

2013

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### Recommended Citation

David M. Moss, *Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform, The*, 2013 J. Disp. Resol. (2013)  
Available at: <https://scholarship.law.missouri.edu/jdr/vol2013/iss1/3>

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# The Hidden Curriculum of Legal Education: Toward a Holistic Model for Reform

David M. Moss\*

## I. INTRODUCTION

Discourse surrounding how to most effectively prepare lawyers decisively entered the public sphere when, in 2011, the *New York Times* published a feature article titled, “What They Don’t Teach Law Students: Lawyering.”<sup>1</sup> Echoing arguments from across the academy that American law schools are in need of reform,<sup>2</sup> the premise of the *Times* article is that in preparing “practice-ready” lawyers, law schools should reexamine what their students must know and be able to accomplish upon graduation.<sup>3</sup> From a practice-ready perspective there are far reaching implications for curriculum and modes of instruction that have become obsolete—not the least of which is the fact that there are an increasing number of disgruntled law school graduates who are saddled with loans they are unable to repay because fewer job prospects are available to them in the current market<sup>4</sup>. Thus, law schools have an intensified ethical responsibility to examine their curriculum in deep and meaningful ways in order to best ensure their graduates are prepared to enter the legal profession as it exists today. This article is intended to foster reflection and analysis by law faculty who hold the reigns of power over law school curriculum.

Interestingly, the tension surrounding how to best prepare practice-ready graduates is one not at all uncommon to other professional schools and programs across the spectrum of higher education. Similar to the preparation of K-12 teachers for professional licensure, when one considers the preparation of lawyers, the need for deep exploration of disciplinary knowledge and ways of knowing are often placed in direct conflict with courses and hands-on experiences, such as internships and/or so-called skills courses, which are viewed as more practical or applied in nature<sup>5</sup>. The latter perhaps viewed by some faculty as not consistent with the rigorous traditions of higher learning. It is curious that vital programmatic aims, generally branded as both knowledge and skills, are often characterized within an *either-or* context. Writing on such tensions that often materialize within

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1. See David Segal, *What They Don’t Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 19, 2011, at A1.

2. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007) (one of the most widely cited).

3. See Segal, *supra* note 2.

4. *Id.*

5. See generally PORTRAIT OF A PROFESSION: TEACHING AND TEACHERS IN THE 21ST CENTURY (David M. Moss et al. eds., 2005) (discussing the various models and challenges of preparing teachers).

an either-or framework, educational philosopher John Dewey<sup>6</sup> characterizes such a polarization of viewpoints as a false dichotomy and argues for the consideration of multiple perspectives.<sup>7</sup> Certainly many schools of law have sought to overcome the either-or approach to curriculum design and have considered more holistic models of legal education.<sup>8</sup> As will be addressed within this article, a key for resolution to the dilemma of how to best prepare graduates who can think, write, and conduct themselves as lawyers immediately upon graduation, and yet whose preparation is consistent with rigorous and rich doctrinal traditions, is to view the law school curriculum through a holistic lens.

As one reflects upon the all-too-common reality that doctrinal courses and the applied and/or experiential practices in law schools (including legal writing seminars) are often placed at odds with each other, it is evident that such perspectives are underpinned by a value system that places certain knowledge and modes of instruction over others.<sup>9</sup> Such curricular realities convey clear messages about the merit of various learning experiences across the three years of a legal education program. When discussing the origins of current law school curricula, John Lande and Jean Sternlight offer a concise argument that nicely describes such inherent, and often implicit, messages for law students:

The problem with the Langdellian model<sup>10</sup> is not that its subjects or methods are inappropriate, but rather that they convey seriously distorted messages about law and lawyers and therefore fail to convey additional needed information and skills. These messages are mostly implicit in the structure of law school courses, erroneously suggesting that the bulk of what lawyers do is to analyze and argue appellate law and that other functions are less common or important. The implicit nature of these messages, which are repeatedly reinforced in multiple courses, conveys a powerful subliminal lesson.<sup>11</sup>

The curricular scope and sequence within the legal education academy sends clear messages about what matters most for lawyering. Bear in mind, a law program can seem disconnected from a student's point of view, as they are often not privy to the "big picture" of the intended curriculum until perhaps the very end of their program—if even then. Thus, they may make judgments about what really matters in law school from their incomplete perspective and perceive meaning through participation in classes and experiences whether those meanings are in-

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6. John Dewey was an influential late 19th century and 20th century educational reformer and philosopher. See generally RAYMOND D. BOISVERT, JOHN DEWEY: RETHINKING OUR TIME (1998) (discussing the philosophies of John Dewey).

7. See JOHN DEWEY, EXPERIENCE AND EDUCATION (1938) (discussing the potential pitfalls of an either-or philosophy).

8. See generally REFORMING LEGAL EDUCATION: LAW SCHOOLS AT THE CROSSROADS (2012) (David M. Moss & Debra Moss Curtis eds., 2012) (presenting case studies of law schools in the midst of reform).

9. "Perhaps the most critical question with regard to curriculum centers on the notion of the value or worth of knowledge." BEYOND THE BOUNDARIES: A TRANSDISCIPLINARY APPROACH TO LEARNING AND TEACHING 3 (Douglas Kaufman et al. eds., 2003).

10. Modern American legal education is usually said to have begun with the advent of Christopher Columbus Langdell as Dean of the Harvard University Law School. See *supra* note 3, at 209 (discussing the Langdellian model). Central to the Langdellian system is the use of case studies. *Id.*

11. John Lande & Jean R. Sternlight, *The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering*, 25 OHIO ST. J. ON DISP. RESOL. 247, 256 (2010).

tended or not. Such thinking lies at the core of what is known in educational circles as the “hidden curriculum.”<sup>12</sup>

The following section of this article directly addresses the notion of the hidden curriculum and why this construct is essential for legal educators to consider as they contemplate reforms. Core principles of curriculum theory will then be briefly discussed as a precursor to the subsequent section that addresses the notion of a transdisciplinary curriculum. A transdisciplinary perspective will offer a holistic lens for considering law school curriculum. Finally, such notions as curriculum mapping offer tangible solutions to addressing the challenge of preparing practice-ready graduates in the legal profession.

## II. THE HIDDEN CURRICULUM

Teaching students to “think like a lawyer” remains a fundamental aim for the American legal education system;<sup>13</sup> as such, we must be cognizant of both the explicit and implicit messages we are conveying to our students regarding exactly what that means. Although there has been some evolution in legal education models in recent years,<sup>14</sup> most law schools heavily favor the study of legal doctrine in a classroom setting over other so-called more applied, and often experiential, approaches to preparing lawyers.<sup>15</sup> I suspect most, if not all law schools, have developed various learning models beyond the Socratic method-oriented, large-class-size approach historically associated with legal education, though these alternate models may not yet be consistently implemented across aspects of each program e.g. University of Iowa College of Law.<sup>16</sup>

As we consider the sequence of courses within and across the years of law school, it is unmistakable that certain courses hold more weight than others in the hierarchy of legal education.<sup>17</sup> Although such emphases on various elements within a program is both welcomed and essential on many levels, we must be cognizant of what such prioritizations communicate to our students regarding what matters most in their legal training.<sup>18</sup> At times, such messages are purposeful and carefully considered. But, perhaps more often than not, such connotations are more implicit and overlooked. For example, faculty status and course assignments—that is, who teaches what course—are a facet of our program that likely do not go unnoticed by our students. Students may rank the importance of various courses based upon who teaches them and in what year of the program they are offered. Students may also consider such factors as whether certain subjects are tested on the Bar along with the reality that potential employers may value certain courses. That is, there are often strategic considerations to the selection of courses

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12. See generally PHILIP W. JACKSON, *LIFE IN CLASSROOMS* (1968) (discussing this widespread phenomena not unique to legal education).

13. See generally WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007) [hereinafter *EDUCATING LAWYERS*].

14. See generally *REFORMING LEGAL EDUCATION*, *supra* note 9.

15. See generally *EDUCATING LAWYERS*, *supra* note 14.

16. See *REFORMING LEGAL EDUCATION*, *supra* note 9, at Chapter 4.

17. *Id.* at 220.

18. Even the very usage of the phrase “legal training” as opposed to “legal education” communicates messages about the status of the educational endeavor across the legal education academy.

by students. These undercurrents of the educational experience comprise the hidden curriculum.

The term “Hidden Curriculum” was first utilized by a sociologist named Philip Jackson over four decades ago.<sup>19</sup> Jackson argues that what is taught in schools is more than the sum total of the curriculum and believed formal schooling should be understood as a socialization process where students pick up messages through the experience of being in school and interacting with faculty and peers, not just from things they are formally taught.<sup>20</sup> Discussing this idea in terms of the power of such implicit messages in schooling, and school design in particular, Eric Margolis notes:

Given that people constantly pick up messages from their environment, it is clear that the way a school is designed, the materials used...has an influential role in education. A building that looks and feels like a prison has one kind of impact, whilst a light and airy, inviting building has another. The school building sends out a message to pupils and staff about how much they are valued and also about how much their education is valued.<sup>21</sup>

Consider your own law school program for a moment. How are your classrooms for doctrinal courses designed and its curriculum implemented? Think about this from the student perspective and what it says to them about *your* values and beliefs regarding teaching and learning. Paradoxically, in front of a Socratic-model large class, one might extol the benefits of team work, brainstorming, collaborative inquiry, effective communication, and problem solving, along with other skills deemed essential not only for resolution dispute but for lawyering in general. However, when doing so from the front of an auditorium-style classroom, where students voices are only acknowledged on a limited basis, the message that is conveyed may be at odds with the message that is actually heard. Considering factors that make up the learning experiences for students, including those explicit elements of our syllabi and teaching along with those more subtle, so-called hidden messages, is essential if we are to unambiguously convey purposeful and intended meanings to our students.<sup>22</sup> Explicit and purposeful communication is the key, as educational theorist Jane Roland Martin notes:

Until learning states are acknowledged or the learners are aware of them... they remain hidden even if sociologists, bureaucrats, and teachers are all aware of them. Thus, a hidden curriculum can be found yet remain hidden, for finding is one thing and telling is another.<sup>23</sup>

Thus, I argue that in order for law professors to convey clear and concise messages about lawyering and what we value in terms of learning in law school, we must first have in place an organizational schema for considering our own

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19. See generally LIFE IN CLASSROOMS, *supra* note 13.

20. *Id.* at 34.

21. See ERIC MARGOLIS, THE HIDDEN CURRICULUM IN HIGHER EDUCATION (2001).

22. *Id.*

23. Jane R. Martin, *What Should We Do with a Hidden Curriculum When We Find One?*, 6 CURRICULUM INQUIRY no. 2, 1976, at 143.

curriculum. Then, and only then, can we unpack the hidden messages that may come along for the ride.

The next section addresses curriculum theory as a scholarly approach to considering educational reforms. Specifically, the notion of liberal education will be introduced as a construct consistent with the tenets of preparing practice-ready graduates.

### III. CURRICULUM THEORY

Curriculum is at the heart of education, and curriculum theory is the scholarly effort to understand it.<sup>24</sup> Curriculum is not merely about what should be taught, but it encompasses action and purpose.<sup>25</sup> Thus, understanding curriculum as more than the sum total of the content of our syllabi requires that we delve deeply into its constructs. Previously, I have addressed the complexity of curriculum in a book that explored the extent of the disciplines commonly taught in K-12 schools:

Curriculum is a complex and multifaceted concept. Yet, most people would likely define it by merely reciting the predominant subjects taught in public schools: English, science, mathematics, and social studies. To a lesser extent we might expect individuals to identify areas that are believed to supplement the so-called core subjects . . . regardless, the concept of curriculum is often synonymous with the catalogue of familiar classes experienced by untold numbers of students over the years.<sup>26</sup>

This notion of curriculum as a catalogue of classes is not unfamiliar to the legal education academy. There has been a concentrated effort in curriculum mapping in recent years across a wide range of law schools to document the scope and sequence of their courses.<sup>27</sup> Mapping one's curriculum is an essential first step in understanding how the various explicit elements of a program fit together. More importantly, mapping helps us align our curriculum with various standards and/or benchmarks, identifying any significant gaps that may exist in the program as a whole.<sup>28</sup> But it is only a first step. As a direct outcome of the technical procedures of curriculum mapping, there emerges an opportunity for meaningful faculty discourse regarding values and norms within an institution.<sup>29</sup> During these conversations—often both formal and informal—faculty may begin to uncover their philosophical perspectives about teaching and learning. Here, we enter the realm of curriculum theory.

In this sense, we must view the construct of a curriculum as more than the course titles and catalogue descriptions as they appear on a curriculum map. Indeed, we must include what curriculum theorist William Pinar<sup>30</sup> calls a complicat-

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24. WESLEY NULL, CURRICULUM: FROM THEORY TO PRACTICE 1 (2011).

25. *Id.*

26. See BEYOND THE BOUNDARIES, *supra* note 10.

27. See Debra Moss Curtis, CURRICULUM MAPPING: BRINGING EVIDENCE-BASED FRAMEWORKS TO LEGAL EDUCATION (Oct. 2009), available at [http://works.bepress.com/debra\\_curtis/1](http://works.bepress.com/debra_curtis/1).

28. *Id.* at 3.

29. See REFORMING LEGAL EDUCATION, *supra* note 9, at 96-97 (discussing curriculum mapping as a process involving faculty discourse).

30. William Pinar is a prolific scholar who is known for his work in curriculum theory in the late 20<sup>th</sup> century. In 2005 he accepted an appointment as Professor and Canada Research Chair at the University of British Columbia.

ed conversation characterized by spirited and informed communication.<sup>31</sup> Thus, I propose that curriculum in its broadest sense includes all of the explicit and implicit messages we convey through our courses as well as through interactions with students across the many facets of our programs.

An initial step in the consideration of curriculum theory and legal education might be best served by re-visiting an ideal that Professor Wesley Null<sup>32</sup> notes has shaped curriculum and teaching for many years in liberal education. He notes:

Forgotten to many people today, the term *liberal* in liberal education has nothing to do with contemporary politics or left-leaning views on hot button issues. Liberal education, rather, refers to an interdisciplinary approach to curriculum and teaching that pursues the goal of liberating minds . . . make rational judgments, and provide civic leadership.<sup>33</sup>

It is probable that many students enter our programs having been educated in this interdisciplinary liberal tradition as the core of their undergraduate preparation, and it affords us an opportunity to consider how legal education might extend this notion to advance their knowledge and beliefs upon entering law school. Null goes on to state:

Liberal education is the opposite of indoctrination. Liberally educated citizens do not merely recite the views of others. They have shaped their character in such a way that they can consider issues from many perspectives. They have developed their personal viewpoints carefully and have learned to support them with well-reasoned arguments and persuasive reasoning.<sup>34</sup>

This ability to craft persuasive, well-reasoned arguments certainly seems consistent with the notion of “practice-ready,” which lies at the heart of legal education reform today. Yet, several questions remain regarding this idea. In what ways are we explicitly and implicitly communicating to our students that we value such notions? Are these messages consistent across our program? How are we assessing that such messages are received, understood, and ultimately put into practice by our students? That is, it is not sufficient that programs are grounded in certain philosophical perspectives, but that the core tenets are explicitly communicated, implemented, and evaluated.

In the next section, I will focus on an aspect of curriculum that I believe could support schools of law as they consider the liberal education tradition and thus inform the ongoing discourse of legal education reform.

#### IV. TRANSDISCIPLINARY CURRICULUM

As noted earlier, Welsey Null describes liberal education as an interdisciplinary approach to curriculum and teaching.<sup>35</sup> But this interdisciplinary notion is

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31. See generally WILLIAM F. PINAR, WHAT IS CURRICULUM THEORY? (2d. ed. 2004).

32. Wesley Null is an Associate Professor of Curriculum and Foundations of Education at Baylor University.

33. NULL, *supra* note 25, at 15.

34. *Id.*

35. *Id.*

often poorly operationalized in educational settings, given that the term is broadly utilized in so many different ways.<sup>36</sup>

As we consider the prevailing model of legal education, as a three year program with numerous individual courses and experiences, we can begin to see that legal education is an additive process of learning—that is, students acquire knowledge over time through these various courses and experiences that ideally build upon each other. We require students to take one course followed by another, in what is best described as sequential process intended to build upon the knowledge of the prior class. When these students have completed their first year, they move on to the next year's sequence. And so on. It is commonly understood that law students are to retain the fundamentals from each course, all the while accumulating essential knowledge and skills over the duration of the program as a whole. Accordingly, law faculty should consider curriculum programmatically—across every year of a program—as they engage in reform. Thus, I advocate that once a law faculty adopts key tenets and/or aims of a program, they must do more than merely compile their curriculum by assembling the individual parts (courses) in order to ensure more consistent, holistic reforms. But how will we know that our students have constructed a holistic set of knowledge and beliefs about the law and legal profession consistent with our overarching programmatic aims? That is, how do we ensure the sum of our program is greater than the total of our individual curricular elements? A response resides in the consideration of the notion of interdisciplinary curriculum and its associated terms.

Historically, the nomenclature underpinning an integrated approach to curriculum has favored the term interdisciplinary.<sup>37</sup> For decades now, serious efforts have been underway to better define what is meant by an interdisciplinary curriculum.<sup>38</sup> L. Richard Meeth<sup>39</sup> addressed the difficult challenge over a quarter century ago.<sup>40</sup> Still ringing true, Meeth noted, “In spite of the many efforts to define interdisciplinary studies, the answers continue to confuse more than satisfy.”<sup>41</sup> He described several hierarchical levels of curriculum that involve more than a single discipline, including multidisciplinary, interdisciplinary, and transdisciplinary.<sup>42</sup>

Multidisciplinary curriculum integration involves several disciplines focused on a problem or issue.<sup>43</sup> At this level, each discipline contributes “its own knowledge or approach to the theme with no attempt to integrate or interrelate ideas.”<sup>44</sup> Next is the concept of interdisciplinary, which distinguishes itself from a multidisciplinary approach by attempting to integrate the contributions of several

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36. See BEYOND THE BOUNDARIES, *supra* note 10, at 6 (defining interdisciplinary and transdisciplinary curriculum).

37. *Id.*

38. There are numerous books and essays that attempt to define interdisciplinary curriculum as well as those designed to help educators teach through an integrated lens.

39. L. Richard Meeth was active in the late 20<sup>th</sup> century as an educational scholar who focused on curriculum issues in higher education. His books include *Cooperative Long-Range Planning in Liberal Arts Colleges* (1964).

40. See Richard L. Meeth, *Interdisciplinary Studies: A Matter of Definition*, 10 CHANGE, at 10 (Aug. 1978).

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*



disciplines.<sup>45</sup> Within an interdisciplinary perspective, a so-called harmonious relationship is sought among the various disciplines.<sup>46</sup> At the highest level exists the notion of transdisciplinary, which is truly beyond the disciplines.<sup>47</sup> Meeth writes, “Whereas interdisciplinary programs start with the discipline, transdisciplinary programs start with the issue or problem and, through the process of problem solving, bring to bear the knowledge of those disciplines that contributes to a solution or resolution.”<sup>48</sup>

Knowledge is, by its very nature, transdisciplinary; to artificially, and often arbitrarily, carve it up will assuredly present certain difficulties in the context of formal programs of study.<sup>49</sup> Experts often have perspectives of the whole that novice learners may not.<sup>50</sup> Therefore, when we build a program solely around the individual parts, we invite challenges upon the novice learner attempting to see the bigger picture. A transdisciplinary perspective is fundamentally different than multidisciplinary or even interdisciplinary perspectives in that it starts with the consideration of the “whole.”<sup>51</sup> In an earlier publication on curriculum, I noted:

To bring to bear the knowledge of one discipline in the course of addressing a question or problem, naturally invokes the concept of the whole as the disciplines are inexorably bound together. A transdisciplinary way of knowing illustrates a pivotal move away from the individual parts toward a multifaceted whole...subjects in school can no longer be portrayed as isolated content areas in which the memorization of subject specific material takes precedence. Instead, the discipline is defined as a perspective—a way of looking at the world that contributes to a more complete understanding of it.<sup>52</sup>

To further illustrate a transdisciplinary way of understanding, my co-authors and I proposed the following tenets regarding curriculum and the disciplines:

- Disciplines are a human construct and curriculum has artificially divided knowledge into digestible chunks to deliver it to students . . . (disciplines) exist as an organizational structure for the institution of formal schooling and serve to maintain the status quo.
- Disciplines provide a narrow, bounded perspective on knowledge and experience that illuminate one or more facets of the dynamic whole, but cannot illuminate the whole by themselves. As such, multiple disciplines are required to elucidate the whole.

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45. Meeth, *supra* note 41.

46. *Id.*

47. *Id.*

48. *Id.*

49. See BEYOND THE BOUNDARIES, *supra* note 10 (discussing curriculum and the nature of knowledge).

50. Differences between experts and novices have been researched within many domains. Experts, by definition, have holistic perspectives yet to be understood by novice learners in their field.

51. See Meeth, *supra* note 41, at 10.

52. See BEYOND THE BOUNDARIES, *supra* note 10, chapter 1 (providing a more detailed discussion of integrated curriculum).

- Learning is by its very nature transdisciplinary—teaching . . . is typically disciplinary. As such, reform is needed with regard to the way we approach curriculum, pedagogy, and assessment.<sup>53</sup>

In conceptualizing a transdisciplinary curriculum for legal education, we must re-visit the question of practice-ready graduates. Clearly, we expect graduates of law school to not merely retain disconnected bits and pieces of learning acquired across their program, but to have achieved a higher and richer perspective on the law and legal practice that draws from doctrinal, ethical, and other aspects of the profession. This holistic set of knowledge, skills, and beliefs can be best facilitated by a curriculum that does not leave the big picture hidden or up to chance, but instead purposefully and systematically helps law students understand how the various elements of their professional practice fit together. Consider a program not built around discrete elements, but a course of study designed around essential questions of the legal profession.<sup>54</sup> Essential questions are defined as:

One meaning of “essential” involves important questions that recur throughout one’s life. Such questions are broad in scope and timeless by nature. They are perpetually arguable—What is justice?—Is an author’s view privileged in determining the meaning of a text?—We may arrive at or be helped to grasp understandings for these questions, but we soon learn that answers to them are invariably provisional. In other words, we are liable to change our minds in response to reflection and experience concerning such questions as we go through life, and that such changes of mind are not only expected but beneficial.<sup>55</sup>

Consistently and comprehensively implemented, such a question-driven, transdisciplinary model could open up novel possibilities for the reform of legal education. An important point to recognize is that much of the core ideas and knowledge from traditional courses may be retained in such a new structure, but essential concepts would be framed in potentially more authentic, explicit, and connected ways. A law school curriculum framed through such a lens could, by its very nature, empower us to consider the hidden curriculum so prevalent today. Through a transdisciplinary approach to curriculum, fundamental and enduring messages are no longer left up to chance because they become the explicit, chief organizing elements of our programs.

## V. CURRICULUM REFORM IN LEGAL EDUCATION

Exploring curriculum theory reminds us that we are not facing unique and insurmountable challenges. The very purpose of schooling has been examined and re-examined for decades.<sup>56</sup> With the influx of vast numbers of immigrants to the

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53. *Id.* at Chapter 7.

54. See GRANT WIGGINS & JAY MCTIGHE, UNDERSTANDING BY DESIGN (2d. ed. 2005) (providing an extended discussion on the role of essential questions in curriculum planning).

55. *Id.*

56. See, e.g., JOEL SPRING, THE HISTORY AND GOALS OF PUBLIC SCHOOLING IN AMERICAN EDUCATION 3-29 (2010); JOHN GOODLAD ET AL., EDUCATION FOR EVERYONE: AGENDA FOR EDUCATION IN A DEMOCRACY (2004); JOHN GOODLAD ET AL., THE PUBLIC PURPOSE OF EDUCATION AND SCHOOLING (1997); HENRY GIROUX, CRITICAL PEDAGOGY, THE STATE, AND CULTURAL STRUGGLE 125-152 (1989).

U.S. in the early 20<sup>th</sup> century, society shifted its perceptions about formal schooling from one of fostering a cultured and learned world-view for the elite social class to viewing school in more pragmatic terms of preparing all individuals for work in the new industrialized age.<sup>57</sup> The aim of preparing work-ready graduates—or “practice-ready” as its known in legal education—has existed for over a century in one context or another.<sup>58</sup> In the *Times* article calling for law schools to teach more applied and practical notions of lawyering, we most certainly see echoes of educational reform from over a century ago.<sup>59</sup>

When discussing the present day relationship between education and the corporate community, Wesley Null notes that businesses have a very real stake in education and that building relationships between members of the corporate and educational communities is essential.<sup>60</sup> However, he goes on to caution, “The extent of this relationship . . . should be a constant topic of conversation.”<sup>61</sup> Open and productive lines of communication regarding these notions, both within and beyond the academy, are essential. Law firms and other professional stakeholders in the legal community should collaborate with schools of law in their reform efforts in ways that don’t abdicate the control of legal education to any single outside interest. Viewing stakeholders as partners in reform will help us strike a balance between preparing our students to both acquire the habits of mind of the legal profession and immediately conduct themselves as lawyers upon graduation. With that said, we must also acknowledge the natural developmental progression we expect of lawyers as they engage in their professional practice in the years following law school. That is, I do not propose we aim to graduate the equivalent of seasoned lawyers; but, on the other hand, we must bear the responsibility of ensuring our graduates do not require extensive and prolonged post-program training just to successfully begin their careers.

When we consider the outcomes of legal education in those terms—*thinking* and *conducting oneself* like a lawyer immediately upon graduation—we must be careful not to return to a false dichotomy of these mutually supportive perspectives. A transdisciplinary approach to curriculum reform can best ensure that we do not merely cobble together programmatic elements that disjointedly address these various outcomes, but consider the enduring legal issues and essential questions of our age and draft our program of study from that holistic vantage point.

Historically, curriculum committees are comprised as a body of appointed or elected faculty who oversee the curriculum. More recently, many such bodies have been charged with curriculum mapping as a means of revealing the intended scope and sequence of the formal curriculum.<sup>62</sup> Regarding the need for curriculum mapping, Curtis and Moss state in a recent article, “Curriculum Committees that are charged with the review and approval process for new courses sometimes may lose sight of the details underpinning the curriculum, and thus are limited in

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57. Null, *supra* note 25, at 47-48.

58. *Id.*

59. See Segal, *supra* note 2, at A1.

60. Null, *supra* note 25, at 47.

61. *Id.*

62. See REFORMING LEGAL EDUCATION, *supra* note 9, Chapters 5 & 7 (discussing various models of curriculum reform involving curriculum mapping).

their ability to ensure a well-sequenced and coherent curriculum.”<sup>63</sup> Although mapping is a worthwhile, albeit time-consuming, activity for curriculum committees and the like, such mapping efforts are often restricted to a merely technical undertaking.<sup>64</sup> If so, the resulting products, no matter how detailed, may not shed light on the hidden curriculum if they merely illustrate the formal curricular scope and sequence of a program. Moving beyond the nuts & bolts of such an effort, committees charged with this work should consider curriculum mapping as a *process* designed to engage faculty in longitudinal data collection and discourse regarding all aspects of their program. Curriculum mapping can then serve as a catalyst for engaging in reform-minded action grounded in wide-ranging understandings of programmatic issues and perspectives.

Envision for a moment that as one such a mapping process unfolds, grounded in thoughtful discussion and data analysis, a law school faculty concludes that taken together the individual elements of their curriculum are in many ways lacking given the overarching aims of their program. How should they next proceed? President Obama recently waded into the legal education reform movement when he stated, “I believe that law schools would probably be wise to think about being two years instead of three years.”<sup>65</sup> His remarks remind us that affordability and the perceived value of law school are notions that are squarely in the public domain. The luxury of faculty considering a new course or two or re-sequencing and/or updating a few courses may no longer sufficiently address calls for reform. Present day instructional models and the law curriculum itself are clearly tethered to tradition. Only time will tell whether lopping an entire year of law school will result in an exemplary model for the preparation of 21<sup>st</sup> century practice ready lawyers, but in the interim faculty have a fleeting opportunity to consider alternative courses of action.

## VI. CONCLUSION

This is an exciting time for legal education reform, brimming with both challenges and opportunities. Perhaps the most significant of these—itsself representing both a challenge and an opportunity—is the notion of preparing “practice-ready” graduates. This notion brings to light fundamental questions regarding the continued viability of a status quo heavily entrenched by tradition. At present, a salient question for the legal education academy to consider surrounding the notion of preparing practice-ready graduates is:

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63. See Debra Moss Curtis & David M. Moss, *Curriculum Mapping: Bringing Evidence-Based Frameworks To Legal Education*, 24 NOVA L. REV. 473, 476 (2010).

64. Ralph W. Tyler offers a technical blueprint for curriculum design. Much of what we take for granted in terms of curriculum design, such as the relationship between objectives and evaluation, is clearly delineated in this early influential work. See RALPH W. TYLER, *BASIC PRINCIPLES OF CURRICULUM AND INSTRUCTION* (1949).

65. Peter Lattman, *Obama Says Law School Should Be Two, Not Three, Years*, N.Y. TIMES, Aug. 24, 2013, at B3, available at [http://dealbook.nytimes.com/2013/08/23/obama-says-law-school-should-be-two-years-not-three/?\\_r=0](http://dealbook.nytimes.com/2013/08/23/obama-says-law-school-should-be-two-years-not-three/?_r=0) (Aug. 23, 2013, 5:31 PM).

What are the implications for schools of law as they consider reforms designed to *purposefully* prepare students to be practice-ready immediately upon graduation?

Law schools are well positioned to consider such a question, as much has transpired in recent decades in the legal education academy and law faculty are knowledgeable and experienced in ways that their counterparts from previous generations were not. Today, many law faculty have some formal pedagogical training and are supported by centers for student learning and/or writing within their program.<sup>66</sup> Research on adult learning has helped faculty understand what motivates our students to succeed.<sup>67</sup> Additionally, areas of specialty scarcely imagined even a few short decades ago are popular areas of focus for doctrinal study today—such as alternative dispute resolution (ADR). Thus, law students can now specialize in ways that may help them develop the specific skills necessary to obtain and succeed in a particular position. But make no mistake, the pursuit of such a question may require law faculty to fundamentally reconsider aspects of curriculum and instruction that have deep traditions within the academy of legal education. At the end of the day, faculty must come to consensus regarding their curricular aims and the pathways best suited to achieve those outcomes.

Across the educational spectrum, effective learning is often described as when students are able to apply knowledge and transfer that learning to real world contexts.<sup>68</sup> That is, what one learns in a classroom or experiential setting, such as an internship, has little value unless it impacts and ultimately connects with (and transfers) to a professional setting. Such connectedness of knowledge, application of skills, and transfer to a real world setting should be the hallmarks of legal education. As discussed in this article, essential questions could support a transdisciplinary exploration of the curriculum such that students are challenged to consistently, authentically, and meaningfully engage with real world issues as the cornerstone of a law school program. In this way, a transdisciplinary approach to teaching and learning could serve as a foundational curricular construct to promote reforms that are consistent with practice-ready aims. However, as law faculty consider changes to their curriculum that enhance such aspects of their programs, they must directly address the hidden curriculum.

Acknowledging the hidden curriculum as a potential obstacle to reform is essential for schools of law because, in doing, we are best able to purposefully and explicitly convey programmatic values and norms in educationally sound ways. When faculty and students hold consistent expectations regarding the outcomes of law school, all stakeholders of legal education are best served in ways that help minimize discontented graduates. The market for law school graduates has likely

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66. See Rebecca Flanagan, *Leveraging Academic Support for Innovative Teaching Methods Across the Curriculum*, in REFORMING LEGAL EDUCATION, *supra* note 9, Chapter 11.

67. See Raymond J. Wlodkowski, *Strategies to Enhance Adult Motivation to Learn*, in ADULT LEARNING METHODS: A GUIDE FOR EFFECTIVE INSTRUCTION (Michael W. Galbraith ed., 1998).

68. See R.J. SPIRO ET AL., KNOWLEDGE ACQUISITION FOR APPLICATION: COGNITIVE FLEXIBILITY AND TRANSFER IN COMPLEX CONTENT DOMAINS (1987) (discussing a set of principles and associated instructional practices that will permit students to better apply the knowledge they acquire in formal school settings to informal, real-life settings).

No. 1]

*The Hidden Curriculum*

31

changed forever, and it is past due that schools of law not merely play catch-up, but set the standards for best practice in this new reality for years to come.