

Externships: A Signature Pedagogy for the Apprenticeship of Professional Identity and Purpose

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Introduction

Most observers of legal practice agree that our craft faces a professionalism deficit. Former Chief Justice Warren Burger sounded a warning over fifteen years ago, declaring, “the standing of the legal profession is at its lowest ebb in the history of our country due to the misconduct of a few judges and all too many lawyers in and out of the courtroom.”¹ Since that time, judges, academics, and practitioners alike have continued to lament a decline in attorney professionalism.² As Professor Susan Daicoff explains,

[p]ublic opinion of attorneys and the legal system is very low, dissatisfaction among lawyers both professionally and personally is widely known, substance

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1. Warren E. Burger, *The Decline of Professionalism*, 61 *Tenn. L. Rev.* 1, 3 (1993); *see also* Warren E. Burger, *The Decline of Professionalism*, 63 *Fordham L. Rev.* 949, 950 (1995) (“The legal profession has indeed moved away from long established traditions and canons of professional ethics.”).
2. *E.g.*, John C. Buchanan, *The Demise of Legal Professionalism: Accepting Responsibility and Implementing Change*, 28 *Val. U. L. Rev.* 563 (1994); Susan Daicoff, *Asking Leopards to Change Their Spots: Should Lawyers Change? A Critique of Solutions to Problems with Professionalism by Reference to Empirically-Derived Attorney Personality Attributes*, 11 *Geo. J. Legal Ethics* 547 (1998); Bridget McCormack, *Teaching Professionalism*, 75 *Tenn. L. Rev.* 251 (2008); *see also, e.g.*, *Teaching and Learning Professionalism*, 1996 *A.B.A. Sec. Legal Educ. and Admissions to the Bar Rep.* 1-5, “...In the Spirit of Public Service:” A Blueprint for the Rekindling of Lawyer Professionalism, 1986 *A.B.A. Comm’n On Professionalism Rep.*

abuse and other psychological problems are almost twice as frequent among attorneys as in the general population, attorney discipline cases and malpractice suits appear to be common, and the lack of civility and “professionalism” among attorneys is frequently discussed.³

In addition, “[m]any professional fields have become more thoroughly market-driven than they used to be, leading practitioners to become disconnected from their love of the field and the purposes that drew them into the field in the first place.”⁴

A study by the Carnegie Foundation for the Advancement of Teaching recently concluded that the current system of legal education exacerbates this professionalism deficit.⁵ *Educating Lawyers* frames legal education in terms of three apprenticeships: a “cognitive” apprenticeship that teaches “the knowledge and way of thinking of the profession”⁶; a “skills and practice” apprenticeship that teaches the “forms of expert practice shared by competent practitioners”⁷; and a “professional identity and purpose” apprenticeship that teaches “the ethical standards, social roles, and responsibilities that mark the professional.”⁸ While the three apprenticeships are equally important in educating students,⁹ the

3. Daicoff, *supra* note 2, at 547. As evidence of the decline in professionalism, Professor Daicoff cites the “frequency of disciplinary actions and malpractice suits against lawyers, ethics code violations by attorneys, uncivil, discourteous, and aggressive behavior by attorneys towards other attorneys and non-lawyers, Rambo-style litigation tactics, a win-at-all-costs mentality, the commercialization of the legal profession, and blatant and offensive advertising by attorneys.” *Id.* at 550. *See also, e.g.*, Neil Hamilton, Professionalism Clearly Defined, 18-4 Prof. Law. 4, 4 (2008) (“Since the mid-1980s, the concept of ‘professionalism’ has been the focal point for the organized bar’s debate whether the profession is adequately renewing its public service, core values, and ideals in each generation of lawyers.”).
4. Anne Colby & William Sullivan, Formation of Professionalism and Purpose: Perspectives from the Preparation for the Professions Program, 5 U. St. Thomas L. J. 404, 413 (2008) (also stating that “Demands for greater productivity in medicine, nursing, law and engineering tend to drain the intrinsic meaning from professional work, often enforcing external, particularly economic, measures of value for standards more directly tied to the professions’ particular forms of excellence in practice.”).
5. William Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007). The Carnegie Foundation for the Advancement of Teaching prepared *Educating Lawyers* as part of its Preparation for the Professions Program, which is “a comparative study of professional education in medicine, nursing, law, engineering, and the preparation of the clergy.” Sullivan et al., *Educating Lawyers at v.* *See also* Daicoff, *supra* note 2, at 559 (“Legal education is blamed for instilling materialistic, competitive, dehumanistic values in law students, or for failing to serve as ‘moral gatekeeper of the profession.’” [quoting Burnele Powell, Lawyer Professionalism as Ordinary Morality, 35 S. Tex. L. Rev. 275, 276 (1994)]).
6. Sullivan et al., *supra* note 5, at 27-28.
7. *Id.* at 28.
8. *Id.*
9. *Id.* (“If professional education is to introduce students to the full range of professional demands, it has to initiate learners into all three apprenticeships.”). *See also id.* at 13 (proposing “an integration of student learning of theoretical and practical knowledge and professional

Carnegie Report found that legal education neglects the apprenticeship of professional identity in favor of the cognitive apprenticeship.

“[I]n most law schools, the apprenticeship of professionalism and purpose is subordinated to the cognitive, academic apprenticeship.”¹⁰ “[T]he primary emphasis on learning to think like a lawyer is so heavy that schoolwide concern for learning to perform like one is *not* the norm.”¹¹ Thus, the apprenticeship of professional identity is undercut by “the relentless focus, in many law school courses, on the procedural and formal qualities of legal thinking” and the “one-sided emphasis on an academic apprenticeship insulated from considerations of ethical engagement or public responsibility[.]”¹²

Indeed, law schools place so much emphasis on the cognitive apprenticeship that they have developed what the Carnegie Report calls a “signature

identity”); *id.* at 12 (framing focus of study as how to “best combine the elements of legal professionalism—conceptual knowledge, skill, and moral discernment—into the capacity for judgment guided by a sense of professional responsibility”).

10. *Id.* at 132–33. *See also id.* at 79 (“The academic setting clearly tilts the balance toward the cognitive and intellectual.”); *id.* at 132 (“[I]n legal education today, most aspects of the ethical-social apprenticeship are subordinate to academic training in case-dialogue method and contested as to their value and appropriateness.”); McCormack, *supra* note 2, at 252 (“The traditional law school curriculum focuses primarily on one set of skills lawyers need to succeed, which is comprised exclusively of doctrinal analysis, synthesis, and effective argument.”).
11. Sullivan et al., *supra* note 5, at 22 (emphasis in original). *See also id.* at 79 (“For many students, neither practical skills nor reflection on professional responsibility figure significantly in their legal education.”); John E. Montgomery, Incorporating Emotional Intelligence Concepts Into Legal Education: Strengthening the Professionalism of Law Students, 39 U. Tol. L. Rev. 323, 323 (2008) (“Law schools are inadequately developing an ethos of professionalism in law students. Legal education focuses predominately on analytical reasoning, less so on professional skills, and minimally on professionalism.”).
12. Sullivan et al., *supra* note 5, at 145; *see also id.* at 141 (“[L]aw schools’ imbalance toward the cognitive aspects of professional apprenticeship and the associated emphasis on legal analysis serve to color, and can even undermine, the apprenticeship into professionalism and purposes.”). Indeed, the distinguished professor and legal scholar Karl Llewellyn warned law students almost eighty years ago of the dangers of the cognitive apprenticeship:

The first year... aims to drill into you the more essential techniques of handling cases.... It aims, in the old phrase, to get you to “thinking like a lawyer.” The hardest job of the first year is to lop off your common sense, to knock your ethics into temporary anesthesia. Your view of social policy, your sense of justice—to knock these out of you along with woozy thinking, along with ideas all fuzzed along their edges. You are to acquire ability to think precisely, to analyze coldly, to work within a body of materials that is given, to see, and see only, and manipulate, the machinery of the law. It is not easy thus to turn human beings into lawyers. Neither is it safe. For a mere legal machine is a social danger. Indeed, a mere legal machine is not even a good lawyer. It lacks insight and judgment. It lacks the power to draw into hunching that body of intangibles that lie in social experience.

Karl N. Llewellyn, *The Bramble Bush: On Our Law and Its Study* 101 (Oceana Publications, Inc. 1977) (1930). *Cf. also, e.g.*, Colby & Sullivan, *supra* note 4, at 419 (“Without serious efforts to develop [the professionalism apprenticeship], professional schools cannot fulfill their responsibilities to either the professions or the public they are pledged to serve.”).

pedagogy”¹³ to teach it. That pedagogy is the quasi-Socratic dialogue that many professors employ, especially in first-year courses.¹⁴ Notably, however, the Carnegie Report fails to identify a signature pedagogy for the apprenticeship of professional identity, which provides further evidence of its disregard. To correct this deficiency, the Carnegie Report asserts that law schools must “deepen their knowledge” of the apprenticeship of professional identity and “attend more systematically to the pedagogical practices that foster the formation of integrated, responsible lawyers.”¹⁵

An externship program centered on the development of professional identity and values is a pedagogical device that law schools can employ to meet this goal. An externship is a type of clinical experience in which a student works for academic credit in a legal setting outside the law school under the supervision of an attorney and also attends a related seminar class at the law school.¹⁶ This combination of work experiences in an actual practice setting and guided reflection on those experiences in the seminar provides students with an ideal opportunity to explore the moral, ethical, and professional dilemmas that lawyers regularly encounter. Through such exploration, students learn and evaluate the fundamental values and principles of their chosen profession. By observing and assessing professional norms in this manner, they can begin to incorporate those norms and to form their own emerging professional identities.

The purpose of this Article is two-fold: to demonstrate that externships can serve as a signature pedagogy for the apprenticeship of professional identity and purpose; and to provide practical guidance on how law schools can design and structure externship programs to accomplish that goal. The Article proceeds in five parts. Part I discusses the nature and significance of the apprenticeship of professional identity. In Part II, I examine the

13. As explained in Part II.A, *infra*, signature pedagogies are “key educational practices” and teaching methods that serve as the “primary means of instruction and socialization for neophytes in a field[.]” Sullivan et al., *supra* note 5, at 23–24.
14. The Carnegie Report calls this form of instruction the “case-dialogue” method. Sullivan et al., *supra* note 5, at 23–24.
15. *Id.* at 128.
16. *E.g.*, J.P. Ogilvy, Guidelines With Commentary for the Evaluation of Legal Externship Programs, 38 Gonz. L. Rev. 155, 179 (2002–03) (defining externship as “program of study in which a law student earns academic credit for engaging in authentic lawyering tasks under the guidance and supervision of an experienced supervisor in an institution outside of the law school”); Stephen T. Maher, The Praise of Folly: A Defense of Practice Supervision in Clinical Legal Education, 69 Neb. L. Rev. 537, 562 (1990) (“Practice supervised clinical programs award academic credit to students for practice in off-campus law offices under the supervision of attorneys practicing in those offices, or for judicial clerkships.”). In contrast to externships, in-house clinics “are courses in which a significant part of the learning relies on students representing clients or performing other professional roles under the supervision of members of the faculty.” Roy Stuckey and Others, Best Practices For Legal Education: A Vision and a Road Map 188 (Clinical Legal Educ. Ass’n 2007). Professional identity and values also can be taught through in-house clinics and doctrinal courses, if instruction in these subjects is within the pedagogical goals of those courses.

characteristics of signature pedagogies and, drawing upon both externship theory and my own experiences directing an externship program, demonstrate how externships can serve as a signature pedagogy for the professionalism apprenticeship. Part III explains how adult learning theory supports the use of externships as a signature pedagogy for the apprenticeship of professional identity and purpose. Part IV discusses feasibility issues related to such an externship program, and Part V concludes the Article.

I. The Apprenticeship of Professional Identity and Purpose: Definition and Significance

A. What Is the Apprenticeship of Professional Identity and Purpose?

The apprenticeship of professional identity and purpose is the means through which law schools teach students the legal profession's guiding values and principles. At a minimum, this apprenticeship includes the formal regulations that govern lawyers' professional conduct.¹⁷ It also includes "wider matters of morality and character[,]" such as "[r]espect and consideration for one's clients" and "basic honesty and trustworthiness—financial propriety, accurate representation of one's experience, and the like."¹⁸

The apprenticeship of professional identity also extends to deeper, more philosophical questions, such as what it means to be a lawyer and the special obligations that lawyers have to society. It "should encompass issues of both individual and social justice, and it includes the virtues of integrity, consideration, civility, and other aspects of professionalism."¹⁹ It also includes "conceptions of the personal meaning that legal work has for practicing attorneys and their sense of responsibility toward the profession."²⁰ Thus, this apprenticeship is the forum in which students may explore and answer such fundamental questions 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 finally, what place do ethical-social values have in my core sense of professional identity?"²¹

B. Why Does the Apprenticeship of Professional Identity and Purpose Matter?

The apprenticeship of professional identity matters because it is the means through which students can develop an internal compass for navigating among the competing, and sometimes conflicting, roles and responsibilities that lawyers have. The Model Rules of Professional Conduct impose a tripartite role on lawyers. "A lawyer, as a member of the legal profession, is a representative

17. Sullivan et al., *supra* note 5, at 129.

18. *Id.* at 130. The Carnegie Report found that legal education currently tends to treat these two areas separately. *Id.* at 129.

19. *Id.* at 132.

20. *Id.*

21. *Id.* at 135.

of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”²² As public citizens, lawyers “should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.”²³ Lawyers also must “strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.”²⁴ Integrating these responsibilities, the American Bar Association defines a “professional lawyer” as “an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and public good.”²⁵

Despite these lofty ideals, it is easy to imagine circumstances in which a lawyer’s duty to represent a client and the lawyer’s roles as public citizen and officer of the court could clash. What does a lawyer do when asked by a client to pursue litigation tactics that do not violate the rules of conduct but are meant only to delay and obstruct the judicial process? How do lawyers respond to document requests when their clients’ files contain damaging information? What does a lawyer do if a client seeks advice regarding a business strategy that is not illegal but will harm investors and the financial markets? How do lawyers balance the press of business and client demands, the obligation to perform public service, and their personal responsibilities? There are many potential situations for which the rules of professional conduct do not provide a clear or satisfactory answer. The apprenticeship of professional identity allows students to reflect thoughtfully on difficult questions such as these and anticipate how they might respond in the throes of practice.²⁶

The apprenticeship of professional identity and purpose also is important because it gives students a forum in which to think about the type of lawyer that they want to become. There are various types of lawyering styles, ranging from the “hired gun” to the “officer of the court” to the “moral individualist.”²⁷

22. Model Rules of Prof'l Conduct, Preamble ¶ 1.

23. *Id.* at Preamble ¶ 6.

24. *Id.* at Preamble ¶ 7.

25. Teaching and Learning Professionalism, *supra* note 2, at 6.

26. As one scholar explains, professional ethics codes do not provide precise guidance to practitioners concerning the dilemmas they face. Instead the codes contain general principles of professional conduct that often conflict with the apparent interests of clients, other parties, the legal system, and the pursuit of justice itself. Legal practice is laden with conflicts, frustrations, temptations, and rewards; the ethical implications of each are not always clear.

Henry Rose, Legal Externships: Can They Be Valuable Clinical Experiences for Law Students?, 12 *Nova L. Rev.* 95, 98–99 (1987–88); *see also id.* at 99 (“For too many attorneys, the development of their professional role occurs in the hurly-burly of legal practice where the emerging tensions and issues cannot be adequately addressed. Issues of role development should be considered in a more reflective environment where their implications can be fully explored.”).

27. Rob Atkinson, A Dissenter’s Commentary on the Professionalism Crusade, 74 *Tex. L. Rev.* 259, 303–312 (1995) (creating a tripartite taxonomy of lawyers, including the “neutral

Through the apprenticeship of professional identity and purpose, students can explore the advantages and disadvantages of each style before they have a client's fate in their hands, and decide which style, or combination of styles, best fits their individual personality.²⁸ Moreover, law students acquire powerful skills of analytical reasoning as well as substantive knowledge of legal doctrine and procedure, which are at their disposal once they enter the practice. Exposing students to the profession's fundamental principles and values helps ensure they will employ those tools judiciously and not become amoral technicians who act, in the words of Karl Llewellyn, as "mere legal machine[s]."²⁹

In light of the current state of the legal profession, the lessons imparted through the apprenticeship of professional identity may be more important than ever. The Carnegie Report provides a sobering snapshot of the profession:

Ours is an era marked by a growing body of lawyers trained by an increasing number of law schools who then enter unstable and highly competitive domains of practice. Under these conditions, it has proven hard to make the old ideals of independent public service the basis of everyday legal practice. The result has been confusion and uncertainty about what goals and values should guide professional judgment in practice, leaving many lawyers "wandering amidst the ruins of those [past] understandings[.]"³⁰

The current recession has created even more uncertainty, as large, well-established law firms have laid off associates, merged with other firms, or dissolved altogether.³¹ In the face of these pressures and an ever-changing legal

partisan/hired gun," the "officer of the court/law's acolyte," and the "moral individualist/lawyer vigilante," and describing characteristics of each type); *see also id.* at 303 n.187 (citing other books and articles describing various lawyer types); Leif M. Clark, A Matter of Style, 19 Am. Bankr. Inst. J. 32 (2000) (describing lawyer types such as the "Pharisee," the "Predator," the "Teacher," and the "Honest Broker"), *reprinted in* Louis J. Siroco, Jr., *Judging: A Book for Student Clerks* 161-63 (LexisNexis 2002).

28. Sullivan et al., *supra* note 5, at 132 ("Students at least need to be made aware, not only of the various sorts of lawyer they might become but also of the various kinds of approaches they can take toward lawyering itself."); *see also* Rose, *supra* note 26, at 99 (noting that "[t]he lawyer's professional role occasionally conflicts with his or her identity as a person" and that "[s]tudents in clinical placements can begin to reconcile the conflicts they face between their personal identities and the responsibilities they undertake as lawyers").
29. Llewellyn, *supra* note 12, at 101; *see also* Atkinson, *supra* note 27, at 336-37 (acknowledging the "ancient problem" of whether it is sufficient for instructors to teach students only technical skills, or whether students also should be taught to recognize proper ends to which they should put their skills).
30. Sullivan et al., *supra* note 5, at 127-28 (quoting Mary Ann Glendon, *A Nation Under Lawyers: How the Crisis in the Legal Profession is Transforming American Society* 37 (Harvard Univ. Press 1994)); *see also* Daicoff, *supra* note 2, at 558 (noting "an unbearable level of competition and pressure in today's legal practice").
31. Jonathan D. Glater, *The Lawyer Squeeze*, N.Y. Times, Nov. 12, 2008, at B1 (noting layoffs and mergers at several prominent law firms and collapses of Thelen LLP and Heller Ehrman LLP); Karen Sloan, *White & Case Lays Off 70 Associates and Counsel, Will Also Cut*

landscape, “students’ great need is to begin to develop the knowledge and abilities that can enable them to understand and manage these tensions in ways that will sustain their professional commitment and personal integrity over the course of their careers.”³² An externship experience that focuses on professional identity and purpose is a tool for developing such knowledge and abilities.

II. Externships as a Signature Pedagogy for the Professionalism Apprenticeship

A. What Is A Signature Pedagogy?

Signature pedagogies are the “typical practices of teaching and learning by which professional schools induct new members into the field[.]”³³ Professor Lee Shulman describes signature pedagogies as “the forms of instruction that leap to mind when we first think about the preparation of members of particular professions—for example, in the law, the quasi-Socratic interactions so vividly portrayed in *The Paper Chase*.”³⁴ This case-dialogue method, which is used extensively in the cognitive apprenticeship to teach “thinking like a lawyer,” is a quintessential example of a signature pedagogy.³⁵

Through signature pedagogies, “the novices are instructed in critical aspects of the three fundamental dimensions of professional work—to think, to perform, and to act with integrity.”³⁶ Such teaching methods are considered “signature”

Support Staff, Nat’l L. J., Nov. 17, 2008 (reporting layoffs at one of the largest law firms in the country); U.S. Dep’t of Labor, Bureau of Labor Statistics, Economic News Release, Nov. 7, 2008, <http://www.bls.gov/news.release/empst.t14.htm> (reporting that the legal services industry lost more than 1,000 jobs in October 2008).

32. Sullivan et al., *supra* note 5, at 128.

33. *Id.* at 23.

34. Lee S. Shulman, Signature Pedagogies in the Professions, 134–3 *Daedalus* 52, 52 (2005); *see also id.* at 52 (describing signature pedagogies as “types of teaching that organize the fundamental ways in which future practitioners are educated for their new professions”). Professor Shulman is the current president of the Carnegie Foundation for the Advancement of Teaching.

35. Sullivan et al., *supra* note 5, at 24 (citing case-dialogue method as example of signature pedagogy); *see also* Montgomery, *supra* note 11, at 325 n.12 (use of case method of studying appellate opinions “is virtually universal in legal education” (citing Anthony T. Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession 170–71* (Harvard Univ. Press 1993)); *cf. also, e.g.*, Shulman, *supra* note 34, at 52 (“The first year of law school is dominated by the case dialogue method of teaching, in which an authoritative and often authoritarian instructor engages individual students in a large class of many dozens in dialogue about an appellate court case of some complexity.”)).

36. Shulman, *supra* note 34, at 52 (emphasis in original).

because they are “readily identifiable and uniquely individual to the field.”³⁷ According to Professor Shulman,

Signature pedagogies are important precisely because they are pervasive. They implicitly define what counts as knowledge in a field and how things become known. They define how knowledge is analyzed, criticized, accepted, or discarded. They define the functions of expertise in a field, the locus of authority, and the privileges of rank and standing.³⁸

Notably, the Carnegie Report does not identify a signature pedagogy for the apprenticeship of professional identity as it does for the cognitive apprenticeship. Instead, the report surveys various forms of law school teaching, ranging from “the academic teaching of the case-dialogue classroom through various approximations of legal practice to clinical training,” that can be used to help form professional identity.³⁹ This survey, however, devotes only three paragraphs to the role of clinical education in the apprenticeship of professional identity.⁴⁰ Those three paragraphs, in turn, contain no mention of externships.⁴¹ This omission is disappointing given the significant educational value of externships.⁴²

37. *Id.* at 23.

38. *Id.* at 54.

39. Sullivan et al., *supra* note 5, at 128.

40. *Id.* at 159–60. This brief treatment of clinical education occurs despite the report’s prior declaration that it considers “law school’s clinical programs as part of the teaching for professionalism and professional identity.” *Id.* at 129.

41. *Id.* at 159–60. Although the Carnegie Report includes passing references to externships, there is no substantive discussion of externships’ distinct pedagogical features and their specific educational benefits.

42. *See, e.g.*, McCormack, *supra* note 2, at 257 (“When students participate in a clinical course, professionalism is at the heart of their learning.”). The omission of externships also is striking in light of the number of externship programs that exist. According to a recent survey, at least 131 ABA-accredited law schools offer some type of field placement program. David A. Santacroce & Robert R. Kuehn, Ctr. for the Study of Applied Legal Educ. Report on the 2007–2008 Survey 9 (2008), <http://www.csale.org/CSALE.07-08.Survey.Report.pdf>; *see also* James H. Backman, Where Do Externships Fit? A New Paradigm Is Needed: Marshaling Law School Resources to Provide an Externship for Every Student, 56 J. Legal Educ. 615, 615 (2006) (“Externships, as opposed to in-house clinical internships, are now offered at virtually every law school.”). *Cf. also, e.g.*, Robert F. Seibel and Linda H. Morton, Field Placement Programs: Practices, Problems, and Possibilities, 2 Clinical L. Rev. 413, 417 (1996) (“The role of externships in promoting law schools’ pedagogical goals has often been undervalued, even among those who believe in the importance of experiential training.”).

B. Externships Exemplify the Four Dimensions of a Signature Pedagogy

A signature pedagogy has four dimensions: (1) a surface structure; (2) a deep structure; (3) a tacit structure; and (4) a shadow structure.⁴³ The surface structure consists of the pedagogy's "observable, behavioral features[.]"⁴⁴ The deep structure includes "the underlying intentions, rationale, or theory that the behavior models[.]"⁴⁵ The tacit structure consists of "the values and dispositions that the behavior implicitly models[.]"⁴⁶ The signature pedagogy's "complement, the absent pedagogy that is not, or is only weakly engaged[.]" is its shadow structure.⁴⁷

i. The Surface Structure of Externships

The observable features of an externship program typically include four basic components: field placement, journals, supervision, and a seminar class. The field placement is the office in which the student works for academic credit.⁴⁸ Through this placement, the student assumes a professional role and performs legal work in a real-life setting. The student also observes other participants in the legal system in their professional roles. Depending on an externship program's pedagogical goals, the placements may be limited to the public sector, or they may include positions with private law firms and corporate counsel.⁴⁹ In the externship program I direct, the placements are limited to positions with nonprofit organizations and with state and federal

43. Sullivan et al., *supra* note 5, at 24.
44. *Id.* See also Shulman, *supra* note 34, at 54-55 (defining the surface structure as "concrete, operational acts of teaching and learning, of showing and demonstrating, of questioning and answering, of interacting and withholding, of approaching and withdrawing.").
45. Sullivan et al., *supra* note 5, at 24. See also Shulman, *supra* note 34, at 55 (characterizing the deep structure as "a set of assumptions about how best to impart a certain body of knowledge and know-how.").
46. Sullivan et al., *supra* note 5, at 24. See also Shulman, *supra* note 34, at 55 (calling the implicit structure "a moral dimension that comprises a set of beliefs about professional attitudes, values, and dispositions.").
47. Sullivan et al., *supra* note 5, at 24. See also Shulman, *supra* note 34, at 55 (describing the shadow structure as what the signature pedagogy "is *not*—by the way it is shaped by what it does not impart or exemplify") (emphasis in original).
48. Rose, *supra* note 26, at 102 (externships are clinical experiences that "allow law students to receive academic credit for working with attorneys and their clients outside of the law school").
49. Bernadette T. Feeley, Examining the Use of For-Profit Placements in Law School Externship Programs, 14 *Clinical L. Rev.* 37 (2007) (exploring the potential benefits and drawbacks of using for-profit law firms and companies as externship placements). See also Ogilvy, *supra* note 16, at 160-61 (noting that some programs limit externships to "government or public interest placements[.]" while others do not); Rose, *supra* note 26, at 106-07 (recommending that externs be placed in both government practice and private practice settings).

judges, legislators, and government agencies.⁵⁰ This restriction is consistent with our program's express goals of exposing students to public-service practice settings and encouraging them to consider careers in public service.⁵¹

Journals are another component of the externship's surface structure.⁵² "For students in any instructional setting, the journal encourages writing; probing beneath the surface of problems; thinking more deeply about the materials, products, and processes of learning; and taking more responsibility for their own learning."⁵³ Students in our externship program must submit a two-page journal entry each week that "discuss[es] the type of work the student is doing, reflections about the student's work, [and] issues the student is facing[.]"⁵⁴ I read each journal entry and provide feedback to the students. I suggest alternate perspectives from which to view their experiences and ask students to think about the underlying causes for problems that they have observed, such as shortcomings of the legal system and lack of access to justice. In this way, the journals create an ongoing dialogue, as the students often respond to my comments in subsequent entries. I also ask students to put themselves in the

50. Faculty Proposal Creating University of Arkansas at Little Rock William H. Bowen School of Law Public Service Externship Program 1-2 (May 12, 2005) (on file with author) (hereinafter Faculty Proposal).
51. *Id.* at 1.
52. See J.P. Ogilvy, The Use of Journals in Legal Education: A Tool for Reflection, 3 *Clinical L. Rev.* 55, 55 (1996) ("[J]ournals are used extensively in some areas of legal education, notably in conjunction with externship programs."); see also Mary Jo Eyster, Designing and Teaching the Large Externship Clinic, 5 *Clinical L. Rev.* 347, 349 (1999) ("Most programs require the student to keep a journal that reflects not just the work she is doing but also what she is learning, critical insights, and comments on the profession and the law."); Feeley, *supra* note 49, at 40 n.18 ("Journal writing is an integral part of most externship programs."); Harriet N. Katz, Personal Journals in Law School Externship Programs: Improving Pedagogy, 1 *T.M. Cooley J. Prac. & Clinical L.* 7, 13 & n.14 (1997) (describing "informal survey that suggested that personal journals are widely used in clinical externship programs").
53. Ogilvy, *supra* note 52, at 60; see also Stacy Caplow, From Courtroom to Classroom: Creating an Academic Component to Enhance the Skills and Values Learned in a Student Judicial Clerkship Clinic, 75 *Neb. L. Rev.* 872, 896 (1996) ("Describing a significant experience and then reflecting on what has been learned from that experience makes the writer/student an active participant in his or her learning process."); Katz, *supra* note 52, at 8 (students "are expected to benefit from the thoughtful review that accompanies writing"); Rose, *supra* note 26, at 100 (the "ability to be self-analytical about one's work is the essence of experiential learning").
54. Faculty Proposal, *supra* note 50, at 3; see Ogilvy, *supra* note 52, at 56 (defining journal as "a regular, written communication from a student to a teacher, related to the course of study, that is authored by the student at the request of the teacher and to which the teacher may respond in writing"); see also Katz, *supra* note 52, at 8 (journals "are intended to promote focused reflection on the fieldwork experience[.]" as "[s]tudents are asked to recall what they have experienced and to probe their memories and thoughts for insight.").

place of attorneys and judges they observe and consider whether they would be comfortable in such roles.⁵⁵ Thus, journals provide a means for students

to explore the role of personal values and beliefs in the work experience, possible moral conflicts in personal values and beliefs with the work experience, changing perceptions in the role of law and the practice of law in society and their role, both as a student and in the future as a lawyer, in the institutions comprising the legal system.⁵⁶

Another important element of an externship's surface structure is supervision.⁵⁷ Our externship program employs a two-tier system, including a faculty supervisor and a field supervisor. As the faculty supervisor, I manage the overall program, select the students for the program, select and train field supervisors, teach the seminar classes, provide feedback on the students' journals, and meet individually with students.⁵⁸ The field supervisors, who include judges, practicing attorneys, and legislators, are "responsible for directing the day-to-day work that the extern performs at the placement site."⁵⁹ Thus, the field supervisors direct the students' work assignments, critique the students' work product, manage their workload, and determine the proceedings and events that they will have the opportunity to observe. Field supervisors also serve as mentors, sharing their insights and experiences and

55. See, e.g., Katz, *supra* note 52, at 14 ("Faculty who assign personal journals believe they encourage students to think about the personal and professional role of the lawyer in the part of the legal system with which the student has been engaged.").

56. Barbara A. Blanco & Sande L. Buhai, Externship Field Supervision: Effective Techniques for Training Supervisors and Students, 10 *Clinical L. Rev.* 611, 646 (2004).

57. See, e.g., *id.* at 613–642 (describing supervision structures for externship programs and techniques for training field supervisors); see also Eyster, *supra* note 52, at 389–92 (discussing selection and training of field supervisors).

58. Faculty Proposal, *supra* note 50, at 2–4.

59. Kelly S. Terry, Guidelines for Field Supervisors, University of Arkansas at Little Rock William H. Bowen School of Law Public Service Externship Program 5 (2006) (on file with author). Professor Ogilvy defines the faculty supervisor and the fieldwork supervisor as follows:

Faculty Supervisor: The faculty member responsible for monitoring the externship experience of an extern and for providing the opportunities for the student to reflect on the externship, typically, through a seminar or tutorial meetings. The faculty supervisor also certifies the award of academic credit for the externship experience.

Fieldwork Supervisor: The person at the placement site responsible for assigning tasks, monitoring performance, and providing critique and feedback to the extern.

Ogilvy, *supra* note 16, at 179. Professor Rose draws similar distinctions between the two types of supervisors:

The day-to-day supervision of legal work performed by students in externship programs is provided by attorneys who are not members of the law school faculty, but who are employees of the placement law office. A member of the law school faculty oversees the placement to ensure that it is meeting the school's educational objectives.

Rose, *supra* note 26, at 102.

answering students' questions about what it is like to be a practicing lawyer.⁶⁰ While the faculty supervisor also may serve as a mentor, she generally is a step removed from the students' daily work and acts as a "meta-guide"...to assist the students to set, maintain, revise, and meet their goals, and also to help them interpret their experience."⁶¹

One of the tools the faculty supervisor uses to help students interpret their experience is the seminar class—the remaining element of the externship's surface structure.⁶² In the seminar, the externs meet with the faculty supervisor to discuss their field experiences and assigned readings pertinent to their externships. Guest speakers also may meet with the class. The seminar is designed to complement the students' work experiences and provide a forum in which they can reflect on and evaluate those experiences. This component is important because, as Professor Moliterno explains,

[L]earning is not education, and experiential learning differs from experiential education. Learning happens with or without teachers and institutions. For example, eavesdroppers learn about the things they hear, yet they are not educated simply by the act of eavesdropping because the activity is not accompanied by a teacher's or institution's participation in the learning process. Education, in contrast to a learning opportunity, consists of a designed, managed, and guided experience.⁶³

Likewise, while externs undoubtedly learn from their work experiences, the seminar class provides an opportunity for a guided educational experience to

60. Terry, *supra* note 59, at 5 (discussing field supervisor's role as mentor and teacher to the students); *cf. also, e.g.*, Colby & Sullivan, *supra* note 4, at 426 ("Collaboration between professional schools and the organized practitioner community is a potentially powerful asset for reclaiming the formative mission of preparing future professionals.").
61. Caplow, *supra* note 53, at 890; *see also id.* ("I see my job as clinical teacher as encouraging and enhancing the students' fieldwork experience by engaging them in the class discussions and journal writing that are tools for their self-education."); Lisa G. Lerman, Professional and Ethical Issues in Legal Externships: Fostering Commitment to Public Service, 67 *Fordham L. Rev.* 2295, 2296-97 (1999) ("Because I [faculty supervisor] was more distant from the fieldwork, I could invite the students in class and in journals to reflect openly on what they observed, on the work they did, on the operation of the placement organizations, and on the professional conduct of their supervisors.").
62. *See, e.g.*, Caplow, *supra* note 53, at 876-77 (explaining design of judicial externship seminar in which students can "describe and question what they have observed, share with other students the similarities and differences in their respective placements, and generalize about judges, litigators, courts, and the litigation process."); Eyster, *supra* note 52, at 420-23 (describing seminar classes used in externship program); Peter Jaszi, Ann Shalleck, Marlana Valdez, & Susan Carle, Experience as Text: The History of Externship Pedagogy at the Washington College of Law, American University, 5 *Clinical L. Rev.* 403 (1999) (describing an externship program centered around a seminar that uses students' field experiences as text for class discussion); *but cf.* Erica M. Eisinger, The Externship Class Requirement: An Idea Whose Time Has Passed, 10 *Clinical L. Rev.* 659 (2004) (questioning utility of externship seminar).
63. James E. Moliterno, Legal Education, Experiential Education, and Professional Responsibility, 38 *Wm. & Mary L. Rev.* 71, 78 (1996).

occur.⁶⁴ As explained more fully below, the seminar class is a crucial aspect of the externship's deep structure and a key venue for the exploration of professional values and identity.

2. The Deep Structure of Externships

A signature pedagogy's deep structure consists of the underlying intentions, rationale, or theory that the behavior models. If the deep structure of the case-dialogue method is "thinking like a lawyer," then the deep structure of externships is "thinking like a professional[.]"⁶⁵ This thought process is the essence of the apprenticeship of professional identity and purpose, and it encompasses all values and norms associated with that apprenticeship: integrity, civility, competence, honesty, individual and social justice, and personal meaning in one's work.⁶⁶ It also includes an awareness and appreciation of the heightened professional obligations of lawyers, such as engaging in public service and seeking access to justice and improvement of the law.⁶⁷ Learning to think like a professional, however, is "an undervalued, or at least underemphasized, component of legal education[.]"⁶⁸

Externships are uniquely positioned to fill this void because they immerse students in the professional role, expose them to professional norms and values in actual practice settings, and then allow them to evaluate and incorporate those norms and values.⁶⁹ Through this process, students learn to think like professionals and to form their own professional identities. This learning

64. *E.g.*, Ogilvy, *supra* note 16, at 165 (recommending that "seminar or faculty tutorials should be offered contemporaneously with the fieldwork experience since the reflective component of the externship experience is most useful when it is purposeful and continuous throughout the experience and when an opportunity for feedback from an instructor outside of the placement relationship is provided").
65. Joshua E. Perry, Thinking Like A Professional, 58 J. Legal Educ. 159, 159 (2008) (defining "thinking like a professional" as "a form of self-reflection and self-awareness that seeks to harmonize the ethical aspects and social consequences of the practice of law"); *see also* McCormack, *supra* note 2, at 257 ("When students participate in a clinical course, professionalism is at the heart of their learning.").
66. *See* Sullivan et al., *supra* note 5, at 129-132.
67. Model Rules of Prof'l Conduct, *supra* note 22, at Preamble ¶¶ 6-7.
68. Perry, *supra* note 65, at 159. *See also* John Mixon & Robert P. Schuwerk, The Personal Dimension of Professional Responsibility, 58 Law & Contemp. Probs. 87, 89-90 (1995) (a shortcoming of law school curriculum is "its failure to recognize the need for all courses, but particularly those concerned with the professional responsibilities of lawyers, to concern themselves with the temperamental as well as the cognitive development of their students and to recognize and address barriers to that broader undertaking").
69. *See, e.g.*, Lerman, *supra* note 61, at 2295 ("Externship opportunities present a curricular opportunity to assist students in making thoughtful choices about their professional paths and in developing personal standards of professional conduct."); *see also id.* at 2297 ("Unlike my experience in the live-client clinic, the work of the externship program seemed to affect the students' thinking about professional roles, and sometimes to affect their [career] choices.").

occurs through several aspects of the externship, including the externs' pre-placement training, their work experiences, and the seminar class.

A. PRE-PLACEMENT TRAINING

The development of professional identity and values can begin in the extern's training. Our program requires students to attend a training workshop before they start their externships. The workshop includes a session on the extern's ethical responsibilities that covers workplace confidentiality, recognizing and avoiding conflicts of interest both during and after externships, and the duty of competence. Although the Model Rules of Professional Conduct do not yet apply to the externs, I use the Rules to frame this instruction.⁷⁰ In this session, I also discuss our program's rule on professionalism, which states in part that "[s]tudents should recognize that they are representatives of the law school and that their conduct will reflect on the law school. Students shall abide by the Arkansas Rules of Professional Conduct, the Arkansas Rules of Judicial Conduct, and all other applicable ethical rules."⁷¹

I also use the training session to begin an exploration of professional values and norms, going beyond the minimum standards set by the formal rules of conduct. As an opening exercise, I ask each student to name one trait of a "good" lawyer.⁷² We compile a list of the qualities and discuss the meaning and significance of each one. The exercise is designed to make the students aware of their own preconceptions about the attributes of lawyers and to heighten their consciousness of the presence, or absence, of these qualities in the lawyers they encounter during their externships.⁷³ To enhance the students' knowledge of the traits expected of lawyers, I also discuss with them the fundamental values and skills of the legal profession that the MacCrate Report identified.⁷⁴ By stressing all of these ethical and professional norms in the initial training

70. See, e.g., Alexis Anderson, Arlene Kanter & Cindy Slane, Ethics in Externships: Confidentiality, Conflicts, and Competence Issues in the Field and in the Classroom, 10 *Clinical L. Rev.* 473, 477-81 (2004) (discussing application of rules of professional conduct to externship programs).

71. University of Arkansas at Little Rock William H. Bowen School of Law Public Service Externship Program Rules, Rule 9 (2006) (on file with author).

72. For purposes of this exercise, I do not define the term "good." I leave it to the students to decide if they want to define "good" in terms of professional skills or in a broader moral sense.

73. The nature of the "good lawyer" is "one of the central questions, if not the central question, of legal education." Richard Wasserstrom, Legal Education and the Good Lawyer, 34 *J. Legal Educ.* 155, 155 (1984).

74. Legal Education and Professional Development—An Educational Continuum, 1992 A.B.A. Sec. Legal Educ. and Admissions to the Bar, Task Force on Law Schools and the Profession: Narrowing the Gap Rep. 140-41 (identifying four fundamental values of the legal profession: providing competent representation; striving to promote justice, fairness, and morality; striving to improve the profession; and professional self-development).

session, my goal is to cause students to think seriously about their professional identity and the values and standards of the profession they are preparing to enter.

B. WORK EXPERIENCES

Externs continue their formation of professional identity through their work experiences. They see actual professionals in practice, including judges, attorneys, and other officers of the legal system. They can evaluate whether these people, including their own externship supervisors, meet professional standards or fall short.⁷⁵ They reflect on this conduct in their journals and in discussions with their field supervisors as issues arise.⁷⁶ In addition, students must exercise their own professional judgment in maintaining workplace confidentiality, completing assignments, and interacting with clients, opposing counsel, and their supervising attorneys.⁷⁷

Externship work experiences also can enhance the development of professional identity by engaging students in public service. Lawyers are obliged to perform public service and promote the public good.⁷⁸ However, opportunities for students to work and gain experience while in law school are typically more plentiful in private law firms than in the public sector. Our externship program attempts to correct that deficit by limiting placements to positions with nonprofit organizations, courts and legislators, and government agencies.⁷⁹ We also strongly emphasize the importance of public service in our program goals, which are “to expose students to a wide range of public service practice settings”; “to expose students to the state and federal legislative process”; “to encourage students to consider a career in a public service setting”; and “to encourage students to run for political office.”⁸⁰ Through such exposure and emphasis, externship programs can increase students’

75. McCormack, *supra* note 2, at 257 (“Through the demands of a clinical setting and their interactions with clients, judges, and other lawyers, students learn a great deal about the skills and values of their profession.”); *see also id.* at 264 (“Partnerships with thoughtful practitioners can greatly benefit law students as they learn professionalism[.]”).

76. Symposium, The Opportunity for Legal Education, 59 Mercer L. Rev. 821, 840 (2008) (Law students “really must be in the situation and learn tacit lessons from the context. You need to learn from someone who is there to provide a role model for you, and to illuminate key lessons as they present themselves[.]”).

77. Students also can gain mentors who may continue to provide guidance on professional formation even after the externship has ended. *See, e.g.*, Julie A. Oseid, When Big Brother is Watching [Out For] You: Mentoring Lawyers, Choosing a Mentor, and Sharing Ten Virtues From My Mentor, 59 S.C. L. Rev. 393 (2008) (discussing the importance of mentoring relationships in the legal profession and the use of mentoring to develop professionalism); *see also* Neil Hamilton & Lisa Montpetit Brabbit, Fostering Professionalism Through Mentoring, 57 J. Legal Educ. 102 (2007).

78. *See* Part I.B, *supra*.

79. Faculty Proposal, *supra* note 50, at 1–2.

80. *Id.* at 1. An additional goal of the program is “to allow students to reflect on how their classroom learning applies to a variety of practice settings.” *Id.*

awareness of their professional obligation of public service and can even lead them “to make a long-term commitment to public service work.”⁸¹

C. SEMINAR CLASS

Building on the students’ training and work experiences, the seminar class provides a forum in which they can synthesize their experiences and distill the lessons of professionalism. The seminar is a powerful tool for the formation of professional identity because it allows students to explore professional values in context.⁸² According to Professor Judith Welch Wegner, one of the Carnegie Report’s primary authors, “there are some core values that derive from the fact that professionals in law and other fields hold a privileged position within society with obligations to people whose lives and well-being are at stake.”⁸³ Such core values in the legal profession include “confidentiality, competence, continued learning, and respect for the people you are serving and commitment to service.”⁸⁴

The externship seminar brings these values to life for students by providing an environment in which they can explore and evaluate them in the context of their actual, individual work experiences. After the initial training session, the seminar class meets four times during the semester. For each hour-long class, there is a specific theme, and the assigned readings focus on that theme. The theme for the first class, which usually occurs about two or three weeks into the students’ externships, is “The Duties of Lawyers.” The primary reading assignment for this class is a speech on that topic by the late Attorney General

81. Lerman, *supra* note 61, at 2295. My own anecdotal experiences support this conclusion, as several students who participated in our externship program entered public-service positions upon graduation. *See also id.* at 2297 (describing a student whose externship at a juvenile detention facility motivated her “to pursue a career in criminal defense work instead of applying for a job at a law firm”).
82. Best Practices for Legal Education recommends that law teachers use context-based education throughout the curriculum because “[c]ontext helps students understand what they are learning, provides anchor points so they can recall what they learn, and shows them how to transfer what they learn in the classroom to lawyers’ tasks in practice.” Stuckey and Others, *supra* note 16, at 141 (quoting Deborah Maranville, *Infusing Passion and Context Into the Traditional Law Curriculum Through Experiential Learning*, 51 *J. Legal Educ.* 51, 52 (2001)).
83. Symposium, *The Opportunity for Legal Education*, *supra* note 76, at 850.
84. *Id.*; *see also* McCormack, *supra* note 2, at 253 (lawyers’ shared professional values include “loyalty, integrity, confidentiality, competence, diligence, excellence, and public service”); *Legal Education and Professional Development—An Educational Continuum*, *supra* note 74, at 140–41 (identifying four fundamental values of the legal profession).

and Senator Robert F. Kennedy.⁸⁵ Students also are asked to read a short article profiling the lawyers who represented Salim Hamdan in *Hamdan v. Rumsfeld*.⁸⁶

The Kennedy speech attempts to rebut the charges that lawyers have “lost our far-sighted vision” and “are no longer steeped in the law’s great philosophies and lifted by its lofty purposes[.]”⁸⁷ Kennedy cites two “first principles”—lawyers’ duties of courage and citizenship—that he asserts refute the charges.⁸⁸ He then provides examples of attorneys who exemplified these qualities, including Andrew Hamilton, John Adams, Clarence Darrow, and Harold Medina, among others.⁸⁹ According to Kennedy, “All these attorneys rose above the interests of their pocketbooks. They were men who freely stepped across the boundary of their own legal specialty, often at the cost of their popularity.”⁹⁰

The Kennedy speech generally provokes a good discussion on the nature and scope of lawyers’ duties to seek justice and promote the public good. I ask students whether they have seen examples in their externships of the types of courage and citizenship that Kennedy discusses. Students often can cite such examples, naming public defenders in death-penalty cases, attorneys for nonprofits that advocate for minority groups or viewpoints, and judges who issue politically unpopular rulings. For students who cannot cite such specific examples, this discussion is helpful because it alerts them to look for such conduct in the future. The article about the *Hamdan* case is a fitting coda to the discussion, since it provides examples of modern-day attorneys who demonstrated the virtues that Kennedy extolled.⁹¹ Discussing the risks that the military and civilian lawyers took in representing Hamdan makes the point that courage and citizenship remain just as relevant today.⁹²

The theme for the second seminar class is “Pursuing Justice, Professionalism, and Civility in the Practice of Law.” Assigned readings include an address by Professor Deborah Rhode on law, lawyers, and the pursuit of justice, and an

85. Robert F. Kennedy, Attorney General, Address at the Dedication of Kendrick Hall, University of San Francisco Law School (Sept. 29, 1962) (on file with author). An excerpt of the speech is included in RFK: Collected Speeches (Edwin Guthman & C. Richard Allen eds., Viking Press 1993). The full text of the speech is on file with the John F. Kennedy Presidential Library and Museum, from which copies may be purchased.

86. See Nina Totenberg, “Hamdan v. Rumsfeld”: Path to a Landmark Ruling, Nat’l Public Radio, Sept. 14, 2006, <http://www.npr.org/templates/story/story.php?storyId=5751355>.

87. Kennedy, *supra* note 85, at 1.

88. *Id.* at 2.

89. *Id.* at 3-5.

90. *Id.* at 5.

91. Totenberg, *supra* note 86.

92. In all the classes, I also highlight journal entries that relate to the topic being discussed.

article by Robert Ritchie on civility in the practice of law.⁹³ Professor Rhode advocates less deference to client demands and asserts that lawyers must assume greater moral responsibility for the consequences of their professional actions.⁹⁴ She also asserts that lawyers must assume greater responsibility for the operation of the legal system as a whole, including adequate defense of indigent criminal defendants, access to justice in civil cases, and the provision of pro bono legal services.⁹⁵ Ritchie's article identifies causes of attorney incivility and proposes methods for improving civility in the profession.⁹⁶

These articles tend to generate a lively discussion. Professor Rhode's assertions about the inadequacies of the legal system resonate with students. Externs with public defender offices, for example, explain their lack of resources and the attorneys' heavy caseloads, which limit the amount of time they can devote to each client. Externs for civil legal aid offices explain the triage process their office uses to decide which cases to accept and which to turn away. Judicial externs mention the many *pro se* cases that come before the courts and the poor quality of many pleadings they see. Students also tend to have a strong interest in Professor Rhode's assertions regarding lawyers' failure to do pro bono work and a desire to discuss the reasons for that failure. With respect to attorney incivility, externs often can cite examples of conduct like that discussed in the Ritchie article, such as inflammatory allegations in pleadings and overly aggressive litigation tactics. Thus, this class provides an opportunity for students to identify areas where the legal profession falls short of its ideals and discuss ways to rectify those shortcomings.

For the third seminar class, the topic is "What Kind of Lawyer Do You Want To Be?" The primary reading assignment for this class is an excerpt from Patrick Schiltz's well-known article, "On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession."⁹⁷ Students tend to react very strongly to this article, and some have suggested that it should be required reading for every law student. Professor (now Judge) Schiltz discusses law firm culture and the ways in which that culture can lead lawyers to become unethical and unhappy.⁹⁸ Specifically, he asserts that law firms' emphasis on money, power, and prestige has led attorneys to become trapped in a vicious cycle where they work more and longer hours

93. Deborah L. Rhode, Keynote: Law, Lawyers, and the Pursuit of Justice, 70 *Fordham L. Rev.* 1543 (2002); Robert W. Ritchie, Civility in the Practice of Law: Must We Be Rambos To Be Effective?, 34 *Tenn. B. J.* 14 (January/February 1998).

94. Rhode, *supra* note 93, at 1545-46.

95. *Id.* at 1549-55.

96. Ritchie, *supra* note 93.

97. Patrick J. Schiltz, On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession, 52 *Vand. L. Rev.* 871 (1999), *reprinted in* Cases and Materials on Social Justice: Professionals, Communities, and Law 248-265 (Martha R. Mahoney, John O. Calmore & Stephanie Wildman eds., West 2003). Students also are asked to read Brian Annino, The Ultimate Question, *A.B.A.J.*, August 2007, at 62.

98. Schiltz, *supra* note 97, *passim*.

to make money they do not have time to spend.⁹⁹ He also asserts that the pressures to generate billable hours and increase law firm revenues can cause lawyers to become unethical.¹⁰⁰ The article usually prompts a lively debate on the corrupting influence of money and power, avoiding ethical pitfalls, and defining success for oneself.

In the fourth and final seminar class, we return to the theme of “The Good Lawyer” and the list of attributes that the students provided during the initial orientation session. Students read Professor Paula Franzese’s essay, “The Good Lawyer: Choosing to Believe in the Promise of Our Craft,” and an excerpt from Professor Susan Daicoff discussing different lawyer styles.¹⁰¹ Professor Franzese discusses the importance of lawyers’ belief in their work and the courage it takes to maintain that belief.¹⁰² Professor Daicoff explains Professor Rob Atkinson’s taxonomy of lawyer types who range from the “neutral partisan” to the “wise counselor.”¹⁰³ These readings generate discussion about finding meaning in one’s work, and students often talk about their observations of attorneys and judges who believe in their work and are passionate about what they do. Students also provide examples of the different types of attorney styles they have seen in their externships and discuss whether those styles are a good fit for them.

In sum, the class readings and discussions center on values that lie at the heart of the legal profession: competent representation of clients, access to justice, civility in the practice of law, and the formation of one’s professional identity.¹⁰⁴ The seminar class fosters the development of professional identity by allowing students to confront “the deeper, more introspective, often mushier questions” such as “Why did I come to law school in the first place? How is law school changing me? What type of legal professional will/should I be?”¹⁰⁵ Reflecting on these larger questions “is necessary because the first

99. *Id.* at 252–56.

100. *Id.* at 257–64.

101. Susan Daicoff, Lawyer Personality Traits and Their Relationship to Various Approaches to Lawyering, in *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* 79–107 (Marjorie A. Silver ed., Carolina Academic Press 2007); Paula A. Franzese, The Good Lawyer: Choosing to Believe in the Promise of our Craft, also in *The Affective Assistance of Counsel*.

102. Franzese, *supra* note 101.

103. Daicoff, *supra* note 101, at 97–98.

104. See Maher, *supra* note 16, at 542 (“Practice supervised [externship] programs allow students to explore the value of practice and to ask questions, such as why they want to be lawyers and what it means to be a lawyer, from a practitioner’s perspective while they are still in school.”).

105. Perry, *supra* note 65, at 160. *Cf. also, e.g.*, Colby & Sullivan, *supra* note 4, at 416 (“Professional education can enable students to see the mission or purpose of the profession as the foundation of their work’s significance, the source of its intrinsic value, and the ultimate rationale for its standards.”).

step in learning to think like a professional is connecting with who one is as a person.”¹⁰⁶

Indeed, my own anecdotal experiences indicate that students are eager for discussion and guidance on the topics we explore in the seminar.¹⁰⁷ At the end of the externship, each student completes a written evaluation of his or her externship experience. Below are some of the comments students have made about the seminar class in their evaluations:

I thought the idea of incorporating more ethical, social and introspective ideas into our legal discussions was [a] masterstroke, and led to the esoteric discussions that I have missed in law school. I loved the RFK speech, and feel it’s important to keep the ethical topics in the curriculum.

I do believe that every classroom session was very interesting, motivating, and made me seriously think about lawyering, professionalism, and justice.

I think the classroom components were useful in allowing us to consider issues about the legal profession that we don’t consider much in other classes.

I really enjoyed the classroom discussions. They helped me think about issues beyond law school.

I thought the classroom component was helpful in making me think more about the implications of what I saw in my externship and how I want my future as a lawyer to be.

I liked the reading assignments and classes. They address very useful topics, such as what it means to be in this profession. I’ve found that in general[,] questions/topics such as this are not talked about in law school.

I enjoyed the classroom component of the externship program. From my perspective as a third year student, this component was a ‘capstone’ experience, bringing to the surface many topics not discussed in law school.

106. Perry, *supra* note 65, at 160. *See also, e.g.*, Daisy Hurst Floyd, Lost Opportunity: Legal Education and the Development of Professional Identity, 30 Hamline L. Rev. 555, 556 (2007) (“The administration of justice would be improved if, instead of thinking only about what we want lawyers to know and what we want them to be able to do, we thought instead about who lawyers should be when they graduate from law school.”); Perry, *supra* note 65, at 160 (“A confident awareness of who one is as an individual and as a member of multiple communities is integral to the journey of professional formation and ultimately to an ethical and fulfilling law practice.”).

107. *See, e.g.*, Jane Harris Aiken, Striving to Teach “Justice, Fairness, and Morality,” 4 Clinical L. Rev. 1, 9 (1997) (“Rarely do our students have the opportunity to discuss what kind of lawyer they want to be, what norms should control their behavior, and how they should relate to clients, adversaries, judges, support personnel, and other third parties.”).

I really liked the reading because it made me think for the first time about what kind of lawyer I want to be—what I want other lawyers (and judges) to say about me.¹⁰⁸

Finally, the externship's seminar component complements the professional obligation to become a self-directed learner. According to the Model Rules, lawyers must "strive to attain the highest level of skill" and seek improvement of "the quality of service rendered by the legal profession."¹⁰⁹ Students, however, "cannot in three or four years of law school learn all that is necessary to function successfully as an attorney over an entire career."¹¹⁰ Accordingly, to become competent professionals, they must learn "how to learn" on their own.¹¹¹ The seminar class fosters this professional development by teaching students to be reflective and draw lessons from their experiences.¹¹²

3. The Tacit Structure of Externships

The tacit structure of a signature pedagogy consists of the values and dispositions that the behavior implicitly models. An externship program can, and often does, implicitly model at least two valuable lessons to students: that the actual practice of law differs from their preconceptions, and that practice involves more than just "thinking like a lawyer."

Through their externship, students learn that the practice of law under real conditions is more complicated than they imagined and differs from their previous law school experiences. In externships and other clinical experiences, students learn that "unlike the predigested presentation of facts in appellate court opinions, the facts in most cases are ambiguous and transitory...."¹¹³ They may be "unavailable, obscure, disputed or distorted.... Clients and witnesses sometimes evade, fail to remember, exaggerate, or lie outright. Stories conflict. Documents conceal."¹¹⁴ Students also learn that writing a

108. Copies of these student evaluations are on file with the author.

109. Model Rules of Prof'l Conduct, *supra* note 22, at Preamble ¶¶ 6-7.

110. Ogilvy, *supra* note 52, at 68.

111. *Id.* at 68-70. See also Moliterno, *supra* note 63, at 81 (experiential education provides students with "an internal locus of evaluation" that allows them to "self-learn" and provides them with "a pattern for continued learning from experience that is largely transferable," quoting Carl Rogers, *Toward a Theory of Creativity*, in *Creativity and its Cultivation* 247 (Harold H. Anderson ed., Harper & Row 1959)).

112. Seibel & Morton, *supra* note 42, at 419 ("Student mastery of self-directed learning is a significant aspiration of legal education which is greatly enhanced through externship programs."); see also 419 (noting that field placement teachers have the opportunity to "teach[] students to use their field experiences to learn reflective thinking").

113. Rose, *supra* note 26, at 97 (quoting Michael Meltsner and Philip G. Schrag, Report from a CLEPR Colony, 76 Colum. L. Rev. 581, 584-85 (1976)).

114. *Id.*; see also Katz, *supra* note 52, at 25 (noting that externs' journal entries "described and questioned their fieldwork experiences and observations, often expressing feelings that included anxiety, confidence, anger, and surprise").

research memorandum under the time constraints of actual practice differs from writing a memo for their legal writing class.¹¹⁵ They learn that attorneys sometimes do not live up to the high standards set by the rules of professional conduct.¹¹⁶ They also learn that the stress and pressure of practicing law can have deleterious effects on one's health and well-being.¹¹⁷

Externs also confront the reality that the justice system is not always fair and does not always treat people equally. "They witness all kinds of behavior against which they inevitably measure their own sense of fairness and justice. Often they learn some harsh lessons about race or gender bias, lawyer immorality, indifference and incompetence, or judicial temperament."¹¹⁸ Students in public-service settings who work with people of limited financial means also see the additional burdens and obstacles that those in poverty face when they encounter the justice system. While these realities may be disconcerting, students need a forum during law school in which to examine these problems and explore their reactions to them. As one commentator explains:

Graduating from law school, students enter practice, which is usually a sufficiently frenetic experience that practitioners hardly have time to sit around and discuss, or even think about, the big moral or "justice" issues of the day. Busy legal practitioners—juggling clients, cases, and court

115. Judicial externs for appellate judges often report this realization.
116. See, e.g., Caplow, *supra* note 53, at 879 ("One of their most common discoveries, regardless of the court in which the case is pending, is the inaccuracy or distortion in the use of authority by counsel."); see also Melissa L. Breger, Gina M. Calabrese & Theresa A. Hughes, Teaching Professionalism in Context: Insights From Students, Clients, Adversaries, and Judges, 55 S.C. L. Rev. 303, 335 (2003) (observing that "[i]t is often more effective for students to recognize such unethical and unprofessional behavior in actual practice than in reading hypothetical cases"); Daniel J. Givelber, Brook K. Baker, John McDevitt & Robyn Miliano, Learning Through Work: An Empirical Study of Legal Internship, 45 J. Legal Educ. 1, 12 (1995) ("Students are exposed to a memorable set of practice exemplars, some positive, some negative, which can serve as models of emulation or avoidance for their own performances."); Katz, *supra* note 52, at 32-33 (observing that externs' journals "commented critically on the effectiveness of advocacy styles or the effect of poor preparation and use of standardized briefs" and expressed "surprise at poor skills and ill-prepared work of other attorneys").
117. See Lawrence S. Krieger, The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness, 11 Clinical L. Rev. 425, 426-27 (2005) ("Not surprisingly, students are often taken aback when they see data summaries showing lawyers to have the highest incidence of depression of any occupation in the United States, or to suffer other forms of emotional distress up to 15 times more frequently than the general population.").
118. Caplow, *supra* note 53, at 885. See also Katz, *supra* note 52, at 25 (observing that externs' journals "often reflected critically on aspects of the legal practice they were part of, including the impact of the law on litigants and witnesses"); Rose, *supra* note 26, at 101 ("Experience also teaches law students profound lessons about the efficacy of the legal system itself."); *id.* at 103 (externships "offer students the opportunity to observe and critique the legal system as it actually operates").

appearances—rarely have the time to reflect on these matters. Therefore, if a systematic examination of these problems does not occur in law school, there will probably never be another opportunity for such organized, shared, and guided reflection.¹¹⁹

Thus, through its tacit structure, an externship program allows students to reflect on such issues and to assume their professional role as “public citizen[s] having special responsibility for the quality of justice.”¹²⁰

4. The Shadow Structure of Externships

A signature pedagogy’s shadow structure is “its complement, the absent pedagogy that is not, or is only weakly engaged[.]”¹²¹ The shadow structure of a typical externship program is the case-dialogue method used in the cognitive apprenticeship. According to Professor Wegner, this method “is definitely not a particularly useful approach to deal with teaching people about the identity of lawyers and the values of lawyers.”¹²² The case-dialogue method focuses on analyzing appellate decisions and distilling the legal rules and reasoning contained in those decisions. In contrast, externships focus on students’ actual work experiences in a legal setting, their encounters with real people, and their responses to those experiences. While students certainly use the knowledge and analytical skills of the cognitive apprenticeship in their externships, the case-dialogue method itself is not typically employed in externship pedagogy.

III. Adult Learning Theory Also Supports Use of Externships As a Signature Pedagogy

Principles of adult learning theory further support the use of externships as a signature pedagogy for the apprenticeship of professional identity and purpose. According to the theory of andragogy set forth by educational psychologist Malcolm Knowles, there are “four characteristics of adult learners

119. Peter L. Davis, *Why Not A Justice School? On the Role of Justice in Legal Education and the Construction of a Pedagogy of Justice*, 30 *Hamline L. Rev.* 513, 525 (2007).

120. *Model Rules of Prof'l Conduct*, *supra* note 22, at Preamble ¶ 1.

121. Sullivan et al., *supra* note 5, at 24.

122. Symposium, *The Opportunity for Legal Education*, *supra* note 76, at 836. *Cf. also, e.g.*, Roy Stuckey, *Teaching With Purpose: Defining and Achieving Desired Outcomes in Clinical Law Courses*, 13 *Clinical L. Rev.* 807, 830 (2007) (“supervised practice is more effective than classroom instruction for teaching the standards and values of the legal profession and instilling in students a commitment to professionalism”).

that separate them from child learners, thus mandating different instructional approaches.”¹²³ Those four characteristics are:

- (1) “[A]dults see themselves as self-directing human beings, as opposed to child learners whose self-concept is one of depending on an instructor’s will.”¹²⁴
- (2) “[A]dults’ greater reservoir of personal experience can be used as a basis for learning.”¹²⁵
- (3) “[A]dults’ readiness to learn is quite high if the subject of learning is related to their developmental tasks, i.e., the performance expected of them in their social role.”¹²⁶
- (4) “[A]dult learners are much more inclined than child learners to acquire knowledge that is able to be immediately applied rather than acquiring knowledge that has some future benefit.”¹²⁷

Using externships to teach the apprenticeship of professional identity is consistent with these characteristics.

First, externships satisfy adult learners’ need for self-direction. As explained above, externships provide ample opportunities for students to engage in self-directed learning about professional identity and values. In the externship setting, students are placed in the professional role and direct many aspects of their field experience. For example, they set their own individual learning goals for their externships. They articulate the goals they would like to achieve, experiences that would be helpful in achieving those goals, and events or proceedings they would like to observe.¹²⁸ They also have the duties of junior attorneys in their placement offices, often being asked to take a project and see it through from initiation to completion. They assume responsibility for these projects and proceed on their own, seeking guidance from their field supervisors

123. Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law School Clinics*, 2 *Clinical L. Rev.* 37, 47 (1995) (citing Malcolm Knowles, *The Adult Learner: A Neglected Species* (Gulf Publ’g, 4th ed. 1990)). A comprehensive examination of Knowles’ theory of andragogy is beyond the scope of this Article. For an excellent discussion of andragogy and its application to clinical legal education, see Frank S. Bloch, *The Andragogical Basis of Clinical Legal Education*, 35 *Vand. L. Rev.* 321 (1982).

124. Quigley, *supra* note 123, at 47.

125. *Id.*

126. *Id.*

127. *Id.*

128. Students in our externship program articulate those goals and experiences during the pre-placement training session.

on an as-needed basis. Through these self-directed experiences, students learn professional values such as diligence, competence, and dependability.¹²⁹

Second, externships fulfill adult students' desire to learn from personal experience. Through their experiences with clients, supervising attorneys, opposing counsel, and other participants in the legal system, externs have many opportunities to observe the exercise, and the absence, of professional values and ideals. Indeed, learning from experience is the essence of an externship.¹³⁰ This type of experiential learning also works well for the current generation of students known as the "Millennials," since members of this cohort "learn well through discovery" and "prefer to learn by doing rather than by being told what to do [.]"¹³¹

Moreover, research indicates that even though students arrive at law school with their own moral beliefs and values, their education and experiences can influence their adoption of professional values and norms. "Research on ethics education finds that moral views and strategies change significantly during early adulthood and that well-designed courses can improve capacities for ethical reasoning."¹³² There are "many crucial issues of professional responsibility" on which students do not "already have fixed views."¹³³ Indeed, Professor Daicoff has found that "there appears to be a shift in moral decision-making style during the first year of law school among students who enroll with an 'ethic of care.' These students shift to a rights orientation, which demonstrates that legal education can profoundly affect what law students value when making decisions."¹³⁴ Thus, students' externship experiences can have a significant

129. Some externship directors have encountered difficulties applying some aspects of andragogical theory, particularly the concept of self-directedness, to their program's goals and methods. See Linda Morton, Janet Weinstein, & Mark Weinstein, *Not Quite Grown Up: The Difficulty of Applying an Adult Education Model to Legal Externs*, 5 *Clinical L. Rev.* 469 (1999). Professors Morton, Weinstein, and Weinstein concluded that these tensions arise because some law students have not yet reached the stage of adulthood that andragogical theory presumes and because instructional methods sometimes must be more teacher-directed in order to teach specific content. See *id.* at 482. Thus, they have adopted a "hybrid paradigm" that blends aspects of andragogical theory "with more traditional, teacher-directed methods." See *id.* at 515.

130. See, e.g., J.P. Ogilvy, Leah Wortham & Lisa G. Lerman, *Learning From Practice: A Professional Development Text for Legal Externs 1-9* (West, 2d ed. 2007).

131. Leslie Larkin Cooney, *Giving Millennials A Leg-Up: How to Avoid the "If I Knew Then What I Know Now" Syndrome*, 96 *Ky. L. J.* 505, 505-06 (2007-08). See also *id.* at 505 ("Millennial students are those born after 1981 and they are quite different from the Gen X students with whom legal educators are familiar.").

132. Deborah L. Rhode, *Legal Education: Professional Interests and Public Values*, 34 *Ind. L. Rev.* 23, 41 (2000).

133. *Id.*

134. Daicoff, *supra* note 2, at 565-66.

impact on the development of their professional identity, which is still in its formative stages.¹³⁵

Third, externships are consistent with the premise that adults learn better if the subject is related to “the performance expected of them in their social role.”¹³⁶ Externships place students directly into their professional and social roles as burgeoning lawyers. Essentially everything they see or do has some bearing on their adoption of professional norms.

Finally, externships support adult learners’ inclination to “acquire knowledge that is able to be immediately applied[.]”¹³⁷ “[A]dults approach learning with a ‘problem-centered’ frame of mind.”¹³⁸ Because externships place students in actual work situations, they present students with problems such as determining the most effective approach to take in representing a client, ethical questions, and conflicts between personal values and professional values. These questions are not hypothetical; because students are able to immediately apply their knowledge to a real problem at hand, the work is meaningful and resonant.

IV. The Feasibility of an Externship Program Focused on Professional Identity and Values

In addition to the theoretical aspects discussed above, several practical issues should be considered in determining whether to implement an externship program focused on the development of professional identity.¹³⁹ One such issue is the amount of faculty and institutional resources necessary to adequately staff the program. Our law school decided that a full-time, tenure-track faculty member should administer the program, so it created

135. See, e.g., Muriel J. Bebeau, Ph.D., Promoting Ethical Development and Professionalism: Insights From Educational Research in the Professions, 5 U. St. Thomas L.J. 366, 367 (2008) (“continually refined educational programs shaped by theories and grounded in evidence can foster an identity that is grounded in the public purposes, core values and ideals of a profession”); see also *id.* at 381 (“The formation of a professional identity that develops across the life can be learned so that it continues to become more sophisticated and complex.”); cf. also Sullivan et al., *supra* note 5, at 134 (“[T]he research makes quite clear that higher education can promote the development of more mature moral thinking, that specially designed courses in professional responsibility and legal ethics do support that development, but that unless they make an explicit effort to do so, law schools do not contribute to greater sophistication in the moral judgment of most students.”).

136. Quigley, *supra* note 123, at 47.

137. *Id.*

138. *Id.*

139. A law school likely would consider these factors in its initial decision whether to create an externship program, regardless of the program’s specific pedagogical focus. Issues related to the general conceptualization and design of externship programs are beyond the scope of this Article. For excellent articles on that topic, see, e.g., Eyster, *supra* note 52; Jaszi et al., *supra* note 62; Ogilvy, *supra* note 16; Linda F. Smith, Designing an Extern Clinical Program: Or as You Sow, So Shall You Reap, 5 Clinical L. Rev. 527 (1999).

a new externship director position for which I was hired.¹⁴⁰ The externship program is part of the school's legal clinic, and I am assisted by the clinic's office administrator.

Because the current ABA accreditation standards permit flexibility in externship design, there is considerable variety in the structure and administration of existing programs.¹⁴¹ Professor James Backman has written extensively about different externship models and their respective advantages and disadvantages.¹⁴² He identifies two externship models in particular: the clinic-based model and the apprenticeship model.¹⁴³ "The clinic-based model emphasizes the dominant role of faculty coordination. Close faculty supervision and frequent interaction between law school faculty and the externship student are key components of this model."¹⁴⁴ The apprenticeship model, in contrast, reduces the faculty supervisor's role and requires the student to "shoulder increased responsibility for learning from the externship experience."¹⁴⁵ Through a survey, Professor Backman found that law schools with the highest numbers of students participating in externships tend to follow the apprenticeship model rather than the clinic-based model.¹⁴⁶ The externship model I have described above as a signature pedagogy includes a significant amount of supervision and instruction from a faculty supervisor and therefore is more akin to the clinic-based model.

Another important consideration is the availability of placement sites. Our law school is fortunate to be located in an urban area that is a state capital and a business center. Thus, it is in close proximity to a wide variety of trial and appellate courts, government agencies, legislative offices, and nonprofit organizations that offer externship placements to our students. Being located in a state capital or large metropolitan area, however, is not a prerequisite for a viable externship program. Vermont Law School, for example, has a vibrant Semester in Practice program which places students in externships

140. I also serve as the director of pro bono programs.

141. A.B.A. Standards and Rules of Procedure for Approval of Law Schools, Standard 305 and Interpretations (2008-09); *see also* J.P. Ogilvy & Robert F. Seibel, Externship Demographics Redux 38-39 (Cath. Univ. of Am. Columbus Sch. of Law Legal Studies Series, Working Paper No. 2007-13, 2007), *available at* <http://ssrn.com/abstract=1077551> (finding that 57 percent of externship programs responding to a survey had tenured or tenure-track faculty member teaching at least one course in the program); David A. Santacrose & Robert R. Kuehn, Ctr. for the Study of Applied Legal Educ., Report on the 2007-2008 Survey 21 (2008), <http://www.csale.org/CSALE.07-08.Survey.Report.pdf> (finding that faculty in charge of externship programs included tenured, tenure-track, contract, and adjunct faculty).

142. Backman, *supra* note 42; *see also* James H. Backman, Practical Examples for Establishing an Externship Program Available to Every Student, 14 Clinical L. Rev. 1 (2007).

143. Backman, *supra* note 42, at 617-19.

144. *Id.* at 617.

145. *Id.* at 622.

146. *See generally*, Backman, *supra* note 142.

in distant locations such as Philadelphia and Washington, D.C.¹⁴⁷ Other law schools also place externs far from their campuses and use video-conferencing, email and other technologies to conduct class meetings and supervise distant placements.¹⁴⁸

V. Conclusion

Law schools, like all professional schools, face a daunting challenge. They must convey the substantive knowledge of their field, train students in practice skills, and impart the professional norms and values that will enable students to employ their knowledge and skills competently, ethically, and morally. This is no small task. While law schools have developed effective methods for teaching students legal doctrine and analytical skills,¹⁴⁹ they have been less successful in creating methods to teach students professional values and the formation of professional identity.

A thoughtfully crafted externship program, however, is an effective pedagogical device to promote professional identity and purpose. Externships provide students with significant learning experiences in the fundamental values of the legal profession and the roles and responsibilities of lawyers in society. They also offer students opportunities to reflect on and critique professional norms and values, and to explore important issues and questions not typically addressed in other law school courses. Externships exemplify the dimensions of a signature pedagogy, and they answer the Carnegie Report's call for law schools to "attend more systematically to the pedagogical practices that foster the formation of integrated, responsible lawyers."¹⁵⁰ Legal educators should recognize the value that externships have to foster the apprenticeship of professional identity and purpose, and they should use externships to provide students with a more integrated and well-rounded educational experience.¹⁵¹

147. Liz Ryan Cole, *Lessons From A Semester In Practice*, 1 *Clinical L. Rev.* 173 (1994) (describing Vermont Law School's Semester in Practice program).

148. Catherine Arcabascio, *The Use of Video-Conferencing Technology in Legal Education: A Practical Guide*, 6 *Va. J.L. & Tech.* 5 (2001) (describing use of distance education in externship programs at Nova Southeastern University's Shepard Broad Law Center).

149. Sullivan et al., *supra* note 5, at 2 ("by the end of their first year, most [law students] have developed a clear ability to reason and argue in ways distinctive to the American legal profession"); *see also id.* at 186 ("Within months of their arrival in law school, students demonstrate new capacities for understanding legal processes, for seeing both sides of legal arguments, for sifting through facts and precedents in search of the more plausible account, for using precise language, and for understanding the applications and conflicts of legal rules.").

150. Sullivan et al., *supra* note 5, at 128. *See also id.* at 77 (noting need to revise second and third-year curriculum to include "pedagogies of practice and professionalism that enable students to shift from the role of students to that of apprentice professionals").

151. *See* Stuckey, *supra* note 122, at 828 ("What is surprising is the apparent absence of our collective appreciation of practice observation courses as a forum for studying the values, behaviors, attitudes, and ethical requirements of lawyers, that is, professionalism.").