

THINGS YOU DIDN'T LEARN IN LAW SCHOOL – PART II

YOU'VE GOTTA CRAWL BEFORE YOU WALK — HOW TO SURVIVE AND THRIVE AS A BABY LAWYER

BY C. ASHLEY SAFERIGHT

November 2021 marked my second anniversary of being sworn in as a licensed attorney. Time is weird — particularly when 80% of my entire law practicing life has been during a global pandemic, which had a significant impact on the way that we practice law. Even when you're not in the midst of upheaval, strife, and a constant low-level of existential dread, the early years as a new attorney — or “baby lawyer” — can be tough to navigate.

I was a school counselor in my life before law school, and I spent a significant amount of time researching and presenting on one of the key ingredients for student success: growth mindset. When reflecting on my first two years of practice and setting my professional goals for year three, I realized that the same key ingredient for student success also applied to success as a baby lawyer. Growth mindset was crucial to the realization that I could not only survive, but also thrive, even as I was learning how to navigate all the challenges that come with being a baby lawyer in a pandemic.

1. Fixed Mindset vs. Growth Mindset

Who comes to mind if you think of a brilliant, amazing lawyer, the kind of lawyer that you want to be some day? No matter how smart or talented that person is, they weren't born as a successful lawyer — it was a long, arduous process. Carol Dweck, a Stanford psychologist and one of the foremost researchers on motivation and mindset, posits that a person's mindset, or the way that they think about and approach challenges, is more predictive and determinative of a person's success than raw intelligence, talent, or education.

According to Dweck, there are two basic mindsets: fixed or growth. A person with a fixed mindset generally believes that intelligence and talents are fixed traits that cannot be changed significantly, and their ability to succeed at a given task is largely pre-determined. Conversely, a person with a growth mindset believes that intelligence and talent can grow over time with curiosity, effort, and learning. Fixed mindsets typically view failure as the end, because success or failure depend on fixed traits. Growth mindsets view failure as an opportunity to learn and grow; as success or failure cannot be definitively predicted, the value is in the experience.

If you think about it, you definitely know attorneys with a fixed mindset. They are obsessed with “looking smart,” so they tend to play it safe and avoid significant challenges for fear that they might fail. They have difficulty hearing and applying helpful feedback if it is perceived as critical or negative in any way. Rather than learn from and celebrate the success of their peers, they may feel threatened and see others' success as a threat to their own success. When faced with obstacles, they tend to give up easily or make excuses, and they often cannot admit that they don't know something or that they made a mistake. Someone with a fixed mindset can still be successful, but they tend to peak early, and they may struggle to reach their full potential because they tend to stay within their comfort zone.

On the other hand, an attorney with a growth mindset looks for ways to learn and grow as a lawyer, whether with legal skills or business development. They embrace new challenges and view them as learning opportunities. They continue pushing and are persistent when faced with obstacles or unexpected challenges.

They seek out constructive feedback and advice from others, and learn from criticism. They view the success of their peers as inspiring, and they actively try to learn from the wins of others. They are more interested in learning than looking smart, and they are not afraid to ask the “dumb” questions or admit when they don't understand something. They will take responsibility for their mistakes, learn from them, and avoid repeating that mistake in the future. People with a growth mindset are capable of continually achieving at higher levels, and have a greater sense of autonomy and freedom regarding success.

A person with a growth mindset identifies and acknowledges the gap between where they are and where they want to be, and uses that knowledge as motivation to constantly improve.

2. Your Brain is a Muscle: Working it Makes it Stronger!

Okay, it's not a literal muscle — your brain is significantly more complex than muscle tissue — but the metaphor holds because the human brain can be trained. Dweck's growth mindset is based on the neuroscience concept of neuroplasticity, or the brain's ability to reorganize itself by forming new neural networks throughout your life, even through adulthood. Cool, huh? For a quick two-minute intro to neuroplasticity, I highly recommend the Sentis Neuroplasticity video on YouTube. Basically, your brain is a complex system of neural pathways that are used each time you do, think, or feel something. Some of these pathways get used constantly; these are our habits and things that are second nature to us. It is easier for our brains to use those particular neural pathways, which makes that particular thought, feeling, or task more automatic over time. Have you ever ended up

on auto-pilot driving home from work, finding yourself in your driveway without any clear memory of actually driving there? That's an example of a well-traveled — pardon the pun — neural pathway.

Neuroplasticity also means that you can actually rewire your brain and create and strengthen new neural pathways just by adjusting your thinking or learning a new task. Over time, your brain will use the new neural pathway as the default setting, making a new behavior, thought, or feeling more automatic.

Sure, but what does that mean for you? It means that with some work and effort, you can learn, or unlearn, anything over time.

This unlearning bit is especially crucial for those of us whose default setting is negative self-talk. You know, when you are absolutely certain that at any moment, they're going to look around and realize that you don't actually belong here, and they made a terrible mistake by hiring you, because you are so clearly incompetent and have no idea what you're doing ... and ... and ... and ... Imposter syndrome, anyone?

But if that last sentence made your heart race and your hands clammy, then neuroplasticity is the best news you've heard all day. With a growth mindset, you can actually retrain your brain to stop traveling that old familiar imposter syndrome pathway, if you are intentional over time about changing those thoughts to something that is actually, y'know, true. It's the Power of Yet: it's not that you can't do it — you just can't do it yet!

3. You've Gotta Crawl Before You Can Walk — And You're Probably Gonna Fall A Lot On The Way

There was a time when Albert Einstein could not count to 10, and when William Shakespeare didn't know his ABCs. What would have happened if you gave up when learning how to walk or talk? Watching a baby reach those important milestones of crawling and walking is watching growth mindset in action. Over and over, babies try, fail, get frustrated, and try again. Eventually, something clicks, they are able to coordinate moving their hands and knees together, and suddenly they are unstoppable crawling machines. But even expert crawlers will refuse to rest on their knees (or their laurels), and the whole process starts over again as they begin to pull up, stand, find their

balance, fall, cry, get back up, and eventually take their first steps.

The same is true for baby lawyers. You didn't come out of law school knowing how do every task that will be expected of you in your first few years of practice. Someone is going to ask you to file a motion for leave to plead instanter, and you're not going to have ever heard the word instanter until that moment (true story). You are going to be sitting in your office doing legal research on what you were told was a simple issue, but has turned out to be ridiculously complex (Pro Tip: if a more senior attorney ever tells you that research should be quick and super simple, do not believe it — this is almost always a trick).

In these times, you have to channel the Power of Yet, remind yourself that struggling with something new is totally normal, and ask for help when you need it. You are not alone — every single new attorney that I know has felt exactly how you're feeling. As I said last year in my first *Things You Didn't Learn in Law School* article: "you're not actually incompetent, you just feel that way." Of course you don't know

what you're doing sometimes — you're a baby lawyer. You're still learning how to crawl, and then how to walk. And you are going to fall down while you learn, and that will sometimes be very frustrating.


Just keep getting back up, keep learning how to do the next new thing, and one day, you'll be the pro that the future baby lawyers think of when someone asks them to think of a brilliant, amazing lawyer.



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