

CULTIVATING TEACHING ASSISTANTS' PROFESSIONAL IDENTITIES

*Lara Freed & Rachel T. Goldberg**

CONTENTS

PREFACE	520
INTRODUCTION.....	521
I. HISTORY OF THE PROFESSIONAL-IDENTITY MOVEMENT.....	522
II. WHY LAW PROFESSORS SHOULD HELP TAS DEVELOP PROFESSIONAL IDENTITIES	525
III. GUIDING TAS' PROFESSIONAL-IDENTITY FORMATION	527
A. <i>First Context: Initial Meeting</i>	528
B. <i>Second Context: Program-Wide Training</i>	530
C. <i>Third Context: Self-Reflection Prompts</i>	532
D. <i>Fourth Context: Group Check-Ins</i>	534
E. <i>Fifth Context: One-on-One Meetings</i>	535
CONCLUSION	536
APPENDIX.....	537

* Lara Freed is a Clinical Professor of Law at Cornell Law School. Rachel T. Goldberg is an Associate Clinical Professor of Law at Cornell Law School.

PREFACE

Critiquing [first-year law students' first legal memos], especially in the beginning, was a stressful experience for me I felt stressed not because of the time commitment or the amount of work the critiquing required, but because I feared that I would not perform 'perfectly' (whatever that means) [Ultimately,] I took care of myself by taking breaks, eating well, and sleeping early and often. It may sound simple, but it took a stress-induced seizure during my [first year of law school] to learn that I have to fill my own cup before any other cup (these platitudes are somewhat true, it seems).

Over time, I have learned that the issue is not stress itself, but how I channel it. Being a TA provides me with continual opportunities to embrace my stress and use it to make me more resilient and compassionate.

Student M, Second-Year Law Student¹

This semester, I experienced some tension trying to balance my TA obligations with my role as a mentor for the Black Law Students Association (BLSA). Although I am not formally assigned to mentor any of the students in our class, the informal interactions that I have with BLSA students outside of class often put me in a mentorlike position with several of our students. . . . Ultimately, I found that being an emotional support, particularly in regard to the unique challenges that Black law students face, honored my obligations under both roles. That did mean that I ended up making the most personal connections with the BLSA students in our class, but that sits well with me. It would have been a waste of my position to have sought strict fairness in that regard when my identity as a Black TA meant more to our BLSA students than other students anyway.

Student C, Second-Year Law Student²

1. Journal Entry, Student M, Second-Year L. Student & Teaching Assistant for Professor Freed's First-Year Legal-Writing Class (November 10, 2022) (on file with authors). See Section III.C and Appendix, *infra*, for more on the self-reflection assignment that prompted this student's response.

2. Journal Entry, Student C, Second-Year L. Student & Teaching Assistant in Professor Freed's First-Year Legal-Writing Class (April 15, 2023) (on file with authors). See Section III.C and Appendix, *infra*, for more on the self-reflection

INTRODUCTION

In 2022, the American Bar Association (ABA) amended Law School Accreditation Standard 303(b) by adding an explicit requirement that law students have “substantial opportunities” for “the development of a professional identity.”³ In the years leading up to this change, several scholars stressed the importance of teaching professional identity—that is, of helping students begin to cultivate the personal and professional values appropriate to the practice of law.⁴ Yet one cohort of law students is surprisingly absent from the existing professional-identity literature: teaching assistants (TAs).

Law-school TAs have responsibilities—from offering reasoned advice, to editing legal-style documents, to problem-solving with supervisors—that mirror many of the tasks they will assume as new attorneys.⁵ Moreover, as the above self-reflection excerpts

assignment that prompted this student’s response.

3. See AM. BAR ASS’N SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2022–2023, at 18 (2022) [hereinafter ABA STANDARDS].

4. See Eli Wald, *Formation Without Identity: Avoiding a Wrong Turn in the Professionalism Movement*, 89 U. MO.-KAN L. REV. 685, 686 (2021) (reviewing the professional-identity movement and arguing that law schools should tailor their professional-identity curriculum to the professional realities their students will face); Susan L. Brooks, *Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students’ Professional Identity Formation*, 14 U. ST. THOMAS L.J. 412, 424–25 (2018) (identifying several core principles that should guide the professional-identity movement); David I.C. Thompson, “Teaching” *Formation of Professional Identity*, 27 REGENT U.L. REV. 303, 326 (2015) (reviewing the professional-identity movement and calling for classes across the curriculum to integrate professional-identity formation learning goals); Jan L. Jacobowitz, *Cultivating Professional Identity & Creating Community: A Tale of Two Innovations*, 36 U. ARK. LITTLE ROCK L. REV. 319, 320 (2014) (reviewing the professional-identity movement and describing two courses that incorporate professional-identity formation as learning outcomes); see generally, e.g., Harmony Decosimo, *A Taxonomy of Professional Identity Formation*, 67 ST. LOUIS U.L.J. 1, 1 (reviewing various approaches to the professional-identity movement in law schools).

5. About three-quarters of responding law schools, surveyed nationally, use teaching assistants in legal-writing programs. ASS’N OF LEGAL WRITING DIRS. &

make clear, TAs inhabit a liminal space between student and professor, academia and legal practice. Thus, we argue in this article that TAs' unique apprenticeship position provides an important opportunity for professors to help their TAs form strong professional identities.

In Section I of this article, we discuss the ABA's professional-identity requirement. In Section II, we explain how TAs' roles and responsibilities provide a rich site for exploring professional-identity issues. In Section III, we present practical guidance and suggestions for ways that law professors can help foster TAs' professional-identity formation.

While we focus specifically on legal-writing TAs, our insights and suggestions apply to any law-school TAs who have a substantial student-facing or mentoring component.

I. HISTORY OF THE PROFESSIONAL-IDENTITY MOVEMENT

The movement to incorporate professional-identity formation in law schools started over three decades ago.⁶ Historically, law-school pedagogy focused nearly exclusively on legal doctrine and analysis, with little focus on skills-building.⁷ In response to criticism from practitioners and the public that law schools were failing to educate students on the practical realities and ethical imperatives of the profession, law-school curricular offerings were expanded in the 1990s after an ABA task force report (known as the "MacCrate Report") encouraged law schools to teach students not just legal doctrine, concepts, and ethics but also how to best serve actual clients and the public more broadly.⁸ As a result of the MacCrate Report and advocacy work by experiential-learning faculty, law schools broadened their clinical and externship offerings so that students might gain hands-on experience with

LEGAL WRITING INST., LEGAL WRITING SURVEY, 2021–2022, at vi, 198, 201 (2023) (hereinafter LEGAL WRITING SURVEY).

6. Decosimo, *supra* note 4, at 5–6 (noting that ABA Standard 303(b) is the culmination of reforms meant to bolster law schools' focus on practical and ethical considerations that started in the early 1990s).

7. *See id.* at 5.

8. *See generally* AM. BAR ASS'N, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992), <https://www.corteidh.or.cr/tablas/28961.pdf>.

legal practice.⁹

In 2007, the Carnegie Foundation released a series of reports based on years-long studies of professional schools.¹⁰ Its report on legal education (known as the “Carnegie Report”) identified three areas—or “apprenticeships”—that must be integrated into the curriculum for effective legal training.¹¹ The Carnegie Report noted that the following two apprenticeships were well-developed: (1) substantive knowledge and analytical skills, and (2) experiential learning.¹² Yet the Report criticized law schools’ lack of attention to the third vital apprenticeship: the formation of a professional identity.¹³ The Carnegie Report called on law schools to provide students with “effective ways to engage and make their own the ethical standards, social roles, and responsibilities of the profession, grounded in the profession’s fundamental purposes.”¹⁴ In the same year, the Clinical Legal Education Association (CLEA) published its *Best Practices* report, which made a similar point: that law schools should integrate doctrine, skills, and professional-identity formation into the law-school curriculum.¹⁵

In 2022, the ABA formalized the “professional[-]identity” requirement in its revised Standard 303(b).¹⁶ In the “Interpretation” of the revision to Standard 303(b), the ABA asserts the following:

Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of professional identity should involve an intentional exploration of the values, guiding principles, and

9. See Wald, *supra* note 4, at 690; Brooks, *supra* note 4, at 412–14.

10. William M. Sullivan, *After Ten Years: The Carnegie Report and Contemporary Legal Education*, 14 U. ST. THOMAS L.J. 331, 331–33 (2018).

11. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION 27 (2007).

12. See Sullivan, *supra* note 10, at 334.

13. See *id.*

14. See *id.*

15. See ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROADMAP 5–7 (2007).

16. ABA STANDARDS, *supra* note 3, at 18. The ABA also added subsection 303(c), requiring that law schools “provide education to law students on bias, cross-cultural competency, and racism: (1) at the start of the program of legal education, and (2) at least once again before graduation.” *Id.*

well-being practices considered foundational to successful legal practice. Because developing a professional identity requires reflection and growth over time, students should have frequent opportunities for such development during each year of law school and in a variety of courses and co-curricular and professional development activities.¹⁷

The ABA does not define “what it means to be a lawyer” devoted to a client and broader society, much less the “values, guiding principles, and well-being practices” that make a successful one.¹⁸ Given both the capacious and contextual nature of a “professional identity,” it is perhaps not surprising that neither the ABA nor the legal academy pins down a singular definition. Essentially, unlike professional-ethics rules, which establish external and concrete expectations for professional conduct, professional identity is a constellation of both *values* and *competencies* that constitute an attorney’s internal sense of self in a profession that plays a vital role in our broader civil life.¹⁹ Core, normative professional-identity values usually include principles like integrity, honesty, diligence, fairness, courage, wisdom, compassion, and balance.²⁰ Critical competencies include self-awareness, empathy, ethical sensitivity, and relational skills; decision-making skills; and self-motivation.²¹

17. *Id.* at 19.

18. *See id.*

19. Thompson, *supra* note 4, at 315 (“Professional identity relates to one’s own decisions about professional behaviors ‘above the line,’ as well as a sense of duty as an officer of the legal system and responsibility as part of a system in our society that is engaged in preserving, maintaining, and upholding the rule of law.”).

20. This list comes from CLEA’s 2015 follow-up to its 2007 report. *See* DEBORAH MARANVILLE ET AL., BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 256–60 (2015). To get a sense of the range of values and competencies that a successful attorney must cultivate, see, for example, Susan Swaim Daicoff, *Expanding the Lawyer’s Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 SANTA CLARA L. REV. 795, 873–74 (2012) (effective lawyering requires values and skills like honesty, integrity, diligence, tolerance, stress management, patience, empathy, teamwork, and mentoring) and Brooks, *supra* note 4, at 420 (important lawyering values include “practical wisdom, self-awareness, deep listening, empathy, compassion (including self-compassion), and an ethic of care”).

21. MARANVILLE ET AL., *supra* note 20, at 260–62.

To help define the somewhat slippery concept of “professional identity,” Neil W. Hamilton and Louis D. Billionis identify four learning goals that capture the core values and competencies essential to legal practice:

[(1)] a deep responsibility and care orientation to others, especially the client, [(2)] ownership of continuous professional development toward excellence at the major competencies that clients, employers, and the legal system need, [(3)] well-being practices, and [(4)] client-centered relational skills, problem-solving, and good judgment that ground each student’s responsibility to and care for the client.²²

As described below, the TA experience provides a natural opportunity to develop these professional-identity skills and values.

II. WHY LAW PROFESSORS SHOULD HELP TAs DEVELOP PROFESSIONAL IDENTITIES

According to the most recent institutional survey jointly conducted by the Association of Legal Writing Directors and Legal Writing Institute, seventy-six percent of legal-writing programs appoint upper-level law students to help teach the first-year legal-writing course.²³ TAs perform several roles for legal-writing classes. Depending on the law school and professor, they might provide oral and written feedback on students’ work, provide feedback on oral arguments, teach a portion of class, hold office hours to answer questions about assignments, troubleshoot assignments for professors, prepare sample memos, lead small-group breakout sessions during class, meet with struggling students to provide additional support, participate in simulated client interviews or meetings with a supervising attorney, or offer informal mentoring on law-school and job-related issues.²⁴

22. Neil W. Hamilton & Louis D. Billionis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer’s Professional Identity, Part 1: Understanding the New Requirements*, NALP (May 2022), <https://www.nalp.org/revised-aba-standards-part-1>.

23. LEGAL WRITING SURVEY, *supra* note 5, at 198.

24. *See id.* at 199–201; Patricia Grande Montana, *A Contemporary Model for Using Teaching Assistants in Legal Writing Programs*, 42 MITCHELL HAMLINE L.

Thus, TAs perform duties similar to those they will perform as practicing attorneys. TAs, like practitioners, conduct legal analysis, write and edit documents, and make oral presentations. Moreover, TAs interact with “clients” in the TAs’ roles as both supervisee (to the legal-writing professor) and mentor (to the first-year students). That is, TAs already practice the first two apprenticeships identified by the Carnegie Report: substantive knowledge and practice skills. As such, the TA role provides a tremendous opportunity to target the third vital apprenticeship recently codified by the ABA: professional-identity formation.²⁵

Although the comparisons do not map on perfectly, the point is that TAs begin to adopt some of the same habits of mind and sense of norms—that is, professional identity—that they will use in legal practice. For instance, TAs (like attorneys) must help students (like clients) figure out how to exercise autonomy and make decisions in a highly regulated environment. TAs must negotiate their relationship to diverse stakeholders, including professors, first-year students, and peers, just as attorneys must negotiate their relationship to their clients, colleagues, and adversaries. TAs, like attorneys, must exhibit cross-cultural sensitivity. They must make hard choices about how to communicate news that their listener might not agree with, might not understand, or might get upset about. They must negotiate how to advance values of fairness, morality, and justice in their local environments, while working within a constraining larger context of rules, norms, and expectations. And they must learn to handle a potentially crushing workload in a way that is sustainable while, ideally, feeling a sense of joy and well-being. Given these overlaps between TA and attorney duties, explicitly teaching TAs about professional identity and creating opportunities for the growth contemplated by revised Standard 303(b) means that TAs will receive expansive training designed for their own long-term benefit.

All of this might prompt a valid question: Given that, to be

REV. 185, 189–94 (2016); Ted Becker & Rachel Croskery-Roberts, *Avoiding Common Problems in Using Teaching Assistants: Hard Lessons Learned from Peer Teaching Theory and Experience*, 13 J. LEGAL WRITING INST. 269, 274 (2007); JOEL ATLAS ET AL., A GUIDE TO TEACHING LAWYERING SKILLS, 151–59 (2012).

25. See ABA STANDARDS, *supra* note 3, at 18.

selected for a leadership role in the first place, TAs are likely top-performers who already exhibit many of the professional values and skills required for success, why spend additional, precious teaching resources on these already-well-supported law students? To begin, by consciously helping our TAs develop the professional-identity-related values and competencies that will help TAs excel at legal practice, we will also help them become better teaching assistants, thereby benefitting all of our students.²⁶ TAs who approach their work with a professional-identity lens will continue to be a relatable resource for first-year students, but their maturing professional competencies will make them even more inspiring and effective mentors.

Moreover, TAs are likely *already* intuitively thinking about the ways that their values relate to their TA responsibilities and personal satisfaction. And many legal-writing professors probably already spend time discussing professional-identity-related learning outcomes, including empathy and care; self-improvement and growth; problem-solving and good judgment; and work-life balance.²⁷ Our suggestions merely make this implicit professional-identity work more explicit and formalized, in line with both best practices and the new ABA mandate.

III. GUIDING TAs' PROFESSIONAL-IDENTITY FORMATION

At our law school, each section of the first-year, two-credit legal-writing course uses four TAs. In addition to performing other miscellaneous tasks, TAs attend all classes, meet with first-year students during weekly office hours, help critique student work, and meet weekly with the professor to discuss the course material

26. For more on the ways that serving as a TA can benefit the TAs, see JOEL ATLAS ET AL., *supra* note 24, at 161 (recognizing that serving as a TA will enhance TAs' own legal writing and research abilities and provide increased opportunities for TAs to practice professional behavior) and Montana, *supra* note 24, at 206–07 (noting that benefits to TAs include developing close relationships with professors, practicing professionalism, increasing written and oral communication skills, enhancing self-confidence, and learning how to collaborate); Becker & Croskery-Roberts, *supra* note 24, at 277–78 (benefits include subject-matter mastery and increased self-esteem).

27. For more on professional-identity-related learning outcomes, see *supra* note 20.

and student concerns. Generally, legal-writing professors hire their own former, high-performing students to serve as TAs, and the TAs receive two academic credits each semester. We emphasize professional-identity formation in the following five contexts: (1) an initial meeting before the academic year starts, (2) a two-hour program-wide training session early in the fall, (3) a series of written self-reflection prompts, (4) weekly group check-ins throughout the year, and (5) one-on-one meetings with each TA at the end of each semester. Below, we describe each of these contexts and the professional-identity values and competencies they target.

A. First Context: Initial Meeting

Our pre-semester meeting with our legal-writing TAs each August marks our first opportunity to begin a conversation with the TAs about professional identity in their roles as mentors and teachers.²⁸

Before the ABA revised Accreditation Standard 303(b), we implicitly covered professional-identity concepts by using the initial meeting with TAs to set expectations for the role and to ask TAs what they hope to learn from the experience. Without any professional-identity prompt, the TAs tended to view their roles and impact in terms of how the TAs could help first-year students adjust to the expectations and challenges of legal writing specifically and law school more generally.²⁹ The TAs also anticipated reciprocal benefits from mentorship and teaching, including the prospects of building relationships with the first-year students and strengthening the TAs' written and oral communication skills.³⁰ But the TAs did not expressly describe their work as demonstrating learning outcomes that define a law student's professional identity.

28. We assign written self-reflection questions before the initial meeting to give the TAs added time to think and write about their roles in a professional-identity framework prior to discussing responses with their peers. The pre-semester self-reflection questions mirror the initial-meeting discussion questions addressed later in this section.

29. See Cover Letters, TA Candidates (Apr. 2021–Apr. 2022) (on file with authors) (describing applicants' motivations for becoming teaching assistants).

30. *Id.*

With the revised ABA Standard in mind, we now use the initial meeting with TAs in part to define the concepts of “professional identity” and “professional-identity formation,” to explain the value of self-reflection, and to preview how we will integrate self-reflection into the TA curriculum.³¹ Moreover, the revised ABA standard led us to expand our initial-meeting discussion questions to intentionally explore how the values and practices of successful mentorship connect to successful legal practice.

We now ask TAs not only to describe an effective mentor—someone who is honest, empathetic, collaborative, cross-culturally effective, proactive, reflective, respectful, and diligent—but to think about how the qualities they describe overlap with the professional-identity values identified earlier in this article.

Further, along with asking TAs why they wanted to be a TA, we now ask TAs to identify what values were at play in that decision, how those values align with program objectives, and how the TAs can draw on those values to be successful mentors and teachers (and, ultimately, practitioners).³²

Finally, in addition to asking TAs to discuss a skill that they want to improve or an aspect of serving as a TA that they believe will be personally challenging, we now ask TAs to identify how they will evaluate their performance in these areas, whether there are ways that we can help support their growth, and how they plan to maintain balance and mindfulness.³³

The initial meeting thus helps to orient the TAs toward professional-identity learning outcomes that later stages of the TA experience will reinforce.

31. See *infra* Section III.C.

32. Developing a professional identity requires that TAs understand “how their individual values, personal backgrounds, and life experiences contextualize how they [interact with others and, ultimately,] serve clients and the legal system.” Mary Walsh Fitzpatrick & Rosemary Queenan, *Professional Identity Formation, Leadership, and Exploration of Self*, 89 U. MO.-KAN. L. REV. 539, 541 (2021).

33. These questions connect to the professional-identity learning outcomes about “ownership of continu[ed] professional development . . . [and] well-being practices.” See Hamilton & Billionis, *supra* note 22 (identifying learning outcomes that define a law student’s professional identity).

B. Second Context: Program-Wide Training

Shortly after the fall semester begins, we hold a program-wide TA training session designed to help legal-writing TAs prepare for one-on-one conferences with first-year students.³⁴ We structure the session around vignettes that portray either typical conference scenarios or scenarios that are less common but still applicable and challenging, and the TAs work in small groups (moderated by legal-writing professors) to brainstorm how they would respond. This training provides another early opportunity for us to teach upper-class students about the professional-identity dimensions of their TA roles.

The vignettes include the following conference scenarios: a student who asks the TA to read or pre-approve their work before submission; a student who seeks help from the TA outside of scheduled office hours or conferences such as while the TA is studying late at night in the school library; a student whose work is in poor condition on the eve of blackout (the deadline for asking and answering questions before a writing assignment is due); a student who is reluctant to admit that they are confused; a student who immediately rejects the TA's advice; and a student who confronts the TA about giving the student incorrect advice.

After each vignette, we elicit the TAs' thoughts about how to respond. To guide TAs' brainstorming, we pose questions related to conferencing goals and limits: e.g., What might students expect if you read their full drafts before submission? Where do you want to get the student between now and fifteen minutes from now? How can a TA test for comprehension without sounding patronizing? And, applying the ABA's revised standard 303(b) to the training context, we aim to help TAs understand how their responses—and corresponding decision-making processes—implicate the skills and values that promote a strong professional identity.³⁵

34. Although the training session requires that professors invest meeting time beyond weekly group check-ins with TAs, we work from a shared set of in-house training materials and host the session at the law school to keep both workload and financial costs manageable. The program-wide nature of the training session has the added benefit of building *esprit de corps*.

35. See ABA STANDARDS, *supra* note 3, at 18.

In many of the above conference scenarios, for example, the TA needs to exercise judgment.³⁶ The type of judgment varies (i.e., how much help to give while not “hiding the ball,” when to consult the professor, when to acknowledge limitations, and whether to test for comprehension), but the varied judgments³⁷ appeal to many of the same core values, such as fairness, compassion, and honesty, that help to establish professional identity.³⁸ Responding effectively in the above conference scenarios also requires that the TAs practice relational skills, which support value formation.³⁹ These skills include listening actively, demonstrating empathy, identifying assumptions (i.e., about what first-year students may be thinking and feeling), communicating across differences, managing conflict, and adapting to individual student needs or learning styles. And when interacting with first-year students throughout the year, the TAs need to establish appropriate boundaries for professionalism and balance.⁴⁰

In this way, the training session adds depth to the professional-identity lens introduced in the initial meeting and positions TAs to maximize the benefits of student conferences, both for the students and for themselves.

36. See MARANVILLE ET AL., *supra* note 20, at 260 (identifying decision-making skills as a professional-identity competency); see also Fitzpatrick & Queenan, *supra* note 32, at 545–47 (recognizing that judgment is crucial to effective leadership and that many professional-identity competencies are consistent with leadership competencies).

37. Related, as the semester progresses, TAs need to help first-year students learn to make their own judgment calls. By sharing the thought process behind their decision-making, TAs can help first-year students independently evaluate the advice given and, ultimately, use their own discretion. Likewise, during the training, we model alternative ways to respond to the conference scenarios and share the thought process behind our decision-making so that the TAs can assess whether and why they might adopt a similar approach in their meetings with students.

38. See MARANVILLE ET AL., *supra* note 20, at 257 (advocating for teaching law students eight core values for professional identity).

39. See *id.* at 260 (skills that support value formation include “empathy, ethical sensitivity, and . . . relational skills”).

40. See *id.* at 257 (identifying balance as a core value); see also Fitzpatrick & Queenan, *supra* note 32, at 542 (identifying professionalism, high ethical standards, and a “moral core” as skills and values that inform professional-identity competencies); Hamilton & Bilionis, *supra* note 22 (listing “well-being practices” as one of the four learning outcomes that define a law student’s professional identity).

C. Third Context: Self-Reflection Prompts

After meeting with students, the TAs need to practice reflective skills, replaying the conferences to assess which teaching techniques and interpersonal styles were effective, and why, and how those techniques and styles may be changed.⁴¹ Fittingly, the new Interpretation to Standard 303(b) contemplates “reflection and growth over time.”⁴² Developing professional-identity competencies “begins with self-evaluation—‘a sense of professional self-consciousness and constructive introspection.’”⁴³ To that end, we ask TAs to reflect on their student conferences and other experiences over the course of each semester⁴⁴ and to submit journal entries that respond to prompts targeting skills and values integral to professional-identity formation.⁴⁵

The journal excerpts at the start of this article respond to self-reflection prompts about reacting to a stressful moment and navigating tension between personal values and obligations as a

41. See Hamilton & Bilonis, *supra* note 22 (“[R]eflection should occur before, during, and after the experience.”).

42. ABA STANDARDS, *supra* note 3, at 19.

43. Fitzpatrick & Queenan, *supra* note 32, at 542 (quoting E. Scott Fruehwald, *Developing Law Students’ Professional Identities*, 37 U. LA VERNE L. REV. 1, 3 (2015)). For more on the importance of self-reflection, see Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, 20 CLINICAL L. REV. 317, 317 (2014) (“[P]resent[ing] an organizational model for teaching reflective practice in six stages.”) and Brooks, *supra* note 4, at 421–22 (identifying forms of “reflection-in-action” and viewing reflective practice as foundational to professional-identity formation).

44. Currently, we ask TAs to journal at regular intervals throughout the year (e.g., two or three entries per semester). Alternatively, professors may opt to pair journal entries with every major TA task, such as conferencing with students/holding office hours, critiquing written work, teaching citation classes, monitoring in-class group work, performing in-class simulations, and leading practice oral arguments. The latter approach would increase the workload for both TAs and professors but would also ensure that the TAs reflect upon each aspect of their roles.

45. Although opportunities for student reflection need not take the form of writing (and, indeed, we use one-on-one meetings to discuss the quality of students’ self-reflections—see *infra*, Section III.E), journal entries offer a “safe place” for the release of emotions and encourage “probing beneath the surface of problems; thinking more deeply about the materials, products, and processes of learning; and taking more responsibility for [students’] own learning.” J.P. Ogilvy, *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL L. REV. 55, 60 (1996).

TA.⁴⁶ These prompts relate to self-care, self-motivation, balance, fairness, and ethical sensitivity, on top of self-awareness.⁴⁷ The excerpts show how the TAs contextualized their responsibilities—such as critiquing submitted assignments and mentoring first-year students—in terms of the TAs' individual backgrounds and values.⁴⁸ In their journal entries, the TAs were not writing about the substantive knowledge required to critique or the practical skills required to mentor; instead, the TAs shared insights about personal growth in a professional role.⁴⁹ For Student M, that growth was about knowing her limits and channeling stress productively; for Student C, that growth was about understanding how her sense of identity informs her sense of fairness.⁵⁰ In this way, the TAs' self-reflections show that the TAs moved beyond focusing solely on the first two apprenticeships from the Carnegie Report (i.e., substantive knowledge and practice skills),⁵¹ as the TAs tended to do early in the year. Instead, the TAs began incorporating the third apprenticeship of professional-identity formation when reflecting on their work.

Other journal entries from our TAs similarly tap into the third apprenticeship. For example, one TA wrote about feeling torn over the level of time and effort he should invest in a critique when a student paper was riddled with errors that reflected little attention to previous feedback; another TA wrote about the sense of courage she felt when providing encouraging feedback on students' practice oral arguments given how nervous she felt for her own oral argument as a first-year student; yet another TA wrote about how she noticed more honesty, openness, and confidence on the part of students during office hours later in the semester, once she had practiced adapting her teaching methods to students' different learning styles and had developed a positive

46. See Preface *supra*. Additional self-reflection prompts (and resources for assessing self-reflection assignments) are included in the handout appended to this article. See *infra* Appendix.

47. See generally MARANVILLE ET AL., *supra* note 20, at 257–260 (identifying skills and values that support professional-identity formation).

48. See *supra* Preface.

49. Journal Entries, Teaching Assistants for Professor Freed's First-Year Legal-Writing Class (Nov. 10, 2022, Apr. 15, 2023) (on file with authors).

50. *Id.*

51. Sullivan, *supra* note 10, at 334.

rapport with the students.⁵² These accounts not only give us, as professors, a window into TA and student experiences outside the classroom, but also inform and improve the TAs' own "insight and practice for future experiences."⁵³

For each journal entry, we give individualized, written feedback to the TA, responding to both the content and underlying emotion expressed in the entry. Typically, our responses involve affirming the TA's feelings and experiences, reinforcing the TA's approach, and suggesting next steps for unresolved issues. Sometimes, our responses involve empathizing with the TA's objectives but cautioning against continuing a particular practice, such as spending late-night hours responding to lengthy and complex email questions from a student. In the latter case, we suggest an alternative approach, such as scheduling a meeting with the student and asking the student to prioritize questions, and we clarify the corresponding interests, such as equity and balance. The one-on-one meetings with each TA at the end of each semester, described later in this article, also provide an opportunity to orally review the journal entries and to address any follow-up questions that the TAs may have.

D. Fourth Context: Group Check-Ins

Our weekly meetings with TAs to discuss classwork, upcoming assignments, and any student concerns provide a built-in opportunity for us to respond to TAs' experiences from a professional-identity perspective, lending continuity without adding to our teaching workloads.

For example, if a TA recounts how a student in office hours struggled to identify legally relevant facts, we can find out whether the TA attempted to pinpoint the source of the student's struggle: was the student confused about the facts themselves or did the student not understand the relevant legal test? Were any cultural differences at play? Weekly meetings allow us to facilitate this sort of explicit reflection on decision-making and interpersonal

52. Journal Entries, Teaching Assistants for Professor Freed's First-Year Legal-Writing Class (Nov. 28, 2022, Apr. 16, 2023, and May 11, 2023) (on file with authors).

53. Hamilton & Bilionis, *supra* note 22.

approaches, which are key to professional-identity formation.⁵⁴ As noted above regarding conference scenarios, we also try to model alternate ways to respond, and we explain the rationales behind our pedagogical choices so that the TAs can understand how our values shape our decision-making.

Weekly meetings likewise provide an ideal forum to problem-solve as a group—to troubleshoot challenging scenarios together and cultivate the relational skills needed for a positive professional identity. Whether the challenge involves conferencing skills, critiquing skills, or classroom dynamics, having all the TAs weigh in during the group meeting strengthens the TAs' confidence in moving forward with a particular approach and enables the TAs to think about decision-making from a community perspective.

E. Fifth Context: One-on-One Meetings

Meeting with each of our TAs at the end of each semester enables us to build on the written feedback we have already provided on the TAs' journal entries and to offer individualized support on emerging professional-identity competencies. At these one-on-one meetings, we discuss the quality of the TAs' self-reflections, help TAs view their duties from a professional-identity perspective, and highlight the intersection between TA work and law practice.

When discussing the quality of TAs' self-reflections, we comment on whether the TA has incorporated multiple perspectives, shared specific thoughts and actions, and showed awareness of underlying beliefs and values.⁵⁵ We encourage the TAs to connect their experiences to potential behaviors in law

54. See MARANVILLE ET AL., *supra* note 20, at 262 (identifying decision-making and relational skills as professional-identity competencies). TA candidates' application materials reflect the strong working relationships developed between TAs and first-year students. See, e.g., Cover Letter, TA Candidate (April 2021) (on file with authors) ("I am interested in serving as a Lawyering [TA] because I am grateful for all that I have learned this past year from my section's [TAs]."). The TAs thus understand, from their own experiences, that they are educational mentors and role models for the first-year students.

55. See Brooks, *supra* note 4, at 421–22 (discussing these three critical stages of self-reflection).

practice and to think about what, if anything, they might change about their approach in the future.

Even though other TA tasks provide the contexts for the TAs' self-reflections, we use the end-of-semester meetings to remind the TAs that these tasks, too, contribute to professional-identity formation. Commenting on student work and interacting with students (and the professor) are, for example, opportunities to practice relational and problem-solving skills. Discussing workloads with the TAs also provides an opportunity for us to discuss what self-care strategies they employ and whether those strategies have proven effective.

Finally, shifting the view from the classroom environment to law practice enables us to revisit some of the professional-identity questions we posed at the initial meeting with the TAs. In our final meeting, we ask the TAs to identify how they have grown in terms of seeing themselves as future attorneys. With one or two semesters of TA experience under their belts, the TAs are in a better position to identify the connections between their work as TAs and their future work as lawyers and to discuss those connections using a professional-identity framework.

CONCLUSION

Legal-writing professors are often on the vanguard of pedagogical innovation.⁵⁶ So while many of us have probably already begun to incorporate exercises and lessons that foster professional-identity formation in the first-year course, we hope this article encourages legal-writing professors to also provide such opportunities for their TAs, who occupy unique and valuable roles as mentors and teachers in skills courses that simulate legal practice.

56. See Irene Ten Cate, *Do You Want To Be a Fulltime Legal Writing Professor?* SUMMARY, JUDGMENT (July 13, 2020), <https://www.summaryjudgment.com/blog/do-you-want-to-be-a-fulltime-legal-writing-professor> ("LRW professors are among the most innovative teachers in the legal academy."); *Publications*, LEGAL WRITING INST., <https://www.lwionline.org/articles> (last visited Mar. 3, 2024) (listing publications supported by the Legal Writing Institute).

APPENDIX

TA Self-Reflection Prompts

As we have discussed, serving as a teaching assistant will reinforce values and skills that underlie a strong professional identity. One of the most important ways to foster a professional identity is to deliberately reflect on your values, decision-making processes, approaches to interpersonal communication, and professional goals. To that end, each semester you should select **three** of the following questions to answer. (You may repeat one of the prompts in the spring semester.) Please email me your responses in a Word document (approximately 250 words for each response). Because you should reflect on your experiences when they are fresh, I am not assigning specific deadlines for your responses. That said, you should not complete more than one response in any two-week period—the goal is to regularly reflect throughout the semester. Your final response of the fall semester is due by [date], and your final response of the spring semester is due by [date]. We will discuss your responses in our one-on-one meetings at the end of each semester.

1. Discuss a difficult decision you had to make as a teaching assistant. What was difficult about it? What interests were at stake? What did you consider when deciding how to move forward?
2. Discuss a moment where you exhibited courage in your role as a teaching assistant. What did you learn from this moment?
3. Discuss a moment where you felt tension between your personal values and your obligations as a teaching assistant. If you resolved this tension, describe how you did so. If you did not, describe your lingering feelings about it.
4. Discuss a moment where you communicated effectively (or ineffectively) across cultural difference. What did you learn from this moment?

5. Describe how you react to stressful moments. What do you do to help take care of yourself in times of stress, and what do you want from others during times of stress?
6. Describe a mistake you made as a teaching assistant. How did you address that mistake with the student/professor/teaching assistant it affected?
7. What personal and professional values do you believe make somebody a great lawyer? How have you incorporated those values into your work as a teaching assistant?
8. Describe an interaction that called for empathy in your role as a teaching assistant. Why was empathy needed, and how did you demonstrate it?
9. Think about a skill or attribute of an effective mentor (beyond technical expertise) that you wanted to improve upon as a teaching assistant. What steps have you already taken toward improvement? What steps do you still plan to take?
10. How does your understanding of inequality in the legal system or law school affect a choice you made or an interaction you had as a teaching assistant? And, in turn, how did your choice or interaction affect those existing inequalities?