

From Pilot Class to Pilot’s License: Embracing Creativity in Legal Education

By KATIE MORAN *

IT ALL STARTED WITH A SINGLE CUP OF COFFEE in November 2021. My good friend and fellow University of San Francisco School of Law (“USF Law”) alum, Jerome Hawkins, and I were talking about his new business, Hawklane Video, where he directs and produces documentary interviews with highly successful attorneys from all over the country.¹ Jerome was telling me about the similarities in what made many of the lawyers great. At the same time, I was completing a deep analysis of the July 2021 bar exam results.² Why did some graduates with low GPAs and LSATs pass the California bar on their first attempt and others with similar indicators did not? What made top graduates put in the work during their bar preparation period while others tried—and failed—to skate by? We noticed many connections between the habits of the successful attorneys Jerome interviewed and those of our graduates who passed the bar on their first try.

I grabbed the nearest notepad and started writing. We dissected the qualities of successful lawyers, judges, and even people outside the law. We talked about who we were in that moment and who we wanted to become. We discussed some of our favorite self-help books—*Atomic Habits*,³ *The 7 Habits of*

* Associate Professor and Co-Director of the Academic and Bar Exam Success (“ABES”) program at the University of San Francisco School of Law and a proud alumna. Moran designs the curriculum to support the first- and second-year student classes, teaches Evidence, and trains third-year students and graduates in their preparation for the bar exam. She helps students focus on the necessary skills and mindsets to be successful in their classes, on the bar, and in their first jobs as lawyers.

1. See HAWKLINE VIDEO, <https://hawklanevideo.com/> [https://perma.cc/5NNA-J55R].

2. See *State Bar of California Releases Results of July 2021 Bar Exam*, STATE BAR OF CAL. (Nov. 12, 2021), <https://www.calbar.ca.gov/About-Us/News/News-Releases/state-bar-of-california-releases-results-of-july-2021-bar-exam> [https://perma.cc/HSA5-4DBD].

3. JAMES CLEAR, *ATOMIC HABITS: AN EASY & PROVEN WAY TO BUILD GOOD HABITS & BREAK BAD ONES* (2018).

Highly Effective People,⁴ *Deep Work*,⁵ *The Four Agreements*,⁶ *Mindset*,⁷ *Digital Minimalism*,⁸ and more.

I filled that notebook with habits, qualities, and mindsets. Some were one-word adjectives, some were action verbs, others were stories. We analyzed whether each trait nested into others, could be combined, or were truly distinct. Eventually, we distilled our brainstorm down to a list of seven habits that successful lawyers practice:

1. Set goals based on clear vision, values, and identity;⁹
2. Foster and maintain growth mindset;¹⁰
3. Prioritize what matters;¹¹
4. Be proactive;¹²
5. Think and work deeply;¹³

4. STEPHEN R. COVEY, *THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE* (Simon & Schuster 2020) (1989).

5. CAL NEWPORT, *DEEP WORK: RULES FOR FOCUSED SUCCESS IN A DISTRACTED WORLD* (2016).

6. DON MIGUEL RUIZ & JANET MILLS, *THE FOUR AGREEMENTS: A PRACTICAL GUIDE TO PERSONAL FREEDOM* (1997).

7. CAROL DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS* (Ballantine Books 2016) (2006).

8. CAL NEWPORT, *DIGITAL MINIMALISM: CHOOSING A FOCUSED LIFE IN A NOISY WORLD* (2019).

9. Students create a vision statement (a written summary of what a person hopes to achieve in nine areas of their lives: spiritual, mental, physical, emotional, professional, financial, relationships, service and giving, and personal); select the values they want to live by and that will help them achieve that vision; craft identity statements about who and what they are and who and what they are capable of becoming; and set one-, three-, five-, and ten-year goals to help them achieve their life's vision.

10. Students learn how to recognize, label, normalize, and discard negative mindsets (e.g., imposter syndrome, fixed mindset, stereotype threat) and how to cultivate a growth mindset. *See* DWECK, *supra* note 7, at 7 (describing “growth mindset” as the belief that a person “can change and grow through application and experience”).

11. Students learn to use a time management matrix, which helps them differentiate important and unimportant tasks as well as those that are urgent and non-urgent so they can move from constantly putting out urgent but unimportant fires and incorporate more important and non-urgent activities that will move them closer to their articulated goals. *See* COVEY, *supra* note 4, at 173.

12. Students learn the psychological aspect of proactivity (there is a gap between stimulus and response, and they have the freedom to choose their response) and the personal management side of proactivity, which involves taking initiative and following through on the tasks they say they will complete. *See id.* at 77, 83, 99.

13. Students learn strategies to promote deep work, flow state, and deliberate practice and to minimize distractions, especially electronic ones. *See* NEWPORT, *supra* note 5, at 3 (defining “deep work” as “[p]rofessional activities performed in a state of distraction-free concentration . . .”); *see* MIHALY CSIKSZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* 69 (Harper Perennial Modern Classics 2008) (1990) (describing “flow” as a state of mind where experience itself is rewarding).

6. Practice mindfulness;¹⁴ and

7. Reflect and reconcile.¹⁵

We felt that each of these habits applied equally to the practice of law and to studying for the bar exam. We thought they could also help someone be a better law student, live a fulfilling life, develop strong relationships, and build a professional identity within and outside of the law.

We played with the idea of implementing a few workshops about one or two of the habits in the Spring 2022 semester at USF Law, but it seemed incomplete. I knew we couldn't get a class approved in time for the next semester. Even though we knew these habits were important—and arguably, vital—for some of our students and graduates as they neared practice, I suggested that we continue these discussions, develop a curriculum, and draft a class proposal for Fall 2022 or Spring 2023.

Instead, Jerome pointed to our list of seven habits and asked an ambitious and scary question: “What do we need to do to make this happen next semester?”

Then the real work started.

We met again over more coffee and asked meaty pedagogical questions. *How do you teach habit formation? Would we teach it ourselves? Many of the seven habits were things we had each personally worked on, but neither of us could be called masters of them. Who could students hear and learn those lessons from? Would we use guest speakers to teach the class? What would these paragons of success look like? Who would connect the habits together or show them examples outside of the limited practice area of a single individual? Further, we knew that just learning about a habit from an inspirational person is not enough to spur action and permanent change. Everyone loves the first fifty pages of a good self-help book, but when told to put things into action, even hungry go-getters stall out. So even if students could buy into, learn about, and see a living embodiment of the habit, would they be ready to put the habit into practice? And most importantly, how would we create accountability for this important work?*

We met again and visualized the possibilities. *Could we use this class to address how race and gender intersect in the law? Could we use this class to promote and support diversity in the legal field? Could we use this class to*

14. Students learn how to develop present moment awareness; to establish grounding, breathing, and meditation practices; and how to actively listen. See *Mindfulness*, MIND (Nov. 2021), <https://www.mind.org.uk/information-support/drugs-and-treatments/mindfulness/about-mindfulness/#WhatIsMindfulness> [<https://perma.cc/73HE-MYNY>].

15. Students learn the value of accurately assessing and reflecting on their progress at regular intervals, so they can make changes going forward.

better support our first-generation graduates as they neared practice? Could we pull in guest speakers who represented our students' backgrounds?

Eventually, we crafted a model that struck a balance between the need for instruction, inspirational examples, and self-work. Each class would consist of the following:

- Lecture—students learn about the value of the habit, what it looks like, impediments, and tools to implement the habit via a lecture from us.
- Guest speaker—a practitioner speaks to the class about how they developed the habit and how it affected their legal practice and success. Then, students ask the guest speaker questions and obtain their contact information for networking.
- Guided practice—students discuss, plan, and practice implementing the habit with their accountability partner.

After developing a model for the class, we identified diverse practitioners in our networks who, in our view, were the embodiment of the focus habit for each class. Miraculously, these busy and successful lawyers and judges agreed to be guest speakers. Our final roster represented diverse racial, educational, and cultural backgrounds; genders; ages; and practice areas. Our guest speakers included Justice Martin Jenkins¹⁶ of the California Supreme Court; Justice Teri Jackson¹⁷ of the California Court of Appeal; and lawyers Thomas J. Brandi,¹⁸ Doris Cheng,¹⁹ Sasha M. Cummings,²⁰ Lana Persaud,²¹ and Cecilia Fierro.²²

After learning more about the class, our goals, and the focus habit of their session, our speakers all asked the same question we couldn't yet answer: *What was the makeup of the class? How many students were there? Who*

16. See *Associate Justice Martin J. Jenkins*, SUP. CT. OF CAL., <https://supreme.courts.ca.gov/about-court/justices-court/associate-justice-martin-j-jenkins> [<https://perma.cc/A2H3-4BZQ>].

17. See *Teri L. Jackson*, CAL. CTS.: JUD. BRANCH OF CAL., <https://www.courts.ca.gov/44579.htm> [<https://perma.cc/FP4Z-9KZM>].

18. See *Thomas J. Brandi Biography*, BRANDI L. FIRM, <https://www.brandilaw.com/attorney/brandi-thomas-j/> [<https://perma.cc/3XA3-W8SS>].

19. See *Doris Cheng*, WALKUP, MELODIA, KELLY & SCHOENBERGER, <https://www.walkuplawoffice.com/attorneys/doris-cheng/> [<https://perma.cc/7A2K-VUX8>].

20. See *Sasha M. Cummings*, UNIV. OF S.F. SCH. OF L., <https://www.usfca.edu/law/faculty/sasha-m-cummings> [<https://perma.cc/S4P3-SEPJ>].

21. See *Lana Persaud*, PILLSBURY, <https://www.pillsburylaw.com/en/lawyers/lana-persaud.html> [<https://perma.cc/S42Y-VLSQ>].

22. See *Attorney Directory*, Subsection in *About Us*, CONTRA COSTA PUB. DEFS., <https://www.cocopublicdefenders.org/staff> [<https://perma.cc/9VLT-LZ6P>] (listing Cecilia Fierro as part of the Martinez Main Office of the Contra Costa Public Defender's Office).

were these amazing people who had agreed to attend sixteen hours of class at night without receiving academic credit?

It was clearly time to recruit students. This wasn't exactly an easy sell. In fact, we had one of the worst pitches of all time: *Will you promise to attend every one of the eight two-hour sessions on Thursdays from 6:30 p.m. to 8:30 p.m., commit to work on the focus habit between classes, all while knowing you will not get any formal units for your work?*²³ Twenty-eight students trusted us to value their time—a mix of about half first-year and half upper-division students.

Spring semester arrived and it was time to execute. I've taught bar classes before (Evidence—upper division);²³ I've created curriculum for new classes before (Skills for Future Lawyers—first year);²⁴ I'd even co-taught with experienced teachers before, both in law school and as an English teacher for special and general education students at Balboa High School in San Francisco.²⁵ But, it is safe to say I had never co-taught a brand-new law school class with a friend who had no teaching experience on a topic for which there was no curriculum using a hybrid lecture-guest-speaker-guided practice model. In other words, we were building the airplane while flying it without a legit pilot's license. EEEK!

But as former members of the same study group and partners on a trial team at USF Law,²⁶ Jerome and I knew how to work together and set up systems to succeed. We divided the habits and prepped our assigned sessions. Once the semester started, we had two Zoom meetings before class each week where we would talk through the content and rehearse our lectures. An hour before our Thursday night class, we had one last in-person practice session to time ourselves and make any final changes. On the drive home after each class, we dissected what went well in the class and what could be improved.

We built a respectable airplane that weathered plenty of turbulence and even soared through the air. We developed strong bonds with our speakers

23. Evidence is “[a]n analysis of the nature of judicial proof and a study of the theory and application of the rules regulating the admission and exclusion of testimonial and documentary proof by judicial tribunals in adversary and non-adversary proceedings. Consideration is given to both the California and Federal rules of evidence.” *Course Descriptions, Evidence*, MYUSF, <https://myusf.usfca.edu/law/registration/course-descriptions> [<https://perma.cc/ZG3U-EHZF>].

24. *See JD, Full-Time*, UNIV. OF S.F. SCH. OF L., <https://www.usfca.edu/law/programs/jd/full-time> [<https://perma.cc/RX7G-HQEJ>]. Skills for Future Lawyers is a required one-unit course offered in the Fall semester that provides first-year law students with key mindsets and skills to help them be successful in each of their substantive first-year classes. *See* Katie Moran, Skills for Future Lawyers Syllabus (Aug. 15, 2022) (unpublished syllabus) (on file with author).

25. *See Balboa High School*, S.F. UNIFIED SCH. DIST., <https://www.sfusd.edu/school/balboa-high-school> [<https://perma.cc/CJT5-LQXE>].

26. *See National Criminal Trial Advocacy Competition 2022*, CAL. ATT'YS FOR CRIM. JUST., <https://cacj.org/event/NCTAC2022> [<https://perma.cc/9M4H-BNN3>].

and students. We even became closer friends. Oh, and we received our provisional pilot's license: We are back again for Spring 2023, where I can proudly say that *The Seven Habits of Highly Successful Lawyers* is a one-unit class offered for credit.

What did I learn from this experience?

First, don't just stop at the cup of coffee. Take an idea from start to finish. Working with a colleague and meeting mutual challenges is satisfying both personally and professionally. We put effective systems in place to go from a pie-in-the-sky concept to a fully realized idea. I am grateful to work at a law school like USF Law where the administration supports creative course ideas and where students want to engage in deep self-reflection.

I believe we can cultivate these seven habits at different times and in varying seasons in our lives. Some gains are immediate and apparent—we develop an effective meditation practice, we quiet the imposter voice in our heads, we get the job offer. Others take time, reflection, and renewed energy—we revise our goals that are not aligned with our values, we change our weekly scheduling strategies, we revisit our identity statements. At times, we may have to put certain habits aside to give all of our focus to the one that will move us forward the most.

The greatest compliment from our highly accomplished guest speakers was hearing they wished they had had a class like this in law school. I hope to build a robust group of Seven Habits alumni who report back on using these habits—and others—to achieve their lofty goals.