

WHOLENESS: THOUGHTS ON LAW TEACHING, LAWYERING, AND LIVING

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PRELUDE

Professor Patti Alleva will soon conclude thirty-two years of continuous service to the University of North Dakota School of Law. To honor her professional contributions, the law school hosted a celebration reception on Homecoming Friday, September 21, 2018. Professor Alleva's invited remarks opened the event. The Baker Courtroom audience included current and former justices and judges of the North Dakota state and federal courts, practicing lawyers, law students and alumni, Webb family members, faculty and staff from both the law school and university communities, and friends of Professor Alleva's from near and far. The NORTH DAKOTA LAW REVIEW thought her remarks would be a fitting start to this tribute issue and proudly present here a revised and retitled version of Professor Alleva's talk, which she edited in order to flesh out some ideas and to accommodate the shift from spoken to written word.

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Weeks ago, when Interim Dean Brad Myers invited me to speak on this Homecoming Friday, I asked him what he had in mind. He uttered words I would not soon forget. "I'm handing you the mic," he said. And I flooded with feeling, realizing that he had just offered me the priceless, but daunting, opportunity to speak out loud my good-byes and to begin a more formal and public closure process. So I am deeply grateful to the Interim Dean, and to all of you, for allowing me the privilege to stand before you in this way.

But now that I have the microphone, what exactly should I say? Or could I say? I fretfully pondered these questions, for days, in preparing for this moment. I found it exceedingly difficult to answer these queries. This was especially true given the emotional overlay of the occasion and the tremendous

* The Rodney & Betty Webb Professor of Law, University of North Dakota School of Law. There are many thanks to give concerning this piece—to Sharon Carson, Jennifer A. Gundlach, and Margaret Moore Jackson for their invaluable insights about whether and how this talk might work if "given" in print form; to the NORTH DAKOTA LAW REVIEW for encouraging its publication; and to Candace Zierdt for her lovely introduction of my original talk last September. And special thanks go to generations of law students who made all of this possible in the first place. I have never been more aware that the words I utter here, I can, because of others.

pressure I felt to distill my experiences of nearly four decades as judicial law clerk, practicing lawyer, and law professor into a talk worth hearing by both lawyers and non-lawyers alike.

So in the sincere hope that something I say this morning will be meaningful to each of you, I respectfully offer two main points for your consideration—each with subparts, of course. The first is more professional in nature, and concerns what I have come to believe is vital to the future of legal education and, by implication, the legal profession. The second is more personal in nature, and concerns career, closure, and what being a law professor has meant in my life. Both points center on quests for wholeness. In explaining why, I may need to wipe a tear or two along the way. They have accompanied various drafts of this talk and may reappear. But there is no need to feel discomfort for me should they return. They surface the gratitude in my heart and offer sincere tribute to my North Dakota experience.

I

So To my first main point, on the professional side of things:

In these times of resource constraints and curricular readjustments, it bears emphasis that we must not lose sight of the importance of teaching to the “whole person” that each student is and will become as a practitioner of the law.¹ In short, we should continue and intensify—in both experiential and non-experiential settings across the curriculum—teaching to self-reflection as a foundational professional skill² and to self-awareness as a critical

1. *See, e.g.*, DEBORAH KENN, *LAWYERING FROM THE HEART* 67–68 (2009) (describing teaching to the “whole person” in the clinical setting and noting her expectation that third-year law students “show up for the clinic” with “their entire person”); *see also* EDUCATING TOMORROW’S LAWYERS, FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT 2 (2016) (emphasis omitted) (concluding that successful new lawyers are neither “merely legal technicians . . . nor . . . cognitive powerhouses,” but persons who “come to the job with a much broader blend of legal skills, professional competencies, and characteristics that comprise the whole lawyer”).

2. Clinical legal educators have long been at the forefront of teaching self-reflection in experiential contexts. *E.g.*, SUSAN BRYANT, ELLIOTT S. MILSTEIN & ANN C. SHALLECK, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* xv, 23 (2014) (explaining that “[l]earning through reflection is at the core of clinical pedagogy [itself a “response” to legal education’s “failure” to teach the “craft” of lawyering] and is an essential learning process for students to master to engage in future professional learning”); *see also* Barbara Lentz, *Incorporating Reflection into Law Teaching and Learning*, in *EXPERIENTIAL EDUCATION IN THE LAW SCHOOL CURRICULUM* 17, 40 (Emily Grant, Sandra Simpson & Kelly Terry eds., 2018) (noting that “[r]eflection typically has not been part of the law school inquiry-only Socratic Method,” detailing the integrative nature and benefits of the reflective learning cycle, and suggesting assignments and approaches to promote student reflection); Jodi S. Balsam, Susan L. Brooks & Margaret Reuter, *Assessing Law Students as Reflective Practitioners*, 62 N.Y.L. SCH. L. REV. 45, 46, 48 (2017–2018) (offering a “consensus rubric” for assessing reflective practice in different types of courses and as a school-wide learning outcome). *See generally* DONALD A. SCHON, *EDUCATING THE REFLECTIVE PRACTITIONER: TOWARD A NEW DESIGN FOR TEACHING AND LEARNING IN THE PROFESSIONS* (1987).

professional attribute.³ Both have been undervalued concepts in traditional legal education that our law school now explicitly and intentionally addresses in courses like *Professional Foundations* (a required class for first-year students)⁴ and *Professional Visions* (a limited enrollment elective capstone primarily for third-year students).⁵ These are courses some might consider too “soft” or too resource-intensive or not directly bar-pertinent. So please allow me to explain more fully what teaching to the whole person, and especially to self-awareness, has meant to me, and why engaging law students holistically is vital to our profession and state.

To start: Law Professor Curtis Berger laid bare the nub of the issue when he stated this:

3. As to self-awareness particularly, see, e.g., Susan L. Brooks, *Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students' Professional Identity Formation*, 14 U. ST. THOMAS L.J. 412, 426 (2018) (positing that “[s]elf-awareness is the most pivotal aspect of professional identity formation”); Patti Alleva, *The Personal as Predicate*, 81 N.D. L. REV. 683, 689–91 (2005) (noting the importance of teaching to self and relational understandings in law students); Joseph A. Barrette, *Self-Awareness: The Missing Piece of the Experiential Learning Puzzle*, 5 T.M. COOLEY J. PRAC. & CLINICAL L. 1, 20 (2002) (urging the teaching of self-awareness as part of a “whole person” approach to legal education to facilitate professional and personal growth); Daisy Hurst Floyd, *Reclaiming Purpose—Our Students' and Our Own*, L. TCHR., Spring 2003, at 2 (arguing that self-awareness and reflection “are essential skills for finding meaning and purpose in law practice”); Joshua D. Rosenberg, *Interpersonal Dynamics: Helping Lawyers Learn the Skills, and the Importance, of Human Relationships in the Practice of Law*, 58 U. MIAMI L. REV. 1225, 1247–49 (2004) (advocating the teaching of relationship skills necessary to lawyering and highlighting the significance of self- and relational-awareness in this process); Robin Wellford Slocum, *An Inconvenient Truth: The Need To Educate Emotionally Competent Lawyers*, 45 CREIGHTON L. REV. 827, 834–35 (2012) (extolling the teaching of emotional competency skills, including the emotional self-awareness necessary to fully understanding the client and to engaging in emotional self-management).

4. *Professional Foundations* is a faculty team-taught course offered in Spring semester of the first year. *ProfFound* was specifically created to contextualize the doctrine-heavy first semester and to help new law students develop the habit of self-reflection by exploring core professional qualities of an effective lawyer (e.g., adaptability, diligence, empathy, and integrity) through realistic scenarios raising professional dilemmas. *Professional Foundations Course Syllabus 2* (Spring 2019) (on file with author). The course introduces students to “a more integrated understanding of what it means to be a practicing lawyer who must bring . . . knowledge, skills, and values” to legal problem-solving and reinforces that lawyers must learn to consciously consider the “whats” and “whys” of the things they do and “how” their actions (or inactions) will impact self and others, particularly the client. *Id.* at 2–3.

5. *Professional Visions* is a law and literature course I designed using literary characters and the fictional worlds they inhabit as the basis for layered hypotheticals about lawyering. It takes “an intensive look at professional identity and judgment” by “focus[ing] on the interpersonal dynamics of professional relationships, especially between lawyer and client,” but also examines “the broader role of lawyers in the social order.” *Professional Visions Course Syllabus 1* (Fall 2018) (on file with author). In particular, the course “highlight[s] the importance of grappling with self-awareness (the meta perspective), other-awareness and the relational dimensions of representing clients (the micro perspective), and the potential impact of legal judgments beyond the lawyer-client relationship (the macro perspective).” *Id.* (emphases omitted). Intentionally employing this meta-micro-macro framework helps students to see more clearly that what they think and do as lawyers radiates outward, from self, in concentric circles of consequence for those in their immediate and extended environments—with the catalyst of self-awareness at the center of the first circle. For a more detailed description of *Professional Visions*, see *infra* pp. 295–97.

I believe that legal education is too single-mindedly absorbed in affairs of the head and too inattentive to—indeed, rejecting of—matters of the heart. Legal education is an intensely cerebral pursuit. The highest praise we can bestow upon our students is to tell them that they “think like a lawyer,” which requires a wholly analytical matrix for dealing with problems. . . . I believe that the head is attached to the heart . . . and that it is the pulsating heart of the professional man or woman that legal education has avoided. . . . At the risk of sounding simplistic, we should train our students to deal with other human beings, so they will begin to understand that when a client comes into a lawyer’s office he is usually a disturbed person, so they will begin to appreciate that very often what surfaces as a legal problem has its roots in deep-seated social problems.⁶

Professor Berger wrote those stirring words forty-three years ago in 1975, the year *before* I entered law school. Yet thirty-two years later in 2007—or twenty years *after* I started teaching—the Carnegie Foundation for the Advancement of Teaching published its path-breaking critique of legal education and found it necessary to decry the legal academy’s persisting preoccupation with analysis at the expense of other facets of lawyerly work, especially those concerning professional identity formation.⁷ Carnegie highlighted “law schools’ failure to complement the focus on skill in legal analysis with effective support for developing the ethical and social dimensions of the profession.”⁸

That was just eleven years ago.

Happily, our law school was a bit ahead of the Carnegie report, and had already started to address these issues. And thankfully, in the eleven years since the report’s release, law schools have made critical strides in supplementing analytical training, primarily by elevating the significance of experiential education and providing students with more integrated learning opportunities.⁹ These opportunities deserve spotlighting. They allow students

6. Curtis J. Berger, *The Legal Profession’s Need for a Human Commitment*, 3 COLUM. U. GEN. EDUC. SEMINAR REP. 13–15 (1975), reprinted in part in ELIZABETH DVORKIN, JACK HIMMELSTEIN & HOWARD LESNICK, *BECOMING A LAWYER: A HUMANISTIC PERSPECTIVE ON LEGAL EDUCATION AND PROFESSIONALISM* 33–34 (1981).

7. See generally WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) [hereinafter *EDUCATING LAWYERS*].

8. *Id.* at 188; see also *id.* at 27 (explaining that becoming an expert professional requires “complete involvement with learning new ways of thinking, performing, and understanding oneself”).

9. Law schools must now require at least six credit hours of experiential coursework (in a law clinic, field placement, or simulation course) which, in turn, must “integrate doctrine, theory, skills, and legal ethics” as well as “provide opportunities for student performance, self-evaluation, and feedback” STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS. §§ 303(a)(3),

to explore and synthesize what Carnegie identified as the three interrelated or integrative dimensions of professional work—the now well-known trilogy of legal doctrines, practical skills, and ethical values.¹⁰

Thus, integrated learning opportunities contextualize legal analysis as one of the three basic domains comprising lawyerly work and—especially if done with pedagogic intentionality—help students to understand the synergistic nature of sound professional judgment.¹¹ And the integration of those domains is perhaps best facilitated by placing students “in role”—that is, putting them in realistic lawyering situations, either actual or simulated, so that they must not only *think* like lawyers, but also *act* like lawyers and *feel* like lawyers, and experience what it really means to connect the dots between legal doctrines, practical skills, and ethical values to solve client problems in a holistic fashion.¹²

In short—and this is critical—integrated learning opportunities ultimately ask students to make meaning out of a client’s problem, on the ground, in all its real-life (or simulated real-life) complexity.¹³ Thus, in well-designed

304(a)(1), (4) (AM. BAR ASS’N 2018–2019); *see also* Patti Alleva & Laura Rovner, *Seeking Integrity: Learning Integratively from Classroom Controversy*, 42 SW. L. REV. 355, 368–75 (2013) (describing the nature of integrative learning, its structural focus on making intentional connections between learning domains or across different experiences, and its intrinsic relationship to the ethical aspects of integrity).

10. *E.g.*, EDUCATING LAWYERS, *supra* note 7, at 12–14 (proposing the three-part integrative framework for legal education comprised of legal analysis, practical skills, and professional identity).

11. As to those synergies, *see id.* at 82 (noting that “[t]he sort of thinking required to meet the challenges of practice blends and mixes functions, so that knowledge, skill, and judgment become literally interdependent: one cannot employ one without the others, while each influences the nature of the others in ways that vary from case to case”). *See also id.* at 58–59, 178 (further explaining that each dimension of lawyerly work is “not freestanding.” It “contributes to a whole and takes part of its character from the relationship it has with the others,” resulting in “an ensemble experience, its achievement a holistic effect” where that integrated whole is “greater than the sum of its parts.”).

12. *See, e.g.*, Anthony G. Amsterdam, *Clinical Legal Education—A 21st-Century Perspective*, 34 J. LEGAL EDUC. 612, 616 (1984) (describing the importance of teaching students, in supervised settings with rigorous feedback, “how to learn systematically from experience” by placing them “in role” in real or simulated “problem situations of the sort that lawyers encounter in practice”); *see also* Patti Alleva, *Respect is Key to Teaching, and Also to Learning*, NAT’L L.J., Sept. 29, 2014, at 16 (noting that in experiential learning “there is dignity in the doing, as students begin, in new and deeper ways, to envision and experience themselves as professional beings”). Put differently, acting in role (especially with real clients) and being able to “feel-through” as well as think-through the client’s predicament can deepen appreciation of the problem, its potential solutions, and the stakes at issue. *Cf.* EDUCATING LAWYERS, *supra* note 7, at 121 (positing that “[t]aught well, it is through this experience of lived responsibility [for outcomes that affect clients] that the student comes to grasp that legal work is meaningful in the ethical, as well as cognitive, sense”).

13. *See, e.g.*, Amsterdam, *supra* note 12, at 616–17 (characterizing the typical clinical problem as “concrete,” “complex,” and “unstructured,” requiring students to identify and analyze the issues presented, to devise a way forward for the client after self-evaluated exploration of alternative paths, and to “work through the relationships between legal analysis, communication, and interpersonal dynamics”); *see also* Alleva & Rovner, *supra* note 9, at 370–72 (explaining that the quintessential integrative learning experience requires students to make meaning or “productive sense” out of

and guided integrated learning settings, students intentionally face and address not only the legal or analytical dimensions of the client's problem, but also its personal, interpersonal, social, and moral aspects. This requires students to confront issues of strategic choice and the impact of those choices on the client's life—consequences that may ripple far beyond the particular cases, statutes, or regulations governing the problems presented.

So in learning how to make comprehensive sense out of the client's situation, it is vital that fledgling lawyers bring to bear what Law Professor Anthony Kronman has called “a wisdom that lies beyond technique—a wisdom about human beings and their tangled affairs that anyone who wishes to provide real deliberative counsel must possess.”¹⁴ As Kronman suggests, it is one thing to have a technical grasp of the legal issues raised and quite another to be a lawyer who can discern and account for the human and social dimensions of the client's problem which inevitably surround and color those technical legal questions.¹⁵

Enter here—the student as whole person. To best prepare students to make integrated professional judgments with wisdom beyond technique, we must find places across the three years of law school to engage them as whole persons—preferably, as part of an intentional and graduated sequence of touchstone learning opportunities exploring the synergistic nature of professional decision-making.¹⁶ We must provide safe learning spaces for

uncertain situations by a self-conscious accounting of both the problem variables at play and the consequences of addressing them).

14. ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 2 (1993); see also Daisy Hurst Floyd, *Practical Wisdom: Reimagining Legal Education*, 10 U. ST. THOMAS L.J. 195, 202 (2012) (proposing that law schools “use practical wisdom as a framework for conceiving of the purpose of legal education” and urging law professors to “develop an ethical professional identity in . . . students so that they are able to exercise” that wisdom in addressing legal challenges).

15. Cf. MODEL RULES OF PROF'L CONDUCT r. 2.1 (AM. BAR ASS'N 2018) (stating that “[i]n 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”). Comment 2 to Rule 2.1 further explains: “Advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. Purely technical legal advice, therefore, can sometimes be inadequate.”

16. See, e.g., Louis D. Bilionis, *Professional Formation and the Political Economy of the American Law School*, 83 TENN. L. REV. 895, 907–08, 914 (2016) (offering a blueprint for a “purposeful program of professional formation” spanning the law school experience and recognizing self-awareness as a “key dimension” of the formation process); Benjamin V. Madison, III & Larry O. Natt Gantt, II, *The Emperor Has No Clothes, But Does Anyone Really Care? How Law Schools Are Failing To Develop Students' Professional Identity and Practical Judgment*, 27 REGENT U. L. REV. 339, 343, 377–86 (2015) (urging law schools to adopt an “incremental” and “integrated [formation] program designed to help students learn skills such as self-awareness before they advance to exercises that develop reflection and decision-making skills”); see also Louis D. Bilionis, *Bringing Purposefulness to the American Law School's Support of Professional Identity Formation*, 14 U. ST. THOMAS L.J. 480, 487 (2018) (footnote omitted) (positing that among professional formation competencies, “the capacity for self-direction . . . occupies a crucial place, because so much else turns on it”). As to the importance of spaced learning and repeated retrieval of newly learned skills,

“teaching from the inside out”—that is, for demonstrating to students the professional imperative of going inward to self-reflect and to deliberately draw upon not only their learning about legal rules, but the fullness of their life experiences, the fullness of who they are—using, as Professor Berger so powerfully described, their heads *and* hearts, their intellectual *and* emotional perceptions, their legal *and* non-legal insights and instincts, in order to understand and solve legal problems holistically.¹⁷ After all, we are humans who happen to be lawyers, not lawyers who happen to be human. Drawing from the depth and breadth of who we are grounds our advice in what we know about each other as fellow human beings—arguably, the wellspring of empathetic understanding and compassion.

So in engaging the whole of who students are, and helping them to bring wisdom beyond technique to legal problem-solving, we must expressly encourage them to keep in conscious touch with what they are thinking, feeling, assuming, and doing as professional beings. In a word, we must intentionally teach to self-awareness. We must help students navigate both inward as well as outward in addressing the demands of professional role and encourage them to bring an integrated self to client representation—a thinking *and* feeling self, able to monitor and tap, with a self-conscious eye on consequences, the intellectual, emotional, and experiential resources necessary for sizing up and sculpting solutions to client problems and sustaining professional relationships.¹⁸

I especially came to understand the significance of teaching to self-awareness in my *Professional Visions* course, which I first offered in Spring 2003. In this seminar class, I use the transformative power of literature to explore the emotional, relational, and social dimensions of professional identity and judgment in the context of literary characters and their story lines, all of which present compelling human situations or dilemmas. We turn those characters into clients, give them hypothetical legal problems, and then explore, as if we were their lawyers, the interpersonal and social implications of representing those characters—characters we get to know quite well from reading in detail about their outer lives and inner thoughts.

see PETER C. BROWN, HENRY L. ROEDIGER III & MARK A. MCDANIEL, *MAKE IT STICK: THE SCIENCE OF SUCCESSFUL LEARNING* 21–22 (2014) (noting that “learning is an iterative process that requires that you revisit what you have learned earlier and continually update it and connect it with new knowledge”).

17. And all of this while attempting to keep the appropriate professional distance—sometimes easier said than done.

18. See *BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD* 260 (Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas & Antoinette Sedillo Lopez eds., 2015) (observing that “[a]lthough every skill or value cannot be cultivated solely by self-awareness, self-awareness appears to be a foundational skill on which developing lawyers should focus as they begin the process of forming a professional identity”).

And getting to know them from the inside out gives us unique insight about their emotions and, in turn, engages ours.¹⁹

Thus, one primary course focus (sometimes through role plays, but more often through student-centered discussion) is examining what we as lawyers might think, feel, assume, or do were we actually representing these “clients” and how our thoughts, feelings, assumptions, or actions—and those of our character-clients—might impact the representation and beyond. And this examination takes place in the realistic context of factually rich story lines, which allow us to visualize, with concreteness and emotional intensity, the potential implications of the advice given—on the client, on the lawyer, and on the relationship between the two, including any ramifications that extend beyond that relationship into the community at large.

Thus, I have had three particularly meaningful realizations about student learning as a result of my *Professional Visions* experience:

First, I came to see, in helping students come to grips with their budding and sometimes confusing self-conceptions as lawyers, it was critical to be explicit about the importance of self-consciousness—in the good sense of that term. Students really seemed to appreciate (and benefit from) learning to be more mindful of, and more intentional about, their own values, preconceptions, assumptions, and emotions, and how these things could intimately affect—for better or worse—their legal judgments, professional relationships, and self-understandings.

Second, and concomitantly, in the course of encouraging self-awareness, I also came to see the importance of helping students to cultivate other-consciousness—that is, to be more mindful of the values, preconceptions, assumptions, and emotions of others, especially the client, and how these things could *also* intimately affect—for better or worse—their legal judgments, the lawyer-client relationship, and their self-understandings.²⁰

19. See MARTHA C. NUSSBAUM, POETIC JUSTICE: THE LITERARY IMAGINATION AND PUBLIC LIFE 5 (1995) (positing that “literary works typically invite their readers to put themselves in the place of people of many different kinds and to take on their experiences. . . . [T]hey convey the sense that there are links of possibility, at least on a very general level, between the characters and the reader. The reader’s emotions and imagination are highly active as a result”); see also *id.* (arguing that “[b]ecause [good literature] summons powerful emotions, it disconcerts and puzzles. It . . . exacts a frequently painful confrontation with one’s own thoughts and intentions.”); Thomas Morawetz, *Self-Knowledge for Lawyers: What It Is and Why It Matters*, 68 J. LEGAL EDUC. 136, 140 (2018) (exploring the kinds of experiences and questions that come only from immersion in the humanities and which provide “inescapable tools for understanding one’s profession, one’s self, one’s culture and experience”).

20. See, e.g., BRYANT, MILSTEIN & SHALLECK, *supra* note 2, at 25 (explaining that “[t]he most important human dimension of practice involves seeing the world from another’s perspective. . . . Students learn to challenge their assumptions by understanding that everyone does not share their perspectives on the world. They need instead to see the world from the perspective of others.”).

And, in turn, the third realization: I further came to see that encouraging consciousness of both self and other helped to promote the humility of open-mindedness: As students explored their own values and assumptions, and came up against the equally valid, but different, values and assumptions of others, they could see more clearly—indeed, had a professional obligation to see—that there are probably two or three sides to every story, that there are multiple ways to view and solve problems, and that people or situations are not always what they appear to be. And that being receptive to those differences or divergences could open the door to alternative approaches or more imaginative solutions to the problem at hand. It could also lead to a respect for diverse people and ideas—often a natural outgrowth of acknowledging the validity of perspectives other than one’s own.²¹ Hence, the humility of open-mindedness—a powerful professional attribute that can help pave the way for embracing difference, for enlightened self-critique, and for the intellectual and emotional dexterity necessary to visualize and actualize the intentional connections required for integrated lawyerly judgments.²²

Thus, my own academic experiences in non-clinical settings confirm what clinical legal educators have known for decades—that teaching intentionally to the whole person and helping students to develop as self-aware practitioners who consciously pause to consider—in a metacognitive way²³—what they (and pertinent others) are thinking, feeling, assuming, and

21. See Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 56 (2001) (footnote omitted) (explaining that “[c]ross-cultural analytical skills require capacities to identify assumptions and to make judgments based on facts rather than stereotypes and bias. . . . To attribute meaning correctly, students need to be able to imagine multiple possible meanings for behavior and to be flexible and adaptable.”); BRYANT, MILSTEIN & SHALLECK, *supra* note 2, at 26 (explaining that “[w]hen lawyers are working across culture, race, and language, understanding themselves as part of a race and a member of multiple cultures is particularly important. They need to see how their self-understanding might differ from how others perceive them.”).

22. I also came to see that encouraging consciousness of both self and other could promote a broader social-consciousness in students in seeing how their legal advice not only impacted the client, but the client’s family or colleagues or community as well. They could also see, in turn, that the social impact of their advice might circle back and inform what they think or do the next time around at the self and other levels. Using the tripartite meta-micro-macro framework helped to facilitate these types of realizations. See *supra* note 5 (describing that framework in more detail); see also Claire P. Donohue, *Client, Self, Systems: A Framework for Integrated Skills-Justice Education*, GEO. J. LEGAL ETHICS 439, 443, 457–65 (2016) (proposing an integrated framework for social justice skills training in law school clinics to explore themes of client, self-, and systems awareness and highlighting the importance of teaching self-awareness, including the psychology of transference and countertransference within the lawyer-client relationship).

23. See Patti Alleva & Jennifer A. Gundlach, *Learning Intentionally and the Metacognitive Task*, 65 J. LEGAL EDUC. 710, 724 (2016) (examining the importance of metacognition to learning, and, in turn, to lawyering, given that “a metacognitive consciousness should assist students in both seeing and making connections between the different dimensions of professional work, promoting a deeper understanding of the synergistic nature of professional judgment”). Indeed, teaching metacognition to law students is a form of teaching to self-awareness given its emphasis on self-monitoring and self-regulation within the learning process. See also *id.* at 713–14 (arguing that “learning

doing, can reap priceless practical professional dividends for our graduates. If I may highlight but five of those advantages:

First: Given the multifaceted nature of professional judgment, the conscious ability to identify and synthesize the various factors at play—both legal and non-legal—is critical. Those who have been explicitly trained to see the importance of making integrative links between work domains and to consciously self-explore and evaluate whether there are different or better links to be made, can not only generate more options for the client’s consideration, but can work with a certain confidence that they have given their all and done their best for their clients.²⁴

Second: Mistaken preconceptions or assumptions sometimes get in the way of truly understanding a situation or a client or seeing the best solutions for the problem under scrutiny.²⁵ Self-monitoring and self-correcting faulty conceptions may save a lawyer from these and other costly mistakes, especially jumping to erroneous conclusions about clients whose life experiences and assumptions may be very different from their own.

Third: The more self-aware the lawyer, the more he or she may draw from their own humanity and life experience, the more likely he or she might be able to anticipate the personal and social dimensions of the client’s problem and address these considerations in meaningful and compassionate professional ways—an approach that may also help work against the unfortunate image that many people have of lawyers as mercenary and opportunistic.

Fourth: Equipping students with a self-reflective bent should help them to uncover and negotiate the inevitable conflicts or disharmonies that arise between the professional and personal realms when lawyering.²⁶ This is vital to professional health and happiness. It is vital to bringing an integrated self

how to learn deserves greater attention in the law school curriculum, given the importance of learning to law students and lawyers alike”).

24. See Lentz, *supra* note 2, at 39 (“focusing on reflection” can help law students to “increase their depth of knowledge, take control of their own learning, [and] increase self-motivation and autonomy leading to greater self-confidence”); see also Madison & Gantt, *supra* note 16, at 373 (arguing that “[w]ithout education that prepares students to exercise practical judgment using all of the elements that form sound decisions, students are receiving less than they deserve”).

25. Cf. *Key Findings, in* HOW PEOPLE LEARN: BRIDGING RESEARCH AND PRACTICE 10 (M. Suzanne Donovan, John D. Bransford & James W. Pellegrino eds., 1999) (noting that “[s]tudents come to the classroom with preconceptions about how the world works. If their initial understanding is not engaged, they may fail to grasp the new concepts and information that are taught . . .”).

26. See, e.g., BRYANT, MILSTEIN & SHALLECK, *supra* note 2, at 15 (explaining that “[a]s students assume a professional role and learn what the profession expects of them, they also learn that they have many opportunities to decide for themselves how they want to behave as a lawyer. . . . [Inhabiting the lawyer’s role] allows students to explore the interplay between normative visions of a lawyer’s role and each student’s vision, linking their personal identities, values, and aspirations with those of the profession.”); Madison & Gantt, *supra* note 16, at 348–56 (discussing the connection between developed professional identity and good judgment skills—including self-awareness—and a better quality of life as a lawyer).

to the professional arena—a self who can intentionally draw upon both intellectual and emotional resources in rendering professional service, a self who can more knowingly balance professional and personal demands, and a self who can more consciously attempt to reconcile the cognitive and emotional dissonances lawyers sometimes feel when professional obligations cramp personal belief or preference.

And *fifth*: The more developed a lawyer’s self-evaluative ability, the more likely he or she is able to learn from mistakes and build upon or repeat successes. In short, self-awareness promotes growth and life-long learning—critical long-term survival skills for legal professionals, who must constantly adapt and respond to new situations and problems in this increasingly complicated world.²⁷

And that, very briefly, is why teaching to the whole person and cultivating self-awareness carries with it the hope that professionally self-reflective students will be able to make better judgments on their clients’ behalf as well as lead more authentic, integrated, and satisfying professional lives. Indeed, this pedagogic approach is based on a respect for the self that each student is and will become by his or her own design. And it holds the potential to enrich our profession and, ultimately, our state, with new lawyers who bring to their practices a more holistic and humanistic understanding of professional role and responsibilities—lawyers who thoughtfully bring wisdom beyond technique to client problem-solving, with head more consciously connected to heart, along with an abiding capacity to self-evaluate and self-improve. Given the gnarly challenges of the ensuing decades, North Dakota deserves no less in its new lawyers.

And so this is a critical time for North Dakota’s law school. In the years to come, it is my fervent hope that—without undermining the critical role that academic research can and does play in social change, faculty development, and professional standing—due consideration be given to the mandate, currently contained in our faculty promotion, tenure, and evaluation guidelines, that teaching “is the most important responsibility of the law school

27. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 66 (2007) (advising that “[t]he entire law school experience should help students become expert in reflecting on their learning process, identifying the causes of both successes and failures, and using that knowledge to plan future efforts to learn with a goal of continuous improvement”); Lentz, *supra* note 2, at 39 (“focusing on reflection” can help law students to “see learning as a life-long progression of making meaning from experiences as they continue to acquire knowledge and master skills”); see also Katerina P. Lewinbuk & Christy Gilbert, *Law Student Heal Thy Self: Teaching Mindfulness as a Legal Skill*, 41 J. LEGAL PROF. 37, 38, 52 (2016) (illustrating how a “[m]indfulness-based skills course” could help law students to become “better lawyers by making them aware of cognitive biases and providing the tools to overcome emotional roadblocks”).

Faculty.”²⁸ As the only law school in this state, we have been granted the privilege of helping shape the competence and character of our lawyers and, ultimately, our judges and prosecutors. Doing so with conscious concern for the student as whole person and, as Professor Berger exhorted, the “pulsating heart of the professional man or woman” seems not only important, but imperative, if North Dakota is to meet its future legal challenges with as much humanism and imagination as we can muster.

II

Which takes me to my second main point—a more personal one, about career, closure, and my own professional path. I start again with a grateful nod to Professor Berger because I, too, must speak about these things from both my head and my heart. I do this in part because there is simply no other way to accurately express the depth of my gratitude for the privilege of teaching at this law school.

So here I am, at the far end of my University of North Dakota teaching career. I have wondered, time and time again, especially in these last few years as I agonized over the right time to leave the law school that I love, how three decades and then some have passed. It was July 25, 1987, when I boarded the Northwest Airlines jet in New York City that would take me from all that I had ever known to a place I did not know at all in order to transition from practitioner to professor of law. Of course, I made painful choices and gave up any number of could-have-beens. Such are the natural consequences of a major life shift. But I also learned, with equal intensity, that the choice itself brought a new world of possibilities and promises. After all, it was North Dakota that gave me my first opportunity to teach full-time—a precious opportunity I simply couldn’t refuse because I knew I wanted to teach, and *this* was my chance.

And now, looking back and looking forward, I am so very thankful I took that chance. After all these years, I remain energized in what I do, invigorated by the belief that educating law students for professional service—especially at a public institution and the state’s only law school—is a profoundly social act. Learning theorist Stephen Brookfield has asserted that “[w]e teach to change the world.”²⁹ And that, for the most part, is true. Each

28. University of North Dakota School of Law Guidelines for Interpreting the Policy for Faculty Promotion, Tenure, and Evaluation § 1 (most recently amended by the Faculty on Oct. 27, 2017) (on file with author) (highlighting the “great public and professional significance in fostering critically-thinking, practically skilled, relationally-conscious, and ethically aware lawyers” and “plac[ing] a premium on teaching that promotes creative problem-solving, professional integrity, public service, and life-long learning in the study of law and lawyering”).

29. STEPHEN D. BROOKFIELD, BECOMING A CRITICALLY REFLECTIVE TEACHER 1 (1995).

day, educators engage in that most basic of social reform movements called learning. As a teacher, I am privileged to participate in the process—the partnership—of helping students to reach not only new understandings of subject, but of self and society that, in turn, will help fuel their independent and distinctive contributions to the world.³⁰

Indeed, just as changing the law through a compelling law review article can make a difference in society, so, too, can changing the soon-to-be lawyer through compelling teaching that maximizes each graduate's ability to reach his or her fullest potential as a self-aware lawyer serving the profession's ideals. Our ultimate goal as teacher-scholars is to help students to self-actualize in the law and become the best they can be in the jobs they do and the lives they lead—for the good of their clients, of their community, and ultimately, of themselves. In this way, teaching is a splendid stretch, a reaching beyond self to help others in *their* personal quests to understand and express *themselves*—all things at the heart of human dignity.

This leads to a fundamental truism for me about teaching:

Every class experience is special, even those that do not go well. While that might sound completely disingenuous, I do not say this lightly or for effect. All I know is that when I am in the classroom, there is no place else. I am nowhere but there. It is sacred space. It is sometimes my refuge, sometimes my rock. But it is always precious time. The experience demands, and should demand, the very best of me—intellectually, emotionally, and existentially—because I have others in my charge. It pulls on almost every fiber of my being, and I feel uniquely challenged and tested. I simultaneously feel a part of larger things, yet fully present in the immediate moment. There is nothing like it, really—this privilege of working together, in educational partnership, in service of understanding—teacher and student, and then student *as* teacher, once the learning activates.

Here I must highlight the phrase “working together.” Those two words conjure up so many wonderful images, first and foremost, of working with hundreds and hundreds of students over the years. And they also spur fond memories of working with colleagues, both off and on campus. So, to my colleagues at the bench and bar—whether striving to improve the administration of justice, or discussing literature as a gateway for exploring mindful decision-making, or starting up our federal externship program, or welcoming new citizens at naturalization ceremonies, or gathering at Inns of Court to discuss pressing practice concerns: These extraordinary collaborative opportunities you provided—precious privileges, really—have been nothing less than transformative for me, both professionally and personally. And here

30. See Alleva, *supra* note 12, at 16.

I must give a special thanks to the Webb family for their generous support and friendship over the years.

And the same for my university colleagues around campus—much of our work together has deeply influenced my teaching. How satisfying it has been to be a part of the interdisciplinary university effort to graduate critically thinking and socially responsible students and to have had the privilege of benefiting from both first-rate faculty development opportunities on the academic side and helpful administrative support systems on the personnel side.

And then, of course—my dear law school colleagues, faculty and staff. What a wonderful, and sometimes rocky, road it has been! But different configurations of us, over the decades, have weathered the challenges together, and persist in our efforts to rethink and recalibrate our academic program in order to enhance student learning and practice-readiness. I rank as some of my most moving and meaningful professional experiences our times together redesigning our curriculum and exploring the teaching and learning literature to better ourselves as teachers and students of learning.

Indeed, the American Bar Association accreditation standards assert that the dean and faculty have “the primary responsibility and authority for planning, implementing, and administering the program of legal education”³¹ This is a precious charge—one, in my view, which requires taking collective responsibility for ensuring that the curriculum serves our educational mission. This collective effort has been especially important given the law school’s stated commitment to an intentional and progressively structured curriculum that seeks to provide our students with a cohesive and graduated educational experience across the three years of law school—an institutional goal that has required sacrifices in our individual teaching loads for the good of the whole. But we have nonetheless taken that charge and that commitment seriously, and to the best of our abilities and resources, answered their calls. I am so very proud to have been a part of those efforts at reinvention. The fact is, in good part, I became a law professor in order to reform the traditional law school approach, and the University of North Dakota has given me the priceless privilege to help do just that—through my teaching, my research, and my service.

So it has been one of the great honors of my life to work alongside my law school colleagues in this noble pursuit. And I can barely bring myself to say that this is my last semester of teaching at the law school. Though I may teach again someday, somewhere, and—who knows—maybe even here, I will never again teach in this way, never again be at the end of the wondrous

31. STANDARDS & RULES OF PROCEDURE FOR APPROVAL OF LAW SCHS. § 201(a) (AM. BAR ASS’N 2018–2019).

ride through the three-plus decades of teaching and learning and living that North Dakota made possible for me. My time here is embedded in my soul and will be a part of me whenever and wherever I go.

There are moments when I am overcome by the thought of leaving—when I stare straight into the darkness and feel the emptiness of what it will be like to be without the haven of a typical law school work day—without *Civil Procedure* or *Federal Courts* or *Professional Visions*, without that knock on my office door by a curious student with a question, without that faculty meeting to discuss and adopt a curricular improvement, without that co-author conference call to decide upon draft article refinements, without that conversation with a judge or lawyer about an exciting new initiative, or without that helpful discussion with one of our dedicated staff colleagues.

And, then, as I relive these countless experiences in my mind and heart, the emptiness succumbs to a feeling of fullness, as I think of everything over the years that we have learned from each other and created with each other, and I am filled with a joy so sublime that I am powerless to describe it. But know that this joy is real. And that it is sustaining and multidimensional. It is the joy from students and colleagues. It is the joy from thinking, researching, writing, serving, and helping to build a living learning community. And, ultimately, it is the joy of working together to create new links in the eternal chain of teaching and learning, in order to help our students find themselves as lawyers, so that they, in turn, will reach beyond themselves, with intention, using both their heads and hearts, to make a difference in this world—one conversation, one client, one case, at a time.

Of course, over the years, I have come to know some of you better than others. But what I now feel about my time here is in some real way a result of everyone and everything that has passed through or touched my life in ways known or unknown to me. The good times, the bad times, the successes I have had, the mistakes I have made, the things I have said, the things I should have said—it all coalesces into the fullness of what life has been for me here, into the fullness of an amazing professional experience where we worked together in caring for something greater than ourselves that often nourished our individual souls and spirits along the way.

I sometimes marvel at the porousness of it all—teaching, learning, living, being. Each flows in and through the other. Teaching is really learning is really living is really being. After all, what is life but learning—a continuous feedback loop of action and reaction which requires constant adaptation to new challenges. So learning and lessons are everywhere, for the taking and for the teaching, at any time—and especially for lawyers, who ultimately must themselves become expert teachers and learners to do their jobs well.

And I am not saying that my work *is* my life, though it often feels like it is. I am actually trying to convey the opposite—that teaching for me has been one very important manifestation of being alive, a subset of living that taps into my basic life forces for its energy, and which often does not feel like work at all. It simply feels like living. Like being. So in this privilege to profess, there is great purpose. In this freedom to teach, there is deep meaning. And it is through these things that you have helped me to feel wholeness. And for that—for all of it—I am profoundly and unutterably grateful, and will be for the rest of my life.

And there is so much more to learn and discover, whether in classrooms, courtrooms, or rooms of our own. The longing to know, the quest to understand, is eternal. And that is eternally comforting. That is the gift curiosity gives. It heralds that there is more than the present moment, more to come in the pursuit of personal growth, at any age, at any stage. It is renewal within reach, always.