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# LEADERSHIP OF SELF: EACH STUDENT TAKING OWNERSHIP OVER CONTINUOUS PROFESSIONAL DEVELOPMENT/SELF-DIRECTED LEARNING

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**LEADERSHIP OF SELF: EACH STUDENT TAKING  
OWNERSHIP OVER CONTINUOUS PROFESSIONAL  
DEVELOPMENT/SELF-DIRECTED LEARNING**

**Neil Hamilton\***

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I. INTRODUCTION

While the news regarding leadership education in American law schools is much more positive, major challenges remain. Leadership curriculum in law schools has grown from one elective course in 2003

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to a total of twenty-six schools with an elective leadership course and one law school with a required 1L leadership course in 2018.<sup>1</sup> Eight out of the 138 law schools that had posted learning outcomes as of February 15, 2018, have included leadership in the school's learning outcomes.<sup>2</sup>

The major challenge to continuing growth of leadership curriculum is that, as Part II will make clear, the movement of legal education toward competency-based education requires a clear definition of a learning outcome like leadership so that each student can demonstrate the competency, and the faculty can assess the student's stage of development. However, there is still no generally accepted theory of leadership,<sup>3</sup> and leadership remains a very broad and vaguely defined concept which includes over 1,500 definitions and forty distinctive theories.<sup>4</sup>

Over time, a generally accepted theory of leadership may emerge, but in the immediate future, the most practical strategy is to look for any points of agreement among the major theories. As Part III will explain, there is reasonable agreement on some of the major sub-competencies of leadership in a legal context, and Part IV presents data indicating that many law schools have adopted learning outcomes that include one or more of these sub-competencies of leadership. Part IV also argues that leadership education for law students, both in the elective and required curriculum, can benefit greatly from research and experimentation on the sub-competencies of leadership. Part V focuses on leadership of self and a commitment to continuous professional development as a foundational sub-competency of leadership. Scholarship on self-directed learning and self-regulated learning provides substantial insight into this foundational sub-competency. Part VI explores how a student's commitment to continuous professional development demonstrates competencies that legal employers want. Part VII emphasizes the benefits to the faculty and staff if each student grows to later stages of development on a commitment to continuous professional development.

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1. See Leah Witcher Jackson Teague, *Training Lawyers for Leadership: Vitaly Important Mission for the Future Success (and Maybe Survival) of the Legal Profession and our Democracy*, 58 SANTA CLARA L. REV. 633 (2018).

2. See *Learning Outcomes Database*, UNIV. OF ST. THOMAS HOLLORAN CTR., <http://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/>.

The eight schools that have adopted a learning outcome on leadership as of February 15, 2018, are Arizona Summit, Hawaii, Loyola Chicago, North Dakota, Southwestern, Texas Tech, Villanova, and Virginia. If these same proportions hold up when all 203 ABA accredited law schools have posted learning outcomes by May 31, 2018, then approximately twelve law schools will have adopted a learning outcome including leadership.

3. Deborah Rhode, *Leadership in Law*, 69 STAN. L. REV. 1603, 1665 (2017).

4. *Id.* at 1607.

Part VIII explores the benefits of the same growth for the student him or herself. Part XI analyzes what we know about effective curriculum to foster each student's growth to later stages of a commitment to continuous professional development.

## II. LEADERSHIP CURRICULUM IN THE CONTEXT OF COMPETENCY-BASED EDUCATION

The 2014 changes in the ABA accreditation standards require law schools to implement competency-based education (CBE) where each school must state learning outcomes that articulate the competencies needed to be a member of the legal profession as well as formative and summative assessments to foster and measure student development toward the learning outcomes.<sup>5</sup> A learning outcome focuses on the student as the performer and uses an active verb to describe what competency the student is to demonstrate.<sup>6</sup> A learning outcome also must be measurable with performance indicators to know if the student has achieved the outcome.<sup>7</sup> In contrast to legal education's current time-based curricular model, where education corresponds to fixed time spent in training,<sup>8</sup> a competency-based education model focuses on what a learner can demonstrate and do.<sup>9</sup> It emphasizes the transition of each student to grow from a beginner to demonstrate by graduation some level of adequate competence at actual professional-practice knowledge and skills derived from an analysis of client, legal employer, and legal system needs.<sup>10</sup> *Table 1* explains the basic principles of CBE and *Table 2* compares a time-based curriculum to a competency-based curriculum.

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5. Standards 302 & 314, *ABA Standards and Rules of Procedure for Approval of Law Schools 2017-18*, ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR.

6. See YOON SOO PARK ET AL, *Evaluating the Paradigm Shift from Time-based Toward Competency-based Medical Education: Implications for Curriculum Assessment*, in *ASSESSING COMPETENCE IN PROFESSIONAL PERFORMANCE ACROSS DISCIPLINES AND PROFESSIONS* 411, 415, 418 (P. Wimmers and M. Mentkowski eds., 2016).

7. *Id.*

8. See YOON SOO PARK ET AL, *supra* note 6, at 411-12. This is a tea-seeping approach where students are likened to tea leaves soaked in hot water for a fixed duration. *Id.* at 413.

9. *Id.*

10. *Id.* at 415, 418.

**Table 1.** Principles and Characteristics of Competency-based Education (CBE) Models<sup>11</sup>

Principles	Characteristics
<ol style="list-style-type: none"> <li>1. Competencies are role-derived (e.g. lawyer), specified in behavioral terms and made public.</li> <li>2. Assessment criteria are competency-based and specify what constitute stages of development culminating in a mastery level of achievement.</li> <li>3. Assessment requires performance as the prime evidence but also takes knowledge into account.</li> <li>4. Individual learners progress at rates dependent on demonstrated competency.</li> <li>5. The instructional program facilitates development and evaluation of the specific competencies.</li> </ol>	<ol style="list-style-type: none"> <li>1. Learning is individualized.</li> <li>2. Feedback to the learner is critical.</li> <li>3. Emphasis is more on the exit criteria than on the admission criteria.</li> <li>4. CBE requires a systematic curriculum that fosters development of competencies through a progression of steps.</li> <li>5. The curriculum is modularized.</li> <li>6. Both the learner and the program have accountability.</li> </ol>

**Table 2.** Comparing a Time-based and a Competency-based Curriculum<sup>12</sup>

	Traditional Time-based Education	Competency-based Education
<b>Goal of educational encounter</b>	Acquisition of knowledge	Application of knowledge
<b>Responsible for driving educational process</b>	Teacher	Learner
<b>Responsible for learning</b>	Teacher	Learner and teacher
<b>Timing of assessment</b>	Emphasis on summative	Emphasis on formative
<b>Typical assessment context</b>	Proxy on a single subject	Authentic in mimicking real tasks of professional work/multiple assessments into evaluation portfolio
<b>Evaluation standards</b>	Relative to peers	Relative to objective measures
<b>Program completion</b>	Fixed time	Variable time

11. See ERIC S. HOLMBOE ET AL., THE MILESTONES GUIDEBOOK 6 (2016).

12. See Jeffrey Kuvin, *Training Present and Future Cardiologists*, 108 AM. J. CARDIOLOGY 1508, 1508-12 (2011).

Note that competency-based education requires:

1. assessment criteria for each learning outcome that are competency-based and specify what constitute stages of development that include some defined level of minimum competence that meets the faculty's requirements and culminates in a mastery level of achievement;
2. a systematic and modularized curriculum and assessments that foster development of learning-outcome competencies through a progression of steps;
3. substantial emphasis on experiential engagements where the student demonstrates that he or she can do the actual tasks of professional work;
4. formative and summative assessments to give effective individualized feedback to each learner, to encourage the habit of reflection on the feedback, and to support and document the learner's progressive development of each learning-outcome competency; and
5. a shift of responsibility for driving the educational process from the teacher to the learner.

One key change that *Table 2* emphasizes is that learners in a competency-based system must be “active agents co-guiding both the curricular experiences and assessment activities.”<sup>13</sup> What does it mean for a student to be an active agent in her own learning and assessment? “Learners must learn to be self-directed in seeking assessment and feedback.”<sup>14</sup> Learners should ideally: 1) be both introduced to the overall competency-based education curriculum at the beginning and engaged in dialogue about the overall program on an ongoing basis; 2) actively seek out assessment and feedback on an ongoing basis; 3) perform regular self-evaluations together with feedback from external sources; 4) direct and perform some of their own assessments such as seeking out direct observation of the learner by an experienced professional and creating portfolios of evidence regarding specific competencies; and 5) develop personal learning plans that students revisit and revise at least twice a year.<sup>15</sup>

The reader should also reflect on whether he or she believes law graduates are entering an era where more rapid technology and market changes will place even greater demands on lawyers to continually

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13. HOLMBOE ET AL, *supra* note 11, at 15.

14. *Id.* at 16.

15. *Id.*

develop themselves in response to the changes.<sup>16</sup> In this future, each lawyer must internalize a drive to be a lifelong learner and networker.

Given the vagueness of the definition of leadership explored in Part I with over 1,500 definitions and forty distinct theories, the faculty as a whole for the eight schools that have adopted leadership as a learning outcome and individual faculty teaching elective leadership courses will have to define sub-competencies that each student can demonstrate and that the faculty can assess at a defined level of competence.

### III. WHAT ARE THE SUB-COMPETENCIES DEFINING LEADERSHIP FOR LAWYERS?

The most recent scholarship on lawyers as leaders does define the sub-competencies of leadership. Deborah Rhode in “Leadership in Law” recently identified five categories of qualities that are important across a wide range of leadership contexts, including law practice.<sup>17</sup>

1. “Values (such as integrity, honesty, trust, and an ethic of service)”
2. “Personal skills (such as self-awareness, self-control, self-direction, persistence, and conscientiousness)”
3. “Interpersonal skills (such as social awareness, empathy, persuasion, and conflict management.”
4. “Vision (such as being forward looking and inspirational)”
5. “Substantive competence (such as knowledge, preparation, and judgment)”

Rhode emphasizes the foundational importance of leadership of self:

“Of all the qualities important for leadership, the most critical is self-knowledge. According to the Center for Creative Leadership, self-awareness . . . provides the foundation for professional development . . . The first step on lawyers’ paths to leadership, then, is understanding what they want, what capabilities and experience are necessary to achieve it, and what stands in the way.”<sup>18</sup>

Later Rhode states again, “[l]eaders who are rated as exceptional performers are constantly seeking to improve and looking for developmental opportunities.”<sup>19</sup>

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16. NEIL HAMILTON, ROADMAP: THE LAW STUDENT’S GUIDE TO MEANINGFUL EMPLOYMENT 6-9 (2d ed. 2018) [hereinafter ROADMAP].

17. Rhode, *supra* note 3, at 1609-10.

18. *Id.* at 1611.

19. *Id.* at 1634.

In an article in the same symposium, “The Leadership Imperative,” Scott Westfahl and David Wilkins focus on leadership in terms of the professional development of law students to represent corporate clients served by large law firms.<sup>20</sup> They “redefine lawyer development across the arc of legal careers” to include:

1. developing specialized legal expertise and technical legal skills;
2. developing broad professional skills, especially around leadership of people and teams; and
3. developing rich internal and external networks.<sup>21</sup>

Westfahl and Wilkins include two different types of broad professional skills (Number 2 above) in lawyer development:

1. working with others including leadership of and working in teams, developing and implementing strategy, cross-cultural competence, emotional intelligence and empathy, and understanding one’s own strengths; and
2. working for others including negotiating, legal problem-solving; and core business skills and knowledge.<sup>22</sup>

A central theme for Westfahl and Wilkins is for both law schools and law firms to emphasize a commitment to life-long professional development and to learn broad professional competencies and opportunity-creating networks in addition to technical legal skills.<sup>23</sup> They urge that law schools elevate lawyer development as one of the few existential purposes of legal education.<sup>24</sup>

Susan Manch’s book, *Learning From Law Firm Leaders* is based on interviews with thirty-one senior law firm leaders in firms of all sizes.<sup>25</sup> Manch identified five core competencies of law firm leadership:

1. knowledge and skill mastery including demonstrating mastery of a practice area and continuous commitment to build and refine the full range of skills needed;

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20. See Scott Westfahl & David Wilkins, *The Leadership Imperative: A Collaborative Approach to Professional Development in the Global Age of More for Less*, 69 STAN. L. REV. 1666, 1673 (2017).

21. *Id.* at 1702-03.

22. *Id.* at 1707.

23. *Id.* at 1716-17.

24. *Id.* at 1705.

25. SUSAN G. MANCH & MICHELLE C. NASH, *LEARNING FROM LAW FIRM LEADERS* ix (2012).

2. openness to learning including exhibiting an orientation towards growth and learning and seeking and valuing the ideas of a diverse spectrum of individuals;
3. effective communication and interpersonal style including “is self-aware and knows personal strengths and limitations;”
4. mentorship including a commitment to helping others learn, building an effective network of relationships and listening with empathy; and
5. vision, including demonstrating an ability to look ahead and chart a course and knowing when to study an issue and get input and when to make a decision.<sup>26</sup>

James Kouzes and Barry Posner also emphasized that “[l]earning is the master skill” for leadership when they addressed the most important abilities for leadership across all contexts, not just law.<sup>27</sup> They emphasized that “The first step up the mountain to becoming the best leader you can be is taking charge of your leadership development,”<sup>28</sup> and “[b]ecoming the best leader you can be requires a mindset that promotes continuous growth.”<sup>29</sup>

There is substantial agreement among Rhode, Westfahl and Wilkins, and Manch that leadership in a law context requires the student and lawyer to develop toward later stages of sub-competencies like:

1. specialized expertise and technical legal skills;
2. interpersonal skills (especially regarding empathy, teamwork, and development of networks); and
3. vision and development (and implementation) of strategy.

All four authors also emphasize:

4. the foundational importance of self-knowledge and self-awareness (especially of strengths and weaknesses), and a deep commitment to continuous professional development toward excellence at all the competencies needed for leadership. This fourth set of sub-competencies is essentially “leadership of self.”<sup>30</sup>

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26. *Id.* at 64-65, 70-72, 214-15.

27. JAMES KOUZES & BARRY POSNER, *LEARNING LEADERSHIP* 47, 49 (2016) (“The best leaders are the best learners”).

28. *Id.* at 192.

29. *Id.* at 211.

30. See MANCH, *supra* note 25; Rhode, *supra* note 3, at 1662-64; and Westfahl & Wilkins, *supra* note 20.

The Center for Creative Leadership in *Table 3* captures the progression of steps in leadership starting with leadership of the self.<sup>31</sup>

**Table 3.** Center for Creative Leadership Progression of Steps in Leadership

<b>Leading Self</b>	<ul style="list-style-type: none"> <li>• Build a leadership identity</li> <li>• Increase personal effectiveness and performance</li> <li>• Prepare for leadership roles</li> </ul>
<b>Leading Others</b>	<ul style="list-style-type: none"> <li>• Transition from individual performer to leading a team</li> <li>• Build relationships to get work done</li> <li>• Deal effectively with conflict</li> <li>• Solve problems successfully</li> </ul>
<b>Leading Managers</b>	<ul style="list-style-type: none"> <li>• Integrate cross-functional perspectives in decisions</li> <li>• Handle complexity</li> <li>• Sell ideas to senior leaders</li> <li>• Select and lead managers for high performance</li> </ul>
<b>Leading the Function</b>	<ul style="list-style-type: none"> <li>• Set vision and build toward the future</li> <li>• Balance trade-offs between the short- and long-term</li> <li>• Align the organization to implement strategy</li> </ul>
<b>Leading the Organization</b>	<ul style="list-style-type: none"> <li>• Set organization's overall direction</li> <li>• Foster alignments across the organization</li> <li>• Gain commitment for performance</li> <li>• Refine and build strong executive persona</li> </ul>

Many law students coming right out of college are at the “Leading Self” stage trying to develop skills of leadership of self as well as leadership of a team.<sup>32</sup>

Research and curricular experimentation on the sub-competencies of interpersonal skills, vision and development and implementation of strategy, self-knowledge and awareness, and a deep commitment to continuous professional development will be highly useful for the overall project of fostering student development toward leadership in a law context. As Part IV will make clear, many law schools have adopted

31. CENTER FOR CREATIVE LEADERSHIP, OPEN ENROLLMENT PROGRAM GUIDE 2 (2017), <https://www.ccl.org/wp-content/uploads/2016/09/open-enrollment-leadership-programs-guide-center-for-creative-leadership.pdf>.

32. Based on the Author's experience in forty-two years of teaching law.

learning outcomes on some of these foundational sub-competencies for leadership.

IV. MANY LAW SCHOOLS HAVE ADOPTED LEARNING OUTCOMES ON THE FOUNDATIONAL SUB-COMPETENCIES OF LEADERSHIP

The traditional law school curriculum at every law school emphasizes the development of technical legal skills and often offers students the option of a concentration in a doctrinal law specialization.<sup>33</sup> With the adoption of learning outcomes, many law schools are signaling an intention to foster student development on interpersonal skills and a deep commitment to continuous professional development. Data on the learning outcomes being adopted set forth below indicate a great deal of experimentation will be happening on these important sub-competencies for leadership.

As of February 15, 2018, 138 out of the 202 ABA fully-accredited law schools had posted learning outcomes on their school's website.<sup>34</sup> Of these 138 law schools, forty-seven have adopted essentially the minimum Standard 302(c) learning outcome that students will be competent in the "[e]xercise of proper professional and ethical responsibilities to clients and the legal system," while 91 have adopted learning outcomes that go beyond the minimum of Standard 302(c)<sup>35</sup>

Of the 91 law schools:

1. Fifty law schools have adopted a version of a learning outcome that includes the competency of demonstrating understanding and integration of pro-active self-evaluation and professional development toward excellence at the competencies needed to serve clients and the legal system (self-directed learning). This includes thirteen schools that have adopted the competency of self-evaluation and reflection;
2. Forty-eight have a learning outcome that includes competency in understanding the value of providing pro bono legal services to the disadvantaged;
3. Forty-four law schools have adopted a version of a learning outcome that includes the competency of professionalism, high or the highest ethical standards, a

33. Based on Author's experience in forty-two years of teaching law.

34. See *Learning Outcomes Database*, UNIV. OF ST. THOMAS HOLLORAN CTR., <https://www.stthomas.edu/hollorancenter/resourcesforlegaleducators/learningoutcomesdatabase/>.

35. *Id.*

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personal code of ethics, or the internalization of values grounded in morality or faith;

4. Forty-two law schools include the competency of teamwork/effective collaboration; and
5. Forty-two include a learning outcome that students develop self-awareness and cross-cultural competency to work with those of diverse backgrounds;
6. Twenty-four include a learning outcome on integrity;
7. Nineteen include judgment;
8. Seventeen include active listening; and
9. Eight include leadership.<sup>36</sup>

Key sub-competencies of leadership like interpersonal skills (especially regarding empathy, teamwork, and development of networks) and self-knowledge and self-awareness (especially of strengths and weaknesses) and a deep commitment to continuous professional development are included in the learning outcomes that law schools are adopting. For example, if these same proportions hold true when all 203 ABA-accredited law schools post learning outcomes by May 2018, approximately seventy-three law schools will have adopted a learning outcome relating to self-knowledge and self-awareness (especially of strengths and weaknesses) and a deep commitment to continuous professional development. Sixty-four schools will have adopted a learning outcome on professionalism/high ethical standards/personal code of ethics, which indicates a moral core regarding care for others that informs interpersonal skills. Also with respect to the interpersonal skills required for leadership, sixty-two will have adopted a teamwork learning outcome, and sixty-two will have adopted a cross-cultural competency learning outcome. Twenty-five will include active listening and twelve will have included a leadership learning outcome. The law schools adopting a similar learning outcome should be natural learning communities that share information about effective curriculum and assessments on that learning outcome. Research and curricular experimentation on these sub-competencies will be of substantial help to legal educators focused on leadership as a learning outcome.

It is clear that self-knowledge and self-awareness (especially of strengths and weaknesses), and a deep commitment to continuous

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36. Note that six of the eight law schools that have adopted leadership as a learning outcome also have adopted a version of a learning outcome that includes the competency of demonstrating understanding and integration of pro-active self-evaluation and professional development toward excellence.

professional development, are both a foundational sub-competency of leadership<sup>37</sup> and a foundational competency in competency-based education generally.<sup>38</sup> A student who demonstrates later-stage growth regarding this competency will seek excellence at all other competencies needed for the profession. Recognizing this benefit, approximately one-third of all law schools are including this sub-competency in their learning outcomes.

To simplify terms, this paper will refer to self-knowledge and self-awareness (especially of strengths and weaknesses) and a deep commitment to continuous professional development as a commitment to continuous professional development. The remainder of this paper in Parts V-VIII will focus on the foundational importance of leadership of self for each student in terms of continuous professional development. Part IX will introduce principles on how to build effective curriculum and assessment.

#### V. LEADERSHIP OF SELF AND SCHOLARSHIP RELATING TO A COMMITMENT TO CONTINUOUS PROFESSIONAL DEVELOPMENT

There are several research approaches sailing under different terminologies that give insight into the challenge of helping each student to develop toward later stages of an internalized commitment to continuous professional development. Based on the author's research concerning law student professional formation,<sup>39</sup> both self-directed learning and self-regulated learning (defined below) are among the most common terms used in higher education with respect to a student's growth to internalize a commitment to continuous professional development. Self-directed learning emerged from the adult learning literature, whereas self-regulated learning developed primarily from the educational psychology literature.<sup>40</sup> Malcolm Knowles defined self-directed learning as "a process by which individuals take the initiative, with or without the assistance of others, in diagnosing their learning needs, formulating learning goals, identifying the human and material resources for learning, choosing and implementing appropriate learning

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37. See *supra* Part III.

38. See *supra* Part IV.

39. See Neil Hamilton & Jerome Organ, *Each Law Student Must Take Increasing Ownership Over Professional Development During Law School*, PD Q. 27 (Aug. 2018).

40. See ANTHONY ARTINO, JR. ET AL, *Self-regulated Learning in Healthcare Profession Education: Theoretical Perspectives and Research Methods*, in RESEARCHING MEDICAL EDUCATION 155, 157 (Jennifer Cleland & Steven J. During eds., 2015).

strategies, and evaluating learning outcomes.”<sup>41</sup> Knowles further described the essential elements of self-directed learning.

1. Learners should:
  - a. be involved in identifying their learning needs, objectives (goals), and appropriate resources for learning;
  - b. be involved in implementing the learning process;
  - c. commit to a learning contract; and
  - d. evaluate the learning process.<sup>42</sup>
2. The educator should be a facilitator of learning and not a content source.<sup>43</sup>

Self-regulated learning “is a multi-dimensional construct that includes a number of self-directed processes that learners use to turn their mental abilities into academic skill and lasting performance.”<sup>44</sup> “[I]t is a set of processes requiring a pro-active learner.”<sup>45</sup>

This [self-regulated learning] approach views learning as an activity that students do for themselves in a pro-active way, rather than as a covert event that happens to them reactively as a result of teaching experiences . . . The key issue defining learning as self-regulated is . . . whether the learner displays personal initiative, perseverance, and adaptive skill in pursuing it.<sup>46</sup>

“In all definitions [of self-regulated learning], students are assumed to be aware of the potential usefulness of self-regulation processes in enhancing their academic achievement.”<sup>47</sup>

Most models of self-regulated learning have several common features:

1. a cyclical feedback loop so that learners gather information that is used to evaluate the effectiveness of their activities and respond to feedback;
2. self-motivation of the learner in terms of elements like reasons why they perform activities (e.g. internalized

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41. MALCOLM KNOWLES, *SELF-DIRECTED LEARNING: A GUIDE FOR LEARNERS AND TEACHERS* 18 (1975).

42. Mohammed Murad et. al, *The Effectiveness of Self-directed Learning in Health Professions' Education: A Systematic Review*, 44 *MED. EDUC.* 1057, 1058 (2010).

43. *Id.*

44. ARTINO ET AL., *supra* note 40, at 155.

45. *Id.*

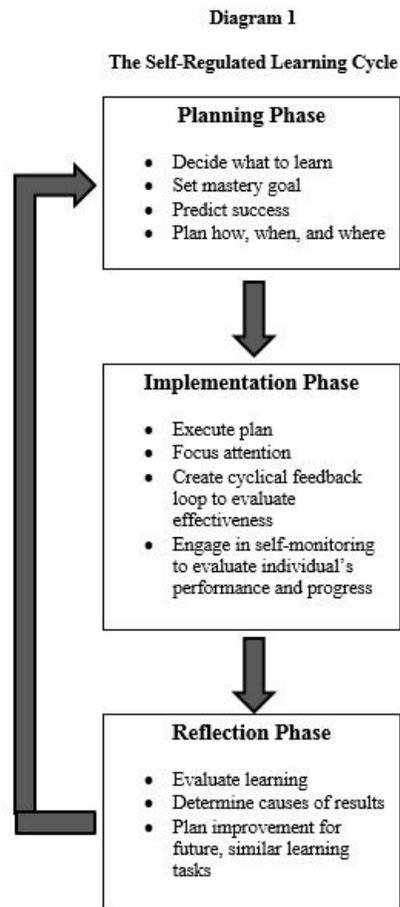
46. BARRY ZIMMERMAN, *Theories of Self-Regulated Learning and Academic Achievement: An Overview and Analysis*, in *SELF-REGULATED LEARNING AND ACADEMIC ACHIEVEMENT I* (Barry J. Zimmerman & Dale H. Schunk eds., 2d ed. 2001).

47. *Id.* at 5.

learning has its own rewards or externalized reasons like good grades);

3. goal-directed activity in terms of strategic and purposeful behaviors to achieve well-defined outcomes; and
4. self-monitoring to keep track of and evaluate the learner's behaviors, performance, and progress, and the focus of efforts to improve.<sup>48</sup>

*Teaching Law By Design* synthesizes these self-regulated learning principles into a three-phase self-regulated learning cycle in *Diagram 1* below.<sup>49</sup>



48. ARTINO, *supra* note 40, at 156; TIMOTHY CLEARY ET. AL., *Self-regulated Learning in Medical Education*, in OXFORD TEXTBOOK OF MEDICAL EDUCATION 465, 466-67, 470 (Kieran Walsh ed., 2013).

49. MICHAEL HUNTER SCHWARTZ ET AL., *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* 9 (2d ed. 2017).

While self-directed learning (SDL) and self-regulated learning (SRL) have developed from different literatures, the two areas of scholarship converge on the elements in *Table 4* below.<sup>50</sup>

**Table 4.** Synthesis of the Competencies Where Self-directed Learning and Self-regulated Learning Converge

<b>A student should pro-actively:</b>	
1.	diagnose and identify learning needs (SDL) or decide what to learn (SRL);
2.	identify resources for learning that meets the student's needs (SDL) or plan how/when/where to learn (SRL);
3.	identify goals (SDL) or set mastery goals (SRL);
4.	implement the learning plan (SDL and SRL) but SRL goes deeper to include in the learning plan: (a) a cyclical feedback loop that allows the individual to gather information that is used to evaluate the effectiveness of his or her activities and respond to feedback; and (b) self-monitoring to keep track of and evaluate the individual's behavior, performance and progress; and
5.	evaluate the learning process (SDL and SRL) but SRL goes deeper into determining the cause of the results and planning steps to improve in the future.

SDL also includes both the learner's commitment to a learning contract and the educator's role as a facilitator of learning and not primarily as a content source.<sup>51</sup> Note that meta-cognition, or thinking about one's own thinking including the degree to which individuals monitor, control, and regulate their own cognitive activities, is another term in this family of concepts, but it is normally incorporated under the broader conceptualization of self-regulated learning.<sup>52</sup>

Legal educators trying to implement competency-based education for a learning outcome of leadership will thus define the sub-competencies of leadership including the foundational sub-competency of a deep commitment to continuous professional development.<sup>53</sup> *Table 4* above outlines a framework, informed by scholarship on self-directed and self-regulated learning, to understand more fully the foundational sub-competency of a commitment to continuous professional development.<sup>54</sup>

50. See ARTINO, *supra* note 40, 156-57; see also CLEARY ET AL., *supra* note 48, at 466-67. Clearly there is an overlap in the two concepts, and there is a need for cross-fertilization between the two literatures. *Id.* at 470.

51. See *supra* Table 4.

52. See Artino, *supra* note 40, at 157.

53. See *supra* Part II.

54. See *supra* Table 4.

While *Table 4*'s framework informed by SDL and SRL scholarship is very useful to help faculty and staff understand the foundational sub-competencies of a student's commitment to continuous professional development, it is also important to understand the framework that legal employers use to assess this competency in new lawyers. For several years, some large-firm legal employers have been creating and using stage-development (benchmark) models to assess associates' commitment to continuous professional development.<sup>55</sup> Note that students seeking employment must translate the competencies that the faculty and staff include in their learning outcomes into language that legal employers understand and value. Part VI explores this bridge.

#### VI. A STUDENT'S COMMITMENT TO CONTINUOUS PROFESSIONAL DEVELOPMENT IN THE CONTEXT OF THE COMPETENCIES THAT LEGAL EMPLOYERS WANT

As Part II explained, competency-based education emphasizes the transition of each student to grow from a beginner to demonstrate some level of adequate competence at actual professional-practice knowledge and skills derived from an analysis of client, legal employer, and legal system needs. As this Part VI will explain, the empirical data available indicate that legal employers express a strong need in the sense of greatly valuing a new lawyer's commitment to continuous professional development, which legal employers often describe as "initiative" or "ownership."

Many legal employers, including larger law firms and law departments, are developing competency models that begin with an identification of the organization's most effective and successful lawyers.<sup>56</sup> The organization then creates a framework of core competencies that new lawyers need to develop. For example, nine of the ten states' attorney general offices in a 2013 study included "commitment to professional development toward excellence" as a core competency.<sup>57</sup> Fifteen of the eighteen law firms in a 2012 study included "initiative" and twelve of the eighteen included "commitment to continuous professional development."<sup>58</sup>

LawyerMetrix, a consulting firm that helps law firms and law departments create data-driven strategies to address human capital

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55. Neil W. Hamilton, *Law Firm Competency Models & Student Professional Success: Building on a Foundation of Professional Formation/Professionalism*, 11 U. ST. THOMAS L.J. 6, 9-10 (2013).

56. ROADMAP, *supra* note 16, at 24-25.

57. *Id.* at 25.

58. *Id.* at 27.

management, found from their empirical research that the most important success factor (competency) for hiring partners and recruiting directors at larger firms is “initiative.”<sup>59</sup> Initiative includes the following behaviors:

1. takes full responsibility of both the project and the tasks assigned;
2. understands the bigger picture and asks relevant questions to complete a project or task;
3. demonstrates a high level of interest and engagement in the project or task assigned;
4. pro-actively communicates with partners or clients about current project status, next steps and overall matter; and
5. pro-actively follows up after project or task is completed to ensure client or partner is satisfied.<sup>60</sup>

Indiana Law professor William Henderson, who founded LawyerMetrix, emphasizes that the “A” players in law firm’s talent management systems “typically earn that designation because of their self-directed ability to continuously learn and adapt.”<sup>61</sup> A 2014 empirical study of lawyers who made partner in a firm in contrast to those who did not found the lawyers who made partner “were masters of their fate; they tend to strategically plan both their day-to-day work and their careers.”<sup>62</sup> As a group, they tend to make and stick to plans more than lawyers who did not make partner.<sup>63</sup> Fast-tracking partners “are more likely to ‘tune’ their plans as they encounter new information. They seek out constructive feedback and use it to improve their work.”<sup>64</sup> The same study concludes that “Flourishing is also enabled by something we call ‘focused ownership’—taking initiative and ownership to solve problems and accomplish goals.”<sup>65</sup>

In the summer of 2017, the author asked the six largest firms in Minnesota for their benchmark models on competencies related to initiative/ownership/commitment to continuous professional development. Four of the firms shared their models with the

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59. Memorandum from LawyerMetrix to author (Apr. 2018) (on file with author).

60. *Id.*

61. William Henderson, *Talent Systems for Law Firms*, PD Q. 7, 13 (Feb. 2017).

62. LORI BERMAN ET AL., *ACCELERATING LAWYER SUCCESS: HOW TO MAKE PARTNER, STAY HEALTHY, AND FLOURISH IN A LAW FIRM* 7 (2016).

63. *Id.*

64. *Id.* at 16.

65. *Id.* at 29.

understanding that the data would be reported without a firm name attached to the data. *Table 5* presents these data.

**Table 5.** Developmental Stages/Benchmarks to Assess Associate-Attorney Commitment to Professional Development/Initiative/Ownership (2017 data)<sup>66</sup>

<b>Junior Associate</b>	
<b>Firm A</b>	<ul style="list-style-type: none"> <li>• Performs assigned work in a manner that meets expectations.</li> </ul>
<b>Firm B</b>	<ul style="list-style-type: none"> <li>• Demonstrates timely delivery of all work product.</li> <li>• Demonstrates dependability, self-motivation, and strong work ethic.</li> <li>• Consistently produces high-quality work.</li> <li>• Seeks feedback.</li> <li>• Demonstrates commitment to mastering practice area.</li> <li>• Seeks out work opportunities to improve skills.</li> </ul>
<b>Firm C</b>	<ul style="list-style-type: none"> <li>• Demonstrates timely delivery of all work product.</li> <li>• Demonstrates dependability, self-motivation, and strong work ethic.</li> <li>• Consistently produces high-quality work.</li> <li>• Seeks feedback.</li> <li>• Demonstrates commitment to mastering practice area.</li> <li>• Seeks out work opportunities to improve skills.</li> </ul>
<b>Firm D</b>	<ul style="list-style-type: none"> <li>• Meets all deadlines and completes work in an efficient manner.</li> <li>• Demonstrates commitment and willingness to make sacrifices when necessary.</li> <li>• Pro-actively seeks greater responsibility.</li> </ul>
<b>Mid-Level Associate</b>	
<b>Firm A</b>	In addition: <ul style="list-style-type: none"> <li>• Seeks ways to contribute to the achievement of significant project/client/firm outcomes, not just to complete specific assigned tasks.</li> </ul>
<b>Firm B</b>	In addition: <ul style="list-style-type: none"> <li>• Establishes a reputation as a “go-to person” in his or her practice area.</li> <li>• Actively pursues improvement through training and work opportunities.</li> </ul>

66. Because of concerns that the firms will disclose their “brand” and unique value propositions if their models are identified by name, they would only share their models confidentially with the author based on a promise only to report the aggregated data.

<b>Firm C</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Seen as a “go-to colleague” who can be counted upon.</li> <li>• Demonstrates the ability to work independently with limited supervision in managing assignments and is responsible for their thorough and efficient completion.</li> <li>• Goes beyond individual assignments in a manner that demonstrates initiative.</li> <li>• Instills confidence as a result of consistently high-quality work product and effective interpersonal interaction.</li> </ul>
<b>Firm D</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Demonstrates ability to make sacrifices when necessary to advance client’s objectives without being asked.</li> <li>• Demonstrates a healthy competitiveness and desire to exceed internal and external expectations.</li> <li>• Identifies errors, takes responsibility, and notifies senior attorneys.</li> </ul>
<b>Senior Associate</b>	
<b>Firm A</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Acts as a steward of the firm while actively seeking ways to add significant value by identifying and capitalizing on new opportunities for growth and improvement.</li> <li>• Goes “above and beyond” in taking ownership over the work.</li> <li>• Creates and implements a professional development plan</li> </ul>
<b>Firm B</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Establishes a reputation as an expert in his or her practice areas.</li> <li>• Constantly and solidly performs complex legal tasks.</li> <li>• Takes increasing leadership in client service.</li> </ul>
<b>Firm C</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Is alert to opportunities in which additional client service may be provided by the associate or other attorneys at the firm.</li> <li>• Demonstrates the ability to work independently with minimal supervision.</li> <li>• Makes a significant individual contribution in time and attention to the practice of law, including a willingness to devote extra effort when needed to deal effectively with difficult legal and client situations and problems.</li> <li>• Demonstrates a willingness to learn the business of law and law firm management.</li> </ul>
<b>Firm D</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Seeks out professional opportunities affording greater responsibility and professional development.</li> </ul>

	<ul style="list-style-type: none"> <li>• Pro-active in acquiring the skills to progress in the associate's career.</li> <li>• Takes initiative to look for ways to add value to a matter.</li> <li>• Is considered very reliable by senior attorneys and clients.</li> <li>• Demonstrates ability to manage multiple projects effectively.</li> </ul>
<b>Partnership</b>	
<b>Firm D</b>	<p>In addition:</p> <ul style="list-style-type: none"> <li>• Demonstrates a vision of the type of practice the associate wants and has a plan for how to achieve it.</li> <li>• Has the complete trust of senior attorneys and clients on all matters.</li> <li>• A demonstrated willingness to exceed expectations</li> </ul>

One of the senior lawyers providing a model noted that the major focus on conversation about associates among the senior lawyers is the degree to which an associate goes “above and beyond” in taking ownership over the associate’s work and role in the firm. A different senior development person at another firm noted that she just reviewed all the annual reviews of the associates by the senior lawyers in the firm, and the most common shortcoming was failure to take full ownership over projects with appropriate “touching base” with the partner to keep the partner informed and to get feedback.

In 2018, the author received benchmark models from two additional national firms (one at 291 lawyers and one at 900 lawyers).<sup>67</sup> Regarding “initiative,” one firm expects a 1-3 year Level 1 associate to demonstrate with evidence that the associate: (1) regularly completes all assignments in a timely manner with high quality; and (2) pro-actively seeks assignments and training that will enhance professional development. A Level 2 associate must pro-actively identify and anticipate client needs and actively seek business development opportunities and create a business development plan reviewed by the practice group leader. A Level 3 attorney achieves client recognition as a “go to” lawyer.

The second firm, under the category of “ownership” expects 1-2 year associates to: act reliably and put forth the greatest amount of effort on every project; identify issues beyond the task assigned and bring them to the attention of the more senior lawyers; and reach out for new experiences and opportunities without being told to do so. A 3-5 year

67. Because of concerns that the firms will disclose their “brand” and unique value propositions if their models are identified by name, they would only share their models confidentially with the author based on a promise only to report the data anonymously.

associate demonstrates that he or she: seeks opportunities to make decisions and lead portions of projects; treats matters and clients as if they were their own; and identifies priorities in projects, initiates tasks, and suggests courses of action. A 6-year and above associate seeks opportunities to lead entire or significant portions of client matters and takes full responsibility for internal and external client satisfaction. This second firm under “self-management” expects 1-2 year associates: to know strengths and weaknesses; be receptive to feedback; reflect on and learn from experience; and take action to improve skills. A 3-5 year associate seeks feedback from colleagues and uses it to shape behavior, and uses knowledge of strengths and weaknesses to set ambitious development goals. A 6-year and above associate: seeks feedback from clients and acts on it to improve client service; adds tangible value to projects and can articulate that value; and understands strengths and highlights them to further Firm brand.

*Table 6* below provides a synthesis of available law firm benchmark models regarding initiative/ownership/commitment to continuous professional development.

**Table 6.** Synthesis of Available Law-firm Benchmark Models Regarding Initiative/Ownership/Commitment to Continuous Professional Development.

<b>A new lawyer should, in developmental stages, pro-actively:</b>	
1.	demonstrate total reliability and high quality on every project;
2.	grow beyond just doing assigned tasks toward “going the extra mile” or “above and beyond” to advance the clients’ and firm/law department’s objectives and become a “go to” lawyer;
3.	seek to understand the bigger picture of what the clients and senior lawyers need (including the clients’ wider context and business and the business of law);
4.	seek out feedback;
5.	reflect on and evaluate how to improve; and
6.	seek out opportunities to develop further the lawyer’s competencies and client relationships and create and implement a professional and business development plan. <sup>68</sup>

*Table 4*, outlining a synthesis of the competencies where SDL and SRL converge, and *Table 6*, outlining a synthesis of available law firm

68. See BERMAN, *supra* note 62, at 12-18, which emphasizes the importance for fast-track partnership of creating and implementing a well-prepared strategic plan on which the associate seeks feedback and which they regularly revise as they gain experience.

benchmark models regarding initiative/ownership/commitment to continuous professional development, have substantial overlap. *Table 6* is an application of the general SDL/SRL principles in *Table 4* to the competencies that law firms describe as initiative/ownership/commitment to continuous professional development. The firms in *Table 6* require new lawyers to demonstrate total reliability and high quality and growth beyond doing assigned tasks to “goes the extra mile” or “above and beyond.” Then sub-competencies 3-6 in *Table 6* use different language essentially to describe sub-competencies 1-5 in *Table 4*. A foundational goal for each student in competency-based education, and for each new lawyer facing assessment based on a firm’s competency model, is to grow from a reactive response of doing well what faculty/staff/senior lawyers ask to be pro-active agents regarding their own professional development as outlined in *Tables 4 & 6*.

Note that legal employers and students will not easily “connect the dots” between the technical vocabulary of SDL and SRL scholarship in *Table 4* to the employers’ desired competency of initiative/ownership/commitment to continuous professional development set forth in *Table 6*. It makes sense for faculty and staff, when communicating with students and legal employers about the competencies set forth in *Table 4*, to use the terms set forth in *Table 6*.

Part IV outlined the learning outcomes that law faculties have adopted including outcomes relating to a commitment to continuous professional development, and Parts V and VI have outlined both models of SDL and SRL and competency models that law firms have adopted to help understand how faculties can effectively help students to grow toward later stages of this learning outcome. Part VII explores in more depth the benefits to the faculty and staff of helping each student grow toward later stages of this learning outcome.

#### VII. BENEFITS TO THE FACULTY AND STAFF FROM EACH STUDENT’S GROWTH TO LATER STAGES OF A COMMITMENT TO CONTINUOUS PROFESSIONAL DEVELOPMENT

My experience is that many lawyers and law professors are resistant to change and that for significant change in the curriculum to take place, there must be very strong reasons.<sup>69</sup> There are a number of very substantial benefits to faculty and staff discussed below if each student grows to a later stage of development at the competencies listed in *Tables 4 & 6* above.

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69. See MANCH, *supra* note 25, at 7 (on lawyer resistance to change).

(1) Student growth toward later stages of a commitment to continuous professional development will lead to improved academic performance in general at all the other competencies the faculty and staff want each student to develop.<sup>70</sup>

It makes common sense that a student who is at later stages of the five capacities listed in *Table 4* above will demonstrate improved academic performance in general, and empirical evidence strongly supports this.<sup>71</sup> “Research has amassed overwhelming evidence that self-regulated learning enhances:

1. student performance and achievement in courses and course units;
2. the amount and depth of student thinking;
3. students’ conscious focus on their learning; and
4. the development of reflective and responsible professionalism.”<sup>72</sup>

(2) Growth to later stages of development at the competencies in *Tables 4 & 6* and improved academic performance will benefit particularly those students who are not performing well and are at risk

(3) The faculty and staff can design a more effective curriculum (as Part IX will explain) to foster the characteristics of the students whom faculty and staff most enjoy teaching.

Faculty and staff should think about the students whom they most enjoy teaching or helping and list the top five characteristics of those students. Many will include versions of strong initiative, strong work ethic, a drive toward excellence, totally reliable and high quality work, or pro-active ownership of the student’s own professional development.<sup>73</sup> *Table 4* above captures these in the language of self-directed and self-regulated learning and *Table 6* above captures these in the language that the law firms are using. Part IX discusses effective curriculum.

(4) A student who grows toward later stages of the competencies in *Tables 4 & 6* should not only improve academic performance but also

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70. Susanna Lucieer et al, *Self-regulated Learning and Academic Performance in Medical Education*, 38 MED. TCHR. 585, 586 (2016) (“It has . . . been shown that self-regulated learning is one of the best predictors of academic performance” and “self-regulated learners are more effective learners.”).

71. CLEARY, *supra* note 48, at 469-70; Michael Schneider & Franzis Preckel, *Variable Associated with Achievement in Higher Education: A Systematic Review of Meta-analyses*, 143 PSYCHOL. BULL. 565, 596 (2017).

72. LINDA B. NILSON, CREATING SELF-REGULATED LEARNERS: STRATEGIES TO STRENGTHEN STUDENTS’ SELF-AWARENESS AND LEARNING SKILLS 10-11 (2013).

73. SCHWARTZ ET AL., *supra* note 49, at 8.

increase the probability of bar passage and taking pro-active ownership over the student's search for meaningful post-graduation employment.

There is a correlation between higher academic performance and bar passage,<sup>74</sup> and it makes common sense that a pro-active student who is at a later stage of the competencies listed in *Tables 4 & 6* will also be pro-active and effective in the student's search for post-graduation employment. As *Table 6* makes clear, legal employers greatly value initiative, ownership, and a pro-active commitment to continuous professional development.

(5) A number of law schools are experimenting with curricular innovation designed to help higher proportions of students pass the bar and secure meaningful post-graduation employment.

Over the last nine years, the market for legal education for a substantial number of the roughly 200 ABA accredited law schools essentially "broke" in terms of employment outcomes for graduates, applications, discount rates, distressed budgets, lower entering student credentials, and lower bar passage rates.<sup>75</sup> In response, some law schools are adopting curricular changes. At least thirty law schools currently require professional development curriculum in 1L curriculum, and many more are considering it.<sup>76</sup> With respect to the Rogers Diffusion of Innovation Curve<sup>77</sup>, in a very short time, the diffusion of required 1L professional development curriculum has moved to the early adopters threshold of about 15% of the market of 200 law schools with every indication of rapid continuing growth through the early majority of adopters. It will be competitively disadvantageous for a law school to be a laggard with respect to these professional development curricular initiatives.

(6) Higher bar passage and meaningful post-graduation employment metrics mean higher rankings and increased applications, and a lower discount rate.

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74. See LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY 37 (1998); see also Douglas Rush & Hisako Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 Through 2006 at a Midwestern Law School*, 57 J. LEGAL. EDUC. 224, 232-33 (2007); see also Katherine A. Austin, Catherine Martin Christopher & Darby Dickerson, *Will I Pass the Bar Exam: Predicting Student Success Using LSAT Scores and Law School Performance*, 45 HOFSTRA L. REV. 753, 783 (2017).

75. Based on author's experience of forty-two years of teaching including service as Associate Dean twice and Interim Dean during the market crash of 2012.

76. Jerome M. Organ, *First-Year Courses/Programs Focused on Professional Development and Professional Identity Formation: Many Flowers are Blooming*, PD Q. 24 (Aug. 2017).

77. Louis D. Bilionis, *Law School Leadership and Leadership Development for Developing Lawyers*, 58 SANTA CLARA L. REV. 601. (2018).

VIII. BENEFITS TO EACH STUDENT FROM GROWTH TOWARD LATER STAGES OF A COMMITMENT TO CONTINUOUS PROFESSIONAL DEVELOPMENT

Survey data indicate that law students' ultimate most important goals are bar passage and meaningful post-graduation employment.<sup>78</sup> More generally, surveys of 18-29 year olds indicate that what matters most to this age group is "accepting responsibility for yourself and becoming financially independent."<sup>79</sup> They want to become self-sufficient, to stand alone as an independent person.<sup>80</sup>

Earlier discussion in Part VI illustrated that legal employers greatly value initiative and ownership as defined in *Table 6*. A student who can demonstrate with good evidence that he or she is at a later stage of development on this important competency will be very attractive to employers. The competency itself—pro-active ownership over both the student's search for employment (with a strategic plan) and study for the bar examination—increases the probabilities of success at both goals.<sup>81</sup> As Part VII explained, a student at a later stage of this competency also increases probabilities of a stronger academic performance.

There are several important principles for the faculty and staff to keep in mind while encouraging students to "buy into" and fully engage with a curriculum focused on fostering this competency.

(1) "Go where they are." Survey data indicate that many law students are at earlier stages of development on self-directed or self-regulated learning.<sup>82</sup> A foundational principle of effective curriculum for this type of learning outcome is to "go where the students are" and engage the students at their current developmental stage.<sup>83</sup>

(2) Explain repeatedly to each student how the faculty and staff's emphasis on a commitment to continuous professional development benefits the student. "In all definitions [of self-regulated learning], students are assumed to be aware of the potential usefulness of self-

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78. Larry O. Natt Gantt II & Benjamin V. Madison III, *Self-Directedness and Professional Formation: Connecting Two Critical Concepts in Legal Education*, 14 U. ST. THOMAS L.J. 498, 503 (2018).

79. Neil W. Hamilton, *Professional Formation with Emerging Adult Law Students in the 21-29 Age Group: Engaging Students to Take Ownership of Their Own Professional Development Toward Both Excellence and Meaningful Employment*, 2015 J. PROF. LAW. 125, 128 [hereinafter *Professional Formation with Emerging Adult Law Students*].

80. *Id.* at 128-29.

81. See *supra* Part VII.

82. Gantt & Madison, *supra* note 78, at 507-09; see also *Professional Formation with Emerging Adult Law Students*, *supra* note 79, at 133-35.

83. Neil W. Hamilton, *The Next Steps of a Formation-of-Student-Professional Identity Social Movement: Building Bridges Among the Three Key Stakeholders—Faculty and Staff, Students, and Legal Employers and Clients*, 14 U. ST. THOMAS L.J. 285, 299 (2018).

regulation processes to enhance their academic achievement.”<sup>84</sup> “Adult learning theory emphasizes that adult students must see that experience as important to their professional and personal needs. They want to understand the relationship between the learning outcomes and the methods the teacher has chosen to achieve those outcomes.”<sup>85</sup> Note especially that the competencies of self-directed and self-regulated learning do not mean that the student must work harder; they mean that the student will work smarter.<sup>86</sup>

(3) Help students use the language that legal employers understand. While faculty and staff will understand and use the concepts of self-directed and self-regulated learning outlined in *Table 4*, it is important for them to communicate with students in the language that legal employers use in *Table 6*. The students need help to connect the dots and persuasively communicate with legal employers that the student has developed the competencies that the legal employers want.

(4) Go forward with implementation in manageable incremental steps with pilot projects on a sub-competency where there is a coalition of willing faculty and staff (the lowest hanging fruit).<sup>87</sup>

Part IX explains other key principles to help guide the development of an effective curriculum for this leaning outcome.

#### IX. WHAT DO WE KNOW ABOUT EFFECTIVE CURRICULUM AND ASSESSMENT TO FOSTER EACH STUDENT’S GROWTH TOWARD LATER STAGES OF A COMMITMENT TO CONTINUOUS PROFESSIONAL DEVELOPMENT?

##### *A. Major Elements of Effective Curriculum for Competency-based Education*

Part II outlined several major elements of a competency-based curriculum for each learning outcome like leadership. The faculty and staff will:

1. identify the specific individual competencies included in each learning outcome;
2. define the sub-competencies for each competency as needed;

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84. SCHWARTZ ET AL, *supra* note 49, at 10.

85. *Id.* at 7.

86. *Id.* at 90.

87. Neil W. Hamilton, *Professional-Identity/Professional Formation/Professionalism Learning Outcomes: What Can We Learn About Assessment from Medical Education?*, 14 U. ST. THOMAS L.J. 357, 402-03 (2018).

3. define stages of development for each sub-competency in behavioral terms including the developmental stage that the student must reach in order to satisfy the faculty's graduation requirements;
4. design a curriculum and assessments to foster the growth of each student toward later stages of development on each sub-competency;
5. coordinate the curriculum and assessments over the three years of law school in a progression of modules that engage each student at the student's current developmental stage and support growth to the next stage;
6. emphasize experiential engagements where the student demonstrates that he or she can do the actual tasks of professional work; and
7. emphasize particularly individualized learning and feedback and the habit of reflection, and require good documentation of the learner's progress. Note that good documentation and individualized learning and feedback favors a written professional development plan into a portfolio and one-on-one coaching as particularly effective curricular strategies.<sup>88</sup>

#### *B. Elements 1 and 2 Above*

Earlier parts of this paper have discussed the first two elements listed above. Part III focused on the sub-competencies of leadership, and Part IV explored the substantial number of law schools that have adopted learning outcomes including these sub-competencies. Part V focused on the sub-competency of leadership of self and scholarship relating to fostering a student's commitment to continuous professional development. Part VI analyzed self-leadership and a student's commitment to continuous professional development in the context of the competencies that legal employers want, specifically initiative and ownership (in legal employers' terms).

#### *C. Element 3 Above*

With respect to element 3 above—defining the stages of development for a student's commitment to continuous professional development—*Table 7* below synthesizes the elements of *Tables 4 & 6* earlier to create a stage development model that uses the language of legal employers.

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<sup>88</sup>. See *supra* Part II Tables 1 & 2; see also *Professional Formation with Emerging Adult Law Students*, *supra* note 79, at 137.

This is a five-stage model borrowing principally from the five-stage models proposed by Dreyfus and Dreyfus and the ACGME Milestones, but modified to fit a student's developmental stages during the three years of law school. The five stages are Novice Student, Advanced Beginner Student (March 1L Year), Intermediate Student (August 3L Year), Student at Graduation, and Junior Attorney. Note that the model uses "Novice" as the first stage rather than a term like "Deficient" to encourage honest self-assessment.

**Table 7.** Assessment of Student's Stage of Development on Initiative/Ownership/Commitment to Continuous Professional Development

This assessment would be used for both student self-assessment and assessment by faculty and staff. Students will be instructed to self-assess by circling the stage of development on each sub-competency where the student has solid evidence that legal employers would value, like the recommendation of an experienced professional, to support the student's choice. The faculty or staff observer would do the same. If a student does not know what a term means, like "project management system," the student should answer at the Novice stage.

	<b>Sub-competencies of Initiative or Ownership</b>
	<b>1. Uses Calendaring and Project Management Systems</b>
<b>Novice Student</b>	Not yet developed.
<b>Advanced Beginner</b>	Systems Under Development.
<b>Intermediate</b>	Functional Systems Developed and Tested.
<b>Student at Graduation</b>	Excellent Systems Developed and Tested.
<b>Junior Attorney</b>	Excellent Systems Developed and Tested.
	<b>2. Delivers Work on Time</b>
<b>Novice Student</b>	Often misses timetables/deadlines.
<b>Advanced Beginner</b>	Occasionally misses timetables/deadlines.
<b>Intermediate</b>	Rarely misses timetables/deadlines.

<b>Student at Graduation</b>	Always delivers on time within deadlines.
<b>Junior Attorney</b>	Regularly delivers beyond assigned tasks to “go above and beyond.” Exceeds expectations.
	<b>3. Submits High Quality Work</b>
<b>Novice Student</b>	Often submits less than high quality work.
<b>Advanced Beginner</b>	Occasionally submits less than high quality work.
<b>Intermediate</b>	Rarely submits less than high quality work.
<b>Student at Graduation</b>	Always submits high quality work.
<b>Junior Attorney</b>	Regularly delivers beyond assigned tasks to “go above and beyond.” Exceeds expectations.
	<b>4. Diagnoses Learning Needs and Understands Full Range of Competencies of what Legal Employers and Clients Want</b>
<b>Novice Student</b>	Expects faculty/staff to identify the path to reach student’s goals. Engages on tasks assigned by faculty in graded courses and everything else is “check the box.” Does not seek to understand the full range of competencies legal employers and clients want.
<b>Advanced Beginner</b>	Makes some effort to understand the bigger picture of competencies needed by legal employers and clients and “fit” with student’s strengths. Starts to take ownership over the path to reach student’s goals. Begins to see value also in non-graded opportunities.
<b>Intermediate</b>	Actively seeks to understand the bigger picture of the competencies needed and “fit” with student’s strengths. Is in process of taking ownership over the path to reach student’s goals. Sees value also in non-graded opportunities. Often seeks counsel from faculty, staff, and experienced lawyers.
<b>Student at Graduation</b>	Understands the bigger picture of all the competencies that clients and legal employers want and “fit” with student’s strengths. Tries to understand and anticipate senior lawyers’ and clients’ wider context/business needs. Has taken full ownership over the path to reach student’s goals and pro-actively seeks counsel from faculty, staff, and experienced lawyers.

<b>Junior Attorney</b>	In addition to Student at Graduation, is proactively learning: (1) how clients consume legal services and why and when legal services are needed by clients in order to provide better service; and (2) the business of law and how to provide better service to the employer.
	<b>5. Defines SMART Goals:</b> Specific – clear goals including what, why, and how; Measurable – including a clear method for evaluation of progress; Achievable – including obstacles and realistic solutions; Relevant – including connection to core values; and Time-bound – including a clear timeline of steps.
<b>Novice Student</b>	Has not defined any of the five steps of SMART Goals.
<b>Advanced Beginner</b>	Based on the understanding in Step 4 above, has met a few of the SMART goals criteria.
<b>Intermediate</b>	Based on the understanding in Step 4 above, has met most of the SMART goals criteria.
<b>Student at Graduation</b>	Based on the understanding in Step 4 above, has met all of the SMART goals criteria.
<b>Junior Attorney</b>	Based on the understanding in Step 4 above, has met all of the SMART goals criteria.
	<b>6. Creates and Implements a Written Professional Development Plan Reflecting SMART Goals</b>
<b>Novice Student</b>	Not yet developed.
<b>Advanced Beginner</b>	Developing a written professional development plan. Beginning to understand all resources available to realize the plan. Seeking coaching help on the plan.
<b>Intermediate</b>	Has developed a written professional development plan to reach student's goals. Understands all resources available to realize the plan. Has revised the plan as student gains experience, and has sought coaching help. Beginning to develop and implement a strategic plan also to build the professional relationships needed to carry out the professional development plan.
<b>Student at Graduation</b>	Has created, implemented and regularly revised a written professional development plan. Has developed and implemented a strategic plan to build the professional

	relationships needed to carry out the student's professional development plan.
<b>Junior Attorney</b>	In addition to the Student at Graduation, includes in written professional development plan also a written client service and development plan and is implementing the plan.
	<b>7. Actively Seeks Opportunities and Experiences to Develop Competencies Outlined in Plan</b>
<b>Novice Student</b>	Not yet actively seeking opportunities and experiences outlined in the plan.
<b>Advanced Beginner</b>	Beginning actively to seek opportunities and experiences outlined in the plan.
<b>Intermediate</b>	Regularly seeks opportunities and experiences outlined in the plan. Beginning to develop portfolio of evidence that legal employers will accept demonstrating student is at later stages on competencies employers want.
<b>Student at Graduation</b>	Actively seeks challenges and opportunities to develop competencies further. Has developed portfolio of evidence that legal employers will accept demonstrating student is at later stages on competencies employers want.
<b>Junior Attorney</b>	In addition to Student at Graduation, actively seeks leadership opportunities and opportunities to handle difficult legal and client situations. Has portfolio of experiences on all competencies that assessment committee will value.
	<b>8. Seeks Feedback</b>
<b>Novice Student</b>	Generally does not actively seek feedback.
<b>Advanced Beginner</b>	Occasionally actively seeks feedback and makes improvements based on the feedback.
<b>Intermediate</b>	Regularly and actively seeks feedback and makes improvements based on the feedback. Is beginning pro-actively to develop mentor and coach relationships to give feedback
<b>Student at Graduation</b>	Has created and uses a cyclical feedback loop to evaluate the effectiveness of the student's activities and makes improvements. Pro-actively has developed mentor and coach relationships to give feedback.
<b>Junior Attorney</b>	In addition to Student at Graduation, is proactively developing sponsor relationships.

	<b>9. Reflects on Experiences, Performance, and Feedback</b>
<b>Novice Student</b>	Does not reflect on performance and feedback.
<b>Advanced Beginner</b>	Occasionally reflects on performance and feedback.
<b>Intermediate</b>	Regularly reflects on performance and feedback.
<b>Student at Graduation</b>	Actively reflects on experiences, performance, and feedback.
<b>Junior Attorney</b>	Actively reflects on experiences, performance, and feedback.
	<b>10. Evaluates How to Improve</b>
<b>Novice Student</b>	Does not evaluate learning, progress and how to improve.
<b>Advanced Beginner</b>	Occasionally evaluates learning, progress and how to improve.
<b>Intermediate</b>	Regularly evaluates learning, progress and how to improve.
<b>Student at Graduation</b>	Self-monitors to evaluate student's learning and progress and steps needed to improve.
<b>Junior Attorney</b>	Self-monitors to evaluate attorney's learning and progress and steps needed to improve.

*D. Advanced Graduate Meeting Stretch Goals Exceeding Graduation Requirements.*

In addition to achieving the Student at Graduation stage on the ten sub-competencies above, the student independently and regularly goes beyond assigned tasks and responsibilities to “go the extra mile” or “go above and beyond” on many or all of the ten competencies above, and has evidence of this. The student has become a “go to” person and soon-to-be lawyer on some of these ten competencies in specific contexts during law school and has evidence of this.

*E. Elements 4-7 Above*

With respect to elements 4-7 above, the author has explored these elements in earlier articles. For example, *Thirty Reflection Questions to Help Each Student Toward Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)* outlines thirty reflection questions in a progression of stages to foster each student's growth toward learning outcomes that include ownership over

the student's own professional development.<sup>89</sup> This article has a coaching guide also. Another example is the *Roadmap: The Law Student's Guide To Meaningful Employment* (2018) which guides the student through fourteen steps to create a written professional development plan together with a meeting with a coach to get feedback on the plan.<sup>90</sup> Student self-assessment data indicates that the *Roadmap* curriculum fosters student growth to later stages of self-directed learning.<sup>91</sup> Another article, *Formation-of-an-Ethical-Professional Identity Learning Outcomes and E-Portfolio Formative Assessments* analyzes the benefits of good documentation of a learner's progress using a portfolio.<sup>92</sup> In addition, *Off-the-Shelf Formative Assessments to Help Each Student Develop Toward a Professional Formation/Ethical Professional Identity Learning Outcome of an Internalized Commitment to the Student's Own Professional Development* examines which off-the-shelf assessments are most effective for a learning outcome of growth towards continuous professional development.<sup>93</sup>

#### X. CONCLUSION

Leadership of self in terms of a commitment to continuous professional development is a foundational first step before a student can do much to lead others. A shift of responsibility for driving the educational process from the teacher (the faculty and staff) to the learners would be extremely beneficial to the students, faculty and staff, legal employers, clients, and the legal system. This Article has outlined the elements of a competency-based education that a law school faculty and staff could implement to bring about these benefits. Schools that lead in implementing these steps will differentiate themselves in terms of outcomes for students.

When all 203 ABA accredited law schools report learning outcomes by the end of May, 2018, there will be natural learning communities of law schools with similar learning outcomes where the law schools can learn from each other's experimentation. For example,

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89. Neil Hamilton & Jerome Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 TENN. L. REV. 843 (2016).

90. ROADMAP, *supra* note 16.

91. *Professional Formation with Emerging Adult Law Students*, *supra* note 79, at 143-44.

92. Neil Hamilton, *Formation-of-an-Ethical-Professional-Identity (Professionalism) Learning Outcomes and E-Portfolio Formative Assessments*, 48 U. PAC. L. REV. 847 (2017).

93. Neil W. Hamilton, *Off-the-Shelf Formative Assessments to Help Each Student Develop Toward a Professional Formation/Ethical Professional Identity Learning Outcome of an Internalized Commitment to the Student's Own Professional Development*, 68 MERCER L. REV. 687 (2017).

there will be approximately seventy-three law schools with a learning outcome of a commitment to continuous professional development, and sixty-two on teamwork and collaboration, and twelve on leadership. We also will see improving data on what competencies clients and legal employers want, and what curricular innovations are most effective, both in legal education and higher education for other professions like medical education.

We can all do better by helping each student grow towards ownership over his or own professional development.