

June 2013

Time: An Empirical Analysis of Law Student Time Management Deficiencies

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Christine P. Bartholomew, *Time: An Empirical Analysis of Law Student Time Management Deficiencies*, 81 U. Cin. L. Rev. (2013)
Available at: <https://scholarship.law.uc.edu/uclr/vol81/iss3/3>

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TIME: AN EMPIRICAL ANALYSIS OF LAW STUDENT TIME MANAGEMENT DEFICIENCIES

*Christine P. Bartholomew**

This Article begins the much needed research on law students' time famine. Time management complaints start early in students' legal education and generally go unresolved. As a result, practicing attorneys identify time famine as a leading cause of job dissatisfaction. To better arm graduating students, law schools must treat time as an essential component of practice-readiness. Unfortunately, most law schools ignore their students' time management concerns, despite growing calls for greater "skills" training in legal education.

To date, legal scholarship has overlooked psychological research on time management. Yet, this research is an essential starting point to effective instruction. Rather than viewing time management as a singular concept, this research shows it is actually multi-dimensional, comprised of multiple time structure skills and behaviors. This more nuanced understanding of time management means each dimension can be isolated, measured, and remediated. Rather than a shotgun approach, law schools can tailor instruction to law students' specific deficiencies.

To help identify these deficiencies, this Article presents a psychometric study of 1Ls—the first study to ever quantify law students' time management problems. The study identifies five specific dimensions 1Ls lack: perceived control, present orientation, structured routine, goal setting, and mechanics. Using this information, the Article offers tailored advice on incorporating skills across the curriculum to help remedy these deficiencies. By learning foundational time management skills during law school, students have at least a fighting chance of managing time famine in practice.

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I. INTRODUCTION

The plea for practical skills training in law school is reaching a fever pitch. Hardly a week passes without a new article bemoaning the state of legal education.¹ While initial calls for reform came primarily from the bench and the bar,² now educators and students are joining the

1. Even just looking at example articles from Summer 2012 alone shows how pervasive the call for reform has become. See, e.g., Paul Horwitz, *What Ails Law Schools*, 111 MICH. L. REV. 6 (forthcoming 2013); Lincoln Caplan, *An Existential Crisis for Law Schools*, N.Y. TIMES, July 15, 2012, at SR10; Jay Conison, *Legal Scholarship and Law School Strategy*, HUFFINGTON POST (June 26, 2012), http://www.huffingtonpost.com/jay-conison/legal-scholarship-and-law-school_b_1628591.html; Dorothy Hae Eun Min, *Increasing the Practicality of Law School*, DAILY REC. (July 11, 2012), <http://thedailyrecord.com/generationjd/2012/07/11/increasing-the-practicality-of-law-school/>; Paul Horwitz, *What Can the Elite Schools Do About the "Law School Crisis"*, PRAWFSBLOG (July 2, 2012), <http://prawfsblawg.blogs.com/prawfsblawg/2012/07/what-can-the-elite-law-schools-do-about-the-law-school-crisis.html>; Elie Mystal, *Will American Law Schools Adapt to the Changing Legal Market? Ever? Do They Even Care?*, ABOVE THE LAW (July 16, 2012, 2:14 PM), <http://abovethelaw.com/2012/07/will-american-law-schools-adapt-to-the-changing-legal-market-ever-do-they-even-care/2/>.

2. Maureen Amigo, *Hierarchy Maintained: Status and Gender Issues in Legal Writing*

chorus for more skills education. Learning to “think like a lawyer” is no longer enough: students want better preparation for the tasks associated with practice.³ To ensure more than lip service to teaching practice-readiness, the push for skills is coupled with a push towards implementing outcome assessments aimed at evaluating how effectively law schools teach.⁴

To some degree, legal education is taking this plea seriously and altering legal education accordingly. On July 6, 2012, the American Bar Association (ABA) issued an executive summary of its law school curricula.⁵ The survey noted, law schools “are engaged in efforts to review and revise their curriculum to produce practice ready professionals.”⁶ Some of the changes were voluntary while others have been forced on schools.⁷ Yet, change, marginal as it may be, is beginning.⁸ Schools are expanding their clinical offerings, expanding

Programs, 70 TEMP. L. REV. 117, 119 (1997) (describing the push for skills training).

3. See, e.g., ABA Section of Legal Educ. and Admissions to the Bar, *The Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992) [hereinafter *MacCrate Report*]; ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION. A VISION AND A ROAD MAP*, CLINICAL LEGAL EDUCATION ASSOCIATION (2007) [hereinafter *BEST PRACTICES*]; WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSIONAL OF LAW* (2007) [hereinafter *EDUCATING LAWYERS*].

4. The use of assessments in education is hardly a new idea. Undergraduate institutes have been using them for over twenty-five years. See Gregory S. Munro, *Outcomes Assessment for Law Schools*, 28 INST. L. SCH. TEACHING 21, 22 (2000). But the push for assessments in law school is still in its infancy. The American Bar Association is still in the midst of fleshing out the perimeters for the use of assessments in law schools. In July 2008, the ABA issued a report arguing that accreditation standards should be reframed to focus more on outcome measures. ABA Section of Legal Educ. and Admissions to the Bar, *Report of the Outcome Measures Committee 54* (2008) [hereinafter *OUTCOME MEASURES*]. Subsequently, the ABA issued draft Standards aimed at ensuring accreditation was tied to ensuring students met learning goals. For a thorough discussion of the ABA’s efforts to reform accreditation by requiring assessments, see generally Victoria L. Van Zandt, *Creating Assessment Plans for Introductory Legal Research & Writing Courses*, 16 LEGAL WRITING: J. LEGAL WRITING INST. 313, 313–17 (2010).

5. ABA Section of Legal Educ. and Admissions to the Bar, *A Survey of Law School Curricula: 2002–10* (Executive Summary) (2012).

6. *Id.* at 14.

7. See, e.g., *id.* (discussing how some of the curricular changes stemmed from the changing job market and responses to the MacCrate Report, *EDUCATING LAWYERS*, AND *BEST PRACTICES*); AM. B. ASS’N, 2011–12 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 20 (2011) (modifying Rule 302’s skills training requirement); Jennifer S. Bard, “*Practicing Medicine and Studying Law: How Medical Schools Used to Have the Same Problems We Do and What We Can Learn from Their Efforts to Solve Them*,” 10 SEATTLE J. SOC. JUST. 135, 137–38 (2012) (“[T]he current efforts to add skills training are in direct response to the American Bar Association’s amendment of its standards for review to mandate that every student be required to have skills training beyond the first year.”); Daniel Thies, *Rethinking Legal Education in Hard Time: the Recession, Practical Legal Education, and the New Job Market*, 59 J. LEGAL EDUC. 598, 599 (2010) (discussing how the recession is forcing change in legal education); Judith Welch Wagner, *Response: More Complicated than We Think*, 59 J. LEGAL EDUC. 622, 623–33 (2010); Editorial, *Legal Education Reform*, N.Y. TIMES, Nov. 26, 2011, at A18 (discussing educational changes stemming from economic downturn).

8. See, e.g., Kerry Sloan, *ABA: Law Schools Getting the Message on Practical Skills*, NAT’L L.

their practical skills classes, and adding problem solving courses.⁹

Although these advances should be praised, they are only the beginning. In determining what more is needed, the first step must be identifying the skills new attorneys most crave. Across the field, attorneys are complaining of time famine.¹⁰ Time famine, the feeling that there is never enough time for everything,¹¹ is hardly a new problem. The need for time management instruction has long been recognized. In the groundbreaking 1992 MacCrate report, time management was identified as a key area for further instruction.¹² The ABA has repeatedly echoed the need for time management training.¹³ Increased billing demands in practice have exacerbated the problem, making time management instruction more essential than ever.

Yet despite this clear need, the legal academy's response to practitioners' complaints of time famine has largely been silence. Most of the time, management training for lawyers comes from practitioner trade journals¹⁴ and even regular newspaper articles.¹⁵ Lawyers are

J. (July 5, 2012), http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202561943191&ABA_Law_schools_getting_the_message_on_practical_skills_&slreturn=20130423134415 (discussing how law schools are increasing their offerings of practical skills courses, such as clinics, simulations, and externships).

9. ABA Section of Legal Educ. and Admissions to the Bar, *A Survey of Law School Curricula: 1992–2002* 6 (2004), available at http://www.americanbar.org/content/dam/aba/migrated/legaled/publications/curriculumssurvey/Curriculum_Survey.authcheckdam.pdf; see also Peter Toll Hoffman, *Law Schools and the Changing Face of Practice*, 56 N.Y.L. SCH. L. REV. 203, 205 (2012) (acknowledging the increase in clinical and skills courses but noting law schools are still a “step behind” in preparing practice ready attorneys).

10. ABA, *The Report of at the Breaking Point: A National Conference on the Emerging Crisis in the Quality of Lawyers' Health and Lives—Its Impact on Law Firms and Client Services* 3 (1991) [hereinafter *Crisis in Quality*] (noting that a “significant” cause of the diminishing quality of lawyers' health and lives is the fact that they “do not have enough time for themselves and their families—what many have come to call ‘the time famine’”); ABA Young Lawyers Division, *The State of the Legal Profession* 23 (1990) [hereinafter *State of the Legal Profession*] (showing a 33% increase in the number of lawyers suffering time famine between 1984 and 1990); Lee Schafer, *Law Schools Finally Getting Realistic*, STAR TRIB., July 12, 2012 8:53 PM, available at <http://www.startribune.com/featuredColumns/162300916.html?refer=y> (describing Minnesota attorney survey listing time management as a skill students need for practice); see also AMIRAM ELWORK, *STRESS MANAGEMENT FOR LAWYERS* 16 (1995) (“The single most frequent complaint about the practice of law is the ‘hours.’”).

11. Timo Anttila et al., *Predicators of Time Famine Among Finnish Employees—Work, Family, or Leisure?*, 6 INT'L J. TIME USE RES. 73, 74–75 (2009) (defining and describing time famine); Scott L. Cummings, *The Politics of Pro Bono*, 52 U.C.L.A. L. REV. 1, 136 (2004) (defining time famine as “the feeling that they have insufficient time for outside pursuits and family activities . . .”).

12. MacCrate Report, *supra* note 3, at 331–32. In subsequent ABA reports on curricular reform, time management was ignored.

13. In fact, the ABA devoted its entire May/June 2012 issue of *Law Practice* to exploring time management issues. See also James E. Brill, *Not Enough Hours*, 78 A.B.A. J. 98 (1992); Jill Schachner Chanen, *Timing is Everything*, 81 A.B.A. J. 80 (1995); Marcia Pennington Shannon, *Time Management by Crisis: Is it Your Technique of Choice?*, L. PRAC., July/Aug. 2006, at 58.

14. See, e.g., Joseph A. Dailing, *Managing Your Time, Your Practice, and Your Life*, 84 ILL. B. J. 155, 155 (1996); Amiram Elwork, *Time Management for Lawyers: A Psychological Perspective*,

already often too far behind to receive time management training only after graduation. This makes finding the time to identify and remediate problems virtually impossible.

Starting time management training early helps law students to survive and thrive both in school and after graduation. But only a handful of law schools specifically incorporate time management into their orientation programs.¹⁶ To date, there has been little effort to educate the law school community on what time management really is, let alone how to solve the time famine problem. This has left a clear gap in legal education's attempt to provide essential legal skills.¹⁷ A full understanding of time management is essential to teaching this skill in a way that can be measured using outcome assessments.

This Article begins to fill that gap by providing a thorough analysis of time management, as well as identifying law students' specific deficiencies. To determine these deficiencies, I performed a study on SUNY Buffalo Law School students using two psychometric instruments. The empirical data from these tests, coupled with qualitative information on law students' time management behaviors, set the groundwork for proposed solutions. Based on this information, the Article explores ways to remedy time famine suffered by law students and arm them for the demands of practice.

Part II of the Article explores the causes of the time crunch in legal education and practice. Part III looks at a potential solution to the time

MICH. B. J., Feb. 2010, at 52; Michael D. Gross, *Stress, Burnout, and Discipline*, COLO. LAW, Sept. 1997, at 95; Raymond A. Hanna, *The Fullness of Time*, ARIZ. ATT'Y, Dec. 2009, at 6; Mark Powers, *Practice Building Secrets*, S.C. LAW, Sept. 2003, at 37; Larry E. Riley, *Too Much Work: the Dilemma of Practicing Law*, MONT. LAW, Nov. 2006, at 28; Anne E. Thar, *Ten Tips for the Newly Admitted*, 85 ILL. B. J. 105, 105 (2000).

15. See, e.g., Anita J. Cicero, *The Tightrope of Managing a Law Office*, N.Y. TIMES, Jan. 4, 2009, at BU2; David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES, Nov. 20, 2011, at A1 (criticizing law schools for preferring theoretical education to practical, skill-based teaching); Wendy Walker, *A Lawyer Gives Tips to Prioritize Time*, PHILA. INQUIRER, Oct. 25, 2001, at CC04.

16. For example, both New York University and Villanova offering time management as part of the curriculum for law students. See VILLANOVA UNIVERSITY SCHOOL OF LAW, <http://www.law.villanova.edu/Current%20Students/Academic%20Success/Time%20Management.aspx> (last visited Feb. 1, 2013) (webpage of course offerings); NYU LAW, <https://its.law.nyu.edu/eventcalendar/index.cfm?fuseaction=main.detail&id=18074&returnUrl=index.cfm%3Ffuseaction%3Dmain.main%26currentDate%3D10%2F12%2F2011%26view%3Dday%26mode%3Dlist%26keyword%3D%26categoryId%3D%26sponsorId%3D%26audienceId%3D%26startMonth%3D%26startDay%3D%26startYear%3D%26endMonth%3D%26endDay%3D%26endYear%3D%26cle%3D> (last visited Feb. 1, 2013) (describing NYU4U: Time Management & the Law Student). Additionally, based in part on my research on the topic, SUNY Buffalo School of Law now includes time management training as part of 1Ls' mandatory orientation.

17. While law school action has been minimal, the ABA has explicitly identified time management as an essential skill law schools should add to the curriculum. See MacCrate Report, *supra* note 3, at 331–32.

crunch: time management. This Part analyzes the evolution of time management research, including how current psychological research proves this concept is multidimensional. This Part continues with a discussion of how to quantify each dimension. Part IV analyzes the results of a 1L assessment using the research discussed in the prior Part and identifies the five time management skills law students most lack. Part V discusses who should be responsible for providing time management instruction, as well as specifically tailored, measurable teaching methods to help students build these skills. Catching and remediating time problems early in legal education should help future attorneys develop a foundational basis in time management, which is essential to academic and career success.

II. THE LEGAL TIME CRUNCH: FROM LAW SCHOOL TO PRACTICE

Time famine does not suddenly bloom upon graduation and entry into the legal profession. The roots form far earlier. The development of time famine from college through practice illustrates how important time management training is. Dissatisfaction with law school and law practice is now commonly discussed even outside the academy, resulting in decreased applications¹⁸ and increased anecdotal stories of the horrors of legal education and law firm life.¹⁹ Hence, there needs to be a focus on providing a fix sufficiently tailored to the loudest complaint of law students and practitioners: time.

A. Time Problems in Education

The modern undergraduate already lacks time skills. Rather than learning how to handle the time pressures associated with challenging course loads and outside demands, many students instead learn how to simplify their academic life. Students elect to take the easiest classes possible, “controlling college by shaping [class] schedules, taming

18. Nathan Koppel, *Law School Loses its Allure as Jobs at Firms Are Scarce*, WALL ST. J. (Mar. 17, 2011), <http://online.wsj.com/article/SB10001424052748704396504576204692878631986.html> (“The number of law-school applicants this year is down 11.5% from a year ago to 66,876, according to the Law School Admission Council Inc. The figure, which is a tally of applications for the fall 2011 class, is the lowest since 2001 at this stage of the process. The Council estimates that the application process is 86% complete, based on historical patterns.”).

19. See, e.g., *Don't Think Like a Lawyer*, ESQ. NEVER (May 29, 2012), <http://esqnever.blogspot.com/2012/05/dont-think-like-lawyer.html>; *Yet More Evidence That It's Hard to be a "Sophisticate Consumer" If You Are a Prospective Law Student*, FLUSTER CUCKED (Apr. 7, 2012), <http://flustercucked.blogspot.com/2012/04/yes-more-evidence-that-its-hard-to-be.html>; INSIDE THE LAW SCHOOL SCAM, <http://insidethelawschoolscam.blogspot.com> (last visited Feb. 1, 2013); THIRD TIER REALITY, <http://thirdtierreality.blogspot.com/> (last visited Feb. 1, 2013).

professors and limiting workload.”²⁰ In addition, college students are studying significantly less than prior generations. In the 1970s, two-thirds of students studied about two hours per day, with twenty-five percent of students hardly studying at all.²¹ By the early 2000s, there was a notable decline. Forty-five percent of college seniors reported studying a mere ten hours per week or less.²² Despite the increased ease and reduced effort devoted to education, college students already complain of time famine.²³

The seeds of time famine that begin sprouting in undergraduate education continue to grow during law school. First, law school’s time demands are far higher than in college. Second, students are entering law school with less foundational preparation than prior generations. Third, law school requires students to learn a new way of thinking, which takes time to develop. Finally, legal education takes a toll on students emotionally, further exacerbating time famine.

Law school requires virtually an inverse of the time structure reported by the average college student. Two hours per day does not cut it in legal education. Preparing for classes often requires a minimum of four hours for every hour of lecture.²⁴ Both reviewing and outlining necessitate significant time commitments.²⁵ There is also time spent

20. REBEKAH NATHAN, *MY FRESHMAN YEAR: WHAT A PROFESSOR LEARNED BY BECOMING A STUDENT* 113 (Cornell Univ. Press, 2005).

21. MOFFAT, *COLLEGE LIFE: UNDERGRADUATE CULTURE & HIGHER EDUCATION* 47 (1989).

22. LAW SCH. SURVEY OF STUDENT ENGAGEMENT, 2008 ANNUAL SURVEY RESULTS, *PREPARING 21ST CENTURY LAWYERS* 7 (2003), available at http://nsse.iub.edu/2003_annual_report/pdf/NSSE_2003_Annual_Report.pdf; see also John Henry Schlegel, *Those Weren't 'The Good Old Days,' Just the Old Days*, 32 L. & SOC. INQUIRY 841, 855 (2007). As Schlegel explains, undergraduates spend their time as follows:

These days, students spend an average of less than two hours per day of study time, including doing research and writing papers, slightly less than was the case in earlier years. The time spent relaxing—really goofing off or working out—at an average of about three hours of a day is also less than twenty years ago by at least an hour. So, what are undergraduates doing the rest of the time? First, working in paid employment in average of two hours per day; second, doing a significant amount of club activities and volunteer work; third, doing some small amount of life administration—laundry, shopping, etc.; fourth, eating, maybe accounting for two hours a day; and fifth, lying about how much they spend on all of the other things they do, since all of their reported time cannot add up to more than twenty-two hours.

Id.

23. This is particularly interesting given college-aged students “have the most free time at [their] disposal compared to other adult age groups.” ANDREA ELISABETH MERCATANGE, *STUDENTS’ PERCEPTIONS OF TIME AND ITS INFLUENCE ON LEISURE* 15 (Ind. Univ. June 2009) (discussing undergraduates’ time pressures and related stress); see also J. P. ROBINSON & G. GODBEY, *TIME FOR LIFE: THE SURPRISING WAYS AMERICANS USE THEIR TIME* (1997).

24. AUSTIN L. PARRISH & CRISTINA C. KNOLTON, *HARD-NOSED ADVICE FROM A CRANKY LAW PROFESSOR* 61 (2010).

25. See MSCARN23, *Post on Law School Success*, TOP-LAW-SCHOOLS.COM (June 7, 2011, 9:45 AM), <http://top-law-schools.com/forums/viewtopic.php?f=3&t=157251> (providing detailed

working through material not fully grasped, sometimes with the aid of a professor in office hours or in study groups.

For many law students, law school presents the first significant experience with time pressures. Law students generally excelled in undergraduate studies, suggesting they have more time aptitude than their average peer. Law school is the first place these past high-performing students may face time management demands they cannot strategically avoid. This is particularly true in the first year of law school, where the curriculum is usually set with little to no student input as to instructor, the time and day of classes, nor the nature of the final exam. Not surprisingly, this causes a shock to the system for many 1Ls.²⁶

It does not help that the overall quality of law school applicants has decreased.²⁷ This only exacerbates time woes. Students are coming into law school less prepared, particularly in terms of analytical, writing, and research skills.²⁸ A recent study found that forty-five percent of students made no significant improvement in their critical thinking, reasoning or writing skills²⁹ during the first two years of college. After four years, thirty-six percent showed no significant gains in these higher order

summary of strategy for success that is certainly comprehensive but far more than is needed by many students to achieve high degrees of academic success). While this type of commitment to legal study is commendable, it only works if the time put in is actually useful and productive. Attempting to emulate this type of schedule without essential time management skills results in nothing more than the law school equivalent of padding one's billables.

26. See, e.g., Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 78 (2002) (discussing how law students are overwhelmed by the workload).

27. See Kathy L. Cerminara, *Remembering Arthur: Some Suggestions for Law School Academic Support Programs*, 21 T. MARSHALL L. REV. 249, 254 (1996); see also *The Neglected "R": The Need for a Writing Revolution*, THE NAT'L COMM'N ON WRITING (Apr. 2003), at 14, available at http://www.collegeboard.com/prod_downloads/writingcom/neglectedr.pdf (Apr. 2003) [hereinafter *Neglected "R"*] ("More than 50 percent of first-year college students are unable to produce papers relatively free of language errors.")

28. See Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the "MTV/Google" Generation*, 54 LOY. L. REV. 775, 788-89 (2008); Susan Hanley Kosse & David T. ButlcRitchie, *How Judges, Practitioners, and Legal Writing Teachers Assess the Writing Skills of New Law Graduates: A Comparative Study*, 53 J. LEGAL EDUC. 80, 98-99 (2003). In addition, new law students are thrown into an educational environment that is also often markedly different from their prior experience. With the decline in the rigor of undergraduate studies, law students often face higher demands than expected on them in their prior academic pursuits. This cultural shock is only complicated given that students arrive at law school without basic study skills. See, e.g., *Study: Most College Students Lack Skills*, USA TODAY (Jan. 19, 2006), http://usatoday30.usatoday.com/news/education/2006-01-19-college-tasks_x.htm. Note taking and outlining are lost arts. See, e.g., Gayle A. Brazeau, *Handouts in the Classroom: Is Note Taking a Lost Art?*, 70 AM. J. PHARM. EDUC. 38 (2006).

29. RICHARD ARUM & JOSIPA ROKSA, *ACADEMICALLY ADRIFT: LIMITED LEARNING ON COLLEGE CAMPUSES* 121 (2011). Some argue the demise of writing skills is attributable to the decline of the high school senior research paper. See *Neglected "R"*, *supra* note 27, at 14 (stating the traditional senior research paper is "rapidly being abandoned."). *Id.* at n.5.

thinking skills.³⁰ These students are also less prepared for legal education's reading load. Overall, Americans are reading less, and the current generation of law students is the demographic that, as young adults, read the least.³¹ Entering students are also not prepared to handle the research aspects of law school.³²

This lack of foundational skills takes its toll in law school. For example, strong fundamental reading abilities are essential. A deficit in basic reading skills forces law students to devote extra time to meet even baseline expectations. Reading for law school is notably different than other disciplines. Law students must learn to read with a deep level of comprehension³³—yet with a certain alacrity.³⁴ While these reading skills can be taught, they are only truly developed with practice. This practice takes time, and during the first few months of law school, many students struggle to keep up with the reading.

Further, in those first few weeks, students are introduced not only to new ways of reading, but new ways of thinking.³⁵ This adjustment requires a great deal of ramp up time. Rather than volunteering their initial reactions to a case, students must consider a variety of other issues, such as how the case fits with prior decisions, how to weigh the competing policy justifications for a ruling, and how the holding may

30. Richard Arum & Joseph Roksa, *Are Undergraduates Actually Learning Anything?* CHRON. HIGHER ED. (Jan. 18, 2011), <http://chronicle.com/Are-Undergraduates-Actually/125979> (discussing further findings from study).

31. Carol McCrehan Parker, *Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?*, 12 LEGAL WRITING 175, 187 (2006); *Reading at Risk: A Survey of Literary Reading in America*, NAT'L ENDOWMENT FOR THE ARTS, June 2004, at ix–xi, available at <http://www.nea.gov/pub/ReadingatRisk.pdf>; David Mehegan, *Young People Reading a lot Less*, BOS. GLOBE (Nov. 19, 2007), http://www.boston.com/news/nation/articles/2007/11/19/young_people_reading_a_lot_less/?page=full.

32. See Kathryn Hensiak et al., *Assessing Information Literacy Among First Year Law Students: A Survey to Measure Research Experiences and Perceptions*, 96 L. LIB. J. 867, 868 (2004) (“[S]tudents begin law school without basic research skills.”).

33. See, e.g., LAUREL CURRIE OATES ET AL., THE LEGAL WRITING HANDBOOK: ANALYSIS, RESEARCH, AND WRITING 31 (3d ed. 2002) (“While in some type types of reading you can skip sections you do not completely understand, such a strategy does not work when you are doing legal reading. If the document, statute, or case is one that is relevant to your problem, you need to read and reread it until you are sure you understand it.”).

34. See CHRISTINE COUGHLIN ET AL., A LAWYER WRITES 34 (2008) (“Reading has two aspects: speed and comprehension. Generally, the faster you read, the less you will comprehend. Conversely, the more you read for comprehension, the slower you will read. A lawyer, however, needs to read fast and comprehend deeply.”).

35. HELENE SHAPO & MARSHALL SHAPO, LAW SCHOOL WITHOUT FEAR xiii (2009). Time constraints are far from the sole source of discontent in law school. Discussions of the effect of law school pedagogy and culture on 1Ls abound in academic writing. The complaints focus on the impact of the Socratic Method, the alienation and isolation in law school caused by high competition among students. See, e.g., Hess, *supra* note 26, at 77–81; Jennifer Jolly-Ryan, *Promoting Mental Health in Law School: What Law Schools Can Do for Law Students to Help The Become Happy, Mentally Healthy Lawyers*, 48 U. LOUISVILLE L. REV. 95, 102–17 (2009).

apply to different facts. Not surprisingly, law students quickly begin complaining of a lack of time.³⁶ Even if time management was not a problem for the student in the past, it becomes one.

Watching 1Ls study for their first set of exams illustrates how fundamentally unprepared students are for the self-directed studying needed to succeed in law school. Even the better students barely finish outlines before reading week.³⁷ This leaves only the minimum time for practice tests—essential for adjusting to the time demands of racehorse exams.³⁸ The really crunched students never complete outlines, instead relying on ones passed down from prior law students with little accounting for quality.³⁹ For these students, taking practice exams is a time luxury that is simply too expensive.

In addition, law students often suffer time management problems because of hits to the ego inherent in legal studies.⁴⁰ The majority of today's law students were educated in a system that emphasized boosting self-esteem through high grades rather than rigorous standards.⁴¹ Law school suffers from its share of grade-inflation, no doubt. But there are not as many A's available, particularly in law schools with strict grading curves.⁴² Consequently, the lack of feedback

36. See G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers*, 11 AM. B. FOUND. RES. J. 225, 243 (1986); see also Lawrence S. Krieger, *Institutional Denial about the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112, 122–23 (2002) (“The arriving students showed healthy well-being, values, and motives—stronger, in fact, than a large undergraduate sample. Within six months, however, the law students experienced marked decreases in well-being and life satisfaction and marked increases in depression, negative affect, and physical symptoms. Perhaps more revealing, their overall motivation and valuing patterns shifted in undesirable (external/extrinsic) directions, with particular increases in the valuing of image and appearance and decreases in altruism and community orientation. These changes predict continuing decreases in life satisfaction and happiness, and they are fully consistent with the reports of distress, dissatisfaction, and loss of ethics and values among practicing lawyers.”).

37. In working with 1Ls, I am often asked to review outlines, particularly during the first semester of law school. Trying to meet the “reading week” deadline is consistently an issue as 1Ls attempt to balance the work demands of law school.

38. On a racehorse exam, successful completion hinges directly on a student carefully managing her time. Not surprisingly, the traditional racehorse exam is certainly not without its critics. See, e.g., Scott A. Schumacher, *Learning to Write in Code: The Value of Using Legal Writing Exercises to Teach Tax Law*, 4 PITT. TAX REV. 103, 107 n.20 (2007) (criticizing racehorse exams for failing to allow sufficient depth of analysis).

39. Professor Gordon of Brigham Young aptly describes this group of students as “The Back Benchers.” James D. Gordon III, *How Not to Succeed in Law Schools*, 100 YALE L. J. 1679, 1686 (1991).

40. See, e.g., Ann Iijima, *The Collaborative Legal Studies Program: A Work in Progress*, 12 KAN. J. L. & PUB. POL’Y 143, 143 (2002); see generally Note, *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 HARV. L. REV. 2027 (1998) (discussing the “ego-bruising” nature of law school).

41. Bohl, *supra* note 28, at 788–89.

42. See, e.g., SpearIt, *Priorities of Pedagogy: Classroom Justice in the Law School Setting*, 48

in many doctrinal courses leaves students adrift without the positive affirmation of high grades.⁴³ Some students overcompensate by spending an inordinate amount of time on their studies.⁴⁴ To these students, such commitment is sometimes viewed as a badge of honor, with little reflection on the quality of time spent.⁴⁵

Law school time crunch problems often first appear in skill based classes, such as Legal Research and Writing (LRW). LRW requires students learn and immediately apply new critical reading and analysis skills.⁴⁶ Most of these courses are designed around frequent submissions, which make it more difficult for students to hide temporal problems. Either the assignment is completed on time in a polished final form, or it isn't. Self-denial and procrastination, the twin devils of time management, can hide far longer in a traditional lecture course, where a single final exam is the norm. Rather than acknowledge how far behind one is, a student can continue falling further and further behind in a doctrinal course. While a doctrinal professor may notice something amiss when the student is on call, it is difficult to distinguish between a student who has fallen behind from a student who simply didn't understand a particular day's reading.

In addition to class demands, students are spending a great deal of time on extracurricular tasks, including researching and obtaining summer jobs; working on journals; seeking out clinical experiences; and arguing on moot court teams.⁴⁷ All of these opportunities add to the

CAL. W. L. REV. 467, 468 (2012); Clifford S. Zimmerman, "Thinking Beyond My Own Interpretation": Reflection on Collaborative and Cooperative Learning Theory in the Law School Curriculum, 31 ARIZ. ST. L. J. 957, 971-75 (1999).

43. LAW SCH. SURVEY OF STUDENT ENGAGEMENT, 2008 ANNUAL SURVEY RESULTS, PREPARING 21ST CENTURY LAWYERS 7 (2008) ("In the first year of law school, 14% of students report that they never receive prompt feedback from professors. In the second year, this rises to 20%."); Suzanne C. Segerstrom, *Perceptions of Stress and Control in the First Semester of Law School*, 32 WILLAMETTE L. REV. 593, 602 (1996) (finding a lack of feedback causes more a source of student stress than the Socratic method).

44. Misuse of their limited time resources in attempting to prepare for class is also a product of the Socratic method—to some extent. For instance, some scholars argue that law students over-prepare for class, in an effort to avoid potential fear and embarrassment for not sufficiently preparing. See Jolly-Ryan, *supra* note 35, at 105; see also Hess, *supra* note 26, at 75.

45. See, e.g., Ben Gibson, *How Law Students Can Cope: A Students View*, 60 J. LEGAL EDUC. 140, 142 (2010) ("Law students are notorious for living "unbalanced" lives and many take great pride that law school consumes such a great deal of their time. Especially in the first year, this attitude is not viewed as the beginning states of burn out but simply as the signs of a hard worker.").

46. Parts of the reason LRW classes are the first place problems appear is because these courses offer earlier and more frequent feedback than doctrinal courses. See, e.g., Suzanne J. Schmitz & Alice M. Noble-Allgire, *Reinvigorating the 1L Curriculum: Sequenced "Writing Across the Curriculum" Assignments As the Foundation for Producing Practice-Reading Graduates*, 36 S. ILL. U. L. J. 287, 289 (2012).

47. Margaret Meriwether Cordray, *Expanding Pro Bono's Role in Legal Education*, 48 IDAHO L. REV. 29, 37 (2011) ("Students are busy. Their academic course load is demanding and time consuming.

workload. But given the tight legal market, such activities have quickly converted from bonus experiences to essential ones.

Law schools have made some effort to address student stressors. The recent push for practical, skills-oriented training is, at least in part, responsive to the empirical research showing the toll of legal study and practice.⁴⁸ But some of the curricular redesigns increase time famine.

For example, while providing more practice-oriented training is to be applauded, providing skills-based training without teaching the mechanisms to implement those skills is nonsensical. Skills classes often require students juggle this training with their doctrinal course requirements. For students who lack time management, the result is lesser quality work across the board. A mere band-aid, this approach does not fully address student problems.⁴⁹ If students were taught how to manage this juggling act, they would be better prepared for practice, from both a skills and professional expectations perspective.⁵⁰

Family responsibilities, outside work obligations, and other extracurricular activities leave even less time for additional commitments.”).

48. Law students experience levels of depression, anxiety, alcohol consumption, drug use, and stress far in excess of other graduate students. In some ways, these problems are specialized to law students rather than applying to other graduate students who are equally, if not more, overworked. Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL’Y, L. & ETHICS 357, 358–59 (2009); see also Marilyn Heins et al., *Law Students and Medical Students: A Comparison of Perceived Stress*, 33 J. LEGAL EDUC. 511, 511–14 (1983) (discussing study showing that compared to medical students, law students have significantly higher levels of stress and alcohol abuse); Ruth Ann McKinney, *Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution*, 8 L. WRITING: J. LEGAL WRITING INST. 229, 229–30 (2002) (discussing study finding that 40 percent of law school students may experience depression or other symptoms as a result of their law school experience and that “self reports of anxiety and depression are significantly higher among law students than either the general population or medical students”) (quoting Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 L. & HUM. BEHAV. 55 (1999)). Anxiety and depression are not limited to 1Ls, but rather some symptom measures are high or higher for third-year students. Dammeyer & Nunez, *supra*, at 67.

49. The same is true for efforts to humanize the legal education process. While these efforts are noble in theory, they serve to make the adjustment into practice that much rougher. Christine Pedigo Bartholomew & Johanna Oreskovic, *Normalizing Trepidation and Anxiety*, 48 DUQUESNE L. REV. 349, 358–60 (2010) (discussing how efforts to make law schools softer are causing long term harm to students).

50. The focus should be on increasing skills training without watering down legal education. Otherwise, graduates will not develop the requisite rigor or stamina for practice. Robert M. Lloyd, *Hard Law Firms and Soft Law Schools*, 83 N.C. L. REV. 667, 677 (2005) (“Unfortunately, today’s [s]oft law schools do not prepare their graduates for reality. . . . While the practice of law has been getting [h]arder, law schools have been getting [s]ofter.”). In addition, this lack of rigor has long term negative consequences for the development of law. See, e.g., ROBERT J. SPITZER, *SAVING THE CONSTITUTION FROM LAWYERS: HOW LEGAL TRAINING AND LAW REVIEWS DISTORT CONSTITUTIONAL MEANING* 128 (Cambridge Univ. Press, 2008) (showing how a lack of rigor in law schools turned laughably bad arguments into law—“and no one is laughing now.”). Often, there is little incentive for professors, particularly untenured professors, to provide increased rigor in their courses. See, e.g., James Felton et al., *Web-based Student Evaluations of Professors: The Relations Between Perceived Quality, Easiness, and Sexiness*, 29 ASSESSMENT & EVALUATION HIGHER EDUC. 91, 92 (2004) (“[S]tudent evaluations of

B. *The Time Crunch of Practice*

Students bemoan the pressures of law school, but the time restraints of legal education are minimal compared to life in practice. The time famine problems that start in law school continue to plague attorneys throughout their career.⁵¹ While a multitude of stressors exist in practice, attorneys' main complaint is the amount of time they spend on work.⁵² The time scarcity for attorneys crosses gender lines.⁵³ One issue is lawyers' schedules, but the true culprits are rising billable hour requirements. These requirements are harming not just lawyers but also their potential clients.

Lawyers' schedules are conscripted by measures far outside their control. Hearing dates are set with little consideration to an attorney's case load. The same is true with briefing schedules, which are formulaically set by procedural rules. Transactional attorneys are not saved from these scheduling demands. Often, administrative compliance or agency oversight force attorneys into unrealistic deadlines. To manage these complications, lawyers must have time management skills.

These time demands interfere with attempts at a work–life balance. For example, in 1990 the ABA Young Lawyer Section conducted a national longitudinal study of the legal profession with 3,000 professionals responding. Forty-five percent of these respondents claimed that their work schedules allowed them too little time for their families or themselves.⁵⁴ The passage of time has done little to alleviate

their professors dropped after their professors explicitly and summarily judged the students' course performances.”).

51. See, e.g., Rebecca French, *Time In the Law*, 72 U. COLO. L. REV. 663, 742 (2001) (“Time management has become one of the biggest issues in the practice of law.”). This article also provides a fascinating historical perspective on the concept of time.

52. See, e.g., WALT BACHMAN, *LAW V. LIFE: WHAT LAWYERS ARE AFRAID TO SAY ABOUT THE LEGAL PROFESSION* 103 (1995); ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 301–03 (1993); NALP FOUND. FOR RESEARCH & EDUC., *KEEPING THE KEEPERS; STRATEGIES FOR ASSOCIATE RETENTION IN TIMES OF ATTRIBUTION* 106 (1998); Stephanie B. Goldberg, *Bridging the Gap: Can Educators and Practitioners Agree on the Role of Law Schools in Shaping Professions? Yes and No*, A.B.A. J., Sept. 1990, at 44; Deborah K. Holmes, *Structural Causes of Dissatisfaction Among Large-Firm Attorneys: A Feminist Perspective*, 12 WOMEN'S RTS. L. REP. 9, 13–14 (1990); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 889 (1999).

53. While a higher percentage of women report insufficient time, the number is on the rise for both men and women. State of the Legal Profession, *supra* note 10, at 24. At the same time, a recent study reported in *Focus*, the newsletter of the Women Lawyers Association of Michigan (WLAM), notes that women leave law firm practice at far higher rates than their male counterparts. Ronald D. Keefe, *Women in the Bar: Celebrating Milestones and Supporting Tomorrow's Leaders*, MICH. B. J., June 2008 at 16.

54. State of the Legal Profession, *supra* note 10, at 22. “Other descriptive accounts of what it is like to be a lawyer today often paint a picture of working conditions remarkably similar to those of the

this problem. Seventeen years later, a 2007 MIT study again listed lack of work/life balance as the leading reason why women left law firms and among the top three reasons why men left.⁵⁵ Practice becomes the jealous mistress, denying attorneys a life outside their relationship with their firm.⁵⁶

Part of the problem is practice emphasizes the number of hours worked, not necessarily the value or quality of completed work.⁵⁷ Meeting unrealistic billable minimums is increasingly a requirement for promotion.⁵⁸ While billable hours are hardly a new problem, today's associates face higher billing requirements than prior generations. The use of billable hours became widespread in the 1950s,⁵⁹ and as years passed, the number of hours rose exponentially. By 2007, large firms' billable hour requirements were in the 2,000–2,200 range.⁶⁰ Moreover, this represents the billable hour requirement—not the billable hour reality which is markedly higher. Billing 2,500 to 3,000 hours is not uncommon.⁶¹ These figures are particularly troubling given two “billable hours” equals three actual hours worked.⁶²

‘sweat shops’ blue-collar workers endured several generations ago.” Amiram Elwork & G. Andrew H. Benjamin, *Lawyers in Distress*, 23 J. PSYCHIATRY & L. 205, 210 (1995); Note, *Why Law Firms Cannot Afford to Maintain the Mommy Track*, 109 HARV. L. REV. 1375, 1378–79 (1996) (“Lawyers report that they do not have enough time for themselves and their families and that they are increasingly dissatisfied with their jobs.”).

55. Mona Harrington & Helen His, *Women Lawyers and Obstacles to Leadership*, in A REPORT OF MIT WORKPLACE CENTER SURVEYS ON COMPARATIVE CAREER DECISIONS AND ATTRITION RATES OF WOMEN AND MEN IN MASSACHUSETTS LAW FIRMS 12–13 (2007), available at http://web.mit.edu/workplacecenter/docs/law-report_4.07.pdf.

56. Crisis in Quality, *supra* note 10, at 3 (quoting an unnamed attorney at a conference as saying lawyers are complaining about being “asked not to dedicate, but to sacrifice their lives to the firm”); James J. Alfini & Joseph N. Van Vooren, *Is There a Solution to the Problem of Lawyer Stress? The Law School Perspective*, 10 J. L. & HEALTH 61, 63 (1995–96) (“[T]he single biggest complaint among attorneys is increasingly long workdays with decreasing time for personal and family life.”); see also ELWORK, *supra* note 10, at 25 (“The single most frequent complaint about the law is the ‘hours.’”).

57. Alfini & Van Vooren, *supra* note 56, at 63.

58. See State of the Legal Profession, *supra* note 10, at 23, 27.

59. Adam Liptak, *Stop the Clock? Critics Call the Billable Hour a Legal Fiction*, N.Y. TIMES (Oct. 29, 2002), [http://www.nytimes.com/2002/10/29/business/business special/29LIPT.html](http://www.nytimes.com/2002/10/29/business/business%20special/29LIPT.html).

60. By 1965, American lawyers billed between 1200 and 1600 hours annually. Liptak, *supra* note 59; Scott Turow, *The Billable Hour Must Die*, A.B.A. J. (Aug. 2007), http://www.abajournal.com/magazine/article/the_billable_hour_must_die?; see also Carl T. Bogus, *The Death of an Honorable Profession*, 71 IND. L. J. 911, 924 (1996) (“[I]n the 1960s the median number of billable hours was about 1500 per year for partners and associates alike.”).

61. Liptak, *supra* note 59; see also *Money Talks: In Order to Compete for Associates, Texas Firms Can't Be Cheap*, TEX. LAW, Apr. 3, 2000, at 15, 20 (“I think that the two, three, and four and five year constancy of 2,500, 2,600 hours is a killer for individuals and also for their families.”). The rise in billable hours is not without its critics. As one commentator has pointed out, there is “widespread consensus among practitioners, judges, recruiters and academics that hourly billing leads to punishing work schedules, unhappy lawyers, ill-served clients, over-lawyered cases, perverse incentives and outright fraud.” *Id.*

62. See Laurence H. Silberman, *Will Lawyering Strangle Democratic Capitalism? A*

These billing demands make work cycles unpredictable. Beyond generalized theories that August and December are slower months in litigation, attempts to predict whether one will be buried next month are laughable. Added to that, lawyers do not get sufficient vacation time as respite for the high billing periods. Less than fifty percent of attorneys actually take up to two weeks off.⁶³ Thirty percent of lawyers are not even entitled to two full weeks' vacation.⁶⁴ This is far below ideal,⁶⁵ particularly given the pressure of legal practice.⁶⁶ Not surprisingly, the percentage of lawyers reporting they "frequently feel fatigued or worn out by the end of the day" is on the rise.⁶⁷

In addition to physical⁶⁸ and psychological⁶⁹ tolls,⁷⁰ this increase in

Retrospective, 21 HARV. J. L. & PUB. POL'Y 607, 615 (1998).

63. State of the Legal Profession, *supra* note 10, at 23; *see also* Schiltz, *supra* note 52, at 891. One North Carolina bar study found that in 1989, only 17% of attorneys took more than a single week of vacation. North Carolina Bar Ass'n, Report of the Quality of Life Task Force and Recommendations 4 (1991) [hereinafter North Carolina Bar Ass'n].

64. State of the Legal Profession, *supra* note 10, at 23.

65. *See, e.g.*, Patricia Quigley, *Vacations Help Job and Health, But Americans Skip Them*, ABC NEWS (Aug. 13, 2011), http://abcnews.go.com/Technology/vacations-2011-time-off-improves-productivity-reducing-stress/story?id=14293331#.UBSniWHY_Ys. Taking vacation time, particularly at least ten days straight, is key to decreasing psychological and behavior strain. Dalia Etzion, *Annual Vacation Duration and Relief from Job Stress and Burnout*, 16 ANXIETY, STRESS & COPING 213, 224 (June 2003); Mina Westman & Dalia Etzion, *The Impact of Vacation and Job Stress on Burnout and Absenteeism*, 16 PSYCHOL. & HEALTH 595, 602 (2001).

66. Gerhard Stauss-Blasche et al., *Effect of Vacation on Health: Moderating Factors of Vacation Outcome*, 12 J. TRAVEL MED. 94, 98 (2005) ("Individuals experiencing high level of work strain show greater improvements of well-being when relieved from this strain (e.g., during vacations) than do those who do not experience high works strain.").

67. State of the Legal Profession, *supra* note 10, at 24 (noting in 1984, 61% of all lawyers reported fatigue by the end of the work week, but by 1990 the number rose to 71%).

68. Lawyers are generally less healthy than the general population, suffering from higher rates of hypertension, coronary artery disease, and miscarriage. *See* Schiltz, *supra* note 52, at 880. A study of female graduates of the University of California at Davis between 1968 and 1985 found that for pregnant attorneys who worked more than 45 hours per week (a relatively low number for a big firm attorney), miscarriage was three times more likely. *See* Marc. B. Schenker et al., *Self-Reported Stress and Reproductive Health of Female Lawyers*, 39 J. OCCUPATIONAL & ENV'TL. MED. 556, 557 (1997).

69. Attorneys top the list for professions with major depressive disorders. William Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1081, 1085-86 (1999) (discussing a 1990 study by researchers at Johns Hopkins University demonstrating of 104 occupations surveyed, lawyers topped the list for major depressive disorders). Male attorneys are nearly three times more likely than the general population to suffer from a major affective disorder. *See* Schiltz, *supra* note 52, at 875 (finding among the general population 8.5% of males and 14.1% of females scored higher than the clinical cut off for major depression; among lawyers, the rates were 21% for males and 16% for females). This means higher levels of depression, anxiety, obsessive compulsive disorder, and not surprisingly, though none the less tragic, suicide rates for white, male lawyers are twice as high as for non-attorneys. *See id.* at 881.

70. For those saved from affective disorders and physical harm, the harm may just come in a different form. Lawyers suffer from anxiety, alcohol and other substance abuse problems at levels far higher than the general population. Further, attorneys suffer extraordinarily high divorce rates. *See, e.g.*, Connie J. A. Beck et al., *Lawyer Distress; Alcohol-Related Problems and other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & HEALTH 1, 2 (1995); Lawrence S. Kreiger,

weekly work hours hurts one's efficiency, as well as the quality of the work performed.⁷¹ Productivity decreases rapidly after the eighth hour of work in a day.⁷² This is also true for individuals who consistently devote forty-five to fifty hours per week to their jobs.⁷³ Yet, it is a rare and lucky attorney who works nine to five.

Time famine is also adding to overall job dissatisfaction.⁷⁴ In fact, lawyers identify time famine as a "significant cause" of the diminishing quality of lawyers' health and lives.⁷⁵ The number of attorneys who are dissatisfied with their careers continues to rise.⁷⁶ Yet, given the poor economic climate, attorneys have far fewer options to respond to this billable hour pressure. Many leave practice altogether.⁷⁷ Still others hope to make career changes to minimize the time crunch.⁷⁸ But lateral

What We're Not Telling Law Students—And Lawyers That They Really Need to Know: Some Thoughts in Action Toward Revitalizing the Professions from Its Roots, 13 J.L. & HEALTH 1, 3–4 (1999) (citing studies).

71. See Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 U. MO. KAN. CITY L. REV. 239, 273–75 (2000) (discussing impact of hourly billables on quality of attorneys' work).

72. R. ALEC MACKENZIE, *THE TIME TRAP* 10 (1972). The harm of excess hours is most well-documented in the medical field. While it likely does not come as a surprise to anyone, the almost ridiculously long hours worked by medical residents comes at a cost to the quality of medical care provided. Christopher P. Landrigan et al., *Effect of Reducing Interns' Work Hours on Serious Medical Errors in Intensive Care Units*, NEW ENG. J. MED. 351 (2004). Accordingly, in 2007, the Accreditation Council for Graduate Medical Education capped the number of hours residents can work. Yet, these caps still fall far short of recognizing that eight hours is the ideal max. Instead, the caps set by the Council limited the number of work-hours to 80 hours weekly, overnight call frequency to no more than one overnight every third day, 30 hour maximum straight shift, and 10 hours off between shift. See ACGME DUTY HOURS LANGUAGE, <http://www.acgme-2010standards.org/pdf/monographs/jgme-monograph.pdf> (last visited Apr. 14, 2013).

73. Fortney, *supra* note 71, at 288–91 (discussing how billable hour requirements are resulting in attorneys committing less pro bono hours); see generally WILLIAM G. ROSS, *THE HONEST HOUR: THE ETHICS OF TIME-BASED BILLING BY ATTORNEYS* 229–36 (1996) (discussing impact of hourly billing on attorneys' public responsibility).

74. See, e.g., North Carolina Bar Ass'n, *supra* note 63, at 11 (identifying time famine as a primary cause of attorney dissatisfaction).

75. Crisis in Quality, *supra* note 10, at 3 (stating [attorneys] "do not have enough time for themselves and their families—what many have come to call 'the time famine'").

76. State of the Legal Profession, *supra* note 10, at 52 tbl.67 (reporting over 30% reduction in the number of lawyers who were very satisfied).

77. Some reports claim the practice of law pushes 40,000 lawyers to leave the profession annually. See, e.g., JEAN STEFANCIE & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS* 51 (2005); Diana Nelson Jones, *Legally Unhappy: Experts Worry about Growing Tide of Lawyers Abandoning Careers*, PITTSBURGH POST-GAZETTE, May 4, 2005. This statistic is particularly startling given the total number of JDs and LLBs awarded for the 2009–10 academic year was 44,004. See *Enrollment and Degrees Awarded, 1963–2010*, ABA, http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/stats_1.authcheckdam.pdf (last visited July 26, 2012). Others question that figure, while still acknowledging a rise in the number of attorneys considering non-law options. See State of the Legal Profession, *supra* note 10, at 13 n.4.

78. Chuck Roberts, *Prepare Now for the Oncoming Wave of Turnover*, AM. B. ASS'N L. PRAC.

job opportunities are increasingly scarce, meaning the options are defaulting on expensive student loans or remaining in an unsatisfactory work environment. Efforts to minimize billable hours through part-time or reduced hour arrangements are often unsuccessful, resulting in less than five percent of attorneys working reduced hours.⁷⁹

The problems of time famine go beyond harm to the attorneys themselves. Time is the most cited justification for attorneys failing to take pro bono cases.⁸⁰ Poor time management is also one of the primary causes of malpractice.⁸¹ Hence, the harm is spreading from practitioners to the community needing their services.

III. THE PSYCHOLOGY OF TIME MANAGEMENT

Since time famine is practicing lawyers' number one complaint, it should also be the number one concern to remedy in legal education. To best address this problem, law schools first need a more sophisticated understanding of what time management actually means, so they can arm students with these skills prior to practice. The burgeoning field of time management research provides not only a more nuanced understanding of this concept but also a template for identifying specific deficiencies.

A. What Is Time Management?

Interest in managing time is far from new. Time management was introduced in the 1950s as a means of dealing with job-related time issues.⁸² From the 1950s to the early 1980s, time management garnered

TODAY (Oct. 2011), http://www.americanbar.org/publications/law_practice_today_home/law_practice_today_archive/october11/prepare_now_for_the_oncoming_wave_of_turnover.html; see also North Carolina Bar Ass'n, *supra* note 63, at 4 (finding 23% of respondents would not become attorneys if they could do it over).

79. Deborah L. Rhode, *Balanced Lives for Lawyers*, 70 FORDHAM L. REV. 2207, 2213 (2002).

80. Elena Romerdahl, *The Shame of the Legal Profession: Why Eighty Percent of Those in Need of Civil Legal Assistance Do Not Receive It and What We Should Do About It*, 22 GEO. J. LEGAL ETHICS 1115, 1115–16 (2009) (“[T]he primary constraint cited by lawyers when asked why they do not do more pro bono work is the demand of billable work, or “time feminine”—the feeling that they have insufficient time for outside pursuits and family activities, to say nothing of pro bono. Compounding the problem of “time famine” is the fact that pro bono work may have either no effect or a negative effect on associates’ reputation, status, and advancement prospects at firms, forcing them to weigh the costs of spending time away from billable work against the personal and professional benefits that [pro bono] confers.”).

81. *Lawyer’s PC*, 22 LAW. PC 4 (Feb. 1, 2005) (“Lawyer/client communications and basic time management issues are the two most common causes of malpractice claims; together they account for almost 60 percent of malpractice claims against lawyers.”).

82. *E.g.*, P.F. DRUCKER, *THE EFFECTIVE EXECUTIVE* (1967); J. McCAY, *THE MANAGEMENT OF TIME* (Prentice Hall 1959). These early studies provided information on how to short term goals; plain

widespread attention.⁸³ In response, there were numerous books and programs developed during the '60s, '70s, and '80s promoting various time saving strategies.⁸⁴ But these programs addressed time management in general terms, without hard data to back up proposed solutions.⁸⁵

All that changed in the late 1980s. Researchers began questioning the scientific legitimacy of popular time management advice.⁸⁶ There was a desire to more fully explore time management, specifically to identify the requisite skills. This curiosity triggered a flurry of research that has taken on a life of its own during the last twenty years.⁸⁷

The research has led to a richer, more nuanced understanding. Prior to the late 1980s, time management was considered a unidimensional concept.⁸⁸ Early researchers treated it as a skill itself: one either had the ability to manage time, or didn't. The surge of empirical time management research in the late 1980s and early 1990s proved time management is a group of related aptitudes that can be broken down and quantified.⁸⁹ Though psychologists disagree on the total number of

and prioritize these goals on a daily basis; and avoid work interruptions that inhibit completion of these goals.

83. Brigette J.C. CLAESSENS, *PERCEIVED CONTROL OF TIME: TIME MANAGEMENT AND PERSONAL EFFECTIVENESS AT WORK*, at Ch. 1 (2004) ("Since its introduction, there has been tremendous popular attention for the implementation of time management techniques at work and time management training programs. Nowadays, there are many books, articles, seminars, workshops, and general time management tips available and the large numbers of people have participated in time management training programs in some way. The popularity of time management is also expressed for instance in the 1,750,000 hits on 'time management' in an internet search.").

84. Brigette J.C. Claessens et al., *A Review of Time Management Literature*, 36(2) PERS. REV. 255, 256 (2007).

85. *See id.*

86. One of the leading time management researchers explained the lack of empirical research by stating, "Perhaps it is because time management is typically viewed as a fad and not held in very high esteem by researchers in the field." T.H. Macan, *Time Management: Test of a Process Model*, 79 J. APPLIED PSYCH. 381, 381 (1994) [hereinafter Macan 1994].

87. *See* Alexander Hafner & Armin Stock, *Time Management Training and Perceived Control of Work*, J. PSYCHOL. 429, 430 (2010). As the interest in empirical research flourished, much of the research focused on three groups: (1) employees of different organizations; (2) psychology students; and (3) employees with double workloads, i.e. working full-time while studying part-time or working full-time and running a household of children. Claessens et al., *supra* note 84, at 257.

88. Therese Macan et al., *College Students' Time Management: Correlations with Academic Performance & Stress*, 82 J. EDUC. PSYCH. 760, 760 (1990) [hereinafter Macan 1990]. The research on time management training was constricted by this same flawed foundational assumption. Laura Ann Hellsten & Todd Rogers, *Development and Preliminary Validation of the Time Management for Exercise Scale*, 13 MEASUREMENT IN PHYSICAL EDUC. & EXERCISE SCI. 13, 17 (2009) (discussing how the use of an unidimensional view of time management is "threatened by construct under-representation and irrelevance.").

89. Two key studies lead to this greater understanding of time management. First, in 1988, two psychologists, Bond and Feather, researched the psychological effects of unemployment. In particular, these researchers were studying whether the unstructured nature of time among the unemployed was associated with psychological problems, such as diminished mental health. M. Bond & N. Feather,

subscales,⁹⁰ the bulk of the research suggests there are at least nine separate subscales: Sense of Purpose, Structured Routine, Present Orientation, Effective Organization, Persistence, Setting Goals and Priorities, Mechanics, Perceived Control of Time, and Preference for Organization.⁹¹

Based on this research, psychologists learned that it is essential to distinguish between each facet. High scores in each of the subscales indicate different time skills. For example, high scorers on the Sense of Purpose subscale perceive importance and value in the ways they fill their time, are rarely bored, and generally see a purpose and meaning in their lives.⁹² In contrast, high scorers of the Structured Routine subscale tend to make plans in their personal lives, structure their time to realize these plans, follow daily routines, and can estimate the number of useful hours spent during a typical week.⁹³ High scorers on Effective Organization have different strengths than those measured by Sense of Purpose or Structured Routine. They tend to spring into action easily, organize daily activities efficiently, and rarely drift aimlessly.⁹⁴

Some Correlates of Structure & Purpose in the Use of Time, 55 J. PERSONALITY & SOCIAL PSYCHOL. 321, 322–23 (1988) [hereinafter Bond & Feather]; N.T. Feather & M.J. Bond, *Time Structure & Purposeful Activity Among Employed and Unemployed University Graduates*, 56 J. OCCUPATIONAL PSYCHOL. 241, 243–44 (1983). As part of their research, these scientists developed the Time Structured Questionnaire (TSQ), a 26-item, five factor scale self-reporting questionnaire focused on the extent to which time was used in a structured, purposeful manner. Bond & Feather, *supra*, at 324. This test identifies that time structure can actually be broken into five separate components: Sense of Purpose, Structured Routine, Present Orientation, Effective Organization, and Persistence. Yet, while the development of the TSQ was a turning point in time management empirical research, the test focused more on how time is used rather than focusing more time management behaviors. J.A. Francis-Smythe, *On the Relationship Between Time Management and Time Estimation*, 90 BRIT. J. PSYCHOL. 334, 334–47 (1999). Then, in 1990, a group of researchers led by Therese Hoff Macan from University of Missouri—St. Louis developed the Time Management Behavior Scale (TMBS) a questionnaire aimed at assessing the behaviors critical to time management, as it was defined in popular literature at the time. See generally Macan 1990, *supra* note 88 (identifying the goals of the research). Both surveys confirmed that time management is multidimensional.

90. Compare Bond & Feather, *supra* note 89 at 325 (five factors), and Macan 1990, *supra* note 88, at 765 (four factors), with Hellsten & Rogers, *supra* note 88, at 17 (2009) (identifying four subscales: exercise importance, exercise document, ability to manage time for exercise, and setting exercise goals).

91. Bond & Feather, *supra* note 89, at 326–27; Macan 1990, *supra* note 88, at 766–67; see also Steve Jex & Tina Elacqua, *Time Management as a Moderator of Relations Between Stressors and Employee Strain*, 13 WORK & STRESS, 182, 182–83 (1999); P. Mudrack, *The Structure of Perceptions of Time*, 57 EDUC. & PSYCHOL. MEASUREMENT 222, 223–26 (1997). Some of the research focused on attempts to come up with additional psychometrically sound instruments to measure time management. See, e.g., Peter Green & Denise Skinner, *Does Time Management Training Work: An Evaluation*, 9 INT'L J. TRAINING & DEV. 124 (2005) (discussing a key skills questionnaire); M.J. Koolhaas et al., *Tijdperspectieven in Time Management Trainingen*, 5 GEDRAG EN ORGANISATIE 94 (1992) (identifying a Dutch time scale).

92. Bond & Feather, *supra* note 89, at 325.

93. *Id.*; Francis-Smythe, *supra* note 89, at 345.

94. Mudrack, *supra* note 91, at 224. Additional explanation of the subscales is available *infra*

This surge of time management research also confirmed the benefits of developing greater aptitudes on all nine scales. Notably, many of these benefits address the specific psychological tolls attorneys suffer.⁹⁵ Those with higher subscale scores have greater psychological well-being, optimism about their future, fewer psychological symptoms, and less depression and hopelessness.⁹⁶ These individuals generally have higher self-esteem, clearer purpose in life, greater job,⁹⁷ school,⁹⁸ and life satisfaction,⁹⁹ and lower stress.¹⁰⁰ Higher scores also correlated with more extroverted and Type A personalities—traits useful in the practice of law.¹⁰¹ Additionally, researchers found time management skills help mediate some of the work–family strain, as well as the strain between high demand/low autonomy jobs and emotional exhaustion.¹⁰² In terms of education, the research proved these subscales impacted college grades and produced more efficient study habits.¹⁰³

This swell of research also confirmed the dangers of lacking time management. Low scores in these subscales correlate with negative well-being indicators. For example, individuals with lower scores tend to have higher work tension and trait-procrastination.¹⁰⁴ Individuals with low subscales share many traits with attorneys, such as a tendency to worry, and elevated rates of distress, depression, anxiety, hopelessness, and neuroticism.¹⁰⁵

Part IV.

95. See *infra* Part III(B) and accompanying footnotes discussing attorneys' psychological tolls and dissatisfaction with practice.

96. Macan 1990, *supra* note 88, at 764; Bond & Feather, *supra* note 89, at 325.

97. Macan 1994, *supra* note 86, at 383.

98. *Id.* at 383 (internal citation omitted).

99. Bond & Feather, *supra* note 89, at 325; Macan 1990, *supra* note 88, at 764. In terms of attorneys, increasing job satisfaction is an important issue. Attorney job satisfaction declined precipitously between the 1980s and the 1990s. One study found that in 1984, 40 percent of lawyers were "very satisfied" with their work; by 1990, the number had dropped to 29 percent and by 1995, only about one in five or 20 percent of lawyers reported being "very satisfied." Among new attorneys, the 1995 data indicated that 27 percent were somewhat or very dissatisfied with their legal careers and almost one-third reported that they would strongly consider leaving their current position during the next year. Schlitz, *supra* note 52, at 885.

100. Macan 1994, *supra* note 86, at 383.

101. Macan 1990, *supra* note 88, at 765.

102. Miranda Peeters and Christel Rutte, *Time Management Behavior as a Moderator for the Job-Demand-Control Interaction*, 10 J. OCCUPATIONAL HEALTH PSYCHOL. 64, 72 (2005).

103. Macan 1990, *supra* note 88, at 764; see also Bruce Britton & Abraham Tesser, *Effects of Time Management Practices on College Grades*, 83 J. EDUC. PSYCHOL. 405, 409 (1991); William Kelly, *Harnessing the River of Time: A Theoretical Framework of Time Use Efficiency With Suggestions for Counselors*, 39 J. EMP. COUNSELING 12 (2002).

104. Clarry Lay & Henri Schouwenberg, *Trait Procrastination, Time Management, and Academic Behavior*, 8 J. SOC. BEHAV. & PERSONALITY 647, 649, 655, 658 (1993).

105. Bond & Feather, *supra* note 89, at 325; William E. Kelly, *No Time to Worry: The Relationship Between Worry, Time Structure, and Time Management*, 35 PERSONALITY & INDIVIDUAL

B. Time Management Research Flourishes

Psychologists' discovery that time management is multidimensional opened the floodgates for further empirical research.¹⁰⁶ In addition to developing the components and benefits of time management, researchers also uncovered how time management behaviors vary in different populations.¹⁰⁷ For example, the subscales data for elementary school teachers differs from central office employees.¹⁰⁸

Much of this research focused on education and provided a more robust understanding of issues facing students. Time management problems facing students differ by level of education.¹⁰⁹ Different levels require different levels of self-regulation, particularly in terms of planning.¹¹⁰ Graduate students' age also impacts time management skills: older respondents tend to achieve higher Present Orientation and Effective Organization scales than younger students.¹¹¹

Additionally, as the psychology community gained a better, more dynamic understanding of time management, research on training flourished. While there has been some dissension, the bulk of the time management research proves time management can be taught.¹¹² This

DIFFERENCES 1119, 1120 (2003).

106. Some credit changes in the global market with the increased importance of time in organizational literature. Wanda Orlikowsky & Joanne Yates, *It's about Time: Temporal Structuring in Organizations*, 13 *ORG. SCI.* 684 (2002) (discussing how the expanding global competition and increased demands for immediate availability of products and services has driven the interest in time studies). Others point to the general increase in people's pace of life. Manfred Garhammer, *Pace of Life and Enjoyment of Life*, 3 *J. HAPPINESS STUD.* 217, 233 (2002) (contending the interest in time management studies is spurred by the increased pace of life which results in a contracting of time expenditure (e.g., eat faster, sleep less) and compressing actions (e.g., multitasking)).

107. Compare M.A. Davis, *Time and the Nursing Home Assistant: Relations Among Time Management, Perceived Control Over Time, and Work-Related Outcomes*, presented at the Academy of Management Toronto (2008) (time management of women working in fourteen different nursing homes), and Richard Griffiths, *Time Management in Telework and Other Autonomous Work Environments*, 64 *DISSERTATION ABSTRACT INT'L: SECTION B; THE SCIE. & ENGINEERING 5B* (2003) (120 central office employees), and M.J. Koolhaas et al., *Tijdperspectieven in Time Management Trainingen*, 5 *GEDRAG EN ORGANISATIE* 94–105 (1992) (469 Dutch personnel officers), with Daniel Simons & Kathleen Galotti, *Everyday Planning: An Analysis of Daily Time Management*, 30 *BULL. PSYCHONOMIC SOC'Y* 61 (1992) (88 undergraduate students), and Ou Lydia, Liu et al., *The Assessment of Time Management in Middle-School Students*, 47 *PERSONALITY & INDIVIDUAL DIFFERENCES* 174 (340 middle students from five states).

108. Compare Peeters & Rutte, *supra* note 102, at 64, with Griffiths, *supra* note 107, at 5.

109. See, e.g., Liu et al., *supra* note 107, at 177–78 (discussing how time structure in middle-school students is limited to two subfactors, rather than the five generally found in undergraduate and adult populations).

110. See, e.g., *id.* at 174 (discussing how time demands for adolescents differ from adults or university students' demands).

111. Mudrack, *supra* note 91, at 232.

112. At least four studies found that that time management training did result in individuals engaging in time management behavior more frequently than control groups not provided that training. Abby King et al., *Enhancing Coping Behaviors in At-Risk Populations: The Effects of Time-*

research suggests there are three key components to teaching time management.

First, it is essential to focus on the specific aspects of time management students lack.¹¹³ The goal is strong markers on all the subscales, as each represents a different, essential time management skill.¹¹⁴ Accordingly, assessment is necessary before remedying defects: effective time management training requires an understanding of what the specific student deficiencies are.

Second, Perceived Control may be the most important of all the subscales, so at least some substantive aspect of time management training needs to focus on helping students control time.¹¹⁵ Perceived Control measures an individual's subjective view of whether there is sufficient time to meet a deadline.¹¹⁶ Perceived Control can be taught, with participants in such training reporting a greater feeling of time control.¹¹⁷ Increasing this subscale leads to gains on other time management subscales as well.¹¹⁸

Third, self-directed time management instruction yields little benefit.¹¹⁹ Time management in combination with supervised practice is more effective than a traditional time management instructional session without subsequent supervision.¹²⁰

Management Instruction and Social Support in Women from Dual-Earner Families, BEHAV. THERAPY 17 (1986); Macan 1994, *supra* note 86; Georgina Slaven & Peter Totterdell, *Time Management Training: Does It Transfer to the Workplace?*, 8 MANAGERIAL PSYCHOL. 20 (1993); Wendelien Van Eerde, *Procrastination at Work and Time Management Training*, 137 J. PSYCHOL. 421 (2003).

113. Macan 1990, *supra* note 88, at 767.

114. *Id.* at 766–67; Bond & Feather, *supra* note at 89, at 326–28.

115. *See infra* Part IV(B) (discussing Perceived Control as a mediator).

116. Hafner & Stock, *supra* note 87, at 430.

117. Therese Macan, *Time-Management Training: Effects on Time Behaviors, Attitudes, and Job Performance*, J. PSYCH., 130, 229, 234 (1996). This study also found that time management training had no direct effect on job performance, job satisfaction, or stress: instead that impact was an outcome of increased Perceived Control. *Id.* However, this finding was subsequently questioned in other studies that found direct training on time management behavior did have result in well-being indicators. Van Eerde, *supra* note 112 (study finding that one month after time management training, trainees reported an increased ability to manage their time and a decrease in worrying and procrastination). Hence, training either on Perceived Control or on time management behaviors results in psychological and performance gains.

118. *See infra* Part IV(B) (discussing Perceived Control as a mediator).

119. Barbara J. Adamson et al., *Teaching Time & Organizational Management Skills to First Year Health Science Students: Does Training Make a Difference?*, 28 J. FURTHER HIGHER EDUC. 261, 273 (Aug. 2004).

120. Anita Woolfolk & Robert Woolfolk, *Time management: An experimental Investigation*, 24 J. SCH. PSYCHOL. 267, 272 (1986); *see also* Van Eerde, *supra* note 112, at 424 (“Results showed that in the combined condition more reports were finished, the questionnaire was returned more promptly, and the self-reports of time management were higher.”).

IV. ANALYZING LAW STUDENTS

With this fundamental understanding of time management in place, the next step is identifying law students' deficiencies. To date, no published studies on time management has analyzed law students. Hence, prior to the study presented in this Article, it was not even certain that all nine subscales apply to law students.¹²¹ Further, there was no way to know whether the students were suffering any particularized time management problems or just suffering from problems similar to other graduate students or undergraduates.

Law students are a unique subset of college graduates. Often, they are the higher achievers in their graduating classes. Since academic success is linked to time management skills, one might assume that these students have acquired at least some time management behaviors—perhaps enough to succeed in undergraduate school though not necessarily enough to thrive in the heavily time-demanding environment of law school.

To evaluate law students, I selected two psychometric instruments and administered them to the Class of 2013 at SUNY Buffalo School of Law.¹²² The first, the Time Management Behavior Scale (TMBS),¹²³ is the most elaborately validated time management measurement.¹²⁴ This test is often administered with another measurement tool, the Time Structure Questionnaire (TSQ).¹²⁵ When the tests are administered jointly, they provide a more well-rounded understanding of a specific population's time management deficiencies. Together, the tests help quantify students' time management aptitude using all nine subscales.

121. Cf. Liu et al., *supra* note 107, at 177–78 (finding middle school students have fewer time management subscales than college students).

122. As the survey was initially completed to evaluate SUNY Buffalo's academic support offerings, the University's Social Science IRB determined the survey did not require IRB approval. See Email from Christian Marks, SBIRB Administrator, to author (July 19, 2012, 14:20 EST) (on file with author).

123. The questionnaire, the Time Management Behavior Scale or TMBS, was administered to 123 undergraduate students. The TMBS is a self-reporting questionnaire using a five point scale to measure the extent to which time management behaviors are used. This scale identified three separate time management behaviors. The first sub scale is Setting Goals and Priorities, which measures setting goals an individual wants or needs to accomplish and prioritizing to achieve goals. Second, Mechanics of Time Management, measures specific behaviors associated with managing time. Third, Preference for Organization, measures a general preference for organization in one's work-space and task approach. The test also identified an outcome variable, Perceived Control of Time measures the degree to which individuals believe they can affect how their time is spent. Macan 1990, *supra* 88, at 761–66; see also Macan 1994, *supra* note 86 (building on prior TMBS research).

124. Comila Shahani et al., *An Investigation of the Dispositional Nature of the Time Management Construct*, 6 ANXIETY, STRESS, & COPING 231, 234 (1993). Though the original version of the TMBS was longer, additional research on the measurement tool confirmed measure could be reduced from 76 to 28 items with the same reliability. Mudrack, *supra* note 91, at 238.

125. See, e.g., Kelly, *supra* note 103; Mudrack, *supra* note 91; Shahani et al., *supra* note 124.

Students self-reported by completing an online survey. The questions appeared in a five point response format that ranged from 1 = seldom to 5 = very often.¹²⁶ The class consists of 219 students, with the following medians: GPA 3.48; LSAT 158; Age 24.¹²⁷ It splits fifty-five percent male and forty-five percent female.¹²⁸ The questionnaire was anonymous and voluntary, though students were encouraged to complete the survey by their Legal Research & Writing professors, the Vice Dean of Student Affairs, and a subset of their doctrinal faculty. In addition, fliers reminding students to take the survey were posted throughout the law school. The questionnaire was available for completion their 1L year, during the first two weeks of October.¹²⁹ By the deadline, 121 students completed the survey,¹³⁰ approximately fifty-five percent of the 1L class. This number is within the range or greater than most sample sizes in prior time psychological studies.¹³¹ Means, standard deviations, and internal consistencies of all measures used in this study are presented in Figure 1.¹³²

126. While the original TSQ format proposed by Feather presented a seven point range with 1 = never and 7 = always, having questions with different possible ranges would have added unnecessary confusion and potential problems with the survey results. *See generally* Mudrack, *supra* note 91. Accordingly, in line with other research using Mudrack's truncated combined TSQ and MBSE study is worthwhile, I used a consistent five point range throughout the survey. This also made subcategory to subcategory comparison easier.

127. *UB Law School Class of 2013 Poised for Success*, SUNY BUFFALO SCHOOL OF LAW (Oct. 2010), <http://law.buffalo.edu/Admissions/default.asp?firstlevel=1&filename=classProfile2013>.

128. *Id.*

129. This timing was intended to coincide with one of the busiest times in the semester for 1Ls. This was intended to capture the most realistic numbers possible for student's self-assessments. Had the questionnaire instead been administered during orientation, for example, students would not yet have a solid sense of the time pressures of law school.

130. C.P. BARTHOLOMEW, LAW STUDENTS' TIME MANAGEMENT SUBSCALES SURVEY (SUNY Buffalo Oct. 2010) (on file with author) [hereinafter LAW STUDENT SURVEY].

131. *See, e.g.*, Julian Barling et al., *Time Management & Achievement Striving Interact to Predict Car Sale Performance*, 81 J. APPLIED PSYCHOL. 821 (1996) (survey of 102 car salespersons); Griffiths, *supra* note 107, at 5 (survey of 120 central office employees or teleworkers); Dorothy Lang, *Preventing Short-Term Strain Through Time-Management Coping*, 6 WORK & STRESS 169 (1992) (survey of 96 undergraduate students); Lay & Schouwenberg, *supra* note 104 (survey of 65 psychology students); Peeters & Rutte, *supra* note 102, at 64 (survey of 123 elementary school teachers).

132. As the table indicates, the measures generally possess adequate consistency for research instruments (0.70), with the exception of routine (TSQ) and organization (TMBS). These lower internal consistencies are similar, though, to other studies utilizing these instruments. *See, e.g.*, J.C. NUNNALLY, PSYCHOMETRIC THEORY 245 (2d ed. 1978) (finding reliability of near or exceeding 0.70 is required); Darryl Forsyth & EeMun Chen, *The Relationship Between Different Email Management Strategies and the Perceived Control of Time*, 10 DEP'T MGMT. & INT'L BUS. 1, 9 (2006) (discussing how study of time management skills in conjunction with email folder management resulted in a coefficient alpha of 0.67).

Figure 1

Measure	Median	Standard Deviation	Cronbach's
TSQ			
Purpose	3.77	0.9	0.87
Routine	3.38	0.75	0.67
Present	3.03	0.99	0.78
Orientation			
Organization	3.97	0.85	0.79
Persistence	4.10	0.8	0.81
TMBS			
Setting Goals	3.41	0.66	0.81
Mechanics	3.36	0.70	0.82
Preference for	4.12	0.84	0.69
Organization			
Control	3.35	0.73	0.77

These results confirmed that law students have all tested time management subscales. Unlike middle school students, where less than all the measured subscales exist,¹³³ law students' time management skills are measurable in nine, distinct categories.

The research is particularly useful for assessing time management strengths and weaknesses. The results of the survey identified some clear strengths. 1Ls had greater time management skills in every TSQ and TMBS subcategory than most undergraduate students.¹³⁴ This makes some sense, in that law students are often better performers than many undergraduate peers.

When juxtaposed against other populations, the data shows TSQ and TMBS scores comparable to working adults in non-legal positions.¹³⁵ Further, the ranking from strongest to weakest for each subscale is the same in both populations.¹³⁶ Despite these similarities, other professions are not seeing startling rates of job flight and dissatisfaction like law. This may mean that lawyers need far stronger time management skills than other professionals.

Most law students scored high on Persistence and Preference for

133. See Liu et al., *supra* note 107, at 177.

134. Compare LAW STUDENT SURVEY, *supra* note 130, with Macan 1990, *supra* note 88, at 764 tbl.2, and Bond & Feather, *supra* note 89, at 326 tbl.2.

135. Compare Mudrack, *supra* note 91, at 229 tbl.1, with LAW STUDENT SURVEY, *supra* note 130.

136. Compare Mudrack, *supra* note 91, at 229 tbl.1, with LAW STUDENT SURVEY, *supra* note 130.

Organization.¹³⁷ This means students have already developed some essential time skills. The data indicates the students will generally see assignments through to completion. Even if an activity involves difficulty, those with high Persistence scores are less likely to give up.¹³⁸ Persistence is also related to Type A personalities¹³⁹ who tend to be more purposeful individuals¹⁴⁰ that schedule activities and are accountable to deadlines.¹⁴¹ Further, individuals with high Persistence numbers tend to believe hard work pays off, which is a key to maintaining motivation.¹⁴² Given the challenging nature of law school and legal practice, high Persistence numbers will benefit law students.

Also, the students' high Preference for Organization subscale is significant. This suggests the students are ripe for time management training.¹⁴³ Individuals with high Preference for Organization markers prefer a systematic, ordered approach to task completion.¹⁴⁴ Individuals with both high Preference for Organization and high Goal Setting numbers tend to have higher overall TSQ scores. Hence, providing law students with a systematic approach to managing assignments and goal completion plays directly into this preference.

But despite these strengths, the survey results highlight some notable weaknesses. The lowest numbers are for Present Orientation. Close behind are four subscales where the results cluster: Perceived Control, Mechanics of Time Management, Structured Routine, and Goal Setting. (See Figure 2).

137. LAW STUDENT SURVEY, *supra* note 130.

138. Mudrak, *supra* note 91, at 224.

139. Bond & Feather, *supra* note 89, at 325.

140. Cynthia Lee et al., *The Effects of Type A Behavior Dimensions and Optimism on Coping Strategy, Health & Performance*, 14 J. ORG. BEHAV. 143, 144 (1993).

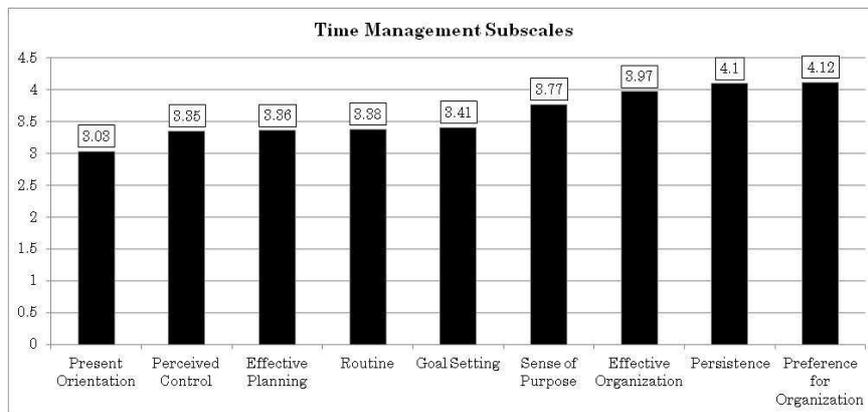
141. Jeffrey Conte et al., *Time Urgency: Conceptual and Construct Development*, 80 J. APPLIED PSYCH. 178, 184 (1995).

142. Peter Mudrack, *Time Structure & Purpose*, 20 J. ORG. BEHAV. 145, 153 (1999).

143. Artemis Chang & Lynda Thi Nguyen, *The Mediating Effects of Time Structure on the Relationships Between Time Management Behavior, Job Satisfaction, and Psychological Well-Being*, 63 AUSTRAL. J. PSYCHOL. 187, 193 (2011).

144. William E. Kelly, *No Time to Worry: The Relationship Between Worry, Time Structure, and Time Management*, 34 PERSONALITY & INDIVIDUAL DIFFERENCES 1119, 1122 (2003).

Figure 2



Focusing on the subscales where the median score was below 3.50 helps ensure time management training is optimized to law students' unique deficiencies. Given the students' strengths in Persistence and Preference for Organization, any time management training on those scales would yield minimal potential gain. Instead, training should focus on the scales evidencing the most weakness: Present Orientation, Perceived Control, Goal Setting, Mechanics, and Routine. There is no statistically significant difference in the scores for these scales,¹⁴⁵ so all five should be addressed in any law student training. While addressing other subscales may help on the margins, these five offer the most potential for a jump in the quality of law students' time management capabilities.

A. Present Orientation

Students showed the greatest time management deficiencies in Present Orientation. Present Orientation evaluates a person's time perspective, namely if the student focuses on the here and now.¹⁴⁶ Examples of questions where students identified weakness include: "Do you spend time thinking about what your future might be like?" and "Do you spend time thinking about opportunities that you have missed?"¹⁴⁷

145. The numbers for Perceived Control and Mechanics are almost identical to Routine and Goal Setting figures. Just like with undergraduate students, Mechanics is one of the weaker areas. Compare LAW STUDENT SURVEY, *supra* note 130, with Macan 1990, *supra* note 88, at 764 tbl.2 (showing Mechanics averaged the lowest median score). This suggests incoming law students are already deficient in this subscale and nothing in the first months of legal education are remedying this pre-existing deficiency.

146. Bond & Feather, *supra* note 89, at 325.

147. *Id.* at 324.

Present Orientation aids satisfaction, goal formation, and achievement.¹⁴⁸ Developing Present Orientation minimizes the negative emotions associated with the past (e.g., remorse or grief) or the future (e.g., anxiety)¹⁴⁹ and increases solution skills.¹⁵⁰ Low Present Orientation numbers are related to anomie, depression, anxiety, and neuroticism¹⁵¹—descriptors applicable to lawyers. Lack of Present Orientation also inhibits one’s ability to efficiently utilize a given period of time.¹⁵² In general, reflection on past and future events is not a vice. Considering the future helps to identify goals and future aspirations while reflecting on the past helps one avoid repeating mistakes.¹⁵³ But in terms of time management, focusing too much on the past or future interferes with focusing on the present.¹⁵⁴

148. Malgorzata Sobol-Kwapinska, *Forms of Present Time Orientation and Satisfaction with Life in the Context of Attitudes Towards Past and Future*, 37 SOC. BEHAV. & PERSONALITY 433, 439 (2009).

149. PAUL FRAISSE, *THE PSYCHOLOGY OF TIME* (Gardner Murphy ed., Jennifer Leith trans., 1963).

150. Vincent J. Fortunato & John T. Furey, *The Theory of MindTime: The Relationships Between Thinking Perspective and Time Perspective*, 48 PERSONALITY & INDIVIDUAL DIFFERENCES 436, 438 (2010). Present orientation is also related to the psychological concept of mindfulness. Sobol-Kwapinska, *supra* note 148, at 434. Present orientation alone has its own problems. An individual who is presently oriented to the exclusion of any long term goals can often engage in hedonistic activities, avoidance activities, or other non-constructive conduct. *See, e.g.*, Ilona Boniwell & Philip G. Zimbardo, *Balancing Time Perspective in Pursuit of Optimal Functioning*, in POSITIVE PSYCHOLOGY IN PRACTICE 165, 169 (P. Alex Linely & Stephen Joseph eds., 2004); *see also* Brigitte J.C. Claessens et. al., *Planning Behavior and Perceived Control of Time at Work*, 25 J. ORG. BEHAV. 937, 938 (2004). Hence, it is important to develop this subscale in conjunction with other time management skills, particularly Goal Planning. The key is moving towards a balanced time perception. A balanced approach means the individual has the ability to switch between different types of orientation. This ensures that when times are busy, the individual is focused on working each day towards long term goals, but when times are slow, the person can enjoy that time for a greater work/life balance.

151. Bond & Feather, *supra* note 89, at 325.

152. Present Orientation is conceptually related to time perspective. To further complicate the concept, researchers have used the terms “time orientation” and “time perspective” interchangeably. Fortunato & Furey, *supra* note 150, at 438. However, time perspective literature focuses more on the divide between those who are future oriented versus those who are past oriented. Boniwell & Zimbardo, *supra* note 150, at 169.

153. Boniwell & Zimbardo, *supra* note 150, at 169; Louise Horstmanshof & Craig Zimitat, *Future Time Orientation Predicts Academic Engagement Among First-Year University Students*, 77 BRIT. J. EDUC. PSYCHOL. 703, 706 (2007). For past-oriented individuals, there can be an emphasis on nostalgia, mistakes made in the past, or concerns about changing things no longer changeable. Such individuals are reticent of change and avoid new experiences. There is also a noted relationship between depression and negative past orientation. Fortunato & Furey, *supra* note 150, at 438.

154. Future-oriented individuals focus on the consequences of their decisions and actions. Decisions are made with a future goal in mind. This future orientation has its benefits, particularly if that future orientation is positive. Some researchers argue that a positive future orientation leads to increased overall happiness and well-being. Future orientation is also linked to a high level of academic application and engagement. *See, e.g.*, Horstmanshof & Zimitat, *supra* note 153, at 714–15. A future orientation has costs, however, such as delayed gratification and lack of present enjoyment. *See generally* Hefer Bembenuddy & Stuart A. Karabenick, *Inherent Association Between Academic Delay of Gratification, Future Time Perspective, and Self-Regulated Learning*, 16 EDUC. PSYCHOL. REV. 35 (2004) (discussing relationship between future time orientation and delayed gratification).

The average law school class structure does little to help on this subscale. End-of-course exams force future-orientated thinking, with limited attention to what needs to be done on a given day to prepare for end-of-semester exams, let alone post-graduation success.

As the law school experience proceeds, missteps along the way invite new events to obsess over—at the cost of meeting the next deadline. Time spent reflecting on whether the student should have picked a different law school or a different graduate path makes it harder to finish the assigned work.¹⁵⁵

Developing a strong time balance is particularly important for future lawyers. Practice is much like a Tetris game—there are stretches of time where the next assignments come in waves. All a lawyer can do is attempt to clear the assignment blocks before the stack gets too large to manage. Particularly during these challenging stretches, a lawyer lacks the luxury of focusing on the past or future to the exclusion of completing pending assignments.

Also, given the ebb and flow of life in practice, it is essential to help attorneys learn to take advantage of downtime—limited as it might be. Otherwise, the attorney suffers the consequences of endless working, both in terms of psychological and physiological consequences.¹⁵⁶ Hence, improving Present Orientation will help students in law school and beyond.

B. Perceived Control of Time

Perceived Control also came back as a problem area for the survey respondents. Perceived Control refers to a person's perception of having enough time to finish work and meet deadlines.¹⁵⁷ In addition, this subscale reflects the ability to keep schedules and plans in mind, avoid procrastinating, and experience a strong overall feeling that one has time in hand.¹⁵⁸

Interestingly, for law students, procrastination isn't so much the issue; instead, students are simply finding time slipping away. Students are working, but their personal perception is that they are not doing enough with their time. (See Figure 3). This deficiency has the potential of being a self-fulfilling prophecy, given how Perceived Control works.

155. This is not to say students should avoid such reflection. To the contrary, such reflection should come prior to law school rather than during. I have counseled numerous 1Ls who subsequently decided to withdraw from law school. One trait these students share: they didn't really consider why they went to law school in the first place. Had such contemplation taken place prior to applying, they could have been saved time, heartache, and a good deal of money.

156. Schiltz, *supra* note 52, at 874–82.

157. Hafner & Stock, *supra* note 87, at 430.

158. *Id.*

Figure 3: Excerpted Perceived Control Data

Question	Median Response	Standard Deviation
I understand the time it takes to accomplish tasks	3.35	0.73
I spend a lot of time on unimportant tasks.	3.21	1.15
I find myself procrastinating on tasks that I do not like that must be done.	4.07	0.99
I feel in control of my time.	3.20	1.16
Do you ever feel that time just seems to slip away?	2.47	1.34
Do you think you do enough with your time?	3.04	1.33

Perceived Control is purely a question of perception, not necessarily reality. The more a person perceives having enough time to finish work and meet deadlines, the more likely that person will actually finish the work in a timely fashion.¹⁵⁹ Even if one objectively has the requisite number of hours to complete a project, if he lacks Perceived Control, he will likely suffer more time management problems.

A lack of Perceived Control is more troubling than it might appear on the surface. In some ways, it is the single most important aspect of time management. Rather than just a component of time management, Perceived Control is also an outcome variable that mediates,¹⁶⁰ to some extent,¹⁶¹ some of the positive benefits of time management skills, such

159. *Id.* (discussing relationship between Perceived Control and time management behaviors); Claessens et al., *supra* note 150, at 947.

160. "Mediation" for purposes of this discussion is defined as the influence of a third variable on the relationship "which represents the generative mechanism through which the focal independent variable is able to influence the dependent variable of interest." *See, e.g.,* Chang & Nguyen, *supra* note 143, at 193; Reuben M. Baron & David A. Kenny, *The Moderator-Mediator Variable Distinction in Social Psychological Research: Conceptual, Strategic, and Statistical Considerations*, 51 J. PERSONALITY & SOC. PSYCHOL. 1173 (1986).

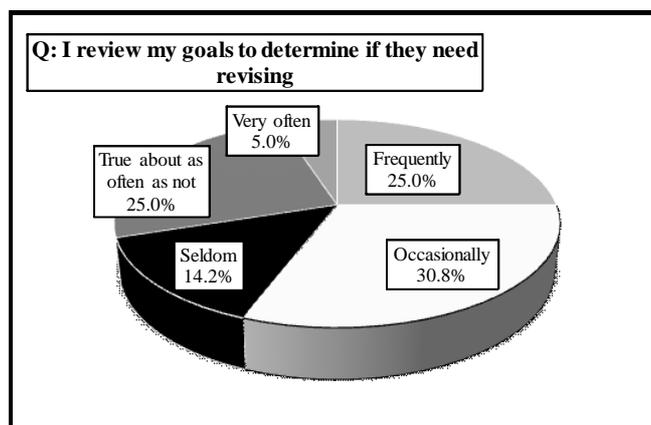
161. The degree of mediation has been debated. Initially, Macan contended that perceived control of time did mediate between setting goals and priorities on the one hand and job satisfaction, job induced tensions, and somatic tensions on the other hand. In other researchers' subsequent efforts to replicate Macan's finding, Perceived Control only partially mediated specific time mechanisms and outcomes. *See, e.g.,* Gary A. Adams & Steve M. Jex, *Relationships Between Time Management, Control, Work-Family Conflict, and Strain*, 4 J. OCCUPATIONAL HEALTH PSYCHOL. 72, 74-77 (1999) (in a study involving 522 working adults who enrolled as part-time students, found that Perceived Control of time mediated between Setting Goals, Mechanics, and Preference for Organization on the one hand, and health and job satisfaction on the other hand). Regardless of the question of degree, most research results confirm that Perceived Control of time is, at a minimum, a meaningful predictor of job satisfaction and well-being. Hafner & Stock, *supra* note 87, at 430.

as greater job satisfaction, fewer job-induced and somatic tensions, and greater well-being at work.¹⁶² Once a person's Perceived Control increases, so does the person's satisfaction and performance. Academic stress is lower for students with high Perceived Control.¹⁶³ Teaching time management skills positively impacts a person's Perceived Control. Hence, addressing the problems with this subscale in conjunction with Goal Setting, Routine, and Mechanics should result in greater overall well-being.

C. Goal Setting

Next, 1Ls' Goal Setting abilities are lacking. For example, seventy percent of students do not frequently review their goals to determine if they need revision. (See Figure 4). Close to fifty percent of students do not frequently break complex, difficult projects down into smaller manageable tasks. (See Figure 5).

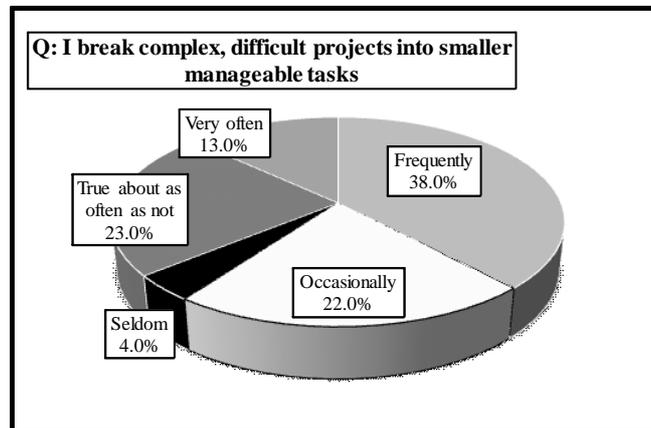
Figure 4



162. Adams & Jex, *supra* note 161, at 73; Claessens et al., *supra* note 150, at 938; Macan 1994, *supra* note 86, at 382–83; Macan 1990, *supra* note 88, at 765.

163. Ranjita Misra & Michelle McKean, *College Students' Academic Stress and Its Relation to Their Anxiety, Time Management, and Leisure Satisfaction*, 16 AM. J. HEALTH STUD. 41, 42 (2000).

Figure 5



The Setting Goals and Prioritizing subscale evaluates whether an individual creates short and long term goals, then prioritizes among them. Developing an increased awareness of one's goals is an essential foundational requirement of time management training.¹⁶⁴ Without this awareness, it is difficult to identify and plan how to reach those goals.¹⁶⁵

Goal Setting is linked with self-reported job performance,¹⁶⁶ grade point average,¹⁶⁷ job satisfaction,¹⁶⁸ and health.¹⁶⁹ The higher an individual's planning behavior, the less likely that individual is to suffer from strain,¹⁷⁰ somatic tension,¹⁷¹ and role ambiguity.¹⁷² This subscale is significantly related to Routine, Effective Organization, Sense of Purpose, and Persistence factors.¹⁷³ Hence, the more work done developing this area of time management, the more gains for these other

164. Van Eerde, *supra* note 112, at 423.

165. *See generally id.* Questions relevant to this time management behavior include: "Do you review goals to determine if they need revising?" "Do you break complex, difficult projects down into smaller manageable tasks?" "During a workday do you evaluate how well you follow the schedule you have set down for yourself?" "Do you set deadlines for yourself when you set out to accomplish a task?" Macan 1990, *supra* note 88, at 762.

166. Macan 1990, *supra* note 88, at 765; Gary P. Latham & Terence R. Mitchell, *Importance of Participative Goal Setting and Anticipated Rewards on Goal Difficulty and Job Performance*, 63 J. APPLIED PSYCHOL. 163, 163 (1978).

167. Macan 1990, *supra* note 88, at 765.

168. Adams & Jex, *supra* note 161, at 73; Jex & Elacqua, *supra* note 91, at 183; Macan 1990, *supra* note 88, at 765.

169. Adams & Jex, *supra* note 161, at 73.

170. Jex & Elacqua, *supra* note 91, at 183.

171. Claessens et al., *supra* note 150, at 938.

172. Macan 1990, *supra* note 88, at 765.

173. Shahani et al., *supra* note 124, at 235.

subscales. Individuals with low scores in Goal Setting are often procrastinators.¹⁷⁴

Notably, the law students had solid Persistence scores.¹⁷⁵ Persistence and Goal Setting typically go hand in hand¹⁷⁶; those who set high goals persist longer than those with low goals.¹⁷⁷ Yet, for law students, that relationship is missing. This suggests the students are working hard but without sufficiently identified incremental and end goals. This disconnect creates time management problems. Without high-quality goals in place, the entire time management process fails.¹⁷⁸

High-quality goals have several characteristics. First, similar to Perceived Control, individuals have a greater commitment to a goal if personal attainment is important.¹⁷⁹ Some researchers argue self-set goals are ideal,¹⁸⁰ while others found externally assigned goals result in the same level of achievement.¹⁸¹ What is clear, though, is goal achievement is more likely if there are efforts made to enhance an individual's belief that the goal is attainable.¹⁸²

Second, daily goals are better than weekly goals.¹⁸³ Short term

174. Lay & Schouwenburg, *supra* note 104, at 655.

175. See LAW STUDENT SURVEY, *supra* note 130.

176. Yitzhak Fried & Linda Haynes Slowik, *Enriching Goal-Setting Theory With Time: An Integrated Approach*, 29 ACAD. MGMT. REV. 404, 407 (2004) (discussing how challenging goals increase people's motivation and persistence to complete the task).

177. Edwin A. Locke & Gary P. Latham, *Work Motivation and Satisfaction: Light at the End of the Tunnel*, 1 PSYCHOL. SCI. 240, 242 (1990) (internal citations omitted) ("People with high goals are not satisfied until they reach their goals or get as close to them as they can; people with high self-efficacy persist in the face of difficulty, because they are convinced that they can succeed.").

178. Time management, as a process, requires starting from a high quality end goal. The higher the quality of the goal setting, the greater the self-satisfaction and the less the defensiveness associated with reaching those goals. Barry J. Zimmerman, *Goal Setting: A Key Proactive Source of Academic Self-Regulation*, in MOTIVATION & SELF-REGULATED LEARNING: THEORY, RESEARCH, AND APPLICATIONS 267, 269 (Dale H. Schunk & Barry J. Zimmerman eds., 2008). From that end goal, students then need to identify a series of steps to meet those goals. Without these, attempting to create a schedule of accomplishing the goals cannot be done.

179. Self-efficacy is connected to goal achievement. See Barry Zimmerman et al., *Self-Motivation for Academic Attainment: The Role of Self-Efficacy Beliefs and Personal Goal Setting*, 29 AM. EDUC. RES. J. 663, 672 (1992).

180. See, e.g., Miriam Erez, *Feedback: A Necessary Condition for the Goal Setting-Performance Relationship*, 62 J. APPLIED PSYCHOL. 624, 627 (1977).

181. See, e.g., Edwin A. Locke & Gary P. Latham, *Building a Practically Useful Theory of Goal Setting and Task Motivation*, 57 AM. PSYCHOL. 705, 707-08 (2002) (summarizing nearly four decades of empirical research); Kenneth N. Wexley & Timothy T. Baldwin, *Posttraining Strategies for Facilitating Positive Transfer: An Empirical Exploration*, 29 ACAD. MGMT. J. 503, 512 (1986) (finding goal setting is the key to time management training regardless of whether goals are personally assigned or provided by someone else).

182. Zimmerman et al., *supra* note 179, at 671-74 (discussing relationship between self-efficacy and goal achievement).

183. Albert Bandura & Dale H. Schunk, *Cultivating Competence, Self-Efficacy, and Intrinsic Interest Through Proximal Self-Motivation*, 41 J. PERSONALITY & SOC. PSYCHOL. 586, 595 (1981).

planning is particularly important in the academic setting, as it is positively correlated with GPA.¹⁸⁴ Short term planning is also essential in environments—like the practice of law—where the demands frequently and rapidly change.¹⁸⁵

Third, in the education setting, goals focused on the learning process, not performance outcomes, are best.¹⁸⁶ Accordingly, setting a goal to get an “A” in a class is not as useful to goal achievement as a goal to understand a given subject matter. That said, the more specific the goal, the easier it is to gauge progress.¹⁸⁷

The more of these criteria a goal satisfies, the higher the goal’s quality. Examples of high quality goals might be: “Today, my goal is to learn what constitutes consideration.” Or, “this hour, my goal is to analyze these cases for my draft memo.” Each of these sample goals is specific, short term, and focused on the learning process more than the performance outcome.

High quality goals also help with prioritizing. The two concepts are linked: once a goal is set, an efficient person needs to prioritize tasks in terms of which are most essential to reaching that goal. Training with a focus on teaching participants how to prioritize using a decision making schedule helps students differentiate between important and urgent tasks.¹⁸⁸ This ensures that when time resources are limited, time is still used efficiently.

D. Mechanics

Once short term goals are identified, the next step is short term planning. Mechanics are the planning and scheduling skills needed to achieve one’s goals.¹⁸⁹ This includes planning one’s activities.¹⁹⁰

184. Britton & Tesser, *supra* note 103, at 408.

185. *Id.* at 409.

186. Barry J. Zimmerman, *Becoming a Self-Regulated Learner: An Overview*, 41 THEORY INTO PRACTICE 64, 69 (2002) (discussing how learning process goals turn into outcome achievements).

187. Albert Bandura, *Self Regulation of Motivation and Action Through Goal Systems*, in COGNITIVE PERSPECTIVES ON EMOTION AND MOTIVATION 37, 49–50 (Vernon Hamilton et. al. eds., 1988).

188. In one training study, instructors helped teach how to distinguish and prioritize between tasks with the aid of a decision-making schedule:

This schedule has four cells with advice for planning: If a task is not urgent or important, don’t do the task; when the task is urgent but not important, try to delegate the task to someone else; when a task is urgent and important, do it yourself and make time for it; if a task is important but not urgent, plan to do it later.

Van Eerde, *supra* note 112, at 426.

189. Mudrack, *supra* note 91, at 226.

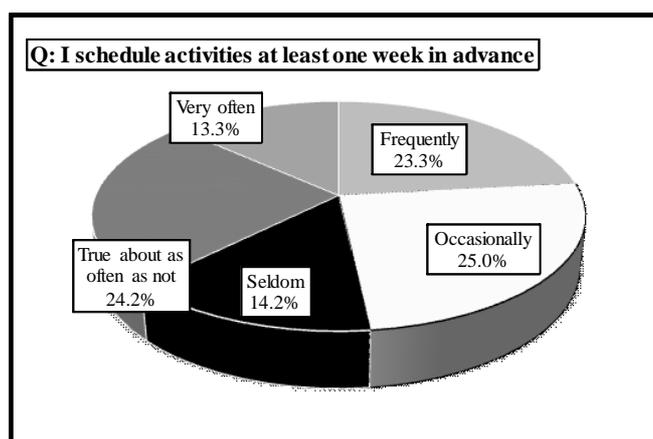
190. Macan 1990, *supra* note 88, at 762 tbl.1.

Unfortunately, students are also deficient in this area.¹⁹¹

Strong Mechanics ensure the day to day mechanisms one uses to organize¹⁹² and utilize time are well-developed.¹⁹³ This includes practices like using a calendar, keeping notes, and advance planning.¹⁹⁴ Mechanics are essential to success, as they are significantly correlated to higher GPA, self-rated performance, and life satisfaction.¹⁹⁵ Additionally, high scorers in this subscale tend to have higher cognitive rather than emotional responses.¹⁹⁶

Surveying a few of the students' responses to Mechanics questions highlights the problem. At least half the students do not plan out activities sufficiently in advance. In fact, for approximately forty percent of the class, scheduling one week out is a rarity. (See Figure 6).

Figure 6



191. LAW STUDENT SURVEY, *supra* note 130.

192. Short range planning skills are more important than long term planning time management skills, at least in terms of academic achievement. See Gregory D. Wells, *Time Management and Academic Achievement*, (unpublished thesis, University of Windsor, Ontario, Canada, 1993) (examining the relationship between time management and academic achievement). In a study of 86 students from University of Windsor, short-range planning was found to be positively and significantly correlated to GPA (0.28). The study also found that confidence in time decisions was positively related to GPAs. Taken together, short-range planning and confidence were stronger predictors of academic achievement than aptitude tests.

193. Jan Francis-Smythe, *Time Management* in TIMING THE FUTURE: THE CASE FOR A TIME-BASED PROSPECTIVE MEMORY 143–44 (Joseph Glicksohn & Michael S. Myslobodsky eds., 2006).

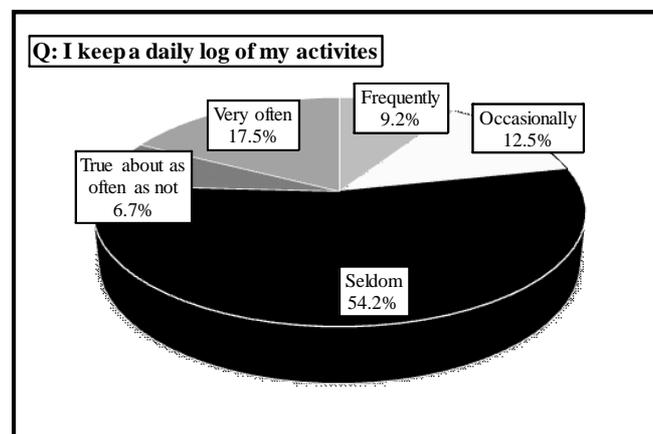
194. Macan 1994, *supra* note 86, at 385.

195. Macan 1990, *supra* note 88, at 765.

196. See Misra & McKean, *supra* note 163, at 47 (noting benefits applied to male and female students). There is some question as to the role of gender for this subscale. One study found increased Mechanics scores only lowered behavior, emotional, and physiological reactions to stressors for women. *Id.*

Students also fail to use a daily activity log. (See Figure 7). For a future lawyer, this is a significant issue. The billable hour structure forces lawyers to track their life, generally in such minute detail so as to itemize their day in six minute intervals. To do this, lawyers must utilize a daily log. Trying to recreate their day at the day's end leads to inaccuracies. In evaluating retroactive time spent, individuals tend to overestimate or underestimate time—rarely, if ever, estimating accurately.¹⁹⁷ For lawyers who bill their time spent to clients responsible for paying for that time, the inability to utilize a daily log transforms a time management issue into an ethical one.

Figure 7



E. Structured Routine

Lastly, students fell short on Structured Routine. Structured Routine looks at whether an individual uses planning and routine activity to structure time.¹⁹⁸ The concept of routine is related to, but separate from the Mechanics' planning component. While a plan can vary based on circumstances, Routine focuses on a pattern of conduct in relation to a

197. Compare Christopher D.B. Burt & Simon Kemp, *Construction of Activity Duration and Time Management Potential*, 8 APPLIED COGNITIVE PSYCHOL. 155, 167 (1994) (discussing their study which indicates individuals tend to overestimate how long an assignment will take), with Roger Buehler et al., *Exploring the "Planning Fallacy": Why People Underestimate Their Task Completion Times*, 67 J. PERSONALITY & SOC. PSYCHOL. 366, 372 (1994) (finding people consistently underestimate project duration times).

198. Bond & Feather, *supra* note 89, at 325. Interestingly, Structured Routine is one subscale where gender matters. While TSQ numbers are generally unrelated to gender, Structured Routine numbers tend to be higher for women. *Id.* at 326.

particular set of activities within a defined situation.¹⁹⁹ Questions for this time management component include: “Do you plan your activities so that they fall into a particular pattern during the day?” “Do you have a daily routine which you follow?”²⁰⁰

Of all the subscales, Structured Routine is one of the lesser researched areas. That said, some information is known. Individuals with high Structured Routine numbers tend to make plans, structure time to achieve those plans, and follow daily routines.²⁰¹ These characteristics have significant benefits. They are associated with less hopelessness, less anomie, less extraversion, lower anxiety, more optimism about the present and the future, more Type A behavior, and stronger work ethic.²⁰² These individuals are also more likely to report higher self-esteem and less depression.²⁰³ Given the pervasive depression and anxiety in law students and practitioners, developing Routine is a priority.

Though research varies, high Structured Routine numbers may indicate better time estimations for future tasks.²⁰⁴ Even if only minimal gains are made in future task estimates by strengthening Structure Routine, it is worth the effort. Task estimates are key to creating any schedule. Without the ability to roughly estimate how long a project will take, the chance of staying on schedule decreases.²⁰⁵

Unfortunately, Structured Routine is something 1Ls lack. For example, more than fifty percent of them do not frequently structure activities to fall into a particular pattern. (See Figures 8 and 9.)

199. Bond & Feather, *supra* note 89, at 328.

200. *Id.* at 324.

201. Mudrack, *supra* note 91, at 224.

202. Bond & Feather, *supra* note 89, at 325.

203. See Sue J. Hepworth, *Moderating Factors of the Psychological Impact of Unemployment*, 53 J. OCCUPATIONAL PSYCHOL. 139, 143 (1980) (studying the ability to occupy one’s time as a good mental health predictor); Feather & Bond, *supra* note 89, at 250. *But see* Bond & Feather, *supra* note 89, at 325 (finding self-esteem, depression, psychological distress, and psychical symptoms unrelated to the Structured Routine factor).

204. Francis-Smythe & Robertson, *supra* note 89, at 345.

205. As one psychologist explains:

If actual task duration is consistently underestimated the individual will run out of time, and not manage to complete all of the planned activities in the available time. On the other hand, if duration is consistently overestimated, then the individual may find time left over which, if realized earlier, could perhaps be used to do something else.

Burt & Kemp, *supra* note 197, at 157.

Figure 8

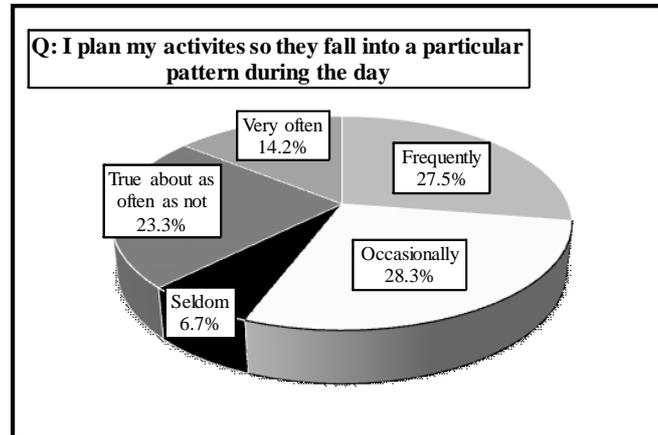
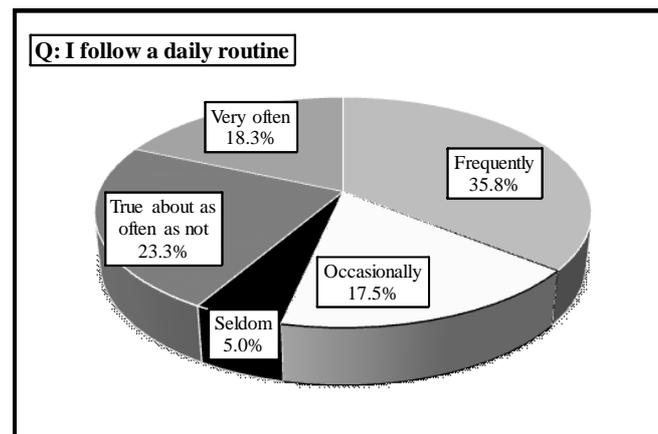
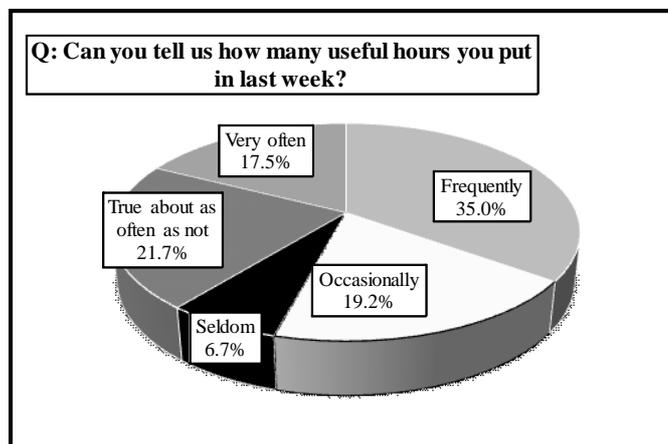


Figure 9



Though not as high, the numbers on estimating useful time spent in the last week are troubling. More than forty-seven percent cannot frequently provide this type of estimate. (See Figure 10.) Without reflection on how long it took to complete past tasks, attempts to allocate time to future tasks takes a hit. This is particularly true in law school, where students are developing new skills. Without reflection on how long it took, for example, to brief a case, it would be difficult to estimate how long it will take to complete the next night's homework.

Figure 10



V. TAKING LESSONS IN TIME MANAGEMENT AND INCORPORATING THEM IN LAW SCHOOL

The five subscales where students fell short relate to different aspects of time—ranging from initially beginning a project (Present Orientation and Goal Setting) through task completion (Perceived Control, Mechanics, and Routine). Hence, to remediate these deficiencies, all five should be taught, not any single one in isolation.²⁰⁶ Providing tailored time management solutions during law school could help them respond to time famine in practice.

Time management training can be effective.²⁰⁷ However, for it to work, it has to be more than a self-directed, minimal involvement program.²⁰⁸ Instead, an approach across the law school curriculum is

206. For example, let's say a school decided to focus purely on students' goal setting deficiencies. While such efforts will help with initial time management strategies, task completion is still less likely because of students' deficiencies in Structured Routine and Mechanics. Consequently, a more holistic approach, where time management teaching methods address all five deficient subscales, will result in greater time management yield.

207. Several studies have confirmed that time management training programs work. See, e.g., Green & Skinner, *supra* note 91, at 137; Abby C. King et al., *Enhancing Coping Behaviors in At-Risk Populations: The Effects of Time-Management Instruction and Social Support in Women from Dual-Earner Families*, 17 BEHAV. THERAPY 57, 58–66 (1986); Macan 1994, *supra* note 86, at 389; Van Eerde, *supra* note 112, at 431. But see Slaven & Totterdell, *supra* note 112, at 20–28 (noting self-reported time management skills improved but improvements not reflected in diary logs); Macan 1996, *supra* note 117, at 234 (contending time management training is ineffective for increasing time management behaviors but does increase Perceived Control).

208. The effective training programs consistently offered more training than just review of a manual or article. Often, they included an interactive component, either in terms of individuals preparing time logs or diaries. See, e.g., Van Eerde, *supra* note 112, at 425 (discussing time management training involving a 1 ½ day training, self-reports after, as well as a one month follow up

needed.²⁰⁹ This ensures students see time management as a vital part of their academic development.

One of the best parts of the training is how easy many of the solutions are to teach. To help develop these skills, professors do not need any specialized instruction or more than the basic understanding of the time management subscales. Hence, there is a real opportunity to make an impact on the quality of law students' and lawyers' abilities. But before discussing particular solutions, one elephant in the room must be addressed: who should take responsibility for this training; law schools or practitioners? If law schools, in what courses? These questions are explored next.

A. Taking Responsibility

At present, there is a fight between law schools and the profession—chiefly in terms of who should teach practical skills.²¹⁰ Law schools contend legal practitioners are not sufficiently mentoring and teaching young attorneys.²¹¹ Legal practitioners retort that they do not have the financial luxuries to dedicate the amount of non-billable time it takes to provide that kind of apprenticeship.²¹² Instead, they argue law schools should shoulder the responsibility.

Until the two sides can agree on some type of solution, those most harmed by the debate are newly graduating law students. They do not get the training needed for success in law school and can't expect to get

session); Christopher Orpen, *The Effect of Time-Management Training on Employee Attitudes and Behavior: A Field Experiment*, 128 J. PSYCHOL. 393, 394–95 (1994) (discussing positive time management behavior after three day training session followed by two week diary log).

209. Adamson et al., *supra* note 119, at 273.

210. Consider the split reactions to the Massachusetts Bar Association's recent study which advocates for law schools to emulate the medical school model. Mass.Bar Ass'n, Report of the Task Force on Law, the Economy, and Underemployment, *Beginning the Conversation 1* (May 17, 2012) (urging Massachusetts law schools to emulate medical and dental schools and "reinvent the third year...to hone their legal writing skills, beyond that offered through traditional first year legal writing programs"). *But see* Bard, *supra* note 7, at 139 (refuting "the assumption that medical schools have a long-and-developed tradition of teaching skills to their students").

211. *See, e.g., infra* note 213; Dru Stevenson, *Should Law Schools Focus on Lawyering Skills?*, CIRCUIT SPLITS.COM (May 16, 2012), <http://www.circuitsplits.com/2012/05/should-law-schools-focus-on-lawyering-skills.html>.

212. *See, e.g., Bard, supra* note 7, at 183 ("The worsening economic climate has made firms far less willing to serve as training centers because clients are no longer willing to subsidize the training of new lawyers by paying them full rates for the time they bill."); Barbara J. Busharis & Suzanne E. Rowe, *The Gordian Knot: Uniting Skills and Substance in Employment Discrimination and Federal Taxation Courses*, 33 J. MARSHALL L. REV. 303, 304 (2000) ("Time constraints and financial pressures have reduced the time practicing attorneys can spend mentoring beginning lawyers; however, members of the bar increasingly demand that students arrive for their first jobs with more than minimal competence in practical lawyering skills.").

it during practice.²¹³ While the sink or swim nature of practice is hardly new,²¹⁴ the waters weren't quite this dangerous before. If an attorney does not somehow independently figure out how to succeed, there is a growing queue of substitutes to select from.²¹⁵

Since time management problems manifest during the educational process and continue into practice, the question of ownership must first be answered by law schools. Granted, the legal practice has some responsibility on this front as well.²¹⁶ There needs to be some sensitivity to easing junior associates into practice without overburdening them to the point of burn out. But, the first and more fully developed time management instruction must begin in law school. Teaching 1Ls time management skills and reinforcing those skills throughout their legal education increases the likelihood of preparing graduates for at least a portion of the time famine.

The next question is who in the law school should teach time management skills. At present, for those schools offering this training, it is primarily relegated to orientation programs, academic success programs, and LRW courses.²¹⁷ This is insufficient. Teaching time management skills requires teaching students how to rethink their approaches to handling the day to day aspects of their lives. This is, in essence, a type of behavior modification.²¹⁸ Students are being asked to think about assignments, planning, and execution of that planning in new ways. These skills need to be reinforced throughout law school's

213. See, e.g., Steven Harper, *Where Have All the Mentors Gone?*, LAW DAILY (July 23, 2010), <http://amlawdaily.typepad.com/amlawdaily/2010/07/harpermentors.html>; Patrick J. Schlitz, *Legal Ethics in Decline: The Elite Law Firm, The Elite Law School, and The Moral Formation of the Novice Attorney*, 82 MINN. L. REV. 705, 740 (1998) (“[The] extraordinary pressure to bill hours is almost single-handedly responsible for the death of mentoring.”); David E. Van Zandt, *Client-Ready Law Graduates*, 36 LITIG. 11 (2009) (explaining the model of new associates working with clients causes “the traditional training method of associate-partner mentoring [to get] sacrificed”).

214. Bartholomew & Oreskovic, *supra* note 49, at 363–65.

215. See, e.g., *Class of 2011 Has Lowest Employment Rate Since Class of 1994*, NALP BULLETIN (July 2012), <http://www.nalp.org/0712research> (“The overall employment rate for the Class of 2011 was 85.6% of graduates for whom employment status was known, the lowest rate since 1994, continuing a decline that started in 2008.”); Joe Palazzolo, *Law Grads Face Brutal Job Market*, WALL ST. J. (June 25, 2012), <http://online.wsj.com/article/SB10001424052702304458604577486623469958142.html> (“Nationwide, only 55% of the class of 2011 had full-time jobs that required a law degree nine months after graduation.”).

216. This is particularly true for addressing the initial increased time management demands associated with practice. See Part II(B) and accompanying notes, *supra* (discussing the time demands of practice).

217. Time management training requires retraining how a person relates to time, both in terms of specific behaviors and ways to structure time. Macan 1990, *supra* note 88, at 767;

218. By the phrase “behavior modification,” I mean the term literally rather than as a psychological term of art. In time management literature, cognitive behavior modification is not a term used to describe time management training. Yet, teaching time management does modify specific time-related behaviors.

curriculum all three years to ensure the most prepared students possible.²¹⁹

The proposition that all law professors need to help will inevitably be controversial.²²⁰ Some doctrinal professors may feel incorporating time management distracts from the intellectual focus of their teaching.²²¹ To this group of scholars, teaching time management is simply not their problem.²²²

Quite frankly, this argument misses the point. Until a law student or future attorney has extra time in the day, such legal thought goes wasted without an opportunity for application.²²³ Without wading too far into the theory vs. skills debate, there are several, straightforward responses. First, focusing legal education on helping lawyers generate such great ideas is commendable, but only if it is tempered with providing the requisite skills to help attorneys implement them.²²⁴ Part of “thinking like a lawyer” is generating solutions in the limited time a lawyer has for the task.

Second, teaching time management skills is far from time consuming

219. Offering the training through all three years ensures students have multiple opportunities to mentally practice their new skills, which increases time management behaviors as well as self-efficacy. See Lucie Morin & Gary P. Latham, *The Effect of Mental Practice and Goal Setting as a Transfer of Training Intervention on Supervisors' Self-Efficacy and Communication Skills: An Exploratory Study*, 49 APPLIED PSYCHOL. 566, 575 (2000).

220. As a professor of doctrinal and skills classes, I have heard discussions on both sides of the issue. For example, I coached a moot court team for four years. Each year, the team members consistently underestimated the time it would take to finalize formatting of the briefs, including creating tables of contents and authorities for their briefs. The students had all been instructed in the LWR courses on the word processing skills necessary for these tasks. Hence, the complaint was more than a lack of computer skills: it is a time management problem. On its surface, the concern may not seem dire. But in terms of time management, it is fairly telling: students want to manage their time, they want to find ways to handle what is on their plate, but they can't. It is incumbent on all professors to assist, not just those who care about professional skills.

221. See, e.g., Stevenson, *supra* note 211.

222. One argument against skills training in doctrinal courses is lack of time. See, e.g., Stefan Padfield, *Teaching Transactional Law Skills in Law School: Is More Really Better?*, AKRON BEACON JOURNAL (July 10, 2009), <http://www.ohio.com/blogs/akron-law-cafe/akron-law-caf%C3%A9-1.295890/teaching-transactional-law-skills-in-law-school-is-more-really-better-1.296172> (arguing against incorporating skills in a doctrinal course because of the limited time to cover all the existing material). However, this argument applies less to time management than other types of skills, such as legal writing. Time management training does not require the radical time commitment other skills training would.

223. An easy example in terms of practice: imagine a junior associate dreams up a solution to resolve leadership disputes in class actions. The solution would streamline the process, resulting in more efficiency for the judicial system as a whole. This noble deep thinking sounds great. But given the time famine problem, it realistically would be another note jotted on a legal pad between the last conference call and the next client meeting.

224. As Judge Posner has noted, the “basic focus” of legal education should be “the training of practical lawyers.” Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 YALE L. J. 1113, 1129 (1981).

for the educator.²²⁵ Developing these skills does not cost a lot of valuable class time. Admittedly, it may take some tweaking of how material and assignments are presented; there is a ramp up cost. But once the revisions to a course are made, they can be used repeatedly in subsequent years.

Third, at this point in time, teaching this skill is a moral and ethical issue. As an academy, we have to take some responsibility for our graduating students' success . . . or failure. With junior attorneys leaving practice in droves,²²⁶ at least in part because of time famine,²²⁷ we no longer have the luxury of faculty members ignoring the issue. This is particularly true given legal education's increasing cost.²²⁸ By some measures, more than half of practitioners leave the field before they finish paying for the very education needed to get hired.²²⁹ Hence, by ignoring time management problems, the legal academy is contributing to our graduates' debt problems.

Fourth, while LRW courses are an ideal place to start implementing time management, they are already asked to carry too much of the "skills load" at most schools.²³⁰ LWR is often the bastard child of legal

225. See Orpen, *supra* note 208 (describing some of the effective types of time management programs).

226. Some reports claim that the practice of law pushes 40,000 lawyers to leave the profession annually. See, e.g., Jones, *supra* note 77. This statistic is particularly startling given that the total number of J.D.S and LLBs awarded for the 2009–10 academic year was 44,004. See *Enrollment and Degrees Awarded, 1963–2010*, ABA, http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/stats_1.authcheckdam.pdf (last visited Apr. 17, 2013).

227. See Jones, *supra* note 77.

228. David Segal, *Law School Economics: Ka-Ching!*, N.Y. TIMES (July 16, 2011), available at <http://www.nytimes.com/2011/07/17/business/law-school-economics-job-market-weakens-tuition-rises.html?pagewanted=all> ("Legal diplomas have such allure that law schools have been able to jack up tuition four times faster than the soaring cost of college."); Ameet Sachdev, *Law School Tuition Hikes Spark Talk of Bubble*, CHI. TRIBUNE (Apr. 27, 2010), available at http://articles.chicagotribune.com/2010-04-27/business/ct-biz-0427-chicago-law-students—20100427_1_law-school-law-firms-national-law-journal (stating JD programs at top schools are costing \$150,000+); see also HOW MUCH DOES LAW SCHOOL COST, AND HOW CAN I PAY FOR IT?, CAREER EDUCATION CENTER GEORGETOWN UNIVERSITY, <http://www.law.georgetown.edu/campus-services/registrar/bulletin/upload/Bulletin-Tuition-and-Fees.pdf> (last visited Nov 2, 2012).

229. The standard repayment plan calls for 120 equal monthly payments over ten years, roughly half the time it takes for so many young lawyers to leave practice. Philip G. Schrag & Charles W. Pruett, *Coordinating Loan Repayment Assistance Programs with New Federal Legislation*, 60 J. LEGAL EDUC. 583, 586 (2011). Law schools have a disincentive to address this problem. So long as practitioners leave practice, the need for new lawyers remains—as does the corresponding need to educate more students to fill those positions. Yet, given the decreased enrollment numbers in law schools nationwide, in conjunction with the raising costs of legal education, the time has come to really analyze why so many lawyers hate what they do. See Koppel, *supra* note 18 (discussing decreased law school enrollment numbers).

230. This burden is compounded by the submission and feedback cycle associated with most LRW courses. See Kathryn M. Stanchi & Jan M. Levine, *Gender and Legal Writing: Law Schools' Dirty Little Secrets*, 16 BERKELEY WOMEN'S L.J. 3, 7 n.21, 20 n.91 (2001) (describing how teaching LRW courses require more work than doctrinal courses).

education,²³¹ assigned with teaching everything from professionalism to composition to analysis to ethics, depending on the school.²³² Other courses should share the responsibility.

Accordingly, to address time famine in legal education and practice, the buy-in needs to be across the curriculum.²³³ Legal education could combat the time management issue on multiple fronts: through academic support programs like orientations, in doctrinal courses, and in skills classes.²³⁴ This multi-faceted approach would emphasize the importance of time management and allow constant reinforcement.

With the issue of who should teach time management addressed, the focus now turns to what can be done. Many of the suggestions may seem rudimentary at first. Where these suggestions differ, though, is that they are specifically tailored to the narrow time management issues law students have. Hence, rather than a shotgun approach to teaching time management, law schools can instead offer a focused, measured, and thus hopefully more productive means of remedying some of the problems.

B. The Fix

In analyzing the data on 1Ls' time management deficiencies, an interesting phenomenon became apparent: many of the solutions to the problems overlap. This means that with some minor adjustments, we can do a great deal to help students cope with time famine. The critical instruction falls into three categories: teaching students to break down tasks, teaching time allocation skills, and teaching techniques to

231. The adjectives used to describe the role of LRW faculty vary but share a similar theme. *See, e.g.*, Kristen Konrad Robbins, *Philosophy v. Rhetoric in Legal Education: Understanding the Schism Between Doctrinal and Legal Writing Faculty*, 3 ASS'N LEGAL WRITING DIRECTORS 108, 108 (2006) (“[L]egal research and writing is the stepchild of the law school curriculum.”); Kent D. Syverud, *The Caste System and Best Practices in Legal Education*, 1 J. ASS'N LEGAL WRITING DIRECTORS 12, 14 (2002) (describing law schools as a caste system with legal writing professors in the lower caste).

232. *See* Kirsten A. Dauphinais, *Sea Change: The Seismic Shift in the Legal Profession and How Legal Writing Professors Will Keep Legal Education Afloat In Its Wake*, 10 SEATTLE J. SOC. JUST. 49, 110 (2011); Sophie Sparrow, *Practicing Civility in the Legal Writing Course: Helping Law Students Learn Professionalism*, 13 LEGAL WRITING: J. LEGAL WRITING INST. 113, 132–33 (2007).

233. The need to integrate practical skills across the curriculum has been advocated by others though remains an ideal rather than reality. *See, e.g.*, Alice M. Noble-Allgire, *Desegregating the Law School Curriculum: How to Integrate More of the Skills and Values Identified by the MacCrate Report Into a Doctrinal Course*, 3 NEV. L. J. 32 (2003); Carol McCrehan Parker, *Writing Throughout the Curriculum: Why Law Schools Need It and How to Achieve It*, 76 NEB. L. REV. 561 (1997).

234. By introducing time management concepts as part of students' orientation, students are primed to understand that their prior coping skills may be insufficient and new techniques must be explored. By reinforcing time management skills in doctrinal classes, particularly those incorporating a writing component, students understand that time management is not a concept unique to LRW but rather a skill necessary for efficient legal work more generally.

implement those allocations.²³⁵

1. Teaching Students to Break Down Tasks

Teaching students how to break down assignments addresses three of students' time management deficiencies—Present Orientation, Perceived Control, and Goal Setting. As a shorthand, this strategy can be called “chunking.” In this Article, “chunking” means dividing a project into smaller, more manageable units, which can be planned and controlled. These smaller chunks make the project more achievable.²³⁶ Once a project is viewed as a set of short term goals to achieve a long term goal, an individual's Perceived Control improves.²³⁷ A student can track her progress by using the short term goals as markers.²³⁸ These markers also help with Present Orientation. At a minimum, they make reflection on past missteps less relevant. More importantly, they help maintain some rein on future-oriented thinking since the focus is on the here and now.²³⁹

Despite the value of chunking, students regularly ignore this key time management technique.²⁴⁰ Merely recommending students break down tasks will not suffice: they need to be required to engage in chunking until this skill becomes second nature. Law school orientation and courses offer multiple opportunities to teach chunking.

235. This three step model is similar to the phases of self-regulated learning: preaction phase, action phase, and postaction phase. See, e.g., Heinz Heckhausen & Julius Kuhl, *From Wishes to Actions: The Dead Ends and Short Cuts on the Long Way to Action*, in *GOAL DIRECTED BEHAVIOR: THE CONCEPT OF ACTION IN PSYCHOLOGY* 134–59 (Michael Frese & John Sabini eds., 1985). Much like self-regulated learning, time management training requires retraining one's mind into adopting and implementing strategies for academic success. Accordingly, modeling a solution of self-regulated learning theory means students not only develop time management skills, but get the added value of improving their self-regulated learning, which in turn increases one's self-efficacy and motivation. See Heidrun Stoeger & Albert Ziegler, *Evaluation of Classroom Based Training to Improve Self-Regulation in Time Management Tasks During Homework Activities with Fourth Graders*, 3 *METACOGNITION LEARNING* 207 (2008) (discussing how increased self-regulatory skills and self-efficacy increases motivation).

236. Walter H. Gmelch, *Stress for Success*, 22 *THEORY INTO PRACTICE* 7, 12 (1983) (discussing how breaking larger projects into smaller chunks also minimizes stress and chance of burnout); C.A.J. McLauchlan, *Time Management*, 14 *J. ACCIDENTAL EMERGENCY MED.* 345, 346 (1997); John R. Slate et al., *Study Skills of Students at a Post-Secondary Vocational-Technical Institute*, 35 *J. INDUS. TEACHER ED.* 57, 59 (Winter 1998).

237. These smaller markers allow students to better track their task completion. Once they get a sense that the tasks can be done in the given amount of time, their confidence in their available time will in turn increase. This confidence is central to Perceived Control. See Part IV(B), *supra* (discussing Perceived Control).

238. Bandura, *supra* note 187, at 49.

239. Bond & Feather, *supra* note 89, at 325.

240. Misra & McKean, *supra* note 163, at 42; Robert Brown, *Helping Students Confront and Deal with Stress and Procrastination*, 6 *J. COLLEGE STUDENT PSYCHOTHERAPY* 87, 88 (1991).

First, orientation programs should include a component on Goal Setting. Students need to examine their motivations and goals for their law school experience. As a professor who teaches during orientation, I ask many students what they want from their law school experience. Invariably, the answer is something like, “I want to be a lawyer.” This type of generalized goal is useless in terms of constructive planning.²⁴¹ Students should be asked to identify more concrete goals early on.²⁴² Then, once these long term goals are identified, professors involved in orientation should help students generate short term goals aimed at achieving these long term goals.

Given 1Ls’ lack of goal setting skills, the starting point may be a list of sample goals to begin a cogent brainstorming session. To minimize using precious orientation time on this task, it could be handled through pre-orientation readings on goal setting and assignments asking students to generate personal goals.²⁴³ These goals can then be discussed in a later group setting.²⁴⁴

While this practice should start at orientation, goal setting also has relevance to doctrinal courses. In classes with more traditional, end of term exams or classes with more of a doctrinal than skills bent, students need instruction on how to break down courses into digestible units.²⁴⁵ This allows students to think of their courses as a series of related concepts, rather than a single, amorphous concept. For example, rather than a student attempting to set goals to learn “Torts,” the student’s goal setting would be greatly enhanced if she viewed Torts as intentional torts, negligence, economic torts, products liability, and nuisance. While on its face this may seem like an oversimplification of a course, it allows students to see both the forest and the trees. It also illustrates how to take large chunks of legal knowledge and see them as identifiable goals.²⁴⁶

By understanding the building blocks, students begin to set short term goals—which are exactly what is needed for time management.²⁴⁷

241. This goal suffers from being an outcome orientated goal as well as not sufficiently precise. See Part IV(C) and accompanying notes, *supra* (discussing the characteristics of high quality goals).

242. *See id.*

243. *See* Part IV(C), *supra* (discussing characteristics of high quality goals).

244. An added benefit of a group discussion is peer awareness. When peers are engaged in the time management training, it helps with self-management. Van Erde, *supra* note 112, at 431.

245. Some early time management research called breaking tasks into smaller parts the “salami technique.” *See* Brown, *supra* note 240, at 88 (internal citation omitted) (“Bliss (1978) calls this approach the ‘salami technique,’ suggesting that although the idea of eating a whole salami is unappetizing, taken a slice at a time, it can be quite tasty.”).

246. This in turn increases Perceived Control because it helps students see how the larger project, which may seem overwhelming, is actually a sum of various tasks achievable within the student’s time restraints. *See* Part IV(B), *supra*.

247. Britton & Tesser, *supra* note 103, at 407 (discussing how short term plans are more effective

Professors can help students identify these blocks by improving syllabi, clarifying course objectives, and requiring outlines.

First, a strong syllabus can play a large part in breaking down a course.²⁴⁸ A syllabus provides an opportunity for the professor to show the relationship between parts and a whole. In reviewing syllabi for this research, I found many syllabi are not going quite far enough to help show the connection between the chunks of information and the end goal.²⁴⁹

For example, compare these two entries for a hypothetical first year Contracts course. Assume the fourth class lecture is on promissory estoppel. The professor has some options on how to structure the syllabus entry for this class:

Sample syllabus entry #1

Lecture 4 (2/12)	Promissory estoppel	Pg. 16–48
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Sample syllabus entry #2

Lecture 4 (2/12)	Requirements for Enforcement: Consideration: Substitutes: Promissory Estoppel	Pg. 16–48
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Sample #1 may be straightforward, but it fails to illustrate the relationship between this concept and the larger educational concept, namely an understanding of an enforceable contract. While Sample #2 is just a minor revision of the entry, students can instantly see how Lecture 4 fits together with prior lectures.

Second, students need instruction on what the course objectives are, and there is no one better to define those objectives than the professor

than long term plans for time management). Short range planning is particularly helpful for academic achievement, as measured by GPA. *Id.* at 409.

248. For an excellent discussion of how to use a syllabus to generate goals, see Gerald F. Hess, *Collaborative Course Design: Not My Course, Not Their Course, But Our Course*, 47 WASHBURN L.J. 367, 380–84 (2008).

249. Generally, the mindset on syllabi is they serve little purpose beyond posting readings. See, e.g., Burnele V. Powell, *A Defense of the Socratic Method: An Interview with Martin B. Louis (1934–94)*, 73 N.C. L. REV. 957, 983 (1995) (describing a syllabus as “fairly monkey-work” and arguing “There’s nothing in a syllabus that’s education beyond the obvious [what do we read tomorrow]?”).

who designed the course.²⁵⁰ Then, using these objectives to generate long term goals, students should be encouraged to set individual short term goals aimed at achieving the larger objectives. The more specific and focused on the learning process, the more useful the goal.²⁵¹ Expecting new law students to self-identify goals as 1Ls is unrealistic,²⁵² but over time, professors can taper off the amount of assistance students receive in generating these goals. Even a mere fifteen minutes twice in the semester could begin to make progress on goal setting and planning. This is not a major redesign but rather a minor modification with potential for substantive gain.

Though a bit more time consuming, another option is having professors identify short term goals at the start of each lecture. A professor would ideally start by recapping a few key concepts from the prior class and itemizing the key concepts he intends to cover during that lecture. This allows students to track how larger concepts can be broken down, as well as giving students some markers to help pace themselves.²⁵³

Third, incremental and attack outlines provide a strong teaching opportunity for Goal Setting and Perceived Control. Incremental outlines help ensure students generate short term learning goals regarding specific course concepts.²⁵⁴ Though short, they are

250. Given the push towards outcome assessments in legal education, setting and sharing these objectives has added benefits. Not only does it help students with goal setting, it helps ensure a better structured, more successful course. *See, e.g.*, OUTCOME MEASURES, *supra* note 4. This reform attempt geared at providing practical markers for evaluating legal education is not without its critics. *See, e.g.*, Sarah Randag, *ABA Effort to Add Outcomes to Accreditation Standards Roils Law Deans*, ABA J. (Feb 22, 2010 4:35 PM CDT), http://www.abajournal.com/news/article/%20aba_effort_to_add_outcomes_to_accreditation_standards_roils_law_deans/; Statement By New England Deans Concerning the Proposed Revision of the ABA Standards Regarding Outcome Assessments (2009) (supporting the general idea of outcome assessments but advocating that each school must be free to come up with individualized assessments rather than a uniform of measures which would allow schools to be measured against other schools).

251. *See* Part IV(C), *supra*. (discussing characteristics of high quality goals); *see also* Dale H. Schunk, *Goal-Setting and Self-Efficacy During Self-Regulated Learning*, 25 EDUC. PSYCHOL. 71, 76 (1990) (explaining how short term goals boost self-regulated learning, increased self-efficacy, and higher levels of motivation).

252. *See* Mirian E. Felsenburg & Laura P. Graham, *Beginning Legal Writers in Their Own Words: Why the First Weeks of Legal Writing Are So Tough and What We Can Do About It*, 16 LEGAL WRITING: J. LEGAL WRITING INST. 223, 254–56 (2011) (discussing students' misconceptions about what they will study in law school). This is particularly true for first generation law students, namely those without the benefit of lawyer family members or mentors. *Id.*

253. Both these skills help with Perceived Control. *See* Part IV(B), *supra*.

254. While there are exceptionally few law review articles talking about attack outlines, students are well aware of what these are. *See, e.g.*, Dorothy H. Evensen, *To Group or Not to Group: Students' Perceptions of Collaborative Learning Activities in Law School*, 28 S. ILL. U. L. J. 343, 346 (2004) (discussing students' strategies for creating attack outlines—one of the few law review articles to even acknowledge attack outlines exist in law school). The internet is chockfull of sample attack outlines and blogs discussing them. *See, e.g.*, *Before the Exam—The One-Page Outline*, LAWNERDS.COM,

deceptively difficult to draft, as they require students weed through information and prioritize between details. This prioritizing is analogous to Goal Setting. Collecting outlines helps establish Routine in the first year.²⁵⁵ In later years, mere reminders that it is a good time to catch up on outlines would keep students thinking about and applying time management skills.

2. Teaching Time Allocation

Viewing learning as a set of achievable short term goals won't fight time famine without the next steps: (1) generating tasks, and (2) creating a plan for allocating time to complete those tasks.

Generating tasks requires students to convert goals into concrete tasks. While a goal is abstract, a task is more the "to-do" list item that ensures the goal is achievable.²⁵⁶ This transitive ability is required to build Routine and Mechanics. Some students struggle with identifying what tasks are necessary to meet law school short term goals. Consequently, professors should help develop this essential skill by discussing potential tasks aimed at achieving learning goals.

Once these "to-do" lists become part of students' time management arsenal, instruction should focus on how to allocate time. Time allocation is essential to Routine, Mechanics, and Perceived Control.²⁵⁷ Time is a limited resource—the goal with any strong time management regime is to allocate time efficiently.²⁵⁸ One first has to understand how

<http://lawnerds.com/guide/outlining.html#BeforetheExam> (last visited Nov. 2, 2012) ("In the final week before the exam, if not before, you should condense your outline into one page. This page—known as an attack outline—serves as a checklist of issues as you read the exam. The attack outline helps you organize your answer, remind you of key points and to make sure that you haven't missed an issue. The attack outline transforms good students into outstanding students."); Dood, *Outlines from my 3 years at GW (2012 Grad)*, TOP-LAW-SCHOOLS.COM (April 21, 2009 11:29 AM), <http://www.top-law-schools.com/forums/viewtopic.php?f=11&t=82410> (posting 3Ls' attack outlines from all three years of law school). There is even one webpage strictly devoted to selling attack outlines, though I would hardly attest to their worth from the limited sample available. See TONY BREEDEN'S ATTACK SHEETS!, <https://www.attacksheets.com> (last visited Nov. 2, 2012).

255. Just recommending students complete these incremental outlines is not enough, given students' propensity to ignore chunking advice. See Misra & McKean, *supra* note 163, at 41 (discussing how students fail to follow advice on breaking larger tasks into more manageable chunks).

256. Van Eerde, *supra* note 112, at 430–31 (discussing how goal-orientated task generating is effective to combat procrastination); see also Peter M. Gollwitzer & Veronika Brandstatter, *Implementation Intentions and Effective Goal Pursuit*, 73 J. PERSONALITY & SOC. PSYCHOL. 186, 186 (1997) (discussing linking goals and tasks).

257. See Part IV(B), (D), (E), *supra* (explaining Routine, Mechanics, and Perceived Control subscales).

258. See Claessens et al., *supra* note 84, at 256 (defining self management as the "performance of multiple tasks within a certain time period").

time is spent.²⁵⁹ Although a basic premise, few students actually know how they spend their time. Law school can offer several ways to develop time reflection.

Students should be encouraged from the start of their legal education to view it as a job with set work hours each week.²⁶⁰ This message should be included in orientation and reinforced across the law school experience by administrators and educators. Just as in “real life,” some weeks may require additional hours of work but generally the baseline remains forty hours per week.²⁶¹ By creating this mind set, the quantity of allocable time remains constant, which in turn helps develop Routine.²⁶²

To allocate the forty hours, students need awareness of how long tasks take. The human mind is notorious for its inability to quantify time.²⁶³ There is little point in a student planning to spend two hours brainstorming an idea if she later does not stick to that allocation. When using a timing device, focus is maintained—thus avoiding problems with procrastination and distracters.²⁶⁴

In addition to a timing device, time logs are a starting place to evaluate time famine complaints.²⁶⁵ As Alex MacKenzie, a well-

259. See Marcia Wratcher & Rosaline Jones, *A Time Management Workshop for Adult Learners*, 27 J. C. STUDENT PERSONNEL 566, 566 (1988) (discussing self-awareness of one’s time use as an essential component of time management); Van Eerde, *supra* note 112, at 423 (discussing how individuals need to self-monitor the use of time as part of time management).

260. Kimberly G. Altman, *Three Things to Think About*, 80 U. DET. MERCY L. REV. 457, 457 (2003) (“First, treating law school as a job simply means thinking of law school differently than college. Once I decided to consider law school as a job, I set up a study schedule around my classes which together formed my ‘work day’. I also viewed reading assignments, class attendance, and preparation as part of the job. Thinking about law school this way made me feel more in control and less intimidated.”); Harvey Gilmore, *To Failure and Back: How Law School Rescued Me From the Depths*, 10 FLA. COASTAL L. REV. 567, 615 (2009) (discussing how to treat law school like a job with set hours of work).

261. Creating this mindset also assists with the professionalism problem some professors have observed in their students. It works to minimize the litany of excuses students conjure up to avoid studying. Quite simply, if you do not show up and work hard, you get fired. If you do not show up and work hard in law school, you do not succeed. Given employers follow this basic premise, it seems time for law schools to commit to it as well.

262. Bond & Feather, *supra* note 89, at 328.

263. See, e.g., Francis-Smythe & Robertson, *supra* note 89, at 345 (discussing inaccurate time estimates).

264. See, e.g., Tracy Robey, *From Procrastination to Productivity: Writing Strategies for College Students with (and without) LD/ADHD*, COLLEGE OF STATEN ISLAND 30 (using a timer in the writing process helps avoid distracters for individuals with ADD/ADDH); Margaret S. Spencer, *Overcoming Procrastination*, 71 WIS. LAW. 28 (1998) (using a timer to minimize procrastination).

265. See, e.g., THE TIME TRAP, *supra* note 72, at 20 (discussing Sune Carlson’s study of Swedish managing directors who asked to track their time using a time log). Time logs have been used by several researchers in evaluating aspects of time management. See, e.g., James Avis et al., *Reflections From a Time Log Diary: Towards An Analysis of the Labour Process Within Further Education*, 53 J. VOCATIONAL EDUC. & TRAINING 61 (2006); Frank Hanel et al., *Field Testing of a Self-Instruction Time*

respected time management researcher, explains:

The time inventory, or log, is necessary because the painful task of changing our habits requires far more conviction than we can build from learning about the experience of others. We need the amazing revelation of the great portion of time we are wasting to provide the determination to manage ourselves more effectively in this respect.²⁶⁶

In the technological era, the traditional paper and pen journal can be substituted with an on-line time audit.²⁶⁷ Whatever the medium, students should self-monitor their time use.²⁶⁸

Integrating this concept into the law classroom setting is straightforward. Professors can require students keep a mandatory task billing sheet or its equivalent for at least some assignments.²⁶⁹ To ensure its efficacy, students need to be told the total numbers of hours reported is irrelevant—this is not an exercise in padding time but rather an opportunity to reflect on how the student completes tasks. By making it a required submission, professors can ensure that it is taken seriously.²⁷⁰

This type of exercise provides insight into several key aspects of one's teaching.²⁷¹ It allows a professor to see how much time students spend on the class, whether the professor's instructions are sufficiently clear to ensure students are not distracted by side issues, and an understanding of how students analyze the steps necessary to complete the assignments. It also allows professors an opportunity to evaluate

Management Manual with Managerial Staff in an Institutional Setting, 4. J. ORGANIZATIONAL BEHAV. MGMT. 81 (1983); Darrell R. Lewis & Tor Dahl, *Time Management in Higher Education Administration: A Case Study*, 5 HIGHER EDUC. 49 (1976).

266. MACKENZIE, *supra* note 72, at 20–21.

267. For example, University of Minnesota Duluth posts a time audit program for students to self-evaluate how they spend time. *Time Audit*, U. MINN. DULUTH, http://www.d.umn.edu/kmc/student/loon/acad/strat/time_audit.html (last visited Feb. 1, 2013).

268. See, e.g., Michael K. Mount & Frederick J. Tirrell, *Improving Examination Scores through Self-Monitoring*, 71 J. EDUC. RES. 70–73 (1997) (discussing study showing how instructions to self-monitor time use resulted in increased achievement in college students).

269. Many professors are already requiring students to keep billing records, which suggests this is far from a burdensome task for professors or students. See, e.g., Robert C. Illig, *Teaching Transactional Skills Through Simulations in Upper-Level Courses: Three Exemplars*, 2009 TRANSACTIONS: TENN. J. BUS. L. 15, 34 n.29 (2009). Spencer L. Simons, *Navigating Through the Fog: Teaching Legal Research and Writing Students to Master Indeterminacy Through Structure and Process*, 56 J. LEGAL EDUC. 356, 369 (2006); Nancy Ver Steegh, *Using Externships to Introduce Family Law Students to New Professional Roles*, 43 FAM. CT. REV. 137, 142 (2005).

270. I require a billing sheet with the final fall semester assignment in my year-long LRW course. Though the billing sheet is not graded, no final submission is complete without it. I find that the billing sheet helps solidify the tasks required for generating legal documents, and this exercise pays off in the second semester of the course with students having a stronger understanding of Goal Setting, Routine, and Perceived Control.

271. Panel, *Clinical & Externship Programs*, 15 AM. U. J. GENDER SOC. POL'Y & L. 817, 825 (2007) (discussing gains from requiring students to keep billing sheets).

whether students are generating tasks productive to achieving the end goals.²⁷²

3. Sticking to It

Next, once tasks and time reflection skills are in place, the last piece of the time management training focuses on how to establish daily time organization practices. Students need more advice than, “just prepare a schedule and stick with it.”²⁷³ They need guidance on how to actually stick with it. While the solutions proffered primarily focus on Mechanics and Routine, they also improve Goal Setting and Perceived Control. Described generally, the third and final set of proposed solutions focus on developing: (1) calendaring systems; (2) note taking; and (3) markers for assessing progress.

a. Calendaring Systems

Calendaring is an essential lawyering skill that needs modeling and application in legal education. Any lawyer worth his billable rate uses some type of calendaring system—not just to avoid malpractice,²⁷⁴ but because remembering deadlines for a myriad of cases is next to impossible. Yet in contrast, at least a third of law students do not keep an appointment book or calendar.²⁷⁵

272. Stated differently, providing feedback on the entries has the added benefit of improving Goal setting. See Locke & Latham, *supra* note 177, at 241 (discussing how feedback is a key aspect of goal achievement). For professors who hold conferences or office hours with students, this information is invaluable. It allows individualized feedback on how to guide students towards better, more efficient performance. Further, if a student fails to meet the deadline or says she wishes she had more time to complete the project, the time log is a starting part for evaluating whether the student simply didn't spend enough time on the assignment or misspent her time.

273. See, e.g., PARRISH & KNOLTON, *supra* note 24, at 61 (“Ensuring adequate preparation of time for each and every class will require setting a study schedule and sticking with it. You will create a schedule. You will stick with it. You will schedule three hours of study time for every hour of class. I do not mean three hours a week for each class you have. I mean three hours each week for every hour you are in class. If you meet for twelve hours during a week, you will schedule approximately thirty six hours of studying time for the week (What, you say—that's more than forty hours a week! Heaven forbid. Welcome to real life, kiddo!”).

274. Mark Bassingthwaighe, *Understanding & Minimizing the Risks of Administrative Legal Malpractice Claims*, 23 LAW. PC 8 (July 1, 2006) (“According to the American Bar Association Standing Committee on Lawyers' Professional Liability, the top five administrative malpractice risks are procrastination, failure to calendar, clerical error, failure to react and failure to file documents.”); David B. Wilkins, *Who Should Regulate Lawyers?*, 105 HARV. L. REV. 799, 832 (1992) (“Anecdotal evidence suggests that the threat of malpractice liability has caused corporate lawyers to institute a number of preventative measures, such as circulating master calendars, keeping better track of their time, and implementing continuing legal education courses.”); William H. Gates, *The Newest Data on Lawyers Malpractice Claims*, 70 A.B.A. J. 78, 80 (Apr. 1984) (most common attorney failing was failure to calendar properly).

275. Notably, 43.3% of students very often use an appointment book, which is promising. But for

To help on this front, courses need to utilize calendars.²⁷⁶ By forcing students to start using calendars, they improve Mechanics and develop Routine.²⁷⁷ On syllabi, readings and topics should be presented by date, not just by topic or lecture number. Even better, given the rise of electronic course management systems like TWEN and Blackboard, assignments and deadlines can be posted on a calendar. This will allow students to see how a calendar system can help to manage a series of deadlines, so students can model this behavior in organizing assignments in law school and later in practice.

In addition, since students are already preparing “to-do” lists, these lists should be tied into calendars. It is the next logical step in developing Mechanics. Students should be asked to allocate the “to-do” items across a calendar with those calendars collected, particularly in the 1L year, to ensure compliance.²⁷⁸ Calendaring should include not only the date a task will be done, but also the time during that day. Students should be reminded that attempting to complete numerous tasks in large chunks of time is not as productive as spacing out the tasks with scheduled breaks to ensure enhanced efficiency and quality.²⁷⁹ This is particularly true for writing assignments, where attempting to write large chunks of a submission in a single sitting leads to procrastination, as well as the dreaded writer’s block.²⁸⁰

b. Note Taking

In addition to calendaring, note taking helps ensure timely task completion. Note taking is a basic study and time management skill with application in law school and in practice. Yet, it is also an area where students need further instruction.²⁸¹ This is particularly true in the

the other of the students, the answers are less than exemplar. 25.8% of the students report seldom using an appointment book; 6.7% occasionally do, for 9.2% it is true as often as not, and 15% frequently do so. See LAW STUDENT SURVEY, *supra* note 130.

276. Some courses already understand how important calendaring skills are and require students to calendar. See, e.g., John Sonteng et al., *Learning By Doing: Preparing Law Students for the Practice of Law*, 21 WM. MITCHELL L. REV. 111, 118 (1995) (discussing using calendars as part of a practicum).

277. Mechanics is significantly correlated to Routine. Shahani et al., *supra* note 124, at 236. Calendaring allows students to memorialize their planning behavior inherent to Routine. See Bond & Feather, *supra* note 89, at 328.

278. See Misra & McKean, *supra* note 163, at 42 (discussing how just suggesting planning is not enough because students often ignore the advice). With free electronic calendaring options, such as Google calendars (GOOGLE CALENDAR, <http://google.com/calendar> (last visited July 31, 2012)) and Cozi calendaring apps (COZI, <http://www.cozi.com> (last visited July 31, 2012)), students can easily adopt a calendaring system and print an extra copy for submission.

279. Britton & Tesser, *supra* note 103, at 406.

280. Linda H. Edwards, *A Writing Life*, 61 MERCER L. REV. 867, 890 (2010); James A. Eidelman, *Computer on the Lawyer’s Desk*, 492 PLI/COMM. 313, 318 (1989).

281. Jolly-Ryan, *supra* note 35, at 126 (“Some students take lousy notes or no notes at all in

computer age, where the tendency is for students to transcribe lectures rather than take notes.²⁸² Strong note taking skills are analogous to prioritizing²⁸³—which is a key part of Goal Setting. Traditional note taking skills require students to sort and prioritize information.²⁸⁴ Details are left out with the emphasis placed on higher priority information.

There are multiple different ways a professor can develop note taking skills, all of which are fairly straightforward. First, professors should consider giving at least some assignments orally, even just readings or exercises. No written details for the assignment should be handed out: unless the student takes accurate notes, the assignment should be difficult to complete. This way, students are required to take accurate notes and begin developing note taking skills.

Second, for each lecture, a professor should collect notes from a designated person or group of people depending on class size. Submitting notes ensures students develop note taking, while also having the added benefit of potentially increasing students' interest in the course.²⁸⁵ This allows the professor to gauge potential areas of confusion as well as weak students. It also lets professors provide feedback on Mechanics.²⁸⁶ In reviewing the notes, look for whether students are identifying the primary propositions. Strong notes consistently identify more concepts as a whole, but additionally place emphasis on the important concepts.²⁸⁷

Third, professors should require students bring notepads to office

undergraduate school. They are smart enough and have good enough memories to do well, despite their poor note-taking skills. Some undergraduate professors provide students with study guides before each test. But in law school, students are left to their own devices to take good notes and organize them so that they can adequately study for exams. Although some law students were able to rely on their excellent memories as an adaptation to note-taking in undergraduate school, in law school, there is so much material covered that the student must take good notes.”).

282. See, e.g., Kevin Yamamoto, *Banning Laptops in the Classroom: Is it Worth the Hassles?*, 57 J. LEGAL EDUC. 477, 502–03 (2007) (discussing the problems of law school notes that transcribe lectures rather than identifying important information).

283. See Gilles O. Einstein et al., *Note-Taking, Individual Differences, and Memory for Lecture Information*, 77 J. EDUC. PSYCH. 522, 522 (1985) (discussing how note taking encourages more elaborate processing of individual ideas as well as greater organization of lecture material); see also Richard E. Mayer, *Elaboration Techniques that Increase the Meaningfulness of Technical Text: an Experimental Test of the Learning Strategy Hypothesis*, 72 J. EDUC. PSYCH. 770, 770–84 (1980). (discussing how strong note taking skills “encourage relational processing and the identification of superordinate concepts . . .”).

284. Einstein et al., *supra* note 283, at 523.

285. See, e.g., Mark Morgan, *Self-monitoring of Attained Subgoals in Private Study*, 77 J. EDUC. PSYCHOL. 623, 623–30 (1985) (discussing study showing how collecting students' notes coupled with self-monitoring of goal increases students' interest in a course).

286. See Locke & Latham, *supra* note 177, at 241 (discussing how feedback is a key aspect of goal achievement).

287. Bonnie Potts, *Improving the Quality of Student Notes*, ERIC/AE Digest (1993).

hours or individual conferences.²⁸⁸ Rarely this spontaneously occurs. Instead, students will come in with laptops not yet turned on or, worse, ask for a piece of paper to take notes. Not only does this create an impression of a lack of professionalism, it also invites time famine problems.

c. Encourage Reflection on the Success of Task Completion

Finally, the last part of teaching time management is encouraging students to cogitate on their personal time management techniques. Professors should encourage students to reflect on their time allocations, “to-do” lists, and calendars to see what is working, and more importantly, what it isn’t.²⁸⁹ This type of reflection has two main benefits. First, it helps students become more aware of their specific time issues, as well as forcing the type of self-reflection necessary to modify their behavior going forward.²⁹⁰ By having students observe and reflect on their time strategies, they are able to make adaptive inferences, meaning the type of inferences essential to improving time management.²⁹¹ Repeating this self-reflection process over several cycles is ideal, as it allows students to adjust and try different strategies.²⁹²

Second, it helps students see the link between time management and their learning outcomes. This link is essential to motivating students to continue using these skills, despite the learning curve inherent in developing a new skill.²⁹³

This type of self-reflection is the necessary last step to the time

288. See, e.g., *The Law Firm Summer Associate Dance*, YALE LAW SCHOOL (Aug. 2012), http://www.law.yale.edu/documents/pdf/CDO_Public/cdo-summer_associate_dance.pdf (advising students to bring a notepad to attorney meetings); CALIFORNIAPROBONO.COM, MENTAL HEALTH ADVOCACY SERVICES, INC., INTRODUCTION TO PROFESSIONALISM, A GUIDE FOR LAW STUDENTS, at 12–13.

289. To incorporate this time-management self-reflection in law school, students should be asked to evaluate their goal setting and task achievement at key points in a given course. An ideal time for such self-reflection is after a midterm or submission of a writing assignment for a class. Students should be asked to review their calendar of tasks, billing records, and any other time tracking mechanisms they use. At most, these reflective memos would be a page, thus making the time a professor would need to devote to reviewing them minimal. But the key aspect of this portion of time management training is reinforcing the value of time management skills.

290. This type of self-evaluation is often referenced to as “strategic outcome monitoring” and is considered a key part of developing self-regulated learning skills. See, e.g., Stoeger & Ziegler, *supra* note 235, at 209.

291. See, e.g., Barry J. Zimmerman & Manuel Martinez-Pons, *Perceptions of Efficacy and Strategy Use in the Self-Regulation of Learning*, in STUDENT PERCEPTIONS IN THE CLASSROOM 185, 185–207 (Dale H. Schunk & Judith L. Meece eds., 1992).

292. See Stoeger & Ziegler, *supra* note 235, at 209 (discussing benefit of repeated self-regulated learning process involving constant monitoring, improvement, and intense practice).

293. *Id.*

management instruction cycle. It not only ensures effort spent on sticking to time allocations is successful, but it also ensures the entire time management process develops the skills future lawyers most need to combat the time demands of practice.

VI. CONCLUSION

This Article is the starting point for further research on legal time management. It provides a preliminary understanding of law students' time management deficiencies. Time restraints in practice are not going away. While suggestions to reduce the temporal pressures of legal practice have been floated, such reform is unlikely in the near future. Accordingly, efforts to address time famine in the legal profession are left to legal education. Luckily, as this Article discusses, it might not take much to help. None of the suggestions proffered require great expenditures of time, money, or effort by law school faculties or administrators. None of the suggestions substantively detract from the existing curriculum offered by law schools. Instead, these are just tweaks at the edges of the existing curriculum. But these tweaks are essential. Without them, law students will continue entering practice ill-prepared for the realities that await them.