

Looking For Competencies in all of the Right Places

Author : Laurel Terry

Date : July 15, 2017

Neil W. Hamilton & Jerome M. Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 **Tenn. L. Rev.** 843 (2016), available at [SSRN](#).

Few people would say that U.S. legal education is doing an absolutely perfect job. While there have been a number of different criticisms and reform proposals over the past thirty years, some common themes have emerged. One theme is that students are not equipped with the range of skills they need to help clients address multi-faceted issues in an interdisciplinary world. Additional themes are found in the influential 2007 [Carnegie Foundation](#) report. Summarizing this report, one coauthor [explained](#) that legal education has generally done a good job with respect to the “first apprenticeship,” which is the “cognitive apprenticeship” of teaching students to think like a lawyer; that legal education has made modest improvements with respect to the “second apprenticeship” which involves skills and practice; and that legal education has done a poor job with respect to the “third apprenticeship,” which involves professional identity and values.

One recent article that addresses these legal education gaps is Neil Hamilton and Jerry Organ’s “[Thirty Reflection Questions](#)” article. *Thirty Reflection Questions* begins by discussing the concept of “learning outcomes,” including learning outcomes related to professional identity and values. This article cites the definition of learning outcomes found in a 2015 ABA accreditation [Guidance Memo](#): “Learning outcomes must consist of clear and concise statements of knowledge that students are expected to acquire, skills students are expected to develop, and values that they are expected to understand and integrate into their professional lives.” For those who have not paid particularly close attention to the ABA Council’s relatively new [Standard 302](#), the interpretative Guidance Memo, or the related literature, Part I of the article provides a very useful overview of the learning outcomes accreditation requirement and the rationale that lies behind it. Part II discusses how a law school curriculum can be designed in order to foster learning outcomes related to professional identity, taking into account research from other fields and data about law student development.¹ Finally, Part III contains the thirty reflection questions referenced in the article’s title. This Part explains how a law school or faculty member can use the thirty questions to help law students obtain meaningful post-graduation employment, acquire the competencies that legal employers and clients want, and develop their professional identity.

I particularly like Part III because of the way that it links the topics of post- graduation employment, the “competencies” that legal employers want their new hires to possess, and professional identity formation. Part III explains how a law school or professor can use a law student’s interest in the first topic – his or her own employment outcome – as a way to foster development with respect to the other two outcomes. The authors explain that the breakthrough in their own thinking was when they decided to go where the students are and to recognize that virtually all students want post-graduation employment that is meaningful to them given their life experiences, talents and passions. (P. 876.) The reflection questions provide an “enlightened self-interest” entry point for students to proactively develop the competencies they need to serve clients and the legal system well and to develop their professional identity and a commitment to the legal system.

Part III explains how legal educators can use what the article describes as “the 14 Roadmap curriculum

questions” to achieve the outcomes listed above. ((Because of the differing content and different target audiences, *Thirty Reflection Questions* is not a substitute for students for the *Roadmap* book even though the article discusses “the Roadmap curriculum.” For example, the *Roadmap* book includes extensive “competencies” data, but the *Thirty Reflection Questions* article does not. The article describes but does not include the *Roadmap* template that asks students to complete a Strengthsfinder 2.0 assessment, obtain a 360 degree assessment of themselves from others, and develop a networking plan. The book includes the Roadmap template and advises students how to use the fourteen reflection questions to create a Portfolio that will help them seek employment and decide what additional steps they need to take in order to develop the competencies needed to serve their clients and the legal system.

Although *Thirty Reflection Questions* is not a substitute for the *Roadmap* book, and although I strongly recommend to my students that they purchase the *Roadmap* book, it should be noted that some of the book’s content is available elsewhere. See, e.g., Neil W. Hamilton, [*Law Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism*](#), 11 St. Thomas L.J. 6 (2013)(compares the author’s Minnesota large law firm competencies data to the data found in four studies of law firm competency models); Neil Hamilton, [*Empirical Research on the Core Competencies Needed to Practice Law: What Do Clients, New Lawyers, and Legal Employers Tell Us?*](#), 83(3) Bar Examiner 6 (Sept. 2014)(compares a synthesis of the author’s Minnesota data to the data from the NCBE’s newly licensed lawyer study).)) (Roadmap is a reference to Neil Hamilton’s 2015 book entitled *Roadmap: The Law Student’s Guide to Preparing and Executing a Successful Plan for Employment*.) For example, Question 4 helps students better position themselves for the employment market by asking the following: “Looking at the competencies that clients and legal employers want, how do you self-assess what are your strongest competencies? How do others who know your past work/service assess your strongest competencies?” Question 10 helps students “progress in self-directed learning toward excellence at the competencies needed to serve clients and the legal system well” by asking: “How do you plan to use your remaining time in law school, including the curriculum and all the other experiences of law school, most effectively to develop the competencies that support your value proposition? Are you assessing your progress in implementing your plan?” The 14 Roadmap curriculum questions help each student identify: 1) that student’s strengths and interests; 2) employers that would be a good fit given that student’s strengths and interests; 3) the “value proposition” that the student brings to a particular legal employer; and 4) how that student might use his or her remaining time in law school to further develop and then communicate to potential employers that student’s competencies.

Students who have used the Roadmap curriculum questions appear to have benefited from them. For example, during Spring Semester 2015, 1L students at St. Thomas Law School completed the first fourteen questions, created a written professional development plan, and participated in a feedback meeting with a veteran coach. Self-assessment data collected at the beginning and end of the semester showed that the percentage of students in Stages 1 or 2 of self-directed learning (out of four stages) was reduced from 54.4% to 9.8%. By the end of the semester, more than 25% of the 1L students assessed themselves at the highest stage of self-directed learning. (P. 866.)

Thirty Reflection Questions offers the following description of its remaining sixteen questions:

If the 14 ROADMAP questions are designed to help the student determine what she wants to do as a lawyer as she writes the next chapters of her story toward meaningful employment, taking into account her strengths and passions and the needs of clients and employers, this second set of 16 questions is focused more on who the student wants to be as a lawyer, how she wants to conduct herself as a lawyer, and how she will balance her life as a lawyer in the context of her responsibilities to clients, to the legal system, and to all the other people in her life. These questions help the student navigate her

relationship with clients and with the legal system.

Although legal educators may want to use the empirical data found in the *Roadmap* book to prompt students to think about the “competencies” that employers and clients value² (and thus what it means to be a lawyer), there are a number of additional sources that one can draw upon. For example, although it has been more than twenty-five years since the ABA issued the [MacCrate Report’s Statement of the Fundamental Lawyering Skills and Professional Values](#), stakeholders [continue to use](#) the MacCrate list as an important benchmark³ For a much more recent example, one can consult the 2015 [Foundations for Practice](#) study, which surveyed more than 24,000 lawyers in fifty states in an effort to identify the attributes and competencies that lawyers need in the short-term, medium-term, and long-term. The *Foundations for Practice* [data](#), which is available in an [interactive format](#) and is also summarized in [reports](#), show that employers want a much broader array of skills and characteristics than students might realize. For example, the surveyed employers wanted to hire students who had “competencies” that included, *inter alia*, communication skills, passion and ambition, integrity and trustworthiness, diligence, and common sense, as well as traditional skills such as legal research and writing.

Data from outside the United States is similar. Several jurisdictions have identified – and, in some cases, have adopted as regulatory requirements – the competencies required of new lawyers. Regulatory groups in Australia (see [here](#) and [here](#)), Canada (see, e.g., [here](#), [here](#), and [here](#)), England & Wales (see, e.g., [here](#), [here](#) and [here](#)), and Scotland ([here](#)) are among those who have recognized that new lawyers need to possess competencies that go well beyond doctrinal knowledge and traditional legal skills. For example, Australia’s [Competency Standards for Entry Level Lawyers](#) include elements such as managing personal time, working cooperatively, and self-management. The [National Entry to Practice Competency Profile](#) adopted by the Federation of Law Societies of Canada includes client relationship management skills and practice management skills. The [Statement of Solicitor Competence](#) adopted by the UK’s Solicitors Regulation Authority includes competencies related to “working with other people” and related to “managing themselves and their own work.”

Competencies lists such as these⁴ are useful tools for law schools and legal educators who want their students to become better lawyers and who want to do a better job teaching professional identity and values. The *Thirty Reflection Questions* article is invaluable because it provides a roadmap educators can use to tie the competencies and professional identity material to student employment outcomes, which is an issue that students likely care about.⁵

In sum, *Thirty Reflection Questions* by Professors Neil Hamilton and Jerry Organ provides a great service to all legal educators and, even more importantly, to students and to the clients they one day will serve. I encourage you to check out this very useful article.

1. There are at least two reasons why a law school might include professional identity formation among its learning outcomes. As noted above, this was the third pillar of the Carnegie Foundation’s report. It is also related to accreditation [Standard 303 \(a\)\(1\)](#) which requires students to complete “one course of at least two credit hours in professional responsibility instruction that includes substantial instruction in the history, goals, structure, values, and responsibilities of the legal profession and its members.”
2. Most, but not all, of the data in *Roadmap* focuses on the competencies that legal employers look for. For information about what clients are looking for in their lawyers, see Susan Hackett, [“It’s the Client, Stupid”](#), ABA Comm’n on the Future of Legal Services Webinar (Mar. 27, 2015).
3. The MacCrate Report identified ten skills, including problem solving, legal analysis and reasoning, factual investigation, communication, negotiation, and organization and management

of legal work, among others. The four professional values listed in the MacCrate Report were the provision of competent representation; striving to promote justice, fairness, and morality; striving to improve the profession; and professional self-development.

4. There are a number of “competencies” lists beyond those listed in this article, including the Marjorie Schultz/Sheldon Zedeck list of [26 Lawyering Effectiveness Factors](#); the National Conference of Bar Examiners’ “[Newly Licensed Lawyers’ Study](#)”; the National Institute of Trial Advocacy ([NITA](#))’s list of core competencies; the [LexisNexis](#) survey of law firm hiring partners; a survey of [Harvard alumni](#) working for “BigLaw”; and a list prepared by the [Legal Education Committee](#) of the Florida Bar Vision 2016 Commission. [Law firms](#) have also developed competency lists. See Hamilton, [Law Firm Competency Models, supra note 2](#).
5. For the past two years, I have taught a required first year course that relies heavily on the questions and methodology set forth in *Thirty Reflection Questions*. Further information is available [here](#), [here](#), and [here](#).

Cite as: Laurel Terry, *Looking For Competencies in all of the Right Places*, JOTWELL (July 15, 2017) (reviewing Neil W. Hamilton & Jerome M. Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 **Tenn. L. Rev.** 843 (2016), available at SSRN), <https://legalpro.jotwell.com/looking-for-competencies-in-all-of-the-right-places/>.