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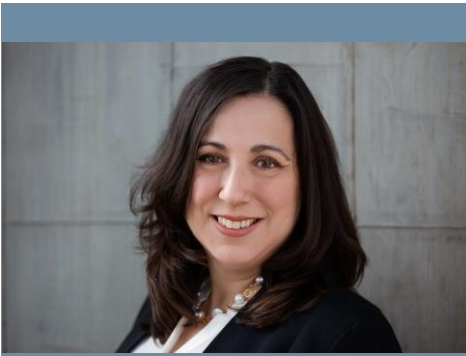
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## BUILDING WELL-BEING INTO THE LAW SCHOOL EXPERIENCE: WHEN, WHERE, AND HOW

Traci Cipriano

Recently, I presented at the National Association of Law School Administrative Professionals (NALSAP) 2024 Annual Conference,<sup>1</sup> held in Vancouver, B.C. My presentation focused on taking a holistic approach to integrating well-being into the law school experience, providing strategies for when, where, and how to do so. Participants were asked to consider the following questions:

- What is well-being?
- What influences law student well-being?
- What are you and your law school currently doing to educate and promote law student well-being?

The *Multidimensional Model of Well-Being (The Honeycomb Model)*<sup>2</sup> provided the framework for understanding and addressing law student well-being. The model reflects a comprehensive, holistic approach, grounded in psychological science, and was developed with the goals of changing the conversation around well-being—specifically expanding it beyond self-care—and spurring action.

### Background in the Lawyer Well-Being Space

As a clinical psychologist (and formerly practicing lawyer) whose dissertation research bridged clinical and organizational psychology, I am interested in prevention and intervention, addressing the individual, life context, and organizational factors that not only impact performance but also increase risks for burnout, as well as mental and physical health and substance use disorders.

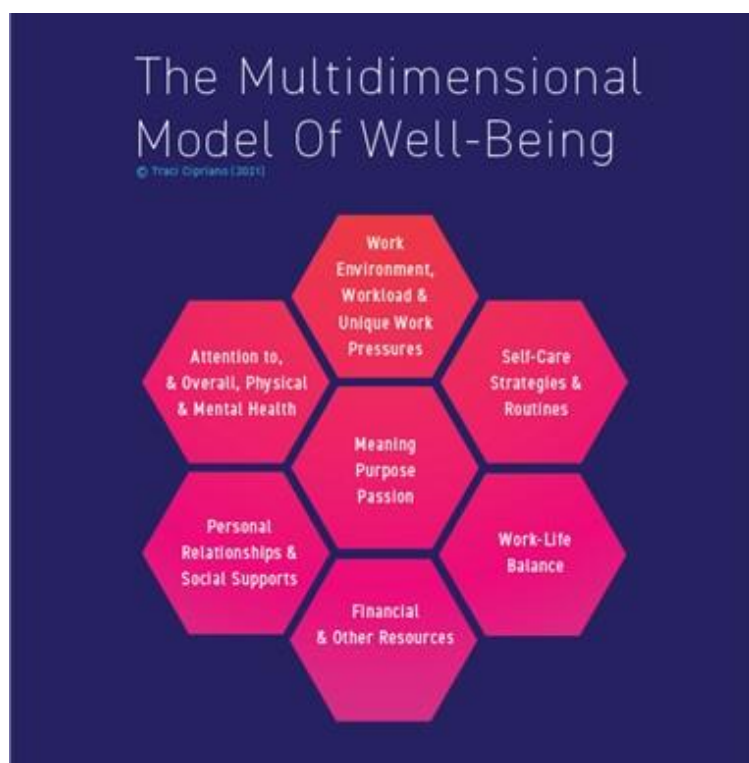
I have utilized a science-based approach to my work with lawyers, law students, administrative professionals, and leaders over the years, providing psychotherapy, coaching, consultation, presentations, and workshops. Any lawyer knows it is much easier to prevent a problem from occurring than it is to address a thorny issue after the fact. My mission has been to target the root causes of problems related to health, performance, healthcare costs, and liability in the legal profession, problems that include burnout, substance misuse and addiction, and other mental and physical health issues. My focus has been on increasing understanding about the sources and detrimental impacts of unmitigated chronic stress, and how to manage or eliminate it.

When I began addressing lawyer well-being in the early 2000s, a time when stress was a badge of honor and work-life balance meant finding a way to squeeze more into a 24-hour period, I initially focused on educating about the stress response and why stress is not in fact a good thing, including how stress impacts mental and physical health, performance, and liability risk. My interventions were at the individual level, using cognitive and behavioral strategies to promote self-care and management of the work-life juggle.

I quickly began to realize that while I can teach law students and lawyers skills and provide strategies for managing stress and competing work and personal life demands, without support at the leadership level there is only so much one can do; in an unhealthy or toxic environment, self-care strategies alone are not likely to prevent burnout.

In the mid-2010s, I began integrating additional life- and work-context factors into my conceptualization of the issues, which ultimately led to the development of The Multidimensional Model. I began speaking and writing about the role of leaders in defining workplace culture and creating a healthy environment.

The Multidimensional Model, and [The Thriving Lawyer](#) book, take this approach a step further, codifying the many issues at play, and how to address them.



### Well-Being Education in Law School Falls Within ABA Standard 303

ABA Standard 303 focuses on professional identity development during law school. According to *Interpretation 303-5*, “[T]he development of professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice.”<sup>3</sup>

Opportunities for law students to reflect on their professional identity and underlying values should include education on the relevance of prioritizing well-being, the many factors that influence wellness, and how to address them.

## A Holistic Approach to Integrating Well-Being into the Law School Experience

When thinking about how to integrate well-being into the law school experience, timing and format of education and interventions, faculty buy-in, and types of on-campus resources should all be considered. The suggestions here reflect an ideal; what you implement in practice will depend on the needs, resources, circumstances, and level of buy-in at your law school. Some questions to ask when you get started are highlighted in the sections that follow.

### Timing (When):

- When will interventions have the most impact?
- What will make these interventions enduring?
- How will you know if progress was made?

*Orientation.* Orientation is a great place to begin. By devoting time to programming related to the multidimensional aspects of well-being from Day 1, you are sending an important message: Well-being is an integral part of law school. In addition, in my experience, students are eager to learn at orientation, a time when they are not yet bogged down with coursework and culture and are especially receptive to well-being messaging.

*Reinforcement of Well-Being Learning and Behaviors.* While one-off presentations or workshops are good for raising awareness and providing education, follow-ups are needed for behavior change to occur. One or more well-timed follow-ups to orientation (or other) well-being programming would help reinforce what was learned, build new skills, and create accountability. For instance, in law schools where I have spoken at orientation, I usually offer a follow-up workshop or suggest programming for law schools to reinforce the concepts I introduced in orientation.

*Academic Year-End Data Gathering.* At the end of the academic year, survey students on law school climate, their perceptions of the degree to which the law school prioritizes well-being, and their satisfaction with well-being related initiatives and programming. This will provide you with important data to use going forward.

### Format (Where):

- Where can messaging and education related to well-being be integrated into the law school experience?
- Who are the most important people for conveying the messaging?

Well-being related learning and messaging can be integrated into the curriculum, which further reinforces prioritizing mental and physical health, and performance.

*Mandatory Well-Being Seminar.* A mandatory .5 credit well-being seminar, which can be taken each semester or spread throughout the entire academic year, would provide a forum for deep consideration of the many factors influencing well-being and how to address them, while also reinforcing the importance of setting aside time to promote one's health and build an emotionally intelligent professional identity. The post-orientation follow-ups mentioned above can occur in such a course, and the fact that they would be a part of the curriculum creates an extra incentive to participate, thus holding students more accountable. Content would likely change from first to third year, building upon prior learning and recognizing the evolving needs of law students. Finally, content can involve a combination of lectures, group discussions and activities, self-assessments and self-reflection activities, and guest lecturers.

*Content Integration into Practice Skills Courses.* Well-being content in the form of lectures and textbook reading (such as [\*The Thriving Lawyer: A Multidimensional Model of Well-Being for a Sustainable Legal Profession\*](#), Routledge, July 2023) can also be integrated into [ethics class](#), practice-skills coursework, and clinics, tying it in with

ethical responsibilities, professional-identity formation, self-care, emotional intelligence, and the importance of a holistic approach to well-being. Law schools have purchased *The Thriving Lawyer* book for the IL class to be used in a foundational practice skills course, or as a student resource.

*Faculty Acknowledgement of Issues.* Outside of a dedicated well-being seminar or specific content integration, faculty members can pepper lectures with messaging. Messaging from faculty carries a lot of weight. Many law school courses involve cases with underlying emotional components, including criminal law, family law, torts, immigration law, employment law, trusts and estates, and property. Simple acknowledgements, such as “*Reviewing the evidence in a case like this could be unsettling, so it is important to pay attention to your needs and remember to take care of yourself,*” or “*The clients in these cases are often experiencing intense emotions and may not manage them well, which can lead to strain in you,*” send an important message.

*Micro In-Class Activities or Assignments.* More generally, faculty members can implement a formal pause at the beginning of class to improve focus; the more adventurous can lead students through a brief breathing or mindfulness exercise. A few moments can be set aside at the end of class to provide students with an opportunity to reflect on emotionally salient content, either through self- or written- reflection, or a small group discussion. Instruction to do so afterward can also be given. These approaches are grounding and provide self-care role modeling for students.

*Leadership Role Modeling and Messaging.*: Finally, the Dean of the law school and faculty are key role models and culture creators when it comes to promoting well-being and a healthy learning environment. Both implicit and explicit messaging related to well-being come into play. Messaging from the Dean of the law school, in oral and written communications (or a lack thereof), as well as through behaviors—including taking steps to promote a holistic approach to wellbeing at the law school, role modeling positive communication and interactions, and promoting an inclusive environment for all—sets the tone for the entire law school community around the value and importance of paying attention to, and addressing, well-being.

#### Faculty Buy-in (How):

- How do you deal with resistance?
- How can you build interest and support?

Faculty resistance may be your biggest challenge. Recognize this will be a slow process, and some may never be on board. Utilize your active listening and negotiation skills, listening to all concerns (“*weak,*” “*soft,*” “*no time,*”etc.), and responding in a way that lets the person(s) know they have been heard. The next step will be sharing your perspective, though timing and approach are key. Without expecting to change minds on the spot, highlight how well-being is connected to the ABA Standards as well as the qualities faculty members value in alumni, such as competent, ethical, strong professional identity. Conversely, explain the downsides of not promoting well-being and how these are inconsistent with the aforementioned values. Provide “how to” examples of messaging and content that can be integrated (including the examples of messaging and content provided above), and let each faculty member decide whether, when, how, and how much to utilize, respecting academic freedom and autonomy. It may be helpful to invite a neutral third party with expertise in these issues to a faculty meeting to initiate the conversation. At the end of the year, if one faculty member made one statement in one class, this is one more statement than last year. Consider it progress and build from there.

#### On-Campus Supports & Resources (How):

- What are some options to consider when building on-campus mental health resources?
- What types of resources can you offer to meet the needs defined in The Multidimensional Model of Well-Being?

You can offer a combination of on- and off-campus supports. An embedded law school therapist provides easy access, as does the presence of a prescriber once or twice a month. In addition, a cultivated referral network is helpful for those students who prefer to not receive mental health services on campus. You can begin by asking your university health services department for their list of trusted providers in the local community. State lawyer assistance programs can be another referral source. It is also helpful to provide resources explaining how to find and choose a therapist, as well as how to know when it is time to get connected with one.

Depending upon available resources, your law school might also consider hiring a *Director of Well-being* to strategize, plan, and coordinate well-being related initiatives, as well as educate faculty, staff, and students.

Programming on self-care basics, if not addressed in a .5 credit well-being course, might include deep breathing, mindfulness exercises, meditation, and yoga, as well as many other self-care strategies.

When planning social activities, it is worth keeping in mind activities that involve working together on a project, or learning together, tend to be more meaningful and can foster collaboration and connection, which in turn can buffer the highly competitive law school environment.

You might also consider programming on managing educational debt and financial responsibility during the summer prior to the start of law school, a time when prospective students have the bandwidth to consider the material and the time to develop a financial plan for the next three years.

Additional on-campus resources might include a nap room, a meditation room, meditation coloring books in quiet areas, or a yoga class. Summer reading can include a well-being book.

This is far from a comprehensive list of programming and resource options. When considering well-being related programming needs and options, *The Multidimensional Model of Well-Being* (above), can be a useful reference.

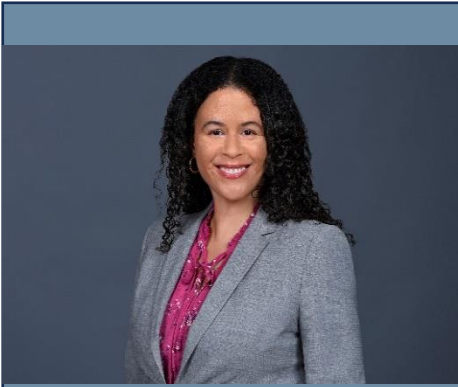
In conclusion, consider taking a holistic approach to integrating well-being into the law school experience. At the same time, recognize any changes that can be realistically implemented at your law school in the coming year may be more piecemeal. The key is to start small and be flexible. Setting the stage at orientation sends an important message to students about how the law school values and prioritizes well-being. You can then gradually integrate education and interventions over time throughout the law school experience.

## References

<sup>1</sup> Many thanks to Jennifer Cerny, Associate Dean of Students at Yale Law School, for moderating, and to Mia Wilson, LCSW and embedded counselor at Yale Law School for agreeing to share some of the important work she is doing with law students.

<sup>2</sup> Cipriano, T. (July 25, 2023). *The Thriving Lawyer: A Multidimensional Model of Well-Being for a Sustainable Legal Profession*, Routledge, Oxford & NY. The many factors relevant to well-being, including factors outside individual control, are addressed with practical strategies.

<sup>3</sup> The American Bar Association *2023-2024 Standards and Rules of Procedure for Approval of Law Schools, Chapter 3, Program of Legal Education, Section 303(b)(3)*. “A law school shall provide substantial opportunities to students for: ... the development of a professional identity. [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2023-2024/23-24-standards-ch3.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2023-2024/23-24-standards-ch3.pdf)



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## DESIGNING A REORIENTATION PROGRAM FOR 2LS AND 3LS: FIVE LESSONS LEARNED

Odetta Clark

In January 2024, the University of Miami School of Law rolled out its new and first ever upper-level “Reorientation: Inclusive Excellence” program to over 550 upper-level students. This article shares some of the exercises and information presented and why we chose them. Developing and implementing the content of this program involved our entire student affairs team as well as the support of faculty and staff. I am grateful to the valuable input and support of Dean Janet Stearns and Dr. Christopher Clarke, who was, at the time, the inaugural Assistant Dean of Belonging and Inclusion. We were aware of moving forward at a time when many DEI programs have been under attack. We were also keenly aware that our law school was among the first in the country to be evaluated by the ABA in relation to the newly adopted standards.

Our Reorientation was mandatory for all 2Ls and 3Ls, but there was no penalty in any way for not showing up or opting out. We provided students lunch and dessert, in support of them breaking bread with one another. We used round tables in our set up and were intentional about discussing how circles can both include and exclude. We are proud of our successful initiative. Here are some reflections on the key lessons learned and how student affairs professionals at other schools might also provide reorientation programming to the entire upper-level student body.

### **Small groups rock**

Starting in Spring 2022, we conducted smaller “beta-test” presentations to groups of student leaders. The groups ranged in size from 12-30 students. We provided exercises to help 2Ls and 3Ls understand their own bias, to engage in parallel universe thinking, and to serve as better advocates. At the start of the small group presentations, I asked survey questions in real time, using [Mentimeter](#), to poll students’ understanding of bias and racism.

Following the presentations, we also surveyed the students by [Qualtrics to gauge what worked and what the students thought of the program](#). Students surveyed rated the instruction, the resources discussed, and the overall presentation a 10 out of 10 in the small group.<sup>1</sup> Students also reported developing skills in active listening, identifying and interrupting bias, understanding microaffirmations, and cross-cultural lawyering.

In later iterations of the “beta-test,” we performed an exercise called “Hey: An Improv Warm Up,” adapted from the [University of Chicago’s Second Science Project](#). In this exercise, we asked students to get out of their seats, walk around the room. We let them know that we would speak while they were milling about. We asked students to make brief, friendly, non-verbal eye contact. We asked students to continue making eye contact and try to be the last to break that eye contact. Next, we asked them to simply say, “hey” while making eye contact. Then we asked students to say hey with several prompted subtexts or specific thoughts in mind. This allowed students the opportunity to pay attention to body language, tone, and subtext.



*Hey: An Improv Warmup*

### **Mine your law school resources and policies**

Reorientation was also an outgrowth of the Inclusion and Belonging programming that I had done at 1L Orientation for the last two years. For that, I was greatly informed by a conversation that I had with Lisa Sonia Taylor, the inaugural Assistant Dean for Diversity, Inclusion and Affinity Relations at Washington College of Law who began her role in August 2019. Dean Taylor advised some best practices for discussing professional identity, belonging, and inclusion. These included grounding the discussion in the existing rules and policies at Miami Law. A fundamental mission of Miami Law is to fulfill the legal profession's historic duty to promote the interests of justice. The Law School seeks to achieve this mission by pursuing its educational and scholarly aims with a diverse faculty and student body.

The commitment to providing education to students on diversity and cross-cultural competency existed in the learning outcomes adopted by the faculty and published Miami Law Student Handbook, prior to the adoption of the revised ABA rules 303 (b)(3) and 303(c). These include “[u]nderstanding a lawyer’s professional commitments to equity, tolerance, inclusion, and diversity.” Another desired learning outcome for students includes them “possessing the interpersonal skills needed to provide competent and ethical client-centered representation, which includes understanding the various roles



## *Clark, Designing a Reorientation Program for 2Ls and 3Ls: Five Lessons Learned*

lawyers play in society.” These learning outcomes framed our discussion about cross-cultural lawyering, navigating bias, understanding microaggressions, and microaffirmations. These Miami Law learning outcomes mirrored the revised ABA rule 303 (b)(3) (the development of professional identity) and 303(c) (understanding bias, cross-cultural competency, and racism).

### **Inform students about campus resources and rules regulating the profession**

We also discussed campus resources that are available to law students. When we sized up the programming for Reorientation, we did not do real-time surveys but had surveyed students ahead of time about their understanding of bias, and presented the findings. Then we provided definitions of concepts like belonging. Over 70% of Miami Law students are first-generation students. For our students, like all students, academic belonging, or how socially supported and connected students feel, or how students sense they fit into the law school and the university community is vitally important to academic success. Remembering that law students sometimes work in a bubble, we brought their attention to resources ranging from the Multicultural Student Affairs Office to the Chaplains Association and the LGBTQ+ Center. We shared and discussed ABA Standard 303(c), the Five Habits of Cross-Cultural Lawyering, the Model Rules of Professional Conduct, and the Rules Regulating the Florida Bar that prohibit discrimination. Doing so helped center the conversation on the rules and competencies governing the profession. Because Florida's rule differs substantially from the ABA Model Rule, we noted that Florida's rule entails a more extensive and detailed discussion of the elimination of bias.

### **Discuss one or more scenarios**

While the academic resources were valuable for grounding the discussion with students, we also found that giving students scenarios to think through and discuss was vitally important. I was also reminded that sharing honest stories about oneself creates a community of trust and respect. In the small groups, I included some story time where I could share more about my own experiences with bias and racism. With Mentimeter and Qualtrics, we saw that encouraging participation through technology was good, but participation by face-to-face communication was even better. Compassionate conversations are becoming a lost art. Students were uncomfortable making mistakes but remained very eager to learn and accepted that making mistakes was part of the process.



We asked students to scan a QR code provided to them in the PowerPoint presentation that directed them to the opening scenario in Jean Koh Peters's article published in 2001, "The Five Habits: Building Cross-Cultural Competence in Lawyers." That scenario involved a client who comes to a law office with her brother, only speaks Spanish and needs a lawyer to represent her in a landlord tenant dispute. And as the [Five Habits website](#) directs, we asked students to consider their own acculturation to legal culture and think about changes in how they think and communicate since beginning law school.

We invited students to discuss how they thought the lawyer should proceed in the sample scenario. Students discussed at their table and then were encouraged to share with the larger group. Then we also asked students to consider what are the assumptions in the scenario and consider how the case study would be different if the client spoke English, or if the attorney spoke Spanish and had a Spanish-speaking client. These questions were particularly relevant to us at the University of Miami. We also asked students to query how the scenario would differ if the client were a man, and his sister came to the attorney-client meeting, or how students would approach the same scenario if it was not a landlord tenant dispute but an issue involving trademark law for a start-up company. Unpacking assumptions, norms, and cultural values in the law, as well exploring parallel universes was the name of the game. We allotted an hour for Reorientation and presented twice, giving students the option to pick one of two days that worked best for them. Discussing the scenarios, in retrospect, deserved even more time than we allotted on day one. On day two, we did the "Hey: An Improv Warm Up" exercise in less time to allow more time for students to discuss the scenarios.

### **Gather feedback**

We surveyed students' knowledge both before and after the Reorientation to gauge what skills students may have developed.<sup>2</sup> Students reported being able to practice active listening, understanding micro-affirmations, cross-cultural lawyering, and identifying microaggressions. The improvisational exercise made students think about body language, facial expressions, choices of words, eye contact, tone, context, and subtext. The scenarios allowed students to identify their own biases, engage in parallel universe thinking, and dialogue about the Five Habits. Students learned that good cross-cultural lawyering demonstrates the respect a lawyer has for her client's identity, dignity, and story. This new leadership development Reorientation program will support students in developing a deeper understanding of their own identities, experiences, and biases. It will help students learn how to be effective allies in the pursuit of a legal career that reflects and is inclusive of practitioners and clients from a diversity of backgrounds.

### References

<sup>1</sup> Twelve 2L and 3L students participated in one small group session where survey results revealed that 84% of attendees rated this small group session as Good (17.65%), Very Good (27.45%), or Excellent (39.22%).

<sup>2</sup> In the larger Reorientation program, the Workshop Satisfaction overall was at 75% with the Facilitated Instruction Satisfaction at a 79% rating. One student reported that they "really enjoy[ed] the new conversation and engaging content that the facilitators and the school used for this workshop. It was very inviting and open." Another student claimed that "the presentation was extremely well done and engaging! The different activities were well paced and kept people's attention."

## BE SO FOR REAL RIGHT NOW: LEVERAGING RADICAL VULNERABILITY FOR ANTI-BIAS AND ANTI-OPPRESSION

Joseph Oteng

"Little by little we human beings are confronted with situations that give us more and more clues that we are not perfect." Mr. Rogers

People are more willing to embrace a moment of bravery when others have done the same (Tatum, 1992). It is that final push, that momentary awe, and that confrontation with courage that can empower others to do something beyond what they thought possible. There is immeasurable power in the legal academy in choosing to demonstrate bravery in the form of vulnerability for and with our students, colleagues, and communities. In a field and institutions that doubly reward platitudes of objectivity, stoicism, and professionalism, vulnerability—or, more plainly, being real—is precisely what we can use to craft brave spaces toward profound personal and community development as outlined in ABA standards 303(b)(3) and 303(c).

In my professional role, I teach a dynamic course called “Social Identity, Consciousness, and Law” that internalizes—instead of intellectualizes—our relationships to bias, cultural competency, racism, and values. Additionally, I facilitate dialogues, educational workshops, spaces, and support our community for inclusion. This course, for my students, is almost always the first time they are dedicating time to self-reflection, practicing brave space on social identity, and learning explicitly how to become agents for social change and driven lawyers. Students report emphatically how they have been foundationally changed by engaging in this semester-long space. Additionally, as part of my doctoral work, I study civic legal education and what we owe society by being part of the legal profession and academy. This identity work is essential and undervalued. Here is what I have found makes my teaching and facilitation most effective for anti-bias, anti-oppression, and values clarification:



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- Relinquish Power – It is imperative that we set and abide by co-created ground rules for spaces that place us and our communities in states of emotional vulnerability. We should strive to be open to changing our structures for dialogue to best cater to the variety of ways folks engage, learn, and communicate. I use worksheets, pair and share, small group, talk-show, fishbowl, and debate to encourage the necessary authenticity that leads to self-and-group discoveries, particularly around discrimination and systemic oppression. For example, for a course meeting covering classism, students get to gather their views on universal basic income on worksheets, pair and share reactions to readings on wage theft, engage in a debate on trickle-down economics, and roleplay how class discrimination may play out in the Archie Bunker's Neighborhood simulation.
- Be a Person – Imperfection is good. Emotion is real. We should drop the façade. We can own our emotions, our shortcomings, and our ongoing self-work. Students need to see us be real people in progress instead of infallible products already complete.
- Use storytelling – storytelling is the most effective way to build trust, understanding, and the connection necessary to encourage community. Stories should be specific, relatively concise, linear (beginning, middle, end), and intentional (what should others get from this story and why are we telling it). I share about experiencing anti-Black racism and xenophobia in working at eviction court, colluding in middle-school locker room body odor bullying, and my socialization around avoiding acknowledging disability with wheel-chair users.
- Distinguish Between Discomfort and Fear – Discomfort is often experiencing something new that we have yet to normalize; fear is perceiving a threat to us as people. We have been conditioned to have similar bodily reactions when confronted with social issues, injustice, and biases as we do with imminent danger (Sue, 2013). Taking moments to situate ourselves and to help others learn to parse out where and why we feel fear (in our stomachs, lungs, throats, hearts, etc.) versus discomfort is critical to appropriately managing them in brave spaces.
- Reciprocate Vulnerability – we must be prepared and willing to give part of ourselves (our stories, truths, and feelings) to get a great deal in return – community, connection, clarity, truth, justice. Any questions or activities we ask of others we should not only wholeheartedly participate in but should show students that it should be expected of us. We should feel our feelings in real time, too.
- Push and Invite – Our role as facilitators, educators, and encouragers is to gently nudge our students and peers to where we know they can go and give them the challenge and support to get there (Sanford, 1967). Ask the follow up questions: How has that affected you? Where did you learn that? Tell me more. Can you share a story about? Listen for understanding and use questions to clarify. Repeat back what has been shared. Let words have space to reverberate—we often move on too fast from moments of resonance for fear of awkwardness. These spaces do and will take more time than we think because we are actively combatting resistance to feelings of shame.
- Guide and Flex Conversations – We give the structure and must develop the facilitation skill of knowing when to move on, press for fruitful dialogue, and ease off. We can always explicitly ask our participants how they are feeling and if they want to continue or break.
- Express Gratitude – People are not used to communicating moments or stories of shame, embarrassment, unpreparedness, or fear. If we want them to continue, we need to help them normalize their emotions and embrace discomfort for growth. It is powerful to affirm, say thank you with specificity, or keep going. The more folks engage in sustained dialogue or brave spaces the easier and more natural it becomes. It can become second nature to do introspection, reflection, rethinking, and application towards anti-bias and anti-oppression.

We are poised to tap into radical vulnerability to craft either one-off or continued spaces and relationships for developing professional identity, anti-bias, cultural competency, anti-racism, and accountable free-speech values. It is crucial that we challenge our commitments to detachment in the legal academy and recognize this effect and community-centered work touches every aspect of our lives. Be brave. Feel and be felt. Go deeper. Our students and communities are desperate to learn, practice, and implement better inclusion.

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## OUTSIDE THE MARGINS: JOURNAL ALTERNATIVES FOR PROFESSIONAL SKILL AND IDENTITY DEVELOPMENT

Eric W. Shannon<sup>1</sup>

Every summer I hear from students who did not receive an offer to join their preferred journal—or sometimes any journal at all. Overall student interest in journal staff member positions generally outnumbers available spots in publications. Still other students opt out of participating in the writing competition entirely because of significant out-of-school responsibilities or other constraints on their time.<sup>2</sup>

The appeal of journal membership is in many ways self-evident. It affords the space, time, and resources to sharpen legal research and writing skills. It can facilitate exploration of subject-matter areas of interest and help staff members decide on an area of future specialization. And, of course, as a resume credential, it is highly valued in certain sectors of the legal profession. It can be a launching pad to a judicial clerkship, a career in legal academia, or even the U.S. presidency.<sup>3</sup>

There are other, less-obvious potential benefits to journal participation. Journal staffers develop a professional network through their staff member peers and journal alumni. They receive repeated opportunities to hone their leadership, communication, and executive functioning skills—even more so if they serve on the journal's executive board during their final year. Journal staff members can learn to give and receive feedback to peers and to legal academics. Often, students are awarded credit hours for their work on journals,<sup>4</sup> and they can also frequently satisfy their scholarly writing/thesis J.D. graduation requirement through a journal's note-writing program. Put simply, journals have built-in structure to facilitate the professional (and professional identity) development of their staffers.

*How to Advise Students Who Did Not Receive an Offer from their First-Choice Journal.* Student affairs professionals can be proactive during the lead up to the journal writing competition by educating students about the value of participating in any journal or co-curricular activity in anticipation of the inevitable disappointment of some students when results of the writing competition are released. And, we can subsequently counsel students disappointed that they did not make their first-choice journal—typically, the school’s primary law review—despite having placed onto another journal. These conversations provide student affairs professionals the opportunity to engage students on the skill of resilience. We can also employ the technique of fact-based interrogation to help ease anxieties: What does not making *the* law review *really* mean in terms of its impact on a student’s long-term career? What options are *actually* off the proverbial table as a result? If students are primarily concerned about the loss of skill development, mentorship, and networking opportunities, these can be similarly afforded by non-law review journals.

*Options for Students Not Participating in Any Journal.* Many of the tangible benefits provided by journals can be replicated outside the journal context. By mindfully selecting alternatives that facilitate the same growth opportunities offered by journals, students can both reap the benefits afforded to journal staffers and create a personal narrative to counter the biases of employers and others who may use journal participation as a substitute for individualized assessment:<sup>5</sup>

- **Research Assistance.** Students may not know that their professors are constantly engaged in research projects and are afforded institutional resources to hire student-researchers to aid them in their work—ranging from drafting original journal articles to authoring book chapters and treatises. We should tell students that, in some cases, professors offer such opportunities directly to students whom they’ve gotten to know through office hours or outside of class time in lieu of formally posting these opportunities. Student affairs professionals should encourage students interested in journal alternatives to get to know their professors in their 2L and 3L years by going to office hours and to events where faculty speak. First-generation students in particular may not understand that asking their favorite professor if they need research help is an appropriate and common form of self-advocacy. Becoming a research assistant can yield the dual benefits of helping the student advance an original work toward publication (and then adding this work to their resume), and of providing an opportunity for mentorship.
- **Independent Study or Directed Research.** Many law schools provide academic credit for a self-directed research project conducted under the supervision of a faculty member. Directed research affords many of the professional-development benefits described above. If the eventual work product is of a high quality, students can seek to publish. Because directed research requires a great deal of self-direction and few externally imposed guidelines, it may not be the best option for students less comfortable with independent project management.
- **Student Organization Roles.** Unlike journals, student clubs or organizations traditionally have few if any formal barriers to entry. Students need not be an organization’s president or vice president to make meaningful contributions. Planning a discrete event, such as a practitioner panel on a topic or trend, can help students better get to know the administrators in the school’s alumni affairs and career development offices, which yields additive benefits. So while only a handful of students can hold the title of “journal symposium editor,” virtually all students can help plan symposium-like events on behalf of student organizations with enough time and willingness to do so.

- Professional Organization/Bar Association Publications. Many bar associations are eager for help with generating original content for publications such as newsletters and blogs. Becoming a member of a bar association is a good idea for law students for many reasons, not the least of which is that it facilitates building a professional network. Membership is typically free or available at a significantly discounted price point for law students. As a content editor or creator, student volunteers will help the organization meet its need to communicate with membership while also refining their own communication skills. Students will also get insight into important emerging issues in legal practice.

*Ways to Ensure All Students Receive Development Opportunities.* Student affairs professionals can ensure that all students receive opportunities for professional and professional identity development. We can do this indirectly by developing relationships with faculty advisors of journals and non-journal student organizations, and by encouraging them to communicate regularly with one another for guidance. We can do this directly by offering student leadership workshops, on a recurring basis, focused on specific aspects of professional skill-building. At my institution, we've recently adopted a model of sponsoring a series of required workshops for student organization leaders with buy-in from our Student Bar Association. The series will provide separate trainings on core topics like leadership skills, marketing and communications, budget management, and event planning logistics. Though we require student organization executive board members to participate, these workshops are open to all students and are recorded to maximize accessibility.

Non-journal opportunities require initiative, self-direction and—perhaps most at a premium for law students—time. But for those seeking the tangible benefits enjoyed by law review and other journal staff members, these options can enable them to courageously take charge of their professional development on their own terms and make the most of their time in law school.

### References

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<sup>2</sup> I frequently (though by no means exclusively) hear from students in our part-time division that they feel unable to commit to the demands of full journal membership.

<sup>3</sup> S. Stern, Obama First Made History at Harvard Law, *Harvard Law Today* (Nov. 1, 2008), <https://hls.harvard.edu/today/obama-first-made-history-at-hls/#:~:text=It%20was%20as%20a%20law,in%20the%20spring%20of%201990>.

<sup>4</sup> A common refrain from journal members is that the credit hours awarded are disproportionately low compared to the amount of working hours demanded by their position. A detailed look into this is the topic for a separate article.

<sup>5</sup> A highly effective response to the interview question, “Did you do a journal?,” is one that recognizes the skills that journal work can bolster and points to where else in their experience the interviewee has developed them.