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Derrick Bell: Ethical Ambition and Law Teaching

Natasha Martin^{*}

Part of our job is teaching them about who they are.

Classrooms are vehicles to communicate not just the subject, but self.

– Derrick Bell¹

It was June 2006. I boarded a train from Seattle to Vancouver, British Columbia, to attend the midyear AALS Conference, “New Ideas for Law School Teachers: Teaching Intentionally,” feeling exhausted after the ending of another year of law teaching, and not to mention, dealing with pre-tenure anxiety. I had recently completed teaching Professional Responsibility, a course that I loved to teach, yet, I felt somewhat battered and bruised after a semester of trying to bridge the gap between practice and theory, and to do what every legal ethics professor strives for, veterans and novices alike: to make ethics real for an audience that cannot fully appreciate the trappings of law practice beyond the four walls of a classroom and from a bird’s eye view of the life of a lawyer. I had struggled to impress upon my students the need for serious reflection on their future roles as lawyers in society and an understanding that the capacity and stamina to be a professionally responsible lawyer in contemporary law practice required active self-awareness. I was energized, however, anticipating the opportunity to see and to hear Professor Bell engage about teaching at a moment when my confidence in my own efforts and effectiveness had waned. I needed renewal, to be honest, and I needed hope. Thus, the opportunity to hear from an iconic figure who I greatly admired about the challenges and rewards of law teaching seemed just the salve my spirit needed at the time.

Nearly seven years later, I find myself at the juncture of a new year and a new semester of teaching the course in professional responsibility, and again contemplating, with cautious optimism, the pedagogical

^{*} Associate Dean for Research and Faculty Development and Associate Professor of Law, Seattle University School of Law.

1. These quotes are from my notes of his lecture, “Creating a Classroom Where Deep Learning Occurs,” on June 12, 2006 at the AALS MidYear Meeting in Vancouver, British Columbia.

framework toward professional formation that I to use to engage my students. Confident now in my quest to facilitate what I call a self-integrative approach to professional responsibility, I begin each semester of teaching this course with excitement accompanied by a mild angst.² Thus, I am grateful for this opportunity to reflect upon one of the most courageous scholar-educators I have ever known and the wisdom he bestowed that still fortifies me.

Why is this relevant to Professor Bell's work and to this symposium? The answer is simple. My approach to law teaching, generally, and the professional responsibility course in particular, is deeply influenced by Professor Bell's *Ethical Ambition*.³ After nearly eight years of law practice, I entered law teaching impassioned to bring a new perspective to the subject of legal ethics. I theorized that the antidote to the well-documented ills of the profession lay at the intersection of role and identity. To forge a paradigm shift in ethics discourse and law practice required empowering students to develop strong professional identities. Building the capacity for reflective judgment entails that students go beyond the Rules of Professional Conduct and center themselves at the heart of an ethical quandary. This critical reflection, in my view, allows students "to understand how the role of lawyer is cloaked with power and discretion; how who we are drives what we do" when faced with ethical and professional dilemmas.⁴ Through my review of and engagement with Professor Bell's *Ethical Ambition*, I designed an ethics course, with more intention, one that challenges students to engage not only with the law governing lawyers, but also with themselves as individuals with personal identities and professional interests.

Ethical Ambition remains one of my favorite of Professor Bell's many contributions. It comprises a powerful reflection on achieving success while maintaining fidelity to one's core values. Professor Bell devotes a chapter to six principles that he credits to living a life of worth and that significantly contributed to his own life's journey: passion, courage and risk taking, faith, relationships, inspiration, and humility. He is candid and transparent about his strengths and his weaknesses, struggles, and even the isolation of honoring his values and attempting to do good work. For sure, his groundbreaking use of narrative methodology created refuge for me during law school where so often the legal rules and text, as well as the classroom discussion, seemed devoid of context.

2. To read more about my theory and approach to legal ethics, see Natasha Martin, *Role, Identity, and Lawyering: Empowering Professional Responsibility*, 3 CAL. L. REV. CIRCUIT 44 (2012), http://www.californialawreview.org/assets/circuit/Martin_3-44.pdf.

3. DERRICK BELL, *ETHICAL AMBITION: LIVING A LIFE OF MEANING AND WORTH* (2002).

4. See Martin, *supra* note 2, at 5.

The celebrated *Faces at the Bottom of the Well*, for example, brought the cold recitation of the facts in legal opinions to life by adding a layer of realism, along with cultural and social meaning that resonated with me.⁵ The significance of those contributions and the foundations of critical race theory are undeniable; they serve as a lens through which I can see myself and include my voice in the conversation about law and its limitations. Notwithstanding, *Ethical Ambition* anchors me as a scholar-educator, serves as a template for my approach to teaching ethics and professionalism, and remains a guidepost when I lose my way. This work is a prescription for integrating professional success and personal values and integrity. The first article I wrote as a legal academic engaged with this important work.⁶ The timing of the publication of *Ethical Ambition* and my entry into law teaching may be coincidence, but it is a fate for which I am forever grateful. It remains the most underexamined and undervalued of his writings, but one of the most revealing and instructive.

Reflecting on my experience in 2006, I remember how I hung onto every word of Professor Bell's during his presentation. Poignantly, he stated that as law professors, we are instructors of living an ethical life, personally and professionally. He was always a man ahead of his time. Even the title, *Ethical Ambition*, holds a prophetic quality in Professor Bell's absence. He knew that as lawyers in society and as law professors we are always "in process," constantly engaging with our students, as well as with ourselves.⁷ He knew that professional responsibility or legal ethics did not constitute a hopeless oxymoron. His life and numerous acts of courage demonstrated his belief in the power of conviction and faith.

I understand now that the recurring angst that I feel as I begin another semester of teaching professional responsibility is just as it should be because, as Bell's words show—*Classrooms are vehicles to communicate not just the subject, but self*. To create a classroom where deep learning occurs, I must give of myself as honestly and authentically as I can. As I invite my students to turn inward, I am revealing much about myself, as well as what it means to be a professional. There exists an assuredness in this seeming vulnerability, a quiet confidence that I am meeting my fiduciary duty to my students and to their future clients as they learn the skill of critical reflection; for self-examination is central to

5. DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL* (1992). For a compilation of Professor's Bell's groundbreaking work, see *THE DERRICK BELL READER* (Richard Delgado & Jean Stefancic eds., 2005).

6. Natasha Martin, *Allegory from the Cave: A Story About a Mis-Educated Profession and the Paradoxical Prescription*, 9 LEWIS & CLARK L. REV. 381, 385–86, 399 (2005). I also corresponded with Professor Bell when he thanked me for the gift of my article centered on *Ethical Ambition*.

7. BELL, *supra* note 3, at 36.

becoming a professionally responsible lawyer with integrated values.⁸ Effective law teaching is not about connecting with students in an artificial manner on the surface, but about providing the space and opportunities for them to connect with themselves and to each other. The classroom is a laboratory, for students *and* professors, allies in the quest for knowledge about the subject and the self. I remember Professor Bell proclaiming at this meeting, “*Part of our job is teaching them about who they are.*”⁹ Thus, fostering a learning process wherein students get to know themselves on the deepest level strengthens their capacity and courage to occupy the discretionary space that ethics and advocacy demand. This is what empowering change is about.

I had a few encounters with Professor Bell but none more significant for me as that fateful summer of 2006. I wrote to him in advance of the Vancouver conference, sent him my article that engaged with *Ethical Ambition*, and shared that I would love an opportunity to connect with him at the conference. Although we never made plans in advance to gather, I will never forget sitting in the conference luncheon, the only person of color at my table, and by far the youngest, when Professor Bell entered the room, made his way to my table and sat next to me. This academic luminary, who certainly could have chosen to congregate with familiar colleagues or others of his reputation and stature, instead, offered himself in that moment to me, the young professor. Professor Bell shared his advice and encouragement and the exaltation to always be myself, for it is the only way to be alive, to stay sane, and to succeed in this enterprise over the long haul. He seemed to know exactly what I needed to hear; his words and presence renewed my spirit. I do not know why he sat next to me on that day; perhaps he sensed that I needed to hear what he shared, or maybe it was pure serendipity. I was strengthened by his grace and generosity. He gave me hope, validation, and confidence.

Having recently stood on the spot at the Lincoln Memorial where Dr. Martin Luther King, Jr. gave his rousing speech almost fifty years ago at the March on Washington for Jobs and Freedom, I am filled with so many emotions as I conclude this tribute. I can say without hesitation

8. Bell exhorts the value of subjecting oneself to examination as part of the prescription for engaging with integrity, avoiding the “white knight” phenomenon, and putting the good of the client first. *Id.* at 155–59. His transparency reveals how his own pursuit left him pondering past actions he had taken, particularly with regard to his involvement in the school desegregation cases in the ’50s and ’60s. *Id.* Additionally, recent empirical evidence demonstrates the correlation between professionalism and effectiveness in law practice. See, e.g., Neil Hamilton & Verna Monson, *The Positive Empirical Relationship of Professionalism to Effectiveness in the Practice of Law*, 24 GEO. J. LEGAL ETHICS 137 (2011).

9. See *supra* note 1.

that I believe Professor Bell, like Dr. King and so many others, was truly a drum major for truth and justice. I hope that I can maintain fidelity to my values, identity, and history in a manner that honors Professor Bell's legacy. I find solace and resolve in his photograph, which remains in my office—his knowing, gentle eyes continuing to beckon me onward and upward.