

LEARNING FROM CLERGY EDUCATION: EXTERNSHIPS THROUGH THE LENS OF FORMATION

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Educating Lawyers, the 2007 Carnegie Foundation study of legal education, challenges law schools to become more intentional about educating students for formation of professional identity. Noting that clergy education has focused more on the formative aspects of professional education than have other professional schools, the study suggests that legal educators could learn a great deal from clergy education about teaching for professional identity formation. Taking that suggestion to heart, the authors undertook an examination of clergy education, with a particular focus on the role of field education in students' personal and professional formation. This article reports on that examination of clergy field education, finding that in clergy education the primary educational goal of field education is reflection toward professional and personal formation. After reviewing various approaches to field education in clergy education, the authors suggest how legal externship teachers may learn from clergy education in making formation of personal and professional identity a central goal of the law school externship course, and offer suggestions of specific pedagogical and curricular approaches that may be adapted to externships in legal education.

INTRODUCTION

In its 2007 study of legal education, *Educating Lawyers: Preparation for the Practice of Law* (hereinafter “Carnegie Report” or “Educating Lawyers”),¹ the Carnegie Foundation for the Advancement of Teaching offers a provocative critique of legal education. In our view, the Carnegie study has more potential for affecting significant change in legal education than any such study in generations. Perhaps the most significant observation of the Carnegie study is its challenge that

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¹ WILLIAM SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND, & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW* (2007).

law schools become more intentional about educating students for formation of professional identity.² Noting that clergy education has focused more on the formative aspects of professional education than have other professional schools, the study suggests that legal educators could learn a great deal from clergy education about teaching for professional identity formation.³

Taking that suggestion to heart, we undertook an examination of clergy education, with a particular focus on the role of field education in students' personal and professional formation, and in this article we report on our examination of clergy field education.⁴ We found that in clergy education, the primary educational goal of field education is reflection toward professional and personal formation. After reviewing various approaches to field education in clergy education, we suggest how legal externship teachers may learn from clergy education in making formation of personal and professional identity a central goal of the law school externship course, and we offer suggestions of specific pedagogical and curricular approaches that may be adapted to externships in legal education.

I. THE CARNEGIE STUDY, FORMATION, AND CLERGY EDUCATION

Educating Lawyers analyzes both the theory and practice of modern legal education within a framework of the three "apprenticeships" of professional education: the cognitive, the practical, and the normative.⁵ The authors note that legal education is dominated by its attention to the cognitive, stemming from its traditional goal of teaching students to "think like lawyers," and the dominance of the case method and Socratic dialogue as the signature pedagogy of law schools.⁶ As to the practical apprenticeship, the authors find that law schools have made significant progress in improving students' development of practical skills during the past several decades, as a result of increased clinical and externship offerings and the development of simulated skills courses, although there is room for further growth.⁷ With regard to the normative apprenticeship, the authors trace the

² *Id.* at 29-33, 126-62.

³ *Id.* at 85.

⁴ This article is an elaboration of a presentation the three authors made at the Externships 6 Conference, Preparing Lawyers: The Role of Field Placement (Mar. 3, 2012).

⁵ SULLIVAN, *supra* note 1, at 27-29. The Carnegie Report uses the metaphor of "apprenticeships" to discuss legal education. *Id.* There are three such apprenticeships: the intellectual or cognitive apprenticeship develops what a lawyer knows and how a lawyer thinks; the practical apprenticeship develops the skills that a lawyer must possess; and the normative apprenticeship develops the lawyer's professional identity and purpose. *Id.*

⁶ *Id.* at 87-89.

⁷ *Id.* at 115.

development of explicit teaching of legal ethics from its inception as a reaction to Watergate to more recent efforts to infuse ethical discussion across the curriculum.⁸ They conclude, however, that legal education is weakest at developing the third apprenticeship, the normative or ethical aspects of lawyering.⁹

The Carnegie Report's authors recommend that legal educators pay more attention to how students form their ethical professional identities. They suggest that ethical formation will be improved by two distinct but related changes: (1) more attention to ethical and normative matters, and (2) better integration of the three apprenticeships.¹⁰ This second suggestion stems from the way legal education has historically addressed the three apprenticeships. The development of cognitive abilities has always been central for modern American legal education.¹¹ Improvements in teaching the practical and the normative have come through adding distinct experiences to the cognitive-dominated central curriculum. Courses specifically devoted to those tasks have been added to, rather than integrated with, what many legal educators regard as the real focus of law school—cognitive training.¹² This additive¹³ strategy has, among other negative consequences, resulted in a marginalization of practice and ethics-focused courses and the faculty that teach them.¹⁴ Therefore, the call is a challenging one: to do a better job of the ethical formation of our students and to do so by an integrated rather than an additive

⁸ *Id.*; see also, Judith Welch Wegner, *Carnegie Report Reveals New Challenges, Fresh Possibilities For Law Librarians*, AALL SPECTRUM, Feb. 2009, at 22.

⁹ SULLIVAN, *supra* note 1, at 149 (“When legal ethics courses focus exclusively on teaching students what a lawyer can and cannot get away with, they can inadvertently convey a sense that knowing this is all there is to ethics. It is no wonder that Deborah Rhode calls these courses ‘legal ethics without ethics.’”).

¹⁰ *Id.* at 149-91.

¹¹ *Id.* at 47-51 (stating the case-dialogue cognitive method is “distinctive to North American legal education and . . . a more typical academic presentation of material through classroom lecture”).

¹² *Id.* at 93 (“In recent decades, attempts by the organized bar to introduce more concern about preparing students to practice received a major boost with the American Bar Association’s widely circulated MacCrate report of 1992. The report recommended that law schools develop greater emphasis on instruction in skills, as well as the formation of values.”).

¹³ We use the term “additive” to refer to a curriculum in which courses in skills or ethics are added to the curriculum rather than having those topics integrated throughout the curriculum.

¹⁴ SULLIVAN, *supra* note 1, at 148-49 (“[W]hen legal ethics is treated as a branch of the law, faculty who specialize in this field are recognized as having expertise that gives them authority of a familiar sort. Unfortunately, this perception also leads many faculty whose specialty is not the law of lawyering to consider themselves unqualified to introduce ethical concerns into their courses. This tends to reinforce the segregation of ethical issues from the rest of the curriculum.”).

strategy.¹⁵

In the five years since its publication, the Carnegie study has generated substantial discussion among legal educators and the profession, with important new attention offered to the concept of professional formation. Referring to formation, the study notes that “the core idea is at once simple and profound: the ensemble effect of professional schools’ various educational practices is greater than the sum of the particular pedagogies taken in isolation. . . [l]aw schools shape the minds and hearts of their graduates in enduring ways.”¹⁶ The topic of professional formation has generated conferences,¹⁷ curriculum change,¹⁸ and emerging scholarship.¹⁹ This new attention is

¹⁵ *Id.* at 12-14.

¹⁶ *Id.* at 129.

¹⁷ Since the publication of *Educating Lawyers* (and the roughly simultaneous publication of ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP* (Clin. Leg. Educ. Assn. ed., 2007), which makes similar recommendations regarding educating for professional formation), several conferences focused on the recommendations of *Educating Lawyers* and *Best Practices*, including the goal of educating for professional identity, have taken place. LEGAL EDUCATION AT THE CROSSROADS: IDEAS TO ACTION, PART I, <http://law.sc.edu/crossroads/> (last visited Sept. 16, 2012). The University of Washington hosted Crossroads II, entitled Legal Education at the Crossroads—Ideas to Accomplishments (Sept. 5-7, 2008). The University of Denver Sturm College of Law hosted the Legal Education Crossroads III conference in September 2009, which focused on assessment under *Educating Lawyers* and *Best Practices*. LEGAL EDUCATION AT THE CROSSROADS, <http://www.law.du.edu/index.php/assessment-conference> (last visited Sept. 16, 2012). New York Law School has teamed with Harvard University Law School to sponsor a competition and conference focused on developing new techniques to provide a more comprehensive curriculum in legal education. “Future Ed” is a year-long contest which addresses improvements and innovations to legal education and cost reduction. The Center for Professional Values and Practices and Institute for Information Law and Policy co-sponsored the event with the universities. The competition used video conferences to disseminate information from speakers and showcase proposals. Participants presented education proposals at Harvard University Law School in October 2010 and the best ideas were subsequently presented at New York Law School on April 15-16, 2011. NEW YORK LAW SCHOOL, http://www.nyls.edu/centers/harlan_scholar_centers/institute_for_information_law_and_policy/events/future_ed (last visited Sept. 16, 2012).

¹⁸ For example, the University of Denver Sturm College of Law has developed “Carnegie Integrated Courses,” which add concepts and exercises that foster lawyering skills and professional identity to standard doctrinal courses taught from the podium. *See* DENVER STURM COLLEGE OF LAW, <http://denverlawplan.com/?p=728> (last visited Sept. 16, 2012). This year Stanford Law School announced the completion of its curriculum change that began in 2006. The new curriculum “transform[ed] its traditional law degree into a multi-dimensional JD. . . with expanded clinical training that enables students to represent clients and litigate cases while in law school.” MILLS LEGAL CLINIC OF STANFORD LAW SCHOOL, <http://www.law.stanford.edu/program/clinics/> (last visited Sept. 16, 2012); Judith Romero, *Stanford Law School Advances New Model For Legal Education*, STANFORD LAW SCHOOL (February 13, 2012, 11:27 AM), <http://blogs.law.stanford.edu/new-speed/2012/02/13/stanford-law-school-advances-new-model-for-legal-education/>. Other universities that have changed their curriculum in response to the Carnegie Report include Indiana University Maurer School of Law, which uses an innovative technique that “melds the theoretical understanding of the Carnegie Report and the practical application of the American Bar Association’s professional skills requirements.” MAURER SCHOOL OF LAW

heartening for the future of legal education, but it also reveals the complexity of the goal; legal educators' attempts to understand the rich concept behind professional formation requires them to go beyond their own experiences and their understandings of the law and legal education. They must, for example, learn about social science research about moral development, grapple with concepts of practical wisdom, and become adept at educational theory. The authors of *Educating Lawyers* note both the urgency and the difficulty of the goal:

although obvious as a concept, outside clergy education, the formative aspect of professional education is still not a major topic in its own right. Certain features of contemporary educational thinking seem, on the surface at least, to discourage such reflection. . . nevertheless, it seems beyond question that attention to the formative effects of pedagogical practice is a necessary step toward either assessing or improving legal education.²⁰

While Carnegie's call to understand professional formation has received a great deal of attention, one of its suggestions—that we learn from clergy education—has received little attention.²¹ The authors of this article decided to take that suggestion and examine the ways in which clergy education focuses on professional formation. Because we are teachers of externships, we were particularly interested in examining this question through clergy education's deployment of

DOCTOR OF JURISPRUDENCE, <http://www.law.indiana.edu/degrees/jd/curriculum.shtml> (last visited Sept. 16, 2012). Washington and Lee School of Law has completely transformed the third year in a way intended to integrate the three Carnegie apprenticeships. WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW ACADEMICS, <http://law.wlu.edu/academics/> (last visited Sept. 16, 2012).

¹⁹ See, e.g., Daisy Hurst Floyd, *Pedagogy and Purpose: Teaching for Practical Wisdom*, 63 *MERCER L. REV.* 943 (2012); Daisy Hurst Floyd, *Foreword, Empirical Professional Ethics, Symposium of the University of St. Thomas Law Journal*, 8 *UNIVERSITY OF ST. THOMAS LAW J.* 101 (2011); Neil Hamilton & Verna Munson, *Entering Law Students' Conceptions of an Ethical Professional Identity and the Role of the Lawyer in Society*, 35 *J. LEGAL PROF.* 1 (2011); Daisy Hurst Floyd, *We Can Do More*, 60 *J. OF LEGAL ED.* 129 (2010); Timothy W. Floyd, *Moral Vision, Moral Courage, and the Formation of the Lawyer's Professional Identity*, 28 *MISS. COLL. L. REV.* 339 (2009); Timothy W. Floyd, *Legal Ethics, Narrative, and Professional Identity: The Story of David Spaulding*, 59 *MERCER L. REV.* 941 (2008).

²⁰ SULLIVAN, *supra* note 1, at 85.

²¹ Recent searches on both Westlaw and Lexis using terms “educational theory, legal education, clinical education, normative education, practical, professional identity, clergy, theology/theological education, Carnegie, legal pedagogy, etc.” revealed no articles that focused on the comparison between legal and theology education. Articles focused on the Carnegie Report in 2007, but did not delve into the clergy component. See Laurie Barron, *Learning How to Learn: Carnegie's Third Apprenticeship*, 18 *CLIN. L. REV.* 101 (2011) (discussing the normative apprenticeship). The lack of scholarship is interesting considering the similar roles both ministers and lawyers play in counseling and interpersonal relationships to solve social problems. See Judith Welch Wegner, *Response: More Complicated Than We Think*, 59 *J. LEGAL EDUC.* 623 (2010) (drawing upon the Carnegie Report to focus on the comparison between legal and medical education).

externship experiences in professional formation of students.

Indeed, because of our institutional setting, each of us views our role as externship educators as focused on formation of professional identity. Mercer has made an institutional commitment to inculcate in all of our students the values of professionalism by explicitly placing character development and the formation of professional identity at the core of the curriculum. This focus begins with a required course in professionalism in the first year.²² Because Mercer's students take this professionalism course so early in their legal education, they start with a framework and a vocabulary for placing their subsequent learning in the context of professionalism.²³ This learning includes externship experiences, which include placements in a variety of nonprofit and governmental offices or judicial chambers. The first-year experience of Mercer students means that they are not novices on issues of professionalism when they begin their externships. As a result of their learning in the first year, they have a much deeper understanding of the values of professionalism as they take their place in the work place. The externship experience builds explicitly on the first year course in order to reinforce students' understanding of their developing professional identities. We have found that their experience in externship placements provide an important opportunity for students to explore questions of their own purpose and identity in the legal profession. Together, these opportunities help students develop professional identities that incorporate an understanding of professionalism and a resolve to be lawyers who exemplify it. The primary purpose of our externship course, in other words, is formation of professional identity.

In examining the role of externships in clergy education, we relied on several sources. First, the Carnegie Foundation's study of clergy education, *Educating Clergy: Teaching Practices and Pastoral Imagination*, provides a rich overview of clergy education at accred-

²² Mercer requires students to take Legal Profession in their first year and Law of Lawyering later in their legal education. Legal Profession provides a broad overview of personal and ethical issues facing the profession. Law of Lawyering provides an in-depth analysis of the ABA Model Rules of Conduct. These two courses serve as "book-ends" to training students in ethics and professionalism, which includes ethics training throughout the courses. See MERCER LAW, <http://www.law.mercer.edu/academics/clep> (last visited Sept. 16, 2012).

²³ The Legal Profession course provides first year students with an opportunity to: examine professional judgment challenges an attorney may face in the course of practice, read and discuss stories written by practitioners who faced difficult decisions, and hear from guest speakers in various legal areas—such as legal aid offices, big firms, inside counsel, and criminal defense attorneys—to be aware of professional issues that may be more prevalent in particular areas. See Timothy W. Floyd, *Moral Vision, Moral Courage, and the Formation of the Lawyer's Professional Identity*, 28 MISS. COLL. L. REV. 339, 351-52 (2009) (providing a description of Mercer's first year course of legal professionalism).

ited Jewish and Christian seminaries.²⁴ Second, there are a number of excellent resources on the particular topic of the role of field education in clergy education, and we reviewed several of those.²⁵ Third, we conducted interviews with two professional clergy educators whose focus is experiential education.²⁶ Finally, we reviewed course materials for field education courses at Emory University Candler School of Theology and Mercer University McAfee School of Theology.²⁷ We limited our investigation to the educational requirements for the Master of Divinity degree (M.Div.),²⁸ which is the professional degree in seminaries akin to the professional law degree.²⁹

II. WHY CLERGY EDUCATION?

As noted above, we decided to examine clergy education in part by Carnegie's references to its more developed understandings of professional formation. Each of us also has a personal interest in clergy

²⁴ CHARLES R. FOSTER, LISA E. DAHILL, LAWRENCE A. GOLEMON, AND BARBARA WANG TOLENTINO, *EDUCATING CLERGY: TEACHING PRACTICES AND PASTORAL IMAGINATION* (2006).

²⁵ See, e.g., MATTHEW FLODING, *WELCOME TO THEOLOGICAL FIELD EDUCATION!* (2011); DAVID O. JENKINS & P. ALICE ROGERS, *EQUIPPING THE SAINTS: BEST PRACTICES IN CONTEXTUAL THEOLOGICAL EDUCATION* (2010); THEODORE BRELSFORD & P. ALICE ROGERS, *CONTEXTUALIZING THEOLOGICAL EDUCATION* (2008). Each of these books is a collection of essays by clergy educators who focus on field education.

²⁶ In February 2012, we interviewed Dr. P. Alice Rogers at Candler School of Theology and Dr. Dock Hollingsworth of the McAfee School of Theology about field placement in clergy education. Drs. Rogers and Hollingsworth are both nationally recognized leaders in clergy field education. We are grateful to both for offering their time and expertise to this project. Interview with Dr. P. Alice Rogers, Candler School of Theology & Dr. Dock Hollingsworth, McAfee School of Theology (Feb. 2012).

²⁷ Drs. Hollingsworth and Rogers provided a wealth of materials from the field education programs at their respective schools.

²⁸ A Master of Divinity (M. Div.) is a professional theological degree designed to prepare students for effective ministry and service. A Master of Theological Studies (M.T.S.) prepares students for doctoral work in theology and comprehensive training for those planning to teach in the field. Universities also offer other degree programs in theology. For example, Duke offers a Master of Arts in Christian Studies and other doctoral programs. DUKE DIVINITY SCHOOL, <http://divinity.duke.edu/academics/degrees/master-divinity> (last visited Sept. 16, 2012). Notre Dame offers a Masters of Sacred Music. UNIVERSITY OF NOTRE DAME DEPARTMENT OF THEOLOGY, <http://theology.nd.edu/graduate-programs/master-of-theological-studies/> (last visited Sept. 16, 2012). The Association of Theological Schools (ATS) provides further information on the variety of degrees in theological studies. THE ASSOCIATION OF THEOLOGICAL SCHOOLS: THE COMMISSION ON ACCREDITING, <http://www.ats.edu/Pages/default.aspx> (last visited Sept. 16, 2012).

²⁹ We recognize and acknowledge the limitations stemming from the scope of our investigation. There are other sources on theological field education that we did not examine, and our research was limited primarily to accredited Christian seminaries that prepared students for practice in mainline Protestant denominations. These limits were because of time and the circumstances of our personal connections to Mercer University's McAfee School of Theology and Candler School of Theology of Emory University, and we expect that a broader examination would yield rich results.

education.³⁰ Even without those two incentives, there would be much to recommend the comparison of clergy education and lawyer education and the role of field placements or externships. There are marked similarities between clergy education and legal education, both in the historical development of educational requirements for the two professions, and also in the professional duties of clergy and lawyers.

A. *Similarities Between Clergy Education And Legal Education*

Professional education for law and the clergy have much in common. Both professions require post-graduate three-year professional degrees³¹ and both must pay attention to licensing requirements.³² Both clergy and lawyers have accrediting agencies that regulate the professions.³³ Additionally, both the accrediting bodies for clergy and lawyer education have leveled critiques that have changed the emphases of education in each sector. Indeed, the development of field education stems from the 1966 publication of an influential study, *Education for Ministry*,³⁴ sponsored by the Association of Theological Schools, which led to field education's becoming an accreditation requirement for the members of the Association of Theological Schools.³⁵ Both clergy and legal education moved into the academy

³⁰ Additionally, each of us has a personal connection to clergy education. Sarah Gerwig-Moore received a joint Masters of Theological Studies and J.D. from Emory University's Candler School of Theology and School of Law. Tim and Daisy Floyd are the parents of a United Methodist minister and observed her clergy education and now her involvement as a site supervisor of seminary interns.

³¹ Standard A.3.2.1 of the Standards of Accreditation of the Association of Theological Schools, on "Duration" for the Master of Div. degree, states "In order to fulfill the broad educational and formational goals of the MDiv, an MDiv program shall require a minimum of three academic years of full-time work or its equivalent." See THE ASSOCIATION OF THEOLOGICAL SCHOOLS, STANDARDS OF ACCREDITATION, 42 (2012), available at <http://www.ats.edu/Accrediting/Documents/DegreeProgramStandards.pdf>.

³² The analog in clergy education to the bar licensing process and requirements faced by law students are the ordination process and requirements of various denominations. Those requirements vary greatly from denomination to denomination. For clergy educators, this means paying attention to denominational differences in a way that is more challenging but not completely different from legal education's need to pay attention to state licensing differences.

³³ Compare AMERICAN BAR ASSOCIATION, http://www.americanbar.org/groups/legal_education/resources/standards.html (last visited Sept. 16, 2012), with ASSOCIATION OF THEOLOGICAL SCHOOLS, <http://www.ats.edu/Accrediting/Pages/StandardsOfAccreditation.aspx> (last visited Sept. 16, 2012).

³⁴ CHARLES FIELDING ET AL, EDUCATION FOR MINISTRY (1966).

³⁵ See HANDBOOK OF ACCREDITATION: A GUIDE FOR EVALUATING THEOLOGICAL LEARNING, ASSESSING THE RESULTS OF INFORMATION REGARDING LEARNING OUTCOMES, SECTION EIGHT, available at <http://www.ats.edu/Accrediting/Documents/Handbook/Section8.pdf> ("The MDiv degree should be evaluated primarily by its learning and formation results. The purpose of collecting quantitative and qualitative assessment results

about the same time and have experienced similar tensions and changes as a result of that decision. That move into the academy resulted in decisions for both types of professional education about what gets valued with regard to curriculum and pedagogy; who gets hired and promoted as faculty (leading to tension between valuing academic training and talent versus those with practical skills and experience); and admissions practices and standards.³⁶

Both types of education moved from a purely apprenticeship model into the academy, which engendered a devaluing of practice-oriented education with consequences for the role of experiential learning that both struggle with today.³⁷ Both types of education struggle with the role of skills versus cognitive emphases within educational context, and in both, there is a perceived gap between what happens in the academy and in practice.³⁸ Similar to legal education, clergy practitioners, church and other religious institutions, and some students also perceive a gap between the academy and practice.³⁹ In addition to structural similarities with regard to their place within the academy, there are also curricular similarities between clergy education and legal education. Both legal education and clergy education

is to prompt and guide faculty, administrative, and stakeholder evaluative reflection on the values of the resources or institutional attributes and how they are deployed in the educational program.”).

³⁶ See Edward Rubin, *What's Wrong with Langdell's Method, and What to Do About It*, 60 VAND. L. REV. 609, 643-44 (“For Langdell, the student’s rationality served as the basis for education, so that the educational process consisted primarily of developing a capacity for reasoning. He recognized other mental capacities as important, such as will, memory, or imagination, but he regarded these as the servants of rationality. The particular version of this approach that developed in the nineteenth century was known as the “doctrine of mental discipline.”).

³⁷ See Anthony V. Alfieri, *Against Practice*, 107 MICH. L. REV. 1073 (2009) (“Legal Education is against practice . . . many American law schools continue to privilege theory over practice in teaching, scholarship, and institutional mission. . . law schools promote a self-regarding vision of lawyer-guild professionalism, role differentiation, and dyadic adversarial conflict over civic professionalism, role integration, and community-based social justice.”); FOSTER, *supra* note 24.

³⁸ Barron, *supra* note 21, at 1076 (“This evolution displays a historic tension between the conventions of the practitioner community and the canons of the modern research university. From the practitioner community, law schools derive traditions of craft, judgment, and public responsibility. From the research university, law schools deduce ideals of knowledge, reason, and truth—academic ideals that emphasize objective, quantitative measurement and formal knowledge abstracted from the daily context of practice. Akin to philosophical positivism, this widely adopted academic epistemology heralds the value of importing “scientifically generated” forms of knowledge as “technical instruments for managing events in more rational ways.” Legal positivists grasp “law as an instrument of rational policymaking—a set of rules and techniques rather than a craft of interpretation and adaptation embedded in the common law.” This institutional seizure of scientific methodology and technical rationality, the Foundation shows, “undermined the academic legitimacy of practical knowledge” in legal education.).

³⁹ Interview with Rogers & Hollingsworth, *supra* note 26.

focus on textual interpretation, and the core curriculum in each is focused on how to read and to use text.⁴⁰

Like legal educators, clergy educators face the challenge of a monolithic educational program that prepares students for a wide variety of professional roles. One clergy educator with whom we spoke noted that almost half of his students will not work in congregational/local church roles, but will be working in roles such as chaplains, counselors, or in advocacy roles for non-profit organizations.⁴¹ Nonetheless, clergy education is still based on an assumption that most of its graduates will serve as pastors of local congregations.⁴² Similarly, legal educators know they are preparing students for both the practice of law and a number of other professional objectives and that even among those students who become practicing lawyers, their professional lives will be quite diverse.

The similarities between clergy and legal education reflect the similarities in the work of clergy and lawyers, as well as of the similar impulses that attract people to both professions. As two of the three original professions,⁴³ both reflect the root “to profess,” meaning that each is committed to the common good.⁴⁴ While lawyers are committed to justice and social relationships and order, the clergy are devoted to individual spiritual development and the role of the church in participation of public and social life. Both professions are involved in helping people through difficulties of one sort or another, and we have found that the impulses that motivate students to become clergy have much in common with those that motivate many people to become lawyers. Both groups seek work that has meaning, that improves peoples’ lives, and that offers help in times of crisis. In fact, cross-over between professions offers compelling evidence of that similarity;

⁴⁰ Law schools focus on the case-method of learning how to interpret and understand the law. The Carnegie Report recognized the case dialogue method is central to legal pedagogy, providing cognitive instruction of how to apply rules to facts. However, the Carnegie Report asserted that the case dialogue method does not result in desired results, especially when used beyond first year courses. SULLIVAN, *supra* note 1, at 75-78; *see also* Mitu Gulati, Richard Sander & Robert Sockloskie, *The Happy Charade: An Empirical Examination of the Third Year of Law School*, 51 J. LEGAL EDUC. 235 (2001). As to clergy education, much of the first year is focused on scriptural study as well as theological texts from the religious tradition. *See* Foster, *supra* note 24 (noting that the core curriculum in American seminaries is largely devoted to scripture, biblical languages, and systematic theology).

⁴¹ Interview with Rogers & Hollingsworth, *supra* note 26.

⁴² *Id.*

⁴³ The two professions are two of the three original professions, which included law, theology, and medicine. *See generally* WILLIAM F. MAY, *BELEAGUERED RULERS: THE PUBLIC OBLIGATION OF THE PROFESSIONAL* (2001) (providing an excellent study of the three original professions).

⁴⁴ *Id.*

there are numerous examples of people who have obtained both clergy and legal degrees and licensing, and many law schools offer joint law and theology programs.

B. Differences Between Clergy Education and Legal Education

While there are many similarities between the two professions, there are a number of important differences. First, seminary students are more likely to expect, and perhaps even desire, personal formation as part of their education than are law students. In fact, many seminary students attend seminary for the purpose of exploring their own spiritual development/formation.⁴⁵ In contrast, law students are less likely to attend law school as a means of personal development. And even those who may be open to personal development upon entering law school will soon assimilate messages that becoming and being a lawyer is more about cognitive development than about spiritual or personal formation. Clergy students recognize that part of their roles as clergy is to help others with spiritual development, while law students often regard their roles with clients quite differently. Therefore, legal educators face greater challenges in teaching normative development than do clergy educators.

Another difference that we found relative to the topic of identity formation is that one can assume some commonality of belief systems among seminary students and faculty in ways that are different than at most law schools.⁴⁶ Clergy students within a particular school may not share all beliefs, but there is still more homogeneity than one should assume in law school, particularly when it comes to discussions of personal beliefs. For example, community worship is offered at seminaries as a way to communally practice shared beliefs and to allow students to develop ministerial skills. In contrast, legal education at most law schools lacks both the presence of shared beliefs and a regular opportunity to practice those shared beliefs. That difference may erect barriers to the exploration of professional identity in law school that are not present in clergy education.

Third, a larger percentage of clergy students will have had some personal experience with the professional role of clergy before beginning seminary than there are law students who have had personal experience with lawyers in a professional role before beginning law school. Many of the clergy students will have engaged in worship at some point during their lives, and some of them will have interacted with clergy regularly throughout their entire pre-seminary lives. It is

⁴⁵ Interview with Rogers & Hollingsworth, *supra* note 26.

⁴⁶ We recognize that at some law schools, there is a shared mission that may refute this general statement, e.g., religiously affiliated law schools.

less likely that law students will have engaged the professional services of a lawyer or had the same regularity of interaction with lawyers during their pre-law school lives.

Another difference that we noted is that clergy are being prepared for a communal leadership role versus the emphasis in legal education on preparation for the attorney-client relationship.⁴⁷ This difference has several consequences for clergy education and, in particular, for the role of externships in clergy education. There is a role for the congregational community during the externship, whereas in legal externships, staff, supervisors, and others at the externship placement do not play a comparable collective role. Also, leadership is often an explicit goal for clergy education, which affects curriculum, pedagogy, and assessment.⁴⁸ We found that the preparation for a leadership role means that clergy education places skills of collaboration as a more primary goal than is the case in legal education.⁴⁹ While leadership has in recent years become more of a topic in legal education than it has historically been,⁵⁰ legal education has not made lead-

⁴⁷ That is, the role of pastor of a congregation.

⁴⁸ HANDBOOK OF ACCREDITATION, *supra* note 35, at 4-5, 7 (“The Master of Divinity degree program standard requires that students be educated in four areas: (1) Religious Heritage, (2) Cultural Context, (3) Personal and Spiritual Formation, and (4) Capacity for Ministerial and Public Leadership.”) (“[A]chievement and formation in these four areas should be integrated: “Instruction in these areas shall be conducted so as to indicate their interdependence with each other and with other areas of the curriculum, and their significance for the exercise of pastoral leadership.”).

⁴⁹ See *infra* notes 115-118 and accompanying text.

⁵⁰ University of Washington School of Law in Seattle, Washington created a mission statement to reflect leadership in the law: “To serve and educate our students to be leaders for the global common good.” ABOUT THE UW LAW SCHOOL: LEADERS FOR A COMMON GOOD, <http://www.law.washington.edu/About/default.aspx> (last visited Sept. 16, 2012). Elon University School of Law offers leadership programs to students, a journal dedicated to law and ethics, a Conference on Law and Leadership, and a Leadership Fellowship. THE LEADERSHIP PROGRAM: BUILDING A NEW GENERATION OF LEADERS, <http://www.elon.edu/e-web/law/leadership/?m=1> (last visited Sept. 16, 2012). Columbia University also recognizes the necessity for leadership in law. LEADERSHIP IN LEGAL EDUCATION, http://www.law.columbia.edu/law_school/communications/reports/winter07/leadership (last visited Sept. 16, 2012). The University of Maryland Francis King Carey School of Law offers a program in Women, Leadership and Equality that includes classes, seminars, practice-based fellowships, and events. WOMEN, LEADERSHIP, AND EQUALITY PROGRAM, <http://www.law.umaryland.edu/programs/wle/index.html> (last visited Sept. 16, 2012). The University of Chicago Law School recently introduced the Keystone Professionalism and Leadership Program to allow students to develop leadership roles necessary to succeeding as an attorney. Lynn Safranek, *Law School Introduces Keystone Professionalism & Leadership Program for Students*, UNIV. OF CHI. (Oct. 20, 2011), <http://www.law.uchicago.edu/news/law-school-introduces-keystone-professionalism-leadership-program-students>. New York University Law offers a leadership program geared specifically for lawyers interested in business. LAW AND BUSINESS ARE IN A STATE OF CONVERGENCE, <http://www.law.nyu.edu/leadershipprogram/index.htm> (last visited Sept. 16, 2012). The University of St. Thomas has established the Holloran Center for Ethical Leadership. UNIVERSITY OF ST. THOMAS, <http://www.stthomas.edu/hollorancenter> (last visited Sept. 16, 2012). Although

ership an explicit goal comparable to its prominence in clergy education.

A related, and significant, difference between lawyers and clergy is the primacy of the attorney-client relationship as part of the lawyer's professional identity, for which there is nothing analogous in the professional role of clergy.⁵¹ Instead, clergy education emphasizes the congregation as the relevant community while legal education posits the centrality of the attorney-client relationship for lawyers. For example, in writing about ministerial ethics, Barbara Blodgett, formerly of Yale Divinity School emphasizes this difference with regard to the obligation of confidentiality:

[M]any of the dilemmas of ministry arise precisely because a minister is in covenantal relationship with several people at once. A pastor of a congregation, for example, must honor not only the relationships she has with individual congregants but also those with her congregation as a whole, and indeed, with her denomination and the wider church.⁵² “[P]astors differ from other professionals in that they covenant with people not just as solitary individuals or isolated ‘clients’ but also as members of communities. The boundary is not drawn around two individuals alone, because they belong to a larger pastoral community.”⁵³

As an example, she describes a situation in which a pastor hears a confidence from one member of a family that belongs to the church.

the Center is not limited to leadership in the law, its Director and Associate Director are both law professors. Additionally, scholarship that focuses on implementing leadership training into legal education also exists to support these curriculum changes. See Donald J. Polden, *Educating Law Students for Leadership Roles and Responsibilities*, 39 *TOL. L. REV.* 353 (2008); Ben W. Heineman, *Law and Leadership*, 56 *J. LEGAL EDUC.* 546 (2006).

⁵¹ While our analysis focuses on protestant clergy, we note the similarities between the attorney-client and the priest-penitent privileges. Catholic priests are absolutely prohibited from revealing anything revealed under the Sacrament of Penance. Most Protestants do not recognize the Sacrament of Penance, and duties of confidentiality for protestant clergy have not been considered as absolute. The clergy-penitent privilege has long been recognized under American law, including by the United States Supreme Court. *United States v. Nixon*, 418 U.S. 683, 709 (1974) (stating communications between the president with his staff are not privileged, but communications with his priest may remain confidential); *Trammel v. United States*, 445 U.S. 40, 51 (1980) (recognizing that “privileges are rooted in the imperative need for confidence and trust. The priest-penitent privilege recognizes the human need to disclose to a spiritual counselor, in total and absolute confidence, what are believed to be flawed acts or thoughts and to receive priestly consolation and guidance in return. The lawyer-client privilege rests on the need for the advocate and counselor to know all that relates to the client’s reasons for seeking representation if the professional mission is to be carried out . . . barriers to full disclosure would impair diagnosis and treatment”); see also Michael J. Mazza, *Should Clergy hold the Priest-Penitent Privilege*, 82 *MARO. L. REV.* 171 (1998) (discussing arguments for and against a priest-penitent privilege and arguing for an expansion of the privilege).

⁵² FLODING, *supra* note 25, at 123.

⁵³ *Id.* at 125.

Because the entire family is under the pastor's care, the pastor does not have an obligation of confidentiality to one family member over another.

III. GENERAL LESSONS FROM THE ROLE OF EXTERNSHIPS IN CLERGY EDUCATION

We learned a number of intriguing lessons about the role of field placements in clergy education. As noted by Carnegie and others, the goal of formation is more explicit and therefore more fully developed in clergy education in general than is the case in legal education. That fact, and the related evolution of using experiential education to focus on the goal of formation rather than solely on skills development, offers a model that we believe would well serve the future of legal education. The following are those features of clergy field education that we believe hold the most resonance for field education in law schools:

A. *Field Education Is Required Of All Clergy Students*

Field education plays a central role in clergy education as compared to the ancillary role that it plays in legal education. One of the most notable differences is that clergy education requires field education for all students, and field education usually lasts for an entire academic year rather than the one semester that is typical of many law schools. The universality of this approach stems in part from the fact that field education is an accreditation requirement of the Association of Theological Schools.⁵⁴ As a result, some theology schools require a full-time field placement experience; that is, the student's entire experience in a semester or a year is through field education.⁵⁵

That clergy education requires field placement has significant consequences for: (1) the amount of resources devoted to creating meaningful field placement experiences; (2) student and faculty expectations about how students will spend their time during clergy education; (3) the ability of faculty in more traditional courses to reference the field education experience in their pedagogy; and (4) assumptions that that field placement is a shared learning experience for all clergy students.

⁵⁴ The Association of Theological Studies (ATS) reviews accreditation of theological degrees. ASSOCIATION OF THEOLOGICAL STUDIES, <http://www.ats.edu/Accrediting/Pages/default.aspx> (last visited Sept. 16, 2012).

⁵⁵ Seminaries of the Evangelical Lutheran Church in America require a full year internship because such an experience is an ordination requirement in the denomination. In addition, Southern Methodist University Perkins School of Theology and San Francisco Presbyterian Seminary require a full year internship as part of the requirement for the Master of Div. degree. *See infra* note 117.

B. The Role Of Field Education In Professional Formation: From Fieldwork To Field Education

Perhaps even more instructive for legal education is another major difference: not only is this form of experiential education required of all students, but its mission and role are explicitly designed to aid in professional formation, in particular, to assist clergy students in understanding the importance of reflection upon one's professional practices as an element of professional formation. While legal education has only recently begun to grapple with the goal of professional identity formation, clergy education has embraced that goal for much longer. Consequently, clergy education has a larger body of work to draw upon in understanding how to meet that goal. Importantly, for our purposes, the required clergy field placement experience is very much about professional formation, including the development of "the pastoral imagination" and skills of ministerial reflection. While field education may include the goal of practicing particular ministerial skills,⁵⁶ that goal is just one aspect of the educational experience; the primary goal is professional formation through reflection.

The emphasis on formation, instead of solely on skills development, is the result of an intentional curricular and pedagogical evolution that has taken place over a number of years within clergy education.⁵⁷ Legal education is at a much earlier stage of what could be a similar evolution. That evolution, however, will happen only if legal educators embrace the goal of professional identity formation; acknowledge the role of externships and other experiential learning opportunities in meeting that goal; and take on the hard work of mastering the consequent pedagogical complexities of experiential approaches.

Clergy educators have captured this evolution by using the label, "field education" to describe students' experiences.⁵⁸ In earlier stages, clergy educators called this type of experiential education "field work" and viewed it as something students did ancillary to their academic experiences, which were the heart of their seminary educations.⁵⁹ This earlier stage is similar to the additive strategy legal educators used to address skills and ethical education.⁶⁰ In clergy education, student's experiences in the field are now more commonly

⁵⁶ Based on our review of the literature and the interviews we conducted for this project, examples of ministerial skills include preaching a sermon, offering pastoral care to those in need, or preparing a scripture lesson.

⁵⁷ See BRELSFORD & ROGERS, *supra* note 25, at 5-7.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See *supra* note 13 and accompanying text for a discussion of an "additive" as opposed to an integrative curricular approach in legal education.

called “field education” or “contextual education” in recognition of this development of integrating field experiences into the heart of the educational experience.⁶¹

Theodore Brelsford of the Candler School of Theology has written about what he and others call a shift towards greater “contextualization” of theological education, that is, towards greater integration of the cognitive, practical, and normative. According to Brelsford, the shift is “connected to a serious wavering of faith in the primacy of theory and the possibility of grounding. There is instead now excitement and hope around a new focus on formation in practices rooted in traditions and manifest in dynamic contemporary contexts.”⁶² He describes three primary assumptions that undergird this shift, all of which have analogies in legal education.

The first assumption is that clergy must be able to respond to “the dynamic realities of actual ever-changing contexts;”⁶³ the second that “the practices of ministry are increasingly seen as constitutive of rather than derivative from theological convictions;”⁶⁴ and the third, that “theological education requires attention to personal formation and not simply learning of specialized lore and skills.”⁶⁵ Brelsford notes an added benefit to the greater integration of the cognitive, practical, and normative: that it narrows the perceived gap between education and practice.⁶⁶

Similarly, Emily Click of the Harvard Divinity School describes the evolution of field education in theology schools “from a marginalized supplementary work program into a crucial integrative aspect of a degree.”⁶⁷ Charlene Jin Lee, formerly at San Francisco Theological Seminary, now at Princeton Theological Seminary, notes the difference between the goals of skills training and of formation. While training presupposes an outcome, akin to relying upon an instruction manual, learning aimed at formation is “fluid,” relying upon a curriculum that “is created organically as it is lived.”⁶⁸ Lee states that “the course for formation is actively composed by the explicative activity of individuals, their interactions with others.”⁶⁹ Additionally, formation “invites a student to explore self-identity and to contemplate self in

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ JENKINS & ROGERS, *supra* note 25, at 12.

⁶⁸ FLODING, *supra* note 25, at 23.

⁶⁹ JENKINS & ROGERS, *supra* note 25 at 23.

ministry.”⁷⁰ Click describes the difference this way: “The central purpose of field education is to remind [the student] that she must pay attention to something beyond the tasks related to [a] ministerial situation.”⁷¹

While it appears that there appears to be relative consensus throughout clergy education about the importance and purpose of field education, theology schools use different pedagogical models. Click undertook a comprehensive study of field education programs in 2005, and identified three general types of field placement programs: “(1) The Reflection Through Supervision Model;” (2) “The Reflection Through Practicum Model;” and (3) “The Reflection Through Curricular Integration Model.”⁷²

Each form of field education involves three educational components: (1) the supervisory relationship, which is usually between a member of the clergy in the field and a student, but which might include a congregational member or committee; (2) the peer reflective seminar or practicum, usually led by a faculty member who may be a member of the regular faculty or specially trained adjunct faculty, who focus on students’ abilities to engage in learning with peers from the field experience; and (3) the integration of field-based learning with other aspects of the curriculum, which validates the inseparability of what is learned through field education and the learning that occurs in the rest of the curriculum. Although each of the field education program models value these components, they differ in the relative weight accorded to each.⁷³

According to Click, the three models⁷⁴ of field education programs in accredited seminaries that she examined are:

1. *Reflection through supervision.* In this model, institutions place the strongest value on learning in context, and students spend the greatest amount of time at the field education site. This model includes, but is not limited to, full-time placements away from the theology school. The major strength of the model is its emphasis on learning in context rather than in a setting removed from immediate engagement. The greatest challenge of this model is selecting and supporting excellent supervisors. This model is imbedded in practiced reflection that is closely tied to action. This field education model is analogous to in-house clinics in legal education.
2. *Reflection through seminar.* This model emphasizes the impor-

⁷⁰ *Id.* at 24.

⁷¹ *Id.* at 34.

⁷² *Id.* at 15.

⁷³ *Id.* at 16.

⁷⁴ *Id.* at 11-23.

tance of interpreting and reflecting upon contextualized experiences. The student spends time each week at the field placement — but less than full-time — and spends more time engaged in facilitated reflection activities about the field experience through a seminar than in the reflection through supervision model. This model is analogous to law school externships that have a regular classroom component. Click notes that the strength of this model lies in its distance from action, which brings a concomitant risk that reflection may be inadequately informed by context. Just as in law schools, there are many choices about who teaches the seminar component, i.e., regular or adjunct faculty. The key institutional question regarding this model is how best to constitute the seminar portion of the student's experience, including providing support for the seminar leaders and developing a curriculum for the seminars that supports learning for ministerial formation.⁷⁵

3. *Reflection through curricular integration.* In this model field education supplies critical education throughout the curriculum. This model is analogous to the “pervasive” approach to ethics education in law schools.⁷⁶ Just as a minority of law schools use the pervasive model of ethics instruction, the reflection through curricular integration model occurs at the fewest number of seminars.⁷⁷ According to Click, the key institutional question with this model is how to deepen integrative learning opportunities throughout the curriculum. The challenge lies in locating where learning occurs and in assessing that learning. The learning “may be happening everywhere, or nowhere.”⁷⁸ This model calls for an institution-wide commitment to learning how to instruct and how to engage both theory and practice, which may account for its low adoption at both theology and law schools.⁷⁹

C. *The Emphasis Upon Reflection And The Consequences That Flow From That Emphasis*

Regardless of which model an institution uses, the goal of each model is the same: to teach *ministerial reflection*. Ministerial reflection, according to Click, has three aspects: (1) theological reflection;

⁷⁵ *Id.* at 16-17.

⁷⁶ See DEBORAH RHODE, PROFESSIONAL RESPONSIBILITY: ETHICS BY THE PERVERSIVE METHOD (Little Brown ed., 2d ed., 1998) (course book designed to teach professional responsibility throughout the law school curriculum). Although we are not aware of any law schools that employ experiential education such as externships as a crucial focus of the pervasive approach, several law school use clinics as a way to teach legal ethics.

⁷⁷ *Id.* at 22

⁷⁸ *Id.* at 22.

⁷⁹ *Id.* at 11-23.

(2) skill building; and (3) growth of self-understanding.⁸⁰

The focus on ministerial reflection provides more evidence that professional formation is at the center of the field education experience. In describing the goal of field education in the education of clergy, various writers repeatedly used the following terms: formation, theological reflection, ministerial reflection, leadership, practical wisdom, contextual education, call and calling, discernment, integration, and identity.⁸¹ Legal educators use many of these terms to describe their purpose. Many of these terms and aspirations for field education, however, are unfamiliar to legal educators and might pose challenges for bringing them and the underlying concepts into law school education.

Legal and clergy field educators commonly use the term reflection.⁸² For example, Mary Anne Bellinger, Michael Dash, and Betty Jones note that “an important part of habit formation for priestly and pastoral identity includes ongoing theological reflection. . . . [I]t offers occasions for the student to develop a sense of personal identity while fostering effectiveness for ministry.”⁸³ Charlene Jin Lee notes that “the complex process of formation requires a language that allows space for unsystematic yet authentic representations of experience.”⁸⁴ The Interdenominational Theological Center describes the institution’s goals for field education as “the development of self-evaluative, critical theologians engaged in faithful and obedient ministry. . . . We anticipate that our students. . . will develop a mode of self-examination in all areas of their lives. This means constantly reflecting and raising questions through self-evaluation and discovery about how students use words, use and care for their bodies, and most of all how they live lives in the totality of their being.”⁸⁵

The Iliff School of Theology uses similar language in defining in its student handbook the elements of professional ministry formation:⁸⁶

- Authentic presentation of self and experience;
- Ability to maintain appropriate boundaries and to balance them with appropriate accessibility;

⁸⁰ *Id.* at 14-15.

⁸¹ See *supra* note 25 (using these terms repeatedly); see also Interview with Rogers & Hollingsworth, *supra* note 26.

⁸² On the other hand, we note Dr. Hollingsworth’s comment that he is using less of the language of reflection now because it has an image of passivity. He instead uses “wise action.” One result is that he is seeing less student resistance. Interview with Rogers & Hollingsworth, *supra* note 26.

⁸³ JENKINS & ROGERS, *supra* note 25, at 140-41.

⁸⁴ FLODING, *supra* note 25, at 17.

⁸⁵ *Id.* at 139-40.

⁸⁶ *Id.* at 27.

- A sense of commitment to one's spiritual development;
- A capacity to understand and employ the heritage and values of one's tradition;
- Ability to be aware of one's inner subjective state and to meet the requirements of role and position;
- A sense of fair-mindedness and justice;
- An ability to clearly interpret one's beliefs and behavior to the community one serves;
- Possession and development of skills for ministry (preaching, leadership, counseling, administration, etc.).

We were intrigued by the use of the word "covenant" with regard to goals for field education. For example, Barbara Blodgett (then at Yale, currently at Andover-Newton Theological School) writes that:

[A] field education experience lies at the intersection of several trust relationships (among school, site, and intern). Field education, to put it simply, is all about covenants.⁸⁷ A field education internship represents a covenant among three parties: the school, the intern, and the supervisor-mentor (four, if you include the site itself as a party separate from the supervisor-mentor) . . . most of the time we are used to thinking in terms of two-way covenantal relationships; therefore, one of the central ethical challenges of field education is honoring a three-way covenant.⁸⁸

Law students may find the concept of covenant useful in navigating the multiple loyalties that the legal profession requires.

IV. THREE IDEAS FROM CLERGY EDUCATION THAT CAN BE HELPFUL FOR LAW SCHOOL EXTERNSHIP COURSES

The emphasis on reflection has encouraged and supported the development of rich pedagogy in clergy field education. Our research reveals a number of good ideas from clergy education that might be useful to law school externship faculty whose primary goal is producing reflective lawyers. Below, we discuss three areas that we think are particularly helpful. Each demonstrates ways of approaching legal field education when the primary emphasis is professional formation and reflection. They are: (1) enhancing the role of field supervisors; (2) developing meaningful assessment of student performance; and (3) integrating the field education experience throughout the curriculum.

A. *The Role Of Field Supervisors*

A consequence of emphasizing formation for field education and the development of pedagogy toward that end is the increased expect-

⁸⁷ FLODING, *supra* note 25, at 118.

⁸⁸ *Id.* at 121.

tations for field supervisors in clergy education. It seems to us that these expectations differ both qualitatively and quantitatively from expectations for site supervisors at law school externship sites.⁸⁹ The difference stems from the emphasis upon reflection and the supervisor's role in helping the students spend time in reflection, tied to an explicit understanding that reflection matters because it enhances ministerial formation.⁹⁰

We believe that there are transferable lessons here for legal educators, but note that there will be some challenges in importing this model into legal education. One challenge may be that clergy supervisors are likely more comfortable with and more adept at reflection, listening, and offering constructive feedback than are lawyer supervisors. Alternatively, clergy supervisors are more likely to perceive those skills — reflection, listening and providing constructive feedback — as a fundamental part of their own professional roles than lawyers do. Consequently, clergy supervisors as contrasted with lawyer supervisors see helping students develop their professional identity as within the scope of their professional roles.

For example, many of the resources we consulted in our examination of clergy field education used the term “mentor” rather than “supervisor” to capture the role clergy supervisors played in students' formation.⁹¹ The term mentor captures important connotations about role, especially the notion that clergy educators' role is primarily one of fostering reflection. For example, Lynn Rhodes of the Pacific School of Religion explains that theology educators use the term mentor “because mentors engage seminarians in vocational discernment and theological reflection, [and] the focus of mentoring is on the seminarian's reflection, not on the supervision of the work.”⁹² But, even when clergy educators use the term supervisor, expectations for the quality of the time supervisors spend with students are clear. At Trinity Lutheran Seminary, “theological reflection is. . .a heavily accentu-

⁸⁹ See Wallace J. Mlyniec, *Where to Begin: Training New Teachers in the Art of Clinical Pedagogy*, 18 CLIN. L. REV. 505 (2012) (discussing pedagogical differences for educators regarding goals, supervisory methods, feedback and grading faced by clinical. educations who may not have an intuitive grasp on teaching the clinic based on their experience as students).

⁹⁰ For example, at McAfee School of Theology, the clergy supervisor is required to engage in six one-hour reflection sessions between with each student each semester.

⁹¹ Daisy Floyd experienced this difference in a conversation with her daughter, Rev. Kate Hurst Floyd, a United Methodist pastor. In discussing this project, Daisy commented that she would be interested in hearing about her daughter's experiences as a site supervisor of students at Candler School of Theology of Emory University. She received this immediate—and emphatic—response: “I am not a supervisor; I am a mentor.”

⁹² JENKINS & ROGERS, *supra* note 25, at 99.

ated part of the supervisor's relationship with the student."⁹³ Joanne Lindstrom of McCormick Theological Seminary offers this description:

The supervisor was clear that his role had multiple components. He was called to facilitate growth and transformation by challenging [the student's] reflection, by providing opportunities for their learning and serving, and by sharing his own faith and pastoral journey. In addition, he encouraged the congregation to share their individual and collective faith journeys.⁹⁴

Our research revealed that another goal of clergy education is the mentor or supervisor's continued professional formation, thereby engaging the mentor in the triadic relationship of faculty, mentor, and student in a way that was new to us. This expresses at least two ideas: that the mentoring role is an important part of the clergyperson's professional role, and that it is part of his or her own ongoing professional formation. For example, Rhodes says that "mentors share the sacred role of preparing students for leadership in the church and the world."⁹⁵ This role creates expectations of the mentors and affects the obligations of the field education faculty member, which must include the "formation of mentors and the mentoring relationship with our students."⁹⁶ Moreover, it affects the difficult process of selecting mentors. Rhodes notes that ". . .when selecting mentors, we look for people who have low ego needs, an ability to listen carefully, and an appreciation and knowledge of the basic elements of mentoring: professional skills, good boundaries, good relational dynamics, and a genuine interest in individual and community flourishing."⁹⁷

The theology schools' expectations for the multiple roles that mentors will play in clergy students' professional formation provide schools with great incentive to support mentors in a variety of ways, including by providing intensive training. For example, mentors at Pacific School of Religion must attend six mentor education sessions during the academic year. The topics of the sessions include four topic areas:⁹⁸

- *A focus on learning:* This topic addresses the difficulty that mentors and students have in focusing on learning rather than achieving: and discusses the meaning and practice of theological reflection. "Together [the student and mentor] create shared, communal practices of learning, reflection, and

⁹³ *Id.*

⁹⁴ FLODING, *supra* note 25, at 164.

⁹⁵ JENKINS & ROGERS, *supra* note 25, at 99.

⁹⁶ *Id.*

⁹⁷ *Id.* at 103.

⁹⁸ *Id.* at 101-05.

growth.”⁹⁹

- *Relational dynamics*: Mentors receive coaching on how to establish a relationship of respect between the mentor and student, including addressing boundary issues. “[T]he mentor relationship focuses on the learning and self-reflection of the seminarian, not on the needs or issues of the mentor.”¹⁰⁰
- *Engaging the vocation of the mentor*: This topic reflects the institution’s goal that mentor training “engages or re-ignites the mentor’s passion for the ministry.”¹⁰¹ Additionally, schools aim to model theological reflection, with benefit for both the mentor’s on-going professional formation and for the mentor’s ability to help the student’s professional formation. “The mentors engage in their own leadership formation issues and theological reflection on the meaning of their ministries.”¹⁰²
- *Mentoring leaders for the future*: In this topic, mentors learn to emphasize the development of capacities rather than specific skills, including “the ability to discern, to listen carefully, to analyze, to be visionary and imaginative.”¹⁰³ This emphasis is important to prepare students for demands of their professional practice in the future. Rhodes offers an instructive illustration of the specific way in which a mentor –student interaction can foster this goal:

The process for a mentoring session is basic. The seminarian presents an issue of ministry that has emerged. The mentor listens and asks questions for clarification of facts and feelings for first-level impression. Then the mentor probes deeper to encourage the seminarian to think about different ways of perceiving what has happened. This is accomplished through social analysis and by asking how the resources of Scripture and theology might illumine the situation. Only then do questions of skill and action surface. When mentors do not begin with their own interpretations, new insights for both the seminarian and the mentor may emerge. Mentors have sometimes reflected that they have been repeating the patterns of their work but have not discerned new possibilities until they have engaged the seminarian in the discernment process.¹⁰⁴

At Trinity Lutheran Seminary, field education faculty offers another model for supervisor training: a three-day workshop is required for all new clergy supervisors. This training reveals the depth and in-

⁹⁹ *Id.* at 101.

¹⁰⁰ *Id.* at 102.

¹⁰¹ *Id.* at 103.

¹⁰² *Id.*

¹⁰³ *Id.* at 103-04.

¹⁰⁴ *Id.* at 104.

tensity of expectations for the supervisor, including that each supervisor is expected to meet with the student in weekly ninety-minute sessions for a time of theological reflection about a case study/critical incident report that the student prepares in advance. During the workshop, faculty emphasize the role of theological reflection in the supervisor's relationship with the student and "concerted effort is made to differentiate between the roles of counseling, spiritual direction, and theological reflection."¹⁰⁵ Because the workshop aims to model the "Supervisory Time" that the supervisor is expected to have weekly with the student, clergy participants are asked to bring to the workshop two case studies/critical incident reports that are similar to what they will require students to bring to their own weekly sessions with the supervisor. Then supervisors participate in a facilitated discussion about how to structure an effective process of theological reflection about the case study/critical incident report, and "[t]he important task of differentiating theological reflection from counseling and spiritual direction is repeatedly addressed."¹⁰⁶ The description of the workshop provides a window into the expectation for the student's relationship with the supervisor. Each meeting for purposes of reflecting upon the case study/critical incident report includes five stages: "clarification of the incident, evaluation of the issues, exploration of the issues, theological reflection, and direction for how to move on with this ministry issue."¹⁰⁷ During the training workshop, participants receive feedback on their skills, in a form models helpful ways to offer evaluation and critique.

Landis Coffman, a clergy supervisor for Trinity, wrote about his experiences. He begins the relationship with a two-day retreat during which both supervisor and student read a text, which is designed to "open our minds to a spiritual and theological basis for our relationship as mentor and intern." He also uses the time to discuss expectations for the supervisory relationship, including that they will meet weekly and that "[i]t is not a 'nuts and bolts' discussion,"¹⁰⁸ but rather is to focus on theological reflection. He sums up his experience with these sessions in this way: "in the supervisory sessions there will be moments of vocational, theological, and personal insights. But there will also be moments of frustration, disappointment, and aggravation. All of these moments are important and worthy of intentional conversation."¹⁰⁹

¹⁰⁵ *Id.* at 111.

¹⁰⁶ *Id.* at 113.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 116.

B. Assessment

One of the challenges of using reflection and formation as educational goals is structuring meaningful assessment. Effective and reliable assessment is difficult even in areas where faculty has a great deal of experience and knowledge. For law faculty who are new to the goals of formation and reflection, uncertainty about those goals can magnify the task of assessing student performance. Because theological field education is further in its development towards those goals, it provides useful examples of assessment techniques. Sandra Drummond of the Andrew Newton Theological School writes about effective assessment of students' field education experience. She acknowledges the difficulties and anxieties that accompany assessment and makes the case that when assessing reflection, everyone must give up the perception that assessment is passing judgment on a student's performance at the end of the process; rather, it "is the accountability process that accompanies and deepens student learning."¹¹⁰ She also notes that appropriate assessment practices "account for the difference between what was once called field work, or task-oriented ministry apprenticeships, and field education, where students not only learn how to perform tasks but also grow as people and professionals."¹¹¹ Drummond describes a four-step process for assessing student learning in which a statement of learning goals and an action plan for implementing the goals play a central role. In the first step, students work in collaboration with mentors, faculty, and congregations to develop learning goals for the placement. Ideally, this process begins during academic study preceding the field education semester or year, as students are learning about areas of personal strength and weakness as well as their goals for their professional lives. Drummond suggests that students be guided by questions such as these in developing goals:

- "What am I already good at, to the point that I do not need to spend a lot of time on it in field education?;
- Where are the biggest gaps in my abilities?; and
- I do not know what I do not know: What blind spots about my own ministerial effectiveness and the nature of ministry can another point out to me?"

After identifying strengths and weaknesses, students work with the placement site to determine which opportunities at the site will allow them to gain needed experiences. From this shared process students' learning goals emerge.

¹¹⁰ FLODING, *supra* note 25, at 170.

¹¹¹ *Id.* at 190.

Next, students develop action plans for meeting their identified goals. At this stage, students become specific about particular objectives that will help in reaching each goal and the tasks required to fulfill the objectives. Again, collaboration between students and supervisor-mentors is emphasized. Additionally, students identify resources they will need to perform tasks, recognizing that they may be performing task they have never before undertaken.

Third, students implement plans, which include weekly or bi-weekly meetings with supervisors for the purpose of theological reflection. This reflection produces “meaningful data about growth or lack thereof.”¹¹²

Finally, students, faculty members, and supervisors work together to revise goals, and to identify achievements and places for improvement. They also write formal evaluations—one, at midyear, is formative and another, at the end of the year, is summative. Both evaluations emerge from synthesizing the goals, actions, and reflections that have taken place throughout the placement. Drummond notes that the midyear formative evaluation is an opportunity to be creative, to think about what has worked and why, and what has not yet been attempted so that modification may be needed. It is a time to make “course corrections” so that students can avoid “ultimately landing at an unintended destination.”¹¹³ The final evaluation is different, offering impressions of students’ experiences. Drummond recommends three practices that are critical to the integrity of the summative evaluation: honesty, transparency, and mutuality.

Throughout, all parties—the student, faculty member, and supervisor/mentor—recognize that “assessment is the means through which the work of field education becomes not just a set of tasks but a means for growth for an adult learning who is capable of implementing an ambitious learning plan under supervision.”¹¹⁴

C. Integrating the Field Education Experience Throughout the Curriculum

Although not the predominant approach, some seminaries integrate field education throughout the curriculum. Emory’s Candler School of Theology and Trinity Lutheran Seminary are examples. This approach requires a strong institutional commitment to the centrality of field education and a willingness to devote faculty resources and time to the overall field education experience. In 1998, Candler adopted “Contextual Education” based on the “desire of the faculty

¹¹² *Id.* at 178.

¹¹³ *Id.* at 179.

¹¹⁴ *Id.* at 171.

to contextualize the curriculum rather than isolate contextual education as a separate, albeit required, component of the master of divinity course of study.”¹¹⁵ At its core, contextual education aims to transform ministerial practices as well as theological reflection.

First year M. Div. students enroll in one of twelve Contextual Education I sites. The sites for this first year course are clinical or social agencies, including hospitals, a woman’s prison, homeless shelters, and advocacy and lobbying organizations. Each week in the fall, on-site supervisors lead one-hour reflection groups on campus with his or her students. The students from two sites are also enrolled in one of the school’s three-credit contextualized Introductory Arts of Ministry (IAM) classes taught by a faculty member. The IAM course is an introductory “applied” course; the faculty member works with two site supervisors to contextualize the course, and the site sometimes functions as a laboratory for the classroom. Six regular faculty in the fall teach these courses, collaborating with twelve site supervisors

In the spring of the first year, students meet weekly in a two-hour reflection group co-taught by another faculty member with the individual site supervisor. There is not a common syllabus or set of reading assignments, although guidelines establish consistency in workloads and expectations. Twelve faculty rotate through the spring discussion groups.

The second year, “the ecclesial year,” involves three components: site work, reflection groups, and integrative course work. Students contract with an ecclesial site where they will practice ministry for a minimum of eight hours per week in the fall and spring. All placements are in working communities of faith. Each student is supervised by an ordained minister and must observe and participate in five areas of ministry: preaching and worship; religious education; pastoral and congregational care; outreach and mission; and administration. The site mentor works with the student on issues of vocational discernment, the practice of ministry, and congregational leadership. Students in Contextual Education II also participate in a three-hour biweekly theological reflection group, with enrollment of ten students from ten different sites. Students meet at one of the ten sites in a group facilitated by an ordained minister who actively serves a local congregation.

Students must also enroll in at least one of a variety of courses called Contextual Education Electives. They are designed to integrate the students work experiences in their ecclesial settings with the subject matter in the courses. For example, a professor of the Old Testa-

¹¹⁵ ROGERS & JENKINS, *supra* note 25, at 85.

ment designed and taught a course on “The Ten Commandments.” In the course, students “focus on an iconic biblical text and the ways in which it has and can be understood in various contexts.”¹¹⁶ Since each student in the course is working in a Contextual Education field placement, one requirement of the course is to broach the Ten Commandments in that setting, including, for example, preaching a sermon on that subject, discussing with the building committee whether to display the Ten Commandments prominently on the building, or viewing DeMille’s *The Ten Commandments* with a youth group followed by a discussion of the film.

These electives demonstrate faculty’s dedication to field education, as they require a substantial commitment by the entire faculty. Between eight to twelve of these courses are offered each year, and enrollment in these courses is limited to ten to fifteen students. All faculty rotate through, teaching one of these courses every three years.

Another model of contextual education is found at a minority of seminaries that require a full-time internship of all students. For example, at Trinity Lutheran Seminary, students spend their third year of the four year program in a full-time field education experience.¹¹⁷ The third year full time experience follows the first two years of a Ministry-in-Context program. In mid-November of their first year, they are placed in either a church or other placement, such as chaplaincy, nursing home, hospital, drug rehab center, or campus ministry. From December to May, they spend six hours a week in other activities at the placement. They meet monthly with their supervisors and keep a log, which the faculty member reads at the end of the semester by the faculty member.

During the second year, they continue at the placement and also take classes in education, pastoral care, and homiletics. Students’ time at the placement increases to ten hours per week. Each student is also enrolled in a small Integrative Group, in which they write up and share a critical incident from their ministry. During the third year,

¹¹⁶ *Id.* at 93.

¹¹⁷ Seminaries of the Evangelical Lutheran Church in America require a full year internship because such an experience is an ordination requirement in the denomination <http://www.tlsohio.edu/academics/internship/introductory-matters> “The Evangelical Lutheran Church in America requires candidates for ordination to complete satisfactorily an approved internship. Internship consists of a supervised contextual experience designed to contribute to the formation of pastoral identity and the development of the requisite skills for the public exercise of ministry. Internship is normally full time for one year as the third year of the seminary four-year degree program.” In addition, Southern Methodist University Perkins School of Theology and San Francisco Presbyterian Seminary require a full year internship as part of the requirement for the Master of Div. degree. JENKINS AND ROGERS, *supra* note 25, at 68, 150.

students take a full-time internship, usually in a congregational setting. When the students return for their senior (fourth) year they enroll in a Pastoral Leadership class.

As these examples demonstrate, integrating field education throughout the curriculum and throughout all the years of the educational program require a substantial commitment to field education as a central feature of the educational experience. At Candler, for example, a total of thirty faculty are involved each year in teaching contextual education courses. Likewise, at Trinity, faculty are involved in various aspects of field education for the entire four years of students' experiences.

If law school externships are to play a central role in the task of professional formation, we believe that an integrative approach like those described above are necessary. For a law school to truly integrate field education throughout the curriculum, however, the entire faculty must be committed to that goal, including being willing to redesign the curriculum in significant ways and being willing personally to design and teach courses as part of an integrated program.

V. CHALLENGES SHARED BY FIELD EDUCATORS IN LEGAL EDUCATION AND CLERGY EDUCATION

As discussed above, we have discovered many ways we can learn from the developed pedagogy of clergy educators because of their intentional focus on formation and reflection as the purpose of field education. Interestingly, and perhaps not surprisingly, we also learned that our colleagues in clergy education share some of the same concerns or challenges as those that legal externship faculty face in the legal academy.

Like legal education, clergy education is concerned about the sufficiency of resources. Experiential education, when done well, requires a strong institutional investment of resources. The time required to work closely with students, especially when focused on developing reflection, demands a low student-faculty ratio. Just as in legal education, clergy educators face competition for scarce resources, which may result in understaffed field education programs.

Second, those working within field education face challenges relating to status and the related problem of credibility within their institutions. Just as in legal education, those in clergy education who are working in field placement frequently do not hold tenure-track or tenured faculty status, nor do they have the same requirements or support for scholarship as do their tenured or tenure track colleagues. In many theological schools, field education faculty are experienced clergy practitioners who come into academia later in their careers

than doctrinal or classical faculty. And it is more common for field educators to hold adjunct or part-time status than it is for those who teach in more traditional areas. These differences in status present the same kinds of possibilities for marginalization and lack of support as we see in law schools for other experiential faculty in externships, in-house clinic, or legal writing.

In the introduction to one of the texts we reviewed, noted theologian Walter Brueggemann hints at the kind of faculty divide that we found familiar:

[P]ractical theologians might pay close attention to the identification, recruitment, and solidarity with colleagues who occupy the more 'classical disciplines' in the theological curriculum. . . [T]here are colleagues in other disciplines who know about and practice dialogic engagement, so that the learning may be an engagement with a transformative other. Until these colleagues are seen as allies, these practitioners will remain an isolated voice of advocacy. I think such alliance constitutes some hard work that now awaits practical theologians in field-based education.¹¹⁸

Third, while the variety of models for field education provides many rich illustrations of practice, they also require the development of shared definitions and recognition of best practices. Clergy educators have identified the need for on-going discussion and comparisons of programs, and for developing shared understandings of terms that field educators commonly use. Further, just as in legal education, context matters a great deal. Seminaries differ in size, mission, location, and resources, and those differences may lead to different, but equally viable, models of field education.

Finally, effective assessment of reflection is challenging, as is overall programmatic assessment.

The need for third-party observation and review is linked with the broader need for program assessment. . . [F]ew of us have created the assessment tools that can measure. . . success. Seminaries sometimes survey current students or alumni, but the best we manage is anecdotal response, informative as that might be. It is difficult to quantitatively and qualitatively assess the skills we are developing in students through our field education programs.¹¹⁹

This comment about clergy field education is a relevant critique of legal education's externship programs.

CONCLUSION

We believe law schools can learn much from clergy education,

¹¹⁸ *Id.* at xiii.

¹¹⁹ *Id.* at 166.

especially about using field education to cultivate professional identity formation of our students. Because clergy educators have more experience in educating for formation than do legal educators, they have created a range of pedagogies and curricular models in field education that seem to work well toward the goal of formation.

Given the differences in the two professions and the schools that prepare clergy and law students, the pedagogies and models developed in clergy field education may not work for law school externships. Nonetheless, we believe that many of these ideals are adaptable to legal education. For example, law school externship faculty may find it difficult to require the same kind of focus on reflection and formation in their interactions with students as theology schools require of clergy mentors. However, taking a leaf from clergy education's page, we could experiment with helping our field supervisors understand that reflection is an essential feature of the externship, and we can support them in increasing discussion between supervisor and student on issues of formation and professional identity.

Also, unlike Candler School of Theology, we may encounter obstacles to integrating the entire law school faculty into the field education program. Nonetheless, spurred on by the example of our clergy educator colleagues, we can create partnerships with other faculty members and coordinate courses with students' externship experiences. We can create classroom courses that draw more explicitly upon students' field experiences, and we can structure the curriculum so that externships fit more seamlessly into law schools' educational mission of formation. Most importantly, externship teachers can encourage other legal educators to embrace the goal of formation and of the role of externships in meeting that goal.

In this article, we limited the focus of our research in clergy education to field education, with an eye toward lessons to be learned for the most directly analogous aspect of legal education: externships. An emphasis on the goal of identity formation and the use of reflection to achieve that goal, however, may also bear fruit for other courses in law school. In particular, reflection toward formation can work very well in other courses such as in-house clinical courses and simulation-based skills courses. Indeed, if education for formation is truly integrated throughout the curriculum as the Carnegie report urges, we should be open to opportunities to draw upon what our colleagues in clergy education have developed in all of our courses.

We have gained much from this examination of another profession's approach to professional formation, and this effort has rein-

forced our belief in the value of cross-disciplinary exploration.¹²⁰ In learning about others' methods, we gained valuable ideas and were challenged to reflect upon our own theory and practices in new ways. We hope that offering what we have learned will provide readers with helpful ideas about their own teaching and scholarship and that it will fuel further cross-disciplinary research and conversation.

¹²⁰ See Timothy W. Floyd, *The Lawyer Meets the Therapist, the Minister, and the Psychiatrist*, 63 *MERCER L. REV.* 959 (2012) (discussing several cross-professional collaborations among law and other professional disciplines).