Episode 1: Mindset - The Key to Success in Law School?

Lee Burgess

Hello, and welcome to the Law School Toolbox podcast. We're here to help you get the most out of your law school experience. Your Law School Toolbox hosts are Alison Monahan and Lee Burgess. That's me. We're the co creators of the Law School Toolbox, the Bar Exam Toolbox, the Catapult Conference, and the Trebuchet Legal Career Site.

Alison also runs the Girls Guide to Law School in all of her spare time. Thanks Each episode of the Law School Toolbox podcast is designed to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. We'll talk about academics, careers, and life, since all three are critical to success and happiness.

If you enjoy the show, please leave a review on iTunes. And if you have any questions, don't hesitate to reach out to us. You can reach us via the contact form on LawSchoolToolbox.com, or by emailing Alison, A L I S O N, @LawSchoolToolbox.com, or lee, L E E, @LawSchoolToolbox.com. And with that, let's get started.

This week, we'll be talking about something we believe is incredibly important. Mindset. Specifically, we'll be discussing what is mindset, how does mindset apply to the law school experience? And what you can do now to make sure you have the right mindset for those challenging times that are bound to come up in law school.

So we hope you'll enjoy.

Alison Monahan

Hi, this is Alison. So the goal of this episode is to talk about one of the most important tools you need when starting your legal career, the right mindset. Today we're going to discuss what mindset is and how having the right mindset can really influence your experience and your success in law school.

Let's get started.

Lee Burgess

When we were talking about how we wanted to kick off the Law School Toolbox podcast, it was pretty clear to us that what we wanted to talk about was mindset. We both became somewhat obsessed with the book, Mindset, The New Psychology of Success, by Carol Dweck, who's a Stanford professor, a couple of years ago.

After both reading the book, we realized that a lot of surviving and thriving in law school was really about having the right mindset. Now you might actually be wondering, what do we mean when we use the term mindset? Mindset is a

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frame of mind. It's the way that you view yourself and the world. If you believe that your qualities are carved into stone, then you have a fixed mindset.

You will believe that you only have a certain amount of intelligence.

Your job then is to constantly prove yourself over and over again. And any failure or bump in the road means that you aren't smart or resilient enough. But with a growth mindset, you have the belief that your basic qualities are things you can cultivate through your efforts. Although we are all different in every which way, in our talents, our aptitudes, interests, Or temperaments.

Everyone can change or grow through application and experience. Someone with a growth mindset believes that a person's true potential is unknown and it is impossible to receive what can be accomplished with years of passion, toil, and training. When you fail or stumble, which is inevitable, on your journey, it is simply an opportunity to learn instead of a reflection on your abilities or your intelligence.

Now, as you can imagine, the view you adopt for yourself profoundly affects the way that you lead your life.

Alison Monahan

Absolutely. And if you know anything about either one of us, you can imagine that we are definitely champions of the growth mindset. It isn't always easy to move through the world with this mindset, but it makes a huge difference in law school, your legal career, or even in just life as part of life in general.

Now the growth mindset gives you this passion for stretching yourself and pushing through even when things are not going that well. It allows you to thrive and move forward in the face of challenging times and failure. Let's be honest, for most of us, law school is a challenging time, and it's going to give you some opportunities for failure.

And the legal profession is the same way. I mean, think about any court case. Someone is going to lose. So you're going to have to deal with failure. And we actually really like to talk about failure. That's because it's something that most of us have experienced, but don't really want to share publicly, but failure is okay.

Failure is going to happen. It's how you learn. And in our experience, it's what you do with failure. That's so incredibly important. Is it a learning experience or is it a stumbling block that's going to prevent you from reaching your goals? Is the bouncing back, the learning from failure. That's really where the growth happens.

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Now, how does failure relate to mindset? Well, with a fixed mindset, you look at failure as a threat to your identity. No longer smart, or you're a failure. But you could also look at it as something that happened. I failed, or I failed in this experience and I have to learn from it. Now, it's not like with a growth mindset, failure is not painful.

It's still a painful experience. But it doesn't have to define you and your core identity. It's a problem, but it's something to be faced, dealt with, and learn from.

Lee Burgess

Now let's talk about working hard to show your true potential. Someone with a fixed mindset thinks they are just as smart as they will ever be, or as good of a student as they will ever be.

Putting in an effort to get better becomes terrifying. The reason for this is that in the fixed mindset, you're just smart enough and you aren't supposed to need to put out any great effort. The other tricky thing about studying hard and putting out effort is that you always have an out. I hear this from students all the time.

I could have done so much better if I had only fill in the blank, studied more, read more, gone to office hours, done more practice exams, slept more, not stressed out so much, etc. This type of dialogue is something that we hear from students but is very, very damaging because it basically gives them an out.

They have an excuse for why they didn't put in all of the effort and that's why they didn't reach their true potential. But if you attack school with a growth mindset, you lose all of these excuses that I just mentioned. Because you've done your best and tried everything you can to be successful. You still may not always succeed, but you have put in the true effort.

And this is going to give you the highest likelihood of success. I call it going all in. It places you in a vulnerable position, but it's where the learning magic happens. Carol Dweck says in her book, Important achievements require clear focus, an all out effort, and a bottomless trunk of strategies, and being successful in law school is an important achievement and an attainable one.

We're here to help you develop your bottomless trunk of strategies so you can succeed, and having the right mindset is just one of them.

Alison Monahan

And I think that the idea of having these strategies is so important. I mean, that's one of the reasons that we call our project the Law School Toolbox, because it's really about having a set of tools.

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That you can apply in different situations. No one's, no one is born knowing how to be a lawyer. No one is born knowing how to read a case, but there are things that you can learn and apply over and over. And you will be able to learn these things. You will be able to become a lawyer. So I think that idea of having the right strategy is so important.

Lee Burgess — Yeah, I mean, and I think the other thing that's important to remember is that not one strategy is going to work for everyone. You know, I think that's the other reason why, we like the toolbox idea is that what works for Alison is not necessarily what works for me. And, I'm sure you will recognize this as we continue on in this podcast, Alison and I have very different learning styles, we studied very differently, but it worked for us, you know, and that's really what's important.

Alison Monahan — Absolutely. I mean, I happen to be a very visual learner, and that's not exactly commonplace in law school. You know, my previous degree was in architecture. So for me, I studied by making diagrams. And literally making drawings and people in law school thought this was absolutely crazy, but it worked for me. I know that you study really differently and what you did worked for you.

Lee Burgess — Right, I mean, I definitely was the more traditional law student who liked to make outlines, things that were very linear, but I personally also found that I needed to hand write things that the action of handwriting, which now they've done studies and say that this is actually true for some people, really helped me learn and internalize information.

So I would, you know, take my long, maybe typed up outlines and synthesize them down. onto yellow legal pads because that was really the way that the material was able to sink into my brain, and I was able to internalize it. So, you've got to try these different techniques out and see what works for you, and if the first thing doesn't work you have to be willing to try something else.

Alison Monahan — Yeah absolutely, and I think, sometimes if people find that the kind of traditional way is that if you pick up most books about law school or, you know, you go to academic support services or whatever. They're going to say oh, you know, you have to do this, you have to do that, you have to do this, and if that doesn't work, people sometimes say, well, I'm just not cut out to be a lawyer.

I'm not good at law school. And that's an example of this fixed mindset, where someone with a growth mindset would say, you know, This is frustrating that these tools that seem to work for other people are not working for me, but I'm

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going to try some other things and see what is going to work and I'm capable of learning this.

Lee Burgess And the thing about practicing law is that you, these study skills that make you kind of a quick study are things that you need when you're practicing law too. I know that both,

Alison Monahan Absolutely

Lee Burgess Yeah, both Alison and I, when we were practicing law, we have shared stories about how you will get put on a case and your job is to become an expert in whatever that case is about, incredibly quickly.

Alison Monahan Oh, absolutely.

Lee Burgess Yeah. And it may be something you have no knowledge about whatsoever.

Alison Monahan Yeah. The case that I went to trial on in Delaware, which was like a multi week jury trial, our firm got called in maybe a month or two before trial. And it was some incredibly complicated hardware patent that no one on the team, except the, the electrical engineer lawyer and our expert understood, but we had to at least try to understand it and make it look like we understood it, and it was, it was crazy.

Lee Burgess Yeah. Mine wasn't quite so exciting. I know a lot about welding rods and welding manufacturing, and the metal that you melt when you weld two things together, but you know, I didn't know anything about that when I started, and now I have a lot of knowledge. If anyone has any questions about welding rods, feel free to drop me an email.

Alison Monahan Hey, it's very practical.

Lee Burgess Hey, you never know.

Alison Monahan If that's what you need to know.

Lee Burgess Exactly.

Alison Monahan Never know.

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Lee Burgess

So let's talk about how this mindset would apply to a law school situation that you may run into while you're in law school. So this is an example of how a fixed versus a growth mindset might play out. So here's the scenario:

I don't know the answer when I get called on it in class. And then, later that day, I get a C on my legal research and writing assignment. And then I go to my torts professor to try and talk to him about my torts class, and he turns me away from office hours because I was late, and office hours were closing up in the next few minutes.

So if I have the fixed mindset, these are the things that I end up saying to myself. I am stupid because I didn't get the answer right in class, and I didn't know what I was talking about. I must be a terrible legal writer because I got a C in my legal research and writing class. And my professor must hate me because he wasn't willing to stay late to answer my questions during office hours.

So it feels pretty negative, right, and pretty almost like stifling if you think about it this way, but I think it's so easy to go here to this fixed mindset when things like this happen. And then if you have a growth mindset, the way that you react to the situation can be totally different. You might say to yourself, I should go back and figure out how I could have known the answer to my professor's question in class.

Did I miss something in the reading? Were my briefs inadequate? Do I need to go back and think about how I brief my cases so this doesn't happen again? Should I go to my LRW professor to talk about my grade and figure out why I got a C on this assignment? Because I want to fix what I'm struggling with before we get to the final exam and make sure I don't make the same mistakes twice.

And lastly, I bet I need to start going to office hours early or email my professor to make an appointment because he must be really busy to need to run it out after office hours and I want to make sure I can get some dedicated time. So I hope you can feel the difference between these. To mindsets because the growth mindset is really action oriented.

You're taking this disappointing thing and it's not that you're not upset by the grade or frustrated that you didn't feel like you knew the answer in class, but you're saying, okay, I'm, I'm taking that experience and I'm turning it into an action item so I don't repeat the same situation and I work on bettering myself versus just deciding that those experiences are going to define you and that you work through Shouldn't be doing what you're doing, or you're not going to be a good legal writer, and things like that.

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These common scenarios will come up, you know, you get a disappointing grade, you might have a professor, say something or do something that you take as a slight, or you feel like you make an idiot of yourself in class, and so it's important to know how you're going to react to all of these. You just hope they don't happen in too close connection, like in one day.

Alison Monahan — Yeah, but they probably will.

Lee Burgess — That's true.

Alison Monahan — They always happen together, right? You're smooth sailing, and suddenly, like, you have the worst day on call ever, and you get a terrible grade, and your professor, like, cancels office hours and is rude to you about it, and then you find out that, you know, like, your pet has to go to the pet hospital, and your favorite yoga class is canceled, you know, it's like, It's always all the same thing.

Lee Burgess — It's true.

Alison Monahan — But, yeah, I mean, I think, you know, the key thing here is we all kind of walk through life and think like, oh, you know, reality is this or reality is that. The reality is that maybe I'm not smart enough or whatever. But, you know, the actual gist of it is we basically create our own reality. So it's not that, you know, bad things don't happen, bad things happen to everyone. But we create the ideas around them and that really helps us. Controls how we move forward. I mean, are frustrating and disappointing things going to happen to you in law school? Absolutely. But mindset isn't about not being upset by the state of things. It's about not throwing your hands up and just accepting defeat.

It's really about confronting challenges and continuing to work on them. I mean, that's how you become successful. The most successful lawyers that you think of as, you know, these legal heroes, it's not like they were born knowing how to do that. They had to suffer just like everyone else. So let's talk a little bit about some personal stories about different mindsets.

Lee, do you have anything we can think of where this really applies in your life?

Lee Burgess — I do. So the first time that I think mindset really made a difference for me was I was a freshman in college. I went to Claremont McKenna down in Southern California, and I had come from a public high school in the Central Valley where I didn't have to work all that hard to do that well.

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And then I got to Claremont and everybody was smarter. And felt smarter than I was, and my grades kind of suffered my first year. And I remember going home over the summer and just telling my mom that I didn't think I was smart enough because everybody else seemed to have, it come much easier to them and that I wasn't gonna do that well in school, and that was going to be okay.

And, that was not an acceptable answer for her, and we spent a long time talking about whether or not you should just accept the state of affairs, or you should work hard to try and change them, and it took me a bit of time over the summer to decide to change my mindset, of course you shouldn't call it mindset, but it was this idea that I needed to decide that I could become a better student, I just had to learn how to work harder, learn how to study smarter, and, you know, gain some of these study skills that my peers had because they'd gone to much more challenging high schools than I had.

So I did go back and through trial and error, I did develop some much better study skills, which allowed me to do much better in my classes and graduate with departmental honors and win a thesis award and things like that, which would not have been possible if I just decided I wasn't academically successful.

So in law school. When I went to law school, my first semester, I got a couple grades that I found disappointing. Specifically, the first one was in my legal research and writing class. And I was pretty devastated because I consider myself a pretty good writer, and I couldn't imagine, you know, what I could have done to warrant not doing well in this class.

And so, although, , I entered the scenario with initially the fixed mindset of saying, like, does this mean I'm not a good enough writer, should I have not gone to law school? I then remembered what had happened to me in the past at Claremont, and I decided that it was really my job to figure out why I missed the mark.

And so I spent a lot of time with my legal research and writing professor, studying, you know, what had happened on that last exam, and working very hard to change it for the next semester. And then the next semester, I high scored the class. And for me, I think that was just such a great example of focusing on changing yourself and changing the way that you are experiencing a situation to say, it's not about me not being smart enough.

It's about me not knowing how to do this. And if I learn how to do this, if I learn how to, do the legal writing like they want me to do. There's no reason I cannot be successful, and it worked out really well for me. When I work with students,

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they so often come to me and say, I'm a bad writer. Well, it's like, okay, , that's not gonna get you anywhere.

Alison Monahan Yeah. What are you gonna do with that?

Lee Burgess Yeah, what are you gonna do with that?

Alison Monahan Like, what do you want me to do with it?

Lee Burgess Right, exactly. I can't make you a better writer. Only you can make you a better writer. I can help you learn how to be a better writer, but in the end it is on you. And so I hope if you run into any of these situations, like I did, in both of, you know, my graduate and undergraduate experiences, that you will be able to use that gross mindset to pull yourself out of it, and in the end be much more successful.

Alison Monahan Yeah, I mean I had to laugh at your story about the legal writing because For me, I actually literally failed my first law school exam. Um, luckily it was an ungraded class, but they gave you a pass fail. And I had, you know, done all the reading. I took the class very seriously. I went to all the classes. I even prepped for the exam, like, no one else was doing this. And I went in and I took it and I was like, well, that wasn't so great, like, I kind of freaked out a little bit. Like, I kind of went blank, you know, at the beginning, but, you know, it was fine, like, there's no way that I failed this. And a week later, I got this email from the professor saying, hey, you did not pass this exam.

And there is this moment of like, are you kidding me? You know, like, I'm smart. I worked hard. Like, how dare you tell me I didn't pass this exam? And you know, then there's the mode of like, what am I doing in law school if I can't even pass like an ungraded class? Like, should I even be here? Like, was this all a horrible mistake? Have I moved across the country and spent all this money? And like, I'm a failure. And I think it takes a little bit of time. I mean, there is, you know, it's not like you just immediately write back and you're like, okay, I want to come meet with you and like, you know, talk about why I didn't pass this class.

There's that moment of like, okay, you've got to kind of sit with this for a while, but then really evaluate it. And for me, it was actually a really important lesson, which I think is sort of along the lines of what you're saying about figuring out what people are looking for. Because I realized in my opinion, and I would tell you this to this day, I think that his exam question was badly written. I think he didn't actually ask for what he thought he asked for, but the important lesson I

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took away from that is that my job was not literally to answer the question, my job was to give the professor what they're looking for, and that's a lesson that I took into all of my other exams, and, you know, I typically did quite well on them, but it was definitely this moment of like, you know, There are two ways I could go on this.

You could either decide, okay, I'm a total failure here. I failed, like, literally, I failed the exam. I am a failure. Or, how did this happen strategically, and what can I do about it going forward? And, you know, I think, you know, probably all of us can look back on our lives. I mean, for me, I went away to boarding school when I was 16, and suddenly I went from being, you know, the big fish in the small pond to being the small fish in the big pond.

And my grades weren't great, and it was much harder, and I did feel like people were better prepared. And objectively speaking, they were better prepared. You know, they had gone to better schools. I was at a not very good school in rural North Carolina. You know, nobody, nobody had prepared me for that experience.

But, it's something that you carry with you, that idea of like, okay, I've done this once. I can do it again. And, you know, the reason, frankly, that I went to architecture school was because I really wanted to get comfortable with failure. Because I think getting comfortable with that and viewing it as a process is so important.

You know, a lot of what I learned in design school directly applies to law school. You take the work seriously, but you don't take it personally. You know, things about iterating and trying things and seeing how they work. These are things that, you know, skills that I actually use in law school as well.

But ultimately, really, I did it because I knew I'd be bad at it. And I was bad at it. And I mean, it's, it's interesting because it kind of offends people when they ask why, you know, why are you not an architect? You did three years in architecture school, like, why aren't you practicing? And I tell them, well, because I wasn't very good at it.

And people are really uncomfortable with that. They don't like to hear people say that they're not good at something, but I mean, that was kind of the reality. And what I came to realize was I could work hard enough to be an architect. You know, I graduated, I was basically competent, but ultimately it wasn't something that I was like sufficiently talented at, that it made sense for me to do it.

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And I think this is a tough call. I mean, this is sort of a tough question about this fixed versus the growth mindset is like, at some point, You know, as you said earlier, we all have our natural skills and interests and talents, and it's not that we can't overcome the lack of a particular talent, but you know, the reality is, I will probably never be, you know, in the women's NBA, and that's okay, but I think people are too quick to sort of say, well, I'm just not smart enough, or I'm not talented enough. But on the other hand, I mean, And, you know, certainly we hear from law students who say, look, I've been struggling for a year and a half now. My grades are really terrible. I'm not sure I want to do this. I just don't think that this is like the right fit for me. Is it okay for me to leave law school? And I think the answer is yes. Like, that's totally okay. But I think you also just can't give up when you hit a roadblock and say, okay, this is not for me. So I don't know. Do you have any thoughts about that, Lee?

Lee Burgess

Yeah, I do think that that's the tough, tough point is when do you, you know, still decide that you want to give up or you want to stop? I think you can use the growth mindset to get to that point. I mean, you can, You know, we, as earlier in this podcast, we talk about having the excuses, right? And if you have truly tried everything and you've gotten extra help in law school and you've worked on your writing, you've met with your professors and you still feel like you're not getting anywhere, then maybe you can just say, this really isn't the path for me.

But you don't have a bag of excuses to say, because You know of X, Y, and Z

Alison Monahan

Right. And at that point, you know that, look, you know, I tried everything I could possibly think of. I got all the help I could get. You know, I pulled in all the resources that were available to me and this still is just not working.

You know, that's different from saying, well, you know, I know I could have done it if I just like worked a little harder. Like, that's not the way that you wanna go through life. Like, you're all in on something.

Lee Burgess

Right.

Alison Monahan

And then if it doesn't work out, like I have no qualms about having gone to architecture school and interestingly.

People are not hung up on the idea that like, I should be an architect just because I went to architecture school. So I think lawyers are sometimes, you know, you get the sense of like, Oh, what do you mean? You're not practicing.

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You went to law school. It's like you still took away something from that experience.

You know, I learned more in design school that I use every day than in any other education that I've ever done. So it was valuable to me even though on some level like I wasn't that good at it. I maybe shouldn't have even been there. And I'm not actually working in that field, but that's okay.

Lee Burgess

I think that then it really comes down to it's all part of the journey, right?

You take, you take what you can from these experiences and you move on. It's just whether or not you let these experiences define you, you know, and then if you aren't successful in law school, then you say, well, I'm not a smart person because I wasn't successful. It's just like, well, maybe law school is not the right fit for you.

That's okay.

Yeah, maybe your talents are leading you somewhere else and that's absolutely okay. Well, I mean, hopefully we've convinced you to some extent that having the right mindset is one of the keys to success in law school and elsewhere. We hope so. But maybe you're scratching your head as to how to change your mindset.

You know, maybe you're one of those people who says, you know, I just believe that like I'm good or not good at things. Well, luckily there's good news. Changing your mindset is possible, and it's completely up to you. And there's actually studies that have been done showing you can really even change your brain, which is kind of fascinating.

So you have a choice of what mindset you're going to be in, and you can make these choices throughout the day. You can always be on the lookout in your head for when you hear yourself saying things with a fixed mindset and you can actually stop and challenge yourself to change your growth mindset.

So, you know, if you get called on in class and it doesn't go as well as you like, instead of going out of class and saying, God, you know, I'm going to fail this exam. I don't know anything. I'm like the worst person in class. Everyone else is smarter than me. I think you can literally take a step back and say, okay, that was disappointing.

I don't like the way that that went, but let me think about what I might have done that contributed to that. Or even, you know, it might not be you. It might

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be a professor asked a stupid question. I mean, they're not perfect either. I can guarantee you your law school professors sometimes go back to their office after class and like shut the door and slam their head into the, you know, into their desk and say, God, that class went terribly.

Like, I made this student feel horrible and it was all because I didn't know what I was talking about. And I was off on some weird tangent and, you know, I don't really know what was going on there, but that was not a good class. So it might not even be about you. And there've been a few different articles circulating recently about mindset.

And how it can really make a difference in your academic performance. And even though these are outside of the law school environment, they absolutely apply to the law school experience. And we can link to some of these articles in the program notes. But one thing they talk about, and that Professor Dwick mentions in her book as well, is that you could actually pre plan how you're going to react when you encounter problems or obstacles.

And you could write these plans down in a journal, for example. And refer back to your notes when something comes up. So, you know, for example, you could actually have a plan for what you're going to do if you have a really bad day in class. Are you going to call a friend? Are you going to call your parents?

Are you going to talk to a certain classmate? You know, are you going to go on a run or go to yoga or take a walk with your dog? Whatever it is, you can actually write this down. So, we'd encourage you to try it. Just write down exactly what you do, what you're planning to do, when you feel overwhelmed with your reading load, or you get a bad grade, or you get feedback.

And if you're a new law student, or even a current law student, now during the summer is a great time to think through your mindset, and think about how you want to accept the challenges of the upcoming semester, because we can guarantee you there will be challenges. Now, if you're a returning student, Did you get a grade that you weren't happy with?

What are you going to do about this? Are you just going to say, Oh, I'm not, you know, I'm not good at contracts, or are you going to maybe take actually a more advanced contracts class because you want to get better at it? How are you going to go all in to be more successful? Mindset is something we all need to think through and continue to work on.

And hopefully this discussion has just encouraged you to think about your own mindset as you move forward in your day And as you go back into the law school

experience, so we'd strongly encourage you to get the mindset book. We think it's well worth reading. It's a quick read and we'll link to it in the show notes so that you can get yourself a copy.

And in the meantime, if you enjoyed the law school toolbox podcast, please leave a review on iTunes. We would really appreciate it. You can also subscribe. So you'll never miss one of our upcoming episodes. We'd love to hear from you and hear your stories about mindset or anything else law school related.

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