Some stories are about mentoring. This story is not about advising a law student. In the fall of 2008, Pat Devlin, a sophomore on the Penn State football team, brought his parents with him to complain to Head Coach Joe Paterno about losing his position as starting quarterback to a junior. When Paterno held firm to his decision, the unhappy athlete said he might transfer to another university. In December, Paterno asked the student if he had decided. When the student said he had not, Paterno “made the decision for him, and by the end of the day, Devlin’s locker was cleaned out.” The young man was officially off the nationally ranked Penn State team, just as it headed to the Rose Bowl in January 2009.

Reading this story in The Philadelphia Inquirer (for some reason the sports pages were in front of me at breakfast), I was surprised. In Pennsylvania, arguing with Coach Paterno is like arguing with God, isn’t it? My husband demurred.

What was this story about? My version was “Devlin is a whining kid who thinks he is entitled. He is complaining to Coach Paterno because he doesn’t respect the coach. As a result, he has lost his chance for a once-in-a-lifetime experience.” My husband’s version was “Devlin is an ambitious young man who thinks he has a chance to play pro. He is complaining to Coach Paterno because he wants to show what he can do. As a result, he is willing to sacrifice

**Harriet N. Katz** is Clinical Professor and Director of Lawyering Programs, Rutgers School of Law-Camden. I appreciated the opportunity to discuss my ideas at the inspiring 2009 Applied Legal Storytelling conference, as well as thoughtful comments about my ideas and drafts from Donald Capps, Eve Klothen, Julie Oseid, Jim Remsen, Ruthanne Robbins, Sheila Rodriguez, and Carol Wallinger.

2. See Joe Paterno—Profile on the Penn State Official Athletic Site, [available at](http://gopsusports.cstv.com/sports/m-footbl/mtt/paterno_joe00.html); ESPN College Football Online, Soon-to-be-82 Paterno gets 5-year extension, [available at](http://sports.espn.go.com/ncf/news/story?id=3774049) (“The Hall of Famer and winningest coach in major college football history has agreed to a new deal with the university.”).
the ego-trip of going to the Rose Bowl and instead will work hard at a lesser football school, get more playing time, improve his skills, and make himself visible to recruiters.”

Was this a story about a rising career, or about a young man who has reached the limit of his football ability? Does he most value the excitement of playing even in a minor role for a major team or is playing itself more important for him either immediately or as a career step? Understanding Pat Devlin’s decision depended on what the reader brought to his story. Helping him with his decision would require recognizing the motivation of the character he plays in the story of his football career.

I will never counsel a football player about where to play, but I have some modest impact on my students’ development as law students and lawyers. As director of my law school’s externship program, I assist students as they choose placements in public sector legal positions, refine learning goals, and navigate the challenges of learning from work experience. I have recently commented on the time, purpose, and manner of such counseling and reflected on apparent successes and failures. In that essay, I argued that a collaborative relationship between the supervising externship faculty and the externship student should provide “empathy, perspective, and guidance” to help students gain the most value from their externship experience. I suggested that consultation with the faculty member can be productive at various times during the term in regard to applying for a placement, setting and reviewing learning goals, reviewing supervision effectiveness, measuring student engagement and satisfaction, and helping students identify goals for continuing professional development.

The purpose of this essay on counseling is to explore a theoretical framework that could guide counseling in the faculty-student context—involving short-term, problem-focused discussion, conducted by those who function as counselors but (usually) without psychotherapy training. I present here ideas from narrative therapy, and more specifically the “story model of counseling,” a concept in psychotherapy in which stories are a framework for communication. A story metaphor supports the counselor in ways that help prevent the critical error of inattentive listening, while also suggesting fruitful ways for the counselor to help. I suggest that a “story model” can similarly guide faculty in advising law students in ways that foster the student’s professional development. Being attentive to stories—narratives with character, plot, challenges, and goals—provides a framework for advising by reminding us who the author is and how revisions come about. I am hopeful that exploring this model and the reflections on my experience will illuminate

5. Id. at 239.
6. Id. at 244-46.
the connection between stories and mentoring. Are we hearing the story that each student is trying to tell, or filling in the blanks with misunderstanding?

A “Story-Based Counseling Model”

Professional counselors have found stories to be a productive way to think about their work with clients. A “narrative,” individually-focused, model for therapy developed in the 1980s and 1990s in reaction to what was perceived as an over-reliance on the prevailing “systems” model, in which individual concerns were subsumed within a family dynamic. Critics of the systems approach believe that the story metaphor helps an advisor see each person as an individual, not only as a member of a family or other group, reminding the counselor to respect that individual’s autonomy—authorship—and lifelong development. In “narrative therapy,” the client is regarded as telling her “story,” and as she speaks, her emphasis, tone, and problem identification reveal her concerns. Her story provides a scaffold, a structure to help the counselor understand the person’s character within the story, including the obstacles to reaching her goals. Experienced therapists know, however, that what the counseled person tells is not her only possible story, and likely not a complete story, even on its own terms. The therapist can help the person reconsider the story, by asking her to “deconstruct” or view the story from other perspectives, to tell and re-tell. Eventually, the therapist becomes a “co-creator” suggesting “sub-plots.”

Pastoral counseling provides a particularly interesting application of the idea of using stories in counseling, as the advising relationship between clergy and congregant, often also short-term and problem-focused, bears some similarity to that of professor and student. In fact, one author in this field has written about and taught pastoral counseling and has also informally counseled his seminary students, using the story metaphor to guide his work as both teacher and mentor.

Donald Capps, a professor of pastoral counseling, asserts that the story-based perspective is very appropriate in an informal short-term counseling or advising context, such as that in which faculty provide guidance to students. This sort of mentoring was, in fact, a setting in which he first thought about the story model. A story image often emerged naturally from conversations with students seeking his advice, as they quite naturally described a problem

7. Martin Payne, Narrative Therapy: An Introduction for Counsellors (Sage 2000); Donald Capps, Situating System and Giving Self Its Due: A Story-Based Counseling Model, 48 Pastoral Psychology 293, 301 (2000).
8. Payne, supra note 7, at 11.
9. Id.
10. Id. at 14–15.
11. Id. at 16.
12. Id. at 119.
by giving examples. He then found this model to be illuminating in the short-term counseling relationships between pastors and congregants, and used it in teaching seminary students.

The story-based counseling model begins with the idea of authorship, asking the counselor to focus the therapy mission on the autonomy of the person being helped.

A therapeutic model based on story assumes that behind every story told there is a narrator, or author, who has the power to change the story as it unfolds. We believe in our power to “authorize” our own life if we do not believe that the story is already predetermined, i.e., that the system itself is determinative and all-controlling.

As a result, the story model perspective limits the counselor’s role. Each story has a narrator or author with the power to change the plot. “The content of the counselee’s story is of critical importance,” Capps explains, “as the possibilities for change are inherent in the story itself.” He reminds us in this statement that we are considering the “story” that is “told.” That story is not determinative, or controlling of the teller’s future, but explains his current perception. The counselor, in Capps’s view, helps the client “discover… alternative endings.”

Authorship presupposes “that every individual is a self, and therefore has power over the role that they play.” A necessary assumption, therefore, is that “the self exists independently of the story.” Like a writer using words to describe a work of art, Capps states, the self tells the story it understands, communicating as much or as little as it understands, or chooses to communicate. In fact, the whole story need not be told. The told story is enough for counseling purposes. In effect, the story model suggests limits that a counselor should recognize and respect.

13. Email from Donald Capps, Professor of Pastoral Theology, Princeton Theological Seminary (July 16, 2009) (on file with author).
15. For those trained extensively in a “family system” model, this has represented a “paradigm shift…in family therapy.” Capps, supra note 7, at 301. See Michael P. Nichols, The Self in the System: Expanding the Limits of Family Therapy (Brunner/Routledge 1987) (arguing that while “family therapy has…established itself as a dominant force in mental health,” a focus on the position of individuals in a family system privileges process over content, overlooks the individual’s unique concerns, and imagines the individual as controlled by the dynamics of interacting with others).
16. Capps, supra note 7, at 302 (emphasis in original).
17. Id. at 307.
18. Id. at 308.
19. Id. at 311.
20. Id. at 311–312. This sentiment, so respectful of the inner privacy of the counseled person, may reflect Dr. Capps’s own story as an ordained minister.
In short, psychotherapeutic counselors think in story terms to support the role of the counseled person in choosing what to tell and what to change, to recognize narrative that has affected them, but also to take control of the narrative.

Telling a story is itself a creative, interpretive act that is meaningful to the teller, often allowing the teller to gain insight, recognizing contradictions or confusions as they are spoken aloud or written, and thereby clarifying his thinking. On his own, or prodded by a counselor’s observations, he can find his way toward solutions, toward additional or alternative plot lines.  

**Stories, Mentoring, and the Professional Development of Young Lawyers**

Law professors often informally advise students about both immediate curriculum decisions and career directions. Instructors of writing and practice skills teach in relatively small classes and reach out to individual students to provide feedback and guidance. In lawyering skills courses and in supervised practice courses on or off campus, faculty members often try to increase student reflection and provide constructive individual critique directed at both skills and a broader understanding of their professional role. Advising is a natural outgrowth of the professional development aspect of legal externships, my own area of specialty, since career exploration is a major reason for student interest in such programs. Other faculty members also sometimes warmly, though informally, welcome engagements with students on these subjects.

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21. The counterpoint to telling is listening, a counseling skill that merits separate attention. Capps, *supra* note 14, at 23 (Listening is essentially “making a sincere effort to pay attention... to the [conversation partner’s] world of experience.”). *See also* Carol Wallinger, *Moving From First to Final Draft: Offering Autonomy-Supportive Choices To Motivate Students To Internalize the Writing Process*, 54 Loy. L. Rev. 820, 844 (2008) (describing a process of engaging students in legal writing by requiring them to start the conversation as they confer with faculty). *See generally* Michael P. Nichols, *The Lost Art of Listening* (Guilford 1995).


23. For a perspective that more effort can be made to mentor students, see, e.g., articles in *Symposium, Humanizing Legal Education*, 47 Washburn L. Rev. 313 (2008); and Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick, *Becoming A Lawyer: A Humanistic Perspective on Legal Education and Professionalism* (West 1981) (proposing a more “humanistic” legal education and urging law faculty to help students identify and commit to their personal values).
In contrast to family psychotherapists, law professors are not constrained by what some see as a rigid family systems theory. Instead, we approach student counseling with a background of training and often experience in a lawyer’s professional responsibility with clients. Law students are taught to hear their clients’ “stories” not only to gather facts, but in order to organize those facts coherently\textsuperscript{24} and better understand the client’s position and beliefs.\textsuperscript{25} From the beginning of a client interview, the client’s choice of words, even in remarks that seem tangential to the purpose of the legal representation, reveals truths about the client’s self-image and perception of his problem. This information may be crucial to building rapport with the client. Professor Gellhorn cites the example of the disability claimant who explains that he had no trouble finding the lawyer’s office because he “used to work right across the street there.” By referring to his previous employment, this proud man implicitly identified himself as a person who works, not one who relies on government aid; Gellhorn suggests that an alert interviewer would acknowledge this and thereby build rapport with the client.\textsuperscript{26} In addition, identifying the deep meanings in the client’s story may even help the lawyer go beyond understanding the legal consequence of a set of facts but also to grasp their significance to the client, which may dramatically affect how the case is presented to the factfinder.\textsuperscript{27} In fact, “narrative theory and narrative practices” is a key organizing principle in a recently published text on interviewing and counseling.\textsuperscript{28}

Stories have much the same value in mentoring students. Although as law faculty we bring knowledge and experience to mentoring young lawyers (in contrast to what I would have brought to advising a young football player), we still may yield to impulses that reduce our effectiveness. For example, we may unconsciously try to replicate our own career choices instead of listening to the

\begin{itemize}
\item \textsuperscript{26} Gay Gellhorn, Law and Language: An Empirically-Based Model for the Opening Moments of Client Interviews, 4 Clinical L. Rev. 321, 332 (1998).
\item \textsuperscript{28} Stephen Ellmann et al., Lawyers and Clients: Critical Issues in Interviewing and Counseling, 139-226 (West 2009).
\end{itemize}
person we are counseling. We may also misunderstand what we are hearing. A story metaphor may give us a helpful perspective on how to provide guidance focused on the person being counseled, while serving a constructive role as mentors.

The relationship between externship clinical faculty and students is a good example of this mentoring role. Students in an externship placement are hoping to learn fundamental lawyering skills, but are also exploring a career path. Encouraging students to tell their story is familiar territory in the pedagogy of externship, as these students are assigned to “reflect” on their professional growth in journals and self-evaluations. These reflections are meant to lead students to think about such questions as whether they are drawn to the goals and values of their placement agencies, and how the attorneys there live up to the professional demands of their work.29 Like the clients whose stories we teach our students to hear, students are discovering and telling the story of their agency and its lawyers, and exploring their own potential for a role in that story.

As a student doing her externship work at a public defender wrote recently—these are approximately her words—“this is not about defending the clients, it is about defending the Constitution. My position is being an underdog, and it suits me well, I like being an underdog, and just fighting harder.” Add only a few words to her description and the story shines through: “This is not a story about defending the clients; it is a story about defending the Constitution. My character is the underdog, who fights harder.” She was a student who had found her story and her role in it.

Needless to say, many students are still sorting through scripts.30

Using the Story Model of Counseling

Some conversations with externship students provide examples of what I believe are key strategies in using the story model of counseling.

Avoid Pre-Judgment While Using Conjecture Constructively

When an African-American student met with me to talk about an externship placement, she expressed strong interest in the civil rights unit of the Philadelphia City Law Department. “Good lawyers there, interesting work, mostly §1983 cases about police misconduct,” I said. And, after a pause,

29. See, e.g., J.P. Ogilvy, Leah Wortham & Lisa G. Lerman, Learning From Practice: A Professional Development Text for Legal Externs (2d. ed., West 2007). Students enrolled in Practice Externship at Rutgers-Camden write reflection comments about their learning goals, the mission of their placement agency and the challenges faced in attempting to fulfill that mission, expectations from supervision, the stresses and satisfactions of being a lawyer in their field of practice, and an evaluation of their experience. They also write about or give class presentations on problem-solving by lawyers at their agency) (Syllabus, Practice Externship, on file with author).

30. I am discussing the implicit stories students tell. Some faculty ask students to imaginatively craft a story about their careers, for example, or to write the speech that a close colleague will give at the student’s retirement party.
I added, “you do understand this would be on the defense side.” Staring straight at me, she answered, as I recall: “My mother is a cop. My cousin is a cop. My uncle was a cop….” To this student, I had appeared to make an assumption, a wrong one, about her role in a story about the relationship of minorities and police in Philadelphia communities.  

Because students I had counseled weren’t familiar with the role of this government agency, I always explain the city’s position as a defendant, as at least some students reading the title “civil rights” would picture the U.S. Justice Department in the South in the 1960s. The best approach, however, would be to offer this explanation in a neutral manner, in the context of asking the student what interested her about that position. I could have expressed support for the work she would be doing, and also asked her what she thought about allegations of abuse of police authority in Philadelphia that were leading to lawsuits. I could have said that I would look forward to continuing the conversation via her journals or in classroom discussions about the causes and costs of, and remedies for, such police behavior, the misperception and mistrust of police in some neighborhoods, and the role of lawyers in responding to and resolving such disputes. I could still have had that conversation. But I wonder if she heard me as implicitly questioning her reasoning and lost some confidence in whether I understood her.

Even having made this misjudgment—maybe, because of it—the student and I could have had a conversation about the reasons for my apparent assumptions about race and law enforcement. Had I assumed that, as an African-American, the student would gravitate to a stance primarily critical of police? Did that reflect common attitudes? If I had the courage to have that conversation—the courage necessary to admit mistakes as well as to talk about race—we could have begun a conversation that might have continued during her work for the city about a topic that I imagine now, looking back, may have been incredibly important to her. The mistaken assumption itself, acknowledged, could have been a part of that conversation, as it may reflect others’ views about her interest in law enforcement, and more broadly, about the relationship between the African-American community and the police.

No model of counseling can guarantee that the counselor will be a perfect listener. But graciously correcting a misunderstanding and then using one’s conjecture in a constructive conversation should be part of every good counselor’s skill repertoire. Considering this interaction with this student through the prism of the story model has alerted me, in retrospect, to these possibilities.

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31. Grose would say I was yielding to a “pre-understanding” about how a person like this student might think. Grose, supra note 27, at 118.

32. Nichols, supra note 15, at 222 (“Understanding requires committed listening. Part of the commitment is negative—letting go of one’s preconceptions—and part of the commitment is active—listening carefully and using a knowledge of individual and family dynamics to help create understanding.”).
Consider Collaboration with the Student To Be Part of the Process

The story model serves to remind us who the ultimate author is. Therefore, if we want to help the student find her own way, we need to respond with restraint and respect, even as an unfolding story may reveal the need for change. In this way, the student is helped to expressly recognize the inherent possibilities within her story. As the story model therapists remind us, the primary lesson is, “…we need to view a story as powerful not because it is determinative or fateful, but because it incorporates within itself the possibilities for change.”

A student from a few years ago was raising her young child on public assistance after her husband left the family, and she had already worked her way through our undergraduate school. She and I discussed an externship placement for her third year. She was eager to become a legal services lawyer to help others with similar struggles. She had a clarity about her values and goals that could have made it easy to recommend placement at a legal services office. But she had already volunteered at a local legal service office. Although I don’t insist on it, I usually discuss with a student whether to try something different from previous experience.

I had another concern. I was hopeful that I could recommend a placement that could help her to refine her appearance and vocabulary, her style, and to present herself more professionally. I encouraged this student to earn her externship credits working under the supervision of a particular municipal attorney, a woman who I knew would supervise her work closely and who I hoped would be unafraid to help this student smooth her rough personal edges.

As I look back on my experience with this student, she was essentially communicating a story of a person who worked to advance herself more for the sake of her children and other struggling families than for her own ambition. She brought to her story-character an abundant ethic of hard work. I thought she might benefit from more personal transformation, but I never asked her if she shared that view. Continuing the story metaphor, and seeing the story as a staged production, you could say that I thought the director should call in the costume staff and the dialect coach to work with the star to achieve more authenticity in her role, but I did this without engaging the student openly so that she could use her talent in the process.

What I actually said to the student was that I expected that supervision in the recommended office would be closer than in a legal services office, which could be good for her skills development, and that knowing the

33. Capps, supra note 7, at 307.
34. I did not have specific information about this student’s financial arrangements, but it was my understanding that she was aided by the “welfare-to-work” laws then in place, which accepted earning a degree as work activity.
35. Yes, “professional” in this context is probably a euphemism for “middle class.” For a personal and story-filled reflection on the challenges facing those who move “up” the social class scale through education, see Alfred Lubrano, Limbo: Blue-Collar Roots, White-Collar Dreams (Wiley 2003).
law and practice of municipal attorneys would be helpful to her as a legal services attorney. Both of those were honest opinions and valid reasons for the placement recommendation, but they did not reveal other aspects of my reasoning.

In retrospect, there were two other directions I could have considered. Possibly, being more candid about my concerns would have opened a constructive conversation and encouraged the student to collaborate with me and her supervisor, assuming she was comfortable with the proposed goals. (If she was not comfortable with them, that could have led to another useful discussion.) On the other hand, my understanding of her story may well have been accurate, but it was hers to tell and revise, not mine. My restraint at that moment may have been quite appropriate. Taking quiet steps may have created an atmosphere where she could gain her own insight on these issues, on her own terms and in her own time. A discussion of how the student sounds and appears would arise in due time, and under circumstances more likely to lead to change.

Recognize the Limited Role of Counseling in the Context of Professional Development

A student’s career story is a work-in-progress. As for the working-class student discussed above, any one discussion or counseling encounter is just a small step along a developing narrative. Recently, a student met with me to explain that he had decided to drop externship enrollment. Scheduled to work for a public defender after a summer doing similar work, he had decided that criminal law was not a good fit for him. More to his credit than to mine, we not only reviewed the process for changing his enrollment; we also talked about why he felt as he did. Candid and thoughtful, he said he cared about his clients too much. While his feelings did not distort his judgment, as far as he could tell, the fate of his clients caused him distress that he feared would make a career in criminal law uncomfortable for him. Asking about his experience, and more importantly listening to both content and tone of his answers, the story model helped me understand his concern. I commented that his compassionate nature was a good trait and would also affect his work in a civil practice. I did not argue with his decision about either the externship or his career, but I think our conversation encouraged him to respect his personal character and to seek the balance he wants as he pursues his legal career.

His story, as I understood it, was about a lawyer who cares about justice for his clients and as well about boundaries between his legal practice and his emotional life. He was making careful decisions, one step at a time, to investigate areas of practice that will work for him. In our discussion, he was not seeking advice but rather a supportive conversation. He had already made an immediate decision about his externship and wouldn’t need to make a long
term decision for some time. I was able to keep the long term perspective in mind in part because I could remind myself that this was his story, being written over a lifetime, by him, and not by me.

Encourage the Student To Tell His Story

I think the student in my last example gained insight from our discussion, after I took the time to sit with him and talk. In contrast, I recall a student whose story I did not hear because I was not listening. As in the previous example, the student was considering dropping his externship, this time in order to enroll in a particular conflicting class. I suspected that the student was shortsighted, giving up a work experience that could give him an edge in getting a position in a highly competitive field. Underlying my attitude was a story-line I assumed, one that in my opinion reflected poorly on the student’s judgment, even values, as I believed he was choosing a course that virtually guaranteed a high grade. How could he deprive himself of a great professional opportunity in favor of a slight increase in his GPA?

I learned the student’s version later. The story I had missed was simply about bar exam anxiety, causing his concern about choice of courses. I might have been helpful, but we did not have a conversation in which I could offer a perspective on his choice or get at the student’s possible underlying reasoning, because I was not open to hearing any story other than the one I had assumed. I learned, by the way, because someone else did listen and persuaded him to enroll in the externship, at which he did very well.36

Conclusion

As my examples suggest, the counselor’s primary tasks are to invite the conversation, listen attentively, engage the person being counseled in the process, and respond in an unbiased and constructive manner—acknowledging mistakes when necessary.

As students tell their own stories of personal development, or as we discern a story about them, we may respond in various roles. We may think of ourselves, depending on what seems to be needed, as editors or directors, expected to suggest changes, or possibly as an audience or book club members, trying to appreciate the story as told. But we are not the authors. We can listen for the information that helps us guide students in their professional growth. We can ask genuinely open questions without presuming facts or motivations. We can notice our mistaken assumptions and learn from them. We can engage the student in the conversation constructively, allowing our experience and perspective to enhance their understanding of themselves and their career decisions, but without exerting control.

36. See Payne, supra note 7, “Assisting the Person To Describe the Problem,” at 42–69, and “Asking Questions,” at 103–104.
The story model of counseling, as a metaphor that leads to ideas about character development and plot change, can improve how we interact with students. As we advise students, we can try to hear accurately and without presuppositions the stories they want to tell us, and respect and be curious about the roles they have begun to write for themselves. We can recognize the extent to which their stories are improvisations, and encourage them to continue telling that story as a way of discovering insight. We can tolerate and actually learn from our mistakes, which may provide helpful teaching moments. We can empathize and encourage, listen and respond, provide frank critical review, and, periodically, applaud.