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Timing is Everything: Teaching Essential Time Management Skills for “Real-World” Legal Writing

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Picture it. Your students are newly minted lawyers all fresh and shiny from passing the bar. Their boss, a short-tempered curmudgeon, gives them *one week* to write an appellate brief. In their legal writing class, these same students likely had an *entire semester* to write a brief. Can these students successfully manage the inevitable psychological stressors triggered by the time constraints of the real world of legal writing? Perhaps more importantly, does the legal writing curriculum provide students with the requisite time management skills to survive the rigors of writing in law practice?

In a legal world dominated by the billable hour, where some clients are reluctant to pay for the most rudimentary drafting and proofreading tasks¹ and where lawyers can be sanctioned or even disbarred for poor time management,² time is a valuable commodity that must be effectively managed. The culture of law practice and the stressors endemic to legal writing make teaching time management particularly important for legal writing professors.³

First, the demand for lawyers who can write effectively under severe time constraints requires that the legal writing curriculum balance pedagogical necessity with the realities of the legal marketplace.⁴ However, as the introductory scenario suggests, the generous deadlines legal writing professors give first-year students are often a pedagogical necessity, one that conflicts with the abbreviated deadlines inherent in law practice.

Second, legal writing students are particularly vulnerable to stress and avoidance behaviors that impede effective time management, such as procrastination, perfectionism, and detachment.⁵ Furthermore, the credit hour/workload disparity for legal writing classes when compared to that of doctrinal classes,⁶ frequent assignments, and multiple opportunities for feedback incentivize poor time management skills.⁷

Teaching time management to legal writing students is more nuanced than a system of to-do lists or simply warning students about the dangers of waiting until the last minute to begin an assignment. Instead, time management for law students includes two discrete components: (1) stress management

management and the ABA's recognition that time management is an essential skill for law students).

⁴ *Id.*

⁵ *Id.* at 907-908. 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 Edu. 112, 114 (2002); G. Andrew Benjamin et. al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 Am. B. Found. Res. J. 225, 228 (1986).

⁶ 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 (2001).

⁷ Bartholomew, *supra* note 3, at 907.

¹ See Wayne Schiess, *What I Wish I Had Known About Legal Writing*, The Law Street Journal (March 15, 2010), <http://www.thelawstreetjournal.com/31/what-i-wish-i-had-known-about-legal-writing/>.

² See Gene Shipp, *Avoiding Avoidance*, Washington Lawyer (October 2006), <http://www.dcbar.org/bar-resources/publications/washington-lawyer/articles/october-2006-bar-counsel.cfm> (discussing procrastination and collecting cases where attorneys were sanctioned for avoiding and neglecting legal matters).

³ See Christine P. Bartholomew, *Time: An Empirical Analysis of Law Student Time Management Deficiencies*, 81 U. Cin. L. Rev. 897, 900-01 (2013) (discussing the need for more time management instruction and noting the MacCrate report and its emphasis on time

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and (2) project management. Stress management acknowledges the psychological obstacles that preclude effective time management. Project management requires students to realistically assess their time and then devise a strategy for maximizing that time. The following time management strategies can be used in any first-year or advanced legal writing class, require minimal instructional time, and begin the necessary process of preparing students for the time constraints of real-world legal writing.

Assess Time Management Proficiency

“You can’t heal what you won’t acknowledge.”

—Dr. Phil

With this quote, Dr. Phil alludes to one of the most insidious obstacles to effective time management: denial. In the legal writing context, denial commonly manifests itself as magical thinking. Magical thinking is a pattern of thinking that lulls students into believing that they can temper the anxiety triggered by an impending deadline by denying its existence.⁸ Awareness is a powerful antidote to magical thinking and is a particularly effective stress management tool. Polling is a tool for heightening student awareness and introducing students to the concept of magical thinking. Begin with what seems to be a relatively easy question: “When is the XYZ due?” I’m always shocked by the number of students who either aren’t aware of the deadline or who think that the deadline is farther away than it actually is. This kind of informal poll forces students to acknowledge the impending deadline.

Another technique for combating magical thinking utilizes metacognition. Metacognition describes the critical role of awareness when learning a new skill.⁹ When talking to students, describe metacognition as knowing what you don’t know

and having the initiative to do something about it. Metacognition forces students to play an active role in improving their time management skills. With the professor’s guidance, students reflect on their personal preferences and habits to create an individualized time management plan.

Time management diagnostic quizzes and cognitive protocols are two metacognitive tools that are relatively easy to implement. A quick Internet search using the query “time management quiz” yields a plethora of free diagnostic tools.¹⁰ The best diagnostic quizzes are relatively short, ranging from ten to twenty questions; ask a series of questions that assess key time management issues such as scheduling, prioritization, procrastination, and managing interruptions; and categorize students based on time management proficiency. These quick assessment tools make it easy to direct students to specialized time management resources or refer students with more acute time management needs to academic support or other administrative personnel.

Similar to diagnostic quizzes, cognitive protocols facilitate awareness and self-reflection. A cognitive protocol¹¹ is a series of open-ended questions about the student’s time management journey, typically distributed after completing a writing assignment. To encourage candor, I permit students to respond anonymously. A well-designed cognitive protocol asks students to critically evaluate their performance in areas such as scheduling, prioritization, managing interruptions, and procrastination. A cognitive protocol question might ask students to circle the time management quote that best summarizes their experiences. Other questions might ask students to identify two things they would change about their time management process, time management techniques that they found particularly effective, and the total number of hours that they spent revising, editing, and

⁸ See generally, Diana DeLonzor, *Running Late*, HR Magazine (November 1, 2005), <http://www.shrm.org/Publications/hrmagazine/EditorialContent/Pages/1105managementtools.aspx> (discussing the phenomena in the human resources context).

⁹ Anthony S. Niedwiecki, *Lawyers and Learning: A Metacognitive Approach to Legal Education*, 13 *Widener L. Rev.* 33, 35 (2006).

¹⁰ Some particularly helpful diagnostic quizzes are available at http://www.mindtools.com/pages/article/newHTE_88.htm and http://www.ucc.vt.edu/academic_support_students/online_study_skills_workshops/time_management_strategies/index.html.

¹¹ I adopted this term from a colleague, Professor Olympia Duhart, who attributes it to one of the doyennes of legal writing, Professor Sophie Sparrow.

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drafting a particular assignment. These questions reinforce the idea that acquiring time management skills is a work-in-progress for students who might abandon future improvement efforts simply because certain aspects of the process need refinement.¹²

Students unfamiliar with cognitive protocols might consider them “busywork” unless the professor explains the importance of metacognition to the learning process. Show students that you value and respect their metacognitive efforts by synthesizing data in a PowerPoint slide or handout. Consider sharing examples of effective time management techniques used by the majority of the class or use bar graphs and pie charts to document similarities in student responses.

Effective integration of metacognitive instructional techniques such as diagnostic quizzes and cognitive protocols creates a classroom of self-regulated learners who can either seek individual assistance from the professor or teaching assistants, or utilize the collaborative time management techniques discussed in the last section of the article.

Require Written Time Management Plans

“A goal without a plan is a wish.”—Antoine de Saint-Exupéry (French writer 1900-1944)

For the same reasons that students engage in magical thinking, they often balk when required to prepare a written time management plan. However, a written time management plan is an extremely effective project management tool. First, a written plan is a tangible sign of the student’s commitment to the writing project. Second, a written plan puts the assignment squarely in the center of students’ consciousness, forcing them to begin thinking about an upcoming writing assignment. Help students draft an effective time management plan by dividing the process into three steps: (1) compute

the net completion time, (2) identify intermediate tasks, and (3) prioritize intermediate tasks.

Compute the Net Completion Time

Computing the net completion time forces students to acknowledge known and unknown contingencies that, if unaccounted for, can derail an otherwise effective time management plan. The net completion time is the actual amount of time that a student has to complete the project after factoring in known and unknown contingencies. Known contingencies are events such as coursework in other classes, family and other social obligations, leisure activities, and hobbies. Unknown contingencies are events such as illness, computer malfunctions, and other unanticipated surprises such as car trouble or the illness of a close friend or family member that inevitably occur days before a submission deadline. In the project management context, balancing known contingencies with the unknown ones is typically referred to as achieving work-life balance.¹³ Exposure to the concept of work-life balance as a law student should increase the likelihood that students will become more proficient at this balancing process as lawyers.

Help students compute the net completion time by uploading an electronic calendar template to an online platform such as TWEN[®] or by distributing blank calendar pages to the class. Tell students to select a start date and then count the number of days between the start date and the submission deadline. This calculation is the gross completion time. Then, ask students to subtract from the gross completion time the number of days that they won’t be able to work on the project because of known and unknown contingencies. This final calculation is the net completion time.

Students typically have no trouble accounting for known contingencies because of their relatively predictable nature. However, even the savviest legal writers struggle with accounting

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¹² A sample time management cognitive protocol is available upon request.

¹³ See Susan M. Heathfield, *Work-Life Balance*, About.com Human Resources, <http://humanresources.about.com/od/glossaryw/g/balance.htm?p=1> (last visited August 11, 2013) (defining work-life balance as “a daily effort to make time for family, friends ... self care, and other personal activities ...”).

for unknown contingencies. At the beginning of the writing process, most students are flush with optimism about their ability to reject those impromptu party invitations or to avoid the flu bug. However, far too late in the planning process, these students often realize the truth of Murphy's Law: "Anything that can go wrong will go wrong." Computers crash, printers break, and cars stall. To avoid Murphy's Law, encourage students to complete the assignment *at least* two days before the actual deadline. Consider the following net completion time calculation:

Brief-Writing Assignment:

Assigned:	Monday, March 4, 2013
Assignment Due:	Monday, April 1, 2013
Start Date:	Wednesday, March 6, 2013
Gross Completion Time:	Approximately 4 weeks/27 days
Net Completion Time:	2 ½ weeks/18 days [torts mid-term; sister's bachelorette shower; possible illness (flu affecting the entire first-year class)]

Identify Intermediate Tasks

Intermediate tasks are smaller tasks, such as researching and outlining, that are integral to the writing process. Novice legal writers can't anticipate all the intermediate steps involved in creating a polished, well-written document, and more advanced legal writers often need additional practice. Use a "pair and share" technique followed by a modified Socratic dialogue to educate novices about the process of identifying intermediate tasks and to review the process with advanced legal writers. Begin the process by placing students in groups of three or four. Then, ask each group to identify all the smaller intermediate steps for a particular writing assignment. After 10 or 15 minutes of group work, ask each group to share its intermediate task list with the class. Then, generate discussion about each group's list. As you moderate the discussion, your goals are to create a master intermediate task list for class use and to encourage specificity. For example, identifying an intermediate task as "outline the brief" won't

help students appreciate essential intermediate tasks such as issue identification and case selection. Also, stress the importance of intermediate tasks such as proofreading, revising, and citation checking that are the hallmarks of polished legal writing. Students often underestimate the importance of polished writing. I often tell students that polish is more realistic than perfection. The perfect piece of legal writing doesn't exist. If asked, most attorneys will tell you that they *always* feel that the perfect sentence or insightful observation about a particular case would magically appear if only they had more time. However, these very same attorneys know the importance of creating the illusion that the particular writing assignment was completed *weeks before* the actual deadline. Savvy writers create this illusion by avoiding obvious proofreading and citation errors.

Prioritize Intermediate Tasks

In this last step, students devise a strategy for efficiently completing intermediate tasks. Effective prioritization has important stress management benefits. For example, as students successfully complete intermediate tasks, they build confidence and want to complete more intermediate tasks. However, despite these important stress management benefits, discussing prioritization in a group context can be challenging. Prioritization often reflects individual student preferences. Some students *always* outline before writing. Other students *never* outline but begin with a free-writing method of jotting down random thoughts without organizing or editing those thoughts. Still other students are a bit more systematic, beginning the writing process where they feel most comfortable, where they feel the least comfortable, or with the task that they think will take the most or least amount of time.

The key to prioritization is fusing individual student preference with a realistic estimated completion time for each intermediate task. Resume the "pair and share" and modified Socratic dialogue technique discussed in the previous section. Give each group 20 to 30 minutes to estimate a completion time and then ask group members to prioritize each intermediate task on the master list. Encourage students to describe estimated completion times in hours or minutes. Precisely describing completion

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times will exponentially increase students' ability to schedule intermediate tasks. Then, use each group's work product to facilitate discussion. As you discuss each group's prioritization strategy, encourage flexible thinking, reminding students that the ultimate goal is a strategy that meets their individual needs and work preferences.

Once they complete their written plan,¹⁴ students should transfer it to a print or electronic calendar. The reminder functions on TWEN or on a standard smartphone keep students on track. Time management applications such as Things, AwesomeNote, and Alarmed, and free Internet resources such as The Pomodoro Technique (www.pomodortechnique.com) and Mytomatoes (www.mytomatoes.com) also help keep students on track.¹⁵

After completing this three-step process, most students are *amazed* by the time it takes to complete just one writing assignment. This realization about the time-consuming nature of writing, one that is obvious to experienced writers, is why written time management plans are an indispensable component of effective time management instruction.

Encourage Accountability

"But I have promises to keep, and miles to go before I sleep, and miles to go before I sleep." —Robert Frost

Once completed, the written time management plan is analogous to those promises Frost was determined to keep. However, keeping the promises memorialized in a time management plan is one of the hardest parts of a student's time management journey. Accountability is essential, yet it's inevitable that students will initially falter. Ensure that students get up, dust themselves off, and reaffirm their time management commitment by using one or more of the following strategies.

The 10-Minute Time Management Checkup

At various points during the writing process (i.e., every two weeks for novice writers or bimonthly for more advanced writers), schedule 10-minute time management conferences. The goal of these mini-conferences is to promote accountability in a supportive way instead of a punitive one. For some students, once they get off track, the time management plan becomes a constant reminder of their failings. Feelings of failure trigger a cycle of shame, detachment, and anxiety that ultimately results in more procrastination and more deviation from the strategy outlined in the plan. Interrupt this cycle by promoting healthy responses to the inevitable time management challenges. To encourage accurate reporting, ask students to bring completed time sheets to the checkup. Time sheets effectively highlight any disparities between actual performance and the time management plan. However, if conference time is limited, consider having students submit time sheets, and reserve the time management checkup for students whose time sheets demonstrate that they are struggling with accountability.

Time Management Partners and Mentors

Much of the time management literature assumes that time management is an individual problem.¹⁶ However, in law practice, time management is a collective problem because a lawyer's poor time management skills affect the client, other lawyers in the same firm, and the entire legal profession.¹⁷ Creating time management partnerships among students highlights the communal aspect of time management while harnessing the power of collaboration to promote student accountability. Time management partners are peers, typically from the same legal writing class, who provide a sounding board for solving time management problems. These partnerships can be created by professor

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¹⁴ An excerpt from a student-drafted time management plan is available upon request.

¹⁵ This information comes from a wonderful handout created by Professor Teri McMurtry-Chubb and distributed on the Legal Writing Professor's Listserv.

¹⁶ See generally Bartholomew, *supra* note 3, at 913-18.

¹⁷ See Jennifer Murphy Romig, *The Legal Writer's Checklist Manifesto: Book Review*, 8 *Legal Comm. & Rhetoric: JALWD*, 93, 105 (2011) (discussing the collaborative and team-based nature of writing in law practice).

designation or by students selecting partners based on individual preference. Regardless of the selection methodology, the goal of the partnership is to create a “safe space” where students encourage each other to efficiently manage their time.

Proficient time managers make excellent time management mentors. Mentors can come from a variety of sources, running the gamut from teaching assistants to second- and third-year law students vetted by the professor. Create informal mentors by inviting practicing attorneys to share their techniques for effective time management. Either singularly or in tandem, 10-minute time management checkups and collaborative accountability strategies, such as time management peers and mentors, create an environment where students feel empowered to keep the promises outlined in the time management plan.

Picture it. Your students are assigned to the same short-tempered, curmudgeonly boss from the introductory scenario. But now, these same students *don't* panic when the boss demands that they write an appellate brief in one week. They *don't* fall victim to magical thinking, procrastination, and denial. Instead, armed with the time management strategies outlined in this article, they are equipped not only to survive the time constraints of real-world legal writing but to thrive. What a wonderful world.

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Another Perspective

“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. 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. A full understanding of time management is essential to teaching this skill in a way that can be measured using outcome assessments.”

Christine P. Bartholomew, *Time: An Empirical Analysis of Law Student Time Management Deficiencies*, 81 Cincinnati L. Rev. 897, 901 (2013).