

The Future's So Bright, I Gotta Wear Shades¹:
Law School Through the Lens of Hope

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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 education must include, in an important way, revitalizing legal preparation."³ They urged legal educators to begin this revitalization and reawakening in the law school environment.⁴ One important way that legal educators can accomplish these goals is by engendering hope in their students. Research by Dr. C. R. Snyder, the father of hope theory,⁵ and his progeny has shown that hope predicts academic performance and psychological well-being among undergraduate students. Consistent with these findings, our empirical study of hope, optimism, academic performance, and psychological well-being in law school suggests that hope predicts academic

¹ Timbuk 3, *The Future's So Bright, I Gotta Wear Shades* (I.R.S. Records 1986) (33 rpm L.P.).

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³ William M. Sullivan, Anne Colby, Judith Welch Wagner, Lloyd Bond & Lee S. Shulman, *Educating Lawyers: Preparation for the Profession of Law* 19 (Jossey-Bass 2007).

⁴ *Id.*

⁵ 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.

performance and life satisfaction in the first semester of law school. Based on these findings, this article offers suggestions on how legal educators can create a hopeful learning environment and concludes that instilling hope in law students should be an aim of every legal educator.

Part I of this article will explain why hope is important to law students. It first introduces the well-documented discontent of many law students and lawyers, but then turns its attention to those law students who are successful and happy. What is their secret? Do they have personality strengths that allow them to survive, and even thrive, in the stressful law school environment? It then defines the science of positive psychology, which can help identify these strengths and their influences on academic performance and psychological well-being. Specifically, it examines hope and optimism, two distinct personality traits that have been shown to predict academic performance and psychological well-being in other contexts. Next, it highlights the results of our study of hope, optimism, academic performance, and psychological well-being, and examines the results of other research based on hope theory. We conclude that although more research is warranted, hope appears to be a personality strength that positively influences law student success and well-being.

Part II of this article then identifies ways that legal educators can engender hope in their students. Specifically, it discusses five principles of engendering hope: (A) help law students formulate appropriate 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 agentic thinking. These principles, derived from hope theory, are grounded in contemporary teaching and learning theories and are consistent with principles discussed in *Best Practices for Legal Education*.⁶ By employing these principles, legal educators

⁶ Roy Stuckey, et al., *Best Practices for Legal Education* (2007).

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

Law student discontent is no secret. Yet, some students seem to be well adjusted and successful in law school. What personality strengths do these students share that allow them to thrive in the stressful law school environment? Positive psychology can help identify these strengths. Hope and optimism, both members of the positive psychology family, are personality traits that have been shown to confer performance and adjustment benefits in stressful situations. Given this prior research, we conducted a study to measure first-semester law students' levels of hope and optimism to determine their influence, if any, on law student performance and well-being. Consistent with other research, our study suggests that hope predicts both academic performance and psychological well-being in the first semester of law school.

A. PSYCHOLOGICAL WELL-BEING OF LAW STUDENTS AND LAWYERS

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.⁷ Indeed, studies have shown that law school is a “breeding ground” for depression, anxiety, and other stress-related illnesses.⁸ “Self reports of anxiety and depression are reportedly significantly

⁷ Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 Clin. L. Rev. 425, 433 (2005); Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 Behav. Sci. & L. 261, 280 (2004).

⁸ 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).

higher among law students than the general population or even medical students.”⁹ 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.”¹⁰

Further, research has suggested that, unfortunately, these problems do not end 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.¹¹ Other studies have shown that lawyers have higher rates of anxiety than the general population¹² and greater frequency of substance abuse.¹³

In light of these findings, a movement to humanize legal education, led by Florida State University College of Law Professor Lawrence Krieger, is afoot.¹⁴ One of its main goals is to

⁹ *Id.* at 230.

¹⁰ *Id.*

¹¹ William W. Eaton, James C. Anthony, Wallace Mandel & Roberta Garrison, *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. Occupational Med. 1079, 1083 (1990).

¹² Connie J. A. Beck, Bruce D. Sales & G. Andrew H. Benjamin, *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & Health 1, 45, 57 (1995-96).

¹³ *Id.* at 45; Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 Am. U. L. Rev. 1337, 1409 (1997).

¹⁴ 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. Michael Hunter Schwartz, *Humanizing Legal Education: An Introduction to a Symposium Whose Time Came*, 47 Washburn L.J. 235, 235 (2008). In 2007, the first ever Humanizing Legal Education symposium was held at Washburn University School of Law. *See id.* In addition, Professor Krieger has formed a Humanizing Legal Education website and list serve. *See* Florida State University College of Law, *Humanizing Legal Education*, http://www.law.fsu.edu/academic_programs/humanizing_lawschool/humanizing_lawschool.html (<http://www.law.fsu.edu/> (last visited on December 2, 2008)).

improve law students' well-being while in school, which may ultimately lead to better well-being when they become lawyers.

But not all law students suffer from these ills. In fact, there are law students who feel successful and happy. Are these students the ones who enter law school with the highest undergraduate grade point averages and highest Law School Admission Test scores? No, not always. What other factors are influencing their performance and well-being? Do they possess personality strengths that enable them to survive, and even thrive, in the stressful law school environment?

B. POSITIVE PSYCHOLOGY

The science of positive psychology can be drawn upon to help identify and examine other possible personality strengths. Positive psychology is the scientific study of human strengths and their influences on performance and well-being.¹⁵ Two members of the positive psychology family are hope and optimism; both personality traits have been shown to predict performance and adjustment benefits, even in stressful circumstances.

1. HOPE

Hope theory was created by Dr. Snyder. It “is a cognitive model of human motivation,”¹⁶ which explains “goal-related thinking.”¹⁷ In his theory, Dr. Snyder describes three interrelated

¹⁵ 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. U. Pa., *Authentic Happiness*, <http://www.authentichappiness.sas.upenn.edu> (last visited November 6, 2008). Since 2000, Dr. Seligman has focused on promoting the Positive Psychology field. *Id.* Recently, he began the first ever Masters in Applied Positive Psychology program at the University of Pennsylvania. *Id.*

¹⁶ C. R. Snyder, *Handbook of Hope: Theory, Measures, & Applications* 125 (Academic Press 2000). For a discussion of how hope theory compares to other cognitive models of human motivation, see *id.* at 13-17.

components of hope: goals, pathways thinking, and agentic thinking.¹⁸ We first define each term of art and then describe how each interacts with the other, and with emotions, to reach a goal.

Goals are “the endpoints or anchors.”¹⁹ They represent mental targets that guide human behaviors.²⁰ Pathways thinking is a person’s perceived ability to produce ways to reach a goal.²¹ In other words, pathways thinking involves the ability to create strategies to reach a goal. The more strategies a person can generate, the stronger that person’s pathways thinking is.²² Agentic thinking “is the motivational component to propel people along their imagined routes to goals.”²³ It relates to “willpower”²⁴ or determination.

According to Dr. Snyder’s hope theory, pathways thinking and agentic thinking “enhance each other in that they are continually affecting and being affected by each other as the goal pursuit process unfolds.”²⁵ In addition, they are both affected by emotions, which provide useful

¹⁷ *Id.* at 9.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ According to Snyder’s theory, for hope to play a role in attaining a goal, the probability of attaining that goal must be somewhat uncertain. *Id.* For example, pursuit of a goal that is easily attainable does not require hope; on the other hand, pursuit of an unattainable goal is counterproductive. *Id.*

²¹ *Id.*

²² *Id.* at 11.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 10.

feedback about the progress of a particular goal pursuit.²⁶ “[T]he unimpeded pursuit of goals should produce positive emotions, whereas goal barriers may yield negative feelings.”

2. OPTIMISM

Optimism is defined as a “generalized outcome expectancy.”²⁷ In other words, optimists expect good things to happen; pessimists expect bad things to happen.²⁸ Optimism has been shown to predict greater well-being even during periods of adversity, such as recovery from cancer.²⁹ Relating to undergraduate school, greater optimism has been shown to predict better academic performance.³⁰ In law school, however, research has suggested that the opposite is true - greater pessimism has been shown to predict better academic performance.³¹ If pessimism is defined as “prudence” or a “healthy skepticism,” however, as the researchers in the University

²⁶ *Id.*

²⁷ Michael F. Scheier & Charles S. Carver, *Optimism, Coping, and Health: Assessment and Implications of Generalized Outcome Expectancies*, 4 *Health Psychol.* 219, 219 (1985). *See also* Michael F. Scheier, Charles S. Carver, & Michael W. Bridges, *Distinguishing Optimism From Neuroticism (and Trait Anxiety, Self-Mastery, and Self-Esteem): A Reevaluation of the Life Orientation Test*, 67 *J. Personality and Soc. Psychol.* 1063 (1994).

²⁸ *Id.* at 223.

²⁹ *See* A. L. Stanton & P. R. Snider, *Coping with a Breast Cancer Diagnosis: A Prospective Study*, 12 *Health Psychol.* 16-23 (1993); C. S. Carver, *et al.*, *How Coping Mediates the Effect of Optimism on Distress: A Study of Women with Early Stage Breast Cancer*, 65 *Jrnl. of Personality & Soc. Psychol.* 375-390 (1993).

³⁰ *See* M. M. Chemers, L. Hu, & B. F. Garcia, *Academic Self-Efficacy and First-Year College Student Performance and Adjustment*, 93 *Jrnl. of Educ. Psychol.* 55-64 (2001); Christopher Peterson & Lisa C. Barrett, *Explanatory Style and Academic Performance Among University Freshmen*, 53 *J. of Personality and Social Psychol.* 603 (1987).

³¹ *See* Jason M. Satterfield, John Monahan, & Martin E. P. Seligman, *Law School Performance Predicted by Explanatory Style*, 15 *Behavioral Sciences & Law* 95 (1997). In this study, the University of Virginia School of Law measured entering first-year law students’ levels of optimism in the fall of 1987. *Id.* at 96. Each student’s performance measures were then collected throughout law school, *id.* at 97, and compared to his or her initial level of optimism, *id.* at 98.

of Virginia School of Law study defined it,³² these results seem to make some sense. To succeed, law students need to consider all sides of an argument and question outcomes, for example.³³

It should be noted that hope and optimism, although related, are considered distinct areas of positive psychology. The difference between them 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.³⁴ 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.³⁵

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.³⁶

³² *Id.* at 103.

³³ *Id.*

³⁴ See Kevin L. Rand, *Hope and Optimism: Latent Structures and Influences on Grade Expectancy and Academic Performance*, J. Personality (in press).

³⁵ See *id.*

³⁶ We only highlight our study in this article. For a full discussion of the study, 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).

At the beginning of Fall 2007, we solicited all entering first-year law students, both full and part time, at Indiana University School of Law - Indianapolis, to participate in the study 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.

Participants were asked to complete online surveys at the beginning and end of the semester.³⁷ The surveys requested that 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, participants consented to our obtaining 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 of 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 ethnic composition of the overall first-year class, 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 more likely to participate in the study than male students.

³⁷ 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.

Related to our sample's academic representation, the entire first-year class had a mean undergraduate GPA of 3.47 and a mean LSAT score of 153.80. Our sample had a mean undergraduate GPA of 3.49 and a mean LSAT score of 155.99. 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 mean undergraduate GPA for our sample was not significantly different from the mean undergraduate GPA for the entire class. The mean LSAT score for our sample, however, was slightly higher, statistically, than the mean LSAT score for the entire first-year class. Thus, the students who chose to participate in our study tended to have slightly higher LSAT scores than the entire first-year class.

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,³⁸ which is a twelve-item measure. Four items measure agentic thinking (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.³⁹

³⁸ C. R. Snyder, Cheri Harris, John R. Anderson, Sharon A. Holleran, Lori M. Irving, Sandra T. Sigmon, Lauren Yoshinobu, June Gibb, Charyle Langelles & Pat Harney, *The Will and the Ways: Development and Validation of an Individual-Differences Measure of Hope*, 60 *J. Personality & Soc. Psychol.* 570 (1991).

³⁹ 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,⁴⁰ 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,⁴¹ 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 zero-order correlations,⁴² 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. 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, 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.⁴³

⁴⁰ Michael F. Scheier, Charles S. Carver & Michael 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).

⁴¹ Ed Diener, Robert A. Emmons, Randy J. Larsen & Sharon Griffin, *The Satisfaction with Life Scale*, 49 *J. Personality Assessment* 71 (1985).

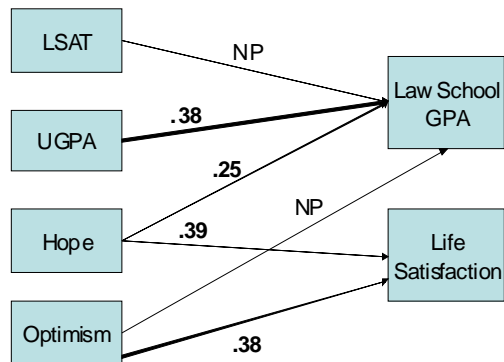
⁴² At the zero-order level, hope and law school GPA were not significantly correlated.

⁴³ For a more detailed explanation about our analysis, see Rand, *et. al, supra* n. 37.

The results of our study are summarized in the following graph⁴⁴:

Path Model

(NP = Not Predictive)



⁴⁴ The predictors are on the left side; the criterion variables are on the right side. The numbers in the middle are the beta weights. Beta weights (β) are standardized measures of the strength of influence of the predictor on the criterion variable. Higher beta values indicate stronger relationships. NP means not predictive or, in other words, that the predictor's influence on the criterion variable was not statistically significant.

This graph depicts the following relationships:

- LSAT score was not a significant predictor (NP) of first-semester law school GPA ($\beta = .13$);⁴⁵
- Undergraduate GPA was the strongest predictor of first-semester law school GPA ($\hat{\alpha} = .38$);
- Hope was the second strongest predictor of first-semester law school GPA ($\hat{\alpha} = .25$);⁴⁶
- Optimism was not a significant predictor (NP) of first-semester law school GPA ($\hat{\alpha} = -.07$);⁴⁷ and
- Hope ($\hat{\alpha} = .39$) and optimism ($\hat{\alpha} = .38$) were significant predictors of life satisfaction.

Thus, our study suggests that hope is a predictor of academic performance and life satisfaction in the first semester of law school.

⁴⁵ Although this result was a bit surprising, the Law School Admission Council, itself, reports that the correlations between LSAT scores and first-year law school grades range from .04 to .60. Law School Admission Council, *LSAT and LSDAS Information Book 27* (2008), available at <http://www.lsac.org/pdfs/2008-2009/InformationBook08web.pdf>. Our result is consistent with this range.

⁴⁶ Given this finding, law schools may want to consider measuring their entering first-year law students' levels of hope to help identify "at risk" students.

⁴⁷ Our findings related to optimism were inconsistent with findings in the study conducted at the University of Virginia School of Law in 1987. See Satterfield, et al., *supra* n. 32. 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 Scheier, et al., *supra* n. 41. This difference may account for the inconsistent findings.

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 several important characteristics were similar, including undergraduate GPA, age, and ethnic composition. On the other hand, our sample had a disproportionate number of female participants and slightly higher LSAT scores than those of the entire first-year class. Another limitation was 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, though, these results may be especially pertinent. Indeed, research has suggested that general expectancies, such as hope and optimism, may have their greatest influence in new and uncertain situations.⁴⁸

In addition to these limitations, the results of our study raise new questions. Would law students' levels of hope fluctuate over time? Would their levels of hope increase or decrease after graduation? Would the results of our study have been different if we had measured academic performance over time based on variables other than simply GPA, such as participation in law journals, moot court programs, clinical work, pro bono activities, externships, and community service? Would the results of our study have been different with a larger sample size? With a larger sample size, we could measure stress and coping behaviors. Would hope's influence on academic performance

⁴⁸ See Scheier, et al., *supra* n. 27.

be mediated through maladaptive coping behaviors such as procrastination? Would hope predict academic performance and psychological well-being at other law schools, including public and private schools, small and large schools, rural and urban schools, and schools ranked at different tiers? More research is warranted. Although we have more to learn about hope and its influences, the findings of this initial study are consistent with other research based on hope.

D. OTHER RESEARCH BASED ON HOPE

Generally, hope has been shown to positively correlate with self-esteem, perceived problem-solving abilities, perceptions of control, and positive affect.⁴⁹ High-hope persons tend to experience better mental health,⁵⁰ greater pain tolerance,⁵¹ and better recovery from illness and injury.⁵² In athletics, high-hope student athletes tend to perform better than their low-hope counterparts, even above and beyond natural athletic

⁴⁹ C R. Snyder, Hal S. Shorey, Jennifer Cheavens, Kimberly Mann Pulvers, Virgil H. Adams III & Cynthia Wiklund, *Hope and Academic Success in College*, 94 J. Educ. Psychol. 820, 820 (2002) [hereinafter *Hope and Academic Success*].

⁵⁰ See Kenneth M. Cramer & Lisa Dyrkacz, *Differential Prediction of Maladjustment Scores with the Snyder Hope Scales*, 83 Psychol. Reps. 1035 (1998).

⁵¹ See C. R. Snyder, Carla Berg, Julia T. Woodward, Amber Gum, Kevin L. Rand, Kristin K. Wroblewski, Jill Brown & Ashley Hackman, *Hope Against the Cold: Individual Differences in Trait Hope and Acute Pain Tolerance on the Cold Pressor Task*, 73 J. Personality 287 (2005).

⁵² See David D. Barnum, C. R. Snyder, Michael A. Rapoff, Mani M. Mani & Rosie Thompson, *Hope and Social Support in the Psychological Adjustment of Children Who Have Survived Burn Injuries and Their Matched Controls*, 27 Children's Health Care 15 (1998); Timothy R. Elliot, Thomas E. Witty, Stephen Herrick & Josephine T. Hoffman, *Negotiating Reality After Physical Loss: Hope, Depression, and Disability*, 61 J. Personality & Soc. Psychol. 608 (1991).

ability.⁵³ “[H]ope has correlated positively with social competence,⁵⁴ pleasure in getting to know others, enjoyment in frequent interpersonal interactions,⁵⁵ and interest in the goal pursuits of others.^{56,57} It should be noted that, at this time, no study has shown gender differences in hope levels.⁵⁸ 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

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.⁶⁰

⁵³ See Lewis A. Curry, C. R. Snyder, David L. Cook, Brent C. Ruby & Michael Rehm, *Role of Hope in Academic and Sport Achievement*, 73 *J. Personality & Soc. Psychol.* 1257 (1997).

⁵⁴ C. R. Snyder, Shane J. Lopez, Hal S. Shorey, Kevin L. Rand & David B. Feldman, *Hope Theory, Measurements, and Applications to School Psychology*, 18 *Sch. Psychol. Q.* 122, 126 (2003) [hereinafter *Hope Theory*]; Barnum, *supra* n. 52, at 26.

⁵⁵ *Hope Theory*, *supra* n. 54, at 126; C. R. Snyder, Betsy Hoza, William E. Pelham, Michael Rapoff, Leanne Ware, Michael Danovsky, Lori Highberger, Howard Rubinstein, Kandy J. Stahl, *The Development and Validation of the Children’s Hope Scale*, 22 *J. Pediatric Psychol.* 399, 416-17 (1997).

⁵⁶ *Hope Theory*, *supra* n. 54, at 126; C. R. Snyder, J. Cheavens, & S. C. Symptom, *Hope: An Individual Motive for Social Commerce*, 1 *Group Dynamics* 107, 112, 114 (1997).

⁵⁷ *Hope Theory*, *supra* n. 54, at 126.

⁵⁸ *Id.* at 127.

⁵⁹ *Id.*; see Edward C. Chang & Kira Hudson Banks, *The Color and Texture of Hope: Some Preliminary Findings and Implications for Hope Theory and Counseling Among Diverse Racial/Ethnic Groups*, 13 *Cultural Diversity & Ethnic Minority Psychol.* 94 (2007).

⁶⁰ *Hope and Academic Success*, *supra* n. 49, 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

High-hope students were more engaged in learning and employed less disengaged coping with academic stressors.⁶¹ Disengaged coping involves attempts to escape the academic stressor, such as skipping class, drinking alcohol, or taking drugs.⁶² 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.⁶³

High-hope students also tend to stay focused on their goals and think “on task.”⁶⁴ High-hope students are, therefore, “far less likely to become distracted by self-deprecatory thinking and counterproductive negative emotions.”⁶⁵ Conversely, because low-hope students are often plagued by these self-defeating thoughts, they have difficulty studying.⁶⁶ Moreover, even if they are able to study, they often have difficulty

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.

⁶¹ *Hope and Academic Success*, *supra* n. 49, 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)

⁶² Charles S. Carver, Michael F. Scheier & Jagdish Kumari Weintraub, *Assessing Coping Strategies: A Theoretically Based Approach*, 56 *J. Personality & Soc. Psychol.* 267, 269 (1989).

⁶³ *Hope and Academic Success*, *supra* n. 49, at 824.

⁶⁴ *Id.*; C. R. Snyder, *The Psychology of Hope: You Can Get There From Here* (Free Press 1994).

⁶⁵ *Hope and Academic Success*, *supra* at n. 49, at 824.

⁶⁶ *Id.*; See also Anthony J. Onwuegbuzie, *Role of Hope in Predicting Anxiety About Statistics*, 82 *Psychol. Reps.* 1315, 1319 (1998).

demonstrating knowledge on an exam because they tend to be more focused on thoughts about failing rather than on the exam questions.⁶⁷

Low-hope students also tend to have more test anxiety.⁶⁸ 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.⁶⁹ Because low-hope students often continue to stick with one test-taking strategy, even after failure,⁷⁰ 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."⁷¹ 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."⁷²

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

⁶⁷ *Hope and Academic Success*, *supra* n. 49, at 824; C. R. Snyder, *Hope, Goal-Blocking Thoughts, and Test-Related Anxieties*, 84 *Psychol. Repts.* 206, 207 (1999).

⁶⁸ *Hope and Academic Success*, *supra* n. 49, at 824.

⁶⁹ *Id.*

⁷⁰ *Id.* See also C. R. Snyder, *Hope, Goal Blocking Thoughts, and Test-Related Anxieties*, 84 *Psychol. Repts.* 206, 207 (1999).

⁷¹ *Hope and Academic Success*, *supra* n. 49, at 824. See also C. R. Snyder, *To Hope, To Lose, and Hope Again*, 1 *J. Personal and Interpersonal Loss* 1, 10 (1996).

⁷² *Hope and Academic Success*, *supra* n. 49, at 824.

performances, stretching to reach the next, slightly more difficult standard.⁷³ These goals are “built on internal, self-standards [which] are more energizing than those based on external standards.”⁷⁴ In contrast, 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.⁷⁵

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.⁷⁶ Conversely, low-hope students tend to adopt “‘all at once goals’ that are too big, overwhelming, and anxiety producing.”⁷⁷

Finally, research has shown that high-hope students tend to be highly motivated.⁷⁸ This motivation stems from a pattern of successfully meeting their past educational goals.⁷⁹ 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.⁸⁰ “All of these energy production and sustenance characteristics of high-hope students are

⁷³ *Id.* See also C. R. Snyder, David B. Feldman, Julia D. Taylor, Lisa L. Schroeder & Virgil Adams III, *The Roles of Hopeful Thinking in Preventing Problems and Enhancing Strengths*, 9 *Applied and Preventive Psychol.* 249, 251 (2000).

⁷⁴ *Hope and Academic Success*, *supra* n. 49, at 824.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

reinforced by internal, agentic self-talk statements, such as ‘I will get this done!’ and ‘Keep going!’”⁸¹

Assuming that this research about characteristics of high-hope students, generally, applies to law students, specifically, it is no wonder that law students with high levels of hope tend to succeed academically and tend to be more satisfied with life. But not all law students enter school hopeful. And even if students begin law school hopeful, some may lose hope as the days, weeks, and months wear on. The question then becomes, what can legal educators do to maintain, and even engender, hope in law students?

II. HOW LEGAL EDUCATORS CAN ENGENDER HOPE IN LAW STUDENTS

Our study suggests that hope predicts academic success and life satisfaction in the first semester of law school.⁸² These findings are consistent with those in similar studies conducted at the undergraduate level.⁸³ Hope theory further postulates that a teacher can play an important role in encouraging students in the pursuit of their classroom goals.⁸⁴ In fact, research has shown that “virtually all students raise their hope levels when taking

⁸¹ *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).

⁸² Rand, *supra* n. 34. 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*, *supra* n. 49, at 824.

⁸³ See *Hope and Academic Success*, *supra* n. 49; 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 (1998). But see Todd Jackson, Karen E. Weiss, Jesse J. Lundquist, and Denise Hopper, *The Impact of Hope, Procrastination, and Social Activity on Academic Performance of Midwestern College Students*, 124 *Educ.* 310 (2003).

⁸⁴ *Hope and Academic Success*, *supra* n. 49, at 824.

part in school hope programs.”⁸⁵ Thus, legal educators can play an important role in maintaining and creating hope in law students by enhancing the components of hope: goals, pathways thinking, and agentic thinking. Based on these components, 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 agentic thinking.

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 rather than abstract goals, and (3) set approach rather than avoidance goals.

1. Help Law Students Formulate Learning Rather Than Performance Goals.

Hope theory proposes that students’ levels of hope direct them to choose either learning or performance goals.⁸⁶ “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”⁸⁷ Conversely, “those who exhibit a helpless response when confronted with challenges are interested primarily in performance goals or low-effort

⁸⁵ *Hope Theory*, *supra* n. 54, at 127. Although one may naturally assume that “virtually all students” would include law students, further empirical research is warranted to confirm that law students’ levels of hope would be similarly raised by taking part in a school hope program.

⁸⁶ *Hope and Academic Success*, *supra* n. 49, at 821.

⁸⁷ *Id.* at 820.

goals that enable them to look good and be assured of success.”⁸⁸ Those students who select performance goals are more likely to take easier classes, for example.⁸⁹ Research has shown that high-hope students tend to choose learning instead of performance goals.⁹⁰

Legal educators can help all students select learning goals. Legal writing professors can encourage students to focus on learning how to organize using IRAC (learning goal) rather than on obtaining an A in legal writing (performance goal). For example, after returning papers, 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 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

⁸⁸ *Id.* See also Heidi Grant & Carol S. Dweck, *Clarifying Achievement Goals and Their Impact*, 85 J. Personality and Soc. Psychol. 541 (2003).

⁸⁹ *Hope and Academic Success*, *supra* n. 49, at 820.

⁹⁰ *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 *genuinely enjoys* or which *furtheres a fundamental life purpose*, while extrinsically motivated choices are directed towards *external rewards* (i.e., money, grades, honors), avoidance of *guilt or fear*, or *pleasing/impressing others*.” Krieger, *supra* n. 7, at 429 (emphasis in original) (citing Kennon M. Sheldon & Tim Kasser, *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.” *Id.*

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 a “deep-level, strategic processing, which leads to increased academic achievement.”⁹¹

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.⁹² Although forced grade distributions may always be present, to a certain extent, in legal education,⁹³ educators 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, externship 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.

⁹¹ *Hope and Academic Success*, *supra* n. 49, at 821.

⁹² See Barbara Glesner Fines, *Fundamental Principles and Challenges of Humanizing Legal Education*, 47 Washburn L.J. 313, 320 (2007) (discussing how grading curves encourage “values of competition and institutional control” rather than “learning, cooperation, equality, and professionalism”); Peggy Cooper Davis, *Slay the Three-Headed Demon!*, 43 Har. Civ. Rights - Civ. Libs. L. Rev. 619, 622 (2008) (“The fixed curve interferes with learning. It motivates students to work for grades rather than for comprehension or skill development.”)

⁹³ 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.⁹⁴ 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. In addition, 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.⁹⁵ In the summary of the 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 career and future professional growth.⁹⁶

⁹⁴ 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.

⁹⁵ William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond & Lee S. Shulman, *Summary: Educating Lawyers: Preparation for the Profession of Law* 9 (2007), http://www.carnegiefoundation.org/files/elibrary/EducatingLawyers_summary.pdf.<http://www.carnegiefoundation.org>

⁹⁶ *Id.* See, e.g., Case Western Reserve University School of Law, CaseArc Curriculum, <http://law.case.edu/curriculum/content.asp?id=400> ((last visited on December 4, 2008). This law school has created an integrated legal writing program that culminates in a capstone experience in which second or third year students choose one among several experiential learning options, such as clinical work or an externship. *Id.*

Further, the authors believed that “[f]ormative assessment directed toward improved learning ought to be a primary form of assessment in legal education.”⁹⁷ The authors expressed concern that, in contrast, law schools currently place too much emphasis on summative assessment designed to rank the students.⁹⁸

By creating a separate third-year curriculum, resetting all rankings, and assessing students’ work with a focus on improved learning, we would encourage all students to set learning goals in their third year, including those students 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. Agentic 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.

Of course, this type of curricular reform will likely not engender hope unless law schools educate potential legal employers about the program and encourage them to hire at least some graduates after their third year. If these employers are reluctant to hire that late, another option would be to begin the program even earlier - perhaps even after the first year. In conjunction, law schools would likely need to encourage a later on-campus interviewing season - perhaps in the fall semester of students’ third year. Although this type of cooperation between law schools and potential employers may not be easy

⁹⁷ *Id.* at 7.

⁹⁸ *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.”).

initially, the resulting reform would engender hope in law students, which would, in turn, benefit their legal employers.

2. Help Students Formulate Concrete Rather Than Abstract Goals.

“Getting good grades” is not a productive goal for students because it is too abstract.⁹⁹ 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.¹⁰⁰ 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.¹⁰¹ Another example is to create a student study “plan” and explicitly provide it to students.¹⁰² 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 per afternoon; 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

⁹⁹ *Hope Theory*, *supra* n. 54, at 129.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² 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).

working on an outline for a doctrinal course.¹⁰³ 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 meeting each goal, which engenders hope.

3. Help Law Students Formulate Approach Rather Than Avoidance Goals.

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.”¹⁰⁴ 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.”¹⁰⁵ “[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.”¹⁰⁶ By encouraging students to set approach goals, legal educators can engender hope.

B. Increase Law Student Autonomy.

¹⁰³ 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).

¹⁰⁴ *Hope Theory*, *supra* n. 54, at 129.

¹⁰⁵ *Id.* See also C. R. Snyder, *Hope Theory: Rainbows in the Mind*, 13 *Psychol. Inquiry* 249, 250 (2002).

¹⁰⁶ C. R. Snyder & Shane J. Lopez, *Handbook of Positive Psychology* 266 (Oxford U. Press 2002).

Hope correlates positively with perceptions of control.¹⁰⁷ 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.¹⁰⁸ Further, research has shown that having greater control, even while experiencing highly stressful situations, results in less deleterious health consequences.¹⁰⁹ Thus, legal educators should try to provide more, or at least maintain the perception of more, student autonomy.¹¹⁰ 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, to let them help design the course,¹¹¹ and even to let them choose one or more classes in their first year.¹¹² By

¹⁰⁷ *Hope and Academic Success*, *supra* n. 49, at 820.

¹⁰⁸ *Id.* at 824.

¹⁰⁹ 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).

¹¹⁰ See Stuckey, et al., *supra* n. 6, at 113 (asserting that law schools should “support student autonomy”); Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 *Personality and Soc. Psychol. Bull.* 883 (2007) (applying self-determination theory, study suggested that law schools need to enhance student autonomy “to maximize the learning and emotional adjustment of its graduates”).

¹¹¹ See, e.g., 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).

¹¹² For example, Yale Law School has a flexible first-year curriculum in which students are required to take certain classes in their first semester, but choose their own courses in their second semester. Yale Law School, *Course Offerings*, <http://www.yale.edu/bulletin/html/law/course.html> (last visited on December 4, 2008).

increasing student autonomy, even minimally, legal educators encourage hopeful thinking.

C. Model the Learning Process.

“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.”¹¹³ 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.¹¹⁴ “Stepping” can be learned, however.¹¹⁵

A good way to teach “stepping” is to model the learning process, emphasizing planning and preparation.¹¹⁶ 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

¹¹³ *Hope Theory*, *supra* n. 54, 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. *Supra* n. 106.

¹¹⁴ *Hope and Academic Success*, *supra* n. 49, at 824.

¹¹⁵ *Hope Theory*, *supra* n. 54, at 129.

¹¹⁶ *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).

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.”¹¹⁷ To help in the task of being more explicit, legal educators can create labels for the steps in an analytical process.¹¹⁸ These labels can help teach the course’s doctrine and also help teach students the “doctrine of legal analysis.”¹¹⁹

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 agentic thinking as well.

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.¹²⁰ Students

¹¹⁷ 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.”).

¹¹⁸ 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).

¹¹⁹ *Id.* at 71.

¹²⁰ *Hope Theory*, *supra* n. 54, at 130.

need to learn that if one pathway does not work, they have alternate strategies to try.¹²¹ Further, “it is crucial for the production of future pathways, as well as for the maintenance of [agentic thinking], that the student learns not to attribute a blockage to his or her lack of talent.”¹²² Instead, a blockage should be considered merely information that a particular strategy does not work.¹²³ 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.¹²⁴ High-hope students use feedback as information to help them find alternative strategies for reaching

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Sullivan, *supra* n. 3, at 171; Stuckey, *supra* n. 6, at 125 (encouraging law schools to provide more practice and feedback). *See also* Susan Thrower, *Teaching Legal Writing Through Subject Matter Specialties: A Reconception of Writing Across the Curriculum*, 13 *Leg. Writing* 3, 21 (2007) (explaining how all three learning theories - behaviorism, cognitivism and constructivism - agree that feedback is important “to increase and deepen student learning”); Paula Lustbader, *Principle 7: Good Practice Respects Diverse Talents and Ways of Learning*, 49 *J. Leg. Educ.* 448, 454 (1999) (“Students need rigid feedback mechanisms to help them evaluate how they are learning so they can modify their study approaches.”); Terri LeClercq, *Principle 4: Good Practice Gives Prompt Feedback*, 49 *J. Leg. Educ.* 418 (1999) (discussing the importance of and different ways of providing effective feedback to students).

their academic goals, thereby enhancing pathways thinking.¹²⁵ They may also use feedback to help them set clear markers for reaching their academic goals.¹²⁶ Thus, high-hope students use grading as feedback. In contrast, those students who view grades as pure evaluation or judgment tend to adopt performance goals, a trait of low-hope students.¹²⁷ To encourage hopeful thinking for all students, legal educators need to help them understand grading as performance feedback.

The first step in this challenge is to actually provide feedback or, as the Carnegie Foundation referred to it, formative assessment.¹²⁸ 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.”¹²⁹ 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.”¹³⁰ Certainly, over time, law schools need to address this concern.

Even under the current construct, however, legal educators can do a better job of providing this type of feedback, which, in turn, will help students understand grading as

¹²⁵ *Hope and Academic Success*, *supra* n. 49, at 824.

¹²⁶ *Id.*

¹²⁷ *Id.* at 821.

¹²⁸ Sullivan, *supra* n. 3, 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).

¹²⁹ Sullivan, *supra* n. 95, at 7.

¹³⁰ *Id.*

feedback. Offering practice exams is a good way,¹³¹ even if the only feedback provided is 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 are self graded. Conferencing with students, maybe after a practice exam or before a final exam, is also a good way to provide feedback.¹³² Similarly, meeting with students after the final exam can be meaningful, although this feedback may only be helpful in future courses. In addition, there are many other creative ways in which legal educators can provide this type of feedback - even in large classes.¹³³ The important point is 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 respectful, constructive, 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

¹³¹ See, e.g., Andrea A. Curcio, Gregory Todd Jones, & Tanya M. Washington, *Developing an Empirical Model to Test Whether Required Writing Exercises or Other Changes in Large-Section Law Class Teaching Methodologies Result in Improved Exam Performance*, 57 J. Leg. Educ. 195, 196-97 (2007) (finding that students who completed practice exams during the semester outperformed students who did not); Cathaleen A. Roach, *A River Runs Through It: Tapping Into the Informational Stream to Move Students From Isolation to Autonomy*, 36 Ariz. Law Rev. 667, 689, 693 (1994) (discussing the importance of feedback using practice questions and practice exams).

¹³² See Robin S. Wellford-Slocum, *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. Texas L. Rev. 255, 270 (2004) ("The conference provides an ideal setting for professors to help students strengthen both agentic and pathways thinking.") Professor Wellford-Slocum was the first legal educator to apply hope theory in the law school context.

¹³³ See Philip C. Kissan, *Lurching Towards the Millennium: The Law School, the Research University and the Professional Reforms of Legal Education*, 60 Ohio St. L.J. 1965, 2009-13 (1999) (discussing different ways to incorporate writing and feedback into doctrinal classes).

their performance falls short of expectations.”¹³⁴ Indeed, students build hope through learning to trust their teachers.¹³⁵ Thus, even if a student is struggling, feedback should be respectful¹³⁶ and constructive, addressing both successes and weaknesses.¹³⁷ Further, depersonalizing 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.¹³⁸ Anonymous grading, therefore, may enhance hopeful thinking. By providing feedback in a respectful, constructive, and depersonalized manner, legal educators encourage students to view grading as more than pure evaluation.

E. Model and Encourage Agentic Thinking.

¹³⁴ *Hope Theory*, *supra* n. 54, at 131.

¹³⁵ *Id.*

¹³⁶ See 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”); Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. Legal Educ. 75, 105 (2002) (“Mutual respect among teachers and students is a fundamental element of an effective teaching and learning environment.”); James B. Levy, *As a Last Resort, Ask the Students: What They Say Makes Someone an Effective Law Teacher*, 58 Me. L. Rev. 50, 79 (2006) (“Students . . . identified [treating students with respect] as a key trait of effective law school teachers.”).

¹³⁷ Wellford-Slocum, *supra* n.132, at 323 (discussing how cognitive psychology and composition theory support the importance of providing feedback about strengths as well as weaknesses). See also Kent D. Syverud, *Taking Students Seriously: A Guide for New Law Teachers*, 43 J. Legal Educ. 247, 254 (1993) (advising new law teachers to respect their students and to “look for ways to give some reassurance to students who are struggling as well as to students who are doing well”); David D. Walter, *Student Evaluations - A Tool for Advancing Law Teacher Professionalism and Respect for Students*, 6 Jnl. Legal Writing Inst. 177, 216 (2000) (asserting that legal writing professors should provide both negative and positive comments to students).

¹³⁸ *Handbook of Hope*, n. 16, at 140.

Agentic thinking is “mental willpower.”¹³⁹ High-hope students have a “can do” attitude, and are highly motivated and energetic.¹⁴⁰ Legal educators can help teach agentic thinking 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 agentic thinking. To maintain or help build high levels of energy, which is a trait 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).”¹⁴¹ 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.

Another way to model agentic thinking 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.”¹⁴² High-hope people “have ongoing, positive, internal dialogues of self-statements such as, ‘I can,’ ‘I’ll make it,’ and

¹³⁹ *Id.* at 10.

¹⁴⁰ *Hope and Academic Success, supra* n. 49, at 824.

¹⁴¹ *Handbook of Hope, supra* n. 16, at 141.

¹⁴² *Hope and Academic Success, supra* n. 49, at 820.

‘I won’t give up.’”¹⁴³ From the legal educator’s perspective, encouragement is the key.¹⁴⁴ Helping students to maintain a positive attitude, even when struggling, is important to agentic thinking. Encouragement must be based in reality, of course. It would create false hope to encourage students by stating that their work is “terrific” when, in fact, it is average.¹⁴⁵ Even if work is average, though, students can benefit from hearing, “Hang in there!” This support can go a long way.¹⁴⁶ Going one step further, even in the difficult situation in which a student is failing his or her courses, a supportive attitude remains important even though tempered with honesty. Although law may not be the optimal career choice for every bright student that has been admitted, legal educators can still encourage a student to be hopeful about a new career direction.

In addition, feedback stated in a positive rather than a negative voice, 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 that positive voice.

¹⁴³ *Handbook of Hope*, *supra* n. 16, at 40.

¹⁴⁴ Wellford-Slocum, *supra* n. 132, at 324 (“Although both negative and positive feedback can motivate students, positive feedback is a more potent motivator for low-hope students, who also tend to have significant anxiety when striving to achieve goals.”).

¹⁴⁵ Wellford-Slocum, *supra* n. 132, at 323 (noting that “false praise for inferior work is not effective”).

¹⁴⁶ 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.”¹⁴⁷ 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 [agentic thinking].”¹⁴⁸

Analogizing to legal education, law students would 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 it is a “war story” from practice that is inspiring. Further, legal educators can encourage students to tell their own hope stories.¹⁴⁹ By telling or encouraging stories of hope, legal educators can help to maintain agentic thinking for high-hope students and encourage low-hope students to begin to build their own positive narratives.

¹⁴⁷ *Hope Theory*, *supra* n. 54, 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).

¹⁴⁸ *Hope Theory*, *supra* n. 54, at 131.

¹⁴⁹ 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. See also Wellford-Slocum, *supra* n. 132, at 333 (noting that “a professor can strengthen a student’s agentic thinking by asking the student to identify past challenging experiences in which the student ultimately succeeded.”)

Finally, to model agentic thinking, 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.”¹⁵⁰ After all, “[h]opeful teaching is a give-and-take process between teachers and students.”¹⁵¹ 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.”¹⁵² 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.”¹⁵³ 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.”¹⁵⁴ This synergistic relationship between legal educators and law students exists in all classes, not just legal writing.

¹⁵⁰ *Hope Theory*, *supra* n. 54, at 132.

¹⁵¹ *Id.*

¹⁵² 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).

¹⁵³ *Id.*

¹⁵⁴ *Id.*

Displaying enthusiasm in teaching is a good way to maintain a hopeful learning environment.

Enthusiasm can be conveyed in many effective ways. One of the most popular ways with students is to use humor in class.¹⁵⁵ Not all legal educators are comfortable with using humor, however. The important point is for legal educators to be engaged in and even excited about the material being taught. Personalizing that material helps. If a 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.”¹⁵⁶

CONCLUSION

Research suggests that hope is a predictor of academic performance and psychological well-being in the first semester of law school. Research has also suggested that well-being predicts responsible, pro-social behavior.¹⁵⁷ Thus, law student well-being is in the best interests of students, educators, legal employers, and, ultimately, the public at large. Recognizing that “[t]eachers and students have shared roles in keeping hope

¹⁵⁵ Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. Legal Educ. 75, 105 (2002); James B. Levy, *As A Last Resort, Ask the Students: What They Say Makes Someone an Effective Teacher*, 58 Me. L. Rev. 50, 82 (2006); Sheila Simon, “Top 10 Ways to Use Humor in Teaching Legal Writing,” 11 Persp. 125 (Spring 2003).

¹⁵⁶ *Hope Theory*, *supra* n. 54, at 132.

¹⁵⁷ See Alice M. Isen & Paula F. Levin, *Effect of Feeling Good on Helping: Cookies and Kindness*, 21 J. of Personality and Soc. Psychol. 384 (1971); Krieger, *supra* n. 7.

alive,”¹⁵⁸ we identified 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.

¹⁵⁸ *Hope and Academic Success*, *supra* n. 49, at 824.