

Connecting to the Network: Campbell's Award-Winning Professionalism Program

BY LEARY DAVIS AND WILLIS P. WHICHARD

We represented Carter and during negotiations we received a fax stating that we'd received an offer for \$2 million for the property that [we] were partners in. Huge conflict of interest. Should never have taken the case in the first place.

I handled an ethical issue badly by assuming that because Millie was a social party thrower coupled with the fact that her husband drank, that she drank alcohol too. I shouldn't have assumed that.

One of the main reasons that I came to law school was because I think that lawyers tell the most interesting stories, and that belief was furthered by the Travis simulation. Also, the lawyers did an incredible job of acting, which obviously led to my positive experience of the simulation.

Having a "Senior Partner" was a valuable addition to the simulation. Our "Partner" allowed us to struggle with the issues raised by our client and did not succumb to our pleas, as novices, that he provide the answer to the confidentiality issues raised.

It really makes me feel good to know that attorneys are willing to help us understand how the legal profession works and also to help us to make the profession as a whole better.

Campbell University's first-year Professionalism Development Program, the source of the student comments above, recently won the ABA's Gambrell Award for the enhancement of professionalism. Last year, over 60 lawyers from a broad range of vocational settings participated in the program by mentoring, telling stories, facilitating small-group discussions, providing feedback, serving as senior partners in simulated law firms, and demonstrating that they were all part of a unified profession to which they welcomed the students. The purpose of this article is to describe the program, trace its evolution, and discuss the ideas that led us to its development.

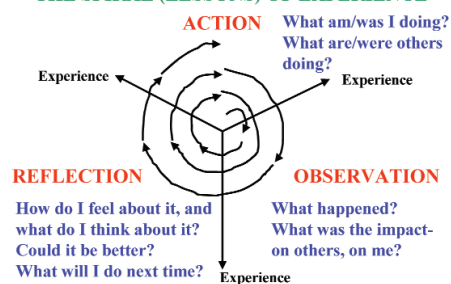
Description of the Program

The program begins during first-year ori-

entation and runs throughout the year: two orientation sessions, seven biweekly workshops plus the annual law school convocation in the fall, a multi-day simulation between semesters, and seven biweekly sessions during the spring semester.

During the first orientation session students discuss concepts of professionalism and are exposed to two models to assist their professional advancement: a model of the professionalization process developed at Campbell and an action-observation-reflection model developed at the Center for Creative Leadership. The professionalization process model emphasizes that knowledge and skill are necessary but not sufficient to produce competent lawyers; it is a third element, the lawyer's personal attributes, that provide the catalyst that transforms knowledge and skill into competent representation.

THE SPIRAL (LESSONS) OF EXPERIENCE



Source: Hughes, Ginnett and Curphy, LEADERSHIP: The Lessons of Experience, Third edition

The students are encouraged to utilize consciously the action-observation-reflection model (see above) to develop the knowledge, skills, and personal attributes essential to their professional development. Class recitations, their own and those of their classmates, provide the most common opportunity to utilize the model. Following a recitation, which constitutes action in the model, a student would ask herself what she observed about the recitation—exactly what happened and its impact on herself and others. The reflection stage consists of determining the causes of what was observed and thinking about how the action could be improved. The next performance, influenced by the preceding observation and reflection, will constitute another action to be observed, reflected upon, and improved. Observation and reflection, as well as action, are experiences; hence the term “spiral of experience” to describe this process of conscious professional growth.

Students are encouraged to apply the models in their substantive courses and summer employment opportunities. The models are used explicitly during the fall semester as the students interact with each other and with

lawyers and faculty members in observing videotaped representations of ethical dilemmas of lawyers in roles as fiduciaries, advocates, interviewers, negotiators, and counselors.

The students get to practice all of the roles they have explored during a multi-day simulation between semesters, and to experience the ethical dilemmas and inevitable conflicts of interest practicing lawyers must confront and deal with.

During the spring semester the students are once more involved with a broad range of lawyers who share with them the challenges and opportunities of their practices and lives in various settings and locales, the opportunities for pro bono and public interest contributions, the obligation of lawyers to provide civic leadership, and the rewards of such service. The semester concludes with two sessions with clients. The first is with business clients and their lawyers, discussing lawyer professionalism as seen through the eyes of clients (see sidebar page 30). The concluding, powerful workshop is with clients who have experienced the most horrible of personal plights, the murder of family members.

The students leave this extensive first-year program, in which the Rules of Professional Conduct are discussed only collaterally, with an experiential foundation that makes the study of those rules in the required second-year course more logical, practical, relevant, and meaningful.

The Program's Evolution

Unlike most law schools, for the first 20 years of its existence Campbell taught the professional responsibility course required for ABA accreditation in the first year of law school, rather than the second or third year. The faculty believed students should be exposed to the behavioral expectations of the profession as early as possible, even if they had not yet developed a complete conception of the legal order.

In the early 1980s, Raleigh lawyer Roger Smith shared with the professional responsibility students his perspective on representation of criminal defendants. The following year he was joined by Greensboro's Jim Williams, who talked with the students about the challenges of representing civil clients who were involved in questionable business transactions. A couple of years later the North Carolina State Bar's Tom Lunsford spoke with the students about the profession's disciplinary

process. Two decades later all three continue to be a part of the Professionalism Development Program.

At the midpoint of his Campbell deanship, Pat Hetrick initiated a "Dean's Professionalism Lecture Series" for first-year students. Leaders of the profession were invited to speak at this program, at which attendance was mandatory and students wore courtroom attire. Both the lecture series and the required first-year professional responsibility course were featured in a national 1996 ABA report on the teaching of professionalism.¹

In 1999 the Campbell faculty modified its curriculum by moving the required professional responsibility course to the second year, retaining the Professionalism Lecture Series in the first year, and instituting a one-week "intersession" between semesters, to be utilized for intensive skills and perspectives courses.

Professor Catherine Dunham and Mel Wright, executive director of the North Carolina Chief Justice's Commission on Professionalism, collaborated in adapting a multi-day simulation utilized in Columbia University's third-year Profession of Law course for Campbell's first-year students. With the assistance of a dozen North Carolina practicing lawyers, they made the simulation a dazzling intersession success.

The continuous improvement of Campbell's program of professional responsibility and professionalism, leading to its receipt of the Gambrell Award, was stimulated not only by Mel Wright and the Chief Justice's Commission on Professionalism, but also by the ideas in two books, Walter Bennett's *The Lawyer's Myth* and VISA founder Dee Hock's *Birth of the Chaordic Age*. They help provide some of the basic premises that underlie Campbell's Professionalism Development Program, particularly those that led to the involvement of even more practicing lawyers in the program.

Basic Premises A "Talking with Lawyers" Program is better than a "Lecture to Students" Series.

In harmony with the ideas of Bennett and Hock, the program transitioned in form from a lecture series, with men in suits "lecturing" to first-year law students, to a campfire around which men and women lawyers and law students sit and talk, sometimes with clients, about their experiences and about the

needs, values, attitudes, and interests that draw them to the legal profession.

Ray Patterson was Right: Disciplinary Rules are Based Upon Common Morality

The students reacted to the videotapes of lawyers in their roles of advocate, interviewer, counselor, and negotiator without the benefit of having read the Rules of Professional Conduct. By doing so they tested former Emory Dean Ray Patterson's statement that lawyers' rules of professional conduct are based on fundamental notions of the right thing to do, and that laypeople would come up with the same rules for lawyer conduct that lawyers devise, if they but thought as deeply about the issues. The students' analyses of the professionalism issues with which they were presented were in fact consistent with the Rules of Professional Conduct and with the experience of the practicing lawyers in their workshops.

Walter Bennett is Right: Lawyers Don't Talk with Each Other Often Enough, and We Should "Rekindle the Campfire"

In *The Lawyer's Myth*, Walter Bennett provides examples of senior lawyers and judges who understand their professional lives as a "high calling," at the same time lamenting our loss of professional mythology and the disappearance of opportunities for professional development through storytelling.² He calls for a "rekindling of the campfire" around which we can build a new professional mythology for a modern, more representative profession. Bennett, a lawyer, former judge, and UNC-CH law professor, and now full-time writer, facilitated the initial workshop of the fall semester and laid the groundwork for the rekindling of his campfire at Campbell.

So is Dee Hock: The Profession is a Network

In her 1994 book, *A Nation Under Lawyers*, Harvard law professor Mary Ann Glendon wrote that the American legal profession was on "the edge of chaos." Dee Hock would argue that the profession *should* be on the edge of chaos. He says that ideal, healthy institutions are "chaordic," blending harmoniously characteristics of chaos and order, as do dynamic networks in nature. These networks in nature are self-governing organisms whose members compete fiercely but cooperate intensely in an environment of shared information. In nature the strongest net-

Randy Currin's Top Ten Professionalism Tips for Lawyers From a Client's Perspective

1. Don't try to profit from every minute you spend with a client; rather respect and do not abuse what might become a long-term and profitable relationship.
2. Bill your clients at least monthly.
3. Avoid posturing in interactions with other lawyers and clients.
4. In counseling with clients, give wise advice; exercising their legal rights might not serve their best interests.
5. Don't schedule client deadlines for your convenience without letting your clients know your reason for so doing.
6. Know what you don't know, and be willing to admit it.
7. Be accessible, and use modern technology that your clients use.
8. Don't be afraid to demonstrate your religious faith.
9. Don't consistently abuse your family; treat them with love.
10. Learn a few lawyer jokes, and don't be afraid to tell them.

works are the most complex and diverse. When we view the legal profession as a complex, diverse, chaotic system within which we compete fiercely to further the interests of our clients while cooperating intensely to maintain and continuously improve our system of justice, we realize that the diversity inherent in the bifurcation and segmentation of the profession can be a source of synergy as easily as a source of conflict. The choice is ours.

Individual Lawyers Need the Network to Maximize Our Professional Development

Opportunities to discuss the ideas of Bennett and Hock and be a part of the rekindled campfire at Campbell enriched our theories of practice. In the process they added to our previous model of the professionalization process feedback loops that facilitate the continuous testing and refining of ideas about

what law is and about the operation of law in society; and the idea that personal attributes are expanded by the lessons of experience, and strengthened by action, observation, reflection, and discussion. All of these processes are enhanced when we undertake them jointly with others as well as introspectively.

Competence is an Essential Professional Value, and Personal Attributes are as Essential to Competence as are Knowledge and Skill

It is interesting that lists of professional values formulated for different purposes are not particularly consistent. However, all of the lists will include competence as a core value. Law school can focus so intensely on those elements of competence that help students write good law school examinations that students can forget, or never realize, that legal knowledge must be applied, and that there are lawyers with adequate knowledge and skill who nevertheless cannot or will not deliver high quality legal services in a timely manner at an affordable price in a way that makes clients feel good about their relationship. The stories of lawyers and the conceptual frameworks within which those stories are told at Campbell help students realize the importance of lawyers' personal attributes in making knowledge and skill accessible to their clients.

The "Spiral of Experience" Can Be Applied Vicariously, and to Simulations

Around the campfire, lawyers talk about their failures as well as their successes. We all, lawyers included, tend to learn more from our mistakes than from our triumphs. We also learn from the mistakes of others, and from what they do right. The lawyers who participate in the Professionalism Development Program share both failures and successes with Campbell's students. Students learn from these vicarious experiences. They also learn from watching lawyers deal with ethical dilemmas in videotapes and then talking with practicing lawyers about their impressions, and from being "associates" in the Travis simulation. The lessons of all of these experiences will inform their practices when they begin representing actual clients.

Lawyers Learn From Their Clients

The prominent legal ethicist Tom Shaffer has long emphasized the extent to which clients can teach their lawyers about matters

of morality and practice if lawyers are willing to have conversations with them.³ After Dunn lawyer Joe Tart listened to his client, Linda Garner, tell the Campbell students about a case in which they had achieved a result most lawyers would consider the pinnacle of their careers, and tell them also how good a listener Joe was, Joe responded. He gave Mrs. Garner and her husband Bobby credit for turning him from a pessimistic analysis of their case through their confidence in our system of justice and their insistence that the wrong done them must have a remedy. They were correct, and because he was willing to have the conversation with them about what should be, he discovered the theory of the case that had always been there.

Conclusion

One of the ABA's goals in making the Gambrell Award is to spread good ideas that enhance professionalism. Campbell has benefited from the work that Columbia did in its Profession of Law course and that Walter Bennett did in helping his students collect oral histories of lawyers at UNC-CH, and from the stories and other contributions of the practicing bar to the professional development of its students. It is Campbell's hope that in a like manner its Professionalism Development Program will help strengthen the network that is our "chaordic" profession. ■

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Endnotes

1. American Bar Association Section of Legal Education and Admissions to the Bar, Report of the Professionalism Committee, *Teaching and Learning Professionalism*, pp. 50-57 (1996)
2. The examples came from student reports on oral histories the students had taken in a course taught by Bennett when he was a law professor at UNC-CH
3. See, e.g., Shaffer, *Legal Ethics and the Good Client*, 36 Cath. U.L. Rev. 319 (1987)