

Pedagogy and Purpose: Teaching for Practical Wisdom

by Daisy Hurst Floyd*

I. INTRODUCTION

This year marks my thirtieth as a legal educator. During that time, I have taught a variety of courses and served in several administrative roles, including seven years as Associate Dean for Academic Affairs and six years as Dean. I am now newly returned to full-time teaching after a post-deanship sabbatical. I have served on numerous law school, university, professional, and civic committees and boards, and have attended untold number of professional meetings. From these various perspectives, I have followed closely the debates about what we are and are not doing well in legal education, including such developments as the professionalism movement and its influence on law schools, the MacCrate Report,¹ and the publication of and ensuing conversations around *Best Practices*² and *Educating Lawyers*.³ More recent debates focus on justifying the purposes of legal education in the face of a poor economy and uncertain job market.

I have sometimes felt empowered by these discussions and by the richness of thought, debate, and experience that legal educators bring to bear on the best ways to prepare our students. At other times, I have felt weighed down by the challenges of “turning a battleship” or

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1. ROBERT MACCRATE ET AL., AM. BAR ASS'N LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992).

2. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007).

3. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

whatever current metaphor is being used to describe the many institutional and psychological barriers to changing a culture as tradition- and rule-bound as American legal education. As I ponder how to use my time and energy for the remainder of my career as a law professor, with the goal of preparing students for the demands of a changing world and a complex and difficult professional life, I find myself more and more focused on pedagogy. But, pedagogy for what purpose?

In this Essay, I want to suggest that we should conceive of our purpose as educating towards the exercise of practical wisdom and that we think about this purpose at the level of pedagogy.

II. PRACTICAL WISDOM

Practical wisdom derives from Aristotle's conception of virtue ethics.⁴ Aristotle argued that ethics requires the cultivation of virtues such as loyalty, self-control, courage, fairness, generosity, gentleness, friendliness, and truthfulness. Many social practices and interactions require wisdom, and, according to Aristotle, wisdom comes through cultivation of the virtues. The master virtue is practical wisdom: one who knows how to use the virtues "practically," who is able to apply them in concrete situations, is wise.

A recent book argues that we need practical wisdom today, but that our rule-bound culture inhibits both the development and exercise of practical wisdom. Barry Schwartz and Kenneth Sharpe, faculty members at Swarthmore College and authors of *Practical Wisdom: The Right Way to Do the Right Thing*,⁵ note that all humans have the capacity for practical wisdom but that not all humans develop it.⁶ The difference is in the kinds of experiences a person undergoes. Practical wisdom is acquired through the right kinds of experiences and through an absence of the wrong kinds of experiences.

Practical wisdom is nuanced and contextual; it depends upon an understanding of the particular. It is not just the right way to do the right thing, but is the right way to do the right thing in this situation and for this person. Schwartz and Sharpe use the example of how a doctor delivers a bad prognosis to a patient.⁷ The question is: How does this doctor deliver this bad prognosis to this patient at this moment? The answer might be different when the patient is a sufferer of acute

4. See ARISTOTLE, NICOMACHEAN ETHICS (Martin Oswald trans., Bobbs-Merrill Co., Inc. 1962).

5. BARRY SCHWARTZ & KENNETH SHARPE, PRACTICAL WISDOM: THE RIGHT WAY TO DO THE RIGHT THING (2010).

6. See generally *id.*

7. *Id.* at 36-38.

depression whose wife begs the doctor to withhold the truth of the prognosis to prevent a suicidal episode than with a different patient, or for this patient at a different time, or with a different diagnosis. Recognizing differences and acting appropriately in the face of them requires practical wisdom. Similarly, how does the lawyer properly advise this client of all of the considerations that should go into deciding whether to accept this particular plea offer?⁸ The doctor and lawyer must recognize that rules do not supply the answers to these questions. They must have the wisdom to apply the rules practically, that is, to understand the particular situation and the judgment it calls for.

Practical wisdom requires a “circuit of thinking” that allows the practitioner to move back and forth between particular and general, between narrative and analysis.⁹ When a person acts out of practical wisdom, she moves from engagement with a concrete situation toward use of analytical reasoning with the concrete situation and back again toward a more informed and discerning engagement with the situation. When we educate future lawyers, we want to prepare them for this circuit of thinking, to be able to move back and forth between their understanding of legal concepts and rules and the particular circumstances of the client’s case, including the client’s goals and needs.

Practical wisdom is needed by people in all walks of life, but it is particularly important for lawyers. Wisdom is the distinctive value that a lawyer brings to a client. The client needs the lawyer to offer judgment and not just a rule-based response—that is, to offer wisdom. We are failing our students, and the clients they will represent, if they are not capable of exercising practical wisdom, both for themselves and for their clients.

The question for legal educators then is: How do we provide the right kinds of experiences for law students, experiences that develop in our students a capacity for practical wisdom? And, just as important, how do we avoid providing them with the wrong kinds of experiences, those that teach them that rules will provide them all of the guidance they need to do their jobs, thereby limiting their capacity for practical wisdom?

III. THE LIFE OF THE MIND FOR PRACTICE PROJECT

Although practical wisdom is an ancient and well-known concept, it has been a lengthy journey for me to be able to articulate my own

8. *Id.* at 30-34.

9. WILLIAM M. SULLIVAN & MATTHEW S. ROSIN, A NEW AGENDA FOR HIGHER EDUCATION: SHAPING A LIFE OF THE MIND FOR PRACTICE 110 (2008).

purpose as a legal educator in its terms. A critical formative experience in that journey was my participation in an interdisciplinary project sponsored by the Carnegie Foundation for the Advancement of Teaching, which was called *The Life of the Mind for Practice Seminar*. The project brought together fourteen faculty members from professional schools and undergraduate liberal education representing a variety of disciplines. Its outcome was to describe a “pedagogy of engagement,” a way of designing and teaching courses that cultivate practical wisdom in our students. The project and its findings are summarized in *A New Agenda for Higher Education: Shaping a Life of the Mind for Practice*.¹⁰ The book provides a new and provocative way to think about what we are doing in law school, including examples of how to design the right kinds of student experiences to develop the capacity for professional wisdom.

Not surprisingly, this project of the Carnegie Foundation is consistent with the Carnegie Foundation’s report on legal education,¹¹ which also emphasizes the formative purpose of professional education. In fact, the *Life of the Mind for Practice* project grew out of the experiences of the Carnegie researchers who had studied professional education, including legal education. For those legal educators who are intrigued by the call of *Educating Lawyers* to pay more attention to the formative purpose of law school and its effect on development of identity, *A New Agenda for Higher Education* offers concrete ways to do so.

I want to use the occasion of this symposium to recount my experience with this project and why it has led me to think of my purpose as a legal educator as the cultivation of practical wisdom in my students.

The project began with the idea of bringing together educators from professional schools and from liberal arts disciplines to explore issues of pedagogy. The organizers, who included Lee Shulman, then President of the Carnegie Foundation, and Bill Sullivan, one of the authors of *Educating Lawyers*, began from the premise that professional school pedagogy could model a new approach for undergraduate liberal arts pedagogy, one that would replace the emphasis on critical thinking as the goal of liberal education. They thought that pedagogical practices of professional schools might offer a model for undergraduate liberal education, on the assumption that professional schools, by their very nature, use pedagogies that develop practical wisdom. The project

10. See generally *id.* Note that the book, and the *Life of the Mind for Practice Seminar* it describes, uses the term “practical reason” instead of “practical wisdom.” For the purposes of this essay, I consider the two terms synonymous and use “practical wisdom” for consistency.

11. SULLIVAN, *supra* note 3.

participants were gathered to discuss how to teach practical wisdom and to unpack how professional schools did so.

The project participants were selected for one of two reasons: either they had taught a course that the organizers believed represented teaching for practical wisdom, or they had formal expertise in practical wisdom. I was a member of the first group.¹² I was selected because of a legal ethics seminar that I had then taught multiple times and continue to teach today. I first developed and taught the course in 2001 as a Carnegie Seminar on Legal Education, which was a part of the research for the Carnegie report on legal education. The course was also the basis for my exploration of professional identity as a Carnegie Scholar, and I continue to refine it and teach it under various labels, most recently as a Legal Ethics Seminar. Although the course has evolved over time, its stated purpose has remained the same: to ask students to inquire about the lawyer's professional identity and to aid students in the development of their own professional identities.

For example, my syllabus for the Fall 2011 seminar stated that:

This seminar will examine the professional identities of American lawyers, which affect their relationships, career decisions, and a broad range of ethical and moral choices. The study of professional identity encompasses issues of personal satisfaction and professional success and must necessarily take into account individual personalities, experiences, talents, and values. Through the seminar, we will collectively develop some insights into the ways in which American lawyers develop their professional identities and the impact on the practice of law. Additionally, and more importantly, it is hoped that each student in the seminar will be helped in his or her own development of professional identity. We will draw on assigned readings, reflective exercises, class discussion, and conversations with lawyers and other professionals to meet the goals of the course, and each student will develop a topic for a research project based on individual interest.¹³

As so often happens with a generative educational experience, the *Life of the Mind for Practice* project did not proceed as planned. A couple of unanticipated challenges arose. First, gathering a group of faculty to discuss the topic of practical wisdom turned out not to be the best way to truly understand how to teach for practical wisdom. Second, the premise of the seminar was partially and unintentionally undermined

12. Other project participants taught courses in law, biology, education, engineering, English, and religion, and represented various institutions and disciplines.

13. Syllabus, *Life of the Mind for Practice Seminar*, Mercer University (Fall 2011) (on file with Author).

by the professional school faculty who were invited to participate, including me. We felt that the illustrative courses we taught—which were why we were asked to participate in the project—were not typical of professional school pedagogy. In fact, we argued, they were not just atypical; they were actually contrary to the dominant pedagogy used in each of our professional school settings. We argued that most professional school pedagogy was not necessarily a model of how to teach towards practical wisdom; indeed, it could stand improvement. We felt that it was important that those in the project from other disciplines understood that the courses we were bringing to the discussion were not representative of professional school pedagogy.

For example, I consider that my legal ethics seminar runs counter to the prevailing approach of legal education in several ways. By valuing the personal and the subjective, it is contrary to the dominant law school emphasis on the objective and the impersonal. The focus on integration of the personal and professional runs counter to the ways in which legal analysis rests on compartmentalization, including the message to students that one can and should ignore personal values when in the role of lawyer. It counters a belief that it is appropriate to act one way professionally and another personally; that factors not relevant to the application of law, such as emotional or moral impulses, are properly ignored in problem-solving. The legal ethics seminar teaches that being a good lawyer is dependent on bringing things back into the exercise of judgment that were parsed out in the early stages of learning “to think like lawyers.”

The project organizers responded to these two challenges in ways that demonstrated effective teaching; in fact, their response modeled practical wisdom. The first challenge led to a change in the way the project was conducted, and the second opened up the discussion so that we ultimately developed a pedagogical framework that drew on the best traditions of both professional school and liberal education pedagogy. Rather than proceeding as a one-way application of professional school pedagogy to the undergraduate liberal arts context, it became a two-way give and take, emerging with a recommended pedagogy that fused the two traditions.

So, rather than engaging in academic discussion about practical wisdom, each of the project participants was asked to engage in directed reflection about the syllabus of the course he or she was teaching. We were urged to think of our course syllabi as narratives, as representing a story that we had constructed for our students. This approach conceived of a course as a story with a beginning, middle, and end, complete with protagonists and plot points along the way. We were asked to think about ways in which we had built in challenges and

obstacles throughout the course, with those challenges providing transformative learning experiences for our students. The project organizers asked us to conceive of ourselves as expert guides for our students, as structuring student experiences that “anticipate the salient demands, values, and institutions of students’ future lives.”¹⁴

We were also divided into pairs, with each pair representing two different disciplines, and asked to discuss our courses with our partners. I was paired with an English professor. Through these exercises, we were required both to think deeply about the construction and goals of the courses we teach and to justify and explain the course to someone with a different disciplinary perspective and approach. There were many valuable lessons as a result, including that our seemingly disparate disciplines had more in common than we anticipated.

I had never before conceived of a course syllabus as a narrative. Doing so required me to reflect in a new way on how my legal ethics seminar had developed through multiple iterations. It also made me realize a parallel to my students. My role of teacher as an expert guide mirrors what my students will be doing after graduation: as lawyers, they are expert guides for their clients, and I want them to develop a capacity for anticipating their clients’ future lives that is similar to my obligation to anticipate my students’ future lives in constructing a course syllabus.

Among the questions we were asked were these:

- What is the moral, or purpose, of your course when viewed as a narrative?
- What are the ideal professional values and key concerns that you wish to instill in your students?

My responses to these two questions, as written in 2003, included the following vision for my legal ethics seminar as it had evolved to that point:

The narrative offered by the syllabus describes a particular vision of the ethical, competent, fulfilled lawyer. [It] places importance on a lawyer’s asking (and seeking to answer) these fundamental questions: Who am I? What is my place in the world? It evidences a belief that skills of reflection and connection are essential to being a good lawyer. Without self-knowledge, the awareness of community that comes from asking those questions, and relationship skills, a lawyer will be neither fulfilled nor an effective, ethical professional.

14. SULLIVAN & ROSIN, *supra* note 9, at 85.

The narrative presumes the necessity for, and the importance of, integrating the professional and the personal. The culture of law school causes many law students to take on a professional identity that is separate from the personal identity. In contrast, the seminar teaches that students can practice law consistently with who they are and with their own values, to help them place the skills learned in law school in the context of becoming and being a professional.

The narrative presumes that competence—ethical, effective lawyering—is enhanced when one is authentic, that is, fully integrated, as a lawyer.

The narrative also presumes the importance of community. It asks students to think about what it means to be a professional, in several senses: What are the characteristics of a professional that distinguish the work that he or she does from the work done by nonprofessionals? What does it mean to be a part of the community of legal professionals? How do the larger social community within which lawyers operate and the particular context of the American legal system inform the lawyer's work and identity?

The narrative presumes the value of connections and the long-term impact of the time spent in law school: connections between law school and students' future lives as lawyers; connections between students and other members of the relevant professional communities (the law school or the profession); and connections with other actors in the legal system, including clients.

The narrative recognizes the inherent challenges of being a professional, including the application of specialized knowledge in the face of uncertainty. The course helps students acknowledge the potential consequences of the application of judgment in the face of uncertainty, including the possibilities of mistake or failure. It also addresses fear. In acknowledging mistake, failure, and fear, the narrative attempts to help students understand that those are normal experiences for professionals and that they can be faced and overcome.

IV. A PEDAGOGY OF ENGAGEMENT

In the third meeting of the project participants, we broadened the discussion to finding similarities within each of the courses so explicated. We discerned a “pedagogy of engagement” that transcends disciplinary boundaries and provides a model for teaching toward practical wisdom. In trying to describe what the pedagogy of each of these courses had in common, we identified a framework of four topics that were present in all in one way or another. A course that built into it all four topics helped students move beyond just learning the subject matter of the course; it prepared the students to engage with the subject matter in a way that would allow them to exercise practical wisdom on behalf of

themselves or others. The four topics are: identity, community, responsibility, and body of knowledge.

The first topic is identity, which “expresses the reflective and formative dimension of education.”¹⁵ Identity requires students to ask themselves who they ought to be through their actions. It includes the formative effect of particular educational and other experiences as students develop from novices to experts. In the case of professional education, identity includes the ways in which a student assimilates the profession’s normative and ethical values and concerns. It includes the integration of the new professional role with students’ understandings of themselves, including their values and their concerns, as they have developed up until the time that they enroll in professional school.

The second topic is community. Developing an identity does not take place in isolation; it occurs through community with others. Community provides models of how to engage “the natural, social, and cultural contexts of action.”¹⁶ Participation with others, whether they are classmates, faculty, or those from outside of the educational environment, creates in the student’s imagination models of doing and being. For the professional, the community will include members of the profession to which they aspire.

The next topic is responsibility. Through actions, one lives up to responsibility for others and for the community’s values. For professionals, responsibility includes the fiduciary care that one owes to a client, patient, or parishioner. But, responsibility goes beyond a specific fiduciary requirement and therefore is broad enough to encompass the goals of both liberal education and professional education. Although liberal education is not aimed explicitly toward professional performance on behalf of someone else, the topic of responsibility is relevant because it includes ethical reflection or expert technical performance. Conceived in this way, responsibility “lies at the heart of responsible deliberation and action in the social world[.]”¹⁷ whether in the context of professional performance or otherwise.

The final topic is a body of knowledge. Of the four, this is the one with which we are most comfortable and that has traditionally been the focus of higher education.¹⁸ It is the organizing principle for most of what we do as academics, including shaping our pedagogy. Too often, however, we emphasize the body of law to the neglect of the other three. When we focus too much on content—or “coverage”—we both fail to

15. *Id.* at 94.

16. *Id.*

17. *Id.*

18. *Id.*

provide the right kinds of experiences for our students to develop practical wisdom, and we are in danger of providing the wrong kinds of experiences. If we want to cultivate practical wisdom, we need to expand our idea of pedagogy beyond this traditional focus to include the other three.

In sum, developing practical wisdom in our students demands a pedagogy aimed at students' understanding of the body of knowledge (the subject matter content of the course) and how to place that understanding into their developing identities (who am I and who am I becoming?), an awareness of community (how do others use this knowledge?), and responsibility (how do I use my knowledge on behalf of or in service to someone else?). A pedagogy that addresses these four topics "is both broader and more concrete than the kinds of teaching typical in the academy."¹⁹ It holds great promise for preparing our students to navigate the world after they leave us and for fulfilling the purpose of higher education.

In my legal ethics seminar, I use selected readings, reflective writing assignments, classroom discussion, and research projects to address these topics. The body of knowledge for the course builds upon students' experiences thus far in law school, including their developing expertise in the substantive law covered in their other courses and their growing understanding of ethical and normative values of the profession. Because Mercer requires all first-year students to take a course on professionalism and ethics, even those students in the seminar who have not yet taken the upper-level required professional responsibility course have a grasp of the ethical standards of the profession.

In addition to building upon the explicit curriculum, I also consider the hidden curriculum of law school to be a relevant body of knowledge for the course. We discuss what students have learned from the environment of competition, from what is not taught in law school as well as what is taught, and from the dominant paradigm of "thinking like a lawyer" that infuses their law school experiences. We address the ways in which images of lawyers in popular culture influence students' understanding of the lawyer's role and the values of the profession. We discuss lawyers they know, lawyers they have observed in the course of work or externship experiences, and well-known lawyers from history or current events.

Reading assignments in the course expand the body of knowledge and include such topics as moral psychology, legal education, the role of faith and spiritual values in the practice of law, and research on the legal

19. *Id.* at 95.

profession and law practice. The reflective writing assignments and research topics intersect with the body of knowledge by asking students to think deeply about their experiences and the ways those experiences connect to the legal profession and to their lives after law school.

For example, one assignment asks students to reflect upon the personal statements they wrote on their law school applications. After providing the students with the statements they wrote, I ask them to write a short reflective essay addressing the following questions:

- As you read this statement from the perspective of having completed one or two years of law school, are you surprised by its content? Why or why not?
- Does the statement accurately reflect: Who you are today? Your current goals with regard to law school? Your current goals with regard to the practice of law or other post law school experiences?
- As you remember writing the statement, reflect upon the ways in which law school has and has not changed you and describe those.
- What is the most powerful lesson that you have learned about yourself during your time in law school?

This assignment addresses all four topics: it causes students to incorporate the relevant body of knowledge (their understanding of legal education) with identity (who was I, who am I now, what have I learned, and how is law school changing me?), community (how do my goals and experiences fit into those of the profession's norms and values?), and responsibility (what are my expectations for using this knowledge on behalf of clients in the future?).

Another assignment connects to the class discussion of work-life balance. It follows a reading assignment from *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*²⁰ and adapts an exercise from that book. The assignment is set forth as follows:

In *Transforming Practices*, Steve Keeva asks readers: "When you are most yourself—that is, when you feel most authentic and alive—how does that affect the way you experience practicing law?"²¹ I would like you to consider similar questions, but reframed:

20. STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* (1999).

21. *Id.* at 31.

- Think about the times in your life when you have felt or you feel the most yourself—when you feel the most authentic and alive. Do these times occur when you are in a particular place, doing a particular thing, or with a particular person or people?

- What do these times tell you about who you are, and what is important to you?

- Do you ever experience this feeling when you are doing something related to the law or to being a law student?

- Do you think you can experience this feeling through being a lawyer? Why or why not?

This exercise also addresses the four topics, but in different ways from the personal statement assignment. It incorporates the body of knowledge (the particular reading assignment) with issues of identity (what matters to me?), community (do the normative values of the profession allow for authentic experiences?), and responsibility (can I reconcile my obligations to others—including my family and friends, my clients, and the profession and the justice system—with my desire to find fulfillment in my work?).

V. CONCLUSION

I would not have used the concept of practical wisdom in explaining the purpose of my legal ethics seminar before this experience. In fact, one of the questions we were asked to reflect upon during the project was how practical reasoning appears in our syllabi. My answer reveals the beginning of my connection of professional identity to the concept of practical wisdom:

Practical reasoning is not explicitly present in the syllabus. The focus of the course, however, is on developing skills that build the capacity for practical reasoning. The capacity for practical reasoning requires that one be firmly situated as self. Because practical reasoning is not abstract, analytical, universal reasoning, it must begin with an understanding of who one is as an individual and the ways in which one's experiences inform the development of professional knowledge and practice. Practical reasoning also requires that one understand the context within which the technical knowledge and skills are used. This includes taking into account far more than just the analytical, intellectual application of legal rules to predict the outcome of a case should a dispute go to trial. Those two aspects of lawyering are neglected in the traditional law school curriculum. The Advanced Legal Ethics course attempts to identify the effect of their neglect and to ameliorate their absence. At a minimum, the hope is that students will begin to broaden their

personal visions of what is necessary to be a good lawyer and to begin to develop or strengthen these skills. So, while practical reasoning is not explicitly addressed, the skills addressed are essential to the competent application of practical reasoning.

I also began to connect the importance of practical wisdom to the lawyer-client relationship with this reflection:

It is not just that the lawyer engages in practical reasoning; the lawyer assists the client to engage in practical reasoning. The lawyer-client relationship explicitly addresses the autonomy of the client—that while the lawyer counsels or offers judgment, the final decision is for the client. This may mean that the lawyer needs to model and make visible practical reasoning at the service of the client, and the lawyer needs to help the client to reach the end of practical reasoning—to understand the lawyer’s application of professional knowledge and judgment to decide whether to follow the recommended course of action.

My participation in the *Life of the Mind for Practice* project and subsequent explorations of practical wisdom have revealed for me the connection between a lawyer’s development of identity and the ability to exercise practical wisdom for and with clients. I recognize, however, that it is one thing to reflect in retrospect that a developed course provides a framework for teaching practical wisdom and quite another to look ahead at achieving this goal in a more traditional law school course. After all, the legal ethics course is a seminar, with attendant pedagogical flexibility, in which the stated purpose of the course is to develop professional identity and capacity for judgment. But, what does this framework mean for implementing a pedagogy of engagement in other law school courses, particularly courses where the purpose is to teach an area of law such as torts, property, or procedure?

Answering that question is the next step in my journey. I will soon be returning to teaching Civil Procedure and Evidence after an eight-year absence and want to use this pedagogy of engagement in those courses. While I have not worked out the specifics, it is clear that I must be more innovative in designing my syllabi than basing them on the table of contents of the coursebooks I select or the “coverage” I hope to achieve. I need to avoid exclusive emphasis on the body of knowledge and instead challenge myself to include assignments that engage the topics of identity, community, and responsibility. For example, in my Civil Procedure course, I must design a syllabus that not only teaches the fundamentals of subject matter and personal jurisdiction, but that helps

students place that understanding in the context of who they are as lawyers, what their ethical obligations are when engaging in litigation, and how to use the rules as responsible fiduciaries for their clients. I must conceive of my syllabus as a narrative, thinking about the course as a story with a beginning, middle, and end, and of my students as protagonists for whom I construct challenges and obstacles with specific learning goals. I will likely design reflective exercises—including putting students in role—and create opportunities for students to experience the circuit of thinking from general to particular and back again.

I have used both *The Buffalo Creek Disaster*²² and the *Lucy Lockett* simulation²³ in my Civil Procedure courses in the past, as have many who teach that subject matter. I previously conceived of those exercises primarily in terms of skills teaching, that is, to help students understand the application of theory to practice in real situations. I used *The Buffalo Creek Disaster* to discuss the strategic decisions made by the lawyer, and to examine some of the documents from the case as an illustration of pleadings and of how to word discovery requests when seeking a particular objective. I used the *Lucy Lockett* simulation to put students in role as Lucy's lawyers so that they would think about the practical aspects of representing a client. That helped them understand how to decide who the proper defendants are and where the case should be filed. Those are valuable goals, and I believe that the exercises provided valuable experiences for the students.

As I return to teaching the Civil Procedure course with the four topics in mind, however, I will now use these resources in additional ways, with the explicit goal of teaching practical wisdom. For example, I will assign a reflective writing assignment based upon *The Buffalo Creek Disaster* that requires students to reflect upon how they would feel to interact with clients who had lost their homes or who had witnessed bodies floating in the flood waters. I will ask them to reflect upon the ethics of devising a novel theory of law or of the conflict inherent in representing multiple clients in a joint action. I will require students to spend twenty minutes in small groups discussing their reflections on these matters or place them in role as lawyers and clients to have a discussion about these matters. I will make similar adaptations to the *Lucy Lockett* exercises I have used in the past or place my students in

22. GERALD M. STERN, *THE BUFFALO CREEK DISASTER: THE STORY OF THE SURVIVOR'S UNPRECEDENTED LAWSUIT* (1976).

23. The *Lucy Lockett* simulation was designed by Professor Phillip Schrag and is widely used in Civil Procedure courses. Professor Schrag wrote about the simulation in Phillip G. Schrag, *The Serpent Strikes: Simulation in a Large First-Year Course*, 39 J. LEGAL EDUC. 555 (1989).

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role as advisors to a new democracy, charged with drafting rules of jurisdiction and procedure and with defending their choices through reflection and dialogue. I will build upon existing exercises designed to teach skills, adapting them to address the four topics, or devise new ones, thereby enlarging students' experiences and their ability to use their knowledge in the exercise of practical wisdom.

I do not know where the next step of my journey will take me. But, I know what I hope for. I hope that I will be informed by the needs of my students who are in this class at this law school at this time in their development and in the development of the law and the legal profession. I hope that I will move back and forth between my understanding of the law and teaching techniques to the more concrete situation of my students' reactions as the course proceeds. I hope that I will bring to this task not only expertise in law and legal education, but also a sense of who I am as a law teacher, of what the norms and expectations of my community are, and of what my fiduciary obligation as a teacher requires. In other words, I hope that I will exercise practical wisdom.