Relational Practices for Legal Education

By Susan L. Brooks

Mainstream legal education has focused almost exclusively on teaching legal doctrine and analysis, with perhaps some minor attention on teaching courtroom skills. Nevertheless, the expansion of areas such as alternative dispute resolution and clinical legal education demonstrate that this landscape has rapidly changed. As evidenced by this special newsletter issue, relational practices are emerging as a growing focus in the field of law. This shift is taking place because of a confluence of many factors, including the expansion of mediation, restorative justice, and other forms of alternative dispute resolution, as well as heightened interest in mindfulness and other ways of promoting well-being within the profession.

So, what are relational practices? Can they be taught, and if so, how? As a former social worker turned lawyer, and now law professor and associate dean, teaching and promoting what I call relational lawyering has become my life’s mission: Relational practices are the habits we can cultivate to embrace and grow our sense of connectedness and mutuality, and engage in meaningful conversations across differences with the goal of creating new possibilities. In a forthcoming article, I distill much of my previous thinking into guidance for legal educators on fostering wholehearted lawyers, a term I use to emphasize the heart-centered nature of relational practices.

The starting point for this discussion is the premise that all beings are interconnected and share the same basic needs and interests. As legal professionals, we can choose to engage with others and pursue our professional roles in ways that affirm this mutuality and connection, or we can act in ways that contribute to greater separation and disconnection. The latter approach – viewing the law primarily as a tool for protecting ourselves against others – unfortunately has traditionally held sway in our adversarial legal culture. As a result, to achieve a more relational legal culture, this transformative work needs to be a pervasive effort across all contexts, with one of its primary areas of focus being legal education.

With this foundation in mind, here are five guiding principles for legal educators:

1) Be kind & curious (also humble and transparent)
2) Demonstrate to everyone that they matter
3) Appreciate the importance of context (your own and others’)
4) Focus on strengths
5) Apply an ethic of care

These principles are simple, and may even seem obvious to some. And yet, holding onto awareness of them and acting in ways consistent with these principles is not always easy. For instance, approaching challenging teaching moments with kindness, curiosity, humility, and transparency requires an ongoing commitment to staying present as well as being intentional and self-reflective.
“Mattering” is the notion that everyone wants to be seen and heard. We all want to matter – to be valued by others and make a difference in the world in some way. This principle applies to our students and also to everyone they will encounter in their professional lives, including clients, other attorneys, judges, court staff, and witnesses.

Appreciating context means taking into account the systems dimension of every interaction. Law teachers and students bring their own contexts and systems into each interaction, and also create a unique system between and among themselves. The same ideas apply with equal force to lawyers and clients. An appreciation of context also informs our need to appreciate that all communication is cross-cultural.

A strengths orientation draws directly from core principles of social work emphasizing the need to recognize and build upon clients’ strengths as well as our own. This approach also resonates with the rapidly expanding field of positive psychology, which focuses on strengths as part of its orientation toward promoting well-being and flourishing. Given the many ways in which the fields of law and legal education emphasize problems, risk, scarcity, competition, and generally reflects a pessimistic orientation, focusing on our own strengths as well as seeing others’ strengths is desperately needed in order to improve the well-being of law students, practitioners, and indeed, our clients.

The fifth and final principle is to apply an ethic of care. This principle, which includes embracing the interconnectedness of all human beings and caring for others as a core social and legal value, has deep roots in many philosophical and spiritual traditions. More recently, this vision has been articulated by leaders such as Martin Luther King, Jr., who spoke of it as the “beloved community,” as well as feminist scholars such as Carol Gilligan. An ethic of care is also consistent with a number of important and growing movements within the legal field, including Therapeutic Jurisprudence (TJ), which promotes laws, legal practices, and teaching approaches aligned with well-being, and the Project for Integrating Spirituality, Law and Politics (PISLAP), which embodies a philosophy steeped in a sense of unity and mutual connectedness of all beings.

In conclusion, the law school classroom and other teacher-student interactions can be laboratories for growing our abilities to become more relational. These simple practices have tremendous potential to transform legal education, and more importantly, to transform legal culture and our broader society.

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1 Susan L. Brooks, Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students’ Professional Identity Formation, __ ST. THOMAS L. J. __ (Forthcoming).
“Systems” thinking as I am using it here refers to a recognition that we all exist as a part of larger systems, including our families, however we may define them, and our communities. We can conceive of these as concentric circles surrounding us and shaping our perspectives and how we live our lives. See Susan L. Brooks & Robert G. Madden, *Relationship Centered Lawyering: Social Science Perspectives to Transform Legal Practice*, 78 U.P.R. L. REV. (2009).

