

## Resilience and Grit

### Instruct the Instructor: Materials selected to inform instruction and research.

Michael A. Blasie, *The Unkillable Learning Styles Myth*, 28 *Legal Writing: J. Legal Writing Inst.* 401 (2024),

[https://www.westlaw.com/Document/Iee698d24d50d11ee8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Iee698d24d50d11ee8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article posits that learning styles are a myth and law school instructors need to adapt to encourage a growth mindset. The goal is to produce students with grit that can learn when information is presented in any mode.

Kenneth Townsend, *Forming Good Lawyers*, 58 *Wake Forest L. Rev.* 981 (2023),

[https://www.westlaw.com/Document/I8cce7dc9b0eb11ee8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I8cce7dc9b0eb11ee8921fbef1a541940/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article discusses professional identity formation at large. Within the article is a section dedicated to discussing how resilience is an important virtue of identity formation. Furthermore, resilience is one of the few aspects that are immediately relevant to law students.

George Bach, *Don't Be Afraid of Trial: Making the Teaching of Trial Practice Accessible and Yes, Less Aspirational*, 22 *Conn. Pub. Int. L.J.* 29 (2022),

[https://www.westlaw.com/Document/I3e353ff2be4911ed8636e1a02dc72ff6/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I3e353ff2be4911ed8636e1a02dc72ff6/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article focuses on how professors can teach trial practice in a more welcoming environment. By creating a welcoming and challenging environment, students will understand the resilience and grit necessary to be a successful trial lawyer.

Karen J. Sneddon, *Square Pegs and Round Holes: Differentiated Instruction and the Law Classroom*, 48 *Mitchell Hamline L. Rev.* 1095 (2022),

[https://www.westlaw.com/Document/I9403871601de11ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I9403871601de11ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article discusses how growth mindset and grit go hand in hand. Students have the ability to learn new material. This article discusses the “zone of proximal development.”

Angela Lee Duckworth, *Grit: The Power of Passion and Perseverance*, TED,

[https://www.ted.com/talks/angela\\_lee\\_duckworth\\_grit\\_the\\_power\\_of\\_passion\\_and\\_perseverance?utm\\_campaign=tedspread&utm\\_medium=referral&utm\\_source=tedcomshare](https://www.ted.com/talks/angela_lee_duckworth_grit_the_power_of_passion_and_perseverance?utm_campaign=tedspread&utm_medium=referral&utm_source=tedcomshare) (last visited Nov. 2, 2022).

- Leaving a high-flying job in consulting, Angela Lee Duckworth took a job teaching math to seventh graders in a New York public school. She quickly realized that IQ wasn't the only thing separating successful students from those who struggled. Here, she explains her theory of "grit" as a predictor of success.

Elizabeth F. Emens, *Law's Contributions to the Mindfulness Revolution*, 2022 UTAH L. REV. 573 (2022),

[https://www.westlaw.com/Document/Ia5f4c458366211ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ia5f4c458366211ed9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- Mindfulness is a tool that can help lawyers support themselves, each other, their clients, and their collaborators in the hard work needed to build community and take action
- This Article uses insights from law practice, legal pedagogy, and contract default-rule theory and research to respond to issues with incorporating mindfulness into the legal profession.

Amy Van Ostrand, *How the Global Pandemic Can Inspire Us to Be Better Attorneys*, 65 RES GESTAE 28 (2022),

[https://www.westlaw.com/Document/I8478409ae87a11ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I8478409ae87a11ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article examines the impact that the Covid-19 pandemic has had on the legal profession, and how lawyers might be able to leverage the experience to build resiliency skills.

Ann Sinsheimer & Omid Fotuhi, *Listening to Our Students: Fostering Resilience and Engagement to Promote Culture Change in Legal Education*, 26 LEGAL WRITING: J. LEGAL WRITING INST. 81 (2022), <https://perma.cc/3WVV-4Y73>

- In this article, the authors describe a dynamic program of research at the University of Pittsburgh School of Law that uses mindset to promote resilience and engagement in law students.
- For the last three years, the university has used tailored, well-timed, psychological interventions to help students bring adaptive mindsets to the challenges they face in law school.

David A. Daigle & Daniel V. Goff, *Beyond Lawyer Assistance Programs: Applying the United States Marine Corps' Concepts and Principles of Spiritual Fitness as a Means Towards Increasing the Health, Resiliency and Well-Being of Lawyers—While Restoring the Soul of the Profession*, 59 J. CATH. LEGAL STUD. 51 (2020),

[https://www.westlaw.com/Document/I44f314f4598011ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I44f314f4598011ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- The main thrust of this article is decidedly simple: to intentionally recognize spirituality as a strengthening agent and to recommend that the legal profession look towards the concepts and principles of spiritual fitness embraced by the USMC as an additional means to increase resiliency and enhance well-being among lawyers.

Sara Hanley, *Women in the Profession - Tell Me I Can't*, 27 PIABA BAR .J. 391 (2020),

[https://www.westlaw.com/Document/I34e19511021111ebbea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I34e19511021111ebbea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- 2012 research on the gender pay gap identified two significant traits among highly successful female attorneys: grit and growth mindset.
- This article details several barriers to closing the gender gap in legal practice and suggests that grit and resilience may be one solution.

Sue Shapcott, Sarah Davis, & Lane Hanson, *The Jury Is In: Law Schools Foster Students' Fixed Mindsets*, 42 L. & PSYCH. REV. 1 (2018),

[https://www.westlaw.com/Document/Ib07a9aa9862f11e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ib07a9aa9862f11e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article describes an empirical study of law students' mindsets based on responses from 425 students at six law schools across the United States and reports findings that law schools may foster maladaptive mindsets in their students.
- It also offers some pedagogical interventions that might counter this trend and points law schools in a direction that could not only improve performance, but also students' resiliency as they move from law school into legal practice.

Christina Shu Jien Chong, *Battling Biases: How Can Diverse Students Overcome Test Bias on the Multistate Bar Examination*, 18 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 31 (2018),

[https://www.westlaw.com/Document/I26ca37417b4011e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I26ca37417b4011e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- After examining racial bias inherent in the Multistate Bar Exam, this article shares how academics can (a) reframe stereotype threat to help students overcome test anxiety and (b) reframe the speediness and memorization requirements of the bar exam to requirements of grit and determination to join the profession.

Christian B. Sundquist, *Beyond the 'Resiliency' and 'Grit' Narrative in Legal Education: Race, Class, and Gender Considerations*, 50 J. MARSHALL L. REV. 271 (2017), [https://www.westlaw.com/Document/I4775d838d61d11e79bef99c0ee06c731/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I4775d838d61d11e79bef99c0ee06c731/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- In response to arguments that grit and resilience may be a solution to race and gender disparities in legal employment, this essay argues that the grit reform initiative has the potential to rationalize future disparities, by shifting the focus from responding to the continuing impact of poverty and identity bias on student outcomes to bolstering individual character traits and resiliency.

ANGELA DUCKWORTH, *GRIT: THE POWER OF PASSION AND PERSEVERANCE* (2016).

- Psychologist Angela Duckworth shows anyone striving to succeed—be it parents, students, educators, athletes, or business people—that the secret to outstanding achievement is not talent but a special blend of passion and persistence she calls “grit.”

Emily Zimmerman & Leah Brogan, *Grit and Legal Education*, 36 PACE L. REV. 114 (2015), [https://www.westlaw.com/Document/I97d24a2dc0db11e598dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I97d24a2dc0db11e598dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article details a research project to investigate the relationship between grit and law school academic performance. In addition to exploring the correlation between grit and GPA, the study notes a statistically significant difference between grit in female and male law students.

Milana Lauren Hogan, *Non-Cognitive Traits That Impact Female Success in Biglaw* (2013) (Ph.D dissertation, University of Pennsylvania) <https://perma.cc/H8GK-EU2K>

- This paper focuses on grit—defined as perseverance and passion for long-term goals—and a growth mindset—defined as the view that one's most basic abilities can be developed through dedication and hard work—and argues that these traits are not only traits that many highly successful women lawyers have in common, often as a direct result of having overcome challenging obstacles along the path to leadership positions, but that they are also valuable predictors of the future success of individual women lawyers in big law.

**For the Students: Articles tailored to the law student that can be assigned as reading material prior to class.**

*The Grit Project*, AMERICAN BAR ASSOCIATION,

[https://www.americanbar.org/groups/diversity/women/initiatives\\_awards/grit-project/](https://www.americanbar.org/groups/diversity/women/initiatives_awards/grit-project/) (last visited Nov. 2, 2022).

- The Grit Project educates women lawyers about the science behind grit and growth mindset - two important traits that many successful women lawyers have in common. By providing the tools to assess and learn these traits the Grit Project enhances the effectiveness as well as the retention and promotion of women lawyers.
- This website contains links to assessment materials, discussion scenarios, and other materials to encourage grit. The Toolkit was designed for organizations to use as a program-in-a-box, free of charge.

Robert Creo, *Our Chosen Business: The Benefits of Resilience and Grit*, PENN. LAW.,

<https://perma.cc/BL3K-QHP8> (last visited Nov. 2, 2022).

- This brief article defines grit and resilience, speaks to the benefits and challenges of resilience in a legal career, and suggests several ways to develop resilience in a law firm setting.

Alli Gerkman & Milana L. Hogan, *Accelerating Talent: Grit and Growth Mindset Fuels Lawyers' Success Throughout Their Careers*, NY STATE BAR ASS'N (Dec. 2018),

<https://perma.cc/QTU5-Z8LF>.

- In this article, the authors discuss the importance of grit and growth mindset for both seasoned and new lawyers, why grit and growth mindset are critical traits that are commonly shared by highly successful lawyers, whether they are newly entering the profession or in the midst of their career, and how the traits inherent in grit and growth mindset are among the foundations for practice that all lawyers need for success.

Rhoda Pilmer & Brett Martin, *True Grit: The Importance of Passion and Perseverance in Career Prosecutors*, PROSECUTOR, Jan. 2018, at 8,

[https://www.westlaw.com/Document/Ifa4ea18475bf11e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ifa4ea18475bf11e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- There is no single trait, technique, or psychological concept that can help a prosecutor navigate the ups and downs of a career that, at its core, puts the most important outcomes in the hands of twelve members of the community. Nonetheless, new research on the concept of "grit" offers promising insight into how prosecutors can weather the storms of tough verdicts while increasing our resilience over time. And, like most good concepts in social psychology, the research on grit confirms much of what we take as common sense and dispels a few destructive myths.

Paula Davis, *Grit: The Secret Ingredient to Success*, PSYCH. TODAY (Aug. 25, 2014), <https://perma.cc/7LGK-9WPX>.

- This brief article provides an overview of grit, its potential effect on GPA and success as a lawyer, and several suggestions for developing it.

Paula Davis Laack, *Grit: A Critical Success Strategy*, WIS. LAW. (Dec. 1, 2014), <https://perma.cc/EQ7C-SK79>.

- This brief article provides an overview of grit and its correlation with successful students and attorneys. It includes several examples of grit in practice and suggestions for developing it as a law student.

### Classroom Focus: Lesson plans and curriculum for use in doctrinal courses or experiential learning.

Megan Bess, *Grit, Growth Mindset, and the Path to Successful Lawyering*, 89 UMKC L. REV. 493 (2021),

[https://www.westlaw.com/Document/Ib308758a910d11ebbea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ib308758a910d11ebbea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article explores the possibility of using grit and growth mindset as tools for law students as they seek to develop and demonstrate the key characteristics and competencies valued by employers.
- The article ultimately demonstrates that fostering grit and growth mindset can be done across a law school curriculum and includes suggestions for building reflective practices that allow students to reframe their experiences, particularly their setbacks and failures, with an eye toward acquiring grit and growth mindset.

Sarah J. Schendel, *What You Don't Know (Can Hurt You): Using Exam Wrappers to Foster Self-Assessment Skills in Law Students*, 40 PACE L. REV. 154 (2020),

[https://www.westlaw.com/Document/I8fee66bcd2f411eabea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I8fee66bcd2f411eabea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article proposes exam wrappers and self-assessment as methods of redirecting failure into a productive growth mindset in law students.

Denista R. Mavrova Heinrich, *Cultivating Grit in Law Students: Grit, Deliberate Practice, and the First-Year Law School Curriculum*, 47 CAP. U. L. REV. 341 (2019), [https://www.westlaw.com/Document/Ie2aea80eacd11e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ie2aea80eacd11e9adfea82903531a62/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article illustrates why grit is a concept worth examining in legal education. In particular, the Article argues that cultivating grit in law students is a pedagogical goal worth pursuing in legal education in order to improve student learning and promote student success.
- After exploring how grit can grow, the article suggests that one effective way for nurturing grit in law students is to help students develop the capacity to engage in deliberate practice.

R. Lisle Baker, *Designing a Positive Psychology Course for Lawyers*, 51 SUFFOLK U. L. REV. 207 (2018), [https://www.westlaw.com/Document/Ia26a71dd81a211e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ia26a71dd81a211e8a5b3e3d9e23d7429/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article provides a curriculum designed to teach positive psychology to lawyers and law students. It provides a sample course calendar and descriptions of assignments designed to teach law students about, among other traits, grit and resilience.

Kaci Bishop, *Framing Failure in the Legal Classroom: Techniques for Encouraging Growth and Resilience*, 70 ARK. L. REV. 959 (2018), [https://www.westlaw.com/Document/Ief922706532811e89bf199c0ee06c731/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ief922706532811e89bf199c0ee06c731/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article provides a failure pedagogy that professors can incorporate into their curricula easily to create a safe space for failure, incorporate growth language into their feedback, and help students analyze, anticipate, and prevent failures. Together, these techniques are designed to build resilience and help students be more effective and engaged lawyers.

Elizabeth Adamo Usman, *Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom*, 29 GEO. J. LEGAL ETHICS 355 (2016), [https://www.westlaw.com/Document/I5c532f86ecb111e598dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I5c532f86ecb111e598dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- Among a broader conversation about reforms to legal writing curriculum, this article discusses an approach to helping students learn from failure in a law school environment.
- The article grapples with the effect of a law school curve on students' perception of failure and suggests methods of instruction that 'subvert the curve' and teach grit.

Emmeline Paulette Reeves, *Teaching to the Test: The Incorporation of Elements of Bar Exam Preparation in Legal Education*, 64 J. LEGAL EDUC. 645 (2015), [https://www.westlaw.com/Document/Ia9f7345919af11e698dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/Ia9f7345919af11e698dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0).

- This article suggests that the incorporation of elements of bar preparation into the law school curriculum can accomplish the dual objectives of, first, making law school education more efficient, and second, enhancing the students' educational experience and grasp of the legal principles and skills (such as grit) necessary for passing the bar and, ultimately, becoming better lawyers.

THOMAS R. HOERR, FOSTERING GRIT: HOW DO I PREPARE MY STUDENTS FOR THE REAL WORLD? (2013).

- Veteran school leader and popular Educational Leadership columnist Thomas R. Hoerr shows what teaching for grit looks like and provides a sample lesson plan and self-assessments, along with a six-step process applicable across grade levels and content areas to help students build skills they need to succeed in school and in life.