

Transforming Law Students into Becoming Happier, Healthier, and More Ethical Versions of Themselves:

***A Philippine Response to Patrick Schiltz
25 Years Hence***



Atty. Tanya Lat

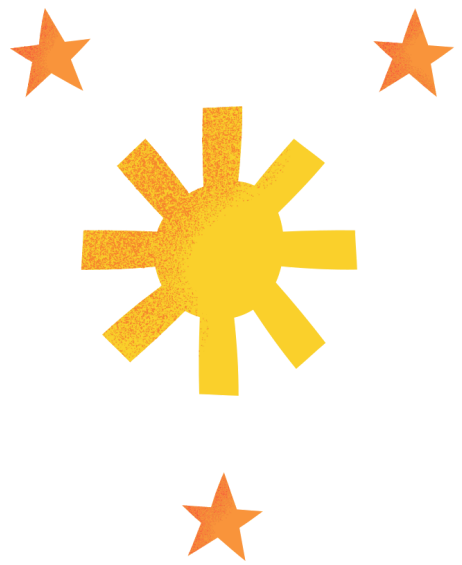
Ateneo Law School (Philippines)

Reflective Practice for Legal Professionals Virtual Symposium

Queen's University Faculty of Law, Ontario, Canada

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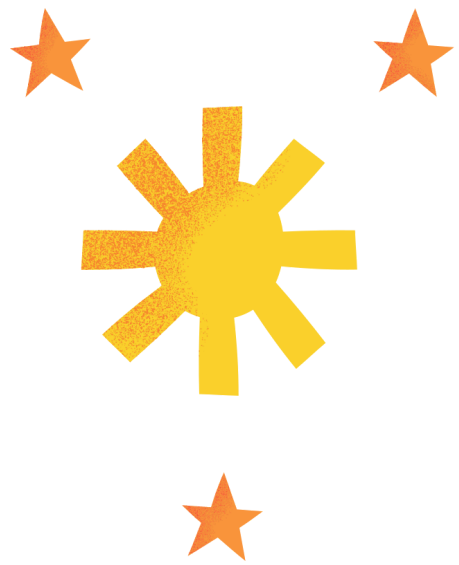
Teaching Legal and Judicial Ethics



- Mandatory course
- Basic course: 3 units, taught in either the 1st or 2nd year
- Review: 3 units, taught in final year of law school
- Tested in the Bar examinations
- Continuing legal education: 6 units every 3 years

The “runt” of the law school curriculum

Questions I ponder as an ethics teacher:



- **INSTINCT**

How do we develop a person's instinct to act ethically?

- **REACTION vs. RESPONSE**

How do we slow down the process to create the psychological space to think before acting?

- **MORAL IMAGINATION**

Are creative choices possible? How do we create the space for creativity?

- **MORAL COURAGE**

How do we develop a person's inclination and capacity to choose to do the right thing?

How do law students describe their law school experience?

- "Challenging"
- "Stressful"
- "Overwhelming"
- "Physically & emotionally draining"
- "Roller coaster ride"
- "Nerve-wracking"
- "Drains you of your confidence"
- "Mental anguish"
- "Toxic"
- "Traumatic"
- "Inhumane"



The Socratic Method: The dominant mode of instruction

- “Nerve-wracking experience”
- “I never feel prepared for class no matter how much I study.”
- “I die inside every time.”
- “Sitting in class is akin to sitting in death row.”



Photo credits: The Paper Chase, 20th Century Fox

<https://www.cbsnews.com/pictures/cinematographer-gordon-willis-1931-2014/6/>

Law students under stress

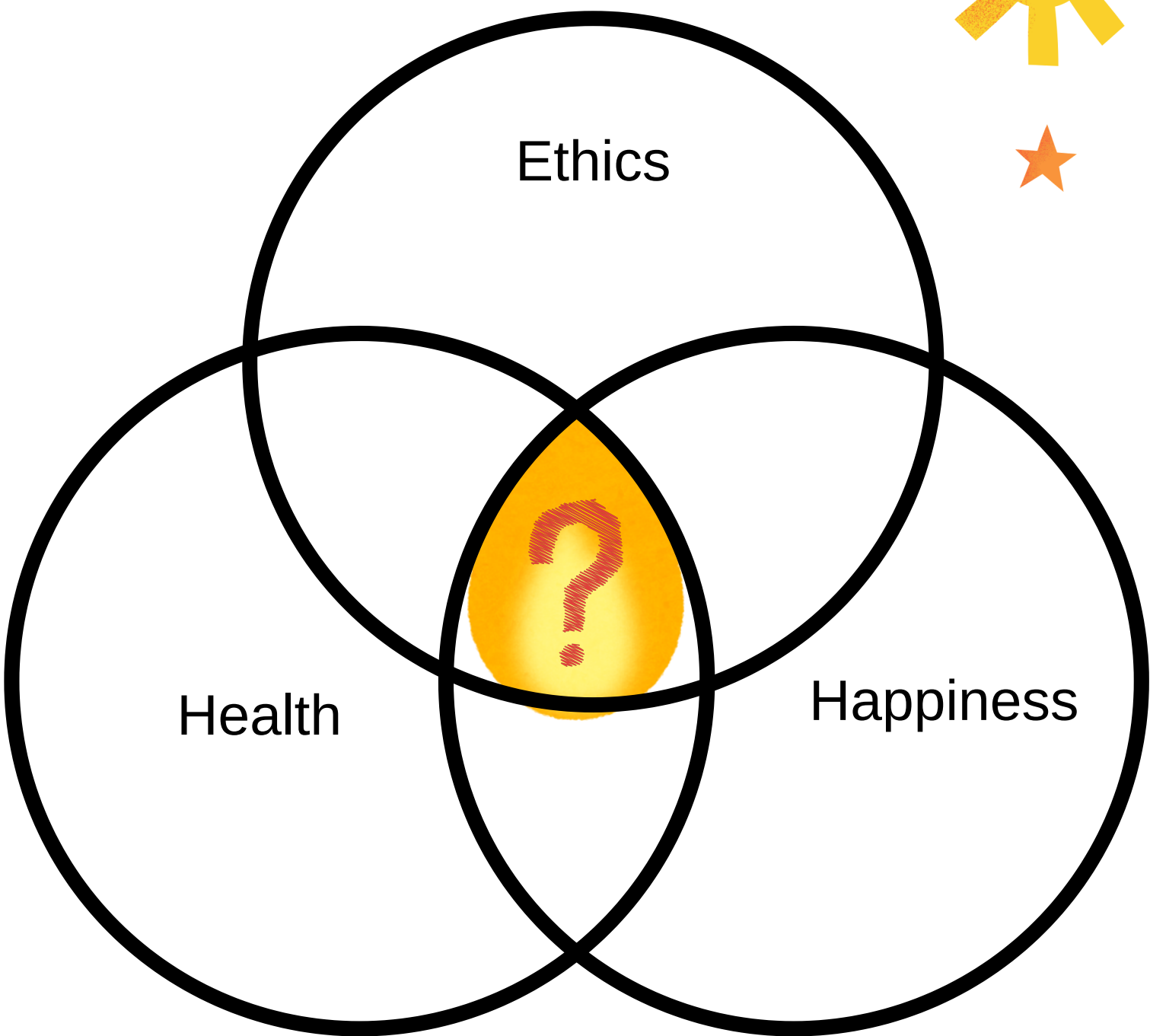
- Overwhelmed
- Dysregulated nervous system
- In “fight or flight” mode
- Operating on auto-pilot
- Feeling disconnected from self, others
- Numb, unable to feel
- Reactive
- More likely to take short cuts, the easy way out
- Unhappy
- Unhealthy



On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession

Patrick J. Schiltz*

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How do we enable law students and lawyers to become happy, healthy, and ethical?

Theory U

- A change management and leadership framework developed by C. Otto Scharmer at MIT
- A framework for “awareness-based systems change”
- Operates on the premise that “the success of an intervention depends on the interior condition of the intervener.”
- The role of leaders and changemakers (*including teachers!*) is to cultivate the soil of the social field.



C. Otto Scharmer,
The Essentials of Theory U: Core Principles and Applications (2018)

3 Capacities to be cultivated

- Open Mind (Curiosity) - To overcome the Voice of Judgment
- Open Heart (Compassion) - To overcome the Voice of Cynicism
- Open Will (Courage) - To overcome the Voice of Fear



How do we cultivate students' capacity to keep an *open mind*, *open heart*, and *open will*?

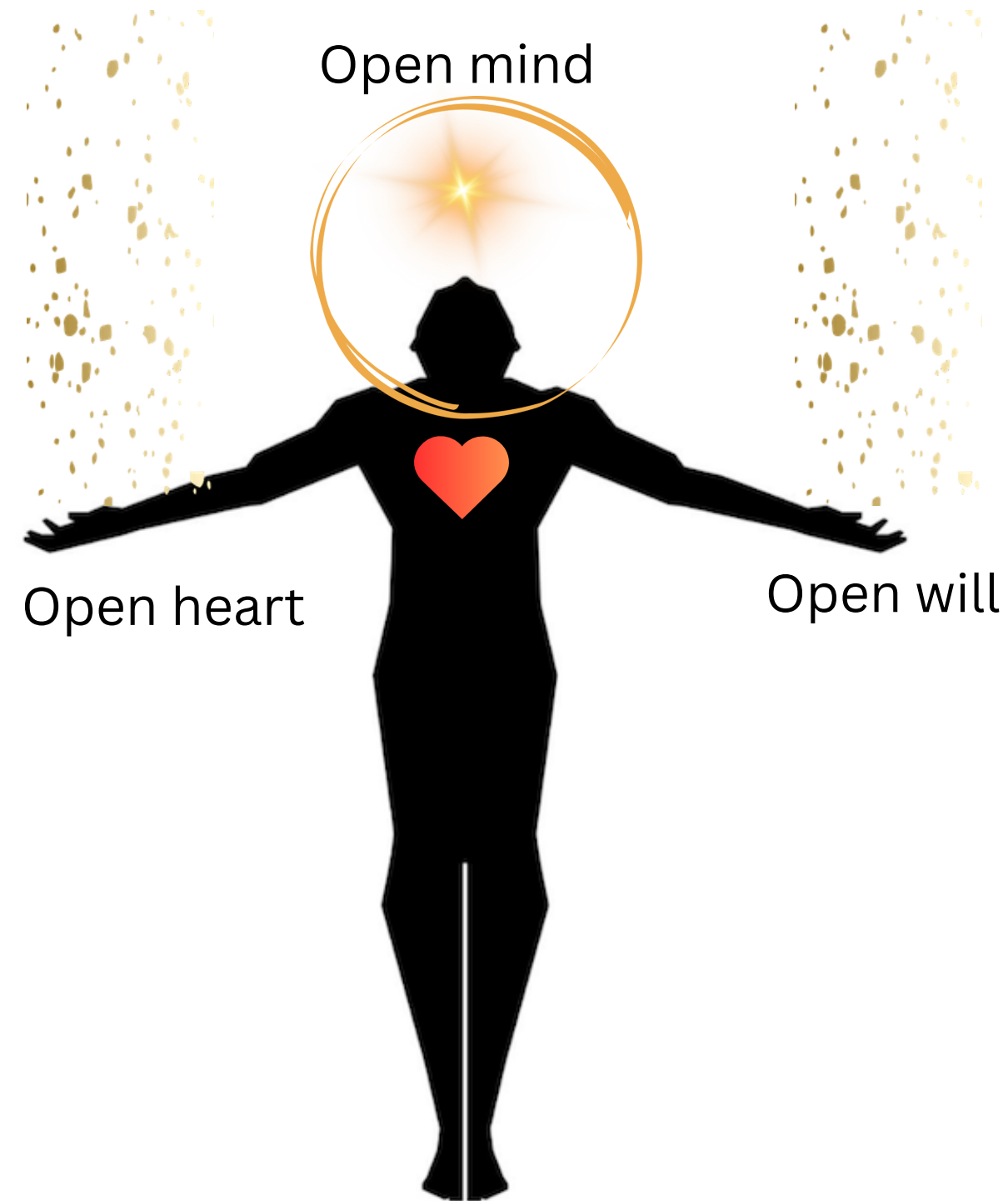


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*C. Otto Scharmer,
The Essentials of Theory
U: Core Principles and
Applications (2018)*

Opening students' *minds*, *hearts*, and *will* through Reflective Practice

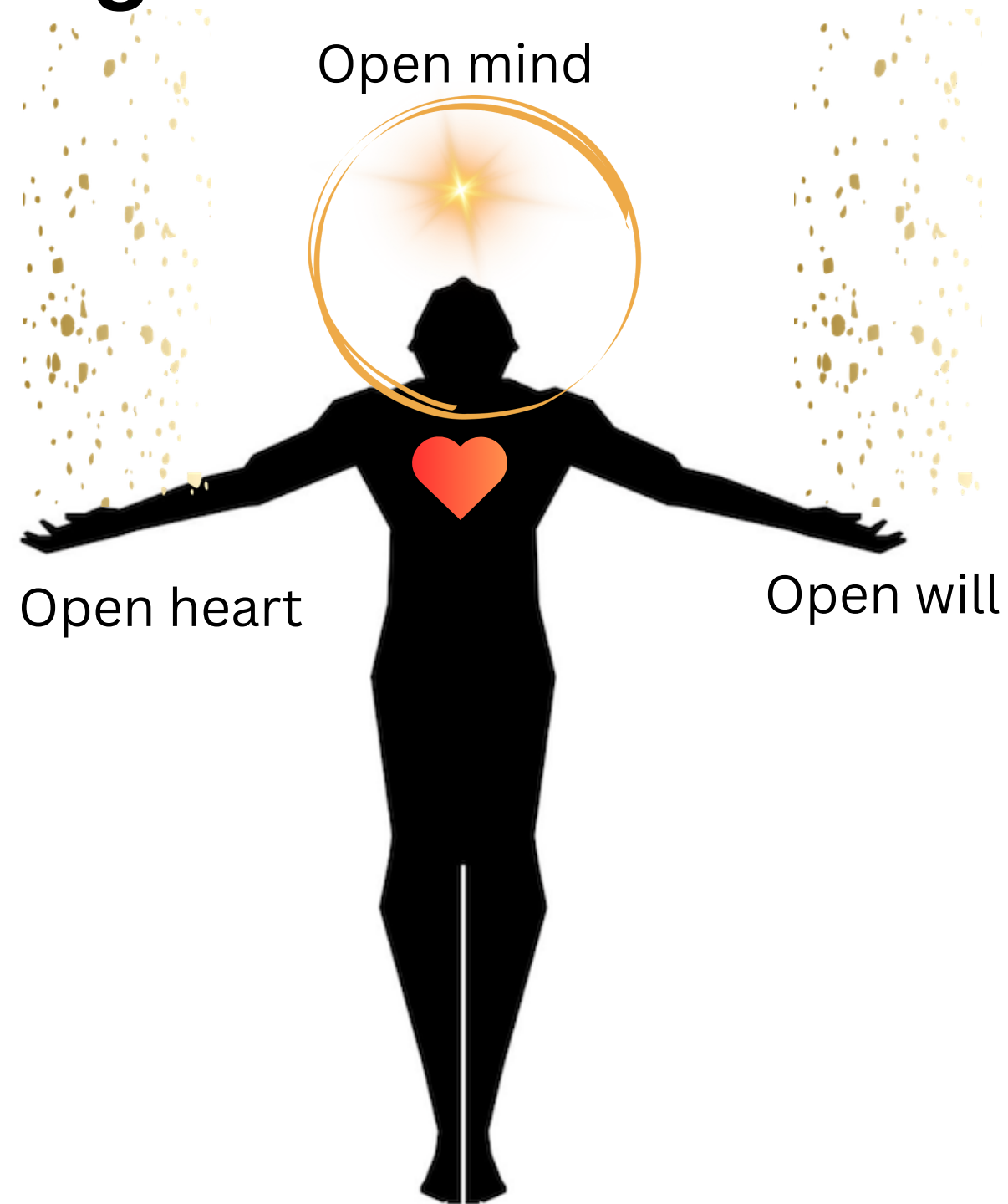
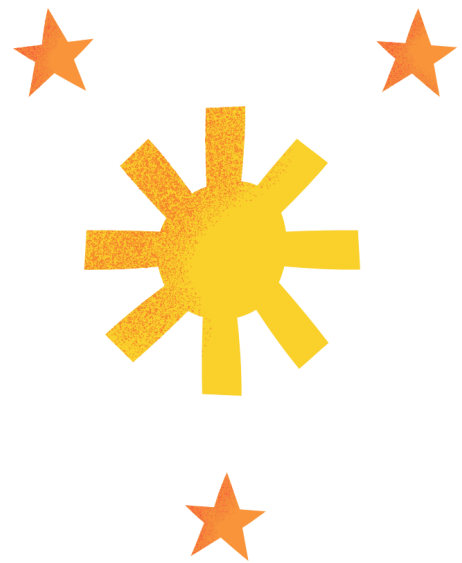


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*C. Otto Scharmer,
The Essentials of Theory
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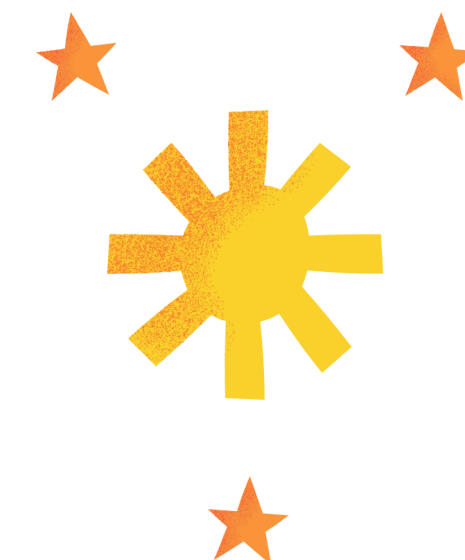
Unitive Justice



- A model of justice developed by Sylvia Clute
- Asserts that justice is based on the moral concept of lovingkindness.
- Is premised on eliminating punitive and retributive measures/elements.

Sylvia Clute, Creating a Parallel Model of Justice: Unitive, Not Punitive, in Transforming Justice, Lawyers, and the Practice of Law, edited by Marjorie A. Silver (2017)

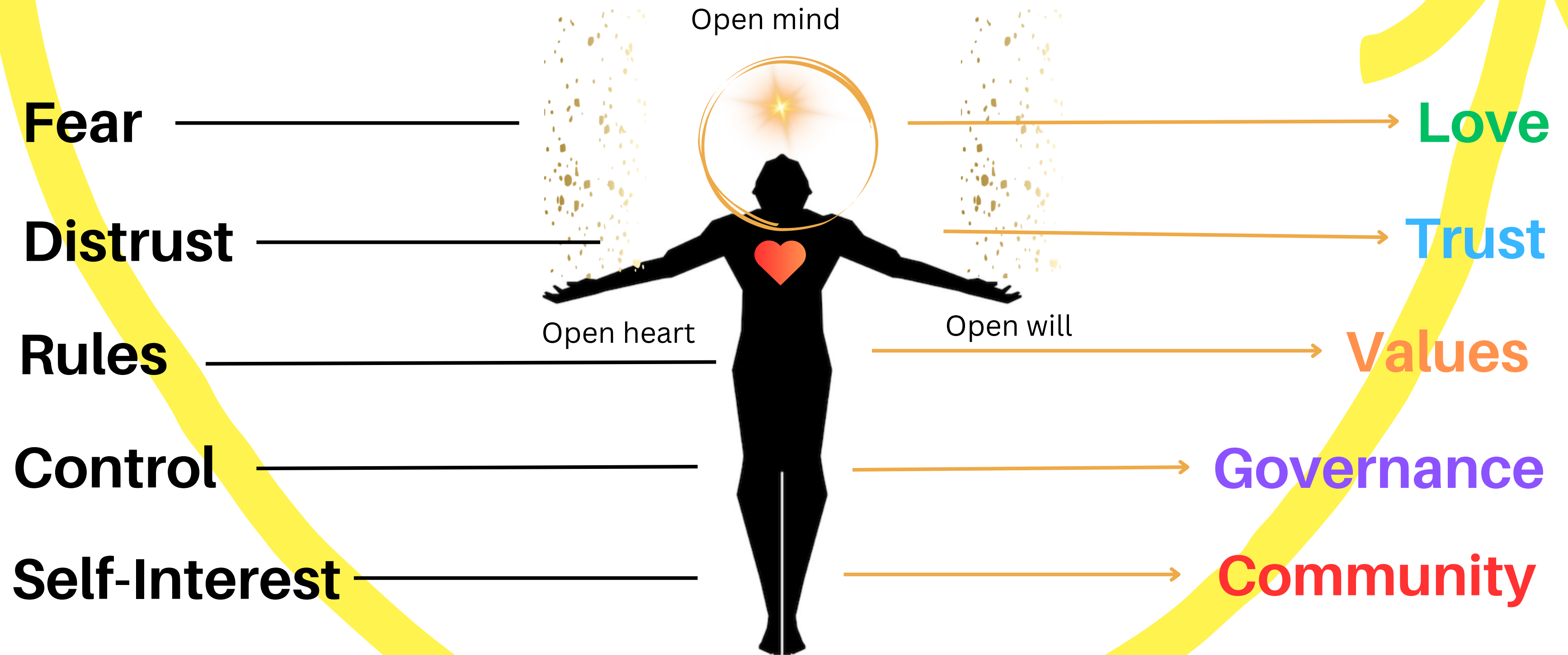
14 ARCS FROM PUNITIVE JUSTICE TO UNITIVE JUSTICE			
INDIVIDUAL TRANSFORMATION – BE THE CHANGE			
	Structure	Punitive	Unitive
Arc 1	SECURITY/ORDER	FROM RULES	TO VALUES
Arc 2	GOVERNANCE	FROM CONTROL	TO SELFGOVERNANCE
Arc 3	COMMUNICATION	FROM DECEPTION	TO HONESTY
Arc 4	ASSESSMENT	FROM JUDGMENT	TO INSIGHT
Arc 5	INTERPERSONAL	FROM DISTRUST	TO TRUST
Arc 6	INNER STANCE	FROM SELF-DOUBT	TO COURAGE
Arc 7	GUIDING MORAL PRINCIPLE	FROM PROPORTIONAL REVENGE/HARM ANSWERS HARM	TO LOVINGKINDNESS/ HEAL/DO NO HARM
COMMUNITY TRANSFORMATION – DISCOVERING OUR SHARED HUMANITY			
	Structure	Punitive	Unitive
Arc 8	BENEFIT	FROM SELF-INTEREST	TO COMMUNITY
Arc 9	SOCIAL FRAMEWORK	FROM HIERARCHY/ TOP DOWN	TO EQUALITY/INCLUSION
Arc 10	SAFETY	FROM PUNISHMENT	TO CONNECTION
Arc 11	GOAL	FROM COMPLIANCE	TO MUTUALLY BENEFICIAL ACTION/WHOLENESS
Arc 12	FOCUS	FROM EVENT	TO CONTEXT
Arc 13	ANIMATION	FROM OPPOSITION/ CONFRONTATION	TO SYNERGY
Arc 14	ENERGY/SPIRIT	FROM FEAR	TO LOVE
© 2021 Sylvia Clute			



Sylvia Clute, 1st Unitive Justice International Conference (2023)

<https://secured.societyhq.com/auj/2023/guide/exhibits/index.iphtml>

How do we move from Punitive to **Unitive** Justice?



Moving from Punitive to **Unitive** Justice through Reflective Practice

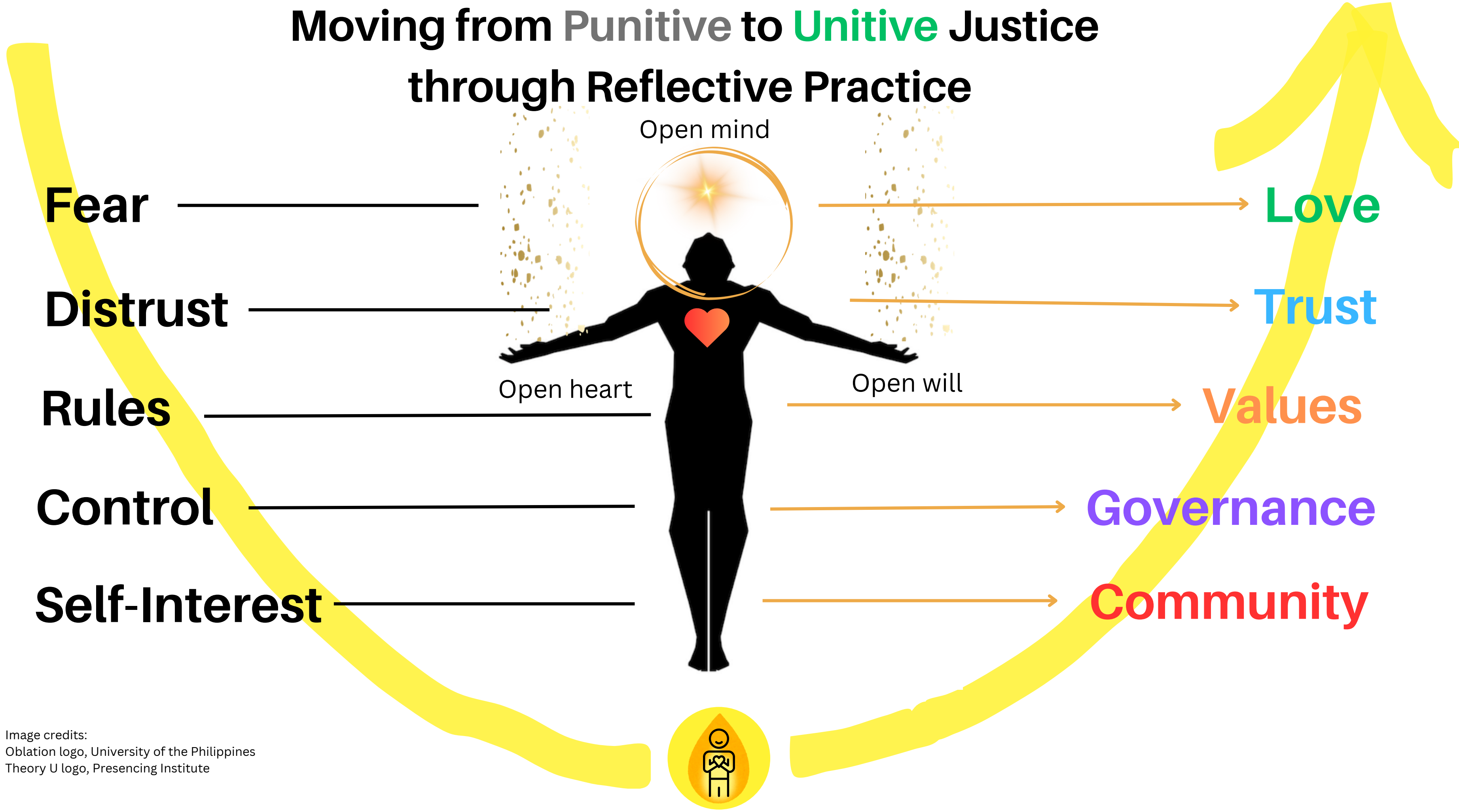
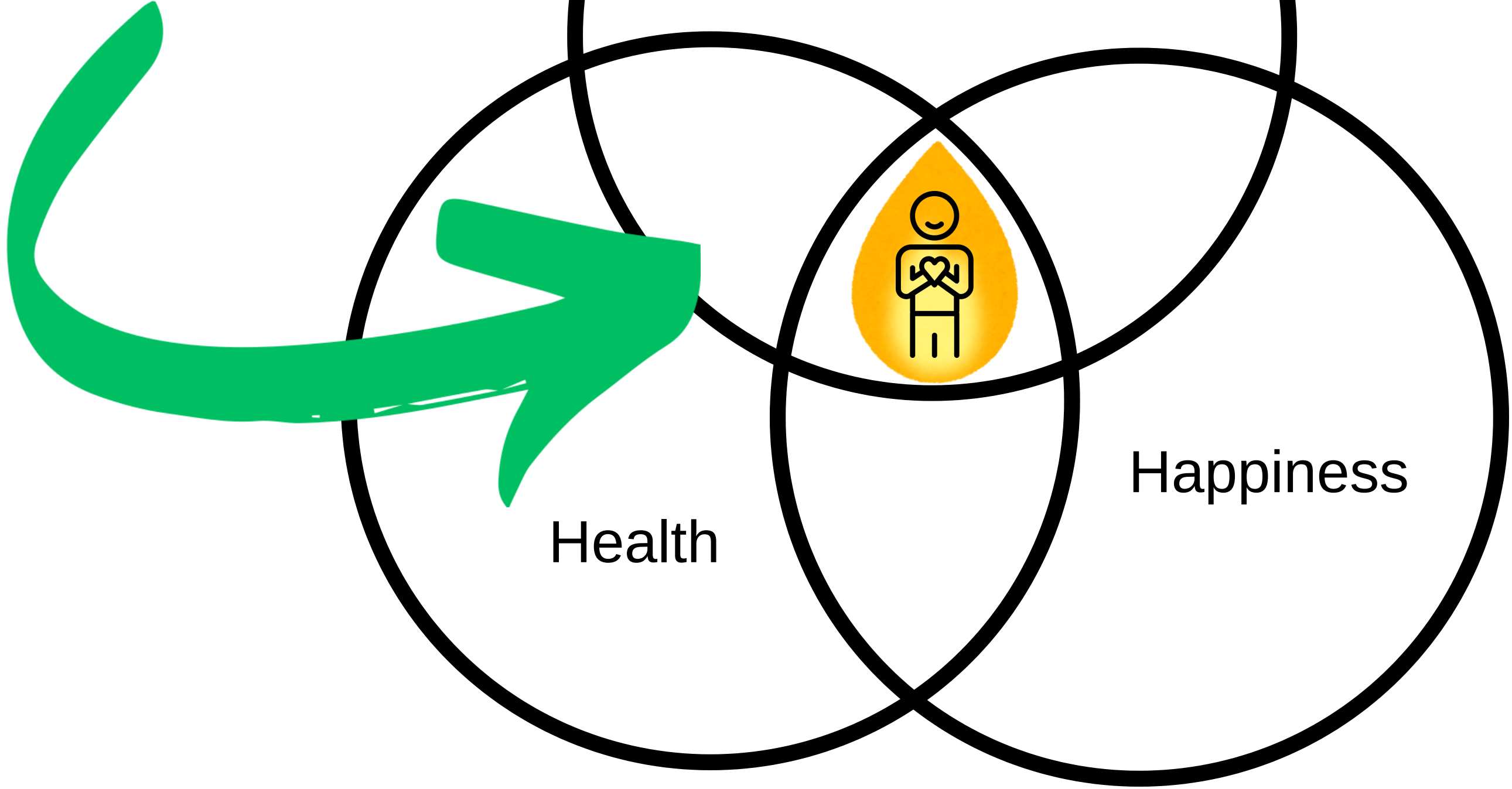


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**Reflective practice is key
to ethical behavior,
health, and happiness.**



Reflective practice
requires vulnerability,
a willingness to go within.



Reflective practice is
only possible
with stillness,
psychological safety,
and presence.



Reflective practices cultivate:

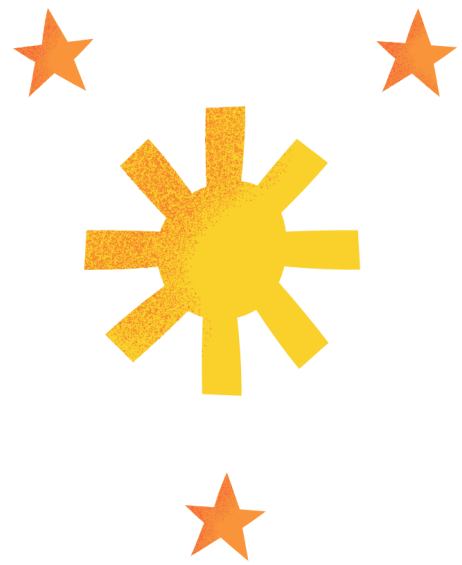


- Self-awareness
- Being grounded in the present moment
- Embodiment
- Nervous system regulation
- Ability to calm down in the midst of stressful situations
- Authenticity
- Courage



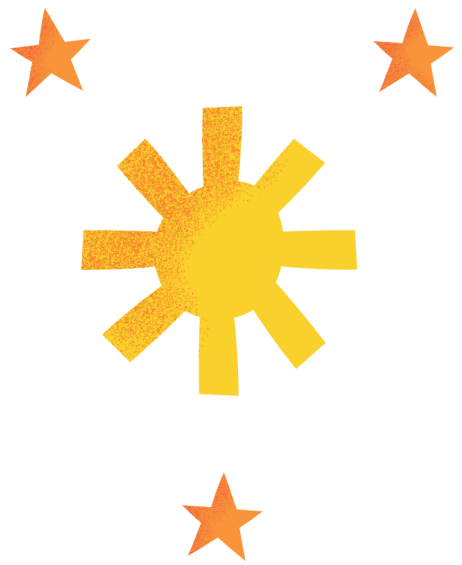
Reflective practices that have worked for me:

- **Class contract:** establishing a psychologically safe space
- **Check-in** and **stillness practice** at the start of each class
- Quiet time for **journaling** and reflection
- **Sharing** in small groups and in plenary
- **Problem-based learning**
 - Active learning
 - Working in teams as “law firm partners”
(*havrutah* learning method)
- **Facilitated discussion** (instead of the graded Socratic method)
- Use of **learning management system (LMS) discussion boards** (for continued reflection and dialogue outside of class)
- **Check-out:** “Today I learned ...”



Stillness practices that I use:

- Mindfulness
- Breathwork
- Somatic practices
 - Somatic awareness/Body scan exercise
 - Stretching
 - Tiptoes exercise
 - Mindful movement
- Tapping/Emotional Freedom Techniques (EFT)
- Listening to music
- Gratitude exercise
- Guided visualization



Reflective Practice: Making the Law School Classroom a Safe and Brave Space

FEAR

CONTROL

SELF-INTEREST

Setting intentions

Values, Shared governance

Creating psychological safety

Trust, Inclusion

Reflective practice

Authenticity, Self-Compassion

Open mind

Open will

Open
heart

COMMUNITY

COURAGE

LOVE

Working in teams

Collaboration, Synergy

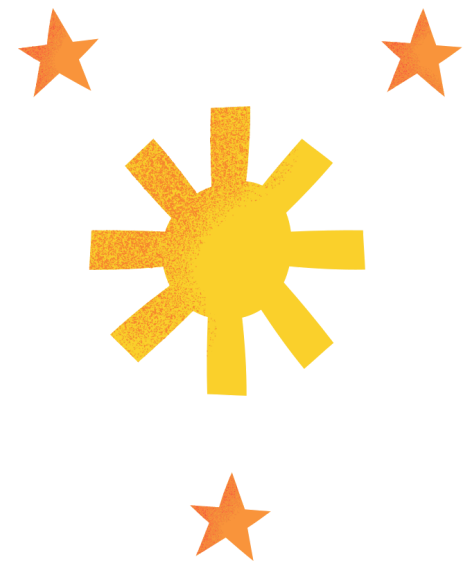
Facilitated discussions

Curiosity, Compassion, Courage



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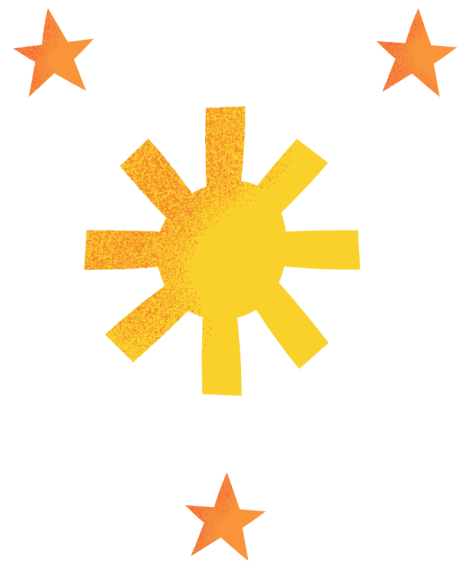
Cultivating reflective practice in a doctrinal legal ethics course



- Intentionality
- Pedagogical innovation
- Careful titration and dosing: *"Less is more."*
- Attunement to the present moment
- Responsiveness and flexibility
- Embodiment and example: *"Practicing what I preach"*
- Presence



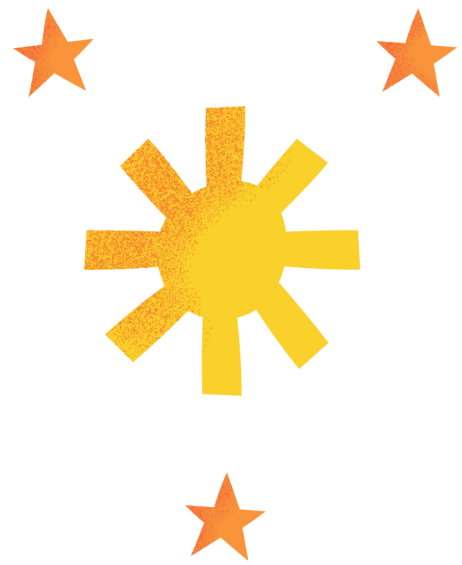
Student Responses to Reflective Practice



"To be honest, I was once a skeptic about the benefits of meditation. It was not until I tried it myself that I realized how effective it is in getting myself back on track, and in making sense of whatever is happening in my life. To be able to hear the sound of the clock ticking, of the leaves ruffling, the AC humming, to feel the firmness of the floor, it gives me the sense that I am here, this is real, and that I can do something about my dreams and my worries. It's a pleasant experience to be grounded and be able to feel the world again." - 1L student



Student Responses to Reflective Practice

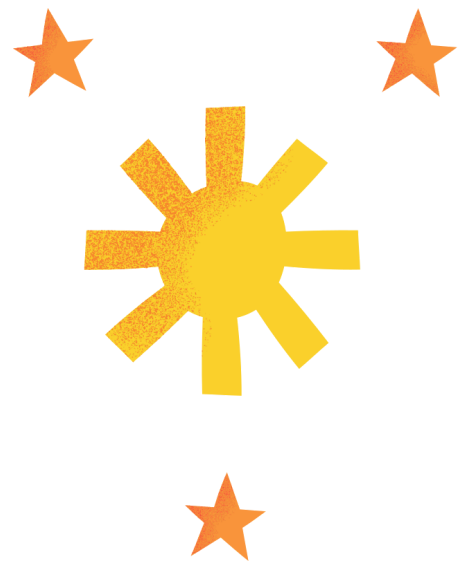


"I genuinely appreciate how you made ethics feel grounded in real choices and not just abstract rules. Your guidance helped me see my own blind spots and understand what kind of lawyer I want to become." - 2L student

"Coming in to this class, I was very unsure of what to expect because I was honestly not used to a law school class that does not make me feel like I'm being tormented each minute (HAHA) but I've found so much peace and learned so much about myself in our classes every week." - 2L student

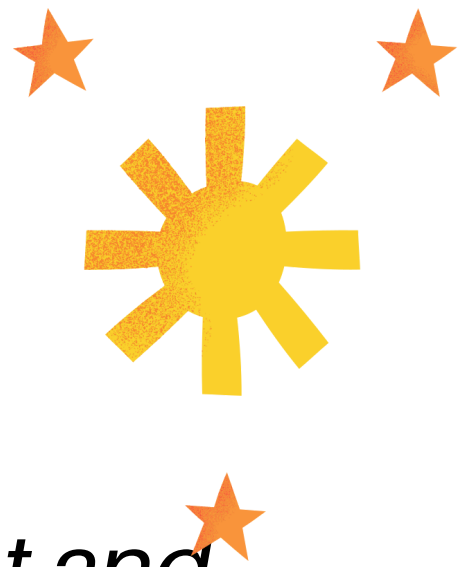


Student Responses to Reflective Practice



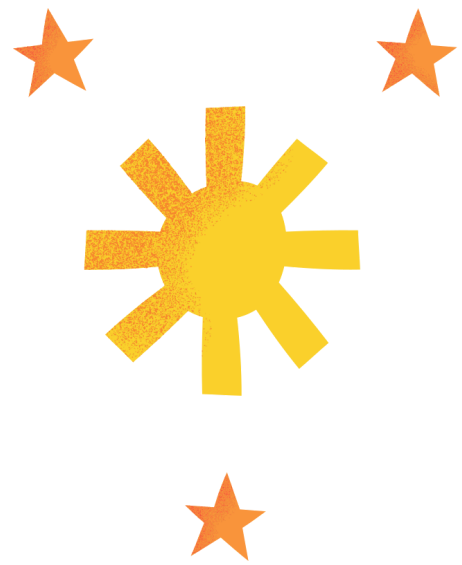
“Thank you, Ma’am, for turning every class into a moment of stillness and for providing a safe space for someone like me who is struggling to live alone miles away from home. In the middle of all the chaos in law school, your calm and loving presence feels like a deep breath I didn’t know I needed. We need more professors like you in our country.” - 2L student

Student Responses to Reflective Practice



"I would like to express my sincere gratitude for the light and nurturing classroom environment you have created for us. In a space where the pressures of law school often push us to function like machines, constantly expected to excel, produce, and perform, you have given us the rare opportunity to slow down and reconnect with our emotional and human selves. Thank you for allowing us to breathe, reflect, and openly express our thoughts and struggles. I also want to share that in the future, I hope you will feel proud to know that I was once your student, someone who strives to live and serve with integrity." - 2L student

Student Responses to Reflective Practice

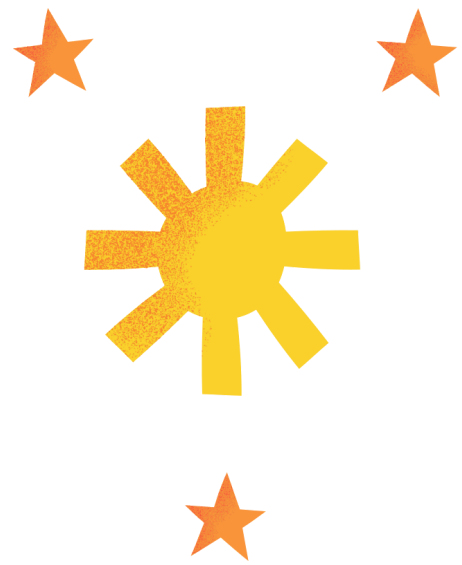


"Thank you for giving us a class that felt refreshingly different from everything else in law school. Your meditations and quiet pauses reminded me that rest is not a luxury but a discipline, and that caring for one's interior life is part of becoming an ethical lawyer."

I'm thankful for the space you created in class, one that made us think, breathe, and grow. Thank you for reminding us that the practice of law begins with the practice of being whole." - 2L student



Student Responses to Reflective Practice



"I appreciate how you value our well-being through teaching us meditation and being more mindful of our actions. Your style of teaching really opened a new perspective of how I can learn the law while also taking care of my wellbeing." - 2L student

"Your class taught us that the law tests our minds but ethics tests our character. Thank you for preparing us for both. Your lessons stayed with us far beyond the classroom." - 2L student



IN CLOSING

Ethical behavior is intertwined
with overall health and happiness.

It is easier to be ethical
when one is self-aware, calm, healthy, and happy.

Reflective practice is key.

