

## At the Lectern

# Does Kingsfield Live?: Teaching with Authenticity in Today's Law Schools

Melissa J. Marlow

It takes only one student to change the entire way you think about teaching. A few years into my career, a very troubled law student sat in my office contemplating his options for the future. He was close to being dismissed because of poor academic performance, and needed a listening ear and sound advice on which road he might travel down. After an hour of working through his situation, he stood up and hugged me. At the time, I had an office with an interior window that overlooked the formal student lounge. I was stunned at his expression of appreciation. Law students do not usually show gratitude in this way. Who saw this exchange? Colleagues? Administrators? Students? What would they think?

A few more years of teaching rolled by, and I began to think more about this encounter. What began to concern me was why I was so concerned. If law teachers have truly moved past Kingsfield<sup>1</sup> and his shadow, this student exchange would not have caused me pause. But it did, and so this article seeks to explore where we find ourselves in legal education on the topic of authenticity in teaching. If we are afraid to be ourselves in the classroom, office, or hallways, then we have missed the first and most crucial step in humanizing legal education. And more than that, we have missed being true to ourselves as teachers, which is the source of joy and satisfaction in all we do in the academy.

### Authenticity—Where Are We, and How Did we Get Here?

The sharing of ourselves in law school classrooms is still a relatively rare occurrence. My best evidence of this fact is the reaction I get each and every semester to the fifteen minutes I spend doing my “Last Class” talk. In fifteen minutes, I share with my students three thoughts for improving legal writing, three thoughts for a fulfilling life as a lawyer, and three thoughts for living

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1. Professor Charles Kingsfield, a fictitious character from the novel *The Paper Chase* and played by John Houseman in the movie adaptation, epitomized the coldly demanding but brilliant law professor. JOHN JAY OSBURN, *THE PAPER CHASE* (1971).

life well. Within an hour of the class's concluding, I usually receive a dozen (one-fourth of the class) responses to this talk, along the lines of "Thank you, Professor, for talking about something real." Or "I appreciate that you feel comfortable to be yourself with us."

I, of course, did not start out here. I started out worried about the student who hugged me in my office. And I suspect many law teachers neither start here nor end up here. Most find themselves in a world where Kingsfield's teaching methods have long since fallen by the wayside, but where Kingsfield's persona remains. Why else would we find almost universal agreement about law school culture? It's been said that law schools are worlds in and to themselves.<sup>2</sup> This consistency in culture, teaching style, and student experience could well point to a lack of authenticity in the way we conduct ourselves as legal educators.

In 2007, Professor Robin Wellford Slocum became the pioneer on this topic in legal education circles, having led a conference presentation at the Association of Legal Writing Directors' national conference on authenticity in teaching. The following year at another national legal writing conference, Professors Slocum and Algero presented "Beyond PowerPoint and Movie Clips: How to Reach your Full Potential as Teachers," which was very well-received. Slocum and Algero did an active learning exercise with audience participation in which they identified the single most important teaching trait as being your authentic self.<sup>3</sup> Professors Slocum and Algero conducted small-group exercises, and asked participants to reflect on which teachers make a difference in our lives.<sup>4</sup> Participants were also asked in small groups to discuss what parts of our authentic selves we feel we must hold back from students. Slocum also pointed to why authenticity matters, since our law students are "unhappy, depressed, demoralized, and disengaged."<sup>5</sup>

Authenticity in teaching has been defined as one who "remains true to his or her values, maintains a separate identity from the community, and is empowered by individualism."<sup>6</sup> The definition alone almost seems radical to those of us who inhabit the legal academy. In a place where opinions and

2. Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 522 (2007).
3. They were purposeful in wanting the group to understand the importance of authenticity. But they set it up so the group would get there via the interactive exercise, discovering it for themselves, so they owned it.
4. Presentation notes from Professor Mary Garvey Algero.
5. Presentation notes from Professor Robin Wellford Slocum. Slocum's presentation also referenced an article by Sheldon and Krieger. Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY SOC. PSYCHOL. 883, 885 (2007) ("[A]ll human beings require regular experiences of autonomy, competence, and relatedness to thrive and maximize their positive motivation.").
6. Denise C. Camin, *Becoming an Authentic Teacher in Higher Education*, JANUS NEVER SLEEPS (Feb. 28, 2012, 5:30 PM), <https://blogs.lt.vt.edu/janos/2012/02/28/becoming-an-authentic-teacher-in-higher-education> (book review).

perspectives are diverse and encouraged, the thought of “individualism” being a guiding force in our teaching is quite a different thing.

Others have defined authenticity<sup>7</sup> in teaching as a “multifaceted concept that includes at least four parts: being genuine, showing consistency between values and actions, relating to others in such a way as to encourage their authenticity, and living a critical life.”<sup>8</sup>

There are, of course, certain barriers to being authentic law teachers. While there have been dramatic improvements in teaching methodology and focus on the non-analytical aspects of the study of law, there has been very little exploration of what role our behavior as legal educators in and out of class plays in shaping young legal minds.

As previously mentioned, Kingsfield dominated much of current legal educators’ introduction to law teaching through our experiences as students. How many times as law students did we say, “Prof. X is pretty helpful and a real human being if you go to their office.” The influx of women and people of color into the academy created unique challenges for those newer to the academy as they tried to wrestle with the Kingsfield stereotype.<sup>9</sup> But moving past Kingsfield and all the power that stereotype held over law schools meant only that law teachers became really good at playing a version of Kingsfield that fit for them.<sup>10</sup> Law schools never got away from Kingsfield entirely.

Other factors at play in law schools further complicate the situation. The law school curriculum’s emphasis on the analytical<sup>11</sup> versus the emotional

7. Bear in mind that authenticity and teaching have been separated by some educational scholars into two categories: personal and professional. See JUDY F. CARR ET AL., *TEACHING AND LEARNING FROM THE INSIDE OUT A MODEL FOR REFLECTION, EXPLORATION, AND ACTION* 5 (2008).
8. Patricia Cranton & Ellen Carusetta, *Perspectives on Authenticity in Teaching*, 55 *ADULT EDUC. Q.* 5, 7 (2004).
9. See Martha Chamallas, *The Shadow of Professor Kingsfield: Contemporary Dilemmas Facing Women Law Professors*, 11 *WM. & MARY J. WOMEN & L. M.* 195, 198 (2004) (“Despite profound changes in the composition of law faculties, the Kingsfield prototype is alive and well. Students still expect teachers who look and sound like Kingsfield to be competent, while others have to prove their competency.”).
10. Over 20 years ago, Kathleen Bean discussed the version of Kingsfield that fit for women in the academy. See Kathleen S. Bean, *The Gender Gap in the Law School Classroom-Beyond Survival*, 14 *VT. L. REV.* 23, 41-42 (1989) (“Yet, short of resigning from teaching, silencing the female voice by taking on the stereotypical male gender role is one of the most efficient ways of coping with the problems of credibility and hostility created by the conflict of the woman law teacher...It is fairly apparent how this strategy suppresses the female voice. Any stereotypical female gender traits are simply rendered invisible. There is no sentimentality, earthiness, or compassion; no care, support, or vulnerability; no compromise, flexibility, tolerance, or patience.”).
11. See generally Ian Gallacher, *Thinking Like Non-Lawyers: Why Empathy is a Core Lawyering Skill and Why Legal Education Should Change to Reflect its Importance*, 8 *J. ASS’N LEGAL WRITING DIRS.* 109 (2011); Leah M. Christensen, *Going Back to Kindergarten: Considering the Application of Waldorf Education Principles to Legal Education*, 40 *SUFFOLK U. L. REV.* 315, 318 (2006) (pointing out how legal education focuses very heavily on case analysis and analytical reasoning.); David Simon

aspect of thinking results in less freedom to be authentic as human beings in the classroom.<sup>12</sup> The lawyerly response is not always our typical response, but given our audience of law students, we err on the side of being lawyers at all times.<sup>13</sup> Nesbit commented on how subject matter affects teaching behavior:

[D]iscussions of ... teaching can often downplay the influence of subject-matter or situational, political, and social contexts even though ... these factors can strongly influence teaching practices. ... [T]eaching can be best regarded as 'situationally-constrained choice'. That is, teachers have some autonomy to act, but their actions are also influenced by external factors. These factors act as frames—influencing, bounding, and constraining teaching processes.<sup>14</sup>

The growing impact of student evaluations, and the role they play in tenure and promotion decisions, certainly leads law teachers not to risk getting outside the “norm.” Attend any national meeting of legal academics, and it is not difficult to understand there is a “norm,” as we all speak the same language, and operate in geographically separate yet similar worlds.

The promotion and tenure process, with its attendant peer teaching reviews, plays into law teachers' ability to be authentic in their classrooms. “When people's actions are ‘controlled by others and their performance is repetitive and ritualistic,’ they are inauthentic.”<sup>15</sup> Thus, the evaluation process itself leads to conformity and less authenticity.

The large class size of most doctrinal classrooms presents special challenges in developing authenticity for some law teachers. Historically in public school settings the teacher became dominant because it was the most efficient way to teach the basics to classes of 30 students.<sup>16</sup> For the same reasons of efficiency,

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Sokolow, *From Kurosawa to (Duncan) Kennedy: The Lessons of Rashomon for Current Legal Education*, 1991 WIS. L. REV. 969, 971 (1991) (“[T]he predominant mode of expression in legal education is...a manner of communication that removes law professors from the concerns of ordinary people and suggests that lawyers ought to analyze even the most complex emotional situations by applying a host of abstract rules.”).

12. See, e.g., Richard C. Reuben, *Bringing Mindfulness into the Classroom: A Personal Journey*, 61 J. LEGAL EDUC. 674, 675 (2011) (The author in describing a colleague who affected his teaching said she had “great awareness of the present moment, as well as an open and caring heart and a sense of receptivity that allows her to learn something from others, including her students.”).
13. See Lawrence S. Krieger, *Human Nature as a New Guiding Philosophy for Legal Education and the Profession*, 47 WASHBURN L. J. 247, 289 (2007) (“[W]e work in academic settings where we constantly teach the same analytical skill set and publish exceptionally analytical articles, and hence we remain focused largely, often exclusively, on this kind of thinking. And so, each law teacher is encouraged to reflect on her self [*sic*]: Am I bringing caring and conscience to my work every day? More importantly, do I convey and model that caring and moral side to my students?”).
14. Tom Nesbit, *Teaching in Adult Education: Opening the Black Box*, 48 ADULT EDUC. Q. 157, 157, 165 (1998).
15. Cranton & Carusetta, *supra* note 8, at 8.
16. See LARRY CUBAN, *HOW TEACHERS TAUGHT CONSTANCY AND CHANGE IN AMERICAN CLASSROOMS 1890-1980* 17 (1993).

the teacher in a doctrinal classroom has been forced into a “dominant” role. Some law teachers mesh their authentic self easily with this role, while others struggle to find a way to make the large class sizes work with their authentic selves.

A recent empirical study pointed out how much the discipline within which we teach affects our behavior and authenticity as teachers.<sup>17</sup> And important to law teachers and authenticity, a struggle can occur when our nature does not fit with the discipline we have chosen.<sup>18</sup> In particular:

Teachers have some autonomy, but their actions are influenced by external factors, by context. ... To be authentic teachers, to be true to ourselves in our work, it is important to be aware of how our natures fit with the predominant kind of knowledge in our discipline. This is not to say that only thinking types should teach mathematics or computer technology, or only feeling types should teach counseling. In fact, people working in disciplines that are not completely congruent with their natures can bring new perspectives into the discipline, work better with a variety of students, and challenge the status quo. But, it can be a struggle, too, especially if we do not understand why teaching certain things is difficult or just does not sit right with us.[ ...] It is good to know this and to develop ways of teaching that are authentic within the context of the discipline.<sup>19</sup>

And what if we do not know the answer to a student question? So much about being a law professor suggests an omni-knowledge, that we should always have the answer. Carefully constructing the classroom discussion to avoid a potential area of ignorance has an impact on authenticity and spontaneity, and creates a controlled exchange.

Professor Deborah Maranville best summed up the danger in law school classrooms in moving outside the Kingsfield norm: ‘Be yourself’ is textbook advice for teachers: be who you are, work with your own personality, and do not try to be someone else. In other words, be authentic. Advice to ‘be yourself,’ however, often fails to acknowledge that our work environments are not equally welcoming to all ‘selves.’ It can be risky to ‘be yourself.’<sup>20</sup> For example, being a person of deep faith in a public institution and realizing your authentic response could trigger an objection from an audience of law students conditioned to find legally objectionable conduct at every juncture certainly plays into daily decision-making as a teacher. Or coming from an extensive practice background, and wanting to regularly bring those experiences into

17. PATRICIA CRANTON, *BECOMING AN AUTHENTIC TEACHER IN HIGHER EDUCATION* 87 (2001) (discussing the empirical work of Tom Nesbit).

18. *Id.* at 91.

19. *Id.* at 87, 90-91.

20. Deborah Maranville, *Classroom Incivilities, Gender, Authenticity and Orthodoxy, and the Limits of Hard Work: Four Lenses for Interpreting a “Failed” Teaching Experience*, 12 WM. & MARY J. WOMEN & L. 699, 723 (2005).

your teaching, could be risky if the institution or the course itself is known for its highly theoretical focus.

Patricia Cranton, noted educational expert, pointed to another potential barrier in developing authenticity, mainly the lack of research, attention, or study on authenticity in teaching.<sup>21</sup> Cranton believes this is because the focus is on external measures of teaching and standardized practice, whereas authenticity in teaching involves an internal focus.<sup>22</sup> Cranton conducted a fascinating research study following faculty over a three-year period, and specifically looked at authenticity in teaching.<sup>23</sup> Cranton's research revealed:

[A] person who has a good understanding of herself or himself, as both a teacher and a person, is more likely to articulate values, demonstrate congruence between values and actions, and be genuine and open. This teacher is also more likely to bring himself or herself as a person into the classroom, be passionate about teaching, know his or her preferred teaching style, and see teaching as a vocation. . . . Therefore, we would hypothesize that as an individual develops self-awareness, which continues for the course of a career, authenticity also develops.<sup>24</sup>

If Cranton's research points to self-awareness as key to authenticity, imagine how that plays out in the law school context. It is safe to say that lawyers who become academics have spent a great deal of time climbing the professional ladder, publishing articles, and collecting accolades. Certainly the time spent in attaining the rank they have ascended to decreases the time spent in self-awareness development. And there is nothing about law school training or practice that would encourage self-awareness in future law teachers.

The tendency for faculty to model the type of teaching that they experienced as students poses another obstacle to authenticity in law teaching.<sup>25</sup> Perhaps more pronounced than other disciplines is law teachers' consistency in presentation, classroom atmosphere, and student-to-teacher dynamics. Cranton observed, "Most new faculty receive no formal teacher training; they uncritically absorb techniques, strategies, and styles from their own prior experiences as students and from their colleagues and the norms of the academic community."<sup>26</sup> Krieger noted the particular impact this has on

21. Cranton & Carusetta, *supra* note 8, at 21 ("Authenticity in teaching has been a relatively neglected area of study.").

22. *Id.* at 21 ("It is more common for people to look for standardized principles of effective practice than it is for them to turn inward and examine how it is that they as social human beings and individuals can develop their own way in the world of teaching.").

23. *Id.* at 8.

24. *Id.* at 19.

25. See CUBAN, *supra* note 16, at 254 ("From the very first day, facing the complicated process of establishing routines that will induce a group of students to behave in an orderly way while learning subject matter that the teacher is still unfamiliar with, the teacher is driven to use those practices that he or she remembers seeing used or or that veterans advise using.").

26. Cranton & Carusetta, *supra* note 8, at 7.

law school classrooms when faculty have “all had virtually the same training in legal analysis, and hence been subject to virtually all of the personality-narrowing effects attending that training.”<sup>27</sup>

Educational experts have cited outside expectations as affecting the amount of self that can be brought into classroom teaching. In the elementary and secondary education context, outside expectations are defined as “our students and our colleagues, with the roles and responsibilities we are assigned explicitly by superiors and the school board or implicitly by state and national policies, and with the recommendations of professional organizations.”<sup>28</sup> These parallel expectations in higher education. The experts further asserted that the outside expectations begin to take “precedence, and the selves we bring to our work recede.”<sup>29</sup>

Somewhat related to outside expectations is the “external world of teaching.”<sup>30</sup> Beginning teachers develop the skill set and knowledge base about instructional strategies, including training and mentoring on drafting a syllabus, conducting class, and writing exams.<sup>31</sup> Yet new teachers “typically receive little, if any, formal training about the internal world of teaching: understanding ourselves and working effectively with this self-understanding.”<sup>32</sup>

Finally, time itself, or the lack thereof, to critically evaluate ourselves as teachers plays a part in perpetuating inauthentic teaching. In a recent text on reflective teaching, the authors noted, “Our hearts tell us we must slow down, look carefully at events that comprise our lives in school, and consider the implications for our teaching. Yet our minds are so often focused on the lesson at hand, we leave ourselves no time for reflection.”<sup>33</sup>

### Finding our Way Back

Discussing the making of a documentary about his father, Ziggy Marley commented that his father’s music was so powerful because his personality came through.<sup>34</sup> Imagine how powerful our law teaching could be if our true and authentic selves came through in our instruction.

27. Krieger, *supra* note 13, at 289.

28. CARR, *supra* note 7, at 2.

29. *Id.*

30. ADRIAN PALMER & MARYANN CHRISTISON, *SEEKING THE HEART OF TEACHING* 6 (2007).

31. *Id.*

32. *Id.*

33. GRACE HALL McENTEE ET AL., *AT THE HEART OF TEACHING: A GUIDE TO REFLECTIVE PRACTICE* 50 (2003) (“Acknowledging the fast pace of our lives and its effects on us is an important first step in creating time and space for reflection and authentic engagement—for honoring ourselves. Without making time for reflection and engagement, we have little chance of developing or maintaining the deliberate authenticity and integrity of effective teachers and leaders.”). *Id.* at 38.

34. *Morning Joe* (MSNBC television broadcast April 13, 2012).

In junior high, I played the French horn, and our band director was middle-aged at the time. When he threw his hands up and claimed we were not giving it our best—we were just playing notes and not “feeling” the music—we assumed he was experiencing a midlife crisis. As the months unfolded, we learned that his frustration resulted from his love of music and his desire for each of us to experience the spiritual high that great musical performance can bring. Upon reflection, I am sure he had affective learning objectives for the junior high music class, and I now also understand he was authentic in teaching, and willing to be transparent about what mattered to him in that educational setting.

It has been said that “true authenticity is a lack of perfection.”<sup>35</sup> These, of course, are not the words of a successful law professor, but of a noteworthy architect. Other disciplines see value in loosening the grip of control, of being willing to experience the authenticity that comes without perfection. If law schools continue to be tethered to the Kingsfield persona, through overly scripted controlled teaching of the law, how can the law students of today ever truly know us as teachers, as individuals, and as human beings?

Parker Palmer, a respected educational expert and author of the highly regarded *The Courage to Teach*, spends a good deal of time talking about principles of authenticity. “Good teachers possess a capacity for connectedness. They are able to weave a complex web of connections among themselves, their subjects, and their students so that students can learn to weave a world for themselves.”<sup>36</sup> Palmer encourages teachers to “practice openness and vulnerability, to ourselves and to each other, virtues that too rarely receive their due in professional settings.”<sup>37</sup>

Being authentic law teachers permeates everything we do.<sup>38</sup> In the classroom, it affects the topics we select for class, the ways we choose to teach those topics, the examples we use as illustrations, how students participate, and the learning environment that students remember. Outside the classroom, issues of authenticity determine whether we concern ourselves with the plight

35. Angus Wilke, *History Lessons*, ARCHITECTURAL DIG., June 2012, at 91 (quoting architect Gil Schafer).
36. PARKER J. PALMER, *THE COURAGE TO TEACH: EXPLORING THE INNER LANDSCAPE OF A TEACHER'S LIFE II* (1998).
37. RACHEL C. LIVSEY, *THE COURAGE TO TEACH: A GUIDE FOR REFLECTION AND RENEWAL* 5 (1999) (“Teaching, like any truly human activity, emerges from one’s inwardness, for better or worse. As I teach, I project the condition of my soul onto my students, my subject, and our way of being together. The entanglements I experience in the classroom are often no more or less than the convolutions of my inner life. Viewed from this angle, teaching holds a mirror to the soul. If I am willing to look in that mirror, and not run from what I see, I have a chance to gain self-knowledge—and knowing myself is as crucial to good teaching as knowing my students and my subject.”). *Id.* at 1 (quoting Parker J. Palmer).
38. See TERRANCE E. DEAL & PEGGY DEAL REDMAN, *REVIVING THE SOUL OF TEACHING BALANCING METRICS AND MAGIC* 60 (2009) (“Authenticity cuts deeply into the psyche below the intellect. It centers on two often overlooked features of being human—heart and soul.”).

of struggling students, whether and how much we involve ourselves with the academic or personal situations of those students, and the quality of our interactions with all students.<sup>39</sup>

In *Reviving the Soul of Teaching*, authors Terrence E. Deal and Peggy Deal Redman explore K-12 education, with lessons that apply to teachers at all levels.<sup>40</sup> They draw heavily on business analogies and argue that companies like Starbucks, 3M, and Southwest have made work meaningful for employees, and question why teachers do not have that same sense of purpose.<sup>41</sup> Too often as faculty members at the graduate school level we tell ourselves that this is adult education—these adults already have a value set and have had people believe in them. Too many times, though, we miss our chance to shape and influence value sets for the good of the profession simply by being authentic in the classroom. We miss the little moments to be authentic outside the classroom to pull a student aside and say, “I know you are struggling, but from what I’ve seen in my class you have what it takes to succeed at this.”

Part of the struggle for teachers is “[i]n trying to be everything a good teacher is supposed to be, we cannot be ourselves.”<sup>42</sup> Cranton notes this split between Teacher and Self.<sup>43</sup> “How can we merge Self and Teacher? Teacher is a socially constructed concept. Self, we find within.”<sup>44</sup> She points out we are accustomed to playing roles as teachers, which leads to feelings of inferiority.<sup>45</sup> Cranton challenges teachers to have “behaviors...congruent with our words, admitting we do not have all the answers and can make mistakes, building trust with students through revealing personal aspects of ourselves and our experiences, and respecting students as people.”<sup>46</sup> However, Cranton cautions that we need not disclose all to our students, or even spend substantial time

39. See CARR, *supra* note 7, at 38 (“With each interaction, we make various choices and decisions that impact students, fellow teachers, and ourselves. Many of these decisions appear inconsequential, yet each choice, like each brushstroke on a canvas, eventually becomes the portrait of our lives.”).

40. See DEAL & REDMAN, *supra* note 38.

41. See *id.*

42. CRANTON, *supra* note 17, at 27 (pointing out it takes much self-reflection to get in touch with our authentic selves).

43. *Id.* (“In order to see Self as Teacher, or see the teacher within ourselves, we need to continually walk back and forth over the artificial line drawn between ‘in the classroom’ and ‘out of the classroom,’ or ‘at school’ and ‘at home’ until the line hardly exists.”). *Id.* at 47. Cranton further explores inauthentic teaching, stating, “There are teachers we know, including excellent teachers, who are outside of the realm of how *we* can be. This is what I mean by *the teacher without* – the teacher we are not. When we try to imitate the teacher without, we are inauthentic.” *Id.* at 50.

44. *Id.* at 54.

45. *Id.* at 27.

46. *Id.* at 44.

together.<sup>47</sup> She adds, “Being authentic in relationships with students means, simply being yourself during communications with students.”<sup>48</sup>

Cranton gives some very helpful advice for enhancing authenticity in higher education, suggesting:

Monitor yourself. If you are exhausted after teaching or stressed before teaching, it may be because you are putting energy into maintaining an inauthentic role.

Keep a journal. Divide the journal into two halves, either on each page or separate pages. Write about your teaching and write about your life outside of teaching. Periodically review your journal with an eye out for discrepancies in your thinking, experiences, and feelings.

Find a colleague or a small group of colleagues whom you see as authentic teachers. Talk about authentic teaching. Exchange stories. Visit each other’s classes if this is practical.

Videotape your teaching and scrutinize the videotape for actions that seem inauthentic.

Ask your students to point out occasions when they see you as ‘faking it.’ Make this into a game or a regular feedback exercise. It may be important to allow students to provide comments anonymously, at least initially until they trust your reactions and understand what you are doing.

Experiment with different teaching strategies and methods in order to find those that are most comfortable for you as a person.

Consult the literature on teaching...looking for styles or approaches that feel right for you.<sup>49</sup>

“Neuroscience tells us that the commonly held belief that emotion and cognition are independent functions is false. To the contrary, emotion plays an indispensable role in all cognition, especially learning and problem solving.”<sup>50</sup> Teaching from a place of authenticity as law teachers will not only result in

47. *Id.* at 73.

48. *Id.*

49. *Id.* at 55.

50. James B. Levy, *As a Last Resort, Ask the Students: What They Say Makes Someone an Effective Law Teacher*, 58 ME. L. REV. 49, 56 (2006).

deeper student learning<sup>51</sup> of content knowledge,<sup>52</sup> but it will also go a long way toward furthering the affective<sup>53</sup> learning objectives each of us share, whether articulated in a lesson plan or written in our teachers' hearts.<sup>54</sup> The lingering persona of Kingsfield helps explain why so many in the academy struggle to teach professionalism and ethics lessons (which easily fall into the affective learning domain). If the true "masters" in our craft are those who are so carefully controlled in the Socratic dialogue, with overscripted lecture notes, how will law students ever feel compassion for indigent clients, do what is ethical even when there are costs, or be shining examples of lives well-lived?<sup>55</sup> Lawrence Krieger commented on why professionalism messages are not retained by students: because we are not relating them to their life experience. This, of course, ties into authenticity as teachers. He challenges law faculty: "Do everything possible so that the law school experience preserves and

51. *See id.* at 52. "More specifically, things such as teacher expectations, support, encouragement, and warmth toward students can have a profound effect on their success in school. Law school teachers, however, have been slow to appreciate the power and importance of these considerations." Levy's article discussed survey results focusing on the "socio-emotional" aspect of teaching, which he defined as a "teacher's ability to influence learning through the emotional milieu she creates in the classroom based on her rapport and interaction with students." *Id.* at 51.
52. Professor Kirsten K. Davis comments on how students' perception of whether their teacher cares about their learning has an impact on learning itself. *See* Kirsten K. Davis, *Building Credibility in the Margins: An Ethos-Based Perspective for Commenting on Student Paper*, 12 LEG. WRITING 73 (2006) ("[I]n their interactions with their legal writing professor, students judge whether their professor possesses the wisdom relevant to the area of writing being taught, whether she is trustworthy as a guide through the writing process, and whether she exhibits goodwill toward her students. That is, students' judgments about the fairness and authenticity of the legal writing course relate not only to the content to which they are exposed, but also to their perceptions about the *ethos*—the intelligence, trustworthiness, and goodwill—of their teacher. So, fairness and authenticity in legal writing instruction are not merely a product of what is being taught and evaluated in the course but also are a product of how students construct *who* is doing the teaching and evaluating and in *what spirit* those activities are being done."). *Id.* at 74-75.
53. Jason Teven & James C. McCroskey, *The Relationship of Perceived Teacher Caring with Student Learning and Teacher Evaluation* (Paper presented at the Annual Meeting of the Speech Communication Association (82nd, San Diego, CA, November 23-26, 1996), 1, 10, available at <http://eric.ed.gov/?id=ED407690> (last visited June 3, 2015).
54. *See* DEAL & REDMAN, *supra* note 38, at ix. Deal conducts workshops where he asks participants to list the ten people who had the greatest impact on their lives. He states, "In any group, there will always be those with three, four, five or more teachers on their lists of people who have mattered. This is a powerful illustration that teachers live lives that count because they have such a powerful and lasting influence on the lives of others. It's an irrefutable fact that this influence goes far beyond the teaching of content knowledge."
55. *See* Sheldon & Krieger, *supra* note 5, at 269-71. Reporting on recent research on law school's effect on students, Krieger comments, "It appears...that law students' sense of authenticity and autonomy is directly, and at times forcefully, undermined by typical classroom teaching. Many, and perhaps most, operative aspects of students' authentic selves are systematically disapproved and pared away, and deeply internalized sources for their autonomous direction, including their feelings, conscience, and morality, are stripped away and replaced by entirely external, imposed sources of legal authority." *Id.* at 271.

strengthens, rather than dampens, the enthusiasm, idealism, and integrity (in its broadest sense) of your students.”<sup>56</sup>

Part of meeting Krieger’s challenge to law faculty involves breaking away from the Kingsfield mold. One effective way to accomplish this is to “be critical of the academic community collective.”<sup>57</sup> Cranton points out the way to develop authenticity in teaching is discovering how to distinguish one’s own values from the community within which one teaches.<sup>58</sup>

Unfortunately, teaching culture has developed “a preference for stability and a cautious attitude toward change.”<sup>59</sup> And law school’s gradual movement away from Kingsfield and into the full realization of the humanizing legal education movement is not unlike any other evolution in educational circles.

In 1952, John Dewey commented on the progressive movement in public schools:

The most widespread and marked success of the progressive movement has been in bringing about a significant change in the life conditions in the classroom. There is a greater awareness of the needs of the growing human being, and the personal relations between teachers and students have been humanized and democratized. But the success in these respects is as yet limited, it is largely atmospheric; it hasn’t yet really penetrated and permeated the foundations of the educational institution. The older gross manifestations of the method of education by fear and repression—physical, social and intellectual—which was the established norm for the educational system before the progressive movement began have, generally speaking, been eliminated....The fundamental authoritarianism of the old education persists in various modified forms.<sup>60</sup>

Likewise, the full force of the Kingsfield teaching method and its impact on teachers’ ability to be authentic in their law school classrooms has subsided, but the Kingsfield persona continues to prevent law faculty from fully achieving their authentic selves, and the humanizing legal education movement from achieving all of its aspirations.

And so we find ourselves at a crossroads as law teachers, caught somewhere between Kingsfield and something we have not even yet completely grasped, that of authentic law teachers. It is encouraging to feel the winds of change sweeping through legal education, but part of that change has to be shaking once and for all the Kingsfield persona. We will enjoy and find such great

56. Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 *CLINICAL L. REV.* 425, 438 (2004).

57. Cranton & Carusetta, *supra* note 8, at 77.

58. *Id.*

59. CUBAN, *supra* note 16, at 18.

60. *Id.* at 116.

satisfaction in discovering our authentic teaching selves.<sup>61</sup> It is difficult to do our best as teachers if we are not coming from a place of integrity<sup>62</sup> and transparency. “Only by becoming authentic teachers can we truly become who we are meant to be.”<sup>63</sup> As law teachers, we have to be “real” and genuine in all our dealing with students. They deserve to know us, and we deserve to experience passionate, related, and authentic teaching. And no one sums up the task ahead of us as law teachers more effectively than noted educational scholar Terrence Deal: “Unfortunately, there is no recipe for how to become authentic. Teachers have to find their own way. If you follow the main road, you will most likely arrive at your destination; if you follow your heart, you may leave a trail.”<sup>64</sup>

61. See Krieger, *supra* note 13, at 290 (“Self-reflection, individually and as a faculty, should lead us to conscious modeling of authenticity, inspiration, and the holistic personality our students will need as professionals dealing every day with the complex interpersonal situations typical of law practice. In fact, it may be that students, and others, respond to authenticity above all else, because the experience of a role model expressing her genuine self encourages others to do the same thing. Such behavior results in experiences of autonomy, integrity, relatedness, and well-being, for the teacher and for students.”).
62. See PALMER & CHRISTISON, *supra* note 30, at 1 (quoting from Mark Clarke’s *Essays for Educators in Troubled Times*, “Our students and colleagues should not be surprised when they encounter us in an unfamiliar setting—the behavior they observe there should be consistent with their impression of us. In fact, I believe that the most important teaching we do is that which is often called modeling—the unconscious messages we send merely by acting the way we act.”).
63. Camin, *supra* note 6.
64. DEAL & REDMAN, *supra* note 38, at 65.