

# LEADING STUDENTS TO DISTINGUISH BETWEEN CAREER AND VOCATION· REFLECTIONS FROM A LUTHERAN LAW SCHOOL

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**M**OST law students and many legal educators confuse the terms “vocation” and “career.” Law schools have traditionally asked its students, “*What kind of lawyer do you want to be?*” instead of encouraging students to ask, “*Who do I want to be upon graduation?*” Asking a student what type of lawyer the student wishes to be is a question about career. Asking a student who the student wishes to be goes to the heart of a student’s vocational reflection. Students who determine *what* they want to be before they determine *who* they want to be risk selecting a career or job setting within the legal profession that is a mismatch for their talents and passions.

The process of vocational reflection is one by which students discern what gifts, talents and passions they might employ in their life’s journey to make a positive difference, while at the same time achieving a high level of personal fulfillment. Vocational reflection addresses not only career aspirations but also other aspects of life, such as faith, relationships with family and service to the community. The goal of the process of vocational reflection by law students and lawyers should be a set of working assumptions by which law students and lawyers identify how a career in the law might use their talents, gifts and passions in a way that is part of a larger vocation plan for their lives. Lawyers who fail to engage in the process of vocational reflection often find themselves in careers and employment settings that do not appropriately use their talents. These lawyers also find that their careers are often inconsistent with their other callings and pursuits.

The process of vocational reflection is different for different law students. For many, vocational reflection involves the spiritual exercise of reflecting on how to use God-given gifts to best serve as a lawyer. For others, it is a more intellectual process of discerning their personal strengths and determining how to employ those strengths to advance the cause of justice. For most, it is both a spiritual and intellectual exercise. With time demands on students, it is easy for students to postpone the task of serious vocational reflection in favor the immediate task of searching for a job. Law school deans, as well as law faculty, are in an ideal position to help students think through the relationship between vocational reflection and job selection.

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The purpose of this essay is to share my reflections from the vantage point of a dean of a Lutheran law school about facilitating meaningful vocational reflection by our students.

*Legal Education s Failure to Address Vocation*

John O Mudd, in his article *Beyond Rationalism: Performance-Referenced Legal Education* identifies the attributes of a well-prepared lawyer<sup>1</sup> He identifies four attributes, and I would add a fifth. Those five attributes are:

1. A knowledge of legal rules and procedures,<sup>2</sup>
2. The ability to apply legal rules and procedures to resolve concrete problems,<sup>3</sup>
3. The ability to use lawyer skills effectively (e.g. negotiation skills, client counseling skills, oral advocacy skills),<sup>4</sup>
4. The understanding of the role of law and lawyer in society<sup>5</sup>
5. The ability to use personal qualities effectively (e.g. empathy, integrity, industry judgment, determination).<sup>6</sup>

Schools with a primary focus on preparing students for a career emphasize the first three attributes of knowledge, rules and procedures, and skills. Schools with an emphasis on legal careers as part of a broader vocation are deliberate in addressing the attributes of understanding the larger role of law and lawyers in society and the ability of lawyers to use their personal qualities effectively

It is clear that law schools are more effective in preparing students for career skills than in challenging students to engage in meaningful vocational reflection. In a national survey of law students conducted by the author and the American Bar Association, most law students gave law schools good scores about the training they

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1. John O. Mudd, *Beyond Rationalism: Performance-Referenced Legal Education*, 36 J. LEGAL EDUC. 189, 202-04 (1986).

2. *Id.* at 203.

3. *Id.* at 203-04.

4. Mudd did not expressly identify this skill, though it is implicit in attributes 2 and 5. See Steven C. Bahls, *Preparing General Practice Attorneys: Context Based Lawyer Competencies*, 16 J. LEG. PROF. 63 (1991).

5. Mudd, *supra* note 1, at 203-04.

6. *Id.*

received in knowledge of legal rules and the application of those rules.<sup>7</sup> The majority of students, however, say their law schools only marginally or poorly prepared them to understand the role of laws and lawyers in society. Nearly two-thirds of law students state that law schools did not adequately prepare them to use the personal qualities essential to practicing law.

The failure of legal education to challenge students appropriately to engage in meaningful vocational reflection has had the result of an extraordinary level of mismatch between what our students expect from their first law-related jobs and what they perceive they received. A majority of lawyers (56%) placed in law firms, according to a survey conducted by Interim Legal Services, “will most likely start looking for jobs within two years.”<sup>8</sup> New lawyers not only start looking for more satisfactory positions early in their careers, they find them. A National Association of Law Placement study shows more than 70% of attorneys in America’s largest law firms leave within eight years of their date of employment.<sup>9</sup> Young alumni group gatherings are often dominated by discussion of dissatisfaction with employment. Most often, when pushed, new lawyers will admit that their expectations of the practice of law did not match the realities of their job setting. Most law school deans would agree that it is alarming to find the depth and breadth of dissatisfaction in the legal profession among recent law school graduates.<sup>10</sup>

Dissatisfaction with the practice of law is not limited to recent graduates. Professor Susan Daicoff recently compiled an excellent summary of the empirical

7 The results of the survey were as follows:

#### STRENGTH OR WEAKNESSES OF LEGAL EDUCATION LAW SKILLS

Tell us how well your school did in preparing law students with respect to the following five attributes of a good lawyer. (The answers given by male students and female students were nearly identical.)

	Very well or well	Marginally	Poorly or very poorly
Knowledge of Legal Rules	71.3%	22.0%	6.7%
The ability to apply legal rules and procedures to address concrete legal problems	61.3%	30.1%	8.6%
An understanding of the role of laws and lawyers in society	44.5%	37.6%	17.9%
The ability to use lawyer skills effectively (e.g., negotiation skills, client counseling skills, trial advocacy skills)	44.8%	33.7%	21.4%
The ability to use personal qualities essential to practicing law (e.g., integrity, industry, judgment, determination)	34.6%	37.7%	27.4%

Bahls, *supra* note 4, at 72.

8. Jill Schachmer Chaner, *Pay to Hire Away*, A.B.A. J., Aug. 2000, at 20.

9. *Id.*

10. I discuss the problem of mismatched expectations in Steven C. Bahls, *Generational Change and the Problems of Associate Retention*, 29 CAPITAL UNIV. L. REV. 887 (2002).

research regarding lawyer dissatisfaction.<sup>11</sup> Noting that lawyer dissatisfaction is increasing, Professor Daicoff states that several polls find that almost half of lawyers are not receiving “personal satisfaction” from their jobs and that nearly half of lawyers would not make that career choice again. Law school deans hear the unhappy refrain from many graduates that they are locked into careers that they would not recommend to their children. The level of dissatisfaction by many lawyers has frightening consequences. Professor Daicoff notes that the incidence of substance abuse and depression is more than three times that of the overall population.<sup>12</sup>

Professor Daicoff attributes lawyer dissatisfaction in part to many lawyers’ adopting an “amoral professional role.” By this she means that lawyers are not reflective and do “not question the appropriateness or morality” of their actions.<sup>13</sup> Instead, lawyers place a high emphasis on instrumentalism and utilitarianism. Professor Daicoff notes that “the vast majority of lawyers may have an extraordinarily difficult time learning how to infuse their own personal values and morals into the lawyer-client relationship.”<sup>14</sup> These lawyers have, in effect, separated and isolated their careers from their higher vocational calling in life.

The combination of high levels of dissatisfaction among lawyers and the difficulty lawyers have in integrating their own value structure with the practice of law creates an opportunity for law schools to think creatively in addressing the problem. I encourage law deans and professors to train students to think of law as a career within a larger vocational calling, and challenge them to structure their professional lives accordingly.

A major part of helping students find their calling within the legal profession is challenging them to choose a job that will allow them to avoid the type of “amoral professional role” that stands in the way of advancing justice. Rather, law schools should encourage students to understand how they can use their skills, gifts and passions, as well as their own views of morality and appropriate conduct, within the legal profession to advance justice. Before beginning their job search, students should assess their own strengths and ideals. The key to a satisfying and meaningful practice will be to find a job that matches those strengths and ideals. When selecting employment, students should consider whether a prospective employer will value the student’s qualities and affirm the student’s values.

Many law schools unwittingly encourage law students to make career decisions before engaging in the appropriate vocational reflection. Law school recruiting materials and, to a certain extent, pre-law advisors, are too quick to emphasize career choice over vocational reflection. Even a cursory review of law school recruiting materials will lead the reader to the conclusion that law schools seek to differentiate themselves by touting their expertise in substantive areas of law (e.g. environmental law, intellectual property law, international law). This trend

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11. Susan Daicoff, *Asking Leopards to Change Their Spots: Should Lawyers Change? A Critique of Solutions to Problems with Professionalism by Reference to Empirically Derived Attorney Personality Attributes*, 11 GEO. J. LEGAL ETHICS 547 (1998).

12. *Id.* at 562.

13. *Id.*

14. *Id.* at 567

encourages students to select careers within the legal profession prior to reflecting on the vocation of law

Students choosing to go to law school have less advanced vocational interest than students enrolling in other graduate schools. Professor Daicoff describes numerous studies<sup>15</sup> identifying that up to 50% of those going to law school have “uncertain career goals.” She concludes that law schools are often “residual graduate schools” where a primary motivation is to continue one’s education, but to a yet-unascertained end.<sup>16</sup> Given this level of uncertainty in the career goals of law students, law schools have a special obligation to encourage students to engage in vocational reflection before choosing a career within the law

Compounding the problem is that increasingly law schools encourage students to identify concentrations or areas of specialization shortly after they complete their first year. While the practice of law is undoubtedly becoming more specialized, schools encouraging specialization and concentrations so early in a student’s study have a special obligation to help students engage in vocational reflection before (or at least as part of) selecting a type of career.

Law school career services officials sometimes do not strike a proper balance between career selection and vocational reflection. Many career services offices measure success by the percentage of student placed, median and average starting salaries and percentage of students placed with prestigious law firms. It is more difficult to measure how successful placement offices are at providing students with meaningful opportunities for vocation reflection. While both internal and external audiences create pressures to focus on statistical indicators of placement, equal or greater emphasis should be given to vocational reflection.

### *Lutheran Contributions to Vocation*

Encouraging students to reflect on their vocations has a special place in Lutheran higher education. The importance of vocation has long been recognized in the Christian tradition, as in other traditions. Martin Luther is often credited with contributing to the understanding of Christian calling by emphasizing the importance of connecting vocation and calling to one’s work in life.<sup>17</sup> Professor Ernest L. Simmons expresses Luther’s views on the relation of vocation to work as follows:

According to Luther, one relates to God through faith and to one’s neighbor with love. What this means then is that vocation belongs exclusively to *this* world. For Luther, we do not exercise our vocation in order to please God or gain entrance into the world to come, but rather, following the Hebraic emphasis, vocation is for this life and done primarily for the neighbor.<sup>18</sup>

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15. Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1356, 1357 (1997).

16. *Id.*

17. ERNEST L. SIMMONS, LUTHERAN HIGHER EDUCATION 40 (1998).

18. *Id.*

In the eyes of Luther, appropriate vocational training is not “technical training to get the ‘better’ jobs,” rather it is “preparation for life itself and ongoing contributions of service to one’s neighbor.”<sup>19</sup>

In the spirit of Luther’s contributions, many institutions affiliated with the Lutheran faith have been deliberate in thinking about preparing students for vocation. As I affirmed above, vocation and career are not words to be used interchangeably. Professor Darrel Jodack defines vocation as “a sense of responsibility encompassing multiple areas of one’s life work (work, family, citizenship, etc.) so that a person lives life in such a way as to benefit the community.”<sup>20</sup> Luther believed that each of us has unique gifts and talents that enable us to serve others to the glory of God.<sup>21</sup> Hence, each believer is called to a vocation.

One of the questions I pondered as dean of a law school with a Lutheran affiliation was whether Lutheran concepts of the importance of vocational reflection and the relationships between vocation, gifts and service are relevant to a law school today. Given that the percentage of Lutheran students and Lutheran faculty at Capital University Law School is not much larger than the percentage of Lutherans in the general population, are Lutheran concepts of vocation important to law students today? Given the secularization of legal education, is helping law students identify their vocational calling desirable or even possible?

In light of the crisis of lawyer satisfaction, I believe that legal educators can learn from the emphasis that many Lutheran colleges place on vocational reflection. In light of the high percentage of lawyers assuming amoral professional roles and the widespread dissatisfaction of lawyers with their profession, it is clear that encouraging vocational reflection in the profession is as important today as at any time in the modern history of legal education.

### *Encouraging Law Students to Engage in Vocational Reflection*

Lawyers who engage in true vocational reflection, not only while in law school but during their legal careers, are more satisfied lawyers and more effective lawyers. Engaging in vocational reflection can avoid a major cause of lawyer dissatisfaction, which is a mismatch between the lawyers’ personal values and the values mandated by a particular career setting. In order to reflect properly on vocation, students need to take the following steps:

- *Reflection:* Law students should reflect on their motivations for being lawyers, asking how and why they can advance justice. Part of reflection is to encourage students to reject misguided senses of duty that they owe it to someone else to be a particular type of lawyer.

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19. *Id.* at 43.

20. Darrel Jodack, *Vocational Discernment: A Comprehensive College Program*, INTERSECTIONS 3, 6 (Summer, 2002) (describing the experience of one Lutheran college, Gustavus Adolphus, in creating programs for vocational reflection).

21. Marcia Burge, *Renewing a Sense of Vocation at Lutheran Colleges and Universities: Insight from the Project at Valparaiso University*, INTERSECTIONS 11 (Summer, 2002).

- *Assessment*: Law students need to assess thoughtfully their gifts that might be useful in the legal profession. An accurate assessment of one's gifts includes an accurate assessment of one's limitations. Within the law students should ask what they are passionate about.
- *Vision*: Vocational reflection also entails developing a vocational vision, which means ascertaining how students' gifts, strengths and passions might best be used in their calling as a lawyer. For many this will be more than an intellectual experience; it will also be a spiritual one.
- *Integrative Thinking*: It is crucial to assess how one's role as a lawyer will complement and integrate other roles—as a family member and member of the community.
- *Reassessment*: Vocational reflection is a life-long process.

Law schools should encourage students to engage in vocational reflection at the outset of their legal education, periodically during their education and after graduation.

Law school deans and faculty members need to take a leadership role in insuring that there are ample opportunities for vocational reflection in law school and that students clearly understand the distinction between vocational reflection and career selection. Here are a few ways that I believe that a law school administration can help students engage in meaningful vocational reflection:

- *Be explicit about the importance of vocational reflection.* Law school deans are in a special position to exercise leadership here. I reminded students at law school orientation that law school is properly viewed as a journey not simply a means to an end. The journey is a process students need to fully invest themselves in. It is a process where students will have ample opportunity to assess their gifts and reflect how their gifts can be used to advance the cause of justice. I caution students not to select a career within the law too quickly. Vocational reflection is a necessary predicate of selecting the appropriate career and employment setting. I also reminded students upon graduation of the importance of vocational reflection. I was fond of reading excerpts from the admission essays accompanying the graduating seniors' application to law school. Many of these essays describe in eloquent detail students' reflection about how law school fits with their vocational plans. More often than not, the most thoughtful essays address *who* the students wanted to be as lawyers, not *what* they wanted to be. The final year of law school tends to create undue incentives to focus on career choice. The dean's comments at graduation reminding students of their reasons for going to law school are an effective way to encourage students to continue to think about vocation.
- *Involve the career services office.* Whether the process of ascertaining a vocation is a spiritual or intellectual exercise (or a combination of both), career services offices can help students reflect. At Capital University for example, the Career Services Office has offered the Myers-Briggs Personality Inventory and counseled students about how to interpret the Inventory as part of career and vocational reflection. Because mentoring programs with clear goals are valuable to students in the reflection process, Capital students are encouraged not only to

talk with their mentors about their career choice, but also to engage in a dialog with mentors about who they would like to be.

- *Exercise leadership within the profession.* Law school deans are in an ideal position to help the profession view vocational reflection as a life-long process. Deans are well-positioned to help lead a discussion addressing the problem of dissatisfaction within the legal profession by urging lawyers and employers alike to aid each other with meaningful opportunities for vocational assessment. The Career Services Office at Capital University has entered into a joint venture with the Columbus Bar Association to encourage meaningful mentoring programs and hiring practices that seek a better match between newly hired lawyers and their employers. Capital's Alumni Office sponsors career development programs for lawyers who have been in practice fewer than five years to help them engage in continued vocational reflection. Students who did not engage in meaningful vocational reflection in law school are often more willing to do so after they have grown dissatisfied with their first jobs.

Law school deans are in an ideal position to lead law schools to create thoughtful means of encouraging our students to reflect on vocation. After all, many of us have been quite deliberate in our own vocational reflection, having decided to forego lucrative positions as practicing attorneys to join the legal academy. Most of our faculty colleagues are quite reflective about their career paths and how those paths relate to larger vocational interests. Sharing the importance of meaningful vocational reflection (and our own paths of vocational reflection) is a gift we have a duty to give to our students.<sup>22</sup>

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22. The author's own reflections on his vocation can be found at [www.augustana.edu](http://www.augustana.edu).