

Chapter Three

Best Practices for Organizing the Program of Instruction

A. Strive to Achieve Congruence.²⁶⁸

Principle: The school strives to achieve congruence in its program of instruction.

Comments:

Educational effectiveness requires law schools to aspire not only to comply with best practices related to each topic discussed in this document but also to aspire to achieve congruence among all topics. Congruence, in fact, is a defining characteristic of effective educational programs, and to achieve congruence, law schools need to harmonize:

- their educational programs with their missions in the sense that the educational outcomes derive from the missions,
- their curricula with their educational outcomes in the sense that the curricula have been structured to build students toward mastery of the outcomes, and
- their course-by-course instructional objectives with their curricula in the sense that the curricular design dictates course objectives.

Likewise, legal education would be improved if law schools employed educational practices that are congruent with the course-by-course educational objectives in that they facilitate student achievement of the objectives.

Evaluation processes should be employed that are congruent with all of the above in order for schools to determine if their objectives are being accomplished. Congruent evaluation processes allow schools to assess whether their instructional practices, taken together, constitute curricula that produce graduates who possess the skills, knowledge, and values described in Chapter Two and to adjust the practices and curricula as needed. By ensuring that graduates attain the desired educational outcomes, law schools fulfill their missions.

In order to achieve congruence, law schools will need to know when, where, and how each desired outcome will be accomplished in the overall program of instruction. Curriculum and co-curriculum maps are helpful in accomplishing this task. A curriculum map is a wide-angle view of a program of instruction. For each outcome, a curriculum map identifies where in the curriculum students will be introduced to the skill, value, or knowledge; where in the curriculum the students will practice it; and at what point in the curriculum students can be expected to have attained the desired level of proficiency. For example, a law school may decide that legal research skills can be introduced, practiced, and mastered by the end of the first year of law school, whereas problem-solving skills are introduced and practiced in the first year, practiced again in the second year, and not mastered until the third year.

Law schools should not ignore the potential value of co-curricular programs

²⁶⁸ This section was drafted by Michael Hunter Schwartz.

to the development of knowledge, skills, and values. A co-curricular map can help identify opportunities for student learning in co-curricular settings, such as, journals, moot court, competitions, pro bono programs, Inns-of-Court, and speakers programs.

Peggy L. Maki, a Senior Scholar with the American Association of Higher Education, explains the benefits of curriculum mapping:

To assure that students have sufficient and various kinds of educational opportunities to learn or develop desired outcomes, faculty and staff often engage in curricular and co-curricular mapping. During this process, representatives from across an institution identify the depth and breadth of opportunities inside and outside of the classroom that intentionally address the development of desired outcomes. Multiple opportunities enable students to reflect on and practice the outcomes an institution or program asserts it develops. Furthermore, variation in teaching and learning strategies and educational opportunities contributes to students' diverse ways of learning. Column B provides a list of possible opportunities that might foster a desired outcome. That is, an institution has to assure itself that it has translated its mission and purposes into its programs and services to more greatly assure that students have opportunities to learn and develop what an institution values. If the results of mapping reveal insufficient or limited opportunities for students to develop a desired outcome, then an institution needs to question its educational intentionality. Without ample opportunities to reflect on and practice desired outcomes, students will likely not transfer, build upon, or deepen the learning and development an institution or program values.²⁶⁹

Curriculum maps are crucial to institutional advancement, because they can reveal both curricular redundancy and curricular gaps and inadequacies. For example, a law school may discover that its curriculum re-teaches certain skills, such as issue-spotting, applying rules to facts, and applying and distinguishing cases, over and over again. At the same time, the curriculum may fail to provide students with sufficient opportunities to handle the complex, multi-disciplinary client issues necessary to student development of problem-solving skills and no opportunity to develop self-regulated learning skills.

B. Progressively Develop Knowledge, Skills, and Values.

Principle: The program of instruction is organized to provide students coordinated educational experiences that progressively lead them to develop the knowledge, skills, and values required for their first professional jobs.

Comments:

The importance of organizing the program of instruction to develop desired outcomes progressively is promoted by the Association of American Colleges and Universities:

²⁶⁹ Maki, *supra* note 130, at 3.

Well-designed curricula are more than just collections of independent courses; they are pathways for learning. Graduating intentional learners – empowered, informed, and responsible – calls for curricula designed to further learning goals in a sequential manner²⁷⁰

Paul Dressel described the curricular organization that one would expect to find in a professional graduate school as follows.

In professional and technical fields, the overall goal of preparing the individual for a definite career has encouraged the faculty to think about the curriculum as a well-planned and organized course of study. Requirements tend to be heavy, and electives are limited. . . . [T]he fact that the students are being educated for a job forces a degree of unity and coherence in the program.²⁷¹

The organization of most law schools' curriculums falls somewhere between that of a typical professional graduate school and that of a typical program of instruction for preparing liberally-educated students. There are many required courses, especially if we count bar exam subjects that students feel pressured to take, but most law schools' programs of instruction lack coherence, coordination, or focus toward the goal of preparing students for law practice.

At most law schools, individual members of the faculty operate with a few moments of reflection and fewer yet of considered choice in matters related to the overall curriculum, approaches to teaching and learning, and institutional frameworks for legal education, especially beyond the first year.

Too often faculty members do the expected, offering autonomous courses with little regard to the overall curriculum or the seemingly unbridgeable chasm between "traditional" faculty committed to "theory" and "skills" faculty who teach in clinics and legal writing programs. Similarly, students often take the path of least resistance, drifting through the later years of law school with little intellectual drive or recognition of responsibility for key choices that will shape the professionals they hope to become. Yet, . . . they could stop and reflect before making individual and collective choices that could shape legal education for the better. New patterns are emerging such as a rich, collaborative "laboratory" model that now, unrecognized, underlies the best of legal writing, clinical, and specialized substantive specialties, creating coherence and progression within focused contexts and broader implications if attention is paid. Fresh perspective on the balance of the curriculum suggests that clear-eyed attention to the goal of knowledge transfer, higher expectations of students, and new forms of inter-institutional cooperation could result in more well-defined educational progression and better use of faculty time.²⁷²

²⁷⁰ *Principles of Good Practice in the New Academy*, in ASS'N OF AM. COLLEGES AND UNIVERSITIES, *GREATER EXPECTATIONS: A NEW VISION FOR LEARNING AS A NATION GOES TO COLLEGE* 30 (2002) [hereinafter *GREATER EXPECTATIONS*].

²⁷¹ DRESSEL, *supra* note 110, at 298.

²⁷² Wegner, *Theory and Practice*, *supra* note 46, at 3.

One of the reasons why law school curriculums lack coordination is the tradition of trying to accommodate faculty preferences and student requests. “Often curricular decisions are made in an incremental fashion, through negotiations between associate deans and individual faculty members or students. Varying dynamics characterize different schools and the resulting curriculum is often a patchwork that reflects favors given one or denied another faculty member, pragmatic compromises and negotiations that rarely proceed systematically or see the light of day.”²⁷³

Curriculum design should be guided by a school’s educational goals. Existing courses and new course proposals should be evaluated in light of how each course helps the school achieve its educational objectives. Each faculty member should be expected to demonstrate why each course is needed, and course approval should be based on whether the course meets students’ needs and interests, not just the teacher’s.

Legal writing teachers at many institutions and collectively through their national organization are encouraging and engaging in the kinds of coordination, sharing, and collaboration that would benefit all components of legal education. Noting that many law school courses are isolated from one another as a result of the high value accorded traditional faculty autonomy, Judith Wegner found that within the legal writing community “[t]he commitment to shared design and coordination of coverage, the exchange of lesson plans, the use of grading templates, among other aspects shows how sharply such offerings contrast to classes of other sorts.”²⁷⁴

We encourage law schools to engage in more systematic *institutional* planning of their programs of instruction to achieve greater coherence. We endorse the following recommendation of the Cramton Report.

Recommendation 7: Law schools should seek to achieve greater coherence in their curriculum. Even if it entails the loss of some teacher autonomy, the three-year program should build in a structured way: to present students with problems of successively broader scope and challenge, to enable students to teach themselves, and to utilize skills and knowledge acquired earlier.²⁷⁵

Some progress with coordination has been made since the Cramton Report was released in 1979, but not very much. All law schools structure segments of their programs of instruction to ensure that students receive basic instruction in some subjects before taking more advanced courses. Law schools have not made much effort, however, to consider how best to coordinate the delivery of instruction about knowledge, skills, and values throughout the entire curriculum.²⁷⁶

²⁷³ *Id.* at 12-13.

²⁷⁴ *Id.* at 32.

²⁷⁵ AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, REPORT AND RECOMMENDATIONS OF THE TASK FORCE ON LAWYER COMPETENCY: THE ROLE OF THE LAW SCHOOLS 4 (1979) [hereinafter CRAMTON REPORT].

²⁷⁶ An exception to this is the growing trend to offer “tracks” in which students concentrate in specific fields of law, especially those with components that give students real life experiences. Some such programs provide a progressive series of educational experiences that cover skills and values in addition to legal knowledge.

C. Integrate the Teaching of Theory, Doctrine, and Practice

Principle: The program of instruction integrates the teaching of theory, doctrine, and practice.

Comments:

Law schools have a tradition of emphasizing instruction in theory and doctrine over practice and of treating theory and doctrine as distinct, separate subjects from practice. The separation of theory and doctrine from practice in the law curriculum was an unfortunate fluke of history that hinders the ability of law schools to prepare students for practice.

The separation of theory and practice in legal education may have originated in Thorstein Veblen's wisecrack in 1918 that "in point of substantial merit the law school belongs in the modern university no more than a school of fencing or dancing," or even Christopher Columbus Langdell's claim that the content of legal education must be scientific to be worthy of study in a university. John Dewey traced the origins of the dualism of theory and practice to the distinction drawn in Near Eastern cultures between higher and lower kinds of knowledge for purposes of social status. This distinction was unfortunately perpetrated by the Greeks, who confined experiential knowledge to the artisan and trader classes and hindered the development of scientific knowledge for more than one and a half millennia. Whether arising from a desire for social status or respectability within the university or from some other cause, the determined separation of theory from practice has severely limited the scope of modern legal education.²⁷⁷

Judith Wegner acknowledged the continuing dichotomy between theory and practice in legal education, but she encouraged legal educators to recognize the value of both as important subjects for teaching and scholarship.

[L]egal educators and other university faculty have engaged in debate over the relative role of "theory" and "practice" for many years. It has long been common in academia to look down on "practice," carrying forward the Aristotelian preference for the intellectual life (and associated forms of declarative, written knowledge) to which academics commit themselves. Much like the blind men and the elephant, however, they have often been blind to the multiple dimensions of these concepts or assumed in error that the terms employed refer to similar things. Like George Orwell, academics are often drawn to shoot the elephant referred to as "practice" rather than to reflect on the reasons for and implications of such a choice.²⁷⁸

²⁷⁷ Cooper, *supra* note 38, at 21.

²⁷⁸ Wegner, Theory and Practice, *supra* note 46, at 7-8 (citing Aristotle, *Nichomecean Ethics*). See also Blasi, *supra* note 15, at 315-16 (explaining that "law professors know quite a lot about how lawyers acquire expertise in solving doctrinal problems. But we know virtually nothing about how lawyers acquire the other abilities most valued by clients: expertise, judgment, problem-solving abilities in areas beyond doctrine. Legal academics have largely ignored

One of the impediments to merging instruction in theory and practice has been the perception that context-based learning is useful for teaching “practical skills” but not substantive law or theoretical reasoning associated with “thinking like a lawyer.” In fact, the opposite is true. In discussing her conclusions from studying legal writing and clinical programs, Wegner made the following observations:

The evidence suggests quite strongly, however, that legal writing programs at their core reinforce instruction in traditional legal reasoning, using work with cases and statutes to push students’ individual capacities to comprehend and analyze, then posing complex problems requiring not only these capabilities, but also ability to apply and synthesis legal concepts and to evaluate their bearing from competing points of view. Legal writing programs in fact provide a much better opportunity to judge students’ development of advanced cognitive abilities than is afforded in large classes, where a single examination is generally offered and few opportunities for feedback or improvement exist.

On the other hand, there are significant educational differences between legal writing and clinical instruction that have often been blurred. As discussed more fully later in this chapter, “practical judgment” in the useful sense described by Aristotle, is context-dependent, linked to intensive interplay between theory and a human problem, as relevant knowledge is developed through reflection in light of the surrounding circumstances and brought to fruition through action. This special modality of reasoning and knowing lies at the heart of “lawyering” courses and other courses that engage students intensively with solving problems in particular substantive fields, but is only superficially involved in legal writing courses in the first year. Instead, legal writing courses seem to fill the gap too often evident in first year curricula, providing students with a more concrete sense of lawyers and the world in which they operate, particularly when instructors with prior or ongoing practice experience are used. In interesting ways, legal writing programs have moved away from traditional instructional patterns found within the first-year core, favoring collaborative learning designs that more closely approximate the practice communities in which lawyers generally work. These similarities should not, however, confuse the differences in educational goals and forms of reasoning that lie at legal writing programs’ hearts.²⁷⁹

Wegner’s overall thesis is “that the disquiet associated with portions of the curriculum outside the first year core stems from legal educators’ difficulty in seeing the full picture and the tendency to ‘shoot the elephant’ of practice-oriented instruction rather than to explore the context from which that impulse stems.”²⁸⁰ The following statement provides a vision of the kind of legal education we should be striving to provide:

these other aspects of lawyering practice, seeing them as either uninteresting or unfathomable”).

²⁷⁹ Wegner, *Theory and Practice*, *supra* note 46, at 29.

²⁸⁰ *Id.* at 28.

[L]aw schools must serve the goal of teaching fundamental legal concepts, but this is only the beginning of a first-rate legal education. The MacCrate Commission and other critics argue that legal educators must avoid being too narrow, devoting too much time to honing the ability to analyze doctrine and too little to developing other abilities that are relevant to competent practice. We are sympathetic to this criticism. Unfortunately, however, the criticism has been misunderstood to set doctrinal analysis apart from all other kinds of lawyering work. This misunderstanding undermines reform efforts, for the doctrine-versus-other-skills dichotomy makes it difficult to appreciate the integration of capacities that occurs when one practices law successfully. We take a slightly different approach, arguing for development of an intellectual versatility that enriches doctrinal analysis as much as it expands the number of lawyering activities that students are led to consider. Legal education needs to be broad-ranging in its approaches to the analysis of doctrine as well as in its approaches to other tasks like counseling, negotiation, business planning, or advocacy. We therefore seek to develop a range of intellectual capacities and to teach students to integrate the use of those capacities across the various categories of lawyering work.

[H]igh quality, responsible lawyering requires integrated development of a broad range of intellectual capacities. . . . The analysis of doctrine is deeper if one has the intrapersonal intelligence to grasp multiple perspectives; the conduct of a mediation is more successful if one has the logical-mathematical intelligence to calculate prospective gains and losses; advocacy is more convincing if one has the strategic intelligence to assess both the efficacy of a move in the small world of litigation and the policy implications of a legal interpretation in the larger world.²⁸¹

The authors of the Carnegie Foundation's report on legal education agree that law schools should integrate the teaching of theory, doctrine, and practice.

A fuller and more adequate legal education, one that would provide a broader – and, therefore, more realistic as well as more ethically appealing – understanding of the various vocations in the law, could not be based solely on most schools' current pedagogical and assessment practices. This fuller and more adequate preparation for the profession would, from the beginning, introduce students to lawyering and clinical work as well as concern with ethical and professional responsibility – in short, the cognitive, practical, and ethical-social apprenticeships would be integrated.²⁸²

Law schools cannot prepare students for practice unless they teach doctrine, theory, and practice as part of a unified, coordinated program of instruction.²⁸³

²⁸¹ Peggy Cooper Davis & Elizabeth Ehrenfest Steinglass, *A Dialogue About Socratic Teaching*, 23 N.Y.U. REV. L. & SOC. CHANGE 249, 251 (1997) (proposing improvements in the use of Socratic dialogue in law school teaching) (citations omitted).

²⁸² SULLIVAN ET AL., *supra* note 7, at 231.

²⁸³ See Karen Gross, *Process Reengineering and Legal Education: an Essay on Darling to Think Differently*, 49 N.Y.L. SCH. L. REV. 435 (2004-2005) (discussing ways to integrate

“Although theory and practice are distinct concepts, the resolution of lawyering problems involves a mixture of theoretical and practical concerns.”²⁸⁴

[T]he threefold movement between law as doctrine and precedent (the focus of the case-dialogue classroom) to attention to professional skills (the aim of the apprenticeship of practice) and then to responsible engagement with solving clients’ legal problems – a back and forth cycle of action and reflection – also characterize most legal practice. The separation of these phases into distinct areas of the curriculum, or as separate apprenticeships, is always an artificial “decomposition” of practice. The pedagogical cycle is not completed unless these segregated domains are reconnected.²⁸⁵

“[W]e believe legal education requires not simply more additions, but a truly integrative approach in order to provide students with broad-based yet coherent beginning for their legal careers.”²⁸⁶

D. Teach Professionalism Pervasively Throughout All Three Years of Law School.

Principle: The school provides pervasive professionalism instruction and role modeling throughout all three years of law school.

Comments:

Law schools do not currently foster professional conduct; just the opposite. Some fundamental changes are needed if law schools want to teach professionalism effectively. The competitive atmosphere and negative messages to students about their competence and self-worth impede the development of the attributes of professional lawyers. “The law school experience is a competition between students for limited rewards that foster unprofessional conduct.”²⁸⁷ “[U]nprofessional behavior among law students and lawyers typically proceed from a loss of integrity – a disconnection from intrinsic values and motivations, personal and cultural beliefs, conscience, or other defining parts of their personality and humanity.”²⁸⁸

Law schools can and should have a positive impact on students’ professional and personal values. As discussed in more detail in Chapter One, however, researchers have documented that existing law school goals, organization, and methods of teaching and evaluation tend to move students toward poor habits and inclinations to engage in unprofessional conduct. These negative effects are not inevitable.

instruction in doctrine, theory, and practice); Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, *Clinical Education for this Millennium: The Third Wave*, 7 *CLINICAL L. REV.* 1, 19-28 (2000) (describing existing courses and programs that integrate instruction in doctrine, theory, and practice).

²⁸⁴ Aaronson, *supra* note 176, at 287-88.

²⁸⁵ SULLIVAN ET AL., *supra* note 7, at 147-48.

²⁸⁶ *Id.* at 53.

²⁸⁷ Roger I. Abrams, *Law School as a Professional Community*, in AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, *TEACHING AND LEARNING PROFESSIONALISM: SYMPOSIUM PROCEEDINGS* 53, 55 (1996).

²⁸⁸ Krieger, *Professionalism and Personal Satisfaction*, *supra* note 76, at 426.

Law school experiences, if they are powerfully engaging, have the potential to influence the place of moral values such as integrity and social contribution in students' sense of self. This is especially likely to take place in relation to the students' sense of professional identity, which is of course an important part of the individual's identity more broadly. Professional identity is, in essence, the individual's answer to questions such as "Who am I as a member of this profession?" "What am I like and what do I want to be like in my professional role?" and "What place do ethical-social values have in my core sense of professional identity?" Since law school represents a critical phase in the transition into the profession, it is inevitable that it will influence students' image of what kind of lawyers they want to be.²⁸⁹

The culture and environment of the law school community should foster professional conduct. "A law school must have a culture of respect, civility, responsibility, and honor."²⁹⁰ A culture of professionalism is promoted when the faculty, staff, and administrators model professional values and attitudes. Students will do as we do more frequently than they will do as we say. "For most students law school professors are their first and most important role models of lawyers. Professionalism ideals can either be enhanced or undermined by the behavior of faculty in and out of the classroom."²⁹¹

An increased emphasis on instruction in and assessment of professionalism in legal education sends an important message to students. Often this might involve simply maintaining high standards for conscientious and respectful work in clinics, issues that are uncontroversial from an ethical point of view. Even when the questions being confronted are more complex and subject to multiple interpretations, however, teaching for and assessing professionalism need not entail the imposition of individual faculty members' own moral views on their students. Nor must all students agree on what the "right" or ethically defensible behavior is in ambiguous or complicated situations. Rather, the infusion of ethical concerns into teaching and assessment in legal education conveys a profoundly important message that, as future stewards of the profession, students must figure out for themselves an ethically defensible approach to their work; and that, as officers of the court and citizens, lawyers should not ignore the larger consequences of their professional behavior and conduct.²⁹²

Students should be expected to conduct themselves professionally upon entering law school, however, law students do not know intuitively what constitutes professional or unprofessional behavior. They learn how to act either by being taught or through their experiences. Law schools can help students understand the expectations placed on them as members of the legal profession by defining the components of professionalism when students enter school (or even before they

²⁸⁹ SULLIVAN ET AL., *supra* note 7, at 163.

²⁹⁰ Abrams, *supra* note 287, at 59.

²⁹¹ TEACHING AND LEARNING PROFESSIONALISM, *supra* note 134, at 13.

²⁹² SULLIVAN ET AL., *supra* note 7, at 224-25.

arrive on campus) and by making it clear what the school considers to be appropriate professional conduct during law school and afterwards.

Instruction about professionalism would be more effective if it is provided pervasively and continuously.

[A]s a general rule, law schools have treated professionalism issues as being part of legal ethics, to be covered in whatever course or courses deal explicitly with the subject. Although there has been a great deal written about the pervasive method of teaching legal ethics throughout the entire curriculum, law schools have, for the most part, merely given lip service to this approach. Thus, the basic course in legal ethics or professional responsibility has become, by design or by lack of time, the main, if not the only, place in the law school curriculum where students are exposed in a systematic manner to professionalism issues.²⁹³

We are not proposing that pervasive instruction in professionalism should replace courses in professional responsibility or other professionalism-focused courses. Rather, we are proposing that all members of a law faculty should embrace their collective responsibility to contribute to their students' understanding of and commitment to professional behavior.

Law students need concrete ethical training. They need to know why pro bono work is so important. They need to understand their duties as "officers of the court." They need to learn that cases and statutes are normative texts, appropriately interpreted from a public-regarding point of view, and not mere missiles to be hurled at opposing counsel. They need to have great ethical teachers, and to have every teacher address ethical problems where such problems arise.²⁹⁴

Deborah Rhode is the most prominent proponent of teaching professional responsibility pervasively.²⁹⁵ We believe she will concur with our conclusion that professionalism, which encompasses professional responsibility, should be taught pervasively. We agree with Rhode that the task will not be easy but the potential rewards warrant making the effort.

This is neither to underestimate the difficulties in implementing a comprehensive approach nor to overstate its likely impact. The experience of law schools that have claimed to teach ethics by the pervasive method offers sobering case studies. But even if the aspiration of an integrated curriculum may be difficult to realize, it holds far more promise than the prevailing alternative. To ignore issues of professional responsibility as they arise in particular substantive areas marginalizes the ethical dimensions of daily practice. All too often, students will view their mandatory course as an add-on, a public relations digression from what is really

²⁹³ TEACHING AND LEARNING PROFESSIONALISM, *supra* note 134, at 14 (citations omitted).

²⁹⁴ Edwards, *supra* note 205, at 38.

²⁹⁵ Deborah Rhode, *Ethics by the Pervasive Method*, 42 J. LEGAL EDUC. 32 (1996).

important. Every law school does, in fact, teach some form of ethics by the pervasive method, and pervasive silence speaks louder than formal policies and commencement platitudes.²⁹⁶

Walter Bennett encourages all law professors to embrace the challenges posed by teaching professionalism. After describing the importance of helping law students begin the process of viewing themselves as members of a noble profession and acting accordingly, Bennett wrote:

And law professors should not be exempt from this process. In fact, the professor in the class described above will be competent to lead it and to read and grade student papers if, and only if, above all she views herself as a professional and fellow pilgrim on the personal and professional myth-way. The notion that law professors (and law schools) are somehow exempt from the process of inculcating professionalism because they are engaged in more lofty and arcane pursuits is an attitude the legal profession can no longer afford (if it ever could). A professional school should be staffed by people who think of themselves as professionals with perhaps an even greater obligation than practicing lawyers to pass on the professional creed.²⁹⁷

We endorse the following recommendations for improving law school professionalism training in TEACHING AND LEARNING PROFESSIONALISM, and we encourage more law schools to make their implementation a priority.

- faculty must become more acutely aware of their significance as role models for law students' perception of lawyering.
- greater emphasis needs to be given to the concept of law professors as role models of lawyering in hiring and evaluating faculty.
- adoption of the pervasive method of teaching legal ethics and professionalism should be seriously considered by every law school.
- every law school should develop an effective system for encouraging and monitoring its ethics and professionalism programs.
- the use of diverse teaching methods such as role playing, problems and case studies, small groups and seminars, story-telling, and interactive videos to teach ethics and professionalism, should be encouraged.
- law book publishers should consider adopting a policy requiring that all new casebooks and instructional materials incorporate ethical and professionalism issues. Law book publishers should also publish more course-specific materials on legal ethics and professionalism issues as part of new casebooks, new editions of old casebooks, supplements to casebooks, compilations of supplemental readings, and compendiums.
- law schools need to develop more fully co-curricular activities, policies, and infrastructures that reflect a genuine concern with professionalism.²⁹⁸

Many of the problems with the legal profession begin with the explicit and implicit education provided by law schools. Law teachers should become more

²⁹⁶ *Id.*

²⁹⁷ BENNETT, *supra* note 70, at 178.

²⁹⁸ TEACHING AND LEARNING PROFESSIONALISM, *supra* note 134, at 16-25 (citations and narrative omitted).

informed of the negative impacts that law school can have on students and consider how law school can more effectively help students develop the positive attributes of professional lawyers.