

Saving the Public Citizen: Preventing the Erosion of Civic Responsibility in Professional Identity Formation for Law Students

I. Public Citizenship and the Hidden Labor of Professional Identity Formation

Once humans are taught a language, they learn to be deliberate about the words they choose. Precision is a foundational skill of language itself. That precision is even more prized in legal practice, where the meaning of a sentence may, or *shall*, turn on a single word. Yet, despite the profession's insistence on meticulous language, the American Bar Association (ABA) has failed to articulate a clear and consistent definition of the lawyer's role as a "public citizen."¹ The ABA Preamble defines lawyers as "public citizens having special responsibility for the quality of justice," but it does not clarify how that responsibility should be understood or developed over the course of a lawyer's professional identity formation.² As a result, public citizenship is

¹ Model Rules of Professional Conduct Preamble, para. 1 (American Bar Association 1983).

² *Id.* Alternatively, Kronman argues that the "outstanding lawyer" is different than the "purely self-interested practitioner of law" because the outstanding lawyer has a special talent for discovering where the public good lies. Anthony T. Kronman, *The Lost Lawyer: Failing Ideals Of The Legal Profession* (3. printing ed. 1995). Notably, the 1995 book falls into a time period where lawyers were seen as advocates using justice as moral virtue. Association of American Law Schools, *The Role of Public Citizen and the Rule of Law*, (2025), <https://www.youtube.com/watch?v=I96SrG7oosg>. In the webinar, critics denounce prior attempts to define "public citizen" outside of its historical contexts and instead highlight the tension between ABA's emphasis on a lawyer's duty to his client and his duty to elitist connotation of "public good." Today, lawyers struggle with independence from politics, the carceral state, and legal integrity; all these influence an individual's understand of what is "public good." Perhaps the ABA believed "public citizen" was self-explanatory, but conflicting definitions from Kronman and the Association of American Law Schools demonstrate how non-exact the term is.

frequently framed as a disconnected aspirational value rather than as a concrete professional role with identifiable obligations.³

Professional identity formation in law school typically occurs outside of formal ethics coursework. Socialization occurs through doctrinal pedagogy, classroom participation norms, grading practices, and informal cues about what types of reasoning and engagement are rewarded.⁴ Even without explicit instruction, students learn early when it is appropriate to speak, how far they can push their argument, and which openly-voiced concerns may carry professional risk.⁵ Over the course of their first year, students learn that “think like a lawyer” is not a superior analytical skill; the “thinking” is part of a larger filtration process where a student suppresses prior socialization to instead base their conclusions on legal and textual authority.⁶ Now, the student can dissect cases with an appearance of neutrality⁷, without

³ William H. Simon, *The Practice Of Justice: A Theory Of Lawyers' Ethics*, 15 (2010). Simon argues that the ABA should transition its instruction on legal ethics from a mechanical, rules-focused approach to a more complex, contextual judgment. He posits that the profession's moral anxiety comes from the ABA's lofty aspirational goals and its conflicting Model Rules.

⁴ Elizabeth Mertz, *The Language of Law School: Learning to “Think like a Lawyer”*, 174 (2007). In this ethnographic study of first-year law students, Mertz obtained tapes and observational notes from a full semester of Contracts classes in eight different law schools. Observers and coders worked with full transcripts and observations to quantify aspects of the turns in each class.

⁵ *Id.*

⁶ *Id.* at 3, 58.

⁷ This precision is not neutral. In a legal system reluctant to engage with diverse cases and communities, legal language prioritizes adherence to prior texts over the development of new traditions, reinforcing exclusion rather than inclusion.

considering relevant social contexts or moral obligations. The only relationship that matters is the rule and the legal authority that governs it.

Over time, these lessons can encourage students to associate competence with caution and detachment, even when legal issues implicate broader questions of justice or institutional legitimacy.⁸ Law school is an exceptionally stressful experience for many students, and longitudinal studies illustrate how the emotional distress that law students endure significantly exceeds that of medical students and at times approaches that of psychiatric populations.⁹ By the second year, many students are demoralized and profoundly disengaged.¹⁰ Then by the third year, a high number convey a strong sense of impotence and little enthusiasm for work as a licensed attorney.¹¹ These “docile lawyers” are the product of structural forces, where professional competence is equated with compliance and restraint rather than judgment or critique.¹²

This paper conceptualizes that largely invisible process through the framework of a mushroom. Like a mushroom, professional identity formation

⁸ Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test and Extension of Self-Determination Theory*, SSRN Journal (2006), 883, <http://www.ssrn.com/abstract=913824>.

⁹ *Id.* at 884. The authors cite studies from Benjamin, Kaszniak, Sales, & Shanfield, in 1986; Shanfield & Benjamin in 1985; Dammeyer & Nunez in 1999; and Sheldon & Krieger in 2004.

¹⁰ Sharon Dolovich, *Note: Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 Harvard Law Review 2027 (1998), <https://escholarship.org/uc/item/189296tk>.

¹¹ *Id.*

¹² *Id.* at 2043

depends on extensive work below the surface before any visible change appears.¹³ Ethical judgment and decision-making are cultivated quietly through repeated acts of self-monitoring and translation.¹⁴ Much of this labor is not recognized as professional work, but it is essential to sustaining the quality of justice the profession claims lawyers are specially responsible for preserving.

Students who raise uncomfortable questions frequently do so without assurance that their efforts will benefit them personally, and the burden of this unseen labor is not distributed evenly among students. Women, students of color, and first-generation students are more likely to self-monitor classroom participation and strategically manage engagement to avoid negative professional consequences.¹⁵ Capers notes that it may be more accurate to say these students are trained to think like “a particular kind of lawyer” who brackets or entirely dismisses difference in culture or social

¹³ Ernesto van Peborgh, *The Mycelium Network: Weaving a Tapestry of Regenerative Wisdom*, Medium (Dec. 27, 2023), <https://ernesto-87727.medium.com/the-mycelium-network-weaving-a-tapestry-of-regenerative-wisdom-d99ce4cc7527>. The mycelium network is a vast, underground network that weaves through tree roots, creating a symbiotic relationship that enables resource distribution among trees in various environments. Entire forests are sustained by the work completed underground, even though the exact time and place of fungal fruiting is not always predictable. The mushroom imagery calls for a shift from “competition to cooperation, from isolation to community, and from exploitation to regeneration.”

¹⁴ *The Language of Law School*, at 99.

¹⁵ Bennett Capers, *The Law School as a White Space - Minnesota Law Review*, (Nov. 30, 2021), 36, <https://minnesotalawreview.org/article/the-law-school-as-a-white-space/>.

context as part of risk avoidance.¹⁶ These students often perform the work of naming exclusion or challenging the dominant norms, in a way becoming an intruder into the law school space, even when they do not ultimately benefit from the resulting change. Further, Carbado and Gulati demonstrate how this self-censoring extends even to professors of color.¹⁷ Just as students are subject to heightened scrutiny, professors must also confront the background assumptions attached to their identities, including race, gender, and other visible characteristics, as well as how those assumptions interact with the demographics of the classroom and the methods of instruction.¹⁸

Framing public citizenship through the mushroom metaphor reveals a fundamental tension in legal education: the ethical labor necessary to sustaining justice and institutional legitimacy is frequently invisible and undervalued, even as the profession claims to celebrate public citizenship. Students are told that lawyers have a special responsibility for the quality of justice, but they are simultaneously trained to associate professionalism with detachment. Over time, this contradiction can erode civic responsibility.

Defining public citizenship is necessary, but it is not sufficient. Without attention to the developmental conditions under which students are expected

¹⁶ *Id.*

¹⁷ Devon Carbado & Mitu Gulati, *Working Identity*, 85 Cornell Law Review 1259 (2000), 1281-83, <https://scholarship.law.cornell.edu/clr/vol85/iss5/4>.

¹⁸ *Id.*

to inhabit that role, public citizenship risks remaining an abstract ideal rather than a lived professional identity. The next sections examine whether existing ABA frameworks adequately account for the realities of law students.

II. The ABA's Public Citizen Framework

Central to the ABA's framework is the statement that lawyers have a "special responsibility for the quality of justice," so the insinuation is that justice is natural result of proper role performance.¹⁹ The ABA uses the word "special" to distinguish lawyers from ordinary citizens, tying civic responsibility to professional authority and legal training.²⁰ However, the Preamble does not explain what this special responsibility looks like in practice; it does not identify when public citizenship should limit client advocacy, how lawyers should recognize such moments, or how conflicts between roles should be resolved.²¹ Instead, as with defining "public citizen," the ABA relies on broad language that affirms aspirational, civic ideals without offering concrete guidance.

¹⁹ Eli Wald, *Resizing the Rules of Professional Conduct*, 27 *Georgetown Journal of Legal Ethics* 227 (2014), 248, <https://ssrn.com/abstract=2490738>.

²⁰ *The Practice Of Justice: A Theory Of Lawyers' Ethics*, at 15. As mentioned earlier, Kronman would argue that the special responsibility comes from a lawyer's specialized knowledge, but Simon would instead argue that "special responsibility" is reduced to a set of mechanical disciplinary aspirations that the bar fails to define.

²¹ *Id.*

Along with the scholars, the courts have reinforced this idea of proper role performance. In *In re Snyder*, the Supreme Court described membership in the bar as “a privilege burdened with conditions,” explaining that lawyers are admitted “into [the] ancient fellowship for something more than private gain” and serve as officers of the court to advance justice.²² While this language emphasizes that lawyers have obligations beyond serving clients, it also frames responsibility as restraint. The lawyer’s duty is to uphold institutional norms rather than to question the system itself. Similarly, in *Nix v. Whiteside*, the Court emphasized that a lawyer’s ethical obligations are satisfied through adherence to legal rules and procedures, even when doing so conflicts with a client’s objectives.²³ Together, these cases reinforce two ideas: justice is protected through role compliance, and the lawyer’s responsibility is to operate within the system, not to correct it.

Legal scholars have criticized this framework for structurally prioritizing client loyalty over public citizenship. Eli Wald explains that the Model Rules impose serious consequences for disloyalty to clients but impose no comparable punishment for failing to engage as a public citizen.²⁴ This

²² *In re Snyder*, 472 U.S. 634, 644 (1985).

²³ *Nix v. Whiteside*, 475 U.S. 157, 168 (1986).

²⁴ *Resizing the Rules of Professional Conduct*, 248. By omitting definitions, the ABA implies that non-litigators owe no duties to the legal system. In other areas, the value conflict between personal values and duty to clients makes some lawyers, like in areas of criminal defense, feel like double agents.

imbalance sends a clear message about what matters most in professional life. Matthew Meany similarly argues that the ABA's public-citizen language lacks practical force, serving as aspirational rhetoric rather than as a real constraint on professional behavior.²⁵

The implications of this framework are significant for law students. Students learn early in their doctrinal classrooms that ethical responsibility is primarily about procedural compliance and technical skills.²⁶ Susan Sturm and Lani Guinier's law school matrix helps explain how students internalize these lessons.²⁷ When public citizenship is framed as an abstract value, students learn to treat it as secondary to the skills that are actually rewarded.²⁸ Mertz's survey demonstrates that students often come to view justice-oriented reasoning as separate from "real law," which reinforces the idea that public citizenship is outside the core of professional competence.²⁹

²⁵ Matthew Meany, "Lawyer as Public Citizen" - A Futile Attempt to Close Pandora's Box, 35 Campbell Law Review 119 (2012), 122,

<https://scholarship.law.campbell.edu/cgi/viewcontent.cgi?article=1564&context=clr>. ("Only when a client's subjective conception of justice corresponds to the public's objective conception of justice can an attorney fulfill both duties imposed on her by the Rules. When victory for a client through zealous advocacy is not objectively just, an attorney fails in her 'public citizen' duty").

²⁶ *The Language of Law School*, 4.

²⁷ Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 Vand. L. Rev. 515 (2007), 534-45, https://scholarship.law.columbia.edu/faculty_scholarship/1007. Sturm and Guinier coined the phrase and defined it as the deep-seated culture of competition and conformity in legal education that shapes professional identity and hinders legal reform.

²⁸ *Id.*

²⁹ *The Language of Law School*, 78.

By declining to explain when public citizenship should take priority over client advocacy, the ABA preserves a lawyer's discretion but leaves students without guidance on how to recognize situations where legal outcomes may be formally correct yet substantively unjust. For students already navigating the pressures of professional identity formation in law school, this reinforces the lesson that public citizenship is admirable in theory but risky in practice.

These limits create space for scholars who seek to meaningfully define public citizenship without abandoning the ABA's institutional commitments. Kendall Kerew's work responds directly to this gap by accepting the ABA's premise that lawyers are officers of the legal system while insisting that public citizenship imposes genuine constraints, such as requiring moral courage, on professional conduct.³⁰ The next section turns to Kerew's position and law students' ability to practice public citizenship within existing educational structures.

III. Attempting to Define Public Citizen

Rather than rejecting the ABA's institutional framework, Kerew accepts its premise that lawyers are officers of the legal system whose

³⁰ Kendall Kerew, *The Rule of Law, The Lawyer's Role as a Public Citizen, and Professional Identity: How Fostering the Development of Professional Identity Can Help Law Schools Address the Crisis Facing American Democracy*, 75 Mercer Law Review (2024), 1459, https://digitalcommons.law.mercer.edu/jour_mlr/vol75/iss5/6.

authority carries obligations beyond serving private interests.³¹ In her view, public citizenship arises from lawyers' unique power to shape legal outcomes and preserve, *or undermine*, the rule of law itself.³²

Kerew's concern that legal education is failing to cultivate public-regarding lawyers is not novel. Law schools are increasingly producing "autonomously self-interested lawyers" who are oriented toward individual success and career security rather than civic responsibility.³³ This focus on public good echoes Anthony Kronman's earlier distinction between an outstanding lawyer and a self-interested practitioner of law.³⁴ It also aligns with broader critiques of legal education that describe a shift away from public service values toward a rigid, rules-based conception of lawyering led by "the walking wounded."³⁵ These conclusions support the idea that professional identity formation is the space where public citizenship is either cultivated or suppressed.

Kerew does not argue that lawyers should act as moral crusaders or impose personal values on clients. Instead, she frames public citizenship as a constraint on professional conduct that flows from the lawyer's role within

³¹ *Id.*

³² *Id.*

³³ *Id.* at 1464.

³⁴ *The Lost Lawyer*, at 14.

³⁵ *Making Docile Lawyers*, at 2027. *See also The Language of Law School*, at 97; *see also The Law School Matrix*, at 540.

democratic institutions.³⁶ She emphasizes the lawyer's responsibility to the legal system itself, and notes that public citizenship requires judgment about when legal action threatens legitimacy of the rule of law.³⁷

Further, Kerew highlights that judgment and responsibility must be cultivated over time through education and practice.³⁸ By focusing on identity as a series of lessons rather than isolated choices, Kerew strengthens the case that public citizenship must be embedded in the formation process itself. Consistent with this view, Kerew argues that public citizenship cannot be developed through isolated courses or occasional exposure; it must be consistently reinforced throughout legal education as legitimate lawyering, beginning in doctrinal courses and continuing through clinics and externships.³⁹

This paper largely agrees with Kerew on the point of integrated repetition. Public citizenship cannot be treated as simply "pro bono" or examined only in experiential learning.⁴⁰ If law schools want students to internalize civic responsibility, that responsibility must be reflected in the

³⁶ *Id.* at 1462

³⁷ *Id.* at 1466. *See also The Practice of Justice: A Theory of Lawyers' Ethics*, at 15. Simon argues that the ABA should move away from a rules-focused approach and instead acknowledge that legal ethics require complex, contextual judgment.

³⁸ *Id.*

³⁹ *Id.* at 2024. *See also Making Docile Lawyers; see also The Language of Law School.*

⁴⁰ *Id.* at 1469.

core curriculum.⁴¹ Her insistence on consistency is a meaningful, concrete contribution to a field that has often relied on aspirational rhetoric.

Where this paper diverges from Kerew is in her assumptions about students' capacity to inhabit that role within existing educational conditions. Kerew's account largely assumes that once public citizenship is clearly defined and consistently reinforced, students will be positioned to develop the judgment and courage necessary to practice it. However, research on legal education suggests that law school environments frequently train students to avoid risk, suppress moral articulation, and prioritize self-protection.⁴²

Furthermore, many students respond to these pressures by distancing themselves from their professional identities as a coping mechanism.⁴³ This distancing does not reflect apathy or moral failure, but a rational response to environments that reward silence and penalize deviation.⁴⁴ For students navigating heightened scrutiny or marginalization, the risks associated with public citizenship can be especially pronounced.⁴⁵

⁴¹ *Id.*

⁴² *The Language of Law School*, at 97; see *Understanding the Negative Effects of Legal Education on Law Students*, at 883-94.

⁴³ John Bliss, *Divided Selves: Professional Role Distancing among Law Students and New Lawyers in a Period of Market Crisis*, 42 *Law & Soc. Inquiry* 855 (2017), https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1058&context=law_facpub.

⁴⁴ *Understanding the Negative Effects of Legal Education on Law Students*, at 884.

⁴⁵ *The Law School as a White Space*, at 35; *Working Identity*, at 1281-83.

These dynamics complicate Kerew's proposal. Even when public citizenship is clearly articulated and repeatedly emphasized, students may lack the psychological safety or institutional support necessary to practice it. In environments where conformity is rewarded, linguistic reinforcement of the public citizen ideal alone may do very little to comfort students.⁴⁶ Kerew's framework succeeds in clarifying what public citizenship should mean, but it leaves unresolved how students are expected to develop the capacity to act as public citizens within educational systems that discourage risk-taking.

This gap points to the need for a complementary analysis focused on the conditions of formation rather than on definition alone. The next section turns to fear, intrusion, and silence as structural features of doctrinal legal education.

IV. Intrusion, Burden, and Grace: Sustaining Public Citizenship Over Time

Even where civic responsibility is articulated, law students are trained in environments that reward caution and normalize silence. These conditions shape professional identity before students are even positioned to act as public citizens. Grades, class rank, law review membership, and employment outcomes operate as dominant markers of success.⁴⁷ By examining the

⁴⁶ *The Language of Law School*, at 97.

⁴⁷ *Understanding the Negative Effects of Legal Education*, at 894.

interactions of professors and peers in the classroom, students learn which activities further enshrine them in the traditional “think like a lawyer” culture. Empirical research shows that intrinsic motivations, such as commitment to justice or public service, are displaced by extrinsic incentives tied to status and security as students progress through law school.⁴⁸ Rather than treating risk aversion as a personal deficiency, we should instead see it as a rational adaptation.

Kerew demonstrates this tension when she warns that legal education risks producing lawyers who are only focused on personal success. Many students treat law school like a credentialing process rather than a formative civic experience.⁴⁹ Without developing their civic experience, students are prone to moral isolation in an attempt at neutrality, since there is no negotiation in moral isolation; however, the moral isolation approach does not recognize the fact that lawyers and clients do and must influence each other.⁵⁰ This influence can be greatly positive. In practice, attorneys will fail to engage in conversation with the client to establish some form of “good” if they are unwilling or unable to grapple with these concepts as law students.

⁴⁸ Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, And Well-Being*, Behavior Science Law (2004), <https://pubmed.ncbi.nlm.nih.gov/15048864/>.

⁴⁹ *The Rule of Law*, at 1464.

⁵⁰ William L. McLennan, Thomas W. Porter & Thomas L. Shaffer, *On Being a Christian and a Lawyer*, 1 Journal of Law and Religion 241 (1983), <https://www.jstor.org/stable/1051081?origin=crossref>.

The doctrinal classroom prepares students to neutrally engage legal texts, but clients are not legal texts. Instead, clients are the “characters” law professors directed students to omit when recounting case facts.⁵¹ Students frequently describe their legal education as instrumental, albeit oriented toward employment and stability rather than toward public judgment.⁵²

Many students graduate feeling disconnected from the values that initially drew them to law, so purposely leaning into the idea of public citizenship could feel like an intrusive act. Some enter the profession seeking financial security or personal stability, not an expanded moral mandate. Research on professional socialization shows that when ethical engagement is framed as deviation from the dominant norm, students respond rationally by withdrawing or compartmentalizing.⁵³ Persistence, then, requires sustained emotional and professional labor that is rarely acknowledged and even less often rewarded.

Professional identity scholarship consistently shows that students learn to manage ethical commitments. Empirical studies of law student socialization describe a process of “role distancing,” in which students

⁵¹ *The Language of Law School*, at 96.

⁵² *Divided Selves*, at 855.

⁵³ Cliff Zimmerman, *The Hidden Curriculum and the Discounting of Students' Identity: The Sources of Disaffection and the Challenge in Formation of Professional Identity*, 2 *The Journal of Law Teaching and Learning* 15 (2025), 78-81, <https://lawrepository.ualr.edu/cgi/viewcontent.cgi?article=1007&context=lawteachingjournal>.

separate personal values from professional expectations to survive evaluative and market-driven pressures.⁵⁴ This distancing is an adaptive response to institutional incentives that reward risk avoidance.

Next, experiential learning is often offered as the solution to professional identity and public citizenship formation; yet, clinic and externship experiences frequently expose students to the limits of law without providing the institutional scaffolding necessary to process those limits.⁵⁵ As Sarah Buhler observes, students are not “caped crusaders”; they encounter structural injustice without the power to resolve it and are left to reconcile professional ideals with constrained realities on their own.⁵⁶

Without structured reflection and institutional validation, these experiences

⁵⁴ *Divided Selves*, at 42; Megan Bess, *Straight from the Students: The Impact of Law School Experiences on Professional Identity Formation*, 108 Marquette Law Review 661 (2025), <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=5605&context=mulr>. In this article, Megan Bess seeks to understand how law school experiences shape students’ professional identities from the students’ own perspectives. She analyzes qualitative data drawn from student reflections and survey responses, focusing on how classroom practices, grading, and faculty expectations influence students’ views of what it means to be a lawyer. Bess finds that many students experience pressure to adjust or suppress their personal values to succeed, which leads them to separate professional performance from ethical and civic commitments.

⁵⁵ Sarah Buhler, *I Am Not a Caped Crusader’: Clinical Legal Education and Professional Identity Formation*, 49 UBC Law Review 105 (2016), 130, <https://ssrn.com/abstract=2700869>. Students in clinical programs described public-minded work as discouraging when it involved significant responsibility without corresponding power, unrealistic expectations about their ability to create change, and insufficient institutional support for the emotional and moral strain of the work. Several students reported that these conditions made long-term public citizenship feel unsustainable.

⁵⁶ *Id.*

can deepen moral dissonance, which is the antithesis of fostering durable public citizenship.⁵⁷

When public responsibility is imposed without corresponding institutional support, students do not learn how to persist ethically. Instead, students learn how to withdraw and hide behind the neutrality of textualism. The student's failure to transition into a fully-realized public citizen is structural, and treating this outcome as an individual shortcoming misunderstands the problem. Public citizenship is being asked to survive in conditions that turn ethical persistence from aspirational to irrational. What is missing from prevailing accounts of public citizenship is grace.

Grace, as used here, recognizes professional identity formation as uneven and emotionally demanding. Research grounded in self-determination theory demonstrates that sustained ethical engagement depends on autonomy, competence, and relatedness.⁵⁸ These conditions are also prerequisites for professional self-actualization: the ability to integrate personal values with professional role without suppressing one in service of the other. Law school environments dominated by constant evaluation and

⁵⁷ Id.; see also Mae Quinn, *Teaching Public Citizen Lawyering: From Aspiration to Inspiration*, 8 Seattle Journal for Social Justice 661 (2010), 666, https://digitalcommons.law.udc.edu/cgi/viewcontent.cgi?article=1037&context=fac_journal_articles. Quinn argues that legal education must move from aspiration to inspiration by actively teaching public-citizen lawyering as a lived professional identity instead of a mere moral afterthought or pro bono add-on.

⁵⁸ *What Makes Lawyers Happy?*, at 569.

external validation undermine these conditions and correlate with widespread distress and disengagement.⁵⁹ Further, national survey data show that law students experience high rates of anxiety, depression, and substance use concerns, yet are reluctant to seek help due to stigma, fear of professional consequences, and institutional culture.⁶⁰ In this environment, public citizenship becomes demanding and psychologically costly, which incentivizes withdrawal and ethical compartmentalization.

Grace requires acknowledging unequal risk. As mentioned earlier, calls for courage and public responsibility do not fall evenly across students. Those with less institutional protection, social capital, or financial security bear greater consequences when they challenge norms or speak openly.

Professional identity formation literature warns that without intentional curricular design, mentorship, and feedback mechanisms, law schools may reinforce narrow, hierarchical conceptions of professionalism that privilege insider norms.⁶¹

⁵⁹ *Id.*

⁶⁰ Jerome Organ, David Jaffe & Katherine Bender, Ph. D., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 *Journal of Legal Education* 116 (2016), <https://jle.aals.org/cgi/viewcontent.cgi?article=1370&context=home>.

⁶¹ Neil Hamilton & Louis Bilionis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer's Professional Identity, Part 1: Understanding the New Requirements*, *National Association for Law Placement, Inc.* (NALP) (May 2022), <https://www.nalp.org/revised-aba-standards-part-1>.

Decosimo's taxonomy of professional identity formation helps explain why framing professional identity formation as solely a rule-following obligation fails.⁶² When public citizenship is taught primarily as obligation rather than integration, students learn to perform professionalism without internalizing it.⁶³ Grace, by contrast, supports the developmental work required to reconcile personal values with professional roles, which is one approach to professional identity formation Decosimo outlines.⁶⁴

Recent reforms to ABA accreditation standards recognize similar dynamics. Amended Standards 303(b) and (c) require law schools to attend explicitly to professional identity formation as an educational outcome.⁶⁵ Notably, the amended standards still fail to clearly define "public citizen," but the creation of the amended standards demonstrates that the ABA is conscious of and willing to address law students' tenuous grasp of professional identity formation. Still, compliance alone is insufficient. As

⁶² Harmony Decosimo, *Taxonomizing Professional Identity Formation: The Soul of Legal Education*, SSRN Journal (2022), <https://www.ssrn.com/abstract=4201565>.

⁶³ *Id.* at 3.

⁶⁴ *Id.* Decosimo outlines three professional identity formation approaches: programs focused on ethical values and virtue development, experiential learning that builds real-world professional roles, and reflective pedagogy that encourages students to connect their personal identities and values with their emerging legal professional role.

⁶⁵ *Amended ABA Standard 303(b) and 303(c) Toolkit for Career Service Offices*, (Nov. 2023), https://www.nalp.org/uploads/Standard303Toolkit_UpdatedNovember2023.pdf; *see also Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer's Professional Identity, Part 1: Understanding the New Requirements*.

Deborah Rhode cautioned, unenforced norms rarely overcome incentives that reward aggressive or unethical conduct.⁶⁶

Public citizenship cannot be sustained through civility codes or isolated curricular moments. Its formation depends on whether students are given conditions that allow ethical commitments to persist without requiring self-erasure.⁶⁷ Grace makes that persistence possible. Without it, public citizenship remains aspirational. But with it, public citizenship becomes integrated and capable of surviving beyond law school.

V. Conclusion

Although the ABA and Kerew articulate principled visions of the public citizen, both underestimate how legal education intrudes on students' capacity to inhabit that role. Law school culture often rewards students who conform into the tradition of "thinking like a lawyer." The students who have not learned to remain dispassionate and neutral are seen as intruders who fail to adhere to the socialization process. This intrusion is structural. By their third year, students disengage because institutional conditions make

⁶⁶ Deborah Rhode, *Lawyers as Citizens*, 50 William & Mary Law Review 1323 (2009), <https://scholarship.law.wm.edu/wmlr/vol50/iss4/9>.

⁶⁷ Gene Nichol, *The Lawyer's Obligation as Public Citizen*, 76 Mercer Law Review 1269 (2025), https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=1697&context=faculty_publications; David Luban, *Lawyers and Justice: An Ethical Study*, Princeton University Press (1988), <https://doi.org/10.2307/j.ctv346rrr>. ("To resolve a conflict between role morality and common morality in favor of the former is to excuse oneself from a common moral obligation by appealing to a role or the institution that creates that role").

persistence costly and psychologically taxing. Distress, burnout, and reluctance to seek help are widespread, which further narrows students' willingness to speak.

Even where opportunities such as clinics and externships exist, the absence of consistent oversight and mentor accountability can reproduce these harms, particularly when students encounter bad supervision or unsupported moral conflict. Preserving the public citizen therefore requires careful attention to both professional formation and the opportunity for practical experiences. Grace allows students to exercise judgment without disproportionate penalty, supports mental health, and enables civic responsibility to become integrated into professional identity rather than something practiced at personal cost.