Inward Bound: An Exploration of Character Development in Law School

Heather D. Baum

Follow this and additional works at: https://lawrepository.ualr.edu/lawreview

Part of the Legal Education Commons, Legal Ethics and Professional Responsibility Commons, and the Legal Profession Commons

Recommended Citation
INWARD BOUND: AN EXPLORATION OF CHARACTER DEVELOPMENT IN LAW SCHOOL

Heather D. Baum*

I. INTRODUCTION

When we think of what makes law students and lawyers successful, the first thing that comes to mind is not grades, awards, or membership on law review; these measuring standards are considered indicia of success but are not what makes a law student or lawyer successful. We would not say an attorney is successful because she graduated at the top of her class. Instead we would identify the character traits she demonstrates that cause others to view her as successful— that she is responsible, has integrity, is confident, demonstrates grit, and is intellectually curious.

Law schools should explore providing greater emphasis on character development in their curriculum given the importance placed on character as an indicator of success, the emphasis on professional identity formation, and the ABA’s outcome-based learning standards. Researchers and practitioners have identified certain character traits that successful lawyers and law students possess, and have noted that these traits can be better predictors of success than traditional measures such as class rank and membership on law review.1 In addition, character development is something that ought to be explored given the ABA’s mandate that law schools adopt learning outcomes because the competencies associated with the outcomes may, and already do in some cases, require law students to demonstrate certain character traits.

In an effort to determine how lawyers and members of the legal writing community viewed character development and whether they thought this was something that should be taught in law school, the author developed and sent surveys to lawyers and members of the legal writing community about character development. The survey results were not surprising; they confirmed what we generally know about the importance of character develop-

---

* Professor of Law, Villanova University Charles Widger School of Law. The author would like to thank Dawn Perez-Slavinski, Matthew Setzer, and James Armillay for their valuable assistance in researching this article, and Chris Rideout and Jean Sbarge for their comments. The author would also like to thank the LWI, ALWD and LexisNexis Scholarship Committee for the scholarship grant that made this article possible. Finally, the author is especially grateful to Emily Zimmerman for her guidance.

1. See infra Section II.B.
ment, and also provided insights into traits survey participants think should be developed in law school.

This article addresses the results of the surveys in conjunction with the following: (1) whether character traits are predictors of success and well-being; (2) whether law schools should develop character traits in law students; (3) whether character can be learned and which specific traits identified as important by survey participants can be learned; and (4) how to teach character traits identified by survey participants as important.

II. CHARACTER DEFINED

The concept of character development is not new and is discussed in many disciplines such as positive psychology, philosophy, religion, and elementary education. The term “character” is a familiar term to law professors and attorneys in the context of “character evidence,” and the “character and fitness” required for admission to the bar. In general, the term “character” often conjures up the narrow image of an honest and ethical person. This article contemplates a broad definition of character—those qualities and traits that make lawyers and law students successful.

The Merriam-Webster dictionary defines character as “one of the attributes or features that make up and distinguish an individual,” and “the complex of mental and ethical traits marking and often individualizing a person.” It also defines character as “the way someone thinks, feels, and

2. See Christopher Peterson & Martin E.P. Seligman, Character Strengths and Virtues: A Handbook and Classification 4 (2004). In this book, Peterson and Seligman, two pioneers in the field of positive psychology, identified “strengths of character that make the good life possible,” as a corollary to the Diagnostic and Statistical Manual of Mental Disorders, which classifies psychological disorders. Id. Peterson and Seligman identified six core virtues and the twenty-four character strengths that enable individuals to achieve those virtues. The character strengths identified by Peterson and Seligman that appear to be particularly applicable to law students and practitioners are: creativity, curiosity, open-mindedness (judgment and critical thinking), love of learning, persistence, integrity, honesty, vitality (zest, enthusiasm), social intelligence, self-regulation, gratitude, and hope. Id. at 29, tbl.1.1. See generally Character Psychology and Character Education (Daniel K. Lapsley & F. Clark Power eds., 2005).


7. See PA. BD. OF LAW EXAM’RS R. 203(b)(2).

behaves,” and “someone’s personality.”9 Black’s Law Dictionary defines character as “[t]he qualities that combine to make an individual human being distinctive from others, esp. as regards morality and behavior; the disposition, reputation, or collective traits of a person as they might be gathered from close observation of that person’s pattern of behavior.”10

Although the terms character and personality are at times used interchangeably, for purposes of this article, character is considered to be those traits or features that define an individual, as distinct from personality, which is a “way[] of behaving . . . that makes a person different from other people,” and “attractive qualities (such as energy, friendliness, and humor) that make a person interesting or pleasant to be with.”11

Organizations, practitioners, and researchers identified the following factors or traits, referred to as character traits throughout this article,12 as necessary to effective lawyering: responsibility,13 social intelligence,14 intellectual curiosity,15 diligence,16 independent professional judgment,17 hones-

---

9. Id.
13. See Gerst & Hess, supra note 12, at 530 (study of Arizona attorneys identifying responsibility as an important trait).
16. MODEL RULES OF PROF’L CONDUCT r. 1.3 (AM. BAR ASS’N 1983); Shultz & Zedeck, supra note 12, at 27 (identifying diligence as an important factor of lawyer effectiveness); Gerst & Hess, supra note 12, at 551 (study of Arizona attorneys identifying diligence as an important trait).
17. See Gerst & Hess, supra note 12, at 525 (study of Arizona attorneys identifying judgment as an important trait); Shultz & Zedeck, supra note 12, at 26 (identifying practical judgment as an important factor of lawyer effectiveness).
ty, zest or enthusiasm in the form of zealous advocacy, empathy, patience, resilience, self-confidence, integrity, reliability, and adaptability.

III. CHARACTER TRAITS AND LEARNING OUTCOMES

The idea that certain character traits are important for effective lawyering and ought to be developed by legal academia is not new but has been part of the larger conversation regarding professional identity formation and legal education reform. The need for enhanced professional development in law school, as well as the need for character development as part of professional identity formation, was recognized in reports by the ABA Section of

18. MODEL RULES OF PROF’L CONDUCT r. 3.3, 3.1, 4.1, 7.1, 8.1 (AM. BAR ASS’N 1983); Daicoff, supra note 14 (identifying honesty as important); Shultz & Zedeck, supra note 12, at 527 (identifying honesty as an important factor of lawyer effectiveness).

19. MODEL RULES OF PROF’L CONDUCT r. 1.3 cmt. 1 (AM. BAR ASS’N 1983).


21. Daicoff, supra note 14, at 827 (identifying patience as important); See Gerst & Hess, supra note 12, at 530 (study of Arizona attorneys identifying patience as an important trait).

22. Hall, O’Brien & Tang, supra note 20, at 48 (noting resilience allows lawyers and law students to cope with stress and grow through challenges); PBI Town Hall, supra note 12 (identifying resilience as an important skill for successful lawyering).

23. Daicoff, supra note 14, at 826 (identifying self-confidence as an important trait); Gerst & Hess, supra note 12, at 551 (study of Arizona attorneys identifying self-confidence as an important trait).

24. Daicoff, supra note 14, at 826 (identifying integrity as an important trait); PBI Town Hall, supra note 12 (identifying integrity as important to effective lawyering); Gerst & Hess, supra note 12, at 551 (study of Arizona attorneys identifying integrity as an important trait).

25. Daicoff, supra note 14, at 826 (identifying reliability as an important trait); Gerst & Hess, supra note 12, at 551 (study of Arizona attorneys identifying reliability as an important trait).

26. Daicoff, supra note 14, at 826 (identifying adaptability as an important trait); Marjorie M. Shultz & Sheldon Zedeck, Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions, 36 LAW & SOC. INQUIRY 620, 624 (2011) (citing LEONARD L. BAIRD ET AL., LAW SCHOOL ADMISSION COUNCIL REPORT, DEFINING COMPETENCE IN LEGAL PRACTICE: THE EVALUATION OF LAWYERS IN LARGE FIRMS AND ORGANIZATION (1979)) (identifying adaptability as important to lawyer effectiveness).
Legal Education and Admission to the Bar (MacCrate Report),[27] the Clinical Legal Education Association (Best Practices),[28] and the Carnegie Foundation (Carnegie Report).[29]

During the National Conference on Professional Skills and Legal Education held in 1987, Justice Rosalie Wahl, chair of the ABA’s Section of Legal Education and Admissions to the Bar, asked the following: “Have we really tried in law school to determine what skills, what attitudes, what character traits, what quality of mind are required for lawyers?”[30] In response to this and other questions about professional development, a task force was formed and it drafted the MacCrate Report.[31]

The MacCrate Report identified four values necessary for effective lawyering, and identified character traits necessary to achieve those values.[32] The first value, the “[p]rovision of competent representation,”[33] necessitates the satisfaction of ethical rules requiring lawyers to “[w]ork diligently and zealously on a client’s behalf.”[34] The second value, “[s]triving to promote justice, fairness, and morality,”[35] requires a lawyer to consider how the lawyer “conducts his or her daily practice,”[36] and states that “a lawyer should embrace ‘those qualities of truth-speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility that have, throughout the centuries, been compendiously described as moral character.’”[37]

Best Practices also recognized the importance of character traits in professional identity formation. As part of its suggestions for legal education reform, Best Practices recommended that law schools articulate educational goals in terms of desired outcomes which may include character traits,[38] and

---

31. Id.
33. Id. at 140.
34. Id. at 208.
35. Id. at 140.
36. Id. at 213.
37. Id. at 213–14 (quoting Schware v. Bd. of Bar Exam’rs, 353 U.S. 232, 247 (1957) (Frankfurter, J., concurring)).
38. Best Practices, supra note 28, at 36–39. In its discussion of learning outcomes, Best Practices includes descriptions of skills and values new lawyers should possess including the Shultz and Zedeck effectiveness factors or character traits, id. at 37, “[p]ersonal attributes
that law schools “help students acquire the attributes of effective, responsible lawyers” by teaching professionalism, among other things. Best Practices also recognized that professionalism values include character traits such as integrity, diligence, self-confidence, patience, and empathy.

Similarly, the Carnegie Report recommended changes in legal education, including a focus on professional identity formation to provide students with practical skills necessary to practice law. The report noted the professional identity formation apprenticeship involves both teaching professional ethics rules and “the wider matters of morality and character.”

Identifying, teaching, and thinking about how to measure these traits is becoming more important as law schools adopt learning objectives. By the end of the 2017-2018 academic year, the ABA Standards require that law schools, at a minimum, establish learning outcomes requiring competency in four areas: “[1] substantive and procedural law. . . [2] [l]egal analysis and reasoning . . . [3] . . . professional and ethical responsibility . . . and [4] [o]ther professional skills needed for competent and ethical participation as a member of the legal profession.” By the end of the 2018-2019 academic year, the ABA Standards will require law schools to “conduct an ongoing evaluation . . . of the learning outcomes and assessment methods” to determine the level of student competency, and to make adjustments to the curriculum as necessary.

The ABA did not provide guidance on the first three of the four areas in which law schools should adopt learning objectives, but did provide guidance on the fourth, “professional skills.” Interpretation 302-1 provides that

which refers to qualities of character that pertain to the way lawyers go about their professional activities and relate to others,” id. at 38, and “character,” id. at 39.

39. Id. at 48.
40. Id. at 62.
41. Carnegie Report, supra note 29, at 14. The report identified three apprenticeships necessary to the practice of law, namely: (1) the intellectual or cognitive apprenticeship, (2) the practice-based apprenticeship, and (3) the professional identity formation apprenticeship. Id. at 28–29.
42. Id. at 129.
professional skills may include “interviewing, counseling, negotiation . . . collaboration, cultural competency, and self-evaluation,” among other skills.\textsuperscript{46} In addition, the 2015 Guidance Memo provides that learning outcomes should consist of a clear articulation of the skills, values, and knowledge students should acquire.\textsuperscript{47}

While the ABA did not specifically identify character traits as part of “professional skills,” some law schools have adopted learning objectives that include character traits as part of the skills and values they believe their students should be competent in. For example, a review of law school websites shows schools have explicitly identified character traits such as integrity, honesty, the ability to get along/work with others, accountability, and empathy as competencies associated with learning outcomes. As law schools adopt learning outcomes with associated competencies that either

\begin{itemize}
\item \textsuperscript{46} See 2015 Guidance Memo, supra note 43, at 4.
\item \textsuperscript{47} Hofstra Law’s learning outcomes provide graduates must demonstrate proficiency in working collaboratively and, “fulfill a lawyer’s commitment to competence, integrity, accountability.” Learning Outcomes for Graduating Law Students, MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY, http://law.hofstra.edu/_site_support/files/pdf/academics/academiresources/learningoutcomes/learning-outcomes.pdf (March 10, 2014); Belmont University College of Law’s learning outcomes provide “students will understand and appreciate fundamental tenets of the legal profession as demonstrated by integrity . . . .” Learning Outcomes, BELMONT UNIVERSITY COLLEGE OF LAW, http://www.belmont.edu/law/academics/outcomes.html (last visited June 14, 2016); California Western School of Law’s learning outcomes provide that students must be able to “[d]emonstrate the ability to conduct themselves with honesty, integrity, fairness, respect, empathy . . . .” Learning Outcomes, CALIFORNIA WESTERN SCHOOL OF LAW, https://www.cws.law/academics/academic-programs/jd-program/jd-curriculum/learning-outcomes (last visited June 14, 2016).
\item \textsuperscript{49} Hofstra Law’s learning outcomes provide graduates must demonstrate proficiency in working collaboratively and, “fulfill a lawyer’s commitment to competence, integrity, accountability.” Learning Outcomes for Graduating Law Students, MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY, http://law.hofstra.edu/_site_support/files/pdf/academics/academiresources/learningoutcomes/learning-outcomes.pdf (March 10, 2014); Belmont University College of Law’s learning outcomes provide “students will understand and appreciate fundamental tenets of the legal profession as demonstrated by integrity . . . .” Learning Outcomes, BELMONT UNIVERSITY COLLEGE OF LAW, http://www.belmont.edu/law/academics/outcomes.html (last visited June 14, 2016); California Western School of Law’s learning outcomes provide that students must be able to “[d]emonstrate the ability to conduct themselves with honesty, integrity, fairness, respect, empathy . . . .” Learning Outcomes, CALIFORNIA WESTERN SCHOOL OF LAW, https://www.cws.law/academics/academic-programs/jd-program/jd-curriculum/learning-outcomes (last visited June 14, 2016).
\item \textsuperscript{50} University of Tennessee requires graduates to be proficient in “[w]orking collaboratively and with civility,” Learning Outcomes for Graduating Law Students, UNIVERSITY OF TENNESSEE COLLEGE OF LAW, http://law.utk.edu/wp-content/uploads/2015/05/ABA-Learning-Outcomes-for-Graduating-Law-Students.pdf (last visited June 14, 2016); CALIFORNIA WESTERN SCHOOL OF LAW, supra note 48; University of Massachusetts School of Law expects that “[g]raduates will listen to colleagues respectfully, work cooperatively toward shared goals, and treat conflicting viewpoints among colleagues as an opportunity for improving understanding.” Learning Outcomes, UNIVERSITY OF MASSACHUSETTS SCHOOL OF LAW, http://www.umassl.edu/law/about/learningoutcomes/ (last visited June 14, 2016); University of Washington School of Law requires students to “[b]e able to collaborate with peers in a group problem-solving process.” Program Goals and Learning Objectives, UNIVERSITY OF WASHINGTON SCHOOL OF LAW, http://www.law.washington.edu/Writing/Goals.aspx#g6 (last visited June 14, 2016); University of New Mexico School of Law requires students to be able to collaborate effectively. Student Learning Outcomes, UNIVERSITY OF NEW MEXICO SCHOOL OF LAW, http://lawschool.unm.edu/academics/learning-outcomes.php (last visited June 14, 2016).
\item \textsuperscript{51} Hofstra Law’s learning outcomes provide graduates must demonstrate proficiency in working collaboratively and, “fulfill a lawyer’s commitment to competence, integrity, accountability.” Learning Outcomes for Graduating Law Students, MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY, http://law.hofstra.edu/_site_support/files/pdf/academics/academiresources/learningoutcomes/learning-outcomes.pdf (March 10, 2014); Belmont University College of Law’s learning outcomes provide “students will understand and appreciate fundamental tenets of the legal profession as demonstrated by integrity . . . .” Learning Outcomes, BELMONT UNIVERSITY COLLEGE OF LAW, http://www.belmont.edu/law/academics/outcomes.html (last visited June 14, 2016); California Western School of Law’s learning outcomes provide that students must be able to “[d]emonstrate the ability to conduct themselves with honesty, integrity, fairness, respect, empathy . . . .” Learning Outcomes, CALIFORNIA WESTERN SCHOOL OF LAW, https://www.cws.law/academics/academic-programs/jd-program/jd-curriculum/learning-outcomes (last visited June 14, 2016).
\item \textsuperscript{52} Hofstra Law’s learning outcomes provide graduates must demonstrate proficiency in working collaboratively and, “fulfill a lawyer’s commitment to competence, integrity, accountability.” Learning Outcomes for Graduating Law Students, MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY, http://law.hofstra.edu/_site_support/files/pdf/academics/academiresources/learningoutcomes/learning-outcomes.pdf (March 10, 2014); Belmont University College of Law’s learning outcomes provide “students will understand and appreciate fundamental tenets of the legal profession as demonstrated by integrity . . . .” Learning Outcomes, BELMONT UNIVERSITY COLLEGE OF LAW, http://www.belmont.edu/law/academics/outcomes.html (last visited June 14, 2016); California Western School of Law’s learning outcomes provide that students must be able to “[d]emonstrate the ability to conduct themselves with honesty, integrity, fairness, respect, empathy . . . .” Learning Outcomes, CALIFORNIA WESTERN SCHOOL OF LAW, https://www.cws.law/academics/academic-programs/jd-program/jd-curriculum/learning-outcomes (last visited June 14, 2016).
explicitly or implicitly include character traits, law schools should consider whether and how to integrate character development into the law school curriculum.

IV. CHARACTER DEVELOPMENT SURVEYS AND RESULTS

Understanding whether character is related to well-being and success is important to determining whether character traits should be developed in law school. This section provides a discussion on character as a predictor of success, whether law schools should and in fact do develop character traits in law students, and whether character can be learned in conjunction with responses to character surveys sent to practitioners and members of the Legal Writing Institute.

A. Character Development Surveys

With the relationship of character traits to success in law school and in the legal profession, and the ABA’s outcome-based learning requirements in mind, the author designed surveys to measure what lawyers and legal writing professors thought about character development. The surveys were sent to the Legal Writing Institute Listserv ("LWI Members") two times, and to practitioners in Philadelphia area law firms ("Practitioners") one time. The goals of the survey were to determine what survey participants thought about: (1) whether character traits can be learned and improved over time; (2) whether character traits are predictors of successful attorneys or law students; (3) the most important traits for law students and attorneys; and (4) whether law schools should develop character traits in law students. The LWI Member survey received 137 responses and the Practitioner survey received 49 responses. The author conducted telephone interviews with LWI Members who volunteered to be interviewed.

Some of the questions required “yes,” “no,” or “I don’t know” responses, and some required participants to choose three character traits out of a

53. The author received approval to conduct the surveys from Villanova University’s Institutional Review Board. Both surveys are attached as an Appendix to this article.

54. “The listserv is a closed discussion list intended to provide a forum in which scholars and teachers of legal writing can discuss topics in their field.” Legal Writing Listserv, LEGAL WRITING INSTITUTE, http://lwionline.org/mailing_lists.html (last visited June 15, 2016). While subscription to the Listserv is limited to "professional teachers of legal writing" subscribers are not required to be members of the Legal Writing Institute. Id.

55. All responses to the surveys were anonymous unless the participant chose to identify himself/herself.

56. The survey responses are on file with the author.
The following traits were included in the surveys: Grit/Persistence, Determination, Resilience, Adaptability, Responsibility, Integrity, Honesty, Ethics, Patience, Confidence, Optimism, Gratitude, Empathy, Intellectual Curiosity, Ability to Get Along/Work Well With Others, Enthusiasm, and Self-Control. For questions that required participants to choose three character traits out of the list mentioned above, the three traits that received the most responses are discussed in this article.

B. Whether Character Predicts Success and Well-Being

While only Practitioners reported that character was one of the top three factors in deciding whether to hire a new attorney for temporary or permanent employment, both Practitioners and LWI Members identified character as an important factor in predicting attorney success. When identifying the three most important factors in deciding whether to hire a new attorney for temporary or permanent employment, 86% of Practitioners chose job experience, 57% chose law school, and 53% chose past experiences where the person exhibited character strengths. In response to a similar question, LWI Members reported job experience (62%), law school grade point average (GPA) (58%), and law school class rank (50%) as the most important factors in hiring decisions.

For the best predictors of a successful attorney, Practitioners answered as follows: 94% chose job experience, 65% chose past experiences where the person exhibited character strengths, and 47% chose law school GPA. Eighty-two percent of LWI Members chose past experiences where the person exhibited character strengths, followed by job experience (80%), and law school GPA (42%)

Practitioners have identified character traits as important to successful lawyering, and a recent survey of 24,000 lawyers by the Educating Lawyers Initiative at the Institute for the Advancement of the American Legal
System found that character traits such as integrity, intellectual curiosity, grit, and diligence, among others, were more urgent for new attorneys to acquire over traditional competencies and skills. The study also noted the inconsistency between what practitioners want and what they actually look for when making hiring decisions; practitioners want new lawyers to demonstrate character, competencies, and skills, but practitioners focus on traditional measures of success when hiring, such as class rank and GPA.

There is research that suggests non-cognitive factors, or soft skills such as character traits, may be better predictors of success and effective lawyering than traditional measures, such as IQ tests and class rank. Success is

61. Parts of the Whole Lawyer, Foundations for Practice: The Whole Lawyer and Character Quotient, IAALS, http://iaals.du.edu/foundations/reports/whole-lawyer-and-character-quotient/parts-whole-lawyer. “‘Professional competencies’ are skills seen as useful across vocations (such as managing meetings effectively). ‘Legal skills’ are those traditionally understood to be required for the specific discipline of law (such as preparing a case on appeal).” Id.

62. The study notes:

[L]egal employers tend to hire on traditional criteria—law school attended, class rank, and law review—that may tell them much about the intelligence of the job candidate but very little about the character quotient of the lawyer or about the whole lawyer. But when asked in our survey to indicate the criteria that would tell them if a job candidate had the foundations most important to them, overwhelmingly they singled out experience, including legal employment, clinics, experiential education. Law review was noted as the second to least useful criteria.


[w]e will explore these results in full in a future report, but when taken together with the results presented here their implications are clear: if the profession wants law schools to prioritize these foundations in legal education, legal employers must prioritize them at every stage of hiring—from résumé review to interview to offer.

Id.

63. Amy Carrier Lyon, Teaching and Fostering Qualities Related to Grit 1 (May 2014) (unpublished Ph.D. dissertation, New England College) (on file with author) (discussing grit as a better measure of success than IQ); U.S. DEP’T EDUC., OFFICE OF EDUC. TECH., DRAFT, PROMOTING GRIT, TENACITY, AND PERSEVERANCE: CRITICAL FACTORS FOR SUCCESS IN THE 21ST CENTURY 52, (2013) (Draft Report), http://pgbovine.net/OET-Draft-Grit-Report-2-17-13.pdf (discussing demonstration of executive functions as predictors of success); ANGELA DUCKWORTH, GRIT: THE POWER OF PASSION AND PERSEVERANCE 10, 11, 14 (2016) (discussing grit as a better predictor of success in national spelling bee than IQ scores, and as a better predictor for successful West Point cadets than traditional measures such as “SAT scores . . . high school class rank, . . . leadership experience . . . athletic ability . . . [or] . . . Whole Candidate Score”); Shultz & Zedeck, supra note 12, at 643 (identifying non-cognitive tests that better predict lawyer effectiveness as compared to LSAT and undergraduate GPA); TOUGH, supra note 5, at 74–75 (discussing grit as a better measure of success than IQ). Lawrence Krieger and Kennon Sheldon’s research on lawyer life satisfaction found that external measures of success such as class rank, income, and law review membership had little to no
achieving a “favorable or desired outcome” and an effective lawyer is an individual who successfully achieves results for a client. Another definition that focuses on external factors defines successful law students and attorneys as individuals “who earn high grades and high income.”

Success, however, might be better defined by internal factors. In a study of over 6,000 lawyers, researchers found little to no correlation between well-being, class rank, and membership on law review, but found a strong correlation between well-being and feelings of autonomy, relatedness, and competence. This study suggests success might be redefined to focus on internal factors associated with well-being.

While it’s not entirely clear whether happiness is a cause or effect of professional success or both, there is a link between happiness and professional success such that happy individuals tend to be higher performers than less happy individuals. In addition, research suggests there is a link between happiness and life satisfaction. Lawrence S. Krieger & Kennon M. Sheldon, What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success, 83 GEO. WASH. L. REV. 554, 620 (2015). Instead life satisfaction was most strongly associated with internal factors such as autonomy, relatedness, competences, and internal work motivation.

67. Id. at 583. In this study, Lawrence Krieger and Kennon Sheldon sought to determine what makes lawyers happy using Self Determination Theory—a theory that proposes humans thrive and attain subjective well-being when their fundamental needs of competence, relatedness, and autonomy are satisfied—as one measure of success. Id. at 564. Competence is defined as being good at or having the ability to be good at what one does, relatedness means making meaningful connections with others, and autonomy means having a feeling of choice in what one does. 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. BULL. 883, 885 (2007). The authors defined well-being as “the sum of life satisfaction” and “feeling good” or “feeling bad.” Krieger & Sheldon, supra note 63, at 562–63. They defined life satisfaction as “a personal (subjective) evaluation of objective circumstances—such as one’s work, home, relationships, possessions, income, and leisure opportunities.” Id. at 563.
68. Krieger & Sheldon, supra note 63, at 623–24
69. See id. at 562–63, 564 n.31 for definitions of happiness; see also Sonja Lyubomirsky, Laura King & Ed Diener, The Benefits of Frequent Positive Affect: Does Happiness Lead to Success?, 131 PSYCHOL. BULL. 803, 816–820 (2005) (defining happiness as “the frequent experience of positive emotions”).
70. Julia K. Boehm & Sonja Lyubomirsky, Does Happiness Promote Career Success?, 16 J. OF CAREER ASSESSMENT 101 (2008). In a review of cross-sectional, longitudinal, and experimental studies of happiness and career success, the authors found happy employees are high performing, id. at 103–04, engage in behavior that enhances the experiences of fellow employees and the organization, id. at 104, experience less desire to leave and lower burnout rates, id., perform better on single tasks, id. at 108, and that happiness may be bidirectional in that happiness fosters “job characteristics, which, in turn, enhance one’s happiness,” id. at
tween success, happiness and at least one character trait, grit. Studies suggest gritty individuals experience greater life-satisfaction than non-gritty individuals,71 optimistic teachers are happier and grittier than pessimistic teachers, and grit and happiness “explained why optimistic teachers got their students to achieve more during the school year.”72

In addition, there is likely a connection between the integration of professionalism values and satisfaction such that “satisfied lawyers tend to be more professional and that professional lawyers tend to be more satisfied.”73

In an article examining empirical studies of professionalism values and their connection to success in professional fields other than lawyering,74 Neil Hamilton and Verna Monson determined a similar link could be found between the integration of core professionalism principles and lawyer effec-

---

106. See also Lyubomirsky, King & Diener, supra note 69 (in a review of cross-sectional, longitudinal, and experiential studies, finding people who experience more happiness tend to be more successful at work than less happy people); DUCKWORTH, supra note 63, at 177 (discussing research on happiness as a cause and consequence of high performance).

71. DUCKWORTH, supra note 63, at 270.

72. Id. at 177 (citing Claire Robertson-Kraft and Angela L. Duckworth, True Grit: Perseverance and Passion for Long-Term Goals Predicts Effectiveness and Retention Among Novice Teachers, 116 TEACHERS COLLEGE RECORD 1, 18 (2014)).

73. Lawrence S. Krieger, What We’re Not Telling Law Students – and Lawyers – That They Really Need to Know: Some Thoughts on Revitalizing the Profession from Its Roots, 13 J.L. & HEALTH 1, 16–17 (1998-99). Krieger notes that lawyers as a group tend to focus strongly on external values such as wealth, prestige, and grades, which is in part responsible for lawyers’ perceived lack of professionalism and dissatisfaction. Id. at 18. He argues that internal factors such as “one’s values, commitments, and character” are responsible for “emotional health, maturity, and life satisfaction . . . .” Id. at 19. Krieger also argues that Self-Determination Theory could be used to measure character strengths and professionalism. Lawrence S. Krieger, The Most Ethical of People, the Least Ethical of People: Proposing Self-Determination Theory to Measure Professional Character Formation, 8 U. ST. THOMAS L.J. 168 (2011). Krieger argues that when the fundamental needs domains of Self-Determination Theory—competence, relatedness, autonomy, intrinsic values and motivation—are satisfied, an individual is likely to demonstrate positive character traits. Autonomy would lead to integrity, id. at 174, relatedness would lead to “social sensitivity, honesty, decency, respectfulness, thoughtfulness, and consideration,” id. at 175, and competence would lead to “desire, effort, and persistence,” id. Individuals with intrinsic values would enter into trusting, respectful relationships, id. at 176, and individuals with intrinsic motivation would enjoy their work and would be likely to display “enhanced effort, dedication, diligence, and similar professional qualities,” id. at 176–77. In contrast, a person whose fundamental needs are not satisfied, and who does not have intrinsic values or motivation will likely display unprofessional behavior and negative character traits. Id. at 182.

74. In this study the authors “drew upon studies from other peer-review professions such as medicine and auditing that share core principles and ideals of an internalized standard of excellence, confidentiality, loyalty, public service, independent judgment, peer-review, self-restraint in seeking sustainable profits while serving the client, integrity, honesty, and fairness.” Hamilton & Monson, supra note 20, at 164–66.
The authors found that professionals who demonstrated empathy, moral judgment, and moral implementation defined “as an array of characteristics and interpersonal abilities, such as ‘perseverance, resoluteness, competence, and character’ and ‘working around impediments and unexpected difficulties’” demonstrated the core values of the profession, and were deemed as effective in their profession as would lawyers who integrated these traits.

At least one study has shown that character strengths are associated with positive outcomes for law students. One study of law students established that law students who used their top strengths the most reported greater life satisfaction, less depression, and less stress compared to law students who did not. In this study, the character strengths most associated with well-being included “zest, followed by hope, love, love of learning, good judgment, and perseverance.”

In another study of female attorneys identified as “Super Lawyers,” the attorneys’ top character strengths were gratitude, kindness, social intelligence, and zest, defined as heart strengths, or emotional and interpersonal strengths, as opposed to head strengths, or analytical traits, and they exercised their top strengths regularly. While this study did not connect the use of character strengths to success, it did report that successful women attorneys used heart and head strengths deliberately; heart strengths were used to build relationships and manage employees, and head strengths such as bravery, persistence, and self-control, were used more often in “the high-conflict, highly analytical area of litigation,” and both were used where appropriate.

---

75. Id. at 158–62. The authors used James Rest’s Four Component Model of Morality (“(1) perceptual clarity and empathy, (2) reasoning and judgment, (3) motivation and identity formation, and (4) moral implementation”) as a framework for analyzing empirical studies addressing the relationship between professionalism and effectiveness. Id. at 156, 164.

76. Id. at 174.

77. Todd David Peterson & Elizabeth Waters Peterson, Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from Positive Psychology, 9 YALE J. HEALTH POL’Y L. & ETHICS 357, 411 (2009). In another study of adults, researchers found that participants who took a character strengths inventory and used their top five strengths in a new way each day for one week reported increased happiness for six months after completing the exercise. Martin E. P. Seligman, Tracy A. Steen, Nansook Park & Christopher Peterson, Positive Psychology Progress: Empirical Validation of Interventions, 60 AM. PSYCHOL. 410, 416 (2005).

78. Peterson & Peterson, supra note 77.


80. Id. at 295.

81. Id. at 283.

82. Id. at 278.

83. Id. at 300.
Despite the surveys and studies that suggest there would be a positive relationship between character traits and law student and attorney success, two recent studies suggest character strengths are not positively related to law school performance. In their study of recent law school graduates from one law school, Emily Zimmerman and Leah Brogan did not find a significant relationship between grit and law school GPA, undergraduate GPA, or LSAT score. In another study of law students at two different law schools, researchers found that many of the students’ character strengths were positively correlated with undergraduate GPA, but negatively correlated with law school GPA. The authors of the study noted that it was possible that a sub-group of students in the study could have had high undergraduate GPAs, but low LSAT scores, which put them at a competitive disadvantage against other first-year students because LSAT scores predict first-year GPA. The authors also noted this may be the same for character traits — while character strengths may predict academic performance for the general population, they may not predict performance for law students who represent a select group of the general population. The authors further noted “[t]his would imply that character is an important part of who enters law school, but has less value once there—at least in terms of academic performance.” They suggested further research should be done to determine how law schools might be preventing the use of character strengths and how that might impact law students’ academic performance and well-being.

The research on law students, academic success, and character strengths is interesting because it conflicts with most research on character strengths and other non-traditional factors as measures of success. It is also

84. Emily Zimmerman & Lean Brogan, Grit and Legal Education, 36 Pace L. Rev. 114, 142 (2015). They also found that women reported higher grit scores than men but did not find a difference between law school GPA and LSAT scores for men and women. Id. at 139–40.

85. See Margaret L. Kern & Daniel S. Bowling III, Character Strengths and Academic Performance in Law Students, 55 J. of Res. in Personality 25, 28–29 (2015). To measure students’ character, the authors used the Values In Action Inventory of Strengths, a self-report instrument, which measures the following character strengths: appreciation of beauty, authenticity, bravery, creativity, curiosity, fairness, forgiveness, gratitude, hope, humor, kindness, leadership, capacity for love, love of learning, modesty, open-mindedness, persistence, perspective, prudence, self-regulation, social intelligence, spirituality, teamwork, and zest. Id. at 25, 26.

86. Id. at 29.

87. Id.

88. Id.

89. Id. at 29; see also Kevin L. Rand, Allison D. Martin & Amanda M. Shea, Hope but Not Optimism, Predicts Academic Performance of Law Students Beyond Previous Academic Achievement, 45 J. of Res. Personality 683, 685 (2011) (finding that hope was positively correlated to first-semester law school GPA but optimism was not).

90. See supra note 63 and accompanying text; see also John W. Lounsbury et al., An Investigation of Character Strengths in Relation to the Academic Success of College Stu-
interesting because it conflicts what would seem to be intuitive—that using traits valued by the legal profession should result in high performance in law school and effective lawyering. Despite the results of these studies, character development is something that should be explored by law schools given that there is little research on law students and the relationship between character traits identified as important by the legal profession and success. In addition, these studies raise questions such as how strong the character strength must be to have a positive impact on academic performance, whether law schools are not rewarding students who demonstrate valued character traits, and whether law schools may be stifling or preventing the use of character traits in law school.

C. Whether Law Schools Should Develop Character Traits and Whether Character Traits Identified as Important Can Be Learned

Based on a review of legal scholarship, it is not clear that character development is recognized as important at the broad institutional level. As discussed in Section IV.D, however, individual professors are developing character traits in law students. This section discusses what legal scholars say about character development, and whether traits identified by survey participants as important can be learned.

1. Whether Law Schools Should Develop and Are Developing Character Traits

The majority of Practitioners and LWI Members reported law schools should develop character traits in law students. Seventy-three percent of Practitioners and 82% of LWI Members reported that law schools should help law students develop character traits.

Eighty-two percent of Practitioners and 93% of LWI Members reported they try to help law students or new attorneys develop character traits. Fifty-

91. Zimmerman and Brogan noted research participants had relatively high grit scores that could indicate grit beyond a certain level may not be related to GPA. Zimmerman & Brogan, supra note 84, at 144–45; Kern & Bowling, supra note 85, at 29.

92. See Zimmerman & Brogan, supra note 84, at 145. The authors noted that the emphasis on summative rather than formative assessment may suggest that law schools are not rewarding students for demonstrating positive character traits. See id.

three percent of Practitioners reported their place of employment tries to help law students or new attorneys develop character traits. Thirty-nine percent of Practitioners reported their place of employment requires new attorneys to reflect on their character traits in self-evaluations. Sixty percent of LWI Members reported their law schools try to develop character traits in law students.

Are law schools teaching character or impacting law student character development? There does not seem to be consensus on whether law schools cultivate character traits in law students, but some legal scholars suggest they do not. Some scholars argue that while law schools teach professionalism and have begun to focus on professional identity formation, law schools may fall short when it comes to the narrow subset of professional identify formation—character development.

Susan Daicoff argues traditional law school courses teach left-brain analytical skills, but may not explicitly teach many of the skills that develop character, or teach the key character traits necessary for successfully navigating the stresses of law school and the practice of law. For example, empathy, or “seeing the world through another’s eyes,” may be “taught in elective courses in law school,” and legal education “may or may not afford some opportunities to develop... passion and engagement, diligence, [and] integrity/honesty.” In addition: “creativity, . . . networking and business development, building relationships with clients, developing relationships within the legal profession, . . . and mentoring of others” may not be taught

---


95. “[P]rofessional identity is understood to include the constellation of beliefs, values, and motives by which people define themselves in a professional role.” Hall, O’Brien & Tang, supra note 20, at 33.

96. See Kehner & Robinson, supra note 94, at 66. In their article, the authors identify different ways American law schools teach professionalism, id. at 70–71, but do not provide examples of law schools educating students on how to cultivate specific character traits. Indeed, in addressing critiques of early professionalism education, the authors note “Professor Bratman suggests that the early focus on the need for formalized professionalism education in law school seems to have been based more on staying off the ‘commercialism’ of the profession and less on instilling certain habits or character traits to law students and lawyers.” Id. at 63 n.22. This comment about early professionalism education may be equally applicable today.

97. See Daicoff, supra note 14, at 832. Legal skills such as “analysis and reasoning, . . . researching, . . . fact finding, . . . questioning and interviewing, . . . writing, . . . speaking, . . . influencing and advocating” are “traditionally taught in law school.” See id. at 823 & n.125.

98. See id. at 823–24 & nn.126, 127.
in law school at all. Moreover, ethics courses may teach “professional responsibility,’ but the topic of ‘personal responsibility’ is neglected.”

The problem with failing to teach students right-brain skills and other character traits valued by the legal profession, is that when law students are in a situation that requires traits such as “judgment, maturity, self-awareness, self-control, interpersonal awareness, the ability to influence people, [and] relationship-building,” they may “fill in the blanks” with unprofessional, “unethical, or uncivil behavior.” Therefore, the idea of character development as part of law school pedagogy should be explored because “law school is a character-formative environment.”

Law schools may be character-formative, but are so in the negative sense when considering changes in law students’ well-being in law school and levels of law student dissatisfaction. Some scholars argue that the competitive and adversarial nature of the law-school learning environment has a negative impact on student well-being, which manifests in stress and anxiety, “loss of self-esteem and alienation,” and loss of identity. They argue student distress is attributed in part to grades and the ranking sys-

99. See id. at 824 n.127.
101. Right-brain skills include creativity and empathy. See Daicoff, supra note 14, at 832.
102. See id. at 834.
105. See generally Kennon M. Sheldon & Lawrence S. Krieger, Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being, 22 BEHAV. SCI. & L., 261, 272–74 (2004) (confirming anecdotal evidence that law school has a negative effect on law student motivation and subjective well-being in a study using self-determination theory as a measure of law student well-being); Sheldon & Krieger, Understanding the Negative Effects, supra note 67, 889–91 (finding fundamental needs of autonomy and relatedness, as well as subjective well-being, declined over a three-year period at two different law schools, but law school that provided greater autonomy and supportive environment experienced less of a decline); Kern & Bowling, supra note 85, at 29 (questioning whether law schools prevent the use of positive character traits). See Zimmerman & Brogan, supra note 84, at 95 (noting schools may not be rewarding students for using character traits such as grit).
108. See Hess, supra note 106, at 77.
tem, and the narrow focus on analytical skills at the expense of interpersonal skills. Some argue the distress continues into practice—“career dissatisfaction is widespread and is generally linked to the ascent of commercialism and the loss of character, service commitment, and professionalism among many lawyers.”

The concern is that the negative effects of law school and the distress it causes may have an adverse impact on positive character traits. The insecurity and distress law students experience may inhibit the development of positive character traits such as “curiosity and genuine intellectual interest.”

Lawrence Krieger, a proponent of humanizing law school argues, the “focus on analysis . . . can result in devaluation of the students’ more subjective and ‘non-rational’ qualities of feeling, value, intuition or character.” For instance, “the empathetic response [may be] . . . systematically trained out of [law students]” as they are taught to “think like lawyers.”

In her review of empirical research on attorney professionalism traits, Susan Daicoff found that legal education causes negative personality changes in law students in that they become “less dominant, confident, and socia-


111. See Hess, supra note 106, at 78. But see Krieger & Sheldon, supra note 63, at 579 (finding decreasing law school debt did not have a significant correlation to lawyer satisfaction).

112. See Hess, supra note 106, at 78; Krieger, supra note 110, at 261.

113. See Sheldon & Krieger, supra note 105, at 261–62 (citations omitted). While much has been written about lawyer dissatisfaction, there is disagreement about the extent of lawyer distress and dissatisfaction. The authors of Lawyer Satisfaction in the Process of Structuring Legal Careers note the conflicting studies on lawyer satisfaction and dissatisfaction, and also note that lawyers in the After the JD Study reported high levels of job satisfaction. Ronit Dinovitzer & Bryn G. Garth, Layer Satisfaction in the Process of Structuring Legal Careers, 41 L. & SOC’Y R. 1, 6, 9 (2007). See also Daicoff, supra note 103, at 1346–47 (discussing the increase in lawyer dissatisfaction); Jerome M. Organ, What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being, 8 U. ST. THOMAS L.J. 225, 237–38 (2011) (noting the conflict between anecdotal evidence suggesting lawyers are dissatisfied and studies showing a consistent level of lawyer satisfaction).

114. See Kern & Bowling, supra note 85, at 28 (noting law students come to law schools with “higher levels of zest, hope, perseverance, and self-regulation” than U.S. lawyers and recognizing the need for research on how and whether character changes in law school “and the implication this might have for long term social and emotional well-being”).


116. See Krieger, supra note 73, at 24; see also Sheldon & Krieger, supra note 105, at 276–77, 280 (addressing negative changes in law students associated with law school).

117. See Gallacher, supra note 20, at 116; see also Krieger, supra note 107, at 117 (attributing part of law student dissatisfaction to teachings on “[t]hinking ‘like a lawyer’”).
ble, and more anxious and internally conflicted.” As a result Daicoff concluded law students’ “competitiveness, aggressiveness, need for academic achievement, and low interests in emotions . . . likely to have been present prior to law school . . . may be amplified and increased by the legal education process.”

The commentary on professionalism and the impact of law school on law student well-being suggests that law schools are not doing enough to develop positive character strengths in their students. It also suggests law schools may be limiting or inhibiting the development of positive character traits. While the overall consensus may be that law schools do not spend enough time developing character traits, the majority of Practitioners and LWI Members reported their places of employment are developing character traits. In addition, as discussed in Section IV.D, individual law professors are developing character traits in law students. Assuming character development is an important part of professional identity formation, the next questions that must be addressed are whether character traits can be learned, and which character traits law schools should teach.

2. Important Character Traits and Whether They Can Be Learned

The majority of Practitioners (73%) and LWI Members (76%) believe that character traits are something that can be learned or improved over time. The two groups varied as to whether some or all traits can be learned. Eighty-six percent of Practitioners believe some character traits can be learned, while 14% believe that all character traits can be learned. Among LWI Members, 59% reported that some traits can be learned, while 41% believe all traits can be learned.

Research on beliefs about intelligence may be applicable to determining whether character traits are susceptible to change and can be learned over time. Stanford psychologist Carol Dweck argues beliefs or self-theories are central to personality and can be changed over time. She found that modest interventions to change individuals’ beliefs about intelligence could result in lasting changes in personality traits such as “openness to experience . . . conscientiousness . . . sociability . . . [and] resilien[ce].” Changing beliefs about intelligence could be used to develop character—for instance,
changing beliefs about intelligence could be a way to reach both underperforming and overly confident students by persuading them “that intelligence is malleable.”

Some argue that “teachable traits are those relating only to ‘the ability to monitor one’s own and others’ feelings and emotions, to discriminate among them and to use this information to guide one’s thinking and actions.’” Others argue that even traits such as honesty, integrity, and passion can be developed using hypothetical or real life situations.

In response to the question of which character traits can and cannot be learned, Practitioners responded that confidence (53%), responsibility (43%), and adaptability (40%) can be learned, while integrity (71%), determination (57%), and ethics (43%) cannot be learned. LWI Members responded that responsibility (52%), confidence (37%), self-control (37%), and grit/persistence (33%) can be learned, while honesty (60%), ethics (60%), intellectual curiosity (60%), ability to get along/work well with others (40%), integrity (40%), grit/persistence (20%), and self-control (20%) cannot be learned.

In response to the question of which character traits are most important for new attorneys to have or learn, Practitioners responded that integrity is the most important character trait for new attorneys to have or learn (44%), followed by ability to get alone/work well with others (40%) and responsibility (33%). LWI Members responded that responsibility is the most important character trait for new attorneys to have or learn (45%), followed by grit/persistence (39%), adaptability (33%), and the ability to get along/work well with others (33%).

In response to the same question about law students, Practitioners reported that determination and responsibility are the most important character traits (44% each), followed by integrity and intellectual curiosity (36% each), and grit/persistence and confidence (27% each). Forty-six percent of LWI Members reported that responsibility and grit/persistence are the most important traits for law students to have, followed by integrity (33%), and intellectual curiosity (32%).

---

123. Ruth Vance & Susan Stuart, Of Moby Dick and Tartar Sauce: The Academically Underprepared Law Student and the Curse of Overconfidence, 53 DUQ. L. REV. 133, 154 (2015); see also Peterson & Seligman, supra note 2, at 10 (defining character, Peterson and Seligman “rely on the new psychology of traits that recognizes individual differences that are stable and general but also shaped by the individual’s setting and thus capable of change”).

124. Daicoff, supra note 14, at 830–31 (internal citation omitted).

125. Id.

126. Participants had to choose three traits out of the following list: Grit/Persistence, Determination, Resilience, Adaptability, Responsibility, Integrity, Ethics, Patience, Confidence, Optimism, Gratitude, Empathy, Intellectual Curiosity, Ability to get along/ work well with others, Enthusiasm, and Self Control.
For legal writing students, LWI Members found the most successful legal writing students demonstrate grit/persistence (51%), intellectual curiosity (48%), and responsibility (44%). The least successful legal writing students lack grit/persistence (52%), responsibility (50%), intellectual curiosity (36%), and adaptability (36%).

For those Practitioners who reported that law schools should develop character traits in law students, 45% reported law schools should develop responsibility, 42% reported law schools should teach integrity, ethics, and ability to get along well/work with others, and 33% reported law schools should teach confidence. LWI Members responded that responsibility (58%), adaptability (35%), and ability to get along/work well with others (32%) should be taught.

The character traits that were identified the most in multiple categories as both important for new attorneys or law students, and traits schools should teach, are responsibility, integrity, ability to get along/work well with others, grit/persistence, confidence, and intellectual curiosity.

a. Responsibility

Both groups reported that responsibility can be learned, is an important trait for new attorneys and law students, and should be taught by law schools. The dictionary defines responsibility as “the quality or state of being responsible,” and responsible as “able to answer for one’s conduct and obligations” or “marked by or involving responsibility or accountability.” Similarly, Black’s Law Dictionary defines responsibility as “[t]he quality, state, or condition of being answerable or accountable.”

There does not appear to be any research on whether law students or lawyers can learn to be responsible or accountable. Research of undergraduate students at West Virginia University suggests that team-based learning (TBL) could facilitate individual accountability. TBL, discussed in further
detail in Section IV.D, below, is a “learner-centered teaching strategy,” and its purpose is to “engag[e] students in active and collaborative learning experiences throughout a course.” In a TBL course, students are divided into small groups, collaborate on assignments within that same group throughout the course, and are “accountable for [both] individual and group work.” Intuitively it makes sense that TBL would foster responsibility given the nature and purpose of TBL. While further research is necessary to determine whether TBL or other teaching methods increase law student responsibility, TBL and other methods for teaching responsibility are explored in Section IV.D, below.

b. Integrity

Both Practitioners and LWI Members reported integrity is an important trait for law students. In fact, Practitioners identified integrity as the most important trait for new attorneys. Both groups believe integrity cannot be learned, but Practitioners reported that law schools should teach integrity.

Integrity is defined as “firm adherence to a code of especially moral or artistic values,” and “a regular pattern of behavior that is consistent with espoused values—practicing what one preaches.” Many surveys about skills and values important for practicing attorneys identify integrity as an important character trait for effective lawyering.

There does not appear to be any research addressing whether law students can learn individual integrity. Whether teaching integrity in law school in fact improves integrity should be explored because integrity is a common value in practicing law.

---

132. Id.
133. Id. at 158.
134. Id. at 157–58.
136. See Peterson & Seligman, supra note 2, at 249.
137. See supra Part II.
138. There is research on other types of integrity such as academic integrity, see Macey Lynd Edmondson, Exploring the Relationship Between Academic Dishonesty and Moral Development in Law School Students, ProQuest Dissertations Publishing (2013) (Ph.D. dissertation, University of Mississippi), but not personal integrity as understood here. See Peterson & Seligman, supra note 2, at 268 (noting there are youth development programs such as the Boy and Girl Scouts of America that encourage integrity but no evaluations of whether the programs are effective).
key characteristic of effective lawyering, and legal education may erode character traits, including integrity.

c. Ability to get along/work well with others

Both Practitioners and LWI Members reported that the ability to get along/work well with others is an important trait for new attorneys, and reported law schools should teach the ability to get along/work well with others. LWI Members reported this trait cannot be learned.

The ability to get along with others, also referred to as social intelligence, is defined as “one’s relationships with other people, including the social relationship involved in intimacy and trust, persuasion, group memberships, and political power,” and “the ability to get along well with others and to get them to cooperate with you.”

While there does not appear to be any research on law students and the development of social intelligence, there is at least one study that suggests social intelligence is susceptible to change. One study of undergraduate and graduate health sciences students found a small increase in emotional-social intelligence (ESI), a concept related to social intelligence, over the course of health sciences programs that did not include any curricular interventions targeting ESI. The authors of the study suggested that specific interventions to teach ESI may be needed to see greater changes in ESI, and also suggested the results could be explained by the fact that health care professional programs are likely to attract individuals with high ESIs. While there does not appear to be any research on law students and social intelligence, in his book *Social Intelligence*, Karl Albrecht suggests social intelligence can be developed, and suggests methods to improve social intelligence.

139. See *supra* Part II.
140. Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspective on Values, Integrity and Happiness*, 11 *CLINICAL L. REV.* 425, 431–32 (2005) (discussing how the negative effects of law school erode integrity); see also Kern & Bowling, *supra* note 85, at 29 (noting further research should be done to determine whether law school has a negative impact on character traits).
141. *PETerson & SELigMAN, supra* note 2, at 339.
143. ESI is defined as “a multi-factorial array of emotional and social competencies that determine how effectively we relate with ourselves and others and cope with daily demands and pressures.” Hélène Larin et al., *Changes in Emotional-Social Intelligence, Caring, Leadership and Moral Judgment During Health Science Education Programs*, 14 *J. SCHOLARSHIP TEACHING & LEARNING* 26, 26–27 (2014).
144. *Id.* at 29, 32.
145. *Id.* at 33.
146. *Id.* at 34.
147. See ALBRECHT, *supra* note 143.
d. Confidence

Practitioners reported confidence as an important character trait for law students that should be taught by law schools. Practitioners and LWI Members reported confidence can be learned.

Confidence is defined as “a feeling or belief that you can do something well or succeed at something,” and some argue legal education may erode students’ sense of confidence by “train[ing] students to ignore their own values and moral sense.” While a significant number of law students may lose confidence in law school, research is mixed on whether the loss of confidence in the classroom negatively impacts law students’, specifically female law students’, academic performance in law school. Studies have shown that in general men report higher levels of self-confidence than women, and self-confidence predicts high school students’ academic performance. There does not appear to be any research on developing confidence in law students, but because confidence is viewed as an essential trait for effective lawyering, confidence is explored in Section IV.D, below.

e. Grit/Persistence

Practitioners reported that grit is an important character trait for law students, while LWI Members reported that grit is important for law students and new attorneys. LWI Members were inconsistent in their responses about whether grit can be learned, reporting both that it can and cannot be learned.

149. See Sheldon & Krieger, Understanding the Negative Effects, supra note 67, at 883; see also Krieger, supra note 104, at 269 (arguing the language used by law professors in the classroom can undermine students’ self-confidence).
150. See Sheldon & Krieger, Understanding the Negative Effects, supra note 67, 883 (referencing studies concluding student confidence is undermined in law school); Krieger, supra note 104, at 269, 271, 275 (discussing the erosion of law student self-confidence).
Grit, which is defined as “perseverance and passion for long-term goals,” has been the subject of much discussion and research in primary and secondary education, higher education, legal education, and the legal profession. Despite the focus on grit as potentially important to academic and professional success, recent research suggests grit may not be positively correlated to success in law school. In a recent study, Emily Zimmerman and Leah Brogan noted that while grit was not positively related to law school academic success, further research should be done on grit and its relationship to academic performance. Similarly, Milana Hogan’s research on female attorneys in large law firms did not find a significant relationship between grit and law school GPA, but did find a positive rela-

---


154. Angela Duckworth, a psychologist and recipient of the MacArthur Fellowship, is one of the lead researchers of grit. See, e.g., DUCKWORTH, supra note 63, at 181.

155. See TOUGH, supra note 5, at xiv; U.S. DEP’T EDUC., supra note 63, at 52.

156. See Duckworth, Peterson, Matthews & Kelly, supra note 154, at 1087; Patrick L. Hill, Anthony L. Burrow & Kendall Cotton Bronk, Persevering with Positivity and Purpose: An Examination of Purpose Commitment and Positive Affect as Predictors of Grit, 17 J. HAPPINESS STUDIES 257 (2016); Christopher A. Wolters & Maryam Hussain, Investigating Grit and Its Relations with College Students’ Self-Regulated Learning and Academic Achievement, 10 METACOGNITION LEARNING 293 (2015); Dominic Barton, The Most Important Factor in a College Student’s Success, WALL. ST. J. (Sept. 16, 2015, 8:05 AM), http://blogs.wsj.com/experts/2015/09/16/the-most-important-factor-in-a-college-students-success.

157. See Zimmerman & Brogan, supra note 84, passim (discussing research on grit as a predictor of academic achievement in law school); AM. BAR ASS’N, THE Grit PROJECT PROGRAM TOOLKIT, http://www.americanbar.org/groups/women/initiatives_awards/grit/toolkit.html (last visited June 15, 2016) (providing resources for how to teach grit and growth mindset to promote success of female attorneys); Milana Lauren Hogan, Non-Cognitive Traits That Impact Female Success in Biglaw 117 (2013) (Ph.D. dissertation, University of Pennsylvania), http://ms-jd.org/uploads/library/Milana_Hogan_Dissertation_7_31_13.pdf (finding grit was related to billable hours and quality of work received – two measures of success of women in large law firms). While much of the discussion about grit has been positive, grit has its critics. See Peter Gow, What’s Dangerous About the Grit Narrative, and How to Fix It, EDUC. WEEK BLOG (Mar. 3, 2014, 7:47 AM), http://blogs.edweek.org/edweek/independent_schools/2014/03/whats_dangerous_about_the_grit_narrative_and_how_to_fix_it.html (discussing that poverty, racism, and other institutional forces cause children to underperform in school and that the blame should not be placed solely on the individual student).

158. See supra note 63.

159. See supra note 84 and accompanying text.

160. See Zimmerman & Brogan, supra note 84. Zimmerman and Brogan noted research participants had relatively high grit scores which could indicate grit beyond a certain level may not be related to GPA. Id. at 142–43. They further noted law school summative assessments, rather than formative assessments, may not be rewarding gritty students. Id. at 143.
tionship between grit and two indicators of success—billable hours and the quality of work received.\textsuperscript{161}

Assuming grit is an important character trait for attorneys and law students, the question is whether grit can be learned. Angela Duckworth says that individuals can grow grit by cultivating their interests, practicing, focusing on purpose, and relying on hope.\textsuperscript{162} At least one study of fifth grade children established that specific interventions to teach qualities associated with grit—optimism, self-control, and perseverance—resulted in an increase of grit over the school year.\textsuperscript{163}

In addition, research on mindset and changing beliefs about intelligence further supports the idea that grit can be learned. Carol Dweck studies mindsets—individuals and their beliefs about intelligence—to determine what makes people successful.\textsuperscript{164} There is a relationship between grit and mindset because “character grows out of mindset,”\textsuperscript{165} and at least one study on grit and mindset found that students with a growth mindset are grittier than students with a fixed mindset.\textsuperscript{166} Therefore, research on mindset appears to be applicable to character development.

Dweck determined that beliefs about intelligence shape motivation and success\textsuperscript{167} and that people generally fall into two mindset categories—the growth and fixed mindsets.\textsuperscript{168} Growth mindset individuals define success as working hard and getting better rather than winning, and failures or setbacks motivate them to grow and improve.\textsuperscript{169} They believe intelligence, ability, and personality can be cultivated with effort, and seek to overcome challenges.\textsuperscript{170}

In contrast, people with a fixed mindset believe intelligence, ability, and personality are fixed, constantly seek to confirm their intelligence, and worry about failing and being rejected.\textsuperscript{171} Fixed mindset individuals feel successful when they have proven their success to others with minimal effort\textsuperscript{172} and setbacks “create[ ] the feeling of utter failure and paralysis.”\textsuperscript{173} Fixed mindset students “respond to . . . setbacks by (1) losing enthusiasm . . . ., (2) devaluing effort, (3) blaming the setback on their lack of ability or [on

\textsuperscript{161} See Hogan, supra note 158, at 66, 117.
\textsuperscript{162} See DUCKWORTH, supra note 63, passim.
\textsuperscript{163} See Lyon, supra note 63, at 41; TOUGH, supra note 5, at 196.
\textsuperscript{165} Id. at 93.
\textsuperscript{166} See DUCKWORTH, supra note 63, at 181.
\textsuperscript{167} See DWECK, supra note 165, at 27.
\textsuperscript{168} Id. at 6–7.
\textsuperscript{169} Id. at 98.
\textsuperscript{170} Id. at 9.
\textsuperscript{171} Id. at 8.
\textsuperscript{172} Id. at 99.
\textsuperscript{173} DWECK, supra note 165, at 9.
others], and (4) adopting either the same ineffective strategy or less effective strategies . . . in the future.”174 This helplessness and the desire to give up in the face of obstacles is the antithesis of grit—the perseverance and passion for long-term goals.

Why is mindset important to the study of grit and law students specifically? At least one study of law students found a relatively large percentage of students have a fixed mindset when they enter law school. Carrie Sperling and Susan Shapcott’s study of one hundred incoming first-year law school students found that 25% of students in one law school had a fixed mindset, 25% had a growth mindset, and 50% were somewhere in the middle.175 Individuals with fixed mindsets display maladaptive characteristics such as “helpless behavior in the face of perceived obstacles,”176 that impedes students’ ability to learn from critical feedback.177 Therefore, Sperling and Shapcott’s findings are “significant enough to warrant attention,”178 both because of the maladaptive characteristics fixed-mindset individuals demonstrate, and because law schools may be creating fixed mindsets in students.179 Mindset can be changed over time with effort,180 and given the relationship between a grit and a growth mindset, strategies for changing mindset might be applicable to changing character traits, specifically grit.

f. Intellectual Curiosity

Practitioners and LWI Members reported that intellectual curiosity is an important character trait for law students. LWI Members reported it cannot be learned and neither group recommended that law schools teach it.

Curiosity is defined as “interest leading to inquiry,”181 and “involves the active recognition, pursuit, and regulation of one’s experience in response to challenging opportunities.”182 An individual is curious when the individual is “marked by desire to investigate and learn.”183 Curiosity is a

176. Adams-Schoen, supra note 175, at 7.
177. See Sperling & Shapcott, supra note 176, at 49.
178. Adams-Schoen, supra note 175, at 16.
179. Class rankings, one exam at the end of the semester, law student and law school rankings, grading onto law review, and LSATs, all contribute to creating a fixed mindset. See id. at 16–17.
180. Id. at 29.
182. See PETERSON & SELIGMAN, supra note 2, at 125.
strong predictor of academic performance, and "academic performance may be further enhanced if students’ intellectual curiosity is continuously stimulated and nurtured." While curiosity is a difficult trait to develop in others, research suggests it is possible to "consciously adopt and implement curiosity or interest-enhancing strategies to heighten . . . curiosity."

D. How to Develop Character Traits Identified as Important

Because research suggests that certain character traits can be learned, the question is how law schools should go about cultivating character traits in law students. This section will provide suggestions for teaching character traits that received the most responses from survey participants to the questions of: (1) whether the character traits were important to new attorneys and law students; and (2) whether law schools should teach the character traits.

Before discussing how to cultivate specific character traits identified by survey participants as important, it is worth briefly mentioning teaching techniques that can be used to develop other character traits not specifically mentioned below. There are many other suggestions for developing specific character traits not identified by survey participants as important such as empathy, resilience, adaptability, diligence, respect, hope, and

185. Id. at 582.
187. Id. at 380; see also Peterson & Seligman, supra note 2, at 138 (suggesting curiosity may be developed).
188. See supra Section IV.C.2.
190. Penelope Watson & Rachel Field, Promoting Student Well-Being and Resilience in Law School, EXCELLENCE AND INNOVATION IN LEGAL EDUCATION 389, 407 (2011).
192. See Hess, supra note 106, at 91.
193. See id. at 90.
Various exercises, including self-reflections, can be used to develop character traits as can direct feedback that is both critical and assuring. Character traits can also be developed through peer editing that provides students with opportunities to critique one another.

195. Corie Rosen suggests that professors use the language of optimism, such as “temporary, specific, and hopeful language,” when giving feedback to students to teach flexible optimism, an attribution style. Corie Rosen, Creating the Optimistic Classroom: What Law Schools Can Learn from Attribution Style Effects, 42 McGeorge L. Rev. 319, 339 (2011). An attribution style is “the way a person uses particular language to explain the causes of good and bad events.” Id. at 327. Examples of temporary, specific, and hopeful language include: (temporary) “[y]ou haven’t reached the right answer yet,” (specific) “[t]here is a better answer to this problem,” and (hopeful) “[t]his next time around, consider the particular facts before you. Do you see how you can reach a better answer?” Id. at 339. Flexible optimism, which allows students to use optimism and pessimism selectively depending on the situation, helps students to cultivate optimism to enable them to better cope with setbacks. Id. at 334, 336–38. Rosen also discusses the study of University of Virginia law students that found a pessimistic attribution style predicted high academic achievement. Id. at 332–33. She notes that researchers describe these students as special pessimists—students at the very top of their class who perform well using a pessimistic explanatory style, but also notes these researchers believe professors should still create an optimistic classroom and disregard this special group of students. Id. at 333–34.

196. Lawrence Krieger has students write their own eulogies to help them identify their character traits, and the goals and values of the ideal professional. See Krieger, supra note 140, at 435. Ruth Anne Robbins, of Rutgers Law School, requires her students to annotate drafts and final versions of papers to explain their thought processes, ask questions, or indicate uncertainties they face as they write. Telephone Interview with Ruth Anne Robbins, Clinical Professor, Rutgers Univ. Sch. of Law—Camden (May 29, 2015). Professor Robbins’ goals are twofold: to help her as she comments on the papers, and to help the students. Students are able to refer to their written reflections on earlier assignments and incorporate the processes that worked for them into subsequent assignments. Professor Robbins has found that students do in fact read through and reflect on these annotations made during their 1L year as they engage in more advanced upper level writing courses. Ultimately, Professor Robbins has found the annotation exercise results in more self-directed learning, and students taking responsibility for their own progress. Mimi Samuel of the Seattle University School of Law invites her students to complete reflections on TWEN on their professional identity formation. Telephone Interview with Mimi Samuel, Assoc. Professor of Lawyering Skills and Assoc. Dir. of the Legal Writing Program, Seattle University School of Law (June 3, 2015). Instead of asking students what kind of lawyer they want to be, which can be daunting, she asks them to list adjectives of the type of lawyer they would want to hire. She then creates a word cloud of the responses as a visual representation of the characteristics important to students and makes that visual available for students. She also asks students to identify their favorite TV or movie lawyer and to identify what it is about them that they like. Her goal is to make students think about professional identity from the beginning of law school, but not in a heavy-handed way.

197. See Adams-Schoen, supra note 175, at 41–42 and Section IV.D, infra, discussing robust criticism and assurances as important to the development of growth mindset, grit, and possibly other character traits. Many professors already provide robust criticism plus assurances and effort-based praise with the intention of preparing students for the realities of practice and helping students develop positive character traits. Professor Harris Freeman of the Western New England University School explicitly discusses his students’ deficiencies with
Another way to develop character traits is through stand-alone professional development courses. For example, Villanova University Charles Widger School of Law requires students to take a three-year Professional Development course. During this course, students are introduced to “academic skills development . . . practice area exploration, career strategies, and what it means to be a legal professional.” During their 1L year, students are encouraged to engage in self-assessments to identify their strengths and values, and are encouraged to take an online character strengths assessment to evaluate their strengths in connection with their goals in law school. In addition to building on the professional skills in-

them and the importance of owning their weaknesses during one-on-one conversations with students. Telephone Interview with Harris Freeman, Professor of Legal Research and Writing, W. New England Univ. Sch. of Law (June 11, 2015). When Professor Freeman receives writing assignments that are deficient in any number of ways including analysis, organization, and writing, he has explicit conversations with his students during conferences and discusses with students the importance of taking responsibility for their work product and work ethic in law school. Rather than focusing only on the comments he made on the paper, Professor Freeman tells students that the assignment is not something that would be acceptable in the real world and that in law school students need to treat each assignment as if they were representing a real client. Much of the conversation is focused on the learning and writing process and self-reflection: Professor Freeman asks students specifically how they approached the assignment, about their work habits, whether the students challenged themselves to do their best, and how they should be thinking of themselves as part of a profession while in law school. He also asks students about their approach to learning and the types of qualities and habits they should strive to acquire to succeed as a law student and a lawyer. In these conversations, he discusses: (1) the types of work habits that his students should develop now to help them succeed after law school; and (2) that students’ self-awareness and the ability to recognize and own their faults and make changes is the key to their success. He finds that these types of conversations are important because some students are not familiar with the habits or work ethics associated with the legal profession. While he has found that this approach is not successful with all students, Professor Freeman has found that others find these conversations to be helpful and change their work habits and approach to learning after they have met with him.

198. Some professors use exercises that teach students how to both give and receive constructive and specific feedback. Telephone Interview with Jacqueline Kutnik-Bauder, Former Assoc. Professor, St. Louis Univ. Sch. of Law (June 1, 2015). Kutnik-Bauder required students to give specific and constructive critical feedback to fellow students during peer edits and oral arguments. The goal of both exercises was to teach students how to provide feedback that was helpful, and the peer editing exercises also taught students to self-edit and taught professionalism. Both of these exercises prepared students to receive and welcome constructive critical feedback, and to exercise positive character traits such as curiosity, honesty, social intelligence, and self-regulation, among other traits.


201. Id.
troduced during the 1L year, during their 2L year students learn to identify and adhere to their own values when those values conflict with “expectations of clients, peers, employers and/or organizations.” During the 3L year, “[t]he primary focus . . . is on continued career planning, and developing and strengthening skills in networking and professional relationship building.” Other law schools, such as Case Western Reserve University School of Law, have similar programs.

Despite the concern that law schools may not be developing character traits in law students, some law professors are engaging in teaching methods that explicitly or implicitly cultivate traits. Below are ideas for teaching specific traits identified as important by survey participants.

1. Responsibility

TBL may increase students’ individual accountability or responsibility. In a TBL course, students are divided into groups of five to seven and work within that group for the duration of the course. The course is divided into units, and at the beginning of each unit students are required to prepare before class and engage in a readiness assurance process, which consists of both an individual and group test of the materials they read before class. Feedback on the individual and group tests is immediate and students receive clarification from the professor on any concepts they do not understand. During subsequent classes in each unit, teams apply the concepts they have learned to more complex problems and give group presentations.

204. Telephone Interview with Jaime Bouvier, Co-Director of the Acad. and Writing Support Program, Case Western Reserve Univ. Sch. of Law (May 29, 2015). At Case Western, 1L students have to take a Law and Leadership Course. The course has its origins in the Weatherhead School of Management and focuses on emotional intelligence competencies and organizational behavior. In this course, students are required to reflect on their emotional intelligence competencies such as empathy, as well as other character traits.
205. See supra Section IV.C.1.
206. See Stein, Colyer & Manning, supra note 130.
208. Id. at 158–59.
209. Id. at 159.
210. Id. at 160.
Students are graded on their individual and group performance, and are graded by their peers—peer review requires team members to assign points to one another for performance on each assignment, and to provide qualitative feedback justifying the score. Law professors are employing TBL in legal writing and doctrinal courses.

Student accountability is an important goal of TBL and can be divided into three parts—accountability to self, accountability to the professor, and accountability to the group. While increasing student accountability is an important goal of TBL, and TBL may promote student accountability, further research is necessary to determine whether TBL in fact increases student accountability.

There are other ways to integrate teaching responsibility in the law school classroom outside of TBL. To teach responsibility, the professor should set high expectations for the course by creating learning outcomes that “focus on responsibility for learning and professional development.” As part of setting high expectations, professors can assign readings about responsibility and motivation, and the professor should work with students to come up with a list of expectations for the course—what students can expect from the professor, what they can expect from each other, and what they are willing to give to the course. If a student fails to comply with the course expectations, the professor should connect any professionalism lapse to the real world by asking the student what the consequences of such lapse would be in practice, but should also be understanding of any

213. See Weresh, supra note 213, at 73–74.
214. Mary Ann Robinson, Professor of Law at Villanova University Charles Widger School of Law incorporates Sophie Sparrow’s team-based learning techniques in her second-year transactional drafting course. Interview with Mary Ann Robinson, Professor of Law, Villanova University Charles Widger School of Law, in Villanova, Pa. (June 17, 2015). See generally Weresh, supra note 213, at 73–74.
215. See generally Sparrow & McCabe, supra note 208.
216. See Stein, Coyler & Manning, supra note 130, at 29; Sparrow & McCabe, supra note 208, at 174 (recognizing an essential part of TBL is that “students must be made accountable for their individual and group work”).
217. See generally Sparrow & McCabe, supra note 208, at 195.
218. See Weresh, supra note 213, at 79.
219. See Stein, Coyler & Manning, supra note 130, at 36.
221. Id.
223. See Silver, supra note 223, at 335–36.
lapse as long as the student notifies the professor in advance, just as a practicing attorney would take responsibility in a similar situation in practice.\footnote{Id. at 338.} In addition, professors can model responsibility by acknowledging their own mistakes when appropriate.\footnote{Id. at 339.}

An important part of cultivating responsibility is fostering relationships with students. Professors should have one-on-one conversations with students to provide them with tools and strategies for answering their own questions,\footnote{Id. note 221, at 498–99.} and should ask them about their progress in the course so that students “become more invested in their learning and development and . . . have an additional incentive to perform well.”\footnote{Hill, supra note 221, at 498–99.}

In addition, professors can develop responsibility in their students by having students perform exercises that require them to reflect on their own responsibility. Students can complete self-evaluations after completing assignments that require them to reflect on whether they met the course commitments, how they performed on their assignments, and whether there is any relationship between satisfying their commitments and their performance.\footnote{See Silver, supra note 223, at 343; see also Hill, supra note 221, at 490, 491, 493–94 (suggesting that professors require students to complete self-reflections and questionnaires “about their role in, and responsibility for, learning”).} Cooperative or collaborative exercises, such as peer editing or fact investigation, can also help develop responsibility.\footnote{See Hill, supra note 221, at 500.}

2. Integrity

Integrity is taught in ethics and professional responsibility courses,\footnote{Mary C. Daly, Teaching Integrity in the Professional Responsibility Curriculum: A Modest Proposal for Change, 72 FORDHAM L. REV. 261, 267–68 (2003).} but it may be difficult for law schools to “identify that moral trait in [law school] applicants and inculcate it in students.”\footnote{Deborah L. Rhode, If Integrity Is the Answer, What Is the Question?, 74 FORDHAM L. REV. 333, 334 (2003).} Integrity may be taught by using integrative learning\footnote{Integrative learning is described as “connecting skills and knowledge from multiple sources and experiences; applying theory to practice in various settings; utilizing diverse and even contradictory points of view; and, understanding issues and positions contextually.” Patti Alleva & Laura Rovner, Seeking Integrity: Learning Integratively from Classroom Controversy, 42 SW. L. REV. 355, 368–69 (2013) (citation omitted).} and controversial moments in the classroom because “the multi-faceted and charged qualities of [controversial moments] . . . help to illuminate the meaning of professional integrity in both the moral
and structural senses of that concept.”233 A controversial moment is a comment “with a contentious edge” made by a student during class that generates discussion.234

Professors should prepare students before controversial moments occur and check in with students after they occur to make the learning experience surrounding controversial moments most effective. Before any controversial moments happen, the professor should acknowledge that controversial moments may occur in class and that as future lawyers, students will need to manage controversy.235 The professor should also have the class create discussion guidelines and introduce the five-lesson framework before any controversial comment is made, so students know how any controversial comments will be handled in class.236

The five-lesson framework consists of: (1) a discussion of the substantive law that forms the basis of the controversial moment; (2) policy issues that arise based on different interpretations of the law; (3) an exploration of the thinking and feeling that went into the comment;237 (4) a discussion of the importance of relational skills—communication, interpersonal skills, and listening—in the professional setting; and (5) the confrontation of issues of ethics, identity, and professionalism.238

An important part of facilitating the discussion of controversial moments and encouraging the exchange of ideas is to move away from the idea of the classroom as a community, which suggests homogeneity and may stifle diverse perspectives, to the classroom as a city.239 In addition, immediately after a controversial comment is made, the professor should appraise the situation to get a general sense of how the class is doing and assess whether it makes sense to use the five-lesson framework.240

In addition to using controversial moments to teach integrity, professors can model the trait for students. Professor Krieger suggests that professors engage in modeling to foster or at least avoid the loss of character traits

---

233. *Id.* at 373. The authors note that not every controversial moment lends itself to an integrated learning approach discussion. *Id.* at 386–87. For many reasons, “teaching to and through these moments may have costs or, in any given case, be ill-advised.” *Id.* at 387.
234. *Id.* at 360.
235. *Id.* at 391–92.
236. *Id.* at 390–91, 396–97.
237. In this critical thinking and metacognition stage, students are asked to “‘identify the multiplicity of viewpoints at work, make the fact of the conflict visible, and then [professors must] give students time to reflect on the sources and meaning of the conflict.’” Patti Alleva & Laura Rovner, *Seeking Integrity: Learning Integratively from Classroom Controversy*, 42 SW. L. REV. 355, 378 (2013) (citation omitted).
238. *See id.* at 376–84 (discussing the five-lesson framework).
239. *Id.* at 394–95.
key to “professional and ethical behavior.””\textsuperscript{241} He suggests that law professors model “a full, genuine personality,”\textsuperscript{242} as professors are role models in helping students form their own professional identities. He also suggests that professors provide a realistic view of practice and how practice relates to the students’ own “experiences, needs, and integrity.”\textsuperscript{243} To do this, professors should describe how they overcame personal challenges in practice, or should engage students in a discussion about students’ personal feelings that may arise when discussing case law implicating questions of justice and fairness.\textsuperscript{244}

3. \textit{Ability to Get Along/Work Well with Others}

Karl Albrecht provides the following framework for developing social intelligence known as S.P.A.C.E.: (1) situational awareness—the ability to “read situations and interpret behaviors;” (2) presence—including appearance and verbal patterns, a “whole collection of signals others process into an evaluative impression of a person;” (3) authenticity—the radars of other people that lead them “to judge us as honest, open, ethical, trustworthy, and well-intentioned;” (4) clarity—the “ability to explain ourselves, illuminate ideas, pass data clearly and accurately . . . enables us to get others to cooperate with us;” and (5) empathizing—sharing feelings with others and experiencing connectedness.”\textsuperscript{245} He suggests exercises for each domain, including observing non-verbal cues from others,\textsuperscript{246} recording oneself to see how one sounds and interacts with others during conversations,\textsuperscript{247} “study[ing] the ways highly articulate people present ideas,”\textsuperscript{248} studying someone who connects with others easily,\textsuperscript{249} and writing a personal mission statement of goals to make life meaningful.\textsuperscript{250}

Law professors either already have students develop social intelligence through similar exercises, or could easily develop social intelligence through self-reflections, simulated client interviews and other simulation exercises, and oral argument exercises. Collaborative exercises or team-based learning also enhances the ability to work well with others.\textsuperscript{251}

\textsuperscript{241} See Krieger, supra note 104, at 303.
\textsuperscript{242} Id. at 290.
\textsuperscript{243} Id. at 294.
\textsuperscript{244} Id. at 290–91.
\textsuperscript{245} See Albrecht, supra note 143, at 29–30.
\textsuperscript{246} Id. at 67.
\textsuperscript{247} Id. at 86.
\textsuperscript{248} Id. at 135.
\textsuperscript{249} Id. at 157.
\textsuperscript{250} Id. at 105.
\textsuperscript{251} See Sparrow, supra note 212, at 1169.
4. Confidence

It may be difficult for students to gain self-confidence in the traditional law-school classroom “except perhaps for those few students who excel at Socratic dialogue.” Instead, self-confidence “is best nurtured by direct experience.” One suggestion for building law student confidence is to require pro bono as part of law school experiential learning. Pro bono should be a mandatory part of the law school curriculum to give students an opportunity “to build confidence and expertise before stepping into a legal career.” Students can also build self-confidence through clinical collaborations with community partners. While important, confidence needs to be tempered so that students do not become overconfident which “not only causes poor performance but the inability to recognize that one’s performance is poor.”

Professor Sue Liemer of the Southern Illinois University School of Law finds that specific and positive praise enhances confidence and other character traits. Professor Liemer believes that students ought to be praised when they demonstrate good character traits and habits because the first year of law school can be demoralizing and can have a profound negative effect on law students as they struggle to learn the new language of law and receive constant criticism throughout the year. She also finds that positive praise is important because when students come to law school, they do not receive much positive feedback and do not necessarily know which skills and traits are valued by the legal profession. When she praises a student, Professor Liemer makes sure the praise is specific so that the character trait or habit she wants to reinforce is clear to the student, and she provides an explanation of why the trait or habit is important. The goal of the specific praise of a trait or habit is to help students internalize and adopt good habits and traits. Professor Liemer has found that specific praise helps instill a sense of confidence and other positive character traits in her students.

Another way to teach confidence may be to use the “saying-is-believing effect,” which states that a person is likely to accept a new belief if

---

253. Id.
255. Id.
256. See Scott, supra note 15, at 424.
257. Vance & Stuart, supra note 123, at 143 (noting poor performers tend to suffer from overconfidence).
258. Telephone Interview with Sue Liemer, Professor of L. & Dir. of Lawyering Skills, S. Ill. Univ. Sch. of L. (May 29, 2015).
they advocate for the new belief in their own words. The “saying-is-believing effect” sounds like it could work to build confidence and possibly other character traits.

5. Grit/Persistence

Some of the suggestions for helping students develop a growth mindset appear to be applicable to teaching grit. Many professors already require students to do versions of the exercises described below such that grit and mindset could be taught with slight revisions to already existing teaching methods.

Exercises involving combined message and advocacy-based components may be the most effective way to help students develop a growth mindset, grit, and possibly other character traits. The first part of the messaging component of the growth mindset exercise involves discussions about mindset, facing challenges, and setbacks. To help students develop a growth mindset, and likely grit, professors should identify their own mindsets and try to develop a growth mindset. They should teach students that intelligence is malleable, and talk about the value of the growth mindset and grit by discussing the importance of overcoming setbacks and challenges as part of the learning process, and by sharing stories about overcoming failure and understanding legal writing, or any kind of learning, as a process. To get students to understand mindset on a personal level, the professor should have students write about a time where they faced a challenge and overcame it with persistence.

Another part of the messaging component of the growth mindset involves assignments and giving feedback. When providing assignments to students, professors should: (1) focus on learning as a process by providing students with assignments that incrementally build on the preceding assignments, (2) provide students with checklists of skills to be learned in the course, and (3) should require them to complete self-evaluations. In evaluating student performance, professors should praise students for effort and

259. See Adams-Schoen, supra note 175, at 26.
260. See Elizabeth Adamo Usman, Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom, 29 GEO. J. LEGAL ETHICS 355, 379 (2006); DWECK, supra note 162, at 93; see also supra Section IV.C.2.
261. See Adams-Schoen, supra note 175, at 34–35.
262. See Sperling & Shapcott, supra note 176, at 74.
263. See Adams-Schoen, supra note 175, at 36.
264. See Sperling & Shapcott, supra note 176, at 74–75.
265. Id. at 80; see Adams-Schoen, supra note 175, at 37–38.
266. See Adams-Schoen, supra note 175, at 37.
267. See Sperling & Shapcott, supra note 176, at 75–76.
strategy rather than ability, while providing rigorous feedback or robust criticism that is coupled with assurances that students will be able to meet the high standards required of the class with effort and persistence.

The advocacy component of developing a growth mindset and likely grit requires students to interview one another either about the expandable nature of intelligence, or about personal challenges and setbacks they experienced. If they share setbacks and challenges they should also explain what strategies they used to persevere in the face of the setback. For more repetition and practice with self-advocacy, the professor could have the students share their responses with the entire class. Finally, proponents of growth mindset development suggest that professors should assign upper-level growth-mindset students as mentors to first-year students, and have students mentor one another by sharing personal stories of struggles and growth “[t]o encourage more repetition and advocacy of the position and validation of the position through reference to current experiences.”

Another suggestion for developing grit includes formative rather than summative assignments. Emily Zimmerman and Leah Brogan suggest that grit could be evaluated through longer-term assignments that require sustained focus and persistence as opposed to the end-of-the-semester exam. In addition, Zimmerman and Brogan suggest teaching students how to manage challenges and setbacks could “promote and reward grit in order to better prepare students for both the rigors of law schools and, even more importantly for the long term, law practice.”

6. Intellectual Curiosity

In an article discussing cultivating curiosity in a mediation clinic, Becky Jacobs suggests three strategies to improve student curiosity and states these strategies can be used in law school courses outside of the clini-
al setting. The first strategy, known as the challenge strategy, requires students to identify personal and challenge goals. This strategy is premised on the concept that students who “set goals to challenge themselves are more likely to sustain curiosity . . . and to outperform peers who do not set goals.” To identify personal goals, students must identify goals for interactions with clients or other parties to the mediation, such as asking follow-up questions or identifying a common interest between the parties to the dispute. Students are also tasked with a challenge goal—to imagine themselves in the role of the mediator or one of the parties to the mediation and to reflect on their performance “from that perspective.” During debriefing, students are then held accountable for their goals by discussing whether they met their goals.

The second strategy, or the purpose strategy, requires students to explain the purpose of exercising curiosity in connection with the particular assignment. When individuals focus on purpose and understand the value of the assignment, they may feel more curious and engaged in the assignment.

The third strategy, the variety strategy, requires students to change the routine or the process they use to achieve their goals. For example, students are asked to use a variety of methods to obtain information such as using open, closed, and leading questions, and to consider different ways to engage in the assignment through different entry points based on their strengths. Curiosity development is reinforced through reflection “during individual student conferences, group clinical rounds, and in-class simulations.”

277. See Jacobs, supra note 187, at 374, 390.
278. Id. at 381.
279. Id. at 382.
280. Id.
281. Id.
282. Id. at 383.
284. Id. at 384.
285. Id. at 385.
286. See id. at 385 & n.80 (mentioning the Aesthetic, the Narrative, the Logical/Quantitative, the Foundational, and the Experiential entry points from Howard Gardner’s theory of multiple intelligences).
287. Id. at 386. Another recommendation for cultivating curiosity is for professors to develop their own curiosity:

In graduate school, teachers need the time and encouragement to feel curious themselves and the chance to see what it’s like to follow the answer to a question, wherever it may lead them. Developing their own capacity to be curious and to act on that curiosity is one of the most substantive and useful skills teachers can acquire.

Susan Engel, Children’s Need to Know: Curiosity in Schools, 81 HARVARD EDUC. REV.
V. A Brief Overview of the Purported Drawbacks to Character Development and Responses

There are many arguments why law schools should not teach character development, but there are good counterarguments to each of these arguments. One argument against character development considers the problems associated with labeling students.\textsuperscript{288} The counter to that argument is that rather than labeling students as being deficient in character traits, law professors should teach students that character is malleable and can be developed over time with effort.

Another concern is that character development might foster unrealistic promises and expectations. Students may interpret character development as a promise that success in law school is guaranteed if they develop positive traits, and as a result may expect that they will develop positive traits and succeed. However, the reality is that there will always be a bottom twenty percent of the class as long as grades and mandatory curves exist, and there are other forces at work that promote or hinder success that have nothing to do with character.\textsuperscript{289} The counter to this argument is that law professors should make clear that demonstrating positive character traits alone does not guarantee success in law school. The idea is to provide students with the tools to set themselves up for success in law school and in practice. Even if students learn to take responsibility, become intellectually curious, work hard, and do not earn high grades, they still have gained valuable skills they should demonstrate in the real world and that will serve them well in the future.

Another argument against character development is that there is not enough research to establish which traits can be learned, and it is possible some traits cannot be learned, or are at least very difficult to change.\textsuperscript{290} Research, however, suggests many traits can be learned,\textsuperscript{291} and studies suggest further research should be done to determine how law schools impact

\textsuperscript{288} See, e.g., E. Scott Fruehwald, How to Help Students from Disadvantaged Backgrounds Succeed in Law School, 1 Tex. A. & M. L. Rev. 83, 90 (2013) (labeling fixed mindset students from disadvantaged backgrounds as intelligent may cause those students to attribute low grades to prejudice or inaccurate grading rather than some shortcoming on the student’s part); Nicole M. Oelrich, A New “Idea”: Ending Racial Disparity in the Identification of Students with Emotional Disturbance, 57 S.D. L. Rev. 9, 24, 30 (2012) (mislabeling African American students in the public school system as emotionally disturbed unnecessarily moves them from general to special education classrooms and “function[s] as a device of social control by those in power”).

\textsuperscript{289} See Gow, supra note 158.

\textsuperscript{290} See Daicoff, supra note 14, at 830–31.

\textsuperscript{291} See supra Section IV.C.2.
character development and how character traits impact success in law school and in practice.\footnote{See supra notes 84–89 and accompanying text; Zimmerman & Brogan, supra note 84, at 142–43 (noting their study on grit and law students leaves questions unanswered such as whether there is a baseline level of grit in law students such that individual differences above that baseline do not impact GPA, and why grit does not seem to be related to law student academic performance).}

In addition, there is the concern that character traits may be difficult to teach because they may be “challenging or uninteresting” to law students,\footnote{See Daicoff, supra note 14, at 829.} that law faculty are not properly trained to teach character development, and that teaching these skills “is not the proper function of law schools.”\footnote{Id. at 866–67.} The response to these arguments is that character development can be integrated into the existing curriculum in ways that would both engage students and not be too difficult for law faculty to implement.

Yet another argument is that any assessment of character traits is “arbitrary,” “subjective,” and “lack[s] academic rigor.”\footnote{Id. at 867.} This can be countered by: (1) not grading character development;\footnote{Id. at 866 (suggesting professors teach skills and competencies such as character in an ungraded course to remove the specter of grades).} or (2) grading the character component of a course as one would grade professionalism—awarding professionalism points for following professionalism requirements of the classroom, or for identifying and using character strengths.\footnote{See Kehner & Robinson, supra note 94, at 109.}

The “lack of academic rigor” argument can be countered by infusing character development into existing courses with academic rigor.

VI. CONCLUSION

Character development is an important component of professional identity formation and should be explored by law schools. While many individual professors are developing character traits in students, it appears law schools as a whole are not deliberately teaching character traits essential for success in law school and practice. Given: (1) changes in ABA standards requiring outcome-based learning; (2) the likely connection between positive character traits, professionalism, and success; (3) and the importance practitioners and law professors place on positive character traits, character development is something that should be explored in law school. There are many areas of character development that warrant further research, but in the meantime, there are simple ways to integrate character development into the law school classroom.
APPENDIX

Practitioner Survey

1. Which of the following is most important when deciding whether to hire a new attorney for temporary or permanent employment?

Select 3 and no more than 3.

☐ Law School GPA
☐ Past experiences where candidate exhibited character strengths
☐ Class rank
☐ Membership on Law Review or a Journal
☐ Undergraduate college/university
☐ Undergraduate college/university major/minor
☐ Undergraduate college/university GPA
☐ Job experience

2. Which of the following are the best predictors of a successful attorney?

Select 3 and no more than 3.

☐ Law School GPA
☐ Past experiences where person exhibited character strengths
☐ Class rank
☐ Membership on Law Review or a Journal
☐ Undergraduate college/university
☐ Undergraduate college/university major/minor
☐ Undergraduate college/university GPA
☐ Job experience

3. Generally, are character traits something that new attorneys can learn and improve over time?

☐ Yes
If yes, which traits can be learned?

- All traits can be learned
- Some traits can be learned.

Please choose 3 traits that can be learned.

- Grit/Persistence
- Determination
- Resilience
- Adaptability
- Responsibility
- Integrity
- Honesty
- Ethics
- Patience
- Confidence
- Optimism
- Gratitude
- Empathy
- Intellectual curiosity
- Ability to get along/work well with others
- Enthusiasm
- Self Control

☐ No

If no, which character traits cannot be learned?

- No character traits can be learned
- Some cannot be learned.

Please choose 3 traits that cannot be learned.

- Grit/Persistence
- Determination
- Resilience
- Adaptability
- Responsibility
- Integrity
- Honesty
- Ethics
- Patience
- Confidence
- Optimism
- Gratitude
- Empathy
- Intellectual curiosity
- Ability to get along/work well with others
- Enthusiasm
- Self Control

☐ I don’t know.

4. Which traits do you think are the most important traits for law students to have and/or learn?
Please choose 3 traits

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td>Gratitude</td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td>Empathy</td>
<td></td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. Which traits do you think are the most important traits for new attorneys to have and/or learn?

Please choose 3 traits

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td>Gratitude</td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td>Empathy</td>
<td></td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. Should law schools help law students develop character traits?

[ ] Yes
[ ] No
[ ] Indifferent

7. If you think law schools should help law students develop character traits, which character traits should law schools help law students develop?

Please choose 3 traits

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td>Gratitude</td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td>Empathy</td>
<td></td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8. Do you try to help law students or new attorneys develop character traits?

☐ Yes

If yes, please provide an example (discussions about character, self-reflections about character, examples of good and bad character, etc.)

☐ No

9. Does your organization try to help law students or new attorneys develop character traits?

☐ Yes

If yes, please provide an example (does your organization require or suggest that new attorneys engage in any activities or attend events that focus on developing specific traits or on professional identity formation, etc.)

☐ No

☐ I don’t know

10. Do you, or does your organization, require new attorneys to engage in self-evaluations or assessments that ask new attorneys to reflect on their character traits?

☐ Yes

☐ No

☐ I don’t know

11. Would you be willing to share the new attorney self-evaluation or assessment form?

☐ Yes

☐ No

12. Optional – please provide your name and contact information so that I may follow up with you if I have any questions about your responses. Your identity will remain anonymous unless you give me permission to identify you or your organization.
LWI Member Survey

1. Which character traits are the best predictors of a successful attorney?

Select 3 and no more than 3.

☐ Law School GPA
☐ Past experiences where person exhibited character strengths
☐ Class rank
☐ Membership on Law Review or a Journal
☐ Undergraduate college/university
☐ Undergraduate college/university major/minor
☐ Undergraduate college/university GPA
☐ Job experience

2. When you practiced, which of the following were the most important when deciding whether to hire a new attorney for temporary or permanent employment?

Select 3 and no more than 3.

☐ Law School GPA
☐ Past experiences where person exhibited character strengths
☐ Class rank
☐ Membership on Law Review or a Journal
☐ Undergraduate college/university
☐ Undergraduate college/university major/minor
☐ Undergraduate college/university GPA
☐ Job experience

3. Which character traits do you think the most successful legal writing students demonstrate?

Select at least 3 and no more than 3.

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td>Gratitude</td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td>Empathy</td>
<td>Enthusiasm</td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td>Self Control</td>
</tr>
</tbody>
</table>
4. Which character traits do you think least successful legal writing students lack?

Please choose 3

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td>Gratitude</td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td>Empathy</td>
<td>Enthusiasm</td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td>Self Control</td>
</tr>
</tbody>
</table>

5. Generally, are character traits something that law students can learn and improve over time?

☐ Yes

If yes, which traits can be learned?
- All traits can be learned
- Some traits can be learned.

Please choose 3 traits that can be learned.

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td>Gratitude</td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td>Empathy</td>
<td>Enthusiasm</td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td>Self Control</td>
</tr>
</tbody>
</table>

☐ No

If no, which character traits cannot be learned?
- No character traits can be learned
- Some cannot be learned.

Please choose 3 traits that cannot be learned.
6. Which traits do you think are the most important traits for law students to have and/or learn?  

Please choose 3 traits

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td></td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td></td>
<td>Gratitude</td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td>Empathy</td>
</tr>
</tbody>
</table>

7. Which traits do you think are the most important traits for new attorneys to have and/or learn?  

Please choose 3 traits

<table>
<thead>
<tr>
<th>Grit/Persistence</th>
<th>Integrity</th>
<th>Confidence</th>
<th>Intellectual curiosity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination</td>
<td>Honesty</td>
<td>Optimism</td>
<td>Ability to get along/</td>
</tr>
<tr>
<td>Resilience</td>
<td>Ethics</td>
<td></td>
<td>work well with others</td>
</tr>
<tr>
<td>Adaptability</td>
<td>Patience</td>
<td></td>
<td>Gratitude</td>
</tr>
<tr>
<td>Responsibility</td>
<td></td>
<td></td>
<td>Empathy</td>
</tr>
</tbody>
</table>

8. Should law schools help law students develop character traits?  

☐ Yes

If you think law schools should help law students develop character traits, which character traits should law schools help law students develop?
Please choose 3 traits

- Grit/Persistence
- Determination
- Resilience
- Adaptability
- Responsibility
- Integrity
- Honesty
- Ethics
- Patience
- Confidence
- Optimism
- Gratitude
- Empathy
- Intellectual curiosity
- Ability to get along/work well with others
- Enthusiasm
- Empathy
- Self Control

- No
- Indifferent

9. Do you try to help your legal writing students or other students you work with or interact with develop character traits?

- Yes

If yes, please provide an example (discussions about character, self-reflections about character, examples of good and bad character, etc.)

_________________

- No

10. Does your law school try to help law students develop character traits?

- Yes

If yes, please provide an example (does your law school require or suggest that law students take courses, engage in any activities, or attend events that focus on developing specific traits or on professional identity formation, etc.)

_________________

- No
- I don’t know.

11. Optional question: Please provide your contact information if you would be willing to engage in a follow-up interview or would be willing to provide further information about your responses. Your identity will remain anonymous unless you give me permission to identify you or your law school.