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Developing Lawyers: The East Bay Community Law Center’s Impact on Law Students’ Professional Identity Formation

Gail E. Silverstein*

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I was recently at a conference of lawyers where we were asked to reflect on how we developed our professional identity. Not easily defined, professional identity is “a way of being” that encompasses the skills, values, roles, and behavior patterns of the profession.¹ For most of the lawyers in the room, the answer lay outside their law school experience. For many of these lawyers, their professional identity was most memorably developed through an experience in practice, by observing models of more experienced practitioners who they wanted to emulate or not. Moreover, the method by which their professional identity formed was haphazard. Whether they were able to find a mentor who took them under their wings or a particularly formative experience was

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1. Franziska Trede, Rob Macklin & Donna Bridges, *Professional Identity Development: A Review of the Higher Education Literature* 37 *STUD. IN HIGHER EDUC.* 365, 374–80 (2012); WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW* 14 (1st ed. 2007) (stating that legal professional identity “is sometimes described as professionalism, social responsibility, or ethics” and that it “draws to the foreground the purposes of the profession”).

happenstance, not facilitated by an institution's intentional act or a school's explicit process.²

Meanwhile, my professional identity was impacted intentionally while I received academic credit toward my law degree: It was nurtured while I was a law student at the Berkeley Community Law Center, now known as the East Bay Community Law Center (EBCLC). While further work experience and other factors, such as my childhood, personality, and values, have informed my professional identity as well, it was the lessons learned while a student in EBCLC's clinical program that have had the most lasting effects on who I am as a professional. Given EBCLC's enormous popularity with students over the years, my informed impression is that many share my experience, not just those who later become clinical law professors. In other words, EBCLC has significantly shaped the professional identity of many law students in a way that few other law school activities do.

While many law school pursuits, particularly doctrinal classes, focus on teaching students to "think like a lawyer," and some law school activities, including skills classes like negotiations and trial advocacy, center on helping students "act like a lawyer," EBCLC's unique program teaches students how to "be a lawyer" while incorporating aspects of the other two.³ At EBCLC, students are responsible for client representation under the close supervision of experienced attorneys; participate in local outreach, policy discussions, and activities in coalition with community and client groups; and learn about the inner working of a legal services organization. Students also enroll in a companion course that focuses on the role of the direct legal services and attorneys in society, plus the necessary attendant skills, mindsets, and modalities. Through the course and within supervision sessions, students reflect in writing and in large and intimate discussions on how their client work informs their ideas about the lawyer's role and the modalities of delivering legal service and how different theoretical and policy articles inform their client work. It is through this unique combination of experience, academic exploration, and personal reflection that the "being" of a lawyer is born and professional identity is so impacted.

2. To be sure, law school has always contributed implicitly to one's professional identity, but it has done so in ways that were both divorced from the realities of practice and problematic. Roger C. Cramton, *The Ordinary Religion of the Law School Classroom*, 29 J. OF LEGAL EDUC. 247 (1977–1978). See also Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick, BECOMING A LAWYER, 1-3 (1981); Eli Wald & Russell G. Pearce, *Making Good Lawyers*, 9 U. ST. THOMAS L.J. 403, 432 (2011). In more recent legal education history, with the advent of clinical education and the proliferation of "skills" courses and programs, more law schools have addressed explicitly and intentionally students' professional identity. However, there is much more that can be done. See Louis D. Billonis, *Professional Formation and the Political Economy of the American Law School*, 83 TENN. L. REV. 1 (2016).

3. In other words, the EBCLC clinical experience—as well most other clinical programs nationally—combines the "three apprenticeships" (knowledge, practice, and professionalism) recommended in *Educating Lawyers: Preparation for the Practice of Law*. See SULLIVAN ET AL., *supra* note 1, at 28.

This tribute focuses on four critical inter-locking attributes of lawyers’—particularly social justice lawyers’—professional identities that the EBCLC clinical experience explicitly impacts: (I) Relationships Matter, (II) Social Justice Lawyering Requires a Multimodal and Holistic Approach, (III) Reflection Is Key to Life-long Professional Growth, and (IV) Success Is About the Development of Good Habits. I will discuss how EBCLC impacts each of these areas below.

I.

RELATIONSHIPS MATTER

EBCLC taught me the importance of relationships within the legal community. Unlike the atomistic, competitive values I learned in law school, I learned to form collaborative relationships with clients at EBCLC. I also discovered how every single person with whom I interacted while working on one case became essential relationships that mattered to my representation of the client and many clients afterwards.⁴ I realized how these relationships were also key building blocks in my career path, aiding my professional growth. Three types of relationships that were particularly integral (aside from those with clients, which I will treat separately below)⁵ include connections with the clinical supervisor, other students, and my clients’ other service providers.

The first relationship building block that students encounter is that with the clinical supervisor. At EBCLC, this person was as much of a teacher as they were a mentor and a supervisor. It is a unique professional relationship that at first stunned me with its distinctiveness and then left me craving more like it in every workplace. Studies show that professional development is enriched by mentoring or coaching,⁶ and this relationship teaches students the importance of finding others in the workplace who can help guide you on your path.

Students go on to learn about the significance of other students—their colleagues—in their client work. Through the use of “rounds”⁷ in both class and within their EBCLC units, students realize how they can learn from their peers’ client work and professional growth. This lesson is crucial, as the most effective

4. It is in this context where relationships are seemingly devalued or undervalued in law school that a positive call for relationships simply mattering becomes critical. For this reason, this heading takes its inspiration from the Black Lives Matter movement, which was created as a “rallying cry” against Black oppression. *About, BLACK LIVES MATTER*, www.blacklivesmatter.com/about [<https://perma.cc/CR6X-2ESX>] (last visited Apr. 13, 2018).

5. The relationship to one’s self is also an important relationship that EBCLC has explicitly taught students to cultivate and to tend through mindfulness exercises and the like, especially in more recent years.

6. See Neil W. Hamilton, *Professional Formation With the Emerging Adult Law Students in the 21-29 Age Group*, *J. OF THE PROF. LAW.* 125, 137–38 (2015). See also Trede et al., *supra* note 1, at 378.

7. See Susan Bryant and Elliot S. Millstein, *Rounds: A ‘Signature Pedagogy’ for Clinical Education?* 14 *CLINICAL L. REV.* 195 (2007).

lawyers in practice turn to their legal colleagues for support and advice on client and professional problems.

Through the course of representing clients, students further learn the critical nature of their relationships with their clients' other providers. These other providers are often within the organization itself. At EBCLC, students learn that the approachable, accessible front desk or intake staff, though not lawyers, co-create the client relationship with them and should be held in as much esteem as other lawyers. This is an important lawyering competency because lawyers work with other paraprofessionals daily, and due to lawyers' specialized degree and licensure, they can feel superior within the enterprise. This hierarchy can result in poor relationships with paraprofessionals that serve neither the clients' nor the firm's interests. Moreover, the relationships with clients' other service providers whom students may turn to for declarations or other evidence are incredibly important. Students learn that serving their client means partnering with others who often share a common mission of service to the low-income population. Through these collaborations, students learn about differing approaches to similar problems and how working with other professionals helps improve outcomes for clients.⁸ As the practice of law is often interdisciplinary, these lessons are key to professional formation.

II.

SOCIAL JUSTICE LAWYERING REQUIRES A MULTIMODAL AND HOLISTIC APPROACH

EBCLC's tagline is "justice through education and advocacy."⁹ While this is oft interpreted to reflect their dual mission of educating law students and being legal advocates for clients in the community, it also signals an approach to justice that is "multimodal" and "holistic."¹⁰ These approaches to social justice legal work are ingrained in the EBCLC experience and help shape its practitioners' professional identities. While justice writ broad is a general tenet of the legal profession and the reason why many students choose to become lawyers, justice is seldom discussed directly in the law school classroom. Students thereby come to EBCLC with a limited understanding of it, including the causal roots of poverty and economic and racial inequality, how legal representation aides justice, the lawyer's role vis-à-vis her client in the pursuit of justice, and how social justice legal work connects with other social justice efforts in the community. Therefore, the work EBCLC students do with clients and

8. Being collaborative is one of the three named approaches that EBCLC has identified to carrying out its mission. *The Work*, EAST BAY COMMUNITY LAW CENTER, www.ebclc.org/about/the-work [<https://perma.cc/DUT3-NG8Y>] (last visited Apr. 13, 2018).

9. EAST BAY COMMUNITY LAW CENTER, www.ebclc.org [<https://perma.cc/A2QX-7J4J>] (last visited Apr. 13, 2018).

10. Being multimodal and holistic are the other two named approaches that EBCLC has identified to carrying out its mission. *The Work*, EAST BAY COMMUNITY LAW CENTER, www.ebclc.org/about/the-work [<https://perma.cc/DUT3-NG8Y>] (last visited Apr. 13, 2018).

communities in their units combined with the academic reading in their companion course are key to ingraining a nuanced, grounded foundation in social justice lawyering.

EBCLC defines its multimodal approach as including “community education, legal counseling and limited scope representation, wrap-around legal and social services and local, state and federal policy advocacy.”¹¹ Students in their assigned practice area at EBCLC often participate in or are exposed to each of these modalities as they observe and learn about the operation of EBCLC. Moreover, students read, discuss, compare, and critique these different legal modalities in class and in their reflections. EBCLC’s clinical opportunity is unique in its ability to demonstrate to students these diverse service delivery modalities.

EBCLC’s holistic approach to its justice-oriented mission focuses on “addressing the multitude of barriers to stability low income people face through a client-centered, problem-solving methodology that increases impact and improves outcomes.”¹² As students take on the responsibility of representing clients, they start understanding how the single legal issue they are working on interacts with other legal and non-legal issues the client has. While this realization can often be sobering as the problem appears much greater than first assumed, it also brings a more complex understanding of the role of the lawyer, including the difficulties of helping clients navigate in an environment of scarce legal and social services for low income individuals who bear the additional burden of economic and racial inequality. Students also begin to appreciate that their legal expertise is only one necessary element and that other key knowledge and skills lay with other professionals, community members, and, notably, with their clients themselves. While their task is formulated as problem solving, law students learn they are not the sole problem solvers. Students thereby understand the importance of skills like humility, empathy, and cross-cultural competence as they collaborate with their clients and others to work towards justice. These key traits impact their professional socialization.

III.

REFLECTION IS KEY TO LIFE-LONG PROFESSIONAL GROWTH

As noted above, students engage in reflection exercises in supervision meetings, with fellow student colleagues, and for class. Looking back on my clinical experience with EBCLC, I found eight reflection papers, each at least five pages long with marginalia from my supervisor encouraging further inquiry. Reflection is the intentional activity of mining a particular experience for

11. *The Work*, EAST BAY COMMUNITY LAW CENTER, www.ebclc.org/about/the-work [<https://perma.cc/DUT3-NG8Y>] (last visited Apr. 13, 2018).

12. *Id.*

meaning.¹³ Reflection is a key tool in professional-identity formation, as it is the method by which students connect their new experiences with their former understandings of themselves and the world.¹⁴ Yet, this type of deep personal, values-laden thinking is not often valorized in the law school setting.

Reflection at EBCLC is not limited to the students reflecting on themselves. My reflection papers often addressed prompts asking me to reflect on how EBCLC as an organization could better serve their stakeholders using my personal, client, and academic experiences. This type of prompting teaches students both that organizations are not behemoths impervious to change and that they should always be thinking of better ways to serve their clients. The formation of the EBCLC by former Berkeley law students underscores this lesson: Even the youngest in our profession can change our legal institutions and our legal system.

This institutional reflection was not just limited to students but a process EBCLC staff and board engaged in. EBCLC has morphed and grown substantially over the years while continuously asking itself how it can improve to better serve its stakeholders, creating goals based on these reflections, and then working to achieve them. Starting off in one storefront with three staff attorneys (including the executive director) and two practice areas, it is now in two locations totaling just under 17,000 square feet of space with thirty-three attorneys and eight different practice areas. Students at EBCLC observe this model of institutional reflection and smart growth, and better appreciate its worth as a professional practice.

IV.

SUCCESS IS ABOUT DEVELOPING GOOD PROFESSIONAL COMPETENCIES AND HABITS

In addition to the critical and foundational habits of relationship building, justice seeking, and reflecting as a clinical student, I developed several additional habits that have served me well in the profession. Development of these habits was deficient in the classroom, where I learned mostly habits of competing, rational thinking, and analytical reasoning. Furthermore, law school taught me to view success as extrinsic and outcome-focused: good grades, getting a spot on a journal, etc. If I had been asked what success meant to me at the start of clinic, I probably would have answered obtaining the client's desired result, focusing solely on the legal outcome of the representation. Yet, as my clinical semester progressed, I developed a consciousness that what was required of me to be an effective successful lawyer was not just obtaining my client's desired result but

13. See generally Donald A. Schon, *Educating the Reflective Legal Practitioner*, 2 CLINICAL L. REV. 231 (1995).

14. Sven De Weerd et al., *Identity Transformations as an Intercontextual Process*, 20 INDUSTRY AND HIGHER EDUC. (2006) 317, 318 (stating that "reflection is the important mediator between experience and identity").

a host of competencies that had to do with the *relational* process of lawyering. It was not enough to make the most sound legal argument; I had to bring a number of skills and values to bear, including information gathering, communication, planning and organizing, all the while collaborating with and minding a host of relationships. By probing, teaching, and assessing these competencies, my EBCLC supervisors taught me that they were key to professional success.

For example, I recall being surprised when, in my first supervision meeting with my clinical supervisor, he wanted to see my case file and how I had organized it. While I had been trained on this earlier, I had never thought this would be something we would dwell on. Yet, through this experience of my supervisor ensuring my mastery of this skill, I learned how important it was to document every task I performed in a specific way and that it truly was critical that documents be filed correctly.

Looking at current studies of what factors legal employers use to assess lawyering effectiveness,¹⁵ it is now clear to me that EBCLC has been ahead of its time in how it educated the upcoming generation of lawyers. Of the twenty-six lawyering effectiveness skills that the Shultz-Zedeck study found, the EBCLC clinical experience addresses twenty-five of them, with the remaining one not appropriate for student development.¹⁶ EBCLC's expansive reach in developing so many of these identified competencies likely contributes to my sense of its pronounced impact on professional identity formation.

In conclusion, many students' experience at EBCLC, including mine, represents a critical juncture in their professional life. Through taking on the responsibility of a client's legal problem under the mentoring relationship of an experienced practitioner while reflecting on this experience academically, EBCLC transformed me and others from individuals studying law to legal practitioners. Through the clinic, we saw ourselves as belonging to the profession, capable of working within it and shaping it in the future. In this time of troubling statistics about job dissatisfaction, substance use, and incivility in the legal profession coupled with the changes to the legal markets that require graduating law school students to be more "practice ready,"¹⁷ students' development of a more mature professional identity is a profoundly important outcome, not only for the profession but society as a whole.

15. See, e.g., Kristen Holmquist, Marjorie Shultz, Sheldon Zedeck & David Oppenheimer, *Measuring Merit: The Shultz-Zedeck Research on Law School Admissions*, 63 J. LEGAL EDUC. 565 (2014); Alli Gerkman and Logan Cornett, *Foundations for Practice: The Whole Lawyer and The Character Quotient* (AccessLex Institute, Research Paper No. 16-04, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2823835 [<https://perma.cc/GFH3-HQ9N>].

16. The one factor that EBCLC does not prepare students for is Evaluation, Development and Mentoring. Marjorie M. Schultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Use in Law School Admission Decisions*, 36 L. & SOC. INQUIRY 620 (2011).

17. See, e.g., Michael McSherry, *Incentivizing Moral Development in Law School: The Benefits of Personal Moral Growth Moving Forward*, 13 U. ST. THOMAS L. J. 134, 136-43 (Fall 2016).