Seeking the St. Thomas Effect: Law School Mission and the Formation of Professional Identity

Jennifer Wright
Abstract

Law schools have long prided themselves on their ability to train law students to “think like lawyers”. Many law schools and faculty deny that they do or should play any role in the formation of students’ professional and moral identities. Recent events point to the high social costs imposed by lawyers and judges who demonstrate no professional allegiance beyond pleasing the client or employer and maximizing the bottom line. Our legal system and our society as a whole depend upon ethical and professional behavior on the part of our lawyers and judges. Recent studies have challenged law schools’ rejection of their role in professional formation, pointing to the crucial role of legal education in forming the professional identity of lawyers. Law schools must begin to take seriously their duty to intentionally and thoughtfully shape their students’ sense of what it means to be a lawyer and of how their professional identities will align and coexist with their other personal and ethical commitments. In this article, I examine a case study of one law school, the University of St. Thomas School of Law. Using qualitative research methods, I define the particular content of UST Law’s desired “St. Thomas effect”, and lay out a further research program to determine whether this law school is in fact achieving its mission in the formation of its graduates. I offer this effort to define and measure the professional formation goals of one law school as a model for other law schools seeking to engage in mission-based legal education.

Table of Contents

I. The Mission of Law Schools 3
II. The Power of Qualitative Research 7
III. The Case of the University of St. Thomas School of Law 10
IV. Defining “The St. Thomas Effect” 12
   A. The Law As Vocation 12
I. The Mission of Law Schools

What is the purpose and proper function of a law school? Can the nature of the law school experience substantially affect the ethical, moral and professional identity of the lawyers that emerge from that experience? Should this kind of professional and moral shaping be the responsibility of law schools generally? How can law schools determine what kind of lawyers they want to produce? How can the effect of law school training be defined and measured? These questions are essential to the future of legal education and of the profession of law. The traditional notion that law schools’ only essential task is to teach students to “think like lawyers” has come under increasing challenge, as failures of basic social institutions, including banks, accounting firms, and institutions of government, have occurred under the noses of, and often with the active support of, the lawyers who were supposed to uphold the law. Law schools must reconsider the nature and boundaries of their essential function within the legal system and within society as a whole.

The market pressures on lawyers toward a single-minded focus on maximizing billable hours and profits are intense; the only really effective restraint pushing back against these pressures is attorneys’ internal sense of professional identity and integrity. Lawyer discipline systems alone cannot enforce professional conduct simply by sanctioning its opposite. Unless a significant percentage of lawyers enforce professional norms on themselves and, by force of social approval, on their colleagues, these norms will become words that bear no relationship to the realities of legal practice. Enforcement of rules of professional conduct can only at best set a floor by punishing egregious misbehavior – it cannot instill an ethic of aspiration to excellence in the profession. As William

---

2 Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. St. Thomas L.J. 358, 395 (2009) (“Legal education needs both to assess its failures of socialization that contribute to catastrophic failures of morally responsible leadership in our society and to move from rhetoric and exhortation about opportunities for ethical leadership in speeches to law students toward educational engagements to equip students for the leadership roles lawyers serve in society.”).

3 William M. Sullivan, *Work and Integrity: The Crisis and Promise of Professionalism in America* 159 (1995) (“...the long-term viability of free institutions, and thus of individual freedom, required some means whereby the intrinsic values of activities essential to the common welfare could be protected from meltdown into the cash nexus. At a moment when the unregulated cash nexus of the market threatens to implode upon the social order it should serve, the reinvigoration and institutionalization of the ideals of integrity of function and public responsibility that professionalism represents would fill an essential need.”); Daisy Hurst Floyd, *Symposium, The Opportunity for Legal Education, Transcript, Afternoon Session*, 59 Mercer L. Rev. 859, 890 (2007) (“When we neglect the development of identity, we rob our students of the purpose that brought them to law school with devastating consequences for our students and the profession they enter. There are signs of trouble: attrition rates; incidence of mental illness, such as depression, suicide, and substance abuse; and the popular negative image of lawyers.”); William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law*, Carnegie Found, Advancement Teaching, at 127 (2007) [hereinafter *The Carnegie Report*] (“Large-scale changes in the conditions of practice have washed away many of the institutional pilings that supported the ideals expressed in the Model Rules.”).
Sullivan describes in Work and Integrity: The Crisis and Promise of Professionalism in America, “[a]cording to the ethics of character, moral rules play at most a secondary role in ethical life; the real focus of ethics should be on delineation and development of good patterns of judgment and action.”

Our society needs ethical judgment and action on the part of lawyers to survive and thrive. Lawyers and judges control access to the justice system, they affect its functioning at every level, and they have enormous influence over its outcomes. Events ranging from Enron to the financial sector meltdown indicate the enormous cost to society when lawyers abandon their broader professional and societal perspective and seek only to enrich or empower the client before them. When brilliant lawyers use their skills and knowledge to provide tenuous legal justification for human torture, I believe that there is something very seriously wrong with the state of legal professionalism.

The 2007 Carnegie Foundation’s report on the state of legal education points out the importance and the power of legal education to shape the professional identities of lawyers. The Carnegie Report insists that law schools have no choice about whether they will shape their students’ professional identities, only about how they will do so.

For better or worse, the law school years constitute a powerful moral apprenticeship, whether or not this is intentional. Law schools play an important role in shaping their students’ values, habits of mind, perceptions, and interpretations of the legal world, as well as their understanding of their roles and responsibilities as lawyers and the criteria by which they define and evaluate professional success.

Law schools have an essential role to play in intentionally and thoughtfully instilling in their graduates a professional identity designed to preserve the profession and maximize the profession’s contribution to a functional system of justice and to the common good.

Law schools can, should and must devote thought and effort to the question of the professional and ethical formation and identity of their graduates. When many law school classes and professors appear to declare moral reasoning irrelevant to the task of learning to “think like a lawyer,” they instill and indoctrinate a particular view of the moral role of the lawyer – one that has led to personal and professional disaster for many lawyers and for society. Many

---

4 SULLIVAN, supra note 3, at 197.
6 The Carnegie Report, supra note 3, at 2 (“Law school provides the single experience that virtually all legal professionals share. It forms minds and shapes identities.”).
7 Id. at 139.
faculty intentionally exclude from the law school classroom any discussion of the ethical and social implications of the law, because, “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.”

Unfortunately, such silence unavoidably conveys an implicit – and unfortunate – message to law students about the unimportance of these crucial issues to the study and practice of law.

Some legal educators have assumed that moral character is already set and unchangeable by the time that people enter law school, and that it is unrealistic to expect that the law school experience will make any significant change in lawyers’ moral perspectives or choices. Many law school professors assert that they have no effect on the moral development of their students, who are, after all, adults by the time they arrive in the law school classroom. This assertion rings rather dissonantly with the claim that law professors teach law students to “think like lawyers.” The claim appears to be that law school has a profound effect on law students’ basic cognition in every area except that of moral reasoning – an odd assumption at best.

Research in moral development has established that, in fact, moral development is an ongoing process that continues well into adulthood and which can be shaped by postgraduate education. Moral character is built of many components, including explicitly cognitive ones.

---

8 The Carnegie Report, supra note 3, at 133.
9 Id. at 140 (“When faculty routinely ignore – or even explicitly rule out-of-bounds – the ethical-social issues embedded in the cases under discussion, whether they mean to or not, they are teaching students that ethical-social issues are not important to the way one ought to think about legal practice.”).
10 Walter H. Bennett, Jr., Making Moral Lawyers: A Modest Proposal, 36 Cath. U. L. Rev. 45, 47-48 (1986) (“That law students are susceptible to mega-changes in their intellectual processes is the assumption underlying the belief that one can learn to ‘think like a lawyer.’ And toward this end, law schools have employed many of the tools which Kohlberg’s work suggests: role models (professors) and peer influence, not to mention reward and punishment. . . [G]iven the findings of Kohlberg and the basic assumption of legal educators that significant changes can be wrought in the thinking process of law students, it seems beyond serious dispute that the opportunity is there.”).
First, one must perceive relevant moral concerns in the situation (moral sensitivity); this might also be labeled “moral perception.” Next, one must put those concerns together into an adequate, mature judgment about what is right or wrong (moral judgment). Further if one perceives and judges well, one must still place moral values above other values relevant to the situation, thus effectively deciding to do the moral act (moral motivation). Finally, one must effectively implement the decision to act morally, through perseverance, effective problem solving, etc. (implementation skills).

Law school is the logical place to teach the skills needed to recognize the moral and ethical issues that present themselves most often in the context of law practice, as well as to continue the development of the moral judgment needed to resolve these issues. Law students and new lawyers also face new challenges with respect to competing values (strict honesty in time-keeping versus strict billable hour requirements, e.g.), which will require new applications of moral judgment as professional practice habits are developed. And certainly, law school bills itself as a place to learn how to effectively implement decisions and solve problems. Finally, theories of moral identity indicate that “…when morality is important and central to one’s sense of self and identity, it heightens one’s sense of obligation and responsibility to live consistent with one’s moral concerns.” Law school is the place where the law student begins to develop and define her identity as a lawyer.

If law schools must begin a conscious and intentional attempt to shape the moral and professional formation of lawyers in a way that will uphold the values of the legal profession and its crucial role in society, how are they to undertake this novel and enormous task? The Carnegie Report indicates that “[a]s far as we know, there is no research on the extent to which this influence [of law school education] results in greater incorporation of the ethical-social values of the profession into students’ personal and professional identities.” Such research is essential to the renovation of legal education and the preservation of the legal profession. Legal pedagogy is still at the point of development of theories as to how best to instill specific moral and professional values. The call at this point in time is for systematic testing of theories and study of educational outcomes.

“The law school must become intentional about its own aims, educational


12 Landsman & McNeil, supra note 11, at 894-95.
13 Hardy & Carlo, supra note 11, at 238.
14 See discussion of “Integration, Integrity and Independence”, section IV. B., below.
15 The Carnegie Report, supra note 3, at 135.
processes, and identity. Like good students, good law schools should also be constantly learning and assessing their progress. They should be developing greater institutional intentionality.”

In order to pursue this research goal, we will need to closely examine specific legal education programs and their effects on their graduates. If a program of legal education is to be assessed with regard to its effectiveness in development of professional identity, first that law school must define the goal toward which it is striving. The desired educational effect must be defined in a way that is accepted by those who interact closely together in the educational process. In this article, I describe such a research project examining the case of the young University of St. Thomas School of Law (UST Law) in Minneapolis, Minnesota. I describe the results of preliminary research into the definition of the desired “St. Thomas effect,” as envisioned by the major stakeholders in that institution—faculty, administrators, staff, students, and alumni.

Over the next few years, I intend to conduct a largely qualitative study to determine whether UST Law is succeeding in producing the St. Thomas effect as described in this article. I hope that this research effort will provide a model for other schools as to how they may examine and evaluate the effects of the law school experience on their students’ professional development and identity. The Carnegie Report specifically called for study as to how law school teaching can effectively shape lawyers’ professional identities. This ongoing project represents one effort to begin to fill that research gap.

II. The Power of Qualitative Research

Significant challenges face the researcher who wishes to assess the effects of mission-based legal education on lawyers. It is difficult to assess and compare the complex and pervasive effects of an individual’s professional identity on her professional career. It is still harder to reliably infer complex and subjective values and identities from the professional choices made by individual law graduates. It seems impossible to boil down the effects of mission-based legal education to a limited number of clear and explicit data points that can be quantified and compared in an objective, reliable algorithm. Any attempt to quantify these context-based life values and choices would seem unavoidably biased by the effect of the researcher’s own perspective and values on the interpretation of the data collected.

Some researchers have attempted to quantitatively assess some clearly definable aspect of such complex traits as social justice or service orientation, life satisfaction, or value congruence in the lives of practicing attorneys. More

---

16 The Carnegie Report, supra note 3, at 182.
scholars have simply argued for particular interpretation of trends in the legal profession, often using anecdotes to support a particular viewpoint. 18 Another logical, useful, and powerful means of assessing the effects of mission-based legal education on the professional identities and legal careers of law graduates is offered by the methods of qualitative research. Qualitative methods offer a means to gather information about professional identity and legal career choices in a contextual, factually rich way, incorporating the viewpoint of the researcher without compromising the usefulness of the data. Most legal scholars (at least, the vast majority of those without a doctorate in some other academic field) have received no formal training in research methods. Beginning with essentially an intelligent layperson’s perspective on empirical research, many legal scholars assume that empiricism and quantitative methods are synonymous. For such scholars, including myself, the introduction to qualitative research methods can present an epiphany as to the possibilities of empirical research into the complex social and personal understandings and commitments underlying professional identity and ethics.

Qualitative research has long played an important role in the social sciences, but is still relatively unfamiliar to many, including many scholars, outside those academic disciplines.

Qualitative research is multimethod in focus, involving and interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them. Qualitative research involves the studied use and collection of a variety of empirical materials – case study, personal experience, introspective, life story, interview, observational, historical, interactional, and visual texts – that describe routine and problematic moments and meanings in individuals’ lives. Accordingly, qualitative researchers deploy a wide range of


interconnected methods, hoping always to get a better fix on the subject matter at hand.\(^{19}\)

Qualitative research is thus well suited to try to identify differences, subtle and profound, between how different lawyers conceive of their own professional and human identity, and how their religious, moral and ethical commitments affect their law practice.\(^{20}\)

Qualitative research methods are uniquely suited to work with the richness of detail and context involved in assessing and comparing the nature of professional identity.

Qualitative researchers are intrigued with the complexity of social interactions as expressed in daily life and with the meanings the participants themselves attribute to these interactions. This interest takes qualitative researchers into natural settings rather than laboratories and fosters pragmatism in using multiple methods for exploring the topic of interest.\(^{21}\)

Qualitative research also makes a virtue of the unavoidable fact that both researcher and research participants are deeply and personally involved in the social process under study.

[Qualitative research] entails immersion in the everyday life of the setting chosen for study, values and seeks to discover participants’ perspectives on their worlds, views inquiry as an interactive process between the researcher and the participants, is both descriptive and analytic, and relies on people’s words and observable behavior as the primary data.\(^{22}\)

In order to detect whether, how, and to what degree mission-based legal education affects how lawyers practice law, first an investigation must be conducted into the mission of the particular law school under study. While many law schools include mission statements in their public materials, in some cases it appears that the mission statement offered for public consumption has little or no reality in the day-to-day workings of the law school. It is essential to determine

\(^{19}\) Norman K. Denzin & Yvonna S. Lincoln, eds., Collecting and Interpreting Qualitative Materials 3 (1998).

\(^{20}\) Id. at 8 (“The word qualitative implies an emphasis on processes and meanings that are not rigorously examined, or measured (if measured at all), in terms of quantity, amount, intensity, or frequency. Qualitative researchers stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquire. Such researchers emphasize the value-laden nature of inquiry. They seek answers to questions that stress how social experience is created and given meaning. In contrast, quantitative studies emphasize the measurement and analysis of causal relationships between variables, not processes. Inquiry is purported to be within a value-free framework.”).


\(^{22}\) Id. at 7-8; Id. at 160 (“Research with practitioners, and often by practitioners, who want to improve their own situation and discover and solve problems is called action research. Research questions are defined collaboratively with participants; the researcher’s role is often that of facilitator who expands the questions through consultation, problem posing, and knowledge of existing literature.”).
whether and how a law school’s mission is understood by the members of the law school community and incorporated into the education and formation of the law students.

III. The Case of the University of St. Thomas School of Law

When the University of St. Thomas considered the re-opening of its law school, closed since 1933, in May of 1999, the trustees and administrators were moved by a desire to “do a new thing.”23 They faced repeated challenges to the very notion of founding of yet another law school, the fourth in the Twin Cities metropolitan area, the 187th in the country.24 In the year before the opening of UST Law in Minneapolis, law schools in the United States graduated 38,157 new lawyers,25 to bring the total of admitted attorneys to 1,049,751 or one attorney for every 272 people.26 Both at the local level, and in the national context, the question was repeatedly raised, “Where is the benefit in establishing another law school? Do we really need more lawyers?”

The answer given by the founders of UST Law to this question was consistent from the start. The world (the United States, the state of Minnesota, the Twin Cities) may or may not need more lawyers in general, but it badly needs more of a particular kind of lawyer. As stated by Patrick Schiltz, the founding associate/acting dean, “The paramount purpose of the law school should be to help law students integrate their religious convictions and personal values into their professional identities. This... would lead those students to practice law more ethically and use their legal training not to get rich, but to serve God and the most needy among us.”27

UST Law justified its existence from its inception by a claim that it would produce a specific kind of lawyer, a lawyer who would incorporate faith and moral values in her self-definition as a lawyer, who would hold herself to a higher moral standard in the practice of law, and who would use her professional degree to seek the common good and serve the poor and vulnerable. Thus, nearly a decade before the publication of the Carnegie Report, UST Law focused its

23 Isaiah 43:19a (New Revised Standard Version) (“I am about to do a new thing; now it springs forth, do you not perceive it?”).
24 This figure is based on the number of law schools that are accredited by the ABA and that grant the J.D. American Bar Association, ABA-Approved Law Schools by Year, http://www.abanet.org/legaled/approvedlawschools/year.html.
25 Id.
27 Patrick J. Schiltz, Commemoration of the Fifth Anniversary of the Decision to Open the University of St. Thomas School of Law, 1 U. St. Thomas L.J. 1041, 1050 (2004).
mission on the development of the professional identities of its students and graduates.  

As UST Law pursues this important goal, those who work in and for the school must examine and evaluate whether it is fulfilling its asserted educational mission. If we justified the creation of UST Law by the claim that it would graduate a particular kind of lawyer, then we are obligated to examine our own product, to see if we are producing what was promised. If UST Law graduates are indistinguishable from their peers in the profession, then UST Law is failing to achieve the promised professional education. As the first associate dean stated:

First, Catholic law schools should do something different from non-Catholic law schools; otherwise they wouldn’t be Catholic. And second, whatever it is that Catholic law schools do differently should have some impact on their students; otherwise, it would hardly be worth doing. Thus, one test of whether a law school is Catholic is whether its graduates behave differently – make different choices – than the graduates of non-Catholic schools.

In order to search for “the St. Thomas effect”, we must:
1) define clearly the distinguishing characteristics that UST Law intends to foster in its graduates;
2) identify useful indicators of the presence or absence of those characteristics, and:
3) gather data to determine whether UST Law graduates in fact possess the desired characteristics to a degree exceeding what we find in the general population of lawyers.

As I began my investigation into the ability of a law school to define and then to produce a particular kind of lawyer, I conducted an initial small-scale study, as recommended by classic qualitative research methodology. In order to define the St. Thomas effect, I began by: 1) reading all available written descriptions of the goals and mission of the law school; 2) reading all scholarly writing by UST Law professors and administrators related to the education, socialization, identity and value formation of lawyers; 3) conducting unstructured interviews with a broad sample of UST Law faculty, staff and administrators; 4) conducting a semi-structured survey of a random sample of the first graduating class a year after their graduation; 5) distributing an initial draft of my paper describing the St. Thomas effect to all law school faculty, staff and administrators and soliciting comments and criticisms; and 6) presenting my preliminary findings at a colloquium attended by faculty and staff, and incorporating the many of the suggestions I received. Of course, in keeping with the tenets of qualitative research, my own perspective and values as a participant researcher deeply

---

28 The Carnegie Report, supra note 3, at 13 (“Amid the useful varieties of mission and emphasis among American law schools, the formation of competent and committed professionals deserves and needs to be the common, unifying purpose.”).

29 Schiltz, supra note 27, at 1043.

30 The Carnegie Report, supra note 3, at 64.
informed my analysis. The ultimate test of my conclusions in this first stage of the research process will be the extent to which members of the St. Thomas community reading this article have an “Oh, yes, that’s it!” reaction to my description of the St. Thomas effect. I am very fortunate to have encountered a carefully thought-out and proven set of theories and methods to help me seek in a rigorous and systematic way the information I wanted, as I move forward in the effort to detect the St. Thomas effect.

IV. Defining “The St. Thomas Effect”

Many law schools have mission statements. Often it appears that most of them are just pretty words, used to lure prospective students and donors, without either: 1. a definite content; or 2. any particular influence on the structure or operations of the law school. My original goal for this initial study was to determine whether there is any specifically definable consensus as to the content of the UST Law mission – i.e., as to the kind of lawyer that UST Law is seeking to produce. In interviews with administrators, faculty and staff, surveys of alumni, and in the scholarly writings of faculty, I was delighted to find common themes and key concepts emerging over and over. I summarize some of these key findings below.

A. The Law as Vocation

The first defining quality of the kind of lawyers that St. Thomas seeks to produce is that they view the law as a vocation to which they are called, rather than only as a career that they choose.31 As Jerome Organ, professor and former associate dean, wrote:

Our responsibility as individuals then, is to discover the aptitudes, qualities, charisms and special gifts that God has given us, and then to discern prayerfully how best to foster, develop and use these gifts in our lives so that we can enhance the common good and the kingdom of God. Law students and lawyers particularly, to whom much has been given in terms of intellectual ability, communication skills and educational opportunities, have a special responsibility to discover their gifts and to use them for the common good.32

31 Rev. D. Reginald Whitt, O.P., homily at the School of Law opening mass: Why the “Word on the Street” Won’t Do 2, (Sept., 2002) (“We believe that human beings are created in the image and likeness of the living God, with a common natural vocation to live with each other creatively, and justly, and lovingly... We want to appreciate the law as God sees it, so that we can be of service to the human family that God loves.”); Thomas M. Mengler, What’s Faith Got to do With It? (With Apologies to Tina Turner), 35 U. Tol. L. Rev. 145 (2003) (“The most inspiring part of our mission is our commitment to establish a law school dedicated to graduating lawyers who view their professional lives as a calling or vocation.”).

The St. Thomas lawyer thus has a sense of a duty to seek out the best and highest use of her skills and abilities. She has an obligation to find her proper work in the world, and, in whatever workplace she finds herself, to discover her role in making that place better. The St. Thomas lawyer will engage in continual reflection about her career, seeing it as a coherent whole, seeking to shape it according to her deepest values.\footnote{Interview with Mitch Gordon, Associate Professor, University of St. Thomas School of Law (July 8, 2005) (on file with author).}

St. Thomas lawyers won’t all find themselves doing the same kind of work. St. Thomas does not expect that its alumni will all work for non-profit public interest organizations, for example. St. Thomas lawyers will be called to a wide variety of jobs and fields based on the unique abilities and vocations of each graduate, from legal aid and public defenders offices, to small, medium and large firms, to in-house work, to government employment, etc.\footnote{Interview with Elizabeth Brown, Associate Professor, University of St. Thomas School of Law (July 12, 2005) (on file with author).} However, we might expect that the pattern of employment distribution will be different for St. Thomas graduates from that of graduates of other law schools. Job choice, when viewed as a function of vocation, greatly de-emphasizes some common determining factors in the pursuit of legal employment – i.e., salary, status and power – while emphasizing the opportunity to make positive changes in some part of the world. It would be logical to assume that such differences in priorities would be reflected in somewhat different job choices.

B. Integration, Integrity and Independence

UST Law’s mission, in contrast to the worldview reinforced at most law schools, focuses on the integration of two modes of knowing that are often seen as contradictory in western cultures – faith and reason.\footnote{Patrick J. Schiltz, \textit{Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney}, 82 Minn. L. Rev. 707, 753 n.181 (1998), quoting \textsc{Thomas L. Shaffer, American Lawyers and Their Communities: Ethics in the Legal Profession} 214 (1991) and \textsc{Thomas L. Shaffer, Lawyers in the United States: A Brief Moral History} 41, 75 (1995) (“If we are to assist our students in internal integration, we must be willing to discuss with them their religious convictions and the role that those convictions will play in their professional lives... Apparently, ...few law professors are willing to put religion on the table. According to Thomas Shaffer, ‘the [legal] academy, more than any other, has systematically discouraged and disapproved of invoking ...religious tradition as important or even as interesting.’... Religion is generally ignored in discussions about legal ethics and in the materials that students use in studying ethics.”).} UST Law asserts in its mission statement that these two modes are not in opposition, but will reinforce and supplement each other in the search for truth.\footnote{Mission Statement, University of St. Thomas School of Law, adopted by the University of St. Thomas law faculty on March 20, 2002, \url{http://www.stthomas.edu/law/about/mission/default.html} (“The University of St. Thomas School of Law, as a Catholic law school, is dedicated to integrating faith and reason in the search for truth through a focus on morality and social justice.”).} The St. Thomas lawyer will call upon faith-based moral and ethical values as well as logic and reason in
seeking the answers to questions she faces in her life and in her law practice. The St. Thomas lawyer will seek the "right" answer in both broad senses of the word – the answer that best comports with reality and the answer that is consonant with the highest good. These two modes of knowing come from the same roots in our language, and the St. Thomas lawyer will affirm their congruity in her life and practice.

This integration of faith and reason in seeking answers will express itself in an internal integration of character in the St. Thomas lawyer – also known as integrity. "An attorney who is integrated internally uses the same moral compass in all aspects of her life. She does not have one set of ethics for home and another for the office." The St. Thomas lawyer will resist this destructive tendency, so common in law practice. She will address the decisions in her life with a single, integrated approach. The morals and values that govern dealings with family and friends will equally direct interactions with clients, work colleagues, opposing parties, opposing counsel, court personnel, etc.

The St. Thomas lawyer, relying on this single, integrated set of values, will resist cultural pressures of law practice to conform to expected behavior in violation of those values. Her behavior and choices will be guided by this internal compass, rather than being subject to conventional mores or expectations. The St.

“1: firm adherence to a code of especially moral or artistic values: incorruptibility
“2: an unimpaired condition: soundness
“3: the quality or state of being complete or undivided: completeness”.
38 Schiltz, supra note 35, at 732.
39 Id. at 785-6 (footnote omitted) (“Most of our students will encounter strong pressure to develop one set of ethics for work and another for home. We can anticipate this pressure and help our students to resist it if, as we introduce them to their new life in the law, we also challenge them to bring along their personal values.”); Teresa Stanton Collett, To Be a Professing Woman, 27 Tex. Tech L. Rev. 1051, 1051 (1996) (“Such a false sense of self is not uncommon among lawyers. But ultimately, like all falsehoods, it proves to be enslaving or deadening.”).
40 Vision Statement, University of St. Thomas School of Law, adopted by the law faculty on 3/20/02, available at http://www.stthomas.edu/law/about/mission/default.html (“The law school’s faculty and curriculum will be distinctive in supporting and encouraging students’ integration of their faith and deepest ethical principles into their professional character and identity.”); Response by Jessica Sanborn to survey of members of original graduating class (Sept. 16, 2005) (on file with author) [hereafter, Survey] (“I think that St. Thomas should be trying to make lawyers who do not need to compartmentalize their profession, their faith, and their social consciousness. Rather, St. Thomas lawyers should be able to integrate these aspects of their person.”); Jennifer Hon, Survey, (Aug. 29, 2005) (“I hope that lawyers from St. Thomas strive everyday to practice law ethically and staying true to their core values and beliefs.”); Email from Cari L. Haaland, Director of Admissions, University of St. Thomas School of Law (July 8, 2005) (on file with author) (“Our message has always been that the St. Thomas attorney will not check her faith at the door of the classroom or the law firm. No matter what her faith or belief system she will incorporate her personal ethics/values into her professional decisions.”).
41 Robert K. Vischer, Legal Advice as Moral Perspective, 19 Geo. J. Legal Ethics 225, 271 (2006) (citations omitted) (“The road out of amoral lawyering starts with a profession-wide emphasis on greater moral sensitivity and self-awareness among attorneys. Certainly this effort must begin in law schools, where the legal ethics curriculum all too often focuses strictly on the inculcation of
Thomas lawyer will be able to resist pressures to act contrary to her values, and will push back against and attempt to change cultural expectations and values that she finds unacceptable.\textsuperscript{42}

\section*{C. Drawing on the Springs of Living Water}\textsuperscript{43}

Not every lawyer who graduates from UST Law will be a religious believer. However, we expect that relatively few students will choose to attend UST Law if they find its focus on faith in legal education and law practice distasteful or irrelevant. Therefore, it is expected and desired that the St. Thomas lawyer will be more likely than the average attorney to have an active religious faith and practice that informs her life and her values.\textsuperscript{44} As Dean Thomas Mengler states:

We expect our community to explore the spiritual side of our lives, the implications of religion for development of the law and legal profession, and, most profoundly, the extent to which our faith and core values should guide and shape our professional choices, actions and directions.\textsuperscript{45}

The St. Thomas lawyer will find her faith a bulwark for her fidelity to her own values and an inspiration for her work on behalf of clients. “We want to appreciate the law as God sees it, so that we can be of service to the human family that God loves.”\textsuperscript{46} Membership in a faith community will ground and reinforce the moral and ethical values that will inform the St. Thomas lawyer’s legal practice.

For religious lawyers, connecting the motivational force of faith with the practice of law gives them reason to transcend the profession’s murky, unambitious vision of profit-oriented lawyering. Such integration not only brings coherence to the lawyer’s professional and personal identities, but stands to profession-wide norms, giving short shrift to the personal and professional benefits of integrating one’s own moral claims with one’s work.”); Interview with Dan Liebenson, Associate Professor, University of St. Thomas School of Law (May 27, 2005) (on file with author); interview with Greg Sisk, Orestes A. Brownson Professor, University of St. Thomas School of Law (June 23, 2005) (on file with author); interview with Scott Swanson, Director of Academic Achievement, University of St. Thomas School of Law (July 15, 2005) (on file with author).

\textsuperscript{42} Brown, \textit{supra} note 35; Gordon, \textit{supra} note 33; Jerome M. Organ, \textit{A Vocation-Based System of Ethics for Law Students}, 45 S. Tex. L. Rev. 997, 1008 (2004) (“Just as the cultures of the organizations of which law students are a part exert a gravitational force upon the law students, so too do law students exert a gravitational force upon the other members of their law school community and the profession by the ethical choices they make.”).

\textsuperscript{43} \textit{John} 4:14 (New Revised Standard Version) (“The water that I will give will become in them a spring of water gushing up to eternal life.”).

\textsuperscript{44} Robert K. Vischer, \textit{Heretics in the Temple of Law: The Promise and Peril of the Religious Lawyering Movement}, 19 J.L. & Religion 427, 450-51 (2004) (citations omitted) (“At its best, religious faith motivates individuals to better themselves and their communities, to put others above self, and to invest with meaning the otherwise mundane, materialist conception of existence. Among lawyers, these qualities are sorely needed, both to heighten a lawyer’s sense of satisfaction with their chosen vocation and to enrich the quality and ethical aspirations of the legal services provided.”); Sisk, \textit{supra} note 41; Swanson, \textit{supra} note 41; Sanborn, \textit{supra} note 40.

\textsuperscript{45} Mengler, \textit{supra} note 31, at 146-7.

\textsuperscript{46} Whitt, \textit{supra} note 31; \textit{see also} Schiltz, \textit{supra} note 35.
benefit the profession by raising the bar as to what it means to be a good lawyer.47

An important aspect of a legal practice that integrates faith as a fundamental component lies in the nature of faith as essentially communitarian.48 U.S. society and its legal system both tend to be strongly individualistic, even atomistic, in orientation. Religious faith provides an important counterweight to this conception of the law and legal practice. Religious community provides the individual lawyer with support, critique and feedback from others who share her values and goals – factors essential to the ability to maintain those values and goals in the secular and individualistic world of law practice.49

UST Law is a Catholic law school; however, the vision of the St. Thomas lawyer does not include the expectation that non-Catholic students should convert to Catholicism. UST Law may attract a disproportionate number of Catholic students, and it is desired that Catholic graduates will be faithful and active members of the Catholic Church. However, non-Catholic graduates can fully embody the “St. Thomas effect” within the context of their own belief systems and/or faith communities. Non-believing graduates can also participate in this aspect of the St. Thomas effect through their openness to and acceptance of spiritual values, identities and communities.

D. The Servant Leader and the Listening Ear

The St. Thomas lawyer will be humble, a characteristic not usually associated with lawyers. UST Law’s mission is dedicated to the search for truth – an indication that the St. Thomas lawyer will not be convinced that she already has the final, complete truth. Honest searching requires humility about the completeness and correctness of answers already found. Honest searching also requires the ability and willingness to truly listen, to open oneself to another’s

47 Vischer, supra, note 44, at 454-55 (citation omitted).
48 Comments by Virgil Wiebe, Director of Clinical Education & Associate Professor, University of St. Thomas School of Law on a draft, approximately Apr. 12, 2006; Vischer, supra, note 44, at 431 (“…community is at the core of every major religion, and lawyers’ efforts to break out of the prevailing professional paradigm are centered in community – specifically, communities of other religious lawyers. It is the fundamentally communal nature of religious lawyering that has been left largely unexplored, both in term of the promise it holds for lawyers seeking to integrate their faith with their professional lives, and in terms of the tensions it creates with the liberal project, tensions spawned both by the communal and religious aspects of the movement.”); Collett, supra note 39, at 1059 (“Staying focused on God and our families while practicing law is not easy. Certainly it cannot be done alone. To remain faithful and focused requires an active prayer life and the support of a community of believers in the work place.”).
49 Vischer, supra, note 44, at 442-43 (“First, to the extent that communities of religious lawyers facilitate the integration of faith and practice, these groups bring coherence to the lives of religious lawyers. Second, . . . these groups allow lawyers to transcend the minimalist and visionless ethical regime of the profession. Third, the shared ethical norms emanating from a common faith make dialogue more possible, both within the group and with other groups. Such dialogue is a key path toward raising a lawyer’s own ethical awareness…”).
50 Gordon, supra note 33.
argument and be alert to the chance that it embodies an important part of the truth.

[One] . . . meaning the phrase Search for Truth conveys is humility and tolerance. We are all searching for the truth, but darn if it's not hard to find in this world. . . Consequently, we should bring to . . . our search for truth an overriding sense of humility, and of our tolerance for difference. We should bring a warm intellectual embrace to those who are also searching – to those on the left, if we are on the right. To those who are Jewish or Muslim, if we are Christian. We should challenge the premises of others with whom we disagree, but we should do so respectfully – because we are all on the same journey, and none of us holds the tiger by the tail.51

Humility will also inform the role of the St. Thomas lawyer as a dedicated servant leader, defined as “. . . a person who is a servant first, motivated to serve others to become what they are capable of becoming.”52 The servant leader is the leader who leads, not for her own benefit or to serve her own ends, but in order to empower those she leads to achieve their own human potential and goals.

The UST Law vision statement states that, “. . . the law school commits to preparing students to become accomplished servant leaders in the practice of law, in the judiciary, in public and community service, in business, and in education.”53 The St. Thomas lawyer will offer her skills and vision as a leader, but a leader dedicated to the growth and well being of others, not to her own aggrandizement.54

E. The Dignity of All People

The St. Thomas lawyer will respect and honor the dignity of every human person. Catholic Social Thought holds this respect for the dignity of every human being

52 Case Statement 2, The Thomas Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law (in collaboration with the University of St. Thomas College of Business), discussing the ideas of Robert Greenleaf.
53 Vision Statement, supra note 40.
54 Case Statement 3, The Thomas Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law (in collaboration with the University of St. Thomas College of Business) (“Beyond a foundation of self-knowledge, ethics, moral courage and a commitment to stewardship, the specific skills a servant leader seeks to develop over a lifetime are:
- listening skills;
- counseling skills;
- consensus-building skills;
- community-building skills; and
- vision-articulation skills (the skill of reflecting back to a group – often through stories – its highest aspirations and synthesizing a dream or vision of the group’s potential.”).
as the first of its ten major themes.\textsuperscript{55} The St. Thomas lawyer must demonstrate this respect in all aspects of her professional and personal life.\textsuperscript{56}

This respect and honor is due regardless of whether another’s beliefs comport with those of the St. Thomas lawyer, or whether another’s actions are seen as good or evil. The St. Thomas lawyer would offer such basic, unalterable respect to defendants guilty of terrible crimes, unprofessional attorneys, abusive judges, and lying clients, to the same degree that she would offer it to models of moral behavior.

The St. Thomas attorney will not be able to demonize legal opponents, or make use of abusive or manipulative means to advance her client’s interests or her own career.\textsuperscript{57} Law is a profession inherently filled with conflict, but the St. Thomas lawyer will always be burdened with the realization that legal opponents are as fully human, as inherently valuable, and as worthy of respect as herself and her clients. The legal profession and the justice system also tend to be organized very hierarchically (just think about the formal indicia of respect required when addressing judges at various levels in the court system, or the nature of the relationship between junior associates and partners, or between lawyers and staff). The St. Thomas lawyer will be bound to extend the same degree of respect and honor to people at every level of the legal hierarchy, regardless of her position within that hierarchy. The St. Thomas judge or the St. Thomas senator will treat all others with the same basic honor and respect as the St. Thomas first-year associate.\textsuperscript{58}

F. The Client in the Round

The St. Thomas attorney will not limit her understanding of her clients, or the counsel that she gives them, to only the strictly “legal” issues that the client’s

---

\textsuperscript{55} Catholic Social Teaching, \textit{Major Themes in Catholic Social Teaching}, Office for Social Justice of the Archdiocese of St. Paul and Minneapolis, available at http://www.osjspm.org/major_themes.aspx; \textit{Gaudium et Spes, Pastoral Constitution on the Church in the Modern World}, Second Vatican Council #29 (1965) (“All women and men are endowed with a rational soul and are created in God’s image; they have the same nature and origin and, being redeemed by Christ, they enjoy the same divine calling and destiny; there is here a basic equality between all and it must be accorded ever greater recognition. . . any kind of social or cultural discrimination in basic personal rights on the grounds of sex, race, color, social conditions, language or religion, must be curbed and eradicated as incompatible with God’s design.”).

\textsuperscript{56} Organ, \textit{supra} note 32, at 379 (“We should show respect for others and recognize their dignity – whatever their ‘station’ in life – recognizing that as God’s children, they deserve our respect and love.”); \textit{see also} Brown, \textit{supra} note 35; \textit{see also} Gordon, \textit{supra} note 33.

\textsuperscript{57} Collett, \textit{supra} note 39, at 1054 (“Recognizing the justice within the claims of others is one expression of our pursuit of justice while loving God and neighbor.”).

\textsuperscript{58} \textit{Id.} at 1054 (“We are called to build up a sense of Christian community…In the practice of law our best compels us to envision what justice requires our society become, and to direct our efforts to promoting its creation… It means treating people in a manner consistent with their human dignity. Thus, the person working in the firm copy room is to be treated with as much respect as the managing partner.”).
situation presents. She will see the client as a whole person, with legal, psychological, social, medical, ethical, religious, political, and other values and goals. She will inquire into and seek to understand how legal problems fit into the client’s entire situation, and how possible legal remedies may affect other problems, goals and values of the client. The vision statement of the law school emphasizes the importance of “opportunities for interdisciplinary study,” which enable the St. Thomas lawyer to perceive both non-legal problems, and solutions that might be best provided by professionals from other disciplines. The St. Thomas lawyer will adopt “…a fundamentally therapeutic mindset in addressing client problems and concerns, by focusing on the opportunities and challenges of interprofessional collaboration.”

The St. Thomas lawyer will also see how the client’s problems and potential solutions may affect other people and society as a whole. She will seek to build a relationship with her clients such that she understands the client’s values and beliefs and can counsel the client about how different legal choices may affect those values, beyond the maximization of the client’s financial gain or legal advantage. The St. Thomas lawyer will be bound to counsel clients regarding moral and ethical consequences of client decisions and choices which the client might not otherwise consider. The St. Thomas lawyer must undertake such counseling combined with humility and respect for client dignity and autonomy,

---

59 Collett, supra note 39, at 1051-52, (citations omitted) (“Instead of encountering people who have legal needs as whole persons, such lawyers reduce clients to the elements of their legal claims.... Similarly, the lawyer comes to understand herself only as a source of technical knowledge – a sophisticated version of the Lexis machine.... This understanding of self and relationships with others is radically inconsistent with the way we are called to understand the world.”).
60 William J. Fleming, Survey (Aug. 19, 2005); Collett, supra note 39, at 1052 (citation omitted) (”...love born of faith causes us to love God and seek justice. It calls us to relate to our clients in the fullness of heir present pain or desire.”).
61 Vision Statement, supra note 40.
62 Mission Statement, Interprofessional Center for Counseling and Legal Services, available at [http://www.stthomas.edu/ipc/about/IPCMission.html](http://www.stthomas.edu/ipc/about/IPCMission.html) (The St. Thomas Legal Services Clinic is located within the university’s Interprofessional Center for Counseling and Legal Services, whose mission is to provide services “... through independent and collaborative counseling and legal clinics responsive to the needs of diverse and underserved populations.”).
63 Jennifer Wright, Therapeutic Jurisprudence in an Interprofessional Practice at the University of St. Thomas Interprofessional Center for Counseling and Legal Services, 17 St. Thomas L. Rev.501 (2005).
64 Whatever Became of University of St. Thomas Law’ in Minneapolis’s First Class?, Minnesota Lawyer 1,16 (May 22, 2006) (“Caitlin Hazard Firer, a staff attorney with Western Minnesota Legal Services in Willmar, said that one of the law school’s strengths is its holistic approach to the law. ‘The professors encourage students to think about the repercussions of their actions in a greater sense – for the client and for the community as a whole,’ she said... ‘The professors encourage you to look outside the legal system for solutions,’ he [Ryan R. Palmer] said. ‘They encourage a whole-person whole-world solution to problems.’”); Interview with Margie Axtmann, Associate Director for Information Resources, University of St. Thomas School of Law (July 12, 2005) (on file with author); Sisk, supra note 41.
65 Gordon, supra note 33; Sisk, supra note 41.
not usurping the client’s decision-making role, but putting the client’s choices in a broader social context.\textsuperscript{66}

G. Working for the Poorest and Weakest

The St. Thomas attorney will take seriously the tenets of Catholic Social Teaching that declare a preferential option must be given to the poorest and the most disadvantaged.\textsuperscript{67}

As followers of Christ, we are challenged to make a fundamental ‘option for the poor’ – to speak for the voiceless, to defend the defenseless, to assess life styles, policies, and social [and legal – JLW] institutions in terms of their impact on the poor. This ‘option for the poor’ does not mean pitting one group against another, but rather, strengthening the whole community by assisting those who are the most vulnerable. As Christians, we are called to respond to the needs of all our brothers and sisters, but those with the greatest need require the greatest response.\textsuperscript{68}

The St. Thomas lawyer should be led to “…use their legal training not to get rich, but to serve God and the most needy among us.”\textsuperscript{69} “[W]e must be particularly aware of the poor and vulnerable within our communities (and beyond those communities) who deserve our special attention as we share our time, talents and treasure.”\textsuperscript{70}

A greater proportion of St. Thomas attorneys will likely choose to work in traditional public interest settings, representing poor clients. However, the majority of St. Thomas attorneys may not be called to such work. The St. Thomas attorney, no matter where she practices, will work to expand the opportunities and the number of lawyers participating in service to the poor and disadvantaged.\textsuperscript{71} In addition, the St. Thomas lawyer will seek to provide service to the poorest among us across the board, not just in legal representation, but in food, housing, education, care of children, health care, employment, civil rights, and all other areas of life. “Community service, in our view, need not be law-related because the moral imperative to provide service to others does not derive

\textsuperscript{66} Sisk, supra note 41.
\textsuperscript{67} Catholic Social Teaching, supra note 55.
\textsuperscript{68} U.S. Catholic Bishops, Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy #16 (1986); ld. at #94 (“The needs of the poor take priority over the desires of the rich; the rights of workers over the maximization of profits; the preservation of the environment over uncontrolled industrial expansion; the production to meet social needs over production for military purposes.”).
\textsuperscript{69} Schiltz, supra note 27, at 1050.
\textsuperscript{70} Organ, supra note 32, at 379-380 (citation omitted); Vision Statement, supra note 40 (“The law school, inspired by Catholic social teaching, and members of the law school community, drawing on their own faith and values, will promote and participate in service programs designed to address the needs and improve the conditions of the disadvantaged and underserved.”).
\textsuperscript{71} Liebenson, supra note 41; Brown, supra note 35; Haaland, supra note 40 (“… the St. Thomas attorney will give back to the community by either serving in a public interest legal position or doing pro-bono work advocating for the underrepresented members of the community.”).
principally from our positions as lawyers, but from our roles as members of God’s community.”

H. Making a Better World

UST Law “…strive[s] to enhance social justice and … [to] assist students in integrating their commitments to serve society into their personal and professional lives.” The St. Thomas lawyer will understand part of her role as a lawyer as working together with others to fight injustice wherever she encounters it, and trying to foster legal and social systems which promote justice for all.

It is imperative that no one . . . would indulge in a merely individualistic morality. The best way to fulfill one’s obligations of justice and love is to contribute to the common good according to one’s means and the needs of others, and also to promote and help public and private organizations devoted to bettering the conditions of life.

The St. Thomas lawyer will not be satisfied with simply doing good work for her clients; she will seek to identify structural problems in social systems, particularly the legal system, and to reform and correct these systems to enhance the common good. A disproportionate number of St. Thomas lawyers may therefore enter public employment, or work with private organizations devoted to societal change. Again, however, the St. Thomas lawyer will seek to serve the common good through social reform wherever she is called to work.

I. Living Passionately

The St. Thomas lawyer will not passively accept unethical cultures, unjust systems, or boring and pointless work done only for a paycheck. As Dean Thomas Mengler states, “…our mission is likely to draw passionate students, activists who want to use their law degrees for extraordinary purposes.” The St. Thomas lawyer will resist falling into cynical or resigned acceptance of forces in the world that crush the human spirit or work against all the qualities of the St. Thomas lawyer described above. St. Thomas lawyers will passionately seek “[that] we might prevail over the powers of evil – over cynicism and greed and

---

72 Mengler, supra note 31, at 152.
73 Vision Statement, supra note 40; see also, Mission Statement, supra note 36.
74 Axtmann, supra note 65, interview with Nora Fitzpatrick, Assistant Dean for Administration, University of St. Thomas School of Law (July 15, 2005) (on file with author); Neil Hamilton & Lisa Montpetit Brabbit, Fostering Professionalism Through Mentoring, p.12 in draft; Sanborn, supra note 40 (“St. Thomas lawyers should be . . . committed to contributing toward social justice and the social welfare of our society.”).
75 Second Vatican Council, Gaudium et Spes, supra note 55, at #30.
76 Mengler, supra note 31, at 146; see also Liebenson, supra note 35.
77 Schiltz, supra note 18, at 924 (“Believe in something – care about something – so that when the culture of greed presses in on you from all sides, there will be something inside of you pushing back.”).
oppression and indifference, in our lives and in our laws – this year, and every
year, and throughout our lives and the life of this faith-based law school.”

J. Life in Balance

Last, but definitely not least, the St. Thomas lawyer will seek a reasonable and
humane balance in her life between professional work, family life, friends,
community commitments, and reflection, relaxation and self-care. The St.
Thomas lawyer will not seek balance because she is a slacker, unwilling to
devote herself to hard work in her profession. She will seek balance as a part of
her ethical and moral obligation.

Being admitted to the bar does not absolve you of your
responsibilities outside of work – to your family, to your friends,
to your community, and, if you’re a person of faith, to your God.
To practice law ethically, you must meet those responsibilities,
which means that you must live a balanced life.

The kind of unbalanced life lived by so many lawyers, with overwhelming billable
hour requirements, will not be an option for the St. Thomas lawyer. The St.
Thomas lawyer will strive for a life structure that makes her happy, while still
subject to all the frustrations, pains and tragedies of everyday life.

K. Content and Process

A review of the headings under which this definition of the St. Thomas effect is
organized may give rise to the question, “are there specific political, moral or
ethical positions that will be taken by the St. Thomas lawyer?” In other words, is
there specific content to the judgments of the St. Thomas lawyer, or is the effect
rather based on the process by which the St. Thomas lawyer reaches her
judgments? I would argue that the answer is, “both”, although there will be far
more focus on process than on a detailed definition of content. UST Law is not
seeking to produce lawyers who march in political lock-step, agreeing on all
ethical and moral positions. UST Law is seeking to produce lawyers who go
about the process of making moral and ethical judgments by integrating a
particular understanding of the attorney’s role and identity. However, among the
above-listed elements that comprise the St. Thomas effect, there are some that
definitely exclude certain moral positions from the range of the St. Thomas
lawyer. For instance, a respect for the dignity of all human beings would
preclude moral or political positions that fail to take seriously human death,
suffering, discrimination, and exploitation. A preferential option for the poor and
underprivileged prohibits a strict laissez faire attitude toward the sufferings of

---

78 Whitt, supra note 31.
79 Schiltz, supra note 18, at 910.
80 Sisk, supra note 41; Hon, supra note 40; Haaland, supra note 40 (“[The St. Thomas lawyer] will
purposefully balance her life so as to value family and value her community through involvement
in things such as church, little league, or girl scouts. Basically lead a balanced, purpose-driven,
thoughtful, reflective, faith-centered life.”).
those at the bottom of the socio-economic spectrum. St. Thomas lawyers will apply these principles in a variety of ways and come to a variety of conclusions. Still, these principles will provide a common ground of discourse among St. Thomas lawyers. 81

V. Searching for the St. Thomas Effect – Directions for Future Research

Additional research will be required to follow up on this study of the institutional understanding of the UST Law’s mission. Firstly, do UST Law graduates in fact incorporate the desired professional identity and moral values in their practice of law? Secondly, does UST Law create these characteristics in its graduates, or does it simply attract students who already possess these characteristics (and manage to keep from squelching these characteristics during the three years of law school study)? Thirdly, if in fact UST Law is succeeding in creating the St. Thomas effect in its graduates, what is it that UST Law is doing during the course of study for a law degree that produces this effect?

Answering these questions will require further empirical study down the road, and is outside the main focus of this article. I offer some preliminary thoughts about the directions of future research to generate data to shed some light on these questions.

The St. Thomas effect, as described above, is a very broad description of the professional identity and values of the St. Thomas lawyer. What indicators will we look for to determine whether a lawyer shares this identity and these values? Some of these factors will be difficult to detect, and perhaps impossible measure quantitatively. How can a mission-driven law school like UST Law determine if it is achieving its goals?

While some of these factors are impossible to measure directly, I will seek to gauge the existence of the St. Thomas Effect by seeking answer some questions that logically correlate with these factors. These questions include: Where do people work? On what basis do they chose their employment? How do people practice law? How do people practice their faith? What connections exist between spiritual practice and legal practice? How do people interact with the

81 Robert K. Vischer, Faith, Pluralism, and the Practice of Law, 43 Cath. Law. 17, 22-23 (2004) (quoting Congregation for the Doctrine of the Faith, Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life, p. 3) (“There is no pluralism ‘in the choice of moral principles or essential values,’ but there is a ‘legitimate plurality of temporal options’ given the ‘variety of strategies available for accomplishing or guaranteeing the same fundamental value, the possibility of different interpretations of the basic principles of political theory, and the technical complexity of many political problems.’”); Teresa Stanton Collett, Teaching Law as a Profession of Faith, 36 S. Tex. L. Rev. 109, 117 (1995) (“All of this illustrates the need for lawyers, law students, and law professors to be devoted to the search for truth. For this to occur, law schools … must begin with a common understanding that 1) objective truth exists, 2) some aspects of it are capable of being described accurately, and 3) those descriptions are relevant to our endeavors as scholars and as lawyers.”).
communities in which they live and work? What kinds of contributions do they make? Are they satisfied and fulfilled in their professional and personal lives? Do they experience overwork, excessive stress, substance abuse, and/or poor mental health?\(^{82}\)

Using primarily qualitative research methods, including surveys of St. Thomas graduates and their cohorts from other law schools, in-depth interviews with St. Thomas and other graduates, focus group interviews, and a survey of research by other scholars into related questions of professional identity and values, I will attempt to determine whether UST Law is succeeding in generating the St. Thomas Effect. The goals articulated by UST Law are extremely ambitious, and it may well be that the efforts to achieve these goals fall short. Most observers of the legal system and of the roles too often played by lawyers within it will agree that UST Law’s effort is a noble one, and if successful, will prove worthy of emulation.

In the next stage of research, I will gather data to compare UST Law incoming students to their cohorts at other law schools, to see if the St. Thomas effect (if any) is the result of student selection, rather than law school experience. I would argue that UST Law could still justify its existence even if all it does is provide a uniquely supportive and welcoming home for students already aiming to become this new kind of lawyer.\(^{83}\)

Finally, if the data indicate that the St. Thomas effect exists and is the result of UST Law’s educational program, we must establish what aspects of the law school’s structure, faculty, administration, policies, curriculum, teaching, extracurricular activities, requirements for graduation, student selection, etc., give rise to the St. Thomas effect. This question is incredibly important, and is already being examined from several different angles by different members of the

\(^{82}\) The specific questions will include the following, for example: What kind of lawyer do you aspire to be? What are your most important goals in life? Do you feel that the shape of your life and the nature of your work are congruent with your core values? Do you feel a sense of satisfaction with your life and with your work? Are religious belief, practice, and/or community important in your life? Do you consciously reflect on how religious and/or moral issues affect your law practice? How did you make the choice about where to work after graduation from law school? How are you like or different from other lawyers you encounter in practice? Do you volunteer on a regular basis with particular legal organizations, religious groups, community groups, public service organizations and/or political organizations? How many hours do you generally work at paid employment each week?

\(^{83}\) Kennon M. Sheldon & Lawrence S. Krieger, Does Legal Education have Undermining Effects on Law Student? Evaluating Changes in Motivation, Values, and Well-Being, 22 Behav. Sci. & L. 261, 262 (2004) (citations omitted) (“Potential negative aspects of legal education include excessive workloads, stress, and competition for academic superiority; instructional emphasis on comparative grading, status-seeking placement practices, and other hierarchical markers of worth; lack of clear and timely feedback; excessive faculty emphasis on analysis and linear thinking, causing loss of connection with feelings, personal morals, values, and sense of self; teaching practices that are isolating or intimidating, and content that is excessively abstract or unrelated to the actual practice of law; and conceptions of law that suppress moral reasoning and creativity.”).
UST Law community. I expect that all of this research will be integrated and will serve to reinforce the self-examination regarding education to mission that is ongoing at UST Law.

VI. Conclusion

I want to wrap up this description of the attempt to define the St. Thomas effect by returning to the question, why should anyone outside of the University of St. Thomas School of Law care whether there is a St. Thomas effect? If a small law school in a medium-sized Midwestern city learns that it is or is not succeeding at its particular mission, who in the wider world should pay attention? I argue that UST Law’s success or failure is of vital interest to society at large. I believe that the St. Thomas project is one example of a desperately needed change in attitude toward the education of lawyers, and indeed of professionals in general. Law schools must turn their attention to studying and thinking intentionally about the characteristics, values and professional identity of the lawyers that they produce.

I do not argue that every law school should adopt UST Law’s mission or should aim for the St. Thomas effect. We need a wide variety of values, moral perspectives, and visions of the lawyer’s professional role and identity in legal education. But we need them. If law schools choose not to play any intentional role in the shaping of the professional identity of new lawyers and the moral and ethical rules that they will practice by, then we will all be in serious trouble. By evading their responsibility to shape the professional identity of new lawyers, and fail to do so, law schools will be failing in one of their most important tasks. Lawyers all have value systems and criteria for making decisions and choosing actions in the practice of law. The market will provide those systems and decision-making criteria if no one else does. And the values provided by the market will be the death of professionalism and the common good. If law is to survive as a profession, and if society is to thrive based on a functional system of justice, then serious scholarly and practical attention must be paid to how lawyers’ values and professional identities are shaped. It is vital to all of us that we learn whether a law school can succeed in creating a certain kind of lawyer, and that we pay great attention to exactly what kind of lawyers our law schools are, and should be, turning out.

--------------------------------------------------------------------------------------------