Going Back to Kindergarten: Considering the Application of Waldorf Principles to Legal Education

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GOING BACK TO KINDERGARTEN: APPLYING THE PRINCIPLES OF WALDORF EDUCATION TO CREATE ETHICAL ATTORNEYS

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“In education we must take the whole human being into consideration, the growing, living human being, and not just an abstract idea of man.”

Rudolf Steiner, founder of Waldorf Education

INTRODUCTION

There have been many articles about the ethical decline of lawyers.¹ The current research suggests that practicing attorneys feel all too comfortable overlooking their personal morals and judgment when representing their clients.² A survey of younger lawyers showed that most of the respondents resolved ethical dilemmas by “retreating into their role as advocates” where their legal reasons for making decisions outweighed any social consequences of their lawyering.³ In response to this ethical decline, various scholars are now suggesting that lawyers “move beyond this ethical suspension” to a place where one’s personal ethical

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³ Id. at 234 (citing Robert Granfield & Thomas Koenig, “It’s Hard to Be a Human Being and a Lawyer”: Young Attorneys and the Confrontation with Ethical Ambiguity in Legal Practice, 105 W. Va. L. Rev. 495, 513 (2003)).
principles take precedence. Others argue that law schools should take responsibility for the ethical development of their students by improving their legal ethics instruction. Or perhaps “law schools have a duty to morally educate their students” because of the important and consequential situations in which lawyers find themselves each day.

The resolution may hinge on a “renewed, fresh emphasis on educating attorneys and law students about the importance of integrating their personal morality and their professional role.” Should legal instruction help law students determine their core values and develop their personal moral compass before they are amidst the pressures of law practice? One commentator frames the issue as follows: “Only if legal education recognizes that lawyering includes an acknowledgement of personal beliefs, even if this reflection is simply cursory, will lawyers be more human.” If we agree that law schools bear a responsibility to help create “ethical” attorneys (or at least that law schools should begin a discussion of how personal beliefs and values contribute to good lawyering), then, how do we go about it?

If law schools want to create professional and ethical lawyers, law schools need to integrate ethics and personal values within the traditional law school

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4 Gantt, supra note 2, at 234. See also Granfield & Koenig, supra note 3 at 497-504 (discussing ethics instruction in law schools); Donald C. Langevoort, Where Were the Lawyers? A Behavioral Inquiry into Lawyers’ Responsibility for Clients’ Fraud, 46 V & L. Rev. 75, 113 (1993); Deborah L. Rhode & Paul D. Paton, Lawyers, Ethics, and Enron, 8 Stan. J. Law, Bus. & Fin. 9 (2002).

5 Gantt, supra note 2 at 234.


7 Gantt, supra note 2 at 270 (advocating that in educational settings, instructors can require attorneys and would-be attorneys to consider this moral integration by having them analyze the specific example of moral counseling in the attorney-client context).

8 Dhanaraj, supra note 7, at 2071.
curriculum.9 Waldorf Education, a progressive educational methodology, can serve as a model for this integration. This Article first defines and explores the basic principles of Waldorf Education, and then examines in Part II how the principles of Waldorf Education apply equally to legal education. Part III discusses various practical suggestions as to how this integration can occur. In Part IV, I argue that ultimately, each individual student must take personal responsibility for his or her own ethical and moral development. Finally, the article concludes that if law schools integrate academics, professionalism and personal values within its curriculum, it can go a long way towards producing ethical and successful lawyers.

I. WALDORF EDUCATION: A BRIEF HISTORY

A. The Education Crisis

As my son reached kindergarten-age, I was inspired by a trend in early childhood education that moved away from traditional teaching methodologies to a more holistic approach to educating children. In the traditional educational system, students sit at desks to learn math and science; reading instruction begins

9 The literature contains various distinctions between ethics and professionalism, although most agree that there is in fact a distinction. For example, in A National Action Plan on Lawyer Conduct and Professionalism: A Report of the Working Group on Lawyer Conduct and Professionalism, National Action Plan on Lawyer Conduct and Professionalism 62 (submitted to the CCJ Committee on Professionalism and Lawyer Competence July 17, 1998), the ABA report noted as follows:

Professionalism is a much broader concept than legal ethics. For the purposes of this report, professionalism includes not only civility among members of the bench and bar, but also competence, integrity, respect for the rule of law, [participation in pro bono and community service,] and conduct by members of the legal profession that exceeds the minimum ethical requirements. Ethics rules are what a lawyer must obey. Principles of professionalism are what a lawyer should live by in conducting his or her affairs. Unlike disciplinary rules that can be implemented and enforced, professionalism is a personal characteristic.
in kindergarten or earlier. The focus of the curriculum is almost solely on academics. Nowadays, it is not uncommon for kindergartners to trade “naps” for homework. The push for academic excellence has eroded the very basic notion of what it means to be a child. Personally, I found it troubling that early childhood education was no longer grounded in an understanding of how children learn.

One educator, also troubled by the current manner in which children are taught, describes the educational crisis as follows:

The approach of the Bush administration to the crisis in education has been to tie federal funding to national testing, forcing legislators to emphasize raising test scores, and school districts to require that teachers “teach to the test.” Parents may not be aware that district-wide curricula now prescribe exactly what must be taught, and how on each day in each subject. This kind of teaching, with its mind-numbing drill, rote learning and high-stakes testing, only increases the feeling of disconnection in students, who find little in the school experience that gives them a sense of meaning or purpose. It is an astonishing fact that more than a third of public-school ninth graders drop out before graduating from high school.10

In response to this crisis, childhood development experts have recognized that there is a serious problem with the dominant educational philosophy. Further, an increasing number of parents and educators are looking at the bigger picture: instead of educating only the heads or “minds” of our children with our sole focus on academics, we need to educate their “hearts” as well. Academic skills need to be integrated with social learning and moral lessons in order to produce successful, ethical and well-balanced adults. As I watched my son thrive in the Waldorf environment, it occurred to me that my law students could benefit from the principles of Waldorf Education as well.

In law school, we focus almost exclusively on the academics of the law, case analysis, “thinking like a lawyer,” and legal reasoning. Yet, there is more to becoming a good lawyer than simply understanding legal rules in a vacuum. In order to survive in the real world of law practice and to be successful and happy doing so, law students also need to educate their “hearts.” Law students need to consider the human element of lawyering and how this human element impacts their clients, their colleagues and themselves.

B. Waldorf Education: A Response to the Crisis

Waldorf Education has become the most progressive and large-scale, private-education movement in the world. The philosophy of Waldorf Education was developed by Rudolf Steiner (1861-1925), an Austrian scientist and philosophical thinker. His interests intersected spiritual and scientific planes: he wanted to integrate these two forms of understanding and experience. In 1919, surrounded by the devastation of World War I, Steiner was contacted by Emil Mott, the owner of the Waldorf-Astoria cigarette factory in Stuttgart, Germany, to give a speech to its workers. Steiner talked about the need for a new social order, a new sense of ethics and a less damaging way of resolving conflict following the War’s devastation. After the lecture, Mott asked Steiner if he would start a school for the workers’ children. Steiner’s vision was

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11 Dancy, supra note 11 at 64.
13 Id.
14 Id.
that this new kind of school would educate human beings able to create a “just and peaceful society.”  

Rahima Baldwin Dancy, an early-childhood specialist, describes the basics of Waldorf Education as follows:

Steiner felt that children need a balanced development of their capacities in order to be prepared as adults to contribute to cultural renewal, instead of to the ongoing dehumanization of society. His aim was not to inculcate in children particular viewpoint or ideology, but to make them so healthy, strong, and inwardly free that they would become a kind of tonic for society as a whole. The purpose of education, he thought, should not be merely to instill knowledge, which can be coldly abstract and destructive when separated from human values and a feeling for the humanity of other people. Rather, Steiner’s goal was to educate the whole human being so that thinking, feeling, and doing are integrated, and capable of functioning in a healthy way. Such people are more likely to discover and implement solutions that further human development, rather than fall prey to narrow and dogmatic doctrines.

The moving force behind Steiner’s vision was the idea of “cultural renewal.”

Steiner founded Waldorf Education to answer a basic question: how can we educate children to prevent another catastrophe like World War I? Steiner himself framed the question as follows:

We shouldn’t ask: what does a person need to know or be able to do in order to fit into the existing social order? Instead we should ask: what lives in each human being and what can be developed in him or her? Only then will it be possible to direct the new qualities of each emerging generation into society. The society will become what young people, as whole human beings, make out of the existing social conditions. The new generation should not just be made to be what the present society wants it to become.

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15 Id. (describing how the Steiner school defied the conventions of the time in being coeducational, open to children of any background, comprehensive, and independent of external control).
16 Dancy, supra note 11, at 64.
17 Id.
18 Id. (citing Rudolf Steiner, “Addresses and Articles 1915-1921,” from the Threefold Social Order, quoted in Learning to Learn: Waldorf Alumni reflections,
Steiner believed in a unity of spirit, soul and body, and that good education restores the balance between thinking, willing and feeling.¹⁹ Waldorf teachers share in the common goal to be a nurturer, partner and guide to their students.²⁰ The teachers create beautiful classrooms in calm, pleasing colors. The school environment itself sends a message of respect to its students.²¹ The Waldorf teacher generally plays a performance role in the classroom by leading stories or plays involving the integration of the academic and the artistic with a notion of the spiritual as well.²² “The teacher is also a didactic moral leader, seeking to provide an intimate classroom atmosphere permeated with a sense of harmony and full of themes about caring for the community and for the natural and living worlds.”²³ The teacher supports a classroom in which the individual needs of each student are considered, including their own unique personalities and temperaments.²⁴ Steiner believed that children develop through a number of basic stages and the Waldorf curriculum is designed to work with the child through each of these stages. The aim is to educate the whole child, “head,” “heart” and “hands,” with an appropriate balance of academics, art, movement and spirituality.

Marianne Alsop and Kay Skonieczny, eds. (Fair Oaks, CA: AWSNA publications, 2001)). Today, there are more than 870 Waldorf schools in over 40 countries, with 140 schools affiliated with the Association of Waldorf Schools of North America. For more information about Waldorf Education generally, see Jack Petrash. Understanding Waldorf Education. Gryphon House, 2002 (discussing Waldorf Education in the elementary-school years); Betty Staley, Between Form and Freedom. Hawthorn Press, 1996, and the Association of Waldorf Schools of North America (AWSNA) at www.awsna.org.

¹⁹ Pope, supra note 13, at *3 (citing Steiner, 1995).
²⁰ Pope, supra note 1 , at *7.
²¹ Id.
²² Id.
²³ Id. See also, Joseph Chilton Pearce, A Humanist Talks About Waldorf Education , in Pamela Johnson Femmer, et. al., Waldorf Education, A Family Guide 82 (1992)) (describing Waldorf education as the most undamaging and beneficial system we have).
²⁴ Pope, supra note 13, at *7.
Interestingly, these same educational principles apply to law students. As we find ourselves in the midst of our own ethical crisis in the world of lawyering, we need to orchestrate our own “cultural renewal.” If we want to educate law students to be ethical and professional, and to develop their own moral compasses, then we need to go beyond educating only our students’ minds and intellects. Teaching students how to reason or “think like a lawyer” is not enough. Using Waldorf Education as a guide, we need to recognize the individuality of each law student and strive to provide a balanced legal education which includes instruction and exploration into ethics, professionalism, and personal values.
II. APPLYING WALDORF EDUCATION TO LAW SCHOOL

At the University of St. Thomas School of Law, we have the unique mission of educating students to be “morally responsible leaders who think critically, act wisely, and work skillfully to advance the common good.”\(^{25}\) This mission manifests itself in many different ways.\(^{26}\) One way in which the University of St. Thomas’ mission affects how I teach my students is its impact on my ultimate goal: I want to help create future lawyers that are not only intellectually strong, but lawyers who will be thoughtful, ethical and professional. To me, this goal seems very similar to the goal of Waldorf Education: to create students who think independently while considering how their actions will impact upon the common good. Waldorf Education can serve as a guide to the legal academy as it begins to incorporate concepts ethics, professionalism and personal values into the classroom. Legal educators can use Waldorf principles to inform and enhance the traditional law school curriculum and traditional law school pedagogy.

\(^{25}\) See [www.stthomas.edu](http://www.stthomas.edu) which states the mission as follows: “Inspired by Catholic intellectual tradition, the University of St. Thomas educates students to be morally responsible leaders who think critically, act wisely and work skillfully to advance the common good.” The mission of the law school is: “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,” which can be found at [www.stthomas.edu/law](http://www.stthomas.edu/law). Even as a non-Catholic in a Catholic law school, I wholeheartedly embrace this mission as do each of my students. The values represented this mission are common to all of us and we each interpret the mission in our own unique way.

\(^{26}\) Although the identity of University of St. Thomas School of Law is distinctly “Catholic,” the faculty at the University of St. Thomas represent a variety of religious, philosophical and political backgrounds. Personally, I see the mission as a mandate to create students with a personal moral compass, regardless of their backgrounds, religious or otherwise.
A. Integrating the Law School Curriculum: Combating the Trend to Compartmentalize Our Public and Private Lives

One of the guiding principles of Waldorf Education is the intersection of the spiritual and scientific planes: Steiner wanted to integrate these two forms of understanding and experience into a single forum.27 Waldorf schools seek to cultivate positive human values of compassion, reverence for life, respect, cooperation, love of nature, interest in the world, and social conscience, as well as to develop cognitive, artistic and practical skills.28 Waldorf educators ask the question: What image of the human being do we want to use as a model for our students? 29 One Waldorf educator answers the question as follows: “It is an image of the human being as compassionate, respectful, engaged, tolerant, patient, wise, balanced, and in harmony with everyday life.”30

Ideally, law students should possess many of these same qualities. We all want our students to grow into lawyers who can show compassion, respect and cooperation. Further, we want our students to have a social conscience, as well as to develop the cognitive and practical skills necessary for practicing law. Waldorf Education believes that students needed a balanced curriculum in order to develop into socially conscious, productive adults. Likewise, legal education also needs to provide a balanced legal curriculum in order to produce ethical and professional attorneys. Yet, law schools do not typically train the “whole” student or consider the multiple intelligences of each entering class. Instead, the legal academy

27 Pope, supra note 13, at *2.
29 Id. at *2.
30 Id.
focuses on training students to be logical thinkers and zealous advocates. We reward students when they “think like a lawyer.” Further, many younger attorneys abandon what little professionalism they have learned once they experience the pressures inherent in the legal marketplace.\textsuperscript{31} By expanding the law school curriculum to integrate discussions of ethics, professionalism, and even personal morals, our students will be better prepared to tackle the various dilemmas they will encounter each day.

However, this task is not an easy one. One author believes this difficulty stems, in part, from the social pressures we feel to compartmentalize our lives: “The social obstacles derive from the way in which modernity partitions each human life into a variety of segments, each with its own norms and modes of behavior.”\textsuperscript{32} Alasdair Macintyre reasoned that, in the present world, work is divided from one’s leisure, and one’s private life is divided from one’s personal life.\textsuperscript{33} Because of this segmentation, lawyers often view personal ethics as a private affair, divorcing it from their public, work life.\textsuperscript{34} Further, MacIntyre contends that these philosophical obstacles arise from two modern societal tendencies: (1) the tendency to take complex actions and divide them into simpler components; and (2) the tendency to separate the individual being from her occupational or professional role.\textsuperscript{35} MacIntyre further opines that this second

\textsuperscript{31} Gantt, \textit{supra} note 2, at 234 (describing a study where attorneys revealed that the organizational pressures of law firm life caused them to compromise their ethical standards).

\textsuperscript{32} Gantt, \textit{supra} note 2, at 241 (citing Alasdair Macintyre, \textit{After Virtue: A Study in Moral Theory} 204, 204 (2d ed. 1984)).

\textsuperscript{33} \textit{Id.}

\textsuperscript{34} \textit{Id.}

\textsuperscript{35} \textit{Id.}
tendency is widespread and affects lawyers most specifically: the practice of law divorces the lawyer as person from the lawyer as professional.36

Understanding these societal pressures towards separation, law schools may need to be more proactive in bridging the gap between the lawyer as a person and a professional. Further, it is time to demand that our students take responsibility for their own ethical and professional development. Students come to law school with their own sense of personal integrity. To the extent that we, as legal educators, can reinforce and encourage our students’ own understanding of their personal values, we can begin to change the current legal climate and our profession as a whole.

B. The Legal Educator as a Mentor, Partner and Guide

The teacher in Waldorf Education is a nurturer, partner and guide to the student.37 Like the Waldorf teacher, the legal educator is uniquely situated to be a mentor, partner and guide to a law student’s professional development. Law professors teach more than black-letter law: “We teach lawyering behavior. We do not simply teach grammar or transitions or roadmap paragraphs.”38 Further, in any discipline, a professor’s “personal integrity” provides a rich source of

36 Gantt, supra note 2, at 241 (citing Robert F. Cochran, Jr., Professionalism in the Postmodern Age: Its Death, Attempts at Resuscitation, and Alternative Sources of Virtue, 14 Notre Dame J. L. Ethics and Pub. Policy 305, 315 (2000)).
37 Pope, supra note 13, at *7.
38 Melissa Weresh, Fostering a Respect For Our Students, Our Specialty, and the Legal Profession: Introducing Ethics and Professionalism Into the Legal Writing Curriculum, 21 Touro L. Rev. 427, 454 (2005). Although Weresh looks at these issues from the perspective of the legal writing discipline, her techniques and examples are applicable to the doctrinal classes as well. See also, Melissa H. Weresh, Legal Writing: Ethical and Professional Considerations (2006) (providing a comprehensive analysis of the ethical considerations involved in various aspects of legal writing).
influence for ethical and professional behavior. For example, Professor Patrick Schiltz argues that our moral influence occurs whether we want it to or not: “‘[M]oral influence is inevitable. It is not possible to choose to have no moral influence: The choice is between good moral influence and bad moral influence.’ In other words, the question for us academics is not whether we will shape the character of our students, but how.” Likewise, even attorneys engaged in private practice understand that law schools teach values:

Professors construct the very foundation of the life-long learning process in which a law student embarks and continues as a lawyer. Professors teach law students the concepts of law and how to think like a lawyer. However, law professors must simultaneously teach law students about the law and the ethical, moral and professional responsibilities which are at the core of a lawyers’ existence. Without value-based education, the law schools will send lawyers into practice who have little recognition of responsibility to anyone other than to their own commercial self-interest in trading technical word-smithing and liability avoidance for cash.

Every legal educator possesses the power to exert this type of moral influence. Like the Waldorf classroom, the legal classroom can become an active exploration into ethical, moral and professional questions.

III. INTEGRATING ETHICS, PERSONAL VALUES AND PROFESSIONALISM INTO THE CLASSROOM

Most of us have strayed from our lecture notes at one time or another to begin a conversation about how to behave ethically and professionally. Perhaps we bring up a Rule of Professional Conduct as it relates to a legal issue. Certainly we remind students to adhere to court deadlines. We instruct them to research

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39 Weresh, Fostering a Respect, supra note 41, at 459.
accurately and precisely. We point out they must disclose adverse authority because there is an ethical obligation to bring it to the court’s attention. In addition to these more casual conversations and discussions, we can guide our students more directly in the classroom. How many ethical and professional dilemmas can actually be resolved by the Professional Rules of Responsibility? In my personal experience, these “rules” solve very few of most real-life, ethical questions. However, if our students cannot rely upon rules or codes for guidance, then where do they go for answers? Schiltz frames the issue as follows:

The formal rules of professional responsibility are often the focus of discussions of legal ethics in law reviews, bar journals, and other periodicals, as well as at academic conferences, bar conventions, and other professional meetings. In one sense, this is as it should be. The rules are important, for they affect the conduct of lawyers (in both anticipated and unanticipated ways) and they influence the values of the profession. In another sense, though, it is easy to overestimate the degree to which formal rules determine whether lawyers behave unethically or whether the profession regards particular types of conduct as unethical. . . . Lawyers make decisions every day about what conduct is ethical and about whether they will behave ethically, but often the formal rules have little to do with those decisions.42

If we agree with this observation, that formal rules rarely help us resolve ethical dilemmas in the real world, then we need to give our students something else. The answer is perhaps that each student will need to draw upon his or her own personal value system or moral compass. Accordingly, legal educators need to guide law students in developing their moral “muscles” early on. The following section provides some practical strategies I have used in my classroom.

42 Schiltz, supra note 42, at 713 (footnotes omitted).
A. Take Advantage of Student Enthusiasm During The First Year.

The first year of law school is the ideal time to begin any discussion of legal ethics and professionalism. First-year law students arrive at law school enthusiastic about the practice of law.\(^{43}\) Professors have an opportunity to teach students when their enthusiasm and respect for the law is at its highest.\(^{44}\) Make those first few weeks of law school count for something. At a time when many legal concepts are new and overwhelming, allow students to engage in conversations about professionalism and ethics as they relate to your course. For example, choose five “tricky” situations you encountered in practice, and spend class time discussing how best to resolve them. Students might truly appreciate the opportunity to draw on their own values and experiences to resolve these dilemmas.

Professor Melissa Weresh points out that professors owe their students more than simply academic discourse about ethics; we owe our students a basic understanding of the ethical and professional choices they will face when they actually become lawyers.\(^{45}\) Likewise, Professor Schiltz points out that “lawyers typically assess the ethics of other lawyers not based upon whom they represent or what ends they pursue, but based upon the work they do each day.”\(^{46}\) Schiltz further suggests that whether an attorney’s behavior is “ethical” is judged not by whether that behavior confirms to formal, ethical rules, but by whether it conforms to the culture of that particular community as a whole.\(^{47}\) That culture,
in turn, “does not reflect the ‘big’ decisions that members of the community make about ‘big’ problems, as much as it reflects the dozens of ordinary, mundane decisions that every attorney makes – and makes intuitively – every day.”\textsuperscript{48} As educators, we can help our students understand the “ordinary” and “mundane” decisions they will need to make by providing specific examples and discussing possible resolutions based upon our own past experiences.

In my first year classes, I talk about specific situations I have encountered in my past law practice that called upon my personal values for resolution. One experience I relay to my students is when I accidentally heard an opposing attorney’s witness discuss key aspects of the case in a bathroom stall. As a young associate in one of my first jury trials, I had no idea what to do with this information, if anything. Should I tell my co-counsel? Should I keep quiet? Clearly the witness had not intended to make the disclosure. I began one of my classes with this example and ended up having a rich and fruitful discussion about professional, personal values and ethics.

Further, research suggests that significant changes occur in the way our students think about legal problems between their first and second year of law school. Psychologist Sandra Janoff conducted a study on how the moral reasoning processes of law students changes during their first year of law school.\textsuperscript{49} Although her study focused on the differences that gender played in moral reasoning, her conclusions are applicable to all law students. Janoff concluded that:

\begin{itemize}
\item \textsuperscript{48} \textit{Id. at 713.}
\item \textsuperscript{49} Sandra Janoff, \textit{The Influence of Legal Education on Moral Reasoning}, 76 Minn. L. Rev. 193, 193 (1991).
\end{itemize}
Women enter law school predominantly oriented to the web of interpersonal relationships rather than to a hierarchy of abstract principles. However, after one year of learning about a structure that emphasizes rights and rules within a learning environment that is congruent with that content, women express their connectedness to others less frequently but their objectivity and separateness more frequently.\footnote{Id. at 238.}

Based upon Janoff’s study, something appears to change between the first and second year of law school to decrease a law student’s sensitivity to moral issues. Knowing this, legal educators need to actively combat this shift by using our students’ enthusiasm to our advantage. If we begin our discussions of ethics and professionalism early on, our students are more apt to recognize the importance of these concepts and to consider their implications early on in their law school careers.

B. **Lead Discussions Respectfully and Make Time for Students.**

Students learn by example. One of the most important lessons we can teach our students is the lesson of respectful discourse. Simply because your opposition disagrees with your legal position does not give you the right to bully, argue or steamroll your way through an argument.\footnote{Donna C. Chin, *One Response to the Decline of Civility in the Legal Profession: Teaching Professionalism in Legal Research and Writing*, 51 Rutgers Law Rev. 889, 897 (1999).} Students can learn this lesson in two ways.\footnote{Id.} First, our students observe their peers making arguments in class, analyzing and observing the “effectiveness of different techniques.”\footnote{Id. at 897.} Second, our students model our own style of argument.\footnote{Id.} In class, we must manage classroom discussions so that all points of view are expressed and

\begin{footnotes}
\footnotetext[50]{Id. at 238.}
\footnotetext[51]{Donna C. Chin, *One Response to the Decline of Civility in the Legal Profession: Teaching Professionalism in Legal Research and Writing*, 51 Rutgers Law Rev. 889, 897 (1999).}
\footnotetext[52]{Id.}
\footnotetext[53]{Id.}
\footnotetext[54]{Id.}
\end{footnotes}
debated responsibly. Finally, we need to monitor our own comments and opinions. The days where we can use “fear” to motivate our students are long gone. Professors who use behavior that is rude or disrespectful not only prevent their students from learning, but they also reinforce the worst stereotypes about attorneys.

In addition, as difficult as it is to find extra time in any given week, students benefit when their professors can create opportunities for mentoring outside of the classroom. To the extent possible, encourage conversations with your students. It is in these situations that students often learn their most memorable lessons about professionalism.

C. Integrate Lessons of Ethics and Professionalism in Each Class.

Regardless of what you teach, you can create unlimited opportunities to discuss the ethics of a particular problem or case, or to comment upon a litigant’s professionalism. One of my favorite concepts to teach is the persuasive motion or brief. Brief writing presents a concrete way in which my students can explore how to effectively advocate a legal position with poise and professionalism. Another example is the simple task of researching a legal issue for the first time:

A simple but powerful lesson can be taught when the first research assignment is distributed and legal research and writing students must share library resources. Ethical issues arise when access to limited

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55 Id.
56 Id. See also Carrie J. Menkel-Meadow, Can a Law Teacher Avoid Teaching Legal Ethics?, 41 J. Legal Educ. 3, 6-9 (1991) (discussing negative messages about ethics and professionalism communicated by law professors through conduct modeled in class); Thomas D. Morgan, Law Faculty as Role Models, 1991 A.B.A. Sec. Legal Educ. & Admissions to the Bar 37. Professor Morgan urged that, although most of our students do not aspire to become law professors, they “do want to live a professional life of which they can be proud. The effort to do that is something that law teachers model—for better or worse. The traits we hope they model have been called by some writers ‘virtues.’” Id. at 38.
57 Id. at 898.
resources is critical to the successful completion of a graded assignment in a highly-charged, competitive environment in which grades are equated with future success and earning power. A few students have succumbed to temptation and have hidden those resources in an effort to better their own chances of excelling. Though it is difficult to catch such students in the act, when such behavior is discovered, severe penalties must be imposed to convey the message that such conduct is intolerable.58

Any professor can discuss specific ethical problems in class and provide examples of how to argue a point persuasively yet professionally.59 We can show our students how to critique a judicial opinion. Another example is to change the classroom dynamic for a day and hold “oral arguments.” By simulating a motion hearing or appellate argument, we give our students the experience of arguing a particular point of law in front of a tribunal. Students get the opportunity to be effective advocates, while still maintaining civility toward each other. Other students can take on the role of judge and experience the challenge of negotiating the arguments of opposing lawyers. The main point for any of these exercises is to get the students to play the role of lawyer, to grapple with legal and ethical issues, and to understand the art of persuasive yet respectful argumentation.

D. Use the Problem Method of Instruction In Addition to the Case Method.

Even if you are faithful proponent of the case study method for teaching law, the problem method provides particular advantages for integrating ethical and professional issues. The problem method uses hypothetical fact situations based upon “real world” fact situations as the centerpiece for student analysis and discussion.60

58 Id. at 897.
59 Id.
A lawyer lives and acts within a web of relationships with clients certainly, but also with partners, judges, family, support staff, and friends. Problems let students see themselves as having responsibilities to persons in each of these groups. Problems let students explore alternative ways of acting in a setting that is more flexible than the case method, yet one that permits them to make fundamental mistakes without the consequences such exploration could have in a clinic setting.\(^{61}\)

Professor Christine Venter advocates teaching students about professional ethics by simulating the practical questions that may arise in a typical law office setting:

If our students buy into the notion of professionalism without any critical evaluation of its moral, social, and historical content, their relationships with their clients will be influenced only by their adoption of the professional value system. Students need the opportunity—in law school and practice—to explore moral and ethical issues with their colleagues and clients in a way that seeks consistency with the principles of professionalism, but one in which professionalism is not the sole source of guidance. . . . If lawyers are not taught to engage clients in moral conversations about the lawyers’ and the clients’ moral responsibilities and the moral dimensions of a case, personal responsibility in the practice of law may not turn out to be something that comes naturally.\(^{62}\)

When students put on their “lawyer” hats, their conversations about ethical and professional issues take on more significance.\(^{63}\) Even if you are teaching a doctrinal course and introducing a largely “legal” issue to your class, there can be opportunities to simulate a lawyer-client experience. Have the students play out the factual situation in the case. Create an in-class appellate tribunal and simulate the arguments to the court. By using the problem method at various times throughout the semester, any of us can discuss specific professional dilemmas within a legal context. In my classes, I’ve touched on issues involving document

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\(^{63}\) Id. at 290.
production and confidentiality, the attorney-client privilege and informed consent. I talk with my students directly about their duty of candor to the court and their responsibilities to opposing parties and witnesses. Throughout the semester, I also teach my students important lessons about empathy and compassion by discussing how the legal issues in any case affect the clients practically and personally. We are limited only by our imaginations.

D. Point Out Lapses in Professionalism.

Take the time to observe the legal world today with your students. Discuss current events. Point out lapses in professionalism that you see and tell the students why you characterize them as such.64

E. Include Professionalism as Part of the Graded Portion of Your Class.

If you include professionalism as part of the graded portion of your class, you will create appropriate expectations that students interact with each other professionally and civilly.65 In the law school environment where grades are extremely important, allocating 10% of your course grade to account for student professionalism carries great weight. The “professionalism” part of the grade can encompass everything from attendance to late papers. In addition, it can serve as a reward for students who truly embody and model high standards of professionalism.

64 Weresh, supra note 41 at 462.
65 Id.
IV. STUDENTS ARE RESPONSIBLE FOR THEIR OWN ETHICAL DEVELOPMENT.

Finally, although we can guide and encourage our students to consider ethical questions and dilemmas ever present in the legal field, the students themselves are ultimately responsible for their own ethical, professional and moral development. Waldorf Education views students as active authors of their own development, strongly influenced by the natural forces within themselves. Accordingly, the task of educators in Waldorf Education is to prepare students for “an unpredictable future by nurturing healthy development ‘from the inside [out].’”

If legal educators have a similar goal---if we want our students to be motivated to engage in the world as professional and ethical lawyers--then our students must have the tools to accomplish these tasks. In Waldorf Education, each child is valued as an individual with their own talents and strengths. Likewise, in law school, every student is an individual with unique talents and values. It is time law schools valued the “whole” law student. While some students excel at taking exams, others excel in legal writing or clinic. Each student has the unlimited potential to contribute to the legal profession positively, if provided with the right tools and inspiration. It is our job to guide our students and provide this initial inspiration.

66 Pope, supra note 13 at *4.
Our students come to law school with their moral compasses intact. They have an inherent sense of right and wrong. We need only build upon what already exists within our students. Although it is the students’ ultimate responsibility to nurture their personal ethical development, legal educators can remind students to rely upon their personal values when faced with problems in the context of their professional roles.

CONCLUSION

Our students cannot postpone their understanding of ethics, professionalism, and personal values until they finish law school and start their careers. As legal educators, we have a responsibility to teach our students about these real issues before our students become lawyers. In response to the educational crisis of our younger children, much of the world is turning to Waldorf Education as a guide. The fundamental principles of Waldorf Education apply equally to law students. Legal education is only now coming to realize what Waldorf educators have known for years: the purpose of education is not merely to instill knowledge, “which can be coldly abstract and destructive when separated from human values,” but to educate the whole human being. Steiner felt that by integrating thinking and feeling, we could create leaders in society who would be more likely to discover and implement solutions, rather than simply follow the trends of the past.

68 Dennis Turner, Infusing Ethical, Moral and Religious Values into a Law School Curriculum: A Modest Proposal, 24 U. Dayton L. Rev. 283, 290 (1990) (arguing that law schools should stress that being a lawyer does not require checking one’s moral code at the office door).
69 Dancy, supra note 11, at 65.
70 Id.
The same principals hold true when we consider educating the future leaders of our legal profession. In order to change the profession, our students need to begin considering the ethical consequences of their actions and the advice they will offer their future clients. In order to produce healthy lawyers that have the capacity to change the world, the legal academy needs to integrate ethics, professionalism, and personal values into every aspect of the law school curriculum. If we can accomplish this, we will not only give future lawyers a greater sense of satisfaction, we will also better the legal profession as a whole.