

# CLE FOR THE WHOLE PERSON

## Minnesota Supreme Court Gives Full Credit for Classes Emphasizing Self-Reflection

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**W**HEN HOWARD VOGEL ARRIVED at the Minnesota Supreme Court building in September, he came with Atticus Finch on his mind. Vogel, a professor at Hamline University Law School in St. Paul, was one of 12 people

there to address the court on an issue they believed went to the very heart of what it means to be a lawyer.

He told the justices that he uses Harper Lee's *To Kill a Mockingbird* to help his students understand the concept of professional identity. On a recent occasion, he said, he asked his students what most stood out to them about Atticus.

"We had a wide-ranging discussion," he recalled, and a student who had been rather quiet up until then said that what struck her was the fact that Atticus is the same everywhere he goes. "He's the same when he's at home and when he's at church. He's the same when he talks with

Calpurnia, who takes care of his children, and when he visits with neighbors. He's the same when he goes to the state legislature, and when he goes to represent a black man against a rape charge."

The student's point, and the message Vogel came to make to the court, was simple but weighty: Finch was a whole person. "You have a complete range of skills rooted in your humanity," Vogel said he tells his students, "and you will bring those to your work, as did Atticus."

### DEVALUED CURRICULUM

THE DISPUTE THAT BROUGHT VOGEL TO THE COURT HAD its beginning in October 2001 when the state CLE board awarded 2.75 credits to lawyers who attended a program called "Career Satisfaction, Renewal and Resilience for Lawyers and Judges." Its sponsors had applied for seven credits, which would have been standard for a seven-hour course.

The focus of "Career Satisfaction" was on learning to ride the waves of change that have roiled the legal profession in recent times, with an emphasis on the life transitions adults commonly face. When one of the program's sponsors, the Ash Grove Group, challenged the CLE board's determination, the board drew a line between material that is "directly related to the practice of law," and that which is peripheral to such work. It OK'd CLE credit for portions of the course led by a judge and a law professor, but disallowed those that concerned "adult developmental theory."

And so began a debate over a rather simple question: Are so-called soft CLE courses—that is, those that do not deal with substantive legal issues and practices—trivial, or are they in some sense vital to lawyers?

In a letter, Ronald Peterson, chairman of Minnesota Continuing Legal Education (a CLE provider that is part of the Minnesota State Bar Association), made his organization's position on personal development courses clear:

"However useful, entertaining, enlightening, energizing or mind-expanding these programs may be, they are not professional legal education. We should not allow participation in these programs to dilute the time lawyers spend learning about changes in legal rules and strategies."

Vogel, along with a number of other law professors, practicing lawyers and other interested parties (including the biggest malpractice insurer in the state), were quite troubled by this attitude, and what they saw as its tendency to make lawyers compartmentalize their lives and thereby thwart the Finchian ideal. They were pleased when the court asked the board to write a new policy to include "professional development" courses.

But that policy turned out to include a cap of six credits per three-year reporting period for any combination of professional development and law office manage-



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ment courses, thereby placing such courses in a brand new category of also-rans.

Among the points that came across quite clearly on the day of argument were these:

- That being a complete lawyer requires more than understanding the rules and having the ability to deploy them. It also includes being able to relate well with clients, empathize and be a good listener, among many other traits.

- That it is unfair to force lawyers to choose between, say, law office management and career satisfaction courses; both are essential.

- That a large percentage of malpractice claims arise out of poor practice management, on the one hand, and problems such as depression and substance abuse on the other. Both could be more adequately addressed if the cap were lifted.

- That different types of programs are appropriate for different lawyers, depending on their stage of life and their professional identities. For example, a senior attorney who is an expert in a substantive area might be facing issues of resiliency and purpose, while a younger colleague needs work on the basics of practice.

- That lawyers can be trusted to take the CLE courses they need. It is in their best interest to do so.

On Dec. 11, the court sided with Vogel and company when it promulgated an amendment to the state board of continuing legal education. “There shall be,” it read, “no limit on the number of credit hours for professional development courses that shall be used to satisfy a lawyer’s CLE requirements in any reporting period.”

The court defined professional development courses to include those that address issues such as “career satisfaction and renewal, stress management, mental or emotional health, substance abuse and gambling addiction.”

Reflecting on the Minnesota experience, Kathy Morris, director of the ABA Career Resources Center, is quite supportive of the more liberal approach. “Lawyers are often too skilled at separating the personal and professional spheres,” she says, “so courses that will help them integrate their lives and their lawyering skills, and thereby improve both, are truly welcome.”

Bill Lindberg, president of the Ash Grove Group, says the results are definitely worth the effort. “It’s heartening to see the court endorse the notion that a lawyer has ultimate responsibility to craft his or her own learning agenda,” he says. “In an increasingly complex world, the responsibility for taking charge of one’s ongoing learning needs to rest with the individual lawyer over the term of his or her professional life.” ■