

Carlos: Closed captioning for this episode is available thanks to the office of disability services at the Syracuse University college of law.

Carlos: Hello everyone and welcome to another episode of the Syracuse University College of Law's Academic Success Series. My name is Carlos Negrón, I am a second-year law student here at the college of law and a fellow with the academic success program. Joining me today is the Director of the Office of Academic and Bar Support, Professor Kelly Curtis.

Curtis introduction: Hi Carlos, I am excited to be here with you today and discuss expert learning strategies for law students.

Carlos: And professor I am also very excited to have you today because today's topic is one that many students' struggle with, I know I struggled with it as well, which is how are we assessing our learning in law school.

I think the reason many students have difficulty with this is because self-reflection in law school is hard. We are so busy with the next class, the next interview, the next test, that we rarely consider pausing to self-reflect on our learning. Having you here today professor, will make for a very interesting conversation because while all the students are taking part in that rat race of law school, you, as a professor, get to observe us from a different vantage point and comment on what students are doing right and what they're doing wrong.

Curtis: Yeah, that's right Carlos and I would say that self-reflection is hard everywhere not just in law school (both speakers laughing). It's not very fun to struggle or fail at things and we are going to discuss today, how do you actually take that and empower yourself with it to become a better learner and more successful student which is really what the strategies we are about to talk about today are about. So, we will discuss the type of learning you should be doing in law school and how that connects to your success so that as you go through the semester, you become a stronger learner and begin to see that translate to your success.

Carlos: Now Professor Curtis why is learning in law school different?

Curtis: I think that learning in law school is so different partly because law school itself is so different. You will have so much work to do day-to-day and so much difficult and dense content to master that if you don't have deliberate strategies in place to take control of your own learning, you'll have a hard time succeeding. And I am absolutely not saying that there is any student admitted to this law school who cannot succeed here academically. I am saying that you have to formulate a plan, execute that plan, reflect on that plan, and revise as necessary in order to achieve success. So, I am hoping to shed some light on that today. Before you become an expert in law, you have to become an expert in learning the law.

Carlos: Now Professor, we have mentioned the term "expert learner" a lot, a student who is not an expert learner, what do they do?

Curtis: In my observation they are passive learners; that's what most defines a not expert learner. They wait for professors and upper-level students to teach them things. When hard concepts come along, and hard concepts come along on day one of law school and they don't immediately grasp them they start to blame others or things outside of themselves. Or they wait for revelations to occur. They don't have good study habits or set clear goals. They don't plan, and because they don't plan, they're not doing anything to actively monitor their learning or their progress. So, they don't take on tasks that require new abilities, often try to avoid challenges, and struggles and discomfort. And maybe most importantly a thing I really hope anyone listening to this takes away is- they continue to use the same learning strategy even when it is obvious that it is failing them.

So, what I mean there is- you know, if you're outlining in a particular way and you're not mastering the content and you don't do well in your exams, it makes no sense to outline the same way the next semester. You have to say, "that didn't work in the way I wanted to, I'm gonna make a new plan and execute it."

So, I think those are the most common issues I see with students who struggle in the first or second semester of law school.

Carlos: Professor, it's really interesting to hear you say all this because, the more you talk the more I feel like you are describing me prior to law school. In my undergrad, I had all these traits, yet I was successful, I received good grades and I even made it all the way to law school. So, people who are not expert learners are now probably asking themselves "all of these things have brought me success in the past, so why change it now?"

Curtis: (laughing) It's funny Carlos, I had the same bad habits in college too. (Carlos laughs) Many of us could succeed academically in college without a plan, or very deliberate learning strategies, right?

Again, like knowledge, prior to high school many of you had traits that are not consistent with expert learning, you got great grades, maybe even straight A's. But now that you are at law school the material, the learning style and the learning structure are very different than they were in college.

Carlos: Oh yeah.

Curtis: You might continue to rely on some strategies that you used in past educational settings, but I promise you that every student coming into law school also needs to develop some new strategies. It's not a good strategy to only rely on only what got you here. You must be always attentive to whether your current strategy is, again, failing you, because the semester goes by quickly and first year grades are important.

Carlos: This certainly resonates with me because I certainly felt a big change from undergrad class to law school.

In undergrad, the material was distilled for me by professors. As long as I memorized the material, I felt confident about being tested on it. But in law school, the onus is on me to finding what is relevant. I must first be a detective then a student. The more material I have assigned, the better a detective I have to be, or else I will drown in all the reading.

Curtis: Yeah. And what you are describing Carlos is just part of the transition from student to professional. Right? That is what law school is. The start of your professional career. You are no longer just a student, but a professional in training. So, once you start working on actual cases you will not be given information, no one will distill it for you or put it in a packet that is easier to understand. You will be tasked – YOU will be tasked with the legal issues that you have find the answer to and so, in law school, we have to teach you that skill. You are becoming an expert learner who does not wait for the learning to come to you, but instead takes control of it for yourself because attorneys have to do that every day.

On that issue of distilling information, I think this is one of the things that most shocks new law students, it's that is a real hurdle to overcome. (Carlos laughs) Why? First, you read original source material here. You will not read any textbook author's summary of the law or the important points. You will read the cases in the form that they were produced by, and for, lawyers and judges. That's very different than say, a biology textbook you read in college. You didn't read original studies. You read a distilled summary. So that's a big adjustment to make in your learning.

Then on top of it, in law school your professors are not going to distill that information in class either. They will lead you through discussions to explore the content in the ways lawyers analyze factual problems. This is to teach you to think like—again—to think like and eventually become—a lawyer. But in this model, almost all of the onus is on you to master the material and seek help or clarification when you need it. I think that's why it's important that you connect this skill of being an expert learner with the skill of being an attorney. SO, it makes, it gives you a motivation to keep doing it. So that is why you have to become an expert at learning itself. Because lawyers learn for their entire careers.

Carlos: Yeah, it's important to *keep your eyes on the prize*, so to speak. Now professor, you have told us who isn't an expert learner, tell us who is.

Curtis: Yeah, there are common traits that people share who are expert learners. So, expert learners tend to view academic learning as something they do rather than something that is done for them. They are exceptionally proactive about their learning. They process the initiative and motivation to learn. They consistently set goals for themselves, and, most importantly, monitor whether they achieved those goals. And in the monitoring, they assess themselves honestly. So, if they didn't achieve a goal, they admit "I didn't achieve that goal" and they make a new plan. They are strategic about their learning and thinking. They are interested in the

subject matter. And sometimes you have to stimulate that interest, you know that Carlos, not every subject is going to excite you.

Carlos: Oh yeah, some cases are dense.

Curtis: Right. But they find a way to stimulate their interest in the subject matter. They are well prepared. They come ready with comments and questions and ideas because they have engaged the material. They identify problems in their learning process, and they solve them. And when they fail, or when they do not understand something, they have the courage to admit it. And they have the drive to rectify that failure to remedy the lack of understanding. So those are the common traits I see in individuals who are expert learners.

Carlos: And we were speaking off-air, and you mentioned that there are three steps that expert learners perform. What steps are those?

Curtis: Well, I guess Carlos I misspoke a little bit there. (Carlos laughs) More precisely, it's a four-step process, it's just that the first doesn't really reflect a tangible action. But let's start with that and get to then get to the three concrete actual steps of expert learning, okay?

The first part of becoming an expert learner is to adopt a growth versus a fixed mindset. And the traits of a growth mindset are people with growth mindsets prefer challenge over success. That leads them to select difficult tasks even though it may initially result in failure.

Carlos: They don't run from that.

Curtis: They don't run, they face up to it. Second, view hard work and even struggle as a necessary part of improving skills. And last, understand that failure is a necessary part of growth, and they take that attitude toward failure. By contrast the traits of a fixed mindset are individuals who prefer success over challenge. Which means they consistently select tasks where failure is very unlikely.

Carlos: They take the easy road!

Curtis: They take do sometimes take the easy road. They give insufficient effort so that any failure can later be attributed to a lack of effort rather than a lack of ability. And tend to view failure as indicative of an actual lack of ability. Right. So, what does that tell us Carlos? It tells us that when we operate from a fixed mindset we don't respond very well to difficulty and failure. It's because in a fixed mindset, we see failures as permanent or unchangeable. As pervasive instead of limited to a very particular context, and the result of personal failure because of some unfixable internal flaw. Right? And those with growth mindsets are the exact opposite. They see failure as temporary, context-specific, attributable to a particular problem and absolutely changeable. And so, here's how this ties back to law school. You. Will. Absolutely. Fail at things in law school. It is inevitable. What will make the difference is how you respond and adapt when it happens. So, do you take that fixed "it's just me, I can't do it, I'll never make it here" or do you say, "that didn't go the way I wanted it to go, I'm gonna make these

adjustments, I'm gonna do it differently next time believing I can succeed." And that makes a huge difference for students.

And before we move on from this point, I want to say that mindset is, to a limited degree a matter of personality or a product of our past experiences. I'll confess right here that for many years I primarily had a fixed mindset and that absolutely held me back in some aspects of my life. But I am here as proof that mindset can be changed with effort. There are many others like me in this law school and in this world (Carlos laughs). So, if you are a person who tends to have a more fixed mindset, take hope that you can change that mindset in your approach to your law studies and develop a more growth-oriented mindset.

Carlos: Okay so mindset, as we say in law school, is a "threshold issue."

Curtis: (laughing) Yes. Yes, it is. (Continues laughing)

Carlos: Once you get past that, what are the concrete steps for expert learning?

Curtis: So, the first and most important concrete step is to make sure you actually plan to succeed. There are a few things students need to do here, you need to sit down regularly and take an account of the tasks you need to complete. Both, in a day, in a week, in a month, in a semester right. You need to set those out, you need to look at those and figure out "how am I going to achieve completion of those tasks?" So that can be everything Carlos from "how am I gonna do my reading for my first torts class this week?" to "how am I gonna complete that section of my outline" to "how am I even gonna get out of bed and get to class today?" (Carlos laughs) (Curtis laughs) Right? There are a lot of things happening, but you have to figure out everything you need to do. You need to classify that task and say "Okay, these are the things I need to do" then you have to set goals with respect to your tasks, and they have to be effective goals.

Just to remind everyone, effective goals are always concrete, short-term, challenging, realistic, and achievable. So, you don't want to take too much on, or you will never achieve the goal. You want to time-bound it, you don't want to say, "at some point this semester I will outline" (Carlos laughs) right? Cause you will get to exams, and you won't have done it.

Carlos: (laughing) Not a great goal.

Curtis: Right? Not a very effective goal (Carlos laughs) it's a good goal but it's not a very effective way to get there. So, you set goals then you select strategies to actually achieve the goals that you have set out and at that point you should be well on your way to discovering the strategies that work for you. Cognitive strategies (ways you actually learn), motivational strategies, cause again, I'm gonna be honest with everyone here, there are gonna be a lot of days in law school you do not want to do it. You have to find a way to motivate yourself through the time you are not feeling naturally inspired to study law. And you might have environmental strategies in there too. I meet students every year who say, "I was always

studying at home... it wasn't going well, I switched to the library and things go infinitely better" and the reverse. (Carlos "Um-Humm")

Right. So, it's all about having a plan, setting goals, and choosing strategies likely to get you to achievement of your goals. Then, the second concrete step, you just have to execute the plan. You have to actually just do what you set out to do in your plan. And there's a couple things going on there. You have to focus your attention. You have to be attentive to the implementation, and most importantly you have to self-monitor your progress in the actual execution of your plan. So, that might be you monitor "how much am I comprehending, how efficient have I been, what's my environment been like, did I seek help, do I need to seek more help, where's my attention level with respect to these tasks?" So, self-monitoring and executing the plan are the most important part of that second concrete step.

Carlos: And I think that self-monitoring piece is kind of the biggest shock to students in law school because they seem to think that it's the professor who must "self-monitor" them. But that's not really what an expert learner does, is it?

Curtis: No, and in law school you're gonna have some classes where you are not going to get a piece of formulized feedback until you get a grade for the course.

Carlos: That's right.

Curtis: So, if you have not monitored your own progress, the only thing you are going to get from the professor will be after it is done and there is no chance left to modify or develop a new strategy. So, yeah, I agree Carlos, it's one of the hardest things for people to realize they have to monitor their own mastery. And I will just pause here for a second to point out that this is another thing that happens to students to often and it is avoidable. In law school it can be easy to just study by reading, re-reading, re-reading, looking again, reading, putting it in an outline and then reading that. The familiarity breeds a sense of mastery that is not accurate. You think because you have read it so many times and it's so familiar to you that you really understand the law and how it applies. Most students don't discover that they do not have mastery until they have to put the law into application and that brings us to that next, last, concrete step which is the reflection phase.

So, in the reflection phase you have to self-evaluate your performance, your mastery. In law school there is really just one way to do that, you have to sit down and do hypos and practice problems to see if the law you are pretty sure you have mastered is really mastered or not. You have to sit down and do those problems. You have to compare them to a sample answer, maybe from your professor, maybe from a book, maybe from an academic support. Then you have to figure out, honestly, "how well did I do at that task?" Does it really suggest you have mastered it or not? If not, you have to attribute that to something, honestly again. SO, maybe you have to say, "I didn't really put enough time in, or I didn't get enough sleep, or I did it in a bad location like a busy coffee shop." You have to attribute it to something; you have to react by then saying, "I'm not gonna do that again because it didn't go very well" and then you have

to adapt. In that reaction piece, that's where the emotions happen. That's when you get discouraged, defeated, start saying to yourself "maybe I never should have come here." Let those feelings be there. Honor them. You don't have to push them away or ignore them. You can say "that doesn't feel very good, I didn't do very well on that hypo, I don't feel very good" but then you have to push through to adaptation. You have to say, "it feels uncomfortable but I still need to push through to the next thing here so I can be more successful."

Carlos: And for our listeners who might be new to law school, the term "hypo" might be a little challenging but feel free to check out our other episode, one specifically on "Hypos: what it is and understanding them"

Curtis: Also, remember with respect to these three concrete steps, this is not a linear, one-time process. It is a recursive experience; it will be something you repeat throughout law school and frankly, throughout your career. I still have to use these strategies when I tackle new information, skills, etc. Right. So, you repeat that process I just gave you, those three steps over and over. You refine as you go until one day you discover that you can confidently tackle new and difficult learning and that is my hope for all of my students. That through the process of doing this they reach the place where they know "I am confident, I can go into a new course, I can have a new professor, I can go from the first year to the second year, and I have what I need to be successful at Syracuse University College of Law."

Carlos: Well professor, thank you very much for that wonderful explanation. That concludes our episode for today. Thank you for joining us. Professor Curtis, it has been a pleasure to share the microphone with you.

We hope you will tune in to our other episodes, and if you wish to know more about Professor Curtis or the Office of Academic Success at the Syracuse University College of Law, please see our episode notes.

Curtis: Thank you for listening.