

What Is a Law Student’s Professional Identity and What Is Professional Identity Formation? -- A Short Introduction

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Generally speaking, professional identity is “a representation of self, achieved in stages over time, during which the characteristics, values, and norms of the ... profession are internalized, resulting in an individual thinking, acting, and feeling like a ... [member of the profession].”¹

For law students and lawyers more specifically, we can synthesize a succinct definition of professional identity from the Preamble to the Model Rules of Professional Conduct, the four major reports on professionalism from the ABA and the Conference of Chief Justices, and Holloran Center research.² For law students and lawyers, professional identity is grounded in two foundational norms and values that law students and lawyers must understand, internalize, and demonstrate:

1. a deep responsibility and commitment to serving clients, the profession, and the rule of law;
2. a commitment to pro-active continuous professional development toward excellence at all the competencies needed to serve others well in the profession’s work.

“Professional identity formation” is a developmental process beginning in law school and extending over a career that “should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice.”³

Professional identity formation principally involves a process of socialization.⁴ The professional-to-be begins as an outsider to the professional community and its ways, values, and norms. Through experiences over time, inside and outside the classroom and the law school, the individual gradually becomes more and more an insider, “moving from a stance of observer on the outside or periphery of the practice through graduated stages toward becoming a skilled participant at the center of the action.”⁵

The process continues throughout one’s career⁶ and features “a series of identity transformations that occur primarily during periods of transition”⁷ often marked by anxiety, stress, and risk for the developing professional.⁸ This process of socialization is a product of the developing lawyer’s social interactions and activities in environments authentic to the legal profession’s culture and enriched by coaching, mentoring, modeling, reflection, and other supportive strategies.⁹

We hope this definition of professional identity and this description of professional identity formation can serve as a useful entry point for a law school’s faculty and staff interested in discussing and reflecting upon professional identity and professional identity formation in the context of the mission of the law school.

¹ Richard L. Cruess et al., *Reframing Medical Education to Support Professional Identity Formation*, 89 ACAD. MED. 1446, 1447 (2014) (taking this definition from medical education literature, which includes rich and ample research on the concept of professional identity that helped guide the development of professional identity in legal education).

² See William Sullivan et al, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 128-40 (2007); Neil Hamilton, *Professionalism Clearly Defined*, 18 THE PROF. LAWYER 4-20 (No. 4, 2008); Neil Hamilton, *Assessing Professionalism: Measuring Progress in the Formation of an Ethical Professional Identity*, 5 U. ST. THOMAS L.J. 470,482-83 (2008); Neil Hamilton, *Fostering Professional Formation (Professionalism): Lessons From Carnegie Foundation’s Five Studies on Educating Professionals*, 45 CREIGHTON L.R. 763-97 (2012).

A longer definition of professional identity for law students and lawyers could include the elements of a fiduciary mindset, using “fiduciary” in the general meaning of founded on trustworthiness and borrowing directly from language in the Model Rules Preamble. Law students and lawyers should understand, internalize, and demonstrate:

1. a deep responsibility and service orientation to others, especially the client, whom the student serves in widening circles as the student matures including a commitment to:
 - a. zealously protecting and pursuing a client’s interests within the bounds of the law while demonstrating respect for the legal system and a courteous and civil attitude toward all persons involved in the legal system;
 - b. improving the law, providing pro bono service to the disadvantaged, developing cultural competence and promoting a justice system that provides equal access and eliminates bias, discrimination, and racism in the law;
 - c. developing and being guided by personal conscience – including the exercise of “sensitive professional and moral judgment” and the conduct of an “ethical person” – when deciding all the “difficult issues of professional discretion”² that arise in the practice of law; and
 - d. developing independent professional judgment, including moral and ethical considerations, to help the client think through decisions that affect others;
2. pro-active continuous professional development toward excellence at all the competencies needed to serve others in the profession’s work well; and
3. compliance with the minimum standards of competency and ethical conduct in the Rules of Professional Conduct.

See Neil Hamilton, *Internalizing a Fiduciary Mindset To Put The Client First*, 24 THE PROF. LAWYER 1-11 (No. 3, 2017).

³ ABA Standard 303, Interpretation 303-5. Although the American Bar Association did not provide a list of the foundational values and guiding principles of a successful legal practice, there exists widespread agreement on many of those value and principles, which include those referenced in the two-prong definition above and in note 2. The lack of precise definition in ABA Standard 303(b)(3) gives each law school the opportunity to place more emphasis on values and competencies that may align with that law school’s mission or curricular emphasis.

⁴ Cruess et al., *supra* note 1, at 1448 (borrowing again from medical education).

⁵ William M. Sullivan, *Foreword* to TEACHING MEDICAL PROFESSIONALISM: SUPPORTING THE DEVELOPMENT OF A PROFESSIONAL IDENTITY ix, xii (Richard L. Cruess et al. eds., 2d ed. 2016) [hereinafter TEACHING MEDICAL PROFESSIONALISM]; see also Frederic William Hafferty, *Socialization, Professionalism, and Professional Identity Formation*, in TEACHING MEDICAL PROFESSIONALISM, *supra*, at 55, 62.

⁶ Lynn V. Monrouxe, *Theoretical Insights into the Nature and Nurture of Professional Identities*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 5, at 37, 38 (“Our identities are continually rewritten throughout our lives as we draw on the environment, from people and from objects for their content.”)

⁷ Robert Sternszus, *Developing a Professional Identity: A Learner’s Perspective*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 5, at 26, 31.

⁸ See Cruess et al., *supra* note 1, at 1448.

⁹ See Yvonne Steinert, *Educational Theory and Strategies to Support Professionalism and Identity Formation*, in TEACHING MEDICAL PROFESSIONALISM, *supra* note 5, at 68, 69–71; see also Cruess et al., *supra* note 1, at 1448.