

## **Professional Identity Formation (LAW 424 - 003)**

**Lead Instructor:** Josie M. Gough (§3)

Contact Information: Josie M. Gough

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Pronouns: she, her, hers

**Office Hours:** The faculty lead instructor for this course will conduct regular office hours to answer questions relating the course and the material covered and also to gather feedback on the course. Please feel free to email the lead instructor to schedule a time and day that works best for you.

**Course Description:** Loyola's mission is to educate diverse, talented students to be responsible leaders in a rapidly changing, interdependent world, to prepare graduates who will be ethical advocates for justice and the rule of law, and to contribute to a deeper understanding of law and legal institutions through a commitment to research, scholarship and public service. The Professional Identity Formation course seeks to advance the mission of the law school by fulfilling two of the main educational goals at Loyola Law: (1) advancing the Jesuit tradition of social justice and ethics and law, and (2) preparing students to be accomplished and ethical leaders in the legal profession and the larger community. The individual development of a professional identity is critical to meeting these goals.

This required one credit, 5-week first year course seeks to assist students in the recognition and elimination of personal bias and building awareness of how diversity and inclusion of others whose world-view is different from one's own is critical to professional development and success in the practice of law. The course aims to support the development of professionals prepared to enter the workplace with (a) the tools needed to successfully engage and manage diverse environments and (b) the ability to think critically about various legal issues, problems, and solutions and how they impact people and communities differently based on identity, privilege, and oppression.

**Credit:** This one credit pass/fail course will meet for 5 weeks on campus in-person coupled with instruction delivered through video content accessible on-line.

**Materials:** *The Color of Law* by Richard Rothstein and materials distributed and posted to Sakai. Additional materials for your consideration may be distributed and posted to Saki during the 5 week period.

**Strongly encouraged:** Attendance at the presentation by author of *The Color of Law*, Richard Rothstein on October 15, 2019 at Noon in the Ceremonial Courtroom.

Students are also encouraged to attend on October 24, 2019 “A Conversation with Bar Leadership” at 5:30 p.m. in the Ceremonial Courtroom. RSVP by October 17<sup>th</sup> to lporter@luc.edu

**Goals and objectives:**

1. To understand and analyze the professional obligations of lawyers to practice competently including the ability to think critically about the law and the legal system and its impact on individuals and communities based on identity.
2. To introduce the historical and social context informing the laws, including but not limited to legal issues around race, gender, ability, sexuality, religion, immigration, and poverty.
3. To develop awareness, understanding, and the mitigation of bias as a necessary tool in the ethical representation of clients.
4. To help prepare students to enter the workplace with the knowledge needed to successfully engage and manage a culturally diverse environment.

**Evaluation:** Student grades are based on active participation and engagement with members of the class, workshop assignments, and completion of reflection exercises including the final assignment that evidence an understanding of the material and personal growth.

**Attendance:** Attendance is mandatory and will be recorded for each segment of the course. Regular and punctual class attendance as determined by the lead instructor is required. Absences or tardy attendance, even if all or some of them are considered to be “excused,” violate this requirement.

Students who violate the attendance policy are subject to various sanctions including withdrawal from the course, additional remedial work, or a final grade of “F” in this pass/fail course, or other appropriate sanctions in the discretion of the instructor.

Excused absences for limited and exceptional circumstances must be approved in advance by the lead instructor. If you are granted permission to miss a class, you will be asked to attend the lecture portion of one of the other sections if at all possible. You will also need to complete a make-up assignment for the workshop portion of the class.

**Responsible and Respectful Class Participation:** Loyola University Chicago School of Law is a responsible and respectful, professional learning community. Responsible class participation requires regular and punctual attendance, as well as preparation and participation. We expect that you actively participate and also listen respectfully to the questions and comments of your classmates, and all personnel involved in teaching and facilitating this course.

Respectful class participation requires students to be open to the ideas and viewpoints expressed by others in the class, and to engage in a conversation that challenges those viewpoints and ideas without personal attacks or demeaning comments. Law school classroom discussions often involve difficult and controversial topics. In our learning community, students feel comfortable

sharing their different perspectives and experiences with each other, knowing that their classmates will respect those perspectives and experiences.

Given the nature of this class, the benefit of using laptops or accessing the internet in class is outweighed by the potential distraction they pose (See the Above the Law blog post [Laptops and Law Students: A Bad Combo?](#) for a short exploration of the concerns about using laptops in a law school classroom.). For this reason, the *use of computers or other technology in this class (both the lecture and workshop portions) is strictly prohibited*. Similarly, please refrain from using other electronic devices in class, such as cell phones, iPods or tablets; you should ideally have these devices turned “off” and not be using any applications on these devices, including, but not limited to text messages.

Powerpoints for each of the lectures will be posted on Sakai, the course online learning platform. If you need access to a laptop in our meetings for the purpose of accommodating a disability or for other educational reasons, please let your lead instructor know. Requests for accommodations must be directed to Zelda Harris, Associate Dean for Administration in advance of the first class meeting but no later than October 20, 2019.

**Class Format:** The class format consists of a 30-minute content lecture by the faculty lead instructor in the main classroom followed by at 60-minute exercise session to apply concepts learned led by workshop leaders and facilitated by student facilitators. Attendance is required at both the lecture and the workshop for each of the five modules. Intentional participation is a foundation for the success of the workshop sessions. Attendance is required at both the lecture and the workshop for each of the five modules.

**Respect for Diversity Statement:** It is our intent that students from all backgrounds and perspectives be well-served by this course, that students' learning needs be addressed both in and out of class, and that the diversity that the students bring to this class be viewed as a resource, strength and benefit. It is our intent to present materials and activities that are respectful of diversity: gender identity, sexuality, disability, age, socioeconomic status, ethnicity, race, nationality, religion, and culture. Your suggestions are encouraged and appreciated. You are encouraged to let your lead instructor or workshop facilitator(s) know ways to improve the effectiveness of the course for you personally, or for other students or student groups.

Important note: Given the sensitive and challenging nature of the material discussed in class, it is imperative that there be an atmosphere of trust and safety in the classroom. We will attempt to foster an environment in which each class member is able to hear and respect each other. It is critical that each class member show respect for all worldviews expressed in class.

It is expected that some of the material in this course may evoke strong emotions. We ask all students to please be respectful of others' emotions and be mindful of their own.

Please let your faculty lead instructor and workshop leaders know if something said or done in the classroom, by either the faculty or other students, is particularly troubling or causes discomfort or offense. While our intention may not be to cause discomfort or offense, the impact of what happens throughout the course is not to be ignored and is something that we consider to

be very important and deserving of attention. If and when this occurs, there are several ways to alleviate some of the discomfort or hurt you may experience:

1. Discuss the situation privately with your lead instructor. We are always open to listening to students' experiences, and we want to work with students to find acceptable ways to process and address the issue.
2. Discuss the situation with the class. Chances are there is at least one other student in the class who had a similar response to the material. Discussion enhances the ability for all class participants to have a fuller understanding of context and impact of course material and class discussions.
3. Contact your faculty lead instructor, workshop leader(s), the teaching assistants for your section, or Dean Zelda Harris.
4. Notify us of the issue through another source such as your academic advisor, a trusted faculty member, or a peer. If for any reason you do not feel comfortable discussing the issue directly with the faculty teaching this course, we encourage you to seek out another, more comfortable avenue to address the issue.

### **Code of Conduct**

The Loyola University Chicago School of Law Code of Conduct shall govern all aspects of this class. See <https://www.luc.edu/law/currentstudents/schooloflawpolicies/>

**Supportive Services for Students:** During the semester, if you find that health problems, life stressors or emotional difficulties are interfering with your academic or personal success, and you are therefore finding it difficult to cope or to complete your academic work, please consider contacting the Wellness Center. Healthcare services, crisis intervention, time-limited individual counseling, and group therapies are free of charge and strictly confidential, having nothing to do with your educational records. You can make an appointment online using the links provided at <https://luc.edu/wellness/about/hours/>. You may also call 773-508-2530 for counseling appointments or 773-508-8883 to speak with a nurse about medical concerns. More information is available at <http://www.luc.edu/wellness>. If your medical or mental health condition requires ongoing academic accommodations, please register with Student Accessibility Services [<https://www.luc.edu/sac/>] and provide me with a copy of your accommodation letter.

Note: Loyola University Chicago faculty are committed to supporting our students and upholding gender equity laws as outlined by Title IX. Therefore, if you choose to confide in a member of Loyola's faculty or staff regarding an issue of gender-based misconduct, that faculty or staff member is obligated to file a report with the Office of Compliance and Equity. For additional information, please follow this link to their website: <https://www.luc.edu/equity/>

### **Other Supportive Resources**

The Office of Inclusion, Diversity and Equity/Office of the Ombuds  
<https://www.luc.edu/law/currentstudents/officeofinclusiondiversityandequity/>



# MODULE 1: UNDERSTANDING IDENTITY, CULTURE AND RULES FOR ENGAGEMENT

## Goals and Objectives:

- Identification and awareness of culture as the foundation for legal service to others.
- Understanding the professional obligation to refrain from engaging in harassing or discriminatory conduct.
- Establishing ground rules for civil discourse across differences.

## Prior to class

- Read:
  - *Diverse Teams Feel Less Comfortable – And That’s Why They Perform Better*
  - Resources: Mindfulness, Meditation, and Wellness Issues
- Listen to:
  - Video: David Douglas, The Ethical Obligation to Promote Diversity-Illinois Supreme Court Commission on Professionalism 4<sup>th</sup> Annual The Future Is Now 2019 Conference Presentation  
<https://youtu.be/8zqjcf2QTZQ>
- Supplemental resource material:
  - ABA Model Rule 8.4 Misconduct and Comment
  - Illinois Rule 8.4: Misconduct
  - *Diversity in the Legal Profession: Perspectives From Managing Partners and General Counsel*
  - *A primer on Intersectionality*

### **Assignment Due Prior to Class**

- Complete the Acknowledging Your Cultural Heritage Worksheet
- Upload on Sakai by your section due date:
  - Section 3: Tuesday, October 22<sup>th</sup> by 11:55 p.m.

### **In-class workshop Exercises:**

- Light as a Metaphor for Culture exercise

## MODULE 2: IMPLICIT BIAS & MITIGATING BIAS

### Goals and Objectives:

- Understanding the theory of implicit bias and how it impacts our daily interaction.
- Identification and recognition of biases that may interfere with the provision of legal services.
- Developing strategies for mitigating bias.

### Prior to class:

- Read:
  - Implicit Bias in the Courtroom, 59 UCLA L. Rev. 1124
- Listen/watch prior to class:
  - ABA Section of Litigation video: The Neuroscience and Psychology of Decision-making, Part 1: A New Way of Learning  
<https://www.youtube.com/watch?v=kzz5Ae-Jq0s>
  - PWC videos: <https://www.pwc.com/us/en/about-us/blind-spots.html>
    - (1) Blind Spots: Challenge Assumptions;
    - (2) Blind Spots: Overcome Stereotypes
- Supplemental resource material:
  - Frequently Asked Questions about the IAT

### **Assignment Due Prior to Class**

- Log onto the Project Implicit test and complete the Social Attitudes module for race, PLUS one additional module learned from taking the Implicit Association Test. **Do not submit your responses.** Your answers and test scores are not



accessible by faculty or others. Access the test at

<https://implicit.harvard.edu/implicit/>

- Reflect on what you learned from taking the two Implicit Association Tests you took and be prepared to discuss this as part of the workshop exercises.
- Complete the Subtle Prejudice activity sheet and discussion questions. Submit your responses to the discussion questions **only**, not the answers to the worksheet.
  - Upload on Sakai by your section due date:
    - Section 3: Tuesday, October 29<sup>th</sup> by 11:55 p.m.

**In-Class Workshop Exercises:**

- Circle rounds on the effects of implicit bias.

## MODULE 3: LEGALIZED OPPRESSION: HOUSING DISCRIMINATION

### **Goals and Objectives:**

- Understanding the history, practices, and effects of housing discrimination.
- Examining the lawyer's role in addressing discriminatory practices.
- Understanding the client's perspective in litigation involving discriminatory conduct.

### **Prior to class**

- Read:
  - The Color of Law, Chapter 5, Private Agreements, Government Enforcement
  - The Color of Law, Chapter 6, White Flight
  - Shelley v. Kraemer, 334 U.S. 1 (1948)
  - House Rules, Acts 1 (Rental Gymnastics) and 2 (The Missionary), This American Life podcast at: <https://www.thisamericanlife.org/512/house-rules>
- Supplemental resource material:
  - Federal housing rights video produced by Equip for Equality at:  
<https://www.youtube.com/watch?v=9582HrOIKVk>
  - The Chicago Race Riots of 1919  
<https://www.wbez.org/shows/wbez-presents/city-on-fire-chicago-race-riot-1919/bd9ab406-0c17-406d-aef3-e10a92ca092c>

### **Assignment Due Prior to Class**

- Complete the Module 3 discussion questions and upload on Sakai by your section due date:
  - Section 3: Tuesday, November 5<sup>th</sup> by 11:55 p.m.

**In-Class Workshop exercise:**

- Airbnb design thinking exercise

## MODULE 4: ETHICAL, CROSS-CULTURAL REPRESENTATION OF THE WHOLE CLIENT

### Goals and Objectives:

- Understanding how culture influences case analysis.
- Identifying when cultural differences may pose a barrier to legal representation.
- Developing strategies for working addressing barriers to representation.

### Prior to class:

- Listen to: Audio CLE program by the [Practicing Law Institute: The Habits of Cross-Cultural Lawyering](#), with Susan Bryant, CUNY School of Law
  - You will receive separate log-in information to access this program
  - As you listen to the audio, refer to the accompanying Powerpoint available under materials
  - Refer to Sakai for guiding questions to use as you listen to the audio
  - **Bring your responses to the guiding questions to class** – they will be used as the basis for activities that will take place during class
- Supplemental Material
  - Addressing Cultural Bias in the Legal Profession by Debra Chopp
  - Interviewing the Child Client  
<https://www.youtube.com/watch?v=OYLWkVHvgOM>

### Assignment Due Prior to Class

- Complete the Module 4 “You Be The Judge” assignment and upload your answers on Sakai by your section due date:

- Section 3: Tuesday, November 12<sup>th</sup> by 11:55 p.m.

**In-Class Workshop exercise:**

- Circle rounds on the effect of culture on legal representation.
- Note: There will be no lecture for this segment, as the content for the lecture is being delivered via the audio. Instead, go directly to your workshop rooms at 4 p.m.

## MODULE 5: BUILDING A COMMUNITY OF LEGAL PROFESSIONALS

### **Goals and Objectives:**

- Discussing practices and habits to help you maximize your effectiveness as a law student and future lawyer
- Reflecting on what was learned in the course.

### **Prior to class:**

- View:
  - ABA Law Student Division, [Rewiring Your Brain for Resilience](#)
- Review
  - Handout: Resources: Mindfulness, Meditation, and Wellness
- Supplemental resource material:
  - [How to Get Some Emotional Distance in an Argument](#), Zaid Jilani, *Greater Good Magazine*
  - [25 Ways to Develop a Growth Mindset](#), by Saga Briggs
  - [Video: Lawyer's Assistance Program: Your Best Thinking in the Workplace](#)
  - [Video: Bryan Stevenson: We Need to Talk About Injustice](#)
  - Handout: The Whole Lawyer and The Character Quotient-Developing Competence
  - Handout: Pledge of Professionalism
  - Handout: Article VII. Rules of Admission and Discipline of Attorneys Part A. Admission to the Bar

- Handout: Rule 8.1 Bar Admission and Disciplinary Matters/*In re Loren Elliotte Friedman*, M.R 23720 (Ill. May 18, 2010) and *In re Application of Shamir Lee Coll*, 2017-Ohio-4023 (May 21, 2017)
- Handout: Preamble to the Illinois Rules of Professional Responsibility

### **Assignment Due Prior to Class**

- Reflect on guiding questions below for the workshop exercise
- Complete the assignment to be posted on Sakai.
  - Section 3: Tuesday, November 19<sup>h</sup> by 11:55 p.m.

**In-Class Workshop exercise:** Come prepared to discuss the questions below.

- What do you believe are the most important competencies that you will need to acquire as you transition to the practice of law?
- What do you believe it means to be “fit to practice law”?
- Developing Habits of Mind: Healthy solutions to dealing with stress- beyond flight and fight-why it is vital to promote wellness and healthy habits for managing life, law school and our personal health profile?
- What does *Pro Bono* service mean to you as a legal professional?

### **FINAL ASSIGNMENT: COURSE REFLECTION**

Your final assignment is to complete a 1 to 2 page reflection on your role as a legal professional (as a student and future attorney) based on what you learned in this class. As you prepare this assignment, give thought to the significance of developing a positive growth mindset as another

tool that you can use to improve your life as a law student and future lawyer or business professional. Refer to Sakai for more instructions and guiding questions.

**Final Assignment Due**

- Section 3: Tuesday, November 26<sup>th</sup> by 11:55 p.m.