Naming and Reframing: Challenging Dominant Cultural Norms to Support Students' Professional Identity Formation

Janice Craft (she/her)

Associate Professor, Legal Practice, and Director, Professional Identity Formation

University of Richmond School of Law

Institute for Law Teaching and Learning

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Flow

- Structure of Professional Identity Formation course at Richmond Law
- Why and how I decided to “name and reframe” dominant cultural norms
- Paradoxes to ponder
- Conversation and Q&A

PIF @ Richmond Law

- Required, first-year course
- One credit
- Graded pass-fail
- Offered as a two-part course: PIF I in the fall and PIF II in the spring
  - Fall: Values, health, and well-being
  - Spring: Values and guiding principles
- Meet on alternating weeks
  - Beginning Week 3 of the semester
- Sections < 30 students

Why a “name and reframe” framework?

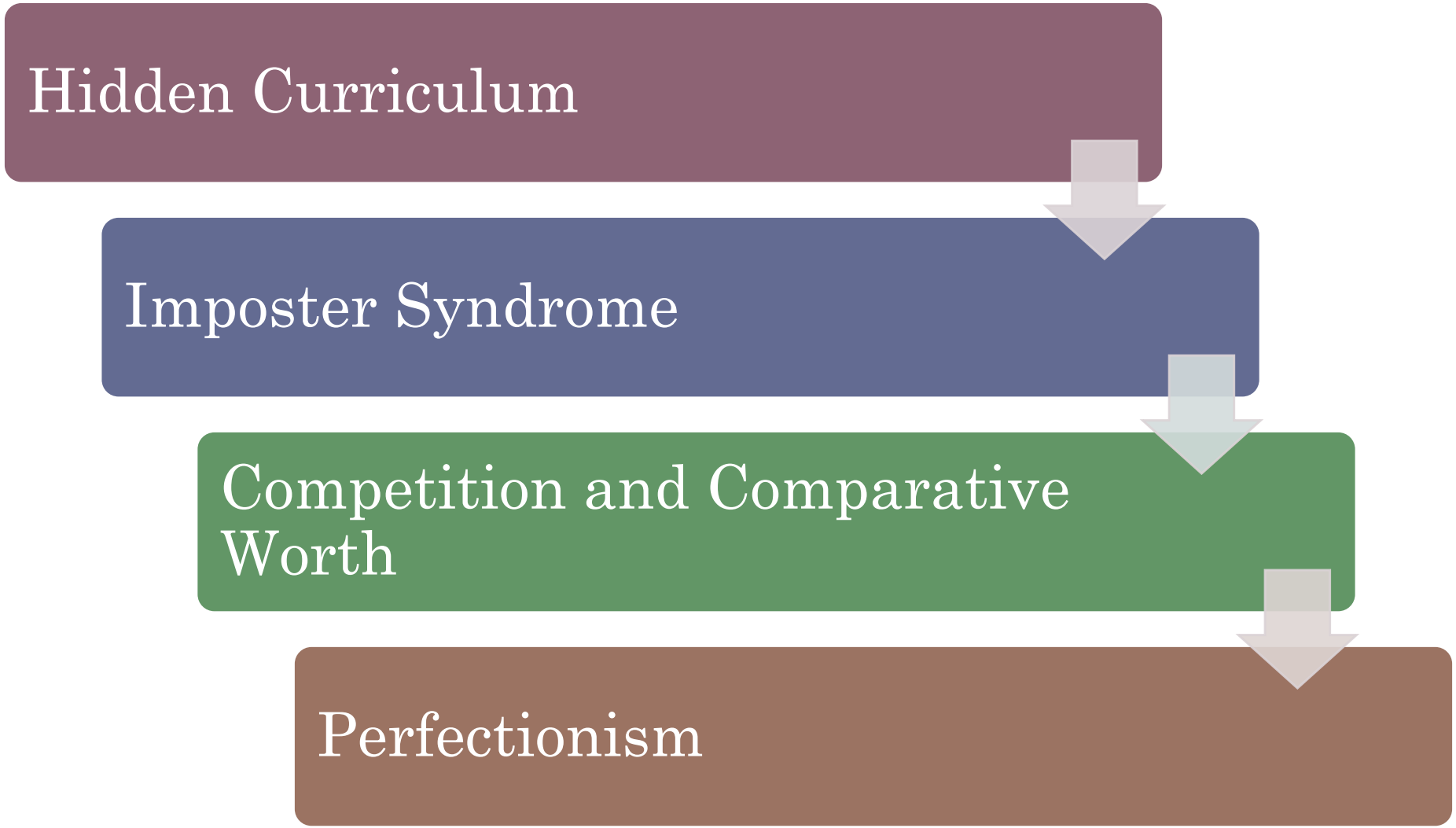
- Law school changes students – and from a mental health perspective, rarely for the better.
- Insufficient to suggest that law school is simply “stressful” and that students must simply prioritize self-care.
- If we’re not explicit in identifying a problem(s), we’re not going to alight on a solution(s).
- The problem has a name: culture.
- Institutional change happens slowly, if at all.
- Transparency, even unflattering transparency, breeds trust.
- To be frustrated by pace of institutional change > to feel alone, excluded, or gaslit because they lack a vocabulary and tools to confront cultural challenges.

Shout out!

"[S]tudents seemed **relieved** to hear, from professors they trusted, that (1) the inequalities they had observed or experienced in law school were real, (2) other people in other places had noticed them too, and (3) at least in the space we had created for them, it was okay to talk about them. . . . Here, candor is key: once students understand the different institutional forces at play or what constraints the law school is operating under, then they can talk with faculty and administrators using that shared knowledge. This transparency can build **trust** among students, faculty, and administrators."

Alexa Z. Chew & Rachel Gurvich, *Saying the Quiet Parts Out Loud: Teaching Students How Law School Works*, 100 NEB. L. REV. 887, 902 (2022), *available at* https://tinyurl.com/uenrdhkn.

Naming and reframing: How?



Preparation for discussion of the hidden curriculum

Debra S. Austin, *Killing Them Softly: Neuroscience Reveals How Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59 LOY. L. REV. 791, 791-97, 799-800, 826-28, 851-54 (2013).

Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. OF LEGAL EDUC., Vol. 3, 247-263 (1978).

Molly Townes O'Brien, *Facing Down the Gladiators: Addressing Law School's Hidden Adversarial Curriculum*, 37 MONASH U. L. REV. 43, 43-56 (2011).

Objectives

- Describe hidden curriculum in your own words.
- Understand the relationship between the hidden curriculum and your professional identity formation.
- Understand the inherent and potential dangers of the hidden curriculum.
- Appreciate how the hidden curriculum influences who you're becoming right now and what you're beginning to believe that you ought to do, feel, prioritize, and value as a law student and lawyer.
- Challenge (if desired). Make intentional choices.

Think – Pair – Share

- Describe the hidden curriculum in your own words.
- Why focus on law school's hidden curriculum in a professional identity formation course? What's the relationship between these concepts?

What is it?

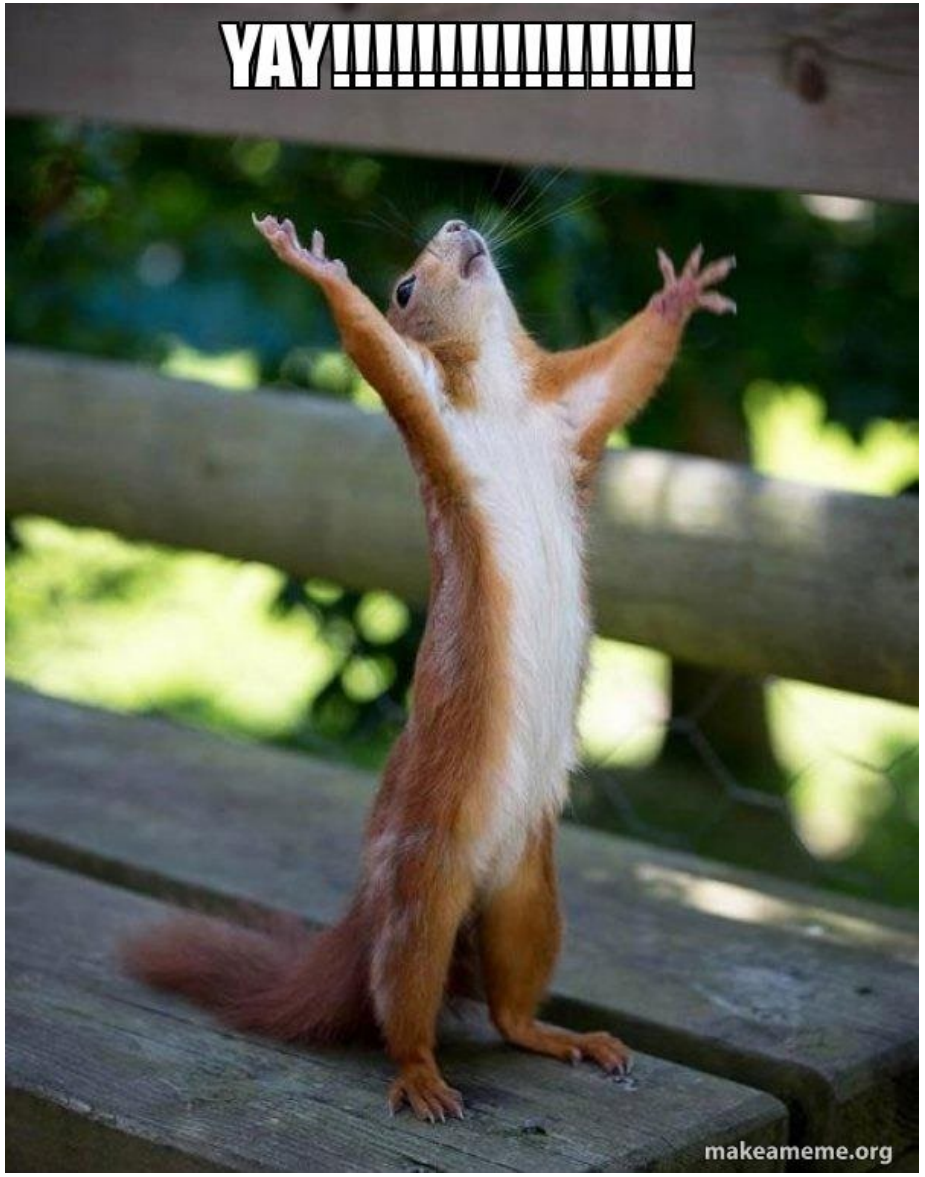
The hidden curriculum (or "ordinary religion of law school") refers to "certain fundamental **value** assumptions unconsciously presupposed by most faculty and student participants. This intellectual framework is almost never openly articulated, but it lurks behind what is said and done." (Cramton)

The hidden curriculum "encompasses the conceptual assumptions and implicit norms and **values** that underpin both the official and operational curricula" and "is informed not only by the choice of course material (what is taught and not taught), but also by the pedagogy, materials and context of the class." (O'Brien)

The hidden curriculum comprises "'[t]he norms, **values**, and social expectations indirectly conveyed to students'" and "is part of the culture of both classroom and school, and it socializes learners to the **values** of the education environment." (Austin, *quoting* Philip W. Jackson)

Why in a PIF course?

- The hidden curriculum "shape[s] the professional identity development of law students. . . . Learning how to think like a professional means 'learning to value the things professionals think of as important, interesting, and meaningful,' and seeing oneself as that kind of professional." (Austin)


YAY!!!!!!!!!!!!!!!!!!
makeameme.org

Why might the operation of the hidden curriculum *concern* us?

We don’t question what we don’t see.

It doesn't occur to us to evaluate the *quality* of the hidden curriculum.

"What should we do with a hidden curriculum when we find it? The significance of the question is a function of the quality of the hidden curriculum we find. If a hidden curriculum is harmless, what we do with it will not matter very much. It is when the one we find is not harmless – **when it instills beliefs, attitudes, values, or patterns of behavior which are undesirable** – that our question takes on urgency. And it becomes more urgent the more undesirable the learning states are. There can be no doubt that when the hidden curriculum we find contains harmful learning states, we must try to root them out."

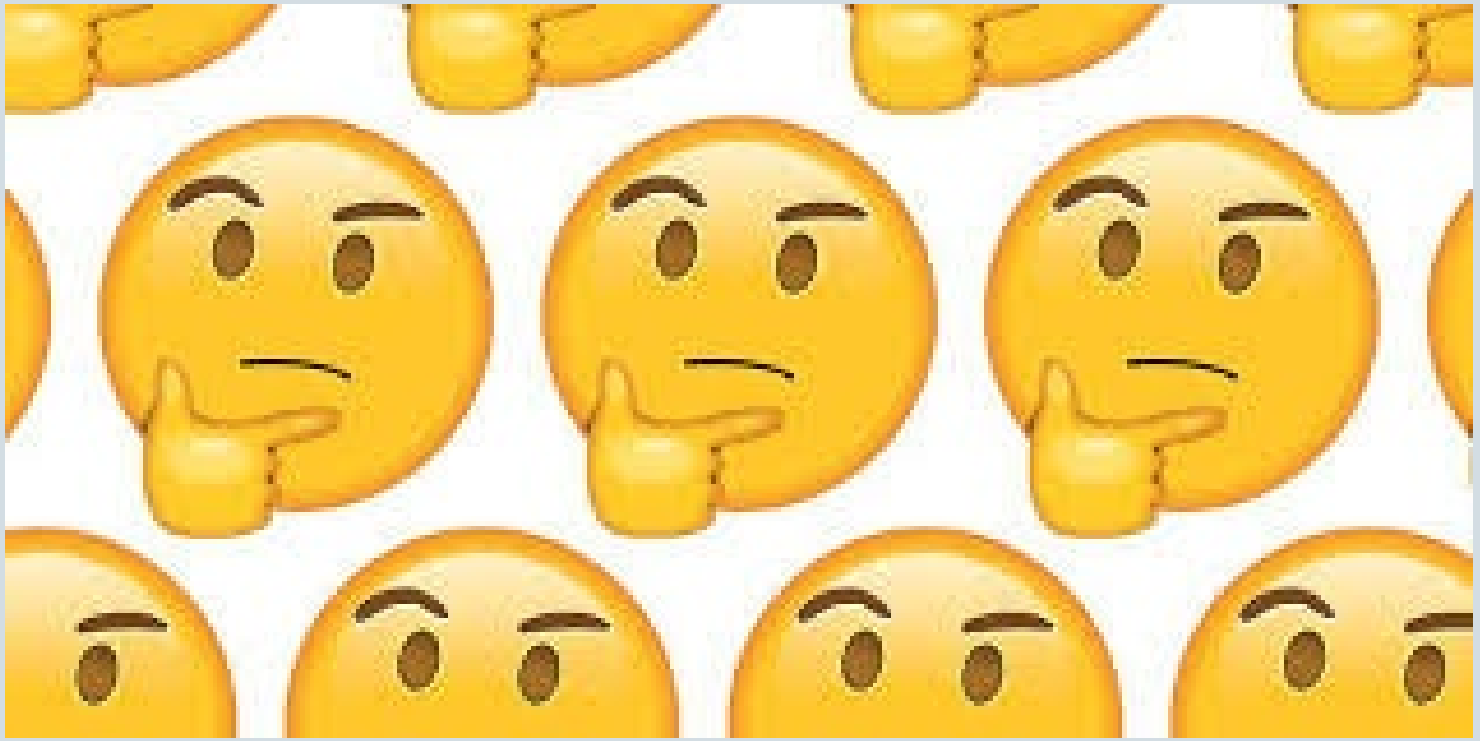
Jane R. Martin, *What Should We Do with a Hidden Curriculum When We Find One?* 6:2 CURRICULUM INQUIRY 135, 145 (1976).

It doesn't occur to us to question the *truth* of the hidden curriculum.

"Occasionally, cardinal tenets of this normally unarticulated value system are stated in a fashion suggesting that they are the common framework of the entire discipline. The process of socialization by which a law student becomes a lawyer involves the identification and acceptance of these accepted truths about law and lawyering."

Cramton, at 248.

It doesn't occur to us that *we can choose whether to accept and internalize* the "beliefs, attitudes, values, or patterns of behavior" that the hidden curriculum implicitly suggests we should.



The Ordinary Religion of the Law School Classroom

1. A skeptical attitude toward generalizations, principles, and "received wisdom"

2. An instrumental approach to law and lawyering

3. A "tough-minded" and analytical attitude toward lawyer tasks and professional roles

4. Faith that reliance on institutions of representative democracy yields steady progress

"Hidden" within the case method?

- An assumption that "the law" is a product of conflict between adversaries resolved by adjudication, but . . .
- by *what other means* do we create "law"?
- An assumption that the "practice of law" necessarily involves litigation between entrenched adversaries, but . . .
- in *what other ways* do attorneys "practice law"?

O'Brien, at 43.

“Hidden” in case method (cont.)?

- Places a premium on formal knowledge and procedure, but . . .
- what *beyond procedural history* has occurred by the time we reach argument before an appellate court?
- what *beyond the strength of a client’s legal argument* has an attorney considered in agreeing to represent a client and pursue a particular legal strategy?

A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 WASH. & LEE L. REV. 1949 (2012).

"Hidden" in case method (cont.)?

- Reinforces that "the law" is morally and ideologically neutral, impartially and objectively discovered, and consistently and fairly applied, but . . .
- what have you observed about *how law operates in the real world*?

Katie Young, *Understanding the Social and Cognitive Processes in Law School that Create Unhealthy Lawyers*, 89 FORDHAM L. REV. 2575, 2582 (2021).

What of Socratic dialogue or cold-calling?

- Suggests that it is most important that law students and attorneys *perform* what they *know*, but . . .
- in what other ways do law students and lawyers demonstrate competence and progression toward mastery?
- what is equally if not more important to a law student's and attorney's academic and professional success than knowing the (so-called) right answer?

What of Socratic dialogue (cont.)?

- Reinforces that excellence in legal analysis is tantamount to excellence in legal study and practice, but . . .
- what *other skills and competencies* do law students and attorneys need to claim excellence in practice?
- what *other responsibilities* beyond performing technical legal analysis do attorneys confront in practice?

William M. Sullivan, *et al.*, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 77, 132, 144 (2007).

Hidden within the curve and rankings?

- Reinforces that "success" is "zero-sum," but . . .
- what *beyond "win-lose"* constitutes a successful outcome in legal practice?
- Reinforces that your worth, talents, skills, intelligence, competencies (etc.) must necessarily be measured by how you perform *compared to others*, but . . .
- in what other ways can you evaluate your development and progress toward goals?
- Reinforces that "success" is tied to *outcomes* and *external* validation and reward, but . . .
- in what other ways can you measure your success?

Young, at 2585, 2587; *see generally* Kennon M. Sheldon & Lawrence Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. AND THE LAW 261 (2004).

Accepted truths?

Comparative worth

"Smart" > E.Q. or C.Q.

Accolades > Experience

Knowing > Asking

Neutrality > Values

Hired gun > Counselor

Productivity as worth

Lest we think we're unaffected by implicit cultural messages…

- Staying awake until 2 a.m. (or otherwise deprioritizing rest)
- Skipping meals
- Procrastinating or not turning in assignments
- Not visiting professors during office hours
- Avoiding mentors
- Resistance to self-testing or studying with others
- Refusal to socialize (or elevated alcohol or substance use when socializing)
- Overwhelming anxiety in class; inability to focus in class
- Asking classmates about their grades
- Getting annoyed by "gunners"

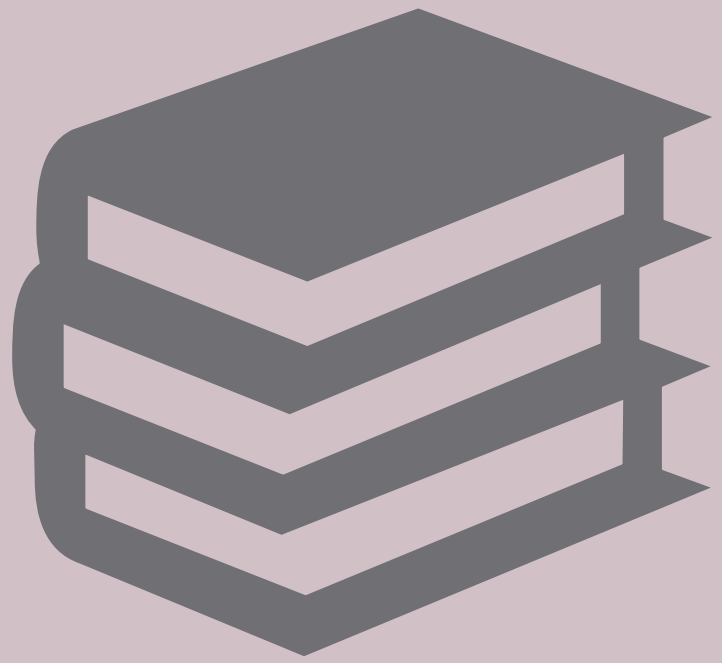
Responding to the hidden curriculum

"Law students **should not wait for institutional change** to alleviate the impact a stressful law school learning environment has on their learning. Their professional identity, along with their capacity to build practice skills and a legal knowledge base, are at risk."

Austin, at 791.

"[T]here is no guarantee that consciousness raising will insulate us successfully against learning states we do not want and should not acquire. Certainly we must not view it as a substitute for institutional and societal reform. Yet, . . . **knowledge about what has happened or is happening to one can have powerful effects**. I would not count on a single individual whose consciousness had been raised in private, so to speak, to withstand the hidden curriculum of a setting in which [they are] put. **But when knowledge is shared and there is strong peer support, consciousness raising may be the best weapon individuals who are subject to hidden curricula have**."

Martin, at 150.



What top three values do I consciously choose to embody in my first semester of law school?

How do these values support who I want to be and the community I want to foster as a law student?

How will I do it?

Acceptance Open to and accepting of ourselves, others, life, etc.	**Courage** To persist in the face of fear, threat, or difficulty	**Forgiveness** To offer grace to ourselves and others	**Intimacy** To open up, reveal, and share ourselves in close relationships	**Prestige** To be credentialed and the subject of widespread acclaim
Adventurous To actively seek, create or explore stimulating experiences	**Creativity** To be imaginative and innovative	**Fun** To be fun-loving; to seek, create, and engage in fun-filled activities	**Justice** To give others their due	**Resilience** To cope and recover from setbacks, to successfully adapt to challenging life experiences
Assertiveness To respectfully stand up for our rights and the rights of others	**Curiosity** To be curious, open-minded, interested, and exploratory	**Generosity** To contribute, give, help, assist, and share	**Kindness** To be considerate and nurturing of ourselves and others	**Responsibility** To be true to our word and accountable for our actions
Authenticity To be genuine, real, and true to ourselves	**Encouragement** To celebrate and reward behavior that we value in ourselves or others	**Gratitude** To appreciate aspects of ourselves, others, and life experiences	**Mindfulness** To be conscious of and open to our here-and-now experiences	**Self-awareness** To be aware of our thoughts, values, feelings, perspective, and actions
Beauty To appreciate, create, nurture or cultivate beauty in ourselves, others, the environment, etc.	**Equity** To make adjustments to correct imbalances and allocate resources and opportunities as needed	**Honesty** To be truthful and sincere	**Order** To be organized, predictable, and systematic	**Self-development** To keep growing, advancing, or improving in knowledge, skills, character, and life experience
Compassion To act kindly toward ourselves and others in pain	**Excitement** To seek, create, and engage in activities that are thrilling	**Humor** To appreciate amusement, wittiness, and lightheartedness	**Open-mindedness** To see things from others' points of view and weigh evidence fairly	**Skepticism** To question beliefs stated as facts; to find a supported conclusion
Competitive To desire to surpass others and be victorious	**Fairness** To treat ourselves and others impartially without favoritism	**Humility** To be modest, to let our achievements speak for themselves	**Patience** To wait calmly	**Skillfulness** To practice and employ our skills and apply ourselves fully when using them
Connection To engage fully and be present	**Flexibility** To adjust and adapt readily to changing circumstances	**Industry** To be hardworking and dedicated	**Persistence** To continue resolutely, despite problems or difficulties	**Supportiveness** To be helpful, encouraging, and available to ourselves and others
Cooperation To collaborate willingly and enthusiastically with others	**Friendliness** To be companionable and agreeable toward others	**Independence** To be self-supportive and choose one's own way	**Power** To strongly influence or wield authority	**Trust** To be loyal, faithful, sincere, and reliable

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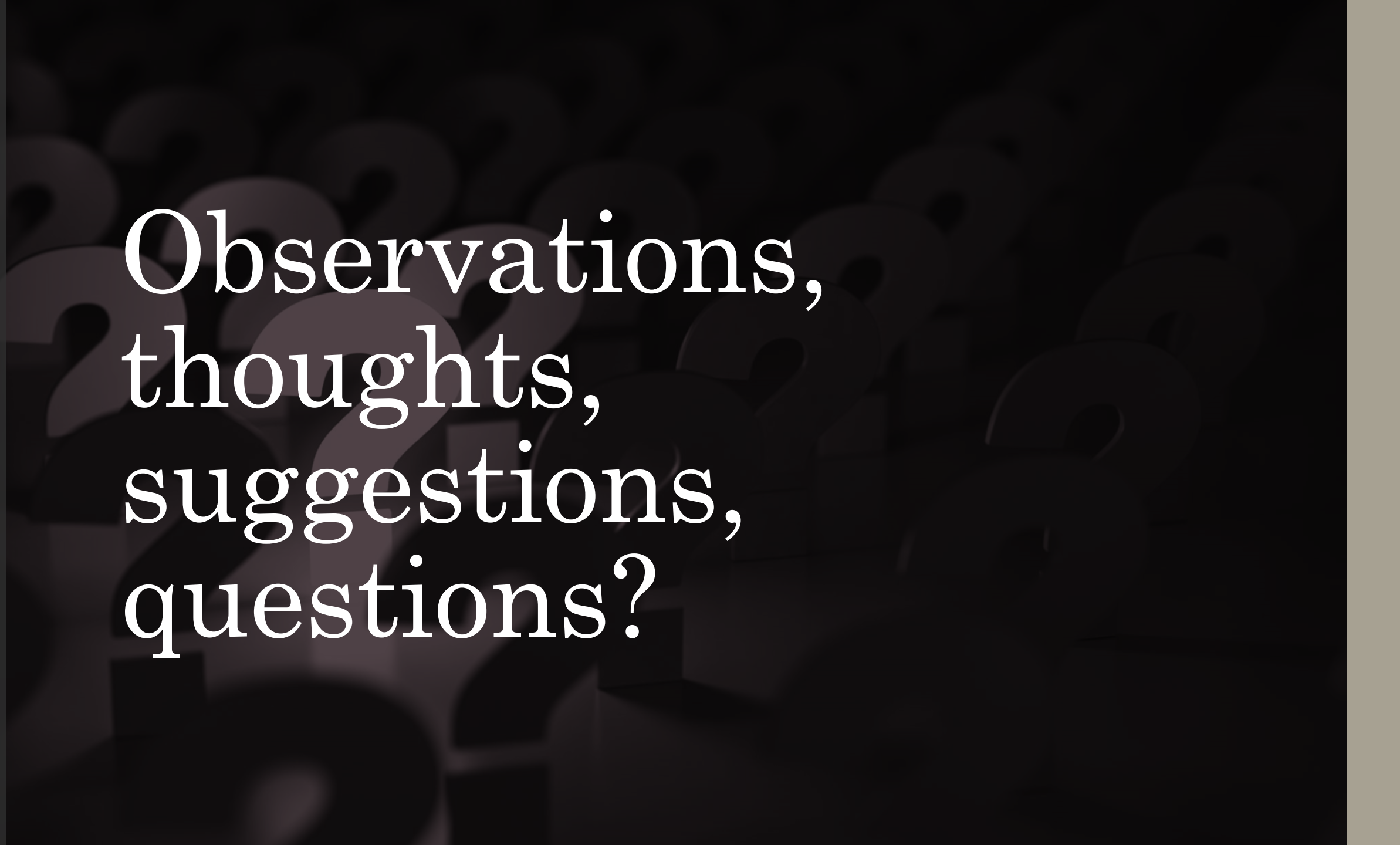
The trajectory of naming and reframing (PIF I)

- Imposter syndrome and belonging
  - Move away from belief that needing and asking for help means I am defective or less than.
  - Move toward recognizing and valuing help-seeking, proactivity, and self-awareness as critical aspects of my professional identity.
- Competition and comparison
  - Move away from belief that I'm only "enough" if I'm at the top, winning, and receiving accolades and awards (*i.e.*, placing primary value on external indicators of success).
  - Move toward prioritizing intrinsic rewards of legal study and practice and adhering to internal standards of excellence as critical aspects of my professional identity.
- Perfectionism and exhaustion as a measure of self-worth
  - Move away from relentless (and ironically, counterproductive) pursuit of perfection and belief that my worth is tied to my productivity.
  - Move toward valuing accountability *and* self-compassion and striving *and* "imperfectionism" as critical aspects of my professional identity.

Paradoxes to ponder

- Embrace the fullness of the human experience (including the full range of human emotions) *and* recognize and reframe unhelpful thinking and redirect unhelpful behavior.
- Honor difference, disability, and neurodiversity *and* suggest near-universal usefulness of certain tools and behaviors.
- Reinforce agency *and* suggest some values ought to be nonnegotiable aspects of one's professional identity.
- Acknowledge the reality of what is *and* inspire them to create something new.


Observations,
thoughts,
suggestions,
questions?

Professional Identity Formation I[1]

Fall [Year]
[Professor Name and Pronouns]
[Room Number and Office Hours[2]]
[Link to YouCanBookMe Page]

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I. Welcome to Professional Identity Formation (PIF)!

[I begin with a disclaimer about the unusual schedule for PIF; obviously this will not be required if you meet on a weekly basis with students.]

What is professional identity formation? We'll get to that in a moment. More important than any description of PIF as a concept is this caveat about PIF as a course: the schedule and structure of the PIF course are not intuitive. The PIF course is unlike your other first-year courses. I recommend you read the syllabus closely (in other words, continue reading beyond this initial paragraph), peruse the Blackboard site, and remain cognizant of course requirements and deadlines.

Now, what is PIF? First, let's dispense with the false notion that PIF is the same as "professionalism." Briefly, "professionalism" refers to adherence to norms of conduct in the workplace or in professional settings (*e.g.*, for lawyers, a courtroom, an office, or a setting for a negotiation or deposition). What is or is not deemed "professional" (*i.e.*, marked by "professionalism") is culturally bound and seemingly, though not actually, immutable. Professionalism is concerned with compliance, predictability, and order.

Now, the **decisions** you make about whether and how much you care for "professionalism" or being perceived as "professional," the **beliefs** that underlie whether you assign value to some behavioral norms but not others, and the **values** that guide whether you adhere to or transgress the rules and how you **cope**

[1] Please note that the course syllabus and related course materials (e.g., videos and other recordings, announcements and other items on the Blackboard course site, etc.) are not intended for distribution or reproduction. In-class recording is also prohibited. Please contact me in advance if you would like to record a class session or distribute or reproduce any course materials.

[2] Office hours serve *any purpose* you want or need. Want to talk about class? Check. Need a listening ear about something unrelated to school? Here for it. Academic or job concerns? I got you covered. Need a referral or recommendation about available resources? Done! Bonus: I always have chocolate in my office.

with the consequences of your actions – *that's* professional identity. Your professional identity is the sum total of your values, beliefs, choices, and above all, your behavior as a law student and lawyer, as informed (but not controlled) by the external norms, customs, expectations, responsibilities, and professed values of law school and the legal profession.

II. Why do we need a Professional Identity Formation course?

The reasons for the PIF course are twofold. First, the process of professional identity formation occurs whether or not there's a course dedicated to it and whether or not you ever hear the words "professional identity formation" uttered during the course of your legal education or practice. Consciously or otherwise, you are always *becoming*. The concern is here: "*or otherwise*." It is possible to undergo unconscious, unreflective, and unintentional formation, in other words, it is possible that you become the law student and lawyer you become without having purposefully undertaken any inquiry as to whether who you *are* is who you *want to be*. Ask yourself: Do you want to "become" as if guided by an unseen hand, or do you want to lend reflection, critical thinking, evaluation, and reevaluation to your growth and development? The point is: whatever professional identity you develop, the most important aspect of identity formation is that it is undertaken **knowingly**, **intentionally**, and with opportunities for **reflection**, **self-assessment**, and **feedback**. Hence the PIF course.

Second, professional identity formation must appear in the curriculum because without it, we've not offered you full preparation for legal practice. By now, you should be familiar with the concept of the three "apprenticeships" of learning in professional schools: the apprenticeships of cognition and intellect, practicality and skill-building, and identity, meaning, and purpose.[3] [I say "by now" in the previous sentence because I introduce students to the three apprenticeships of a professional education during Orientation Week.] A successfully integrated professional education curriculum incorporates all three apprenticeships. Ideally, all your courses will include content and pedagogies that support your ethical-social professional formation and contemplation of who you want to be and how you want to serve as a lawyer. Often, though, "most aspects of the ethical-social apprenticeship are subordinate to academic training in case-dialogue method."[4] Accordingly, we offer the PIF course to ensure a dedicated space for you to examine your strongly-held convictions, the ways in which you effectively (and perhaps ineffectively) relate to yourself and others, the social and ethical roles and responsibilities of legal professionals, the acculturation process you've undertaken (sometimes unwittingly) in law school, and how to achieve integration (which is to say, how to maintain your integrity) in legal study and practice.

III. What will the PIF course cover?

The unofficial theme for our PIF course this fall is, "Min(d)ing for Success in Law School: How to Identify and Interrupt Unhelpful Thinking and Adopt Constructive Approaches to Studying and Practicing Law." We'll examine pervasive thought patterns that tend to diminish law student and lawyer well-being, motivation, and achievement, consider new ways to approach the demands of legal study and practice, and work to identify the habits, mindset, and behaviors that will support your success – however you choose to define that concept – as a law student and lawyer.

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[3] William M. Sullivan, et al., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) (hereinafter CARNEGIE REPORT).
[4] *Id.* at 132.

We focus on the above concepts largely because the statistics on law student and lawyer well-being are damning. Yet, they are not *inevitable*. That said, nothing will change if nothing changes. I offer to you that it is incumbent that we consider how we arrived at this dispiriting point in our profession's history, and even more important that you consider what you can choose to do differently to ensure better for you, your classmates, and those who will later join you in legal study and practice.

IV. How often will we meet for PIF?

[I supplemented synchronous in-person instruction with asynchronous lecture and recorded interviews with practitioners to meet the ABA's "direct faculty instruction" requirement; however, I plan to do away with asynchronous course components in AY23-24 and meet as a class six times in the fall and six times in the spring.]

We meet in person four times in the fall and four times in the spring. We don't adopt this schedule to torture or confuse you, but rather to signal that professional identity formation is an ongoing, iterative process. The schedule is as follows:

Section A (Room #, Time, Day of the Week): [List of Meeting Dates]
Section B (Room #, Time, Day of the Week): [List of Meeting Dates]
Section C (Room #, Time, Day of the Week): [List of Meeting Dates]
Section D (Room #, Time, Day of the Week): [List of Meeting Dates]
Section E (Room #, Time, Day of the Week): [List of Meeting Dates]

V. Absences and religious observance

As mentioned above, we meet but four times during each semester. **You must attend all four class sessions in full to pass the PIF course.** The three exceptions to this rule are medical emergency (*e.g.*, hospitalization), religious observance, and communicable illness (*e.g.*, Covid-19). The University's religious observance policy can be found here: [Link to Religious Observance Policy].

Students who miss class due to medical emergency, religious observance, and/or communicable illness **will be required** to complete make-up work, the scope of which I will determine.

VI. Statement on credit hours (a/k/a, "Yes, you are required to perform work outside of class to earn course credit, even for a one-credit, pass-fail course.")

Interpretation 310-1 of ABA Standard 310, "Determination of Credit Hours for Coursework," provides in pertinent part that "at least 42.5 hours of total in-class instruction and out-of-class student work is required per credit."

Here's what that means for PIF, a one-credit course that spans two semesters:

You can reasonably anticipate **devoting 21.25 hours** (or 1,275 minutes) **to PIF each semester**. We meet in person four times in the fall and four times in the spring for 55 minutes per class. In other words, we meet in person for a total of 220 minutes per semester. That leaves you an additional 1,055 minutes (or roughly **17.5 hours**) **outside of class to devote to PIF per semester** to meet your credit-hour requirement.

How will you spend those approximately 17.5 outside-of-class hours each semester? You will spend that time: preparing for each of our four in-person classes, including by reading, listening to podcasts, and/or watching asynchronous lectures or interviews; producing written work on course themes, including written self-reflection and self-assessment; preparing for and meeting with your faculty mentor and career advisor; and in the spring, preparing for and attending the Career Development Office Mock Interview Program.

Please reach out to me if you've any questions about what the ABA requires or what I expect in terms of the time and energy you dedicate to the PIF course.

VII. What do I need to do this semester (Fall [Year]) to pass the PIF course?

The Professional Identity Formation I/II course is graded on a Pass/Fail basis. The grading is simple: if you complete all required activities and assignments in good faith, you pass the course.[5] If you don't complete all required activities and assignments in good faith, you don't pass the course. **Course requirements for PIF I (Fall [Year]) are detailed in the charts below.**

An Honors Pass designation may be awarded to students who submit exceptional work product, demonstrate remarkable learning and professional development, and consistently, enthusiastically, and thoughtfully participate in class discussion and activities.

Please note that I retain sole discretion to allow students to complete alternate work to satisfy course requirements.

The following chart continues on the next page

Requirements for the Fall Semester (*i.e.*, what you must do in good faith to pass this course)
1. **Prepare for[6] and attend all four (4) PIF classes.** There are **no excused absences** for the PIF course.[7]
2. Complete at least two (2) of four (4) written reflections on readings, other preparatory course materials, and course themes. Prompts for written reflections will be posted on Blackboard at the end of each of our four class sessions. All reflections are due by 11:59 p.m. on Friday, December 2, 2022; however, I encourage you to complete your reflections as close in time as possible to the corresponding classes so the material and class discussion is fresh in your mind.

[5] A good-faith effort means that you timely complete assignments, adhere to instructions, show thoughtful reflection, and demonstrate your skills to the best of your ability. I do not assign or require busywork; I expect that you will not treat your assignments and course requirements like busywork.

[6] Pre-class assignments are listed *infra*, Section VIII. If you repeatedly (that is, more than once) evidence that you are unprepared for class, you will be marked absent for the corresponding class and you will be required to complete make-up work.

[7] *See supra* Section V, Absences and religious observance.

3. Schedule and attend one one-on-one meeting with your **career advisor**. Please note that this PIF-facilitated meeting with your career advisor is intended as a floor, not a ceiling. You may choose to meet with your career advisor more than once during the semester. **The meeting with your career advisor for which you will receive course credit for PIF must be conducted between Monday, September 26, 2022 and Friday, November 18, 2022.** In other words, I encourage you to meet with your career advisor as many times as you'd like during the semester; however, only a meeting that occurs between 9/26 and 11/18 will satisfy PIF course requirements.
4. Submit a revised resume to your career advisor for review and approval and upload the approved resume to Symplicity by Friday, December 2, 2022. Please direct all questions about resume content and format to your career advisor.
5. Schedule and attend one one-on-one meeting with your **faculty mentor**. Your faculty mentor is *not* the same person as your career advisor. Detailed information *and additional requirements* for this meeting are available on Blackboard. Please note that this PIF-facilitated meeting with your faculty mentor is intended as a floor, not a ceiling. You may choose to meet with your faculty mentor more than once during the semester. **The meeting with your faculty mentor for which you will receive course credit for PIF must be conducted between Monday, September 12 and Friday, October 21 *and* must be accompanied by a specific written reflection that will be posted on Blackboard.** In other words, I encourage you to meet with your faculty advisor as many times as you'd like during the semester; however, only a meeting that occurs between September 12 and October 21 *and* satisfies the additional requirements detailed on Blackboard will satisfy PIF course requirements.

VIII. Course schedule and pre-class assignments – Fall [Year]

Please note that I expect you to approach pre-class assignments thoughtfully and with a critical eye. Among other considerations, I expect that you will ask yourself whether you agree or disagree with a speaker's or author's perspective, what voices and perspectives may be missing from the conversation, whether you'd like to challenge an expert's assertions (or even their so-called expertise!), and how the readings and other preparatory materials relate to your identity – who you are, who you want to be, and who you will become – as a law student and lawyer. You are not to memorize any aspect of preparatory materials but you are to thoughtfully and critically consider the materials as you go. **Bear in mind as you prepare for class that you will get out of the PIF course what you put into it.**

Class Date, Time, and Location	Class Topic	Preparation for Class
Class 1/Week 3 **Section A** Tue., Sept. 6 3:10 – 4:05 p.m. Rm. 205 (in the law school)	**Values Inculcation, Identity Formation, and the Hidden Curriculum**	**Read:** Debra S. Austin, *Killing Them Softly: Neuroscience Reveals How Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59

Section B Fri., Sept. 9 10:25 – 11:20 a.m. Rm. L171, formerly L30 (in the law school) **Section C** Tue., Sept. 6 11:05 a.m. – 12 p.m. Rm. 114 (in the law school) **Section D** Tue., Sept. 6 8:30 – 9:25 a.m. Rm. 105 (in the Refectory Bldg.) **Section E** Thur., Sept. 8 3:10 – 4:05 p.m. Rm. 205 (in the law school)		LOY. L. REV. 791, 791-97, 799-800, 826-28, 851-54 (2013). Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. OF LEGAL EDUCATION, Vol. 3, pp. 247-263 (1978) Molly Townes O'Brien, *Facing Down the Gladiators: Addressing Law School's Hidden Adversarial Curriculum*, 37 MONASH U. L. REV. 43, pp. 43-56 (2011) **Watch:** Professor Craft's recorded message: "Explanation of Asynchronous Recorded Content for PIF" Professor Craft's interview with Professor Lawrence S. Krieger, Clinical Professor and Co-Director of Clinical Externship Programs, Florida State University College of Law (Broken into 6 short segments) **Do:** Come to class prepared to share your perception of and perspective on the hidden curriculum of law school. **Want to learn more?** Check out the **OPTIONAL** resource(s) posted on Blackboard.
Class 2/Week 6 **Section A** Tue., Sept. 27 3:10 – 4:05 p.m. Rm. 205 (in the law school) **Section B** Fri., Sept. 30 10:25 – 11:20 a.m.	**Examining Unhelpful Thought Patterns, Part I: Belonging and Help-Seeking** **Unhelpful thinking:** "If I feel lost and like I don't know what I'm doing, it's because I don't belong in law school and don't deserve to be here. If I'm confused or don't understand a course concept, that's obviously a sign that I'm not smart enough to study or practice law. Not knowing the answer signals to	**Read:** Kathryne Young, HOW TO BE (SORT OF) HAPPY IN LAW SCHOOL (2018), Ch. 2, "You are Good Enough to be Here," pp. 21-27 David Grenardo, *The Phantom Menace to Professional Identity Formation and Law Success: Imposter Syndrome*, forthcoming 47 U. Dayton L. Rev (2022), pp. 1-12

Rm. L171, formerly L30 (in the law school) **Section C** Tue., Sept. 27 11:05 a.m. – 12 p.m. Rm. 114 (in the law school) **Section D** Tue., Sept. 27 8:30 – 9:25 a.m. Rm. 105 (in the Refectory Bldg.) **Section E** Thur., Sept. 29 3:10 – 4:05 p.m. Rm. 205 (in the law school)	everyone that I don't deserve my seat. Asking for help signals to everyone that I don't have what it takes to succeed." **Suggested reframe or "neural self-hack"[8]:** "If I feel like I don't know what's going on or I'm confused by seemingly everything, it's because this material is dense, difficult, and entirely new to me. Not knowing the answer simply means that I have a lot to learn. Asking for help signals that I'm invested in my learning and development, willing to practice humility, and unafraid to do what I need to do to succeed, even if that means moving beyond my comfort zone and doing things differently than I've done them before. These qualities will serve me and my employers, colleagues, and clients extraordinarily well in law school and legal practice. I might feel unworthy, but I belong here, I've earned my seat, and I've got what it takes to succeed as a law student and lawyer."	Adam Grant, THINK AGAIN: THE POWER OF KNOWING WHAT YOU DON'T KNOW (2021), Ch. 2, "The Armchair Quarterback and the Imposter: Finding the Sweet Spot of Confidence," pp. 33-54 James Clear, ATOMIC HABITS: AN EASY & PROVEN WAY TO BUILD GOOD HABITS & BREAK BAD ONES (2018), Ch. 2, "How Your Habits Shape Your Identity (and Vice-Versa)," pp. 29-41 **Watch:** Prof. Craft interview with Rebecca Peters, L'13, Founder and Managing Attorney, Peters Law Firm **Do:** Come to class prepared to discuss something you learned from this week's pre-class preparatory materials, something you'd like to challenge from our materials, and a practice or habit you're going to implement based on something you read or watched for class this week. **Want to learn more?** Check out the **OPTIONAL** resource(s) posted on Blackboard.
Class 3/Week 9 **Section A** Tue., Oct. 18 3:10 – 4:05 p.m. Rm. 205 (in the law school) **Section B** Fri., Oct. 21	**Examining Unhelpful Thought Patterns, Part II: "All I do is win, win, win, no matter what"[9]** **Unhelpful thinking:** "Law school (and legal practice) is all about competition. The goal is to win. Winning means being better than everyone else as defined by grades,	**Read:** Daisy Floyd, et al., THE FORMATION OF PROFESSIONAL IDENTITY: THE PATH FROM STUDENT TO LAWYER (2020), Ch. 2, "Motivation and Professional Identity," pp. 13-23 Kathryne Young, HOW TO BE (SORT OF) HAPPY IN LAW SCHOOL (2018),

[8] *See supra* Class 1, Week 3, Debra S. Austin, *Killing Them Softly: Neuroscience Reveals How Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59 LOY. L. REV. 791 (2013).

[9] DJ Khaled, "All I do is Win" (2010). (Careful! The hyperlink takes you straight to YouTube.)

10:25 – 11:20 a.m. Rm. L171, formerly L30 (in the law school) **Section C** Tue., Oct. 18 11:05 a.m. – 12 p.m. Rm. 114 (in the law school) **Section D** Tue., Oct. 18 8:30 – 9:25 a.m. Rm. 105 (in the Refectory Bldg.) **Section E** Thur., Oct. 20 3:10 – 4:05 p.m. Rm. 205 (in the law school)	class rank, and (ultimately) salary, promotions, and prestige." **Suggested reframe or "neural self-hack":** "Law school (and legal practice) is all about acquiring the knowledge, skills, mindset, and habits I need to embrace lifelong learning and effectively serve others. The goal is to identify and pursue what is meaningful to me, honor my intrinsic and identified motivators for legal study and practice, keep my commitments to others, and maintain my character, integrity, and health. 'Winning' is a concept I define for myself in accord with my values and relative to the purposes, responsibilities, and goals I identify for myself as a law student and lawyer."	Ch. 6, "Don't Just Follow the Crowd," pp. 65-74 Daniel Goleman, EMOTIONAL INTELLIGENCE (1995, 2020), Ch. 3, "When Smart is Dumb," pp. 29-40 FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT, Summary Handout (2016) (4 pages) **Watch:** Professor Craft interview with Christina Parrish, L' 09, Dir. of Contract Administration and Fiscal Accountability, Virginia State University **Do:** Come to class prepared to share your internal and identified motivators to study and practice law, your internal markers of success, the concept of the "whole lawyer," and your thoughts on how a "win-lose" mindset impacts law students and lawyers. **Want to learn more?** Check out the **OPTIONAL** resource(s) posted on Blackboard.
Class 4/Week 12 **Section A** Tue., Nov. 8 3:10 – 4:05 p.m. Rm. 205 (in the law school) **Section B** Fri., Nov. 11 10:25 – 11:20 a.m. Rm. L171, formerly L30 (in the law school) **Section C**	**Examining Unhelpful Thought Patterns, Part III: The Relentless Pursuit of Perfection** **Unhelpful thinking:** "Exhaustion is a way of life and a precursor to academic and professional success. If I'm not skipping meals, skipping exercise, skipping time with my friends and family, and skipping sleep, I'm doing law school (and will be doing legal practice) wrong. If I don't try harder – if I don't get my act together – I'm never going to realize my goals."	**Read:** Stephen Guise, HOW TO BE AN IMPERFECTIONIST: THE NEW WAY TO SELF-ACCEPTANCE, FEARLESS LIVING, AND FREEDOM FROM PERFECTIONISM, Ch. 4, "The Freedom of Imperfection," pp. 54-68 Kristin Neff, Ph.D., SELF-COMPASSION: THE PROVEN POWER OF BEING KIND TO YOURSELF (2011) (assorted excerpts, approximately15 pages total) Brené Brown, Ph.D., L.M.S.W., THE GIFTS OF IMPERFECTION (2010) Ch. 7,

Tue., Nov. 8 11:05 a.m. – 12 p.m. Rm. 114 (in the law school) **Section D** Tue., Nov. 8 8:30 – 9:25 a.m. Rm. 105 (in the Refectory Bldg.) **Section E** Thur., Nov. 10 3:10 – 4:05 p.m. Rm. 205 (in the law school)	**Suggested reframe or "neural self-hack":** "Exhaustion is not a status symbol and burnout doesn't equal success. Law study and legal practice require that I learn how to wisely navigate competing priorities; they do not require that I discard my values or aspects of my life that serve a primary purpose other than advancing my work. While it's possible I need to put forth more effort to achieve hoped-for (but by no means guaranteed) aims, it's also possible I need to give myself (and everyone else) a break."	"Cultivating Play and Rest: Letting Go of Exhaustion as a Status Symbol and Productivity as Self-Worth," pp. 99-104 Tony Schwartz and Catherine McCarthy, "Manage Your Energy, Not Your Time," *excerpted from* HBR'S 10 MUST READS: ON MANAGING YOURSELF (2010), pp. 61-78 **Watch:** Professor Craft interview with Taylor Beck, L'21, Associate, Venable LLP **Do**: Come to class prepared to distinguish: self-compassion, self-esteem, and self-pity; striving for perfection and striving for excellence; and simultaneously being fully accountable and fully human. **Want to learn more?** Check out the **OPTIONAL** resource(s) posted on Blackboard.

IX. Preview: What do I need to do next semester (Spring [Year]) to pass the PIF course?

As stated in Section VII, the Professional Identity Formation I/II course is graded on a Pass/Fail basis. The grading is simple: if you complete all required activities and assignments in good faith, you pass the course.[10] If you don't complete all required activities and assignments in good faith, you don't pass the course. **Course requirements for PIF II (Spring [Year]) are detailed in the chart below.**

An Honors Pass designation may be awarded to students who submit exceptional work product, demonstrate remarkable learning and professional development, and consistently, enthusiastically, and thoughtfully participate in class discussion and activities.

Please note that I retain sole discretion to allow students to complete alternate work to satisfy course requirements.

The following chart continues on the next page

Requirements for the Spring Semester

[10] A good-faith effort means that you timely complete assignments, adhere to instructions, show thoughtful reflection, and demonstrate your skills to the best of your ability. I do not assign or require busywork; I expect that you will not treat your assignments and course requirements like busywork.

(*i.e.*, what you must do in good faith to pass this course)
1. **Prepare for**[11] **and attend all four (4) PIF classes**. There are **no excused absences** for the PIF course.
2. Complete a detailed written reflection on the fall semester. Prompts for the reflection and instructions will be posted on Blackboard no later than Friday, January 6, 2023. Due date: TBD (likely late January to early February)
3. **Register for and attend the Alumni Mock Interview Program** Date: TBD Time: TBD (likely in the evening) Duration: 20-minute interview followed by 20-minute debrief You will receive additional information about this program from the Career Development Office before the start of the spring semester. Please contact your career advisor in the meantime with any questions.
4. **Schedule and attend one one-on-one meeting with your career advisor**. Date range: TBD (the date range will be finalized no later than Friday, January 6, 2023)
5. Schedule and attend one one-on-one meeting with your **faculty advisor** prior to registering for courses for Academic Year (AY) 2023-2024. The exact date range for this meeting is TBD (it will be posted no later than Friday, January 6, 2023); however, I can assure you the date range for the meeting that will satisfy course requirements for PIF will *not* fall at the beginning of the spring semester. Why? Because the purpose of the required meeting with your faculty advisor in the spring is to look toward AY 2023-2024, and course registration for AY 2023-2024 doesn't occur until early to mid-April 2023. Detailed information, including the date range and a checklist for this meeting, will be posted on Blackboard. **Note**: The checklist is *not* the same as the worksheet you completed in the fall, nor is it the same as the detailed written reflection on the fall semester (referenced above). It is a simple checklist to indicate to your advisor what you'd like to discuss during your meeting. As ever, I encourage you to meet with your faculty advisor as many times as you'd like during the semester; however, only a meeting that occurs during the TBD date range *and* satisfies the additional requirements detailed on Blackboard will satisfy PIF course requirements.
6. Complete a final written reflection. Prompts will be posted on Blackboard no later than Monday, April 3, 2023. You will submit your reflection via Blackboard. Due date: Friday, April 21, 2023, by 11:59 p.m.

* * *

[11] The complete course schedule and pre-class assignments for the spring will be made available to you no later than Friday, January 6, 2023.

Post-script: Course schedule and pre-class assignments – Spring 2023

The course schedule and pre-class assignments for spring will be posted in an updated syllabus and on Blackboard no later than Friday, January 6, 2023.

Professional Identity Formation II[1]
Spring [Year]
[Professor Name and Pronouns]
[Room Number and Office Hours[2]]
[Link to YouCanBookMe Page]

Syllabus Table of Contents

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The following sections of your Fall 2022 syllabus are incorporated by reference: "Why do we need a PIF course?", "Absences and religious observance," and "Statement on credit hours."

I. What will we cover in PIF II?

During the fall semester, we surveyed the hidden curriculum of law school, examined pervasive thought patterns that tend to diminish law student and lawyer well-being, motivation, and achievement, considered new ways to approach the demands of legal study and practice, and identified habits, mindsets, and behaviors that will support your success – however you choose to define that concept – as a law student and lawyer.

This semester, we will sharpen our focus on the values and morals that underlie your ethical-social decision-making in legal practice. We will examine professional norms and rules of conduct with the explicit understanding that "professional identity" is *not* the same as "professionalism." Rather, how you define "professionalism," the decisions you make about whether and how much you care for "professionalism" or being perceived as "professional," the beliefs that underlie whether you assign value to some professional rules and norms but not others, and the values that guide whether you adhere to or transgress the rules and how you cope with the consequences of your actions – *that's* professional identity. This semester, we will consider the mutually constitutive relationship between your personal values, beliefs, choices, and behavior on one hand and the external norms, customs, expectations, responsibilities, and professed values of law school and the legal profession on the other.

[1] Please note that the course syllabus and related course materials (e.g., videos and other recordings, announcements and other items on the Blackboard course site, etc.) are not intended for distribution or reproduction. In-class recording is also prohibited. Please contact me in advance if you would like to record a class session or distribute or reproduce any course materials.

[2] Office hours serve *any purpose* you want or need. Want to talk about class? Check. Need a listening ear about something unrelated to school? Here for it. Academic or job concerns? I got you covered. Need a referral or recommendation about available resources? Done! Bonus: I always have chocolate in my office.

II. How often will we meet for PIF?

As in the fall, we meet four times in the spring. The schedule is as follows:

Section	Day, Time, Location	Class 1 Date	Class 2 Date	Class 3 Date	Class 4 Date
Section A					
Section B					
Section C					
Section D					
Section E					

As in the fall, you must attend all four class sessions in full to pass the PIF course. Exceptions include medical emergency, religious observance, and communicable illness. Absent a true emergency (*e.g.*, you or a loved one has been admitted to the hospital) I expect you to notify me in advance if you need to miss class. Students who miss class will be required to complete make-up work, the scope of which I will determine.

III. What do I need to do this semester to pass the PIF course?

The Professional Identity Formation I/II course is graded on a Pass/Fail basis. The grading is simple: if you complete all required activities and assignments in good faith, you pass the course.[3] If you don't complete all required activities and assignments in good faith, you don't pass the course. **Course requirements for PIF II (Spring [Year]) are detailed in the chart below**.

An Honors Pass designation may be awarded to students who submit exceptional work product, demonstrate remarkable learning and professional development, and consistently, enthusiastically, and thoughtfully participate in class discussion and activities.

Please note that I retain sole discretion to allow students to complete alternate work to satisfy course requirements.

The following chart continues on the next page

Requirements for the <u>Spring</u> Semester (*i.e.*, what you must do in good faith to pass this course)
1. **Prepare for and attend all four (4) PIF classes**. There are **no excused absences** for the PIF course.

[3] A good-faith effort means that you timely complete assignments, adhere to instructions, show thoughtful reflection, and demonstrate your skills to the best of your ability. I do not assign or require busywork; I expect that you will not treat your assignments and course requirements like busywork.

2. **Complete a written reflection on the fall semester**.

   Prompts for the reflection and instructions will be posted on Blackboard no later than Friday, January 6, 2023.

   Due date: Email your reflection to the designated Box folder by 11:59 p.m. on Friday, February 24. (The email address appears in the reflection document.)

3. **Register for and attend the Virtual Mock Interview Program**

   Date: Thursday, January 19, 2023

   Time: 6 to 8 p.m.

   Duration: 20-minute interview followed by 20-minute debrief (over Zoom or similar platform)

   You will receive additional information about this program from the Career Development Office before and at the start of the spring semester. Please contact your career advisor in the meantime with any questions.

4. **Schedule and attend one one-on-one meeting with your faculty mentor** prior to registering for courses for Academic Year (AY) 2023-2024. (Course registration will occur in early April.)

   Date range: A meeting with your faculty mentor that "counts" for PIF purposes must occur between Monday, January 9, 2023, and Friday, March 31, 2023, and must satisfy the below requirement.

   Additional requirement for faculty mentor meetings: Complete a simple checklist prior to your meeting with your faculty mentor and email the completed checklist to your mentor and the designated Box folder in advance of your meeting. The checklist is available on Blackboard (see the "Faculty Mentor Meeting" subheading in the left-hand menu of our course site).

   Please note: The checklist is *not* the same as the worksheet you completed in the fall, nor is it the same as the written reflection on the fall semester (referenced above). It is a simple checklist to indicate to your advisor what you'd like to discuss during your meeting.

   As ever, I encourage you to meet with your faculty mentor as many times as you'd like during the semester; however, only a meeting that occurs between Jan. 9 and Mar. 31 *and* satisfies the additional requirement detailed above will satisfy PIF course requirements

5. **Schedule and attend one one-on-one meeting with your career advisor**.

   Date range: The meeting with your career advisor that will satisfy course requirements for PIF II should occur between March 13 and April 14, 2023.

   As ever, I encourage you to meet with your career advisor as many times as you'd like during the semester; however, only a meeting that occurs during the above date range will satisfy PIF II course requirements.

6. **Complete a final written reflection**. Prompts will be posted on Blackboard no later than Monday, April 3, 2023. You will submit your reflection via Blackboard.

Due date: Friday, April 21, 2023, by 11:59 p.m.

IV. Course schedule and pre-class assignments

Class Date, Time, and Location	Class Topic	Preparation for Class
Class 1/Week 3 **Section A** Tue., Jan. 24 8:45 – 9:40 a.m. Rm. 300 **Section B** Fri., Jan. 27 10:15 – 11:10 a.m. Rm 300 **Section C** Fri., Jan. 27 1:05 – 2:00 p.m. Rm. 300 **Section D** Wed., Jan. 25 2:40 – 3:35 p.m. Rm. 300 **Section E** Tue., Jan. 24 2:40 – 3:35 p.m. Rm. 310	**Introduction to the Model Rules of Professional Conduct**	**Read**: Preamble and Scope, Model Rules of Professional Conduct, American Bar Ass'n, *available at* https://tinyurl.com/zs7njnnv (or here)
Class 2/Week 6 **Section A** Tue., Feb. 14	**Self-Regulation and Service in the Public Interest**	**Read:** Ronald S. Flagg, "We Need to Confront America's 'Justice Gap,'" Bloomberg Law, May 19, 2022 (3 pages) (PDF on Blackboard and available here)

8:45 – 9:40 a.m. Rm. 300 **Section B** Fri., Feb. 17 10:15 – 11:10 a.m. Rm. 300 **Section C** Fri., Feb. 17 1:05 – 2:00 p.m. Rm. 300 **Section D** Wed., Feb. 15 2:40 – 3:35 p.m. Rm. 300 **Section E** Tue., Feb. 14 2:40 – 3:35 p.m. Rm. 310		Helen Respass, "Bridging the access to justice gap with legal pro bono," Thomson Reuters Blog, *available at* https://www.thomsonreuters.com/en/careers/careers-blog/legal-pro-bono-bridging-the-access-to-justice-gap.html
Class 3/Week 9 **Section A** Tue., Mar. 14 8:45 – 9:40 a.m. Rm. 300 **Section B** Fri., Mar. 17 10:15 – 11:10 a.m. Rm. 300 **Section C** Fri., Mar. 17 1:05 – 2:00 p.m.	**Cross-Cultural Considerations in Lawyering**	**Read**: Jan L. Jacobowitz, Katie M. Lachter, and Gabriella Morello, "Cultural Evolution or Revolution? The Millennial's Growing Impact on Professionalism and the Practice of Law," The Professional Lawyer, American Bar Association, Vol. 23, No. 4 (2016) (11 pages) (PDF on Blackboard)

Rm. 300 **Section D** Wed., Mar. 15 2:40 – 3:35 p.m. Rm. 300 **Section E** Tue., Mar. 14 2:40 – 3:35 p.m. Rm. 310		
Class 4/Week 12 **Section A** Tue., Apr. 4 8:45 – 9:40 a.m. Rm. 300 **Section B** Fri., Apr. 7 10:15 – 11:10 a.m. Rm. 300 **Section C** Fri., Apr. 7 1:05 – 2:00 p.m. Rm. 300 **Section D** Wed., Apr. 5 2:40 – 3:35 p.m. Rm. 300 **Section E** Tue., Apr. 4 2:40 – 3:35 p.m. Rm. 310	**Conceptions of Lawyering**	**Read**: Lela P. Love and Thomas Stipanowich, *Dear 1L: Five Guideposts for Your Future Professional Practice*, 22 CARDOZO J. CONFLICT RESOL. 529 (2021) (14 pages) (PDF on Blackboard)

V. Statement on text-generating artificial intelligence (AI)

I highly doubt that anyone will be tempted to use text-generating AI to complete the brief reflective writing assignments I assign in the PIF II course. That said, I want to be clear that use of text-generating AI tools (*e.g.*, ChatGPT) to complete assignments in the PIF II course will be considered an Honor Code violation.

***

Naming and Reframing: Challenging Dominant Cultural Norms to Support Students' Professional Identity Formation

Sample Activities for First-Year PIF Course

Janice Craft (she/her), University of Richmond School of Law

Institute for Law Teaching and Learning Summer Conference – June 2023

FYI

- The following slides represent excerpts from in-class activities performed during the first-year PIF course at Richmond Law. I'm happy to provide additional materials if they would be helpful. Please email me at jcraft@richmond.edu.
- My syllabi for the first-year PIF course also appear in the "Presenter Materials" folder for the ILTL conference. You can access the folder here: https://drive.google.com/drive/folders/1ZFT9H4aGkZabasr3c1AUS_hHJwfh7xSv?usp=share_link.
- References within activities to interviews with alums refer to asynchronously recorded content that students viewed prior to class.
- I provide copies of my slides to students after each PIF class.

Fall Semester (PIF I)

Unit 1: Values Inculcation and the Hidden Curriculum

- Please see ILTL presentation slides for a sampling of in-class activities for this unit.

Fall Semester (PIF I)

Unit 2: Belonging and Help-Seeking

- Readings available in syllabus
- Small group activity
  - High structure to facilitate 100% participation
  - Invite critical thinking about and criticism of readings
  - Produce action items/concrete steps one can take to encourage help-seeking, facilitate belonging, and challenge imposter syndrome
- Challenges
  - Adequately address multiple layers of exclusion and lack of belonging
  - Ensure that students do not sway from imposter syndrome on one end to “armchair quarterback syndrome” (Grant) on the other. That is, we want students to internalize humility, curiosity, and lifelong learning as critical aspects of their professional identity, not “I *must* know (or, I *do* know) all things at all times.”

Choose a timekeeper and one person to begin as the presenter.

The presenter gets 1 (one) minute to share something they **learned** from our readings and/or from the interview with [alum], a concept they would like to **challenge** or **further explore**, and/or share a new **practice** they will implement. The rest of the group listens.

Each member of the group then gets up to 1 minute to offer their response to the presenter's ideas while the presenter listens.

After each person has shared their response, the presenter gets 1 more minute to share how their initial idea(s) has changed based on the rest of the group's thoughts and feedback.

Repeat until each person has had a chance to be the presenter. Each round should take a maximum of 5 (five) minutes x 4 rounds = 20ish minutes for this activity.

Before we rejoin one another…

Consider in your small group:

- What topic, question, or conversation particularly resonated with your cohort?
- Name two (2) actions a law student can perform to shift from less-than-healthy or less-than-helpful patterns of thought and behavior where belonging and help-seeking are concerned, and toward healthier and more helpful thoughts and behaviors. **Be specific.**
- Designate a speaker to share your group's responses to the above prompts.

Fall Semester (PIF I)

Unit 3: Success that doesn't depend on besting others or receiving external reward

- Readings available in syllabus
- Small group activity followed by large group share-out
- Purpose of small group activity
  - Invite critical thinking about and criticism of the readings
  - Encourage students to think holistically about the competencies needed for successful legal practice, recognize their own areas of strength and areas in need of development, and internalize the pursuit of internal rewards of legal study and practice as critical aspects of their professional identity
- Written reflection activity
  - To reinforce that students ought to focus on the internal rewards of legal study and practice – not external reward – to achieve fulfillment and enduring success.

Small-group activity

- Purposes:
  - Practice perspective-taking by exploring your classmates' and other alternate viewpoints;
  - Practice emotional intelligence (self-awareness, social skill, and interacting constructively with others); and
  - Share and sharpen your own perspective on how you want to show up and what you want to prioritize as a law student and lawyer, why you want to show up and allocate your attention in this way, what values your priorities reflect, and why those values are essential to your success – however you define it – as a law student and lawyer.

Structure

- In small groups, you will evaluate three hypothetical responses to our readings and interview with [alum] for this week's class.
- Instructions:
  - Identify areas of agreement and identification and areas of disagreement, pushback, and need for nuance;
  - Speak from personal experience and incorporate the readings and/or the interview with [alum] to support your perspective; and
  - Evaluate the beliefs and values that undergird your perspective.

Example

- Hypothetical response to readings: “I’m sick of being made to feel like I’m supposed to worry about or suffer from imposter syndrome when I just…don’t. This is not something that impacts me now and I doubt it will be relevant to me in legal practice.”
- First, validate the perspective. Example considerations include: How might you or a classmate arrive at this perspective? In what ways do you agree or identify with this sentiment? What beliefs and values might underlie this perspective? How might those values and beliefs prove helpful to a law student and later, an attorney?
- Second, push back on the perspective. Example considerations include: How might the beliefs and values that support this perspective prove harmful to a law student and later, an attorney? What nuance might be missing from this perspective? How do you see things differently?
- Pull from your own experience and our pre-class prep.

Conversational round 3

- Hypothetical response to readings: “Having emotional intelligence and character is great and all, but no one is getting or keeping a job based on their EQ or CQ.” *[See previous slide for instructions for discussion.]*

Round 3 round-up

[To be shared with students after *they have shared out from their small groups]*

- Are people *really* not securing interviews based on evidence of emotional intelligence (as communicated vis-à-vis one's resume, cover letter, letters of recommendation, or other submitted materials)?
- Would you rather work with, work for, or supervise a lawyer whose legal skills are middling, yet they're responsive to feedback and hold themselves accountable, or a lawyer whose legal skills are phenomenal, yet they dismiss feedback and act defensively by refusing to accept responsibility for errors?
- With new attorneys and summer associates in particular, employers aren't looking for legal expertise; they're looking for emotional intelligence and character.
- Caveat: Bias. [Want to note here that our biases can impact how we adjudge another's EQ and CQ and ask, what can we do to hold our biases in check?]

Round 3 round-up (cont.)

- The point(s):
  - Consider the panoply of qualities employers (and clients) are seeking in new attorneys, name the strengths you bring to the table, and ask yourself: how can I develop, strengthen, and show proof of these and other competencies, especially those that aren't reflected in GPA or rank?
  - Recognize the value of playing to your unique strengths and the value of developing and exhibiting more than just one type of "intelligence."
  - Remember that your success – however you define it – is contingent on more than external indicators of your cognitive intellect.

Finish the sentence and respond to the prompts

[*Written reflection performed at the end of Unit 3; I collected responses and later returned them to students*]

- "No matter what grades I get, no matter what my class rank is, and no matter what interviews or job I ultimately do or don't secure, I will consider my first semester of law school a success as long as…."
- Name the belief(s) and/or value(s) this perspective of success reflects. How will maintaining this belief(s) or value(s) benefit you and/or those around you while you're in law school and/or when you're practicing law (or doing whatever it is you decide to do with your degree)?

Fall Semester (PIF I)

Unit 4: Eschewing perfectionism and embracing self-compassion

- Readings in syllabus
- I begin class with a series of Poll Everywhere multiple-choice questions to dispel myths about perfectionism, self-compassion, and exhaustion as a measure of self-worth
- Then, students proceed in small groups to four different stations
  - Small groups rotate through all four stations
  - Whole-class discussion occurs after all students have had a chance to respond at all four stations
- Purpose of these activities:
  - To ensure students who didn't do the readings do not equate self-compassion with (for example) self-esteem or lack of accountability
  - To offer suggestions about practices and habits students may want to internalize as critical aspects of their professional identity (e.g., prioritization of rest and play, eschewing perfectionism, etc.)

Small-group activity:

Writing stations

- Count off by 4. (Remember your number!)
- Grab a marker and gather at the station that corresponds with your number.
- You'll have 3ish minutes to respond in writing to the question(s) I pose on the first sheet and write any questions relevant to the station's subject that the readings or interview with [alum] prompted on the second sheet.
- You'll rotate to the next station at the end of 3ish minutes (I'll keep time and let you know when to move).
- Note: This is a quiet activity that does not require speech. I'll mix things up when you reach your third station.

Four stations

[I used two (2) giant Post-Its at each station; prompts appeared at the top of each Post-It and students responded underneath]

- Self-compassion station
  - Prompt 1: How do you practice (or how would you like to practice) self-compassion? In other words, what does self-compassion look, feel, or sound (etc.) like to you?
  - Prompt 2: What questions do you have about self-compassion that were prompted by our readings and/or interview with [alum]?
- Worthiness and whole-heartedness station
  - Prompt 1: "If we want to live a wholehearted life, we have to become intentional about cultivating sleep and play, and about letting go of exhaustion as a status symbol and productivity as self-worth." (Brene Brown). How might one measure their "worthiness" beyond what they're able to produce? Put another way, what does it mean to be "worthy" of your own and others' esteem and respect?
  - Prompt 2: What questions do you have about productivity, self-worth, rest, and play that were prompted by the readings and/or interview with [alum]?
- Imperfectionism station
  - Prompt 1: Two parts:
    - What are the reasons you might want to adopt the identity of an 'imperfectionist'?
    - What are the reasons you might hesitate to adopt the identity of an 'imperfectionist'?
  - Prompt 2: What questions do you have about imperfectionism that were prompted by the readings and/or interview with [alum]?
- Energy renewal station
  - Prompt 1: What "rituals" do you perform (or want to start performing) to renew your mental, physical, spiritual, and/or emotional energy?
  - Prompt 2: What questions do you have about energy renewal or "rituals" for energy renewal that were prompted by our readings and/or the interview with [alum]?

Third station break

[Simply to allow for conversation during what is otherwise a speech-less activity]

Take a minute or two to write a response(s) to the question(s) I pose on the first sheet and to write your own questions on the second sheet.

Take the next two to three minutes to break from the quiet by picking out a question posed by one of your classmates at this station and sharing your perspective.

Original station

Take a minute to review the questions posed by the members of your group and by your classmates.

As a group, decide on at least one question you'd be interested in further discussing with your classmates.

Choose one person who will be responsible for remembering the question(s) you selected and posing that question(s) to the class.

Spring Semester (PIF II)

Unit 1: Intro to the Model Rules

- Reading available in syllabus
- Use the Model Rules as a vehicle for discussion on moral and ethical decision-making in legal practice
- Whole-class activity and discussion
  - Series of Poll Everywhere hypotheticals pulled from the MRPC
  - No trick questions, no right answers
  - Students examine tensions between personal and professional values and consider how and why (i.e., based on what professional **and** personal values and guiding principles) they would exercise discretion under the Rules
- Purposes
  - Introduce that the Rules do not contain end-all, be-all answers to difficult questions and students and lawyers must exercise "sensitive professional and moral judgment" to resolve ethical and other dilemmas in the workplace (MRPC, Pmbl.)
  - Invite students to consider that naming and wrestling with moral dilemmas in the workplace and integrating personal and professional values is critical to forming a healthy professional identity (i.e., the bifurcated self is not a thriving self)

Sample questions appear in the following slides

- *After revealing students' responses on Poll Everywhere, I made sure to:*
  - *share the Rule from which the prompt sprang,*
  - *facilitate discussion on why and under what conditions the student-as-attorney would decide to respond in a certain manner to a particular workplace dilemma, and*
  - *ensure that multiple viewpoints are represented so students gain a better understanding of their colleagues and why their colleagues would choose to address a dilemma differently. (This also serves as an empathy-building exercise.)*

Poll locked. Responses not accepted.

As a lawyer, I will reveal confidential client info if I believe doing so will prevent reasonably certain death or substantial bodily harm to a third party.

I'm very likely to do this.

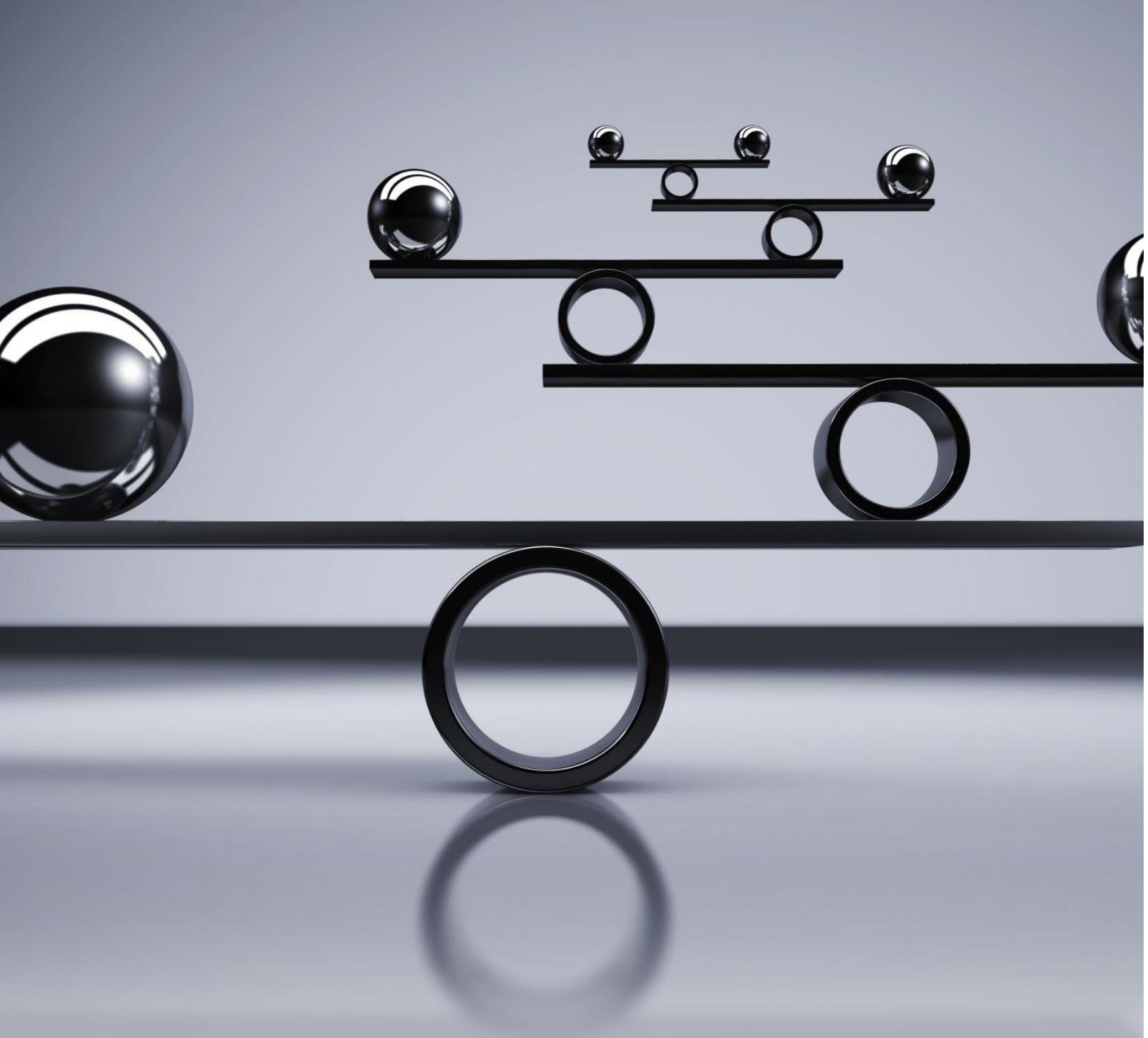
I'm somewhat likely to do this.

I'm totally unsure whether I'd do this.

I'm somewhat unlikely to do this.

I'm very unlikely to do this.

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**



To reveal (or not reveal) client information

- Rule 1.6(b)(1) – Confidentiality of information
- (b) A lawyer **may** reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
  - (1) to prevent reasonably certain death or substantial bodily harm.

Poll locked. Responses not accepted.

When I advise a client, I will refer not only to the possible legal consequences of a decision or course of action, but to moral, social, and/or economic consequences, as well.

I'm likely to do this.

I'm unlikely to do this.

I'm unsure whether I'd do this.

To do this would be totally inappropriate.

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

- Rule 2.1: Advisor
- In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer **may** refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

What is my role as a counselor and advisor?

Spring Semester (PIF II)

Unit 2: Self-Regulation and Service in the Public Interest

- Reading available in syllabus
- I offer an example in this unit of how I ground our class discussions with the inquiry, "Why are we discussing [X subject] in our professional identity formation course?"
  - I perform this exercise in every class to meet students where they are. The relevancy may be obvious to some and less so to others.
- Small-group activity and discussion
  - I offer a series of quotes on public service, regulation in the public interest, and the public good
  - As ever, there are no trick questions or right answers
  - Students discuss their reactions in small groups, then share out to the whole class
- Purpose
  - Invite students to consider whether the legal profession is living up to its professed values and what they might do differently – both individually and collectively – to ensure they serve in the public interest, regardless of practice area or setting

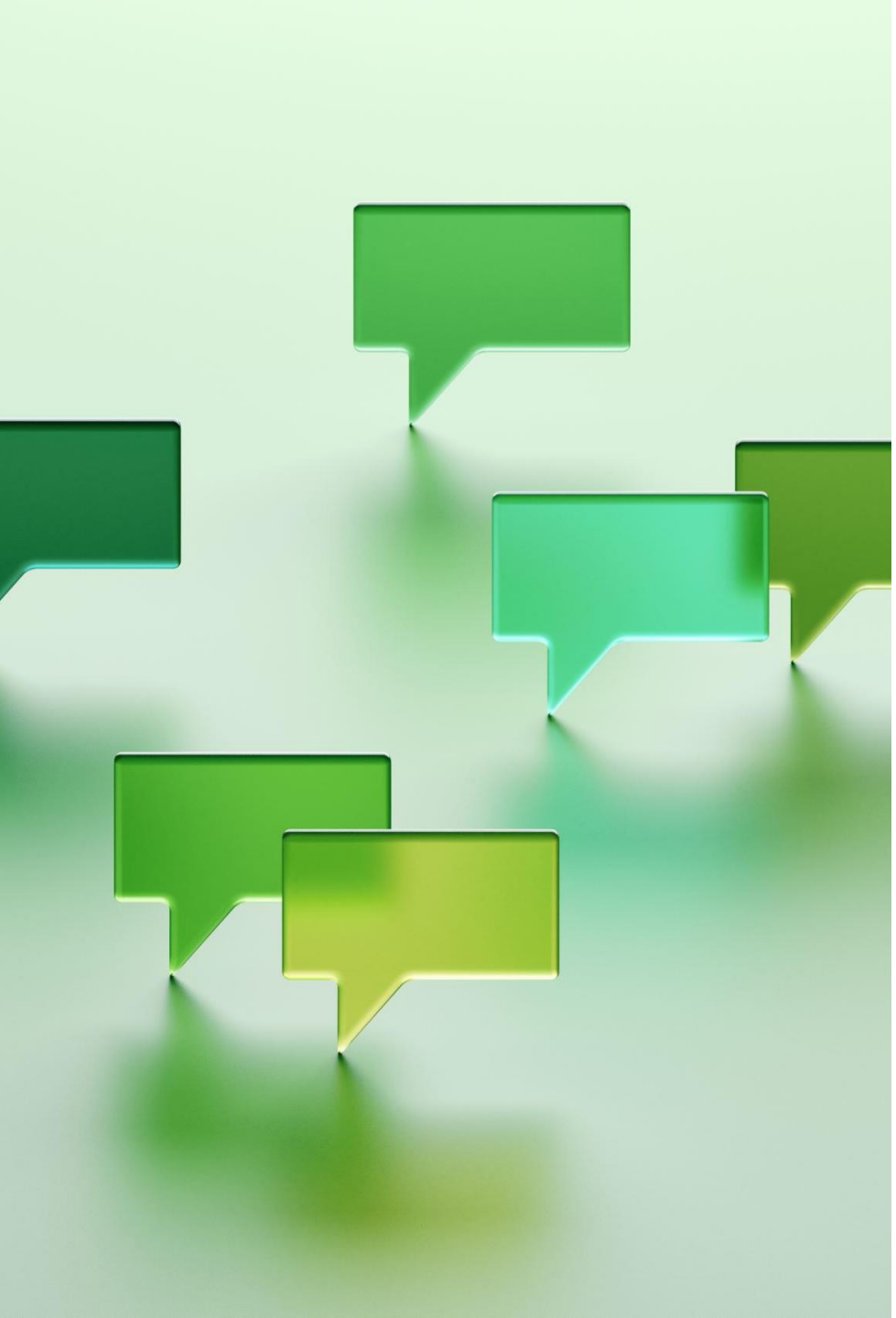
What does this *[service in the public interest]* have to do with your professional identity?

As ever, the choices are *yours* to make

- Ostensibly, service in the public interest and concern for the public good are essential aspects (*i.e.*, guiding principles or values) of our self-governing legal profession

AND

- How you define, prioritize, assign value to, and otherwise regard public service and serving the public interest is ultimately your decision.
- Likely each of you has a different perspective on what serving the public interest means, what it looks like in practice, and what role it plays in your fundamental understanding of yourself as an attorney (*i.e.*, your professional identity).



Small- and large-group discussions

1. Divide into small groups
2. Designate a group member to take notes
3. In small groups, discuss on-screen prompts
    a) Notetaker, this is where you come in (record main ideas; no need for verbatim transcription)
4. Designate a speaker or speakers to share small-group contributions with the class
5. Engage in discussion (whole class)
6. After we discuss all (3) prompts, notetakers will email to me your work product along with the names of everyone in your group

Small-group discussion #1

- “[A]s a lawyer you will have a privileged position in society, and in return for that position you will be justifiably expected to practice in the spirit of public service. Having a disposition toward serving the public good is an essential virtue for lawyers.”
- Evaluate the above assertions. (Non-required) considerations include: What does it mean for a lawyer to occupy a place of privilege in society, practice in the spirit of public service, and have a disposition toward serving the public good? Is it reasonable to classify serving the public good as an “essential virtue for lawyers”? Why or why not? Do you otherwise agree with the above assertions (and why or why not)? What actions, characteristics, or practices might one expect of a lawyer who serves the public good? What, if any, tensions exist between serving one’s individual or organizational clients and serving the public interest? How does one resolve those tensions?

Quote: Floyd, *et al.*, THE FORMATION OF PROFESSIONAL IDENTITY 73 (2020).

Spring Semester (PIF II)

Unit 3: Holistic Lawyering Competencies

- Reading available in syllabus
- I offer another example in this unit of how I ground our class discussions with the inquiry, "Why are we discussing [X subject] in our professional identity formation course?"
- This unit was more lecture-heavy than others in the course, mostly because I wanted to drive home the myriad holistic competencies employers are seeking in attorneys, especially new attorneys
- One of the primary purposes of this unit was to introduce students to the concepts of cultural proficiency (or competency, or humility) and demonstrate how culturally competent lawyering is simply good lawyering
  - All credit here to Thiadora (Dori) Pina at Santa Clara Law. She masterfully equates "culturally competent lawyering" with "excellence in lawyering" in her workbook, *Essential Lawyering Skills: A Companion Guide for Neil W. Hamilton's ROADMAP* (2021), available here: https://www.amazon.com/Essential-Lawyering-Skills-Companion-Hamiltons/dp/1641059036.
- Students also undertook a strengths-based self-reflection exercise, which appears in the following slides

Why PIF?

Few principles as fundamental to legal practice as competence

AND

The ways in which you define attorney competence,

whether you perceive yourself as competent to practice,

the competencies you prioritize, and

the values and beliefs that drive your decision-making . . .

Ultimately, these are your choices to make.

Lawyering competencies

- Imagine you're a group of senior attorneys interviewing a would-be junior associate. The interviewee asks you, "What competencies do you expect of lawyers in your office?"
- In small groups: Describe 5 to 10 skills, personality traits, characteristics, habits, practices, behaviors, and qualities (etc., etc., etc.) that a competent lawyer possesses or exhibits.
  - Note any areas of disagreement among group members.
- [*The purpose of this activity is both to highlight the panoply of competencies required for effective lawyering* and *highlight cultural difference or divergent understanding of concepts like, "timeliness," "initiative," "empathy," and "assertiveness" (etc.)*.]

Cultural Competencies	Competencies Necessary for Effective Lawyering
Continuously exercise self-awareness and proactively strengthen your cultural skillset	Act with honesty, prioritize self-development, and commit to development toward excellence (All)
Build awareness of cultural norms and consider how culture is experienced by others	See the world through the eyes of others (Shultz-Zedeck)
Actively listen to your clients (i.e., listen nonjudgmentally for understanding)	Listen attentively and respectfully to your clients (Foundations)
Honor and uphold your clients' dignity, humanity, and voice	Build trusting relationships with clients and provide client-specific advice and counsel (Shultz-Zedeck)
Approach your clients' unique circumstances with understanding and empathy	Demonstrate courtesy and respect; see the world through others' eyes (Foundations, Shultz-Zedeck)
Work with adversaries and decision-makers whom you seek to influence on your clients' behalf	Develop meaningful relationships within the legal profession (Shultz-Zedeck; Hamilton)

© Thiadora A. Pina, Laura E. Jacobs and Rupa Bhandari, *Essential Lawyering Skills: A Companion Guide to Neil W. Hamilton's ROADMAP* (2021).

Self-Reflection

- What competencies beyond technical legal skills do you currently bring that will help a client, colleague, workplace, employer, and/or the profession succeed? Write down (or otherwise record) at least five.
- From your list, what one or two competencies beyond technical legal skills are most important for you to communicate/demonstrate as a summer associate, extern, or new attorney?
- Why are these competencies important?
- What is your proof that you are currently competent in this area(s)?
- What concrete step will you take in the next six months to further strengthen this competency?

Adapted from Neil W. Hamilton's "Roadmap Template." *See* Neil W. Hamilton, ROADMAP: THE LAW STUDENT'S GUIDE TO PREPARING AND IMPLEMENTING A SUCCESSFUL PLAN FOR MEANINGFUL EMPLOYMENT 49 (2015).

Spring Semester (PIF II)
Unit 4: Conceptions of Lawyering

- This final unit brings us full circle ‘round, from the hidden curriculum (and what it communicates about the nature of legal practice and lawyers) to actually launching into practice. (After this unit, students embark on summer employment.)
  - To the extent the hidden curriculum communicates “the truth” about the nature of legal practice today, is that truth inevitable? Even necessary? What other values or “ways of being and doing” might lawyers prioritize to fulfill our responsibilities and role in society?
- Purposes of class discussion and activities:
  - Introduce students to existing, divergent understandings of the lawyer’s role in society to reiterate that they ultimately decide who and how they want to be as a lawyer – *i.e.*, their professional identity
  - Reaffirm that the Model Rules anticipate that attorneys will encounter tensions in their tripartite role of client advocate, officer of the legal system, and public citizen having special responsibility for the quality of justice, and that the Rules do not prescribe a be-all, end-all way to resolve these tensions. The attorney ultimately decides, and their decisions reflect their professional identity.

Why now/why PIF?

- Summer employment on the horizon
  - Bear witness to different styles of and approaches to lawyering
  - Consider that there is no “one right way” to be a lawyer
  - Ask informed questions and make informed decisions
- I will share with you relevant rules and “precepts for you to consider as guideposts for your own career,” but the choices are ultimately yours to make.

Amoral Conception

Stephen L. Pepper, *The Lawyer's Amoral Ethical Role: A Defense, A Problem, and Some Possibilities*, AM. BAR FOUND. RESEARCH J. 613 (1986).

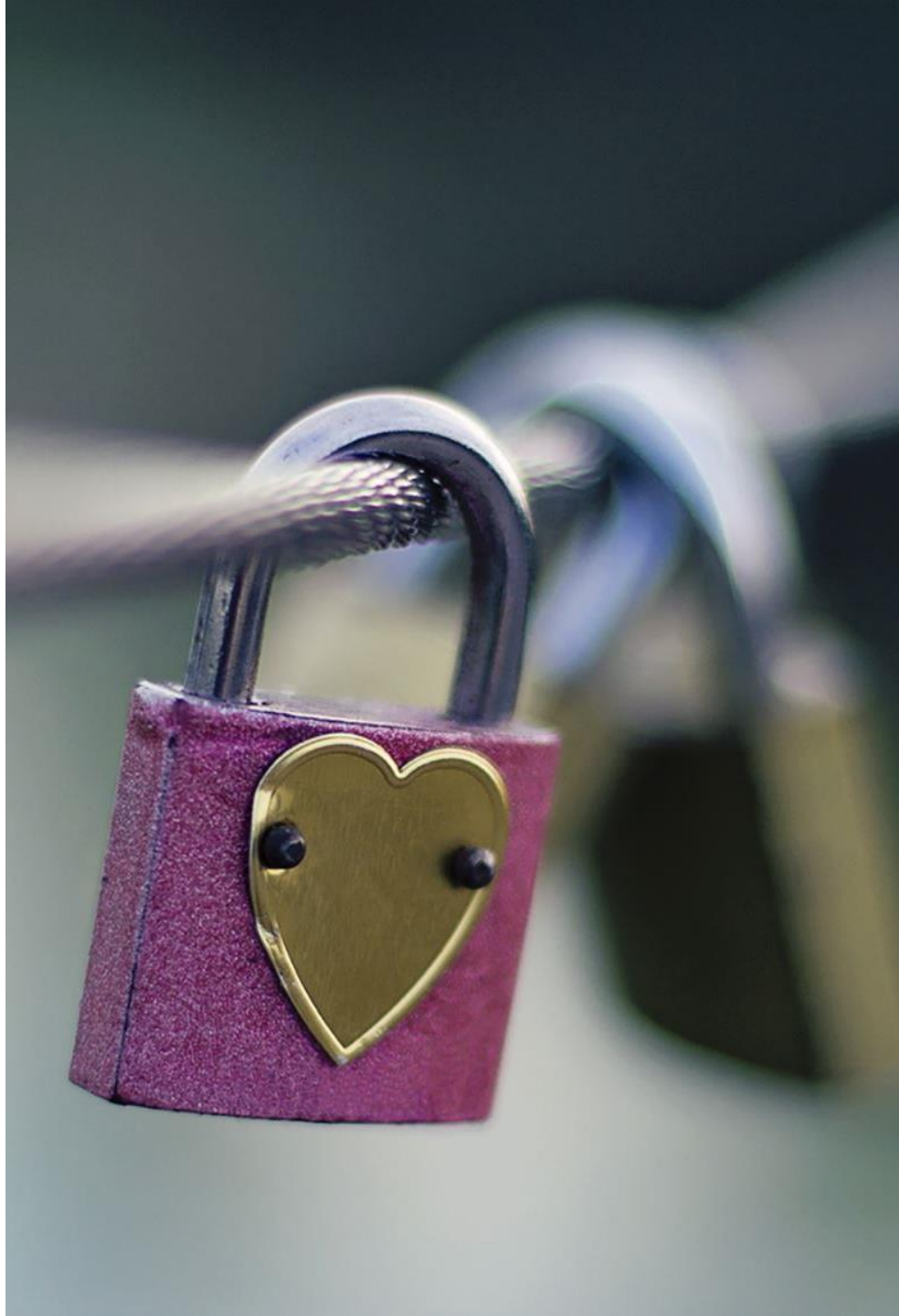
- Characterized by **partisanship**, **neutrality**, and **nonaccountability**
- "The lawyer in service to the client is judged by a **different moral standard** than the same conduct by a layperson. . . . [I]f such conduct by a lawyer is **lawful**, then it is **morally justifiable**, even if the same conduct by a layperson is morally unacceptable and even if the client's goals or means are morally unacceptable."
- "For the lawyer to have moral responsibility for each act [they] facilitate, for the lawyer to have a moral obligation to refuse to facilitate that which the lawyer believes to be immoral, is to substitute lawyers' beliefs for individual **autonomy** . . . . Such a screening submits each to prior restraint and rule by an oligarchy of lawyers."

Brief small-group activity

- *After displaying the previous slide, I ask students to discuss in small groups whether they agree with Pepper's view, whether they've any concerns or apprehensions about the amoral conception, and why they might favor abiding by the amoral conception of lawyering in practice.*
- *Then, I bring students through the scenario on the following slide to test the limits of the amoral conception. I refer back to this scenario after discussing other conceptions of lawyering (e.g., the modified amoral conception) to explore how a different conception might result in different action on the part of the attorney.*

Scenario 1

- A client hires a lawyer to help them obtain a divorce from their spouse. It quickly becomes apparent that the client wants the lawyer to assist them in stripping the spouse of financial assets to the greatest extent (legally) possible and (legally) inflict emotional pain, without regard to maintaining relationships within the family, protecting the interests of their children, or anything else.
- How does a lawyer who abides by an amoral understanding of their role respond to the client's wishes about their goals and their strategy for accomplishing them?



What say the Rules? *[I offer these non-exhaustive snippets after each conceptual description to drive home that the Rules allow for each conception of lawyering.]*

- "Legal representation should not be denied to people . . . whose cause is controversial or the subject of **popular disapproval**. By the same token, representing a client does **not** constitute approval of the client's views or activities." MPRC, Va. Rule 1.2, cmt. [5].
- "A lawyer shall not . . . [f]ile a suit, initiate criminal charges, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve **merely** to harass or maliciously injure another." Va. R. Prof. Conduct 3.4(j).
- "The duty of a lawyer to represent a client with zeal does not militate against [their] concurrent obligation to treat, with consideration, all persons involved in the legal process and to avoid the infliction of **needless** harm. Under this Rule, it would be improper to ask any question that the lawyer has no reasonable basis to believe is relevant to the case **and** that is intended to degrade any witness or other person." Va. R. Prof. Conduct 3.4, cmt. [7].

The Moral Activism Conception

David Luban, *A Response to Stephen Pepper*, AM. BAR FOUND. RESEARCH J. 637 (1987).

- The moral activism conception of lawyering **rejects the assumption** that morality is already in the law, in other words, that anything legally right is morally right.
- "Pepper's . . . argument is that since exercising autonomy is good, helping people exercise autonomy is good. [T]his is only half the story. The other half is that since doing bad things is bad, **helping people do bad things is bad**."
- The amoral conception allows that "only extremely objectionable [*i.e.*, illegal] actions outweigh the value of enhancing client autonomy." The moral conception offers that "in almost every case of significant client immorality **the good** of helping the client realize [their] autonomy **will be outweighed by the bad** of the immoral action the client proposes."

Moral activism conception (cont.)

Deborah L. Rhode, IN THE INTERESTS OF JUSTICE (2000).

- Lawyers cannot "simply retreat into some fixed conception of role that denies **personal accountability for public consequences** or that unduly privileges clients' and lawyers' own interests. Client trust and confidentiality are entitled to weight, but they **must be balanced** against other **equally important concerns**. Lawyers . . . have responsibilities to prevent unnecessary harm to third parties, to promote a just and effective legal system, and to respect core values such as honesty, fairness, and good faith on which that system depends."

Scenario 2

[I ask students to compare whether and how an amoral and moral activist lawyer would differ in their approach to client counseling and/or client representation in these circumstances]

Adapted from Pepper, at 627-28.

- Client consults lawyer concerning discharge of polluted water from a rural plant they own and operate. Client wants to know what the law requires and wants to comply with the law; however, client is very concerned about costs. Removing ammonia from the plant's effluent is very expensive. Client's own tests reveal .070 grams of ammonia per liter of effluent.
- Lawyer knows that the EPA limit is .050 grams of ammonia per liter of effluent and the EPA has widely publicized this standard to relevant industries.
- Lawyer knows that inspection in rural areas of the state is rare and that enforcement officials always issue a warning prior to applying sanctions unless the violation is extreme.
- Lawyer also knows that it is widely accepted that violations of .075 grams per liter or less are ignored because of a limited enforcement budget.
- Lawyer personally believes it is wrong for client to discharge unlawful concentrates of ammonia per liter of effluent.

What say the Rules?

- The lawyer's role in society is three-fold:

MRPC, Preamble

What say the Rules (cont.)?

- “Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, **a lawyer is also guided by personal conscience** and the approbation of professional peers.” [MPRC, Pmbl.]
- “[A] lawyer is **not required to pursue objectives** or employ means simply because a client may wish that the lawyer do so.” Va. R. Prof. Conduct 1.2, cmt. [1].
- A lawyer may **withdraw** from representing a client (even if there is “material adverse effect on the interests of the client”) if “the client persists in a course of action involving a lawyer's services that the lawyer reasonably believes is illegal or unjust,” or if “a client insists upon pursuing an objective that the lawyer considers repugnant or imprudent.” Va. R. Prof. Conduct 1.16(b)(1), (3).

Thanks for reading!

- Please reach out to me with any questions, suggestions, or other thoughts. You can reach me at jcraft@richmond.edu. Thanks again!