Academic Success

I. Introduction

Much is expected of incoming law students. They are expected to read a great deal of legal material, learn a new vocabulary, memorize legal principles, and learn how to apply those principles in the appropriate form of legal argument, all with the goal of entering a profession that serves the public. A number of resources have described for students' benefit what to expect at law school, providing overviews of the law school academic culture.[1] In the following, we offer some practical precepts to help law students succeed.

In order to succeed at law school, students need to take a disciplined approach to legal studies. There are three concepts that are essential to success at law school: (1) effective habits and competence, (2) group work, and (3) hypothetical examinations.

II. Effective Habits and Competence

Students begin law school with certain goals and aspirations. Some have a traditional career path in mind. Some are considering an alternative career. Others are in search of personal growth and development. Even for those who are highly motivated, it is not uncommon for students to experience difficulty in their first year of law school studies. Students' approach to their studies—their habits—can determine whether they struggle in law school or proceed smoothly through it.

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1 Examples include Allan C Hutchinson, *The Law School Book: Succeeding at Law School*, 3rd ed (Toronto: Irwin Law, 2009); and FC DeCoste, *On Coming to Law: An Introduction to Law in Liberal Societies*, 3rd ed (Markham, ON: LexisNexis, 2011). As a result of the COVID-19 pandemic, Canadian law schools moved to an unprecedented online teaching format in 2020-2021. In 2022, in-person teaching and learning resumed in Canadian law schools; however, some of the online components remain in law school instruction. For a series of articles dedicated to exploring the impact of the COVID-19 pandemic on legal education in Canadian law schools, see The Canadian Journal of Comparative and Contemporary Law volume, "Charting the Future of Legal Education" (2022) 8:1 CJCCL, online: <https://www.cjccl.ca> [perma.cc/Z3TB-DPRV].

Furthermore, the habits a student adopts at law school can affect their future career. Adopting habits that promote learning is one way of enhancing competence, as is avoiding habits that inhibit learning and dissipate energy. Knowing how to evaluate your habits and modify them when appropriate is one way of developing competence.

What do we mean by *habits*? Generally speaking, habits are behaviours that are adopted and practised until they become routine. Stephen Covey's work on the habits of highly effective people defines a habit as an "intersection of knowledge, skill, and desire."[2]

What are some useful habits for law students to have? No formula works for everyone, but some general guidelines may be helpful.
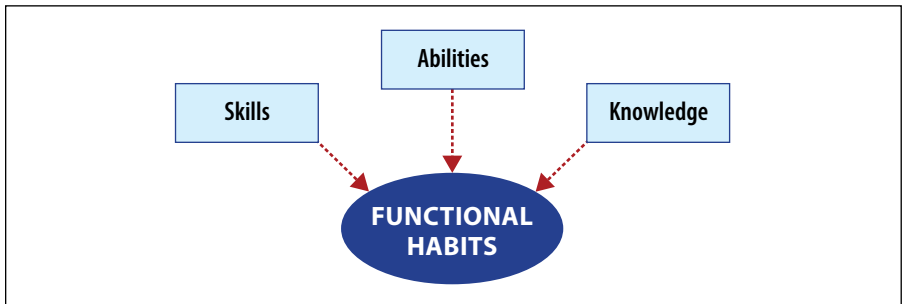
A. Planning

Managing time effectively is a challenge for lawyers and law students, both of whom have competing demands on their time. In 2020, the COVID-19 pandemic forced an abrupt switch to online teaching, learning, and advocacy; lawyers and law students alike faced a steep learning curve as they had only a short period of time to learn how to function remotely. The new expectation of online technological functionality is nonetheless still required of law students and lawyers to a certain extent now, even though in-person classes and court appearances have resumed for the most part. Law students and lawyers are expected to function competently in both online and in-person settings and to switch seamlessly between the two modalities. The sooner lawyers and law students learn to manage time effectively, the sooner they will be able to enjoy the positive effects of a busy life and to manage the negative effects of situational stress. To this end, both lawyers and law students should consider:

- using a calendar to diarize events, both personal and professional/academic, deciding which online calendar or paper calendar is most suitable, with coordination of multiple calendars if needed;
- deciding which activities cannot be missed (e.g., class attendance) or if the activity is online, determining in advance if it will be recorded for potential later viewing;
- knowing assignment due dates and working to complete assignments ahead of deadlines, including ensuring sufficient time to deal with technological electronic device functionality and updating as needed;

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2 Steven R Covey, *The Seven Habits of Highly Effective People: Restoring the Character Ethic* (New York: Simon & Schuster, 1989). See also Christian D Bareford, "Seven Habits of Highly Successful Law Students" (1999) 37 Duq L Rev 603. In Bareford's article, Covey's principles were considered from the perspective of law students beginning their legal studies. This article considers how law school accomplishments are supported by the adoption of effective habits.

- anticipating that tasks will always take longer than planned and allowing sufficient time to review work before submitting it;

- developing a reputation for strong time-management skills;

- building free time into their calendars for "planned spontaneity," which will allow them to participate in events, personal and professional, that arise on short notice;

- striving for balance between personal and professional activities and making adjustments in this regard as needed;

- reducing the tendencies of procrastination and perfectionism;

- aiming for proactive time management instead of succumbing to reactive crisis management;

- attending all online classes at the scheduled time, at a quiet dedicated work space, instead of skipping class and relying on class recordings, which may inadvertently pile up and end up being disregarded over time due to the volume of backlogged recordings; and

- ensuring that high standards of professionalism and civility are maintained in law school classes in all aspects of the chat functionality, online appearances and background effects, and shared online documents.

FIGURE B.1   Intersection of Competency and Habits

B. Prioritizing

This habit is linked to planning, but it differs in scope. Setting long-term priorities requires you first to think about what you need for both personal and professional satisfaction and then to decide how you will achieve this vision. This process should also take into account the values you consider essential.[3] Once that is done, you can start setting specific goals and planning how to achieve them.

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3   Lawrence S Krieger, "The Inseparability of Professionalism and Personal Satisfaction (or Why the Wrong Values Will Mess Up Your Life)" (Paper delivered at the Annual Conference of the AALS Section on Legal Education, Vancouver, BC, 17 May 2003).

It may be necessary to set short-term priorities as well. Typically, you will need to do this when tasks and obligations exceed the time you have allotted for them. To help you in this process, consider:

- distinguishing personal preferences from obligations to others and ensuring that the latter are met before considering the former;
- keeping the end goal in mind and checking from time to time to make sure the right steps are being taken to achieve that goal; and
- recognizing that priorities differ from person to person and that you need to focus on your own requirements as you establish your personal priorities and not be distracted by the choices of others (though advice from others may be helpful).

C. Practising/Persisting

A lawyer's work is frequently described as the "practice" of law. The practice of law includes performing numerous activities that lead to the resolution of a client's issue. Efficiencies and improved performance develop over time, and such development requires practice, evaluation, critique, and refinement. Consider the following suggestions:

- First attempts at law-related activities, such as writing a memorandum of law or participating in a moot court advocacy exercise, rarely result in an optimal performance; they merely provide a baseline on which to refine and build.
- You measure your progress in terms of the steps you take to improve your performance *after* a first attempt.
- It is useful to seek out and actively embrace critical and constructive feedback from your professors, peers, and mentors. Feedback allows you to develop—to improve your skills and increase your knowledge.
- Try to view your less successful efforts and experiences not as "errors" or "mistakes" but as positive opportunities to learn/develop.
- Persist with activities or tasks until the goal is achieved.
- If you practise law-related skills, such as making an oral argument at moot court or applying citation rules, your performance will improve.
- You can learn from observing others who are more experienced and skilled than you are.
- Recognize that these habits of practising and persisting are essential to life-long learning.

D. Self-Reflection

Self-reflection is essential for positive change. Consider the following suggestions:

- Reflecting involves thoughtful consideration of achievements and disappointments, observations, expectations, habits, values, experiences, hopes, goals, and plans. It grounds your thoughts. Keeping a record of your reflections allows you to review them later.

- Keeping a journal can help you develop a disciplined approach to self-reflection.

- Keeping a journal is a personal and solitary activity; in this way, it differs from tweeting, blogging, or other forms of social networking, although you may choose to share your private thoughts with trusted confidantes at some point.

- Once you develop a disciplined approach to self-reflection and it has become a settled habit, you may prefer not to continue journaling, though some adopt journaling as a lifelong habit.

Are these habits we have been describing effective for law students? What other habits should be developed? Consider the following thoughts from two former law students:

> Prior to starting law school, I focused on self-reflection and decided what was necessary to give me the best chance for success. Self-reflection identified preparation, commitment, and consistency as priorities for success. Based on these priorities, I developed the habits that facilitated my success and limited any stress or anxiety.
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> Quality preparation is absolutely necessary for success at law school, and it takes many forms. Developing your own preparation style is necessary, but in my view the key is coming to class with a basic understanding of the material. This familiarity with the concepts allows you to understand the material in the lecture, ask questions to deepen your knowledge, and be able to apply the concepts later in the term. There is no shortcut for this habit. You must be prepared everyday. During exams, this preparation paid off immensely; there was no stress from trying to learn concepts at the last minute, and I was able to spend my time reviewing and mastering the content.
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> Commitment is another habit that produced success in my first year. Commitment is necessary to continually develop and improve the skills required of a competent lawyer. For me, being committed meant I had to critically analyze my abilities and determine where I needed to improve. I realized my writing skills needed to improve and I was committed to

doing that. Whichever areas you identify, there are many resources available to improve on them. Being committed to improvement and growth means accepting feedback and critiques along with an honest assessment of your abilities.

Consistency is a habit that ties all the other habits together. Law school does not allow you to cram, nor can you coast and then "turn it on." This consistency also reduces stress and smooths the distribution of your workload over the whole term. I chose to treat law school like a job. Therefore, I began everyday at 8 and worked until 6. This consistent effort allowed me to stay on top of all material, and when there was less work I got ahead. That way when things got busy I did not drown in the work. This simple habit was the single biggest contributor to my success.

A.M., Law II student

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Stephen Covey's *The Seven Habits of Highly Effective People* is not something that I would have given much attention to at the beginning of Law I. Looking back, however, I realize that my success in certain areas was due to good habits, and my struggles in other areas were due to poor habits. It shouldn't be surprising; I entered law school with similar credentials to my peers, but some students struggled much more than others. This wasn't due to pre-existing knowledge of the law or any other advantage; it came down to habits. There are several general keys to success that I could suggest: do your work early, don't commit any academic offences, study … but you probably already know to do these things … There are other habits that are not as obvious.

I entered law school knowing that it would be competitive. This didn't stop me, however, from treating my peers as my future colleagues rather than as my competition. I shared information, notes, and study tips. You're not going to be the best student in every class and you're probably not going to be able to make it to every class, so why not develop mutually beneficial relationships with your classmates? Thinking "win–win" is, in my opinion, the most important habit to embrace early in law school. There is a time and place for adversarial lawyering, but this is not it. Helping others shows that you are a person of integrity. No matter what type of student you are, there will be a time when you need assistance. Help your classmates and they will help you. It's win–win.

At my law school, first-year students take six full-year classes. Most of the time, it seems impossible to do everything that is expected of you—that is, attending all of your classes, doing all of your readings, making study notes and case briefs, and doing your assignments. I quickly had to

learn how to prioritize my work so that I didn't miss any key information. First, above all else, I attended almost all of my classes. If I didn't go to a class, there was a good reason—and I obtained notes from a classmate. To me, prioritizing meant that I had to focus more on classes that I had trouble with. This may seem like a simple concept, but when you're behind in your readings, it is much easier to read something that you're comfortable with rather than something that you're struggling with. I knew that I had to be competent in all of these areas because my law career could go in any direction.

I found that there were two types of people in law school. There were those who, upon receiving a poor grade, would blame it on the professor, and those who would look back at how their own choices led to receiving that grade. I worked for a year prior to law school, and that helped me with doing assignments early and meeting deadlines. In my criminal law class, we were assigned to go to court, watch a hearing, and write up a court report. This was assigned on the first day of classes and it wasn't due until mid-November. The next week, I went to court, watched a few hearings, and wrote my report. A few days before the assignment was due, there were students who still hadn't even gone to court. Doing this assignment early was beneficial because, by this time, we had other assignments and readings to do. Taking a whole morning or afternoon to go to court was much more difficult in November than it was in September. Students who, on the day before the assignment was due, still hadn't gone to court were stuck. Most of these students were the ones that blamed the professor for making an assignment due so close to exams, apparently forgetting that it was assigned two months prior. The point is, you must take responsibility for your own actions. If you know you have something to do and you have the tools to do it, it's nobody else's fault if you delay. Doing an assignment the night before and receiving a mediocre grade is one thing (and is devastating for some), but getting a job at a firm and handing in a poorly written memo could be career altering. Get into the habit now of taking responsibility for your work and for your actions.

In my legal research class, we were assigned federal and provincial files which had us research various federal and provincial statutes and the case law surrounding those statutes. We wrote a memo on the provincial file. I found that my 12-page provincial memo took about as long as my 30-page final memo for the class. A large part of the reason for that was due to the work done prior to actually writing the memos. For the final memo, I took much more time to plan my research and my arguments. I knew where I wanted to go with the case, and actually wrote down the steps that I would take to get there. Everything in that memo was carefully planned beforehand—the issues, the relevant cases, the arguments.

Taking a little more time to research and plan before actually writing the memo saved me an incredible amount of time afterward, and made for a much better and more structured argument.

During the federal research, we were placed into groups. I wasn't thrilled about the prospect because I work much better independently. Looking back, however, I realize that group work for this particular assignment was much more beneficial to my learning. Everyone in my group truly brought something different to the table. Undertaking research is not simply doing a web search and reporting what comes up; there are many aspects to legal research that are difficult to grasp early. Having group members master specific tasks and teach the rest of the group afterward allowed my group to finish the research very early. This particular group process—individual tasks, detailed reporting—worked extremely well for our group. We didn't start doing this until after our first plan failed—go into the library and try to do everything together. Different processes will work depending on the group dynamics and on the assignment; what is important is to find that group dynamic that works for your particular group. Our group received an excellent grade on this particular assignment, we were each very good at our particular task, and we all had a working familiarity with the tasks of other group members since we taught each other what we'd learned individually.

I did well in Law I, but I could have done better. Ironically, I believe that I would have done better if I'd done less work. I have spent countless hours studying and not retaining the information that I was studying because I lost balance in my life. Prior to entering law school, I played in a band, trained in mixed martial arts, and was active in political life in my community. From mid-September until the end of April, these things were put on hold. Looking back, I realize that continuing with these activities would have provided a much-needed break from legal studies. There are times during the year when you simply can't afford to step away from your studies, but this does not mean September until April. I realize now that I should have made time where thinking about law was prohibited, and I definitely should have kept up my pre-law school hobbies. Balance is where I did not succeed during my first year. If I could do it again, I would take certain nights off and pursue my interests.

The habits that you need to develop in law school are not necessarily habits that will help you understand the law better—maintaining the habits that got you here should do that. Social habits that help you to interact with others and habits that allow you to work more efficiently are the habits that you must develop early in Law I. Being organized, helping others, strengthening your weaknesses, and maintaining a proper balance are habits to get into that will assist you in being successful. Above all else,

be a person of integrity. Do your work, go to class, be on time, and treat others with respect. It sounds simple, but if you brush this off, people will notice. Trust me.

<div align="right">C.A., Law II student</div>

Following his graduation from law school and completion of his articles, C.A. was subsequently called to the bar. What follows are his reflections after four years in practice:

Two things followed me from law school to legal practice: (1) my habits, and (2) legal research and writing.

Learning black-letter law is probably what most law students look forward to, but there are only so many times that you will rely upon *Carlill v Carbolic Smoke Ball Co*. Learning how to find answers to legal issues, rather than knowing the answers, is what separates lawyers from non-lawyers. Further, despite often having months or years to prepare for a trial, there will always be last minute issues that will require efficient but effective legal research; this could even mean a short recess during a trial to find authorities on a point that a judge has identified that wasn't previously seen as an issue.

Ideally, however, most of the work will be done by the time a trial is nearing. This takes us back to the habits that you develop in law school. Civil trial rules force lawyers to take certain steps, but it is the responsibility of each individual lawyer to ensure that he or she is prepared at each stage of the litigation process. It may sound simple enough to know that you must be prepared before a discovery, but when you're juggling dozens of files that are all at different stages of litigation, time is a scarce resource. The habits that you develop in law school will help to determine whether you're a lawyer that is jumping from fire to fire or a lawyer that has prepared several steps ahead.

While these are things that you can prepare for in law school—developing good habits, strengthening legal research and writing skills—one aspect of legal practice that is more difficult to prepare for is advocacy skills. Participating in advocacy skills programs will help and should be strongly encouraged, but the grind of litigation is not for those who are easily fatigued. I have worked on several files where litigation stretched far longer than the three-year span of law school. Frankly, nothing in law school will prepare you for the battle of attrition that often comes with a large, complex file.

The best advice I can give that may not be immediately apparent in law school is to practise with a high degree of civility and respect for your colleagues. While it may be tempting to be forceful in your positions—indeed,

there is a professional requirement to represent your client zealously—the best advocates will be able to work with opposing counsel to achieve results. Developing a reputation as being abusive or lacking candour will make resolution much more difficult. Remember, you want to achieve results for your client—your reputation should absolutely not be a hindrance to that. Further, if you're working on a file that continues for several years, at least having a cordial—though adversarial, of course—relationship with opposing counsel will produce more positive results and a more positive working environment. The delicate balance between the duty to practise with civility and the obligation to resolutely defend your client, as Justice Moldaver of the Supreme Court of Canada stated in *Groia v Law Society of Upper Canada*, 2018 SCC 27 at para 76, are not incompatible as "civility is often the most effective form of advocacy".

As I stated in my reflection above several years ago, treating other law students, who will also become lawyers, as colleagues rather than competition allows you to work toward the goal of achieving the best possible result for your client. Sometimes, the best possible result doesn't necessarily mean success at trial—sometimes it means a desirable settlement that avoids the time and costs associated with litigation. In short, be civil with your fellow lawyers and develop a reputation as a competent, ethical, intelligent, and respectable counsel.

C.A., 4th year lawyer

C.A. provided the following reflection while in his ninth year of call:

There is a myth that senior lawyers do less work and more supervising, and this is somehow less stressful—survive your articles and first few years of legal practice, and you can coast from there! I unfortunately have to report that this is certainly not the case. As you become more senior in your legal practice, the expectations increase exponentially. In private practice, lawyers feel pressure to determine their ultimate career path—be it partnership, joining a new firm, or moving to an in-house role or alternative career path. For those aiming for partnership, success in the first several years of practice is critical. This doesn't necessarily mean a series of "wins"; rather, it means a series of "results." Manage your clients' expectations, deliver effective legal representation throughout the life of a file, ensure compliance with legal and ethical obligations, and above all, practise with civility. All of this comes from implementing good habits early on. Further, developing effective leadership skills becomes important: even though some work could be delegated as you become more senior, you must be comfortable with taking ownership for any errors in that work and deferring praise to whoever produced excellent work.

Managing other lawyers means instilling good habits. Those junior lawyers who already have good habits are likely to be trusted to work more independently and be assigned more complex work. Those who still need to develop good habits require more supervision from senior lawyers and may find that the assigned work is lacking. Developing good habits early is essential not only for success in law school and your first few years of practice, but will also help in setting a positive trajectory for your long-term career development as you gain a reputation as a lawyer that can be trusted with complex matters and minimal supervision.

My career has led me to in-house practice. My role is to provide legal advice to a corporation, and this corporation is my only client. I also supervise the work of junior lawyers and external counsel. In-house counsel oversee a wide variety of legal and business interests and must be attuned to the balance that is required between the two: an overly rigid legal approach may not make sense from a business perspective, while an overly ambitious business approach may be fraught with legal concerns. Private practice lawyers, particularly in more senior roles, also must balance business considerations with their legal practice. Time management and prioritizing competing demands become much more important as you become more senior in your practice.

In closing, I would reiterate what I have written in both of my entries: good habits and civility are of the utmost importance. If you have graduated from law school and passed the bar, you have shown that you are capable of being a lawyer. You are capable of providing legal analysis to any given fact pattern if you put the work in, and you are capable of continuing to improve if you choose to prioritize your self-development. Every lawyer has this capability. The lawyers that are successful are the ones that have the discipline to continue to develop themselves and put the effort in to deliver effective legal representation, while at the same time practising with a degree of civility that facilitates positive results for their clients.

C.A., 9th year lawyer

Commitment, quality preparation, and consistency are keys to succeeding at law school, as these two accounts from former students demonstrate. Effective time management, which is related to good planning habits, promotes efficient use of time and is also essential to success. Consider the following strategies for enhancing time management at law school:

- Create a four-month large-scale semester calendar. As soon as you receive the course syllabus, record all course-assignment due dates and examination dates on the calendar. Where possible, note not just the day but the

specific times that exams are being held and that assignments are due (e.g., 3:00 p.m.), and whether late penalties will be applied if assignments are submitted late. Keep the calendar easily accessible.

- Record the procedures you need to follow for rescheduling examinations and requesting extension of due dates for assignments. Do this for each course; the process may not be the same for all.

- Create a monthly calendar on the first day of the current month and include on it due dates and group meetings, as well as social events and appointments; many students print a copy of their online calendar for the current month to keep on the desk or on the wall next to their computer.

- Create a daily calendar on which you list all events and tasks for each day, including classes and readings. As you plan, fill in the gaps between classes with productive activities (e.g., schedule specific readings to be completed or schedule a workout at the gym). Throughout the day, keep a print or online textbook with you so you can read during unexpected gaps in time or while waiting in long lines.

- Every evening, review the daily calendar, and carry forward to the next day any uncompleted task. Lawyers in practice also have a similar "bring-forward" system to ensure that they do not miss deadlines.

- In order to overcome procrastination, which is commonly a response to being overwhelmed by a large project, break down each assignment into small manageable tasks and complete each task one at a time. Do this at a time of day when you work best and your energy level is at its highest, whether this is morning, afternoon, or evening. Prioritize your tasks for the day in such a way as to make this timing possible.

- Attend all classes. The legal knowledge and experience imparted in them is crucial to your development. A first-year law student must learn to "think like a lawyer."

- Prepare case briefs before class, bring them to class, and add the professor's in-class comments as notations directly onto the case brief. Do this in a different colour or font so that you can easily distinguish your own text from the professor's class comments.

- Be proactive. While reading for class, mark down any questions or concepts that you need clarified, and then, as soon as possible, meet with the professor to get your questions answered. Do not wait until the end of the semester; plan to do this weekly.

- Back up your class notes and all drafts of assignments in several locations—on several USB keys, for example—and regularly email these

draft documents to yourself so that you can access them from a different computer if computer problems arise. Complete all assignments at least 24 hours in advance of the due date in order to avoid late submission penalties if you experience unexpected computer problems.

- Too many extracurricular events—e.g., overcommitment to volunteer activities and social events—may negatively affect your time management at law school and impede your academic success. Decline these extra events politely and focus on the academic work. When it comes to managing your time, self-discipline and the ability to discern what is in your best interest personally and academically are essential to success.

III. Group Work and Legal Practice: A Professional Obligation

In the previous section, the focus was on the individual's responsibilities. However, while law students and lawyers must sometimes work independently, legal work is essentially group-focused, with an emphasis on resolving disputes. Lawyers in their professional lives engage with others in many aspects of dispute resolution, including dispute avoidance. To facilitate dispute resolution, lawyers may benefit from understanding functional group dynamics and effective group processes; law students may benefit from acquiring this knowledge while in law school.

By its very nature, a dispute involves parties with unresolved differences of opinion and belief. If the parties cannot resolve their differences on their own, they have probably retreated to polarized positions.

Only a small number of disputes are resolved through a court or tribunal process. Most people find this formal adjudicative process to be distressing, expensive, and slow. Outcomes are often unsatisfactory, with no clear-cut winner; judges or other decision-makers rarely agree entirely with one side or the other. Instead of being settled through a formal court process, disputes may be settled through negotiation, mediation, or some other alternative dispute resolution process.

In any legal forum and at every stage of the process (e.g., pre-trial, trial, or appeal stages), the lawyer seeking to settle disputes must be able to work with other people—with, for example, the client, the other party (if unrepresented), the lawyer representing the other party, the lawyers on the same team, the judge or other decision-maker, the mediator, and the witnesses. In these circumstances, the lawyer has become a member of a group.

A. Developing Effective Group Processes

Group dynamics and group processes are a prominent area of social science study. It is an area that includes a discipline called organizational psychology, which studies issues related to both private and public sector organizations, large and small. All organizations require group effectiveness, and substantial scholarship in the field of organizational psychology concerns the study of effective group processes and what is involved in their success. Not just academics in this area but anyone who is involved in public administration, business, team sports, or social psychology will have learned that certain behaviours produce high-functioning groups and certain behaviours inhibit effective group processes. Whether or not an individual has had formal training in group psychology, they can—through study, practice, and self-reflection—develop the skills that facilitate group problem-solving.

What are the features and habits of effective work groups? There is no definitive answer to this question. Work groups come together under various circumstances, for various purposes, and for various lengths of time. The members themselves may bring varying levels of expertise, knowledge, and motivation to the group. Some groups may require a hierarchical structure, with roles clearly defined; others may require a more egalitarian structure, with members sharing the decision-making responsibility and seeking consensus. However, a feature common to all effective work groups is that they have established and developed their group structure before embarking on the tasks the group must achieve.

Individuals who assemble temporarily to perform a specific task—for example, lawyers attempting to resolve a dispute—collectively form an Ad Hoc Task Group. An Ad Hoc Task Group is brought together for a limited time and purpose; once the task is achieved, the group disbands. For this reason, these kinds of groups rarely have a chance to develop certain attributes, such as cohesiveness, that are found in well-functioning groups of long standing. This is a challenge for lawyers, whose group work is usually of the ad hoc variety.

Additional challenges may face the Ad Hoc Task Group. Some members may not wish to be part of the group and may not be fully committed to the group's tasks. Group members may not trust each other, and there may be little hope of establishing trust. This is especially true if the disputing parties have pre-existing experiences of conflict with each other. Group member roles may be undefined and fuzzy. Desired outcomes may differ. Some group members may not work well together. Some may adopt behaviour that interferes with a solution. In a legal context, if the difficulties cannot be worked out, the problem will be resolved by a judge or by another decision-maker, and the client will have to abide by the decision imposed.

Lawyers attempt to move disputing parties toward a resolution to their problem. Therefore, as a law student, one should consider some of the issues that arise in group dynamics and some of the features of effective group processes. When the opportunity arises, practise the associated skills of effective group development to enhance effectiveness as a problem-solver within a group.

B. Stages

Effective Ad Hoc Task Groups have a life cycle. If the group is to achieve the set task for which it has been formed, group members should consider some common stages of group development, as discussed below.[4]

1. Formation: Planning

This stage focuses on creating the group structure. Group members come together to explore a common purpose. It is a discussion stage, not an action stage. It should permit members to resolve uncertainties about the tasks, the processes, and about each other. Discussion of goals, purposes, and expectations—of the process and of each other—is appropriate. Group members should have a preliminary discussion of what their respective roles are to be—defining the various roles and considering which group member will best fulfill each position. Discuss how the roles intersect. At this point, it may be appropriate for members to share information about their past group-work experiences, both positive and negative. Collectively, you can try to dissect the reasons for both the good and bad experiences and learn from them. This is an exploratory stage. Leave some time to reflect on this planning stage and to flag potential problems before proceeding to confirm group roles, processes, and tasks.

NB: The group formation stage is important. It will potentially set the template for such matters as trust, role clarity, and cohesiveness within the group, and these, in turn, will have a bearing on whether the task is successfully completed.

2. Confirmation: Regulating

This stage ensures that group members have had the opportunity to consider the preliminary discussion and are ready either to adopt the measures previously discussed or to work through remaining barriers or potential problems

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4 See Bruce Tuckman, "Developmental Sequences in Small Groups" (1965) 63 Psychological Bulletin 384. Tuckman identified the stages as Forming, Storming, Norming, Performing, and Adjourning.
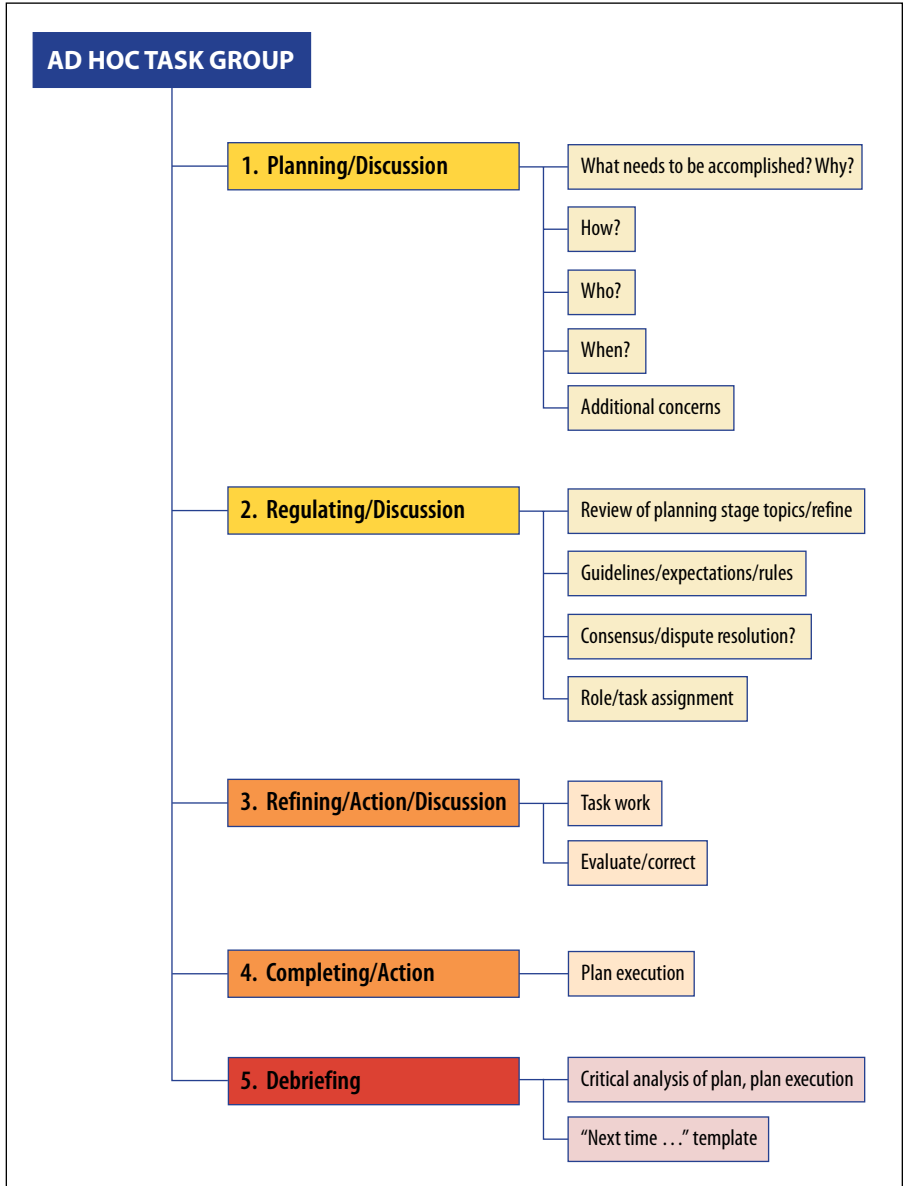
previously identified. This stage sets out rules and expectations and otherwise regulates the group's operation. It can help resolve disputes before they occur. Disagreement is not unusual at this stage, and it can be beneficial as long as group members recognize that disagreement need not be disagreeable or unpleasant. Remain focused on the issues; avoid personal comments that can make a person feel that their contributions are unwelcome. Confirm roles and expectations. Fully examine the tasks to be completed and set out procedures for completing them. Build in an early review process so planning errors can be corrected. Identify preliminary completion dates. Explore dispute-resolution options and decide on processes to help settle future disagreements. Devote the time necessary to reach consensus. Recognize that consensus does not mean majority rule; too much emphasis on majority decisions may result in silencing group members, and this can affect group cohesiveness. Compromise will be required.

NB: Proceeding to the task completion stage without careful consideration of group regulation can negatively affect such issues as trust, role clarity, cohesiveness, and, ultimately, successful task completion.

3. Adaptation: Refining

This stage occurs sometime after the group's task work has begun. It gives group members an opportunity to assess whether the group is efficiently completing the required work, and, if it is not, to try to correct the process. It is an essential evaluative step, aimed at ensuring that a fully functioning group is in place. It is also an opportunity to explore differences between individual group members and to identify strengths and competencies certain members may have that will enable them to contribute to the process in ways not previously anticipated. Timelines and task procedures can be reviewed and altered if necessary.

NB: Omitting this step can impair a group's efficiency. Not adapting to new information may make the tasks difficult to achieve and may impede progress and result in disharmony.

FIGURE B.2   Ad Hoc Task Group: Life Cycle

AD HOC TASK GROUP

1. Planning/Discussion
- What needs to be accomplished? Why?
- How?
- Who?
- When?
- Additional concerns

2. Regulating/Discussion
- Review of planning stage topics/refine
- Guidelines/expectations/rules
- Consensus/dispute resolution?
- Role/task assignment

3. Refining/Action/Discussion
- Task work
- Evaluate/correct

4. Completing/Action
- Plan execution

5. Debriefing
- Critical analysis of plan, plan execution
- "Next time …" template

4. Maintenance: Completing

A group that is functioning effectively works toward the completion of the task. In other words, once the group has gone through the stages described above and has embarked on its main task, it should not need much further time for group development. Rather, it works toward maintaining the established structure in order to complete the task required.

NB: Groups experiencing difficulty at this stage typically have not resolved issues at the earlier stages. They may find it beneficial to return to the earlier stages and address these unresolved issues.

5. Reflection: Debriefing

Ad Hoc Task Groups work to a schedule, with a deadline. Once the task is done, it is time for group members to debrief, both through personal reflection and, where possible, with others in the group. What worked, what did not, and why? Who would you want to work with again and who would you avoid? Why? What would others say about the skills you brought to the group? Which of your skills facilitated task completion, and which ones impeded it? Critically analyze the processes involved in the task and what you have learned from them. What skills and knowledge have you acquired that you can bring to the next group activity? What else do you need to learn?

NB: As a lawyer, your reputation for effective dispute resolution will rest largely on your ability to function effectively in a group setting. Learning to work in groups is crucial for lawyers. Debriefing at the end of one group process can help you prepare for the next one.

C. Roles

At the first two stages of group-process development, group members should identify and confirm roles within the group and the tasks involved in each role. What responsibilities and obligations are shared by all? What individual roles are required? Who has the authority to make decisions—does that authority rest with one person, or is it shared? Do all group members have easy access to the online platform for a shared group document? Can all group members edit a shared online document, or is the edit function limited? Can one group member delete the work of another member? Who organizes? Who schedules? Who compiles? Who does the task work? What skills are needed for specific tasks? Which member has prior experience with these tasks? Who focuses on group maintenance, identifying potential issues that will impede the group's work?

In Ad Hoc Task Groups, the members may share the various functions—proposing ideas to solve problems or reach goals, seeking information or opinions from others, clarifying, providing information or opinions, coordinating, summarizing, evaluating, motivating and encouraging, supporting, assisting, and recording.

Giving the role itself a title and attaching responsibilities to it rather than to the specific person assuming the role helps to delineate the task. Depending on the size of the group, one person may have multiple roles or a single role may require multiple members. The tasks associated with the roles may change during the process.

Groups whose members are goal-directed, motivated, and considerate can work through most organizational difficulties that arise. Sometimes, however, certain members of the group may engage in disruptive conduct that frustrates the group's work. This need not be a concern if infrequent. Disruptive conduct may include the following:

- Absenting—being either physically absent from meetings or physically present but failing to contribute to the group's work.
- Dominating—seeking control to the extent of diminishing or negating others' contributions.
- Attacking—engaging in personal criticism rather than focusing on the issues.
- Distracting—making comments unrelated to either the group development or the task itself.
- Avoiding—free-loading and persistently avoiding tasks despite seeming to share in the group goals.

The group can address persistently disruptive behaviour in the following ways:

- Review the work completed at the first three stages to determine if making changes—correcting errors or omissions—may alter the group dynamic.
- Remain focused on the issues—identify the behaviour that is disruptive and seek to have it corrected, but do so without imputing motive, and refrain from responding in a way that contributes to further disruption.
- If the group member responsible for the disruption fails to correct the conduct, work around them—remain issue-focused.
- If attempts to solve the problem within the group are unsuccessful, and if there is someone with more authority in charge, consulting that authority may be appropriate.

IV. Preparing for Law School Hypothetical Examination Questions

The traditional law school exam question is called the "hypothetical" question (although other question formats, such as short answer, essay, and multiple choice, are also used at law schools). The hypothetical question is a fact pattern not previously seen by students, set out in a description several paragraphs or pages in length, requiring students to identify and analyze the legal issues involved in the scenario. Students are expected to identify all legally relevant issues presented in the hypothetical and to apply the relevant law to the facts. This requires (1) substantive knowledge of the law and (2) the ability to apply the law to new facts: in other words, a two-step process.

Preparing for hypothetical examinations in law school should begin very early in each semester, with the development of outlines or study notes. Reviewing class notes regularly and synthesizing their information into outlines is an essential part of preparing for these examinations. In this regard, consider the following strategies:

- When making study notes, students should prepare their own notes from the course readings and supplement them with the professor's in-class comments. They should not rely on commercial outlines or "canned" study notes created by other students. The law may have changed and/or the information may be inaccurate.

- Creating your own outline is a valuable aid to critical learning and enhances retention of material.

- Keep a copy of the textbook's table of contents and course syllabus accessible and check them before each class so that you know exactly where the professor is in the course. At the end of a chapter or part, review the material and, synthesizing your own reading notes with the professor's in-class comments, create an outline in one of the formats described below.

- Various outline formats exist—for example, linear, flow chart, mind map, decision tree.[5] Which format you choose will depend on which learning approach you prefer and on the nature of the course material.

- Law school examinations can be either closed-book (no texts or notes allowed in) or open-book (in which case some additional material—e.g., text,

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5   For further information and samples of law school outlines in various formats and for a description of learning approaches applied specifically to law school studies, see Martha M Peters & Don Peters, *Juris Types: Learning Law Through Self-Understanding* (Gainesville, Fla: Center for Applications of Psychological Type, 2007).

outlines, notes—may be used during the exam). Each professor decides the exam format on a course-specific basis, and you need to ascertain in advance which format is being used.

- If your examination is an open-book one, prepare and bring to the exam an outline for which you have a detailed table of contents so that you can quickly locate specific references. Keep in mind that time is of the essence in all examinations.

- The professor's examinations from previous years may be available. Try to locate them and then write practice answers in real time.

- Write an outline to the answer prior to writing out the answer. The outline provides the framework for the answer, and it organizes the issues, the relevant law, the relevant facts, and the legal arguments.

- Your answer's application of the relevant law to the facts must be concise and clear. The following format, which was introduced in Chapter 10 for case briefing, can also be used to answer an issue. It is a suggested format *for each issue* in a hypothetical answer (although each professor may have their own prescribed format).

    Issue 1: (IRAC format)

  – **I**dentify the issue (legal question raised by facts).

  – **R**ule or law.

  – **A**nalysis (application of relevant law to specific facts; include both arguments and counterarguments, referring to specific facts from the hypothetical).

  – **C**onclusion (evaluate/answer issue).

    Repeat this format for each relevant issue identified.