creating Learning Communities to Promote a Pedagogy of Justice*, 4 SEATTLE J. FOR SOC. JUST. 613 (2006).

187. Although studies continue to demonstrate the importance of faculty contact to enhance student motivation and learning, there are no institutional incentives for faculty to do so. Sturm & Guinier, *supra* note 9, at 533 (pointing out that there are no incentives for faculty to spend time with students outside the classroom because faculty do not get “credit” for time spent with students, but only for scholarship and their in-class teaching time).

188. Mary Stuart Hunter, et al., *The First-Year Seminar: Continuing Support for New Student Transitions*, in DESIGNING SUCCESSFUL TRANSITIONS: A GUIDE FOR ORIENTING STUDENTS TO COLLEGE 149, 159 (Jeanine A. Ward-Roof & Cathie Hatch eds., 2d ed. 2003)

per-level student,<sup>189</sup> a staff member, and an alumnus. The faculty member could also be the assigned advisor to the group. Including an upper-level student provides a bridge to the learning community because students can more easily identify with someone who most recently went through the same experience. Including staff and alumni strongly communicates that the entering students are welcome by the institution and the profession. In addition, starting law school in a smaller cohort will enable students to feel a greater connection with the institution, the faculty, staff, other students, and alumni.<sup>190</sup>

Orientation programs can also cultivate community by providing opportunities for students to interact with faculty and with each other in different arenas and for different purposes. Examples could be teaching group process skills, encouraging participation and team building, promoting collaborative learning,<sup>191</sup> and modeling community through collaborative teaching. Orientation programs could include academic exercises, oral arguments, service learning, field trips, and social receptions. Students could be organized into affinity groups or re-assigned with different students in their first-year section for different exercises so they get to know everyone. To further develop community as the semester progresses, faculty could change the seating charts mid-term.

Finally, the school could create electronic communities before classes started. They could initiate something similar to an on-line *My Space* or *Facebook*, where students post information about themselves before they physically arrive at the law school.<sup>192</sup> When faculty members have information about students before classes start, it gives them an opportunity to engage students at the outset. This not only would help cultivate community, but could also help faculty confirm students' confidence by allowing them to refer to a previous achievement and build from there.

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189. *Id.* at 158.

190. Several years ago, Seattle University School of Law created these groups for orientation. Everyone was gathered in a large auditorium to hear a panel discussion. After the panel, the groups were to disperse into their assigned smaller groups. Before the large group dispersed, the facilitators stood to welcome the entering class. When they all stood, it was a powerful moment for the entering class to see how many people were there to support them.

The University of Missouri-Kansas City School of Law, created "Inns" that are comprised of sections of first-year students, an attorney, and a judge, modeled after the Inns of Court. These "Inns" meet a few times each semester throughout the three years of law school. Telephone interview with Barbara Glessner Fines, Professor, University of Missouri-Kansas City School of Law (Dec. 11, 2007).

191. A good source of collaborative learning exercises and ways to promote relationships among students is Stephanie Kadel & Julia A. Keehner, *Collaborative Learning: A Source Book for Higher Education*, 2 NAT'L CENTER ON POST SECONDARY TEACHING, LEARNING, AND ASSESSMENT (1994).

192. But electronic communities can pose barriers to face-to-face meetings. For example, as one of its orientation seminar options, New York University offered, *Facebook in the Flesh*. This seminar was designed to help students learn how to "build social networks in person." Michael Schulman, *Social Studies*, THE NEW YORKER, Sept. 17, 2007, at 37.

### 5. Confirm Student Self-Confidence

Confidence is a necessary component of being a successful lawyer and a successful person. When students lack confidence, they hold back and often do not perform to their highest ability. Often, their confidence plummets during the first semester of law school. Students from those historically under-represented groups are particularly vulnerable. On the other hand, when students are overly confident, they may underestimate the degree of challenge and under prepare, which can result in failure. Thus, a lack of confidence or an inflated confidence can impair students' motivation and academic performance.<sup>193</sup> Confirming confidence enables students to assess their strengths and weaknesses so they can modify their study behaviors to maximize their performance.

Once more, think back to the characters in Oz. They each thought that they were deficient or lacking in some essential area of their lives. It took experiences that provided opportunities for internal validation, external validation, and ultimately a belief in themselves for them to feel worthy and successful. But, how many experiences were necessary and how many were gratuitous? Had not Scarecrow, Tin Man, and Lion already proved they had brain, heart, and courage when they reached the Emerald City the first time? Like Dorothy and her friends, law students need experiences, validation, and belief in themselves. How many experiences in law school are necessary? Just as getting the broomstick was a false idol, which did not ultimately help Dorothy and her friends reach their goals, so too is the focus on class ranks, grades, and the narrow skill set measured on exams: false idols that will not necessarily lead to the end of the rainbow, success, and happiness.

Orientation programs can help students avoid gratuitous angst and can provide experiences, validation, and opportunities to support students' belief in themselves and their individual goals.<sup>194</sup> It is easy to recognize the need to build students' confidence, but it is also necessary to gently provide a reality check for those students with inflated confidence. People often think that Millennials are overly confident. It is true that they were the most "wanted" generation,<sup>195</sup> their educational experience focused on building self-esteem,<sup>196</sup> and they grew up getting an award or a trophy just for showing up at the soccer field. As a result, they tend to have a high opinion of themselves and overestimate their

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193. A lack of self-confidence and a feeling of disconnection from professors and peers can undermine students' ability to perform academically. London, Downey & Mace, *supra* note 19, at 456-57.

194. Orientation programs should help graduate students feel a sense of belonging and a sense of self worth. SILBER ET AL., *supra* note 59, at 2.

195. Mary Bowman & Janet Dickson, Generation Me: Understanding Our Students So We Can Teach Them Effectively, Presentation at the Gonzaga University School of Law Northwest Regional Legal Research & Writing Conference: Teaching LR&W in Changing Times (Aug. 10, 2007).

196. *Id.*

abilities.<sup>197</sup> Notwithstanding their inflated confidence, Millennials are optimistic, have high standards, and value action and achievement;<sup>198</sup> therefore, they need an accurate assessment of their abilities and having received such feedback they will likely work to improve themselves.

Orientation programs should provide “an opportunity [for students] to assess their own academic abilities.”<sup>199</sup> In so doing, they can help students’ gauge what they should be confident about, where they may be overconfident, and help them assume a more humble approach. The best way to help each student gain an accurate assessment of confidence is through giving them a series of exercises where there is high expectation but low risk of failing, coupled with prompt, constructive feedback. In following a spiral curriculum model, orientation programs can provide little exercises that build upon one another in sophistication and provide feedback for students so that they can see what is expected of them, how they can best achieve it, and whether their approaches are adequately serving them. Orientation programs can support students’ metacognitive process by providing feedback and by encouraging students to complete self-regulation learning exercises where they reflect upon how they are learning and determine if they want to change their strategy. They can also provide opportunities for students to reflect on internal measures of success and look for times when they experience “flow.”<sup>200</sup> Moreover, orientation programs can demonstrate that students already possess the basics they need, as though Glinda had told Dorothy about the power of the slippers. True, students will still need experiences to believe it for themselves, but it would be comforting to be told it is possible. Orientation programs can help students gain confidence or confirm what they already know and reinforce the skills they already possess<sup>201</sup> by providing them with tools and contacts to best prepare them for their studies and for the profession. Finally, orientation programs can help students believe in themselves by providing a variety of learning activities so that each student can shine and, most importantly, by generating opportunities for members of the community to learn about one another so they can support each other.

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197. *Id.*

198. *Id.*

199. Smith & Brackin, *supra* note 15, at 41.

200. Flow is the state where a person is in the “zone,” completely immersed in the activity and where external things like time disappear. See generally Mihaly Csikszentmihalyi, *Creativity: Flow and the Psychology of Discovery and Invention* (1996); Mihaly Csikszentmihalyi, *Finding Flow: The Psychology of Engagement With Everyday Life* (1997); Mihaly Csikszentmihalyi, *Flow: The Psychology of Optimal Experience* (1990); Howard Gardner et al., *Good Work: When Excellence and Ethics Meet* (2001).

201. Michael Schwartz does an exercise where he has students list the skills necessary to be effective lawyers. He then reads the list and has students stand when they hear a skill that they already possess.

### C. Program Models

As well as addressing the general goals outlined in the previous section, and creating content in accordance with those goals, in large part, the overall design of the program model will depend on the needs and commitment of the institution and the needs of the students. In determining the appropriate program model for its school, the committee should also consider the timing and length of orientation,<sup>202</sup> and develop a plan that integrates orientation and its themes into the curriculum. There are a variety of models of orientation programs; the three presented here are an introductory program, a first-year seminar, and a comprehensive program that spans all the years a student is in school and after by providing support for alumni.

#### 1. Introductory Program

An introductory program is held prior to the beginning of classes lasting for a week or two.<sup>203</sup> This is the model in most law schools today. It typically includes a variety of activities, mainly to inspire students and provide some pedagogical foundation. Some schools add to the brief introductory session and offer a few follow-up sessions during the first-semester as well. It might also include a teaching-assistant-led study session or “lab,” with one or more courses to help students develop study skills in context of a real class. The challenge with adding these sessions after the initial introduction is motivating students to attend the follow-up sessions, especially if there is no credit attached to these sessions, or if the faculty in the first year do not integrate the themes and sessions into their classes.

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202. Most orientation programs occur before the official school year begins. The signal this sends is that the orientation is somehow separate and less important than what the students will learn once classes commence. How would students' experience of orientation be different if the first few weeks of class were devoted to orientation themes and skill development? What if all first-year faculty were involved in that two-week period to fully immerse students in the culture of the law school and have the students feel that the faculty, staff, administration, and upper-class students who participate in the orientation really care about them?

203. An example of an eight-day fall orientation is the University of Washington Law School's innovative Fall 2007 orientation program. It combined both community building and academic components. Community building activities ranged from talks by local judges to sessions with peer mentors, training in the Meyers-Briggs Type Inventory, to a student activities fair, which included a reception for public interest oriented students and public interest practitioners. Students worked in teams named after famous judges, rotating through different small groups so they would get to know students who would not be in their classes once the academic term began. The academic program— itself over thirty-two hours long—traced the stages of a lawsuit, using documents from a real case. Students observed a simulated client interview and brainstorming session, a mock conference between a real federal judge and her clerk, and a mock state supreme court argument. All 180-plus students either argued or judged a summary judgment motion. Interspersed with these activities were lectures introducing key legal concepts and skills. The program closed with an opportunity to hear from plaintiffs and both plaintiffs' counsel and defense's counsel from the real case. Student response was overwhelmingly positive. One important but unanticipated side effect was that students began the academic term with a greater level of confidence and much less angst. E-mail from Deborah Maranville, Professor, University of Washington School of Law, to Paula Lustbader (Nov. 8, 2007, 20:08 PST) (on file with author).

## 2. First-Year Seminar

Another possible model is an orientation course designed to replicate those of first-year undergraduate students with the purpose of “improv[ing] the likelihood of academic and social integration and overall satisfaction with [their] college experience.”<sup>204</sup> These programs improve retention rates and grade point averages as well as engender an increased sense of belonging to the campus community. “It is essential that continuous orientation be integrated into the total education community and that it encompass the institutional mission.”<sup>205</sup>

These freshman seminars have proven to be very effective. Among the positive outcomes were student reports of lower stress levels and increased satisfaction with the institution, increased involvement, increased academic and social integration, increased academic confidence, increased emphasis on academics, and higher levels of engagement in learning.<sup>206</sup> Faculty reported positive outcomes as well. Faculty who were involved in teaching these first-year seminars had “increased innovation in teaching, improved attitude towards first-year students, and greater knowledge of resources available at the institution.”<sup>207</sup> In addition, faculty indicated that they felt more integrated into the campus and more connected to other faculty members outside their department. They also reported that it increased their personal and professional connections with students.<sup>208</sup>

A law school first-year seminar like this would offer a one or two-week program at the beginning of law school. Professional formation, other themes, and skills introduced at orientation, would be integrated into a first-year seminar,<sup>209</sup> in smaller classes like Legal Writing, or a small section of a substantive class. Ideally, all first-year professors would integrate some of the themes to generate coherence.

## 3. Comprehensive Program

An ambitious model is a fully integrated and comprehensive program that would begin with the admissions process and continue through law school and beyond with programs for alumni. This program would be fully integrated into the school’s academic curriculum, would start at the official beginning of the first year, and would provide a continued thread of central themes and programs until graduation.

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204. Smith & Brackin, *supra* note 15, at 49.

205. *Id.*

206. Hunter et al., *supra* note 188, at 155.

207. *Id.* at 156.

208. *Id.*

209. Topics covered in first-year seminars include “essential academic skills, health and wellness, relationships, communication skills, stress management, goal setting, time management, diversity, career exploration, and values clarification.” *Id.* at 152.

This program would continue with follow-up seminars, Continuing Legal Education programs, and retreats for alums. There would also be programs and support for spouses, significant others, and families.

Such a comprehensive program might begin each academic year with a retreat followed by seminars that functioned like “homerooms.” Each year would progress in a spiral curriculum and build on the skills, reflections, and experiences gained in the previous year. For example, the first-year seminar would begin with foundational learning and lawyering skills, life’s purpose development, acculturation to law school and the profession, academic enrichment, and service learning. The second year would begin with a re-orientation or a retreat to reconnect students to the school communities. They could share their summer experiences, reflect on their life’s purpose in light of their experience of first-year and the summer, and the seminar would build on a spiral curriculum model and progress through a more sophisticated academic enrichment and service learning. The third year would progress through deeper levels of service, enrichment, and reflection. It might even include some bar exam preparation strategies. There would be a parallel program for part-time students that would extend until they graduate. Programs for alums would continue in this fashion.

The ultimate design and content of the orientation program will depend on the institutional mission and commitment, the resources available, and the needs of the students.

Implementation of the ideas generated by this article will require creativity, vision, and tenacity. All it takes is a few people to lead the initiative.<sup>210</sup> The goals for an orientation plan set out in this article are admittedly ambitious. It is difficult to imagine that they could be achieved in a program that lasted less than two weeks and was not integrated into the curriculum. At the same time, it is difficult to imagine that law schools across the country are ready to devote the resources necessary to create a comprehensive plan that encompasses each academic year, as well as alums. Although a first-year orientation seminar would arguably be the best design, it may prove too difficult to start. Thus, it may be advisable to start with an experimental component or two, building in more as the program gains credibility.<sup>211</sup>

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210. “Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has.” While attributed to Margaret Mead, the more specific source of the quotation is unknown. Margaret Mead Quotes, <http://www.brainyquote.com/quotes/quotes/m/margaretme100502.html> (last visited Feb. 7, 2008).

211. Hunter, Skipper, and Linder provide a series of principles for initiating a first-year seminar program which would include offering the seminar on an experimental basis, recruiting qualified and enthusiastic teachers, and involving upper-level students in the process. Hunter et al., *supra* note 188, at 157-58.

## IV. CONCLUSION

There are many similarities between Oz and law school. Some obstacles were a necessary part of the journey and important for Dorothy and her friends to gain confidence and believe in themselves. They learned that they had the power within themselves all along, which they probably never would have believed without overcoming a challenge or accomplishing something difficult. However, many of the obstacles they faced were gratuitous and diverted them from their path. Did the Wizard need to hide behind the curtain to create fear to motivate them? Did they really need to get the Wicked Witch's broom and kill her? Did Scarecrow really need to be torn apart by the flying monkeys?

In the end, although I question whether Dorothy and her friends truly found their life's purpose, they did accomplish their immediate goals. It is a great adventure story. Law school, however, is not an adventure story where the author has to invent obstacles to create suspense and drama. There is sufficient drama in students' lives without law schools adding gratuitous obstacles. Here is where we come full circle. In order to support students, we need to know more about them—their hopes, dreams, and fears. We must engage them and ourselves in an orientation process that constructs the profession as a calling, creates context, communicates care, cultivates community, and confirms confidence. In this way, we can transform legal education and the profession and help students find their end of the rainbow. As we forge ahead to enrich their experience through improving orientation, we must remember that there is one main truth in Oz: Almost anything is possible, but you must BELIEVE and click your heels three times. And, have good friends.