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The Future's So Bright, I Gotta Wear Shades: Law School Through the Lens of Hope

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The Future's So Bright, I Gotta Wear Shades¹:

Law School Through the Lens of Hope

Allison D. Martin and Kevin L. Rand

Law students need hope. In the Carnegie Foundation's recent report about legal education, *Educating Lawyers: Preparation for the Profession of Law*, the authors stated, “Critics of the legal profession, both from within and without, have pointed to a great profession suffering from varying degrees of confusion and demoralization. A reawakening of professional élan must include, in an important way, revitalizing legal preparation.”² They urged legal educators to begin this revitalization and reawakening in the law school environment.³ Legal educators can accomplish these goals by engendering hope in their students. Research by Dr. C.


³ *Id.*
R. Snyder, the father of hope theory,\(^4\) and his progeny has shown that hope improves academic performance and psychological well-being among undergraduate students. This article applies hope theory to law students and concludes that instilling hope can and should be an aim of every legal educator.

Part I of this article will discuss why hopeful thinking is important to law students. Part I will introduce the well-documented discontent of law students and, ultimately, lawyers. It will then describe hope theory, which is a cognitive model of human motivation. Next, it will highlight our study of hope, optimism, academic performance, and psychological well-being, and examine the results of other research based on hope theory. Part II of this article will identify ways that legal educators can engender hope in their students. Specifically, it will discuss five principles: (A) help law students formulate or reframe goals; (B) increase law students' autonomy; (C) model the learning process; (D) help law students understand grading as feedback rather than as pure evaluation; and (E) model and encourage agency, which is defined as motivation or willpower. These principles are also grounded in learning, composition and instructional theories. By employing these principles, legal educators can build hope in their law students, thereby building a happier and more competent generation of lawyers.

I. WHY HOPE IS IMPORTANT TO LAW STUDENTS

\(^4\) C. R. Snyder was the M. Erik Wright distinguished professor in clinical psychology at the University of Kansas. His internationally-known work on the human needs for uniqueness, hope, and forgiveness made him a pioneer in the field of positive psychology. He wrote or edited 23 books and authored over 260 scholarly articles.
A. LAW STUDENT AND LAWYER DISCONTENT

Although research has shown that law students begin their first year of law school with normal or even higher levels of well-being than undergraduate comparison groups, research has also shown that these levels significantly decline over the course of the first year.\(^5\) Indeed, studies have shown that law school is a “breeding ground” for depression, anxiety and stress-related illnesses.\(^6\) “Self reports of anxiety and depression are reportedly significantly higher among law students than the general population or even medical students.”\(^7\) Other studies have noted “the high risk that students will respond to the stress of law school by becoming alienated, withdrawing psychologically and intellectually from the learning experience, or turning to alcohol or drugs for relief.”\(^8\)

Further, research has shown that, unfortunately, these problems do not stop when law students graduate. According to one study, out of 104 professions, lawyers have the highest rate of depression, suffering at a rate four times the general population.\(^9\) Other studies have shown


\(^6\) Ruth Ann McKinney, *Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?*, 8 Leg. Writing 229, 229 (2002).

\(^7\) *Id.* at 230.

\(^8\) *Id.*

that lawyers have higher rates of anxiety than the general population\textsuperscript{10} and greater frequency of substance abuse\textsuperscript{11}.


After reflecting upon these dim findings, we have now become dedicated to improving law students’ educational experience - to help improve their outlooks and well-being while in school, which may ultimately lead to better outlooks and well-being when they become lawyers. And we are not alone. A movement to humanize legal education, led by Florida State University College of Law Professor Lawrence Krieger, is afoot.12

Building on the work of Dr. C. R. Snyder, the father of hope theory, we decided to conduct a study about hope, optimism, performance and well-being in law school. Because our study found that optimism did not predict law school academic performance, we will not discuss

12 In 2006, the Association of American Law Schools held a workshop on humanizing legal education at its annual meeting and created a section on Balance in Legal Education to address these issues. In 2007, the first ever Humanizing Legal Education symposium was held at Washburn University School of Law. See Michael Hunter Schwartz, Humanizing Legal Education: An Introduction to a Symposium Whose Time Came, 47 Washburn L.J. 235 (2008). In addition, Professor Krieger has formed a Humanizing Law School list serve and website at www.law.fsu.edu/academic_programs/humanizing_lawschool/humanizing_lawschool.html (last visited on August 21, 2008).
optimism in this article. Instead, we will focus solely on hope, which predicted both academic performance and life satisfaction in our study, and its implications in legal education. Before discussing our study, however, we explain hope theory to provide context.

**B. HOPE THEORY**

Interest in the study of positive psychology - how human strengths influence performance and well-being - has been on the rise. One member of the positive psychology family is hope.

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See Kevin L. Rand, Allison D. Martin, & Amanda M. Shea, *Hope and Optimism in Law Students: Influences on Academic Performance and Life Satisfaction* (submitted for publication in 2008). The difference between hope and optimism is a function of control over anticipated outcomes. Hope is more strongly related to expectations for outcomes within a person's control, whereas optimism is more strongly related to expectations outside of a person's control. For example, a student can be hopeful about getting good grades, an outcome within a student's control based on study habits and the like; in contrast, a student can only be optimistic that it will not rain on graduation, an event over which the student has no control. See Kevin L. Rand, *Hope and Optimism: Latent Structures and Influences on Grade Expectancy and Academic Performance*, J. Personality (in press).

Our findings related to optimism were inconsistent with findings in a study conducted at the University of Virginia School of Law in 1987. See Jason M. Satterfield, John Monahan, & Martin E. P. Seligman, *Law School Performance Predicted by Explanatory Style*, 15 Behav. Sci. & L. 95 (1997). In that study, greater pessimism predicted better academic performance in law school. However, the conceptualization of optimism was different in the two studies. In the Virginia study, optimism was defined as explanatory style; in our study, optimism was defined as a generalized outcome expectancy and measured using the Life Orientation Test - Revised. See Michael F. Scheier, Charles S. Carver & M. W. Bridges, *Distinguishing Optimism from Neuroticism (and Trait Anxiety, Self-Mastery, and Self-Esteem): A Reevaluation of the Life Orientation Test*, 67 J. Personality & Soc. Psychol. 1063 (1994). This difference may account for the inconsistent findings.

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See Martin E. P. Seligman & Mihaly Csikszentmihalyi, *Positive Psychology: An Introduction* 55 Am. Psychologist 5, 13 (2000). The rise of positive psychology gained momentum in 1996, when Dr. Seligman was elected President of the American Psychological Association; one of his major initiatives concerned Positive Psychology. Since 2000, Dr. Seligman has focused on promoting the Positive Psychology field. Recently, he began the first ever Masters in Applied Positive Psychology program at the University of Pennsylvania. U. Pa., *Authentic Happiness*, http://www.authentichappiness.sas.upenn.edu (last visited September 16, 2008).
Hope theory is a cognitive model of human motivation," which explains "goal-related thinking".

In his hope theory, Dr. Snyder describes three interrelated concepts that provide the bases for his model. These concepts are: goals, pathways thinking, and agency. We first define each term and then describe how each interacts with the other and with emotions to reach a goal.

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17 *Id.* at 9.

18 *Id.*
Goals are “the endpoints or anchors.” They represent mental targets that guide human behaviors. According to the theory, for hope to play a role in attaining a goal, the probability of attaining that goal must be somewhat uncertain. For example, pursuit of a goal that is easily attainable does not require hope; on the other hand, pursuit of a completely unattainable goal is counterproductive. In addition, a goal must have enough value to hold a person's conscious attention.

Pathways thinking is a person's perceived ability to produce ways to reach a goal. In other words, pathways thinking involves creating strategies to reach one's goal. The more strategies a person can generate to attain a goal, the stronger that person's pathways thinking is.

19 Id.
20 Id.
21 Id.
22 Id.
23 Id.
24 Id. at 11.
Indeed, high pathways thinkers often develop preferred and alternate strategies to reach a single goal.\textsuperscript{25} Thus, the ability to plan and prepare are important traits for pathways thinking, which becomes especially important when a person encounters a blockage or barrier to a particular goal\textsuperscript{26}.

\textsuperscript{25} Id. at 10.

\textsuperscript{26} Id.
“Agency is the motivational component to propel people along their imagined routes to goals.” Agency thought involves a person's motivation or “willpower”. It can reflect a person's motivation to begin reaching for a goal or to persevere through a goal pursuit. A person's energy level and determination are therefore important traits for agency thinking. According to hope theory, “the agency and pathways components enhance each other in that they are continually affecting and being affected by each other as the goal pursuit process unfolds.” Within the context of hope theory, emotions result from thinking about one's goal.

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27 Id.

28 Id.

29 Id. at 10.


31 *Handbook of Hope, supra* n.18, at 10.
pursuit.\textsuperscript{32} Emotions provide useful feedback about the relative progress of a particular goal pursuit.\textsuperscript{33} “[T]he unimpeded pursuit of goals should produce positive emotions, whereas goal barriers may yield negative feelings.”\textsuperscript{34}

\textsuperscript{32} \textit{Id.} at 11.
\textsuperscript{33} \textit{Id.}
\textsuperscript{34} \textit{Id.}
Although goal blockages produce negative emotions in everyone, high-hope persons\(^{35}\) tend not to have as intense emotional reactions as their low-hope counterparts.\(^{36}\) Instead, they experience less negative and more positive emotional responses - probably because they can generate alternative strategies when blocked.\(^{37}\) In addition, high-hope persons, as compared to low-hope persons, are better able to motivate themselves.\(^{38}\) Thus, “hopeful thinking not only should facilitate success during unimpeded goal pursuits, but it should be especially helpful in the face of blockages or barriers.”\(^{39}\) Because law students must navigate many blockages or barriers on their way to becoming lawyers, we hypothesized that hopeful thinking would be an

\(^{35}\) Throughout the article, we refer to high-hope individuals or low-hope individuals based on their scores on the Adult Hope Scale, which is discussed in more detail below. Infra n. 45.

\(^{36}\) Id.

\(^{37}\) Id.

\(^{38}\) Id.

\(^{39}\) Id. (emphasis in original).
asset to them. To test this hypothesis, we conducted an empirical study.

**C. OUR STUDY OF HOPE, OPTIMISM, ACADEMIC PERFORMANCE AND PSYCHOLOGICAL WELL-BEING IN LAW SCHOOL**

Our study was conducted to answer two questions: (1) whether hope and optimism predict academic performance in law school above and beyond Law School Admission Test (LSAT) scores and undergraduate grade point averages (GPAs); and (2) whether hope and optimism predict psychological well-being in law school.⁴⁰

At the beginning of Fall 2007, we solicited all entering first-year law students, both full and part time, to participate in our study to be conducted during their first semester. Our recruitment efforts included making a request at orientation, sending out flyers and emails, and attending an activities fair. In exchange for their participation, we offered a chance to win an iPod or a university bookstore gift card. Our recruitment efforts yielded a sample size of 86/300 first-year law students, or 28.67% of the first-year class.

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⁴⁰ Although the purpose of this article is to discuss our findings related to hope, it is important to describe all of the variables that we measured in our study. We will not discuss our other findings related to optimism, however, and we only highlight parts of the study in this article. For a full discussion, see Rand, *et. al, supra* n. 15.
Participants were asked to complete online surveys at the beginning and end of the semester. The surveys requested that the participants complete psychological assessments. The first survey also requested that participants self-report certain demographic information, their undergraduate GPAs and their LSAT scores. In addition, we obtained their consent to obtain their law school GPAs at the end of their first semester.

Based on the demographic information reported by our participants, we determined that the mean age of our sample was 26.33 years, which was not significantly different from the mean age for the entire first-year class of 26.00 years. The ethnic composition of our sample was 81.4% Caucasian, 4.7% African American, 3.5% Asian American, and 2.3% Hispanic Americans. The remaining participants identified their race as “other” (1.2%) or failed to indicate their race (7.0%). This ethnic composition closely corresponded with the overall first-year class ethnic composition, which was 78% Caucasian. As for gender, the sample was 62.8% female, but the entire first-year class was only 47% female. A statistical test showed that female students were slightly more likely to participate in the study than males.

Related to our sample's academic representation, the first-year class had a mean undergraduate GPA of 3.47 and a mean LSAT score of 153.80. Two one-sample t-tests were conducted comparing the undergraduate GPA and LSAT scores of our sample to the mean levels for the entire first-year class. The sample mean undergraduate GPA was not significantly

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41 At the midpoint of the semester, participants also completed a questionnaire measuring stress and coping behaviors. Given the small sample size, however, we only examined the variables from the surveys at the beginning and end of the semester.
different from the mean undergraduate GPA for the entire class; however, the sample's mean score for the LSAT was higher than the entire first-year class mean score.

In our surveys, we used psychological assessments that measured our sample's level of hope, optimism, and life satisfaction. We measured hope and optimism at the beginning of the semester, and life satisfaction at the end of the semester, just before finals.

To measure hope, we used the Adult Hope Scale,\(^{42}\) which is a twelve-item measure. Four items measure agency (e.g., “I energetically pursue my goals”); four items measure pathways thinking (e.g., “I can think of many ways to get out of a jam”); and four items are fillers. Respondents are asked to rate the extent of their agreement with the items on a scale from 1 (definitely false) to 8 (definitely true). Higher scores indicate greater levels of hope.\(^{43}\)


\(^{43}\) The average total hope score is 49 (SD = 7). C. R. Snyder, *Hope Theory: Rainbows in the Mind*, 13 Psychol. Inquiry 249, 256 (2002). Generally, high-hope individuals are identified as those who score more than one standard deviation above the mean.
To measure optimism, we used the Life Orientation Test - Revised,\(^4^4\) which consists of ten items: six items measure optimism (e.g., In uncertain times, I usually expect the best) and four items are fillers. Respondents are asked to rate the extent of their agreement with the items on a scale from 0 (strongly disagree) to 4 (strongly agree). Higher scores indicate greater levels of optimism.

We measured psychological well-being using the Satisfaction with Life Scale,\(^4^5\) which is a five-item test (e.g., “The conditions of my life are excellent”). Respondents are asked to rate the extent of their agreement with the items on a scale from 1 (strongly disagree) to 7 (strongly agree). Higher scores indicate greater life satisfaction.

In addition to examining the zero-order correlations,\(^4^6\) we used measured-variable path analysis to examine the hypothesized causal relationships among hope, optimism, life satisfaction, undergraduate GPA, LSAT score, and first-semester law school GPA. This method of analysis allowed us to evaluate the hypothesized causal model based on how closely it matched the observed pattern of relationships among measured variables. In our study, hope, optimism, undergraduate GPAs, and LSAT scores were modeled as predictors; first-semester law school GPA and life satisfaction were modeled as criterion variables. Based on our hypotheses,


\(^4^6\) At the zero-order level, hope and law school GPA were not significantly correlated. However, path analysis, which simultaneously examines all of the influences of the study variables, revealed a unique, significant influence of hope on law school GPA while controlling for optimism, undergraduate GPA, and LSAT score.
paths from all four predictor variables to first-semester law school GPAs were estimated in the model. In contrast, only paths from hope and optimism to life satisfaction were estimated.\textsuperscript{47}

\textsuperscript{47} For a more detailed explanation about our analysis, see Rand, \textit{et al. supra} n. 15.
The results of our study are summarized as follows:

- LSAT score was not a significant predictor of first-semester law school GPA ($\beta = .13, p = .23$);
- Undergraduate GPA was the strongest predictor of first-semester law school GPA ($\beta = .38, p < .0001$);
- Hope was the second strongest predictor of first-semester law school GPA ($\beta = .25, p = .034$);
- Optimism was not a significant predictor of first-semester law school GPA ($\beta = -.07, p = .54$); and
- Hope ($\beta = .39, p = .0003$) and optimism ($\beta = .38, p = .0002$) were significant predictors of life satisfaction.

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48 Beta weights are standardized measures of the strength of influence of the predictor on the criterion. Higher beta values indicate stronger relationships. The p value represents the probability that the true value of the beta weight is zero. Lower p values indicate greater confidence in the non-zero value of the estimated beta weight. For the present study, p values less than .05 were considered significant.

49 Because hope has a predictive value, law schools may benefit by assessing first-year law students' levels of hope to help identify at-risk students.
Although these findings are provocative, our study has some limitations. The study only sampled a portion of the first-year class, which raises the question of whether our sample is representative of the entire class. Comparisons between the sample and the first-year class, however, showed that they were similar on several important characteristics, including undergraduate GPA, age, and ethnic composition. On the other hand, we had a disproportionate number of female participants and higher LSAT scores than those of the entire first-year class. Another limitation is our small sample size. The fact that we found several significant relationships, even with the modest sample size, however, increases our confidence that these relationships are real and meaningful. A further limitation is that we only followed these students in their first semester of law school. Because first semester is particularly stressful, however, these results are especially pertinent. Moreover, research suggests that general expectancies, such as hope and optimism, may have their greatest influence in new and uncertain situations.  

Our study determined that hope predicts academic performance and life satisfaction in the first semester of law school. These findings are not inconsistent with other research based on hope.

**D. OTHER RESEARCH BASED ON HOPE**

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Generally, hope has been shown to positively correlate with self-esteem, perceived problem-solving abilities, perceptions of control, and positive affect. High-hope persons experience better mental health, greater pain tolerance, and better recovery from illness and injury. In athletics, high-hope student athletes tend to perform better than their low-hope counterparts, even above and beyond natural athletic ability. “Hope has correlated positively with social competence, pleasure in getting to know others, enjoyment in frequent interpersonal interactions, and interest in the goal pursuits of others.” It should be noted that, at this time,

51 Hope and Academic Success in College, supra n. 32, at 820.


57 Hope Theory, supra n. 58, at 126; C. R. Snyder, Betsy Hoza, William E. Pelham, Michael Rapoff, Leanne Ware, Michael Danovsky, Lori Hightberger, Howard Rubinstein, Kandy J. Stahl, The Development and Validation of the Children's Hope Scale, 22 J. Pediatric Psychol. 399, 416-17 (1997).
no study has shown gender differences in hope levels. As for cross-cultural comparisons, although some studies have suggested that Caucasians have higher average hope scores than minority groups, these results have not been consistent.


59 Hope Theory, supra n. 58, at 126.

60 Id. at 127.

Focusing on academic achievement, in a six-year longitudinal study, Dr. Snyder and colleagues found that hope predicted higher graduation rates and higher undergraduate GPAs, even above and beyond the levels predicted by intelligence.\textsuperscript{62} High-hope students were more engaged in learning and employed less disengaged coping with academic stressors.\textsuperscript{63} Disengaged coping involves attempts to escape the academic stressor, such as skipping class, drinking

\textsuperscript{62} Hope and Academic Success in College, supra n. 32, at 823. But see Todd Jackson, Karen E. Weiss, Jesse J. Lundquist & Denise Hooper, The Impact of Hope, Procrastination, and Social Activity on Academic Performance of Midwestern College Students, 124 Educ. 310, 314 (2003). In the Jackson study, hope was correlated with higher GPA and less procrastination, but was not a significant predictor of GPA when entered in a regression model simultaneously with procrastination, which was a significant predictor of GPA. This finding is consistent with the hypothesis that hope's influence on better academic performance is fully mediated through maladaptive coping behaviors, such as procrastination. In other words, higher hope leads to less procrastination, which in turn leads to higher GPA.

\textsuperscript{63} Hope and Academic Success in College, supra n. 32, at 824. See also Edward C. Chang, Hope, Problem-Solving Ability, and Coping in a College Student Population: Some Implications for Theory and Practice, 54 J. Clinical Psychol. 953, 960 (1998)
alcohol, or taking drugs.\textsuperscript{64} Instead, high-hope students tend to use engaged coping strategies that are problem focused and deal directly with the stressor, such as studying for an exam or working on a paper.\textsuperscript{65}


\textsuperscript{65} \textit{Hope and Academic Success in College}, supra n. 32, at 824.
High-hope students also tend to stay focused on their goals and think “on task.” High-hope students are therefore “far less likely to become distracted by self-deprecatory thinking and counterproductive negative emotions.” Conversely, because low-hope students are often plagued by these self-defeating thoughts, they have difficulty studying. Moreover, even if they are able to study, they often have difficulty demonstrating knowledge on an exam because they tend to be more focused on thoughts about failing rather than on the exam questions.

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67 Hope and Academic Success in College, supra at n. 32, at 824.

68 Id.; See also Anthony J. Onwuegbuzie, Role of Hope in Predicting Anxiety About Statistics, 82 Psychol. Reps. 1315, 1319 (1998).

69 Hope and Academic Success in College, supra n. 32, at 824; C. R. Snyder, Hope, Goal-Blocking Thoughts, and Test-Related Anxieties, 84 Psychol. Reps. 206, 207 (1999).
Low-hope students also tend to have more test anxiety. In addition to self-defeating thoughts, a main factor contributing to low-hope students' test anxiety is their failure to use information about not reaching a goal in an adaptive manner. Because low-hope students often continue to stick with one test-taking strategy, even after failure, for example, their anxiety remains with every test. “High-hope students, however, use information about not reaching their goals as diagnostic feedback to search for other feasible approaches.” Thus, high-hope students, upon failing an exam, change strategies for the next exam, resulting in less test anxiety. In fact, “the high-hope student sees tests, in general, and specific examinations, in particular, as challenges to be conquered.”

Another interesting difference between high-hope and low-hope students is how they set their goals. High-hope students tend to set their goals based on prior performances, stretching to reach the next, slightly more difficult standard. These goals are “built on internal, self-standards [which] are more energizing than those based on external standards.” In contrast,

70 *Hope and Academic Success in College*, supra n. 32, at 824.

71 *Id.*

72 *Id.* See also C. R. Snyder, *Hope, Goal Blocking Thoughts, and Test-Related Anxieties*, 84 Psychol. Reps. 206, 207 (1999).

73 *Hope and Academic Success in College*, supra n. 32, at 824. See also C. R. Snyder, *To Hope, To Lose, and Hope Again*, 1 J. Personal and Interpersonal Loss 1, 10 (1996).

74 *Hope and Academic Success in College*, supra n. 32, at 824.


76 *Hope and Academic Success in College*, supra n. 32, at 824.
low-hope students are not as attuned to their internal goals and, instead, focus more on what other students are doing academically, adopting performance rather than learning goals.\textsuperscript{77} In the longitudinal study, Dr. Snyder and colleagues also determined that high-hope students are better at breaking down a larger goal into smaller, sequential steps and setting markers to track their progress toward reaching that goal.\textsuperscript{78} Conversely, low-hope students tend to adopt “all at once goals’ that are too big, overwhelming, and anxiety producing."\textsuperscript{79}

\textsuperscript{77} Id.

\textsuperscript{78} Id.

\textsuperscript{79} Id.
Finally, research has shown that high-hope students tend to be highly motivated.\textsuperscript{80} This motivation stems from a pattern of successfully meeting their past educational goals.\textsuperscript{81} In addition, when confronted with a new challenge or impediment, they have “reservoirs of determination” and can better channel their energies to a new path.\textsuperscript{82} “All of these energy production and sustenance characteristics of high-hope students are reinforced by internal, agentic self-talk statements such as ‘I will get this done!’ and ‘Keep going!’”\textsuperscript{83}

Given the characteristics of high-hope students, as shown through research, it is no wonder that they succeed academically and are more satisfied with life. But not all entering law students are hopeful. And even if students begin law school with hope, many may lose hope as the days, weeks, and months wear on. The question then becomes, what can legal educators do to engender hope in law students?

\begin{flushleft}
\textbf{II. HOW LEGAL EDUCATORS CAN ENGENDER HOPE IN LAW STUDENTS}
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\textsuperscript{80} Id.

\textsuperscript{81} Id.

\textsuperscript{82} Id.

\textsuperscript{83} Id. See also C. R. Snyder, Anne B. LaPointe, J. Jeffrey Crowson Jr. & Shannon Early, Preferences of High- and Low-Hope People for Self-Referential Input, 12 Cognition & Emotion 807 (1998).
Our study revealed that hope predicts academic success and life satisfaction in the first semester of law school. These findings are consistent with those in similar studies conducted at the undergraduate level. Hope theory further postulates that a teacher can play an important role in encouraging students in the pursuit of their classroom goals. Indeed, research has shown that “virtually all students raise their hope levels when taking part in school hope programs.”

Thus, legal educators can play an important role in creating or maintaining hope in law students by enhancing the three bases of hope theory: goals, pathways and agency. From these bases, we have created five principles of engendering hope in law students: (A) help them formulate or reframe goals; (B) increase their autonomy; (C) model the learning process; (D) help them understand grading as feedback rather than as pure evaluation; and (E) model and encourage agency.

**A. Help Law Students Formulate or Reframe Goals.**

For hope to thrive, law students must first learn to set appropriate goals. Legal educators can help students (1) formulate learning rather than performance goals, (2) set more concrete

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84 Rand, supra n. 15. Although our study was conducted during the first semester only, research has shown that the relationship between hope and performance was established in college students' first semester and remained consistent thereafter, Hope and Academic Success in College, supra n. 32, at 824.


86 Hope and Academic Success in College, supra n. 32, at 824.

87 Hope Theory, supra n. 58, at 127.
rather than abstract goals, and (3) set approach rather than avoidance goals.


Hope theory proposes that students’ levels of hope direct them to choose either learning or performance goals. \(^{88}\) “Learning goals reflect a desire to learn new skills and to master new tasks. Students who choose this type of goal are actively engaged in their own learning . . . .” \(^{89}\) Conversely, “those who exhibit a helpless response when confronted with challenges are interested primarily in performance goals or low-effort goals that enable them to look good and be assured of success.” \(^{90}\) Those who select performance goals would be more likely to take

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\(^{88}\) Hope and Academic Success in College, supra n. 32, at 821.

\(^{89}\) Id. at 820.

\(^{90}\) Id. See also Heidi Grant & Carol S. Dweck, Clarifying Achievement Goals and Their
easier classes, for example.\textsuperscript{91} Research has shown that high-hope students tend to choose learning instead of performance goals.\textsuperscript{92}


\textsuperscript{91} \textit{Hope and Academic Success in College}, supra n. 32, at 820.

\textsuperscript{92} \textit{Id.} at 821. The classifications of learning versus performance goals can be analogized to modern psychology's classifications of intrinsic versus extrinsic motivations or values. "A person is intrinsically motivated when he chooses a self-directed action which he \textit{genuinely enjoys} or which \textit{further a fundamental life purpose}, while extrinsically motivated choices are directed towards \textit{external rewards} (i.e., money, grades, honors), avoidance of \textit{guilt or fear}, or \textit{pleasing/impressing others}." Lawrence S. Krieger, \textit{The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness}, 11 Clin. L. Rev. 425, 429 (Spring 2005) (emphasis in original) (citing Kennon M. Sheldon & Tim Kasser, \textit{Goals, Congruence, and Positive Well-Being: New Empirical Support for Humanistic Theories}, 41 J. Hum. Psychol. 30 (2001)). "Empirical research for the past two decades has shown that when intrinsic values and motivation dominate a person's choices she tends to experience satisfaction and well-being, whereas when extrinsic values and motivations are most important to her she will experience angst and distress." \textit{Id.}
Legal educators can help students select learning goals. Legal writing professors can encourage students to focus on learning how to organize using IRAC (learning goal) rather than to focus on obtaining an A in legal writing (performance goal). For example, after returning papers to students, it is better to focus in-class discussions on common organizational problems (encouraging learning goals) rather than on the distribution of grades on the papers (encouraging performance goals). Likewise, doctrinal professors can encourage students to focus on learning about intentional torts (learning goal) rather than to focus on getting an A in the torts class (performance goal). In a review session, for example, it is better to focus on questions about battery (encouraging learning goals) rather than on questions about what will be tested on the exam (encouraging performance goals). Although legal educators may already understand the value of learning goals, students would benefit from an open discussion about setting them, especially when learning goals, unlike performance goals, lead to “deep-level, strategic processing, which leads to increased academic achievement.”

Of course, legal education inherently encourages performance goals in one significant way. Forced grade distributions, which rank-order student performances, encourage performance rather than learning goals. And forced grade distributions may always be present, to a certain

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93 Hope and Academic Success in College, supra n. 32, at 821.

extent, in legal education. Legal educators, however, can still explicitly encourage students to pursue worthy learning goals while in law school - regardless of their ranking. Students can learn a great deal about lawyering by participating in clinics, law journals, moot court programs, pro bono programs, internship programs, student government, and community service. Legal educators can do a better job of encouraging all law students to adopt learning goals related to these activities, regardless of the students’ rankings and beyond any superficial benefits these activities may provide for their resumes.

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95 See Barbara Glesner Fines, *Competition and the Curve*, 65 U. Mo. Kansas City L. Rev. 879, 915 (1997) (arguing that forced grade curves should be abandoned in legal education, but recognizing that most law schools will not abandon them).
In addition, even if forced grade distributions were kept for the first and second year of law school, perhaps legal education could shift away from the typical ranking in the third year of law school. Imagine a law school in which third-year students were given the option to choose a particular curriculum based on their interests - with a focus on professional growth in that area. Imagine further that all prior rankings would be reset after the second year so that third-year students would now be evaluated solely on their work in their area of interest during that third year. And the evaluations at this level could be focused more on providing helpful feedback rather than merely judging students' performances - with no forced curves.

The Carnegie Foundation for the Advancement of Teaching has imagined such a law school. In the summary of their 2007 report about legal education, the authors proposed as follows:

Law schools could give new emphasis to the third year by designing it as a kind of “capstone” opportunity for students to develop specialized knowledge, engage in advanced clinical training, and work with faculty and peers in serious, comprehensive reflection on their education experience and their strategies for

96 These choices could be as broad as transactional work versus litigation work, or could be as narrow as tax, civil law, criminal law, business law, etc., depending upon the strengths of any particular law school.

career and future professional growth.  

\footnote{Id.}
Further, the authors believed that “[f]ormative assessment directed toward improved learning ought to be a primary form of assessment in legal education.” 99 The authors expressed concern that, in contrast, law schools currently place too much emphasis on summative assessment designed to rank the students. 100

By creating a separate third-year curriculum, resetting all rankings, and assessing students’ work with a focus on improved learning, we would encourage students to set learning goals in their third year, including those who did not necessarily excel in their first two years. In addition, this third-year program would provide another strategy for law school success, enhancing pathways thinking. Agency thinking may also be enhanced because this new opportunity for success and professional growth in their area of interest would provide motivation. Perhaps, then, third-year law students would be “reborn” or “reawakened” instead of “bored to death,” as the old adage goes. This type of curricular reform could therefore engender hope.

2. Help Students Formulate Concrete Rather Than Abstract Goals.

99 Id. at 7.

100 Id. See also Nancy Soonpaa, Using Composition Theory and Scholarship to Teach Legal Writing, 3 Leg. Writing 81, 97 (1997) (“Summative evaluation measures ranking, grading, measuring up to expectations.”).
“Getting good grades” is not a productive goal for students because it is too abstract.\(^{101}\) Abstract goals are less desirable because a student has a difficult time knowing when such a goal is met and because they are generally harder to achieve than more concrete goals.\(^{102}\) Instead, it is better to encourage students to set more concrete goals, such as to work on a contracts outline every Saturday or to work on a legal writing paper for two hours every other day. Students will know when these types of goals have been met and will experience a sense of success after meeting them.\(^{103}\) Another example is to create a student study “plan” and explicitly provide it to students.\(^{104}\) In her “plan,” given to first-year students in the fall semester, Professor Andrews suggests that they review their classes daily before preparing for the next day, spending about one hour; review all classes once a week to see the “big picture,” spending anywhere from one hour to an entire afternoon; and dedicate each weekend after Labor Day to working on an outline for a doctrinal course.\(^{105}\) These goals are very concrete, even specifying how much time should be spent on each goal. As a result, her students can experience a sense of accomplishment after

\(^{101}\) *Hope Theory, supra* n. 58, at 129.

\(^{102}\) *Id.*

\(^{103}\) *Id.*

\(^{104}\) For example, Professor Carol Andrews at The University of Alabama School of Law has created a “plan” for her first-year civil procedure law students. E-mail from Carol Andrews, Professor of Law, The University of Alabama School of Law (Aug. 25, 2008, 12:01 p.m.) (on file with author). This plan is also consistent with the idea that hopeful thinking can be encouraged by focusing on daily, weekly and long-term goals. *See* Shane J. Lopez, R. Keith Floyd, Jon C. Ulven, & C. R. Snyder, *Hope Therapy: Helping Clients Build a House of Hope*, in C. R. Snyder, *Handbook of Hope* 123, 144 (Academic Press 2000).

\(^{105}\) E-mail from Carol Andrews, Professor of Law, The University of Alabama School of Law (Aug. 25, 2008, 12:01 p.m.) (on file with author).
meeting each goal, which engenders hope.


It is important to encourage students “to establish approach goals in which they try to move toward getting something accomplished” instead of avoidance goals “in which students try to prevent something from happening.” Thus, it is better for students to work toward understanding tort law rather than to work toward not failing the torts class. Similarly, it is better for students to work toward answering a professor's question during a socratic dialogue in class rather than to work toward not embarrassing themselves in class. “[H]igh-hope students are more likely to use approach goals in their lives, whereas low-hope students are attracted to avoidance goals.” “[B]y coping through avoidance, the low-hope persons do not learn from past experiences, and they become ‘passive pawns' in the game of life.” By encouraging students to set approach goals, legal educators can engender hope.

B. Increase Law Student Autonomy.

106 Hope Theory, supra n. 58, at 129.

107 Id. See also C. R. Snyder, Hope Theory: Rainbows in the Mind, 13 Psychol. Inquiry 249, 250 (2002).

108 Handbook of Positive Psychology, supra n. 17, at 266.
Hope correlates positively with perceptions of control. Indeed, high-hope students are aware of their goals and believe that they are in control of how to attain them because of their high pathways thinking. Further, research has shown that having greater control, even while experiencing highly stressful situations, results in less deleterious health consequences. Thus, legal educators should try to provide more, or at least maintain the perception of more, student autonomy. Some examples are to let students choose the day upon which they will be “on call,” to let them choose between taking an in-class or take-home exam, to let them create an exam question, to let them choose for which client they will argue in moot court, and even to let them choose one class in their first year. By increasing student autonomy, even minimally, legal educators encourage hopeful thinking.

C. Model the Learning Process.

\[^{109}\text{Hope and Academic Success in College, supra n. 32, at 820.}\]
\[^{110}\text{Id. at 824.}\]
\[^{111}\text{See Jay Michael Weiss, Effects of Coping Responses on Stress, 65 J. Comp. & Physiological Psychol. 251 (1968) (study conducted on rats); James H. Geer, Gerald C. Davison & Robert I. Gatchel, Reduction of Stress in Humans Through Nonveridical Perceived Control of Aversive Stimulation, 16 J. Personality and Soc. Psychol. 731 (1970) (similar study conducted on people).}\]
\[^{113}\text{See also Gerald F. Hess, Collaborative Course Design: Not My Course, Not Their Course, but Our Course, 47 Washburn L.J. 367 (2007) (discussing ways to encourage student participation in course design).}\]
“Perhaps the most common strategy for enhancing pathways thinking is to help students to break down large goals into smaller subgoals. The idea of such 'stepping' is to take a long-range goal and separate it into steps that are undertaken in a logical, one-at-a-time sequence.”\textsuperscript{114} Low-hope students have difficulty in stepping; instead, they try to meet a goal all at once, which causes anxiety and feelings of being overwhelmed.\textsuperscript{115} But “stepping” can be learned.\textsuperscript{116}

\textsuperscript{114} \textit{Hope Theory}, supra n. 58, at 129. Professor Carol Andrews' "plan" for her students also helps to engender hope by explicitly providing steps to learning the doctrine of a course. \textit{Supra} n. 106.

\textsuperscript{115} \textit{Hope and Academic Success in College}, supra n. 32, at 824.

\textsuperscript{116} \textit{Hope Theory}, supra n. 58, at 129.
A good way to teach “stepping” is to model the learning process, emphasizing planning and preparation. Legal educators can help students to break down the goal of writing an appellate brief, for example, by teaching them to move through the stages of researching; reading the authority; if multiple authorities, charting their outcomes; creating a source list and outline; writing a first draft of the argument and fact sections; editing; writing the other sections; editing again; completing the tables; editing again; finalizing citations; and editing once more before submitting it. Although many legal educators already teach these or similar steps, it is important that they also take the time to explicitly convey to students why they teach the steps that they teach, in the order that they teach them.

Another way that legal educators can model the learning process is to explicitly state each mental step involved in an analysis or, in other words, to “think aloud.” To help in the task of being more explicit, legal educators can create labels for the steps in an analytical process. These labels can help teach the course's doctrine and also help teach students the “doctrine of

117 Id. at 132. Modeling the learning process is consistent with composition theory, and, specifically, the process theory. See Susan Thrower, Teaching Legal Writing Through Subject-Matter Specialties: A Reconception of Writing Across the Curriculum, 13 Leg. Writing 3, 29 (2007) (discussing how legal writing professors at her school guide students through each step of legal analysis).

118 Michael Hunter Schwartz, Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching, 38 San Diego L. Rev. 347, 412 (2001) (“If the objective is a problem-solving outcome, the instructor models an approach to problem solving by performing a ‘think aloud’ analysis, a process in which the instructor states aloud each mental activity involved in mentally processing an analysis.”).

119 Mary Beth Beazley, Better Writing, Better Thinking: Using Legal Writing Pedagogy in the “Casebook” Classroom (Without Grading Papers), 10 Leg. Writing 23, 66, 68-71 (2004) (discussing how doctrinal faculty can use labels, such as “phrase-that-pays” and “inherited rule,” to help teach the analytical process).
By modeling the learning process, legal educators enhance students’ pathways thinking. And the next time a student is confronted with the task of writing an appellate brief, for example, that student can set similar subgoals and feel more confident about writing the brief, which helps with agency thinking as well.

120 Id. at 71.
While teaching the learning process, it is also important to stress that there are preferred and alternate strategies for reaching any desired goal or subgoal.\footnote{121} Students need to learn that if one pathway does not work, they have alternate strategies to try.\footnote{122} Further, "it is crucial for the production of future pathways, as well as for the maintenance of agency, that the student learns not to attribute a blockage to his or her lack of talent."\footnote{123} Instead, a blockage should be considered merely information that a particular strategy does not work.\footnote{124} Referring back to the brief example, lessons about preferred and alternate strategies would be especially helpful to students at the researching stage - where trial and error is an inherent part of the process. Even in a broader sense, however, helping students understand that there are preferred and alternate strategies for attaining any educational goal encourages hopeful thinking.

D. Help Law Students Understand Grading as Feedback Rather Than as Pure Evaluation.
Providing feedback to law students is important to their learning.\textsuperscript{125} Indeed, high-hope students use feedback as information to help them find alternative strategies for reaching their academic goals, thereby enhancing pathways thinking.\textsuperscript{126} They may also use feedback to help them set clear markers for reaching their academic goals.\textsuperscript{127} Thus, high-hope students use grading as feedback. In contrast, those students who view grades as pure evaluation or judgment


\textsuperscript{126} \textit{Hope and Academic Success in College, supra} n. 32, at 824.

\textsuperscript{127} \textit{Id.}
tend to adopt performance goals, a trait of low-hope students.\textsuperscript{128} Thus, to encourage hopeful thinking, legal educators need to help all students understand grading as performance feedback.

\textsuperscript{128} \textit{Id.} at 821.
The first step in this challenge, of course, is to actually provide feedback or, as the Carnegie Foundation referred to it, formative assessment. Legal educators who teach writing courses, including seminars and similar courses that result in student papers, typically do a good job of providing this type of feedback - making individualized comments and perhaps using grading grids. The majority of law school courses, however, “make little use of it.” The Carnegie Foundation questioned this practice, stating that “[f]ormative assessment directed toward improved learning ought to be a primary form of assessment in legal education.” And, over time, law schools need to address this concern.

Even under the current legal education construct, however, legal educators can do a better job of providing this type of feedback, which, in turn, will help students understand grading as feedback. Offering practice exams is a good way, even if the only feedback provided is in the form of a sample answer rather than written comments on each exam. Discussing review questions in class at the end of each unit of study is another good idea - even if students' answers

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129 Sullivan, supra n. 4, at 171. For a discussion about the differences in summative and formative assessment used in legal writing courses, see Nancy Soonpaa, Using Composition Theory and Scholarship to Teach Legal Writing, 3 Leg. Writing 81, 96-97 (1997).

130 Sullivan, supra n. 99, at 7.

131 Id.

are self graded. Conferencing with students, maybe after a practice exam or before a final exam, is also a good way to provide feedback. Similarly, meeting with students after the final exam can be meaningful, although this feedback may only be helpful in future courses. And there are many other creative ways in which legal educators can provide this type of feedback - even in large classes. The important point is simply to provide more feedback to help students understand grading as more than pure evaluation or judgment.


In addition, to be effective, feedback needs to be constructive, respectful and depersonalized. “Learning means taking risks, and students will not do this unless they feel assured that the teacher will respect them and refrain from demeaning them - even if their performance falls short of expectations.” Indeed, students build hope through learning to trust their teachers. Thus, feedback should be constructive and respectful, even if the student is struggling. Further, depersonalizing the feedback encourages students to believe, like high-hope students do, that any failure was the result of an unworkable strategy rather than a lack of talent on their part. Anonymous grading therefore may enhance hopeful thinking. By providing feedback, or formative assessment, in a constructive, respectful and depersonalized manner, legal educators encourage students to view grading as more than pure evaluation.

E. Model and Encourage Agency.

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135 Hope Theory, supra n. 58, at 131.

136 Id.

137 See also Paula Lustbader, Principle 7: Good Practice Respects Diverse Talents and Ways of Learning, 49 J. Leg. Educ. 448, 450 (1999) (“Teachers can foster a more effective classroom climate if they treat students with respect”).

138 Handbook of Hope, n. 18, at 140.
Agency is “mental willpower.” High-hope students have a “can do” attitude, and are highly motivated and energetic. Legal educators can help teach agency to students by modeling and encouraging it in several ways: encourage healthy habits, teach students to talk to themselves in a positive voice, encourage students with stories of hope, and display enthusiasm in teaching.

Explicitly encouraging healthy habits when appropriate can enhance agency thinking. To maintain or help build high levels of motivation and energy, which are traits of high-hope students, students need to “[f]ocus on [their] physical health, including diet, sleep, physical exercise, and avoiding damaging substances (e.g., caffeine-laden products, cigarettes, alcohol).” Legal educators can encourage students to focus on these physical needs. For example, during a review session, legal educators may want to remind students about the importance of getting enough sleep and eating well before the exam.

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139 Id. at 10.

140 Hope and Academic Success in College, supra n. 32, at 824.

141 Handbook of Hope, supra n. 18, at 141.
Another way to model agency is to teach with a positive voice, thereby teaching students to talk to themselves in the same positive voice. “Agentic thinking reflects the cognitive momentum that translates into a 'can do' attitude relating to people's confidence in their abilities to attain valued goals.”\textsuperscript{142} High-hope people “have ongoing, positive, internal dialogues of self-statements such as, ‘I can,’ ‘I'll make it,’ and ‘I won't give up.’”\textsuperscript{143} From the legal educator's perspective, encouragement is the key. Helping students to maintain a positive attitude, even when struggling, is important to agency. Encouragement must be based in reality, of course. It would create false hope to encourage students that their work is “terrific” when, in fact, it is average. But even if the work is average, students can benefit from hearing, “Hang in there!” This support can go a long way.\textsuperscript{144} In addition, feedback stated in a positive rather than negative tone, when possible, is better. When grading a paper, for example, a comment that “it would be better to consider Y” would be preferable to a comment that “X is wrong!” If legal educators teach with a positive voice, students are more likely to internalize a positive voice.

\textsuperscript{142} Hope and Academic Success in College, supra n. 32, at 820.

\textsuperscript{143} Handbook of Hope, supra n. 18, at 40.

\textsuperscript{144} See Nancy Soonpaa, Using Composition Theory and Scholarship to Teach Legal Writing, 3 Leg. Writing 81, 97 (1997) (“[T]he atmosphere of motivation and support may be the most significant way that teachers can help students to write more effectively.”).
Another form of encouragement that legal educators can use is to tell stories of hope. “Hopeful children often draw upon their own memories of positive experiences to keep them buoyant during difficult times. In this way, they tell themselves their own uplifting stories, or they create their own positive personal narratives.”\textsuperscript{145} In addition, telling stories portraying how other children have overcome adversity to low-hope children who may not have positive personal narratives can give those low-hope children “a model on which to begin building their own sense of agency.”\textsuperscript{146} Analogizing to legal education, law students would also benefit from hearing hopeful stories about others who have overcome adversity. Perhaps it is a story about a former student who is a well-respected lawyer or jurist even though he or she did not “ace” law school. Or a “war story” from practice that is inspiring. Further, legal educators may want to encourage

\textsuperscript{145} Hope Theory, supra n. 58, at 131; See C. R. Snyder, D. McDermott, W. Cook & M. Rapoff, Hope for the Journey: Helping Children Through the Good Times and XX (Rev. Ed., Percheron Press 2002).

\textsuperscript{146} Hope Theory, supra n. 58, at 131.
students to tell their own hope stories. By telling or encouraging stories of hope, legal educators can help to maintain agency for high-hope students and encourage low-hope students to begin to build their own positive narratives.

147 During her presentation at the Humanizing Legal Education Symposium in October 2007, Professor Denise Riebe, Brooklyn Law School, described her use of a “Three Doors” exercise, originating in positive psychology, in which she asks students to recall three closed doors or blockages and then encourages them to consider how they grew as a result of those closed doors. The goal is to help them positively reconstruct past memories. Riebe, D., “The Legal Profession: Using Positive Psychology to Promote Personal and Professional Happiness” (presentation at the Humanizing Legal Education Symposium in October 2007 at Washburn University School of Law). Such an exercise could help students create their own hopeful stories.
Finally, to model agency, legal educators need to display enthusiasm in teaching. “To raise the motivation of students, it is crucial that teachers remain enthused about that which they teach. Such enthusiasm is contagious.”148 After all, “[h]opeful teaching is a give-and-take process between teachers and students.”149 Indeed, based on his twenty-five years of experience in reviewing legal writing professors across the country, Professor Jan Levine has observed, “Not only does hope predict student performance, but it also leads inexorably to similar effects on teacher performance and curricular success. If the curriculum employed in the writing program engenders hope among the students, the program is viewed more positively by students.”150 Moreover, “[i]f the curriculum and teacher together create that positive mindset among students, the students are far happier, perform better, and hold the program and teacher in high esteem.”151 Conversely, he cautioned that “[i]f teachers and the program kill hope in their students, the students’ evaluations of the faculty, and the students’ work product, are weaker, leading in turn to faculty cynicism, disaffection, and disinterest; such a downward spiral for all participants is a tragedy.”152 This synergistic relationship between legal educators and law students exists in all classes, not just legal writing. Displaying enthusiasm in teaching is a good way to maintain a hopeful environment.

148 Hope Theory, supra n. 58, at 132.

149 Id.

150 E-mail from Jan Levine, Associate Professor of Law and Director of Legal Research & Writing, Duquesne University School of Law (September 17, 2008, 7:10 p.m.) (on file with authors).

151 Id.

152 Id.
Enthusiasm can be conveyed in many effective ways. One of the most popular ways with students is to use humor in class. But not all legal educators are comfortable with using humor. The most important point here is for legal educators to be engaged in and even excited about the material being taught. Personalizing that material helps. If the teacher is engaged, enthusiasm will likely naturally follow. It is also important to note that in order for legal educators to maintain high levels of enthusiasm and low levels of burn out, law school administrators should encourage them “to remain engaged and invested in pursuing their own important interests and life goals outside of the classroom. It is difficult to model hope for others if you do not have hope yourself.”

CONCLUSION

\[^{153} \textit{Hope Theory, supra n. 58, at 132.}\]
Research has shown that hope is a predictor of academic performance and psychological well-being. Research has also shown that well-being predicts responsible, pro-social behavior.\textsuperscript{154} Thus, law student success and well-being are in the best interests of students, educators, and the public. Recognizing that “[t]eachers and students have shared roles in keeping hope alive,”\textsuperscript{155} we discussed five principles of how legal educators can engender hope in law students, which, in turn, will build a happier and more competent generation of lawyers. Although implementing these principles may not be easy, revitalizing legal education by instilling hope is worth the investment.


\textsuperscript{155} \textit{Hope and Academic Success in College, supra} n. 32, at 824.