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Listening to Our Students: Fostering Resilience and Engagement to Promote Culture Change in Legal Education

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LISTENING TO OUR STUDENTS: FOSTERING RESILIENCE AND ENGAGEMENT TO PROMOTE CULTURE CHANGE IN LEGAL EDUCATION

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Abstract

In this Article, we describe a dynamic program of research at the University of Pittsburgh School of Law that uses mindset to promote resilience and engagement in law students. For the last three years, we have used tailored, well-timed, psychological interventions to help students bring adaptive mindsets to the challenges they face in law school. The act of listening to our students has been the first step in designing interventions to improve their experience, and it has become a kind of intervention in itself. Through this work, we have learned that simply asking our law students about their experiences and listening carefully to their answers helps create an environment that supports academic and professional growth.

The pandemic became an opportunity for us to listen even more deeply to our students. To successfully attend law school in the time of COVID, students had to navigate online classes, high degrees of uncertainty, rapidly changing socio-political circumstances, and threats to their own health and the health of their families, all the while coping with the routine stresses of law school. We came to understand that many law students displayed tremendous resilience with just a little bit of help, and we learned along the way how to more effectively help them. Educators, in a post-pandemic world, have an opportunity to bring about meaningful cultural change within our institutions and to humanize legal education more broadly. While the strategies discussed in this article reflect the specific culture at Pitt Law, our approach is relevant to all law schools. [1]

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[1] This project pairs University of Pittsburgh psychology researcher—Dr. Omid Fotuhi, who specializes in performance and motivation—with Pitt Law legal educators—Dr. Sinsheimer, Professor St. Val and Dr. Lipton—who are putting these ideas into practice. The author also acknowledges and thanks former Professor Leigh Coogan for her tremendous contribution to the early stages of this project. The author greatly appreciates the work of the talented Research Assistants: Amy Conroy, Mike Zula, and Katlin Kramer. The author also wishes to thank LuAnn Driscoll, Vicki DiDomenico, and Karen Knochel for their assistance. Finally, thank you to Mary Allen for her invaluable help in writing this Article.

I. Introduction

For years, studies have shown that many law students struggle at times.[2] Legal education can be confusing and time-consuming and leaves students with little time to process what they are learning.[3] They are introduced to a new way of thinking, a new vocabulary, and asked to use that vocabulary like a professional from day one in a highly competitive environment. At the point that most students are just beginning to acclimate to the law school environment, they need to prepare for their first set of exams. They must be ready to perform and to perform well. The structure leaves little time for their personal lives and little time for anything that happens in their personal lives that requires attention. For many students the process is frightening, and for all students the process is stressful at some point. The call to change legal education—to modernize and humanize the system, to make it more inclusive, to help students to maintain balance—has

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[2] Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112, 112–29 (2002); *see also* Peter H. Huang & Corie Rosen Felder, *The Zombie Lawyer Apocalypse*, 42 PEPP. L. REV. 727, 730 (2015) (noting that it has been long established that "law schools are producers of depression").

[3] Consider author Scott Turow's autobiographical account of his first year of law school in 1977:

> It is Monday morning, and when I walk into the central building, I can feel my stomach clench. For the next five days I will assume that I am somewhat less intelligent than anyone around me. At most moments I'll suspect that the privilege I enjoy was conferred as some kind of peculiar hoax. I will be certain that no matter what I do, I will not do it well enough; and when I fail, I know that I will burn with shame. By Friday my nerves will be so brittle from sleeplessness and pressure and intellectual fatigue that I will not be certain I can make it through the day. After years off, I have begun to smoke cigarettes again; lately I seem to be drinking a little every night. I do not have the time to read a novel or a magazine, and I am so far removed from the news of world events that I often feel as if I've fallen off the dark side of the planet. I am distracted at most times and have difficulty keeping up a conversation, even with my wife. At random instants, I am likely to be stricken with acute feelings of panic, depression, indefinite need, and pep talks and irony I practice on myself only seem to make it worse.
>
> I am a law student in my first year at the law, and there are many moments when I am simply a mess.

SCOTT TUROW, ONE L 1 (Farrar Straus Giroux 1988) (1977).

been steady for years.[4] Post pandemic may be our opportunity to heed this call for change and not return to our old ways.[5]

For several decades now, those involved in training lawyers have examined whether and how to facilitate a culture change in legal education, one that will foster more resilience in law students and prepare students to be legal professionals who can meet the demands of practice.[6] Scholars have drawn upon literature and psychology, considering concepts such as grit and growth mindset to promote resilience and wellness among law students.[7]

At the University of Pittsburgh School of Law, we have embarked on a multi-year project to improve our students' experience by intervening at key points along their journey. First-year students are full of enthusiasm at the start of the year; by the end of October they

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[4] B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627, 628 (1991) (commenting that her topic was not a new topic in 1991); *see also* WILLIAM M. SULLIVAN, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007) ("The Carnegie Report"); David Jaffe et al., *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change (The Report of the National Task Force on Lawyer Well-Being), Part II, Recommendations for Law Schools*, Am. U. WCL Research Paper No. 2017–19 (Aug. 30, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3021218 [https://perma.cc/KR5A-FVWR]; Janet Thompson Jackson, *Legal Education Needs a Wellness Reckoning*, BLOOMBERG LAW, (Apr. 7, 2021), https://news.bloomberglaw.com/us-law-week/legal-education-needs-a-wellness-reckoning [https://perma.cc/7F2S-SPHG].

[5] In this respect, we have an opportunity in the timing that is captured in the rhetorical concept of *kairos*. *See, e.g.*, James L. Kinneavy, *Kairos: A Neglected Concept in Classical Rhetoric* (1986), *in* 8 LANDMARK ESSAYS ON RHETORICAL INVENTION IN WRITING 221, 221 (Richard E. Young & Yameng Liu eds., 1994) (defining *kairos* as "the right or opportune time to do something, or right measure of doing something").

[6] SULLIVAN, *supra* note 4; Jackson, *supra* note 4.

[7] Victor D. Quintanilla & Sam Erman, *Mindsets in Legal Education*, 69 J. LEGAL EDUC. 412, 412–44 (2020); Emily Zimmerman & Leah Brogan, *Grit and Legal Education*, 36 PACE L. REV. 114, 118 (2015) (finding no statistical significance between levels of grit and law school performance); Corie Rosen, *The Method and the Message*, 12 NEV. L.J. 160, 162 (2011) ("[O]ne possible explanation for law student depression lies in the institutional organization of law schools themselves, a model that encourages students to adhere to a belief in the fixed, or entity, theory of intelligence."); Carrie Sperling & Susan Shapcott, *Fixing Students' Fixed Mindsets: Paving the Way for Meaningful Assessment*, 18 LEGAL WRITING 39, 44 (2012) (arguing that most law school environments promote fixed mindsets in students and offering suggestions that could instead help "to foster an environment that nurtures adaptive responses to feedback"); *see also* Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-being*, 22 BEHAV. SCI. L. 261, 261 (2004) ("evaluating changes in subjective well-being (SWB), motivation, and values occurring over the law-student career").

seem more tired than enthused, but the majority still seem engaged.[8] As we move toward their first graded writing assignment and exams, I can almost feel the building pulse with the students' anxiety about whether they will pass or fail.[9]

When they return for the second semester, the rejuvenation they experienced over the winter break is almost immediately wiped away when they receive their first set of grades and also start to worry that they won't find a summer job.[10] Some students don't seem to fully recover their enthusiasm after this point. Instead they seem to disengage.[11] As they return for their second and third years, this disengagement often worsens and may manifest as extreme passivity regarding their classroom experience or a sort of distrust or negativity toward the educational process.[12] They become less concerned about

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[8] Sheldon & Krieger, *supra* note 7, at 275–76 (demonstrating "that law students experience declining happiness and well-being during their first year in law school. Supporting [the authors'] first primary hypothesis, students also reported a shift towards more extrinsic values over time (negative change in the 'what' of motivation), and a reduction in their sense of self-determination for their law-school goals (negative change in the 'why' of motivation)").

[9] Rolando J. Diaz, Carol R. Glass, Diane B. Arnkoff & Marian Tanofsky-Kraff, *Cognition, Anxiety, and Prediction of Performance in 1st-Year Law Students*, 93 J. EDUC. PSYCHOL. 420, 420–29 (2001) (examining the extent to which first-year law students' anxiety and stress impact law school performance).

[10] Sheldon & Krieger, *supra* note 7, at 281 (finding "that students declined in their endorsement of intrinsic values over the first year, specifically moving away from community service values and moving towards appearance and image values. In addition, students felt less self-determined in their law school goals by the end of the year, specifically pursuing their goals less for reasons of interest and enjoyment, and more for reasons of pleasing or impressing others. These two findings support the supposition that law school may bring about some negative changes in student motivations and values"; and examining the complex relationship between law school performance, career choice, and this shift away from intrinsic values).

[11] *See* Debra S. Austin, *Killing Them Softly: Neuroscience Reveals How Brain Cells Die from Law School Stress and How Neural Self-Hacking Can Optimize Cognitive Performance*, 59 LOY. L. REV. 791, 796–97 (2013) ("The stresses facing law students and lawyers result in a significant decline in their well-being, including anxiety, panic attacks, depression, substance abuse, and suicide. Neuroscience now shows that this level of stress also diminishes cognitive capacity."); *see also* Huang & Felder, *supra* note 2, at 741 (reviewing a number of studies reporting law students' experience of alienation and anxiety).

[12] These observations of Pitt Law students seem consistent with research mentioned in literature, including Todd D. Peterson & Elizabeth W. Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357, 365–71 (2009); *see also* Krieger, *supra* note 2, at 113 (recounting a similar story of disengagement among upper-level students at Harvard Law).

learning for the sake of learning and become highly focused on finding a job, passing the bar, and putting law school behind them.[13]

My colleagues and I decided to see if we could improve our students' experiences, drawing on the concept of mindset.[14] We started with the assumption that improving students' experience must begin with a careful assessment of their experience. This has meant listening closely to our students as they talk and write in response to our questions, capturing this experience in their own words and considering how they convey their reality. Not only has the act of listening to our students been the first step in designing interventions to improve their experience, it has become a kind of intervention in itself. Listening has been a tool to foster adaptive mindsets in our students.

Because we were engaged in this process of listening to our students when the pandemic arrived, the pandemic became an opportunity for us to listen even more deeply to our students. To successfully attend law school in the time of COVID, students had to navigate online classes, high degrees of uncertainty and rapidly changing socio-political circumstances, and threats to their own health and the health of their families, all the while coping with the routine stresses of law school. We wanted to do our utmost to ensure that our students could thrive in these particularly stressful conditions. What we learned about our students' experiences helped us respond to our students' needs and make changes throughout the highly atypical year. We came to understand that many of our law students displayed tremendous resilience with just a little bit of help.

As we prepare to return to the classroom in a post-pandemic world, we have an opportunity to continue to listen closely and to bring about meaningful cultural change within our institution and to humanize legal education more broadly.

This Article explores how law schools can foster adaptive mindsets in students, with a particular focus on the legal writing classroom. We are exploring this question through an ongoing research project formed in collaboration with a research psychologist at the University of Pittsburgh. Part II of this Article reviews the relevant literature on adaptive mindsets. Part III focuses on the reasons for and origin of the research project. Part IV then turns more specifically to the structure and findings of the project. Finally, Part V

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[13] Again, this observation seems consistent with the decrease in students' self-determined law school goals reported by Sheldon & Krieger, *supra* note 7, at 281.

[14] Decades of established research in psychology recognize the association between one's psychological beliefs on performance and the malleability of those beliefs. We drew upon the body of work from psychology known as "mindset," which is broadly defined as the set of beliefs and heuristics that people use to make meaning of events in their lives. *See generally* Carol S. Dweck, *Implicit Theories*, *in* 2 HANDBOOK OF THEORIES OF SOCIAL PSYCHOLOGY 43 (Paul A.M. Van Lange, Arie W. Kruglanski & E. Tory Higgins, eds., 2012).

explores how the project has changed our teaching and relationships with our students.

Our study is in its infancy.[15] We are still learning how to capture the data and what further interventions hold some promise of promoting adaptive mindsets in our students. We anticipate discussing our data and the analysis of our findings in a separate paper. Furthermore, the notion of mindset and what helps students adopt more resiliency is not a hard and fast thing that can be captured by data. My focus in this Article is on how the writing classroom, writing, listening, and discussion can be used to help our students develop adaptive mindsets and learn and grow professionally. I'm also interested in making law school a more humane learning environment.

II. Mindset and Learning Theory

A. Individual Mindsets

The research of Carol S. Dweck, Ph.D., on the role of mindset in achieving success have been widely considered, researched, and adopted in many areas, including education.[16] As defined by Dweck, a fixed mindset is the belief that one's intelligence and talent are fixed traits—that each of us has a certain amount of talent and intelligence, which can't be changed.[17] A growth, or adaptive, mindset is the belief that our abilities aren't fixed—they can be developed—and each of us has the ability to deal with almost any challenge or difficulty by adopting new approaches and attitudes—essentially by changing the way we look at things.[18] Fixed mindsets cultivate an atmosphere of unproductive competition, make students question whether they belong, and sometimes make students disengage.[19] A fixed mindset can lead students to get discouraged and question their abilities and can cultivate apathy or even lead to quitting.[20] An adaptive mindset is associated with resilience and persistence in the face of challenges.[21]

Why should educators care about mindset? The mindset literature suggests that someone with an adaptive mindset is more likely to persevere despite setbacks, can more effectively deal with changes

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[15] For a detailed description of our project, please visit our website: *Fostering Resilience and Engagement in Law Students*, https://www.law.pitt.edu/centers/fostering-resilience-and-engagement-law-students [https://perma.cc/K5CX-KQWA].

[16] See Carol Dweck's personal retrospective on mindset research in Carol S. Dweck & David S. Yeager, *Mindsets: A View from Two Eras*, 14 PERSPECTIVES ON PSYCHOL. SCIENCE 481, 481–86 (2019).

[17] CAROL S. DWECK, MINDSET: THE NEW PSYCHOL. OF SUCCESS 6 (2006).

[18] *Id.* at 7.

[19] *Id.* at 35–37, 108–24.

[20] *Id.* at 32–44.

[21] *Id.*

and challenges, and can engage more fully with their experiences.[22] Everybody can learn.[23] How we think about our ability to learn is a key factor in our ongoing learning.[24] It's possible for educators (or parents or other care-givers) to trigger the attitude that everybody can learn and you personally, the student, just haven't learned everything you need to learn—yet.[25] It's also possible to trigger the attitude that you don't have the aptitude or ability to learn a particular skill or set of information.[26]

As Dr. Fotuhi has pointed out, when a child learns to walk and falls down, nobody says, "Well, you weren't meant to be a walker."[27] But when a student "falls down," someone often says, "Well, maybe you weren't meant to do this."[28] And this may be more prevalent among special populations where the general expectation is often, perhaps unconsciously, skewed.[29] In law school, when someone is struggling, we often send the message that maybe you aren't able to

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[22] *See generally* Icek Ajzen, Martin Fishbein, Sophie Lohmann & Dolores Albarracín, *The Influence of Attitudes on Behavior*, *in* THE HANDBOOK OF ATTITUDES: VOLUME 1: BASIC PRINCIPLES 197 (Dolores Albarracín & Blair T. Johnson eds., 2d ed. 2018).

[23] Aneeta Rattan, Krishna Savani, NV Naidu & Carol S. Dweck, *Can Everyone Become Highly Intelligent? Cultural Differences in and Societal Consequences of Beliefs About the Universal Potential for Intelligence*, 103 J. PERSONALITY & SOCIAL PSYCHOL. 787, 787–803 (2012).

[24] Aneeta Rattan, Catherin Good & Carol S. Dweck, "*It's ok—Not everyone can be good at math": Instructors with an entity theory comfort (and demotivate) students*, 48 J. EXPERIMENTAL SOC. PSYCHOL. 731, 731–37 (2012).

[25] Aneeta Rattan, Krishna Savani, Dolly Chugh & Carol S. Dweck, *Leveraging Mindsets to Promote Academic Achievement: Policy Recommendations*, 10 PERSP. ON PSYCHOL. SCI. 721, 722 (2015) (noting that growth mindsets can be successfully taught in-school or online through programs that explain that "intellectual abilities can be developed through hard work, better learning strategies, and help from others").

[26] Rattan, Good & Dweck, *supra* note 24, at 731.

[27] Omid Fotuhi, *The Need to Combat a False Growth Mind-Set (opinion)*, INSIDE HIGHER ED., Oct. 21, 2020, https://www.insidehighered.com/views/2020/10/21/misperceptions-among-professors-about-growth-mind-set-concept-may-be-harming-some [https://perma.cc/Z4S5-7PJ6].

[28] *Id.*

[29] Mary C. Murphy, Claude M. Steele & James J. Gross, *Signaling Threat: How Situational Cues Affect Women in Math, Science, and Engineering Settings*, 18 PSYCHOL. SCI. 879, 879–85 (2007).

or you weren't meant to do this well.[30] And there continue to be fixed mindsets around race and gender in law school.[31]

A person's mindset can influence how they approach challenges, including the challenge of law school.[32] Whether a person views their intelligence as fixed or as malleable can color the way they approach learning.[33] If, for example, a student believes that they have a certain amount of intelligence and nothing can be done to fundamentally change this, they may interpret critical feedback as an indication that they are reaching a ceiling of sorts.[34] They may perceive it as a signal that they shouldn't or aren't "meant to" pursue this subject area or profession.[35] It can even color the student's notion of themselves.[36] Alternatively, if a student believes that intelligence is something that can be developed, feedback is more likely to be helpful and less

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[30] Cassandra L. Hill, *The Elephant in the Law School Assessment Room: The Role of Student Responsibility and Motivating Our Students to Learn*, 56 HOW. L.J. 447, 475 (2013) ("Law professors, however, may attribute students' poor performance on assessment measures, at least in part, to students' abilities and level of input and engagement rather than to the professors' teaching or the course curriculum."); *see also* Lucille A. Jewel, *Bourdieu and American Legal Education: How Law Schools Reproduce Social Stratification and Class Hierarchy*, 56 BUFF. L. REV. 1155, 1195 (2008) ("The myth of merit . . . causes advantaged law students to believe that their success is based on their individual merit, gaining the 'supreme privilege of not seeing themselves as privileged.' On the other hand, disadvantaged students see their failure in terms of their 'lack of gifts or merits.'" (footnote omitted)). *See generally* Sean Darling-Hammond & Kristen Holmquist, *Creating Wise Classrooms to Empower Diverse Law Students: Lessons in Pedagogy from Transformative Law Professors*, 17 BERKELEY J. AFR.-AM. L. & POL'Y 47 (2016).

[31] Jewel, *supra* note 30, at 1183, 1195 (noting "that persons from disadvantaged backgrounds are more likely to attend a low-tier school, whereas graduates of elite schools are 'overwhelmingly the children of advantage,'" and that "in matters of culture[,] absolute dispossession excludes awareness of being dispossessed").

[32] Ajzen, Fishbein, Lohmann, & Albarracin, *supra* note 22.

[33] Rattan, Savani, Chugh & Dweck, *supra* note 25.

[34] *Id. See also* Catherine Martin Christopher, *Normalizing Struggle*, 73 ARK. L. REV. 27, 57 (2020); James R.P. Ogloff, David R. Lyon, Kevin S. Douglas, & Gordon Rose, *More than "Learning to Think Like a Lawyer:" The Empirical Research on Legal Education*, 34 CREIGHTON L. REV. 73, 106 (2000).

[35] Rattan, Savani, Chugh & Dweck, *supra* note 25, at 722–23; Catherine Good, Aneeta Rattan & Carol S. Dweck, *Why Do Women Opt Out? Sense of Belonging and Women's Representation in Mathematics*, 102 J. PERSONALITY & SOCIAL PSYCHOL. 700, 701 (2012) (explaining that individuals may often console themselves about their mathematics shortcomings by falling back on the expression, "I'm not a math person"). *See generally* Elizabeth Bodamer, *Do I Belong at This Law School? How Perceived Experiences of Bias, Stereotype Concerns, and Social Capital Influence Law Students' Sense of Belonging*, 69 J. LEGAL EDUC. 455 (2020).

[36] Good, Rattan & Dweck, *supra* note 35, at 701.

threatening.[37] They will understand that feedback reveals an area that needs attention, but their sense of identity or their own ability will not be at stake.[38]

Importantly, researchers have shown that an individual's mindset can be altered through certain interventions.[39] A student who might initially identify with either a fixed or a growth mindset can be prompted or influenced to shift to a different mindset.[40] This can be good in the case of a student with a fixed mindset who has been encouraged to reframe a situation and then becomes able to use the situation as an opportunity to grow.[41] But it can be damaging if a student with a growth mindset interprets contextual cues or feedback in a way that makes him or her question their abilities, i.e., shift to a fixed mindset.[42]

Mindset interventions can take many shapes.[43] They can be relatively small actions, such as using framing language to set up an in-class exercise or providing the opportunity for students to share their experiences.[44] For example, with Dr. Fotuhi's encouragement, we gave our first-year students a short research problem to address during their first week of class, knowing that this could overwhelm

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[37] *Id.* at 700–17; Carol S. Dweck & Ellen L. Leggett, *A Social-Cognitive Approach to Motivation and Personality*, 95 PSYCHOL. REV. 256, 256–73 (1988).

[38] Rattan, Savani, Chugh & Dweck, *supra* note 25, at 722–23.

[39] *See, e.g.*, Gregory M. Walton & Geoffrey L. Cohen, *A Brief Social-Belonging Intervention Improves Academic and Health Outcomes of Minority Students*, 331 SCIENCE 1447, 1450-51 (2011) [hereinafter Walton & Cohen, *Brief Social Belonging Intervention*] ("Brief interventions that shore up belonging can thus promote performance and well-being even long after delivery."); Ian Ayres, Joseph Bankman, Barbara Fried & Kristine Luce, *Anxiety Psychoeducation for Law Students: A Pilot Program*, 67 J. LEGAL EDUC. 118, 124 (2017) (testing the efficacy of law faculty without clinical training in psychology teaching brief psychoeducation in a law school); Sue Shapcott, Sarah David & Lane Hanson, *The Jury is in: Law Schools Foster Students' Fixed Mindsets*, 42 LAW & PSYCHOL. REV. 1, 18 (2018).

[40] David S. Yeager & Gregory M. Walton, *Social-Psychological Interventions in Education: They're Not Magic*, 81 REV. EDUC. RSCH. 267, 269–73 (2011) (summarizing various social-psychological interventions used to promote academic achievement).

[41] Sarah J. Adams-Schoen, *Of Old Dogs and New Tricks—Can Law Schools Really Fix Students' Fixed Mindsets*, 19 LEGAL WRITING 3, 40-45 (2014).

[42] Shapcott, David & Hanson, *supra* note 39, at 18.

[43] Yeager & Walton, *supra* note 40, at 269–73; Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39, at 1451 (discussing interventions aimed at changing people's subjective interpretation of ambiguous events); David S. Yeager et al., *Teaching a lay theory before college narrows achievement gaps at scale*, 113 PNAS E3341, E3347 (2016) [https://perma.cc/GFA6-X2CE].

[44] Yeager & Walton, *supra* note 40, at 274 ("[A] student needs content to learn, a teacher to teach, and a place or community to support that learning.").

them.[45] Dr. Fotuhi instructed us to frame the exercise by telling our students that they were about to get a challenging problem and that its difficulty was intentional. We assured our students that everyone would struggle with the exercise, no matter what they said to the contrary, and told them that our goal was to normalize the feelings that might arise in them—that we wanted them to get comfortable with these feelings and to know that the feelings were okay.[46] We also wanted them to know that they would get through this problem because we would work through it together. This would help them be more resilient when they approached future research problems, which are often messy to solve and typically challenging.[47] The students responded well to this framing. They were overwhelmed by the research exercise but managed. This small exercise offers a valuable example of how mindset can be altered—and altered through something as simple as framing instructions in a different way, using language that validates the students' experience instead of language that suggests that this is a performance with a right or wrong answer and there shouldn't be any mistakes.[48]

B. Institutional Mindsets

In addition to an individual's mindset, an organization or institution can present a fixed or adaptive mindset, which can affect the individuals within that space.[49] An institution may explicitly or

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[45] *See also* Elizabeth Adamo Usman, *Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom*, 29 GEO. J. LEGAL ETHICS 355, 361, 383 (2016) (discussing "generative learning").

[46] Branko Vermote, Joachim Waterschoot, Sofie Morbée, Jolene Van der Kaap-Deeder, Charlotte Schrooyen, Bart Soenens, Richard Ryan & Maarten Vansteenkiste, *Do Psychological Needs Play a Role in Times of Uncertainty? Associations with Well Being During the COVID-19 Crisis*, J. HAPPINESS STUD. 2 (2021) (discussing the need to strengthen individual's resilience in stressful conditions); *see also* Christopher, *supra* note 34.

[47] Elizabeth M. Bloom, *Teaching Law Students to Teach Themselves: Using Lessons from Educational Psychology to Shape Self-Regulated Learners*, 59 WAYNE L. REV. 311, 316–23 (2013) (discussing self-regulated learning).

[48] In framing the exercise this way, we hoped to change the collective understanding of students' adversity, confusion, and struggle as something normal and not unique to an individual student. *See* Kevin R. Binning et al., *Changing Social Contexts to Foster Equity in College STEM Courses: An Ecological Belonging Intervention*, 31 PSYCHOL. SCI. 1059, 1059–70 (2020) (discussing the use of classroom discussions with peers to help students reframe adversity as universal and temporary).

[49] *Id.* (reporting on the results of an ecological belonging intervention in biology class sought to change collective understanding of the nature of belonging, competence, adversity in college); Katherine T.U. Emerson & Mary C. Murphy, *A Company I Can Trust? Organizational Lay Theories Moderate Stereotype Threat for Women*, 41 PERSONALITY & SOC. PSYCHOL. BULL. 295, 295–307 (2015); Mary C. Murphy & Carol S. Dweck, *A Culture of Genius: How an Organization's Lay Theory Shapes People's Cognition, Affect, and Behavior*, 36 PERSONALITY & SOC. PSYCHOL. BULL. 283, 283–96

implicitly promote either a culture of genius or a culture of learning.[50] As with individuals, the mindset of an institution likely falls on a continuum, and the messages an institution sends around mindset may be mixed and may not be conscious.[51] But the message will affect the members of the institution in a variety of ways.[52] For example, within the university, an instructor's mindset about who is good at math can influence which students decide to pursue courses in a STEM field.[53] (Collective attitudes within a university can also affect who pursues a higher degree.[54])

In law school, an institution's messages about performance and grades often suggest that the school values only those with high ability.[55] Grading curves and emphasis on GPAs, for example, are

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(2010) (noting that the learning environment may be the source of entity or incremental information).

[50] Emerson & Murphy, *supra* note 49, at 305 ("People are vigilant to situational cues in business contexts and these cues can suggest different meanings to them depending on the societal stereotypes tied to their social identities. This research demonstrates that companies that endorse an entity theory of intelligence signal identity threat to women, increasing their stereotype expectations and decreasing their organizational trust."); *see also* Murphy & Dweck, *supra* note 49.

[51] Rosen, *supra* note 7, at 177 (examining environments threaten academic performance, self-knowledge, and sense of belonging).

[52] Emerson & Murphy, *supra* note 49, at 305; *see also* Cheryl R. Kaiser, Brenda Major, Ines Jurcevic, Tessa L. Dover, Laura M. Brady & Jenessa R. Shapiro, *Presumed Fair: Ironic Effects of Organizational Diversity Structures*, 104 J. PERSONALITY & SOCIAL PSYCHOL. 504, 504–19 (2013); Jill M. Allen, Gregg A. Muragishi, Jessi L. Smith, Dustin B. Thoman & Elizabeth R. Brown, *To Grab and To Hold: Cultivating communal goals to overcome cultural and structural barriers in first generation college students' science interest*, 1 TRANSLATIONAL ISSUES PSYCHOL. SCI. 331, 331–41 (2015); Elizabeth A. Canning, Katherin Muenks, Dorainne J. Green & Mary C. Murphy, *STEM Faculty Who Believe Ability Is Fixed Have Larger Racial Achievement Gaps and Inspire Less Student Motivation in Their Classes*, 5 SCI. ADVANCES 1, 1 (2019).

[53] Canning, Muenks, Green & Murphy, *supra* note 52, at 8 ("[F]aculty mindset beliefs predict students' experiences in their STEM courses and the magnitude of the racial achievement gaps in these courses. . . . Professors' beliefs about the nature of intelligence are likely to shape the way they structure their courses, how they communicate with students, and how they encourage (or discourage) students' persistence."); Melissa A. Fuesting, Amanda B. Diekman, Kathryn L. Boucher & Mary C. Murphy, *Growing STEM: Perceived Faculty Mindset as an Indicator of Communal Affordances in STEM*, 117 J. PERSONALITY & SOCIAL PSYCHOL. 260, 260–81 (2019); *see also* Sperling & Shapcott, *supra* note 7, at 73 (discussing the influence of professors' beliefs upon students).

[54] Paul Tough, *Who Gets to Graduate?*, N.Y. TIMES MAG., May 15, 2014, at 1; *see also* Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39, at 1447–51 (discussing results of interventions designed to help students reframe challenges as something that can be overcome by persisting).

[55] Rosen, *supra* note 7, at 176–77 (discussing four features of law school that convey the institutions' message: ranking, hiring practices of big law, peer

perceived by students as an indication that the institution wants them to prove themselves rather than improve themselves.[56] In other words, the school will appear to care more about students' performance than their growth and learning.[57] This sort of fixed mindset, or elitist culture, can actually hinder student performance.[58]

Researchers have documented that people are more attracted to organizations that endorse adaptive mindsets or "cultures of growth."[59] Organizations that strictly emphasize performance goals and endorse fixed mindsets or "cultures of genius" reward those who are performing well, but these organizations have been shown to block learning and lead to extreme competition.[60] Researchers have observed how highly competitive environments in academic settings

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stigmatization, professor feedback); *see also* Murphy & Dweck, *supra* note 49.

[56] Krieger, *supra* note 2, at 114 (discussing law students fears about grading curves); *see also* Sperling & Shapcott, *supra* note 7, at 70 (discussing the influence grading curves upon students); Gil Moreu & Markus Brauer, *Inclusive Teaching Practices in Post-Secondary Education: What Instructors Can Do to Reduce the Achievement Gaps at U.S. Colleges*, PSYARXIV (Mar. 19, 2021), psyarxiv.com/btkzs [https://perma.cc/FH58-NXN2] (presenting 20 inclusive teaching practices, including #12: "don't grade on the curve"); *see also* Adams-Schoen, *supra* note 41, at 17 ("[L]aw school environments also include many aspects that likely trigger maladaptive responses in students who have a fixed mindset.").

[57] Rosen, *supra* note 7, at 162 ("[O]ne possible explanation for law student depression lies in the institutional organization of law schools themselves, a model that encourages students to adhere to a belief in the fixed, or entity, theory of intelligence.").

[58] Sperling & Shapcott, *supra* note 7, at 44–58 & 72–84 (reviewing studies link response to feedback and mindset and discussing ways law schools can nurture adaptive responses to feedback); *see also* Shapcott, David, & Hanson, *supra* note 39, at 31 ("Mindsets are not the only characteristics that become maladaptive as students move through law school. Forming a parallel, and potentially related to this data on mindset, is the increasing depression rates and the decreasing likelihood of seeking help for mental health problems as law students progress from 1Ls to 3Ls."); Elizabeth Ruiz Frost, *Failure Begets Failure: An Examination of the Psychology of Failure and How Law Schools Ought to Respond*, 48 STETSON L. REV. 33 (2018); Jennifer Leonard, *Harnessing the Power of Positive Psychology and Growth Mindset to Produce Happier, More Invested, and More Productive Law Students*, PENN LAW (Mar. 27, 2017), https://www.law.upenn.edu/live/news/6936-harnessing-the-power-of-positive-psychology-and [https://perma.cc/6GCA-S2Q9].

[59] Murphy & Dweck, *supra* note 49, at 11–12 (explaining that the environment shapes self-presentation and demonstrating that people were attracted to incremental organizations, organizations that endorsed belief that intelligence is malleable).

[60] *Id.* at 12 (acknowledging that people, particularly those who see intelligence as fixed, may enjoy organizations that endorse a "culture of genius" when they are performing well but that these entity organizations, which encourage people to pursue performance goals, often require people to prove their adequacy and can block learning and lead to extreme competition).

can threaten academic performance, self-knowledge, and a sense of belonging.[61] Movements focused on lawyer well-being, such as the National Taskforce on Lawyer Well-Being, have noted how the environments in many law firms, focused on performance goals like billable hours and profits, contribute to high levels of distress among attorneys.[62] Problems include anxiety and depression at higher levels than in the general population.[63] The deadening environment, many

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[61] *See* Melis Muradoglu, Zachary Horne, Matthew D. Hammond, Sarah-Jane Leslie & Andrei Cimpian, *Women—Particularly Underrepresented Minority Women—and Early-Career Academics Feel Like Imposters in Fields that Value Brilliance*, J. EDUC. PSYCHOL. (Aug. 5, 2021), retrieved from https://doi.org/10.1037/edu0000669 [https://perma.cc/DWN3-GZS5] (finding that the more an individual, particularly women from underrepresented groups and early-career academics, perceive a field to value "brilliance" the more individuals struggle with imposter syndrome, which is associated with lower sense of belonging and self-efficacy); Huang & Felder, *supra* note 2, at 738 (describing how the law school environment shapes students' self-perceptions and makes them desire "to learn only because they wish to outcompete, outshine, and eventually outlearn their classmates"); Sheldon & Krieger, *supra* note 7, at 281 (noting the decline in well-being among first-year law students and documenting "students' decline[] in their endorsement of intrinsic values over the year, specifically moving away from community service values and moving toward appearance and image values. . . . [S]tudents felt less self-determined in their law school goals by the end of the year, specifically pursuing their goals less for reasons of interest and enjoyment, and more for reasons of pleasing or impressing others."); Binning et al., *supra* note 48, at 4 (analyzing "ecological belonging interventions" to target adversity not just in students' subjective experience, but also in "the intersubjective space" shared by students and teachers, reframing views such as "some people aren't smart enough" as "everyone struggles sometimes, but you can improve by persisting"); *see also* Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39, at 1447–48 (using social belonging interventions to frame social adversity as transient, which prevented students from seeing adversity on campus as an indictment of their belonging); Rattan, Savani, Chugh, & Dweck, *supra* note 25, at 724 (noting that two mindsets, the "belief that your intelligence can be developed and belief that you belong in your school," directly influence students' educational outcomes).

[62] Jarrod F. Reich, *Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*, 65 VILL. L. REV. 361, 378–82, 383–85, & 389–92 (2020) (arguing that law school is a significant factor in the high levels of depression and substance abuse in law students and legal professionals, and describing the "Cravath model" prevalent in many law firms, which endorses the values of entity organizations, such as billable hours, maximizing profit, and allowing only "the most brilliant minds" to attain partner); *see also* Jaffe et al., *supra* note 4, at 60 (describing recommendations of National Taskforce on Lawyer Wellbeing).

[63] *Id.* at 367–74 (statistics among attorneys), 378–82 (statistics among law students).

argue, begins in law school with a model that encourages students to adhere to the belief that intelligence is fixed.[64]

The cultural mindset of most law schools can be influenced by a series of small changes and additions that promote adaptive mindsets in students. It is probably easier to incorporate small, achievable changes in students than to try to alter the entire mindset of the institution. "Although the curve and law firm hiring processes may be staple features of the law school environment, it is still possible for law schools to do more to encourage incremental mindsets."[65] Researchers have successfully reframed social and academic adversity, through interventions, in other fields, to yield higher attendance rates, course grades, and one-year college persistence for students.[66] The same can be done in law schools.

Changing the institutional mindset and environment is the next frontier in better supporting students' success. Our research at the law school has primarily focused on interventions for students. Involving the faculty is an important step in changing the law school ecology. Much like how we approached changing students' mindsets, we would employ a process of first understanding the perspectives of faculty and then targeting areas of psychological friction. Ultimately, to make any interventions effective, we must cultivate a culture that nourishes and supports adaptive mindsets across the board.[67]

C. Criticisms/Limitations of Mindset as a Theory

Mindset theory is not without critics or limitations.[68] Researchers have found it difficult to replicate some of Dweck's findings in their

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[64] Huang & Felder, *supra* note 2, at 737–38 (discussing deadening environment of law school and citing the work of Sheldon & Krieger, *supra* note 7).

[65] Rosen, *supra* note 7, at 182 (citations omitted).

[66] Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39, at 1447-48.

[67] *See* Gregory M. Walton & David S. Yeager, *Seed and Soil: Psychological Affordances in Contexts Help to Explain Where Wise Interventions Succeed or Fail*, 29 CURRENT DIRECTIONS IN PSYCH. SCI. 219, 220 (2020) (in which the authors' explain that much like a seed that needs fertile and stable soil to bloom, the success of interventions that seek to promote adaptive mindsets necessitate a context that makes adopting that adaptive perspective possible); *see also* Rebecca A. Ferrer & Geoffrey L. Cohen, *Reconceptualizing Self-Affirmation With the Trigger and Channel Framework: Lessons From the Health Domain*, 23 PERSONALITY & SOC. PSYCH. REV. 285, 285, 290 (2019) (demonstrating that "when the [self-affirmation process] occurs for people facing a psychological threat impeding change, and in a context that provides them with access to resources that support their behavior change efforts, it is more likely to prompt behavior change").

[68] *See, e.g.*, Dweck & Yeager, *supra* note 16, at 487–88 (discussing the challenges and successes with taking interventions to scale).

own labs.[69] Additionally, a lot of Dweck's work on the effectiveness of mindset interventions has been conducted in laboratory conditions, and it is less well known how the interventions will work in the context of an actual classroom.[70] It can be hard to measure the success of mindset interventions.[71] At Pitt, where we worked with small sample sizes, it was difficult to draw general conclusions.[72] And often the results of mindset interventions cannot be measured in terms of statistical results—the results are often a matter of subtle but noticeable changes in attitude over time.[73] Much of the literature outside of laboratory settings relates to "STEM" fields—i.e., the fields of science, technology, engineering, and math—and/or was done at grade school and undergraduate levels.[74] Mindset has been less often explored in the context of graduate and professional programs.[75]

As school systems and universities have attempted to adopt programs around mindset, researchers have noted a phenomenon called "false growth mindset," which refers to a superficial

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[69] Alina Tugend, *Feel Like You're Going Out of Your Mind? Consider Your Mindset*, N.Y. TIMES (August 12, 2020), https://www.nytimes.com/2020/08/12/well/growth-mindset-resilience.html [https://perma.cc/GK27-AJ3T]; Lydia Denworth, *Debate Arises over Teaching "Growth Mindsets" to Motivate Students*, SCI. AM. (Aug. 12, 2019), https://www.scientificamerican.com/article/debate-arises-over-teaching-growth-mindsets-to-motivate-students/ [https://perma.cc/C2ZC-X7DX].

[70] Dweck & Yeager, *supra* note 16, at 488–89, 492 (commenting on interventions, replications, and field experiments: "this research is hard to do"); Rattan, Savani, Chugh, & Dweck, *supra* note 25, at 724. *See generally* Joep van Agteren, Lydia Woodyatt, Matthew Iasiello, Julie Rayner, & Michael Kyrios, *Make It Measurable: Assessing Psychological Distress, Wellbeing and Resilience at Scale in Higher Education*, 10 STUDENT SUCCESS 1 (2019), https://studentsuccessjournal.org/article/view/1411 [https://perma.cc/H25R-F8SD] (describing student distress and the need for varied interventions); David Paunesku, Gregory M. Walton, Carissa Romero, Eric N. Smith, David S. Yeager, & Carol S. Dweck, *Mind-Set Interventions Are a Scalable Treatment for Academic Underachievement*, 26 PSYCH. SCI. 784 (2015) (finding that interventions can be successfully delivered online).

[71] *See* Caitlin Brez, Eric M. Hampton, Linda Behrendt, Liz Brown, & Josh Powers, *Failure to Replicate: Testing a Growth Mindset Intervention for College Student Success*, 42 BASIC & APPLIED SOC. PSYCH. 460, 461 (2020), https://doi.org/10.1080/01973533.2020.1806845 [https://perma.cc/H3J6-Q6PS] (noting the difficulty researchers faced in measuring positive effects of mindset interventions).

[72] In 2019 and 2020, our incoming class had approximately 120 students. Our incoming class in 2021 was slightly larger at 157 students. For more information on our study, see *infra* section III.

[73] *See* Dweck & Yeager, *supra* note 16, at 488 (explaining, for example, the different effects on academic performance in underrepresented or stereotyped groups, lower-performing students and high-achieving students).

[74] *See* Brez, Hampton, Behrendt, Brown, & Powers, *supra* note 71, at 462.

[75] *See id.* at 482 (acknowledging that there is much we need to learn).

understanding of the mindset concept that has arisen as discussions about mindset have become commonplace in education and mindset training is increasingly offered as part of teacher training.[76] Educators may become over confident in their grasp of the concept and reject delving more deeply into what it means to have a growth mindset.[77] When applying mindset principles, a false understanding can dampen the beneficial effects of the theory, or, worse, could actually put students into a fixed mindset.[78]

In discussing the notion of a "false growth mindset," Dr. Fotuhi observes that "teaching a growth mindset is not just about describing it to students. It's mostly about supporting their struggles and fostering and appreciating their progress."[79] Dr. Fotuhi has noted that false growth mindset reveals itself in several observable practices.[80] For example, sometimes educators misinterpret growth mindset to mean students just need to "try harder."[81] A student who attempts to exert more effort without applying different strategies may get discouraged and see their lack of improvement as evidence that they shouldn't bother.[82] In other words, instead of resulting in a growth mindset, a false growth mindset, where growth mindset is interpreted in terms of increased effort, can end up validating the student's fixed mindset.[83] Educators might also be tempted to offer praise for student efforts without evaluating whether the student has adjusted their strategies or improved their performance.[84] Or educators may avoid providing critical feedback for fear of triggering fixed mindsets in students.[85] This type of praise can feel disingenuous and destroy students' trust in the feedback.[86] Finally, educators who have

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[76] Fotuhi, *supra* note 27.
[77] *Id.*
[78] *Id.*
[79] *Id.*; *see also* Dweck & Yeager, *supra* note 16, at 490 (discussing the many forms false growth mindset can take).
[80] Fotuhi, *supra* note 27.
[81] *Id.*
[82] *Id.*
[83] *Id.*; Rattan, Savani, Chugh, & Dweck, *supra* note 25, at 735–36 (finding that instructors who held fixed views of intelligence expressed "support and encouragement in unproductive ways that ultimately backfired," offering comfort that helped students accept their lack of ability as opposed to comfort that helped them to improve).
[84] Fotuhi, *supra* note 27.
[85] Fotuhi, *supra* note 27; E. Scott Fruehwald, *How to Help Students from Disadvantaged Backgrounds Succeed in Law School*, 1 TEX. A&M L. REV. 83, 89–90 (2013); *cf.* Geoffrey L. Cohen, Claude M. Steele & Lee D. Ross, *The Mentor's Dilemma: Providing Critical Feedback Across the Racial Divide*, 25 PERSONALITY & SOC. PSYCH. BULL. 1302, 1302, 1314–15 (1999) (acknowledging a teacher's possible reluctance to give negative feedback to minority students and discussing the use of "wise feedback" to effectively deliver critical feedback); Darling-Hammond & Holmquist, *supra* note 30, at 73.
[86] Fotuhi, *supra* note 27. In conversations with Dr. Fotuhi, he has coached me to frame critical feedback to let students know that the feedback is meant

attempted to teach mindset principles to students sometimes blame a student's poor performance on their mindset, implying that a student may be purposefully rejecting concepts related to adaptive mindsets.[87] With the help of Dr. Fotuhi, we were careful to avoid the pitfalls of false growth mindset.

III. Origins of the Fostering Resilience and Engagement Project

At the beginning of 2017, my colleagues and I began to talk about how we could help our students become more resilient, or more "gritty."[88] Our goal was to keep students from giving up. Later we learned that our students weren't actually giving up; they were soldiering on but full of doubt and without confidence and enthusiasm.[89]

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to help them improve, saying for example: "My standards are high, but I am providing this feedback because I know you can attain these standards."

[87] *Id.* For a greater discussion on the effect of educators' comments on students' motivation, see generally Rattan, Good, & Dweck, *supra* note 24; Murphy, Steele, & Gross, *supra* note 29, at 879–85. For critiques of the grit narrative in the context of legal education, see Christian Sundquist, *Beyond the "Resiliency" and "Grit" Narrative in Legal Education: Race, Class, and Gender Considerations*, 50 J. MARSHALL L. REV. 271, 274, 277 (2017); Usman, *supra* note 45.

[88] *See generally* ANGELA DUCKWORTH, GRIT: THE POWER OF PASSION & PERSEVERANCE (2016); Katherine R. Von Culin, Eli Tsukayama & Angela L. Duckworth, *Unpacking Grit: Motivational Correlates of Perseverance and Passion for Long-term Goals*, 9 J. POSITIVE PSYCH. 306, 307–08 (2014), retrieved from http://www.ippanetwork.org/wp-content/uploads/2016/06/VonCulinTsukayamaDuckworthMotivationalCorrelates.pdf [https://perma.cc/H2WC-SJE5] (examining the associations between approaches to happiness and grit and finding grittier individuals were more likely than less gritty individuals to seek happiness through engagement). For studies applying grit to legal education, see, e.g., Zimmerman & Brogan, *supra* note 7, at 123–24; Heather Baum, *Inward Bound: An Exploration of Character Development in Law School*, 39 U. ARK. LITTLE ROCK L. REV. 25, 35–36, 38 (2016); Megan Bess, *Grit, Growth Mindset, and the Path to Successful Lawyering*, 89 UMKC L. REV. 493, 508–11 (2021).

[89] "Grit" has its limitations. *See, e.g.*, Glesner, *supra* note 4, at 627, 645, 664 (noting the need for support systems); Sundquist, *supra* note 87, at 271–72, 274–75, 277–78; Zimmerman & Brogan, *supra* note 7, at 121–22 (discussing the limits of a grit lens and explaining that persistence is not always an asset, but can be detrimental when it's time to change strategies). "The promise of 'grit' and 'resiliency' educational initiatives, however, has not been empirically demonstrated in the law school context, with the few studies that have tackled the issue finding no statistically relevant association between one's 'grit scale' score and achievement." Sundquist, *supra* note 87, at 274. "[T]here remains the troubling risk that the application of the 'grit' and 'resiliency' public education narrative to law schools will further normalize law school performance disparities by race and class as owing to personal deficit rather than to structural barriers." *Id.* at 276–77; *see also*

In 2018 we had the good fortune to meet Dr. Omid Fotuhi, a research psychologist at the University of Pittsburgh who was researching what he called "adaptive mindsets," focusing on it from the perspective of how students deal with uncertainty around belonging in their new circumstances.[90] He agreed to meet with my colleagues and me to learn if he and we might have overlapping interests. He was interested in what we were seeing in our students and intrigued by our desire to make our students more resilient.[91]

We decided to move forward with a small pilot study that would help us understand our students' mindset. My legal writing colleagues and I had begun studying Carol Dweck's approach to mindset, based on the idea that there are "fixed" mindsets and "growth" mindsets.[92] Students with a fixed mindset believe they have a certain amount of natural intelligence or ability and that can't change.[93] A growth mindset is the attitude that everyone has the capacity to succeed through effort and persistence.[94] Students with a growth mindset see ability as something that can expand and be influenced by their efforts.[95] We've come to see that the issue of mindset in our law students' experiences can't be so easily explained by the concepts of fixed and growth mindsets alone, although these ideas have been useful.[96]

We suspected law school in general might be putting our students in a fixed mindset.[97] We recognized that we, as legal writing teachers,

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Zimmerman & Brogan, *supra* note 7, at 121 (discussing the limits of a grit lens and explaining that persistence is not always an asset but can be detrimental when it's time to change strategies).

[90] See more about Dr. Fotuhi's research interests at https://www.lrdc.pitt.edu/people/researcher-detail.cshtml?id=1857 [https://perma.cc/FP7D-TN7F].

[91] Our initial conversations included our desire to make our students "grittier." However, Dr. Fotuhi encouraged us to reframe our project, mentioning limitations with the concept of grit, indicating that at times it is not enough to just dig in, but that students instead need to have a social-support network. *See also* Jaffee et al., *supra* note 4, at 33-40 (calling for the establishment of organizational infrastructure to promote well-being among law students); *cf.* Allen, Muragishi, Smith, Thoman, & Brown, *supra* note 52, at 331, 332–33, 338 (identifying the cultural perceptions of science and STEM education as "uncommunal" and noting the effects of this perception on the ability to attract and retain first generation college students).

[92] DWECK, *supra* note 17, at 6–7.

[93] *Id.* at 24–27.

[94] *Id.* at 7.

[95] *Id.* at 24–27.

[96] Tugend, *supra* note 69 (discussing the need to know more about "when and under what circumstances growth mindset works" and how it can be sustained).

[97] A similar suspicion about mindset was empirically validated by at least one study. *See* Shapcott, David, & Hanson, *supra* 39, at 28 (finding law school affects law students' mindsets in a way that is associated with maladaptive behaviors, and that mindset scores tended toward fixed mindset as students advanced to 3L year).

might have an opportunity to uncover this because we meet frequently with students in small classes.[98] We thought we might be able to capture evidence that law students displayed fixed mindsets at a higher rate than other types of students. To attempt to document this, we gave our legal writing students, about 50 students in all, a short questionnaire in class asking them about their perceived writing abilities—whether they thought they were strong writers—and how they thought legal writing differed from the other types of writing they had done in the past.[99] Dr. Fotuhi also added questions that had been validated as measures of an individual's mindset, asking students to what extent they agree with statements like "You have a certain amount of intelligence, and you really can't do much to change it" and "You can grow your basic intelligence a lot in your lifetime." We administered another short questionnaire at the end of the year.[100]

In addition to helping us design ways to understand our students' experience, Dr. Fotuhi began to help us with interventions, making suggestions about how we might encourage our students to be more resilient.[101]

We were able to obtain a small internal grant to work more closely with Dr. Fotuhi in the 2019–2020 academic year.[102] Our goal was to understand our first-year students' experiences. The administration at Pitt Law has been highly supportive of our work and allowed us to

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[98] Sperling & Shapcott, *supra* note 7, at 60–61 (explaining that "[l]egal writing professors have long acknowledged the importance of formative assessment" and noticed contradictory reactions to feedback).

[99] We hypothesized that views on writing might provide evidence of a fixed or adaptive mindset. *See id.* at 73 (discussing professors' own views of writing and their views that some students are more "gifted" at writing than others).

[100] For additional information about our survey design, please contact the author directly.

[101] Here resilience refers to "the capacity to face and overcome adversities, with personal transformation and growth." Patricia Tempski et al., *Relationship Among Medical Student Resilience, Educational Environment and Quality of Life*, 10 PLOS ONE 1, 1 (2015), https://doi.org/10.5061/dryad.63r07 [https://perma.cc/9JMV-V4YP]; *see also* Randall Longenecker, Therese Zink & Joseph Florence, *Teaching and Learning Resilience: Building Adaptive Capacity for Rural Practice. A Report and Subsequent Analysis of a Workshop Conducted at the Rural Medical Educators Conference, Savannah, Georgia, May 18, 2010*, 28 J. RURAL HEALTH 122, 124 (2012) (discussing four themes used to encourage resilience: hardship as opportunity for growth, existence of a nurturing community, adaptability, and practice over a lifetime).

[102] This project (#18120158) was submitted to and released from continuing review by the Institutional Review Board at the University of Pittsburgh. The work was made possible in part by the "Personalized Education Initiative" and the "Forge Your Own Path" Personalized Education Grants from the Office of the Provost at the University of Pittsburgh as well as the support of the University of Pittsburgh School of Law. The project also received help from the Clinical and Translational Science Institute (CTSI) at the University of Pittsburgh, which is supported in part by the National Institutes of Health through Grant Number UL1-TR-001857.

work with our admissions office and registrar in order to get a sense of who our students were in terms of their performance data—their numbers and demographics, such as undergraduate GPA and LSAT scores and race and gender identification. They were also willing to let us give a survey at orientation that would allow us to capture a baseline for how our students were feeling about starting law school. The survey was intended to give us a glimpse into Pitt law students' thoughts four days into orientation.[103] In the survey we asked a series of questions to understand our students' views on learning as well as their feelings around starting law school at Pitt and whether they felt they belonged there. (Dr. Fotuhi's research with undergraduates' mindset involved questions around a sense of belonging and he has had a special interest in this issue in our research.[104]) Our survey also included questions validated to measure mindset.

We've used a variety of methods to uncover our law students' challenges: surveying our incoming first-year students (1Ls) at orientation, conducting psychologist-led focus groups with upper-level students, and talking to the 1Ls right after they received their first set of grades. Thus far, the entire study has consisted of these parts:

- A pre-2019 mini-study on adaptive mindset, consisting of questionnaires provided to 50 students plus some interventions.
- Three full intervention studies conducted during the 2019-2020, 2020-2021, and 2021-2022 academic years. All studies consisted of an initial survey during orientation, a series of focus groups (3L TAs, 2L students, and 1L students), and an exit survey at the end of the school year. The latter was provided both to students who had "interventions" (either in the form of an in person focus group or an online questionnaire) and students with no interventions.

We talked with some of the 1Ls in person, communicated with others through a long survey, and communicated with the remaining students using a short survey. We administered an exit survey to all the 1Ls at Pitt as they prepared to take their final set of exams for the year. We have worked with our administration, both at the law school and the university, and with our faculty.

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[103] For more on mindset interventions, see Dweck & Yeager, *supra* note 16, at 481, 487–90. For a discussion of surveys as a form of intervention, see Jaffee et al., *supra* note 4, at 32, 41 (discussing the use of anonymous surveys to assess law students & lawyer's attributes and belief about well-being and to assess institutional culture and messaging).

[104] For more on belonging uncertainty, see generally Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39 (explaining that "social-belonging intervention improved the academic performance, self-reported health, and well-being of ethnic minority students over 3 years") and G.M. Walton & G.L. Cohen, *A Question of Belonging: Race, Social Fit, and Achievement*, 92 J. PERSONALITY & SOC. PSYCH. 82 (2007) (discussing belonging uncertainty).

IV. Preliminary Project Findings: Pre- and Post-Pandemic

A. Pre-Pandemic

As a group, the students we surveyed in 2019 did not seem to be composed of more individuals with fixed mindsets than what we'd expect to find in the general student population.[105] Dr. Fotuhi proposed that we use focus groups to understand more about our students' mindsets. These focus groups would also serve as a kind of intervention.

One of our initial focus groups involved third-year teaching assistants. These students were actively engaging with our first-year students. Dr. Fotuhi led the session while my colleague and I observed. Over the course of the hour, the students described their experiences during their first semesters in law school at Pitt. One woman described how alone she felt when she realized that so many other students came from a long line of lawyers or had worked in law firms before coming to law school. One man said that he had worried that he was missing some important background information. Several students in joint degree programs indicated that they still sometimes felt left out at Pitt law school, and one student expressed some anger that her choice of a career in public interest was, in her perception, devalued by her classmates. Another student explained that during the first semester of her first year she feared raising her hand to answer a question in class because she didn't want to be wrong.[106]

By the end of the session, the students had provided a meaningful picture of what life was like for a first-year law student at Pitt. Dr. Fotuhi judged the session a success, both in terms of what he learned about Pitt Law and in terms of an intervention. He said that he could almost feel a collective exhale from the students. I was taken aback by the simplicity of the intervention. These students had an opportunity to say to us and to each other what they hadn't said before. They had the chance to hear that others had shared similar experiences and that they weren't unique. And this in itself could be, Dr. Fotuhi suggested, enough to change their mindsets.

Three weeks later, Dr. Fotuhi returned to talk to a slightly smaller group of third-year teaching assistants. He asked them more directive questions about how we might approach the first-year students. He also let them talk more about what life was like for them as third-year students. This time the students talked about the pressures they faced

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[105] *See also* Sperling & Shapcott, *supra* note 7, at 59 n.155 (stating that "most populations are about evenly split, with 40 percent of the students holding a fixed mindset, 40 percent holding an incremental mindset, and 20 percent falling somewhere in the middle").

[106] This student said this was very different from what she was like as an undergraduate, when she was always willing to speak out in class and take risks.

as they prepared to graduate and take the bar exam.[107] They also talked about how the current first-year students would feel when they returned to school in January and began to receive their grades.[108] They vividly described the uncertainty and disillusionment they felt as they learned about their academic performance during their first semester of their first year. The students offered ideas on what we might say to the first years. One woman urged us not to scare the first-year students by telling them how hard it had been for their predecessors. One student suggested that we help to prepare students for the amount of feedback they would receive. Once again, this focus group with third-year teaching assistants was an informational session, a way to understand the culture of Pitt Law, and an intervention.

The basic shape of the interventions involved our asking the students questions about their experience and listening to their answers. When Dr. Fotuhi judged it useful and found an organic opening, he helped the students reframe their viewpoints by offering a different perspective. For example, when several students in joint degree programs indicated that they still sometimes felt left out at Pitt Law, Dr. Fotuhi offered that maybe fear of missing out, or "FOMO," could be reframed as the joy of missing out, or "JOMO." The mere possibility that there could be an alternate experience related to missing out—an experience of joy—seemed to give students the permission they needed to not constantly feel guilty when they missed an event.

During the interventions we also asked the students what we should tell incoming students that would help the new students make the transition into Pitt law school. This technique helped the 2Ls and 3Ls reflect on what they had learned about dealing with challenges and prompted them to come up with new strategies that would lead them to more adaptive mindsets. When students suggested that we should help the 1L students deal with the tremendous amount of critical feedback they would receive, Dr. Fotuhi shared that he was immune to criticism. The students seemed shocked. He assured them that he had trained himself to see all feedback as positive, even when the feedback suggested he had failed (giving the students a first-person example of an adaptive mindset). A few days later, one of my teaching assistants stopped me in the hall and said how helpful that comment had been to her. She said it had helped her begin to shift her

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[107] When the topic of career tracks came up, a male student confessed to feeling like he'd "sold out" because he had taken a job at a relatively large private law firm; when he'd entered law school he had imagined that he would work in public interest.

[108] For further discussion of this sort of perception management, see Catherine Martin Christopher, *Eye of the Beholder: How Perception Management Can Counter Stereotype Threat Among Struggling Law Students*, 53 DUQ. L. REV. 163, 175–78 (2015).

perspective, from fearing failure to seeing criticism as an important step in learning.[109]

By late fall, Dr. Fotuhi had identified several themes that had emerged in our second- and third-year-student focus groups as they reflected on their experiences during the first semesters of their first years and beyond. First, he noted that first-year and upper-level students all had questions and uncertainty around belonging. The students reported feeling that their individual cultures or differences were not being considered in the competitive environment.[110] They expressed worry about being good enough and anxiety about doing things the right way.[111] They described feeling like their worth as law students was based solely on grades.[112] They did not know when it was okay to make a mistake.[113] They were concerned about giving wrong answers in class and being embarrassed.

Next, Dr. Fotuhi identified a common perception among students, who felt that there was a "culture of elitism" at Pitt Law. By this, Dr. Fotuhi meant that the students articulated a profile of what Pitt Law students were "supposed" to be. This profile included concern among third years that working in public interest or the public sector (not in "Big Law") was a poor choice or frowned upon. They also believed that the institution was filtering students through its admission process to get "the best of the best." This suggests that

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[109] The approach of asking students to provide advice to incoming students is referred to as "the saying-is-believing-technique." Yeager et al., *supra* note 43, at E3347.

[110] *Cf.* Elizabeth A. Canning, Jennifer LaCosse, Kathryn M. Kroeper & Mary C. Murphy, *Feeling Like an Imposter: The Effect of Perceived Classroom Competition on the Daily Psychological Experiences of First-Generation College Students*, 11 SOC. PSYCL. & PERSONALITY SCI. 647, 653 (2020) (finding "classroom environments perceived to be rife with competition were associated with negative course outcomes for all and especially for [First Generation] students. For all students, perceived classroom competition was associated with greater feelings of being an imposter in class, which indirectly predicted students' course engagement, how often they attended the course, how often they thought about dropping the course altogether, and the grades that they earned in those courses.").

[111] *Cf. id.* at 648 (pointing to decades of research showing the negative effects of competition on students and stating "[c]ompetitive academic environments are associated with higher levels of anxiety and stress and often lead students to doubt their competence").

[112] *Cf.* Gail D. Heyman & Carol S. Dweck, *Achievement Goals and Intrinsic Motivation: Their Relation and Their Role in Adaptive Motivation*, 16 MOTIVATION & EMOTION 231, 243 (1992) (describing motivation and competition as a zero sum game: performance goals present "motivational dangers" particularly when confidence is low or high, and students "[m]ay turn away from interests or surrender opportunities for long-term development in order to insure positive outcomes and judgments in the short term").

[113] This suggests a fixed mindset in which one views one's traits as fixed and depicts some of the helplessness described in Dweck & Legget's work. *See* Dweck & Leggett, *supra* note 37, at 257–58.

while Pitt Law seems to be giving messages about inclusiveness, these messages are being undercut by a message of elitism. The student concerns seem to reveal a law school context that is "fixed" and discourages students from having "adaptive" mindsets.[114]

Finally, Dr. Fotuhi identified a theme of "pluralistic ignorance," which resembles imposter syndrome: Each student's uniqueness felt unique to them. Almost every student felt like they were the only ones struggling, completely unaware that others were struggling too. In other words, they all thought they were alone.[115] They didn't recognize that everyone struggles, is filled with uncertainties, and feels different from others.[116]

Dr. Fotuhi felt we were now ready to go on to the second phase of asking first-year students what life was like for them at Pitt Law. This would help us understand them better and would act as an intervention at the same time. Our idea was to talk to the first-year students in focus groups, much the same as we had approached the upper-level students. We decided that the best time to approach the first-year students would be mid-January, after the students had received most of their first-semester grades.

Dr. Fotuhi led an in-person focus group with two sections of first-year legal writing at the beginning of their second semester, at the same time the students were receiving their final grades for the previous semester. The discussions concluded with a short survey measuring the students' mindset. Two other sections of our legal writing classes received a long questionnaire intended to take the place of an in-person intervention. This questionnaire contained several short vignettes based on actual law students' experiences. The students were asked to read these vignettes and then answer questions related to their own experiences; they also answered questions designed to assess their mindsets. The remaining sixty first-year students were given a short survey designed by Dr. Fotuhi to

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[114] Rattan, Savani, Chugh, & Dweck, *supra* note 25, at 722; *see also supra* Part II(B) (Institutional Mindsets). Pluralistic ignorance has been observed in other contexts. *See*, *e.g.*, Good, Rattan, & Dwcck, *supra* note 35, at 701 (examining the "culture of talent" that undermines women's sense of belonging in math-related disciplines).

[115] *Cf.* Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39, at 1447–48 (reporting the results of an intervention framing social adversity in school as shared and short-lived and encouraging "students to attribute adversity not to fixed deficits unique to themselves or their ethnic group but to common and transient aspects of the college-adjustment process"); Cohen, Steele, & Ross, *supra* note 85, at 1313 (comparing minorities studied to "any context where students face group-based doubts about their abilities or 'belonging' within a given domain of achievement.").

[116] These focus groups, as an intervention, sought to eliminate the pluralistic ignorance—or to "normalize adversity and pop a bubble of pluralistic ignorance"—and "help students see their own challenges and adversity as unique when in fact adversity itself is quite common." Binning et al., *supra* note 48, at 1060.

measure their mindset. These students had received no intervention and were used as our control group.

Many of the 1Ls expressed feeling like the law school valued their performance more than their learning, as if their grades and GPA were all that mattered. They thought that their 1L year would make or break them and were extremely anxious about their summer job searches. They also felt it was hard to be collaborative with each other because of the atmosphere of an overwhelming atmosphere of competition. They also expressed difficulty balancing their law school life and their non-law-school life.

B. What We Learned During the Pandemic

In mid-February 2020, we decided to continue our study, based on broad university-wide faculty interest. Then the pandemic arrived and put those plans on hold. It also presented our study with new challenges. We had planned to compare the final second-semester grades of those receiving in-person or online interventions to the grades of those who had not received interventions, in order to evaluate our success. But the COVID virus made this impossible because Pitt Law decided to make all large lecture classes pass/fail, so we could not use grades as a means of evaluation. Students were given letter grades in seminar classes and smaller classes like legal writing but they had the option to elect pass/fail if they were unhappy with the grade they got. We decided to compare legal-writing grades instead of overall second-semester cumulative GPA to evaluate the effectiveness of our interventions, but we realized that this would be a less than perfect solution.

When we compared those grades we did not find any significant differences between the students who received interventions and those who did not. Other studies that *have* shown improved grades after mindset interventions relate to larger populations of undergraduates and were attempting to influence attrition rates among underrepresented students.[117] Mindset interventions targeting belonging, such as the interventions we used at Pitt Law, may be most effective in helping underrepresented populations achieve a sense of belonging.[118] Underrepresented populations are often significantly affected by society's fixed mindsets, and individuals who identify with an underrepresented group may internalize these societal views and particularly question whether they belong in a given environment.[119] Influencing our students' mindsets could potentially affect their grades, but measuring the success of our interventions in terms of GPA, particularly during the pandemic, is too narrow a definition of

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[117] *See, e.g.*, Walton & Cohen, *Brief Social Belonging Intervention*, *supra* note 39, at 1447–48.

[118] Rattan, Savani, Chugh, & Dweck, *supra* note 25, at 722 (noting that "[g]rowth mindsets especially benefit underperforming students, underrepresented minorities, and women in math and science").

[119] Walton & Yeager, *supra* note 67, at 221-22.

success.[120] As we move forward we are expanding the focus of our interventions as well as our means of defining success.[121]

We decided to press on with the final exit survey, but again, COVID presented a challenge for us. We had originally intended to ask all the first-year law students about their experience at Pitt Law and to assess their mindset at that point using the validated questions in our initial survey. We had hoped to get insights into how these students had coped with the transition to law school and overcome the typical challenges a law student faces. But there was no way to do this without appearing tone-deaf to what was occurring around us. There was nothing typical about what our students were facing then and are still facing because of the virus. There was no way to untangle our students' experiences related to on-line learning in a time of fear and uncertainty from their general experiences as first-year law students. We had to acknowledge the pandemic and give them space to talk about the new challenges without allowing the pandemic to hijack our study.

So we created a new survey. At the end of the spring 2020 semester, the legal-writing faculty administered this survey in their final classes, offering a link to it in a chat box on Zoom. All first-year law students at Pitt received the survey, 126 people in all, including the 60 who hadn't been part of our interventions.

In our post-pandemic survey, we included the following question to approach how Pitt's first-year law students were coping during the pandemic: "In extraordinary times, we learn extraordinary things about ourselves. In the space below, please explain some things that have gone well and some things that have not gone well." What we got in return was different from what I was expecting. It captures how buried and burned out these students felt by their regular law school experience.

Some law students reported that the pandemic, a frightening experience, was also giving them an opportunity to step back and breathe. In describing what was going well since Pitt had started doing some self-paced on-line classes—which allowed them to slow down—and transitioned to pass/fail grades—which removed the pressure of being on a grading curve—the students described having the opportunity to reconnect with family and friends because the pressure to perform had been eliminated. Many of the students reported that they were prioritizing health and well-being in a way that they had been unable to do before. They didn't fear the cold calls or looking dumb in class when responding to a question. One student

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[120] *See* Brez, Hampton, Behrendt, Brown, & Powers, *supra* note 71, at 466 (stating "[a]nother possible direction for future research is to identify different measures of student success, such as achievement scores or students' subjective experience rather than grades and GPA. Finally, it may be that multiple psychological intervention 'doses' might be needed to realize an effect.").

[121] The author notes the importance of the empirical testing carried out by Shapcott, David, and Hanson and others mentioned in their article. *See* Shapcott, David, & Hanson,, *supra* note 39, at 28 n.200.

reported that receiving pass/fail grades instead of being on the normal grading curve made it possible for them to learn for the sake of learning.[122] The students expressed surprise at how human their professors' responses had been since the virus began, whereas before the professors had seemed or even presented themselves as infallible. The students' comments suggested that they were able to regain a sense of individuality during the upheaval caused by the initial stages of the pandemic. This sense of individuality was something they had lost during earlier parts of the school year.[123]

Our initial survey, administered on day four of orientation in 2019, shows that when these same students began the year they were filled with enthusiasm. They wanted to learn to be good lawyers. They had unique motivations for coming to law school and confidence in their ability to achieve their goals. They understood that they had shown strong motivation in applying and getting into law school and had every reason to believe that they were positioned to excel there. Nine months later, in April of the same year, our surveys and focus groups show them filled with self-doubt, comparing themselves to others, and undone by the external feedback they received if that feedback suggested they were less than perfect or unlikely to succeed according to their own standards. I was appalled by the possibility that it would take a pandemic for our students to be able to take their self-care seriously or feel good about themselves at every stage of learning. I wondered if we could learn something from this that would help us restructure legal education in a way that would allow law students to balance their lives more effectively. The transition to law school and law school itself shouldn't be an exercise in survival of the fittest, I thought.[124]

This exit survey, administered during the pandemic, confirmed for me that our interventions with our first-year law students must be much more extensive. The interventions need to help our students absorb corrective feedback without being discouraged by it or having it affect their sense of self worth, and help them realize it's impossible to perform perfectly at the outset in a profession that takes years to master. We need a means of helping them grow as attorneys without conveying a message to them that they are somehow failing at these early stages.

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[122] *See* Usman, *supra* note 45, at 391; Fruehwald, *supra* note 85, at 100.

[123] Douglas A. Blaze, *Law Student Motivation, Satisfaction, and Well-Being: The Value of a Leadership and Professional Development Curriculum*, 58 SANTA CLARA L. REV. 547, 549 (2018) (discussing Self-Determination Theory as a way of understanding law students' distress).

[124] Vermote et al., *supra* note 46 (expressing similar thoughts); Krieger, *supra* note 2 (same).

V. Lessons for the Future: Revisiting Adaptive Mindsets

As I prepared my legal writing lessons to deliver on Zoom in the fall of 2020, I realized just how much I'd learned about helping students to engage and maintain adaptive mindsets.

I learned that our 1Ls have few opportunities in general—during "normal" conditions or during the pandemic—to share their law school experiences with others, either because they are reluctant to express to others what the experience is like or because they haven't had the time to reflect on exactly what they are experiencing. When they are asked to talk about their experience, they seem willing and relieved to have the chance to tell me about it. And they seem interested and validated to know that others are experiencing similar things, to know that they aren't alone. To me, this suggests that the simple act of giving students a chance to talk about what's going on with them is one way to have a positive impact on their mindsets and on their experiences themselves. I've also learned that students seem to have a greater sense of what they are capable of achieving when I let them know that I see the effort they are making. I've noticed that my students are better able to accept critical feedback if they perceive that I believe in their capacity to learn and grow.[125] I've noticed that when I assure them that they do have the capacity to learn and grow, they appear to believe it and to believe that my comments on their writing will help them achieve this growth.[126] This in itself seems like progress toward helping them achieve adaptive mindsets. I have learned how important it is for my students to feel that someone is listening to them and that someone recognizes that the commitments and transitions law school requires, in terms of time, discipline, and identity, aren't easy. And I've realized it is important for them to hear that becoming a good lawyer isn't only about first-year grades and finding the perfect job.

As I followed the students who were in their first year during the pandemic into their second year, I learned that they were facing both old and new challenges. They were no longer complete novices in the legal culture but were nevertheless vulnerable to self-doubt and to questions of whether they could succeed in the legal profession. Some of these students seemed scarred by their first year. Some were still wrestling with what it means about them to have received a less than perfect grade in any given course. Some expressed envy toward the 3Ls who seemed so confident and to know so much. Others seemed a little more settled after a summer working in the law. None of these

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[125] *See* Cohen, Steele, & Ross, *supra* note 85, at 1303.

[126] *See* Paula J. Manning, *Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes*, 43 CUMB. L. REV. 225, 245 (2013) (suggesting ways that feedback can be used to support learning.); *see also* Palma Joy Strand, *We Are All on the Journey: Transforming Antagonistic Spaces in Law School Classrooms*, 67 J. LEGAL EDUC. 176 (2017); Rattan, Good, & Dweck, *supra* note 24, at 735-36.

challenges seem different from what 1Ls might feel in a non-pandemic year.

The transitions these law students were facing were all the more complicated because of the pandemic. The 2Ls who initially expressed, during the second semester of their first year, in April 2020, that online learning was going better than they'd expected and that they felt some relief from the pressures of regular law school, now, in September 2020, seemed to be just as anxious as always about grades and final exams and said that online learning during the pandemic made it even harder to share their concerns with their peers. They talked about feeling like they were "on an island" or "in their own little bubble" and not being sure whether they were appropriately anxious or if they were the only one feeling alone or confused. Many of them were also unsure about whether they really belonged or deserved to call themselves upper-level law students because they were evaluated on a pass/fail basis only when the university transitioned to online learning at the start of the pandemic. These 2Ls worried about how the pandemic would affect their personal health and the health of the economy. They worried about finding a job at all, not just finding the perfect job. The latter is something our law students worry about in any year. But these students thought their worries were unique because of the pandemic.

What the pandemic made very clear to me was that almost all of our law students, in ordinary, pre-pandemic circumstances, were overwhelmed and many were too busy to have lives beyond school. The traditional structure of law school demands or encourages students to put their personal lives aside and ignore the toll this can take. For the students in the midst of their first year when the pandemic hit, it was often harder to keep their personal lives tucked neatly away. Students had family members or friends contract the virus or they themselves became ill. Many dealt with unforeseen financial hardships resulting from pandemic-driven closures. Others moved home to be closer to family. Law school had to adapt and as we pivoted, some students expressed that they had a chance to breathe and rebalance.

Law school has always been a hierarchical environment.[127] Professors encourage students to see them as authorities. Students often see their professors as perfect and professors, perhaps not surprisingly, collaborate in this perception. They hide their humanity and vulnerability. This mirrors the courtroom with judges above lawyers, and it also mirrors the social culture from which law school traditionally springs.[128]

The circumstances during the pandemic made it less likely that law professors would seem to be putting their emotions aside. Our

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[127] Jewel, *supra* note 30, at 1156–57.

[128] For a discussion of traditional law school methods, see generally ELIZABETH MERTZ, THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK LIKE A LAWYER" (2007) and Bess, *supra* note 88, at 495 (discussing traditional law school methods).

humanity and our vulnerability were obvious. And the students commented on how the glimpses into their professors' daily lives that our pandemic-online learning provided spurred the students on: If their professors could teach under these circumstances—children wandering into home offices, cats jumping on desks, dogs barking—the students could survive their first year of law school. Our display of emotion when the unexpected but inevitable interruptions occurred, and our acknowledgement—tacit or explicit—that the study of law was not our only priority helped us all to complete the year. My course content was no less rigorous, my standards no less demanding, my expectations unchanged, but my humanity was at times painfully obvious.

The pandemic forced us to change our approach. Indeed, it required us to change our approach. I was acutely aware of my need to help the first-year students who entered law school in the fall of 2020 to handle the additional stress of the pandemic and to help them build connections despite the challenge of physical distancing requirements. For me, this meant taking a risk and asking my students to share their feelings during class time instead of having them just work on legal writing assignments. And I let them know I understood their perceived reality and tried to act on it in some way. This in itself changed my relationship with them and lessened the distance between me and them as we interacted. I intervened more often—asking my students to reflect upon, write or talk about, and share what they were experiencing. I reflected on what they told me and acted upon it where I could to better these experiences. The pandemic gave me a reason to allow more space in my classroom for my students to talk and for me to listen to what they had to say, which in turn gave them space to hear each other. We built a network in this way.

As I prepare to reenter the classroom in person, I intend to keep these lines of communication open and make space for students' to express their needs. All legal educators have the opportunity to provide space in the curriculum for the student experience to be voiced, for the students' perceived realities to be shared. The authors have created a website which makes specific recommendations for legal educators to facilitate focus groups that help law students navigate the law school environment and share and improve their experiences: *Fostering Resilience and Engagement in Law Students,* https://www.law.pitt.edu/centers/fostering-resilience-and-engagement-law-students [https://perma.cc/K5CX-KQWA].].

Legal educators can also simply become more mindful of the need to listen to their students' concerns and address them during classes and in other ordinary venues. If we know, for example, that our students are feeling pressure to study in a certain way, we can discuss this, dispelling the myth that there's only one way to study. If our students tell us that they feel isolated, we can help to arrange social or academic study groups to decrease this sense of isolation. If our students perceive that their underperformance suggests that they "don't belong in law school," we can address that perception as well.

When students worry that their struggles are an indication that they should not study law, we can let them know that law school did not always come easily for us either. We can work toward dispelling the myth that we, their professors, are not perfect or living on a higher plane than they are by sharing our own struggles.

Understanding the student experience is a crucial step toward redirecting maladaptive behaviors and mindsets within ourselves, our students, and our institutions. We want to make this idea a part of the law school culture and are looking for ways to entrench it firmly at Pitt and take it to other law schools. Educators at different law schools may encounter different experiences and challenges and it is important to uncover and respond to the specific culture at the school.

As a legal writing teacher, both my approach to teaching and I myself have fundamentally changed because of this project. I no longer think that some of my students face challenges in their first year. I now believe that all of my students are facing challenges and that the challenges are normal and inevitable. I willingly share with my students the challenges I faced as a law student and continue to face as a legal educator. Before working on this project, I was far more likely to hide my vulnerabilities. At the same time, my critical feedback is more exacting than ever. But it is conveyed in a way that lets students know they can continue to learn and improve, that this assignment was written at a single point in time, and the feedback is not an indication of their potential or their ability to be good lawyers.

The authors are currently working on creating dedicated channels for the student voice, to normalize the fact of challenge and let our students know that everyone struggles sometimes. To this end, we are in the process of recording Pitt Law students—2Ls and 3Ls and recent graduates—as they talk about their own moments of challenge and how they are dealing with them. These unscripted recordings will be posted soon on our Resilience and Engagement website so that current students and future students can easily access them. We are also recording faculty to send the message that the faculty is first and foremost here to support student learning in this competitive environment.

No single intervention, workshop, policy change, or investment will solve all problems for all students. Instead, the process itself is the solution. It is a process that stands on the bedrock of clear and continuous understanding of the students' experiences. We hope to contribute to much-needed change in the culture of law programs across the U.S. Our hope is that students can come to see that they aren't in a hostile, zero-sum, and cutthroat environment where only the top performers are supported and cared for, but instead know that they are in a place where learning matters as much as grades and students trust that their learning will be supported by their peers and professors.