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Using Grit and Growth Mindset to Foster Resilience and Professionalism in Law Students and Attorneys

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2016

STUDENT TO LAWYER SYMPOSIUM

The Resilient Professional: Learning How to Rebound, Adapt & Thrive

professor
dean clerk
practitioner
judge
student

October 21, 2016

THE SUPREME COURT *of* OHIO
COMMISSION ON PROFESSIONALISM

THE SUPREME COURT *of* OHIO

2016 STUDENT TO LAWYER SYMPOSIUM

Presented by
The Commission on Professionalism



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October 21, 2016

Dear Colleagues:

The Supreme Court of Ohio Commission on Professionalism welcomes you to the 2016 Student to Lawyer Symposium, "The Resilient Professional: Learning How to Rebound, Adapt & Thrive." We thank you for participating and contributing to its success. Resilience is a quality that many account for their achievements, and the same is true for legal professionals. We may call it by different names – grit, stick-to-itiveness, antifragility, flexibility – but the end result is the same.

Resilient professionals are better able to manage the challenges and stressors that the practice of law brings. The bad news is that attorneys, as a group, score low on the resilience scale. Lawyers test significantly higher than the rest of the population for personality traits that undermine resiliency: lawyers are autonomous, antisocial, resistant to new ideas, skeptical, have a high sense of urgency, and are easily discouraged by setback. The good news, though, is that resilience is the by-product of a group of skills that can be learned, practiced and improved. Today's presentations will highlight some of the tools that can promote resilience among law students and lawyers alike.

The art of bouncing back in the face of setbacks, and then continuing on to adapt and even thrive, is key to being a successful and satisfied advocate. Resilience is also essential to professionalism. Law schools are poised to help students build this skill through the unpredictable challenges students encounter in clinical offerings; practitioners exercise it when managing unexpected outcomes and the challenges of conflicting constraints on time and talents.

Today's program will only be as impactful as you are engaged in the discussions that ensue. This Symposium provides a space for us to collaborate and innovate by building on shared experiences. This year instead of generating all of the content for the program, the Commission on Professionalism solicited proposals. We were amazed at the response and the diversity of perspectives on the topic of resilience, showing us that there's no one correct way or a single set of tools to rebound, adapt, and thrive. Even so, we hope that you will learn strategies today that will benefit you tomorrow, as well as the days ahead.

Very truly yours,



Judge Jeffrey Hooper
Chair, Commission on Professionalism



Mina Jones Jefferson
Chair, Law School Committee

STUDENT TO LAWYER SYMPOSIUM

The Resilient Professional: Learning How to Rebound, Adapt & Thrive

October 21, 2016

AGENDA

10:00 a.m.	WELCOME
10:05 a.m.	<p>PED Talks: A Take on TED Talks - High-impact messages on professional & educational development</p> <ul style="list-style-type: none">• Stephanie Adams, Liberty Mutual Group• Chad Burton, CEO of CuroLegal• Samir Dahman, Kohrman Jackson Krantz LLP
10:40 a.m.	<p>Using Grit & Growth Mindset to Foster Resilience & Professionalism in Law Students & Attorneys</p> <ul style="list-style-type: none">• Professor Carolyn Broering-Jacobs Cleveland Marshall College of Law
11:40 a.m.	IGNITE - Ohio State Bar Association - Building Resilience
11:45 a.m.	BREAK
Noon	<p>Concurrent Sessions</p> <p>Teaching Leadership, Emotional Intelligence and Mindset to Lawyers & Law Students</p> <ul style="list-style-type: none">• Professor Jaime Bouvier, Case Western Reserve University School of Law <p>Ethical Discretion: Developing Resilience</p> <ul style="list-style-type: none">• Professors Jean McQuillan, Cassandra Burke Robertson & Jonathan Gordan Case Western Reserve University School of Law

-CONTINUED ON NEXT PAGE-

SPEAKERS

STEPHANIE ADAMS

Stephanie Adams graduated from the University of Akron School of Law in 2006. She is also a graduate of Youngstown State University and Ohio University. She currently serves on the Supreme Court of Ohio Commission on Professionalism and is a mentor for the Supreme Court of Ohio Lawyer to Lawyer Mentoring Program. Adams has been recognized by Ohio Super Lawyers as a Rising Star and has been honored by the Ohio Association of Civil Trial Attorneys for Distinguished Service.

Adams is a trial attorney who primarily practices civil law in the area of insurance defense. She currently works as In-House-Counsel with Liberty Mutual Insurance.

Adams frequently speaks to high school and college students about the importance of diversity in the legal profession.

She lives in Euclid, Ohio with her daughter, Jordan.

JAIME BOUVIER

Jaime Bouvier is an Assistant Professor of Lawyering Skills and the Co-Director of the Academic and Writing Support Program at Case Western Reserve University School of Law. She is certified as an executive coach through the Weatherhead School of Management and has worked with the faculty there to develop and implement a leadership curriculum at the law school. Bouvier has taught the leadership class for the past two years and also coaches students, attorneys, and other executives to help them develop their leadership skills. Prior to teaching at Case, she taught legal writing at Cleveland Marshall College of Law and constitutional law and civil liberties at Cleveland State University. She also worked at the Chandra Law Firm, as staff counsel for the Tenth Congressional District of Ohio, and as a law clerk for Judge Kathleen M. O'Malley of the Northern District of Ohio.

CAROLYN BROERING-JACOBS

Carolyn Broering-Jacobs is a Clinical Professor and the former Director of Legal Writing at the Cleveland-Marshall College of Law, where she currently teaches in the Transactional Law Clinic. Other courses taught include legal writing and litigation, first-year legal writing, appellate advocacy, transactional drafting, and torts. Broering-Jacobs began her legal career as a law clerk for the Honorable Sam H. Bell of the United States District Court for the Northern District of Ohio in Akron, and she was a litigation associate in the Cleveland office of Baker & Hostetler. She began teaching in 2000, and she frequently presents to attorneys and other writers on writing, advocacy, and pedagogy. Broering-Jacobs also researches and presents on fostering grit in the law student and legal professional.

Using Grit & Growth Mindset to Foster Resilience & Professionalism in Law Students & Attorneys

Professor Carolyn Broering-Jacobs
Cleveland Marshall College of Law

10:40 A

Using Grit & Growth Mindset to
Foster Resilience & Professionalism



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Using Grit and Growth Mindset to Foster Resilience and Professionalism in Law Students and Attorneys

12- Item Grit Scale

Directions for taking the Grit Scale: Please respond to the following 12 items. Be honest – there are no right or wrong answers!

1. I have overcome setbacks to conquer an important challenge.
 - ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all

2. New ideas and projects sometimes distract me from previous ones.*
 - ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all

3. My interests change from year to year.*
 - ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all

4. Setbacks don't discourage me.
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all
5. I have been obsessed with a certain idea or project for a short time but later lost interest.*
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all
6. I am a hard worker.
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all
7. I often set a goal but later choose to pursue a different one.*
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all
8. I have difficulty maintaining my focus on projects that take more than a few months to complete.*
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all
9. I finish whatever I begin.
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all
10. I have achieved a goal that took years of work.
- ☐ Very much like me
 - ☐ Mostly like me
 - ☐ Somewhat like me
 - ☐ Not much like me
 - ☐ Not like me at all

11. I become interested in new pursuits every few months.*

- ☐ Very much like me
- ☐ Mostly like me
- ☐ Somewhat like me
- ☐ Not much like me
- ☐ Not like me at all

12. I am diligent.

- ☐ Very much like me
- ☐ Mostly like me
- ☐ Somewhat like me
- ☐ Not much like me
- ☐ Not like me at all

Scoring:

1. For questions 1, 4, 6, 9, 10 and 12 assign the following points:

- 5 = Very much like me
- 4 = Mostly like me
- 3 = Somewhat like me
- 2 = Not much like me
- 1 = Not like me at all

2. For questions 2, 3, 5, 7, 8 and 11 assign the following points:

- 1 = Very much like me
- 2 = Mostly like me
- 3 = Somewhat like me
- 4 = Not much like me
- 5 = Not like me at all

Add up all the points and divide by 12. The maximum score on this scale is 5 (extremely gritty), and the lowest score on this scale is 1 (not at all gritty).

Duckworth, A.L., Peterson, C., Matthews, M.D., & Kelly, D.R. (2007). Grit: Perseverance and passion for long-term goals. *Journal of Personality and Social Psychology*, 9, 1087-1101.



Scenario 1*

Speaking Up in Class

Sloane is a first year student. She left her friends and family and moved to a new city to pursue her dream of becoming a litigator. Classes started a little over two months ago and although Sloane is sleep deprived, over caffeinated, and having a very hard time keeping up with all the reading assignments, she has managed to attend every class on time and has truly begun to develop a routine.

Nonetheless, Sloane still can't shake the feeling that she is totally overwhelmed and out of her element. In college she always managed to feel confident and get great grades with half as much effort as what she is putting in now. Everyone Sloane meets seems to have amazingly impressive credentials: Master's Degrees, High Honors, and even full careers, all before starting law school. Sloane finds herself doubting the usefulness of her degree in Cultural Anthropology on a daily basis, and wondering whether she should have opted for volunteering with that NGO.

To make matters worse, Sloane has started to hear rumblings about her Constitutional Law Professor, Professor Smith, a.k.a. "Smithsonian." According to Professor Smith's syllabus he determines, in his sole discretion, what percentage of your grade will be based on classroom participation within a given range. Sloane knows the importance of getting practice in formulating an opinion and articulating it to others. She is also keenly aware that Professor Smith is the faculty advisor to the moot court team, on which she really hopes to win a spot. She has been told in no uncertain terms that making a great impression on Smith will not only help her in first year, but throughout law school. That said, she has personally witnessed Professor Smith lambaste a student for asking "the wrong question." Also, she sees other students rolling their eyes when someone asks too many questions. She wants to get good grades and a spot on the moot court team, but she doesn't want Professor Smith or her fellow students to think she is stupid, pushy or arrogant.

Discussion Questions

1. Have you ever had a similar experience? How did you handle it and were you pleased with the outcome?
2. What advice would you give Sloane about how to proceed in Professor Smith's class?
3. What factors would you consider in deciding how to successfully contribute/speak up?
4. What value is there in the opportunity to learn from your mistakes?

* Scenarios borrowed from the ABA *ABA Grit Project*, AMERICAN BAR ASSOCIATION, http://www.americanbar.org/groups/women/initiatives_awards/grit.html (last visited Oct. 6, 2016).

Scenario 2

Job Search

Marco is a second year law student. He graduated magna cum laude from a prestigious undergraduate university and is accustomed to being at the top of his class. Law school has been more challenging than undergraduate. While he is in the top 10% of his class, he did not make law review. When he did not make law review, he applied to the International Journal and made it. He is currently a staff editor but is planning to write a Note for the journal and hopes to be Notes editor in his third year.

Marco is in the process of applying for summer clerkship jobs. He is determined to be in Washington, D.C. as he is very interested in antitrust law, and he believes that Washington is where the best antitrust practices are located. He would like to work for one of the large global law firms in Washington, D.C. because he is also interested in global competition law. But, competition is fierce and firms have cut back on their summer programs. Because of his strong academic record, Marco has had a relatively easy time securing preliminary interviews and has had nine interviews to date. However, Marco has not been as successful as he would like. He has received four rejections. He has a callback scheduled with two firms, and he has not yet heard from the remainder.

Marco was very discouraged when he received the four rejections; they were his top choices. He is wondering why he didn't make the cut. Did he answer the substantive questions they asked incorrectly? Is his resume lacking? Did he set his sights too high and narrow? Was it his personality? He tends to be a bit quiet but can certainly be assertive when he needs to be. In thinking back over the interviews, he thinks that he was intimidated by the "grandeur" of the firms—and that this may have been reflected in the way he presented himself. While he is usually very self-confident, the grueling nature of the interview process as well as the rejections are undermining this confidence, and he is beginning to doubt himself.

Discussion Questions

1. Have you ever faced a situation like this? If so, how did you handle it and what was the outcome?
2. From whom could Marco seek advice on surviving this grueling process?
3. What would help him to stick to his goal, namely to go to Washington and practice antitrust law? How might this situation differ if Marco approached it with a fixed mindset versus a growth mindset?
4. How might grit be helpful in this situation?

Scenario 3

Struggling with Your Workload

You are a first year associate at a large firm. Since your arrival at the firm you've been working hard, regularly billing in excess of 200 hours per month. If you keep up this pace, you're on track to bill 2,400 hours for the year, which is well above your billable hours requirement. You do most of your work for the same client, VIP, and you are actively engaged in a variety of different tasks that will take you at least a few months to complete. While the work that you are doing for VIP is challenging and you are learning a great deal (almost everything is new to you at this stage), the nature of the work is less interesting to you than other areas of work at the firm. You don't want to get pigeonholed too early in your career. That said, after almost nine months on the job, you are starting to feel like you have some idea what you're doing, and that makes you feel pretty good. You also like the rest of the team; everyone gets along well and the senior associates have been helpful and welcoming.

You are working your third late night this week, when a partner, John, who is not someone you work regularly with, stops by your office. John tells you that he's heard good things about you and has been looking for an opportunity to work with you. He describes an assignment that he needs help with. It's an assignment for a new client in an area that you are really interested in. The catch is that the assignment needs to be started immediately. "If you're up for it, we'd love to have you on the team, but this assignment is going to be fast-paced, and if you're in, you need to be ALL in. I need to be able to count on you 100%," John says.

While you know that the assignment will conflict with the work that you already have on your plate, you really want to work with John and gain some exposure to the type of work that he does. However, you also don't want to let your team down and in spite of the long hours, you feel like you have a pretty good thing going.

Discussion Questions

Have you ever faced a situation like this? If so, how did you handle it and what was the outcome?

1. What should you say to John? How would you decide what to do next?
2. Is it more important to finish what you started or should you jump at the opportunity to develop a relationship with John and to do the kind of work you're most interested in doing?
3. How might your reaction to the situation differ if you approached the situation with a fixed mindset versus a growth mindset? How might a gritty person respond? How might both of these traits be helpful to you in this situation?

Scenario 4 Lost Motion

You are a mid-level associate and have been given the opportunity to take the lead on responding to a summary judgment motion for an important client, High Maintenance Tires, in their ongoing litigation dispute with Overpriced Cars. You feel great about the fact that there have been many discovery disputes throughout the case and the Judge has consistently ruled in your favor. There is no reason to think you will not win on summary judgment. You have spent weeks of hard work putting together your response. You assure the client that it is highly unlikely the judge would dismiss your case and that you expect serious settlement discussion to begin after the plaintiff loses the motion. Given how the judge has responded throughout the case, you are confident.

You file the response and feel extremely proud of the work you did and know that you could not have worked harder. Several weeks later, as you are getting ready to leave for the evening, the head partner on the case, Mary, storms into your office and asks if you have read the ruling. Your stomach drops because you know that despite all your hard work things must not have gone as you had hoped. As you skim the ruling with Mary in your office, you find that you have lost the motion on all counts but one. Of note, the judge finds that you have over-reached on the main case you cited in support of your motion and that the case's holding does not support your argument. Also, you failed to cite a critical case that the other side found. Mary is furious and says that the client will be as well. How can you respond?

Discussion Questions

1. Have you ever faced a situation like this? If so, how did you handle it and what was the outcome?
2. What should you say to Mary?
3. How would you handle the client?
4. Would your reaction to the situation differ if you approached the situation with a fixed mindset versus a growth mindset? How might a gritty person respond? How might both of these traits be helpful to you in this situation?