

WHICH COMES FIRST? INTEGRATING THE SKILL OF STORYTELLING INTO THE PROCESS OF REFLECTION

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Storytelling is a buzzword in fields ranging from education to exercise. There are twenty-six TED Talks on the subject alone. Whole legal conferences are devoted to the subject of storytelling because of its power. Relatedly, many scholars have discussed the benefits of telling one's own story. Within legal education, few legal educators have written about the benefits of storytelling as a reflective activity on learning, particularly in the context of experiential education. Drawing from other professional fields such as healthcare and education, this article explores the potential of using reflection essays and exercises in law school as a vehicle for developing storytelling skills. Underlying the authors' interest in this area is a belief that storytelling—and the stories one tells oneself and others about their work—is fundamental to formation of a professional identity. This article seeks to explore how legal educators can teach both storytelling and reflection at the same time and further discusses why reflecting on one's own experiences might be the perfect starting point for storytelling.

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A STORY¹

There was a 1L appointment this semester that I did not feel excited for. It took me a while to review their draft and to provide thoughtful feedback. The writing was rough. . . . During the appointment, I focused on big-ticket items and showed the student some writing resources to help them work on some skills. . . . I felt like the appointment was not going well because the student had a serious face while I gave feedback and did not seem like they wanted to socialize. . . .

Toward the middle of the appointment, the student asked more questions. Instead of seeming detached and disinterested, they seemed anxious to get a good grade. . . . They asked a lot of specific questions and at one point asked how much more time they should spend revising the draft. I gave them my honest assessment, with the caveat that it depends on the writer.

The student made a face. . . . I responded, “You made a face. My answer surprised you, tell me why.” The student shared that they were surprised because the amount of time I suggested was far less than they expected. They thought that they needed to spend at least double the amount of time on the draft. This led to a conversation about work-life balance. They admitted that they work on law school non-stop and that their friends and family told them to work less. . . .

The student paused. They then asked if I was a first-generation law student—I said yes. . . and the student then opened up about their experience as a child of an immigrant and the sense of personal responsibility they felt to help their parent economically. They felt protective of their parent, who works a hard, low paying job, and wanted to do well in law school to make sure their parent could be okay one day. Throughout the conversation, I listened and shared some of my own experiences. It seemed to comfort the student to know someone else experienced something similar and to be able to tell someone else about what they were going through.

¹ Student Essay, Fall 2024 (edited for length and reproduced with permission). A student wrote this essay as part of a class entitled “Advanced Legal Writing: Writing Center.” The prompt was: Tell the story of an experience you had during the Writing Center this semester and explain how it informed or changed your tutoring practice going forward. Describe the actors in the story and what role they played, what happened in the story, what you took away from the experience, and why.

The experience reminded me how important it is to “show up” to appointments. . . . Tutoring appointments sometimes can be a straightforward feedback session, or they can be something deeper and more complicated. What felt like a mundane appointment going in, turned into a time for the student to get something off their chest. During a hectic week, it can feel so tempting to put the bare minimum into an appointment and just think: It’s just a 1L memo assignment. But the grade and writing sample that comes from that memo can directly impact a student’s job prospects. In law school, we are told to not worry so much about grades, but something that seems to get lost along the way is that there are students who have a lot riding on a grade and have a reason why they are desperate to climb to the top.

The appointment also reminded me that we do not know what other people are going through. The student’s anxious questions about grades and creating the perfect memo seemed like typical “gunner” behavior, but when put in context, the questions came from a place of determination and maybe a little desperation. The grade-obsessed questions were a bit off-putting without context, but once I knew where those questions were coming from, instead of just telling the student to not care about grades too much, I was able to provide fuller advice.

Ultimately, the experience hammered into my head again that as tutors, we can have a huge impact on a person’s life. Sometimes an appointment is just an appointment, but often times [sic] they are a venue for a 1L to feel less lonely in their journey. When put in that context, what could be a mundane appointment with a stranger becomes something precious and something to treat with care.

The lesson the student tells from this story is that every interaction that a tutor has with another student is an opportunity to make a positive difference. It also reminds us that interactions are complex, and the parties rarely know the full back story of the other. If the student had just written this lesson—or moral, it may or may not have stuck with her or even the reader. But when wrapped in a story, with characters, a plot, emotion, and a moral, the lesson resonates in a different way with the writer and the reader and stays with them more completely as a result. How can an instructor persuade students of the value of exploring each of these elements of a story? And does the craft of developing a story matter? What is the reasoning for this approach? These are the questions we seek to answer in this Article.

INTRODUCTION

The benefits of telling one's own story are pervasive in scholarly literature. Within legal education, numerous articles analyze the role of reflection in learning, particularly in the context of experiential education.² Other articles emphasize storytelling as a legal skill deployed in advocating for a client.³ But we have found few articles that discuss specifics of why and how to combine teaching of the two skills—reflection and storytelling—within the legal academy.⁴ Drawing from other professional fields, such as healthcare and education, we explore the potential of using reflection essays and exercises in law school as vehicles for developing storytelling skills. Underlying our interest in this area is a belief that storytelling—and the stories one tells oneself and others about their work—is fundamental to formation of a professional identity.

This Article seeks to explore how legal educators can teach both storytelling and reflection at the same time and further discusses why reflecting on one's own experiences might be the perfect starting point for storytelling. Part I provides an overview of the reflective process and the role of storytelling within lawyering, and how the goals of each converge and diverge. Part II discusses the benefits of combining the two and identifies potential areas for caution and consideration. Finally, Part III shares specific creative writing techniques that spark reflection and relate to lawyering skills.

² See, e.g., Nancy Levit, *Legal Storytelling: The Theory and the Practice—Reflective Writing Across the Curriculum*, 15 J. LEGAL WRITING INST. 259, 260 (2009) (advocating for incorporation of storytelling as a type of reflective writing across the law school curriculum); Jo A. Tyler & Faith Mullen, *Telling Tales in School: Storytelling for Self-Reflection and Pedagogical Improvement in Clinical Legal Education*, 18 CLINICAL L. REV. 283, 288 (2011) (describing storytelling as a way of reflecting on client work in a law school clinic).

³ See, e.g., Stephen P. Lindsay, *Storytelling: Why We Do It and How to Do It Better*, CHAMPION at 30 (Dec. 1999) (describing storytelling in the context of opening statements to a jury); Laurie Shanks, *Whose Story Is It, Anyway?—Guiding Students to Client-Centered Interviewing Through Storytelling*, 14 CLINICAL L. REV. 509, 517–22 (2008) (pairing students to interview and tell each other's stories in order to teach client-centered interviewing skills); Sarah E. Warner, *The Power of Storytelling*, J. KAN. BAR ASS'N (Oct. 2018), at 6 (describing importance of storytelling in different aspects of legal practice).

⁴ See, e.g., Levit, *supra* note 2, at 265 (explaining that writing reflectively across the law school curriculum teaches more than just storytelling skills); see also Tyler & Mullen, *supra* note 2, at 297 (“What is largely absent from this mix are stories told by law students about their own experiences with the law.”). While Tyler and Mullen analyze student and faculty stories for reflective purposes, they do so through a research study analyzing how students tell a client story. By contrast, we are focused here on structured creative writing prompts that explore narrative techniques while using the students' experiences as the subject of the writing.

I. WHY REFLECTION AND STORYTELLING BELONG TOGETHER

A. *Reflection as a Framework for Professional Growth*

Books and articles foundational to legal education pedagogy emphasize the use of reflection to learn from experience.⁵ “Deliberate reflection provides a new professional with a process to develop professional judgment.”⁶ For clinical and skills teachers, for example, the core skills of reflection encompass a wide range of goals, including: (1) formation of a professional identity that values expertise and ongoing improvement; (2) a habit of examining work for what went well and what might be improved next time; and (3) an ability to transfer the knowledge and skills developed to new situations.⁷ Experiential learning in legal education, therefore, emphasizes reflection as foundational. The Clinical Legal Education Association’s Handbook for New Clinical Teachers, for example, states:

Without reflection, an experience that a student might have working with a client or on a matter simply becomes a trope of what a particular area of practice is like. With reflection added in, the experience allows a student to understand how they—with their biases, baggage, and beliefs—fit into the narrative of what it means to be a lawyer.⁸

To convey the process of reflection, researchers and learning theorists have developed various models for adult learning. One model—the Gibbs reflective cycle—illustrates how adults learn from experience. Developed by Graham Gibbs, the Gibbs Cycle contemplates six stages for examining one’s own experiences: (1) Description, (2) Feelings,

⁵ See, e.g., WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (Carnegie Foundation for the Advancement of Teaching 2007) (hereinafter cited as “Carnegie Report”) (describing the importance of reflection to move from novice to expert lawyering); ROY STUCKEY AND OTHERS, *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* 172–73 (Clinical Legal Education Association 2007) (describing the use of reflection as one structure to teach students to identify what they are learning from experience).

⁶ Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, 20 CLIN. L. REV. 317, 319 (2014).

⁷ SUSAN BRYANT, ELLIOTT S. MILSTEIN, & ANN C. SHALLECK, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* 23–24 (2014).

⁸ CLINICAL LEGAL EDUCATION ASSOCIATION, *HANDBOOK FOR NEW CLINICAL TEACHERS* 24 (2023), <https://www.cleaweb.org/new-clinician-resources>; see also American Bar Association, 2025-26 Standards and Rules of Procedure for Approval of Law Schools, Standard 304(a)(4)-(5) (requiring self-evaluation in experiential courses); Standard 304(d)(2)(i) (reiterating the need for self-evaluation in a field placement), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2025-2026/2025-2026-standards-chapter-3.pdf.

(3) Evaluation, (4) Analysis, (5) Conclusion, and (6) Action Plan.⁹ Gibbs relates these steps as flowing from each other and being recursive, as shown in the diagram below.¹⁰

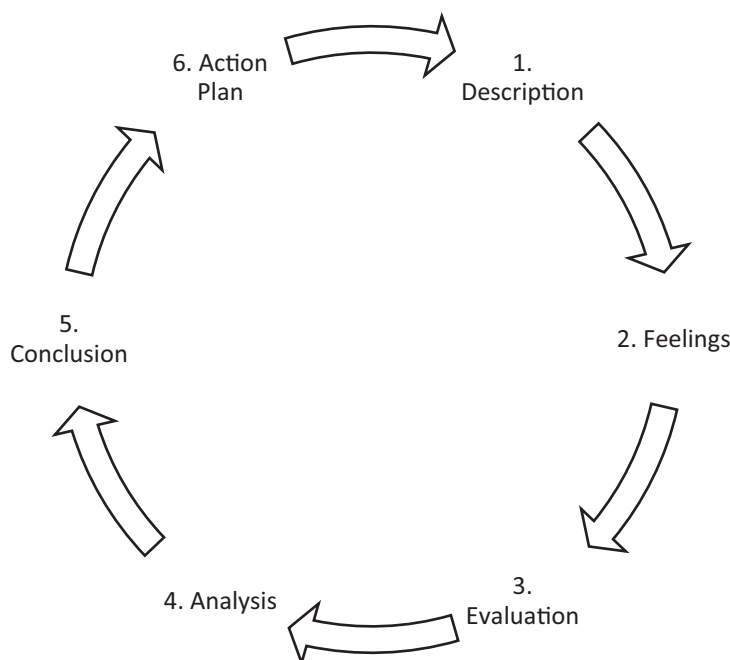


FIG. 1. DIAGRAM OF GIBBS CYCLE

The excerpt from the reflection essay in the introductory section demonstrates this structure. The writer recounts their experience with the tutoring session by describing the context for the session and what each person said. The writer explains their own feelings as they progressed through the tutoring appointment, starting with “I did not feel excited,” progressing to “was not going well,” and then, in the last half, balancing between “off-putting” and “treat[ing] with care.” The writer similarly explores their impression of the other student’s feelings by recounting their facial expressions and statements. The second half of the essay moves into evaluation and analysis of how the writer’s understanding shifted over the course of the appointment, and the lessons they drew from the event—that first impressions may not be reliable, that students carry unseen pressures, the importance of being present for each

⁹ GRAHAM GIBBS, *LEARNING BY DOING: A GUIDE TO TEACHING AND LEARNING METHODS* 49-50 (1988).

¹⁰ *Id.*

student, that ordinary events can make an impact on others, and more. Having processed and identified these lessons, the writer emphasizes the need to treat all appointments with care and intention and thereby lays groundwork to see how the insights they drew from this situation apply in other, similar tutoring sessions.

Engaging in reflection can be challenging, however, especially for students who might have little experience with it. Students' experience with reflection before or during law school varies widely, and student buy-in to reflection can also vary. As a result, students can be resistant to reflection.¹¹ It can feel uncomfortable. It takes time, space, and skill.¹² And it requires their willingness to continue to contemplate an experience that may have already occupied much of their time during the day. Reflection is a process that looks inward, has no single correct process, and may not lead to a single correct answer. Course design principles encourage instructors to share the rationale for their teaching approaches with students, which can include explicit explanations of the purpose of an assignment, the task to be completed, and the criteria for success.¹³ At the same time, learning theorists suggest that reflective pedagogy should be open-ended, allowing "venues for experience, ideas, and experimentation."¹⁴ Instructors must strike a delicate balance between these competing considerations.

Perhaps as a result, the reflections our students write vary widely—sometimes they are deeply thoughtful examinations of an experience; sometimes the reflections feel stilted and forced.¹⁵ On one hand, the Gibbs cycle can provide a vehicle for instructors to teach reflection and can make the seemingly abstract concept of reflection more concrete and actionable for students.¹⁶ On the other hand, over-emphasizing

¹¹ J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLIN. L. REV. 55, 86–92 (1996) (describing potential reasons underlying student resistance to journal writing); Harriet N. Katz, *Personal Journals in Law School Externship Programs: Improving Pedagogy*, 1 T.M. COOLEY J. PRAC. & CLINICAL L. 7, 8 (1997) (noting anecdotal observation from faculty that "[w]hile some write very thoughtfully, others show little learning.").

¹² Levit, *supra* note 2, at 268 (noting that many law students do not know how to write reflectively).

¹³ See, e.g., TILT Higher Ed, Checklist* for Designing Transparent Assignments, <https://bd12jezatgadvbda.public.blob.vercel-storage.com/pdf/Checklist%20for%20Designing-cSC056JvFLKpHUBit1OkkRDUPYLEGY.pdf>.

¹⁴ Anthony A. Ciccone, Ree A. Meyers, & Stephanie Waldmann, *What's So Funny? Moving Students Towards Complex Thinking in a Course on Comedy and Laughter*, 7 ARTS & HUMANITIES IN HIGHER EDUCATION 308, 318 (2008) (stating that an overly transparent process may not be effective).

¹⁵ See, e.g., Mary Pat Treuthart, *Weaving a Tapestry: Providing Context Through Service-Learning*, 38 GONZ. L. REV. 215, 229 (2003) (describing wide variation in work product, ranging from "stream of conscious musings" to "legal briefs" to a "detailed log of activities" when assigning journals in a service-learning course).

¹⁶ See Jodi S. Balsam, Susan L. Brooks & Margaret Reuter, *Assessing Law Students as Reflective Practitioners*, 62 N.Y. L. SCH. L. REV. 49, 58–59 (2017) (describing use of a rubric for

these specific steps can create a mechanical “check the box” approach to reflective essay writing.¹⁷

Taking a step back, as educators, we have found that the most meaningful reflections are the ones that display emotion and depth, communicated through language in creative ways. As shown in the introduction, essays that deviate from an established structure to explore emotion and use words to evoke those feelings in the reader can feel more meaningful and persuasive. But how does an instructor convince students that emotion is safe and desirable in written work product—especially in a discipline such as law, which has traditionally focused on technical rationality?¹⁸ And, does it feel counterintuitive for students to inject emotion into a piece of writing when objective and emotionless work is what is expected of them in law school? We posit that teaching reflection as a way to develop storytelling skills provides missing structure and motivation for law students.

B. Storytelling as a Meaning-Making Tool: How We Do It and Why We Do It

The law is awash in storytelling.¹⁹

Stories are sticky; they stick with people in a way that other narrative strategies, such as poetry or essays, may not.²⁰ “What does or doesn’t matter to a culture can be traced back through the culture’s stories, its genres,

reflection essays based on four criteria); *see also, e.g.*, Michael Moffitt, *Lights, Camera, Begin Final Exam*, 54 J. LEG. EDUC. 91, 98–100, n.19 (2004) (describing tension between assigning specific topics for reflective journals and prompting students to identify those aspects that most need reflection); Alistair Newbern & Emily F. Suski, *Translating the Values of Clinical Pedagogy Across the Generations*, 20 CLIN. L. REV. 181, 210 (Fall 2013) (describing frameworks and specific topics for focused reflection as an entrée to meaningful reflection).

¹⁷ *See* Balsam et al., *supra* note 16, at 68 (emphasizing that reflective writing should not be “formulaic,” and that it should allow students the “freedom to write creatively” and “from the heart and gut”); *see also* David McLean, Neville Chiavaroli, Charlotte Denniston & Martin Richardson, *In-verse reflection: Structured Creating Writing Exercises to Promote Reflective Learning in Medical Students*, 43 J. MED. HUMANITIES 493, 494 (2022) (noting that students can feel obliged to provide the exact rote analysis they believe the instructor desires in response to focused reflection prompts); Ciccone et al., *supra* note 14, at 318 (citing John Dewey for the proposition that prescribed methods for reflection are ineffective and reflective thinking should be self-discovered by the student).

¹⁸ *See* Richard K. Neumann Jr., *Donald Schön, the Reflective Practitioner, and the Comparative Failures of Legal Education*, 6 CLIN. L. REV. 401, 405 (2000); *see also id.* at 418 (noting examination of other professions might yield insights that would enrich legal education).

¹⁹ ANTHONY G. AMSTERDAM & JEROME BRUNER, *MINDING THE LAW* 110 (2000).

²⁰ CHIP HEATH & DAN HEATH, *MADE TO STICK* 204–37 (2007); *see also* FRANCIS DE VÉRICOURT, KENNETH CUKIER & VIKTOR MAYER-SCHÖNBERGER, *FRAMERS* 82–85 (2021) (describing the compelling nature of stories); Lindsay, *supra* note 3, at 31.

to its enduring myths.”²¹ As a result, storytelling is a key lawyering skill, and yet it is under-emphasized in legal education.²² To set the stage, and to compare how reflection and storytelling interact, we begin first with a discussion of what a story entails and storytelling’s role in lawyering practice.

1. What is a Story?

A story is made up of elements. These elements include, at a minimum, characters and plot. Aristotle famously described a story as having a beginning, middle, and end.²³ Syd Field describes a story as made up of three acts: a setup that presents the background and *context* for the story, confrontation (containing a conflict or climax), and resolution.²⁴ Characters in a story have needs and goals, and moving between the two creates conflict.²⁵ Conflict in turn defines the *theme*—the overarching message, lesson, or moral the reader takes from the story.²⁶ Similarly, in *Minding the Law*, Anthony Amsterdam and Jerome Bruner identify *characters* as those players in the story with the capacity to exercise agency, and they identify *plot* as a sequence of phases, beginning with a “steady state” that is disrupted by *trouble* (i.e., conflict).²⁷ Over the course of the story, characters make efforts to address the conflict and resolve the conflict, either returning to the original state or a new and improved state.²⁸ Each of these story models—from Aristotle to Field to Amsterdam and Bruner—conveys a sense of completion or return to the beginning. The characters then attempt to make meaning from what happened.²⁹

For our purposes, we focus on the following story elements:

- characters (with needs and goals)
- a setup/steady state describing time, setting, and other contextual elements (for the anticipated plot)
- a conflict
- resolution
- overall theme, theory, or lesson that accompanies the resolution.

²¹ AMSTERDAM & BRUNER, *supra* note 19, at 111.

²² See Section I.E.1, *infra*.

²³ ARISTOTLE, POETICS 76–77 (George Whalley trans., 1997).

²⁴ SYD FIELD, SCREENPLAY: THE FOUNDATIONS OF SCREENWRITING 7–8 (1982) (describing a screenplay as a story with pictures); see also Brian J. Foley & Ruth Anne Robbins, *Fiction 101: A Primer for Lawyers on How to Use Fiction Writing Techniques to Write Persuasive Facts Sections*, 32 RUTGERS L.J. 459, 476–77 (2001).

²⁵ FIELD, *supra* note 24, at 20, 26; Foley & Robbins, *supra* note 24, at 468.

²⁶ Foley & Robbins, *supra* note 24, at 469.

²⁷ See AMSTERDAM & BRUNER, *supra* note 19 at 113–14; Carolyn Grose, *Storytelling Across the Curriculum: From Margin to Center, from Clinic to the Classroom*, 7 J. ASS’N LEGAL WRITING DIRECTORS 37, 42 (2010).

²⁸ AMSTERDAM & BRUNER, *supra* note 19, at 114; Grose, *supra* note 27, at 42; see also Foley & Robbins, *supra* note 24, at 476–78.

²⁹ Grose, *supra* note 27, at 42.

Carolyn Grose distinguishes storytelling, narrative, and narrative theory.³⁰ She describes narrative theory as the study of the elements that make up the story³¹ and “an exploration and elaboration of the idea that the law is made up of stories that are constructed by lawyers, clients, and decisionmakers.”³² Storytelling, on the other hand, is “the performance” of the story: “the actual craft of constructing stories based on choices made with intention and reflection.”³³

2. *Storytelling as a Lawyering Technique*

Men decide far more problems by hate, or love, or lust, or rage, or sorrow, or joy, or hope, or fear, or illusion, or some other inward emotion, than by reality, or authority, or any legal standard, or judicial precedent, or statute.³⁴

Persuasion is a fundamental lawyering skill, and lawyers “persuade by telling stories that decision makers believe and adopt.”³⁵ Storytelling exists in every context of the practice of law.³⁶ When lawyers construct legal arguments, they decide what story to tell and how to tell it.³⁷ The lawyer must also consider at least three factors that make up the theory of the case: the law, the facts, and the client’s goals.³⁸ The law frames what matters; the facts and the client’s goals dictate the description of the plot or events at issue, the characters and their motivations, along with the resulting conflict.³⁹

Litigation is replete with story construction. As Carolyn Grose describes, fact investigation and pretrial discovery are inherently about

³⁰ *Id.* at 39; see also Binny Miller, *Telling Stories About Cases and Clients: The Ethics of Narrative*, 14 GEO. J. LEGAL ETHICS 1, 1–2 (2000) (“While the terms ‘narrative’ and ‘story’ are sometimes used interchangeably, they are not quite the same thing. A story describes an account of a happening, while a narrative denotes a broader theme or meaning. Stories are the raw material of personal experience; narratives are a construction from those stories.”).

³¹ Grose, *supra* note 27, at 39.

³² *Id.* at 41.

³³ *Id.* at 39–40. While many authors distinguish storytelling from narrative, we use them interchangeably in this article. And it is this craft of construction—stories or narratives—that we wish to focus on in our discussion here.

³⁴ WALTER R. FISHER, *HUMAN COMMUNICATION AS NARRATION: TOWARD A PHILOSOPHY OF REASON, VALUE, AND ACTION* 37 (1987).

³⁵ Grose, *supra* note 27, at 46.

³⁶ See *id.* at 49–60 (describing use of narrative theory and storytelling in a variety of course types and subjects).

³⁷ *Id.* at 44.

³⁸ *Id.*; see also STEVEN LUBET, *MODERN TRIAL ADVOCACY: ANALYSIS AND PRACTICE* 7–8 (4th ed. 2009).

³⁹ See Grose, *supra* note 27, at 39–47; see also LUBET, *supra* note 38, at 8–9 (describing how the lawyer develops the case theory and theme within the story frame as perceived by the factfinder).

obtaining and developing the client's story.⁴⁰ Lawyers then make decisions about how to express the story once they determine what facts to include. While the law dictates what facts are legally relevant, the law does not dictate how attorneys should express the facts.⁴¹ Lawyers—on both sides—“pick and choose from available facts to present a picture of what happened” but emphasize different aspects to serve their own client's goals.⁴² Storytelling enables a lawyer to “set the stage, cast the players, create the mood, and put into place a tailored framework” to accomplish the goals.⁴³

A lawyer thus weaves together a story. In a trial, the story starts in the opening argument and, if done well, affects “the manner in which each juror will perceive all that is to follow.”⁴⁴ The story allows jurors to put the evidence into a framework that they can remember, that resonates with them, and that reflects the lawyer's theory of the case.⁴⁵ To do so, lawyers do not merely “string[] together a set of ‘hard facts.’”⁴⁶ Rather, “parties create narratives from the same broad set of facts (events and people). . . yet they are different narratives.”⁴⁷ Organizing the facts and the law to provide the context (background), leading into the middle (conflict) and the expected resolution (return to order) can give the audience of the story authority to act and support the resolution.⁴⁸ Because there is no resolution until the end of the trial or a settlement, the lawyer's task is to paint the story so that the decisionmaker will favor the lawyer's resolution over the other party's.⁴⁹ Choosing words that tell the story from the client's perspective can encourage empathy with the client.⁵⁰ Unlike a fictional story, however, a lawyer faces a further challenge: the resolution must follow from “*actual facts*” and fit the judge's sense of “*actual justice*.”⁵¹

Transactional practices similarly leverage storytelling skills. Deal lawyers must have a firm handle on their clients' goals and how to shape

⁴⁰ Grose, *supra* note 27, at 44.

⁴¹ *Id.* at 45.

⁴² *Id.* at 44 (citing Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2421 (1988)); see also Gerald P. Lopez, *Lay Lawyering*, 32 UCLA L. REV. 1, 31–32 (1984) (“[J]ust as a storyteller will upplay, downplay or hide particular features in telling a story that he hopes makes sense, so too will the storyteller emphasize, de-emphasize or obscure certain factual features in asserting that a particular meaning should be given to the facts as found.”).

⁴³ Lindsay, *supra* note 3, at 31.

⁴⁴ *Id.*

⁴⁵ *Id.* at 31–32.

⁴⁶ Grose, *supra* note 27, at 45.

⁴⁷ CAROLYN GROSE & MARGARET E. JOHNSON, *LAWYERS, CLIENTS & NARRATIVE: A FRAMEWORK FOR LAW STUDENTS AND PRACTITIONERS* (2d ed. 2024).

⁴⁸ Foley & Robbins, *supra* note 24, at 475–78.

⁴⁹ *Id.* at 467.

⁵⁰ *Id.* at 478–80.

⁵¹ *Id.* at 467 (emphasis in original).

a client's story going forward.⁵² They do so by probing for facts, guided by an understanding of how a specific transaction or decision fits into the planned narrative arc of a client. Counseling clients, in turn, requires lawyers to imagine and anticipate the potential effects of a decision and identify ways to ensure a positive outcome. Transactional documents do more than deliver information; they also contain narrative. "The purposes of transactional documents include the building of relationships, the safeguarding of property, and the securing of legacies. These purposes are furthered by presenting the narratives inherent within each transaction."⁵³

Judges similarly tell stories, and they craft their decisions around them. Kim Lane Scheppele outlines the choices judges make when drafting opinions—through both word choice ("lightly choke" versus "heavy caress") and framing (beginning with the defendant's childhood rather than beginning with the night of the crime).⁵⁴ Judge Mary Pat Gunderson, in her article *Gender and the Language of Judicial Opinion Writing*, analyzed the language of four Iowa Supreme Court opinions addressing allegations of abuse by male attorneys towards women.⁵⁵ The all-male court issued the opinions on appeal from the Grievance Commission, a division of the Iowa Attorney Disciplinary Board, which had a mix of men and women.⁵⁶ Judge Gunderson identified that "the recitation of facts [of the story] in these opinions generally followed a pattern: minimizing the abusive actions of male attorneys and highlighting their positive professional and personal attributes—while subtly implicating the actions of the female survivors."⁵⁷ Additionally, the opinions omitted factual findings the Grievance Commission found particularly compelling.⁵⁸ The narrative crafted by the Iowa Supreme Court was used to justify more lenient sanctions than those recommended by the disciplinary board.⁵⁹ Choices in language, Judge Gunderson warns, can reflect unconscious biases of the decisionmaker.

⁵² See ALICIA ALVAREZ & PAUL TREMBLAY, INTRODUCTION TO TRANSACTIONAL LAWYERING PRACTICE 3–4 (2d ed. 2022).

⁵³ Susan M. Chesler & Karen J. Sneddon, *Telling Tales: The Transactional Lawyer as Storyteller*, 15 LEGAL COMM. & RHETORIC: JALWD 119, 122 (2018).

⁵⁴ Grose, *supra* note 27, at 45 (citing Kim Lane Scheppele, *Foreword: Telling Stories*, 87 MICH. L. REV. 2073, 2086, 2094–96 (1989)).

⁵⁵ Mary Pat Gunderson, *Gender and the Language of Judicial Opinion Writing*, 21 GEO. J. GENDER & L. 1 (2019).

⁵⁶ *Id.* at 3, 6.

⁵⁷ *Id.* at 4.

⁵⁸ *Id.*

⁵⁹ *Id.*

C. *A Comparison of Two Essays: One Mechanical and One Narrative*

All these aspects of crafting stories can be explored through reflection essays. In contrast to lawyering, in which lawyers construct and tell their clients' stories, reflection enables people to tell their own stories. Storytelling is a natural vehicle for reflection, as it is a process of making sense and meaning when dealing with high levels of complexity. Bruner proposes, "Telling oneself about oneself is like making up a story about who and what we are, what's happened, and why we're doing what we're doing."⁶⁰ Stories trigger ideas, beliefs, values and concepts, and are easily associated and reflected by listeners.⁶¹ We can explore how storytelling techniques can enhance the depth of meaning and emotion in a reflection essay by comparing two examples.

STUDENT ESSAY A⁶²

This past week I was faced with a challenging assignment. I was asked to research a topic that I was unfamiliar

⁶⁰ JEROME S. BRUNER, MAKING STORIES: LAW, LITERATURE, LIFE 64 (2002).

⁶¹ See JANICE MCDRURY & MAXINE ALTERIO, LEARNING THROUGH STORYTELLING IN HIGHER EDUCATION: USING REFLECTION & EXPERIENCE TO IMPROVE LEARNING 31–42 (2002) (discussing how stories "enable us to convey. . . aspects of ourselves and others, and the worlds, real or imagined, that we inhabit"); Lindsay, *supra* note 3, at 31–32.

⁶² This is a fictionalized reflection based on a combination of typical student essays over the years. The prompt reads:

Write a reflection on something that you experienced in your externship in the previous week. When writing your journal entry, be sure to describe the situation or experience, why you feel it was interesting or important, what you learned from it, and what you might do in the future if faced with a similar situation. Your journal entry can be as long as you feel is needed, but at least two pages, double-spaced, is likely necessary to fully develop your thoughts. Journal entries are a chance to unpack and process the work you are doing in your placement. They are also an opportunity to focus on developing written narrative skills.

Some topics students have covered in the past are listed below.

- Advice from your field supervisor or others on strategies to improve a lawyering skill or develop in your career goals
- Observations from court or a client meeting, which may lead to observations about the substantive law or legal process
- Critique of a performance by a lawyer or a judge, what you felt was good, what needed improvement, and why
- A challenging assignment in your placement, how it went, and how you would do things differently in the future
- Interactions with other employees and those in your office
- Comparison of something you learned in law school and how that relates to or operates in actual legal practice
- Thoughts on the legal system or access to justice based on your experiences in your placement.

with and given a short turnaround time to complete it. This particular assignment had to do with state privacy laws that had just been passed, and certain requirements for notice to the consumer. My supervising attorney gave me a very high-level overview of one state's law in this context and then more details about what exactly we were trying to accomplish with my research. At the end of our discussion, he told me to check in with him at the end of the day to let him know what I had found. I used the whole day to research this issue and at the end of the day I checked back in with my supervising attorney to go through statutes and cases that I had found and what might be helpful for us.

This was a very interesting and important project because privacy is a huge part of consumer protection law right now, and I am hoping to specialize in data privacy or consumer protection. This assignment also allowed me to do some statutory interpretation and even a little bit of legislative history research. This project also taught me that background research can speed up the researching process. I felt like I took a while to get into researching the actual issue, because I started with some general Google searches and read some materials from law firms before diving into the specific state laws. Once I did all of that, I felt like I was able to better pinpoint the issues I was hoping to find.

In the future I will definitely do this kind of background research if I am unfamiliar with an area of the law. I found that once I did more background research it helped me research the specific issue more efficiently. Furthermore, I think I would have benefitted from speaking with my supervisor earlier than just at the end of the day about my progress so I could be even more efficient in my research and confirm that I was on the right track. Although it ended up being ok, and I was ultimately on the right track and researching what he wanted, the whole day I was unsure where my results were leading me and whether I was being efficient with my time. Overall, although this was a stressful situation, it was definitely a great experience to have.

Essay A, while detailed and structured to address each element expected in a reflection essay, lacks exploration of emotion or greater themes. The situation itself does not seem to naturally prompt larger themes or conclusions. Instead, compare Essay A with Essay B below. Essay B expresses and evokes emotion in a more

powerful way than Student Essay A, and thus connects more easily with the reader.⁶³

STUDENT ESSAY B⁶⁴

Before law school, I started out my first 22 years of life as a classical cellist. I still wince every time my law student friends ask if the cello is the “big one, or the really big one?” Growing up, I lived a very affluent life. A brand-new Audi or Lexus in the driveway each year, family trips to Turks and Caicos in our own plane, and every music, dance, acting, singing, Spanish, and Chinese lesson I could ever ask for. Our teachers at school who commuted from the neighboring towns would warn us that, “This isn’t what the real world is like.” We knew why. Our classes were full of spawn of hedgefund managers, Lehman Brothers investment bankers, venture capitalists, and inside traders who hadn’t been caught yet. I remember fifth grade was the first I heard a classmate say he was, “socially liberal, fiscally conservative.”

It was not until I started law school and could read the court documents that I figured out what my dad was doing. My mom and I never exactly understood what he did for work, but the default judgments against him helped explain why. Living beyond one’s means is the number one indicator of financial fraud and lying is right up there, too. For what it’s worth, I grew up around plenty of both. In 2018, when my childhood home was foreclosed on, it all started to click.

Since working in my externship, I have discovered that I love catching people in their lies. It feels like home. Vague answers with a twist of complex financial jargon to confuse the listener. An eerily confident, imperceptibly arrogant demeanor. When I confronted my dad as a kid, his financial jargon flustered me. Now, at work while sitting across from a grown man accused of defrauding investors, his “trading strategy” and “liquid net worth threshold” slang does not intimidate me in the slightest. Knowledge really is power.

⁶³ To be fair to the students, the prompt—and the structure of the class—likely makes much of the difference. Essay B was written after a semester focused on different aspects of creative writing. The course included opportunities for thinking about and writing one’s own life story, exploring metaphors for work and career, and discussing the role of reflection in the practice of law. By focusing on creativity and imagination, students can feel freer to experiment within their essays. For more, *see infra*, Section I.D.

⁶⁴ E.A. Student Essay, Spring 2024 (edited for length and shared with permission).

A challenge I have felt so far and anticipate feeling in the future is projecting my own experiences with fraud onto my work or feeling triggered by the work with fraudsters. Some days, reading transcripts of brokers who scammed investors felt like lifting up the Band-Aid and poking what was underneath. I hope to reach a point within myself when it doesn't feel personal. For now, armoring myself with more knowledge and understanding of the financial industry feels like an empowering and mostly healthy way to deal with what I witnessed growing up.

The law can feel cold and clinical at times. Music felt that way, too. Drilling the same notes over and over again in a tiny windowless practice room. But it's all a bit more human than that. We drill the notes and apply the statutes to make a listener light up or help an investor get their money back. I predict that humanizing my work will keep me happier in it. Not everyone's story is mine, and not every fraud report needs to be about what I went through. We are all just mushy blobs trying to get through life and none of us does it perfectly.

In Essay B, a student describes what feels like an atypical reason for pursuing a career in securities law. It has elements of suspense, mystery, and surprise. It employs metaphor for describing the complex and excruciating aspects of practicing law—and it relates this to a bigger lesson: the impact financial fraud can have on people's lives. Reading this essay is compelling; this student has a reason for their career choice. At the same time, the essay highlights the student's creative and careful crafting of a narrative.

We theorize that evocative reflective essays do not just contain perfunctory elements of reflection. The essays also employ elements of a narrative that describe growth and change, similar to the growth and change associated with a good story with resolution of the plot. Like the reflective process, storytelling is a way to critically analyze new experiences to make new meaning out of those experiences. A storyteller must understand, describe, and evoke the full range of human interactions and emotions to convey the full breadth of the story. This process, when used in reflection in law school, reinforces the judgment, empathy, and humanity of attorneys.⁶⁵ Framing the reflective process

⁶⁵ See, e.g., Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the "Heart" of Lawyering*, 87 NEB. L. REV. 1, 44 (2008) (advocating for teaching empathy and compassion in law school because of the importance of those skills in legal

as an opportunity for storytelling connects the skill of reflection more concretely to the act of lawyering. We believe that this connection, in turn, increases student motivation.⁶⁶ Embracing creativity, narrative techniques, and emphasizing the craft of writing makes reflection feel more relevant and compelling.

Just as there are different ways of describing the elements of a story, the general structure of a story maps onto the elements of reflection, as described by Gibbs:

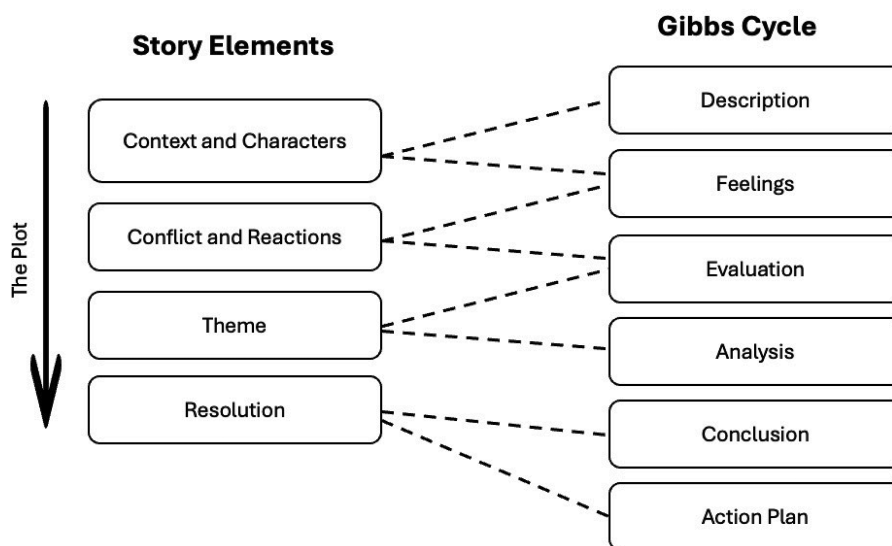


FIG. 2. ELEMENTS OF A STORY COMPARED TO THE GIBBS CYCLE

practice); Camesha Little, *Think, Reflect, Refine: Shaping the Modern Lawyer*, 28 UDC L. REV. 30, 31–32 (2025) (stating that the modern lawyer must have “social, humanistic, and critical thinking skills”); Gerald Reading Powell, *Opening Statements: The Art of Storytelling*, 31 STETSON L. REV. 89, 92–93 (2001) (describing importance of humanity and emotions in opening statements).

⁶⁶ See, e.g., John M. Keller, *Strategies for Stimulating the Motivation to Learn*, 26 PERFORMANCE + INSTRUCTION 1 (Oct. 1987) (describing methods of increasing student motivation by establishing the relevance of the material to the learner’s job, or another future goal).

We compared the two essays using this mapping in the below chart:

STORYTELLING ELEMENTS	GIBBS	ESSAY A	ESSAY B
Character and Context	Description	Focused on getting privacy assignment and researching it over the course of one day	Timeline and setting that moved from childhood through externship. Used words that evoke emotion, like “wince,” “eerily confident,” “defrauding,” “slang,” “triggering,” “vague answers with a twist of complex financial jargon to confuse the listener.”
Conflict and Reactions	Feelings	“Interesting” Stressful to be unfamiliar with an area of law.	“Knowledge really is power.” Working in white collar crime and especially in financial fraud triggered experiences growing up.
	Evaluation	It is good to learn more about privacy laws.	Feels powerless.
Theme	Evaluation	Background research is helpful. Efficiency is good.	Having knowledge and understanding can create power when one lacks it. Financial fraud/crime affects more people than those defrauded.
	Analysis	Asking questions can be a method of creating efficiency.	Bringing humanity into one’s work can make one happier.
Resolution	Conclusion	Successful research	Managing one’s background and feelings to be effective is important.
	Action Plan	Ask questions earlier.	It is ok to be human and to try to get through life the best we can.

When writing a reflective essay, students can be encouraged to start by writing a story and describing the situation. This is an opportunity for the student to flesh out the characters and provide some explanation of their background and motivations. Following the Gibbs cycle, students can focus on a single experience and develop a detailed description of that experience—the “who, what, when, where, and why” of the situation (step 1) [or, in narrative terms, the characters and plot]. The students then confront their feelings and emotional reactions (step 2) [which in turn equates to a reaction and conflict]; evaluate what that means and thereby begin to develop a theme (step 3); and analyze the situation by comparing the event to any reading, assumptions, or experiences to develop a theory of the event (step 4). This process leads naturally into a resolution comprising a conclusion (step 5) and an action plan for how one would approach a similar situation in the future (step 6).

The difference between this method and a method based on the Gibbs cycle or other reflective model alone is that the focus on storytelling elements encourages a comprehensive description of the characters, plot, and setting and prompts the learner to use this information to explore the source of internal or external conflict. To create the main character (the self), the writer must explore the character’s background and biography and describe the forces confronting the character—personal, professional, or private.⁶⁷

With the earlier example of Essay A, the student using a storytelling framework might have been encouraged to develop the setting and the characters in the experience further. What was the reason for the short turn-around—was there an impending deadline? What was the supervisor’s demeanor or emotions when giving the assignment? Was this typical or atypical? How does the student feel about last-minute projects? Is this a casual office setting, where externs can walk around and ask attorneys questions? Or is it more formal, where appointments are needed? How did the student feel over the course of the day researching—were they ready to pivot to a new project, apprehensive about a new subject, or confident in their approach? The last sentence acknowledging the pressure the student felt while researching under a deadline and their ultimate success may be fodder for a different kind of story the student tells themselves about facing challenging situations in the future, but the essay itself did not focus on or develop that part of the situation. This storytelling approach might also help an instructor reading and providing feedback on the reflection essay ask questions that probe deeper into the student’s understanding about their own values, beliefs, or behaviors. This could, in turn, lead to a different framing altogether for the focus of Essay A.

⁶⁷ FIELD, *supra* note 24, at 23–26, 46.

We see, therefore, that—as often happens as a writer writes, edits, rewrites, or revisits their writing—there are choices that further frame the story around the theme or theory and resolution. This frame, in turn, leads to more completeness and depth in reflection. The frame the writer imposes affects the lesson the writer extracts from the experience. We discuss these effects in the remainder of Part I.

D. Storytelling and Reflection Converge in Formation of a Professional Identity

The concept of a professional identity has arguably existed in professional school pedagogy for hundreds of years, starting with medical education.⁶⁸ However, professional identity first received real attention in law school education after an ABA Task Force on Legal Education conducted a series of public hearings, gathered data, and issued a report describing the evolution of legal education. Dubbed the MacCrate Report, the report contemplated four fundamental lawyering values and ten lawyering skills that law schools and lawyers should emphasize in educating and mentoring law students.⁶⁹ Subsequently, the Carnegie Foundation published a report entitled *Educating Lawyers: Preparation for the Profession of Law* (the “Carnegie Report”) as part of a series examining professional education.⁷⁰ The Carnegie Report identified the “three apprenticeships” of effective legal training: (1) the intellectual or cognitive, (2) the forms of expert practice, and (3) the apprenticeship of

⁶⁸ David I. C. Thomson, “Teaching” *Formation of Professional Identity*, 27 REGENT U.L. REV. 303, 304 (2015) (noting that medicine is the first profession to combine scientific expertise with individual moral commitments).

⁶⁹ A.B.A. SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT – AN EDUCATIONAL CONTINUUM (REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP) xi–xiv (1992). The complete list of skills and values follows:

Skills

- Problem solving
- Legal analysis and reasoning
- Legal research
- Factual investigation
- Communication
- Counseling
- Negotiation
- Litigation and alternative dispute resolution
- Organization and management of legal work
- Recognizing and resolving ethical dilemmas

Values

- Provision of competent representation
- Striving to promote justice, fairness, and morality
- Striving to improve the profession
- Professional self-development

⁷⁰ See Carnegie Report, *supra* note 5.

identity and purpose, guided by the values of the professional.⁷¹ A professional education, as outlined by the Carnegie Report, would integrate all three aspects with a focus on the last—the ethical-social apprenticeship “through which the student’s professional self can be most broadly explored and developed.”⁷²

The traditional law school setting expects students to compartmentalize their emotional reactions and separate their personal and professional identities.⁷³ As law students progress through their education, they are challenged by the conflict between the materials that they study and the experiences they have, as well as their own values, identity, and beliefs.⁷⁴ This conflict, or cognitive dissonance, can lead to negative personal effects.⁷⁵ Integration of professional identity, on the other hand, is accomplished primarily through personal and professional reflection where students use reflection to arrive at a personal view.⁷⁶ In “*Teaching Formation of Professional Identity*,” David Thomson identified reflection as the common component in various law school courses that focus on professional identity.⁷⁷ In one course, Professor Cliff Zimmerman asks students to write their own personal narrative. Students then “read and talk about personal moral codes, the ethics of storytelling, the ethics of counseling and interviewing, and multiple ethics-based challenging situations to learn more about how they will react when the situations are real.”⁷⁸ In this way, Zimmerman strives to help students connect their own narratives and values with their personal identity.

Written reflection helps the writer solidify their experiences. Author Sarah Manguso observes, “[T]o write a diary is to make a series of choices about what to omit, what to forget. A memorable sandwich, an unmemorable flight of stairs. A memorable bit of conversation surrounded by chatter that no one records.”⁷⁹ Lisa Genova, in her 2021 bestseller *Remember: The Science of Memory and the Art of Forgetting*, states: “Writing something down allows you to rehearse and therefore strengthen the memory for the details you choose to write about.”⁸⁰

⁷¹ *Id.* at 28.

⁷² *Id.*

⁷³ See Little, *supra* note 65, at 42; Katya Cronin, *Value-Centered Lawyering: Reshaping the Law School Curriculum to Promote Well-Being, Quality Client Representation, and a Thriving Legal Field*, 101 U. DET. L. REV. 257, 268–72 (2024).

⁷⁴ Little, *supra* note 65, at 42.

⁷⁵ *Id.* at 43.

⁷⁶ Mary Bair, David Bair, Rui Niu-Cooper & Nagnon Diarrassouba, *Border Crossings: The Role of Narrative Storytelling in the Professional Identity Development of Faculty of Color*, 72 COLLEGE TEACHING 82, 83 (2024).

⁷⁷ Thomson, *supra* note 68, at 319–20.

⁷⁸ *Id.* at 320.

⁷⁹ SARAH MANGUSO, ONGOINGNESS: THE END OF A DIARY 6 (2015).

⁸⁰ LISA GENOVA, REMEMBER: THE SCIENCE OF MEMORY AND THE ART OF FORGETTING 107 (2021); see also Dani Shapiro, “I Don’t Want Anyone to Read My Diaries, Yet I Can’t Burn

This action also “unwittingly prevent[s] you from rehearsing, and therefore later remembering, any details you didn’t include.”⁸¹

Besides the more solitary experience of reflection, students also make sense of their identities by interacting with others.⁸² The choices of what to emphasize and what themes or lessons to draw from an experience can be kept private, but through dialogue, listeners can gain insight, add to, and challenge aspects of the teller’s story.⁸³

In choosing what story to tell, and what details to include and omit, the storyteller chooses the aspects of identity to present to the audience. . . . Identity comprises many narratives that people construct and recount to make sense of themselves and their professional practice, narratives which can vary with time, audience (e.g., self, colleagues, students), and situation.⁸⁴

Through the process of sharing with others, the teller identifies and describes the event, filters and interprets it for their audience, and highlights specific aspects of the event to create the tension and choices—or the theme—the teller faces to reach resolution. By crafting their experiences as stories with themes and resolutions, students are more likely to make meaning from their professional experiences and identify learning gains.⁸⁵

The goals of reflective essays and storytelling are thus often parallel, which makes them a natural pairing. The choices we make when we tell our stories are not dictated by externalities such as the law or the client’s wishes; rather, they reflect our own values, viewpoint, and motives.⁸⁶ While reflective essays allow the author to critically analyze experiences to make meaning, storytelling similarly allows the teller to

Them,” NY TIMES (Mar. 16, 2025), <https://www.nytimes.com/2025/03/16/opinion/diary-didion-writing.html> (“I had always thought of my diaries as garbage cans into which I tossed all the detritus: the obsessions, petty jealousies, fantasies, secret crushes, stinging rejections, all to clear the path to my ‘real’ work, which is to say the attempt to make meaning and even beauty out of the chaos of being human.”).

⁸¹ GENOVA, *supra* note 80, at 107.

⁸² Bair et al., *supra* note 76, at 83 (“Individuals discover themselves and reveal themselves to others by the stories they tell.”).

⁸³ McDRURY & ALTERIO, *supra* note 61, at 88–90.

⁸⁴ Bair et al., *supra* note 76, at 84.

⁸⁵ Janice McDrury & Maxine Alterio, *Achieving Reflective Learning Using Storytelling Pathways*, 38 INNOVATIONS EDUC. AND TEACHING INT’L 63, 64–65 (2001); McDRURY & ALTERIO, *supra* note 61, at 113 (noting that processing an event in an informal setting through “response stories” rather than “response dialogue” may not help the storyteller address their situation and can also result in the teller feeling overwhelmed); Gibbs, *supra* note 9, at 47–50.

⁸⁶ McDrury & Alterio, *supra* note 85, at 64 (noting that even when reflective stories are shared, the storyteller has control over how they respond to dialogue from listeners); McDRURY & ALTERIO, *supra* note 61, at 47 (describing how storytellers make choices in their story, tone and point of view).

make sense of events around them. Stories can be personal and non-fictional or generally known and fictional—but stories can be used to highlight the norms, values, and challenges in a culture or, more narrowly, in a profession. “[T]hey involve us in the value we give and extract from what we see going on around us, the value of our intentions, involvements, and commitments.”⁸⁷ Telling stories, in other words, is a way to share, explore, and develop one’s professional identity.

As described in Section I.E.3 below, both reflective essays and stories are a way of examining and describing emotion—the responses to an event, and an emotional release. Further, seeking that emotional release and resolution may help avoid unproductive rumination.⁸⁸ In this way, both reflective essays and stories lead to professional identity development. These shared goals can be expressed in overlapping circles as follows:

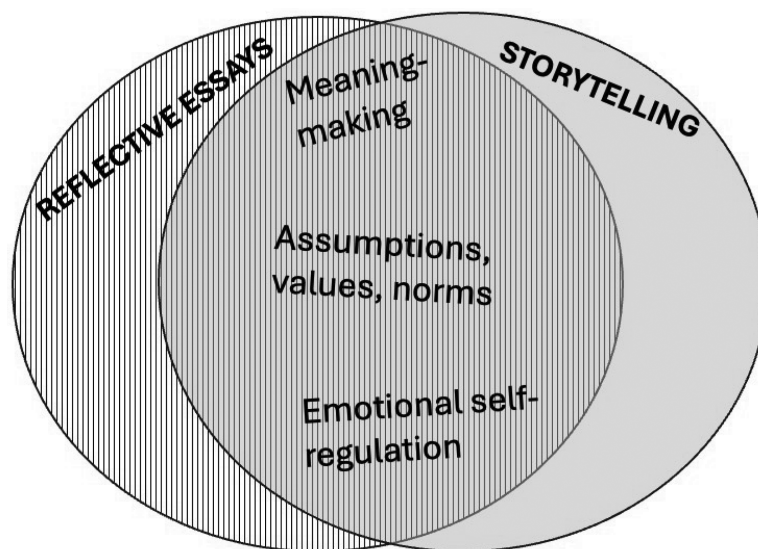


FIG. 3. SHARED GOALS FOR REFLECTIVE ESSAYS AND STORYTELLING

Returning to Essay B above, the student writer had many emotions associated with their childhood that worked their way into their professional life. Through evaluating their values and assumptions in their reflective essay, the student was able to make meaning of their identity and perhaps seek resolution through expression of their emotions.

⁸⁷ James Elkins, *The Stories We Tell Ourselves in Law*, 40 J. LEGAL EDUC. 47, 55 (1990).

⁸⁸ See McDRURY & ALTERIO, *supra* note 61, at 50 (noting that when students tell and retell stories without advancement or resolution, they miss out on learning gains); Gibbs, *supra* note 9, at 47–50.

Tim Casey describes the different levels of a learner's cognitive and moral development as discrete stages of reflective lawyering.⁸⁹ The first stage is concrete and asks the student to compare their performance to that of a competent lawyer.⁹⁰ The second seeks alternative means to achieve the goals.⁹¹ The third and fourth stages—internal context and external context—focus on different factors that affect the decision-making process.⁹² The fifth stage moves to understanding the social, historical, political, and economic structures that affect the lawyering process.⁹³ And, in the final stage, the student should demonstrate awareness of reflection and its effect on thinking.⁹⁴ These stages range from concrete to more abstract reflection and are also suited to different stages of law school coursework.⁹⁵ Seeking reflection on one's own performance (stage 1) compared to that of a more competent lawyer is concrete, and is best suited to a first-year legal writing course.⁹⁶ As students proceed into live client experiences, such as working in clinics and externships, students can grapple with how the societal context (stage 5) affects the choices they made in their reflections.⁹⁷

Casey contemplates that deliberate scaffolding and teaching of reflection will prompt students to naturally move from a straightforward self-evaluation process to a more intricate process of reflecting on contextual, structural, and metacognitive factors over time. His expectation that students will use their casework or field work in third year experiential courses as the basis for conceptual levels of reflection seems contrary to students' motivation to engage in experiential learning. Since students enroll in clinic or externships partly for the chance to see

⁸⁹ Casey, *supra* note 6, at 320–21; *see also id.* at 319 (stating “[w]hile the seasoned professional integrates seamlessly thought and action, the new professional must de-couple the action from the thinking about the action; the new professional must consciously activate a process to guide the rendering of professional judgment.”). Gerald Hess describes similar stages of development as a teacher, from reflecting on specific effectiveness of teaching techniques to exploring ones' own philosophy of teaching to greater critical awareness of their actions and its connection to the broader social, political, and economic landscape. Gerald F. Hess, *Learning to Think Like a Teacher: Reflective Journals for Legal Educators*, 38 GONZ. L. REV. 129, 134 (2002/2003) (citing Max Van Manen, *Linking Ways of Knowing with Ways of Being Practical*, 6 CURRICULUM INQUIRY 205, 226–27 (1977)).

⁹⁰ Casey, *supra* note 6, at 334–38.

⁹¹ *Id.* at 338–39.

⁹² *Id.* at 339–44.

⁹³ *Id.* at 344–46.

⁹⁴ *Id.* at 346–47.

⁹⁵ *See id.* at 345–47.

⁹⁶ *Id.* at 335 (describing legal research as a topic for reflection in the first stage).

⁹⁷ *Id.* at 344–45 (stating that live client experiences provide the best opportunities to develop Stage Five reflection); *see also* JENNIFER A. MOON, *LEARNING JOURNALS: A HANDBOOK FOR REFLECTIVE PRACTICE AND PROFESSIONAL DEVELOPMENT* 122 (2d ed. 2006) (commenting that journal and story processes enrich each other and “integrat[ing] story activity with journal-writing extends the value of the latter by widening its context from the world of the individual perception into the social, political and historical context of the individual”).

and do practical work, is it contradictory to push students to reflect at a higher, more abstract, level at the same time? After a year or more of an “academic” foundation in their lawyering education, how does one encourage students to embrace the theoretical and intellectual aspects of a clinic or externship experience? Focusing explicitly on the benefits of lawyering skill-building in a reflective writing prompt may help navigate this dichotomy. Casey offers prompts that can promote each stage of reflection.⁹⁸ Just as these questions encourage students to explore the context of the situation that they reflect on, the narrative techniques we describe also promote a fuller examination of an experience.⁹⁹

E. Storytelling and Reflection Converge to Develop Other Lawyering Skills

As discussed above, storytelling and reflection synergize for students developing their professional identities; combining storytelling and reflection also provides synergies as students develop other lawyering skills. In the context of experiential learning in higher education generally, McDrury and Alterio use a narrative approach to help students tell stories about their work and learn from experience.¹⁰⁰ Reflection is the hallmark of learning from experience and for adult learning. To support that learning, describing reflection as a storytelling process and storytelling as a lawyering skill can both prompt higher stages of reflection and motivate students to spend time on the reflective process. These synergies are underused in legal education, and legal education could be improved by this recognition.

1. Process of constructing facts and telling stories is under-practiced in legal education

The craft of storytelling is under-utilized in law school. In the first year, the case method focuses on cases with limited facts and thereby truncated stories. Casebooks focus on appellate decisions, which have been filtered through many lenses before publication; casebook authors then further excerpt those decisions. Professors, in class, talk about fact patterns rather than clients. Unless faculty or students do extra research and review alternative sources, the stories behind the common law in the first-year curriculum are largely missing or are delegated to notes after

⁹⁸ Casey, *supra* note 6, at 349.

⁹⁹ See, e.g., *id.* (asking questions about the different characteristics, experiences, preferences, or biases of the learner and the other people involved); see also Katz, *supra* note 11, at 47, 50 (concluding that students, when writing journals, described as “first impression accounts,” could challenge themselves more and examine more thoroughly different facets of the legal system and the legal profession).

¹⁰⁰ McDRURY & ALTERIO, *supra* note 61, at 37–42.

the cases.¹⁰¹ By failing to build stories into the first year, faculty lose an important tool to help students learn. Further, this editing and focus on “objective” facts in opinions has led some commentators to criticize the first-year law school curriculum for “whitewashing the law.”¹⁰²

Similarly, in the traditional first-year curriculum, law students have little opportunity to engage in factual investigation. Law school coursework—which is heavily litigation-focused and treats facts as established—and the casebook method leave little room or material to highlight the ingenuity and creativity necessary for effective lawyering.¹⁰³ Rather, law school focuses on the narrow case and the rule being applied. Even if professors discuss stories in the doctrinal classroom, the stories themselves are not important for exams, so students may not understand their value to lawyering. While most first-year legal writing curricula cover predictive and persuasive writing, students get very little practice with developing story, much less exercising the flexibility to develop alternative stories. Most legal writing faculty present limited facts to the students so as to narrow the issues students must evaluate. With the decline in enrollment in undergraduate humanities courses, law students also may not have had as much experience with crafting stories in their previous educational training as they had in prior generations.¹⁰⁴

As students move into upper division experiential courses, they may learn the theory of storytelling skills for use in practice. But, as Stefan Krieger and Serge Martinez note, the traditional model for clinical education does not stress the skill of storytelling in a repetitive way.¹⁰⁵ Students must balance their clients’ goals and the constraints of

¹⁰¹ See, e.g., West Academic “Law Stories” series, <https://www.westacademic.com/series/Law-Stories>; see also Carrie Menkel-Meadow, *Telling Stories in School: Using Case Studies and Stories to Teach Legal Ethics*, 69 *FORDHAM L. REV.* 787, 793 (2000) (stating “cases and stories give us more information and more choices to consider than does the primary text of education—the ‘completed’ appellate case”).

¹⁰² See Margalynne J. Armstrong & Stephanie M. Wildman, *Teaching Race/Teaching Whiteness: Transforming Colorblindness to Color Insight*, 86 *N.C. L. REV.* 635, 652 (2008); Daniel Harawa, *Whitewashing the Fourth Amendment*, 111 *GEORGETOWN L.J.* 923, 970–71 (2023) (describing how the criminal legal education curriculum contemplates a normative, color-blind, system divorced from how it operates in practice); Bennett Capers, *The Law School as a White Space*, 106 *MINN. L. REV.* 7, 35–36 (2021).

¹⁰³ See ALVAREZ & TREMBLAY, *supra* note 52, at 4 (stating that the work of a transactional lawyer is “collaborative, forward-looking, and imaginative”); see also Janeen Kerper, *Creative Problem Solving vs. the Case Method: A Marvelous Adventure in Which Winnie-the-Pooh Meets Mrs. Palsgraf*, 34 *CAL. W. L. REV.* 351, 366 (1998) (describing creative problem solving as beginning with not knowing and surrendering to curiosity).

¹⁰⁴ See, e.g., Nathan Heller, *The End of the English Major*, *NEW YORKER* (Mar. 6, 2023), <https://www.newyorker.com/magazine/2023/03/06/the-end-of-the-english-major>, at 28 (for a discussion of declining enrollments in undergraduate humanities majors); David McLean et al., *supra* note 17, at 498 (noting that medical students may resist reflection partly because they have limited experience with humanities or the arts).

¹⁰⁵ Stefan H. Krieger & Serge A. Martinez, *A Tale of Election Day 2008: Teaching Storytelling Through Repeated Experiences*, 16 *J. LEGAL WRITING INS.* 117, 158 (2010).

the law, typically in an environment that stresses careful and intense focus on a small caseload.¹⁰⁶ While Krieger and Martinez suggest that a high-volume, repetitive practice offers opportunities for students to focus on crafting stories without the added layer of complex substantive law and court formalities,¹⁰⁷ teaching storytelling as a part of crafting the reflective essay offers similar benefits within the existing structure of a clinic, externship, or other skills course.

Learning theory further supports the benefits of teaching a skill in multiple settings. By explicitly describing how a skill used in the classroom can be generalized and then applied to a future situation—in this case, storytelling in a reflection essay analogized to storytelling in a legal matter—instructors teach for transfer.¹⁰⁸ This technique, described by educational psychologists Gavriel Salomon and David Perkins as “bridging,” supports transfer for learning.¹⁰⁹ According to neuroscientist Lisa Genova, this repetition and focused practice creates muscle memory.¹¹⁰ And, Salomon and Perkins note, *teaching* for transfer translates to the student developing the skill of *learning* for transfer.¹¹¹

In a reflection essay, students need to identify the facts, and the salient facts are ones that they already command. Following Casey’s model, a reflective writer has at hand the memory of their experience, their understanding of the choices that they made, their personal history, characteristics, biases, and perceptions of others.¹¹² They are aware of the various contextual factors or can describe or research them in some way to animate the story that they craft.¹¹³ To the extent students are reluctant to invest in this process, the reality is that this process is central to the very kind of research and knowledge that goes into any fact section of a persuasive brief.¹¹⁴ Moreover, just as lawyers must grapple with facts obtained from a client, they must be attuned to the client’s

¹⁰⁶ *See id.*

¹⁰⁷ *Id.* at 161.

¹⁰⁸ D.N. Perkins & Gavriel Salomon, *Teaching for Transfer*, 46 EDUC. LEADERSHIP 22, 28 (Sept. 1988).

¹⁰⁹ *Id.* (explaining that “bridging” focuses on how to generalize a principle or skill and tell the students how they would apply it in a different setting).

¹¹⁰ GENOVA, *supra* note 80, at 51.

¹¹¹ Perkins & Salomon, *supra* note 108, at 30.

¹¹² *See* Casey, *supra* note 6, at 349; *see also* MICHAEL R. SMITH, ADVANCED LEGAL WRITING: THEORIES AND STRATEGIES IN PERSUASIVE WRITING 33 (2nd ed. 2008) (“A person is basically the protagonist in the story that is his or her own life.”).

¹¹³ *See* Casey, *supra* note 6, at 349.

¹¹⁴ ROBIN WELLFORD SLOCUM, LEGAL REASONING WRITING, AND PERSUASIVE ARGUMENT 462 (2d ed. 2006) (discussing how fact creation and storytelling intersect); *see also* Smith, *supra* note 112, at 33 (stating that stories communicate the lived experience, which is “the most fundamental way in which humans process and understand information”).

emotions, wishes, and goals.¹¹⁵ And lawyers must know how their own emotions, past experiences, and tendencies can affect their own judgment and well-being.¹¹⁶ While client-centered lawyering seeks to empower the client as the locus of a matter, the lawyer must remain on guard as to how their own brain may unconsciously shape the client's story.¹¹⁷ Fostering a strong self-awareness is critical to law practice.

2. *Key lawyering skills are deployed when developing narrative in a reflection essay.*

An explicit focus on crafting the narrative in the reflective process hones lawyering skills such as observation, listening, and empathy. According to physician and author Dr. Abraham Verghese, "joy, fascination, and empathy stem from the right brain's capacity for imagination, whereas medical training generally focuses on the left brain."¹¹⁸ Writing focuses a doctor (and, by extension, a lawyer) on developing skills of observation and empathy.¹¹⁹

Research from the field of medical humanities highlights the use of creative writing in physician education programs. One director of a medical humanities program, Lisa Kerr, distinguishes between creative writing and reflective writing, noting that the field of creative writing expects that students will develop critical reading, writing skills, and the ability to learn to express themselves.¹²⁰ In Kerr's view, reflective writing may be a start for the creative process, but creative writing develops the *craft* of writing by focusing on further revision and editing.¹²¹

In a creative writing workshop for medical residents at Yale (modeled on the Iowa Writers Workshop), researchers reported that focusing in greater detail on crafting a creative narrative, rather than a more typical critical incident report or personal journal, provided the residents with "the unique opportunity both to understand their own experiences more deeply and to imagine more fully the experiences of those they

¹¹⁵ See generally Marjorie A. Silver, "Emotional Competence and the Lawyer's Journey," in *THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION* (Marjorie A. Silver ed. 2007).

¹¹⁶ See generally *id.*

¹¹⁷ See, e.g., Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 *BUFF. L. REV.* 1, 45–46 (1990).

¹¹⁸ Anna B. Reisman, Helena Hansen & Asghar Rastegar, *The Craft of Writing: A Physician Writer's Workshop for Resident Physicians*, 21 *J. GEN. INTERNAL MED.* 1109, 1109 (2006) (paraphrasing Dr. Verghese's words from the workshop and citing Abraham Verghese, *The Physician as Storyteller*, 135 *ANN. INTERN. MED.* 1012 (2001)).

¹¹⁹ *Id.*

¹²⁰ Lisa Kerr, *More than Words: Applying the Discipline of Literary Creative Writing to the Practice of Reflective Writing in Health Care Education*, 31 *J. MED. HUMANS.* 295, 296 (2010).

¹²¹ *Id.*

write about.”¹²² By being aware of the need to obtain a patient’s story, physicians better observe, listen, empathize, and develop a sensitivity for the patient’s language, and understand different perspectives and points of view.¹²³ We extrapolate from this literature that the benefits of focusing on storytelling in the context of reflective essay writing carry over to legal training as well. Lawyers that have been trained to observe, listen, and empathize are more likely to develop a sensitivity to the story the client is telling them. “[W]riting concurrently in non-professional forms can help [] bridge the distance between lawyerly language, personal voice, and interpersonal communication.”¹²⁴ These skills, therefore, enhance a student or lawyer’s ability to serve clients in a culturally sensitive and ethically sound manner by more deeply understanding the client’s story and effectuating the client’s wishes.

Crafting a reflection essay as a narrative is also an opportunity to practice creativity.¹²⁵ While Aristotle describes a story as having a beginning, middle, and end, the structure of stories can be flexible and rearranged to capture the audience’s attention, relay the story, and change their minds in some way.¹²⁶ Lawyering—like many professions—ultimately relies on creativity in addition to the technical fundamentals learned in school.¹²⁷

3. *Cathartic nature of creative writing transfers to lifelong wellness practices*

Extensive literature analyzes the dissatisfaction, depression, and unhappiness experienced by attorneys.¹²⁸ Whether these phenomena are due to long hours, the competitive and adversarial nature of the

¹²² Reisman, *supra* note 118, at 1111.

¹²³ Kerr, *supra* note 120, at 300; Johanna Shapiro, Deborah Kasman & Audrey Shafer, *Words and Wards: A Model of Reflective Writing and Its Uses in Medical Education*, 27 J. MED. HUMANS. 231, 238–39 (2006).

¹²⁴ See Andrea McArdle, *Teaching Writing in Clinical, Lawyering, and Legal Writing Courses: Negotiating Professional and Personal Voice*, 12 CLINICAL L. REV. 501, 526 (Spring 2006).

¹²⁵ See BRUNER, *supra* note 60, at 13–14 (describing how law looks to the past, while literature or fiction looks to the future and “the possible”).

¹²⁶ GILLIE BOLTON, *REFLECTIVE PRACTICE: WRITING AND PROFESSIONAL DEVELOPMENT* 105 (2d ed. 2005) (describing one’s stories as a volatile system that is constantly changing), 114–16 (describing the ability to omit, fictionalize, and experiment with one’s experiences through reflective stories).

¹²⁷ As generative AI technology automates more rote tasks in lawyers’ daily work, creativity will play an increasingly important role for lawyers. Bernard Marr, *How Generative AI Will Change the Jobs of Lawyers*, FORBES (Mar. 14, 2024), <https://www.forbes.com/sites/bernardmarr/2024/03/14/how-generative-ai-will-change-the-jobs-of-lawyers/?sh=335a48a815a1>; see also Jay M. Baruch, *Creative Writing as a Medical Instrument*, 34 J. MED. HUMANS. 459 (2013) (comparing the practice of medicine directly to the act of creative writing).

¹²⁸ Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 557–58, n.2–6 (2015) (collecting publications describing high levels of emotional distress, dissatisfaction, and mental health distress amongst lawyers).

profession, or working in areas of law that are emotional and high stakes, the stressful nature of the work is largely accepted and perhaps even expected.¹²⁹ Spending time focused on creativity and creative writing in law school can promote well-being.

The Yale creative writing workshop for medical residents found that not only did the participants sharpen their observational skills and their own sense of self, the process of creative writing and sharing that writing with a trusting group had an unanticipated therapeutic effect.¹³⁰ Writers considered their role as doctors, how to maintain passion for medicine, and how to prevent burnout.¹³¹ By sharing their work in a workshop, residents felt they developed greater community and observed that it was helpful to see others going through similar experiences.¹³² This research comports with observations of law externship faculty who conduct rounds discussing the experiences of externship students; students express appreciation for peer advice and feel less alone knowing others are experiencing similar issues.¹³³

Incorporating storytelling into reflection helps serve as an emotional release.¹³⁴ In fact, sometimes, emotional release is the most compelling reason to tell a story.¹³⁵ Practitioners experience “anger, frustration, elation, pride, sadness and joy.”¹³⁶ The catharsis of storytelling compels practitioners to seek out storytelling opportunities. For example, Anderson, in her academic success practice, meets with students who have struggled in the first semester of the first year. She asks the students when she meets with them to tell the stories of their first semester. While her initial goal in encouraging students’ storytelling is to learn from practice and experience, she has found that the students use the opportunity as an emotional release. Only when they express the shame, humiliation, embarrassment, and shock of their first semesters can they start to make sense of the experience and grow from it. During meetings over the course of a semester, students tell and retell their stories of the first semester; their stories change and eventually they make more meaning out of their experience.

¹²⁹ See, e.g., Dustin S. McCrary, *What I Wish I Had Known Before Becoming a Lawyer*, HARV. BUS. REV. (Jan. 6, 2022), <https://hbr.org/2022/01/what-i-wish-i-had-known-before-becoming-a-lawyer>; Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

¹³⁰ Reisman, *supra* note 118, at 1111.

¹³¹ *Id.* at 1110.

¹³² *Id.* at 1110–11.

¹³³ Megan Bess, Ryan Johnson & Linda Albert, *Case Rounds Redefined: Multidisciplinary Perspectives in Reflective Practice*, 75 WASH. UNIV. J.L. & POL’Y 71, 81–82, 107–08 (2024).

¹³⁴ McDrury & Alterio, *supra* note 85, at 63, 64.

¹³⁵ *Id.*

¹³⁶ *Id.*

Many books that are the subject of happiness or career satisfaction incorporate personal reflection through guided writing. The guided writings combine the concepts of reflective writing and storytelling.¹³⁷ These prompts integrate a lawyer's personal values into their professional identity and ground the lawyer in the meaning of their work, and in turn, support their well-being.¹³⁸

Framing reflection as a personal story, with the attendant elements of a story, creates a “two for the price of one” approach. By focusing on creative writing techniques, students gain the benefits of crafting stories and the reflective process. This emphasis on the story risks making reflection incidental to the writing, but it may also yield interesting and imaginative results. Finally, students understand the relevance of storytelling to the legal advocacy process and feel less like reflection is an “extra” activity that takes time.

Although storytelling and reflection converge in many ways, they also diverge in one key respect. Reflection on professional identity development and growth is about self-evaluation and self-regulation. Storytelling by its very nature is meant to be shared—to have an audience. In fact, in nearly all the descriptions of storytelling that exist, the audience is a key constant of the equation. It is the very reason that stories are told. That divergence is described in Part II.

II. STORYTELLING AND REFLECTION DIVERGE

A. Audience

Write with the door closed, rewrite with the door open. Your stuff starts out being just for you. . . , but then it goes out. Once you know what the story is and get it right—as right as you can, anyway, it belongs to anyone who wants to read it.

—Stephen King¹³⁹

¹³⁷ For example, in his book *The Creative Lawyer*, Michael Melcher uses discussion prompts for career discernment. MICHAEL MELCHER, *THE CREATIVE LAWYER: A PRACTICAL GUIDE TO AUTHENTIC PROFESSIONAL SATISFACTION* (2007). Similarly, Nathalie Martin discusses the importance of identifying and writing about peak experiences in one's life as method of ascertaining one's core values. NATHALIE MARTIN, *LAWYERING FROM THE INSIDE OUT: LEARNING PROFESSIONAL DEVELOPMENT THROUGH MINDFULNESS AND EMOTIONAL INTELLIGENCE* (2018).

¹³⁸ Little, *supra* note 65, at 50 (describing how reflective thinking and writing helps learners process their emotions and build awareness of others' emotions).

¹³⁹ STEPHEN KING, *ON WRITING* 57 (2000).

As writers and teachers, we think about the story as comprised of the characters, context, theme, and directed to a specific audience. In a reflective essay, however, the audience is really oneself and the story told is often an effort to resolve a conflict within oneself.¹⁴⁰ We illustrate this with diverging circles below.

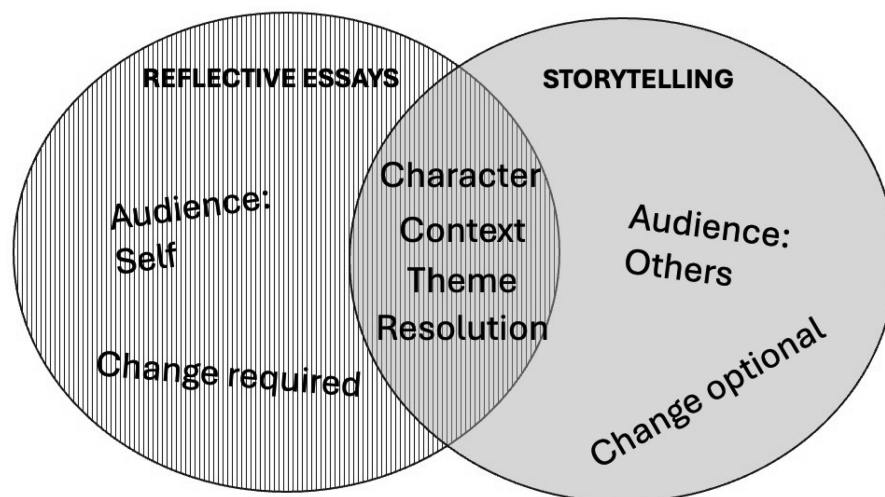


FIG. 4. CONVERGING AND DIVERGING ASPECTS OF REFLECTIVE ESSAYS AND STORYTELLING

Jerome Bruner contemplates that one's understanding of the "self" evolves based on the telling of one's own story and context: "[W]e constantly construct and reconstruct our selves to meet the needs of the situations we encounter, and we do so with the guidance of our memories of the past and our hopes and fears for the future."¹⁴¹

Does this construction and reconstruction work, however, if a reflection becomes an assignment for a law school course? The benefits of construction and reconstruction seem premised on an assumption that the learner sees the intrinsic value and engages in writing reflections and processing the event for themselves and their own growth. Assigning a reflection essay and focusing on it as a (potentially

¹⁴⁰ See Jennifer N. Rosen Valverde, *Using Narrative Therapy to Re-author the Dominant Law Student Narrative, Foster Professional Identity Development, and Restore Hope*, 28 CLIN. L. REV. 329, 335–38 (2021) (describing narrative therapy as including an exploring stage where the client explores their own lives, a deconstruction stage where they break the narrative into smaller parts, and a re-authoring stage where the client rewrites the problematic narrative).

¹⁴¹ BRUNER, *supra* note 60, at 64.

graded) story risks changing the primary audience to the instructor.¹⁴² Sarah Saffian, a memoirist and psychotherapist, distinguishes writing for other readers and writing for oneself. In her therapy practice, Saffian uses memoir-writing prompts to encourage reflection and processing.¹⁴³ At the same time, she notes that memoir writing is a craft intended to create meaning out of an experience in order to share it with others.¹⁴⁴ To the extent that the writer needs to process their experiences, therapeutic writing is a different type of writing and a different kind of setting and focus.¹⁴⁵

Perhaps the answer, then, is that reflection paired with storytelling is a two-stage process. Learners experience the immediate benefit of writing and reflecting on an event without an audience and with the goal of developing their skill for reflection as part of their own habits of practice. If the learner later uses their initial written reflection as a story that is told to a group, the group can dissect and challenge the assumptions and interpretations inherent in the story.¹⁴⁶ And, in the context of professional education such as law school, a group's reaction and examination of a professional situation can prompt shared understanding and community.¹⁴⁷ In this way, the reflective essay moves from a tool for therapeutic processing in Saffian's framing to a tool to pass on and create a collective understanding of meaning for the group and to shape group values.

This thesis is consistent with another key lawyering principle related to storytelling: regardless of the writer's intent, it is unlikely that all writing will be experienced in the same way by all audiences. Jenny Moon writes, "There is a logical argument that all fiction is generated on the basis of the inner experience of the writer and that we read it by matching it to our own inner experiences."¹⁴⁸ The reader necessarily brings their own experiences, biases, and preferences to their understanding and interpretation of a reflective essay. Similarly, judges or other decisionmakers will bring their same lived experiences when evaluating a legal argument in a brief. As lawyers and writers, one must keep in mind the individual experiences of the reader when framing

¹⁴² See Tyler & Mullen, *supra* note 2, at 294 (noting creating a "safe and liberating space" for storytelling—divorced from grading—was fundamental).

¹⁴³ Sarah Saffian, "The Crucial Distinction Between Writing for Other Readers and Writing for Yourself," *The Eleventh Hour: Iowa Summer Writing Festival Podcast* (Mar. 24, 2025), <https://www.youtube.com/watch?v=EXzhhsLaWC0>.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ McDRURY & ALTERIO, *supra* note 61, at 49.

¹⁴⁷ Bess et al., *supra* note 133, at 102.

¹⁴⁸ MOON, *supra* note 97, at 122; JENNIFER A. MOON, USING STORY IN HIGHER EDUCATION AND PROFESSIONAL DEVELOPMENT 15 (2010) (noting that "strategic or perceptive" students will modify written journals reviewed by instructors to suit the criteria for assessment).

persuasive arguments. Using reflection to better understand the storytelling process can be a way for the teacher to highlight how choices the storyteller makes can frame their thoughts for the audience.¹⁴⁹

B. Accuracy and Authenticity

Considering the audience and the role of the audience hints at a key concern. Does emphasizing story encourage fictionalization? Tyler and Mullen suggest that fictionalization may be fine. Stories, as used in their research project, were not intended to identify the objective truth—or even “to persuade or to provoke.”¹⁵⁰ Rather, the value of storytelling is in the process itself.¹⁵¹ “[T]elling a story helps students better understand what they have experienced.”¹⁵² Similarly, Jenny Moon states, “‘fact’ and ‘fiction’ are not, of course, discrete categories.”¹⁵³ Research demonstrates that much of our memories are “full of distortions, additions, omissions, elaborations, and other errors.”¹⁵⁴ In fact, Lisa Genova describes multiple studies in which researchers have duped participants, through leading questions, into remembering something they had never experienced.¹⁵⁵ A personal story wrapped in fiction—intentionally or unintentionally—may allow more exploration. Reflection often focuses on the learner’s decisions and what can be gleaned from that decision. Fiction may allow exploration of the choice not taken.¹⁵⁶ Even if the writer fictionalizes or stretches their imagination for some reason, the writer learns something about themselves in the process.

Couching the practice of writing reflective essays as a genre of storytelling may give students more agency. The writer can choose what facts, feelings, and elements to emphasize and what to share or not share. The writer can explore themes that concern them the most. In Essay B

¹⁴⁹ See Section III.B., *infra*.

¹⁵⁰ Tyler & Mullen, *supra* note 2, at 298.

¹⁵¹ *Id.*

¹⁵² *Id.* (quoting James Elkins, *On the Emergence of Narrative Jurisprudence, The Humanistic Perspective Finds a New Path*, 9 LEGAL STUD. F. 123, 143 (1985) (“We find out who we are as persons by the story we tell, by the conversations we have with others, the way we imagine ourselves, and the way we are able to understand and reflect on the ways our lives unfold.”)).

¹⁵³ MOON, *supra* note 97, at 122; see also Kathryn Abrams, *Hearing the Call of Stories*, 79 CAL. L. REV. 971, 1026 (1991) (“Creating any narrative involves a process of mediation, of muting and amplification, of selection among details.”).

¹⁵⁴ GENOVA, *supra* note 80, at 99.

¹⁵⁵ *Id.* at 102. Genova describes one study in which investigators told participants stories about autobiographical events that had never happened, claiming that they had learned the stories from family. *Id.* at 103. The results of the study were astounding: 25-50% of the people insisted that they remembered details about the events that were completely fictionalized. *Id.*

¹⁵⁶ MOON, *supra* note 97, at 129 (describing an exercise where the writer takes one element of a story and changes it to explore the consequences of having made a different choice).

above, for example, the writer focused on what sparked their interest in a particular area of practice. Another writer could have taken the same incident of interviewing a witness accused of securities fraud, emphasized the details of that experience, and thereby explored in greater depth the experience of fact investigation rather than their own career arc that led them to law school. Similarly, in the introductory story, the writer emphasized the importance of showing up for every appointment. Another writer might have emphasized the first-generation law student experience, or the importance of not making assumptions based on student signals.

The same authenticity and accuracy concerns that arise in reflective essays exist when a lawyer shares a client's story. Laurie Shanks uses a storytelling technique to highlight the challenges of client-centered interviewing.¹⁵⁷ Students tell each other a story about an event that changed their lives and then present the other's story to the audience.¹⁵⁸ In debriefing the activity, Shanks explores factors that may have changed the story that each student shared—including the ease of telling the story, the impact it would have on the audience's impressions, the identity of the audience, and (for the second speaker in the pair) the partner's story.¹⁵⁹ Students discuss what it means to represent another person and tell that person's story and reflect on the difference in this exercise, where they had the ability to choose the story that they wished to share and where their clients do not.¹⁶⁰ Sharing students' reflective stories prompts "[t]he ability to be both self-aware and empathic to clients"—"a skill that the best attorneys are constantly striving to improve."¹⁶¹

Self-awareness is also a basis for understanding professional identity, ethics, and wellness for lawyers themselves. Applying self-determination theory research, Larry Krieger identifies autonomy, competence, and relatedness to others as three of the four psychological needs for a satisfying human life.¹⁶² (The fourth is self-esteem.¹⁶³) These three factors are related and tied to one's capacity to act consistently with one's own values and "true self."¹⁶⁴ Self-awareness, therefore, relates

¹⁵⁷ Shanks, *supra* note 3, at 526–35.

¹⁵⁸ *Id.* at 517–18.

¹⁵⁹ *Id.* at 521–25.

¹⁶⁰ *Id.* at 527 (describing the students' stories as a "snapshot" carefully selected from a "photo album" and crafted in a positive light, with the ability to "crop" the picture of details that they did not wish to share).

¹⁶¹ *Id.* at 530.

¹⁶² Larry Krieger, *The Most Ethical of People, the Least Ethical of People: Proposing Self-Determination Theory to Measure Professional Character Formation*, 8 UNIV. ST. THOMAS L.J. 168, 171 (2011).

¹⁶³ *Id.*

¹⁶⁴ *Id.* at 174–75.

to authenticity and meaningfulness in interactions with others.¹⁶⁵ Finally, sharing reflections—even with an instructor alone and not the class as a whole—can increase feelings of vulnerability. Honest reflection requires trust. To be authentic, students may end up revealing aspects of their own personal history that they would not usually share, and that they may not even admit to themselves. By doing so, a student reconciles the internal and external contexts that affect their choices.¹⁶⁶

C. Advancement

Issues of authenticity and accuracy move us in turn to the question of whether the lesson identified by the storyteller leads to advancement and growth for the storyteller. Put another way, is the resolution of the story the right one? In writing reflective essays, where there is limited opportunity to question the person and engage in reflective dialogue, do we risk the student becoming an “echo chamber” and failing to identify the “right” lesson from the experience? In analyzing his own teaching, Gerald Hess notes numerous pitfalls of reflection—including lack of confidence, overwhelming complexity, and the slow pace of change.¹⁶⁷

Following from counseling and therapy disciplines, we understand that to *heal*, the storyteller must seek to become a more honest storyteller and be prompted to see their stories evolve over time, from an initial “self-serving” story to one that is the “most honest and truthful.”¹⁶⁸ Narrative therapy, in particular, recognizes that “each of us is storied by both self and other; ‘other’ may include family members, friends, membership in groups and communities, as well as social, cultural and political forces.”¹⁶⁹ Each person has a dominant narrative, and the therapist serves as a guide to help the client rewrite the story of their own life.¹⁷⁰

Here, then, is where storytelling and reflective essays diverge. While storytelling outlines a narrative arc, with a theme and a lesson and provides a means to share those learnings with an audience, reflective essays are the first step in a journey to explore one’s own self-development. At a time when AI can create text quickly and seamlessly, instructors are emphasizing writing as a process; writing is about “shaping ideas and engaging in meaningful discourse.”¹⁷¹ It involves “cultivating

¹⁶⁵ *Id.* at 173–75.

¹⁶⁶ Casey, *supra* note 6, at 339–42 (describing different ways students adapt internally to accommodate external factors that may affect their lawyering performance).

¹⁶⁷ Hess, *supra* note 89, at 138.

¹⁶⁸ Elkins, *supra* note 87, at 61.

¹⁶⁹ Valverde, *supra* note 140, at 335.

¹⁷⁰ *Id.*

¹⁷¹ Steven Mintz, “Teaching Writing in the Age of AI,” *Inside Higher Ed* (May 2, 2025), <https://www.insidehighered.com/opinion/columns/higher-ed-gamma/2025/05/02/challenges-and-approaches-teaching-writing-age-ai>.

essential habits of mind—critical thinking, argumentation, synthesis and the ability to navigate complexity.”¹⁷² We turn now to explore different classroom exercises that take advantage of the synergies between storytelling and reflection.

III. REFRAMING CLASSROOM DISCUSSIONS AND WRITING PROMPTS TO HIGHLIGHT DEVELOPMENT OF STORYTELLING SKILLS

In this section, we explore elements of the storytelling process that are useful to lawyers. What exercises train lawyers to be both reflective and good storytellers?

A. Finding and Identifying Stories for Reflection

Education theorists such as Drs. Gillie Bolton, Janice McDrury, and Maxine Alterio offer a variety of reflective creative writing exercises, and we have adapted some for the law school classroom. First, students need to find stories. They need to develop awareness, and a sense of observation, and look for learning events. Focusing on the story-finding aspect of the storytelling process encourages reflection by identifying learning that can be extracted from “*non*-critical incidents,” i.e., the things that would otherwise be ignored or forgotten.¹⁷³ In fact, the process of writing things down builds awareness and recall—or episodic memory.¹⁷⁴

In her field placement class, Tai asked her students to write for six minutes about anything that was on their minds.¹⁷⁵ Then students were asked to write in response to a specific prompt about the time they were most engaged as a learner.¹⁷⁶ Students spent fifteen minutes for this exercise in class, but it was not turned in. Instead, students were instructed to keep a log of short in-class written reflections that would be the basis for an end-of-semester long-form essay. This exercise allows for writing on what comes to the writer’s mind without self-censoring or worrying about a potential audience. Bolton describes this process as “a gift to yourself.”¹⁷⁷

¹⁷² *Id.*

¹⁷³ BOLTON, *supra* note 126, at 3; *see also* BRUNER, *supra* note 60, at 20 (“[G]reat narrative is an invitation to problem finding, not a lesson in problem solving.”). To illustrate how easy it is to miss things that one is not looking for (and thereby the importance of reflection), we play the invisible gorilla experiment video for students. *See* CHRISTOPHER CHABRIS & DANIEL SIMONS, *THE INVISIBLE GORILLA* 5–8 (2011).

¹⁷⁴ GENOVA, *supra* note 80, at 107.

¹⁷⁵ With credit to Amy Sankaran, University of Michigan. *See* Jenny Tubbs, *This I Believe: An Exercise with “Hot Pen,”* ZINGERMAN’S PRESS (Jan. 24, 2017), <https://www.zingermanpress.com/blog/2017/01/this-i-believe-an-exercise-with-hot-pen/>.

¹⁷⁶ *See, e.g.,* McDRURY & ALTERIO, *supra* note 61, at 68–69.

¹⁷⁷ BOLTON, *supra* note 126, at 145. In addition, in a classroom setting, the use of a free-writing exercise might also take the form of a formative assessment—an opportunity for

Anderson teaches Advanced Legal Writing: Writing Center—a course for 2L and 3L students who serve as tutors in the law school's Writing Center. In this class, she asked students to write answers to questions in response to class readings related to their tutoring practice before class discussion. The answers are not shared, but they are an opportunity for the student to think freely about their feelings. The opportunity gives students practice forms of writing—especially free writing—not utilized frequently in law school. It also gives students the chance to express their feelings and collect their thoughts before class discussion, which they may or may not choose to share with the class. Students then use class discussions and free writing to build their weekly reflections.

Providing a structure—without dictating the subject—may also enable the creativity and freedom needed for reflective exploration. In a study at the Melbourne University Medical School, David McLean and his coauthors applied an approach to reflection using short, structured tasks that they termed “in-verse reflection.”¹⁷⁸ The study described four different exercises; each exercise asked students to write a short word or a phrase response to a prompt.¹⁷⁹ The topics included the students' impressions of their medical studies, their experiences in their current rotation, the kinds of phrases they have overheard doctors use, and the senses associated with an incident in the last year.¹⁸⁰ After concluding the exercises, students read each other's writings and discussed. The study found these exercises sparked a sense of shared experience and camaraderie, and allowed medical students to engage with the affective dimension of medical practice.¹⁸¹ These findings highlight the process of developing a professional identity, and the research group theorized that engaging in these short group activities “aimed to awaken reflection in students instead of attempting to guarantee it.”¹⁸²

These impromptu stories and uncensored writings can be revisited later, and students can gather and collate their thoughts into a larger final reflection essay.¹⁸³ This method provides more time for students to reflect between the event and the writing. The writer can “freeze the

students to identify or share with the teacher their understanding of a subject so as to shape future class discussions.

¹⁷⁸ McLean, *supra* note 17, at 494.

¹⁷⁹ *Id.* at 497.

¹⁸⁰ *Id.*

¹⁸¹ *Id.* at 500.

¹⁸² *Id.* at 494.

¹⁸³ See McDRURY & ALTERIO, *supra* note 61, at 103–04 (discussing using reflections to create exemplars (i.e., case studies) of an experience). For Tai's externship class, after spending a portion of class time each week writing in response to reflective prompts and discussing storytelling in the law, students are asked to write a final reflection essay that discusses their own story. The prompt for this essay states:

film” on a particular frame, replay it, and examine it in a different light.¹⁸⁴ Feedback and questions from classmates or teachers can prompt students to re-examine their stories and consider whether there are new insights learned, or growth and development over time.¹⁸⁵ Moon describes this as “secondary reflection.”¹⁸⁶ This act—moving from small stories to

As you wrap up your externship, this final reflection is an opportunity to pull together the experiences that you have had this semester (and last semester or in other legal internship experiences) into your own story and autobiography.

As you write your reflection, look back at your reflections from our in-class writing sessions and consider whether any of those writings can be expanded and used to illustrate your story. Describe your story, choosing your own starting point. Thinking about yourself as both the actor in an autobiography and audience for the writing, pull yourself back from your description and think critically. Reflect on how, why, what, where, and when.

- How have you arrived at this destination?
- What have been the challenges, trials and successes so far?
- Why do you think you were challenged or succeeded?
- Who/what helped and/or hindered you?

Each of us has a story, and when presenting that narrative to others, we make decisions about what gets included and excluded. For this journal prompt, think about your story and the story of the lawyer you read about. Next, considering the story of the lawyer you read about, think about:

- What did you and they choose to share?
- What did you and they choose not to share?

Finally, please consider the following:

- How would you describe your purpose? Has this sense of purpose changed over the course of your career/law school?
- What beliefs and values underpin your desire to be a lawyer? Why do you think you hold these beliefs or values?
- What can you do to make a difference?
- Are you surprised about what you learned or did not learn? Are there things you wished you had done or not done?
- What are you excited or worried about now?
- What are your personal and professional goals for the immediate future (approx. 2 years)?
- Do you feel satisfaction in your career/trajectory? Elaborate on when you feel satisfied and any concerns you may have about finding satisfaction now/in the future.

¹⁸⁴ BOLTON, *supra* note 126, at 8; *see also* MCDRURY & ALTERIO, *supra* note 61, at 108; Ogilvy, *supra* note 11, at 75–76 (citing DONALD A. SCHÖN, *THE REFLECTIVE PRACTITIONER* (1983) and DONALD A. SCHÖN, *EDUCATING THE REFLECTIVE PRACTITIONER* (1987) for the distinction between reflection-on-action and reflection-in-action, both necessary for professional development).

¹⁸⁵ *See* MCDRURY & ALTERIO, *supra* note 61, at 53–54.

¹⁸⁶ MOON, *supra* note 148, at 69 (stating that re-writing a reflection of an experience from a brief journal into a story is an effective means of making sense of an experience); DONALD A. SCHÖN, *EDUCATING THE REFLECTIVE PRACTITIONER* 31(1987) (discussing how reflection on past reflection-in-action may shape one’s future action); Bess et al., *supra* note 133, at 113–14 (describing an exercise that traces the evolution of the problem definition in rounds over the course of a class session); MCDRURY & Alterio, *supra* note 85, at 64–65 (providing time

a larger reconstructed story—echoes Tyler and Mullen’s observations of how stories allow students to synthesize complex aspects of their client’s experiences and their relationship to their clients.¹⁸⁷

B. *The Art of (Re)Framing and Perspective-Taking*

During the 2023 Applied Legal Storytelling Conference, we asked participants for ideas of storytelling exercises that could be adapted to teach reflection as well. Several attendees shared exercises focused on perspective-taking by asking students to re-write a previous essay from the perspective of a different actor. Much like the parallel universe thinking exercises developed by Jean Koh Peters and Susan Bryant, these exercises are a foundation for pausing, suspending judgment, and searching for alternative explanations.¹⁸⁸

We have adapted Peters and Bryant’s seminal work to experiment with different forms of parallel universe thinking, or perspective taking. In a class session focused on professional identity development, a prompt could ask students to think of an unsatisfactory interaction they recently had with a professional (e.g., doctor, lawyer, dentist, etc.).¹⁸⁹ The student can write that story from their own perspective and then write it from the perspective of the professional.¹⁹⁰

In a session of Anderson’s tutoring class that focuses on handling difficult situations, students roleplay peer tutoring of first-year writing students. Students take turns playing the tutor and the tutored student discussing a mock writing assignment. An unexpected result of the role-play exercise is how rich the tutored student’s perspective was about the role they played. Even when participants adopted a tutored student perspective using an example of writing *they did not write*, students felt invested in that writing and encouraged by positive feedback. They also felt disarmed by the peer tutor using strategies discussed in class and used by their peers to handle them as the difficult student. These

for additional responses and dialogue with listeners creates “[d]ePTH from a single perspective, and breadth from multiple views . . . provid[ing]opportunities to maximize reflective learning”).

¹⁸⁷ Tyler & Mullen, *supra* note 2, at 294–96.

¹⁸⁸ See Susan Bryant & Jean Koh Peters, *Reflecting on the Habits: Teaching About Identity, Culture, Language, and Difference*, in *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* 349, 358–59 (Susan J. Bryant, Elliott S. Milstein, & Ann Shalleck eds., 2014); *see also* Sue Bryant & Jean Koh Peters, *Habit 3: Parallel Universe Thinking*, *FIVE HABITS OF CROSS-CULTURAL LAWYERING & MORE*, <https://fivehabit-sandmore.law.yale.edu/jean-and-sues-materials/habits/habit-3/> (last visited Nov. 14, 2024).

¹⁸⁹ McDRURY & ALTERIO, *supra* note 61, at 70–72; *see also* Gerdy, *supra* note 65, at 57; Grose, *supra* note 27, at 59 (describing class exercises where students tell the story in a case from the points of view of different characters in a family law class or drafting a will from different perspectives in a trusts and estates course).

¹⁹⁰ McDRURY & ALTERIO, *supra* note 61, at 70–72.

feelings and observations enabled them to then translate these perspectives into their own tutoring practices. Interestingly, students often compare these sessions to feedback experiences that they had in their summer positions or at other times in law school. This combination—a roleplay from two different perspectives, coupled with connection to past experiences—cues students to effectively articulate why those feedback experiences fell short of the ideals discussed in class.

Likewise, in a class session discussing conflict management, Tai has asked students to write about a situation of conflict, to then write about that situation from the perspective of another actor, and then write it from the “third story.”¹⁹¹ The third story, as described by Doug Stone, Bruce Patton, and Sheila Heen, focuses on the difference between the two stories of the actors and crafts a description of the situation that starts from a neutral position.¹⁹² Starting a difficult discussion from the third story strives to remove the language of judgment and focuses the actors in the conflict on how to explore the issue.¹⁹³ “[T]he incident can be turned over in the hands, examined from different sides, looked at from underneath or looked at afresh.”¹⁹⁴ Considering this “third story” is a useful reframing by mediators to diffuse tensions between parties; similarly this approach could also be used as a reflection prompt in a judicial externship seminar or another course where students step out of the role of an advocate.¹⁹⁵

Similarly, Camesha Little describes the use of a dialoguing journaling technique as a way to prepare students for difficult conversations.¹⁹⁶ Using a “movie script” format, students write what person A states, and then how person B responds.¹⁹⁷ The writer can brainstorm and prepare multiple versions, experimenting with different tones for the conversation, different responses by the speakers, and the potentially different resulting outcomes.¹⁹⁸ This creative writing method essentially gives

¹⁹¹ The prompt states: “For our next class meeting, our guest speaker will discuss handling conflict and high-tension situations, conflict styles, and ways to de-escalate conflict. To help personalize the discussion, describe a real-life work situation where you have had to navigate conflict. Draft a 1-2 paragraph story. We will use this in class as a case study, so please feel free to anonymize the situation as needed.”

¹⁹² DOUGLAS STONE, BRUCE PATTON & SHEILA HEEN, *DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST* 149–62 (1999).

¹⁹³ *Id.*

¹⁹⁴ MOON, *supra* note 148, at 123.

¹⁹⁵ See KENNETH CLOKE & JOAN GOLDSMITH, *RESOLVING PERSONAL AND ORGANIZATIONAL CONFLICT: STORIES OF TRANSFORMATION AND FORGIVENESS* 57–58 (2000) (describing the magic of the third story that a mediator helps the parties craft from conflicting and opposing stories).

¹⁹⁶ Little, *supra* note 65, at 62–65.

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

students the opportunity to envision the other person's position and formulate a plan for how to navigate conflict.

Another exercise could have students write about a case from two different points of view: first, from that of the attorney as a main character and then, next, from the view of the client as the protagonist. We see this exercise underlying articles authored by clinicians. Clark Cunningham describes a clinic case involving a misdemeanor traffic stop and contrasts his clinic team's approach to the case as a *Terry* stop violation with the client M. Dujon Johnson's own unstated belief that the arrest was racially motivated.¹⁹⁹ In "Give them Back Their Lives," Binny Miller analyzes the perspectives of the different actors in a dispute that resulted in the arrest of her clinic's client in a department store.²⁰⁰ In Lucie White's "Sunday Shoes," White contrasts her own perspective as a white legal aid lawyer during a hearing for the overpayment of public benefits with that of her client, Mrs. G, an African American low-income woman.²⁰¹ These articles demonstrate the internal context, external context, and societal context that Tim Casey describes as higher stages of reflection.

Introducing narrative strategies in brief writing in a first-year legal writing course is a straightforward way to discuss perspective early in a student's legal education. When introducing facts and theme in persuasive writing, Anderson has students discuss strategies the writer uses in sample briefs to develop sympathies for the client, including character development and plot. Anderson then has students reframe the facts for the other side. She asks students to consider how to recast the antagonist as the protagonist using character development and plot. It is surprisingly difficult for students to recast their thinking and their writing in this way, and it yields interesting discussion of the power and limitations of persuasion.

Anderson also has students practice perspective-taking and reframing in her externship supervision seminar. There, she prompts students to tell the story of receiving feedback in their externship or to tell a story of another meaningful interaction they had with their supervisor. She asks students to think about and describe the story from their perspective first, and then to re-write the story from the perspective of the supervisor. She has found that this exercise, when students are willing to invest in it, provides the student with powerful insights. Further, she emphasizes both in her tutoring class and her externship seminar how these skills transfer to lawyering.

¹⁹⁹ Clark D. Cunningham, *Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse*, 77 CORNELL L. REV. 1298 (1992).

²⁰⁰ Binny Miller, *Give Them Back Their Lives: Recognizing Client Narrative in Case Theory*, 93 MICH. L. REV. 485 (1994).

²⁰¹ See generally, White, *supra* note 117.

Perspective-taking also reminds us to consider the power of framing. Cognitive framing can be used to evoke different associations for the same “states of the world.”²⁰² Economists Francis de Véricourt, Kenneth Cukier, and Viktor Mayer-Schönberger describe the law school case study method as way to constantly consider, “what if?”²⁰³ This practice develops the skills of imagining alternative realities and practicing framing skills.²⁰⁴ Understanding the use of frames translates directly to lawyering, with examples ranging from Spotify’s innovation of selling music as a streaming service rather than a thing one “owns,” to civil rights’ advocates re-positioning of same-sex marriage from a “rights”-based framework to one focused on values of love, commitment, and family.²⁰⁵

To illustrate reframing, teachers might use improv exercises in their class.²⁰⁶ For example, in “The Rant” game, students are placed in pairs. One person talks for one or two minutes about a subject of their choice—usually a pet peeve.²⁰⁷ The second person listens for the underlying needs and values of the speaker and translates the rant into a positive statement. Another common reframing exercise is the failure resume, where students, instructors, or successful attorneys share their failures and what they learned from what went wrong.²⁰⁸ The exercise acknowledges that everyone fails—it is part of the growth process—and encourages kinder self-talk about those failures. Writer Oset Babur states, “if you’re hung up on calling yourself dumb or a bad writer, it’s hard to get to the part where you make your piece a lot better.”²⁰⁹

To highlight reframing as a reflective exercise, Emily Esfahani Smith’s TED Talk is instructive. She reframes happiness as meaning with four pillars: belonging, purpose, transcendence, and storytelling.²¹⁰ She emphasizes that each individual has the ability to “edit, interpret, and retell [their own] story” even when “constrained by the facts.”²¹¹

²⁰² DANIEL KAHNEMAN, *THINKING, FAST AND SLOW* 363 (2011); *see also* DE VÉRICOURT ET AL., *supra* note 20, at 6 (explaining different frames evoke different conclusions despite the same underlying data).

²⁰³ DE VÉRICOURT ET AL., *supra* note 20, at 86–88.

²⁰⁴ *Id.*

²⁰⁵ *Id.* at 145–46, 189–90.

²⁰⁶ We use improv games to highlight and practice communication skills. For potential reading materials, *see* ALAN ALDA, *IF I UNDERSTOOD YOU, WOULD I HAVE THIS LOOK ON MY FACE?: MY ADVENTURES IN THE ART AND SCIENCE OF RELATING AND COMMUNICATING* (2017); BOB KULHAN & CHUCK CRISAFULLI, *GETTING TO “YES AND”: THE ART OF BUSINESS IMPROV* (2017).

²⁰⁷ Timothy M. Smith, *How Medical Improv Training Sparks Better Communication, Teamwork*, AMA Ed Hub (Nov. 13, 2020), <https://www.ama-assn.org/education/changemed-initiative/how-medical-improv-training-sparks-better-communication-teamwork>.

²⁰⁸ Tim Herrera, “Do You Keep a Failure Résumé? Here’s Why You Should Start,” *N.Y. TIMES* (Feb. 3, 2019), <https://www.nytimes.com/2019/02/03/smarter-living/failure-resume.html>.

²⁰⁹ *Id.*

²¹⁰ Emily Esfahani Smith, *There’s More to Life than Being Happy*, TED (April 2017), <https://youtu.be/y9Trdafp83U>.

²¹¹ *Id.*

Smith counsels that considering one's experiences, what one has one has lost or gained, can help develop a meaningful life story containing "redemption, growth, and love."²¹² For law students, who often feel the stress of their time in law school, developing reframing skills can help foster resilience, growth mindset, and satisfaction in law school and legal practice. So often, as human beings, we default into unproductive re-hashing and re-living of past events. By resisting rumination and using reflection for productive growth and problem-solving, students can shape their own stories into one of meaning and confidence.

C. Recognizing Categories in Storytelling: Stock Stories, Scripts or Schemas

Writing reflections can also lead to a discussion of the use of categories in writing, such as stock stories, scripts, or schemas. Lawyers habitually shape their client's story to parallel a familiar form or narrative arc, such as the Hero's Journey or the battle between David and Goliath.²¹³ They do so because "[w]e see and understand the world through 'stock stories'" that represent shared "human, social, and political values."²¹⁴ Within these stock stories is hidden assumed information; the stories also provide a concrete articulation of commonly shared values within a culture.²¹⁵ Amsterdam and Bruner explain that categories are "almost never constructed arbitrarily," rather, "they are extracted from some larger scale, more encompassing way of looking at things—either from some *theory* about the world or a *narrative* about the human condition and its vicissitudes."²¹⁶ Categories are a convenient shorthand, but the usefulness of categories is premised on a common understanding of "*what matters* to ourselves and those on whom we depend."²¹⁷ Categories, therefore, are related to frames, as how categories are defined and redefined are established by how useful the category is for the person's needs.²¹⁸

²¹² *Id.*

²¹³ See, e.g., Ruth Anne Robbins, *Harry Potter, Ruby Slippers, and Merlin: Telling the Client's Story Using the Characters and Paradigm of the Archetypal Hero's Journey*, 29 SEATTLE L. REV. 767, 776 (2006); see also MOON, *supra* note 148, at 57–58 (noting Western fairy tales typically structure events in threes).

²¹⁴ Lopez, *supra* note 42, at 3 (noting that stock stories help one person persuade others to help problem solve, which in turn is an activity characterized as "lay lawyering").

²¹⁵ *Id.* at 8–9; see also Elkins, *supra* note 87, at 49–52 (describing his own family story as one inherited from prior generations and tied to a specific place (Kentucky's Jackson Purchase) and values (Democrat in a fundamentalist church)).

²¹⁶ AMSTERDAM & BRUNER, *supra* note 19, at 11–12 (emphasis in original).

²¹⁷ *Id.* at 23 (emphasis in original).

²¹⁸ *Id.* at 22 (discussing use of a broad category "crime" as opposed to narrow category "felony, misdemeanor, or infraction" by lawyers due to the difference in consequences for a client facing charges).

A predictable storyline can serve as a bridge that eases the reader's understanding of the story.²¹⁹ When categories are drawn from folk stories, myths, or other stock frameworks, the reader is predisposed to follow the storyline to the inevitable conclusion, whether it is a heroic return from a quest, a rags to riches *Cinderella* story, or a tragic downfall of a sympathetic character.²²⁰ However, schema, scripts, and stock stories have negative traits; using them can risk imposing a presumed and traditional structure by those with power on persons with minoritized identities.²²¹ Lawyers and law students must understand the appeal of stock stories and make intentional decisions whether to use them or develop alternatives in their advocacy.²²²

To practice this skill, students could experiment with emphasizing characters and actions and selecting descriptors to follow different types of story structures or genres.²²³ Anderson teaches these strategies in brief writing. She teaches students to identify their client as the protagonist in the story and to develop their character to make them sympathetic. She also discusses strategies to make the antagonist less sympathetic. She initially uses a sample brief from Linda Edwards's text to teach these strategies.²²⁴ There, the protagonist/client is an individual who runs a credit agency. The protagonist was sued by a debtor who disputed an item on his credit report.²²⁵ The client failed to respond to the complaint in a timely way and filed a motion to set aside the default judgment.²²⁶ The client failed to respond to the complaint because his wife suffered a heart attack while they were out of town, and he was caring for her for several weeks.²²⁷ The client—clearly a family man struggling to make a living—befell a great personal tragedy.

Anderson discusses with her students the descriptors and verbs used in the fact section, and the placement of the key facts (and negative facts). When the writer is describing the protagonist, the writer

²¹⁹ MOON, *supra* note 148, at 57.

²²⁰ Lopez, *supra* note 4, at 9; *see also* AMSTERDAM & BRUNER, *supra* note 19, at 47 (explaining that receivers of stories “are quicker to see the expected than the unexpected”).

²²¹ AMSTERDAM & BRUNER, *supra* note 19, at 24, 37 (emphasizing that “[n]either habit nor culture has the final word on how we categorize things in our worlds”).

²²² *See, e.g.,* Aleksandra E. Olszewski, *Narrative, Compassion, and Counter Stories*, 24 *AMA J. ETHICS* 212, 213 (Mar. 2022) (“Stock stories and stories about stock characters are shared and shaped by people in power. Such stories present perspectives that support existing power structures as the neutral and given reality, while skirting responsibility for injustice.”).

²²³ *See, e.g.,* McDRURY & ALTERIO, *supra* note 61, at 72–75 (describing creative writing exercises that prompt reflection while following arbitrary story structures such as a journey); BOLTON, *supra* note 126, at 180–93 (describing reflective writing in different genre forms, including fantasy, poetry, and parody).

²²⁴ LINDA H. EDWARDS, *LEGAL WRITING & ANALYSIS* 319–24 (4th ed. 2015).

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

uses verbs like *promise*, *suffer*, *offer*, and *reply*.²²⁸ The writer also uses three paragraphs to describe the only slightly important heart attack of his wife.²²⁹ On the contrary, the writer uses similarly effective strategies to create a villain. In that brief, the antagonist/villain is never named.²³⁰ The first question Anderson asks is the plaintiff's name, and students scramble to find it. They eventually find it in the caption. Students then identify the verbs the writer associates with the antagonist. Students find words like *refuse*, *demand*, *argue*, and *defect*.²³¹ The class then discusses how they would use character, plot, and emphasis to create a different narrative arc, one in which the antagonist becomes the protagonist. Students struggle to flip the script, but they eventually discuss how the protagonist is a credit bureau—and credit bureaus typically are not sympathetic businesses—and the business owner becomes incompetent in running the business.

Examining stories and story structures allows for discussion of the potential harms of forcing a client's story into a stock story. Because stock stories can play such a powerful role in compelling a particular result, they challenge the notion of the legal process as a logical and neutral system.²³² Periodically, students can be upset by such a suggestion, especially after they feel trained from their 1L inception to view the law as neutral and objective. Does persuasive narrative have a place in a system that yields only an objectively fair result? The sample brief Anderson uses is a good example of how using stock stories creates risks. When examined from the other side's perspective, the antagonist/villain is at least as sympathetic as the client. Can a lawyer empower a client by freeing their narrative from some predetermined story? Does doing so also free the lawyer to engage in different means of achieving the client's goals?²³³

A lawyer should not make these choices reflexively. Examining counter-stories, as in "Sunday Shoes," can lead to a better understanding of both lawyering strategies and the impact of dominant narratives.²³⁴ Similarly, Liz Keyes has explored the role of binary immigrant narratives (namely, immigrants in search of the American Dream versus

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Id.*

²³² Lopez, *supra* note 42, at 10 (stating stories acknowledge "perhaps to an uncomfortable degree that we can only aspire to be neutral, certain and in control").

²³³ See, e.g., Carolyn Grose, *Of Victims, Villains and Fairy Godmothers: Regnant Tales of Predatory Lending*, 2 NE. UNIV. L.J. 71, 97 (2010); see generally White, *supra* note 117.

²³⁴ See White, *supra* note 117, at 28. There, the author describes the experience of a legal aid lawyer making choices about how to tell her clients' stories. She states: "I would counsel clients to describe themselves as totally helpless in order to convince the court that they met the statutory definition of disability. . . . [And] in AFDC work, . . . when I taught women to present themselves as abandoned, depleted of resources, and encumbered by children to qualify for relief, I taught them to say yes to the degrading terms."

poor, troubled, or criminal immigrants taking jobs and other resources from Americans) within the complexity of the immigration system.²³⁵ In the context of domestic violence cases, Leigh Goodmark contrasts the narrative of the “battered woman” characterized as passive and submissive with that of a “survivor,” which evokes strength, resilience, and triumph over violence.²³⁶ Failure to recognize and allow stories to be told—in all their intricacies and messiness—risks eliminating those voices from the conversation altogether.²³⁷ Lawyers must also recognize that decisionmakers face these challenges as well.²³⁸ Understanding the use of stock stories can lead to a discussion, in class, on how to address cognitive dissonance resulting from shifting the narrative to a more complex and multilayered understanding.²³⁹

After examining the use of stock stories and these considerations, students can turn to their own reflection essays and examine whether the narratives that they have crafted fall within similar patterns. Perhaps the stories they tell themselves fall into recognizable patterns focused on competition, self-interest, and winning such as: “Grades 1L year determine your career trajectory;” “It’s important to be on Law Review because firms will look for that on your resume;” or “BigLaw is the best way to get training to be a good lawyer.”²⁴⁰ Once students recognize that they are falling into the stock story, they can identify how to make choices to craft a different story for themselves.²⁴¹

D. *Experimenting with Rhetorical Devices: Metaphors, Similes or Analogies*

Like categories, lawyers wield metaphors, similes, and analogies in advocacy. Although law students have likely studied the importance of metaphors in writing, teaching storytelling—and storytelling techniques

²³⁵ Elizabeth Keyes, *Beyond Saints and Sinners: Discretion and the Need for New Narratives in the U.S. Immigration System*, 26 GEORGETOWN IMMIG. L. J. 207, 216–17 (2012).

²³⁶ Leigh Goodmark, *When Is a Battered Woman Not a Battered Woman? When She Fights Back*, 20 YALE J. L. & FEMINISM 75, 82–86 (2008).

²³⁷ *Id.* at 118 (“When we edit the stories of battered women, we lie about who they are and how they perceive the world around them. When those stories are accepted by others as truth, women are forced to live that lie.”); *see generally id.* at 114–34; Keyes, *supra* note 235, at 250–56 (describing the need to tell more complex stories of immigration to help shape views of lawmakers).

²³⁸ Keyes, *supra* note 235, at 252–53.

²³⁹ *Id.* at 253 (describing techniques, such as directly naming the preconceived narrative, to reframe the client’s narrative within a different context outside of “good” and “bad”).

²⁴⁰ These stock stories comport with Jennifer Rosen Valverde’s description of dominant narratives, which push out alternate stories. Valverde, *supra* note 140, at 335–36 (describing the process of exploration, deconstruction, and re-authoring narratives); *see also id.* at 345–56 (describing five “discourses” that support the dominant law student narrative).

²⁴¹ *Id.* at 338 (describing how people have agency and power to change their own narratives).

such as metaphors, similes, and analogies—in conjunction with reflection highlights the strategic and careful choice of language. For law students, this is a reminder that metaphors serve as a bridge between the known and the unknown.²⁴² They help convey a message in a compact way, while keeping the interest of the audience and even creating a lasting memory in the listener or the reader.²⁴³ Moreover, a well-chosen metaphor can suggest a particular trajectory or future and reinforce the persuasive message the lawyer wishes to convey.²⁴⁴

The selection of the metaphor, therefore, is important. “[M]etaphor is not merely an optional, rhetorical flourish. It is our most pervasive means of ordering our experience into conceptual systems.”²⁴⁵ “The metaphor we choose dictates our thoughts by defining which groups of concepts and images we can blend to create meaning. . . . [It] defines your viewpoint, expectations, strategy, and actions.”²⁴⁶ Michael R. Smith identifies four different ways metaphors are used in legal writing.²⁴⁷ A course on legal writing could analyze the ways attorneys employ these metaphors by examining cases and examples. Students could be encouraged to embrace use of metaphor in their trial advocacy simulations or when writing briefs. Practical strategies—such as jotting down potential metaphors for use in different types of cases or deals—can help convey the practical nature of this kind of creative thinking and connection.²⁴⁸

Being careful and conscious of language turns naturally into a discussion of the challenges with using metaphors. How can they be used incorrectly or poorly? What happens if one employs a metaphor that doesn’t fit?²⁴⁹ Or has the opposite effect of that intended? For example, a common example of a metaphor is a grade school model portray-

²⁴² KENDALL HAVEN, *STORY PROOF: THE SCIENCE BEHIND THE STARTLING POWER OF STORY* 58 (2007). Metaphors are also pervasive; Haven cites research that finds the average American uses almost six metaphors per minute when speaking. *Id.*

²⁴³ *See id.* at 60.

²⁴⁴ For examples of metaphors and their use to make ideas “stick,” *see* HEATH & HEATH, *supra* note 20, at 57–62.

²⁴⁵ Levit, *supra* note 2, at 265–66 (citing Susan Bandes, *Empathy, Narrative, and Victim Impact Statements*, 63 U. CHI. L. REV. 361, 383–84 (1996) and noting that this is a skill “only learned by doing”).

²⁴⁶ HAVEN, *supra* note 242, at 58–59; *see also* Elkins, *supra* note 87, at 47 (noting metaphors are inevitably accompanied by images).

²⁴⁷ Michael R. Smith, *Levels of Metaphor in Persuasive Legal Writing*, 58 MERCER L. REV. 919, 920–21 (2007) (listing these types of metaphors as doctrinal, legal method, stylistic, and inherent).

²⁴⁸ Robert A. Creo, *In the Arena: The Art of Persuasion—Analogies, Metaphors and Similes*, PA. LAW. at 14, 15 (Nov./Dec. 2016) (discussing the examples of analogies used to persuade in litigation).

²⁴⁹ *See, e.g.,* Stephen A. Newman, *Uses of Metaphor in Legal Argument*, 222 N.Y.L.J. 3:1 (Nov. 10, 1999) (noting that metaphors can be “misleading, overpowering or seductive”).

ing electrons orbiting around a nucleus. These images are compelling and readily recall images of planets orbiting around the sun.²⁵⁰ Yet the orbital mechanics of atoms are a metaphorical representation.²⁵¹ If this metaphor were, for example, to be used to explain aspects of a chemical compound in a court hearing, one must think about whether the metaphor works, and whether the metaphor appropriately balances accessibility with accuracy. Moreover, because metaphors are a form of pattern recognition, the audience must recognize the pattern to understand and adopt it. In a class session on metaphors, this is an opportunity to discuss the influences of culture, values, and unconscious biases in communication and consider settings in which metaphors may not translate well or may be misunderstood entirely.²⁵²

With this groundwork, one can then turn to using reflective prompts to practice applying metaphors to our everyday lives. Classroom exercises focusing on metaphors can give students freedom to be creative when they might feel otherwise constrained in the legal education classroom. Anderson, in her tutoring class, asks students to identify the animal that most closely reflects their tutoring personas. Even for those students who struggled to create emotion and depth in their reflective practices, the introduction of a metaphor into their reflection generated freedom and creativity in their reflections. One student wrote:

Elephants have around 150,000 muscle units in their trunks and are perhaps the most finely tuned organ found in any mammal. . . . In law school, my “trunk” feels like my brain. Every day is a test of how fierce it can flex in remembering balancing tests, how sensitive it can be in bringing emotional intelligence to a school sometimes operating in a feeling-less vacuum, and how multi-dimensional it can show up in being a good student, good friend, good mentor, and good person. I often joke about having to do other things to remind myself I am not just a brain in a chair, like working out, spending time with my husband, and connecting with my friends and family outside of Iowa. While my brain is strong, it also tires. Finding ways to best rest such a heavy-lifting muscle is a continual learning process.

²⁵⁰ HEATH & HEATH, *supra* note 20, at 56 (explaining this analogy is accessible in its simplicity and connection to solar systems).

²⁵¹ *See id.*

²⁵² Harold Anthony Lloyd, *Law as Trope: Framing and Evaluating Conceptual Metaphors*, 37 PACE L. REV. 89, 93–94 (2017) (discussing bias and the role of culture).

... [E]lephants have no natural predators They can crush and kill any other land animal, even rhinoceros. While part of their power comes from their sheer size, they have enormous versatility in their trunk . . . and a highly tuned emotional sensitivity and concern for others. . . . Elephants even have greeting ceremonies when a friend that has been away for some time returns to the group. I have always felt very attuned to the feelings of those around me. I am the go-to person for advice in my friend group and the “helper” or “problem-solver” in my family. Sometimes, this means I am sharing the emotional weight of others to lighten their burden while still holding on to my own struggles . . . But if I continually pour into others, I have no water left in my own well . . .

I have to embody another characteristic of elephants—their thick skin. Elephants’ skin is 2.5 cm in most places. It folds and wrinkles so they can retain up to 10 times more water than flat skin, helping to cool them down. In a place where a professor can call up your name randomly, ask you a difficult question, and put you on blast in front of classmates if you answer poorly, I have to have thick skin to survive. Even more so when it comes to a competitive environment and the urge to compare myself to my classmates (how much more they’re studying, how much better their outlines are, how more efficient they are at managing their time), those without thick skin fall prey to a vicious cycle of not feeling good enough. I continually try to find my thick skin and embody resiliency, confidence, and belief in myself to succeed as a law student. Reminding myself of my worth and purpose helps me ‘stay cool.’

Lastly, elephants form deep family bonds and live in . . . herds. . . . The herd is led by the oldest and often largest female in the herd (the matriarch). In more ways than one, the Writing Center has become my herd this semester . . . Community is the antidote for law schools’ difficulty. I feel belonging when I know others care for me, understand what I am going through, and believe in my potential. Finding supportive and authentic peers in the Writing Center has been a guiding light. The family we have created is foundational for me.²⁵³

²⁵³ Student Essay, Fall 2024 (edited for length and reproduced with permission). A student wrote this essay as part of the course “Advanced Legal Writing: Writing Center.” The

Similarly, a reflection prompt in a course exploring professional identity could ask students to brainstorm metaphors that illustrate their conception of lawyering.²⁵⁴ Listing out potential words can then lead to a discussion within the class of how each person conceives of their own professional identity.²⁵⁵ Class discussion can then analyze whether the words have positive or negative associations, what emotions are conveyed by the metaphors, and whether they reveal insights about each students' envisioned relationship with clients or the practice of law. The metaphors may highlight the ways our experiences might differ depending on our backgrounds or our planned practice area. One can start with these words and brainstorm ways that they reveal other layers in the professional identity of an attorney.²⁵⁶

CONCLUSION

As discussed in this Article, reflection is a critical skill for formation of professional identity, and storytelling is a fundamental lawyering skill. When the skills are taught in tandem, students get “two for the price of one.” We have discussed a series of exercises that prompt storytelling and experiment with literary devices and narrative techniques as tools for reflective practice. For Professor Tai, the writing and re-writing of one's story is particularly interesting, so she asks students to assemble the short writing that they completed in class during the semester into one larger final essay at the end of the year. Students are asked to write a story describing the arc of their law school and externship experiences and how that fits with their own values and their conception of the role of a lawyer. For Professor Anderson, using exercises to develop students' ability to empathize and express emotion is important to develop critical lawyering skills, professional identity, empathy,

prompt was: If you had to describe your experience in law school or in the Writing Center as an animal, what might it be and why? What is it like to be you?

²⁵⁴ See BOLTON, *supra* note 126, at 160 (providing prompt that begins “if my work were an animal [or food, drink, flower], what animal would it be?”). While Bolton's prompt is playful, James Elkins provides some more typical metaphors for the role of a lawyer. Elkins, *supra* note 87, at 47–48 (listing metaphors such as the lawyer as hired gun, friend, companion, problem solver, counselor, or warrior).

²⁵⁵ To contrast, one could discuss how lawyers are traditionally characterized as members of a hierarchical and privileged profession. See Jonnette Watson Hamilton, *Metaphors of Lawyers' Professionalism*, 33 ALTA. L. REV. 833 (1995).

²⁵⁶ See Martin White, *Metaphor and Reflective Teaching*, 16 Q. NAT'L WRITING PROJECT & STUDY WRITING & LITERACY 23, 25 (Fall 1994) (using this exercise to generate metaphors that can be used to analyze the role of a teacher); see also Donald Roth, *Narrative Metaphor: Integrating Insights in Cognitive Science into a Toolset for Intentionally Shaping Vocational Pursuits*, 23 INT'L J. CHRISTIANITY & EDUC. 69, 76–77 (2019) (describing a similar exercise and its use to examine and shape professional identity of teachers in a Christian college).

and well-being. While in the end, there is no single right approach for reflective writing, we believe the exercises and philosophy described in this Article—which focus on developing creative writing skills as part of the reflective process—may provide students with better guidance on how to engage in higher-level forms of reflection and avoid routine and surface-level reflection.