FOSTERING PROFESSIONAL FORMATION
(PROFESSIONALISM): LESSONS FROM
THE CARNEGIE FOUNDATION'S
FIVE STUDIES ON EDUCATING
PROFESSIONALS

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I. INTRODUCTION

The American Bar Association's Standards Review Committee is considering late-stage proposals to change the accreditation standards
for law schools to require more emphasis on each student’s professional formation. Professional formation refers to the fostering of students’ formation of an ethical professional identity. This change from a focus on educational inputs, like a course on professional responsibility, to a focus on clearly articulated learning outcomes relating to each student’s ethical development that are assessable is a major paradigm shift in legal education.

Legal educators and the legal profession itself can learn a great deal from the five Carnegie Foundation studies of higher education in medicine, nursing, clergy, engineering, and law concerning professional formation. From the turn of the century to 2010, the Carnegie Foundation for the Advancement of Teaching conducted dozens of site visits to study how professional schools educate physicians, nurses, clergy, engineers, and lawyers. From these studies, the president of the Carnegie Foundation, Lee Shulman, found that “the most overlooked aspect of professional preparation was the formation of a professional identity with a moral and ethical core of service and responsibility,” while the Carnegie Foundation’s final study, Educating Physicians, found that “formation [is] the fundamental goal of the learning process,” and “professional formation [is] the purpose that should guide medical education.” This Article provides an analysis of the five Carnegie Foundation studies that will guide law faculties in defining assessable learning outcomes for professional formation and selecting the pedagogies most effective to achieve the defined learning outcomes.

A. ADDRESSING LEGAL EDUCATORS’ TRADITIONAL SKEPTICISM TOWARD PROFESSIONAL FORMATION

The initial challenge to learning about professional formation from other professions is the skepticism of many law professors about whether they “can have any impact on a student’s ethical professional formation.” Law professors often argue that a student’s moral char-

1. See discussion infra Part II.
2. See discussion infra Part II (defining “professional formation,” “ethical professional identity,” and “professionalism”).
3. Lee S. Shulman, Foreword to Molly Cooke et al., Educating Physicians: A Call for Reform of Medical School and Residency, at v, ix (2010).
4. Molly Cooke et al., Carnegie Found. for the Advancement of Teaching, Educating Physicians: A Call for Reform of Medical School and Residency 41, 60 (2010) [hereinafter Educating Physicians].
acter is established earlier in life and that it is too late to develop a student's values in law school.\textsuperscript{6} Richard Posner, a judge on the United States Court of Appeals for the Seventh Circuit, goes so far as to state "as for the task of instilling legal ethics in law students . . . I can think of few things more futile than attempting to teach people to be good."\textsuperscript{7} Because of these assumptions, \textit{Educating Lawyers} found:

\begin{quote}
[In most law schools, the apprenticeship of professionalism and purpose is subordinated to the cognitive, academic apprenticeship. In fact, in the minds of many faculty, ethical and social values are subjective and indeterminate and, for that reason, can potentially even conflict with the all-important values of the academy—values that underlie the cognitive apprenticeship: rigor, skepticism, intellectual distance, and objectivity.\textsuperscript{8}
\end{quote}

\subsection*{B. The Empirical Evidence Rebutting the Skepticism}

This skepticism toward professional formation ignores considerable empirical evidence that an individual can develop moral capacities over his or her entire lifespan.\textsuperscript{9} For example, Neil Hamilton and Verna Monson found:

\begin{quote}
[E]mpirical studies over the last thirty years on moral reasoning find that as we progress in our education and encounter challenging life experiences, our moral reasoning and judgment become more complex, moving from justifications based on self-interest to a fuller analysis of the implications of our conduct on others and society more broadly.\textsuperscript{10}

Moreover, there is strong evidence that education significantly affects a student's moral reasoning, moral identity, and ethical capacity.\textsuperscript{11} \textit{Educating Lawyers} argues:

[H]igher education can promote development of more mature moral thinking, that specially designed courses in professional responsibility and legal ethics do support that development, but that unless they make an explicit effort to do so,
\end{quote}

\begin{footnotes}
\item[8] \textit{EDUCATING LAWYERS}, supra note 6, at 132-33.
\item[9] Hamilton & Monson, supra note 5, at 6-7.
\item[10] Id. at 7.
\item[11] Id. at 8.
\end{footnotes}
FOSTERING PROFESSIONAL FORMATION

law schools do not contribute to greater sophistication in the moral judgment of most students.12

Educating Lawyers further explains that “[l]aw school experiences, if they are powerfully engaging, have the potential to influence the place of moral values such as integrity and social contribution in students’ sense of self. This is especially likely to take place in relation to the students’ sense of professional identity.”13 Moreover, “[b]ecause law school represents a critical phase in the transition into the profession, it is inevitable that it will influence students’ image of what kind of lawyers they want to be.”14

C. **The Need to Foster Each Student’s Professional Formation**

Higher education accrediting authorities for other professions have moved beyond skepticism to require more emphasis on professional formation.15 It is likely that the American Bar Association will also amend the accreditation standards for law schools to place more emphasis on professional formation. For example, the Standards Review Committee proposed current draft changes to Accreditation Standard 302 on Learning Outcomes to require that accredited law schools have learning outcomes that include competency in “the professional skills of . . . the exercise of professional judgment consistent with the values of the legal profession and of the professional duties to society, including recognizing and resolving ethical and other professional dilemmas.”16 Additionally, the proposal requires learning outcomes that include “knowledge and understanding of the following

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13. *Id.* at 135.
14. *Id.*
15. [See Nelson Miller, Teaching Law: A Framework for Instructional Mastery 13 (2010). For example, the Accreditation Council for Graduate Medical Education is in charge of accreditation for residency programs. The council requires competency in six areas, three of which concern ethics and professionalism. The Council's most recent standards are from 2011 and state in part that medical residents must demonstrate](http://www.acgme.org/acWebsite/dutyHours/dh_dutyhoursCommonPR07012007.pdf)

a) [P]atient care that is compassionate, appropriate, and effective for the treatment of health problems and the promotion of health. . . .

d) [I]nterpersonal and communication skills that result in effective information exchange and teaming with patients, their families, and other health professionals. . . .

e) [A] commitment to carrying out professional responsibilities and an adherence to ethical principles.


values: . . . the legal profession's values of justice, fairness, candor, honesty, integrity, professionalism, respect for diversity and respect for the law.\textsuperscript{17} In the Committee's draft changes, its emphasis on professional formation reflects \textit{Educating Lawyers}' observation of "an increasing awareness across the peer-review professions, including law, that higher education must do more to foster each student's [professional formation]."\textsuperscript{18}

Furthermore, \textit{Educating Lawyers} argues that law schools need to foster professional formation in order to combat challenges that face the legal profession.\textsuperscript{19} \textit{Educating Lawyers} stated that the legal profession is currently marked by a growing body of lawyers trained by an increasing number of law schools who then enter unstable and highly competitive domains of practice. . . . The result has been confusion and uncertainty about what goals and values should guide professional judgment in practice, leaving many lawyers "wandering amidst the ruins of those [past] understandings."\textsuperscript{20}

\textit{Educating Lawyers} continues to explain that due to these competitive social pressures, law schools must explicitly focus on fostering professional formation:

Under today's conditions, students' great need is to begin to develop the knowledge and abilities that can enable them to understand and manage these tensions in ways that will sustain their professional commitment and personal integrity over the course of their careers. In a time of professional disorientation, the law schools have an opportunity to provide direction.\textsuperscript{21}

If law schools ignore professional formation, they risk producing new lawyers with technical legal skills but no genuine professionalism.\textsuperscript{22} As a result, legal education cannot merely focus on cognitive or practical education; it must embrace the holistic goal of advancing students "toward genuine expertise as practitioners who can enact the profession's highest levels of skill in the service of its defining purposes."\textsuperscript{23}

\begin{itemize}
  \item \textsuperscript{17} Hamilton & Monson, \textit{supra} note 5, at 4; \textit{see} \textit{Standards Review Comm., supra} note 16, at 2.
  \item \textsuperscript{18} Hamilton & Monson, \textit{supra} note 5, at 4.
  \item \textsuperscript{19} \textit{Educating Lawyers, supra} note 6, at 128.
  \item \textsuperscript{20} \textit{Id.} at 127-28 (citing M.A. Glendon, \textit{A Nation Under Lawyers: How the Crisis in the Legal Profession Is Transforming American Society} 37 (1994)).
  \item \textsuperscript{21} \textit{Id.} at 128.
  \item \textsuperscript{22} \textit{Id.} at 160.
  \item \textsuperscript{23} \textit{Id.}
\end{itemize}
Finally, there is growing empirical evidence showing a significant positive relationship between a lawyer’s internalized high professionalism and clients’ and senior lawyers’ perceptions of the lawyer’s effectiveness. On the other hand, serious “lapses of professionalism are associated with long-term ineffectiveness in [the] practice [of law].”

D. Law Schools Must Clearly State Their Educational Objectives Related to Professional Formation

Given the need, how do legal educators define the specific educational objective for professional formation? Scholarship on student learning outcomes assessment provides some guiding principles to reach the overall educational objective of fostering each student’s professional formation. The first step is to clearly and succinctly define the elements of professional formation (or an ethical professional identity). These elements become the educational objectives or learning outcomes for each student. The faculty must then design curriculum and both summative and formative assessments to help students reach the defined learning outcomes. Without clear educational objectives or learning outcomes in terms of the elements of professional formation, “professional education tend[s] to emphasize the minimum floor of competence, compliance with legal duties and avoidance of malpractice exposure.”

E. Turning to the Carnegie Foundation Studies for Insight

The five Carnegie Foundation studies on professional education for physicians, nurses, clergy, engineers, and lawyers provide an important comparative window to address the challenge of fostering professional formation in legal education. The Carnegie Foundation sought “to discover what is common among the many forms of professional education, while also exploring the distinctive approaches to

25. Id. at 143.
teaching and learning that mark specific professional domains.™ In Educating Clergy, the first study to be published, Lee Shulman explained that all professions have some similar characteristics and obligations; as a result, pedagogies for one profession “will reappear in our future studies of other professions, often under different names, but predictably with similar functions.”31

The Carnegie Foundation scholars conducted their empirical research by studying the literature on teaching in each respective profession as well as conducting site visits to the professional schools.32 Furthermore, for Educating Clergy and Educating Nurses, Carnegie Foundation scholars performed web-based surveys to begin their research and confirm their findings.33

The Educating Physicians scholars conducted site visits at eleven medical schools based on each school’s interesting educational innovations, institutional type, and geographic location to create an “array of research-intensive and community-based medical schools, academic medical centers, and nonuniversity teaching hospitals where U.S. medical education is located.”34 The Educating Nurses scholars visited nine geographically diverse nursing schools, each with “an excellent reputation for teaching and learning,” prelicensure programs with a high state board pass rate, and high recommendations from an accrediting body or a state board of education.35 Scholars on the Educating Clergy project visited eight institutions accredited by the Association of Theological Schools or U.S. regional college and university accrediting associations.36 Educating Clergy scholars visited a diverse selection of institutions, selecting schools based on their religious affiliation, geography, and whether they were a free-standing or

30. Id. at 2. Anne Colby, co-director of the Carnegie Studies, notes that “although in a very loose sense, these studies were meant to be comparative, each was also quite independent, led by different people from different fields. We encouraged people, but did not require them, to use the general cross-professions frameworks we had developed.” E-mail from Anne Colby, Co-Dir., Preparation for the Professions Program, Carnegie Found. for the Advancement of Teaching, to author (Aug. 15, 2011) (on file with author).

31. Lee S. Shulman, Foreword to Educating Clergy, supra note 29, at ix, xii.

32. See Patricia Benner et al., Carnegie Found. for the Advancement of Teaching, Educating Nurses: A Call for Radical Transformation 9-10 (2010) [hereinafter Educating Nurses]; Educating Physicians, supra note 4, at 4-5; Educating Clergy, supra note 29, at 385; Sheri D. Sheppard et al., Carnegie Found. for the Advancement of Teaching, Educating Engineers: Designing for the Future xix (2009) [hereinafter Educating Engineers]; Educating Lawyers, supra note 6, at 15.

33. See Educating Nurses, supra note 32, at 235; Educating Clergy, supra note 29, at 387.

34. Educating Physicians, supra note 4, at 4.

35. Educating Nurses, supra note 32, at 232.

36. Educating Clergy, supra note 29, at 383, 386.
university-based institution. The Educating Engineers scholars observed seven institutions, focusing on schools that were diverse from each other, had faculty who engaged in reflective practice, were experimenting with educational practices, and had clear mission statements. Finally, the Educating Lawyers scholars visited sixteen schools in the United States and Canada; they likewise tried to visit a wide variety of schools by choosing a combination of schools that were public, private, geographically diverse, freestanding, within large state universities, and with varying levels of selectivity.

This Article looks first in Part II at how the five Carnegie Foundation studies use key terms such as "professionalism," "ethical professional identity," and "professional formation." Part III analyzes how the five Carnegie Foundation studies define the central elements of professional formation. For example, all five Carnegie Foundation studies agree that the elements of professional formation include a deep responsibility to the people the profession serves. Part IV then analyzes the pedagogies that the Carnegie Foundation studies recommend to foster each student's professional formation. Part V synthesizes what lessons legal educators can learn from the five Carnegie Foundation studies.

The two most important lessons are: (1) efforts to foster each student's ethical professional formation must take into account that students are at different stages of development in terms of formation, and the teacher must engage each student at the student's current stage; and (2) in addition to helping each student internalize the habit of "thinking like a lawyer" in terms of practicing thousands of times how to apply legal doctrine and analysis to messy facts, legal educators should help each student internalize the habit (again through constant practice) of always seeking feedback concerning both the technical and deeper responsibilities to others in their professional work, seeking moral dialogue on the tough calls, and reflecting and self-assessing. This is what I call helping students to internalize the FDR loop (Feedback, Dialogue, Reflection).

II. SYNONYMS FOR PROFESSIONAL FORMATION

The Carnegie Foundation defines professional formation in the context of the three general apprenticeships that the new entrant to each profession endeavors to master: the cognitive apprenticeship, the practical apprenticeship, and the apprenticeship of professional for-

37. Id. at 385-86.
38. Educating Engineers, supra note 32, at xix, 213.
39. Educating Lawyers, supra note 6, at 15-16.
40. See discussion infra Part III.
The cognitive apprenticeship "focuses the student on the knowledge and way of thinking of the profession." In other words, the cognitive apprenticeship concentrates on the analytical skills unique to each profession applied to the doctrinal knowledge of that profession. The second apprenticeship is "a practical apprenticeship to learn skilled know-how and clinical reasoning." These are the practical (not analytical) skills necessary for effective practice and include, for example, all the relationship skills necessary to engage with clients and colleagues. This apprenticeship usually involves practice-based learning. The third apprenticeship is the apprenticeship of professional formation, which "introduces students to the purposes and attitudes that are guided by the values for which the professional community is responsible." The third apprenticeship's essential goal "is to teach the skills and inclinations, along with the ethical standards, social roles, and responsibilities that mark the professional."

An initial challenge is that the Carnegie Foundation studies use various terms to define the educational objective or learning outcomes for the third apprenticeship. For example, the Carnegie Foundation studies use the terms "professional formation," "formation of professional identity," "ethical comportment," "professionalism," and "professionalism and ethics" to describe the educational objective. Table 1 below lists the terms that the Carnegie Foundation studies use to describe the third apprenticeship.

In Educating Physicians, the Carnegie Foundation describes the third apprenticeship as "professional formation." Educating Physicians uses the term professional formation rather than professionalism to emphasize the developmental and multifaceted nature of the construct and argues that a person's professional formation continues to develop throughout his or her career. The term professional

41. See, e.g., Educating Clergy, supra note 29, at 1-2.
42. See, e.g., Educating Lawyers, supra note 6, at 28.
43. Id.
44. See, e.g., Educating Nurses, supra note 32, at 25.
45. See Educating Lawyers, supra note 6, at 28.
46. Id.
47. Id.
48. See, e.g., Educating Nurses, supra note 32, at 166 (stating "educators call this process formation or re-formation. Others call it socialization, acquisition of professional values, or development of professional identity").
49. Educating Physicians also uses the terms professionalism and professional identity at various times to describe the third apprenticeship. See, e.g., Educating Physicians, supra note 4, at 28.
50. Id. at 108.
TABLE 1. TERMS THE CARNEGIE FOUNDATION USES TO DESCRIBE THE THIRD APPRENTICESHIP

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<thead>
<tr>
<th></th>
<th>Physicians</th>
<th>Nurses</th>
<th>Clergy</th>
<th>Engineers</th>
<th>Lawyers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional formation</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Formation of professional identity</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Professionalism and ethics</td>
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<td>Ethical comportment</td>
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<td>Professionalism</td>
<td>X</td>
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</tbody>
</table>

formation indicates that the third apprenticeship is "an ongoing, self-reflective process involving habits of thinking, feeling, and acting."51

Educating Nurses defines the third apprenticeship as the "apprenticeship of ethical comportment and formation."52 Like Educating Physicians, Educating Nurses uses the term "formation" because it denotes development of perceptual abilities, the ability to draw on knowledge and skilled know-how, and a way of being and acting in practice and in the world.53 Professional formation is the "transformation from the well-meaning layperson to the nurse who is prepared to respond with respect and skill to people who are vulnerable or suffering."54 Educating Nurses views this transformation as the process of nurses engaging in lifelong learning to improve their practice.55

In Educating Clergy, the Carnegie Foundation refers to the third apprenticeship as the formation of "professional identity."56 Similar to the other studies, Educating Clergy uses the word "formation" to

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51. Id. at 41 (citing Delese Wear & Brian Castellani, The Development of Professionalism: Curriculum Matters, 74 Aead. Med. 602, 603 (2000)).
52. Educating Nurses, supra note 32, at 25.
53. Id. at 166. Additionally, throughout Educating Nurses, the Carnegie Foundation occasionally refers to the third apprenticeship as professional identity. See, e.g., id. (describing the third apprenticeship as professional identity).
54. Id.
55. See id. at 167.
56. Educating Clergy, supra note 29, at 11, 100 ("A distinguishing feature of professional education is the emphasis on forming in students' dispositions, habits, knowledge, and skills that cohere in professional identity and practice, commitments and integrity. The pedagogies that clergy educators use for this purpose—formation—originate in the deepest intentions for professional service."). The Carnegie Foundation uses the term professional identity and formation throughout Educating Clergy; it is used as a synonym for the term professional formation that is used in Educating Physicians and Educating Nurses.
describe the development of professional identity. Furthermore, *Educating Clergy* identifies that formation of professional identity continues throughout a professional's career.

*Educating Engineers* generally refers to the third apprenticeship in terms of "professionalism" and "ethics," not in the terms of professional identity or professional formation. Throughout the study, the Carnegie Foundation associates professionalism with ethics. Furthermore, *Educating Engineers* indicates that professionalism and ethics are formative by describing them as professional development.

Finally, *Educating Lawyers* describes the third apprenticeship as the apprenticeship of "professional identity" or "professionalism." Like the other studies, *Educating Lawyers* indicates that professional identity is a formative process and refers to it as professional formation.

Although the Carnegie Foundation uses different terms to describe the third apprenticeship, they are all synonyms for professional formation. For the reasons discussed in Part V, this Article will use the term "professional formation" to describe the educational objective because it best captures the developmental aspect of the educational objective and is the term used most in the studies.

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57. See *Educating Clergy*, supra note 29, at 11, 100.

58. *Id.* at 23 (describing how clergy continue their transformative process throughout their career by adding new meaning to traditions in response to changing circumstances and contexts).

59. See, e.g., *Educating Engineers*, supra note 32, at 138 (relating professionalism and ethics). *Educating Engineers* refers to the third apprenticeship in terms of ethics and professionalism, not as professional identity.

60. *Educating Engineers*, however, does use the term professional formation in the study. *See id.* at 188.

61. *See id.* at 141 ("The codes stress the responsibility to be competent in one's work, to be careful not to misrepresent one's competencies, and to continue building one's competence through continuing professional development.").

62. *Educating Lawyers*, supra note 6, at 14. *Educating Lawyers* also refers to the third apprenticeship as professionalism, social responsibility, and ethics. *See id.* (noting the third apprenticeship "is sometimes described as professionalism, social responsibility, or ethics").

63. *Id.* at 14, 128-29.

64. See *Educating Nurses*, supra note 32, at 166 (stating "educators call this process formation or re-formation. Others call it socialization, acquisition of professional values, or development of professional identity").

65. See *Educating Nurses*, supra note 32, at 166; *Educating Physicians*, supra note 4, at 108; *supra* Table 1.
III. THE ELEMENTS OF PROFESSIONAL FORMATION

A. THE CARNEGIE FOUNDATION'S DEFINITION OF PROFESSIONAL FORMATION

The five Carnegie Foundation studies on professional education define professional formation with somewhat different elements. Below, this Article discusses the elements of professional formation in order of the frequency that the five studies refer to these elements. Table 2 following the discussion lists the elements each study uses to define professionalism.

B. ALL FIVE STUDIES IN AGREEMENT ON THE DEFINITION

Educating Physicians, Educating Nurses, Educating Clergy, Educating Engineers, and Educating Lawyers all agree that a fundamental element of professional formation is internalizing a deep responsibility to the person being served. For example, Educating Physicians notes that a responsible physician is a physician that has "a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self."

And Educating Nurses explains that through professional formation, nurses "learn to focus on the 'person at the end of the bed.'" Educating Clergy, Educating Engineers, and Educating Lawyers note that clergy, engineers, and lawyers also express the importance of a deeply held sense of responsibility for their parishioners, clients, and/or communities they serve.

C. FOUR STUDIES IN AGREEMENT ON THE DEFINITION

Four of the Carnegie Foundation studies agree on the following elements of professional formation: (1) competency and a commitment to excellence in all domains of the profession; (2) moral reasoning; and (3) an understanding of interpersonal relationships. Competency and a commitment to excellence in all domains of the profession, as well as moral reasoning, are elements of professional formation noted in Educating Physicians, Educating Nurses, Educating Engineers, and Educating Lawyers. Educating Physicians, for example, explains that

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66. Educating Physicians, supra note 4, at 41.
67. Educating Nurses, supra note 32, at 166.
68. See Educating Clergy, supra note 29, at 20-21, 68 (describing the profession's public nature and responsibility to the public); Educating Engineers, supra note 32, at 137; Educating Lawyers, supra note 6, at 14, 130 (describing lawyers' social responsibility and responsibility to clients).
69. Educating Physicians also describes a commitment to excellence in all domains of the profession as an "aspiration" to improve. Educating Physicians, supra note 4, at 41.
a professional physician has an internalized aspiration to improve and achieve true professional excellence and "an unfailing aspiration to perform better and achieve more."\(^{70}\) Educating Nurses describes this ongoing commitment to competency and excellence as having "knowledge" and "skilled know-how" and views professional formation as a process of nurses engaging in lifelong learning to improve their practice.\(^{71}\) Educating Engineers explains the ethical codes of engineers "articulate the overriding importance of competence" and continuing professional development.\(^{72}\) Similarly, Educating Lawyers cites competency as a core aspect of professional identity.\(^{73}\) The same four studies also agreed on moral reasoning as an important element of professional formation.\(^{74}\)

Educating Physicians emphasizes that a physician's understanding of interpersonal relations and ability to work with their patients, colleagues, and communities is an important aspect of professionalism.\(^{75}\) Through the process of working with others to achieve shared patient care goals, the new entrant expands his or her professional identity and practical competence.\(^{76}\) Educating Nurses observes that focusing on the "person at the end of the bed" requires nurses to form effective relationships and act with compassion.\(^{77}\) Educating Clergy emphasizes relationship skills with the community served and Educating Lawyers includes relationship skills with clients.\(^{78}\)

D. THREE STUDIES IN AGREEMENT ON THE DEFINITION

Three of the Carnegie Foundation studies share several key elements of the definition of professional formation: adherence to ethical codes, integrity, and social responsibility (a responsibility to the community and to the promotion of the public good). Educating Physicians, Educating Engineers, and Educating Lawyers share the elements of adherence to ethical codes and social responsibility. Re-

\(^{70}\) Id.
\(^{71}\) Educating Nurses, supra note 32, at 166-67.
\(^{72}\) Educating Engineers, supra note 32, at 141.
\(^{73}\) Educating Lawyers, supra note 6, at 14.
\(^{74}\) See Educating Nurses, supra note 32, at 167; Educating Physicians, supra note 4, at 61; Educating Engineers, supra note 32, at 141 (explaining the necessity of competency, responsibility, accountability and fairness in the profession); Educating Lawyers supra note 6, at 144. Educating Nurses further states that nurses must use their moral imagination to care for patients. See Educating Nurses, supra note 32, at 165. Educating Lawyers further describes that "moral discernment" is also an element of professional identity. Educating Lawyers, supra note 6, at 12.
\(^{75}\) Educating Physicians, supra note 4, at 62-63.
\(^{76}\) Id. at 63.
\(^{77}\) Educating Nurses, supra note 32, at 166.
\(^{78}\) Educating Clergy, supra note 29, at 13; Educating Lawyers, supra note 6, at 130.
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garding adherence to ethical codes, *Educating Lawyers*, for example, defines the elements of professional identity as the “ethical standards, social roles, and responsibilities that mark the professional.”

*Educating Lawyers* also outlines the importance of a dedication to justice, the public good, and a commitment to doing pro bono work. Describing the element of social responsibility, or the responsibility to the community and to the promotion of the public good, *Educating Engineers* articulates the importance of a “[c]ommitment to public welfare.”

*Educating Physicians* discusses “a deep sense of commitment and responsibility to patients, colleagues, institutions, society, and self.”

Physicians, clergy, and lawyers all share integrity as an element in their definition of professional formation. For example, *Educating Clergy* notes that professional identity develops students’ “dispositions, habits, knowledge, and skills that cohere in professional identity and practice, commitments, and integrity.” Additionally, *Educating Lawyers* states that professional identity “includes the virtues of integrity, consideration, [and] civility.”

E. Two Studies in Agreement on the Definition

The elements of professional formation shared by two of the Carnegie Foundation studies include compassion, honesty/trustworthiness, and the concept that professional formation is related to the student’s developmental stage. *Educating Physicians* and *Educating Nurses* agree on both the element of compassion as well as the concept that professional formation is related to a student’s developmental stage. *Educating Engineers* and *Educating Lawyers* agree on honesty/trustworthiness. Describing the necessary element of compassion, *Educating Physicians* states it is paramount that a physician has the ability “to express core values of medicine such as empathy, compassion, and altruism.”

For nurses, a focus on the patient is central to

79. *Educating Lawyers*, supra note 6, at 28.

80. *Id.* at 126 (quoting ABA Section of Legal Educ. & Admission to the Bar, A.B.A., *Teaching and Learning Professionalism: Report of the Professionalism Committee* 6-7 (1996) [hereinafter Professionalism Committee]) (“A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and public good.”); see also *Educating Lawyers*, supra note 6, at 132, 138.

81. *Educating Engineers*, supra note 32, at 141. For engineers, being a professional means recognizing that you are part of a community and have a responsibility to society as a whole. *Id.* at 137.

82. *Educating Physicians*, supra note 4, at 41.

83. *Educating Clergy*, supra note 29, at 100.

84. *Educating Lawyers*, supra note 6, at 132.

professional formation, and this focus requires nurses to form effective relationships and act with compassion.\textsuperscript{86} \textit{Educating Physicians} and \textit{Educating Nurses} also see professional formation as relating to the developmental stage of the medical or nursing student as an element of professional identity.\textsuperscript{87} \textit{Educating Engineers} and \textit{Educating Lawyers} both included honesty/trustworthiness as an element of professional formation.\textsuperscript{88}

F. \textbf{SINGLE STUDY ELEMENTS OF THE DEFINITION}

Finally, there are elements of the definition of professional formation only mentioned by a single study. \textit{Educating Physicians} includes the elements of self-awareness and internalizing the values and norms of the profession. Self-awareness is “the capacity to recognize and engage with perspectives different from [the learner’s] own and use these alternate perspectives as a window for examining their own beliefs, assumptions, and emotions.”\textsuperscript{89} For physicians, the element of understanding of cultural values, or going through a process of acculturation, is the adoption of norms and values of the medical communities and institutions that affect students’ professional formation.\textsuperscript{90} \textit{Educating Physicians} suggests that “[t]he espoused values of most practice settings and institutions suggest appropriate commitments to quality of care, safety, and ongoing training,” and as a result, professional students often embrace and take on the values of their workplace and communities.\textsuperscript{91}

\textit{Educating Nurses} includes the elements of patient advocacy and having respect for people who are suffering or vulnerable in its definition of professional formation. Regarding having respect for people who are suffering or vulnerable, \textit{Educating Nurses} suggests that to care effectively for patients, nurses must “be[ ] present for patients and bear[ ] witness to their suffering.”\textsuperscript{92}

\begin{itemize}
  \item \textsuperscript{86} \textit{Educating Nurses}, supra note 32, at 165-66.
  \item \textsuperscript{87} \textit{Educating Nurses}, supra note 32, at 167; \textit{Educating Physicians}, supra note 4, at 146. Professional formation being related to the developmental stage is implicit in \textit{Educating Nurses’} element of the definition of professional formation as incorporating “lifelong learning.”
  \item \textsuperscript{88} \textit{Compare Educating Engineers}, supra note 32, at 141 (indicating that engineering codes only include the element of honesty), \textit{with Educating Lawyers}, supra note 6, at 130 (indicating that lawyer professional codes cite both honesty and trustworthiness in their definition of professional formation).
  \item \textsuperscript{89} \textit{Educating Physicians}, supra note 4, at 61.
  \item \textit{Id.} at 64.
  \item \textit{Id.}
  \item \textsuperscript{91} \textit{Id.}
  \item \textsuperscript{92} \textit{Educating Nurses}, supra note 32, at 192.
\end{itemize}
Educating Clergy defines professional identity with the element of “how to be in the world,” as well as the element of religious commitment. Educating Clergy explains that the main purpose of professional formation is to “foster among ... students a pastoral, priestly, or rabbinic imagination that integrates knowledge and skill, moral integrity, and religious commitment.”

Educating Engineers adds to the elements of professional formation: accountability to employers, clients, and the public; confidentiality; fairness; and loyalty. For example, the engineering ethical codes “articulate the overriding importance of competency, responsibility, accountability [to employers, clients, and the public], and fairness.”

Educating Lawyers includes the elements of civility and promoting justice. The study specifically states that professional identity “encompass[es] issues of both individual and social justice, and it includes the virtues of integrity, consideration, [and] civility.” Lawyers’ professional formation is also linked to a “dedication to justice and the public good.”

G. SYNTHESIS OF THE ELEMENTS OF PROFESSIONAL FORMATION

Looking at the similarities and differences in the definitions of professional formation throughout the five Carnegie Foundation studies, the central recurring themes and elements are clear. All of the Carnegie Foundation studies find a primary element of professional formation is the internalization of a deep responsibility to the person served. All five studies also define other elements of professional formation that the new entrant should internalize. For example, a majority of studies include competency and a commitment to excellence, moral reasoning, understanding of interpersonal relationships, integrity, adherence to the ethical codes, and social responsibility to communities and the public good as important elements of the definition of professional formation. Table 2 below lists the elements each study uses to define professional formation or professionalism.

93. Educating Clergy, supra note 29, at 6 (noting professional formation answers the question of how to act or behave in the world). Furthermore, Educating Clergy notes this concept is “often understood as the realm of ethics.” Id.
94. Id. at 13 (emphasis omitted).
95. Educating Engineers, supra note 32, at 141.
96. Id.
97. Educating Lawyers, supra note 6, at 132.
98. Id. at 126 (citing Professionalism Committee, supra note 80, at 6-7 (1996)) (“A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and public good.”); see also Educating Lawyers, supra note 6, at 132.
<table>
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<tr>
<th>Internalization of deep responsibility to the person served</th>
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<th>Nurses</th>
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<tr>
<th>Competency and a commitment to excellence in all domains of professional</th>
<th>Physicians</th>
<th>Nurses</th>
<th>Clergy</th>
<th>Engineers</th>
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<td>X (skilled know-how)</td>
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<tr>
<th>Moral reasoning</th>
<th>Physicians</th>
<th>Nurses</th>
<th>Clergy</th>
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<th>Social responsibility (to the community and to the promotion of the public good)</th>
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<th>Nurses</th>
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<th>Understanding of interpersonal relationships</th>
<th>Physicians</th>
<th>Nurses</th>
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<th>Adherence to ethical codes</th>
<th>Physicians</th>
<th>Nurses</th>
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<th>Compassion</th>
<th>Physicians</th>
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<th>Honesty/Trustworthiness</th>
<th>Physicians</th>
<th>Nurses</th>
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<th>Professional formation is related to the developmental stage of the student</th>
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<th>Nurses</th>
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101. Professional formation being related to developmental stage is implicit in *Educating Nurses’* element of the definition of professional formation as incorporating “lifelong learning.” *Educating Nurses*, *supra* note 32, at 166; see also *Educating Physicians*, *supra* note 4, at 146.
### IV. CURRICULUM AND PEDAGOGIES THAT PROMOTE PROFESSIONAL FORMATION

To foster students' professional formation effectively, professional schools should design and implement curriculum and pedagogies that address the specific elements of professional formation. While one or more of the five Carnegie Foundation studies discuss twenty-two different pedagogies relevant to professional formation, six of the twenty-two pedagogies uniquely focus on professional formation in terms of the internalization of elements such as a deep responsibility to the person served (and implicitly some restraint on self-interest), moral reasoning, social responsibility to the community and the promotion of

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102. *Educating Clergy* notes professional formation answers the question of how to act or behave in the world. *Educating Clergy, supra* note 29, at 6. Furthermore, *Educating Clergy* notes this concept is “often understood as the realm of ethics.” *Id.*

103. Acculturation is the adoption of norms and values of the medical communities and institutions that affect students' professional formation. *Educating Physicians, supra* note 4, at 64.

| Accountability to employers, clients, and the public | X |
| Aspiration to improve in all domains | X |
| Civility | X |
| Confidentiality | X |
| Fairness | X |
| How to be in the world | X |
| Loyalty | X |
| Patient advocacy | X |
| Promoting justice | X |
| Religious commitment | X |
| Respect for people who are suffering or vulnerable | X |
| Self-awareness | X |
| Understanding of cultural values—acculturation | X |

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102. *Educating Clergy* notes professional formation answers the question of how to act or behave in the world. *Educating Clergy, supra* note 29, at 6. Furthermore, *Educating Clergy* notes this concept is “often understood as the realm of ethics.” *Id.*

103. Acculturation is the adoption of norms and values of the medical communities and institutions that affect students' professional formation. *Educating Physicians, supra* note 4, at 64.
the common good in the area of the profession's expertise, and understanding of interpersonal relationships.

A sixth Carnegie Foundation study of undergraduate business education published in 2011 uses the term "the reflective exploration of meaning" to capture the most self-reflective aspects of learning.104 Pedagogies of reflective exploration of meaning "engage students with questions such as 'What do I really believe in, what kind of person do I want to be, what kind of world do I want to live in, and what kind of contribution can I make to that world?'"105 Six of the professional formation pedagogies in the first five Carnegie Foundation studies contribute directly to the reflective exploration of meaning. The other sixteen pedagogies for professional formation discussed in the first five studies are also effective with the cognitive analytical apprenticeship106 and the practical apprenticeship.107 These sixteen pedagogies will be particularly effective for professional formation when combined with the pedagogies listed under the reflective exploration of meaning below.

The following analysis will address the pedagogies that the Carnegie Foundation scholars observed in their site visits in order of the frequency that each of the professions use these pedagogies. Table 3 following the discussion provides a summary of the pedagogies focused on the reflective exploration of meaning, and Table 4 summarizes the additional pedagogies for professional formation as reported in Educating Physicians, Educating Nurses, Educating Clergy, Educating Engineers, and Educating Lawyers.108

105. Id. at 79.
106. EDUCATING LAWYERS, supra note 6, at 28.
107. See, e.g., EDUCATING NURSES, supra note 32, at 25.
108. Overall, the Carnegie Foundation does not extensively cite to empirical research when citing pedagogies that promote professional formation; Carnegie mostly cites pedagogies that researchers observed during their site visits. Nevertheless, when Carnegie does cite empirical research, we have noted it. In a general sense, Carnegie endorses constructivist educational philosophy in which experiential pedagogies or "pedagogies of enactment" are recommended as important to formation. A more recent work, COLBY ET AL., supra note 104, cites pedagogies that emphasize integration of knowledge and interpersonal skills. See, e.g., Karl A. Smith et al., PEDAGOGIES OF ENGAGEMENT: CLASSROOM-BASED PRACTICES, 94 J. ENGINEERING EDUC. 87, 87-102 (2005).
FOSTERING PROFESSIONAL FORMATION

A. PEDAGOGIES THAT FOSTER REFLECTIVE EXPLORATION OF MEANING

1. Five Studies in Agreement on Pedagogies That Promote Reflective Exploration of Meaning

All five Carnegie Foundation studies found that the following foster the reflective exploration of meaning: (1) reflecting on the responsibilities of the profession; (2) integrating the three apprenticeships; and (3) seeking feedback, reflection, and self-assessment. When discussing the need for reflection on the responsibilities and core values of the profession, Educating Engineers, for example, states that "emphasis on public responsibility suggests that engineering schools should engage students in thoughtful discussions about the meaning of engineering and technology, including its social meaning and context." Additionally, when discussing how to integrate professional formation throughout the engineering curriculum, Educating Engineers recommends that students "engage in reflection on the meaning and demands of professional practice.”

All of the Carnegie Foundation studies also argue that professional schools should integrate the three apprenticeships throughout professional education. Educating Nurses explains that “[w]hen nursing educators help students integrate what they learn in the three apprenticeships, rather than when they separate them, students develop a moral sense of what it is good to be and do in a situation, on the basis of knowledge and research, as well as learning skilled know-how.” Educating Physicians recommends that schools “immerse [students] in a setting that embodies the highest values of the profession” by building “a culture that values continuous learning and the scholarship of teaching and learning, a communal space also known as a teaching commons.” Furthermore, Educating Lawyers refers to integration as the pervasive method and recommends that schools should “incorporate ethical issues into the full range of doctrinal

109. See Educating Nurses, supra note 32, at 186, 188; Educating Physicians, supra note 4, at 101-02; Educating Clergy, supra note 29, at 312-13; Educating Engineers, supra note 32, at 142; Educating Lawyers, supra note 6, at 144, 150-51.
110. Educating Engineers, supra note 32, at 142.
111. Id. at 194.
112. Educating Nurses, supra note 32, at 80; Educating Physicians, supra note 4, at 28, 32; Educating Clergy, supra note 29, at 329; Educating Engineers, supra note 32, at 161-62; Educating Lawyers, supra note 6, at 145.
113. Educating Nurses, supra note 32, at 80.
courses."\textsuperscript{115} Lastly, \textit{Educating Engineers} proposes that engineering schools create a professional spine to emphasize professional formation throughout their entire curriculum.\textsuperscript{116}

The five Carnegie Foundation studies additionally suggest that professional schools encourage the habit that students "seek feedback," reflect, and engage in self-assessment, so students can learn to continually develop their professional formation throughout their careers.\textsuperscript{117} \textit{Educating Nurses} describes that "excellent teaching requires [students to engage in] critical reflection, continuous learning, the capacity to change and to question change, and ongoing development."\textsuperscript{118} \textit{Educating Physicians} recommends that medical schools incorporate "[p]edagogies that involve guided observation and reflection, encourage inquiry and discovery, and engage learners in discussions that makes their assumptions and understanding more transparent and congruent with experts in the field."\textsuperscript{119}

2. \textit{Four Studies in Agreement on Pedagogies That Promote Reflective Exploration of Meaning}

\textit{Educating Physicians, Educating Nurses, Educating Engineers,} and \textit{Educating Lawyers} agree that professional formation should be part of a school's curriculum.\textsuperscript{120} For example, professional formation can be integrated using modules on professional formation in a number of courses in a school's curriculum.\textsuperscript{121} By placing explicit attention on professional formation in a school's curriculum, the faculty can send a powerful message of the importance of professional formation.\textsuperscript{122}

\textsuperscript{115} \textit{Educating Lawyers, supra} note 6, at 151.
\textsuperscript{116} \textit{Educating Engineers, supra} note 32, at 194.
\textsuperscript{117} \textit{Educating Physicians, supra} note 4, at 62; \textit{Educating Nurses, supra} note 32, at 213; \textit{Educating Clergy, supra} note 29, at 291; \textit{see also} \textit{Educating Engineers, supra} note 32, at 186-97 (describing implicitly that students need to engage in reflection and self-assessment after receiving feedback); \textit{Educating Lawyers, supra} note 6, at 145-46 (describing that "students do not get better through practice alone. If their performance is to improve, they need practice accompanied by informative feedback and reflection on their own performance."). For an extensive discussion on developing reflective judgment, a construct related to identity formation, see Patricia M. King & Karen S. Kitchener, \textit{Developing Reflective Judgment: Understanding and Promoting Intellectual Growth and Critical Thinking in Adolescents and Adults} (1994).
\textsuperscript{118} \textit{Educating Nurses, supra} note 32, at 213.
\textsuperscript{119} \textit{Educating Physicians, supra} note 4, at 70.
\textsuperscript{121} \textit{Educating Engineers, supra} note 32, at 145-46.
\textsuperscript{122} \textit{See id.} at 159.
Fostering Professional Formation

The same four Carnegie Foundation studies also found that
teacher-facilitated discussions of ethics are an effective method of in-
corporating professional formation into the curriculum. Noting
that in this pedagogy educators guide and lead the students’ dis-
cussion to develop and examine the moral and ethical principles, Educat-
ing Physicians states, “Faculty facilitators may frame the discussion, clarify or elaborate as needed, or lead the discussion to higher sophis-
tication or complexity according to the group’s readiness.”

3. Two Studies in Agreement on Pedagogies That Promote
Reflective Exploration of Meaning

Educating Physicians and Educating Nurses both note that relating
content to students’ developmental stage is an important element of
curriculum and pedagogy in professional formation. This can be
accomplished by designing discussions on professional formation so that they remain relevant to the students’ experiences. Educating Physicians notes that educators should strive to “situate[d] discussions on moral reasoning in a meaningful context matching the students’ level of professional development.” That the content of discussions is relevant to the level of student experience and development is important because “[m]any students have very limited clinical experience at the time these discussions occur and thus may not realistically be able to engage the knowledge and conceptual understanding so as to serve their professional formation.” As students have more clinical experiences, educators should incorporate those experiences into their discussions.

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123. See Educating Nurses, supra note 32, at 171; Educating Physicians, supra note 4, at 101; Educating Engineers, supra note 32, at 145; Educating Lawyers, supra note 6, at 68-69.
125. Educating Nurses, supra note 32, at 167; Educating Physicians, supra note 4, at 101. Professional formation being related to a student’s developmental stage is implicit in Educating Nurses’ element of the definition of professional formation as incorporating “lifelong learning.”
126. Educating Physicians, supra note 4, at 101.
127. Id.
128. Id.
129. Id.
B. ADDITIONAL PEDAGOGIES THAT PROMOTE PROFESSIONAL FORMATION

The remaining sixteen pedagogies that the five Carnegie Foundation studies analyzed with respect to professional formation can also promote student development for the first and second apprenticeships. These pedagogies will be particularly effective for professional formation when combined with pedagogies involving reflection on the responsibilities of the profession, development of the habit of seeking feedback, dialogue with others on the tough calls, reflection and self-assessment, and awareness that educational engagements must take into account that students are in different developmental stages of professional formation.

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130. EDUCATING NURSES, supra note 32, at 167. Professional formation being related to the developmental stage is implicit in EDUCATING NURSES’ element of the definition of professional formation as incorporating “lifelong learning.”
1. Five Studies in Agreement on Curriculum and Pedagogies

The five Carnegie Foundation studies determined that clinical education and practical experience, coaching, and modeling are pedagogies that can foster technical skills as well as professional formation. Specifically, regarding clinical education and practical experience, Educating Nurses states that "[t]hrough engagement with clinical problems and particular patients and patient population, students broaden their moral imagination."131 Educating Lawyers, for example, observes that "clinics can be key settings in which students learn to integrate not only knowledge and skill but the cognitive, practical, and ethical-social facets of [the profession] as well."132 Educating Engineers recommends that engineering schools should provide their students with practical experiences such as "design courses, co-op experiences, summer or part-time engineering work, or project-focused extracurricular activities" to develop their professional formation.133

All five Carnegie Foundation studies contend that coaching is an effective pedagogy to foster students’ professional formation.134 Educating Nurses suggests that by acting as coaches, "faculty [can] guide students in learning to develop their skills of perception and involvement by questioning them about issues of salience: asking what students are paying attention to and how they understand what they are seeing in the clinical setting."135 Educating Lawyers further suggests that coaches can effectively provide students with constant feedback so the students can improve.136

Each study likewise found modeling to be an effective pedagogy to foster students’ professional formation.137 Educating Lawyers argues that educators are "influential in conveying what the profession stands for and what qualities are important for a member of that profession. They do this, often inadvertently, not only through explicit and implicit messages in their teaching, but also by the values and standards they personally represent, as perceived by their students."138 Educating Physicians recommends that faculty members

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131. Id. at 167.
132. Educating Lawyers, supra note 6, at 160.
133. Educating Engineers, supra note 32, at 162.
134. Educating Nurses, supra note 32, at 187; Educating Physicians, supra note 4, at 69; Educating Clergy, supra note 29, at 5; Educating Engineers, supra note 32, at 186-87; Educating Lawyers, supra note 6, at 145.
136. Educating Lawyers, supra note 6, at 145.
137. See Educating Nurses, supra note 32, at 174-75; Educating Physicians, supra note 4, at 102; Educating Clergy, supra note 29, at 114; Educating Engineers, supra note 32, at 200; Educating Lawyers, supra note 6, at 156.
138. Educating Lawyers, supra note 6, at 156.
serve as role models to students by demonstrating professional behavior. Educating Engineers notes that “faculty need to make clear what expert practice looks like, modeling or otherwise making visible both thinking and doing.”

2. Four Studies in Agreement on Curriculum and Pedagogies

Educating Physicians, Educating Nurses, Educating Engineering, and Educating Lawyers recognize the importance of institutional intentionality. Institutional intentionality consists of faculty setting educational goals and then actively planning to achieve those goals. According to Educating Lawyers, institutional intentionality creates “a consciously crafted educational environment” that requires each school to “become intentional about its own aims, educational processes, and identity.” Furthermore, educational institutions should assess the effectiveness of their strategies and whether they have met their goals.

These four Carnegie Foundation studies likewise found that scaffolding was an effective pedagogy. Scaffolding provides support and guidance to enable students to perform educational objectives. The pedagogy helps students “better understand the important features of the performance and . . . provide[s] a guiding structure for their efforts to imitate those aspects of more expert performance.” Educators can scaffold by providing students with models, typical cases, or assignments that help students to connect basic concepts to
real life problems. Educating Lawyers further describes that professors can use scaffolding by prompting students to assist them in responding to questions posed. For example, when a student struggles to articulate the holding of a case, the professor could ask the student to first state the facts of the case. In this example, the professor provides support to the student, enabling him to work towards the desired educational objective.

3. Three Studies in Agreement on Curriculum and Pedagogies

Educating Physicians, Educating Nurses, and Educating Engineers each cite reflective writing assignments as ways to further foster students’ professional formation. Educating Physicians notes that medical educators often have students reflect on clinical experiences or interactions with patients. Students may be asked to write about the meaning of their clinical experiences or their observations related to professional issues. Additionally, educators may have students assess and “reflect on their personal and professional development through reflective writing assignments.”

Educating Physicians, Educating Nurses, and Educating Clergy state that educators can also use storytelling and narrative pedagogies to transmit powerful lessons to foster students’ professional formation. For example, Educating Physicians notes that “storytelling can open a powerful window on the experiences, wisdom, and expertise of physicians.” Educating Nurses suggests that as a result, schools should perform more “articulation and appreciation in the classroom of [the profession’s] central focal practices . . . so that students have meaningful opportunities to develop clinical and moral imagination by rehearsing . . . how they integrate their knowledge, skilled know-how, and ethical comportment, and contemplating the obligations of being a [professional].”

148. Id.
149. See Educating Lawyers, supra note 6, at 62 (describing Professor Kingsfield’s questioning of Mr. Hart in The Paper Chase (Twentieth Century Fox 1973)).
150. Id. at 64.
152. Educating Physicians, supra note 4, at 102.
153. Id.
154. Id. at 109 (citing Amanda Howe, Professional Development in Undergraduate Medical Curricula: The Key to the Door of a New Culture?, 36 Med. Educ. 353 (2002)).
155. See Educating Nurses, supra note 32, at 188; Educating Physicians, supra note 4, at 102; Educating Clergy, supra note 29, at 255-56.
156. Educating Physicians, supra note 4, at 102.
4. Two Studies in Agreement on Curriculum and Pedagogies

Educating Engineers and Educating Lawyers both note that incorporating service learning and pro bono work is an important method of fostering student professional formation. Educating Engineers asserts that “engineering faculty have begun to use service learning to foster a number of important professionalism outcomes, including a sense of social and professional responsibility, ethical awareness and sophistication, and skill in negotiating the contexts of engineering work, including intercultural contexts both domestically and internationally.”158 Service learning consists of “students part[icipat]ing in organized, sustained service activity that is related to their classroom learning and meets identified community needs.”159 Educating Lawyers similarly notes that performing pro bono work, which is providing free legal services to those who cannot afford it, can foster professional formation as a “vivid enactment of law’s professional identity.”160 Educating Lawyers asserts that “a good pro bono experience can strongly influence a student’s future involvement in public service and even become a highlight of law school experience.”161

Educating Physicians and Educating Clergy advocate that small group discussion can be used to foster professional formation.162 Educating Physicians notes that small groups provide “an opportunity for students to establish meaningful relationships with colleagues that furnish a safe, supportive forum for discussing issues related to professional formation.”163 As a result, small groups “help students articulate some of their beliefs and assumptions about professional and unprofessional conduct.”164 Educating Clergy further explains that “the intimacy of [the] small groups not only provides space for cultivating spiritual practices and nurturing professional identity, but it


159. Educating Engineers, supra note 32, at 153.

160. Educating Lawyers, supra note 6, at 138 (“Law schools hold another potential for strengthening students' development as moral, as well as legal, reasoners and actors: the legal services provided free pro bono publico.”).

161. Id. at 138-39 (citing Deborah L. Rhode, Pro Bono in Principle and in Practice: Public Service and the Professions (2005)).

162. Educating Physicians, supra note 4, at 101; Educating Clergy, supra note 29, at 280 (“Seminaries . . . engage students in a variety of small groups established to facilitate the development of a range of spiritual disciplines and practices.”).

163. Educating Physicians, supra note 4, at 101.

164. Id. at 102.
also deepens and intensifies the relational dynamics of students and faculty." 

5. Single Study Elements of Curriculum and Pedagogies

In addition to the elements noted above, Educating Physicians also recommends incorporating case studies, mentoring, and symbolism into the curriculum and pedagogies on professional formation. With respect to case studies, once students have learned the ethical principles, they should “practice using [their moral and ethical knowledge] to reason through cases of progressively greater complexity or uncertainty.” Later, they should apply these principles in clinical situations “where they will enact behaviors that are consistent with the moral and ethical principles they have learned to use.” For physicians, mentoring programs allow students to seek help themselves. Individual learning needs can be accommodated by “using longitudinal mentoring and oversight and promoting opportunities for learners to participate in the direction of their own learning.” Educating Physicians found that medical schools can create an optimal learning environment for students by using symbols and symbolic events such as “white-coat ceremonies, honor societies, and other ceremonies acknowledging contributions to the profession through exemplary service, leadership, teaching, and research” because these symbolic events send messages about institutional values. By incorporating symbols that illustrate the importance of professional formation through the school, educators send strong institutional messages that foster professional formation.

Educating Clergy adds pedagogies of immersion and interpretation to foster professional formation. Pedagogies of immersion are those that immerse students in other cultures, such as study abroad and exchange programs, in order to help students learn about “social, political, economic, and religious global movements” and the “dy-

165. Educating Clergy, supra note 29, at 283.
166. Educating Physicians, supra note 4, at 100-01.
167. Id. at 67-68.
168. Id. at 103.
169. Id. at 100-01.
170. Id. at 101.
171. See id. at 67.
172. Id. (emphasis omitted); see also id. at 109-10 (“Students may be asked to reflect on their personal and professional development through . . . regular meetings with a mentor or trusted small group of peers.”).
173. Id. at 103.
174. Educating Clergy, supra note 29, at 256.
namics of poverty, racism, and oppression." Pedagogies of interpretation involve three aspects: something to be interpreted, an interpreter, and the interaction of the interpreter with what they interpret. Additionally, the pedagogy often includes "exploring the role of 'the larger conversation of the entire community of inquirers' that both encourages dialogue among interpretative possibilities and establishes a horizon for decisions about the phenomenon to be interpreted, the interpreter, and the methods that facilitate their interaction."  

*Educating Engineers* argues that heuristics is a pedagogy that fosters professional formation. Heuristics are "analytic frameworks" that are used "to structure case analysis [and] support the development of more mature thinking about cases that raise complex ethical issues." The study asserts that "learning to use heuristics can help students apply what they learn in class to cases they encounter in professional practice."  

Finally, *Educating Lawyers* suggests that simulated practice encourages professional formation. The study explains that "[l]awyering courses that use simulation of client interviewing and counseling, for example, permit the introduction of ethical as well as technical problems in a setting that mimics for the student the unpredictable challenges of actual practice." Additionally, "[i]ssues of professionalism around client interaction and the establishment of trust and effective communication can become more salient and directly involved in simulation than in typical classroom settings," and during simulated practice, students can experience the practical dimensions of...
FOSTERING PROFESSIONAL FORMATION

professional formation that are less explicit in "conventional classrooms."  

Table 4 below summarizes all of the pedagogies and curriculum suggested by the five Carnegie Foundation studies that promote professional formation.

TABLE 4. ADDITIONAL PEDAGOGIES THAT PROMOTE PROFESSIONAL FORMATION

<table>
<thead>
<tr>
<th>Pedagogy</th>
<th>Physicians</th>
<th>Nurses</th>
<th>Clergy</th>
<th>Engineers</th>
<th>Lawyers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clinical education and practical</td>
<td>X</td>
<td>X</td>
<td>X (Learning by doing)</td>
<td>X (Practical experience)</td>
<td>X</td>
</tr>
<tr>
<td>experiences</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Coaching 184</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Modeling 185</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Institutional intentionality</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Scaffolding</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Reflective writing</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storytelling and narrative pedagogies</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service learning and pro bono</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Small group discussion</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Case studies</td>
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</tr>
<tr>
<td>Heuristics 187</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mentoring 188</td>
<td>X</td>
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</tbody>
</table>

184. Id. at 159.  
185. Coaching is the process of having faculty “guide students in learning to develop” their professional formation. Educating Nurses, supra note 32, at 187.  
186. Modeling is the practice of demonstrating professional behavior and the value and standards that you personally represent. See Educating Physicians, supra note 4, at 102; Educating Lawyers, supra note 6, at 156.  
187. Heuristics are “[analytical] frameworks” that are used “to structure case analysis support[ing] the development of more mature thinking about cases that raise complex ethical issues.” Educating Engineers, supra note 32, at 163.  
188. Mentoring is a longitudinal program that allows students to form relationships with professionals, so students can seek advice from professionals in their field to deal with problems they face in their education, clinics, and careers. See Educating Physicians, supra note 4, at 67.
A. SUBSTITUTE “PROFESSIONAL FORMATION” FOR “PROFESSIONALISM”

The discussion in Parts II, III, and IV and the tables included in each part provide important analytical clarity to help legal scholars and educators define and foster student professional formation. One important step toward analytical clarity suggested by the Carnegie Foundation studies is to substitute the term “professional formation” for “professionalism.” While the term “professionalism” has the benefit of historical roots that have motivated a number of organized bar study commissions and committees, it does have some significant drawbacks. For example, while forty-three legal scholars have attempted to define elements of professionalism, and there is wide consensus among them that professionalism includes each student’s internalization of the profession’s fundamental principles and ideals, there is disagreement among these scholars concerning which core principles and ideals are the most important. Only a few of the legal scholars defining professionalism emphasize that a law student’s and practicing lawyer’s understanding and internalization of these core principles and ideals are developed over a career. In addition, ten legal scholars doubt the value of professionalism as a useful concept, usually because of its self-promotional, hypocritical, and simplistic us-

189. Pedagogies of immersion are exchange programs that immerse students into other cultures. EDUCATING CLERGY, supra note 29, at 256.

190. Pedagogies of interpretation describe the process of interpreting texts and making judgments, which is central to the study of ethics. See id. at 70, 72.


192. Symbolism refers to the practice of incorporating symbols and symbolic events throughout the school to create a learning environment that emphasizes professional formation. See EDUCATING PHYSICIANS, supra note 4, at 103.


age in the past, but some of these skeptics may find professional formation a useful concept without this negative historical baggage.

Professional formation better captures the multi-faceted developmental growth that legal education wants to foster. As Educating Physicians notes, the term "professional formation" indicates that the third apprenticeship is "an ongoing self-reflective process involving habits of thinking, feeling, and acting." It is a lifelong commitment to continued progress toward excellence and the aspirational goals of the profession. Hamilton and Monson also explain that a person's professional formation can develop throughout a lifespan. For example, as a professional seeks feedback and reflects on and self-assesses his or her practice, the professional can grow in professional formation.

B. Define the Elements of Professional Formation Clearly as Learning Outcomes

In order to satisfy student learning outcome assessment and the draft changes to Accreditation Standard 302 that incorporate student learning outcome assessment, each law school will have to define the elements of professional formation clearly as learning outcomes.

The Carnegie Foundation studies provide an important synthesis of the elements of professional formation for each law school to consider. For example, all five studies defined professional formation to include the internalization of a deep responsibility to the person served and other core norms and values of the profession. Four studies include competency and a commitment to excellence, moral reasoning, social responsibility to the community and the common good in the area of the profession's expertise, and understanding interpersonal relationships. Three studies include integrity and adherence to ethical codes. Two studies include compassion and honesty.

195. Id.
196. Educating Physicians, supra note 4, at 41 (emphasis omitted) (citing Wear & Castellani, supra note 51, at 603).
197. Id. at 146.
198. Hamilton & Monson, supra note 5, at 31.
199. Id. at 23.
200. See supra note 26 and accompanying text.
201. See supra notes 16-17 and accompanying text.
C. ASSESS WHETHER THE PRESENT CURRICULUM OFFERS THE ARRAY OF PEDAGOGIES RECOMMENDED TO PROMOTE PROFESSIONAL FORMATION

After clearly defining the elements of professional formation that a law school is adopting as learning outcomes, the law school must assess whether the pedagogies in the current curriculum are sufficient to help students achieve these learning outcomes. The Carnegie Foundation studies recommend a number of pedagogies to foster professional formation. Following the analysis of the Carnegie Foundation's 2011 study of undergraduate business education that analyzes "the reflective exploration of meaning," Table 3 separates the six pedagogies from the original five Carnegie Foundation studies that uniquely focus on professional formation in terms of the internalization of elements like a deep responsibility to the person served (and implicitly some restraint on self-interest), moral reasoning, social responsibility to the community and the public good, and an understanding of interpersonal relationships. To foster the internalization of these elements for each student, all five studies recommend pedagogies of reflection on the responsibilities of the profession, integrating the three apprenticeships, and helping students internalize the habit of actively seeking feedback, dialogue with others on the tough calls, and reflection. This last pedagogy boils down to constant repetition of what I call the FDR loop (actively seeking Feedback, Dialogue, and Reflection). This constant repetition would be similar to the thousands of times over three years that legal educators help students practice "thinking like a lawyer" in terms of the application of legal doctrine and analysis to messy facts. Under this pedagogy, each student would internalize both habits by graduation.

Educating Physicians observes that professional formation requires educational engagements appropriate to each student's developmental stage. Each law school should give careful consideration to this point. Current empirical research indicates that students come to law school at different developmental stages in terms of moral reasoning and professional identity.\textsuperscript{202} The curriculum has to engage each student at his or her present stage. As Educating Nurses observes, "Formation is caught as well as taught."\textsuperscript{203} Educating Lawyers, as well as Educating Physicians, Educating Nurses, and Educating Engineers, also note the importance of the overall culture of the profes-

\textsuperscript{202} See Hamilton & Monson, supra note 7, at 3-5 (describing people of the same age have different levels of moral development); Monson & Hamilton, supra note 161, at 397, 399, 406 (describing the results of their study on entering law students' stage of professional formation).

\textsuperscript{203} Educating Nurses, supra note 32, at 191.
sional school (institutional intentionality and broad curricular attention to professional formation), which means that these pedagogies should be integrated broadly into a school’s curriculum and culture.204

These six pedagogies can be integrated into the other sixteen pedagogies that the five Carnegie Foundation studies recommend for professional formation. Five studies recommend clinical education and practical experiences, coaching, and modeling. Four studies recommend institutional intentionality and scaffolding. Three studies recommend reflective writing, storytelling, and narrative.

It is critical for law schools to make professional formation a fundamental goal of the learning process. Legal educators can learn a great deal about the elements of professional formation and effective pedagogies to foster professional identity from research in higher education for other peer-review professions. All of the peer-review professions face a similar challenge to help new entrants to a profession internalize an ethical professional identity. Professional formation helps each student both increase his or her effectiveness as a lawyer and grow during a career toward the core values and ideals of the profession.

204. See Educating Nurses, supra note 32, at 166 (explaining the third apprenticeship should be incorporated in every aspect of nursing education); Educating Physicians, supra note 4, at 32; Educating Engineers, supra note 32, at 168 (describing the importance of institutional intentionality); Educating Lawyers, supra note 6, at 182-83 (describing how law schools need to integrate professional formation into the climate of the schools).