



# Class of 2023

Orientation Week

## ORIENTATION MATERIALS

Academic  
Foundations

**GONZAGA**  
UNIVERSITY

School of Law

## Part I

# Basic Principles

# Chapter 1

## Introduction to Expert Learning

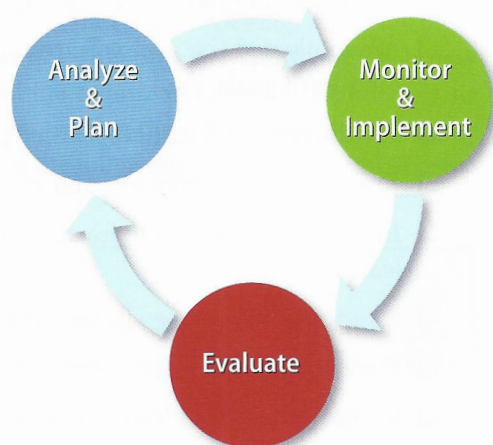
There is a better way to study law, to prepare for the bar exam, to learn anything at all. That way, known as “Expert Learning,” allows students to learn more, learn better and perform better than their peers. Expert learning, however, is not magic. You hold all the power within yourself to decide whether you wish to become an expert learner; you must be willing to make the necessary demands on yourself.

Expert learners have three characteristics:

1. They **actively engage** with the material to be learned. They are *not* passive readers/listeners.
2. They **take responsibility** for their own learning. They view learning as something they do for themselves, not as something that is done for them or to them.
3. They **practice “self-regulated learning”**; they use specific processes to guide their own learning.

This third criterion, **Self-Regulated Learning (SRL)**, may be a new concept for you; it is best understood as a cycle, consisting of three phases: (1) the **forethought** phase, a **planning** phase, where the student decides what to learn and how to learn it; (2) the **performance** phase, a **monitoring and implementing** phase, where the student puts the plan into action while constantly assessing whether he or she is “getting it”; and (3) the **reflection** phase, an **evaluation** phase, where the student determines whether the plan has produced efficient and optimal learning.

- **Phase 1 (forethought):** The planning phase of SRL sets the stage for learning. During this phase, the student analyzes the learning task, sets learning goals (making sure these goals are very clear) and plans learning strategies (by considering a variety of ways to approach the learning task).
- **Phase 2 (performance):** During the monitoring and implementing phase, the student implements the plan and makes sure he or she is making progress toward the learning goals.
- **Phase 3 (reflection):** During the evaluation phase, the student determines how well the chosen strategies worked and how those strategies might be improved.



When you engage in this cycle of planning, implementation, monitoring and evaluating, it causes you to be constantly reflecting on your learning. Students who do this take control over their own learning and become experts not only in the general principles of learning, but also in what learning approaches work best for them. These students also become experts in knowing when they are learning—and when they are not; they also know how to get the help they need when they are not learning.

## What Is the Benefit of Becoming an Expert Learner?

Expert learners learn more, get better grades, remember what they have learned longer and enjoy learning more. Studies conducted at every level of education have reached the same conclusion. Self-Regulated Learning (SRL) skills are a better predictor of educational success than traditional measures of aptitude, such as the SAT and LSAT. In fact, studies of law students, medical students, students working towards graduate degrees in statistics, undergraduate students and even high school and younger students have found that students who use even one aspect of SRL, such as goal setting, invoking self-efficacy or self-monitoring, outperform those who do not. In short, expert learning can help you achieve your goal of succeeding in law school.

## What Expert Learners Know and Do

Years of academic studies of expert learning and expert learners have helped educational psychologists develop a prototype of expert learners—a list of the skills and knowledge that expert learners possess. Expert learners:

- ☐ Control their own learning processes
- ☐ Are active, not passive, in their approach to learning
- ☐ Are motivated (i.e., enjoy learning, have specific short-term and long-term goals, etc.)
- ☐ Are disciplined (i.e., have learned good habits and use them consistently)
- ☐ Know their own strengths and weaknesses
- ☐ Initiate opportunities to learn—rather than waiting for assigned learning tasks
- ☐ Set specific learning goals for themselves
- ☐ Have a large repertoire of learning strategies from which to choose
- ☐ Know both *what* to learn and *how* to learn
- ☐ Plan their approach to learning



- ☐ Monitor their learning while it's happening (i.e., notice when they're not learning and adjust their learning approach)
- ☐ Are not afraid of failure or difficulty, and can adapt to successes and failures
- ☐ Select challenging tasks that stretch their abilities
- ☐ Consistently reflect upon their choices and how well they are learning
- ☐ Evaluate the effectiveness of learning approaches and strategies
- ☐ Use learning strategies selectively and strategically
- ☐ Attribute failures to correctable causes and attribute successes to personal competence

**PAUSE. THINK. ACT.** Look at the list of the characteristics of expert learners. Check the boxes of the items that currently describe you. Now take a moment to think about the following:

- In what ways do you already do things that expert self-regulated learners do?
- In what ways do you not do the things expert learners do?
- What will you do to improve your expert learning skills?

## Taking the Next Steps

You can be an expert learner. Students who have never even considered engaging in self-regulation can learn to be experts. In fact, with the proper instruction, students can make expert learning a part of who they are. Students who develop and implement expert learning skills report that it changes not only how they study, but also how they work and live (because both work and life require continuous learning). This book is designed to help you do just that; by reading the materials, completing the exercises, and following the steps described in the following chapters, you can become an expert learner and law student.

**PAUSE. THINK. ACT.** Why do you want to be an expert learner? How will it help you meet your current goals? How can you improve as a learner based on what you have read so far?

## Chapter 2

# Becoming an Expert Learner

Law school is the beginning of your professional career. Take a minute to think about what that means.

Professionals are held to higher standards. Professionals in every discipline—athletics, music, medicine, and yes, law, are required to perform at a higher level, to exhibit more skill than non-professionals. Because law school is the beginning of your professional training, the demands are greater and the expectations are higher. Perhaps during your undergraduate career, you were able to get by with little preparation, perhaps cramming at the last minute or using short-cuts. You may not have needed to be an expert learner to succeed, and even excel. Do not expect that to be true in law school. You are no longer just a student. You are a professional in training. You will be expected to learn and apply vast amounts of information, under pressure and time constraints, with far less performance feedback than you are likely used to receiving.

The good news is that you have it within you to do everything required to succeed. In fact, you very likely possess at least some of the characteristics of an expert learner—and those you don't yet possess can be developed and improved. All it takes is commitment and concerted effort on your part.

## The Characteristics of a Self-Regulated Learner

Expert learners are Self-Regulated Learners. They actively control their behavior, motivation and thinking as they are engaging in academic tasks. The following is a list of characteristics of self-regulated learners.

Self-regulated Learners:

- view academic learning as something they do for themselves rather than as something that is done to or for them
- believe academic learning is a proactive activity, requiring self-initiated motivation
- set goals
- monitor what they are doing and are honest in their assessment
- employ strategic thinking about their learning
- are interested in the subject matter
- are well-prepared
- are ready with comments, questions, ideas, and insights
- identify problems and solve them

- are not afraid to fail or to admit they do not understand
- are driven to rectify failure and to construct understanding

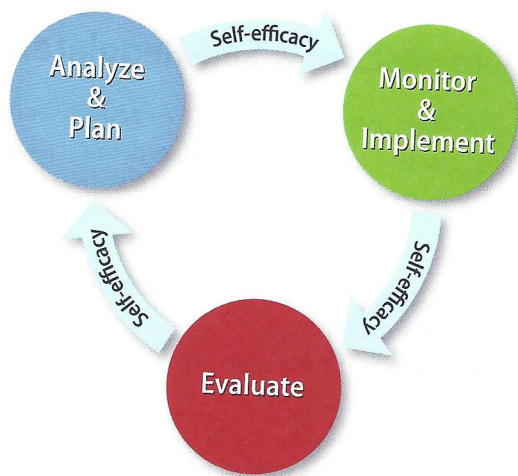
**PAUSE. THINK. ACT.** Review the list of characteristics of self-regulated learners. Think about your own learning experiences. Rate yourself on a scale of 1–5, with 1 being “I do not yet do this” and 5 being “I almost always do this.” Which areas need the most improvement? Which are areas of strength?

## Expert Learning Step by Step

As you know from chapter one, expert learners engage in the SRL cycle, which involves three phases: *forethought*, *performance* and *reflection*, each of which has multiple components. Each of the phases is detailed below, but before you begin to learn about each of the phases, it is important to understand how your mindset impacts your ability to be a self-regulated or expert learner.

### Step One: Mindset Matters

Self-efficacy has been proven to be a particularly powerful predictor of educational success. Self-efficacy is your belief that you have the ability to successfully master an academic task. It is a critical component of SRL because it is what drives the self-regulated learning cycle.



It ensures you will continue to reflect on and alter your learning strategies when something you are doing is not producing the desired results. It is the belief that if you persist, you will be able to improve or achieve the results you desire. In short, unless you believe your efforts will pay off, you will not persist when things are chal-



lenging or when you fail—and you will likely select tasks that are easy for you, so that you do not risk the chance of failure. Unfortunately, unless you are willing to select tasks that are challenging for you, and at which you may fail, you are limiting your learning potential.

Mindset and attribution style, the next two topics, play key roles in developing and maintaining self-efficacy.

### ***Choose Your Mindset: Growth Requires Effort, not Ability***

Your mindset impacts your self-efficacy. Students with growth mindsets are far more likely to persist in the face of difficulties or failure. They are more likely to select the types of activities that produce growth and learning. Thus, they are more likely to be successful in law school. Since mindset can be learned, you can choose to adopt a growth mindset.

Students with growth mindsets perceive intelligence as something that can be developed and increased; they perceive education as an opportunity to encounter challenges that will produce intellectual growth. Students with fixed mindsets perceive intelligence as a fixed quality—an innate ability; they perceive education as a way to measure how much of that quality the student has.

Students with a growth mindset view having to work hard as a necessary part of improving skills. As a result, such students are not afraid to select tasks that are challenging, and that may even result in failure. Students with a fixed mindset view having to work hard as an indication they do not have the right amount of fixed ability and are not capable of performing the task. As a result, such students will select only those tasks they are already good at—to demonstrate they possess the required intelligence already. Not only do they select easy tasks, but fixed mindset students also may choose to not work hard on a challenging task so they can attribute their failures to laziness (not working hard enough), rather than lack of ability.

Only students with a growth mindset have the potential to improve because mastery of anything, including law, requires deliberate practice—extraordinary, purposeful and sustained effort over a long period of time, with a focus on improving weaknesses—and only students who view working hard on challenging tasks as a way to become more effective will engage in this type of practice.

#### **Growth Mindset**

- Prefers challenge over success  
(Selects difficult tasks that may result in failure)
- Views hard work, and even struggle, as a necessary part of improving skills
- Views failure as necessary for learning and growth

#### **Fixed Mindset**

- Prefers success over challenge  
(Selects tasks where failure is unlikely)
- Gives insufficient effort so that failures can be attributed to lack of effort, rather than lack of ability
- Views failure as indicative of a lack of ability

**PAUSE. THINK. ACT.** What is your mindset? Do you select challenging tasks, even when there is a risk you might fail? Do you select tasks which force you to work hard? Do you see struggle, difficulty and even failure as a necessary part of growing as a learner?

### ***Attribution Style: Temporary, Specific and Changeable Errors — Attributing Failures to Correctable Causes***

Attribution style is the way a person uses language to explain the causes of events. Your attribution style also impacts your self-efficacy. Whether you perceive yourself as capable of being or becoming competent at tasks, and whether you will persist in the face of difficulty or failure also depends, to a large extent, on your attribution style. Students with optimistic attribution styles are far more likely to persist in the face of difficulties or failure. They are also more likely to select the types of activities that produce growth and learning. Thus, they are also more likely to be successful in law school. Like mindset, attribution style can be learned; you can choose to adopt an attribution style that will help you succeed.

Students who characterize negative events, difficulties and failures as:

- permanent (unchangeable)
- pervasive (rather than limited to the particular context); and
- the result of a personal failure because of some unfixable, internal flaw

are exhibiting a pessimistic attribution style. Here are some examples of statements from a student with a pessimistic attribution style:

*I am a terrible writer.*

*I've always been bad at writing.*

*I will always struggle.*

*Everyone else is smarter than I am.*

*I just do not understand this course.*

Students with this attribution style usually cannot see themselves as able to become effective with additional effort, and they do not persist in the face of difficulty or failure. Conversely, students who characterize negative events, difficulties and failures as:

- temporary;
- specific to the context;
- attributable to a particular failing or problem; and
- changeable

are exhibiting an optimistic attribution style. Here are some examples of statements from students with optimistic attribution styles:

*This legal writing assignment didn't go so well, I need to pay more attention to citation.*



*I haven't mastered the IRAC writing style yet.*

*I can do better; I just need to work harder at understanding how these rules for joinder work.*

Students with this attribution style usually see themselves as able to become effective by exerting more effort.

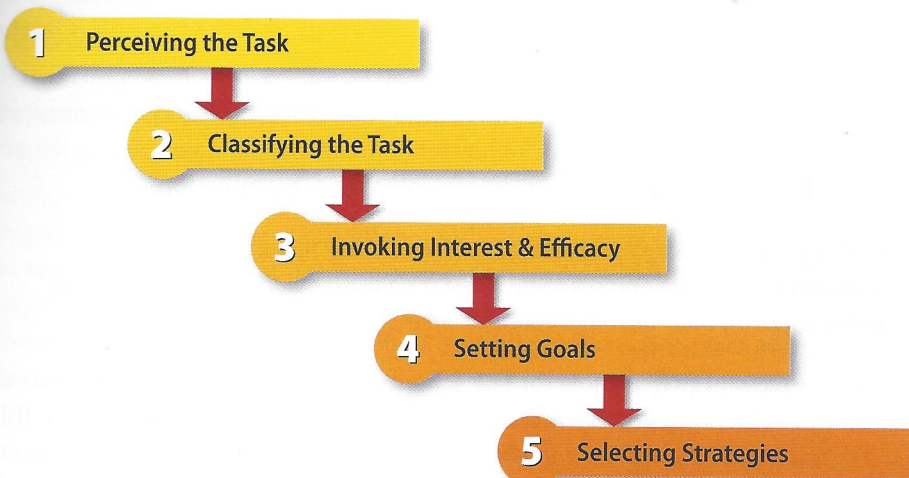
Students with an optimistic attribution style persist in the face of difficulty; students with a pessimistic learning style avoid tasks that are difficult, and give up in the face of failure. Because law school is challenging, even for students who were very successful as undergraduates, persistence is critical for success—which is why attribution style is important.

**PAUSE. THINK. ACT.** How do you view your own failures? As an opportunity for growth? As fixable with further effort? What is your current attribution style? Do you need to make changes in how you think about negative events?

## Step Two: Planning to Succeed — The Forethought Phase

The **forethought phase** consists of all the thinking you should do before you begin a learning task. You might think about it as the preparation phase, but don't be misled, these activities are just as important as actually doing the tasks, and each of the activities in the forethought phase improve educational results.

The purpose of the forethought phase is to prepare yourself to begin learning. You must come to grips with what you need to learn and how you will go about doing so. The forethought phase includes five activities or sub-phases:



The forethought phase should be seen as a process. The expert learner moves through this process in a fairly linear, straightforward way. In many ways, you may perceive this phase as a process of simply being explicit, of forcing yourself to make conscious, thoughtful decisions about your study plans, as opposed to “just studying.” In fact, in the beginning, you may feel that some of these steps require you to be excessively conscious, to act unnaturally. You may even feel these acts are needlessly time consuming at first. If so, one of your goals for the first semester of law school should be to use the steps so frequently that the steps become natural and speedy.

**ENGAGE.** As you read about each of the steps in the forethought phase, plan one of your law school assignments.

### 1: *Perceive the Task*

At the outset of a learning experience, all learners, expert and otherwise, perceive the task. In other words, they recognize that a task has been required of them. For example, before you start an assignment you usually read about it in a syllabus or on a course website. As a student who is or will be going to law school, you almost certainly are skilled at performing this task.

At this stage you must determine (a) that you need to do something (get ready for an examination, read a textbook, memorize course material) and (b) your deadline for completing the task. For example, a syllabus for a Criminal Law class might include the following two entries (among many others):

Week 1	The Mental State	pp. 118–165
Week 8	Midterm Examination	

To succeed in this course, you need to perceive that the first entry is a reading assignment related to something called “The Mental State” and the other entry is a disclosure of when you will be taking your midterm. The midterm examination is an assignment of all the tasks necessary to be prepared to take the examination by the eighth week of class.

It may or may not be surprising for you to know that many students get so wrapped up in the week-to-week assignments of law school that they fail to engage in the activities which prepare them for the most crucial tasks—examinations.

*Since few professors assign preparation activities (they just schedule tests), students must sequence and schedule exam preparation activities on their own, complete them on their own and monitor their effectiveness on their own.*

Because successful preparation for law school examinations requires students to engage in each of these types of learning tasks, each is explored in depth later in this book. Try not to get so caught up in your day-to-day law school tasks that you postpone exam preparation to the last few days before your exams. While that approach may have worked well for you in college, it won’t work well in law school.



In the first weeks of law school, you will receive many assignments and have significant and seemingly overwhelming demands placed on your time. Consequently, you will need to take time to make sure you have planned how your studying will get done.

Turn to the assignment you are planning and answer the following: (1) *What is the assignment?* (2) *By when must it be completed?*

## 2: Classify the Task

Having perceived a task, expert learners think about what is involved in performing the task. To classify the learning task, note the type(s) of skill(s) required by the task (e.g., reading for understanding, memorizing, problem-solving, writing) and the subject area of the task (e.g., history, geology). You are probably skilled at perceiving tasks and have likely classified tasks before, although you may not have done so at the level necessary for law school and law practice success.

Not all learning tasks are alike, and different tasks require different learning strategies. Expert learners take vastly different approaches depending upon whether they are reading an economics textbook, writing a paper, researching a question, memorizing formulae in preparation for a chemistry test or learning a new musical piece to play on a musical instrument. For example, a law school reading assignment might require organizational strategies, such as outlining rules or creating graphic organizers depicting the relationships among the concepts you are learning, and might require comprehension strategies, such as pre-reading and questioning. Similarly, a law school writing task, even during an examination, might require different organizational strategies than you have used in the past and would require editing strategies. Finally, a memorization task might require selection from a wide variety of strategies, such as putting the information into your own words (elaboration), rehearsal (reviewing and reciting information), or even using mnemonics or images to create associations, the choice of which would depend upon your purpose in memorizing, your planned use of the memorized information, and your possession of contextual information.

By classifying the learning task at the outset, you can make it easier for you to later decide which learning strategies would be most effective. The first classification is a simple one, requiring less than five seconds—identifying the subject area in which the task falls. A somewhat harder classification involves identifying the nature of the assignment. Law school learning tasks do not vary as much as college tasks vary. However, in law school, you will have multiple tasks to complete every single day and so must determine exactly what each task demands so that you can select the strategy best suited to successfully and efficiently complete each task.

Law school learning tasks fall within one of five categories: reading comprehension, research, synthesis, problem-solving and exam preparation (which includes organizing information, issue spotting, application of rules to facts, applying and distinguishing

cases, and memorization). The discussion below describes in general terms these various types of learning activities. This discussion does not describe how to perform these tasks—that discussion will come later in this book. At this stage, you just need enough information so that you are able to classify the types of learning tasks you will be performing in law school.

- **Reading Comprehension:** Reading comprehension tasks in law school most often involve reading and understanding court opinions and statutes. These assignments are the typical day-to-day assignments students receive from their law professors. Law professors give these assignments and expect the students not only to read the cases and rules but also to understand them. This may mean reading material from an unassigned source (called a supplemental source) as a means to provide context for the assigned reading.
- **Research:** Research involves discovering what the applicable law is. Typically, it involves working through a procedure to find what governs the next step (or, more accurately, the next branch of steps) of the procedure. For example, if, during an early step, the student learns of an applicable statute, the student would then find the statute and cases applying the statute. On the other hand, if the student determines there is no applicable statute, he or she will have to search an index of cases organized by subject area.
- **Synthesis:** Synthesis, in the law school context, refers to making sense of materials (usually a set of cases) which appear to address the same subject; each case may add information about the application of the applicable law, and/or may appear to present conflicts. It involves reconciling the additional information and/or the conflicts among the cases or recognizing that the cases cannot be reconciled. Synthesis tasks are typically an implicit, rather than an explicit, part of law school assignments. In legal writing or first-year professional skills courses, students usually must reconcile a set of cases as part of a larger problem-solving, hypothetical-based writing task. In other words, in such courses, students are given a hypothetical set of facts. Their task, in part, is to research and find the relevant statutes and court opinions. Once the student has found the relevant statutes and court opinions, the student must make sense of them, reconciling or at least understanding any potential conflicts among them. Once she does so, she is able to use the cases and statutes to analyze the hypothetical facts. Likewise, a law school examination is usually a hypothetical set of facts. Students must make sense of the cases they read before taking the exam, so they can use the cases to analyze the hypothetical set of facts.
- **Problem Solving:** The entire process of reading a hypothetical set of facts, determining the body of applicable law (or, more likely, the bodies of applicable law), researching and synthesizing the law (or using the law as the student has learned and synthesized it throughout a course), and then analyzing how lawyers representing each of the hypothetical parties would argue the analysis of the facts to obtain the desired outcome is collectively referred to as problem-solving. Typically, as noted above, the student is given only the hypothetical set of facts



and then is asked to analyze those facts as lawyers representing all the parties described in the facts would do. Law school papers and examinations, as well as bar examinations, almost exclusively test students' problem-solving skills.

- **Exam Preparation:** Exam preparation includes the reading comprehension, synthesis and problem-solving tasks described above and five other main tasks: organization, concept learning, principle learning, memorization and exam writing. Because successful preparation for law school examinations requires students to engage in each of these types of learning tasks, each is explored in depth later in this book.

## Exercise 2-1

The exercise reflected in the table below was designed to make sure you can correctly classify typical law school assignments. For each of the following excerpts from law school syllabi, classify each learning task implicated. For each of these excerpts, more than one learning task will be implicated.

Question No.	Course	Week	Topic(s)	Assignment	Learning Tasks Implicated (check each task implicated)
2-1.1	Contracts	Week 5	Damages for Breach of Contract	<i>Hawkins</i> (pp. 3-7); <i>Sullivan</i> (pp. 7-8); <i>Groves</i> (pp. 11-18); <i>Peevyhouse</i> (pp. 19-22); <i>Johnson</i> (pp. 22-25); <i>Dix Construction</i> (pp. 36-39)	<input type="checkbox"/> Reading Comprehension <input type="checkbox"/> Research <input type="checkbox"/> Synthesis <input type="checkbox"/> Problem Solving <input type="checkbox"/> Memorization <input type="checkbox"/> Organization <input type="checkbox"/> Concept Learning <input type="checkbox"/> Principle Learning <input type="checkbox"/> Legal Writing
2-1.2	Legal Research and Writing	Week 7	Objective Memorandum	Research the issues raised in the client letter distributed in class and prepare an objective memo analyzing the issues	<input type="checkbox"/> Reading Comprehension <input type="checkbox"/> Research <input type="checkbox"/> Synthesis <input type="checkbox"/> Problem Solving <input type="checkbox"/> Memorization <input type="checkbox"/> Organization <input type="checkbox"/> Concept Learning <input type="checkbox"/> Principle Learning <input type="checkbox"/> Legal Writing
2-1.3	Torts	Week 15	Final Examination	None	<input type="checkbox"/> Reading Comprehension <input type="checkbox"/> Research <input type="checkbox"/> Synthesis <input type="checkbox"/> Problem Solving <input type="checkbox"/> Memorization <input type="checkbox"/> Organization <input type="checkbox"/> Concept Learning <input type="checkbox"/> Principle Learning <input type="checkbox"/> Legal Writing



Turn to the assignment you are planning and answer the following:

- (1) *What is the subject area in which the task falls?*
- (2) *What types of learning are involved?*

### 3: Invoke Your Interest and Self-Efficacy

This is the step that is best correlated with student success. Ironically, this is the step students are most likely to skip. Some law students find it awkward or artificial to force themselves to think about why they are interested in what they are learning and why they believe they will succeed in learning it. Unfortunately, giving short shrift to this step is a big mistake. It may seem to you like the least significant step, but it may in fact be the most significant one.

*There are literally thousands of studies showing that students who get themselves interested in what they are learning (self-interest) and who believe they will succeed in learning (self-efficacy) outperform those who do not.*

There are even studies showing that students who receive false positive information about their capability outperformed students who do not receive such information or who received negative information. These results make sense because learning is a product of effort, persistence and strategy selection. Students who are interested in the subject matter and believe they will learn are more likely to try hard, to persist in the face of the inevitable difficulties in learning anything new, and to try alternative strategies if their initial strategy choices prove erroneous. As a result of this effort, persistence and strategic behavior, the students are more likely to learn what they need to learn. They then develop greater interest in what they are learning (because the understanding they gain makes the material more interesting) and greater self-efficacy (because they have succeeded) and therefore study more, persist more and use more strategic behaviors. In other words, self-interest and self-efficacy create a cycle of learning that leads to success in learning enterprises.

#### The Self-Interest/Self-Efficacy/Better Studying/Better Results Cycle



### Invoke Your Interest

Novice learners focus only on whether they find the task intrinsically interesting. Expert self-regulated learners consciously create interest in the task by figuring out why the task is important for the course they are studying and for meeting their own educational goals (e.g., becoming a lawyer). An expert learner would regard reading this book as interesting because learning how to learn is important for any academic endeavor, and because learning how to be a self-regulated learner will help them succeed in law school.

Students can invoke self-interest in a number of ways—by tapping into the reasons they are performing tasks. Here are four common reasons students might be interested in law school tasks:

1. **An interest in law that led them to attend law school.** Everything you do in law school is part of a process of getting ready to be a successful lawyer. Most people chose to attend law school because becoming a lawyer was a dream. Recalling that dream often helps students find interest in what they are learning.
2. **The excitement and challenge particular to law school learning.** Learning in law school is a challenge for almost everyone. It is much like learning to play a sport or a musical instrument well, because it requires hard work and a lot of practice and is not easy to master. At the same time, learning in law school is exciting. At least part of the discussion throughout law school revolves around questions of what the law should be. For example, law students might discuss why, given that the Constitution has no explicit mention of a right to privacy, we have such a right. Most people seldom have time to contemplate these questions in their day-to-day lives.
3. **Imagining using law school learning right now and in the future as a lawyer.** This process does require some thought. For example, students who plan to practice criminal law or family law or environmental law may have difficulty developing interest in their study of contract law. They can do so, however, by recognizing that, in their day-to-day activities, they are making dozens of contracts (contracts to buy homes, cars, groceries, dinners, medical and dental services, etc.), for which knowledge of contract law may help in some way. Moreover, lawyers who practice criminal law sign contracts with their clients and their employers (the District Attorney's or Public Defender's offices, for example) and on behalf of their clients or the public (plea agreements). Similarly, family law practitioners not only sign client and employment contracts, but also draft custody and divorce agreements. Environmental lawyers make contracts with clients, employers and, on behalf of their clients, contracts with governmental regulatory agencies, such as the Environmental Protection Agency (EPA). Considering how they will use what they are learning helps students develop an interest in it.
4. **An interest in learning for its own sake.** Attend any grade school class and you will find classrooms full of students who are excited by learning because growth,

change and success are rewards in themselves. In fact, many law students who wait a few years after graduating from college before attending law school report that the absence from school taught them to appreciate the excitement of learning. Studies of students who are expert learners suggest that expert learners enjoy learning for its own sake much more than their peers do.

Turn to the assignment you are planning and answer the following:

- (1) *Why am I interested in this material? Why do I care about doing this task?*
- (2) *What's the point of learning this material? How will I use it now or in the future?*
- (3) *Why do I want to become a lawyer? How will mastering this task help me do that?*

### Invoke Self-Efficacy

Expert learners *consciously* invoke self-efficacy. This is simply a matter of identifying past successes and drawing analogies between those successes and particular law school tasks. All that is required for this step is to recall something you have done that was difficult at first, but at which you eventually succeeded.

Nearly all of us can point to a past experience where we struggled to learn to do something, but eventually succeeded—a sport, a musical instrument, calculus, philosophy, a job task. We can recall the struggle, the need for hours and hours of practice, and the self-doubt. Hopefully, we can also recall the triumph of succeeding. When we remember the struggle and the success, it helps us to remember that we are capable of succeeding in the face of difficulties, so that we persevere when new difficulties are presented.

Invoking self-efficacy is more a matter of remembering to do so than a matter of intellectual struggle. Try this exercise right now: Remember something you have learned that did not come easy to you at first. What made it hard? How did you manage to learn? How did learning it make you feel?

Turn to the assignment you are planning and answer the following:

- (1) *When have I successfully learned something similar or similarly difficult?*
- (2) *How did I succeed at that task?*
- (3) *How did that success make me feel?*
- (4) *Why will I succeed in learning this material?*

## 4: Set a Learning Goal

After you have decided you want to learn and that you will succeed at doing it, you are ready to set learning goals. A goal is a specific outcome you desire. Expert self-



regulated learners generally set mastery learning goals that, most commonly, focus on learning the material as well as possible, rather than solely on their grade. Expert learners set goals that have specific standards by which they will measure whether they master the material. These goals are short term and moderately difficult to achieve.

The process of setting achievable, challenging goals, and breaking them into manageable sub-goals where necessary, is a process that serves us well in all phases of our lives. We benefit when we create a plan of action and a standard for measuring whether we have achieved it. In educational settings, goal setting is a crucial prerequisite to success. Students perform better when they set appropriate goals and use those goals to monitor their achievement.

Effective goals must be all of following:

- 1) Concrete
- 2) Short-term
- 3) Challenging
- 4) Realistic (i.e., achievable)

Turn to the assignment you are planning and set a learning goal. Next, evaluate your goal in light of the following discussion.

### ***Goal Setting Rule #1: Goals Must Be Concrete***

A goal must describe behaviors or actions and have explicit criteria for its achievement so you can know what to do to achieve it. An abstract life goal, for example: "I will exercise more," gives little guidance. What constitutes exercise? Is playing ball with a child exercise? Is weight-lifting exercise? How frequently must the person exercise to be able to say she is exercising "more"? Does "more" refer to the duration of each exercise experience or the number of exercise experiences per week or month? A goal which describes actions and has explicit criteria would be: "I will do aerobic exercise for twenty-five minutes three times per week." Now, the speaker knows what constitutes exercise, how much exercise is minimally required each time and how often she should do it.

Likewise, an abstract educational goal such as: "I will learn the rules for Civil Procedure," is also problematic because it fails to give the student a method for knowing what she should know and be able to do when she's done. What does "learn" mean? Must the student be able to recite from memory or select them from a list? Must she be able to explain how the rules apply or apply them to a new situation? How accurate must her recitation be? How will she know if she has accurately "learned" the "rules"? A goal which describes actions and has explicit criteria, and that would capture the same basic idea as the original "learn the rules of Civil Procedure" goal would be:

1. By the end of the first unit of instruction (two weeks), I will be able to list the ways to establish subject matter jurisdiction in federal court. For each of those ways I will be able to recite the required elements and paraphrase what is required with 100% accuracy, compared with the Federal Rules, rules from my casebook and notes I have taken during class.

2. By the end of the first unit of instruction (two weeks), I will be able to review a hypothetical fact pattern and identify the type of subject matter jurisdiction that is in issue, with 100% accuracy, based on the answers to those hypotheticals.
3. By the end of the first unit of instruction (two weeks), I will be able to apply the correct rule for subject matter jurisdiction to the issues I have spotted in a hypothetical and determine whether a court has such jurisdiction, with 80% accuracy, based on the answer to the hypothetical.
4. By the end of the first day of instruction on subject matter jurisdiction, I will identify why I am interested in learning about subject matter jurisdiction, and why I believe I will succeed at learning it.

Notice that each of these goals refers to *observable* behaviors. Note also that most have standards of performance. Some, those for which measurement is impossible because they are really goals that focus on emotions or attitudes, do not. Tasks that can be mastered perfectly, such as the recitation of the required elements, have 100% accuracy as the measure; those learning tasks that are more difficult and more complex, such as the application of the rule to resolve a hypothetical problem, have an 80% standard, reflecting that higher degree of difficulty. Also notice that these goals are for a particular topic in Civil Procedure, since learning all of the rules for Civil Procedure is such a large task that it needs to be broken up into many sub-goals, such as these. Finally, notice there are knowledge goals (e.g., the list of elements) and skill goals (e.g., issue spotting and application of the rules). Students sometimes forget to include both types of goals.

Evaluate your goal — is it concrete? Is it measurable? Is it specific? Do you need to revise it?

### ***Goal Setting Rule #2: The Goals Must Be Short-Term***

While most people and most students set long-term goals, such as becoming a lawyer and learning everything in a course, learning goals must be short term so that you can evaluate them close in time to when you set them. This approach allows you to more effectively evaluate your learning and ensures that most study sessions are productive.

For example, the above goals all focus on what the learner would be able to do by the end of the unit of instruction in which the student will focus on the skills and knowledge in question. Of course, some goals, such as learning and understanding all the rules for Civil Procedure, or organizing all of the necessary law for a final examination into an exam approach, cannot be achieved in one session or even a few sessions. The key for such goals is to break them into short-term sub-goals, such as practicing applying a defined portion of the rules to a series of hypotheticals. Thus, for a Civil Procedure class, a student might set one goal of applying the rules relating



to diversity jurisdiction (a type of federal subject matter jurisdiction) to a series of hypotheticals to test the student's understanding of the rules, and a second goal organizing the rules for diversity jurisdiction into an exam approach, and a third goal of memorizing these rules. The student could then set similar goals with respect to federal question jurisdiction (a different type of subject matter jurisdiction). Some sub-topics might even be so large that they would need to be broken down further. The key is to create manageable, concrete goals which can be accomplished in a short period of time.

Evaluate your goal — is it short term? Is it achievable in a single session? Should it be broken down into sub-parts?

### ***Goal Setting Rule #3: The Goals Must Be Challenging***

It is important to set challenging goals. Goals should encourage you to stretch yourself. Students who set goals that are too easy often become bored and may even lose interest before completing them.

Evaluate your goal — is it challenging?

### ***Goal Setting Rule #4: The Goals Must Be Realistic***

Just as the goals cannot be too easy, they also cannot be too hard or unachievable. It would be impossible, for example, to memorize everything in this chapter with 100% accuracy. Such a goal would lead to frustration and disappointment. Students need to set achievable standards. Likewise, time goals should be realistic. A 100-page law school reading assignment cannot be completed in only one or two hours. A student might be able to finish turning the pages within that time, but the student's retention and understanding would be so minimal that, in effect, most of the time would have been wasted.

Evaluate your goal — is it realistic?

### ***A Few Final Thoughts about Setting Goals***

Generally, goal setting requires some thought. You cannot simply look at an assignment in a law school syllabus (which may only list the pages to be read) and set a goal for it, because you may not know what it is you must learn. To create goals

which describe actions and have explicit criteria, and which are challenging yet achievable, you need to look over the assigned materials and get a feel for the topic, the length of the assignment and the complexity of the topic. You also need to consider all of the steps it may take to complete your goal, and they may not be obvious from the written assignment. For example, you might need to consult a supplemental source before you begin reading the assigned cases. You also, of course, would want to consider any instructional objectives provided by the instructor. At first, this may take time, because you may be new to setting goals this way—but like every other skill, in life and in law school, with practice you will become more proficient (and efficient).

As you set goals, be sure to check them against the four criteria by which goals are measured, until you become a master at goal setting.

Review the goal you set at the beginning of this section. If necessary, redraft your goal to conform to the guidelines in this section.

### ***5: Select a Strategy***

The final and crucial step of the forethought phase involves creating a specific plan. To succeed you must devise and tailor a strategic approach to achieve the goals you set. You must decide which strategies would be most productive for the task. This means you must decide: (1) the techniques you will use to learn; (2) how you will maintain focus and attention, and deal with difficulties in learning; and (3) how, when, where and with whom you will use those strategies.

#### ***Cognitive Strategies: What Techniques Will You Use to Learn?***

There are a large number of cognitive strategies for each of the types of learning. Learning strategies are so many, so varied and so task dependent that explaining them will require the entire second half of this book. At this stage of your study, you only need to know that learning strategies are task-specific (different depending on the task), are many in number (you often have several choices for each type of learning), and are learner-specific (dependent on your learning preferences, personality type and learning goals).

There are several factors that bear on the question of which cognitive strategy would be most appropriate for any particular learning task:

- The demands of, benefits of and limitations of each possible strategy;
- Your learning goal(s);
- The time available to complete the task;
- The importance of the task relative to alternative uses of your time;
- Your learning style;

- Your personality type; and, to a lesser degree
- Your familiarity, experiences and comfort with each of the possible strategies.

Additionally, each learning experience offers you additional information about what works best for you with respect to a particular learning task; that information is crucial to future technique selections. In fact, the most successful students will alter the techniques they learn in this book both as they are using them and in planning future learning activities, based on the results they obtain.

In short, more than anything else, expert learners are expert in how they learn best. While you will be developing that expertise through your activities in reading this book and as you apply the skills to learning activities in law school classes, to your work, and to your personal life, you will not complete your conversion into the status of learning expert for about one year—after having had the chance to hone your learning strategies through trial, error and adaptation.

### ***Motivational Strategies: How Will You Maintain Focus and Attention and Deal with Difficulties?***

Within certain parameters, motivational strategies are a matter of personal preference and control. You are in the best position to know what will motivate you to get started on your studying and what you should say to yourself while you are studying to help you stay focused. You also need to plan for those moments when you are having difficulty focusing on your work, and when you feel tired, burned out, anxious, etc. Some of the techniques already described in this section—like invoking self-interest (reminding yourself why the task is important to you) and ensuring you are in the right mindset (focused on effort, mindful that struggle and difficulty is part of learning, not evidence that you are not capable), are techniques that address some of these issues, some of the time. It also helps to break up tasks into a series of achievable short-term goals, so the tasks before you are manageable, rather than daunting. Nevertheless, there may be times where those techniques are not working as well as you may have hoped.

Many students find it helpful to plan their own rewards for completing certain steps in a learning process, such as planning a ten-minute break to take a walk, or for a phone call to a friend or loved one, after finishing reading some defined portion of materials, or completing some other specific task. You might also find that despite your efforts to maintain balance, it has been a long time since you have done the things that made you happy before coming to law school—you might want to consider whether you still do those things (run, or work out, or read for pleasure). Working these things back into your routine, and even using them as rewards for finished work, can help you stay motivated—and more importantly, balanced.

Another effective technique is to use self-talk—things you say to yourself to keep you on task and focused—such as: “First, I will do \_\_\_\_\_, then I will do \_\_\_\_\_” or “Keep your eyes on the prize (the law school diploma)” or “I know I can do this; this



is just like when I \_\_\_\_.” Or “Stop being so negative, you can do this, it’s just like \_\_\_\_.”

### ***Environmental Strategies: Where, How, When, and with Whom Should You Study?***

Like motivational strategies, environmental strategies are also a matter of personal preference and control. Once again, you are in the best position to know what materials you need to study and where, when, how long and with whom you should study. But don’t be surprised if you have to adapt your strategies or develop new ones if you find the strategies you used as an undergraduate no longer work for you. Remember that law is a profession, and professionals must practice and perform at a higher level.

#### ***Where Will You Study?***

You probably already have preferences for where you study—you may prefer a quiet, solitary location, or one that is loud, with some distractions. Expert learners are able to evaluate whether a particular environment is helping or hindering them from achieving their goals—and they adjust accordingly. For example, if you need a quiet place to study, and the law school’s law library proves distracting because peers and friends interfere with your focus or distract you from studying, you may want to change locations. Expert learners also vary their study location—because studying in a variety of locations, using a variety of methods, can aid in retention of material. The key is to monitor your learning—and whether your choice of study location is an effective choice for the tasks you are performing. Only you will know if your study space is effective—and only if you monitor how well it is working, and accurately assess the strengths and weaknesses of your selection.

**PAUSE. THINK. ACT.** Plan your study space: What are your possible options? What are the strengths and weaknesses of each option?

#### ***How Will You Allocate Your Study Time?***

There are best practices in terms of the amount and length of time for study, however, mere time on task is not a predictor of success. While students who do not put in sufficient time and effort will most certainly struggle to succeed in law school, every law professor knows of a student who studied endlessly, but who did not do well in law school because her studying was not productive. This is why it is critical to understand the importance of each task, and weigh that against the amount of time you have available to study.

#### ***How Important Is the Task?***

To effectively allocate time, students must be able to accurately assess the importance of each task—both to know how much time to allocate, and to be able to pri-

criticize each task. For example, while students need to be prepared for class to help retain new learning and to benefit from the opportunity for in-class feedback from the professor, it is important not to assign disproportionate value to the experience of appearing smart to the professor and peers in class. Consequently, you should not prepare for class in a way that interferes with the other learning activities you should be doing.

Many new law students devote so much time to class preparation (reading and briefing cases) that they fail to make time to engage in activities to consolidate their learning, such as reviewing their class notes, outlining the course or creating exam approaches, or writing practice exams—all of which bear a much greater relationship to performance on law school examinations. Expert learners do not make this mistake.

Take care not to fall into the trap of many new law students, who let case reading and briefing consume all of their time, and who fail to do the study and practice that are essential to exam success—like taking practice exams and creating exam approaches.

### *How Frequently Should You Engage in the Task?*

Expert learners space their learning activities out over time, rather than trying to cram all their studying together at once. Spaced study produces better and more efficient learning—you will learn more, retain the material for longer, and be able to recall the information you need, faster and with greater accuracy if you give yourself time between study sessions, and return to material several times, over several days or weeks. In addition to being a superior method for retaining information, spaced study also allows you to:

- identify gaps in your understanding and skills while there is still time to rectify them;
- build your skills, by ensuring you have time to obtain and then implement feedback;
- rest before your examinations (law school tests require creative thought and you are more likely to perform better on such tests if you are well-rested)

Also, remember that for law school, the goal is not just to remember the information for your exams, but to store the information in long term memory, because the material will be covered again on the bar exam, and potentially when you begin practicing law. You are more likely to retain information for the long term if you space your learning.

### *How Much Time Should You Spend?*

Law school classes require incredible amounts of work; in general, new law students devote 3 or 4 hours outside of class for every one hour in class, for each of their law school subjects.

Stop for a moment and think about what that means. If you are enrolled in 15 units (a typical first semester load) this means law school will require about 60 hours



per week, minimum, of your time outside of class: 15 hours in class + 45–60 hours of outside study = 60–75 hours per week. Because of the heavy workload, almost all law students feel pressed for time.

**Calculate your weekly hours:**

$$\begin{aligned} \text{number of units: } \underline{\hspace{2cm}} \times 3 &= \underline{\hspace{2cm}} \text{ (number of hours for study)} \\ &+ \underline{\hspace{2cm}} \text{ (number of hours in class)} \\ &= \underline{\hspace{2cm}} \text{ (total weekly hours devoted to law school)} \end{aligned}$$

Of course all students are different—the correct amount of time for any learning task is the time it takes you to develop mastery. If you have a learning disability which impairs your reading speed, you may need to devote one and a half to twice as many hours to your studies as is recommended above. For this reason, you may want to consider a reduced number of units—so you have sufficient hours in the week to devote to your studies.

### ***How Will You Get It All Done?***

You have likely never needed to devote such a significant number of hours to your studies. For this reason, you may never have needed to use a calendar, or write down a “to do” list. Even if that has been true for you in the past, you will want to consider a new strategy.

**Law school requires you to be skilled at time management; if you do not consciously plan your time, you will almost certainly fall behind and fail to successfully complete the necessary tasks.**

You can use any type of calendaring system. If you have difficulty planning your time, or you feel like you are falling behind, or are not able to accomplish all of the tasks you need to complete, you may want to use the step by step guide set out below, in addition to following these guidelines for effective time management:

- **Be detailed and specific.** Calendars that contain very little information, e.g., “read for contracts,” are neither helpful nor effective. Be sure you write down exactly what you plan to do, and how much time you are allotting for the task, e.g., read Contracts pages 114–121 and brief cases (list case names), 10:00 a.m. to 1:30 p.m.
- **Hold yourself accountable, reflect and revise.** In the beginning, you may not be very good at estimating how long tasks take, but it is important to take a guess and schedule each task, then reflect on how well you estimated the time it would take, and then adjust your calendar for the next day or week. By being specific about time, holding yourself accountable and reflecting on how to better schedule your time, you will ultimately improve. However, if you fail to do these things, you will likely never learn to accurately assess how long such tasks will take.
- **Assess your performance, and revise your calendar based on your assessment.** Especially in the beginning, you may find it difficult to assess how much time

each task will take to complete. For example, the reading assignments may seem short, but because of the complexity of the material, they may take many hours to complete. *Be willing to adjust and adapt.* Change any aspect of your schedule that is not working for you.

- **Work backward from deadlines.** Successful time managers start with deadlines and a list of all the tasks involved in accomplishing a particular goal. They assign each task to a specific day and time and build in time for the inevitable struggles involved in performing complex, difficult tasks. In law school, working backwards from deadlines insures that you will finish tasks with plenty of time for revisions and necessary help.
- **Work on the most challenging work when you are freshest.** Be sure to spend your time as if it's a precious commodity. Figuring out new, difficult material is more challenging than converting a course outline to flashcards for memorization purposes. Writing practice exams requires more mental energy than checking the accuracy of your citation form. Plan accordingly.
- **Safeguard your time.** Say no to people and activities that interfere with your designated study times.

### Creating Calendars That Work: A Step by Step Plan

This guide will give you an idea of the activities you should be doing to prepare before, during and after class. These activities are covered in the chapters that follow. The guide also helps you implement many of the skills and strategies discussed in this chapter.

**STEP ONE—select your style.** Start with a day by day, week by week or month style calendar (you can print any of these from your electronic calendaring software or various websites, draw your own on a sheet of paper, or use your computer or smartphone).

**STEP TWO—the non-negotiables.** Fill in your class times—by hour and day—and any other commitments over which you have no scheduling control (i.e., work).

**STEP THREE—assigned material.** Review the syllabi from each of your courses to obtain your assignments, including the number of pages you will have to read (per course) each week. Add in the estimated time(s) on the days that you will complete your reading, briefing and other assignments for each of your classes. *Include the exact number of pages you intend to complete for each time period, during the time you intend to study for that class.*

**STEP FOUR—pre-class review time.** Block off 15–20 minutes before every class to review your briefs/outlines/notes to re-familiarize yourself with the material



that will be covered in class. If you have two or three classes in a row (with no or minimal time before one or more of your classes), allocate enough time prior to the first class to review for all of the classes scheduled that day.

**STEP FIVE—post-class review time.** Block off 30–60 minutes after each class (or 2 hours at the end of the day, if you have classes back to back) to review your lecture notes, your outlines and briefs, and to refer to supplemental materials if you have questions.

- Make notes about any areas of confusion and add to your calendar or to-do list the task of figuring it out. Make a plan and set aside time in your calendar to utilize a supplemental guide, consult a study group, re-read the material, or make an appointment with your professor to discuss the unclear topic. Be sure you understand every issue—how it will be tested and how the law is applied.
- Edit and summarize your notes. Be sure the information you have in your notes/briefs/outlines accurately captures what you need to know and understand for your exams.
- While the information is fresh in your memory, start organizing and creating your essay approaches from the material covered in class; organize all potentially testable issues. This is the hardest part of your study process because it forces you to have a deep understanding of the material, but if it is done regularly, you can focus all of your efforts at the end of the semester on practicing application of the law.

**STEP SIX—practice time.** Schedule at least 2 hours per subject for practice—either essay writing, working through examples in supplemental materials, or writing out responses to the practice hypos and other materials provide by your professor. *Part of this time should always include writing practice.*

**STEP SEVEN—balance.** Add in exercise, work, family/spouse time and daily living. For example, block off four hours on Saturday or a few hours every night or every other night for your family. It may sound strange or unfeeling to schedule family time, however, planning the time (1) makes it more likely you will be able to do it; and (2) alleviates some of the guilt you may feel both when you are away from your family, and when you are away from your studies, because you know you have time for both.

**STEP EIGHT—rewards.** Set up “rewards” for yourself for completing all of your scheduled activities—allow yourself to do things that are fun when you’ve successfully done all of your work for the week.

**STEP NINE—communication.** Email or give a copy of your weekly calendar to your parents, friends, spouse and other important people in your life so: (1) they have an understanding of what you are doing and (2) they know when to expect your undivided attention. This will help them understand your work



load, and the effort required to succeed in law school. It will also help them to “ease off” and not call, email and text you during the time you really should be concentrating your efforts on studying.

#### STEP TEN—reflect and reassign.

- Be sure to keep track of how long it actually takes you to complete assignments so you can more accurately calendar time from week to week.
- If you do not accurately assess your time, and you do not finish in the time you have allotted on your calendar, you will need to block out additional time on your calendar to finish the assignment. *If you had planned to do something else once you finished, do not simply continue with the assignment until you are finished, since this will put you behind on other assignments; instead, move to the next scheduled assignment, and come back to the incomplete assignment and finish it during the newly scheduled time.*
- If you fail to complete something during a week, move it to the next week. Reflect on why you were not able to reach your goals. Did you allocate sufficient time? Do you need to spend more time each week? Did you use your time productively? Should you change locations? Study groups? Should you shut off your phone? Turn off your wi-fi? Change what you do to other times of day when you are more effective?

\* This plan is based on a handout originally developed by our colleague, Professor Lisa Blasser.

#### A Note for Procrastinators

If you have a tendency to procrastinate, this discussion is for you. It is helpful to start with an understanding of the causes of procrastination. There are several causes, including perfectionism, fear of failure, difficulty in estimating the time required for a task, and an inability to distinguish between important tasks and essential tasks. Procrastinators tend to underestimate the time required to complete a task and overestimate the non-existent benefits of being backed against the wall time-wise. In fact, procrastinators perform below their capabilities, enjoy the process less, and suffer from higher levels of exhaustion, substance abuse and illness.

The most important thing a procrastinator can do is to start a task—not plan the task or discuss the task or travel to a place to do the task, but start the task. Other useful things you can do to minimize your procrastination inclination include:

- label your reasons for not getting started for what they are—excuses,
- identify the causes of your choice to procrastinate the particular task you are procrastinating,
- confront your self-doubts, false beliefs, and perfectionism, and

- use activities you enjoy—television, movies, hanging out with friends, etc.—as rewards for completing tasks you need to complete rather than as procrastination activities.

### ***With Whom Will You Study?***

Finally, you will need to choose when to study with others. Other students, as described later in this book, are an excellent source of practice and feedback as part of exam preparation activities. Peers also are helpful sources for dealing with areas of confusion and getting the necessary social and emotional support. Seeking such help from peers is highly correlated with educational achievement. Moreover, students benefit even more from helping their peers; if you are forced to understand something well enough to explain it to your peers, you must attain a high level of mastery, making this activity one of the most productive learning enterprises in which students can engage. For this reason, nearly all students need to include peer work in their study plans.

Such activities can become counter-productive, however, if you select peers who are not as committed to their own learning as you are and therefore are unwilling to do their share of the necessary work, or if you become embroiled in social conflicts with those peers, or if the presence of peers distracts you from doing those tasks on which you must work alone. Expert students recognize when peer studying is necessary and appropriate and when it may be a distraction, and they adjust accordingly.

Create a specific plan for completing your selected assignment.

- (1) **What** learning strategies will you use:
  - a. What techniques will you use to learn?
  - b. Is there a way to work with your learning style, personality type, etc.?
- (2) **Where** will you study?
- (3) **When** will you do the task — time and timing:
  - a. How much time do you have to complete the task ?
  - b. How important is the task (relative to other tasks)? Given your other tasks, how much time should you spend on this task?
  - c. What deadlines do you need to meet? When must this be completed? What other deadlines do you have?
  - d. What day and time will you do this task? When will you take breaks?
  - e. Is this a complicated task? Will it require sustained concentration? If so, are you doing it when you are freshest?
- (4) **With whom** will you study?
  - a. Should you do this task with someone else?



b. Who should that be?

(5) **How** will you approach the task and deal with difficulty:

a. What will you do if you are having difficulty focusing on your work (i.e., you feel tired, burned out, anxious, etc.)?

b. How will you reward yourself for completing the task?

## Step Three: Getting It Done, the Performance Phase

The performance phase is the implementation phase of SRL—where you do the work you have been planning. There are three tasks that make up this phase:

1. Attention-focusing,
2. Implementation
3. Self-monitoring.

Unlike the forethought phase, the performance phase is not a set of independent, successive steps. Instead, each of the three tasks—attention-focusing, implementation and self-monitoring—may occur at the same time, or one at a time, but in no particular order. In other words, while you are implementing your learning strategies, you should also focus your attention and monitor your learning progress. For the purposes of learning how to do each of these tasks, however, it is helpful to consider the tasks independently.

### 1. Attention-Focusing

You need to track your attention whenever you are engaged in learning, regardless of whether you are reading a text or participating in a classroom experience. Unless you successfully focus your attention on the learning task, the new learning never even reaches your short-term memory.

Almost all of us have had the experience of engaging in pseudo-studying. Pseudo-studying is an activity that looks like studying from the outside, but actually involves no learning. For example, many of us have had the experience of reading a page in a textbook over and over again without taking in any information, or we have spent hours in the library supposedly studying with a friend, but actually devoting most of the time to socializing. In college, such wastes of time are not always problematic; in law school, however, frequent pseudo-studying results in poor performance.

Pseudo-studying is usually a result of poor attention-monitoring which is caused by boredom, fatigue or self-doubt. Expert learners do not, therefore, allow themselves to be distracted by these things. They use one or more of the following techniques to focus their attention:

- Follow each step of a procedure, in order, checking off each step as they go;
- Verbalize (out loud) what they are about to do;



- Develop mental images of what they are trying to do as they are doing it;
- Praise themselves as they work.

**PAUSE. THINK. ACT.** Why do these techniques help learners focus their attention? Which techniques have you used in the past? Why did they work for you?

## 2. Implementation

This part of the performance phase involves actually performing the learning tasks. Later sections of the book describe the learning strategies most helpful to law students, explains how to perform them, and identifies the strengths, weaknesses and uses of the strategies. At this stage of your study of SRL, you simply need to be aware that this part of the performance phase involves performing those activities.

## 3. Self-Monitoring

In the context of the performance phase, the most significant distinction between novice learners and their expert peers is that the experts more closely and more accurately self-monitor their learning. Expert learners self-monitor five things:

- 1) Comprehension
- 2) Efficiency
- 3) Environment
- 4) Help-seeking, and
- 5) Attention

**Monitoring Comprehension.** Expert students can tell when they are getting it and when they are not. They use this information to alter their approaches before they get poor grades. Many naïve learners, in contrast, overestimate their understanding and therefore fail to study as thoroughly as they need to study. In law school, there may be little or no feedback—therefore, you will need to find ways to test for understanding (such as supplemental sources and practice materials). One way to do this is to find a source which requires you to commit to an answer, and then allows you to evaluate your choice by comparing it with a correct answer.

**Monitoring Efficiency.** Evaluate how long you have been studying and how much effort that studying is requiring. Weigh those two factors against the importance of the learning task. Streamline activities when it is appropriate to do so, alter your strategies to make your process more effective, and prepare yourself for the time and effort certain difficult tasks will require. This is an important step in effectively managing your time.

**Monitoring Environmental Strategies.** Pay attention to *where* you are studying, *when* you are studying (including the time taken for study breaks) and *with whom* you are studying. Expert learners make sure that they actually study when they had planned to study, that they take scheduled breaks to allow themselves spaced learning expe-

periences, that the location they have chosen to study facilitates their learning and that their study partners enhance their learning.

**Help-Seeking.** Difficulties arise for all learners in all educational settings. Identify your comprehension difficulties and get the help you need from instructors and peers. Expert learners keep asking different peers and instructors until they are sure they understand. Some peers and even some teachers are better than others in providing such help; expert learners find out who is good at helping and act accordingly.

**Monitoring Attention.** Unfocused study is, generally, a waste of time because it does not produce learning. Make sure you are able to pay attention (e.g., not too tired, do not need a study break, are not studying in a location which is distracting).

**ENGAGE.** Review the steps for Creating Calendars that Work, from earlier in this chapter. Can you identify the self-monitoring tasks?

Once students become expert at self-monitoring, much of the monitoring occurs offline (on a less conscious level). Expert self-regulated learners are always vigilant about their comprehension and their efficiency, as a result, self-monitoring requires less conscious effort.

The monitoring process often causes expert learners to change or modify their approaches and techniques during the learning process. Expert learners do not merely observe their learning; they evaluate it with a purpose in mind—achieving their learning goals. Consequently, expert learners change their approaches whenever their self-monitoring reveals that those approaches are not working.

**PAUSE. THINK. ACT.** Recall a learning experience that did not go as well as you would have liked. Was there a point in time before you received your grade when you knew things were not going well?

If “yes,” how did you know? Why were you unable to address the issue(s) productively?

If “no,” why do you think you were unaware that you were having a learning difficulty?

## Step Four: Pause. Think. Act. The Reflection Phase

Expert learners know the value of stopping to think about what they have done. Novices may skip this stage entirely, or devote very little time or energy to the task. Stop for a moment and reflect on this: Have you been devoting sufficient time to the “Pause. Think. Act.” boxes throughout this chapter? Have you actually thought about and answered each of the questions to the best of your ability? Have you

thought about the implications of your answers both for your future learning and law school success? If your answer is “no,” ask yourself why you ignored or underperformed on the reflection phase—and whether that is something you should continue doing. If your answer is “yes,” congratulations—you have already demonstrated a willingness to use reflective learning skills—skills that will be critical to your future success.

*The reflection phase of the cycle guides you as to future learning. When you reflect on what you did and how effective it was, it helps you plan and improve future learning activities.*

The reflection phase plays a large role in determining the success or failure of future learning. During the self-reflection phase, expert learners evaluate their learning outcomes and figure out the causes of those outcomes. Thus, the reflection phase reinforces expert learners’ sense that learning is a matter of planning, strategic choice and persistence—rather than a matter of innate ability.

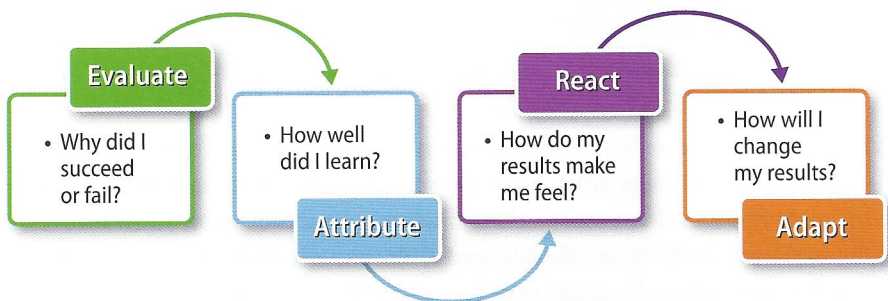
Students only really become expert learners when they take full control over their own learning process, devising learning strategies that make sense for their particular set of preferences and understandings. Like the forethought phase, it is easy to contemplate omitting the reflection phase but it is not wise to do so. Although the learning task is over at this point, and you may already be anticipating the next learning task and want to move on, failing to reflect usually equates to failing to improve.

In the reflection phase you analyze:

- what you did
- how you did it
- how well you did it
- why you did as well as you did
- how you feel about how you did, and
- how you will do things even better in the future

This phase includes four facets:

1. Self-evaluation,
2. Attribution,
3. Reaction, and
4. Adaptation





## 1. Self-Evaluation

One of the easiest ways to distinguish expert learners from novices is their efforts at self-evaluation. Expert learners evaluate how they are doing, immediately after they have completed their learning activities, and they do it accurately. There are some key differences between expert learners' and novice learners' self-evaluation skills. For example:

### Expert learners:

- Frequently evaluate their learning,
- in multiple ways,
- objectively, and
- according to explicit criteria

### Novice learners:

- Seldom evaluate their learning,
- use only one way,
- subjectively, and
- not according to explicit criteria

These differences influence all of the other steps of the reflection phase, enhancing the expert learners' sense of empowerment, as they figure out the causes of their successes and failures, celebrate their successes, and determine how to correct any failures. Sadly, the differences also explain the novice learners' feelings of discouragement and powerlessness.

Expert learners assess their learning experiences in four ways:

- (1) *internally*, on their own;
- (2) *externally*, through formal or self-imposed assessment events;
- (3) for *accuracy*, by comparing their predicted outcomes with their actual outcomes; and
- (4) for *efficiency*—by weighing their outcomes against their goals and the time and effort the learning required.

After learning new material, you should assess yourself using the same criteria.

You can do so by following these steps:

### (1) Internal Evaluation

**PAUSE. THINK. ACT.** Ask yourself: How Well Do I Think I Learned? Did I achieve my learning goals? Have I mastered the material?

This evaluation is really the only one possible in real world contexts, such as the practice of law, making it particularly crucial that you learn to accurately evaluate your learning. In fact, internal self-evaluation is one of the techniques used by expert practicing attorneys to help them avoid malpractice. Expert attorneys know when they know something and, more importantly, they know when they do not know. This knowledge guides expert practitioners in how they practice law, informing many

decisions, such as decisions about which cases to take and which to reject, decisions as to when to ask for help with a client's problem and when to keep struggling to figure it out, and decisions as to when to do more research and when the research process is complete. It requires you to be objective, and honest with yourself.

## (2) External Evaluation

**PAUSE. THINK. ACT.** Test your knowledge on a practice test or problem. Then ask yourself: How Well Did I Perform?

Expert learners seek out opportunities to test their knowledge. They conduct an external, objective evaluation—so they can hold themselves accountable for what they know and don't know. They take practice tests, for example, whenever it is possible to do so and they request professorial or peer evaluation of their efforts or they evaluate their efforts themselves. Expert learners are the students who choose to take the optional tests and do the optional exercises. Novice learners, in contrast, miss these opportunities or even consciously try to avoid them because they fear poor results, think they are not ready to take such tests, may not see the value in such activities or are overconfident.

As part of this assessment, expert learners know that they need to accurately calibrate their understanding. Experts are more likely to write out their answers, rather than simply think them through—so they can truly assess what they did not know—by comparing their actual answers to the rubric or explanation. They also know being tested on material is a powerful way to enhance their retention of the material—and is a far better way to memorize and store information than simply reading, re-reading or repeating information.

Opportunities for such practice and feedback are available from many different sources. Many law schools provide students with copies of past essay exams and answers. In addition, the common law school practice of forming study groups creates opportunities for peer testing and feedback. Finally, students can test themselves using a variety of supplemental sources which contain sample questions and answers, practice multiple choice and short answer problems, and sample hypotheticals.

## (3) Accuracy Evaluation

**PAUSE. THINK. ACT.** After you perform on a self-test or other test (an external evaluation), compare your performance with your internal evaluation. Ask yourself: how accurately did I predict my assessment results?

Expert learners self-evaluate by reflecting on the accuracy of their internal self-assessment. Because, as explained above, internal self-evaluation is such a crucial

will for practitioners in all fields, expert learners use reflective evaluation to help them fine-tune their self-assessment skills. This is another reason external evaluation is so critical—it allows the learner to compare their internal evaluation with objective criteria from the external assessment. Each time you take a practice test or a graded exam, you have the opportunity for accuracy evaluation—by comparing how you thought you did with how you actually performed and evaluating whether and to what extent your internal evaluation was accurate.

#### (4) Efficiency Evaluation

**PAUSE. THINK. ACT.** Ask yourself: Given my goal and my results, did I spend my time wisely? How did this task help me accomplish my goals? Is this the best way to do that? Should I increase or decrease the amount of time or effort I spend on this task in the future?

At this stage of the self-evaluation process, the learner weighs:

the degree to which her results suggest she has achieved her goals, and the importance of the activity

vs. the time and effort she used in implementing her learning strategy, and the time she has available

An optimal set of learning strategies (environmental, motivational and cognitive) not only produces learning, but also is as efficient as possible. Because law students, like everyone else, only have a limited amount of time, they need to assess their learning strategies not only for whether they produced optimal learning but also for whether the strategies caused the student to learn the material as quickly as possible. In this sense, expert learners act as their own efficiency experts.

## 2. Attribution

Having evaluated their performance, expert learners develop explanations for why they performed well or poorly. These explanations are called attributions. Expert learners are much more likely to attribute failures to things they can correct—such as insufficient effort or selecting the wrong learning technique(s). This leads expert learners to try again, and to try harder when they fail. In contrast, novice learners are more likely to attribute their failures to a lack of ability and, therefore, are more likely to give up and stop trying.

As you may have guessed, attributions are important to law school success because they greatly influence persistence. Some learning tasks, particularly tasks that involve the development of high-level intellectual skills (such as legal analysis) require many SRL cycles to develop mastery. Like learning to play a sport or a musical instrument, learning to perform legal analysis often involves multiple instances of trial and error,



a good deal of struggle, and very often, failure. Because novices believe successes and failures are caused by ability, they are likely to give up and stop trying if they fail to learn on the first try. In contrast, expert learners, who recognize that their failures are due to correctable causes, and who expect that some learning tasks will require many SRL cycles, persevere, and eventually succeed.

### ***Attribution Style — Once Again, Mindset Matters***

As you can see, how you view your own successes and failures is critical to your success. Attributing success or failure to ability, rather than effort, does not serve you well. It can lead you to give up or to fail to study or to be over-confident if you do not believe great effort is a necessary part of success. On the other hand, understanding that effort and persistence is what ultimately leads to mastery and success helps to create a cycle of positive and dedicated learning, and ultimately, positive results.

Take a minute to think about your attribution style. Think about how you react when you perform poorly. Answer the following questions:

1. When you experience failure do you typically think:
  - a. This is difficult, but it will get better with practice; or
  - b. I am never going to be good at this.
2. When you receive a really bad grade, or negative feedback, do you typically view the failure as being:
  - a. About the specific problem (e.g., I need to work on my grammar and spelling); or
  - b. About something beyond the assignment (e.g., I am not a good writer).
3. If you've given something your very best effort, and you still do not succeed, which are you more likely to think:
  - a. I still am not getting it, but this is fixable with some additional effort and feedback; or
  - b. I am just not good at this and never will be, I'll try something else.

For each question, the “a” answer is an example of an optimistic attribution style, which is characterized by statements that view failures as temporary, specific to the context, and fixable with further effort. They evidence hopefulness—a belief that if you persist you will improve. Students who adapt this style are more likely to persist when things are difficult. They are most likely to be or to become expert learners. The “b” answer for each question is an example of a pessimistic attribution style which is characterized by statements that view failures as permanent, pervasive (bigger than they actually are) and personal (the result of some unfixable ability related problem). Students who exhibit this style are likely to believe that even with additional effort, the results will not change—so they do not persist. They are not likely to be or to become expert learners.

The good news is that you can alter your attribution style. There is no real magic to making attributions. It is merely a question of self-awareness and attitude. You

have to be aware of how you think and feel, and choose to frame your thoughts so that you adopt an optimistic attribution style.

### ***Attribution Accuracy***

Successful learning also requires that you learn to make accurate attributions, because accuracy helps ensure that future learning efforts succeed. The keys to making accurate attributions are reflection and brainstorming.

Give yourself time to reflect on your just-completed learning process. When you reflect: re-trace your learning process from beginning to end, looking for errors and inefficiencies; consider the difficulty of the learning task and whether you did not learn simply because the task requires cycling through several or even many attempts to learn.

Brainstorm the possibilities. Human error is just as much a part of the learning process as it is of anything else in life. Each phase of the SRL cycle involves possibilities for miscalculation. Also, some failures to learn are inevitable given the nature of the learning task.

Review your process with a checklist of possible causes in mind. Here is one such checklist:

#### **Possible problems in the forethought phase**

- Did not set appropriate goal
  - Did not set any goal
  - Goal did not follow guidelines
- Incorrectly classified the task
- Did not invoke self-efficacy
- Did not develop interest/did not determine why I needed to learn the material
- Poor motivational strategy choices (could not stay motivated because: \_\_\_\_\_)
- Poor environmental choices
  - bad location
  - timing
  - too long without break
  - poor choice of study partners
  - other \_\_\_\_\_
- Poor cognitive strategy choices

#### **Possible problems in the performance phase**

- Incorrect use of strategies
- Did not maintain focused attention
- Did not self-monitor (failed to spot problems during the learning process)
- Did not persist

#### **Possible problems in the reflection phase**

- Did not pursue opportunities for self-assessment
  - Did not take advantage of opportunity for practice and feedback

- Did not create opportunity for practice and feedback
- Did not assess learning using any objective criteria
- Incorrectly assessed how well I learned
  - Did not assess learning using objective criteria

In addition to the checklist, be sure to take time to think about why you made the choices you made—and what you will do differently in the future.

### **3. Reaction**

Reactions are the emotional feelings you have in response to your results and your attributions. Expert learners generally feel better about themselves as learners, even when they encounter learning difficulties, and therefore are more likely to persist until they succeed.

Since expert learners typically attribute failures to correctable causes, and not to a lack of ability, they do not have a negative self-reaction when they experience failure. Expert learners retain their sense of self-efficacy, regardless of their outcomes. Conversely, novice learners perceive failures to learn as personal defeats, as saying something about their intelligence or capacity to learn—which produces negative emotions, including feelings of incompetence. Novice learners' self-efficacy depends on positive outcomes and therefore is considerably more vulnerable—it essentially disappears when inevitable learning failures occur. Since expert learners believe the causes of poor learning outcomes are fixable with further effort, they tend to perceive themselves as able and competent, whereas novice learners, who believe poor learning outcomes are the result of unfixable, personal issues, often do not.

### **4. Adaptation**

The adaptation step is where you identify solutions and make adjustments for future learning. It is much easier to make learners aware of the need to engage in this process than to explain how to do it. Ultimately, you are the expert in your own learning. You are in the best position to figure out the causes and the solutions for your failures to learn, or inefficiencies in the learning process. There are, however, three things you should remember:

1. Measure your performance by how well you have achieved your own learning goals—not by what others have achieved.
2. Keep what is working—and change what isn't. In many instances, there is no failure to learn at all and therefore no need for adaptation. In others, you will not have fallen very far short of your learning goals and therefore a major overhaul is unnecessary. If the learning deficiency is a small one, only a small adjustment is appropriate. In still other situations, the issue is one of efficiency, not effectiveness, and again only small adjustments may be in order.
3. Excellence is a worthy aspiration, but perfection is not. Sometimes a desire to be perfect can keep you from making any gains at all or can slow down your progress by making you inefficient. Rather than changing every aspect of the



learning process after a failure, expert learners know that they may need several SRL cycles to master a difficult learning task, so unless the whole process went wrong from the outset, they make small adjustments and plan to keep adjusting as they develop more information from their practice.

## Step Five: Continuing the Cycle — On to the Next Forethought Phase

Learning, whether it is self-regulated or not, requires persistence, thoughtfulness and a high degree of motivation. Expert learners possess this motivation, because they know they will eventually learn. As they cycle through the reflection phase, they anticipate the forethought phase, developing a belief that with further effort they will succeed and making strategic plans that will influence how they go about the performance phase. The degree to which students engage in self-regulated learning determines, ultimately, not only whether learning occurs, but also whether the learner enjoys the process and sees the learning experience as a positive or a negative one. SRL allows students to command their own learning and to ensure that they achieve the goals that led them to enter the academic enterprise in the first place.

### PAUSE. THINK. ACT.

1. What aspects of the SRL cycle make sense to you? Why? (What have you observed in your life as a student that makes you believe that these aspects will work for your law school studies?)
2. What aspects of the SRL cycle do not make sense to you? Why? (What have you observed in your life as a student that makes you believe that these aspects will not work for your law school studies?)
3. Is there anything you can do differently to improve your ability to learn and succeed in law school? How do you plan to implement these changes?

## Chapter 4

# Law School Expectations

To be in a position to apply expert learning principles to your legal education, you first need to know what you can expect to encounter in law school. In law school, professor expectations of students are high. Students who take command over their own education, who act upon their learning rather than passively receiving it, excel. In many respects, your only choice is whether to take control over your learning or to perform far below your capability.

Law school teaching, testing and feedback methods are dramatically different from the methods you have encountered so far in your academic career. In this section, you will learn about those methods as well as how to best succeed in the law school environment by developing critical class preparation, study and exam taking skills.

### Law School Basics — The Goals of Legal Education

During law school you will be expected to:

- acquire enormous amounts of knowledge;
- demonstrate your skill in applying that knowledge;
- develop proficiency in using those skills; and
- develop your professional identity.

### Acquiring Knowledge in Law School

What you need to know at this early stage of your legal education is that law school instruction and testing require you to acquire enormous amounts of knowledge. You need to learn a vast repertoire of new terminology, hundreds of rules of law and case holdings, legal policy and theory (the reasons underlying the rules and holdings), and the mental steps involved in performing a wide variety of skills. You also need to learn how all this information is interrelated. You will be expected to retain this information even after your classes end, because it is information you will need for the bar exam, and for practice.

### Acquiring Skills in Law School

Even if you learn perfectly every bit of information presented to you in your texts and classes, you still may fail to do well in law school. This seeming contradiction is

not really a contradiction at all and, in fact, it is the single most important thing you need to know about the goals of legal education.

*Although knowledge is crucial to success in law school, the goal of legal education is to teach you skills. You must be able to apply the knowledge you acquire, and you must be able to do it effectively, in writing.*

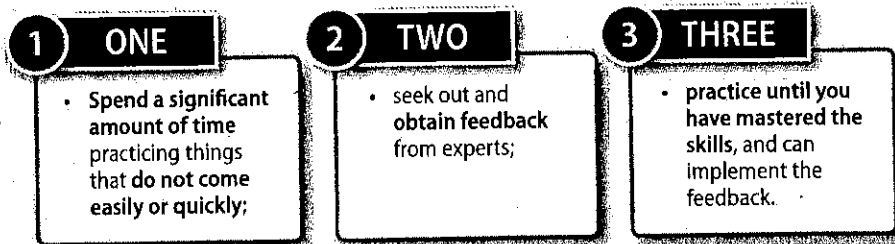
This point is crucial and often overlooked by new law students. Almost every law school professor will tell you that every year there are students who are shocked at the low grades they receive. Students will usually say something like, "But I understood the material," or "I knew the law cold." These students understood that they had to assimilate vast amounts of knowledge to succeed in law school. They failed to realize, however, that such knowledge was not enough—it was only the starting point.

Law school requires you to acquire a lot of knowledge, but, for the most part, your exams and papers are not evaluated on whether you have learned it. Rather, law school examinations and papers require you to demonstrate your skills in applying that knowledge to new situations. To understand this relationship between skills and knowledge, forget about law school for a moment. Think about a skill that you have learned, such as playing the piano, performing a sport (such as basketball) or even doing long division. In each instance, knowledge was crucial. In piano, you needed to know, among other things, what the musical notes are and where each note is located on your piano. In basketball, you needed to know all the rules of the game and how the game is played. To do long division, you needed to know what a division problem looks like, each of the steps involved in performing long division, and the order in which you must perform those steps.

In each of these settings, however, such knowledge is not enough to be able to perform the skills. To perform the necessary skills—playing the piano or basketball, or doing long division—you also need to practice performing the skill and obtain feedback on how you were performing. And the skills do not come quickly nor easily. In learning piano, you need to spend endless hours practicing both on your own and while a piano teacher watches, listens and gives feedback on the positioning of hands and fingers, use of the pedals and transitions between notes. To learn to play basketball, you need to devote countless hours practicing your shooting, passing, rebounding and defending both on your own and while a coach watches and gives feedback on the positioning of your hands, arms, feet and eyes, your assessment of what is happening during plays and games, your anticipation of what was about to happen, and the positioning of your body in relation to the other players with whom you were playing. Even long division requires you to practice hundreds of long division problems, both on your own and while a teacher (and/or parent) watches and gives feedback on your computations (the dividing, multiplying and subtracting involved in doing long division), on the extent to which you followed the procedure required to perform long division (e.g., did you remember the correct next step) and on how to check your work for accuracy (such as by multiplying your result by the dividend).



From this discussion, a pattern or set of best practices for acquiring new skills should be evident to you. Acquiring new skills requires you to:



In law school, while students must learn many skills, the principal skills they must learn are: legal reasoning (sometimes called “thinking like a lawyer”) and expressing that reasoning orally and, predominately, in writing. As you will learn in these materials, these are multi-faceted skills. Like other skills, they require you to possess vast stores of knowledge—but knowledge alone is not enough. You must learn to combine and use knowledge in ways that, while similar to skills you already possess, are unique. For this reason, for most students, law school skills come neither quickly nor easily; they are the product of countless hours of study and practice and require you to make frequent efforts to obtain feedback from your peers and professors, and to calibrate your own understanding—by using supplemental materials that help you accurately self-assess your progress.

## Developing a Professional Identity — Acquiring Values in Law School

Most law schools also strive to teach certain values to their students. The following values are those most commonly emphasized in legal education: (1) professionalism, (2) service to others, to the profession and to the community, (3) sensitivity to the differences among us and (4) lifelong learning.

Law professors try to inculcate these values in students by making them a focus of a course, a class session or a discussion; by modeling those values; by including specific graduation requirements believed to help students develop those values; and by structuring learning activities that allow the students to develop the values on their own. During law school you will reflect on what it means to be a member of the legal profession and you will begin to establish your professional identity—in your interactions with faculty, other students and members of the legal profession.

## The Skills, Knowledge and Values Law Schools Assume You Already Possess

Although law schools strive to teach skills, knowledge and values to their students, they also assume that you already possess certain skills, knowledge and values necessary to make it possible for you to learn what you need to learn in law school. Those skills, knowledge and values fall within five major categories: reading comprehension skills, writing skills, learning skills, knowledge about the legal system and openness to being taught:

- **Reading Comprehension Skills:** Law schools assume that entering law students possess excellent reading comprehension skills. Law students must digest enormous amounts of reading material in short periods of time. The reading material is abstract, complicated, and, sometimes, dry. Much of it includes language that is either unfamiliar to non-lawyers or uses familiar language in unfamiliar ways. For this reason, new law students should devote particular attention to the information in the next chapter about how successful law students and lawyers read and understand court opinions.

Note that while reading comprehension is an important skill, there is no evidence that very high reading speeds help you do well in law school; however, slower reading skills can be an issue. It is a good idea to know what your reading speed is, and if you read less than 250 words per minute, to consider getting some help. There are a variety of online reading speed assessments, as well as smartphone "apps," which can help you determine your reading speed and, if necessary, improve that speed. Some of these resources are listed in the references at the end of this book.

- **Writing Skills:** Law schools assume students enter law school with excellent writing skills. Specifically, law schools assume that entering students possess excellent knowledge and skill regarding grammar, usage, paragraphing, punctuation, organization and other related writing skills. You therefore need to either possess those skills, or you need to work to enhance your existing skills before you start law school. Fortunately, if you need help in this area there are many resources available to you, some of which are listed in the references at the end of this book.
- **Learning Skills:** Law schools assume that you possess excellent learning skills, including organization, memorization, examination preparation and other learning skills. This book addresses how you will need to develop those learning skills to account for the increased difficulty of learning in law school.
- **Legal Civics:** Law schools assume you possess basic knowledge of legal civics, including knowledge of how cases move through our legal system, court hierarchies, the concepts of precedent and appeal, how statutes become law, the roles lawyers commonly play and the work they do, the state and federal constitutions and their roles within our legal system, and the relationships between federal and state law and between our state and federal court systems. Fortunately,

any of the legal civics resources identified in the references at the end of this book should be sufficient to help fill in any gaps in your knowledge in any of these areas.

- **Teachability:** Finally, law schools assume you are teachable. In other words, because law school skills, at least in some respects, are unique and difficult to learn, law students need to be open to feedback, eager to learn, willing to change and ~~unafraid of criticism~~. The most successful law students do not fear criticism but, instead, welcome it.

**PAUSE. THINK. ACT.** Look at the list of skills in the previous section. Rate yourself in each category. Do you already possess these skills? Do you need to acquire or develop any of these skills? Make a plan to address any skills deficiencies.

### Taking the Next Step: Doing What Expert Law Students Do

Expert law students understand how to prepare before class, engage during class and synthesize what they've learned after class—to prepare themselves for law school exams, and ultimately, the bar exam. The first thing to understand is that these tasks are interrelated. ~~What you do before class impacts how well you are able to engage during class, which impacts how well you will be able to synthesize material after class and then prepare for and succeed on your examinations.~~ Unfortunately, this relationship is not always clear to new law students, at least in part because there is a fairly substantial disconnect between the way most law professors teach and how they test. For this reason, you may not initially understand this relationship or focus your energy on those things that are most productive. This section of the book is intended to help you make the most of the process and direct your attention to the tasks that are most likely to help you succeed.